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PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS SECOND SESSION

SENATE

SATURDAY, *January 5, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, whose Spirit mingles with our own as sunshine in the air, help us in spirit and in truth to worship only Thee.

Forgive in us whatever is amiss, that in the duties of this day we may find ourselves free from the dusty cares of life, eager to press with winged feet through paths of high endeavor to the goal set by Thy love. Lead us out of darkness into dawn, out of the less to the large, and use us for Thine own purposes, just as Thou wilt and when and where. Through Jesus Christ our Lord. Amen.

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 5, 1929.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CHARLES L. MCNARY, a Senator from the State of Oregon, to perform the duties of the Chair this legislative day.

GEORGE H. MOSES,
President Pro Tempore.

Mr. MCNARY took the chair as Presiding Officer and directed that the Journal be read.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SETTLEMENT OF DISTRICT OF COLUMBIA CLAIMS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

Mr. CAPPER. I move that the Senate disagree to the amendments made by the House and request a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. CAPPER, Mr. BLAINE, and Mr. KING conferees on the part of the Senate.

PETITIONS

Mr. BURTON presented petitions and papers in the nature of petitions of members of Muskingum College, of New Concord; members of the Young Woman's Christian Association of Springfield; members of the Board of Federation of Women's Clubs, of Zanesville; students of the Lincoln High School, of Canton; members of the Monthly Meeting of Friends, of Salem; members of the Men's Bible Class of the Van Buren St. Methodist Episcopal Church, of Dayton; students of Hiram College, of Hiram, and sundry citizens, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg peace pact for the renunciation of war, without qualification or reservation, which were ordered to lie on the table.

Mr. GREENE presented a petition of sundry citizens of Bennington, Vt., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. EDGE presented a communication from W. F. Bigelow, editor of Good Housekeeping, favoring the prompt ratification of the so-called Kellogg peace pact, which was ordered to lie on the table and to be printed in the RECORD, as follows:

GOOD HOUSEKEEPING,
New York, N. Y., January 2, 1929.

Senator WALTER E. EDGE,
Washington, D. C.

MY DEAR SENATOR EDGE: At the New Year's Eve meeting of the Monday Club, an organization composed of leading citizens of Roselle-Roselle Park, N. J., a resolution indorsing the Kellogg pact and praying for its speedy ratification by the Senate was adopted, and I was instructed to acquaint you and Senator EDWARDS with our action. We realize that our voice is but a small one, but are confident that there are enough small voices throughout the Nation to constitute a mighty chorus. We believe that the people want America put on record as desiring peace.

Sincerely yours,

W. F. BIGELOW.

SIMPLIFICATION OF NATURALIZATION PROCESS

Mr. WALSH of Massachusetts. I present a communication in the nature of a petition from the Chamber of Commerce of Quincy, Mass., which I ask to have printed in the RECORD and referred to the Committee on Immigration. It requests the passage of Federal legislation, with which I am in accord, to simplify and reduce the expenses of the naturalization process.

There being no objection, the communication was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

QUINCY CHAMBER OF COMMERCE,
Quincy, Mass., January 4, 1929.

Senator DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR WALSH: At a meeting of the board of directors of the Quincy Chamber of Commerce, held on December 6, 1928, it was voted to petition Federal legislators to simplify and reduce the expenses of the naturalization process.

The Quincy Chamber of Commerce hopes to have the aid of the legislators in reducing the number of times which an alien must bring witnesses to State court tribunals during the naturalization. Under the present system an applicant for United States citizenship must bring two witnesses before superior court officials on three separate occasions, whereas if the alien uses the Federal court in Boston as the machine of naturalization he is required to produce his witnesses on but two occasions.

The differences in the workings of the State and Federal courts are explained in a letter written to the chamber of commerce by Robert B. Worthington, superior court clerk, which says:

"The Federal Constitution provides that 'the Congress shall have power * * * to establish a uniform rule of naturalization,' and it also provides that 'this Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.' In matters of naturalization the United States court and the Massachusetts court exercise concurrent jurisdiction under the Federal law.

"Naturalization of aliens is now effected under an act of Congress passed June 29, 1906, entitled 'An act to provide for a uniform rule for the naturalization of aliens throughout the United States and establishing the Bureau of Naturalization, a title which apparently specifically recognizes the constitutional authority given the Congress to establish a uniform rule of naturalization.' Under this act of 1906, aliens residing in Massachusetts may be naturalized either in the district court of the United States or in the Massachusetts Superior Court. An alien can be admitted only in accordance with the specific provisions of this act. Every petition for naturalization must, when filed, be verified by affidavits of two credible witnesses. All hearings on petitions for naturalization can be had only on stated days fixed by the

court and not until at least 90 days have elapsed after the date of the filing of petition.

"Under an act of Congress passed June 8, 1926, provision was made whereby in the United States District Court (but not in State courts) an officer of the Bureau of Naturalization, designated by the judge, is authorized to make a report to the court as to the sufficiency of the witnesses to petitions, and if the examiner's report is approved by the judge the witnesses are not required to appear on any other occasion.

"Under the 1926 amendment two witnesses to each petition in the superior court, often on three separate occasions and invariably on two separate occasions, must personally appear before the court or before representatives of the Government.

"First. At the time of filing the petition the petitioner and his witnesses are required to be present and affix their signatures to the petition and make oath to their statements before the clerk.

"Second. At some time before the final hearing of the petition the witnesses are required to be examined by the representative of the Bureau of Naturalization.

"Third. On the date of the final hearing the witness must appear in court and be examined in open court in the presence of the court.

"On petitions filed in the Federal court only one appearance of witnesses may be required.

"It would seem that a question might properly be raised as to the constitutionality of the act of 1926, which does not appear 'to provide a uniform rule of naturalization.' If this act could be amended by inserting therein words which would extend the application of the provisions of the act to include all courts authorized to exercise naturalization jurisdiction the principle of uniformity in the law under the Constitution would be observed.

"The next stated day for hearing petitions for naturalization at Quincy will be on Monday, February 25, 1929. Petitions for naturalization were received at Quincy on Thursday, November 22, and Friday, November 23, 1928. Through the cooperation of the office of the district director of naturalization at Boston, who is the representative of the Bureau of Naturalization in the Massachusetts district of the Federal court, examiners were present when the petitions were received. By this arrangement it will not be necessary for the witnesses to appear again until the date of the final hearing."

It is the hope of starting a movement which may ultimately result in the amending of this act that animates the Quincy Chamber of Commerce in appealing to Senators and Representative from this district in Washington.

Respectfully yours,

G. A. WARDWELL, *Secretary.*

DALLINGER AMENDMENT TO CRUISER BILL

Mr. WALSH of Massachusetts. Mr. President, I have recently been in communication with the Navy Department with respect to the effect of the Dallinger amendment as passed by the House of Representatives to the bill H. R. 11526—cruiser bill, so-called—and at my request the Navy Department have prepared a statement as to the effect of the Dallinger amendment as they interpret it; also the effect of the Dallinger amendment as amended by the Senate Committee on Naval Affairs and reported to the Senate in the bill H. R. 11526—a compromise agreed to by the Naval Affairs Committee—and also the effect of the bill H. R. 11526 without either the Dallinger amendment or the amendment made to the Dallinger amendment by the Senate Committee on Naval Affairs.

I request that this statement be printed in the CONGRESSIONAL RECORD to be considered in connection with the debate upon the cruiser bill, H. R. 11526.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

H. R. 11526—DALLINGER AMENDMENT

EFFECT OF DALLINGER AMENDMENT AS PASSED BY THE HOUSE

As passed by the House, the Dallinger amendment to the bill H. R. 11526 provided as follows:

"And provided further, That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States."

The effect of this amendment as it passed the House would be to increase the cost of construction of the cruisers materially. It would be impossible for the Government to manufacture all the equipment that goes into the construction of cruisers except at an inordinate expense. The manufacture of certain material and equipment by the Government would involve infringement of patents. Certain fire-control equipment, electrical equipment, gun forgings, etc., can not be manufactured in navy yards, or other Government industrial plants, not only because of lack of equipment to do that class of work but because of the lack of buildings, trained men, organization, and experience. If the protective plating of the cruisers should be construed as armor to be built in Government yards, it would require opening the armor plant at Charleston, W. Va., at considerable expense.

All the navy yards are not equipped to build cruisers. It will require additional expenditures to place some of the navy yards in a position to build the eight cruisers, not only from a material standpoint, such as rebuilding ways, purchasing new equipment, but also from the point of view of organization and the dearth of skilled mechanics and necessary technical men in the vicinity of some of the navy yards.

EFFECT OF THE DALLINGER AMENDMENT AS AMENDED BY THE SENATE

The Dallinger amendment as amended by the Senate in the bill H. R. 11526 provides as follows:

"And provided further, That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government."

The effect of the Senate amendment is to make it possible for the Government navy yards to build the eight cruisers required to be built thereat. With the Senate amendment the Secretary of the Navy has some discretionary powers in the procurement of materials and/or parts of cruisers by contract or purchase when an appreciable saving in cost to the Government would thereby result.

Even with the modified language of the Senate it will be necessary to expend considerable sums in preparing some of the navy yards for the construction of these cruisers.

EFFECT OF BILL H. R. 11526 WITHOUT DALLINGER AMENDMENT

If the bill H. R. 11526 is passed without the Dallinger amendment, the Navy Department would be governed by the general law governing the awards of contracts. If the language usually contained in the naval appropriation acts is continued, the Government would be fully protected.

For example, the naval appropriation act of May 21, 1928, provides as follows:

"* * * and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

The effect of the bill H. R. 11526 without the Dallinger amendment woud be to give the Secretary of the Navy a wider discretion in the building of the cruisers. He would be governed by the foregoing language contained in the annual appropriation acts and would be required to construct the cruisers in Government navy yards in preference to private shipyards, unless an appreciable increase in cost would result.

By giving the Secretary of the Navy a wider discretion more competition will result between the navy yards and the private shipyards. A material saving in the cost of the construction of these cruisers will result and in time in which they can be completed.

OLD-AGE PENSION SYSTEMS

Mr. WALSH of Massachusetts. Mr. President, the Committee on Education and Labor have been holding hearings with respect to the unemployment problem. Those hearings have been held under a Senate resolution submitted by the Senator from Wisconsin [Mr. LA FOLLETTE]. One of the problems with which the committee have been called upon to deal in connection with this investigation is that relating to the increasing tendency in industrial and commercial life to discharge employees on reaching middle life or early old age, and the extent to which this movement in industrial and commercial life has gone in urging the necessity of age pension systems.

The State of Wisconsin has two pension acts, one of them known as the "mothers' pension act" and the other known as the "old age pension act." The latter act has been in operation over three years, but only 6 counties out of 72 have adopted it. I have a statement of the operation of the old age pension law in Wisconsin from the county judge of La Crosse, Wis., who has administered the law, and I request that the statement be printed in the CONGRESSIONAL RECORD and referred to the Committee on Education and Labor.

There being no objection, the statement was ordered to be printed in the RECORD and referred to the Committee on Education and Labor, as follows:

To Senator WALSH:

The following constitutes a synopsis of our pension-aid systems in Wisconsin:

We have two pension acts, one is for the aid of dependent children in the home and known as the mothers' pension act. This is a State law making it compulsory for the counties to provide for it. One-third of the cost is borne by the State and two-thirds by the county. It provides for a pension to mothers who have one or more children under 16 years of age and who are dependent either on account of death, incapacity, or desertion of the father, and in case of the death of both father and mother a pension can be given to a grandparent or guardian who may have the custody and care of the children.

The maximum pension that can be given for this purpose is not to exceed $15 for the first child and $10 each for the other children per month. This pension aid is administered by the county judge or juvenile judge in each county, and he appoints to assist him in the matter of management a child-welfare board consisting of three members, who serve without pay and receive nothing except actual expenses. Other social workers, such as probation officers, are called upon for assistance. In this county, La Crosse County, our mothers' pension system is primarily in charge of our probation officer, who makes a budget of each family's income and necessities. Investigations are made about every three months, and each mother or guardian also under the mothers' pension system must make a written report each month of their income and expenditures, and unless this is done their monthly check is not sent out.

The fact is that the Legislature of Wisconsin has not lived up to the provision of the law which requires two-thirds of the cost to be paid by the State and one-third by the counties. The counties have to pay practically all.

This system of mothers' pension is very satisfactory, and I am sure that there would be little sentiment for its repeal. Of course, abuses will creep in, but that depends largely upon the supervision. Of course, if a county judge is given supervision of granting mothers' pensions and has not sufficient help to have investigations made, naturally some people will be getting assistance who should not have it.

Our other system of pensions in this State is the old-age pension. Perhaps it is this system you are more concerned about. I am inclosing herewith a printed circular which gives a synopsis of our old age pension act. This is also a State act, but it is optional with the counties to go under it or not. While the law has been in operation over three years, only 6 counties out of 72 have adopted it. La Crosse County is one of those counties. Only one county, I believe, has discarded it after adopting it. It is within the power of the county board to adopt the system and then abandon it later if it sees fit. Under this law one-third of the cost is also paid by the State and two-thirds by the county. A county, however, can charge the tax back to the taxing unit in which the pensioner resides. The State under the old-age pension system has caused sufficient appropriations to be made to meet its share.

The pension is really designated to take care of indigent people who are over 70 years of age and, as the law provides, whose income does not exceed $1 a day. The pension itself can not exceed $30 a month, and in many instances only half of that amount is given. In fact, the average in this county of our old-age pension was slightly in advance of $17 a month last year. You can readily see that the recipients of this pension are people who are practically down and out financially and who have no earning power to speak of. Many of them would have to go to the county poorhouse, which is maintained by the counties in this State, if they did not receive a pension. A person can, however, be eligible to pension who has property up to $3,000. The obvious reason for this is that oftentimes an old couple may own their home but have no income to live upon. If there are children, and especially sons, we make it a point to have them do something if possible to aid their father or mother. Under our law a son is liable for his parents' support, but as a matter of practice actions to enforce a son or sons to support their aged parents are very rare. However, the initiation of the old-age pension has emphasized the responsibility, and in many cases where an application is made, instead of granting it we take steps to have the old people supported by sons and daughters.

The same supervision applies to old-age pensions as it does to mothers' pension, but the investigation is made principally at the time the pension is granted. This initial investigation is the principal thing, because conditions do not change much with the applicant for old-age pension, while there may be a decided change, of course, with the young mother, for instance, who receives a mother's pension. Provision is made in the old-age pension act for a lien upon the real estate, if any, after the death of the pensioner. This is a very satisfactory provision, and while we have not collected any great amount that way the children who are responsible for the support of parents will oftentimes do more when they know that a lien would be enforced against the home of their parents in case of their death.

In my observation, the administration of old-age pension in this county has been highly successful. While it does not give a large amount to the old people, yet it comes to them monthly in the form of a check, and they are much more independent than they would be if the relief came in another way.

We have one provision of our law which provides full citizenship. This has worked to disadvantage, because we have many old people of foreign birth who did not take out their second papers. They were allowed to vote formerly by having their first papers, and they did not go to the trouble of taking their final papers. Inasmuch as our law provides full citizenship for 15 years, the case of a foreigner without second papers, although he may have been a resident of the State and county for 50 years, places him in a position where he is forever barred, because to wait 15 years after he applies practically bars him.

As I view it, the proper administration of the old-age pension ought to practically abolish the county almshouse, although it would still be necessary for counties to maintain some institution in the nature of a county hospital for the care and nursing of these indigents who are not able to care for themselves in their own homes.

A system similar to our mothers' pension is in operation in several States. As to the old-age pension, I believe some other States have adopted old age pension acts, but I am not familiar with their provisions.

WISCONSIN'S OLD-AGE PENSION SYSTEM—WHAT TO KNOW IN APPLYING FOR ASSISTANCE UNDER THE WISCONSIN OLD AGE PENSION LAW

(Chapter 121, laws 1925)

I. Under the provisions of chapter 121, laws 1925, any county is authorized by a two-thirds vote of the members elected to its county board to establish a system of old-age pensions, and after operating under such system for one year or more may abandon such system.

II. Who are entitled to old-age pensions:

1. Any persons 70 years of age or over residing in a county which maintains a system of old-age pensions who qualify under the following provisions:

(a) Who have been citizens of the United States for at least 15 years.

(b) Who have been continuous residents of the State of Wisconsin for at least 15 years immediately preceding the date of application (continuous residence is not deemed interrupted if the total period of absence from the State does not exceed 3 years); or

(c) Who have resided in Wisconsin a total of 40 years, at least 5 of which have immediately preceded the application (absence in the service of the State or of the United States shall not be deemed to interrupt residence in the State or county if a domicile be not acquired outside of the State or county).

(d) Whose income from all sources does not exceed $1 per day.

(e) Whose property valuation does not exceed $3,000. (The property of both husband and wife when living together is figured as if it were that of one person).

III. Who are not entitled to old-age pension:

1. Persons under 70 years of age, or those 70 years of age but who are disqualified by the following provisions:

(a) Who have not been citizens of the United States for at least 15 years.

(b) Who have not resided continuously in Wisconsin as required in sections (b) and (c) above.

(c) Persons who at the date of application are inmates of either prisons, jails, workhouses, infirmaries, insane asylums, or any other public correctional institutions.

(d) Persons who have been imprisoned for a felony during the period of 10 years immediately preceding the date of application.

(e) Persons who for 6 months or more during the 15 years preceding the date of application have without just cause failed to support their wives and their children under 15 years of age.

(f) Persons who within the year preceding the application for pension have been habitual tramps or beggars.

(g) Persons who have children or other persons responsible for their support under the laws of the State and able to do so. (Under the laws of Wisconsin the husband and wife, the father, the children, or the mother, respectively, of a poor person chargeable to the public, if of sufficient ability, are required to relieve and maintain such poor person, as determined by the court.)

(h) While such person is an inmate of and receives the necessities of life from any charitable institution maintained by the State or any of the political subdivisions of the State, or of a private, charitable, benevolent, or fraternal institution or home for the aged.

(i) Persons whose income from all sources exceeds $1 per day.

(j) Persons who have property valued at more than $3,000, including the properties of both husband and wife when living together.

(k) Persons who have deprived themselves directly or indirectly of any property for the purpose of qualifying for old-age pension.

IV. How to apply for old-age pension:

1. Applicants who, in view of the above qualifications, feel certain that they are qualified for pension should procure two application blanks for this purpose from the county judge at the courthouse in the county in which they reside.

2. Both blanks should be properly filled out, giving all the information required to the best of their knowledge, which information shall be sworn to or affirmed by the applicant and returned to the county judge. (The attention of applicants is called to the fact that no legal advice is necessary in making out the application. If they are unable to write they may ask some one else to do it for them. There is no necessity for the payment of a lawyer's fee in filling out an application for old-age pension.)

3. Upon receipt of application the county judge shall make or cause such investigations to be made as he may deem necessary, and shall decide finally upon the application and the amount of pension to be granted.

4. The applicant will be notified of the approval or disapproval of his or her application.

5. An applicant whose application for pension has been rejected may not reapply for pension until the expiration of 12 months from the date of previous application.

V. When pensions may be canceled:

1. If on investigation by county judge it is found that pension has been improperly obtained.

2. If a pensioner is convicted of any misdemeanor, felony, or other offense punishable by imprisonment for one month or more.

3. If it appears at any time that the pensioner's circumstances have changed.

VI. Miscellaneous provisions:

1. During the continuance of the pension no pensioner shall receive any other relief from the State or from any political subdivision thereof except for medical and surgical assistance.

2. All pensions shall be exempt from any tax levied by the State or by any subdivision thereof and exempt from levy and sale, garnishment, attachment, or any other process whatsoever.

[NOTE.—Additional supply of this form may be secured from the State Board of Control of Wisconsin, Madison, Wis.]

REPORTS OF COMMITTEES

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 4935) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army, reported it without amendment and submitted a report (No. 1379) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 8974) authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation, reported it without amendment and submitted a report (No. 1378) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4644) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy (Rept. No. 1380); and

A bill (S. 4217) to authorize the removal of the Aqueduct Bridge, crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va. (Rept. No. 1381).

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4915) granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill., reported it with an amendment to the title and submitted a report (No. 1382) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr. (Rept. No. 1383);

A bill (S. 4957) granting the consent of Congress to the Danville & Western Railroad Co. to reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va. (Rept. No. 1384);

A bill (S. 5038) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La. (Rept. No. 1385);

A bill (S. 5039) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill. (Rept. No. 1386); and

A bill (S. 5059) granting the consent of Congress to the Chicago, South Shore & South Bend Railroad to construct, maintain, and operate a bridge across the Grand Calumet River at East Chicago, Ind. (Rept. No. 1387).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4976) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark. (Rept. No. 1388);

A bill (S. 4977) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark. (Rept. No. 1389);

A bill (H. R. 13503) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn. (Rept. No. 1390);

A bill (H. R. 13540) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line (Rept. No. 1391); and

A bill (H. R. 13848) to legalize a bridge across the Potomac River at or near Paw Paw, W. Va. (Rept. No. 1392).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

A bill (S. 5197) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. STECK:

A bill (S. 5198) granting an increase of pension to John Curran;

A bill (S. 5199) granting an increase of pension to Lydia Keatley; and

A bill (S. 5200) granting an increase of pension to Mariah E. Crom; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 5201) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Agriculture and Forestry.

By Mr. FLETCHER:

A bill (S. 5202) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida; to the Committee on Military Affairs.

By Mr. BROOKHART:

A bill (S. 5203) to regulate hours of employment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURTON:

A bill (S. 5204) for the relief of Edwin R. Samsey; to the Committee on Military Affairs.

By Mr. DENEEN:

A bill (S. 5205) for the relief of Nellie McMullen; and

A bill (S. 5206) for the relief of James McGourty; to the Committee on Claims:

By Mr. GOFF:

A bill (S. 5207) granting an increase of pension to Annie A. Riggs (with accompanying papers); to the Committee on Pensions.

By Mr. NYE:

A bill (S. 5208) for the relief of Arthur A. Stone; to the Committee on Claims.

A bill (S. 5209) to correct the military record of George W. Posey; to the Committee on Military Affairs.

By Mr. THOMAS of Idaho:

A bill (S. 5210) for the relief of Ira W. Moore; to the Committee on Claims.

A bill (S. 5211) providing for the conveyance of land embraced in the Boise Barracks, Boise, Idaho, to the United States Veterans' Bureau and to the State of Idaho; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 5212) granting a pension to Fred Tate;

A bill (S. 5213) granting an increase of pension to James W. Ashby; and

A bill (S. 5214) granting an increase of pension to Imogene West; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 5215) granting an increase of pension to Eunice Gilkey (with accompanying papers);

A bill (S. 5216) granting an increase of pension to Elizabeth S. Barker (with accompanying papers); and

A bill (S. 5217) granting an increase of pension to Emilie M. Boyle (with an accompanying paper); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 5219) granting consent of Congress to the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, to construct a bridge across Sandusky Bay in the city of Sandusky, Erie County, Ohio; to the Committee on Commerce.

By Mr. SCHALL:

A bill (S. 5220) for the relief of Donald Alexander Peterson; to the Committee on Naval Affairs.

By Mr. BARKLEY:

A bill (S. 5221) for the relief of Cary Dawson; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 5222) amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof (with accompanying papers); to the Committee on Civil Service.

MUSCLE SHOALS

Mr. McKELLAR introduced a bill (S. 5218) authorizing the Secretary of War to build transmission lines and dispose of power generated at Muscle Shoals, which was read twice by its title.

Mr. McKELLAR. Mr. President, I desire to make a brief explanation of the bill which I have just introduced. It is a bill authorizing the Secretary of War to operate Muscle Shoals as a temporary proposition. I find that the water power is going to waste absolutely at Muscle Shoals. There is but one purchaser of the power, namely, the Alabama Power Co. The officer in charge of leasing the power has stated that the Alabama Power Co. has recently completed two other hydroelectric plants, and that it does not need the power at this time, and is only buying a very small proportion of the power generated at Muscle Shoals.

It will be remembered that the Senate and the House passed a bill at the last session providing for the sale of power under certain circumstances, and providing further that the board, which was given authority over the power there, should lease it to States and municipalities within transmission distance if it were possible to do so. It also authorized the board to build transmission lines within reasonable bounds so that it might have more than one bidder for the current that was generated. It provided that if States or counties or municipalities did not want the power, then the board should lease it to private individuals for limited periods of not more than 10 years.

I have taken those provisions of the act which we passed at the first session of this Congress, there being only four sections, and incorporated them in the bill which I have just introduced, which provides for the use of the power by the Government. I think that we ought by all means to reenact that portion of the other bill, the President having vetoed the bill for other reasons. All of the objectionable features are omitted from the bill which I have just introduced. I have put into the bill simply the provisions of the other bill which was vetoed concerning the temporary disposition of surplus power. I have substituted the words "the Secretary of War" for the words "the board," and have introduced the bill in exactly the same language in which it was passed by the Senate and the House, with the exception that I except from the authority of the Secretary of War such power as may be directed by the Congress to be used for agricultural purposes.

Mr. NORRIS. Mr. President, I would like to say in connection with the subject about which the Senator from Tennessee has been speaking that the bill which we passed at the last session of the Congress, providing for taking care of the Muscle Shoals proposition, was not vetoed by the President. We adjourned while the President had the bill in his possession prior to the expiration of the 10-day period within which he might veto it. There is a very serious constitutional question involved as to the legal effect of the action taken by the President. Identically the same question is involved in relation to another bill which met the same fate exactly, having to do with the Okanogan Indians in the State of Washington. That bill is now pending upon an application for a writ of certiorari in the Supreme Court to have the Supreme Court pass on the question of whether or not the bill became a law or whether the action of the President resulted in what is ordinarily known as a pocket veto.

I do not desire to discuss the legal phases of the question now, although I have with some care looked up the question. If the court acts favorably upon the application for the writ of certiorari, which it seems to me it probably will, because there is a very important constitutional question involved, the Okanogan Indians will then be permitted to file the case, and it will come up in the regular way and be heard by the Supreme Court. If the Supreme Court holds that that bill has become a law, then the Muscle Shoals bill, passed at the last session of Congress, is likewise a law.

It seems to me that at the present session of Congress, with that question unsettled and this being the short session, which must expire on the 4th of March, it will probably be impossible to take up a new proposal of that importance and get it through both Houses of Congress, but that we ought to await action by the Supreme Court on the question. In fact, if we did make an attempt to pass another Muscle Shoals bill during the short session, we would probably find it impossible of accomplishment on account of the crowded condition of the calendar and the short time that is left for us to get a bill passed through both Houses and presented to the President.

It has seemed to me, therefore, that we ought to wait at least until the Supreme Court shall have acted upon that question. If the court shall hold the bill to be a law, no action on the part of either branch of Congress will, of course, be necessary.

Mr. McKELLAR. Mr. President, I realize that what the Senator from Nebraska has just stated is true, but at the same time it seems to me such a grievous waste merely to permit that water to flow over the dam without any return whatsoever that I have selected the Senator's own bill and have merely changed the wording and provided that the Secretary of War shall proceed with that particular phase of it and prevent this great loss to the Government and to the people.

Mr. NORRIS. I agree with the Senator as to that; but, as I understand, no law would be necessary for the Secretary of War, for instance, to permit the town of Muscle Shoals to get power from the dam. I do not understand why that has not been done.

Mr. McKELLAR. Neither do I, but it has not been done.

Mr. NORRIS. No; and I regret that situation just as much as does the Senator from Tennessee.

Mr. McKELLAR. I am sure the Senator does.

Mr. NORRIS. But it would be useless for Congress to pass a bill similar to the one we previously passed with the legal effect of the other action being still undecided even if we could do so.

Mr. McKELLAR. I should think that the President could proceed under the proposed authorization to lease the surplus power exactly as provided for in the Senator's bill, which was passed, and of which there was a so-called pocket veto; but I am not passing upon that.

Mr. NORRIS. The bill which has been introduced by the Senator from Tennessee, as I understand his statement, is an exact copy, with the necessary changes to apply to present conditions, of the bill which we previously passed?

Mr. McKELLAR. Oh, no; the bill I have introduced is not a copy of the Senator's entire bill, but merely a copy of those particular provisions which relate to the sale of surplus power and giving the Government authority to aid in the building of transmission lines for the use of that surplus power.

Mr. NORRIS. Is the Senator's bill a permanent one or, if it shall be passed, would it apply only until the pending question in dispute may be determined?

Mr. McKELLAR. On the face of the bill, it is permanent.

Mr. NORRIS. Does not the Senator think that with the other question pending and undecided, as I have stated, if we shall enact any legislation it ought to be only of a temporary nature, giving authority until the question in dispute shall have been settled or until Congress can finally dispose of it? I should have no objection to that.

Mr. McKELLAR. Perhaps that suggestion is a very wise one, and I should be very happy to accept it.

I merely feel this way about it: Under the present conditions the power at Muscle Shoals is being used really for the benefit of no one in the world except the Alabama Power Co. I do not think that company ought to be permitted longer to bottle up that great enterprise. I think that power ought to be used for all the people and not simply for the benefit of the Alabama Power Co., as is the situation now. For that reason I should be very happy to accept any suggestion about the temporary character of this proposed law, so that the administration may go on and utilize presently all the surplus power that is being generated or can be generated at Muscle Shoals.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Tennessee that I do not believe there is disagreement between us as to what we would like done.

Mr. McKELLAR. I do not think so.

Mr. NORRIS. I am not satisfied any more than is the Senator with present conditions at Muscle Shoals, although it must be said in defense of the action of the Secretary of War in not providing for a better disposition of the power than, under existing conditions, he has not any authority to make a lease or contract that would extend for a sufficient length of time to enable him to get a real good bid for the property. So he is handicapped.

Mr. McKELLAR. I agree with the Senator from Nebraska as to that.

Mr. NORRIS. We all realize that.

Mr. McKELLAR. I realize that, and the purpose of the bill which I have introduced is to remedy that situation. I hope the Senator from Nebraska will look at the bill and see if what it proposes may not be done.

Mr. President, before I take my seat I desire to say that I have here some figures taken from the evidence of Colonel Robins, who is in charge of the Muscle Shoals plant, and I ask that those figures, together with Colonel Robins's testimony, may be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From statement of Colonel Robins]

They—meaning the Alabama Power Co.—have brought in another hydroelectric plant of their own, and they use under that 30-day agreement our power in preference to generating power by steam plant, but they use their own water power in preference to ours. They were in better shape this year than they were in previous years, and there has been more rain. So they used less of our power, considerably, in 1928 than they did in 1927.

Statement of power generated at Wilson Dam, October, 1928

[From hearings before the subcommittee of House Committee on Appropriations—War Department appropriation bill—pages 186 and 187]

Period	Total generated	Power used in camp and plant	Delivered to transmission line	Value	Value of power furnished United States [1]	Revenue
1928	*Kilowatt-hours*	*Kilowatt-hours*	*Kilowatt-hours*			
Jan. 1-31	48,959,300	724,300	48,235,000	$104,640.80	$107.02	$104,533.78
Feb. 1-29	53,198,900	640,900	52,558,000	111,771.60	98.47	111,673.13
Mar. 1-31	38,296,600	586,600	37,710,000	80,559.40	110.98	80,448.42
Apr. 1-30	18,005,100	459,100	17,546,000	36,936.57	105.82	36,830.75
May 1-31	3,506,100	346,100	3,160,000	6,320.00	99.45	6,220.55
June 1-30	3,146,400	284,400	2,862,000	5,724.00	91.17	5,632.83
July 1-31	3,109,300	227,300	2,882,000	5,764.00	90.27	5,673.73
Aug. 1-31	14,635,900	236,900	14,399,000	28,798.00	98.06	28,699.94
Sept. 1-30	7,501,100	210,100	7,291,000	14,582.00	103.79	14,478.21
Oct. 1-31	8,773,800	368,800	8,405,000	16,810.00	109.99	16,700.01
Total for year	199,132,500	4,084,500	195,048,000	411,906.37	1,015.02	410,891.35
Total for Sept. 12, 1925, to Dec. 31, 1925	44,789,400	360,400	44,429,000	[2] 88,858.00	5,904.63	73,453.37
Total, Jan. 1, 1926, to Dec. 31, 1926	439,379,300	6,411,000	[3] 432,629,000	[4] 899,343.70	6,636.23	872,617.47
Total, Jan. 1, 1927, to Dec. 31, 1927	565,609,500	8,584,500	557,025,000	[5] 1,173,615.28	1,851.95	1,168,763.33
Grand total	1,248,910,700	19,440,400	1,229,131,000	2,573,723.35	15,407.83	2,525,725.52

[1] This represents power furnished by Alabama Power Co. to Ordnance Department, United States nitrate plants Nos. 1 and 2, and prior to May, 1926, for construction work at Dam No. 2.

[2] $9,500 of this amount to be deducted for installation of temporary substation.

[3] 339,300 kilowatt-hours lost in metering.

[4] $18,000 of this amount to be credited for installation of temporary substation, and $2,090 for power delivered in excess of power company's needs.

[5] $3,000 of this amount to be deducted for removal of temporary substation.

Cash received to date, $2,509,025.51.
October bill pending.

[From Colonel Robins's testimony]

Colonel ROBINS. In the last year the Alabama Power Co. have put in one new hydroelectric plant and increased the capacity of another of their hydroelectric plants, and during this year there has been more than the usual quantity of water for power purposes in that whole section of the country. While we have had lots of water they have had just as much, so that very naturally, looking at it from their standpoint, they make hay while the sun shines, use their own water power, and are not taking ours.

Mr. BARBOUR. Is there anybody else there you can sell to?

Colonel ROBINS. No, sir.

Mr. BARBOUR. You have got to sell it to the Alabama Power Co.?

Colonel ROBINS. We have got to sell it to them.

* * * * * * *

Colonel ROBINS. During the calendar year 1927 the plant was completely shut down for 21 days. During 1928, to November 1, the plant has been completely shut down for 39 days.

Mr. CLAGUE. What is the average rate at which you sell the power?

Colonel ROBINS. The average rate is about 2.1 mills per kilowatt-hour.

Mr. COLLINS. Isn't it exactly 2 mills?

Colonel ROBINS. Practically.

Mr. COLLINS. It is a sliding scale, but it levels out to 2 mills.

* * * * * * *

Mr. BARBOUR. Does that agreement with the Alabama Power Co. provide for a minimum amount of power that they must take?

Colonel ROBINS. No, sir. They only agree to take the power when otherwise they would have to start up their stand-by steam plants.

Mr. BARBOUR. Could you not get a contract with them by which they would agree to take a minimum amount of power?

Colonel ROBINS. Yes, sir; we could if we could make a contract over any considerable period. If we could go to them and say, "We are ready to make an agreement or contract with you for five years," we could get them to agree to take a minimum amount of power and guarantee a certain income.

The PRESIDING OFFICER. The bill will be referred to the Committee on Agriculture and Forestry.

Mr. HEFLIN. Mr. President, before we pass from the subject of Muscle Shoals, I should like to say a few words. I agree with a great deal that the Senator from Tennessee [Mr. McKELLAR] has said. We have invested $150,000,000 in the Muscle Shoals plant, and about $10,000,000 worth of the equipment is being used, while $140,000,000 worth of it is idle. Such a condition is inexcusable and indefensible. The water is going to waste, but the equipment is all there; and it is up to Congress to do something with it. The Senate passed a bill, which likewise was passed by the other House, that would have disposed of Muscle Shoals, put all of the power to work, and the project would have been bringing good returns to the Government and blessings and benefits to thousands and tens of thousands of people; but the President gave it a pocket veto. It is not the fault of the Senate and it is not the fault of the House that Muscle Shoals is not now in full operation. I hope that the Supreme Court will sustain the contention of the Senator from Nebraska, and if it does not decide as we wish it to decide, I would be ready to support a measure such as that suggested by the Senator from Tennessee [Mr. McKELLAR] for the temporary disposition of the power at Muscle Shoals until we can legislate permanently on the subject.

AMENDMENTS TO THE AGRICULTURAL APPROPRIATION BILL

Mr. HARRIS submitted two amendments intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 71, after line 23, insert the following:

"For the control and prevention of spread of the phoney disease in the Peach Belt of Georgia, $15,000, to be immediately available."

On page 35, line 3, strike out "$1,077,231" and insert the following: "$1,162,231: *Provided*, That $85,000 of such sum is made available for the eradication of the phoney disease in the Peach Belt of Georgia, to be immediately available."

ENFORCEMENT OF THE EIGHTEENTH AMENDMENT

Mr. BLEASE submitted an amendment intended to be proposed by him to the resolution (S. Res. 287) providing for the appointment of a committee of five Senators to investigate the enforcement of the eighteenth amendment to the Constitution of the United States (submitted by Mr. JONES on January 3, 1929),

which was referred to the Committee on the Judiciary and ordered to be printed.

DECLINE IN PER CAPITA CONSUMPTION OF WHEAT, 1926

Mr. NYE submitted the following resolution (S. Res. 289), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Secretary of Agriculture and the Secretary of Commerce are requested (1) to investigate, in cooperation with each other, the cause or causes of the decline in the per capita consumption of wheat from 5.6 bushels in 1913 to 4.3 bushels in 1926, a decline equivalent to approximately eighty 1-pound loaves of bread, and determine among other things whether the bleaching of flour has had any effect on such decline, and (2) to report to the Senate, as soon as practicable, and in any event not later than the beginning of the next regular session of the Congress, the information resulting from such investigation.

CHANGES OF REFERENCE

On motion of Mr. SHIPSTEAD the Committee on Pensions was discharged from the further consideration of the bill (S. 5167) granting an annuity to Robert K. Brough, and it was referred to the Committee on Civil Service.

On motion of Mr. REED of Pennsylvania the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 9300) for the relief of Joseph N. Marin, and it was referred to the Committee on Naval Affairs.

CONFIRMATIONS OF SOUTH CAROLINA POSTMASTERS

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The legislative clerk read the resolution (S. Res. 286) submitted by Mr. BLEASE January 3, 1929, as follows:

Resolved, That the subcommittee, of which Senator BROOKHART is chairman, now investigating the patronage and post-office situation in South Carolina, be and is requested to inform the Senate if it has any evidence upon which it can or expects to request the Senate not to confirm any person nominated for postmaster in South Carolina.

Mr. MOSES. Mr. President, I ask the author of the resolution if he would object to having it referred to the Committee on Post Offices and Post Roads? It would be a little difficult for a subcommittee to report directly to the Senate; but the subcommittee could report to the full committee, and then the report could be presented to the Senate. I assure the Senator that the matter will be dealt with promptly in the committee, as the Senator is himself a member of the committee.

Mr. BLEASE. That will be satisfactory to me, Mr. President.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Post Offices and Post Roads.

TAXES AND TAX REFUNDS

Mr. ROBINSON of Arkansas. Mr. President, I desire to have printed in the RECORD an editorial appearing in the Washington Post of January 4, 1929, on the subject of Lawyers and Tax Experts, and likewise a brief Associated Press article on the subject of Taxes and Refunds.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Without objection, the articles will be printed in the RECORD, as requested.

The articles are as follows:

LAWYERS AND TAX EXPERTS

The big list of tax refunds recently published, running into millions of dollars, doubtless caused many citizens to believe that Uncle Sam had voluntarily made a prompt and generous amends for his errors in collecting excess taxes. But another picture is presented by one of the concerns that appeared in the lists.

George F. Johnson, of the Endicott-Johnson Co., shoe manufacturers, points out that his company paid $851,808 in excess of what was legally due in taxes and that it recovered the money, but only after it had paid out $306,682 "to lawyers and tax experts." So it is out of pocket that amount, all because of the illegal exactions of the Treasury. "I have always thought," observes Mr. Johnson, "that if the Government had to pay in addition to the money due, with interest, the cost of legal service, they would be more careful about assessing and collecting illegal taxes."

Practically all of the corporations that paid illegal taxes were forced to hire lawyers and tax experts to recover the money. If the cost of this service was 35 per cent of the amount recovered, as in the case of the Endicott-Johnson Co., it is evident that the errors of the Treasury Department cost taxpayers at least $35,000,000 during the last fiscal year.

Uncle Sam may be a little hard on taxpayers, but see what a Santa Claus he is to lawyers and tax experts!

TAXES AND REFUNDS DEBATED IN HOUSE—COMPROMISE ON UNITED STATES STEEL'S CLAIM AT $26,000,000, TOLD IN REPORT—STATES ASK $200,000,000

(Associated Press)

The question of illegally collected taxes and their refund by the Government drew the attention of the House yesterday from three widely separated angles.

One was in a report of the Appropriations Committee telling of a compromise settlement of tax refunds, involving $26,000,000, to the United States Steel Corporation.

In the same report this committee also disclosed that the Treasury since 1917 had collected $4,061,769,209 in back taxes but during that period had refunded $975,012,356 which it had illegally taken from taxpayers.

The third angle developed at the Ways and Means Committee when it started hearings on a resolution proposing that the Federal Government reimburse 26 States for $200,000,000 direct taxes which the State governments contend were illegally collected in the years of 1866 to 1868, directly following the Civil War.

INTEREST TOTALS $11,000,000

The details of the proposed settlement with the Steel Corporation were given to the Appropriations Committee in testimony by Assistant Secretary Bond, of the Treasury, who said it would include the Government's payment of $15,000,000 in tax refunds plus $11,000,000 interest.

If the settlement is accepted by the steel company in lieu of the $161,000,000 for which it had sued, Bond said the case would be "closed forever."

Representative GARNER of Texas, one of the Democratic leaders, recently criticized on the House floor the proposal for the refunds to the steel company.

Describing the proposed settlement as "more of a compromise by the taxpayer than the Government," Bond explained that the original return of the company for 1917 showed a tax of about $199,000,000, but due to errors in determining whether certain income on long-term contracts of the concern and its subsidiaries belonged to 1916 or 1917 this tax was whittled down to $173,000,000. The first year in which the excess-profits tax was paid was 1917.

STATES FACE HARD BATTLE

Indications that the States in their efforts to recover the post-Civil War alleged illegally collected direct taxes face a strenuous fight developed in the Ways and Means Committee hearing on this question. States' rights, the statute of limitations, and the definiteness of their claims were debated by witnesses and members of the committee.

Secretary Mellon in a letter to the committee declared that not only several hundreds of millions of dollars would be required to settle all claims for illegally collected direct taxes since 1868, but it was doubtful if any accurate records on the States' claims could be produced as some of them had been destroyed with congressional consent.

In another letter Attorney General Sargent said the suit of the States should be brought before the Court of Claims not before the Supreme Court, as provided in the resolution.

Senator STEPHENS, Democrat, Mississippi, a principal witness for the States, argued that the States have been "treated unjustly" and that the "United States ought to pay its debts." Representative CHINDBLOM, of Illinois, a Republican member of the committee, contended that the statute of limitations had run out on the claims and that the States had been lax in pushing their suits.

MEXICAN IMMIGRATION

Mr. HARRIS. Mr. President, I ask permission to have placed in the RECORD a letter I wrote Secretary Davis, of the Department of Labor, and his reply furnishing information relative to the admission of immigrants from Mexico. I hope all Senators may take the time to read this letter.

During the last session of Congress I introduced a bill placing Mexico under the quota basis, just as all other countries are under the immigration law. At the time this law was passed I offered an amendment to place Mexico under the quota, which would permit only about 1,500 Mexicans to come into our country instead of an average of more than 50,000, which have been coming here—which is about one-third the total number that can come from all countries. My amendment was voted down, but last session I again introduced an amendment to the immigration bill placing Mexico under the quota.

The Immigration Committee, of which I am a member, held extensive hearings last session, and just before the Senate adjourned for the holidays the committee unanimously approved my measure. It is now on the calendar and I have urged that it be considered at an early date. My measure has been indorsed by the American Federation of Labor, the American Legion, Veterans of All Wars, many patriotic societies, and Secretary Davis, who has rendered such splendid service in the Department of Labor having charge of the enforcement

of the immigration laws, has in many speeches throughout the country favored my measure.

It is a great discrimination against the cotton growers of my section, where we grow less cotton than a few years ago, for the Mexican cheap labor to come into this country without limit and produce a few million additional bales of cotton making a surplus which brings down the price of cotton made by American labor.

The reading of the letter of Secretary Davis will convince anyone that my measure should pass, and I hope we may soon vote on it. I shall continue urging the matter. I oppose allowing our country to become flooded with Europeans or Asiatics.

I also ask to place in the RECORD an editorial on Mexican immigration from the Santa Rosa Republican.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
December 15, 1928.

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

MY DEAR MR. SECRETARY: In a recent debate in the Senate it was stated, in part, "If we could guard that Mexican border adequately we would not need to change the law at all, because the present-day requirements, under the act of 1917, as to literacy and physical health are sufficient to keep out 90 per cent of the Mexicans who are now coming in."

In view of pending legislation, in which it is proposed to include Mexico in the list of so-called quota countries, I will be glad to have your comment relative to the enforcement of the immigration laws on the Mexican border, with particular reference to the above-quoted opinion, which, as I understand it, is to the effect that only 10 per cent of the Mexicans who are now admitted from Mexico through regular channels are actually entitled to enter the United States.

How many Mexicans have been admitted as immigrants in each year since 1921, and what are the facts as to the age, sex, destination in the United States, etc., of such immigrants as shown in the statistical records of the Immigration Service?

What is the history of the war-time order removing certain restrictions on immigration from Mexico?

How many Mexicans were resident in the United States, according to the census of 1920, and in what States and cities were they found in greatest numbers? How does this record compare with the censuses of 1900 and 1910?

What is the illiteracy rate in the population of Mexico and among natives of Mexico in the United States?

Do Mexicans who come to the United States as immigrants remain here or do they return to Mexico? Has there been any change in this regard in recent years?

To what extent have natives of Mexico acquired American citizenship through naturalization?

If the quota law of 1921 had been applied to Mexico, what would have been the annual quota of that country? What would the quota be under the present law?

Generally speaking, what is the situation, so far as labor supply and demand are concerned, and are there indications that an increased foreign-labor supply will be needed during the coming year?

What countries are the principal sources of our present immigration?

Sincerely yours,

WM. J. HARRIS.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, December 28, 1928.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I want to assure you that careful consideration has been given to your letter of December 15, in which you make several specific inquiries concerning immigration from Mexico and the distribution of Mexican immigrants in the various States and cities of the country, and I am giving you herewith the desired information, so far as it is available to the department and the Bureau of Immigration.

For convenience your queries are repeated and commented upon in the order in which they are presented:

"In a recent debate in the Senate it was stated in part, 'If we could guard that Mexican border adequately, we would not need to change the law at all, because the present-day requirements, under the act of 1917, as to literacy and physical health, are sufficient to keep out 90 per cent of the Mexicans who are now coming in.'

"In view of the pending legislation, in which it is proposed to include Mexico in the list of so-called quota countries, I will be glad to have your comment relative to the enforcement of the immigration laws on the Mexican border, with particular reference to the above-quoted opinion, which, as I understand it, is to the effect that only 10 per cent of the Mexicans who are now admitted from Mexico through the regular channels are actually entitled to enter the United States."

I am glad that you have asked me to comment upon this particular statement, which can be construed as nothing more or less than a charge that the Bureau of Immigration and the department are neglecting to enforce the immigration laws so far as the Mexican border is concerned. This unwarranted charge is only another indication of the fact that there is much misunderstanding concerning the immigration situation on our southern land boundary. Whatever may have been the situation on that border in the past, during recent years we have succeeded in enforcing the law so far as applicants for regular admission are concerned to an extent which, I think, is fairly comparable with such enforcement at seaports of entry and on the Canadian border. Of course, I am not unmindful of the fact that the Immigration Service deals with a different type of people at Mexican border ports of entry than at other ports, but I want to assure you that immigrants from Mexico are not admitted unless they meet the requirements laid down in the general immigration act of 1917, as well as in the act of 1924.

In the fiscal year ending June 30, last, a total of 59,016 immigrant aliens were admitted from Mexico, and of these 57,765 were of the Mexican race. As provided in the 1924 act, such immigrants are required to secure immigration visas from an American consul, and from the fact that 58,110 such visas were issued in Mexico during the year under consideration it is seen there is no important difference between the visas issued and the immigrants admitted. This means that applicants were first inspected by American consuls, as the law requires, and having met the tests applied by consuls they presented their visas to the immigration authorities at ports of entry, where they were medically inspected by officers of the United States Public Health Service and finally by the immigration authorities. In other words, they were subjected to the same procedure that applies in the case of immigrants coming from any country, and that being the case the statement that 90 per cent of them were actually inadmissible under the law is obviously ridiculous.

You will observe that the foregoing concerns regular immigration, which may be defined as aliens who have resided permanently in Mexico and who are admitted to the United States for permanent residence here. If it is the desire of Congress to materially reduce or limit the volume of such immigration, it is an absolute certainty that it can not be done under the present immigration laws.

The problem of aliens who are admitted to the United States as temporary visitors for business or pleasure and who fail to depart within a stipulated time, of course, exists on the Mexican border, just as it exists at Canadian border ports and to a lesser extent at seaports of arrival. The general immigration law contemplates that the passing back and forth over the land borders of temporary visitors shall be facilitated rather than hampered. Section 23 of the act of 1917 making it the duty of the Commissioner General of Immigration to "prescribe rules for the entry and inspection of aliens coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries. * * * Obviously, this is a wise and necessary provision, but it is also obvious that in attempting to carry out the spirit of the law its purpose is to some extent defeated.

The much-discussed General Order No. 86, relative to land-border crossing procedure, the validity of which is now being tested in the courts, was promulgated with a view to eliminating so far as possible abuses arising under the privileges which the law grants to residents of foreign contiguous territory seeking to enter the country as temporary visitors. This general order, which was issued on April 1, 1927, provides in effect that aliens residing in foreign contiguous countries and entering the United States to engage in existing employment or to seek employment in this country will not be considered as visiting the United States temporarily as tourists, or temporarily for business or pleasure, under any provisions of the immigration law which exempt visitors from complying with certain requirements thereof; that is, they will be considered as aliens of the "immigrant" class.

As you doubtless know, the legality of this order was upheld in a district court decision, which was reversed by the circuit court of appeals and is now before the Supreme Court for final determination. The immigration authorities in the various districts on both the northern and southern land boundaries fully understand that the department and Bureau of Immigration will be satisfied with nothing less than an adequate enforcement of this rule, and it is conceded that it has had a highly beneficial effect in affording a better control of the visitor class.

In a recent communication to the chairmen of the Senate and House Committees on Immigration I discussed the legal situation that has arisen in connection with General Order, No. 86, and have pointed out the necessity for immediate legislative action in the event an adverse decision is handed down from the Supreme Court. Consequently, I shall not attempt a further discussion of this important matter at this time.

"How many Mexicans have been admitted as immigrants in each year since 1921, and what are the facts as to the age, sex, destination in the

United States, etc., of such immigrants as shown in the statistical records of the Immigration Service?"

1921	29,603
1922	18,246
1923	62,709
1924	87,648
1925	32,378
1926	42,638
1927	66,766
1928	57,765
Total	397,753
Annual average	49,719

In connection with the marked increase during the years 1923 and 1924 it may be noted that numbers multiplied in spite of the fact that every feasible attempt was being made to bring about a more strict enforcement of the law on the border, and the increased immigration in those years is simply another indication of the fact that the provisions of the law relative to illiteracy, physical condition, etc., afford no adequate barriers so far as numbers are concerned. The sharp decline in the fiscal year 1925 is due largely to the visa and other requirements of the immigration act of 1924, which considerably increased the cost of immigration to the individual immigrant, but it is obvious that even this has not been effective in subsequent years.

The character of Mexican immigration with respect to age, sex, destination in the United States, etc., does not change materially from year to year and the items relating to immigrants admited during the last fiscal year are typical of such as a whole.

Immigration from Mexico, fiscal year 1928

Total number immigrant aliens admitted	59,016
RACES OR PEOPLES REPRESENTED	
Mexican	57,765
German	431
Spanish-American	114
English	110
Spanish	98
All other	498
SEX (MEXICANS)	
Male	37,965
Female	19,800
AGE (MEXICANS)	
Under 16	10,079
16 to 21	12,801
22 to 29	18,380
30 to 37	7,989
38 to 44	4,177
45 and over	4,339
Total	57,765
Single	32,209
Married	22,882
Widowed	2,637
Divorced	37
Total	57,765
OCCUPATIONS (MEXICANS)	
Professional	1,013
Skilled	5,725
Farmers	373
Farm laborers	4,989
Laborers, common	19,964
Servants	2,065
No occupation, including women and children	22,294
All others	1,342
MONEY SHOWN ON ARRIVAL (MEXICANS)	
Number showing $50 or over	12,011
Number showing less than $50	28,153
Total amount shown	$2,108,021
LITERACY (MEXICANS)	
Can read and write	45,094
Can read but not write	21
Illiterate (exempt, relatives, etc.)	2,571
Under 16 years of age	10,079
Immigrant aliens admitted (Mexicans)	57,765
Nonimmigrant aliens admitted (Mexicans)	3,857
	61,622
Immigrant aliens deported (Mexicans)	3,873
Nonimmigrant aliens deported (Mexicans)	9,198
	13,071
Increase of population (Mexicans)	48,551
Applicants for admission debarred (Mexicans)	2,595
Deported under warrant proceedings (Mexicans)	2,830

"What is the history of the war-time order removing certain restrictions on immigration from Mexico?"

The so-called war-time order of the Department of Labor, under which the literacy, contract labor, and head-tax provisions of the law were waived in behalf of Mexicans and other aliens coming from certain other sources for the purpose of agricultural labor, etc., was in force from May, 1917, to March 2, 1921. According to reports of the Commissioner General of Immigration, a total of 72,862 Mexicans were admitted under this order. Of this number, 34,922 had returned to Mexico by June 30, 1921; 414 died; 494 were examined for permanent residence and found eligible for admission; and 21,400 deserted their employment and disappeared. The Commissioner General states that of those who deserted their employment and disappeared, it is likely that a considerable percentage found their way back to Mexico.

"How many Mexicans were resident in the United States according to the census of 1920, and in what States and cities were they found in greatest numbers? How does this record compare with the censuses of 1900 and 1910?"

The following table shows the total number of natives of Mexico who were resident in the United States in the census years 1900, 1910, and 1920, and the principal States of residence in those years:

State	1920	1910	1900
Texas	251,827	125,016	71,062
California	88,771	33,694	8,086
Arizona	61,580	29,987	14,172
New Mexico	20,272	11,918	6,649
Kansas	13,770	8,429	71
Colorado	11,037	2,602	274
Oklahoma	6,884	2,744	134
Illinois	4,032	672	156
Missouri	3,411	1,413	162
New York	2,999	555	353
Iowa	2,650	620	29
Nebraska	2,611	290	27
Louisiana	2,487	1,025	488
Pennsylvania	1,818	153	110
Wyoming	1,801	188	58
Idaho	1,215	133	28
Nevada	1,177	732	98
Utah	1,166	166	41
All other States	6,910	1,578	1,395
Total	486,418	221,915	103,393

The principal cities of residence of natives of Mexico in the three census years under consideration were:

City	1920	1910	1900
San Antonio	28,477	9,924	3,288
Los Angeles	21,653	5,632	817
Houston	3,953	491	118
Fort Worth	3,831	426	59
San Francisco	3,810	1,792	1,459
New York	2,572	426	282
Dallas	2,295	134	41
Kansas City, Kans	2,043	102	3
Kansas City, Mo	1,920	233	24
Denver	1,418	226	19
New Orleans	1,306	289	299
Chicago	1,224	188	102
Oakland	1,033	252	95
Omaha	746	23	5
Salt Lake City	217	44	4
Des Moines	158	3	1
Other cities of 25,000	55,124	17,631	750

The above figures show a very decided tendency on the part of our Mexican-born population to become city dwellers. For example, the Mexican-born population of the State of Texas just about doubled between 1910 and 1920, but in the same 10 years there was a threefold increase in the city of San Antonio and eightfold increases in Houston and Fort Worth.

"What is the illiteracy rate in the population of Mexico and among natives of Mexico in the United States?"

The United States Bureau of Education advises that the illiteracy rate in Mexico is estimated at about 62 per cent of the population, including persons of all ages. The census reports do not show illiteracy in the United States by country of birth, and the department has no knowledge of Mexicans in the United States. When it is considered that more than one-third of the people in Mexico of all ages are literate it becomes apparent that the literacy requirements of the general immigration law, referred to in the recent Senate debate, can not be depended upon as a means of reducing immigration from that country.

"Do Mexicans who come to the United States as immigrants remain here, or do they return to Mexico? Has there been any change in this regard in recent years?"

There is no official record of the number of alien residents leaving the United States for permanent residence abroad prior to the fiscal year 1908, when steamship lines were first required by law to furnish manifests of outgoing alien passengers. The immigration act of 1917 amended the law in this particular by providing also that immigration officials shall record certain information concerning aliens leaving the United States by way of the Canadian and Mexican borders for permanent residence in a foreign country. Comparatively few aliens return to Mexico by sea, so that the records from 1908 to and including 1917 are of little or no value. Moreover, it is obviously difficult to make a record of all aliens leaving the United States over the land borders, and field officers of the Immigration Service tell me that the

figures reported for the Mexican border are not complete. However this may be, existing records show a very considerable decrease in the movement of Mexicans returning to Mexico for permanent residence in the last few years. The figures in this regard from 1918 to 1928 are given below:

Year	Mexicans admitted	Mexicans departed
1918	17,602	25,084
1919	28,844	17,793
1920	51,042	6,412
1921	29,603	5,519
1922	18,246	5,770
1923	62,709	2,479
1924	87,648	1,878
1925	32,378	2,875
1926	42,638	3,158
1927	66,766	2,774
1928	57,765	3,873
Total	495,241	77,615

The records of the Census Bureau appear to substantiate our immigration records as to the flow and ebb of Mexican immigration. For example, 318,674 Mexican immigrant aliens were regularly admitted to the United States during the 10 years from July 1, 1910, to June 30, 1920, and the records—which, as already stated, are faulty at least until 1918—show that 54,404 emigrant aliens of the same race departed during the same 10 years, leaving a net gain of 264,270. According to the census of 1910, there were 221,915 natives of Mexico resident in the United States in that year and 486,418 in 1920, the increase of 264,503 being almost identical with that shown in the Immigration Bureau statistics. Of course, no one who is acquainted with the Mexican border situation will contend that no Mexicans entered illegally, or that all who left the country were recorded; but considering these and other factors that affect the situation, our immigration figures certainly present a good picture of the growth of Mexican population.

"To what extent have natives of Mexico acquired American citizenship through naturalization?"

Of the 478,383 natives of Mexico of the white race resident in the United States according to the census of 1920, 22,732, or 4.8 per cent, were fully naturalized and 2,989 had secured their first papers. In the matter of acquiring citizenship, natives of Mexico ranked last among the various nationalities, their nearest competitors for last place being natives of Albania, 7.4 per cent of whom were naturalized in 1920. The commissioner of naturalization advises that during the past five fiscal years a total of 497 citizens of Mexico have been granted United States citizenship, the distribution of these, by years, being as follows:

1924	92
1925	101
1926	72
1927	112
1928	120

"If the quota law of 1921 had been applied to Mexico, what would have been the annual quota of that country? What would the quota be under the present law?"

Under the 1921 law quotas were fixed at 3 per cent of the population as shown by the census of 1910. According to that census, there were 221,915 natives of Mexico in the United States, and accordingly that country's annual quota would have been 6,657. According to the census of 1890 a total of 77,854 natives of Mexico were resident in the United States at that time. Accordingly, the quota available for natives of Mexico under the act of 1924 would be 2 per cent of that number, or 1,557.

"Generally speaking, what is the situation so far as labor supply and demand are concerned, and are there indications that an increased foreign labor supply will be needed during the coming year?"

In reply to this inquiry let me quote the following extract from a statement just issued by the Director General of the United States Employment Service:

"After a careful survey of business and industrial conditions, and improvements and developments now in the offing, we predict that 1929 will be a good year.

"The iron and steel industry is in a healthy condition, and the prospects are for further improvement. Reports from the automotive industry indicate that 1929 will be an outstanding year in the history of automobile manufacture. The textile industry has worked itself into a better position and it is expected that it will continue to improve. Reports from miscellaneous industries describe the outlook for the new year as bright. The expected development and expansion of the aircraft industry should offer employment opportunities for many skilled workmen. A tremendous road-building program will be under way as soon as weather conditions will permit. The prospects are that building construction will equal, and perhaps surpass, the splendid record of 1928. Opportunities for skilled tradesmen appear to be very promising. Agricultural employment prospects for the year are regarded as very good.

"In view of the sound business conditions and the excellent prospects for the year, it appears that labor on the whole will be well employed; but there will be some unemployment, particularly amongst the white-collar class and manual and unskilled workers."

What countries are the principal sources of our present immigration?

The principal sources of immigration in the fiscal year 1928 were as follows:

Canada	73,154
Mexico	59,016
Germany	45,778
Irish Free State	24,544
Great Britain and Northern Ireland	20,682
Italy	17,728
Poland	8,755
Sweden	8,051
Norway	5,660

The above figures represent the number of immigrant aliens admitted who had last resided permanently in the countries named. They should not be confused with the statistics in which immigrants are classified by races or peoples, or by countries of birth. For example, the annual quota of Italy under the act of 1924 is 3,845, and yet 17,728 immigrant aliens were admitted from that country in the fiscal year 1928. This discrepancy is accounted for by the fact 12,686 wives and children of American citizens, together with lesser numbers of other classes, who are also accorded a nonquota status under the law, were admitted during the year. On the other hand, only 20,682 immigrant aliens who had last resided in Great Britain and Northern Ireland were admitted in 1928, although the annual quota of that area is 34,007 and was exhausted for the year. This is due to the fact that many natives of England, Scotland, Wales, and Northern Ireland who reside in Canada or other countries secure their British visas in such countries and are recorded as coming from them rather than from the country of their birth.

In connection with the foregoing discussion of immigration from Mexico I am venturing to bring to your attention Senate bill 3019, Seventieth Congress, first session, which in part deals with that subject, as well as with immigration from other countries of the New World. You will note the bill proposes that the quota principle in a modified form be applied to immigration from such countries, and also that provision is made for the temporary admission from foreign contiguous territory of a limited number of aliens to perform seasonal or emergency labor, such provision being limited to a period of two years, the purpose being to avoid any real embarrassment to employers of agricultural and other labor in the border States that might follow the immediate application of the quota to foreign contiguous countries. In my judgment the provisions of Senate bill 3019, in respect to immigration from the present nonquota countries, is entirely worthy of serious consideration.

I am inclosing a copy of the Senate committee print containing my comments on the bill in question.

Sincerely yours,

JAMES J. DAVIS.

[Editorial from the Santa Rosa (Calif.) Republican]

PEON SALVE FOR "ITCHING PALMS"

Veterans of Foreign Wars are conducting a vigorous educational campaign throughout the State to acquaint a more or less apathetic public with the menace of an increasing influx of Mexican peons into southern California. These undesirables have heretofore been allowed to "crash" our southern international boundary gates without apparent let or hindrance on the part of Federal immigration officials.

Just the other day a foreign war veteran, over the radio, told of the horrible conditions existing in Los Angeles County. In one subdivision there—the Belvedere district—out of a population of 40,000 Mexicans there were only 250 registered voters. Almost the entire population were people of preponderantly Indian blood who are ineligible for American citizenship and who, solely on that account—to say nothing of a hundred other reasons—should never have been allowed to enter the country in the first place.

A press dispatch Saturday from Washington intimated that Congress was ready to consider the Harris immigration bill, placing Mexico under a definite quota, as should have been done in the act of 1921. Senator HARRIS, Democrat of Georgia, author of the measure, said that he was confident the bill would be considered shortly after Christmas, and predicted that it would pass.

If railroads and farms in southern California could be induced to pay a decent living wage to white labor, there would be no need to import this peon riffraff. To become legally eligible for American entry, a Mexican must have a "preponderance of white blood." This law has not been enforced. Peon salve should not be allowed to allay itching palms. The Harris bill offers a solution. It should be passed immediately, and immediately enforced.

MULTILATERAL PEACE TREATY

Mr. BORAH. I move that the Senate proceed to the consideration of the so-called multilateral peace treaty as in open executive session.

The motion was agreed to; and the Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations, December 19, 1928.

Mr. SWANSON obtained the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Schall
Barkley	George	McKellar	Sheppard
Bayard	Gerry	McLean	Shipstead
Bingham	Glass	McMaster	Shortridge
Blaine	Glenn	McNary	Smoot
Blease	Goff	Moses	Steck
Borah	Gould	Neely	Steiwer
Brookhart	Greene	Norbeck	Stephens
Broussard	Hale	Norris	Swanson
Bruce	Harris	Nye	Thomas, Idaho
Burton	Hastings	Oddie	Thomas, Okla.
Capper	Hawes	Overman	Tydings
Caraway	Hayden	Pine	Vandenberg
Couzens	Heflin	Ransdell	Wagner
Curtis	Johnson	Reed, Mo.	Walsh, Mass.
Deneen	Jones	Reed, Pa.	Walsh, Mont.
Dill	Kendrick	Robinson, Ark.	Warren
Edge	Keyes	Robinson, Ind.	Waterman
Fletcher	King	Sackett	Watson

Mr. HEFLIN (when Mr. BLACK's name was called). My colleague [Mr. BLACK] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. FLETCHER (when Mr. TRAMMELL's name was called). I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained from the Senate.

Mr. McKELLAR (when Mr. TYSON's name was called). My colleague the junior Senator from Tennessee [Mr. TYSON] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. WAGNER. I wish to announce that my colleague the senior Senator from New York [Mr. COPELAND] is unavoidably absent because of illness in his family. I will let this announcement stand for the day.

Mr. BURTON. My colleague the senior Senator from Ohio [Mr. FESS] is absent to-day on account of important business. I desire this notice to stand for the day.

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The Senator from Virginia will proceed.

Mr. SWANSON. Mr. President, we are considering for ratification a treaty which has occasioned much difference of opinion. Its overzealous advocates have claimed that it abolishes or outlaws war and marks an epoch in the history of world affairs which will result in the consummation of perpetual peace. Its critics and opponents insist that it is a feeble gesture for peace, is worthless as a peace pact, and instead of outlawing war legalizes war, and that any war that has been conducted for centuries would be permissible under this so-called "peace pact."

Let us dispassionately, without being influenced by the vehement declarations of the advocates or opponents of this treaty, examine it and ascertain its full and fair meaning—what it permits and what it forbids—so that we can determine calmly and intelligently whether or not we should exercise our constitutional right to advise and consent to its ratification, and, if we do, whether it needs further interpretations or reservations.

Since every document is construed by giving consideration to the circumstances under which it was entered into, and the declarations made during the negotiations, and the understandings arrived at regarding its interpretation before the instrument was signed, we will examine those that are relevant to the treaty.

On the tenth anniversary of the entrance of the United States into the World War, M. Briand, Secretary of State of France, proposed to the United States that the two countries should enter into a treaty of perpetual friendship and peace. After much discussion, on June 20, 1927, the Government of France submitted to the Government of the United States the proposed pact, the substance of which is as follows:

ARTICLE 1

The high contracting powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war and renounce it, respectively, as an instrument of their national policy toward each other.

ARTICLE 2

The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise between France and the United States of America, shall never be sought by either side except by pacific means.

On December 28, 1927, Secretary of State Kellogg made a reply to the French Government regarding this overture, in which he said:

* * * it has occurred to me that the two Governments, instead of contenting themselves with a bilateral declaration of the nature suggested by M. Briand, might make a more signal contribution to world peace by joining in an effort to obtain the adherence of all of the principal powers of the world to a declaration renouncing war as an instrument of national policy. Such a declaration, if executed by the principal world powers, could not but be an impressive example to all the other nations of the world, and might conceivably lead such nations to subscribe in their turn to the same instrument, thus perfecting among all the powers of the world an arrangement heretofore suggested only as between France and the United States.

The Government of the United States is prepared, therefore, to concert with the Government of France with a view to the conclusion of a treaty among the principal powers of the world, open to signature by all nations, condemning war and renouncing it as an instrument of national policy in favor of the pacific settlement of international disputes.

On January 5, 1928, the French Government replied to the suggestions made by Secretary of State Kellogg, in which reply it stated:

I am authorized to inform you that the Government of the Republic is disposed to join with the Government of the United States in proposing for agreement by all nations a treaty to be signed at the present time by France and the United States and under the terms of which the high contracting parties shall renounce all war of aggression, and shall declare that for the settlement of differences of whatever nature which may arise between them they will employ all pacific means. The high contracting parties will engage to bring this treaty to the attention of all states and invite them to adhere.

It should be noted that the terms of the French proposal were for the renouncement of all war of aggression, but it declares for the settlement of all differences of whatever nature which may arise by the employment of all pacific means.

On January 11, 1928, Secretary Kellogg replied to the French proposals. I shall only quote that portion of the reply which throws light upon the proper construction of the treaty now pending in the Senate. Secretary Kellogg said:

In the second place, and this point is closely related to what goes before, M. Briand's reply of January 5, 1928, in expressing the willingness of the Government of France to join with the Government of the United States in proposing a multilateral treaty for the renunciation of war, apparently contemplates that the scope of such treaty should be limited to wars of aggression. The form of treaty which your Government submitted to me last June which was the subject of my note of December 28, 1927, contained no such qualification or limitation.

I am not informed of the reasons which have led your Government to suggest this modification of its original proposal, but I earnestly hope that it is of no particular significance and that it is not to be taken as an indication that the Government of France will find itself unable to join with the Government of the United States in proposing, as suggested above, that the original formula submitted by M. Briand which envisaged the unqualified renunciation of all war as an instrument of national policy be made the subject of preliminary discussions with the other great powers for the purpose of reaching a tentative agreement as to the language to be used in the proposed treaty.

If your Government is agreeable to the plan outlined above and is willing that further discussions of the terms of the proposed multilateral treaty be based upon the original proposal submitted to me by M. Briand last June, I have the honor to suggest that the Government of France join with the Government of the United States in a communication to the British, German, Italian, and Japanese Governments transmitting the text of M. Briand's original proposal and copies of the subsequent correspondence between the Governments of France and the United States for their consideration and comment, it being understood, of course, that these preliminary discussions would in no way commit any of the participating Governments pending the conclusion of a definitive treaty.

On January 21, 1928, the French Government replied to the proposal of Mr. Kellogg, and I shall only quote the portion of this reply which is pertinent to the question before us. It is as follows:

There is, however, a situation of fact to which my Government has requested me to draw your particular attention.

The American Government can not be unaware of the fact that the great majority of the powers of the world, and among them most of the principal powers, are making the organization and strengthening of peace the object of common efforts carried on within the framework of the League of Nations. They are already bound to one another by a covenant placing them under reciprocal obligations, as well as by agreements such as those signed at Locarno in October, 1925, or by international conventions relative to guaranties of neutrality, all of which engagements impose upon them duties which they can not contravene.

* * * Subject to these observations, the Government of the Republic would, moreover, very gladly welcome any suggestions offered by the American Government which would make it possible to reconcile an absolute condemnation of war with the engagements and obligations assumed by the several nations and the legitimate concern for their respective security.

On February 27, 1928, Secretary of State Kellogg replied to this note, which reply contains the following statements:

* * * As I understand your note of January 21, 1928, the only substantial obstacle in the way of unqualified acceptance by France of the proposals which I submitted in my notes of December 28, 1927, and January 11, 1928, is your Government's doubt whether as a member of the League of Nations and a party to the treaties of Locarno and other treaties guaranteeing neutrality France can agree with the United States and the other principal world powers not to resort to war in their mutual relations without ipso facto violating her present international obligations under those treaties. In your excellency's last note this question was suggested for consideration. If, however, members of the League of Nations can not, without violating the terms of the covenant of the league, agree among themselves and with the Government of the United States to renounce war as an instrument of their national policy, it seems idle to discuss either bilateral or multilateral treaties unreservedly renouncing war. I am reluctant to believe, however, that the provisions of the covenant of the League of Nations really stand in the way of the cooperation of the United States and members of the League of Nations in a common effort to abolish the institution of war. * * *

I trust, therefore, that neither France nor any other member of the League of Nations will finally decide that an unequivocal and unqualified renunciation of war as an instrument of national policy either violates the specific obligations imposed by the covenant or conflicts with the fundamental idea and purpose of the League of Nations. On the contrary, is it not entirely reasonable to conclude that a formal engagement of this character entered into by all of the principal powers, and ultimately, I trust, by the entire family of nations, would be a most effective instrument for promoting the great ideal of peace which the league itself has so closely at heart? If, however, such a declaration were accompanied by definitions of the word "aggressor" and by exceptions and qualifications stipulating when nations would be justified in going to war, its effect would be very greatly weakened and its positive value as a guaranty of peace virtually destroyed. * * * I therefore renew the suggestion contained in my note of January 11, 1928, that the Government of France join with the Government of the United States in transmitting to the British, Italian, German, and Japanese Governments for their consideration and comment the text of M. Briand's original proposal, together with copies of the subsequent correspondence between France and the United States as a basis for preliminary discussions looking to the conclusion of an appropriate multilateral treaty proscribing recourse to war.

On March 30, 1928, the French Government replied to the proposals of Secretary Kellogg, and, as heretofore, I shall only read that portion of the reply which is directly pertinent to the pending pact:

At the same time it is clear that in order not to turn an instrument of progress and peace into a means of oppression, if one of the signatory states should fail to keep its word, the other signatories should be released from their engagement with respect to the offending state. On this second point, as on the first, the French Government believes itself fully in accord with the Government of the United States.

My Government likewise gathers from the declarations which your excellency was good enough to make to me on the 1st of last March, the assurance that the renunciation of war, thus proclaimed, would not deprive the signatories of the right of legitimate defense. Such an interpretation tends to dissipate apprehensions, and the French Government is happy to note it.

I wish the Senate to understand clearly that the negotiations proceeded with a complete reservation of the right of legitimate self-defense without limitation or equivocation. I read further. I wish to do this because the speech of Mr. Kellogg on April 28, 1928, was based on a reply and interpretation to satisfy the request contained in this note of the French Government:

If such is the attitude of the American Government on these three fundamental points, and if it is clearly understood in a general way that the obligations of the new pact should not be substituted for, or prejudice in any way, previous obligations contained in international instruments such as the covenant of the League of Nations, the Locarno agreements, or treaties guaranteeing neutrality whose character and scope can not be modified thereby, then the differences of opinion which have appeared in the course of previous phases of the negotiation have to do more with words than with the reality of the problem facing the two Governments to-day.

Hence, in accordance with the proposal contained in your note of January 11, which you kindly renewed in your note of the 27th of February, the French Government would be prepared forthwith to join with the Government of the United States in submitting for the consideration of the Governments of Germany, Great Britain, Italy, and Japan the correspondence exchanged between France and the United States since June, 1927, and in proposing at the same time for the assent of the four Governments a draft agreement essentially corresponding in purpose to the original proposal of M. Briand in the multipartite form desired by the United States with the changes of wording made necessary by the new concept; the signatory powers of such an instrument, while not prejudicing their rights of legitimate defense within the framework of existing treaties, should make a solemn declaration condemning recourse to war as an instrument of national policy or, in other words, as a means of carrying out their own spontaneous, independent policy.

These are the terms upon which France was willing to conduct the negotiations and reach an agreement. Let us ascertain what was especially specified:

First. Legitimate self-defense in each nation, without limitation or restriction.

Second. That the obligations contained in the covenant of the League of Nations, the obligations of the Locarno treaties, which they intended not to obviate by any agreement, and the neutrality treaties should be preserved and not be interfered with by the proposed pact.

On April 13, 1928, the United States Government delivered to the Governments of Great Britain, Germany, Italy, and Japan identic notes, in which notes it submitted its proposed multilateral pact to make effective its suggestions. The suggested draft of the treaty in its preamble contained the following pertinent matter:

Desirous by formal act to bear unmistakable witness that they condemn war as an instrument of national policy and renounce it in favor of the pacific settlement of international disputes.

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy.

The draft treaty was as follows:

ARTICLE 1

The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE 2

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

On April 20, 1928, the French Government submitted to the various governments its draft of a proposed multilateral pact, which I shall read. It must be understood that France proposed to submit a multilateral pact, Kellogg proposed to submit a multilateral pact, and the nations were to consider these and reach a conclusion regarding the one that would ultimately be signed. I will read the French multilateral proposition, since it has not been read to the Senate. It is as follows:

ARTICLE 1

The high contracting parties without any intention to infringe upon the exercise of their rights of legitimate self-defense within the framework of existing treaties, particularly when the violation of certain of the provisions of such treaties constitutes a hostile act, solemnly declare that they condemn recourse to war and renounce it as an instrument of national policy; that is to say, as an instrument of individual, spontaneous, and independent political action taken on their own initiative, and not action in respect of which they might become involved through the obligation of a treaty such as the covenant of the League of Nations or any other treaty registered with the League of Nations. They undertake on these conditions not to attack or invade one another.

That is clear, distinct, and positive, that the covenant of the League of Nations, the Locarno treaties, and the neutrality treaties, were not to be interfered with by this pact.

ARTICLE 2

The settlement or solution of all disputes or conflicts, of whatever nature or origin, which might arise among the high contracting parties or between any two of them, shall never be sought on either side except by pacific methods.

ARTICLE 3

In case one of the high contracting parties should contravene this treaty the other contracting powers would ipso facto be released with respect to that party from their obligations under this treaty.

ARTICLE 4

The provisions of this treaty in no wise affect the rights and obligations of the contracting parties resulting from prior international agreements to which they are parties.

In considering the replies of the Governments to the Kellogg proposal, it must also be understood and remembered that the French pact had been sent to each Government and the replies were made with each pact pending before the chancellories.

These proposals were sent to the Governments previously named. On April 27, 1928, the German Government transmitted a note, the substance of which is as follows:

So far as Germany is concerned, the covenant of the League of Nations and the Rhine pact of Locarno come into consideration as international agreements which might affect the substance of the new pact; other international obligations of this kind have not been entered into by Germany. Respect for the obligations arising from the covenant of the League of Nations and the Rhine pact must, in the opinion of the German Government, remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for in the draft treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy could only serve to strengthen the fundamental idea of the covenant of the League of Nations and of the Rhine pact.

The German Government proceeds on the belief that a pact after the pattern submitted by the Government of the United States would not put in question the sovereign right of any state to defend itself. It is self-evident that if one state violates the pact the other contracting parties regain their freedom of action with reference to that state. The state affected by the violation of the pact is therefore not prevented from taking up arms on its own part against the breaker of the peace. * * *

The German Government can accordingly declare that it is ready to conclude a pact in accordance with the proposal of the Government of the United States and to this end to enter into the necessary negotiations with the governments concerned.

What does that disclose? It is clear, distinct, and incontrovertible that Germany reserves to herself, in interpreting this treaty, an absolute right of self-defense, without limitation in regard to territory or anything else, an absolute, inherent right of self-defense. Second, it reserved to itself the obligations contained in the covenant of the League of Nations and the Rhine pact, known as the Locarno treaty.

In these conditions and understandings, distinct, clear, and specific, Germany accepts the treaty proposed.

On May 4, 1928, the Italian Government replied. Its reply in a general way gave its assent to the multilateral treaty, but contained nothing that would be at all illuminating as to the interpretation to be given to the pending pact.

On April 28, 1928, after Secretary Kellogg had received the reply of France which I have read, in a speech to the American Society of International Law at Washington, he gave an interpretation of the proposed pact, and pointed out clearly and distinctly the understandings of France and the objections of France provided the pact did not permit certain things. His remarks on that occasion were as follows:

There seem to be six major considerations which the French Government has emphasized in its correspondence and in its draft treaty, namely, that the treaty must not (1) impair the right of legitimate self-defense; (2) violate the covenant of the League of Nations; (3) violate the treaties of Locarno; (4) violate certain unspecified treaties guaranteeing neutrality; (5) bind the parties in respect of a state breaking the treaty; (6) come into effect until accepted by all or substantially all of the powers of the world. The views of the United States on these six points are as follows:

(1) Self-defense: There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion, and it alone is competent to decide whether circumstances require recourse to war in self-defense. If it has a good case, the world will applaud and not condemn its action. Express recognition by treaty of this inalienable right, however, gives rise to the same difficulty encountered in any effort to define aggression. It is the identical question approached from the other side. Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the interest of peace that a treaty should stipulate a juristic conception of self-defense, since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

(2) The league convenant: The covenant imposes no affirmative primary obligation to go to war. The obligation, if any, is secondary and attaches only when deliberately accepted by a state. Article 10 of the covenant has, for example, been interpreted by a resolution submitted to the fourth assembly, but not formally adopted owing to one adverse vote, to mean that "it is for the constitutional authorities of each member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of members, in what degree the member is bound to assure the execution of this obligation by employment of its military forces." There is, in my opinion, no necessary inconsistency between the covenant and the idea of an unqualified renunciation of war. The covenant can, it is true, be construed as authorizing war in certain circumstances, but it is an authorization and not a positive requirement.

(3) The treaties of Locarno: If the parties to the treaties of Locarno are under any positive obligation to go to war, such obligation certainly would not attach until one of the parties has resorted to war in violation of its solemn pledges thereunder. It is therefore obvious that if all the parties to the Locarno treaties become parties to the multilateral antiwar treaty proposed by the United States, there would be a double assurance that the Locarno treaties would not be violated by recourse to arms. In such event it would follow that resort to war by any state in violation of the Locarno treaties would also be a breach of the multilateral antiwar treaty, and the other parties to the antiwar treaty would thus as a matter of law be automatically released from their obligations thereunder and free to fulfill their Locarno commitments. The United States is entirely willing that all parties to the Locarno treaties should become parties to its proposed antiwar treaty either through signature in the first instance or by immediate accession to the treaty as soon as it comes into force in the manner provided in article 3 of the American draft, and it will offer no objection when and if such a suggestion is made.

(4) Treaties of neutrality: The United States is not informed as to the precise treaties which France has in mind and can not, therefore, discuss their provisions. It is not unreasonable to suppose, however, that the relations between France and the states whose neutrality she has guaranteed are sufficiently close and intimate to make it possible for France to persuade such states to adhere seasonably to the antiwar treaty proposed by the United States. If this were done no party to the antiwar treaty could attack the neutralized states without violating the treaty and thereby automatically freeing France and the other powers in respect of the treaty-breaking state from the obligations of the antiwar treaty. If the neutralized states were attacked by a state not a party to the antiwar treaty, the latter treaty would of course have no bearing and France would be as free to act under the treaties guaranteeing neutrality as if she were not a party to the antiwar treaty. It is difficult to perceive, therefore, how treaties guaranteeing neutrality can be regarded as necessarily preventing the conclusion by France or any other power of a multilateral treaty for the renunciation of war.

(5) Relations with a treaty-breaking state: As I have already pointed out, there can be no question as a matter of law that violation of a multilateral antiwar treaty through resort to war by one party thereto would automatically release the other parties from their obligations to the treaty-breaking state. Any express recognition of this principle of law is wholly unnecessary.

In this reply of Secretary Kellogg he discusses the objections, reservations, and interpretations desired by France in regard to self-defense. In the reply he says:

There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense.

That is unlimited. Further, he said:

That right is inherent in every sovereign State and is implicit in every treaty.

That makes it unlimited in every respect. But he has another statement:

Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense.

To some minds it has been thought that naming the territory restricts or eliminates the broader definition of self-defense as an inherent and inalienable right, broad as words and as limitless as can be. I take a different view. I think this is simply an illustration, and that a minor illustration can not repeal or abolish the general term relating to self-defense. But I will allude to that later. Even that idea disappears later.

Now as to the league covenant. Secretary Kellogg dissipates all doubt as to that. Let it be understood that the covenant of the league would not be interfered with by this pact. That is covered in the second part of his statement.

Third, he refers to the Locarno treaties, the ultimate aim of which was to insure peace in the western part of Europe, and also Poland and other countries. The argument showed that he considered these not to be contrary to the pact. The treaties of neutrality are also discussed in the same spirit.

Then, fifth, he discussed the relations of a treaty-breaking State, showing that the contention of France was absolutely right that any nation that broke the treaty had no right to claim its protection.

After this speech, and negotiations being conducted and proposals made pro and con, on June 23, 1928, to bring the matter to a definite conclusion, to ascertain whether we would or would not have a peace pact, Secretary Kellogg addressed to the various governments which were to be the original signatories to the multilateral treaty a copy of this speech, which was to be considered by them in connection with the pact, which at that time he proposed to send to them, thus stating that this was the official interpretation of his Government regarding this pact or treaty, and asking them to reply directly whether they would consent to the new pact he submitted.

The only difference between the new pact he submitted and the older one was in the preamble. In the preamble of the subsequent pact he provided that a nation breaking the treaty would be deprived of its protection.

On May 19, with the French pact before it for consideration, and the Kellogg speech of interpretation before it, the British Government made a reply to the proposal of Mr. Kellogg for acceptance of his pact. I shall quote parts of this reply as it affects the interpretation given to the pending pact:

> After studying the wording of Article I of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to make in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

What does that mean? Considering the speech of Secretary Kellogg on the 28th of April, transmitted as an official document, as an official interpretation, the British Secretary of State for Foreign Affairs says his Government understands that there is an inherent right of self-defense, without limitation, without equivocation, and not limited to territory. What can be more clear, what can be more specific, what can be more positive than that interpretation? I wish to say in this connection that I have yet to hear of a foreign government that puts any limitation on the right of self-defense. That suggestion has been made only by some Senators in this body.

> If it is agreed that this is the principle which will apply in the case of this particular treaty. His Majesty's Government are satisfied and will not ask for the insertion of any amendment.
>
> Means can no doubt be found without difficulty of placing this understanding on record in some appropriate manner so that it may have equal value with the terms of the treaty itself.

The means adopted was the exchange of notes by the various governments. I wish to refer in this connection to their interpretations of the speech and note of Secretary Kellogg in which he set forth the principle of the right of self-defense without limitation and without restriction, and in which he said the question of self-defense would be for each nation to decide for itself. In this respect our rights are preserved by the same exchange of notes as is done by other governments in which they preserved their rights in their respective notes. Mr. Chamberlain said there was no necessity to have a reservation and no necessity to have amendments to preserve the right of self-defense and he waived any right of an amendment, being satisfied in this matter on the interpretation given by him to the speech of Secretary Kellogg transmitted as an official document. When Great Britain and all other nations are satisfied that the principle of self-defense is fully and completely contained in the note of our Secretary of State, I can see no reason why the United States should not be satisfied as that principle was communicated in the exchange of notes as official documents.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. SWANSON. I yield.

Mr. KING. Does the Senator think that without the notes the right of self-defense is preserved in the treaty itself?

Mr. SWANSON. I do; but I want to say that they went further than that. While it was implied, yet to have no doubt or equivocation about it they interpreted the official communication of our Secretary of State transmitting that speech as making it clear and specific and without implication.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. SWANSON. I do.

Mr. McLEAN. The Senator, of course, is aware that Mr. Briand in his reply——

Mr. SWANSON. I will reach that question in a few moments and when I get to it the Senator can ask me his question. I will come to the reply of Mr. Briand in a moment and will discuss it. I am now discussing Mr. Chamberlain's reply. If the Senator intends to say that Mr. Chamberlain's reply does not retain the right of absolute and unlimited self-defense, I should be glad to comment on that at this time. But why talk about the Briand letter when we are discussing Mr. Chamberlain's letter? I will get to the Briand letter a little later.

Mr. McLEAN. Mr. Chamberlain's reply does a great deal more than that.

Mr. SWANSON. He did not reply any further on the matter of self-defense.

Mr. McLEAN. He reserves the right to do anything he cares to do.

Mr. SWANSON. I will get to that in due time. There is no use diverting me from this specific argument.

Mr. REED of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I yield.

Mr. REED of Missouri. I beg to suggest that we at least ought to be able to discuss this article of perpetual peace in a peaceful way. [Laughter.]

Mr. SWANSON. I will do so if the Senator from Missouri will restrain himself. The only difficulty that may arise from discussing it in a peaceful way will emanate from the Senator from Missouri himself. I am glad he is apparently in a peaceful state of mind this morning.

Mr. REED of Missouri. If I am the only belligerent in this case, then when I pass from the world the earth will have peace, and the genial influence of the Senator from Virginia will look after all the future.

Mr. SWANSON. Oh, no, Mr. President. The Senator is disposed to be very belligerent. He preaches peace in discussion, but he is very vigorous in his blows, and he knows it.

I am discussing Chamberlain now and not somebody else. I will get to the others later. I ask anybody to read Chamberlain's reply and say that he does not understand completely that the letter transmitted by our Secretary of State with his speech reserves the right of complete self-defense. Mr. Chamberlain's letter goes further and reserves the Locarno treaty, making it conditional on the covenant of the League of Nations and neutrality treaties as well, and he brings in article 10, which has been read, in which he reserves the right to exercise his own will and his own judgment—that is, the British will and judgment—in some special affairs where they have a vital interest and which the treaty would not affect.

Mr. McLEAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. SWANSON. I yield.

Mr. McLEAN. He also suggests that we have some vital interests which, for some reason or other, our Secretary of State forgot.

Mr. SWANSON. I will get to that later.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. SWANSON. In just a moment. In making that declaration, reserving the special interests for Great Britain where they have a vital interest, it was understood that the United States would, in pursuance of its traditional country's policy, insist that it had special interests in certain territories that it would not waive. I yield now to the Senator from Idaho.

Mr. BORAH. The Senator from Connecticut said that our Secretary of State "forgot." The Secretary of State did not forget the matter at all. It was in his mind at all times, and he conserved in a manner in which he thought it was most effective.

Mr. McLEAN. I was putting the most charitable interpretation on it that I could.

Mr. SWANSON. I will ask to have inserted in my remarks, without reading, as the Senate has had it repeatedly read, the

remaining portion of the reply of Mr. Chamberlain in connection with that statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The point is one of importance because of its bearing on the treaty engagements by which His Majesty's Government are already bound. The preservation of peace has been the chief concern of His Majesty's Government and the prime object of all their endeavors. It is the reason why they have given ungrudging support to the League of Nations and why they have undertaken the burden of the guaranty embodied in the Locarno treaty. The sole object of all these engagements is the elimination of war as an instrument of national policy, just as it is the purpose of the peace pact now proposed. It is because the object of both is the same that there is no real antagonism between the treaty engagements which His Majesty's Government have already accepted and the pact which is now proposed. The machinery of the covenant and of the treaty of Locarno, however, go somewhat further than a renunciation of war as a policy, in that they provide certain sanctions for a breach of their obligations. A clash might thus conceivably arise between the existing treaties and the proposed pact unless it is understood that the obligations of the new engagement will cease to operate in respect of a party which breaks its pledges and adopts hostile measures against one of its cocontractants.

For the Government of this country respect for the obligations arising out of the covenant of the League of Nations and out of the Locarno treaties is fundamental. Our position in this regard is identical with that of the German Government as indicated in their note of the 27th of April. His Majesty's Government could not agree to any new treaty which would weaken or undermine these engagements on which the peace of Europe rests. Indeed, public interest in this country in the scrupulous fulfillment of these engagements is so great that His Majesty's Government would for their part prefer to see some such provision as article 4 of the French draft embodied in the text of the treaty. To this, we understand, there will be no objection. Mr. Kellogg has made it clear in the speech to which I have drawn attention that he had no intention by the terms of the new treaty of preventing the parties to the covenant of the league or to the Locarno treaty from fulfilling their obligations.

The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests, any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

Your excellency will observe that the detailed arguments in the foregoing paragraphs are expressed on behalf of His Majesty's Government in Great Britain. It will, however, be appreciated that the proposed treaty, from its very nature, is not one which concerns His Majesty's Government in Great Britain alone, but is one in which they could not undertake to participate otherwise than jointly and simultaneously with His Majesty's Governments in the Dominions and the Government of India. They have, therefore, been in communication with those Governments, and I am happy to be able to inform your excellency that as a result of the communications which have passed it has been ascertained that they are all in cordial agreement with the general principle of the proposed treaty. I feel confident, therefore, that on receipt of an invitation to participate in the conclusion of such a treaty, they, no less than His Majesty's Government in Great Britain, will be prepared to accept the invitation.

Mr. SWANSON. What I wish to emphasize as contained in the reply is, first, the right of self-defense, free and unlimited; second, that the covenant of the League of Nations and the Locarno treaties are not interfered with; third, that Great Britain has certain spheres where she has a special interest as to which she did not intend, as she thought she ought to give expression, to grant the right of interference by any government, stating that she would take it practically as an unfriendly act; fourth, she concedes that we have interests under the Monroe doctrine in which we would not tolerate any interference. Having clearly in mind what that reply contained, which I will discuss further a little later, I will proceed now to read the other notes.

It will be noted that the British Government suggested that the Dominions and self-governing colonies of the British Empire should be requested to join in the proposed multilateral treaty as it affected, not Great Britain alone, but the entire empire. This suggestion was followed and their replies were subsequently received by the Secretary of State.

On May 26, 1928, the Japanese Government replied. The pertinent portion of the reply is as follows:

The proposal of the United States is understood to contain nothing that would refuse to independent states the right of self-defense, and nothing which is incompatible with the obligations of agreements guaranteeing the public peace, such as are embodied in the covenant of the League of Nations and the treaties of Locarno. Accordingly, the Imperial Government firmly believe that unanimous agreement on a mutually acceptable text for such a treaty as is contemplated is well capable of realization by discussion between the six powers referred to, and they would be happy to collaborate with cordial good will in the discussions with the purpose of securing what they are persuaded is the common desire of all the peoples of the world, namely, the cessation of wars and the definite establishment among the nations of an era of permanent and universal peace.

Now, I want Senators to remember that the Japanese Government had before it the speech of Secretary Kellogg and his letter communicating it, in which he distinctly stated that the right of self-defense was not in any way interfered with and the Japanese Government saw no occasion for a reservation to the treaty to accomplish that purpose. There is one of the great governments of the world that is satisfied with the note and satisfied with the speech of Secretary Kellogg on the question of self-defense.

On May 30 the Government of New Zealand gave a favorable reply to the proposal.

On May 30 the Irish Government made its reply, which was in part as follows:

Sharing the view expressed by the Secretary of State of the United States in his speech before the American Society of International Law that nothing in the draft treaty is inconsistent with the covenant of the League of Nations, the Government of the Irish Free State accept unreservedly the invitation of the United States Government to become a party to the treaty jointly with the other states similarly invited.

On May 30 the Canadian Government gave its reply, which is in part as follows:

The question whether the obligations of the covenant of the league would conflict in any way with the obligations of the proposed pact has been given careful consideration. His Majesty's Government in Canada regards the league, with all its limitations, as an indispensable and continuing agency of international understanding, and would not desire to enter upon any course which would prejudice its effectiveness. It is, however, convinced that there is no conflict either in the letter or in the spirit between the covenant and the multilateral pact, or between the obligations assumed under each.

On June 2, 1928, the Commonwealth of Australia gave its favorable reply.

On June 15, 1928, the Government of the Union of South Africa sent its reply to the proposal. In this reply its acquiescence is based as follows:

(a) That it is not intended to deprive any party to the proposed treaty of any of its natural right of legitimate self-defense;

(b) That a violation of any one of the parties of any of the provisions of the proposed treaty will free the other parties from obligation to observe its terms in respect of the party committing such violation; and

(c) That provision will be made for rendering it quite clear that it is not intended that the Union of South Africa, by becoming a party to the proposed treaty, would be precluded from fulfilling as a member of the League of Nations its obligations toward the other members thereof under the provisions of the covenant of the league.

As I said, Secretary Kellogg had received these notes and had sent his note and speech. On June 23 he submitted the proposed draft, which is practically identical with the draft before the Senate to-day for ratification. The only difference between that draft and the original draft submitted, to which these replies were made, is contained in the preamble. In the preamble of the second draft is found this provision:

That any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty.

That is the only difference between the second draft of the pact and the first draft of the pact. The contention of France that a nation that violates the treaty could not under any circumstances claim its protection was agreed to.

There has been something said about Secretary Kellogg not making it clear in regard to the absolute right of self-defense.

I call the attention of the Senator from Connecticut [Mr. McLEAN], as I said I would do when I got to this point, to this fact. On April 28, 1928, the Secretary of State in his speech did use that expression which seems to be worrying the Senator from Connecticut, as follows:

> Self-defense. There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign State and is implicit in every treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense.

Mr. McLEAN. He used the expression "defend its territory" there.

Mr. SWANSON. I am referring to his address of April 28, 1928.

Mr. McLEAN. Later, on June 23, 1928, in his definition of the right of self-defense, Mr. Kellogg insists on the right to defend its territory.

Mr. SWANSON. On June 23, in a note to a number of powers, the Secretary of State reiterated the expression contained in his address of April 28. He said:

> It believes that the right of self-defense is inherent in every sovereign State and implicit in every treaty.

If it be inherent in every sovereign State, if it is an inalienable right, nothing that Secretary Kellogg could say and nothing that I could say and nothing that anybody else could say could take away or lessen an inherent, inalienable right. If I understand the meaning of the term "inherent" and "inalienable" right, it means something that belongs and inheres to the subject.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. SWANSON. I will yield in a moment.

Mr. Kellogg goes further and says:

> No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable.

That expression is contained in his note to a number of foreign governments.

Mr. McLEAN. If the Secretary had left his definition as it has just been read by the Senator from Virginia, I would not have a criticism of the treaty, but he goes on and limits the right of self-defense in the first paragraph of his note to the various governments. In the very communication from which the Senator is reading the Secretary of State was not satisfied to let his definition alone—that the right of self-defense meant any right which a nation might choose to suggest as properly one of self-defense—but in that very first paragraph where he defines that right he limits it to the defense of territory.

Mr. SWANSON. If the Senator will permit me, the text speaks for itself. In two or three sentences he says that self-defense is an inalienable right, implicit in every treaty.

The Senator's contention is that if an illustration such as the defense of territory be used, which is one of the forms of self-defense, it eliminates the broader meaning that includes every other form of self-defense. I say it does not. I say the Secretary takes the position that self-defense is an inalienable and inherent right, implicit in every treaty, and that every other government accepted that interpretation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. SWANSON. I do.

Mr. BORAH. In the last reference of the Secretary of State made to the subject of self-defense in his negotiations he said:

> The right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable.

That is the last statement he ever made in regard to it. That was made after all other discussion had taken place.

Mr. SWANSON. Mr. President, I just read that, and stated that it was made on the 23d of June, 1928, by the Secretary of State in his note to a number of foreign governments, and was a repetition of a statement made by him in a speech on the 28th of April.

Mr. REED of Missouri. In a speech which was transmitted to foreign governments.

Mr. SWANSON. It was so transmitted, and is his final judgment and is without limitation.

Subsequently it was determined by all parties to the negotiation that in addition to permitting the self-governing members of the British Empire to be original signatories of the treaty, it was desirable that all of the nations that were parties to the various Locarno treaties should also be made original signatories, and notes were addressed to them for this purpose.

On June 23 the United States Government made a request to be informed by the various governments which were to be the original signatories to the treaty to inform it at as early a date as might be convenient whether they were willing to join with the United States and other similarly disposed governments in signing a definitive treaty for the renunciation of war in the form then transmitted. Accompanying this note was the address of Secretary Kellogg of April 28 interpreting the proposed treaty. The text of this treaty was similar to the one first transmitted by Secretary Kellogg, the only important addition to the treaty submitted being in the preamble, which contained this provision, which was not in the provisions of the first treaty submitted:

> That any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty.

The French contention that the benefits of the treaty should not accrue to any government that violated it was accepted and inserted in the treaty.

On July 14, 1928, the French Government replied, giving its assent to the new proposal upon the following interpretation:

> The Government of the Republic is happy, moreover, to take note of the interpretations which the Government of the United States gives to the new treaty with a view to satisfying the various observations which had been formulated from the French point of view.

These interpretations may be summarized as follows:

> Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

Mr. McLEAN. Mr. President, the reference there is to territory again.

Mr. SWANSON. That is included. It is one illustration included in the broader term.

Mr. McLEAN. No; I think not.

Mr. SWANSON. I do not think giving one illustration, being narrower in scope, eliminates a broader construction. I evidently take a different view of the interpretation from that which the Senator from Connecticut takes.

Mr. McLEAN. Is the Senator reading from Mr. Briand's communication?

Mr. SWANSON. I am.

Mr. McLEAN. Mr. Briand knew what he was about.

Mr. SWANSON. M. Briand continues:

> Secondly, none of the provisions of the new treaty is in opposition to the provisions of the covenant of the League of Nations nor with those of the Locarno treaties or the treaties of neutrality.
>
> Moreover, any violation of the new treaty by one of the contracting parties would automatically release the other contracting parties from their obligations to the treaty-breaking state.
>
> Finally, the signature which the Government of the United States has now offered to all the signatory powers of the treaties concluded at Locarno and which it is disposed to offer to all powers parties to treaties of neutrality, as well as the adherence made possible to other powers, is of a nature to give the new treaty, in as full measure as can practically be desired, the character of generality which accords with the views of the Government of the Republic.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. REED of Missouri. If I can interrupt the Senator in a peaceful way——

Mr. SWANSON. It is difficult for the Senator to do that, but I will trust him this time.

Mr. REED of Missouri. Very well. The suspicion the Senator entertains of me is probably not equaled by the suspicion that any foreign government has of any other government, but if we can not discuss peaceful measures in a peaceful way, I do not know what would happen if we met on the open field where we were in a conflict. I will simply ask the question to get the Senator's view of record in the Senate; I do not care to debate it now, and I may never care to do so. When the French Government states, "We interpret this treaty to mean that a country is always free to defend its territory," and further says the right of self-defense is inalienable, is it the Senator's view that words "to defend its territory" are not a limitation by the French Government of its understanding of the scope of self-defense?

Mr. SWANSON. I do not think so, because it says:

Nothing in the new treaty restrains or comprises in any manner whatsoever the right of self-defense.

It does not limit it to the right to defend territory merely; that is simply an illustration of a specific case of self-defense, and does not eliminate all other forms of self-defense.

Mr. McLEAN. O Mr. President, if the Senator will read the next line I think he will have a different impression. It is as follows:

Each nation in this respect will always remain free to defend its territory.

Mr. SWANSON. It does not say "in no other respect." The Senator from Connecticut would read it as if it said "in this and no other respect."

Mr. McLEAN. In respect of self-defense.

Mr. SWANSON. "In this and no other respect," the Senator reads it.

Mr. McLEAN. Oh, no.

Mr. SWANSON. That inference is not there.

Mr. REED of Missouri. Mr. President, this ought not to be a matter of trying to sustain a position, but it ought to be an effort to ascertain the danger point of this treaty if any there be. I hardly think the Senator will say that there is no significance in the fact that the French Government not only once but I think two or three times—I have not the document before me—stated that the right to defend territory is reserved; that is, to defend the property, the territories of a country.

If the French Government had meant to give the interpretation of the treaty a broader scope, to include the right to defend the interest of the nation anywhere and at all times, naturally it would have so stated instead of limiting it to the defense of territory; it would have adopted another method and would have said, "the right of self-defense is implicit and inherent and is not affected."

I say to the Senator—and I do not say it in a controversial spirit, but I say it in the spirit of this treaty—that the French Government can very well hereafter claim that its definition of the right of self-defense, which was communicated to all of the powers, was that that right was the right to defend territory from attack.

If the Senator from Virginia will pardon me for a moment further, between that and the British claim of self-defense, which it has asserted for centuries, there is the widest possible gulf. Great Britain has asserted the right to seize the ships of neutral states upon the high seas if those ships were carrying to Great Britain's enemy anything that was ordinarily in time of war regarded as contraband or anything which she saw fit to declare contributed to the welfare of her enemies. She applied that rule in the last war and practically declared everything to be contraband that was going to Germany or to any other country for transshipment to Germany. She did that upon the ground of self-defense. I am not at present quarreling with her, but there is a great difference between self-defense as thus construed and the term used by the French Government, "the defense of territory."

Mr. SWANSON. Mr. President, the best reply I can make is to quote the statement that France itself made, as follows:

Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense.

Then it sets forth one method of self-defense, namely, the right to defend territory. At one time it was desired to limit it to territory, but that idea was repudiated.

Now let me read what the Irish Free State says. The Irish people have a great deal of sense, they have encountered trouble of various kinds and do not desire to get into any more. Here is what that Government said when it accepted this treaty; it is its interpretation of the treaty:

As I informed you in my note of the 30th of May, the Government of the Irish Free State were prepared to accept unreservedly the draft treaty proposed by your Government on the 13th of April, holding, as they did, that neither their right of self-defense nor their commitments under the covenant of the League of Nations were in any way prejudiced by its terms.

What can be more plain than that unlimited interpretation of the Irish Free State?

On July 15, 1928, the Italian Government replied, and their reply I will ask to have inserted in my remarks at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The Royal Government, which has attentively examined the last draft of a treaty for the elimination of war proposed by the United States, takes note of and agrees with the interpretation of the said treaty which the Government of the United States sets forth in the above-mentioned note of June 23 last, and on this premise declares that it is disposed to proceed to the signature thereof.

On July 16, 1928, the Canadian Government agreed to accept the treaty as changed.

On July 17, 1928, the Belgian Government replied as follows:

The text prepared by the Government of Washington commands the full approbation of the Royal Government. This Government notes with satisfaction the explanations and interpretations contained in your excellency's letter. It is pleased to note that the proposed pact will maintain unimpaired the rights and obligations arising from the covenant of the League of Nations and from the Locarno agreements which constitute for Belgium fundamental guaranties of security.

The Polish Government replied, on July 17, 1928, as follows:

The principles which Mr. Kellogg has emphasized in the draft above mentioned conforming entirely with the objectives that Poland never ceases to pursue in its foreign policy, I have the honor to communicate to you the fact that the Polish Government accepts the text of the above-stated pact and declares itself ready to affix its signature thereto.

As regards the interpretation of the pact in question which you have been good enough to give in your note of June 23, and which confirms the fact that the pact is destined to insure the consolidation of peaceful relations between states on the basis of the existing international obligations, the Polish Government takes note of the following statements:

(1) That the pact does not affect in any way the right of legitimate defense inherent in each state.

(2) That each state signatory to the pact which may endeavor to realize its national interests by means of war shall be deprived of the benefits of the said pact.

(3) That no incompatibility exists between the stipulations of the pact against war and the obligations deriving from the covenant of the League of Nations for states which are members of the latter. This statement results from the very fact that the pact proposed by Mr. Kellogg stipulates the renunciation of war as an instrument of national policy.

A clear, positive, and specific condition. Inherent and complete self-defense is its interpretation of what the note, speech and all contain.

On July 18 the British Government replied to the new proposal, as follows:

SIR: I am happy to be able to inform you that after carefully studying the note which you left with me on the 23d of June, transmitting the revised text of the draft of the proposed treaty for the renunciation of war, His Majesty's Government in Great Britain accept the proposed treaty in the form transmitted by you and will be glad to sign it at such time and place as may be indicated for the purpose by the Government of the United States.

My Government have read with interest the explanations contained in your note as to the meaning of the draft treaty, and also the comments which it contains upon the considerations advanced by other powers in the previous diplomatic correspondence.

You will remember that in my previous communication of the 19th of May I explained how important it was to my Government that the principle should be recognized that if one of the parties to this proposed treaty resorted to war in violation of its terms, the other parties should be released automatically from their obligations toward that party under the treaty. I also pointed out that respect for the obligations arising out of the covenant of the League of Nations and of the Locarno treaties was the foundation of the policy of the Government of this country, and that they could not agree to any new treaty which would weaken or undermine these engagements.

His Majesty's Government in Great Britain do not consider, after mature reflection, that the fulfillment of the obligations which they have undertaken in the covenant of the League of Nations and in the treaty of Locarno is precluded by their acceptance of the proposed treaty. They concur in the view enunciated by the German Government in their note of the 27th of April that those obligations do not contain anything which could conflict with the treaty proposed by the United States Government.

As regards the passage in my note of the 19th of May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th of April that the proposed treaty does not restrict or impair in any way the right of self-defense, as also with his opinion that each state alone is competent to decide when circumstances necessitate recourse to war for that purpose.

In the light of the foregoing explanations, His Majesty's Government in Great Britain are glad to join with the United States and with all other governments similarly disposed in signing a definitive treaty for

the renunciation of war in the form transmitted in your note of the 23d of June. They rejoice to be associated with the Government of the United States of America and the other parties to the proposed treaty in a further and signal advance in the outlawry of war.

On July 18, 1928, the Governments of India and Australia gave their assent to the new draft.

On the same day the Government of New Zealand gave its assent to the new draft.

On July 18, 1928, the Union of South Africa gave its consent in the following terms:

On behalf of His Majesty's Government in the Union of South Africa I have the honor to inform you that my Government have given their most serious consideration to the new draft treaty for the renunciation of war, submitted in your note of 23d of June, and to the observations accompanying it.

My Government note with great satisfaction (a) that it is common cause that the right of legitimate self-defense is not affected by the terms of the new draft; (b) that, according to the preamble, any signatory who shall seek to promote its national interests by resort to war shall forfeit the benefits of the treaty; and (c) that the treaty is open to accession by all powers of the world.

My Government have further examined the question whether the provisions of the present draft are inconsistent with the terms of the covenant of the League of Nations by which they are bound, and have come to the conclusion that this is not the case, and that the objects which the League of Nations was constituted to serve can but be promoted by members of the League of Nations participating in the proposed treaty.

On July 20, 1928, the Czechoslovakian Government gave its consent.

On July 20, 1928, the Japanese Government approved the new draft and expressed its willingness to sign it. In its letter transmitting its acceptance it used this expression:

You proceed to reenforce in detail the explanations made by the Secretary of State in his speech of the 28th of April, 1928.

On the 27th day of August last the different governments who were to be the original signatories to the treaty attached their signatures without further exchange of official documents or speech.

Mr. President, with all of these communications before it, with all of these understandings and exchanges of notes—and I have read the substance of all of them that were exchanged prior to the 27th of August, when it was signed—the treaty was signed by these nations without further exchange of notes or official documents or speeches. I contend that at that time the status of the treaty was fixed. Any amendments, changes, or suggestions, subsequently made, to the effective, must be concurred in by all other nations. The treaty was then fixed in its interpretations, in its language, its draft, and notes.

Now, Mr. President, I will try to discuss what this discloses.

The first question presented to us for consideration is: Do these official documents, official interpretations, and official reservations constitute a part of the treaty, or is the treaty to be construed only by the language used in the treaty?

Some advocates of the treaty insist that all these official documents, official interpretations, and official reservations and conditions do not constitute a part of the treaty, asserting that they are extraneous, and should not be considered in giving a proper interpretation of the treaty. I can not agree with any such contention. The universal rule in interpreting such documents is to consider all the transactions that occurred and the understandings arrived at before the signatures were attached, and there is no excuse in this case to deviate from this well-established rule. Besides, it would be a gross breach of good faith to ignore the interpretations given to the treaty by our Secretary of State, whether in his open declarations or his silent acquiescence in the interpretations given by other governments. To obtain the consent of a nation to the treaty with official interpretations of it, and then permit the nation to attach its signature upon expressed conditions, and then repudiate these, would be such bad faith on the part of this Government as to bring it into great disrepute. This Government, noted for its fair and frank dealings, which it has scrupulously observed in all its diplomatic relations, will never consent to a transaction so reprehensible. It would be better for this treaty to be defeated than for this Government to have its honor and reputation so stained.

Thus, Mr. President, we are compelled to interpret this treaty by giving full import to all the official communications, interpretations, reservations, and conditions insisted upon by the various governments when their signatures were attached. Secretary Kellogg insists that the treaty would have had the same construction and effect if there had been no exchange of notes. The interpretations and reservations contained in the notes only made more clear and specific the proper interpretation of the treaty. There can be no special reservations or interpretations for one nation that do not accrue to all. The treaty must be uniform to all who were the original signatories; and all that occurred and all the understandings arrived at prior to the signatures must be considered in interpretating the treaty and belong to all these nations alike.

Mr. President, bearing all this in mind, we will now proceed in a just and fair way to ascertain the meaning of this treaty and what it will accomplish toward the prevention of war. We will first determine what wars are permissible under this treaty.

The Secretary of State, in his speech of April 28, 1928, which was communicated to all the governments concerned as his interpretation of the pact, stated:

There is nothing in the American draft of an antiwar treaty which restricts or impairs in any way the right of self-defense.

Also, in the body of the note of June 23, transmitting the speech of April 28, and the proposed draft of the treaty to the various governments, the Secretary of State said, speaking for the United States Government:

It believes the right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable.

This interpretation was concurred in by every nation in official communications to our Secretary of State.

In the same speech the Secretary of State, in speaking of the power of any government to exercise its inalienable right of self-defense, stated:

It alone is competent to decide whether circumstances require recourse to war in self-defense.

This interpretation was concurred in by all signatories of the treaty.

Thus, it is universally acknowledged that all wars of self-defense are excluded from the operation of this treaty, and every nation determines for itself the question of self-defense. It should be noted that this question of self-defense is not limited to territory, but includes anything that any nation may determine is vital for its protection and self-defense. The wars excluded from the operations of this treaty by this interpretation are as limitless as the imagination or the ambition of nations may desire. It practically excludes from the operations of this treaty almost any war that has occurred in the last century. I hardly recall a war that has occurred during this period that the governments engaged did not claim to be a war of self-defense. Every government that engaged in the World War insisted it was waged on their part for self-defense. Thus, this treaty would have been wholly ineffective in restraining any of the governments that participated in the World War. This interpretation, given by the Secretary of State and acquiesced in by all the signatories, permits governments desirous of engaging in war to be unrestrained by this treaty, because all they will have to do is to claim it is a war of self-defense, and the interpretations of the treaty make them alone the judge of this question. Its significance as a solemn peace pact by these interpretations is seriously impaired.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I do.

Mr. REED of Missouri. Then, if this treaty would not have prevented the great World War, and would not have prevented any of the wars of the last 100 years, the sole benefit of the treaty must be merely that it is an expression of good will and of intent, and that is about all.

Mr. SWANSON. That is what I believe it is, to be frank with the Senator.

Mr. REED of Missouri. I believe it is, too.

Mr. SWANSON. That is all I believe it is. I believe it is an expression of a desire in your heart for peace. Whether it is genuine or not, is for you to judge and the other nations to judge.

Mr. REED of Missouri. In other words, we are to exchange a sort of international kiss.

Mr. SWANSON. Well, we had better exchange kisses than blows.

Mr. REED of Missouri. Sometimes they lead to blows.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. SWANSON. I do.

Mr. BRUCE. Does not the Senator, however, feel that some of the nations that have signed the pact have signed it with their tongues in their cheeks?

Mr. SWANSON. I do not know where there tongues were, but I know their pens have expressed what they thought about it.

Mr. BRUCE. Has the Senator read the comments of Mussolini in the Italian Parliament on the treaty?

Mr. SWANSON. I have not read his speech, but I have read the notes of the Italian Government, which are its official communications as to what it is willing to do.

Mr. BRUCE. It is true that the Italian Government has passed through the formal process of signing this treaty; but when we go a little outside of that process to ascertain precisely in what spirit the treaty was signed by Italy all the evidence, to my mind, shows that the signing was done in the most cynical and skeptical spirit, without any sort of faith in its efficacy so far as the Italian Government was concerned.

Mr. WALSH of Montana. Mr. President, may I say just a word here?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Montana?

Mr. SWANSON. I yield.

Mr. WALSH of Montana. I do not suppose that anyone on this floor thinks that the Government of the United States was to any extent whatever insincere in negotiating or in signing this treaty or that the Senate of the United States will be insincere if it shall ratify the treaty. I have no doubt that every American citizen, with possibly very few exceptions, will concede that the United States enters into this treaty in perfectly good faith, with every purpose scrupulously to observe its conditions. If we indulge such generous sentiments concerning our own Government, it seems to me that we ought to be rather cautious about indulging suspicions that other governments are less honest and less purposeful and less sincere than our own.

My attention was called to the remark made by Premier Mussolini to which the Senator from Maryland refers; and I do not undertake to say, in view of the remark made by that distinguished official of the Italian Government, that there is not some justification for such suspicions as the Senator from Maryland may indulge.

I can not, however, think that the Government of Germany, for instance, the Government of France, or the Government of Great Britain, whose peoples I undertake to say have a hatred of war quite as acute as that entertained by our own people, are not looking for some substantial results from the solemn declaration of their governments and of the governments of the world that they do not propose hereafter to resort to war for the settlement of international controversies.

Mr. BRUCE. Mr. President, will the Senator from Virginia allow me for just a minute?

Mr. SWANSON. I do not like to get into a discussion about Mussolini.

Mr. BRUCE. The Senator has yielded to the Senator from Montana to reply to me, and I thought possibly he would allow me to make a rejoinder.

Mr. SWANSON. I yield to the Senator. I have detained the Senate longer than I had expected, and I should prefer not to have a discussion of Mussolini and what people have said. I have tried to discuss this treaty with the official notes given by a government in a serious official way as its interpretation of what it purported to do. Any speeches that are made subsequently in ridicule of it to my mind are not pertinent to an interpretation of this treaty, except as to the spirit in which the government concerned may have signed it. I yield to the Senator, however.

Mr. BRUCE. I had no desire to say anything further about Mussolini. I wish simply to say that I think that the Senator from Montana was quite beside the mark when he imputed to me a disposition to question the sincerity of our Government in proposing this multilateral pact. The trouble with our Government in dealing with foreign nations has always been that it is too sincere, if that can ever be, and that its sincerity is by no means always fully reciprocated by other nations when the play of diplomatic intrigue and finesse commences. The Senator will recollect that our fingers were pretty badly burned when we attempted to enter into a satisfactory naval disarmament agreement with even such a civilized and highly enlightened power as Great Britain.

Mr. SWANSON. Mr. President, I hope the Senator will not precipitate a naval debate in the midst of my remarks.

Mr. BRUCE. I simply wanted to say that I was not imputing any insincerity to our Government.

Mr. SWANSON. I am glad to give the Senator an opportunity to make his disclaimer.

Mr. BRUCE. I would not want to be put in that position for a moment.

Mr. SWANSON. Mr. President, I can not yield further.

Mr. President, the next wars that are to be excluded from the operations of this treaty are such as might arise under the covenant of the League of Nations. The Secretary of State, speaking for this Nation to all the nations that have attached their signatures to this treaty, expressly excluded from its operations all obligations that have been assumed under the covenant by all members of the League of Nations and the signatories; members of the league also specifically reserved the obligations of the league. Let us examine the covenant of the League of Nations and see what wars under its provisions are permissible and to which this treaty would not apply. In article 10 of the covenant the territorial integrity and existing political independence of all members of the league is guaranteed, and provision is made under certain conditions for the council of the league and the members of the league to take action to fulfill the obligations assumed under this section. Thus all wars for this purpose would be unaffected by the provisions of this treaty. Article 11 of the covenant provides:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

This opens up for the decision of the League of Nations a broad and undefined field of activity in use of force or of war as it may determine. It should be noted that this activity of the league is not confined to the members of the league, but includes all nations that are not members of the league. Thus this treaty would not prohibit the 55 nations of the world who are members of the league from having concerted action of force or war against any nation, whether a member of the league or not. All the activities of the league under article 11 of the covenant are permissible under this treaty.

Article 13 of the covenant provides that in case a member of the league fails to comply with the decision of a court or the award of a tribunal to which a matter has been referred, then the council shall propose what steps shall be taken to give effect to such judgment or award. Any war that might arise under this article would be outside the operations of this treaty.

Article 16 of the covenant provides that in case any member of the league resorts to war under articles 12, 13, or 15 of the covenant, it shall ipso facto be deemed to have committed an act of war against the other members of the league, and the members of the league undertake immediately to subject this nation to a severance of trade and financial relations, the prohibition of all intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the league or not. It further provides that it shall be the duty of the council in such cases to recommend to the several nations concerned what effective force—military, naval, and air—the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league. This section further provides that the members of the league will mutually support one another in resisting any special measure aimed at one of their number by the covenant-breaking state. Under this article of the covenant all wars which might arise under it are excluded from the operations of this treaty.

A question has arisen in case the league should declare an economic blockade against any one of its members under this article and seek to enforce it by military force, to what extent would the United States be bound to acquiesce in such action under this treaty. As all obligations of the league are excluded from the operations of this treaty the United States would be as free morally and legally to act in such case as it might see proper, precisely as if this treaty had never been entered into. Our conduct and action would be as free and untrammelled as it now is; the treaty would not affect us in this respect in any way whatsoever. Under this pact the United States assumes no moral or legal obligation whatsoever contained in any other treaty, covenant, or agreement. Its obligations are absolutely limited to this treaty.

Mr. President, the League of Nations is left unaffected by this treaty. It does not modify, restrain, or alter it in any respect. The obligations of the league are left unaffected by this treaty. Therefore the friends of the League of Nations can support this treaty without apprehension that it will in any way interfere with the league and its activities and undertakings.

Mr. President, the written agreements or the treaties of Locarno are also expressly excluded from the operations of this treaty. The first of these treaties, and the most far-reaching, signed by Germany, Belgium, France, Great Britain, and Italy guarantees the present boundaries of these countries in the west and the inviolability of the demilitarized zone in the Rhine as defined in the treaty of Versailles. The second class of these

treaties are arbitration treaties between Great Britain and France, Germany and Belgium, Germany and Poland, Germany and Czechoslovakia, which if complied with would prevent war, but in case of noncompliance might result in war, which, if once started, would be far extended. There is also a treaty somewhat similar to but a little different between Poland and Czechoslovakia. The third class of these treaties consists of two guaranty treaties between France and Poland and between France and Czechoslovakia in which France agrees to give Poland and Czechoslovakia immediate assistance in the event of unprovoked aggression against them by Germany.

The ninth document is a letter sent after the signing of the treaties to the German delegation assuring Germany that the interpretation of article 16 of the covenant of the League of Nations is as follows:

> * * * the obligations resulting from the said article on the members of the league must be understood to mean that each state member of the league is bound to cooperate loyally and effectively in support of the covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account.

All of these agreements were conditioned upon the entrance of Germany into the League of Nations and were to be exercised in pursuance of the obligations of the covenant. Thus, all wars which might arise under the Locarno treaties and understandings may be considered as exclusions under the covenant of the League of Nations also, as by their terms and texture they are really made a part of the covenant. These Locarno treaties and understandings are left unaffected by this treaty. Thus, those in favor of the Locarno agreements and are hopeful of peaceful results therefrom can support this treaty and have no apprehension that these agreements are in any way interfered with by this treaty.

Mr. President, these exclusions from the operations of this treaty are clear, definite, and certain. There is nothing that can be productive of misunderstandings. The proponents of this treaty have wisely excluded from its provisions all the obligations assumed by nations in the Locarno agreements and the covenant of the League of Nations. These instrumentalities of peace are left untouched and unchanged by this treaty. The proponents of this treaty concur that these agencies of peace should not be interfered with, and such force as is permitted under them is designed for the prevention of war. I desire to congratulate the proponents of this treaty for their cordial and thorough indorsement of the League of Nations, its work, and purposes.

Mr. President, this treaty makes other exclusions of war from its provisions. In the reply of the British Government on May 10, 1928, through Mr. Chamberlain, the Foreign Secretary, to Secretary of State Kellogg, there is this language:

> The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

Thus Great Britain clearly reserves to herself certain regions of the world in which she proposes to permit no interference from anyone, and where she claims a special and vital interest and to do as her will and judgment may dictate. The British Government in its final acceptance of the treaty specifically states:

> As regards the passage in my note of the 19th May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

In order to justify her claim of right thus asserted by the British Government should be noted the following reference to the United States:

> The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

Thus Great Britain asserts she understands that the United States intends to maintain the position that this treaty does not in any way affect the Monroe doctrine and which the United States expects to adhere to despite this treaty. Thus Great Britain demands for herself the Monroe doctrine applied to certain regions where she claims a vital interest, and concedes to the United States the Monroe doctrine limited to the Western Hemisphere. To this condition of signature prescribed by Great Britain Secretary Kellogg made no reply. As Great Britain signed the treaty without any reply from Secretary Kellogg, it must be assumed that he acquiesced in the contention of Great Britain and that these certain regions are excluded from the provisions of the treaty. If this is not correct, it was the duty of the Secretary of State in frankness and candor to make reply and insist on no such exclusion. Thus Great Britain would not under this treaty be prohibited from waging war in those regions of the world where she considers she has a vital interest. As Great Britain has interests in all parts of the world, this treaty would hardly restrain her in many conceivable cases. It is left to her decision and judgment under this understanding to determine what these interests are and where located. If this right belongs to Great Britain where she has special interests, it belongs equally to other nations. If Great Britain is unfettered and unrestrained by this treaty to wage war in China, Egypt, the Sudan, India, and Afghanistan, Italy is equally unrestrained in the Adriatic, and Italy and France are unrestrained in the Mediterranean and Africa, where they have special interests and possessions. These reservations of Great Britain are of little value and importance, since they are all included in the right of self-defense, which under the treaty is reserved to each nation, and each nation determining for itself the necessity for and the means to be used.

Mr. President, it should also be specially noted that through the open and repeated insistence of Mr. Austen Chamberlain and the silent acquiescence of Secretary Kellogg the Monroe doctrine is left unaffected by the treaty. If this treaty is ratified, the Monroe doctrine will retain its present status; after careful consideration this conclusion seems to my mind incontrovertible. The Monroe doctrine remains unaffected by this treaty—

First. Because, as just stated, the insistence of Mr. Austen Chamberlain and the acquiescence of Secretary Kellogg specifically exclude it from the operations of the treaty.

Second. The United States could preserve it and use all force necessary to do so under the plea of self-defense, the necessity of which every government determines for itself. All acts or wars of self-defense are excluded from the operations of this treaty.

Third. If any outside government should commit any act of aggression in North, Central, or South America, that nation having violated this treaty would be denied its protection and the United States under the very terms of the treaty would be relieved of all the obligations of the treaty toward that nation.

The strongest adherents of the Monroe doctrine in its most extreme form can vote for this treaty with the full assurance that the treaty leaves the doctrine undisturbed. Those who favor the Monroe doctrine being maintained as a shield of protection to all Latin America from foreign aggression and not as an excuse for interference in their domestic affairs, and the extension of the power and influence of the United States by force and war, can approve this treaty, since it proclaims sentiments of peace and good will, and its declarations condemnatory of war, if adhered to, would prevent a recurrence of deplorable transactions which have recently occurred in Central America. The treaty speaks the voice of peace but places feeble restraints on the strong arm of war. I am unwilling to defeat this treaty and silence this voice of peace, however feeble, crying out in a world wilderness of threatened war and woe. The voice may become louder and more potential through the receding years.

Mr. President, the treaty contains no sanctions for its enforcement. No obligation, moral or legal, is assumed by the signatories to use punitive measures against any nation that may violate the treaty. No possible interpretation could construe a treaty promising not to go to war into an obligation to wage war. The indirect implication would be contrary to and irreconcilable with the positive promise. The promise in the treaty is limited to the individual obligation of the signatory and contains no guaranty for any other nation. It should also be noted that the reservations or interpretations made by Secretary Kellogg for the United States are made by notes exchanged similar in

method to those made by other nations, and hence no necessity exists that these should be repeated in the resolution of ratification. The treaty provides no tribunal, no instrumentalities for the settlement of international differences. These are left to be composed outside the scope of the treaty. This was one of the fatal defects of the treaty even in the form as originally proposed. International differences, if long continued, invariably fester and produce increased soreness. International tribunals of efficiency and character, inspiring confidence and acquiescence, are indispensable for their proper settlement. This treaty ignores these entirely. Mr. President, after mature consideration I have reached the conclusion that this treaty is a friendly gesture for peace, that as a peace pact it will be found ineffective and disappointing. No nation can rely upon it for protection. This is the view of President Coolidge, since in his Armistice Day speech, in which he mentions this proposed multilateral treaty, he strongly recommends an adequate Navy for national defense and the protecting of our great foreign interests and commerce. This pact has not been considered by him sufficient in its peaceful accomplishments to induce him to reduce in the least his demands for an increased Navy. His contention in this respect despite this treaty is wise and foreseeing. He apprehends the troubles and dangers which will accrue to us from deficient naval armaments. He wisely concludes it is better to trust our rights and security to naval ships than to this peaceful gesture, although concurred in by all nations. Mr. President, although this treaty is a mere gesture, yet it is a gesture of peace, not hostility; of good will and conciliation, not of irritation and defiance. While it may be powerless to prevent war, yet it legalizes no war. It permits but does not approve war. It is a noble gesture or declaration for world peace and as such I shall support it. It marks an advance for peace, not a retreat. It will be beneficial in crystallizing and in increasing the sentiments of the people of the world for peace. The only sure foundation upon which world peace can be permanently builded is the earnest wish and determination of the people for peace. This is a light, though a feeble one, which may guide some along the pathway of peace. The friends of world peace must realize that in securing this pact while they have made some advance, yet they have hardly begun the long journey which they have undertaken to abolish war as a means of the settlement of international difference. The Senate would not be justified in rejecting this treaty negotiated by our Government. We would be misunderstood and misrepresented in the world as possessed of imperialistic aims and warlike purposes. We should willingly permit our Government to make to the world this noble gesture of peace and friendliness.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bayard	George	McKellar	Shortridge
Bingham	Gerry	McLean	Smoot
Blaine	Glass	McMaster	Steck
Blease	Glenn	McNary	Steiwer
Borah	Goff	Moses	Stephens
Brookhart	Gould	Neely	Swanson
Broussard	Greene	Norris	Thomas, Idaho
Bruce	Hale	Nye	Thomas, Okla.
Burton	Harris	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hawes	Pine	Vandenberg
Couzens	Hayden	Ransdell	Wagner
Curtis	Heflin	Reed, Mo.	Walsh, Mass.
Dale	Johnson	Reed, Pa.	Walsh, Mont.
Deneen	Jones	Robinson, Ark.	Watson
Dill	Kendrick	Sackett	
Edge	Keyes	Schall	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. McLEAN. Mr. President, ordinarily I think too much of my time, however valueless it may be, to consume it fighting what is said to be a lost cause. Six weeks ago I expected to vote for this treaty without comment, but I have changed my mind, and as a member of the Committee on Foreign Relations I want to put into the RECORD a few of the reasons why I can not vote for it, unless the Senate, by resolution or otherwise, makes it clear that its views with regard to the right of self-defense coincide with those of the distinguished chairman of the Committee on Foreign Relations.

After listening to his very able presentation of what he conceives to be the purpose of this treaty, I would look for peace in the only place where he and I agree it can be found with certainty. If I could have my way, I would send both the treaty and the cruiser bill back to their respective committees. I would then adopt a resolution requesting the President to call a conference to be composed of the signatory powers to this treaty for the sole purpose of reducing navies to reasonable domestic peace requirements. At the end of this conference we would know just how anxious our neighbors are for the only kind of peace worth having.

In other words, Mr. President, I think the time has arrived to stop throwing peace paper wads at the dogs of war, expecting that they will seriously injure the dogs or destroy their appetite for a more palatable diet. I think the time has arrived to pull the teeth of these dogs if their owners want to reduce their fighting propensities and possibilities. But I would not begin by pulling the teeth of our half-grown pups while other nations are enlarging their packs with full-grown specimens and are sharpening their teeth. To change the metaphor, I would tender to our foreign friends some of the peace paper currency issued by the League of Nations and the Locarno treaty and our own arbitration treaties and see whether we could get anything worth while in return.

But, Mr. President, I realize that the Senate will not do this, and so I suggest that the Senate ought to use ordinary care in its treatment of this vitally important matter, and, as far as is possible, save the generations to come from just accusations of deceit and bad faith.

I look upon this treaty as running upon all fours with the eighteenth amendment to the Constitution of the United States. A few men, clothed with a little brief authority, conceived the idea that they could by operation of law make men stop wanting what they do want, just as in this treaty a few men conceived the idea that they could repeal nature's first law and destroy the acquisitive and combative instincts by signing an agreement not to fight unless they want to fight.

Mr. President, I feel that I am not only honor-bound but oath-bound to bring to this instrument freedom of criticism and conclusion unbiased by outside influences, however threatening or tempting they may be. I think that the experience we had less than 10 years ago with international peace leagues and proposals revealed to us the almost prophetic wisdom of the framers of the Constitution, when they decided that our contracts with foreign powers should have the approval of two-thirds of the Members of this body.

It is my view that the assertion or intimation that some, if not all of the powers, will withdraw their support from this treaty in the event the Senate should follow their example in their insistence upon reservations can not be well founded if they are acting in good faith, and if they are not acting in good faith, now is the time to find out. I think we ought to have confidence enough in our good will and peace-seeking neighbors to assume that they are willing to accede to us the same liberty of interpretation that they have deemed it wise to exercise in behalf of the nations they represent.

I think the American people and the rest of the world clearly should understand that this treaty attempts to do nothing more than express a mutual and sincere desire for peace; that it contains no obligation to use force or refrain from the use of force; that it does not and will not entangle or disentangle anybody or anything; but that it is the hope of all that its solemn ratification may bring the world a little closer to an intelligent understanding of the real forces and facts that make and unmake peace and good will among individuals, states, and races. If, as is asserted by Mr. Kellogg, this is precisely what its sponsors claim for it and all they claim for it; if, as they say and he says, it is nothing more than a good-will gesture, solemnly affirmed, what earthly or heavenly objection can there be to a formal expression by the United States Senate that will protect future generations from any misunderstandings with regard to the matter?

I can not account for the inordinate desire for haste evidenced by the friends of the treaty. All of the powers capable of starting a war worth mentioning are members of the League of Nations and the Locarno treaty, and most of them have agreed to arbitrate all of their disputes with us that can properly be settled by peaceful methods; so we find all the powers that we need fear, or that are afraid of each other, already thrice bound by paper promises to keep the peace. These promises, now solemnly signed, sealed, and delivered, carry with them ways and means for their interpretation and performance. Why, then, this anxiety to get us to sign a fourth promise, if it is nothing but a gesture? And why should we, of all nations, be in a hurry about it? Is there any reason why France should not see in this treaty a moral obligation on our part to help her maintain the status quo, or any reason why Germany should not see in this treaty a tender of our sympathy and friendship in the event the German people should start another war in defense of the fatherland? Under the highly polished veneer of diplomacy, does this treaty do more than conceal the hope, on the part of each of the great and frightened powers, that by

signing it each will be safer in its intrigues and ambitions to get an advantage over a competitor or maintain an advantage already in hand?

If we can rely upon anything as a basis for an accurate inventory and appraisal of the moral forces behind this treaty, we can rest assured that human nature in Europe and elsewhere is what it was 10 years ago. The centuries may have inclined the world to prefer mercy to cruelty, but the acquisitive and combative instincts are still at par, and forbidden fruit is as sweet and popular to-day as it was in the Garden of Genesis.

I am not an isolationist. I voted for the League of Nations and our adherence to the World Court with reservations. I realize that industrial and cultural internationalism is on the way, and I hope that our influence will help it respond to the economic and ethical necessities of an intelligent civilization. But I think we can all agree that political internationalism is entirely a different matter. I need not discuss the racial, geographical, and economic reasons why a political supersovereignty with the vast and complicated judicial, legislative, and executive machinery necessary to its existence is still among the things that dreams are made of. And it is well to bear in mind that neither peace leagues nor world courts nor modifications of international law can abolish wars or rumors of wars without the aid of an international army and navy, operated in obedience to international decrees, delivered in sealed envelopes to international generals and admirals. International wars and crimes and misdemeanors must be abolished as the domestic varieties are abolished by superior force. Mere declarations and renunciations of war, solemn declarations abolishing war and agreeing not to fight are all alike impotent provided anyone wants to fight.

The eighteenth amendment abolished the right to make or sell alcohol for beverage purposes, and yet we read in the Washington News, a journal violently supporting this treaty, that $2,000,000 worth of alcoholic beverages were bought and sold in the city of Washington on the one thousand nineteen hundred and twenty-eighth anniversary of the birth of the Prince of Peace. This deplorable fact does not argue for or against the purposes of the eighteenth amendment. It does furnish, however, a startling and conclusive illustration of the generally forgotten fact that laws and constitutional amendments and treaties are rear guards only. If they attempt to lead they will be ignored to the extent that they do not run in harmony with the public conscience, be it good or evil.

This brings me to a brief consideration of some facts which I think bear upon this treaty and which we must not ignore if we desire to avoid serious complications for those who will come after us.

In the first place, I want to remind the Senate that in so far as there is a chance for permanent peace with justice in the world to-day the credit is entirely due to the men and women who won the war which ended in November, 1918. Had they failed, imperialism by divine right would have imposed terms upon the vanquished that would have made another war inevitable, and multilateral peace treaties to-day would be religiously unpopular in ambassadorial circles. We look upon war just now as a very wicked and a very silly business, but I think we can agree that it was a very praiseworthy and serious business for the dead and maimed and their comrades who brought it to a victorious conclusion.

I have nothing against generals or prime ministers, but it was my fear at the close of the war, a fear that has been fully justified by subsequent events, that the cause for which our soldiers risked and many of them lost their all would be forgotten by the generals and others interested in accumulating glory and real estate. Deaf to our advice, blind to our example, and dumb to the purposes for which they claimed they wanted our assistance, the nations that we saved from unspeakable disaster and humiliation left considerable portions of the world's surface as unsafe for democracy as they could. I am not saying that they were greatly to blame then. The god of battle had us all in tow for many months after the war ended. I can put myself in the place of the French father and mother, bereft of sons and home, and find plenty of excuses for the treaty of Versailles when it was ratified. Nevertheless, the fact remains that the victors left the vanquished about as Rome left Carthage in the brave days of old. Our associates signed the covenant of the League of Nations, the declared purpose of which was to secure a rapid and radical reduction in the armies and navies of the great powers, and then they proceeded to increase their armies and navies. Later on, having agreed with us to reduce naval armaments of a certain type, they proceeded to strengthen their navies in other types. Having taken from Germany all of her colonial possessions and imposed reparation penalties to the limit and beyond, it was natural for our associates to want to continue that good old plan by which he shall take who has the power and he shall keep who can. It was natural, but it was wrong, and as yet we have seen no signs of repentance worth noting.

I am confident that the good men and women in America who want this treaty ratified have given but little consideration to the war-breeding conditions in the East which must be removed by the victors in the late war if paper promises to maintain peace will do more than testify to the hypocrisy of those who have signed them. In Russia we find white autocrats supplanted by red autocrats determined upon a world revolution that will destroy individual and economic liberty and substitute a political and social régime of universal poverty for the common good. When Russia finds that this sort of thing is unworkable outside of cemeteries and penitentiaries nobody knows what will happen. But, with an Army already organized consisting of five millions of gentlemen and a million or more ladies, we may hope for the best and expect the worst.

Dictatorships, varying in their badness, are regnant in Italy, Bulgaria, Rumania, Hungary, Poland, and Lithuania, and we know how these dictatorships will end if history repeats itself. We find Austria torn to pieces; Germany dismembered; and the political union of these two powers forbidden by the treaty that was to make the world safe for the doctrine of self-determination. We find La Belle France and Mother England alternately nursing and spanking their old and new war babies, as the occasion may require, quite indifferent to their parentage. [Laughter.]

In the west we find the old dispute between England and the United States as to the rights of neutrals and free cargoes upon the high seas as acute and keen as it was in 1915, before the *Lusitania* was sunk, and the United States Senators were demanding that our Navy drive British cruisers away from our merchant ships carrying cotton to Germany. I am calling attention to but few of the items which indicate that the kind of world peace for which it was claimed the war was fought has been forgotten or ignored by our victorious associates. In a word, anyone who cares to familiarize himself with the political, racial, and economic conditions imposed upon Europe by the treaty of Versailles must reach the conclusion that peace hallelujahs and other varieties of lip service will not prevent future wars so long as the great powers persist in sowing the seeds of war. The same motives that impelled France to want to keep what she took from Germany will justify Germany in seeking their recovery as soon as she is able. France knows this and that is why shortly after the treaty of Versailles was ratified, France proposed a military alliance with the United States and Great Britain to maintain the status quo.

This proposal was declined. Then France sent her armies into the Ruhr Valley, and when she failed to realize her purpose in doing this, France again came to us with a proposal that the two nations that had sustained peaceful relations for 150 years should promise to remain at peace, a clear indication that France might want our help for purposes other than those mentioned in the treaty. About two months ago Mr. Poincaré, Mr. Chamberlain, and Mr. Parker Gilbert agreed with Germany that the Dawes plan of reparation should be revised, and it is there and to them that we must look for adjustments and compromises that will remove existing fears and secret vows of vengeance and help Europe to maintain political and industrial good will.

If we want good will, we must pay for it in the kind of currency that will buy it.

If Mr. Briand had gone east instead of west and promised Germany that he would do his best to bring about a modification of the unbearable terms of the Versailles treaty, he might have lost his job; but he would have gone into history as a genuine friend of peace; and if France had supported him, she would have commanded the admiration of the world and regained her historic reputation as a good sport and lover of fair play. But Mr. Briand comes to us with his new pipe of peace. We suggest that it is a good time for all the braves to gather around the international wigwam and have a smoke. This they did, but, as might have been expected, they found a carload of coughs in the first puff of the self-defense mixture, and they declined the second puff until it was understood that it would not interfere with the free use of tomahawks and hatchets. [Laughter.]

The first section of the treaty is behind the event and, therefore, harmless. The second section is a thousand years ahead of the event, if it means what it says.

Disputes of every nature and origin must be settled by peaceful methods. If an enemy hits you hard enough to cause you to dispute his right to do it, you must keep your hands in your pockets. This is what the treaty says. In just three lines it outlaws nature's first law and inlaws the millennium. But,

of course, it does not mean what it says. We are told that paper promises not to fight always imply the right to fight in self-defense. As history does not record a nondefensive war in the opinion of either of the combatants, this treaty seems to return the world to about where it started. Cain slew Abel in defense of his line of business, so Cain said, and the Lord promised sevenfold vengeance upon anyone who disagreed with him. We invaded Cuba in defense of the American idea in general and the Cuban people in particular. Germany invaded Belgium in defense of the Fatherland and the war-guilt probers have revealed many pertinent facts which sustain this contention.

We find about the same conglomerate of men and morals in the ranks of both sides that we did when war was the only instrument of national policy known to self-respecting States. We find socialist and individualist, deist and atheist, Moses and Darwin, marching shoulder to shoulder for God and country in the ranks of friend and enemy; and, as usual, victory goes to the heaviest artillery. This was the case only 10 years ago.

So, Mr. President, the signatory powers having made it clear that under this treaty they can fight whenever they want to, we then come to their antagonistic views as to when and under what circumstances each would have the right to want to fight.

When this treaty was considered by the Committee on Foreign Relations it was accompanied by a pamphlet containing the official communications antedating the approval of the treaty. It was claimed by some that when the treaty was signed all these preliminary discussions and reservations would be merged in the treaty, but, as there is nothing in the instrument itself that attempts to provide or designate a tribunal to inquire into or discover the guilt or innocence of the nations involved, it goes without saying that should a dispute arise every explanatory word and comment and every condition of acceptance that was reduced to writing by the official negotiators before the treaty was approved will be published, and all the extensions and all the limitations of the right of self-defense which may appear in these communications will bring acquittal or conviction as public opinion in the nations interested may decide. In the meantime, self-interest and inherited prejudices will line up other nations indirectly interested in the controversy; and, should war ensue, might will make right, as usual.

The first thing that aroused my interest in these preliminary negotiations was the extreme care with which Great Britain reserved the right to defend her "regional" interests far away from home, and the like care with which we omitted any mention of ours. We not only failed to mention them, but in the first section of our letter to the powers of date June 23, 1928, in defining the right of self-defense, we said:

> Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion—

And so forth.

In our arbitration treaty with France, ratified in February last, we were very careful to specify the Monroe doctrine as likely to raise questions that could not be arbitrated. This was done in all of our arbitration treaties. But, I repeat, in the multilateral treaty we not only failed to mention the Monroe doctrine, but we used language calculated to limit our right of self-defense to invasions and attacks upon our territory.

I must assume that this was done in order to secure the signatures of some of the countries in South America; and, if this assumption is correct, both ourselves and the objecting countries made a serious mistake, in my opinion. The Monroe doctrine is not easily defined, but we know it goes far beyond the mere defense of our territory. To use a few big words, it is an ethnological, anthropological, sociological, geographical fact. To use a street expression, it has been and still is "in the cards"; and these cards are dealt by forces quite beyond the control of law and treaty makers. When we secured our independence, democracy was stamped upon every rod of the Western Hemisphere, and the Monroe doctrine would have been observed to the letter if it had never been written by Mr. Adams or read aloud by Mr. Monroe; and we know that any attempt by anybody to interfere with it in the future will result as such attempts have resulted in the past. But as this doctrine has been published or proclaimed and its principles reserved in all of our peace treaties, its omission in this treaty is significant and dangerous.

On the north for a 100 years or more we have had a treaty with Great Britain, by the terms of which the Great Lakes were to remain free of competing navies; but this treaty has been nothing more than a reminder of conditions that would have obtained without it, and the reasons are racial and generic. For similar reasons, in the south we have had occasion to intervene in the past, and may have occasion to intervene in the future. Right here, let me say that this doctrine of nonintervention, so dear to some peace lovers, has no foundation in ethics. Sometimes it is very wrong; sometimes it is a plain and positive duty. It all depends. Our liberation of Cuba and our construction of the Panama Canal are major instances of our purposes toward our neighbors on the south. We want them to maintain law and order, raise their standard of living, and enjoy the highest degree of prosperity possible; and that is all we want. We know that the art of self-government is not an easy one to master. It may not be our fault or the fault of our neighbors that we and they remain in ignorance of its ultimate possibilities. It is our idea that it must be learned some time if the nations of the earth are to secure and maintain international peace with justice, and if this art can not be acquired by self-instruction it must be taught; and if we do not teach it to ourselves in the Western Hemisphere somebody else will.

We have bandits in Chicago and elsewhere. We also have corn borers, coyotes, and boll weevils; and they all present precisely the same economic and ethical problems. We do not poison the bandits, but we try to catch them; and if we succeed we shut them up, and give them three square meals a day, and try to reform them. Twice in recent years we have intervened to protect South American countries from the aggressive propensities of European powers. Several times in our history our men-of-war have found it necessary to go far from home to protect the lives and vital interests of our citizens. We may have occasion in the future to act the part of the good Samaritan and use force if necessary to suppress organized crime—errands far remote from the defense of our immediate territory, and wholly commendable.

If this treaty is ratified and the interpretative resolution is rejected in toto, our neighbors will claim that we have abandoned the Monroe doctrine; and they will point to its significant omission in our note to the signatory powers, and to the limitation of our right of self-defense to attacks upon our territory, in support of their claim. Our neighbors will insist that we have abandoned the Monroe doctrine, and foreign powers will insist that the League of Nations is to settle disputes which may arise in the Americas; and South America will be the first to regret it.

Already we are informed that an inscription is to be placed in the room where the Council of the League of Nations meets, noting the fact that the cablegram which was sent to Bolivia and Paraguay prevented war between these countries. The Swiss Government is to be applied to for permission that this inscription be placed in this room. Here we have a definite intimation of what will be expected of us if we do not remove by Senate resolution our implied abandonment of the Monroe doctrine contained in our official communication to the other powers.

I say again, if this treaty is to be a gesture and nothing more, why should the Senate hesitate to adopt a resolution that will put it in accord with this view? And if this treaty is more than a gesture, why should we hesitate to say that its obligations do not impair our right to defend our vital interests whenever and wherever they may be endangered?

Moreover, as long as the nations of Europe are afraid of each other, and have good cause to be, and are jealous and suspicious of us without cause, it is vitally important that we keep fairly prepared for any emergency that may arise. Let us not forget that in 1915, when our merchantmen were sunk and President Wilson warned Germany of the consequences that must follow a continuation of ruthless attacks upon our ships, Mr. Gerard, then located in Berlin, replied to Mr. Bryan, then Secretary of State, that Germany looked with equanimity upon our entry into the war. Do we want to persist in maintaining this humiliating and helpless condition, knowing as we all do that when the right ceases to resist evil the right will cease to exist?

For the accommodation and concealment of men with poisonous weapons and purposes the world to-day is as well adapted and not much larger than were the forests of New England when our forefathers took their muskets with them to church and to town meetings and into the field. They did this in order that they might praise God, maintain order, and hoe corn unmolested; and that is all we want to do. If we reject the interpretative resolution and fail to pass the cruiser bill, we notify the world that in the future our first line of defense will be composed of hymn books only.

When our neighbors of all colors and political creeds see fit to meet our proposals to disarm, we shall be glad to continue to lead the way.

If the great powers, having signed this solemn promise never to fight again, had added an agreement to reduce their navies in harmony with this promise, they would have exemplified a state of mind consistent with good faith and a sincere desire to avoid war. But inasmuch as their subsequent conduct indicates that their purpose in signing this scrap of paper is to encourage us to neglect our first line of defense while they strengthen their own our duty is plain.

We are already told by the nations that rule the waves that the value of this treaty will depend upon the extent to which we "backed it." Here again it is evident that it is protection and peace for the status quo that France and England want. Should Austria and Germany form a political union we would have an act of aggression forbidden by the league covenant. In this contingency should we maintain a tongue-tied neutrality, we would be denounced as slackers. Should we openly sympathize with or support in any way Germany and Austria in their desire to enjoy the self-determinatory privileges promised by President Wilson and others, a very serious situation would present itself.

Similar complications might arise should other nations in Europe, or elsewhere, desire to combine or change their boundary lines by peaceful methods forbidden by the treaty of Versailles. We would, of course, insist that this treaty imposes no obligation upon us to interfere, and we would do this if we wanted to, with or without the interpretative resolution or the assurances contained in the preliminary correspondence. But, whatever we might do, I think we must see that in the contingencies suggested we would be better off without this treaty than with it.

Should war ensue and the nations align themselves as self-interests might dictate and we should adopt a policy of watchful waiting, the combatants on both sides and all sides would tell us that our treaty was a mere "pifflebund," a "hostage to hypocrisy," a Lucy Lockett's pocket with nothing on it, nothing in it, but the binding around it. "If your treaty is without moral, legal, or physical dimensions, why did you ask us to sign it," will be the song and the sermon of the nations who want to sustain the terms of the Versailles treaty. We shall be told that we are morally bound to fish or cut bait; that the party is our party and that the boat is our boat; that they are in it upon our invitation, and that we have no right to go ashore.

We know that if conditions such as I have noted arise we shall seek the shore if circumstances will permit, in which event it will occur to the people of the United States that our peace party was ill-advised and that it would have been much better for us if we had never left the shore. In a word, we may be as unfortunate with, as without, the interpretative resolution. Nevertheless, I maintain that as a precautionary stitch, which may save nine later on, no sincere advocate of this treaty should object to it.

I want to repeat with all the emphasis I possess that the proposed treaty ignores entirely the historic principle underlying the structure of the United States, known as the Monroe doctrine. It is the first time since the American Civil War that in any proposed international treaty for world peace to which the United States has been invited, or of which the United States is a part, the Monroe doctrine has not been specifically reserved.

The first Hague conference of 1899 contained this reservation:

> Nothing contained in this convention should be construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions or internal administration of any foreign State, nor shall anything contained in the said convention be so construed as to require the relinquishment, by the United States of America, of its traditional attitude toward purely American questions.

The Second Hague Conference of 1907, creating The Hague Court of International Arbitration, preserved the Monroe doctrine reservation.

In the great battle of the covenant of the League of Nations in this Chamber the Senate, learning that the proposed covenant was silent on the Monroe doctrine, agreed to a resolution declaring it the sense of the Senate of the United States that it—

> will not submit to arbitration or to inquiry any question relating to the Monroe doctrine.

Thereupon President Wilson had inserted in the covenant of the League of Nations Article XXI:

> Nothing in this covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understanding like the Monroe doctrine for securing the maintenance of peace.

I am well aware that since the close of the World War and the establishment of the League of Nations a determined effort has been made to break down the Monroe doctrine and to throw it into the discard. This effort has been encouraged largely by the defenders and promoters of the League of Nations, who, directly or indirectly, have poisoned the minds of a few leaders in some Central and South American Republics with regard to it.

I think we should take nothing for granted with regard to this matter.

It is unnecessary for me to quote from the addresses of such outstanding statesmen as former Presidents Roosevelt and Taft, Secretaries Root and Hughes, and Senator Lodge, and others. In 1923, in celebration of the one hundredth anniversary of the doctrine, Senator Lodge said:

> The application of the doctrine rests with the United States, and for the security, the peace, and the well-being of the American continent and of the people of the United States is just as vital, just as essential now as when Monroe and Adams formulated it and gave it to the world.

In 1924 former Secretary Hughes said of the doctrine:

> To withdraw it would simply invite trouble by removing an established safeguard of the peace of the American continents. It is a policy which has rendered an inestimable service to the American Republics by keeping them free from the intrigues and rivalries of European powers.

At Habana, as late as February, 1928, Mr. Hughes again eloquently defended the Monroe doctrine against the charge of imperialism and dictatorship.

In conclusion, let me say that I have nothing but praise for the purposes of the American statesmen who want this treaty ratified. I have been as frank in expressing my views with regard to it as those views are sincere. The Senate always speaks the truth and nothing but the truth, but the whole truth is sometimes left unspoken by diplomats for reasons good and sufficient to the speaker.

The story leading up to this latest proclamation of the golden rule as applied to national intercourse is long and it is not new. We all know how this rule has operated as applied to individuals during a period of nearly 2,000 years, and as the greatest of States is composed of the average man and woman it is my opinion that the nation or the man or woman who looks to the treaty maker or the lawmaker for world or individual good habits will be sorely disappointed.

I do not think the hour has arrived when we should admit that our forefathers set us a bad example when they used force to preserve the only kind of peace worth having. I do not think that the hour has arrived for us to surrender or betray this kind of peace to misinformed saints or well-informed sinners. I think it is our manifest and sacred duty to keep our powder dry and in quantities sufficient to incline other nations to the belief that the universal brotherhood we all hope for will never be the portion of greed or ignorance. If the first section of the Moses resolution is adopted, I shall vote for the treaty in the hope that the signatory powers will do what we want them to do—prove their faith by their works. If they fail in this, then the treaty will bring nothing but criminations and recriminations and imputations of perfidy and bad faith. It is to avoid accusations of just this sort against my country that I urge the Senate to use ordinary care in its decision with regard to this all-important matter.

Mr. BORAH. Mr. President, I understand that there is no one else who wishes to speak on the treaty this afternoon and the Senator from Kansas desires an executive session behind closed doors.

COUNTING OF THE ELECTORAL VOTE

Mr. SHORTRIDGE. Mr. President, as in legislative session, on behalf of the Committee on Privileges and Elections I am authorized to report favorably without amendment Senate Concurrent Resolution 28, which I submitted on Thursday, relating to the election of President and Vice President of the United States. I ask unanimous consent that it may be considered by the Senate at this time.

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The concurrent resolution (S. Con. Res. 28) was read, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1929, at 1 o'clock p. m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by

the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. ROBINSON of Arkansas. Is the resolution in the usual form?

Mr. SHORTRIDGE. It is, I may say to the Senator.

Mr. ROBINSON of Arkansas. I have no objection to its consideration.

The concurrent resolution was considered by unanimous consent and agreed to.

REPORT OF S. PARKER GILBERT ON REPARATIONS

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to have printed in the RECORD an interesting discussion of the report on reparations by Mr. S. Parker Gilbert, contained in the Washington Post of yesterday.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MR. GILBERT'S BOOMERANG

The rosy report of German economic conditions made by S. Parker Gilbert, agent general for reparations, is having the effect of several boomerangs. German public opinion is furious, charging that Mr. Gilbert is deliberately exaggerating German prosperity so that the Allies can fasten upon her enormous reparation claims. French public opinion is delighted with the assurance that Germany can pay reparations at the present rate of $600,000,000 a year. Therefore France is expected to make very stiff demands upon Germany as the price of consenting to a scheme for "commercializing" the reparation debt. British opinion is confused, part of it rejoicing in the prospect of obtaining heavy payments indefinitely from Germany and the other part looking dubiously upon the prospect of a scaling down of Britain's debt to the United States.

Apparently Mr. Gilbert's report was designed partly to convince prospective American investors in German bonds that Germany is solvent and prosperous. But if this was the object, Mr. Gilbert may have overplayed his hand by encouraging the allied powers to increase their demands upon Germany and correspondingly discouraging the movement in Germany to commercialize the reparation account. The Germans are anxious to get the Allies out of the Rhineland, but the military occupation is no longer looked upon as a menace, and the recent outbursts of President Hindenburg and Chancellor Mueller were not taken seriously. Germany can afford to drive a hard bargain in the forthcoming meeting of the experts, because of the saving clause in the Dawes agreement which provides that Germany's "capacity to pay" shall always be taken into account. If Mr. Gilbert is mistaken in his report of German capacity to pay, Germany may be better off under the present arrangement than under a commercialization agreement.

Mr. Gilbert now comes to the United States, to find the conditions unpropitious for floating a big German loan. German bonds already held by Americans are sagging, and investors have not failed to note Mr. Gilbert's statement that the German States are extravagant and are drawing too heavily upon the resources of the reich. It is noted also that German authorities are laying stress upon the disordered condition of the railroads, which will hardly prove to be an incentive to heavy American investment in German railroad bonds. Americans are making too much money in the home market, in any event, to bother with foreign investments at this time.

Thus, with growing disagreement abroad as to Germany's economic condition, and with Americans immersed in profitable operations at home, the carefully prepared scheme to "liquidate the war" at American expense does not seem so promising as it did a few weeks ago, when Messrs. Briand, Churchill, Stresemann, and Gilbert agreed with international bankers that the time was nearly ripe for making another ingenious attack upon the American pocketbook.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened; and (at 3 o'clock p. m.) the Senate, as in legislative session, adjourned until Monday, January 7, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 5, 1929

UNITED STATES PUBLIC HEALTH SERVICE

Dr. Cassius J. Van Slyke to be assistant surgeon in the Public Health Service, to take effect from date of oath. (Dr. Van Slyke has passed the examination prescribed by law and the regulations of the service.)

UNITED STATES COAST GUARD

Ensigns to be lieutenants (junior grade) from May 26, 1928

Ensign Henry T. Jewell.
Ensign Donald F. A. De Otte.
Ensign Irving E. Baker.
Ensign Gordon A. Littlefield.
Ensign Frank Tomkiel.
Ensign Kenneth A. Coler.
Ensign Henry J. Betzmer.
Ensign George C. Whittlesey.
Ensign Beverly E. Moodey.
Ensign John A. Fletcher.
Ensign Walter S. Anderson.

The above-named officers have passed the examinations required for the promotions for which they are recommended.

UNITED STATES DISTRICT JUDGE

Robert R. Nevin, of Ohio, to be United States district judge, Southern District of Ohio, vice Smith Hickenlooper appointed circuit judge.

UNITED STATES ATTORNEYS

Leo A. Rover, of the District of Columbia, to be United States attorney, District of Columbia. (Mr. Rover is now serving under appointment by the court.)

William A. Bootle, of Georgia, to be United States attorney, middle district of Georgia, vice Scott Russell, appointed by court.

UNITED STATES MARSHALS

W. Vosco Call, of Utah, to be United States marshal, district of Utah, vice Hyrum O. Pack, appointed by court.

Charles A. Smith, of Indiana, to be United States marshal, northern district of Indiana, vice Lewis C. Sheets, appointed by court.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 5, 1929

APPOINTMENTS IN THE ARMY

GENERAL OFFICERS

David St. Clair Ritchie to be brigadier general, reserve.
George Henson Estes to be brigadier general.

POSTMASTERS

ARKANSAS

Viola Leake, Altheimer.
Nettie M. O'Neill, Earl.
Marion M. Parker, Griffin.
Luther H. Presson, Mansfield.
Lovette J. Lee, Paris.
John H. Martin, Russellville.

CALIFORNIA

Morris E. Crane, Pine Knot.

KANSAS

Maud Williams, Lenexa.

MAINE

Lawrence A. Brown, Brunswick.
Frank P. Freeman, Harrison.

MISSOURI

Lola L. Higbee, Schell City.
Dana Gerster, Stella.

NEBRASKA

Edgar T. Lay, Seneca.
Murry K. Holley, Waverly.

NORTH CAROLINA

Frank M. Wright, Asheboro.
James H. Edwards, Monroe.
Frances G. Thompson, Morven.

OHIO

Lucy M. Robson, Grafton.
William A. Campbell, Oakharbor.
Rhody E. Campbell, Toronto.

PENNSYLVANIA

Edward J. Fleming, Cochranton.
Minnie E. Lewis, Covington.
Edna D. Scott, Dunbar.
Charles H. Lapsley, Glassport.
Grace S. Albright, Hyndman.
Samuel L. Boyer, Library.
Samuel S. Ulerich, New Florence.
Jenny Paterson, Yukon.

TEXAS

Winnie B. Carroll, Center.

WISCONSIN

Marion L. Lundmark, Balsam Lake.
Christian J. Askov, Cushing.

HOUSE OF REPRESENTATIVES

SATURDAY, *January 5, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We praise Thee, O Father of Mercies, that the mind of a great God is on the affairs of human life. We beseech Thee that Thou wouldst resolve all discords into flawless harmony. Subdue the rebellious wills and lives of men. Life's greatest values shall be realized when self is lost in great devotion to all the people of the country. Be unto all of us, O God, more than a clause in a creed; bless us with a personal relationship that shall assure us that Thou art all-loving and all-wise as well as almighty. Save us from ourselves and do not allow the treasures of our natures to go down. Do Thou separate our sins from us as far as the east is from the west, and thanksgiving and praise be unto Thy holy name forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5022. An act to amend sections 183 and 184 of chapter 6 of title 44 of the United States Code approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COUZENS, Mr. FESS, and Mr. HAWES to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 11469) entitled "An act to authorize appropriations for construction at the United States Military Academy, West Point, N. Y.," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. MCMASTER, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 3581) entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAPPER, Mr. BLAINE, and Mr. KING to be the conferees on the part of the Senate.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 584. An act for the relief of Frederick D. Swank; to the Committee on Claims.

S. 2859. An act for the relief of Francis J. Young; to the Committee on Claims.

S. 4588. An act for the relief of Gustave Hoffman; to the Committee on the Civil Service.

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; to the Committee on Military Affairs.

S. 5022. An act to amend sections 183 and 184 of chapter 6, of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

S. J. Res. 182. Joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States; to the Committee on Agriculture.

W. C. ADAMSON

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, on the 3d day of January, in the city of New York, the Hon. W. C. Adamson of Georgia, passed away. He had recently been a member of the Customs Court in New York, and formerly, for 20 years, an honored Member of this House.

When I came to Congress, little more than a boy, I took membership on the Interstate and Foreign Commerce Committee, of which Judge Adamson was chairman. He was to me always kind and considerate. Under his leadership, I think the committee reached as high a peak in the estimation of the House and the estimation of the country as it has ever reached.

Of all the great statesmen the great State of Georgia has ever sent to the Congress of the United States, none in my opinion was higher in character, honor, and ability than was Judge Adamson. His remains passed through this city this morning en route to his home in Carrollton, Ga.

He was one of the foremost statesmen of Georgia, one of the most efficient leaders and capable chairmen. He was a great and good man, a statesman of the old school and of the highest honor.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. ANTHONY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the first deficiency bill, H. R. 15848. And, pending that motion, I would like to ask the gentleman from Tennessee [Mr. BYRNS] if we can agree upon time for general debate.

Mr. BYRNS. I would say that I have two requests on this side, and that we can get through in two and a half hours.

Mr. ANTHONY. It was thought the other day that we would devote this day to general debate. Would not four hours be sufficient for Saturday?

Mr. BYRNS. I will agree as far as I am concerned, and, if necessary, I will relieve the House of some of my remarks.

Mr. ANTHONY. And we will consider the bill under the 5-minute rule after to-day.

The SPEAKER. The gentleman from Kansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the first deficiency bill, and, pending that, asks unanimous consent that the time for general debate be limited to four hours, one-half to be controlled by himself and one-half by the gentleman from Tennesee [Mr. BYRNS]. Is there objection?

There was no objection.

The motion of Mr. ANTHONY was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, this is the first deficiency bill presented at this session. It carries a number of items which are in the nature of emergencies, all amounting to slightly more than $84,000,000, which is $664,000 less than the Budget.

I may say at this time that every one of the bills so far reported this session from the Committee on Appropriations is under the Budget estimates.

Now, there are just two items in this bill which are important enough to mention to the House. One of them is the deficiency for the refund of taxes, and the other is the item for the deficiency in the carriage of the air mail.

In regard to the item of $75,000,000 additional proposed to the appropriation for the current year of $130,000,000 for refunds of taxes, there has been considerable discussion. Your committee has been very careful in its investigation of the situation surrounding the principal refund which is included in this item. We have consulted closely with the joint committee of the House and Senate which considered this proposed refund to the Steel Corporation. It is a refund which would attract but little attention in this House if it were not for the fact that this is one of the largest corporations in the world and that the refund carries a larger amount than is usually appropriated for that purpose, and the further fact that some gentlemen on the other side of the House have seen fit and will see fit to make it the medium of partisan political charges and discussion.

In fact, my friend on the Democratic side of the House, the gentleman from Texas [Mr. GARNER], has already gone so far as to make a speech, and he will probably make another one to-day in which he will try his sprouting wings of leadership and broadcast a great deal of political poison for the gullible voters of the country and some Republicans to swallow, unless they are placed upon their guard.

Your committee, as I have said, has inquired carefully into all the facts and circumstances of this proposed refund to the United States Steel Corporation, and we find absolutely nothing upon which to base the slightest suspicion of fraud or collusion or the violation of any law. These large refunds provided for in this bill have one effect, which has been discussed and which will be discussed to-day. They have in a measure served to materially change the relative expenditures of the Government as compared with the receipts for the current fiscal year, and my friend, Mr. GARNER, the other day, in discussing a probable deficit in the Treasury on the receipts of the current year even went so far as to charge the President of the United States with deliberate fraud and misrepresentation to this House and to the country.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I would rather yield after I have made my statement.

Mr. GARNER of Texas. I just wanted to correct the statement which the gentleman is making now, which is not correct, and I am sure he does not care to make an incorrect statement.

Mr. ANTHONY. I yield to the gentleman from Texas.

Mr. GARNER of Texas. Nowhere in the RECORD, either in the speech I made the other day or in the speech I made before the gentleman's committee, have I charged the President of the United States with making a misrepresentation to Congress, but I did say that the information furnished the President by the Treasury Department caused him to give misinformation to the Congress as to the surplus.

Mr. ANTHONY. I think the gentleman's language might be construed in that way, but I am glad that he meant it the way he did. What the gentleman did say in effect was that the Treasury officials or the Budget, through the President, had misrepresented the situation to Congress.

Mr. GARNER of Texas. And undoubtedly they did.

Mr. ANTHONY. I ask the House to bear with me for a moment, because I say that the President was absolutely correct in the statement that he made in his message to the House in connection with the presentation of the Budget on December 3. Everybody knows that the Budget is an immense book with thousands of pages. It has to be prepared and sent to the printer at least two weeks before the President sends it to the House, and this great volume contains his speech in regard to it, so that on November 20, when the Budget was sent to the printer containing the President's speech, every word that he said in regard to the financial situation of the Government at that time was absolutely correct. There was a balance on the right side of the ledger to the amount of $37,000,000 on November 20 in the Treasury operations for this year. I consulted with officials of the Budget Department about November 22 in connection with my work in the Committee on Appropriations to find out just what the Treasury conditions were. I was assured that we had that balance at that time on the right side of the ledger, but was told that there were several things that could happen at any time which would put us in the "red." One of them was this proposed large refund to the Steel Corporation and other corporations, which would vastly increase this item of expenditure and might put us on the wrong side of the ledger. Another one was that if pending cases in the courts were decided against the Government it could very easily throw us on the wrong side of the balance in the Treasury. One of these things has happened. The necessity for large refunds to the taxpayers has become apparent, but the President, in making his statement on December 3, was absolutely correct, and on December 5 the Chief of the Bureau of Internal Revenue approved these large refunds to the steel and other corporations, and the apparent balance was turned into a deficit. But what does this situation really amount to when we discuss the probable balance for this fiscal year? It means that no one can tell now what the situation will be on June 30. It is entirely probable that if the income of the Government goes on as it is to-day, if the same measure of prosperity prevails in industry and trade in this country, the receipts of the Treasury will be ample to take care of the expenditures of the Government this year, and we may yet have a balance on the right side of the ledger.

The principal matter involved in this return to the Steel Corporation of $15,000,000 of principal and approximately $11,000,000 of interest, is that of the consolidated return idea. The Steel Corporation is made up of the parent organization and about 195 subsidiaries. If they were compelled to make independent returns, one company would not have the right to balance its losses against the profits of another company. Our Democratic friends criticize the Treasury Department for this payment to the Steel Corporation largely made up as it is on the allowance of the principle of these consolidated returns. I want to say to these critics of the Treasury Department that if instead of criticizing Mr. Mellon and the present administration in the Treasury Department, they would criticize the Secretary of the Treasury who was responsible for the regulation which gave the Steel Corporation and other corporations the right to make consolidated returns of their subsidiaries, they would place the blame on Secretary McAdoo who first promulgated the regulation giving the Steel Corporation and these other corporations the right to make consolidated returns under date of February 4, 1918.

I would like to ask the Clerk to read the paragraphs marked in the document entitled "Regulations No. 41, Relative to the War Excess Profits Tax Imposed by the War Revenue Act Approved October 3, 1917," published by the Government Printing Office in 1918.

The Clerk read as follows:

183. ART. 77. When affiliated corporations must furnish information as to intercorporate relations: For the purpose of the excess-profits tax, every corporation will describe in its return all its intercorporate relationships with other corporations with which it is affiliated and will furnish such information in relation thereto as will enable the Commissioner of Internal Revenue to compute the amount of the tax properly due from each corporation on the basis of an equitable and lawful accounting.

184. For the purpose of this regulation, two or more corporations will be deemed to be affiliated (1) when one such corporation owns directly or controls through closely affiliated interests or by a nominee or nominees all or substantially all of the stock of the other or others, or when substantially all of the stock of two or more corporations is owned by the same individual or partnership, and both or all such corporations are engaged in the same or a closely related business; or (2) when one such corporation (a) buys from or sells to another products or services at prices above or below the current market, thus effecting an artificial distribution of profits, or (b) in any way so arranges its financial relationships with another corporation as to assign to it a disproportionate share of net income or invested capital.

185. ART. 78. When affiliated corporations may be required to make consolidated return: Whenever necessary to more equitably determine the invested capital or taxable income the Commissioner of Internal Revenue may require corporations classed as affiliated under article 77 to furnish a consolidated return of net income and invested capital. Where such consolidated return is required, it may be made by any one or more of such corporations or by all of them acting jointly; but if such affiliated corporations, when requested to file such consolidated return, neglect or refuse to do so, the Commissioner of Internal Revenue may cause an examination of the books of all such corporations to be made and a consolidated statement to be made from such examination. In cases where consolidated returns are accepted the total tax will be computed in the first instance as a unit upon the basis of the consolidated return and will be assessed upon the respective affiliated corporations in such proportions as may be agreed among them. If no such agreement is made, the tax will be assessed upon each such corporation in accordance with the net income and invested capital properly assignable to it.

Mr. ANTHONY. Now, Mr. Chairman, I do not offer the slightest criticism or the slightest imputation of irregularity in the issuance of those regulations, but I do say that if there is to be any criticism of anybody for authorizing the refund of taxes made under that principle—and it is the underlying prin-

ciple in the Steel Trust settlement—the responsibility should be placed upon the people who put into effect those regulations.

Just one observation in regard to the probable effect that the allowance of these refunds will have on our operations this year. If we had followed the advice and recommendation of the gentlemen on the other side of the House who are leading in this criticism, instead of our being $37,000,000 on the wrong side of the ledger to-day we would be $200,000,000 to the bad.

If I remember correctly, when the United States Chamber of Commerce two years ago recommended that we should have a tax revision involving a reduction of $400,000,000, that was tacitly approved by the gentleman from Texas [Mr. GARNER] and the other leaders on that side of the House. In the discussions which followed in the House afterwards the gentleman from Texas and other Democratic leaders offered amendments to the tax bill at that time which would have meant a reduction of taxes of hundreds of millions of dollars more than was made, which represents practically the amount by which we would have been deeper in the hole to-day if we had followed their advice and leadership.

As I stated before, under such examination as our committee was able to make—and we went very carefully into the matter, as completely as was allowed by the time at our disposal—there was not the slightest iota of evidence deduced to indicate that this refund should not be allowed.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. COLE of Iowa. When were these taxes levied?

Mr. ANTHONY. In 1917.

Mr. COLE of Iowa. During Mr. McAdoo's administration?

Mr. ANTHONY. Yes; during Mr. McAdoo's administration; and the regulations under which the refund is claimed were put into effect in February, 1918.

Mr. COLE of Iowa. In other words, we are now called upon to clear up the record which the gentlemen on the other side represent?

Mr. ANTHONY. Yes; the record made at that time.

Mr. BYRNS. Mr. Chairman, the gentleman from Iowa [Mr. COLE] has just referred to the necessity of clearing up the record which the Democratic administration made. I will say to the gentleman that this particular question involves the payment of millions of dollars, including about $26,000,000 to the company to which the gentleman from Kansas referred, by way of refund of money collected under a Democratic administration and for which no claim was made for refund under a Democratic administration, because that company and many other companies availed themselves of the privileges given them under the law of waiting practically five years before they filed their applications, and they did not file them under the administration which had collected the funds.

Now, it is not my purpose to discuss any of the features of this bill under general debate. I may say that I believe I speak for the Democrats of the Committee on Appropriations when I say there is no particular objection, or any objection so far as I know, to any of the provisions of this bill except that provision which proposes to appropriate $75,000,000 for refund of taxes. The minority opposed this in the subcommittee, opposed it in the full committee, and will oppose it here on the floor of the House.

I have been a member of the subcommittees which have considered the appropriations for the refund of taxes ever since the Government has been refunding income taxes illegally and erroneously collected. Always heretofore I have acquiesced in appropriations made for that purpose, and I have raised no question as to those refunds, but I will say to the gentlemen of the House that while the Committee on Appropriations has made such investigation as was possible in the consideration of these estimates, there has been no real investigation ever made by the Appropriations Committee of these refunds except to ascertain the amounts that will be needed. When I say that I do not say it by way of criticism of the committee, because, as a matter of fact, the Appropriations Committee is not provided with the machinery, with the experts, and with the force to go into a detailed investigation of these various refunds.

The only thing that was possible for the committee to do was to ascertain from those representing the Treasury Department the amount of money that had been allowed and the amount it estimated would be needed before another appropriation bill could be passed. That is all that was done with reference to this particular appropriation, as you gentlemen will see if you will examine the hearings; and that is all that has been done with reference to previous appropriations, as you will clearly see if you will examine the hearings on those different occasions.

As I have said to you, I have always heretofore acquiesced in these estimates for refunds, but we are confronted with a different situation at this time. We have a joint committee, appointed under the law, to receive in advances of payment all settlements which exceed $75,000. That committee is provided with experts costing the Government more than $40,000 every year. Certainly it was expected—whether it is so written in the law or not—when Congress appropriated $40,000 for experts that the joint committee should do something more than merely receive these reports from the Treasury Department. It was certainly expected that the joint committee, especially with reference to these larger claims, would make some investigation so as to enable the Members of the Congress to act intelligently when they came to approve them, as you will approve them when you pass this particular appropriation.

Now, our attention has been called to the fact that the joint committee, after considerable hearings and discussion of one of the claims, to which the gentleman from Kansas has referred, involving something like $26,000,000, expressly failed to give its indorsement and approval of that particular claim, although, as has been stated on the floor of this House and in the hearings, a motion was made in that joint committee to approve it. They failed to approve it; yet you and I, as Members of Congress, are asked by our vote in passing this appropriation to approve it, nothwithstanding the fact that the committee in which that responsibility was vested, and which has been supplied with the experts to make an investigation, refused to approve it. That is one of the reasons why, as a member of the Appropriations Committee, I have refused to give my vote in support of this particular appropriation.

Now, another thing, and I shall conclude, because it is not my purpose to go into any discussion of the merits or demerits of any of these claims or into any detailed or elaborate discussion of the matter. But let me say this: There is something more involved in this than the particular claim to which the gentleman referred, large as that is.

There are other large claims pending before that joint committee, and this involves a policy as to whether or not Members of Congress, despite the fact that they have a joint committee vested with this authority and with this power, are going to approve these claims for large or small amounts that are sent up here without that investigation which should be given them. So far as I am concerned, I think there ought to be some change in the methods which are being followed with reference to the consideration of these tax-refund cases, because if you will read the hearings, consuming only, possibly, an hour or an hour and a half before the Subcommittee on Appropriations, you will find that these claims are practically passed upon by one man. Mr. Bond stated that when they were considered and reported, unless the official making the settlement was in doubt it was passed without further objection, but, of course, if he expressed a doubt it was carried before the board. So here we are in the attitude, I say, of passing these large claims without any investigation upon the part of Congress and which are settled, really, by one man. They call them settlements, but they are really compromises, and you and I know that the Treasury Department is not vested with the authority to compromise a claim which has been found correct by its duly accredited representatives. Of course, they get around that by holding their findings in abeyance. Then they make their settlement, which, of course, they say they believe—and I do not question that—to be in the best interests of the Government, and then they follow the policy of revising the findings so as to accord with the settlements or compromises which they make with these various taxpayers. So, as I say, there ought to be a change made by the legislative committee which has jurisdiction over these matters in order that Congress may have some information. But I repeat that since the joint committee, provided with the machinery for that purpose, refused to take the responsibility of approving this claim, as a Member of the House I refuse to take the responsibility of passing it and voting for it unless it is safeguarded by a proper amendment.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. BYRNS. For a brief question; yes.

Mr. DEMPSEY. Is it not a fact that the act appointing the joint committee does not in express terms confer upon that committee any authority to either approve or disapprove, and is it not simply an inferential authority, if one exists?

Mr. BYRNS. That is true.

Mr. DEMPSEY. Second, is it not the fact that this committee did make the investigation which it is authorized to make, and was not that made in the manner that the law provides?

Mr. BYRNS. I assume it was. Of course, I do not know just how full or how thorough the investigation was.

Mr. DEMPSEY. And, lastly, is it not the fact that while the committee did not exceed its authority or exercise a purely inferential authority by approving, it did not disapprove.

Mr. BYRNS. That is true. It failed to take any action, and the whole point I was seeking to make is this. Whether it is written in the law or not, certainly Congress expects that the committee should do something more than merely receive these claims when it appropriates and provides $40,000 to provide experts for the purpose of considering them; and after that investigation, in the face of the fact that a motion was made in the committee to approve the claim, the joint committee refused to take the responsibility of approving or disapproving, and under those circumstances I, as a Member of Congress, knowing nothing about the subject, am not willing by my vote to tax the people of this country with $75,000,000 without further information or some safeguarding amendment.

Mr. DEMPSEY. Will the gentleman yield for a further question? If Congress intended this joint committee to either approve or disapprove or to make a report to the Congress upon the investigation which it was to make, is not Congress the one to criticize and not the joint committee and not those who are compelled to act in accordance with the law as it is enacted instead of with a law not enacted, and according to terms which we think should have been put into the law?

Mr. BYRNS. Well, the gentleman knows there were propositions made at the time to clothe the joint committee with just the authority to which the gentleman refers, but the Treasury Department objected, and the best that could be done was to secure the kind of law that we have upon the subject. I am not criticizing the joint committee. I am simply saying that we, as Members of the House, should not undertake to vote this money in the face of the fact that the joint committee after such investigation as it chose to make, with the aid of the experts provided by Congress, refused or failed to take any action whatsoever on the matter. And when we vote to appropriate this money then we undoubtedly are approving the claims in the face of their action.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LAGUARDIA. Then we are to understand that the joint committee, as a matter of fact, did take affirmative action in respect of some claims and failed to take action in respect of other claims, is that true?

Mr. BYRNS. No; I do not know that the joint committee has ever taken any action with reference to any claim, but they did fail to take action on this claim, despite the fact a motion was made to approve it; and that, in itself, carries the inference that there was in the minds of the joint committee, composed of Senators and Representatives, some doubt, at least, as to whether the claim was a proper claim to be paid; and under these circumstances I repeat for the third or fourth time I am not willing to vote for this appropriation.

Mr. DEMPSEY. If the joint committee, if the gentleman please, had taken action, it would have been an isolated, single case, exceptional, and assuming an authority not conferred upon them by the law.

Mr. BYRNS. But assuming an authority which I believe that Members of the House believed they ought to and would assume when they voted $40,000 per annum out of the Treasury to give them expert assistance.

Mr. DEMPSEY. But if they wanted it they should have put it in the law and not left it to inference.

Mr. BYRNS. I do not think there can be any doubt about the purpose of the Congress in appropriating the money to which I have referred; otherwise, if we are to follow the idea of the gentleman from New York [Mr. DEMPSEY] they would need no experts. It is an entirely useless committee, unnecessary, and simply involving expense to the Government for nothing.

Mr. DEMPSEY. No; what they want, if the gentleman please, is the eye of publicity upon claims. They have that through the investigation made by the committee. It is given full publicity. Everybody knows what has been done, what the claim is, what its nature is, the reasons for its payment, and the matter is fully aired and given to the public. We have the benefit of that investigation, when the matter comes before us, to enable us and help us to decide correctly in connection with the recommendation of the Treasury.

Mr. BYRNS. Let me ask the gentleman this question: Having the power, as the gentleman suggests, to make a thorough and full investigation of the claims over $75,000 sent forward, having been provided with all the expert machinery that the committee said it needed or wished, after the committee has made an investigation, if the members of that committee who have the same responsibility that the gentleman from New York has and that I have, and a greater responsibility on account of their connection with that committee, after a motion is made to approve a particular claim, fail to approve it after such hearing and investigation, is the gentleman who has made no investigation, who has no information in regard to the matter, except that the Treasury Department has found that so much is due, willing to vote the money out of the Treasury?

Mr. GARNER of Texas and Mr. BACON rose.

Mr. DEMPSEY. Let me answer the gentleman. There was every reason and the best of reasons why the joint committee should not be clothed with the authority which the gentleman says it should have had, and that reason is this: The committee was given the power to investigate, but not given the power to report because of two things; one of them very vital to this House, to its jurisdiction, to its standing and importance in the counsels of the Nation. Shall we share with the Senate the right to originate money bills?

Mr. GARNER of Texas. No; we do not propose to do that.

Mr. DEMPSEY. Oh, yes, you do. The instant you consent that a joint committee made up partly of Members of the Senate shall join in recommendations to this House as to a matter of which the House has sole, original jurisdiction, you are depriving this House of the greatest function, the most valuable function, the function which gives it more power, more prestige, a greater standing in the Government than any other power it exercises.

Another reason for not presenting any report, and the controlling reason, was this: The House knew that the report comes from the Appropriations Committee, of which the gentleman from Tennessee is an ornament, of which he is not only the ranking minority member but a man of such standing and ability that we all pay the greatest heed to his suggestion. The instant you confer upon the joint committee the power which belongs and should belong solely and entirely to the committee of which the gentleman from Tennessee is an ornament, you are taking away from your committee the jurisdiction to which you are entitled, which you should hold and preserve as sacred not only for yourselves but for all who come after throughout the history of this country.

Mr. CRISP. Will the gentleman yield?

Mr. DEMPSEY. I have not the floor, but I have no doubt the gentleman from Tennessee will yield.

Mr. CRISP. I would like to have the gentleman from New York cite me to any provision of the Constitution or any other law giving exclusive jurisdiction to the House of Representatives to originate appropriations.

Mr. DEMPSEY. All money bills must originate in the House.

Mr. CRISP. The gentleman is in error; it is only all revenue bills.

Mr. DEMPSEY. And all tax bills.

Mr. BYRNS. I think it is admitted, and it has been ruled a number of times that only revenue bills are required to originate in the House. It has been the custom from time immemorial for all appropriation bills to originate here.

Now, I am going to conclude, for I am taking up the time of others.

Mr. GARNER of Texas. May I make a suggestion in reply to the gentleman from New York?

Mr. BYRNS. I yield.

Mr. GARNER of Texas. The joint committee created by Congress to examine these returns has its agents and employees to make an investigation. The employees of the committee have criticized and have declined to approve this settlement paid by the Treasury Department. When we were having the hearings on the steel corporation report the Assistant Secretary of the Treasury stated that if they disapproved of this he would not pay it, although there was no law compelling him to do it. They recognized that it had some jurisdiction and had some power, whether the gentleman from New York does or not. As to the functions of this committee, he may be of the same opinion as was the gentleman from Indiana during some hearing when he said it was not worth a damn. [Laughter.]

Mr. DEMPSEY. The gentleman has made two statements. He says the Secretary of the Treasury, interpreting this statute, said that if they disapproved it he would not pay it. That is not in point here, because again and again it has been stated that the committee neither approved nor disapproved. So we are not in the position to which the gentleman refers. What he says has no pertinency, no relevancy, no bearing at all on the issue.

Now, the gentleman from Texas states the most surprising thing to me, that some employee of this committee said something. What difference does that make? This is the first time in the discussion of matters on the floor, I will venture, that

any gentleman has ever accredited an employee not designated, not named, as having made a statement which should have any weight or influence in Congress in determining what its action should be.

Mr. BYRNS. Now, in closing let me say this: My good and very able friend from New York, for whom I have a great regard, personally and officially, has wholly failed to answer the question I asked a while ago. I am not going to press him for an answer, but, assuming that he is correct with reference to the joint committee, I simply want to say that if he votes for the $75,000,000 for the refund of taxes in this bill he is voting to approve the finding on the part of the Treasury that the Members of the House of Representatives on that joint committee failed to approve or disapprove.

They have money enough to run until February. What harm can there be in cutting this appropriation out of this bill and taking it up in the general deficiency appropriation bill in February, so as to enable that joint committee to function as some of us when we voted these various annual appropriations expected it to function?

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. BACON. Was any motion made in the joint committee to disapprove of any of this?

Mr. BYRNS. I do not know. That will be explained later by some gentleman who is going to take the floor. I do not know what was done in the joint committee.

Mr. BACON. As a matter of fact no motion was made to disapprove it.

Mr. BYRNS. I am not a member of the joint committee, and I can not state what they did.

Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman and gentlemen of the committee, I shall address my remarks to that part of the bill under discussion which relates to these tax refunds, and especially to the tax refund to the United States Steel Corporation. I am not going to-day to make any charges of any sinister or ulterior motives on the part of anyone. Notwithstanding the fact that my good friend from Kansas [Mr. ANTHONY], whom we are all so delighted to see back in his seat [applause]; notwithstanding he has injected partisanship into this matter, I shall try to free myself, as I do in tax discussions as differentiated from tariff discussions, from partisanship. Of course, it is an old story that whenever the opposition party gets itself into difficulty, as it has in this instance, it is, according to the opposition, always because of something that happened overnight during the Democratic administration. I heard one of the great statesmen of this country during the last campaign over the radio, speaking for the opposition party, state that the farm problem had not been ever properly depicted. He then went on and described it in all its details, and said that all the trouble had been brought about overnight because of the action of some Democratic official. We are used to that sort of charge; and therefore the charge of the gentleman from Kansas [Mr. ANTHONY] that all the trouble in this case was due to the action of a Democratic Secretary of the Treasury is not surprising.

We are confronted to-day with a concrete question which is technical in its nature. It was impossible for the Joint Committee on Internal Revenue Taxation to go into this matter as it should be done; and for that reason, let me say, in answer to the question of the gentleman from New York [Mr. BACON], there was no motion made to disapprove this settlement, because, after listening to five hours' discussion of a matter that had been going on in the Treasury Department for over 10 years, no member of that committee was able to determine whether the proposed settlement was a correct and proper one or not.

The Joint Committee on Internal Revenue Taxation, as you have already been informed, has lately been engaged in a review of the proposed refund of taxes and interest in the amount of $26,000,000 to the United States Steel Corporation. The revenue act of 1928 imposes upon the Treasury an obligation to submit to the Joint Committee on Internal Revenue Taxation all proposed refunds in excess of $75,000.

There seems to be some confusion in reference to the Joint Committee on Internal Revenue Taxation.

This committee is not a creature of the rules of the House and Senate like standing Senate and House committees, but it is a child of the statute. When the provision authorizing the creation of this committee was adopted it aroused little comment, and few realized the important work this committee would soon be called on to do.

In the minds of the Members of the House for the most part the controlling idea was that the committee might be useful in making suggestions for the simplification of administrative provisions in internal revenue laws. The prevailing thought in the Senate seemed to be that it would be an investigating committee, a kind of grievance committee that would be permanent and would take the place of the various investigating committees that from time to time had been thought necessary to be created by that body. While both the House and Senate were right in their conclusions, yet the work this committee has been doing is on a much larger and more comprehensive scale than few if any of us realized when the committee was created.

The simplification of many administrative provisions in the revenue act of 1928 testifies to the good work of the committee in this regard. This simplification was due in a large measure to the work of the splendid staff of experts employed by the committee, who were ably assisted by many noted political economists who generously gave us their time and labor without any remuneration from the Government.

The United States Steel Corporation tax case is an inheritance of the excess-profits tax. The taxes involved are for the year 1917, and there are still remaining unsettled in the Treasury over 800 cases for that year.

The delay in the settlement of nearly all of these 1917 tax cases, together with a considerably larger number of later cases, is due to the difficulty the Treasury has experienced in the administration of the provisions of the excess-profits tax in computing consolidated returns of corporations.

The crux in the administration of this tax is the determination of the amount of invested capital of the corporation, because the amount of the invested capital is the basis upon which the tax is levied. A certain percentage of profits based upon the amount of capital invested was exempt from taxation. All profits in excess of the exemption were subject to the excess profits tax.

It was comparatively easy to find the amount of capital invested in the case of an individual corporation. The difficulty lay in determining the consolidated invested capital of a parent corporation and its subsidiaries. In some instances the parent corporation would not only have a number of subsidiaries, but the subsidiaries in turn would have their subsidiaries.

The United States Steel Corporation has perhaps more important affiliations than any other corporation in the United States. There was first the parent, the United States Steel Corporation. Then the children, who were 13 in number, including such sturdy youngsters as the Carnegie interests and 12 others of almost equal importance. These 13 children had a numerous progeny consisting of their subsidiaries who were the grandchildren of the parent, the United States Steel Corporation. Nor did it begin to stop there, for these grandchildren had their offspring, and these subsidiaries were the great grandchildren of the parent, the United States Steel Corporation. A strong and lusty family consisting of parent, children, grandchildren, and great grandchildren which made a total of 195 subsidiaries with a combined capitalization of approximately $1,500,000,000.

Instead of making 195 separate tax returns, taking advantage of the revenue law permitting corporations to make a consolidated return, the United States Steel Corporation made one tax return for the entire consolidation.

In determining the method to pursue in finding the amount of consolidated invested capital the Treasury in 1919 adopted a certain regulation, which was continued in force until the Court of Claims, in an opinion rendered in the case of the United Cigar Stores, upset the Treasury regulation.

This new method of computation in the case of many corporations would result in a material difference in the amount of the consolidated invested capital of the corporation. Almost immediately upon the heels of the decision by the Court of Claims in the United Cigar Stores case, which had upset the Treasury regulation, the Board of Tax Appeals, in the Grand Rapids Dry Goods case, handed down a decision providing for another and a different method of computing the amount of invested capital of a consolidated corporation.

Let us now return to the case of the United States Steel Corporation. The first return made by the corporation was on April 16, 1918, and the final audit was made within the last few weeks. It is regrettable that it has taken over 10 years to arrive at a final settlement in this case and that there are thousands of cases almost as old as this one that are still unsettled in the Treasury.

While the delay in this case appears to be unreasonably long, yet candor and fairness compel the admission that the Treasury was confronted with many unforeseen difficulties in the adjudication of this matter. Not only did the Treasury have to deal with a gigantic corporation making one tax return for 195 subsidiaries, each of which was a huge and complex corporation in itself, but because of divergent court opinion which had

upset its own regulations the Treasury was forced to unexpectedly adopt a new method of computing consolidated invested capital.

Also in a consolidation as large as the United States Steel Corporation a vast amount of clerical work was involved. Assistant Secretary Bond tells us that the documentary evidence alone was so voluminous that it would constitute several truck loads of physical matter, and that the final letter written by the Treasury to the steel corporation consisted of over 2,400 typewritten pages.

I want to be fair in the discussion of this proposed refund, and therefore, knowing the unforeseen difficulties confronting the Treasury in the adjustment of this case, I shall not criticize any official of the Treasury on account of the long delay in its final settlement. I do not charge that there is anything actually wrong or improper about the amount arrived at in the final audit. I do not charge that any sinister or improper motive actuated anyone connected with the Government who was engaged in working on this matter. I can not look into the human heart and see what is written there. I never charge nor do I intimate that a bad motive exists unless I am reasonably sure that it does.

The Treasury officials tell us that this is the best settlement that could have been made. I am unable to say whether the amount arrived at is a just and a fair one, because I do not know. Both Democratic and Republican Treasury officials have been working on this case for over 10 years. I heard less than five hours' discussion of the Government's side of the taxes involved, and it would be folly for me to say that the amount of the refund due the steel corporation is fair or unfair.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman permit me to interrupt him right there?

Mr. COLLIER. Certainly.

Mr. MOORE of Virginia. At one time did the joint committee or any of its agents have any contact with the Treasury in regard to the settlement of this claim?

Mr. COLLIER. It had; one day and one night.

Mr. MOORE of Virginia. Then the committee was not in cooperation with the Treasury Department in any way in trying to ascertain the amount that should be paid?

Mr. COLLIER. Not at all. Now, in further answer to the gentleman's question in reference to that, the joint committee was notified by our staff of experts. This was a case that they would not even pass upon, because there were such unusual features in the matter, including the unusual method adopted by the Government of finding the consolidated capital in this case.

While I do not charge the Treasury with unnecessary delay in the settlement of this case or that any sinister or improper motive existed, or even that the terms as finally agreed upon between the Government and the Steel Corporation are unjust or unfair, yet I do protest against the methods employed by the Treasury Department in the final adjustment of this matter. I make this protest against the unusual methods employed by the Treasury in arriving at the consolidated invested capital of the Steel Corporation, even if the computation is correct and is for the best interests of the Government in dollars and cents, because I believe that the methods pursued, after over 10 years of consideration, are unjust and unfair both to the Government and the taxpayers of the United States.

I am willing to admit that in arriving at the method of determining the amount of consolidated capital in this case, the Treasury found itself, through, perhaps no fault of its own, in a perplexing dilemma. Its own regulations had been overruled by the decision of the Court of Claims in the United Cigar Stores case, and in the Grand Rapids Dry Goods case, the Board of Tax Appeals had set up a still different method of computing the amount of invested capital. These different methods were antagonistic and only one of them could be right.

It was important to the Government and it was important to the taxpayers of the United States to know which one of these three different methods was the proper one to pursue in the settlement not only of the Steel Corporation case but of the thousands of cases still pending in the department in which the same principle was involved.

In the dilemma in which the Treasury found itself, confronted by three different and antagonistic methods of determining the crux of the excess-profits tax, the consolidated invested capital of the corporation, what did the Treasury do?

Its own regulations had been overruled by a court of competent jurisdiction which set up a different method, which in turn had been overruled by the decision of a tribunal created by Congress to specifically pass upon just such questions. In this apparent impasse, what did the Treasury do? Which one of the methods did it pursue in arriving at the present settlement? How did the Treasury find the amount of consolidated invested capital of a corporation whose capitalization was estimated at approximately $1,500,000,000 and in which there was a dispute in the estimated amount of taxes of over $100,000,000?

Did the Treasury follow its own regulations in defiance of the decision of the Court of Claims and the opinion of the Board of Tax Appeals? No. Did the Treasury then ignore the opinion of the Court of Claims and adopt the rule laid down by the Board of Tax Appeals? No. Did the Treasury then reject the opinion of the Board of Tax Appeals and follow the decision of the Court of Claims? No. What then did the Treasury do?

Mr. WHITTINGTON. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. WHITTINGTON. Is there any appeal from these decisions on the part of the Government so that the Supreme Court of the United States would finally pass upon the method of computation?

Mr. COLLIER. That is what I am coming to, and that is the milk in the coconut. What did the Treasury do?

The Treasury ignored its own regulation, disregarded the decision of the Court of Claims, rejected the opinion of the Board of Tax Appeals, and after over 10 years' consideration of perhaps the most important case before the department ventured upon an unknown and uncharted sea of administrative procedure. Instead of going to the highest authority to find out which one of the three methods of computing the consolidated invested capital of a corporation was the proper one, the Treasury tried something new and unusual. The Treasury officials called into consultation the officials of the Steel Corporation.

At this consultation all the evidence and documents in the case were laid upon a bargain table. It was a case of give and take. They haggled and bargained, and bartered and traded, and receded and conceded until the tax paid by the United States Steel Corporation in 1921 had been reduced in an amount exceeding $44,000,000, together with interest amounting to $11,000,000 additional.

If the unusual methods of arriving at the consolidated invested capital of the Steel Corporation could be used as precedent in the settlement of those cases now pending in the department, as unwise and as unscientific as these methods were, they might be excused upon the idea that a fixed and definite rule of administrative procedure had been established.

But the Government of the United States is denied the privilege of even that trifling compensatory benefit, for both the Treasury and the steel corporation have expressly stipulated that neither the one nor the other would be bound by any of the methods employed in this settlement in the adjustment of any other case now pending.

It is unjust and unfair to the Government and it is unjust and unfair to the taxpayers of the United States that a settlement of this character—one that has not only been pending for over a decade but involves hundreds of millions of dollars—it is unjust and unfair, both to the Government and the taxpayers, that a final settlement should be made without the Government's adopting a fixed rule of administrative procedure. This could have been accomplished by securing from the Supreme Court, the highest court in the land, a definite, fixed method of procedure, which in the future could be used as a precedent by which pending claims could be settled.

Secretary Bond tells us it would take too long, and require too much time to take this case to the United States Supreme Court. Oh, yes; it probably would now, but the United Cigar Stores case was already in the Supreme Court. It was there awaiting a decision from that court of last resort, as to whether the Treasury regulation or the decision of the Court of Claims were correct.

A decision in that case would have settled the principle and there would then have been no need for an opinion by the Board of Tax Appeals, for the highest court in the land would have spoken.

This case was before the Supreme Court and ready for trial, but it was dismissed by the Solicitor General of the United States. Did the Solicitor General make the motion of dismissal on his own initiative? No; it was made, according to the testimony of the Treasury officials, only after he had conferred with the General Counsel of the Internal Revenue Bureau. Had the General Counsel of the Bureau of Internal Revenue permitted this case to be decided by the United States Supreme Court all doubt and uncertainty would have been at an end. Had the highest judicial tribunal in the land spoken, and placed the seal of its approval upon either the Treasury regulation or the decision of the Court of Claims, a precedent would then have been established by which the thousands of unfinished cases now in the Treasury could have been quickly brought to a speedy settlement.

But instead of this, after more than 10 years' discussion and adjustment and readjustment costing the Government thousands of dollars, a useless, conglomerated, heterogeneous arrangement was entered into by the Government and the Steel Corporation, and using the exact language of Secretary Bond, "as a result of concessions and offsetting" the original tax of $217,577,594.22 as audited by the Treasury and was paid into the Treasury by the Steel Corporation was reduced to $173,377,731.42 in the final audit of a short time ago, a reduction of over $44,000,000 together with interest amounting to $11,000,000.

The different audits of this tax made by the Treasury officials at separate intervals are interesting. There were three different audits under the Wilson administration before final settlement was made. There were then five different audits made during the Coolidge administration. I have prepared a table showing these different audits, and ask permission to insert this table in the RECORD.

I do not do this because I wish to reflect upon the honesty or integrity of anyone connected with the Treasury. This comparison is not for the purpose of intimating that any improper or sinister motive existed. I am not denouncing anybody's motives, but I am denouncing the methods of computation used in the case, and I am presenting this table as an indication of what we may expect when a haphazard, conglomerated method of computing consolidated invested capital is attempted. When all the documents are laid upon a bargain table and the haggling, bartering, trading, offsetting, and conceding begin, some one is going to get the worst of it. The shrewdest trader will always win. I do not believe that matters of such importance to both the Government and the taxpayers should be settled in any such uncertain and haphazard way.

Now I am going to try to explain this table. I do not have a blackboard here, but I wish I had. I will consider this table here all that happened in the Wilson administration and this table here all that happened during the Coolidge administration—not during the Harding administration, because this Steel Corporation tax case was lying sound asleep for nearly five years.

On April 18, during the Wilson administration, the United States Steel Corporation——

Mr. CRISP. April 18 of what year?

Mr. COLLIER. April 18, 1918. I thank the gentleman.

The United States Steel Corporation filed a return, which everyone would know was incomplete at that time, of $199,850,857.46, showing a return of that much tax which they owed.

On December 29, 1919, they filed an amended return. This is the United States Steel Corporation's own return. They filed an amended return, not an audit of the Government, of $207,041,023.17.

Then, on December 3, 1920, just about one year later, still under the Wilson administration, the audit made by the auditors in the department found the amount to be due was $213,410,520.92.

Then, about two months later, February 14, 1921, they made another audit in the Treasury Department and they found the amount of the tax to be $213,577,594.22.

Then, in 1921 the final audit was made of $217,577,594.22, which amount was paid by the United States Steel Corporation.

Now, my friends, on this side of the table [indicating] are the returns and audits to which I have referred. There are one, two, three, four, five steps, each step in favor of the Government of the United States and each step against the taxpayer, the United States Steel Corporation.

First, in 1918, there was the original return, then a year afterwards about $7,000,000 more, then about a year afterwards $6,000,000 more, then two months afterwards about $200,000 more, and then the final audit in 1921 of $217,577,594.22, which was paid, and we all forgot about the case until about three days after Christmas in 1925, five years afterwards.

Now, I will get on this side of the table. On this side of the table are the audits made during the Coolidge administration. The first audit was made on December 28, 1925, and that audit reduced the amount of the final audit under the Wilson administration from $217,577,594.22 down to $194,896,627.39.

Then about 11 months later, in 1926, on November 24, there was another audit. They reduced the tax then about $35,000, still, however, a step downwards, a step against the Government, and a step in favor of the United States Steel Corporation.

Then in December, 1927, there was a big jump downward and they found then that the Steel Corporation only owed $190,350,232.71.

Then in about two months—February 15, 1928—they found that the Steel Corporation only owed $189,197,786.86.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNS. I yield the gentleman five minutes more.

Mr. COLLIER. Then came the final audit. It was made several weeks ago and that audit, the final one, was $173,377,731.73.

The increase in favor of the Government from April 18, 1918, to the final audit in 1921, through the different steps, was $17,726,736.76.

The decrease against the Government, not starting in 1921, but starting two days before 1926, as the case slept over five years—the decrease against the Government and in favor of the taxpayer from the 28th of December, 1925, to the final audit, was $44,189,826.49 and interest of $11,000,000.

Gentlemen, I repeat that I am not making this comparison for the purpose of attacking the motives of anyone. I am making this comparison to show that when we lay everything on a bargain table and depart from settled rules of procedure anything may happen and this is what you may expect.

The next case that we place on the bargain table it may be the Treasury officials will be shrewder than the officials of the corporation. I hope so for I do not think our boys had much chance with the officials of the United States Steel Corporation. It has been stated that it was a case of give and take. There is no doubt about that. The Treasury did the giving and the Steel Corporation did the taking. I am not attacking anybody's honesty. I am making this comparison to show you what we may always expect when such unwise and unscientific and unusual methods are pursued.

Mr. GIFFORD. Will the gentleman yield?

Mr. COLLIER. I will be pleased to yield to the gentleman.

Mr. GIFFORD. Since I think the gentleman approves of section 606, since he says the Treasury Department has no ulterior motive and since he absolves the Treasury Department in general, I wish the gentleman in closing his remarks would ask this House to rise and give three cheers for the income-tax method of raising our revenue.

Mr. COLLIER. My time is exhausted.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLLIER. I yield if I have any time remaining.

Mr. ABERNETHY. This $75,000,000 that is being contested here, does not that include a number of cases in which there is no dispute?

Mr. COLLIER. The gentleman's question brings a new thought to my mind, which I hope the gentleman from Tennessee will give me time to answer.

Mr. BYRNS. I yield to the gentleman two minutes more.

Mr. COLLIER. I will say that this is only about one-third of the refunds in the bill. This refund amounts to $15,000,000 and interest of $11,000,000. I want to say that the Treasury should be criticized for permitting this matter to go along for that length of time, where we are going to lose $11,000,000 in interest. That is not a good business proposition.

Mr. DEMPSEY. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. DEMPSEY. The gentleman, I understand, has suggested that the time should be postponed for the settlement and the interest is running at 6 per cent.

Mr. COLLIER. The gentleman misunderstood me. I was not talking about a postponement, I am talking about the Treasury settling this matter in such a hodge-podge way, and discarding all business principles of procedure. I am not willing as a Member of the House to approve any such settlement made in such a haphazard way.

Mr. DEMPSEY. The gentleman states that in five hours he was fully unable to absorb that which had taken 10 years——

Mr. COLLIER. Oh, the gentleman misunderstood me; I did not know whether it was good or bad.

Mr. WHITTINGTON. What reason was assigned for dismissing the Government case in the Supreme Court?

Mr. COLLIER. I never heard any reason. [Applause.] I ask unanimous consent to extend my remarks by inserting certain papers.

There was no objection.

United States Steel Corporation income-tax audits from 1918 to final audit in 1928

WILSON ADMINISTRATION		COOLIDGE ADMINISTRATION	
Final audit, 1921	$217,577,594.22	First audit, Dec. 28, 1925	$194,896,627.39
Feb. 14, 1921	213,577,594.22	Nov. 24, 1926	194,861,124.00
Dec. 3, 1920	213,410,520.92	Dec. 20, 1927	190,350,232.71
Dec. 29, 1919	207,041,023.17	Feb. 15, 1928	189,197,786.86
First audit, Apr. 18, 1918	199,850,857.46	Final audit	173,377,731.73
Increase in Wilson administration in favor of Government from from Apr. 18, 1918, to final audit, in 1921, $17,726,736.76.		Decrease in Coolidge administration against Government and in favor of taxpayer from 1921 to final audit in 1928, $44,199,826.49.	

THE THREE DIFFERENT METHODS OF COMPUTING CONSOLIDATED INVESTED CAPITAL

1. The Treasury Regulations:

The regulations (the rule having been in force since 1919) treat the transaction, in accordance with the business or accounting view, as though the parent corporation actually acquired the assets of the subsidiary, rather than the stock, and provide that there should come into consolidated invested capital the value of the tangible and intangible assets of the subsidiary at the time of the transaction, thus subjecting intangible assets of the subsidiary to the 20 per cent limitation.

2. The United Cigar Stores decision:

The Court of Claims, in the case of the United Cigar Stores Co. of America v. United States, held that there should come into consolidated invested capital the value of the stock of the subsidiary at the time acquired by the parent company. The Court of Claims agrees with the regulations in that the valuation should be at the time the stock of the subsidiary is acquired by the parent, but under this decision the limitation upon the intangibles is not applicable and apparently the limitation upon "inadmissibles" (i. e., stock of another corporation) is not applicable. In reaching its decision, the Court of Claims reasoned that since stock, a tangible asset, was acquired, the bureau was not justified in saying that tangible and intangible assets were acquired and then subjecting the intangible assets to the limitation provision prescribed in section 207.

3. The Grand Rapids Dry Goods Co. decision:

The Board of Tax Appeals, in the appeal of Grand Rapids Dry Goods Co. (June 19, 1928), differs with both the bureau and the Court of Claims as to the time the assets of the subsidiary should be valued in computing consolidated invested capital. The board holds that the subsidiary's invested capital should be computed separately under the provisions of section 207. Under this theory the cost of the stock to the parent is disregarded, and it is necessary to go back to the original incorporation of the subsidiary in order to determine the amount of cash paid in for stock, tangible property paid in for stock, intangible property paid in for stock, and its earned surplus and undivided profits accumulated between the time of its original organization and the time of the acquisition of its stock by the parent company. Briefly, the effect of this rule is that all appreciation and depreciation in the value of tangible property from the time it was paid in to the subsidiary to the time the parent acquired the subsidiary's stock, will be disregarded, and the value of the intangibles developed by the subsidiary will be disregarded. Obviously, the subsidiary's invested capital so computed would in the ordinary case be quite different from a computation based on a valuation as of the time the subsidiary's stock is acquired by the parent company. The board would trace the assets of the subsidiary back to its organization, whereas the bureau and the Court of Claims would make the valuation at the time the parent acquired the subsidiary's stock.

Mr. WOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, not long since the gentleman from Texas [Mr. GARNER] in some remarks made on the floor of the House, made several criticisms of the operations of the Treasury Department. Of course the gentleman from Texas is entitled to his opinion and others are entitled to differ from him. I propose to undertake in the short time at my disposal to state the differences I have in mind.

He called the attention of the House to certain refunds in cases of taxes where refunds justly due and payable under the law and to be paid during this fiscal year. As a result, an improper stress was laid on the refund side of the Treasury operations.

He finds that $205,000,000 would be used in refunds, but he did not say that in the same period the Treasury would collect $245,000,000 in deficiencies and back taxes.

For instance, for the fiscal years ending June 30, 1926, 1927, and 1928, refunds in the total sum of $447,918,284 were made. But back taxes and deficiencies were collected to the amount of $980,294,484—the excess of back taxes and deficiencies being $532,000,000.

So the Treasury has been as active in collecting taxes due from those who have not paid the correct amounts as it has in refunding money in settling claims which have been accumulating and came down in a large part from improper administrative methods used by the preceding Democratic administration which clogged the court with cases and which refused to accept the responsibility for their settlement. The Treasury is endeavoring to get rid of these cases because every day they are costing the Government 6 per cent interest until they are finally adjusted and paid.

The Treasury Department has a very difficult task in the settlement of many of these claims, for instance, in the one just cited. That task involves all of the difficult matters of taxation—the 1913 value, invested capital, inventory, depreciation, depletion, and obsolescence, and the Congress of the United States and the Committee on Ways and Means for years have insisted that operations of the Treasury be brought current. The present Treasury officials are endeavoring to do that. In order to determine what the 1913 value means in any case, it is necessary for the Treasury to employ a number of engineers, real estate experts, accountants, and so forth, to find out what was the probable value of a certain plant in 1913, many years ago, eight years at least, in the cases now pending. This was a matter of judgment. The engineers will differ. The Treasury engineers will fix one value, the engineers of the corporation or individual reporting will fix another value, and independent engineers will fix a third value. Which is the correct value? No one can say with mathematical accuracy. Consequently, a conclusion must be reached that is satisfactory to both sides, or the case must be sent to the courts for determination. The courts are manifestly slow in deciding cases, and all the delay that occurs in the courts is costing the United States in interest many millions of dollars. The case of the United States Steel Corporation has been cited, to which I shall refer a little later, but that is not the only large refund pending for settlement. The Supreme Court of the United States last summer decided the case of the National Insurance Co., which involved refunds to the extent of $35,000,000, much larger than the present proposed settlement with interest accrued to date of settlement added.

It is proposed now to defeat the $75,000,000 of deficiency for the payment of refunds. The gentleman from Texas [Mr. GARNER] made an error of $20,000,000 in his statement the other day when he stated there would be $75,000,000 more than the original estimate. The original estimate was $150,000,000 and the present addition is to be $55,000,000, to what was formerly asked, or $205,000,000.

If the proposed increase of $75,000,000 of deficiency appropriations for payment of refunds is defeated, the Steel Co. and the life insurance company will not be affected, because the Steel Co. case is paid to-day and the life insurance companies, I think, have been paid in part, at least; but it will mean that some 50,000 taxpayers having small amounts of refunds due them—and probably needing them—will have to delay until a subsequent deficiency bill is passed, which in all orderly expectation would be at the session of Congress beginning next December. Meanwhile the Government, on all these ascertained deficiencies is paying 6 per cent interest, or $4,500,000 a year on the $75,000,000, or $12,000 a day, and that will be the burden on the revenues for the defeat of this proposed deficiency. And no good purpose would be served unless the Government intends to delay, and then to not finally pay, for sooner or later, if the Government intends to pay, it must pay, and all delay is expensive to the Government. Why, then, not pay promptly and save the Treasury what amount we can in that regard?

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SPROUL of Kansas. The House should be interested in knowing whether or not the amount of $75,000,000 or any part of it is really due to be refunded. Their mere conclusion to come to us would not be sufficient information for us to act upon.

Mr. HAWLEY. I will ask the gentleman to be as brief as possible in his question.

Mr. SPROUL of Kansas. The gentleman states that we would be paying 6 per cent interest and that fact should be an inducement to pay, but surely we should not talk about those matters until we are assured that we owe this sum.

Mr. HAWLEY. I take this ground, and very frankly, and I think it is the right one in view of the facts and the certainties of the case. The Treasury Department at first took the view that with the Board of Tax Appeals, which was organized in 1924, we could meet the situations that have arisen. The Board of Tax Appeals has made some progress in reducing the number of cases coming to it. It is an active, diligent board, but many new cases come to it, leaving a considerable accumulation of undecided cases. So, in order to expedite the settlement, they organized an advisory board in the Treasury Department, consisting of 12 of the most expert people, able and experienced men in the department, including all branches of the work, for the purpose of expediting settlements. The experienced men thoroughly familiarize themselves with all the facts in a case, and in greater detail than could be done in an ordinary way, because their facilities are greater. Their decisions are entitled to faith and credit.

These 12 men sit as a court, as it were, to decide the facts in all these large disputed cases. They are as competent men as any ordinary court in the country. Some of them are the most expert tax officials in this or any other country. After long examination, after examining all of the evidence, having employed experts of all kinds to ascertain the facts, they come

to the conclusion that a certain amount of money is due from a taxpayer, or that a certain amount is due to a taxpayer. They report that fact here. A court does not report to us, especially the Supreme Court. It reports a judgment, and the Court of Claims reports a judgment with a brief statement of facts.

Mr. LAGUARDIA. A court matter is a matter of record, and anybody has access to it, but not to the records of the Treasury Department.

Mr. HAWLEY. That is not the fault of the Treasury Department; that is a provision of law.

Mr. LAGUARDIA. The two cases are not analogous.

Mr. HAWLEY. I agree they are not entirely analogous, but I was speaking more to the point of the ability of these men to decide the questions. I believe these men are interested in the welfare of the Government and in securing from the taxpayer all the money that he should pay. In fact, there has been criticism of the officials of the Treasury Department that they were inclined to take the very last dollar from the taxpayer that it was possible to secure from him under any construction of law.

Mr. LOZIER. This controversy involved disputed questions of law and fact. Does not sound public policy suggest that those disputed questions of law and fact be determined by a court?

Mr. HAWLEY. Yes; and I can answer the gentleman's question without his making an argument about it. That is being done now. Where the matter involves mixed questions of law, or mixed questions of law and fact, where the taxpayer believes himself aggrieved, or the Government feels that the taxpayer is not willing to comply with the law written, those cases go to the courts, and those are the ones that should go, but all other matters that are simply matters of judgment, administrative regulation, or decision should be decided in the department administratively.

Mr. LOZIER. Is it not true that the disputed questions of law and fact involved in this case, namely, the amount due, were not submitted to the court, and that the decision of the Treasury Department does not establish a precedent that has the force and finality of a judicial decree?

Mr. HAWLEY. I am interested to know what questions of law arise here, or what mixed questions of law and fact arise. The gentleman from Texas [Mr. GARNER] attacked the Treasury Department on its estimates. That is a favorite subject of attack on the part of the gentleman from Texas. He is always entertaining. I have often wondered why he did not seek a wider amphitheater for the exhibition of his aptitudes along that line. It might be remunerative to the gentleman. [Laughter.]

However, whose estimate shall we follow? Shall we follow that of the gentleman from Texas, who missed it only about $175,000,000 when the revenue act of 1928 was in course of preparation, and including his estimate on the Treasury condition this year he has missed it only $200,000,000? I fear to follow the gentleman from Texas. What did the Treasury do? In the last few years it has made various estimates of income and expenditures. They have varied from the realized amounts to some extent; that is true. I will set out the facts in the case more fully in the extension of my remarks. But there were changes in the law. Also all taxes depend, of course, upon the progress of business; and coupled with that were questions of the sale of securities, questions involving alien property, questions concerning the sale of war materials, and other questions. These increased the difficulties in making estimates of receipts. We have now largely disposed of those nontax and nonrecurring items, and the Treasury this year has on the total estimate missed it by eight-tenths of 1 per cent, and on the income taxes the Treasury missed it four-tenths of 1 per cent, or about $8,000,000.

Now, here is the situation: The gentleman from Texas sets himself up as a judge of estimates. I concede his position on that side of the House. The Treasury estimates are for the country as a whole. The Treasury's estimate was in error about $33,000,000. The gentleman from Texas missed it by $200,000,000.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. HAWLEY. Certainly.

Mr. GARRETT of Tennessee. Did I understand the gentleman to state a few moments ago that his refund to the steel company is being paid to-day?

Mr. HAWLEY. Paid to-day. The law provides that when the Treasury has made a report to the joint committee the joint committee will have 30 days from the date of that notice before the Treasury proceeds to payment, and the Treasury officials advised us that if the settlement was not disturbed they would pay at the expiration of the 30 days, which was midnight last night.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MOORE of Virginia. Could the joint committee prevent a payment by protesting?

Mr. HAWLEY. The officials of the Treasury Department, Mr. Alvord and Mr. Bond, both Assistant Secretaries, said, not once, but several times, that if the joint committee did not disturb the settlement they would proceed to the payment and assume the responsibility, but if the joint committee saw fit in any way to disturb the settlement—that is, to take decided action indicating its disapproval—then the joint committee would assume the responsibility. If the joint committee protested against that arrangement, the joint committee would assume the responsibility.

Mr. MOORE of Virginia. Do you mean by "protesting" preventing the payment?

Mr. HAWLEY. If the joint committee had disapproved this settlement and decided that it ought not to be made, it would go to court.

Mr. GARRETT of Tennessee. Then it is using funds out of some other prior allotment to pay that?

Mr. HAWLEY. They are using money for refund purposes authorized in the existing law.

Now, there are many other things that I had in mind to say, but I will confine myself to one other matter. It is admitted by the gentleman——

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield there?

Mr. HAWLEY. Certainly.

Mr. GARNER of Texas. Do I understand that while Congress is not in session, under your instructions the chief examiner, Mr. Parker, passes on these cases and writes a letter and communicates with the Treasury? Is that correct?

Mr. HAWLEY. He carefully investigates every case, large or small. If he finds no cause to question the finding, he so advises the Treasury. If he finds minor matters, he calls them to the attention of the Treasury. If he finds matters he thinks of importance, he so advises the chairman, and through him the joint committee.

Mr. GARNER of Texas. When Congress is not in session, or even if Congress is in session, he acts for the committee under your direction?

Mr. HAWLEY. Under the directions issued by the former chairman. I am printing in my remarks a statement concerning what Mr. Parker and his staff does.

Mr. GARNER of Texas. Then when the committee is not here he acts for the committee?

Mr. HAWLEY. He acts in this way: He examines all the reports that come to the joint committee. If they are regular in form, and no questions occur as to compitations, or no question of the application of the law or the regulations is involved; or if no other question of law or of fact can be raised, he writes to the Treasury Department to the effect that no suggestions are to be made.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. TREADWAY. Did not Mr. Parker report to you constantly during the summer?

Mr. HAWLEY. Yes. Small cases he did not report, but on major cases he did.

Mr. TREADWAY. You were in touch with Mr. Parker even when Congress was not in session?

Mr. HAWLEY. Yes.

Now, I desire to make a few remarks on the Steel case. The United States Steel Corporation consists of the parent corporation, 13 subsidiaries and 181 subsidiaries of subsidiaries.

When the Government assessed a tax the policy of the Steel Corporation was to pay it promptly in full, and to raise no question at the time. However, there were many questions which it did raise finally, within the legal period, as to the meaning of the regulations, the interpretation of the law, and the application of the law to certain items. All of those questions were raised in due time, but the steel company took this position: That during the war, when it was necessary for the Government to have money, that whatever money the Government said was due from the steel company it should have; and that after the war was over all questions between the two should be settled, when the Government was not in the stress it was then in; that it desired to have no disputes and no lawsuits with the Government over the question of taxation at that

time. As stated, it paid $217,000,000; and it is asking that under the law and regulations adjustments shall now be made, the proper amount due should be decided and refunds made for the overpayment of its taxes. So far as I know, no allegation of fraud or unlawful practice on the part of the corporation has been raised.

This matter came to the joint committee in due order. I called the joint committee together. Mr. Parker, the expert, reported on it. He had examined it; he had gone into it at some length; he had known it was being considered in the Treasury Department and would come down. He found no fault with the computations nor had he any general criticisms to make of the proposition, but he said it involved certain questions with regard to consolidated returns and invested capital that he did not feel warranted in writing the usual letter without bringing it to the attention of the joint committee. He stated to me that so far as his examination was concerned, he found that at least the amount proposed in the bill is due the Steel Corporation. I called the joint committee together for the purpose of considering the matter. I will not restate what has already been stated regarding the hearings. At the conclusion of the hearings I called the joint committee together in executive session.

The joint committee is not required by law to approve or disapprove a claim. Reports on these claims are sent to us for our information. They can also be obtained by the Committee on Ways and Means, the Committee on Finance of the Senate, and by any special committee appointed for that purpose by either House. After the hearing was concluded, the committee then went into a discussion of what action, if any, the joint committee should take.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. WOOD. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HAWLEY. I take the position that a man who has accepted an appointment or an election to an office is obliged to carry out the responsibilities of that office. He is obliged to do that. Now, certain gentlemen have criticized this settlement, but they had a time, Mr. GARNER, of all times, and an opportunity, of all opportunities, in that joint committee, in executive session, to have made a motion to disapprove this settlement. Did they do it? I violate no confidence of the gentleman from Texas or the joint committee when I say he did not make such a motion, because the gentleman from Texas said somewhat enthusiastically the other day that he did neither of these two things.

Mr. SCHAFER. Will the gentleman yield?

Mr. HAWLEY. Just briefly.

Mr. SCHAFER. If the gentlemen of the joint committee who oppose this refund on the floor to-day had made a motion at the committee meeting to disapprove, and the motion was carried, then that check would not have gone out to the Steel Corporation to-day. Is my understanding correct?

Mr. HAWLEY. If a motion to disapprove had been carried by the joint committee I understand they would not have sent it out but would in all probability have sent it to the Supreme Court.

Mr. SCHAFER. Then, in other words, they are raising a big cry to-day after they have opened the door and let the horse out. [Laughter.]

Mr. HAWLEY. Well, if it is a horse. I want to say for myself, as one member of that joint committee, that I feel it is incumbent upon me to assume the responsibility imposed by my acceptance of that office. The joint committee has done excellent work. The consideration of refunds is but one item in this work. I am quite sure anyone will agree to that who has had occasion to see its work, its services with reference to the tax laws, amendments to the revenue act, and various other activities in which it is engaged.

I have expressed in writing that I did not believe the settlement should be disturbed. I want to know if any man who believes it ought to have been disturbed has expressed that in writing. I believe the Government has gotten a better settlement on this matter than it would get under any other procedure and that if it had gone to the courts it would at least have added many millions of dollars in interest to the present settlement, if the courts affirmed the settlement as agreed on. The interest for five years at 6 per cent on $15,000,000 would be $4,500,000. The expense of 25 experts working on that during that period would mean a considerable additional amount. I believe that this administrative settlement, along lines of sound business, was the best settlement.

Now, they speak here about taking responsibility for the acts of others. We in this House vote for appropriations amounting to more than $3,000,000,000 reported by the distinguished Appropriations Committee.

How many of us investigate the facts in such cases? We have delegated to them the business of making the investigations and reporting to us. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. Under the permission to extend and revise my remarks I submit a more extended statement of the matters I discussed and to add some additional information.

The gentleman from Texas [Mr. GARNER] has called the attention of the House to refunds of taxes collected in excess of amounts justly due, particularly emphasizing the total amount to be expended for refunds in this fiscal year. As a result an improper stress has been laid upon one side of the picture only, for he has completely failed to give credit to the Treasury Department for the enormous amounts collected in back taxes in recent years—these amounts being far in excess of the amount of taxes refunded.

He points to the estimated sum of $205,000,000 to be refunded this year. But consider the sum of $245,000,000 which the Treasury estimates will be collected in the same period for back taxes. The Government insists that deficiencies in taxes should be paid and has the power to collect them. It should also as promptly as possible return to taxpayers any excess collected from taxpayers and due them under the law.

In the last three fiscal years refunds and back taxes have been in the following amounts:

Fiscal year ending—	Refunds	Back taxes	Excess of back-tax collections over refunds
June 30, 1926	$182, 220, 051	$295, 982, 056	$113, 762, 005
June 30, 1927	117, 412, 172	331, 476, 826	114, 064, 674
June 30, 1928	148, 286, 061	277, 835, 602	129, 549, 541

In addition to these back taxes—a term which is restricted to collections made after the calendar year has closed—the Treasury every year collects substantial deficiencies before the calendar year closes. These amounts should be added to the figures for back-tax collections, to get a true picture of the results of the Treasury's activities in this respect. Exact figures can not be furnished at this time, but it is conservatively estimated that at least $25,000,000 is obtained annually in this way.

That is, during the last three fiscal years, the Treasury has collected $980,294,484 for deficiencies and back taxes, and refunded on $447,918,284, or an excess of $532,000,000 of deficiencies and back taxes collected over refunds paid. Taxes paid voluntarily in accordance with the returns filed, which in these three years reached the staggering total of over $5,400,000,000, are not included in the above figures. The figures relate only to additional taxes which the Government has claimed and actually collected. This comparison is presented that no false notion may get abroad that the operations of the Treasury consist only in making refunds. It is a large, effective organization for the collecting of taxes, and every year collects in deficiencies and back taxes far more than it has been obliged to refund.

Also the large refunds to which the gentleman has called attention are in part due to decisions of the courts. The decision of the Supreme Court in the case of the National Life Insurance Co., recently decided, will require during this year refunds totaling about $35,000,000. If this amount, together with the $26,000,000 paid to the Steel Corporation, be taken from the estimated total of $205,000,000, we only have left $144,000,000, which is less than the refunds for 1926 or 1928. So that there is nothing startling in the total figure for this year, but they indicate that the Bureau of Internal Revenue is earnestly and successfully dealing with the accumulation of hitherto unsettled cases.

And the gentleman from Texas overlooks another very significant fact; namely, that these refunds are made very largely to correct the errors of the Treasury during years prior to 1921, when the Democratic Party was in power, and these tax laws were being administered by them. Under their administration was inaugurated a system of tax procedure which resulted in virtually driving the whole tax problem into the courts for solution—not for final solution, but for decisions in

thousands of individual cases, year after year, leaving the department with its hands tied during a long period of litigation.

What was the result? The staggering total of 22,000 cases in the Board of Tax Appeals in October, 1927, and several thousand cases in the courts. These cases in the Tax Board involved asserted deficiencies totalling about $700,000,000.

Now all that the Treasury Department has been trying to do is to restore the income tax to its proper sphere. It should not be administered by the courts. Its administration should be kept within the confines of the Treasury except in the exceptional cases that really require litigation. It is substituting decent administrative practices for a scandalous system that was bringing the income tax into disrepute. It is not bargaining, or indulging in any improper practice. It is seeking to administer the income tax in the same sensible way that Canada, Great Britain, and other nations have adopted.

Let me give you a concrete example. You, as a taxpayer, find it necessary to value your factory building for depreciation purposes as of March 1, 1913, as the law permits. You fix a value of $150,000. The department's engineers examine the building and say that it was only worth $140,000. A number of years have elapsed since 1913. What is the correct answer? It is a matter on which any 10 real-estate experts might disagree. Suppose the department, to get rid of this as one of these accumulated cases in the Tax Board, concedes a value of $145,000. Is the result unfair, unsound, unwarranted? Is the answer of a court of last resort apt to be any more correct? Such a court may say the value was $140,000, or $160,000, or any other figure. In any event, the conclusion depends on someone's judgment. The department may gain or lose by the litigation. But the litigation is scarcely worth what it costs. It is also expensive to the taxpayer. He is ready to concede something to get the matter settled. Such a settlement is eminently proper, reasonable, and sound.

Or suppose, in the above case, there is another issue involved, namely, whether a promissory note held by the taxpayer has become worthless within the particular taxable year. The taxpayer has been unable to show to the satisfaction of the Treasury that the note became worthless before the year closed, but it is probable that he could obtain testimony that would show this to be the fact. If the Treasury says "We will concede your value of $150,000 for your building if you will concede this other issue and drop your claim for loss on the note," and the taxpayer willingly assents to get the matter settled, is there anything unreasonable or unsound in using such methods as these to get this accumulation of 22,000 cases out of the way? One item is offset against another. Remember that by these methods the Treasury can make available in the next two or three years large amounts of back taxes which will affect the Government's financial position very favorably, save very considerable sums in interest, and that these amounts will play an important part in determining what the tax rates in the next few years are to be.

In all these criticisms the gentleman from Texas would seem to be on as unsound ground as he was when a year ago he predicted that the tax collections would justify a tax reduction of four hundred millions, a figure that subsequent events have shown to be fantastically high.

Remember that every refund or credit of $75,000 or over is reported to the Joint Congressional Committee on Taxation, and is scrutinized by the expert staff of that committee before a cent is paid out on these claims.

These refund problems are a necessary result of the governmental policy of collecting taxes before litigation. Almost every Government, State and National, has such a policy. Particularly during the war years, when revenue was vitally necessary, we could not stop to wait for court decisions. We had to collect first and let the taxpayer pursue his legal remedies afterwards. Since the 1924 revenue act, we give him the right to a decision of the Board of Tax Appeals before an additional tax can be collected. Now, it is imperative that we dispose of the accumulation of old cases of prior years, making refunds whenever due, collecting deficiencies whenever due, the large problem being to dispose of these old cases forever and not have them dragging their weary and costly way for another five or six years from one court to another.

A failure to pass this supplemental appropriation for refunds for this fiscal year would mean just one thing: That interest would be running against the Government at 6 per cent on this sum of $75,000,000—for we must assume that it is really needed—and would continue to run until Congress at a later date appropriates the money. That would mean $4,500,000 interest annually, or over $12,000 a day, expended needlessly but inevitably. And it will not be just a few large corporations that are deprived of the use of this money. Probably 50,000 taxpayers, large and small, mostly small, would be told by the Treasury that they were entitled to a refund but there was no money available.

Moreover, the refund to the United States Steel Corporation, of which Mr. GARNER spoke, will not be paid out of this supplemental appropriation. Under the agreement of settlement the time limit of 30 days expired on January 4, 1929, at midnight.

ESTIMATES OF RECEIPTS AND DISBURSEMENTS—SURPLUSES

The Federal income tax as we now have it largely arose out of the necessities of the World War. In the case of corporations the invested-capital plan was adopted, under which a certain percentage of tax-free income was allowed before determining the net income subject to taxation. Income, excess-profit taxes, or war taxes were imposed. The rates of taxation were very high and the taxable incomes returned were very large for the years 1917, 1918, 1919, and 1920. The determination of invested capital has proved extremely difficult and has necessitated the employment of engineers of various branches of the engineering business, accountants, lawyers, and other experts. The questions arising out of the problems of invested capital, complicated by consolidated returns, have materially delayed the final adjustment of taxes due for these years. It has been found that, in some instances, an excess of taxes was collected and refunds must be made. In other instances there is a deficiency in the tax and the taxpayer is called upon to make further payments.

The amount of back taxes estimated to be collected in any fiscal year, minus the amount of refunds estimated for that year, has been considered as an item of income for such year and included in the estimates as income. This constitutes an irregular, nonrecurrent item which will in the course of time be reduced to a comparatively small amount. Other nonrecurrent sources of receipts have also existed, such as the sale of surplus war material, sale of railroad securities, sale of Federal farm-loan bonds, and other items. The total amount received from these nonrecurrent sources has been in past years a very material item in the Treasury receipts but is gradually becoming of less importance. These items have complicated the estimates of receipts in past years, as it was not possible to forecast with certainty what settlements of income taxes might be made, deficiencies collected, refunds paid, and what sales of securities or property acquired during the war might be effected. But with the growing elimination of these nonrecurrent items the Treasury has been able to estimate with much certainty the receipts from the sources under its control. There seems to be an opinion in the country that the Treasury Department is primarily responsible for estimates of expenditures, but under the Budget system, as now established, estimates of expenditures are prepared by the Director of the Budget, to whom all the departments and bureaus of the Government report. The Treasury Department prepares the estimates on internal revenue, customs receipts, and miscellaneous receipts. It is true that during the years following the war actual receipts from these sources differed very substantially from the estimates. This was due to the unusual conditions which made it extraordinarily difficult to estimate with great accuracy. For example, extensive changes were made in the revenue laws in 1921, 1924, and 1926, and there were rapid and sweeping changes in business conditions, and miscellaneous receipts were particularly difficult to estimate, owing to the large amount of capital assets held by the Government which were being disposed of but as to which it was impossible to foresee the actual time of disposition. Moreover, the Bureau of Internal Revenue was concentrating on the disposition of the accumulation of tax cases resulting from the war years, which made the back-tax item more uncertain than ever, and even under normal circumstances it is almost impossible to estimate in advance what back-tax collections will amount to, depending as they do on the development of facts which can not be foreseen and on court decisions the effect of which can not be anticipated.

With the passing of the unusual conditions which have existed there is every reason to believe that the Treasury estimates of revenue will become more and more accurate and thus deprive the gentleman from Texas of one of his favorite political targets. For instance, for the fiscal year 1928, the Treasury revenue estimates were remarkably accurate. Total ordinary receipts were estimated at $4,075,600,000, whereas actual receipts amounted to $4,042,300,000, a discrepancy of only $33,000,000, which is extremely small when compared with the total figure and amounts to only eight-tenths of 1 per cent. Income-tax receipts varied from estimates by only four-tenths of 1 per cent. This seems remarkably accurate, especially when consideration is given to the uncertain character of several factors and that the whole structure is based upon the progress of business in the country.

There is every reason to believe that the Treasury estimates for the fiscal year 1929 will prove to be as accurate as they were for the fiscal year 1928.

It seems also that the fiscal year ending June 30, 1929, will close with a surplus in the Treasury.

WHOSE ESTIMATE SHALL WE FOLLOW?

But in the matter of estimates of surpluses, whom shall we follow? Mr. GARNER? I fear to do this. This year when we were preparing the revenue act of 1928 he was quite of the opinion that taxes should be reduced some $400,000,000, as I recall, or some $175,000,000 more than was done. He now laments a possible deficit as a "disgrace to the country." His proposal would have made this certain.

THE PREPARATION OF THE BUDGET

The estimates of receipts and disbursements submitted to the President to be transmitted with the Budget letter are not prepared in the Treasury Department, but are compiled in the Bureau of the Budget. The Treasury therefore is not responsible for the Budget statement nor for the figures which appear in the annual message. While the Bureau of the Budget is nominally "in the Treasury" that does not mean that it is under the direction of the Secretary, but, in practice, means only that the offices of the Bureau of the Budget are in the Treasury Building. The Bureau of the Budget reports directly to the President. On the proposed expenditures by the various departments and offices of government the Treasury reports to the Budget Bureau as any other department reports.

The table of receipts and expenditures printed on pages 18 and 19 of the Report of the Secretary of the Treasury, is not prepared in the Treasury, but by the Bureau of the Budget, and transmitted to the Treasury for inclusion in the Secretary's report. The estimates in the table are on the basis of the information received from the several departments and independent offices by the Bureau of the Budget at the time the Budget letter is prepared for printing.

Surplus revenues accruing in any year have been used to reduce the public debt, and any diminution of the debt lessens, for all subsequent years, the interest charges which must be paid out of the receipts from taxation. Between June 30, 1921, and June 30, 1928, surpluses aggregating $2,791,737,355 have been applied on the debt, making an annual decrease in the interest charge of from $115,000,000 to $120,000,000, and a total of several hundred millions for this period of eight years.

I give below information from the Treasury under date of January 4, 1929, showing details of debt and interest reductions.

THE UNDERSECRETARY OF THE TREASURY,
Washington, January 4, 1929.

Hon. W. C. HAWLEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR MR. HAWLEY: I acknowledge your letter of January 2, 1929, requesting certain statistics on the public debt of the United States.

The gross public debt of the United States on February 28, 1921, according to the statement of the public debt issued for that date, amounted to $24,049,527,788.58. This is the date nearest to March 4, 1921, for which an official statement was issued showing the status of the public debt.

There is transmitted herewith a statement showing, on the basis of the daily Treasury statements, the public-debt retirements from specified sources for each fiscal year from 1920 to 1928, among which you will find the retirements from surplus.

You request to be advised as to what the annual interest charge on the public debt was for June 30, 1921, and how much such charge has been reduced since that date. While the average annual interest charge on an accrued basis has been computed as shown in Table 52 (pages 541–543) of the Secretary's Annual Report for the fiscal year 1928, it is the Treasury's view that interest payments actually made in cash during a given fiscal year as stated in published reports are the best information for this purpose. The total payments made in the fiscal year 1921 amounted to $999,144,731, and in the fiscal year 1928 amounted to $731,764,476. This shows a total annual reduction in interest payments of $267,380,255. This saving is the result of debt retirements from the sinking fund, foreign repayments, reductions in the general fund balance, and other miscellaneous sources, and of refunding part of the debt into issues bearing lower rates of interest. The average rate of interest on the public debt has been reduced from 4.292 per cent in 1921 to 3.901 per cent in 1928.

You also request to be advised as to how much of this reduction in the interest charge is due to the application of the surpluses. It is not possible to accurately compute this amount, as the surplus of receipts is generally automatically applied throughout the year to debt reduction and there is no necessity for keeping complete accounts of retirements from this source by particular issues. An estimate, however, has been made from the best available information, which indicates that subsequent annual savings in interest charges on account of the application of the surpluses available between June 30, 1921, and June 30, 1928, aggregating $2,791,737,355, will amount to between $115,000,000 and $120,000,000.

I trust this gives you the information you desire.

Sincerely yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Statement showing on basis of daily Treasury statements public debt retirements from specific sources for each fiscal year from 1920 to 1928
(War debt reached its peak of $26,596,701,648.01 in the fiscal year 1920, on August 31, 1919)

June 30—	Public debt retirements chargeable against ordinary receipts							Surplus of receipts	Decrease in general fund balance	Total debt reduction	Total gross debt
	Sinking fund	Foreign repayments	Bonds received under the debt settlements	Received for estate taxes in bonds/notes	Franchise tax receipts	Miscellaneous: Gifts, forfeitures, etc.	Total				
1919											$25,484,506,160
1920		$72,669,900		$3,141,050	$2,922,450	$12,950	$78,746,350	$212,475,198	$893,963,145	$1,185,184,693	24,299,321,467
1921	$261,100,250	73,939,300		26,348,950	60,724,500	168,500 4,842,066	422,281,500 4,842,066	86,723,772	[1] 191,976,423	321,870,915	23,977,450,552
1922	276,046,000	64,837,900		21,084,850	60,333,000	392,850	422,694,600	313,801,651	277,572,593	1,014,068,844	22,963,381,708
1923	284,018,800	32,140,000	68,752,950	6,568,550	10,815,300	554,891	402,850,491	309,657,460	[1] 98,833,608	613,674,343	22,349,707,365
1924	295,987,350	38,509,150	110,878,450	8,897,050	3,634,550	93,200	457,999,750	505,366,986	135,527,640	1,098,894,376	21,250,812,989
1925	306,308,400	386,100	158,793,500	47,550	794,160	208,404	466,538,114	250,505,238	17,575,749	734,619,101	20,516,193,888
1926	317,091,750	4,393,500	165,260,000		567,901	62,900	487,376,051	377,767,817	7,833,705	872,977,573	19,643,216,315
1927	333,528,400	19,254,500	159,961,800		1,231,835	5,578,310	519,554,845	635,809,922	[1] 24,055,384	1,131,309,383	18,511,906,932
1928	354,741,300	19,068,000	162,736,050	1,500	618,367	3,089,803	540,255,020	398,828,281	[1] 31,469,570	907,613,731	17,604,293,201
	2,428,822,250	325,198,350	826,382,750	66,089,500	141,642,063	15,003,874	3,803,138,787	3,090,936,325	986,137,847	7,880,212,959	

[1] Increase in net balance in general fund operates as an increase in total gross debt.

Retirements from—			
Charges against ordinary receipts	$3,803,138,787	Total gross debt June 30, 1919	$25,484,506,160
Surplus of receipts	3,090,936,315	Total gross debt June 30, 1928	17,604,293,201
Reduction in general fund balance	986,137,847		7,880,212,959
	7,880,212,959		

NOTE.—The above detailed figures of retirements chargeable against ordinary receipts for the fiscal year 1921 include $4,842,066.45 written off the debt Dec. 31, 1920, on account of fractional currency estimated to have been irrevocably lost or destroyed in circulation.

DEFICIENCIES AND REFUNDS—METHODS OF SETTLEMENT

The collection of taxes is primarily an administrative matter. When questions involving interpretation of the law are raised, or questions of law and fact, or when for any reason the taxpayer feels himself aggrieved, or the Government finds the taxpayer making claims that seem to it unwarranted by the law, these may be taken to the courts. Court proceedings are slow and expensive for various reasons. In order to expedite the settlement of tax cases Congress created the Board of Tax Appeals, to which any taxpayer might appeal before paying a deficiency assessed against him. Decisions of this board and of the Court of Claims, as well as those of other courts, afford precedents for use in subsequent cases. Modern business with its varied and complex conditions is constantly presenting new income-tax problems, which cases theretofore decided by the courts affect but little. I believe it is to the interest both of the

Government and the taxpayer that administrative settlement of tax matters should be the general rule, and this is the policy of the Treasury at this time. In general, the great body of business men in the country are found in actual experience to prefer this method of administrative settlement, as the early disposition of their tax matters affords a very necessary element of certainty in their affairs. A very large proportion of tax returns present simple problems, but there are a great number of returns which involve questions that are by no means easy of determination. What amounts should be allowed in any year arising out of depreciation, depletion, obsolescence, inventories, and so forth, are matters of judgment, to be decided after thorough and careful investigation and the consideration of all the facts in the case.

When cases are referred to the courts it not infrequently happens that before final decision is rendered the taxpayer has gone into bankruptcy, and little or nothing can be collected. The decisions of courts in various jurisdictions are not uniform and are at times contradictory. Some 22,000 cases, involving over $700,000,000, have been referred to the Board of Tax Appeals, which would take the board at least five years to dispose of, not taking into account new cases that may be added. The Board of Tax Appeals is a diligent body and has reduced the above number.

The Board of Tax Appeals, since its organization in July, 1924, received up to June 30, 1927, 28,311 cases, and, during this 3-year period, disposed of 8,893, or 31.52 per cent. There were pending on June 30, 1927, 19,318 cases. On February 29, 1928, the number of cases pending had increased to 21,381, an increase of 2,063 in a period of eight months. During the same 8-months' period the amount of deficiencies involved in pending cases had increased from $517,804,480 to $885,526,232. Delays in the settlement of tax cases should be reduced to the minimum.

In July, 1927, what is known as the Special Advisory Committee was created, consisting of 12 of the best and most experienced men, to administratively consider and settle the more difficult cases. As I understand, the Board of Tax Appeals has been relieved by this committee of a number of cases. During its first year the Special Advisory Committee considered 8,549 cases and disposed of 5,391 by the administrative method. As stated above, the committee has relieved the board of many cases, and has eliminated by settlement several thousand other cases that would have been appealed. Congress has, for some years, been urging the disposition of the accumulated cases, and the Treasury is making a diligent and effective effort to do this. Early settlement eliminates the expenses of litigation, for every day that a case is pending before the courts there is a continued expense. The purpose of the bureau is to give the taxpayer as fair treatment as could be accorded in the court, and at the same time protect the interest of the Government, and, while proper forms of procedure are observed, there is less formality than occurs in the court. The early way out of this wilderness of accumulating cases does not run through the courts.

In a great percentage of income-tax cases, particularly those involving excess-profit and war-profit taxes, and in which invested capital is a factor, it is not possible to determine the tax with strict mathematical accuracy. In these returns there are invariably present items concerning the application of which there is disagreement between the taxpayer and the bureau, such as inventories, depreciation, depletion, obsolescence, and many others which affect the amount of tax to be paid, the deficiency to be collected, or the refund to be made. The determination of such questions rests upon judgment rather than mathematical calculation.

The whole trend in administration in the Bureau of Internal Revenue is to diligently audit revenue returns and close cases, dealing with taxpayers in a courteous and sympathetic manner. With the vast majority of taxpayers the administration of the income tax is growing in approval.

The Treasury has not to my memory indicated any desire to see the income tax abandoned, but, on the contrary, has adopted the administrative method of settlement under the operations of which taxpayers are indicating an increasing satisfaction.

The most certain way to make the revenue tax unacceptable in the country would be for the Government to become litigious and file a multiplicity of suits. It is the purpose to avoid this in all proper cases. Suits involving questions of the interpretation of law, or for the decision of questions of mixed law and fact, or where a taxpayer feels aggrieved and exercises his right to enter a court, or the Treasury believes the interests of the Government can not otherwise be protected will continually occur. But unnecessary suits should be avoided.

And, in passing, let me say that the Secretary of the Treasury does not administer the revenue tax, audit returns, assess deficiencies, or determine refunds. These are committed to the officials who are designated under the law for this service and who work out their problems according to their own program. Deficiencies or refunds as agreed upon are not submitted to the Secretary for his approval; nor does he hasten or delay the adjustment of individual tax cases, as was inferred by Mr. GARNER.

As I understand, the Secretary of the Treasury does not prescribe to the Bureau of Internal Revenue the order in which returns shall be considered which involve the collection of deficiencies or the payment of refunds. The bureau proceeds with its work as rapidly as consistent with accuracy and due consideration. When agreements have been reached with taxpayers upon deficiencies or refunds the deficiencies are collected and the refunds prepared for payment. There is no policy existing in the bureau or in the Treasury under which the decision on cases will be so arranged as to occur at moments that may be said to be politically fortunate. During the consideration of a return in which there are disputed items it can not be forecast with certainty when a conclusion will be agreed upon. There is no reason for holding back the decision on a refund or on a deficiency, and a Committee on Ways and Means has for several years urged the bureau to bring its work current. In accordance with this, as well as with its own desire, cases have been brought to settlement as rapidly as possible.

I have on several occasions differed with the Treasury on tax policies, but as an institution, after many years of experience, and especially during recent years, I have regarded the Treasury proceedings as those which should be pursued by any sound business concern. Any febrile attempt to bring the administration of the present great Secretary of the Treasury into discredit has not been and will not be received by the country as warranted.

UNITED STATES STEEL CORPORATION REFUND

The recent remarks concerning Treasury operations, especially regarding those of the Bureau of Internal Revenue, occurring on the floor of this House, primarily arose out of the settlement with the United States Steel Corporation for taxes for the year 1917. The United States Steel Corporation as a parent concern, is not a manufacturing concern but a holding company. The general organization consisted in 1917 of a total of 195 corporations comprising a parent company, 13 subsidiaries of the parent, and 181 subsidiaries of subsidiaries. With its return of 1917 it paid in round numbers $200,000,000 of tax. Subsequently, upon demands from the Treasury, it paid over $17,000,000 additional tax. The policy of the company was to pay taxes as soon as assessed, and within the legal period to file application for refunds whenever it thought refunds were due. This policy has given the Government the use of the money made in the additional payments for the period of from seven to nine years. Practically all the difficult problems connected with income taxation are involved in this case, including depreciation, depletion, obsolescence, inventories, and so forth, requiring the examination and report of engineers, accountants, lawyers, and other experts. Within the legal period, and in order to preserve its rights, the corporation filed during the past summer a suit in the Court of Claims, in the amount of $101,000,000 principal sum and $60,000,000 interest, or a total of $161,000,000. This suit included, of course, practically every item that has been in dispute during the consideration of this case. Recently, the Bureau of Internal Revenue arrived at a settlement with the company for refunds for 1917, of nearly $16,00,000, with interest of approximately $11,000,000, making a total of a little less than $27,000,000. Involved in this agreement is a final settlement of the taxes of the corporation for the year 1917, and a dismissal of the pending suit in the Court of Claims. In accordance with the law, which requires all settlements for refunds in excess of $75,000 to be reported to the Joint Committee on Internal Revenue Taxation, the bureau so reported on December 17. The case was carefully examined by the division of investigation.

As chairman of the joint committee, I called a meeting at which officials of the Treasury appeared and made a statement to the joint committee of the facts in the case and the considerations that led to the conclusion of this agreement.

Under the revenue act, returns are subject to publicity only to a limited extent, and certain facts regarding returns are not to be made public by any person, no matter what office such person may hold. The law provides that the Committee on Ways and Means of the House, the Committee on Finance of the Senate, and the Joint Committee on Internal Revenue Taxation, can ask the Treasury for certain information for their guidance, but this provision does not set aside that provision of the law which inhibits the publicity of returns. When the joint committee met, the question was raised whether the hear-

ing should be stenographically reported. The Treasury officials were asked if they could speak as freely to the joint committee if the proceedings were to be stenographically reported as they could under the law if no reporter were present, and the officials stated that they would necessarily be restricted in their statements were a reporter present. The committee therefore decided not to have the proceedings stenographically reported, in the interest of the fuller information. The joint committee is not required to approve a refund or to disapprove a refund. Under the law these reports are submitted for the information of the joint committee. However, if the joint committee should seriously object to any settlement involving refunds, doubtless such objections would be given the serious consideration of the Treasury. In fact, the officials stated that if the joint committee entered no objection they would proceed with the settlemen, and when the time arrived, on January 4, for payment, would pay the refund and the Treasury would assume the responsibility for the settlement; but if the joint committee opposed the settlement, and suggested that it should be taken to the court, the responsibility for the outcome must be assumed by the joint committee. At the conclusion of the hearing which lasted some four hours, the joint committee met in executive session. As one of the members, I believe the settlement is favorable to the Government, that it should not be disturbed, and that legal proceedings should be instituted. Litigation would require the attention of a large number of the experts for a period of five years, in all probability, and the payment of a large sum in additional interest, before a final decision by the Supreme Court could be obtained. Mr. GARNER is a member of the joint committee.

I violate no confidence of that committee in stating that he made no motion or made no proposal to disturb the settlement, for he has already made that statement on this floor. I have always held the opinion that a person elected or appointed to office is under obligations to fulfill the duties of the office he has accepted. I submit that if Mr. GARNER were opposed to this settlement he had the opportunity of all opportunities in the joint committee to have made a motion to that effect; but since he did not, by his own act he has tacitly declined to disturb the settlement, leaving the responsibility for such settlement with the Treasury. His speech on the floor of the House may or may not indicate such dissent.

The settlement with the United States Steel Corporation for the years 1918 and 1919 awaits the disposition of that pending for 1917, and in the settlement to be effected for these years the $28,000,000 of credit transferred from 1917 will be taken into the account. If the proposed settlement were to be rejected and the matter litigated, no one can forecast the final outcome; but, in the meantime, interest must be paid by the Government for a period of many years on all refunds ordered by the Supreme Court.

At the hearing it was several times clearly stated by the Treasury officials that the proposed refund would be paid at the end of the statutory period of 30 days; that is, January 4, 1929, if the joint committee did not take unfavorable action. I earnestly suggest that Mr. GARNER neglected his opportunity if he holds the opinion that the proposed settlement should be rejected and the matter submitted to the courts. I have been proceeding on the supposition that this was the discussion of a financial matter in which opportunity was afforded to correct what a member of the joint committee thought was an objectionable action, or at least to express disapprobation in an official way. However, if this is considered as an opening for partisan advantage, that is another story.

The Joint Committee on Internal Revenue Taxation was organized by the election of Hon. William R. Green, then chairman of the Committee on Ways and Means, as chairman. Judge Green was authorized to employ a staff of experts and stenographers. With the experts he worked out plans of work which were approved by the joint committee and which have not yet been fully carried out. When I became chairman, after inquiry, I found it not advisable to disturb or set aside investigations in progress, but have suggested some additional inquiries. There is much valuable work yet to be done by the joint committee and its staff in working out the problems involved in income tax legislation. At my request, Mr. L. H. Parker, Chief of the Bureau of Investigation, prepared a brief statement of the plans and work of the joint committee:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, December 28, 1928.

Hon. WILLIS C. HAWLEY,
Chairman Joint Committee on Internal Revenue Taxation,
Washington, D. C.

MY DEAR CHAIRMAN: In accordance with your verbal request of yesterday, I am outlining briefly the procedure followed by this office in connection with the refunds and credits which have been or are being reported to the Joint Committee on Internal Revenue Taxation under the provisions of H. R. 16462, the urgent deficiency bill of February 28, 1927, and under the provisions of section 710 of the revenue act of 1928. The procedure followed was approved by Hon. William R. Green, former chairman of this committee.

Both the urgent deficiency bill and the revenue act of 1928 required that refunds and credits in excess of $75,000 should be reported to the committee by the Commissioner of Internal Revenue, together with a copy of his decision in each case. No power to approve or disapprove these credits or refunds was vested in the committee. It was recognized, however, that while the committee had no definite responsibility in the matter of the refunds and credits, that nevertheless Congress had a purpose in enacting this legislation and that there was laid on the committee an obligation to carry out such purpose or purposes.

The purposes which it seemed probable that the Congress had in mind were the subject of conferences between the former chairman, Judge Green, and the writer. It was concluded that the intent of Congress could be analyzed substantially as follows:

First. It appeared to be the purpose that the joint committee should be informed as to the principal reasons for the crediting and refunding of taxes, and that the Congress should also be informed of such reasons if it was thought desirable.

Second. It appeared to be the purpose that the joint committee should be furnished currently with the decision of the commissioner on these important cases, thus allowing it to study the effect of our system of internal-revenue taxation in the concrete instead of studying the effect of this system mainly in the abstract.

Third. It appeared to be the purpose that the committee itself, or its authorized agents, should call to the attention of the Bureau of Internal Revenue or the Treasury Department any final tax determinations resulting in refunds or credits which might seem erroneous, or doubtful, or worthy of further study and investigation. It was understood, that as the committee had no power to approve or disapprove of these matters, that the duty of the committee and its staff was discharged with the making of the above comments, and that the department could act on same as it saw fit.

Judge Green instructed the writer to take charge of the reports made by the commissioner in regard to refunds and credits and to handle same in general conformity with the three purposes named above. It was realized that a complete audit of these cases could not be made, and it was therefore left to the discretion of the writer as to what cases would be especially investigated from the complete files of the Bureau of Internal Revenue. The reports made to the committee and the decisions of the commissioner have in all cases been carefully examined. Cases which have seemed doubtful after such examination have been thoroughly investigated on the doubtful points from the bureau files. Your instructions to the writer upon taking up the chairmanship of the committee were to follow the same procedure as instituted and approved by Judge Green.

In carrying out the above instructions the writer has had also two practical considerations in mind—first, to cause as little interference with the work of the bureau as possible and, second, to cause no interest loss to the Government on account of delays.

Mr. Chesteen, assistant chief of this division and a former auditor of the consolidated returns division of the bureau, has immediate charge of all special investigations requiring an examination of the bureau files. He has been furnished, through the kindness of the commissioner, an office in the National Press Building, where the audit division of the bureau is located. Thus files can be examined by him or his assistant without leaving the building. This prevents many disadvantages which would occur if the files left the custody of the bureau for examination at the Capitol.

A few words seem proper as to the results of the above procedure. In carrying out what appeared to be the first purpose of the Congress in regard to ascertaining the principal reasons for the refunds and credits a complete report on refunds, credits, and abatements was made and furnished each member of the joint committee in January, 1928 (report dated December 8, 1927). This report fully outlines and classifies the principal reasons for such overassessments of tax and also contains a description of certain important individual cases and the comments made thereon to the bureau by this office. A duplicate copy of this report is attached. The joint committee took the matter of submitting this report to the Congress under advisement, and action thereon has not been taken. A similar report is now in process of preparation and will be ready for submittal to the joint committee in January, 1929.

The second purpose which seemed to be in the mind of the Congress was in regard to furnishing a basis for the study of our system of internal-revenue taxation in the concrete in order that defects could be found and means of simplification arrived at. The writer believes that the study of these refunds has brought out matters which have had an important bearing on the following reports already made:

1. Depreciation.
2. Capital gains and losses.
3. Consolidated returns.

4. Interest.

5. Federal taxation of life-insurance companies. The necessity for reports on other subjects has also been seen from this study, among which may be mentioned:

6. Credit of foreign taxes.

7. Depletion.

8. Defects which allow of legal tax avoidance.

9. Valuation methods.

The third purpose of the Congress appeared to be that there should be opportunity for comments to be made to the Treasury Department or the Bureau of Internal Revenue by the joint committee or its agents in regard to specific cases. It is the opinion of the writer that in the main the comments of this division have been helpful to the bureau instead of the reverse, as they have called to the attention of the higher officials certain doubtful issues, and, in at least one instance, seem to have corrected an inconsistent practice. The actual cases where the comments of this division have resulted in reducing the refunds proposed have only been two in number and the amounts saved comparatively small in comparison with the enormous amount of refunds made. Nevertheless the corrections made have been in an amount more than sufficient to pay the expenses of this division since its organization.

The writer would be glad to be advised if the above sufficiently describes our procedure in connection with refunds and credits, and, also, if you desire to make any modifications or changes in our present practice.

Very respectfully,

L. H. PARKER.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I feel the time that has been allotted to me could have been used to very much better advantage in the hands of our distinguished chairman. I can only paint the picture perhaps in a little different language from that which he has already so ably used.

In the first place, I want to go a little more completely into what has brought this matter to the attention of the House at this time. It would appear that the question of refunds in taxation is almost a new subject here. Of course, it has been going on indefinitely since the income tax law was first set up and will continue to go on. The total refunds since 1917 have amounted to $975,012,356.33. This is not a new situation at all, but it so happens that under the regulation which requires all reports of claims exceeding $75,000 to be made to the joint committee for its consideration—not approval or disapproval—attention has been concentrated on this hearing at the present time through the gentleman from Texas and I first want to make a reference to that matter.

The chairman has referred to the meeting of the joint committee held on December 17, at which appearance was made by the Treasury Department. There was present a stenographer, and the first question that came up was whether or not we needed his services. The statement was made that it might be embarrassing at a later period in court if this matter was considered in open session, a report of it made stenographically, and then made a public record. It was therefore agreed by the joint committee that we were in executive session and the stenographer was excused.

I do not ever wish to criticize my colleagues, but I do think the House is entitled to a realization of the fact that within 48 hours from that time the distinguished gentleman from Texas took it upon himself to make an hour's speech on the floor delivering to the general public the details of what had happened in the executive session of the joint committee. It does not seem to me that this was either ethical, proper, or under the general parliamentary procedure of the House.

I was very much surprised that he, of all men, knowing how careful he has been in sessions of the Ways and Means Committee to wonder where leaks to the press came from, that he himself should have taken it upon himself to bring the matter in the form of a speech before the House; but there was no deception on his part as to where the leaks came from in this case. The leak was very apparent and the gentleman from Texas was the party that leaked. [Laughter.]

Now, the gentleman from Mississippi [Mr. COLLIER], another colleague of ours on the joint committee, has taken exception to what he calls a trade-and-barter system of settling these very intricate cases.

It has been referred to several times that this case, the so-called United States Steel Corporation case, is so intricate, so complicated, and so voluminous that it required 2,400 pages of closely typewritten material to even make a report on it. Still the gentleman from Mississippi says that the method of settlement was a hodgepodge. Why, according to the testimony before the Committee on Appropriations of the Undersecretary, Mr. Bond, three of the ablest men in the department had worked for years on this matter.

Mr. COLLIER. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLLIER. I quoted the language of Secretary Bond himself where he said, "After offsetting and conceding." If that is not a different name for bartering and trading, I do not know what would be. He used perhaps finer language.

Mr. TREADWAY. In order that the matter may properly be before the Members of the House, let me say that I am somewhat of a Yankee trader. I have never had occasion to trade individually in these millions, of course, but the gentleman knows that we have information that the United States Steel Corporation from the very beginning of the income tax law had paid every claim ever made by the Government in the form of taxation, never had questioned or quibbled, and therefore they naturally brought in a protest when the time came. They did pay the tax, and under the best of audits, if this bill had not been paid at midnight last night, as our chairman has told you, the suit in the Court of Claims would have followed on the part of the United States Steel Corporation representing over $100,000,000 of claims against the United States and in addition to the $100,000,000 there would have been a further claim of $60,000,000 for interest. Now, which is better, to allow all the experts available in the Government to make up this tax bill and say what is a fair compromise and have the United States Steel Corporation agree to that compromise of $15,000,000 with $11,000,000 of interest added, making a total of $26,000,000, or go to court over a long period of years with a greatly involved case, and then be called upon possibly to pay $160,000,000. If this is trade and barter, I am for it.

Inquiry has been made as to whether this transaction would close up all pending tax refunds to the United States Steel Corporation. In reply I would say that the tax for the year 1917 is the only one involved in this settlement. The company paid $216,849,230.56, and, as above stated, filed suit in the Court of Claims for the refund of $101,000,000. This suit is cleaned up and settled by the payment by the Government of the $15,000,000, with interest.

Now, in addition to this, we of the Ways and Means Committee and of the joint committee have insisted continually, Clean up these back cases and get current! No man has used the language of bringing the cases up current more than my good friend GARNER, from Texas, who is always urging the Treasury Department to get current, and here was a case where we could make great headway, and when the Treasury Department offers this opportunity he is not willing to help get current.

Our Democratic friends are always criticizing the overhangs of back cases. We have set up different forms and methods endeavoring to get current. First, the Board of Tax Appeals, which has not been able to make any great headway, because claims are coming in faster than settlements can be made by the board.

Then the Undersecretary of the Treasury, Mr. Mills, whom so many of you remember as one of the great tax experts here, appeared before our joint committee and advised an informal advisory committee to do the very thing that now the gentleman from Mississippi [Mr. COLLIER] objects to being done, namely to try to make these settlements without the long, tedious process of law. They have been fairly successful; the number of cases has been materially reduced. Mr. Bond says that there are 12,740 pending, and yet the gentleman objects to the efforts to expedite the work.

Then the gentleman from Tennessee [Mr. BYRNS] argues that because our special joint committee had not approved of the settlement of this Steel case the committee must be held to have disapproved of it. That is practically what he said. On the other hand, the law does not give the special joint committee the power or responsibility.

If the joint committee should have passed a vote not approving this settlement, it is probable that the officials of the Treasury would have inferred that the committee thereby assumed the responsibility of having the department proceed to defend itself in the court action which had already been filed by the Steel Corporation. Failing such action, however, the committee thereby indicated its attitude that the matter was one under the jurisdiction of the Treasury itself and for which the Treasury should be required to assume all responsibility.

There has been no dereliction on the part of the joint committee, and the insinuation that one man passes on all these things is not fair to the joint committee, of which the gentleman from Texas [Mr. GARNER] himself is a member. It is not fair in this way, that as the chairman has said he is continually in touch with our experts whether Congress is in session or not.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. MOORE of Virginia. Was this settlement conditioned on the payment being made on January 4?

Mr. TREADWAY. The chairman has explained that.

Mr. MOORE of Virginia. Was that attached as a condition to the settlement?

Mr. TREADWAY. No; I will ask the chairman to explain it in my time.

Mr. HAWLEY. The settlement was made to take effect on that day, but I do not remember that there was any statement made that if the settlement was objected to by the joint committee the settlement would not be made.

Mr. MOORE of Virginia. It seems to me extraordinary if it was not that the Treasury should have proceeded when they knew that the proceeding was pending in an acute form.

Mr. HAWLEY. I am not able to answer more definitely than that. My impression is that the settlement was made to take effect January 4, and if it did not take effect of course that would upset it.

WHAT HAS BEEN DONE BY JOINT COMMITTEE

Mr. TREADWAY. The inquiry of the gentleman from Virginia is pertinent and important. I shall be glad to answer him in detail in revising my remarks.

The principal reason for the prompt release of check to the United States Steel Corporation was to save interest on the total amount of the refund. Another reason was that plans had been made to meet this payment, and the Government, having the money on hand, under its financing plan would gain nothing by holding it. On the other hand, if the refund were not paid within the time limit the Government would be required to pay interest on the amount of the refund at the rate of 6 per cent per annum, which in this case would be about $2,465 a day. The time during which the Treasury Department was required by law to withhold payment of this refund expired at midnight on January 4, being the expiration of the 30-day period specified in the revenue act of 1928. It is probable that if the Treasury had not paid this refund promptly there would now be criticism of the amount of interest which would be accumulating each day.

Now, I want to refer to the work of the joint committee in the various cases referred to it. Here is a brief summary of what has been before the joint committee. The chief examiner of the joint committee, Mr. Parker, makes the following statement of the cases that have been referred to the committee:

Taken as a whole the overassessments submitted by the commissioner to the joint committee show careful, legal, and just handling in the face of many difficult problems.

The review of the overassessments is instructive as to the operation and effect of our revenue acts and as to certain inequitable results permitted under such acts.

Two hundred and ninety-six cases, or 92 per cent, have been clearly proper and allowable on the basis of the facts shown in the report of the commissioner to the joint committee.

Twenty-seven cases, or 8 per cent, have been doubtful on the report of the commissioner and have been specially investigated through the files from the Bureau of Internal Revenue or upon special inquiry addressed to the authorized representative of the Treasury Department.

In regard to the 27 doubtful cases, after special investigation, the following classification can be made:

Sixteen cases were found proper; 9 cases were not computed in accordance with the view of the staff of the committee, but nevertheless were not clearly illegal or outside of the discretionary authority vested in the commissioner by the revenue acts; 1 case appeared not to be in accordance with current board decisions and was promptly withdrawn for review by the general counsel's office when attention was drawn to this fact by the committee's representative; 1 case is awaiting information from the bureau on certain doubtful points.

It is of course apparent that the Members of the House would have no better conception of the intricacies of these cases if there were submitted to them all the documentary evidence accumulated over a period of years by the experts of the Treasury. This refund is based on the complicated tax reports of nearly 200 concerns which constitute the United States Steel Corporation. The selected men in the department have been specially assigned to delve into all the facts. Having confidence in their ability, confidence in the Secretary of the Treasury and his able assistants, the Undersecretary and Assistant Secretary Bond, it would seem to me to be the part of wisdom to act on their judgment. I am confident the House will approve the recommendations of the Treasury and appropriate the $75,000,000 called for in the urgent deficiency bill for the payment of refunds. [Applause.]

[Mr. TREADWAY had leave to revise and extend his remarks.]

Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, this question of the refund to the United States Steel Corporation comes before this House in a most peculiar way. The question has been raised as to the repayment to-day. If gentlemen will examine the report of the committee which is presenting this bill, they will find in that report the statement that the question of this refund to the United States Steel Co. was not before the House, that it was only before it in a retrospective or historic way, and that report was filed days ago before there was any intimation, as I understand it, that the gentleman from Texas [Mr. GARNER] would review this question.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GARNER of Texas. It was filed long after I made the statement on the floor of the House.

Mr. DEMPSEY. The gentleman, as I understand it, did not say that he was going to contest this question on the hearing of this bill.

Mr. GARNER of Texas. What does the gentleman think I was talking to? Just to hear my voice ring?

Mr. DEMPSEY. The gentleman was talking to the matter generally, but the fact is that that report has been here all these days with that statement in it.

Mr. GARRETT of Tennessee. Does the gentleman mean the report on this deficiency appropriation bill?

Mr. DEMPSEY. Yes.

Mr. GARRETT of Tennessee. Oh, the bill was only reported yesterday. The report is dated as of January 4.

Mr. DEMPSEY. The report has been in type and available for days.

Mr. GARNER of Texas. The gentleman is not accurate in that.

Mr. DEMPSEY. That is my understanding.

Mr. GARNER of Texas. I have tried to get the hearings on this case.

Mr. DEMPSEY. I am talking about the report.

Mr. GARNER of Texas. The report could not be gotten up until the hearings were finished.

Mr. DEMPSEY. Oh, yes; it could.

Mr. GARNER of Texas. Does the gentleman mean to say that the committee would make up its report without any information on the subject?

Mr. DEMPSEY. Oh, no; but with the minutes of the reporters before them. But let us get to the next question. Is there anything unusual in this matter? This House again and again, and as a matter of universal and uniform and uninterrupted practice, has always observed this course. We take the report from the proper department, and while we swear witnesses, that report in itself and of itself is more important in the usual and ordinary case than all of the hearings of all of the witnesses before us. That should be peculiarly true in this case. Why? In many cases this House has the same facilities for examination, for investigation, as the department itself, but in a case like this, this House has no facilities, has no way in which to make the examination. Unless it finds somewhere in some incidental way something to challenge, it has to accept the finding of the department. Here we find a report so voluminous, involving such a tremendous amount of testimony in its various forms, that it would take trucks to carry them—a whole line of trucks. Here are these gentlemen sitting on this joint committee, listening for five hours, and the gentleman representing the Democratic side [Mr. COLLIER] says, after hearing it, that he would not presume, after spending five hours, to even express an opinion upon that which it had taken 10 years of expert investigation to determine.

In addition, then, to the usual safeguards of the department itself we have this joint committee, and this joint committee does not undertake to challenge, but, on the contrary, the gentleman from Mississippi expressly said and said repeatedly and clearly that he did not challenge the motives, and that all he questioned was the method. The gentleman did not point out a method. He did very clearly cover the point that several methods have been excluded by the Court of Claims and the Board of Tax Appeals, so that the Treasury had only a limited opportunity and a limited way to investigate, and he suggested no alternative to the method that was employed. He did not tell us how that method was improper. He said it was a bargain counter, but I never knew in my experience as a lawyer

or as a legislator where a compromise was reached where it was not by the bargain-counter method. Each side has to concede, each side has to give way, each side has to admit that it can not get all that it contends for, and in that way and that way only can a settlement be reached. In addition to the usual methods having been pursued, and, secondly, the protection of the joint committee having been afforded, we have this, which I feel sure I am voicing the sentiment of the whole country in saying: We have the most remarkable, the most eminent Secretary of the Treasury, who has given this country a most unusual administration of that great and high and responsible office. Years after all of us have passed, I hope, to our reward, this Secretary of the Treasury will have his memory enshrined in the minds and in the thoughts and admiration of the American people, in line with and on the same kind of pedestal as Alexander Hamilton, the first great Secretary of the Treasury. And we will not forget also that we have an admirable Commissioner of Internal Revenue, Mr. Blair. So we have the thought that we have at the head of this department of the Government men in whose integrity and ability we can repose the utmost confidence, and then when you come to subordinates, they are the highest paid, the most expertly trained, the ablest men in the service of the Government.

And they have only one conscious object, and that is to do justice and right, and, secondly, back of all that unconsciously all the time is the desire, the honest and proper desire, to make a record for themselves, to show that they have done well for this Government that they are serving, that they have preserved its interest and protected it at all times, that they have given it the best service it could secure in intelligence, in integrity, in a conscientious and active way, and every man here who is brought into contact with this department finds in each and every instance that the individual taxpayer never receives one penny more than that to which he is honestly and justly entitled, and as to which he can show his right to have it. It is not a question of his right to it. He must demonstrate to these vigilant and determined men a clear and indisputable right before he receives one penny of refund. There being no charge of fraud, there being no suspicion of collusion, there being the admission that these men have acted uprightly and honestly and with intent to protect the Government; and it appearing that in this particular case a claim of $160,000,000 is to be settled for $26,000,000, a most splendid result for the Government; and with this tremendous amount of evidence involved, with the case certain to take a prolonged period of time and to be litigated at enormous expense; and with this Congress having directed the Treasury Department, as it did by the act passed in May that it must do precisely what was done in this case, why should not the Treasury Department be commended for the work which it has accomplished, for the result that has been attained, rather than be criticized when it is admitted that there is no sound or just ground of criticism? No one points out any mistake.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BYRNS. Mr. Chairman, do I understand the gentleman from Kansas has but one more speech?

Mr. ANTHONY. Yes.

Mr. BYRNS. Then, Mr. Chairman, I yield the remainder of my time to the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including in those remarks official communications from the Treasury Department and from the chief examiner of the joint committee of the House and Senate.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by including statements of the Treasury Department and of the chief examiner of the joint committee. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Chairman and gentlemen of the committee, I did not intend again to refer to the question of estimates that I spoke about the other day when I had the pleasure of addressing the House of Representatives. But since my friend from Kansas [Mr. ANTHONY], as well as my friend from Oregon [Mr. HAWLEY], have referred to estimates, I think I shall again detain the committee for five minutes on that subject.

I saw in the newspapers, after I had made the statement on the floor of the House concerning the estimates and the misleading of the Congress by those estimates into the passage of a bill which they would not have otherwise passed, in my opinion, the Secretary of the Treasury said that my statement did not fit the settlement. He did not give the facts and he did not show wherein my statement did not fit the settlement. He also stated that he spoke with responsibility and that I spoke without responsibility. I do not know just what he meant to imply by that term, but if he meant to say that the Constitution of the United States threw around me a cloak that did not also protect him, for the purposes of this discussion or that discussion, the Constitution can go out of the window, so far as I am concerned.

I am going to utilize this five minutes, and I am not going to make a single statement myself; but am going to let the President of the United States make the statement. On December 4, 1928, the President of the United States, in response to his duties, sent a message to the Congress reciting the state of the Union, and among other things he said this—

> Last June the estimates showed a threatened deficit for the current fiscal year of $94,000,000. Under my direction the departments began saving all they could out of their present appropriations. The last tax reduction brought an encouraging improvement in business, beginning early in October, which will also increase our revenue. The combination of economy and good times now indicates a surplus of about $37,000,000.

That was on December 4. He also sent a message to Congress on December 11, and it reads, in part, thus:

> I have the honor to submit herewith for your consideration a supplemental estimate of appropriations for the Treasury Department for the fiscal year ending June 30, 1929, and prior years for refunding internal-revenue taxes illegally and erroneously collected, $75,000,000.

Now, it does not take a third-grade mathematician to tell the difference in the condition of the Treasury on December 11 and the condition on December 4. If you take $37,000,000 from $75,000,000 you will have $38,000,000 left.

But that is not all. We had in the meantime passed the Greek loan bill drawing on the Treasury for $12,000,000, a sum that would make the deficit $50,000,000. I stated then, and I repeat now, that as the result of misinformation given to the House of Representatives—not intentionally by the President; I do not suppose that anybody would say that any President of the United States would make an erroneous statement intentionally—but the facts showed that the Treasury were "in the red" for $38,000,000 at that time. Who caused him to make that mistake? Undoubtedly the Treasury Department was the place where he got the information on which he based his statement.

I said then that it was getting goods under false pretenses for the Secretary of the Treasury to come before the Committee on Ways and Means on the 6th day of December urging us to spend $12,000,000 on the Greek loan when, as a matter of fact, his officers knew there was a deficit of $38,000,000, and that, added to the $12,000,000 of the Greek loan, would make $50,000,000. I do not believe it is right in making estimates to fit them according to the way you want Congress to vote. I criticized it, and I criticize it again, and I think it my duty to criticize it.

Gentlemen have referred to the estimate I made a year or two ago on tax collections. That estimate was within $5,000,000 of being correct. In the consideration of that same bill Mr. Mills, the Assistant Secretary of the Treasury, when before the Committee on Ways and Means considering that legislation, estimated the refunds for this year at $138,000,000. I will put that extract from the hearing in the RECORD. (See Exhibit No. 1.)

I had the right to depend upon that estimate. It turned out to be $67,000,000 wrong. You will remember that I also told the House that if we should abolish affiliated and consolidated returns we would get $50,000,000 more. We got an admission out of the Treasury that we would get $25,000,000, and I made an estimate of $50,000,000. I made some other estimates that accounted for $117,000,000 that you could reduce taxes. But I do not want to refer to the estimates to a greater extent. I believe I have had pretty good luck in making estimates, at least I am willing to compare mine with the Secretary of the Treasury, with all of his information. For the last seven years take the record and check it up and see whose estimate was the closest.

But I want to discuss just for a moment the basis of information that this House has with reference to this refund. Now, I want each of you to ask yourself this question: What do you know, if anything, about the merits of the $75,000,000 for tax refunds in this bill?

Are you willing to go home to your constituency and say that you voted for an appropriation of $75,000,000 to pay refunds, when you had no knowledge as to the merits of a single one of them? The highest approval we can give of any claim against the Government, the final and conclusive approval of that claim against the Government, whatever it may be, is by

appropriating the money to pay it, is it not? And you are going to appropriate $75,000,000 for refunds that you have got to admit to your constituents you do not know anything on earth about the merits of. Now, does anybody controvert that?

Whose duty is it to find out about the merits of a claim in excess of $75,000? It is the duty of Mr. HAWLEY and his joint committee. In addition to that it is the duty of the Appropriations Committee in the final analysis, but it is the duty of the joint committee to give you information. When I appeared before the Appropriations Committee day before yesterday they complained very bitterly and said it was not their fault that you had no information; that they had a duty to perform and they could not afford to go into the question of the merits of this proposition, but it was the duty of the joint committee, did you not? I await someone to dispute it. Gentlemen, I do not control the joint committee. I wish I did. I would have an investigation, and the only information we have ever gotten is because the clerk of the joint committee, a conscientious fellow, said this was such a stupendous claim that he wanted Mr. HAWLEY to call the committee together, and he did call it together for that purpose the first time since it has been in existence. And what did it do? It had a 5-hour hearing, and it developed the facts as they have been set out here by Mr. COLLIER and others. It developed a fact that you did not know anything about and that I did not know anything about, and no one would ever have known anything about it if we had not had this little investigation.

It developed the fact that instead of a refund of $15,000,000, the Steel Corporation had already received $31,000,000 on the same year's taxes. I said, "That can not be so." They said, "Yes, sir; that is so; we have already refunded that to them by giving them credit on their taxes for that year, a credit of $31,000,000." Then we tried to find out how they settled this case. We found out from the Assistant Secretary of the Treasury that they settled this case by considering four methods, not by regulations of the department, which had been made down there for 10 years, good regulations, regulations that all taxes ought to have been settled by and regulations that most all taxes have been settled by. He did not settle it by the regulations of the department, he did not settle it according to the decision of the Board of Tax Appeals, neither did he settle it by the rule of the Court of Claims, but he settled it by another rule, with the assistance of the opinion of the lawyer of the Steel Corporation. That is in the hearings. He considered four sources. He considered, first, the regulations of the department; second, the Board of Tax Appeals; third, the Court of Claims; and, fourth, the opinion of the lawyer of the United States Steel Corporation. Now, I said, "That is wrong, Mr. Secretary." "Well," he said, "I think we are getting off for less than if they went into court." That was his reply. I said, "Mr. Secretary, if the Steel Corporation does not owe these taxes you ought not to cheat them out of them and force them to pay more than they ought to pay; you ought not to bargain with them and get them to pay more than the law requires." That is the reason I condemn this bargaining transaction across the counter by the Treasury Department.

Ah, I think I can illustrate it so it will impress you. There was a report over here the other day about a refund to another company. There was a report about a refund made to the Aluminum Co. of America but you only saw this information in the newspapers. You get your newspaper and look at it and you will see this information: "Refund to the Aluminum Co. of America, $621,626.04." That is what you saw in the newspaper but that was not all of it; that was not the picture. In that same document, which is not given out for publication, which is a secret, a secret to all intents and purposes as far as you gentlemen are concerned and as far as I am concerned, until I got permission to look at it. I am a member of the committee, but the clerk over there is so careful, so jealous of his prerogatives and not wishing to extend them or to exceed them that he said, "I wish you would go and see Mr. HAWLEY and get his permission." I did and I did get some information. I am a member of the committee but I can not even see the papers in his archives which are official documents, sent there by virtue of law. The Aluminum Co. of America had already been allowed as a credit $665,177.18, and in abatement they give them just a little Christmas present, $622,249.46, or a grand total of refunds and credits for taxes paid in one year, 1917, of $1,287,426.64.

Now, here is what I want to call your attention to. How did they arrive at that amount? According to Mr. Bond, in the Treasury Department, they arrived at it by four different methods.

One, the regulations of the department, the decision in the Grand Rapids case and the United Cigar Stores case, and what else? The attorney for the Aluminum Co. Mr. Mellon, this grand Secretary that you hear so much about to-day, this man who will never perish from the thoughts of the American people when we are gone and forgotten, this man sits on that side of the table as Secretary of the Treasury, and if reports are correct that he owns the Aluminum Co., Mr. Mellon, the citizen of Pittsburgh, Pa., sits on this side and determines how much he owes the Government.

Do you think this system is a good system? Do you believe it is a good system that you have no regulation or measuring stick to see definitely how much is owed by taxpayers? If you had a law that would say to the Aluminum Co., "You owe so much in taxes and you can not get off for a dollar less," that would be one thing; but instead of that, according to the hearings, both before our committee and the hearings here, they try to settle it as a compromise settlement.

Do you think the Government is going to get the best of it when the Aluminum Co. of America starts in to compromise with the Secretary of the Treasury? [Laughter.] We have laws in most States that a judge can not sit in the trial of a case where he has an interest. I know that is the law in Texas, and I presume it is the law in most of the States, because undoubtedly it is a wise law. Here is a man sitting in judgment on large sums of money, millions of dollars involved, trying the case, if current reports are correct, of a concern in which he controls or owns a majority of the stock.

Do you believe this is good public policy? Do you believe you can defend this before the American people? Ah, sir, what I would do if I were Secretary of the Treasury under present conditions! The Secretary, as I recall, resigned as a director in sixty-odd corporations when he went into the Treasury Department. They have had applications for refunds.

Under the law at the present time he can sit down and reach an agreement with any one of them that is binding on the American people, accepting 10 cents on the dollar for the amount of taxes due. I would be proud to say ," Yes; I own these great corporations or I am interested in them. I have made a success in life." I admire him for the success he has made in life. I am not opposed to big business; I am for big business and I believe in it. I believe it has helped to develop this country and I am not an enemy of big business; but I would be proud of the fact, if I were Andrew Mellon, that I had made a success in business and I would herald to the American people the corporations in which I was interested and how much taxes they had paid and how much in refunds I had given them and how many credits they had been given, and I would say I was proud of it; but he will not do this. He will not even let you look at them.

Secrecy! Why, Mr. TREADWAY, you were speaking about my leaking, and I thought at the time that every time we have a meeting over there, generally, TREADWAY is the first one to get to the door to leak and I think he was jealous because he was not there that night. [Laughter.] I think he was just a little jealous, and I am not blaming him for not being there because a man of his social standing and qualities could not afford to come out at night even to attend a meeting of the joint committee. [Laughter.]

Now, Mr. HAWLEY, I am going to call on you, sir. We have some records over there and I am going to put some of them in the RECORD. Here is one of them which was sent to each Member. I tried to get it published, you will remember. We have on the Army bill, how many pages of hearings, Mr. ANTHONY?

Mr. ANTHONY. About 1,000.

Mr. GARNER of Texas. About 1,000 pages. For one-half the money it took to take down and print the hearings on one appropriation bill you can publish every official record there is in the joint committee. Why do you not do it? They are official documents. They are documents of that committee bearing on the duties which you assigned us to perform. You can not get to them. Let me see one of you come over there and try to see one of them. I could not even see one of them without getting permission. I ask you now, sir, will you publish and put in print the actions of your committee since it has been in existence? I do not see Mr. HAWLEY here just now, but I call on him, as a matter of public record, to make them public and let the country see them. You ought not to be ashamed of them. And whenever you find a Member of Congress who is so anxious, outside of matters of foreign affairs, to keep everything in his committee secret he is not trying to serve the House of Representatives or the country, in my opinion, like he ought to.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. GARNER of Texas. Yes; but I do not want any oration like you made this morning. I want a question.

Mr. DEMPSEY. The chairman of the gentleman's committee said that there was an understanding in the committee that the proceedings of the committee should not be made public because

they might embarrass the lawsuit and lose that case to the United States if the case proceeded.

Mr. GARNER of Texas. I will tell you about that, and that will satisfy you without asking any more questions. Here is what happened: I notified him in advance that he must have a stenographer there. I asked for a stenographer. I said I thought we ought to have our hearings taken down, and when we got there we discussed the matter and the Treasury Department said it might hurt them. That is what they said. They decided not to have it taken down. I said, "I am going to tell everything that happens in here." I gave them fair notice right then. Now, there was but one thing to do, and that is what they do in some of the churches—I believe in the Baptist Church—and that is to "withdraw from me." [Laughter.] Now, they did not withdraw from me, and I kept my promise, because I am telling it and I am going to continue to do it. [Applause.] So I have not breached any faith, to say the least of it.

Mr. LOZIER. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LOZIER. There was no agreement in which the gentleman from Texas, and the gentleman from Mississippi [Mr. COLLIER] participated that the proceedings should be kept secret?

Mr. GARNER of Texas. No; never. Now, Mr. HAWLEY and Mr. ANTHONY—God bless him—I do not think there has ever been a better man in Congress than DAN ANTHONY. [Applause.] I have had a good deal better opportunity of knowing him than many of you gentlemen have. [Applause.]

They want it to appear that the Steel Corporation is all that is involved. Let me tell you something. I went to the Treasury Department, or rather I telephoned up there—but before I get to that I will give you some of the other cases that came up this fiscal year. I said to Mr. Parker, I want you to give me five of the next largest cases that is to be paid out of this money. He said, "Mr. GARNER, I do not want to do that, I may get into a good deal of trouble," and asked me to get Mr. HAWLEY'S permission. Mr. HAWLEY said, "Yes; give them to him," and so he gave them to me. They amounted—these five cases—to twenty-four million and some dollars. None of these were published in the papers among the list of refunds for they were for this fiscal year but are to be paid out of your money—money that belongs to the people of this country. You never knew anything about it; now five of these largest cases I will put in the RECORD. (See Exhibit No. 2.)

I did not know about these credits being so much until we got into the Steel Corporation. The other day I said that $65,000,000 would go back to the Steel Corporation. The Treasury Department said that my statement did not fit the facts. "Well," I said to myself, "you better look into that proposition, perhaps you have made a mistake." I based it upon what Mr. Parker told the joint committee. I said to Mr. Parker, "You told me this, and Mr. Mellon said that my statement does not fit the facts, and that is the only one I do not know about. Will you not give me the items sustaining the statement?" I said, "Parker, does your record and the Treasury Department's agree?" He said, "I think they would." I said, "I wish you would go up there and see the Treasury Department and let them audit this statement that you have given me." He came back in a few days and said that they had looked it over and made a change of $2,000—a change of $2,000 out of a total of $69,000,000.

Now, remember this—the tax that was voluntarily rendered under the Democratic administration, and this greatest Treasurer of all times since the days of Alexander Hamilton—has given back $69,000,000. Does that shock anybody? This angelic company that voluntarily paid the money. The Treasury Department should have said, "I will not charge you what McAdoo increased the amount; we will accept the $199,198,000." But instead of that Mr. Mellon cut it down to $173,000,000—from $217,000,000. I say I don't know whether that is right or not, but somebody ought to know besides the Treasury Department.

This House ought to have some information in a transaction of that character. Ah, sir; we have some. They would make it appear here that there is no criticism of these refunds. You remember that I asked Mr. HAWLEY when he spoke a few moments ago if this man was his agent, and he said yes. He is the only man that goes to the Treasury Department. HAWLEY does not go up there, I do not, and we do not have a meeting more than once a year, but this fellow goes up there and examines. The law says that the committee can go up there and look at it, and he has gone up there as the agent of the committee and he has looked at it. I want to show you how he has to do to defend himself. You remember the other day that you saw something about the R. J. Reynolds Tobacco Co. being refunded $6,500,000. Was there any criticism of that by the joint committee? Yes. This agent criticized it and protested against its payment. How else could you protest except through this joint committee? This man went up there and examined it, and here are 25 pages of manuscript urging three good reasons why it should not be paid. Did that have any effect on the Treasury? No. They said, just like BILL WOOD says, that that committee was never intended for any purpose, and that it is not worth a damn anyway. I am going to put the record of this case into the RECORD. He uses the term "X Tobacco Co." He was afraid to put it in its right name, but in the course of his statement I easily identified it with the Reynolds Tobacco Co., because it is the largest one, and is the largest refund. So I take the responsibility here and now, although Mr. Parker marked it as the "X Tobacco Co.," of saying that it was the Reynolds Tobacco Co., so the record may show it. If somebody wants to deny it, I shall furnish the proof. I am going to put that into the RECORD. (See Exhibit No. 3.)

Mr. Parker points out three distinct reasons why that thing should not be paid.

They say that you must not impugn the Treasury Department. I do not charge the passing of money from hand to hand. No. But what is the difference to me when I lose a billion dollars from the Treasury Department, whether it is handed out, sneaklike, at night, or by rules and regulations and bargains across the counter, where I lose the same amount? My loss is the same, whether you filch it from my pocket or barter it away across the table.

I shall make another statement, although it may cost this fellow his head. I forced him yesterday almost to give me this statement. I said, "Parker, it is from your source and your source alone that we get this information. I have nothing here except what you furnish me; I have no way of determining from that data how much has been paid by the Treasury Department that was not authorized in law or in equity, and I want you to tell me your best judgment of how much money the Treasury Department has paid out in the few cases that you have examined that was not justified by law and equity." He said, "Mr. GARNER, I do not like to do that." I said, "By the gods, it is your duty to do it. You are drawing a salary from this Government, you are an honest man, and you ought to have courage enough to speak." He did not want to say anything, because he might see in the distance his job vanishing, and I do not blame the fellow, but I forced him along, and he finally said at least $20,000,000, which I have questioned. In the few cases that Mr. Parker has examined in the Treasury Department—and he is an expert accountant and engineer and a man of long experience, who served in the Treasury Department, under an almost forced admission—he says that in his judgment the Treasury Department has handed back to the taxpayer over his criticism and protest where he had no legal or equitable right to it, money to the amount of $20,000,000! In the face of that, the only information you have, coming from your own committee, how can you make an appropriation of $75,000,000? Why not delay this appropriation until you can get an investigation? You are the only power, Mr. ANTHONY, that can reach this situation. When you withhold this $75,000,000, the Treasury Department and the country are going to understand that somebody is going to look into the matter. Why do not you look into it?

I am willing, Mr. LONGWORTH, for you to appoint a committee of five—three Republicans and two Democrats—and you may select your own committeemen with the experts that you now have, who are drawing salaries, a half dozen of them, of from three to six thousand dollars a year, to make an investigation. There is plenty of time. Let us investigate the matter. But they will not give us any information at all, and Mr. HAWLEY had the audacity to say that that was the fault of Congress! True, Congress passed a law, and it is on the statute books, but does anybody remember how strongly the Treasury Department fought the publicity of tax returns? Nobody led the fight more than Mr. Mills and Mr. Mellon against publicity. This joint committee is a compromise on that proposition, and as Mr. WOOD said, of course, speaking for the Treasury Department, because he hikes up there any time he gets the slightest information, and after I made the statement there to the Appropriations Committee and it was taken down, of course Bill hiked it up there within an hour; but as Bill said, the joint committee was never intended for any purpose, and it was just $40,000 to keep them from looking at Uncle Andy's books, and it was a cheap price, was it not? To keep them from looking at the books. Do you not think it is cheap? But you said you did not think it was worth a damn anyway, and I agree with you, unless HAWLEY would do something with it.

[Laughter.] I will put that statement of Mr. Parker's into the RECORD. (See Exhibit No. 4.) Sixty-nine million dollars. Remember, I said $65,000,000, and when I make estimates I try to underestimate. I thought, since I saw so much of these credits and refunds, that the credits were outrunning the refunds. Mr. ANTHONY, I reckon that you made the report, or your clerk did, or Mr. WOOD's clerk, and you reported how much back taxes you had collected, and how much refund there was. According to the RECORD here, you ought to have reported the credits, which may be more than a billion dollars.

Be fair. Give the full picture. You would have done it, I guess, if you had had that information; but the records show here in the steel case that the credit was twice the refund, that it had already been credited with twice the refund that nobody knew anything about. I telephoned to Mr. Alvord, and I said, "Alvord, a certain friend of mine has told me that they have a list of credits up there." I do not believe that Mr. Alvord would deliberately say anything that he did not believe to be true. If he had the knowledge he would tell you the truth about it. I telephoned, and I said, "I would like you to send me a list of credits that you have—corporations—prior to the time that they would have to report to the joint committee." And he said, "I have not a list of them, and it would take considerable labor to do that."

"Well," I said, "I thought you had a list. If you have not a list, will you send me up 25 of the largest corporations?" He said, "I think I can send them up to you." He did. What do I find from them? I am going to put this all in the RECORD. (See Exhibit No. 5.) He does not give me the names of the corporations, but you can get them over in the committee room now. What was the object in not putting in the names? Mr. Alvord did not want to take the responsibility, and I did not want to see him get his head cut off. I said, "All right, Alvord; send them up without mentioning the names."

Now, what do I find on the subject of refunds? "Adjusted by refunds, $1,026,000; adjusted by credit, $24,562,000; adjusted by agreement, $5,496,000."

Mr. AYRES. Mr. Chairman, can the gentleman state in what years those occur?

Mr. GARNER of Texas. Yes. Original taxes for various years.

How much of these taxes are being refunded and go back to the taxpayers? They try to make it appear to you that the percentages are small. But take this case of the United States Steel Corporation: $173,000,000 taxes; $69,000,000 returned. They are figured out in the percentages. Here is one of these corporations—I do not know what one it was, but it was a good large one: Original tax, $22,000,000; credit—not refund, but credit—$7,787,686. In some cases they are more than 33⅓ per cent. Here is an original tax for 1919: $927,000; and tax, none. He gets all of his back. Andy Mellon just made a clear swipe of his, and gave them all back.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. MOORE of Virginia. These credits are all practically refunds?

Mr. GARNER of Texas. Yes; they are all practically refunds. But you do not know anything about them, Mr. MOORE, because the Secretary of the Treasury does not have to report it now under the law.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. ANTHONY. Are any of these so-called credits offsets against additional taxes?

Mr. GARNER of Texas. Certainly. Here is a man from the Steel Corporation, the best taxpayer of the country. The Treasury Department says it is one of the finest that there is. Here is an agent from the Steel Corporation paying taxes every time they tell it to. But they never said anything to CARTER GLASS, or McAdoo, or Houston about giving them back anything. Every time that McAdoo, or CARTER GLASS, or Houston examined them their taxes went up, and every time they examined them under Uncle Andy the taxes went down.

That is a darned funny thing how they can do that. Four of them or five of them under a Democratic administration, all good auditors, lawyers, engineers, accountants—in all cases that went up to McAdoo and were investigated the taxes went up. Under CARTER GLASS an audit was made and they found more taxes. Houston went in, and before he went out they paid him $4,000,000. Then Uncle Andy gets in and they wait to size him up; and they wait until after the election of 1924, and then they asked him to give them back $44,000,000. Each audit that Andy made resulted in the taxes being reduced.

Gentlemen, does that seem natural? I wonder why the Aluminum Co. of America did not say something to McAdoo and to CARTER GLASS and to Houston about paying too much taxes. They paid too much in 1917. They never said anything about it until Andy got in, and then Brother Charles, or his nephew, or whoever it was, said, "Mr. Mellon, you used to be a director of the company. It is true we were prosperous, but when those damned Democrats were in power they collected too much money from us. I want you to adjust this thing." Now, the Secretary of the Treasury did it without law or regulations. There is no rule or law governing the department; no rule or law by court or by a board of tax appeals or a court of claims. The agent said, "I want to tell you that the Democrats collected too much money, and I want you to adjust it." And Uncle Andy, like one of those little cupids, said, "We will see about it"; and he said, "Who is our best auditor?" They can make any kind of report you need. He sends them up, and audits it, and comes back and says, "It is right. For that one year alone McAdoo made you pay $1,187,000 too much." Of course Uncle Andy may not have had any stock in it, and was not interested; but he made the settlement.

Gentlemen, that is wrong. If it were my own brother, or a Democrat of any standing, I would say it is damnable. But you let a man sit across the table there and settle his own taxes without a rule of law or a regulation of the department governing him. When Congress inquires about it he says, "I can not let you look into it. You can not investigate it. You must not look into the facts, because I am the greatest Secretary of the Treasury since Alexander Hamilton. [Laughter.] I will say this: He is the greatest Santa Clause that has ever been in existence. There is nobody to whom he has not given things. I would like some of you to find out and tell the total credits that have been allowed.

I have got the total refunds and they are over $1,000,000,000. Up to this time you have provided for refunds over $1,000,000,000. They say nine hundred and ninety some millions, but that does not include this fiscal year. Now, from the investigation we have made it is shown that these credits are much larger in each instance than the refunds, we have a right to conclude that Andy has handed back to the taxpayers since he came into office more than $2,000,000,000.

Mr. WYANT. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. WYANT. Has the gentleman a statement showing the amount of back taxes which have been collected by the present Secretary of the Treasury?

Mr. GARNER of Texas. Oh, yes. All you have to do, sir, is to read the report, and it amounts to $4,000,000,000, plus. I never knew that the people in this country were such gumps, especially these big fellows. You know they seem to be the only people who did not know how to render their taxes, or did not have sense enough to render them, these rich corporations. Everybody had sense enough to render their taxes and know how much to pay, but the rich corporations that did not have any lawyers; they did not have any accountants, they were short of engineers and did not have any way of ascertaining how much taxes they owed, just came in and made a big rendition because they loved the country, and then when Andy got in they said, "We don't love it quite as much as we did; give it back to us," and Andy has been giving it back ever since at the rate of a couple of hundred millions to $400,000,000 a year.

Now, gentlemen, if you will refuse to make this appropriation here is what will happen—and you are going to vote on it; you are going to do that; you are going to approve this by your vote on paper, if I am not mistaken—if you will refuse to make this appropriation that fellow sitting there, Mr. HAWLEY, that other bald-headed fellow that sits in the Speaker's chair, and the leader on your side, will get together and say, "Now, they are not going to give this money; we have got to make an investigation so we can get the confidence of this House," and they will make it. Why should it not be made? Mr. Mellon, are you afraid for this House to look into your administration? If you are, then there is all the more reason why we should look into it. If you are not afraid to have it looked into, why do you not welcome an investigation with open arms and say, "I am ready; come on." You will get your money and no honest taxpayer will lose a dollar by that investigation. That is what I am driving at now, trying to get Mr. HAWLEY and his joint committee to do what you asked them to do when you created them and what you expected them to do and what they have not done. But Mr. Parker has attended to his duty. He has communicated with the committee. Mr. HAWLEY was not present to answer my question so I will ask him again. For one-half the cost that Mr. ANTHONY spent in reporting his last bill you can have all the proceedings before the joint committee printed. Will you do it? I will give you time to answer in my time.

Mr. HAWLEY. The 1928 act authorizes us to print, and requires us to print, the reports which we get in at the end of the year, and that will be done.

Mr. GARNER of Texas. Are you willing to print the correspondence which your agent, Mr. Parker, has sent in? Why do you not print it in a public document so that these fellows here can see it? You have the printing privilege and by printing it you will let the Congress see what you have in there.

Mr. HAWLEY. I do not think it is within the province of the chairman of a committee to determine a question of that kind. I think that is for the full committee.

Mr. GARNER of Texas. Now, just wait. Now, then, Mr. HAWLEY, you are the chairman of the committee. Will you call them together and ask their permission to print it?

Mr. HAWLEY. There will be a meeting of the joint committee and I suggest to the gentleman from Texas that the matter of printing be taken up at that time. [Laughter.]

Mr. GARNER of Texas. Well, poor old HAWLEY. I feel sorry for him and I will tell you what he was not deserving of. They gave him a dirty dig in the Treasury Department. They did not think what they were doing or they would not have done it, but I am going to read it for the benefit of you ladies and gentlemen on this side.

HAWLEY and Senator SMOOT were in favor of approving the steel settlement. It is my recollection that SMOOT made the motion and HAWLEY wanted to do it. DAVE REED is a pretty smart fellow and I think one of the ablest men in this country. He was fair and frank enough when we started into this case to say, "Gentlemen, my firm is attorney for the Steel Corporation but not its tax attorney." I said, "That does not disqualify you at all in my opinion, because I think you are conscientious enough to serve the Government instead of serving your firm," and I believe this about DAVE REED; and when the approval came up to DAVE REED, he said, "No; in view of this hearing I will not take the responsibility of approving it." He said this although the corporation is located in Pittsburgh, Pa. Poor HAWLEY wanted to just approve it. HAWLEY is such an obedient vassal that whatever Andrew Mellon would ask him that did not involve dishonor he would do. He has no judgment on the subject. He does not want any, he does not need any.

Mr. HAWLEY. Will the gentleman yield on that point?

Mr. GARNER of Texas. Certainly, I will yield.

Mr. HAWLEY. Let me ask the gentleman two or three questions. The Secretary wanted the estate tax repealed, did I not oppose it?

Mr. GARNER of Texas. You did, and I commend you for it.

Mr. HAWLEY. He also wanted the intermediate brackets of the surtax changed, did I approve of that?

Mr. GARNER of Texas. You changed them downward, HAWLEY.

Mr. HAWLEY. Not this last time.

Mr. GARNER of Texas. No; not this last time and I do not blame you. When you put them at 20 per cent, Mr. Mellon said he would never ask for any lower rate.

Mr. HAWLEY. That is not answering the question. They proposed a revision of the intermediate brackets downward and I opposed them.

Mr. GARNER of Texas. Sure; because he was violating his agreement and you would not violate yours. I just said that about the gentleman.

Mr. HAWLEY. They also opposed the repeal of the automobile tax and I favored it.

Mr. GARNER of Texas. Yes.

Mr. HAWLEY. I might go on and give other instances.

Mr. GARNER of Texas. That is all right. You are doing very well, HAWLEY, and I hope you will keep it up. [Laughter.]

I tell the House what I wish, gentlemen. I love this House of Representatives. I have served here a quarter of a century. I think that in the House of Representatives lies the safety of the Republic. Ah, sir, I just wish you, HAWLEY, had a little iron up your backbone like Sereno Paine and Claude Kitchin had and would tell the Treasury Department what to do rather than have them tell you what to do. [Laughter and applause.] That is what you ought to do. Let the House of Representatives and the Ways and Means Committee, that the Constitution provides shall raise revenue, do the job, rather than have the Treasury Department crook its finger and tell you just what you should do and how you should do it.

Mr. HAWLEY. Will the gentleman yield again?

Mr. GARNER of Texas. Certainly; I will always yield to the gentleman.

Mr. HAWLEY. Has not the gentleman just agreed that I have disagreed with the Treasury in some matters involving hundreds of millions of dollars?

Mr. GARNER of Texas. Yes; and I just said that you have done pretty well and I hope you will do better. [Laughter.] You see HAWLEY wanted to approve this.

The CHAIRMAN (Mr. RAMSEYER). The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. May I have 5 or 10 minutes by unanimous consent?

The CHAIRMAN. The time has been fixed by the House.

Mr. GARNER of Texas. Could the gentleman lend me two minutes?

Mr. WOOD. I will give the gentleman 10 minutes if the House will consent to it.

Mr. GARNER of Texas. I think the Chairman holds the committee can not change the time.

The CHAIRMAN. The committee can not change the time.

Mr. GARNER of Texas. Yes; can you let me have two or three minutes?

Mr. WOOD. I will give the gentleman five minutes of my own time.

Mr. GARNER of Texas. Thank you. That is very generous, Bill. I tell you, you are opening up and there is hope for you yet, old fellow. [Laughter.]

Now, the Treasury Department through Mr. Bond, communicated on December 20, after this hearing with the joint committee, addressing the letter to Hon. WILLIS C. HAWLEY, chairman of the joint committee, House of Representatives. Among other things he explains the Steel case, and here is what he said:

> The Treasury does not expect the committee to approve the refund. To do so would require it to devote months to exhaustive study of the case.

HAWLEY devoted five hours and wanted to approve it and the Treasury said, "Why, you simpleton, you could not approve it intelligently without months of exhaustive investigation."

Mr. HAWLEY. Will the gentleman quote the words exactly, because I have a remark to make to him on that subject. There is something about "intelligence" there.

Mr. GARNER of Texas. I yield to the gentleman on intelligence at once, so there will be no discussion about that. I am afraid I would get the worst of it on that.

Mr. HAWLEY. And the imputation was as much against the gentleman from Texas as it was myself.

Mr. GARNER of Texas. No; because I did not want to approve it and you did. You were going with the Treasury. I knew it took more information than we had to intelligently approve it.

Mr. HAWLEY. But the gentleman had an opportunity, an official opportunity, to express his disapproval at a time when it would have counted.

Mr. GARNER of Texas. Yes; you tried to get me to do that and I declined. I saw the trap. It did not even have any paper over it like the traps they set for ordinary animals, and I said, "No; I will not jump into that trap."

Why, if DAVE REED could not approve this, if the Treasury Department says it would take months of exhaustive investigation to determine the merits of the proposition, are you going to determine it and approve it without that information by voting this appropriation?

I repeat that the highest approval you can possibly give any claim against the United States is approval by making the appropriation by the Congress, and you are proposing to approve all these things I have referred to by making the appropriation of $75,000,000 carried in this bill.

It is a long time that the American people have been coming to this question. It may be that they will forget it. It may be that the newspapers will not give the country a picture of it. I believe that they will give us a square deal. I want the country to understand that a man is in the Treasury Department, sitting across the table, bargaining with taxpayers, settling these claims without law.

Ah, gentlemen! Look at this practically. Supposing the Secretary of the Treasury was a bad man. Let us take out the purity and exalted character that has been pictured of him and reverse the picture and say he was a bad man. What an opportunity! He could say to one corporation "You pay me or I will take you by the neck"; and he could say to another corporation in competition with it, "Come on, I will refund 50 per cent of your taxes." He could also, if he happened to be a politician, which I know the the present Secretary is not—he could if he wanted to build up the greatest political machine in the world, because he would have every taxpayer under his thumb. He could not only raise $6,500,000, which the Republican Party had in the last campaign, but he could raise $10,-

000,000 in as many days, and every cent of it out of the taxpayers' money.

That system is wrong, and I predict that if he administers this office for another four years he will destroy this system because he will destroy the confidence of the American people in the system, and when he does that he will destroy the system. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

EXHIBIT No. 1

TAX REFUNDS

Let us see what appropriations the Treasury Department has asked us to make during the fiscal years beginning with 1921, either for refunds in the current fiscal year through deficiency bills or in the succeeding fiscal year in the regular Treasury appropriations:

During the fiscal year 1921 we were asked to appropriate and did appropriate $22,635,000.

During the fiscal year 1922 we were asked to appropriate and did appropriate $67,590,500.

During the fiscal year 1923 we were asked to appropriate and did appropriate $133,105,000.

During the fiscal year 1924 we were asked to appropriate and did appropriate $117,000,000.

During the fiscal year 1925 we were asked to appropriate and did appropriate $150,000,000.

During the fiscal year 1926 we were asked to appropriate and did appropriate $149,250,000.

During the fiscal year 1927 we were asked to appropriate and did appropriate $175,000,000.

During the fiscal year 1928 we were asked to appropriate and did appropriate $173,000,000.

Now, in this fiscal year 1929, there are two appropriations for refunds pending in the total amount of $205,000,000.

From the above figures there can be no doubt as to the tremendous increase in the refundment of taxes. It should also be remembered that this only represents a part of the distributions to taxpayers, for it is probable that the credits which are made against other taxes due are nearly as large as the refunds.

Now, the Treasury told us in October, 1927, that the refunds had reached their peak. At this time before the Ways and Means Committee Mr. Mills estimated 1928 refunds at $151,000,000 and 1929 refunds at $138,000,000. (See hearings before Ways and Means Committee—revenue revision, 1927–28, p. 6.) It can be seen that he was much too low.

The Congress has never had a comprehensive idea of the reason for the enormous increase in refunds. We do know from fragmentary information that the Secretary of the Treasury himself has benefited to a considerable extent from these refunds. I believe it is proper in view of the above to call for the following information:

First. A list of all refunds, credits, and abatements of income, war profits, and excess profits taxes and interest thereon made to the Secretary of the Treasury, Hon. A. W. Mellon, his brothers, sisters, daughters, and cousins, and/or to any corporation in which any of them individually or collectively own any of the corporate stock, and/or to any corporation whose stock is held to any substantial extent by a trust, holding corporation, or other agency, which trust, holding corporation, or other agency is controlled directly or indirectly by the above-mentioned individuals, individually or collectively.

Second. In case the above can not readily be furnished, then the same information is requested where the above-mentioned persons own individually or collectively over 25 per cent of the stock of any corporation to which a refund is made and/or where the stock of the corporation is held to the extent of 25 per cent or more by a trust, holding corporation, or other agency which is in turn controlled by the persons indicated.

EXHIBIT 2

Five largest refunds and credits under section 710, revenue act 1928

(To December 1, 1928)

Name and address	Credit	Refund	Total credited and refunded	Interest
W. R. Grace & Co., New York City	$234,982.53	$2,373,297.54	$2,608,280.07 3,745,479.38	$1,137,199.31
Kolb, Louis J., et al., Philadelphia, Pa	1,580,573.50		1,580,573.50	None.
New York Life Insurance Co., New York City		2,394,615.47	2,394,615.47 2,634,700.15	240,084.68
Prudential Insurance Co. of America, Newark, N. J		1,503,219.02	1,503,219.02	130,402.60
Standard Oil Co. of Kentucky, Louisville, Ky		1,842,055.42	1,842,055.42 2,614,554.54	772,497.12

PARTIAL REPORT NO. 2 OF DIVISION OF INVESTIGATION ON REFUNDS, CREDITS, AND ABATEMENTS, FEBRUARY 28 TO NOVEMBER 1, 1927

FOREWORD

The urgent deficiency bill (H. R. 16462) approved February 28, 1927, appropriated $175,000,000 for refunding taxes illegally collected, but also provided "That no part of this appropriation shall be available for paying any claims in excess of $75,000 until after the expiration of 60 days from the date upon which a report giving the name of the person to whom the refund is to be made, the amount of the refund, and a summary of the facts and the decision of the Commissioner of Internal Revenue is submitted to the Joint Committee on Internal Revenue Taxation."

The above-quoted law evidently confers no power on the joint committee to formally disapprove refunds, nor, in fact, does it definitely require any positive action by the committee. However, the law does seem to imply that the joint committee will review refunds in excess of $75,000 in order that the Congress may be informed both generally and specifically as to the manner in which the millions of dollars appropriated are expended. It has also seemed proper to bring any doubtful points which developed to the attention of the Treasury Department within the 60-day limit provided in the law.

In conformity with instructions from the chairman of the joint committee, the division of investigation has been charged with the duties of reviewing the overassessments in excess of $75,000 along the lines briefly described in the preceding paragraph. The present report deals with all such overassessments reported by the Commissioner of Internal Revenue to the joint committee from February 28, 1927, to November 1, 1927. Refunds are still being reported and reviewed. November 1 has no significance other than being a convenient date for the purposes of this report.

SYNOPSIS OF GENERAL SURVEY

(For the period February 28, 1927, to November 1, 1927)

1. The total number of cases reported where claims have been allowed in excess of $75,000 amounts to 323.

2. The figures involved in these overassessments are as follows:

Total refunds	$32,627,518.82
Total credits	11,167,099.95
Total abatements	12,032,743.90
Total overassessment	55,827,362.67
Total interest allowed	12,246,811.99
Grand total of allowances	68,074,174.66

3. The amount of the above allowances payable from the appropriation of $175,000,000 is the amount of refunds plus the interest allowed, or the sum of $44,874,330.81.

4. Information from the Treasury Department is to the effect that approximately $122,000,000 of the appropriation had been scheduled for payment up to November 1, 1927. It results from these figures that—

(a) Thirty-seven per cent of the total of the cash refunds is allowed in cases where the refund is in excess of $75,000.

(b) Thirty per cent of the total appropriation was still unencumbered on November 1, 1927.

5. This is the first year since 1921 in which there has been an unencumbered balance in the refund appropriation on November 1. It can be predicted with reasonable certainty that the peak of refundments of tax has been passed.

6. An analysis has been made of the overassessments in excess of $75,000, which shows that the principal reasons for such overassessments are due to the application of provisions in the revenue acts found only in the excess-profits tax years ending with 1921. The percentage of overassessments, due to only three of these provisions in the excess-profits tax years, to the total of all overassessments examined, is shown below:

	Per cent
Special assessment ($13,823,254)	24.76
Invested capital ($8,986,219)	16.10
Amortization ($1,996,875)	3.58
Total ($24,806,348)	44.44

7. Analysis shows that the principal reasons for overassessments due to the application of provisions found in the revenue act of 1926 as well as in prior acts, are as follows:

	Per cent
Estate tax ($5,013,063)	8.98
Affiliation ($4,961,352)	8.89
Depreciation ($4,413,366)	7.91
Inventory adjustments ($4,371,547)	7.83
Valuations ($1,481,765)	2.65
Depletion ($1,410,840)	2.53

8. The facts shown in (6) and (7) above make it apparent that the special assessment and invested capital provisions of the revenue acts of 1921 and prior years are the most troublesome provisions ever written into our revenue acts and are still the cause in 1927 of over 40 per cent of all refunds, credits, and abatements. It is also apparent

that the most troublesome provisions in the present revenue act are those necessitating (1) the valuation of estates, (2) the consolidation of returns for affiliated companies, (3) the determination of depreciation and depletion, (4) the valuation of inventories, and (5) valuations for determining gain and loss. It is evident that the future simplification of the revenue act in the larger cases must of necessity rest largely on a more simple or definite method of determining valuations and other questions of judgment.

9. Overassessments for the years prior to 1922 represent 89 per cent of the total overassessments, leaving but 11 per cent of such overassessments allowed for 1922 and subsequent years.

10. When all tax cases prior to 1922 have been settled, refunds, credits, and abatements should be insignificant when compared with the present amount of these allowances.

SYNOPSIS OF INDIVIDUAL CASES

(For the period February 28, 1927, to November 1, 1927)

All overassessments in excess of $75,000 allowed by the commissioner from February 28, 1927, to November 1, 1927, have been reviewed. As previously stated these cases number 323. The results of this review are summarized as follows:

1. Taken as a whole the overassessments submitted by the commissioner to the joint committee show careful, legal, and just handling in the face of many difficult problems.

2. The review of the overassessments is instructive as to the operation and effect of our revenue acts and as to certain inequitable results permitted under such acts.

3. Two hundred and ninety-six cases, or 92 per cent, have been clearly proper and allowable on the basis of the facts shown in the report of the commissioner to the joint committee.

4. Twenty-seven cases, or 8 per cent, have been doubtful on the report of the commissioner and have been specially investigated through the files of the Bureau of Internal Revenue or upon special inquiry addressed to the authorized representative of the Treasury Department.

5. In regard to the 27 doubtful cases, after special investigation, the following classification can be made:

Sixteen cases were found proper.

Nine cases were not computed in accordance with the views of the staff of the committee, but nevertheless were not clearly illegal or outside the discretionary authority vested in the commissioner by the revenue acts.

One case appeared not to be in accordance with current board decisions and was promptly withdrawn for review by the general counsel's office when attention was drawn to this fact by the committee's representative.

One case is awaiting information from the bureau on certain doubtful points.

CONCLUSIONS

From the review of overassessments made it is concluded that—

1. The provisions of the revenue act requiring the use of personal or expert judgment are responsible for many refund cases.

2. The special assessment and invested capital provisions have been exceedingly difficult of administration.

3. The study of the individual cases is valuable as showing the practical operation and effect of our revenue acts and the desirability of simplification.

GENERAL SURVEY OF REFUNDS, CREDITS, ABATEMENTS, AND INTEREST STATISTICS

In making a general survey of all overassessments submitted to the joint committee by the Commissioner of Internal Revenue for the period from February 28 to November 1, 1927, it is first necessary to present the statistics covering these cases. Accordingly, the following figures are presented:

Overassessment cases for the 8-months' period from February 28 to November 1, 1927

TOTAL CASES, 323—MONTHLY AVERAGE, 40

Original assessment		$227,542,267.21
Total tax collected	$160,431,699.29	
Previous allowances	11,283,205.25	
		171,714,904.54
Overassessments		55,827,362.67
Composed of:		
Refunds	$32,627,518.82	
Credits	11,167,099.95	
Abatements	12,032,743.90	
		55,827,362.67
Interest paid on overassessments		12,246,811.99
Total of overassessments and interest		68,074,174.66

Reduction in original tax by overassessments reported, 24.53 per cent.
Average percentage of interest paid on overassessments, 21.93 per cent,

Classification of overassessments in re principal cause

Principal cause	Cases	Overassessment	Interest cost	Total overassessment and interest	Per cent of overassessment to total overassessments
Special assessment	42	$13,823,253.78	$3,479,384.78	$17,302,638.56	24.76
Invested capital	15	8,986,218.63	1,317,613.14	10,303,831.77	16.10
Estate tax	18	5,013,062.99	611,675.37	5,624,738.36	8.98
Affiliation	30	4,961,352.14	1,006,390.57	5,967,742.71	8.89
Depreciation	21	4,413,366.42	879,745.95	5,293,112.37	7.91
Inventory adjustments	22	4,371,547.43	950,785.23	5,322,332.66	7.83
Amortization	13	1,996,875.45	584,163.37	2,581,038.82	3.58
Valuations	10	1,481,765.32	266,584.13	1,748,349.45	2.65
Depletion	6	1,410,839.98	454,562.87	1,865,402.85	2.53
Miscellaneous court judgments	4	789,009.93	210,115.30	999,125.23	1.41
Transfer tax	4	780,470.25	270,633.41	1,051,103.66	1.40
Capital stock tax adjustments	3	390,163.39	85,426.05	475,589.44	.70
Gift tax	2	311,235.00	None.	311,235.00	.56
Foreign tax	2	213,562.83	20,426.30	233,989.13	.38
Miscellaneous	53	6,884,639.13	1,311,077.04	8,195,716.17	12.32
Interest recomputations	78		798,228.48	798,228.48	
Grand total	323	55,827,362.67	12,246,811.99	68,074,174.66	100

DISCUSSION

From a consideration of the statistics shown above, and the data in the files of the joint committee, a number of facts can be deducted with reasonable accuracy.

The total number of cases reported in the eight months' period, February 28 to November 1, 1927, has amounted to 323. This represents a monthly average of 40 cases showing an overassessment in excess of $75,000 each. The average overassessment per case amounts to $172,837.03, and the average interest per case amounts to $37,915.83 additional.

While the portion of the overassessments which are payable from the $175,000,000 appropriation consists only of the refunds of $32,627,518.82 plus the interest of $12,246,811.99 or a total of $44,874,330.81, it should be noted that the credits against taxes due amounting to $11,167,099.95 plus the abatements of tax assessed amounting to $12,743.90 or a total of $23,199,843.85, also have a direct effect on the revenue.

Information from the Treasury Department shows that approximately $122,000,000 had been scheduled for payment out of the appropriation up to November 1, 1927. This leaves an unincumbered balance in the appropriation amounting to $53,000,000, or 30 per cent as of the same date. It is also apparent that about 37 per cent of the total of cash refunds and interest can be attributed to cases in excess of $75,000.

A study of the present refunds and the figures of past years would indicate that the peak of refunds has been passed. This is the first year since 1921 in which there has been an unencumbered balance in the refund appropriation on November 1.

Attention is now directed to the "Classification of overassessments in re principal cause," shown on page 6. This table is believed to be very important for the purpose of showing what provisions of the law have been largely responsible for the large refunds already set forth.

At the top of the list stands the special assessment provisions (sec. 210 of the 1917 act, and secs. 327 and 328 of the 1918 and 1919 acts). While these provisions have not been in effect since 1921, they are still the cause of practically one-fourth of all overassessments of tax made in the current year. It appears that the special assessment provisions are perhaps the most difficult sections ever written into the revenue acts from the standpoint of equitable administration. The failure of the Bureau of Internal Revenue to publish definite rules, regulations, and restrictions at the outset has, in our opinion, contributed to increase the past and present difficulties with these provisions. A few scattered decisions and rulings have been published by the bureau and the Board of Tax Appeals and it is believed that the board will eventually formulate a fairly definite policy on this matter. Special assessment will be discussed in detail in connection with certain individual cases presented later.

Next to special assessment comes invested capital, another provision of the revenue act not in effect after 1921. The computation of this item is the principal cause in the allowance of some $10,303,000 in overassessments out of a total of $55,827,000, or 16 per cent. A few of the principal difficulties encountered in the determination of invested capital gives an insight into the complications involved in the application of this section of the Federal income tax laws. Under this section it is necessary to determine the actual cash value of property donated by stockholders, the cash value of tangible and intangible prop-

erty paid in for stock, the correct amount of depreciation sustained to date of application of the tax laws involving invested capital, and the correct amount of surplus earned for prior years. In addition to the above numerous technical and legal difficulties arise.

Overassessments in the inheritance or estate-tax cases account for 8.98 per cent of the total overassessments reported. An analysis of these cases indicates that the refunds under this section are partly due to the retroactive feature of the 1926 act in regard to reduction of rates. This cause, while standing for this year in third place in importance, will undoubtedly be in a position of less importance in future years. However, the valuation of estates will always present real difficulty under present methods of appraisal.

The fourth important cause of overassessments lies in the application of the consolidated returns provision (sec. 240). This provision, which permits affiliation of companies, is in effect under the revenue act of 1926. Inasmuch as this matter has been fully discussed in a report already submitted to the joint committee and as the House bill as reported by the Ways and Means Committee contains the remedy for this situation, it will not be further commented on here.

The determination of depreciation allowances is the fifth major cause of overassessments. The principal difficulties encountered in these determinations are March 1, 1913, valuations and rates of depreciation. A study is being carried out by the Treasury Department for the purpose of publishing certain authorized rates of depreciation for the various industries. This program has been considered by this division and has its hearty support. A solution to the troublesome question of March 1, 1913, valuations has not yet been found.

Inventory adjustments accounts for some 7.83 per cent of the total overassessments. Here the principal trouble is again an appraisal question, that of the market value of the inventory at a certain date.

Amortization, valuations for determining gain or loss, and depletion account, respectively, for 3.58 per cent, 2.65 per cent, and 2.53 per cent of the total overassessments. All of these questions involve valuations based on judgment.

It must be apparent from the above that, as far as the present revenue act is concerned, the most troublesome questions are found in connection with valuations and matter requiring the use of judgment.

A very large part of current overassessments are, however, made on account of taxes in the excess-profits tax years prior to 1921. In fact, 89 per cent of all the overassessments reported to this committee apply to taxable years prior to 1922. It should certainly follow that refunds should be very much less after the final closing out of the tax returns for the above-mentioned period.

INDIVIDUAL CASES

A comprehensive idea of the situation in regard to refunds, credits, and abatements can not be secured without a brief description of certain individual cases. Accordingly a brief description of the principal points involved in certain interesting cases will be given. These descriptions are all based on actual cases submitted to the joint committee by the Commissioner of Internal Revenue. As some of these cases concern nationally known taxpayers, it has been thought wise to substitute fictitious names for the real names, so that the facts can be studied without bias or prejudice. In every case, therefore, whether in the discussion or in quoted exhibits, the real name of the taxpayer has been changed to a code name.

This report will frankly criticize certain features in some of the individual cases, but it is hoped that the reader will keep in mind that there are two sides to most of these questions and that there are many border-line cases where it is impossible to justly determine all the doubtful points in favor of the taxpayer or in favor of the Government. Taken as a whole, the overassessments submitted by the commissioner are obviously proper on the basis of the facts shown.

A careful review has been made of all the 323 cases submitted up to November 1, 1927, and of these only 27 cases, or 8 per cent, have appeared sufficiently doubtful to require special investigation in the files of the bureau. Over one-half of these 27 cases appeared proper after intensive study.

There remains only 11 doubtful cases, which can be classified as follows:

Nine cases are not computed in accordance with the views of this division, but, nevertheless, they are not clearly illegal or outside the discretionary authority vested in the commissioner by the revenue acts.

One case appears not to be in accordance with current Board of Tax Appeals decisions and was promptly withdrawn for review by the general counsel's office when attention was drawn to this fact by the committee's representative.

One case is awaiting information from the bureau on doubtful points of fact.

The description and discussion of certain individual cases will now be presented:

Case No. 1

Code name: John Doe & Co. (Inc).

Figures involved:

Total original and additional assessment	$142,558.71
Final tax determined	26,297.88
Overassessment	116,260.83
Refunded	116,260.83
Interest allowed	38,148.52

Subject: Interest.

DISCUSSION

The recommendation of the General Counsel of the Bureau of Internal Revenue in this case will be found in Exhibit 1a attached.

From an examination of this recommendation and other data it appears that John Doe was the principal stockholder in John Doe & Co. (Inc.). This company erroneously included in its income the sum of approximately $226,408 for the fiscal year ending June 30, 1920, which should have been returned by Mr. Doe as an individual. This change in the allocation of income requires a refund to the corporation and the assessment of additional tax on the individual. There is also an inventory adjustment in favor of the corporation in the amount of $111,926.

The refund to the corporation amounts to $116,260.83. It may be roughly computed, on account of the two major adjustments noted, that about two-thirds, or $73,000, of the total refund is due to the allocation of income to the individual. The additional tax proposed against Mr. Doe amounts to $70,381, so that the net result to the Government is unimportant.

The action of the commissioner in this case appears strictly in accordance with the law. It is desired, however, to point out the disadvantage suffered by the Government in adjustments of this character.

Due to the mere reallocation of income from the corporation to the individual owner of same, the Government takes a heavy loss on account of the interest provisions of the revenue acts. The corporation receives interest from the time of filing its return in 1920; the taxpayer will pay interest on account of the additional assessment only from October 26, 1926. The advantage to the taxpayer is approximately $22,000 in interest.

The facts in regard to this situation are clearly stated in the letter of the Secretary of the Treasury to the chairman of this committee, quoted in full below:

APRIL 29, 1927.

Hon. W. R. GREEN,

Chairman Joint Committee on Internal Revenue Taxation.

Attention: Mr. L. H. Parker, Chief, Division of Investigation, room 321–A, House Office Building.

SIR: Reference is made to your letter dated April 30, 1927, in which you request that you be informed as to the amount of additional assessment made against Mr. John Doe on account of the reallocation of income returned by and taxed to John Doe & Co. (Inc.) for the year 1920 to Mr. John Doe, which reallocation of income resulted in a refund of $116,260.83 to the corporation. There is to be paid on this refund an amount of interest in the total sum of $38,148.52.

On account of this change, tax has been proposed against Mr. John Doe in the sum of $70,381.71. This tax results to Mr. Doe as a consequence of the reallocation of the income to his account.

The taxpayer has filed a petition with the United States Board of Tax Appeals on the basis of what appear to be immaterial issues, and the tax has not yet been assessed. When the United States Board of Tax Appeals renders its decision the proper tax will be assessed and interest computed from February 26, 1926, to the date of assessment.

Respectfully,

A. W. MELLON,
Secretary of the Treasury.

CONCLUSION

It is the opinion of this division that the refund allowed in case No. 1 is correct on the basis of the facts submitted. It is thought proper to bring out the inequity of the Government as to interest payments resulting in such cases from our present statutes.

Case No. 2

Code name: Roe & Roe (a partnership).

Figures involved: Additional interest allowance on prior credit, $12,697.61.

Subject: Interest.

DISCUSSION

The recommendation of the general counsel in this case is shown in Exhibit 2b, attached.

It appears that there was a certificate of overassessment issued to the partnership, Roe & Roe, for the taxable year 1917 in the amount of $60,014.96. Of this amount a certain portion was refunded to the partnership and a small amount abated. The balance, which amounted

to $28,476.84, was credited against the additional tax due from the partners, John Roe and James Roe, with their consent.

On the refund interest was paid from April 1, 1918, the date of overpayment, to December 3, 1925, the date of allowance of refund. There is no controversy about this interest on the amount refunded.

On the credit interest was originally paid from April 1, 1918, the date of overpayment, to June 15, 1918, the due date of the amount against which credit was taken. The taxpayer contended that this interest period was erroneous and that interest should be paid from April 1, 1918, the date of overpayment, to December 3, 1925, the date of allowance of the credit.

As the unit did not agree with the taxpayer's contention the taxpayer filed suit in the United States Court of Claims for payment of interest for the period stated.

The Attorney General, at the request of the general counsel, settled this case out of court by admitting liability for interest on the amounts credited the partners for the period April 1, 1918, to December 3, 1925, as claimed by the taxpayer.

The action taken in this case appears to be proper and in conformity with the law. It appears, however, that neither before nor after this action has the Bureau of Internal Revenue followed the precedent established. This is shown by the letter of the Treasury Department quoted in full below:

OCTOBER 12, 1927.

Mr. L. H. PARKER,
Chief Division of Investigation,
Joint Committee on Internal Revenue Taxation,
Room 321 A, House Office Building, City.

DEAR MR. PARKER: Reference is made to your letter of September 30, 1927, relative to the proposed payment of interest to Roe & Roe, as shown on schedule 2, in which you suggest that Mr. Sherwood's attention be drawn to the memorandum of the general counsel in this case and that you be informed whether this decision of the general counsel is being followed by his division.

You are advised that an agreement was reached between the taxpayer and the Attorney General in this case, as a result of which the taxpayer filed with the Attorney General in escrow a motion to dismiss its suit for interest in the United States Court of Claims. The Income Tax Unit was directed to reopen and allow the claim for interest. The memorandum of the general counsel in this case has not been adopted as a general policy.

Very truly yours, E. C. ALVORD,
Special Assistant to the Secretary of the Treasury.

It is not clear to this division why a policy which admittedly can not be sustained by legal action should be continued in force. The result of such procedure is to deny all taxpayers their statutory rights except those who file suit.

CONCLUSION

It appears that case No. 2 has been settled properly on the basis of the facts submitted. The question is raised, however, as to why the case should not be followed as a precedent for all taxpayers whose cases involve the same principle.

Case No. 3

Code name: The "A" Iron Products Co.

Figures involved:

Total of original assessment	$1,136,598.53
Final tax as now determined	1,074,175.29
Overassessment allowed	62,423.24
Amount refunded	62,423.24
Interest paid	17,975.33
Total allowance	80,398.57

Subject: Special assessment.

DISCUSSION

The recommendation of the general counsel to the commissioner in regard to this case will be found in Exhibit 3 of the appendix.

The "A" Iron Products Co. is by far the largest manufacturer of certain iron products in the United States. The company filed its original return for 1920, admitting a tax liability of $1,136,598.53. After a field examination, an additional tax liability of $37,992.52 was disclosed, but was not assessed, as the taxpayer filed a claim for special assessment for the year 1920 under the provisions of sections 327 and 328 of the revenue act of 1918. This claim was allowed and a refund of $62,423.24 resulted.

The refund in this case is due entirely to the application of the special assessment provisions above mentioned. The reason given for special assessment is that there has been "an understatement of assets" on the books of the taxpayer "due to the fact that large sums expended on additions, replacements, and other capital items were charged to expense in prior years."

It appears that this is a proper ground for special assessment when properly substantiated, and when it is not possible to actually restore such items to capital. It would appear more proper, however, in cases where the items could be identified to restore them to capital rather than to allow special assessment. Such facts can only be secured by the examination of the taxpayers' books, and this division therefore accepts the facts as stated in the general counsel's memorandum. It is certain that this ground for granting special assessment should be handled carefully for almost any company which has kept its books on a conservative basis can prove that many items should have been capitalized. For instance, it is believed the United States Steel Corporation could prove this fact.

Having admitted that special assessment is allowable, the bureau is next confronted with the problem of selecting proper comparatives. Inasmuch as the "A" Iron Products Co. is the largest company in this line of business, it has been impossible for the Income Tax Unit to follow its usual practice and select comparatives of the same size.

The following data from the files of the bureau shows the gross sales, net income, and percentage of profits tax to net income for the appellant company and the comparatives finally selected.

Extract from comparative data sheet

	Gross sales	Net income	Per cent profit tax to net income
Appellant	$12,444,841	$3,213,796	30.30
Comparative No. 1	2,008,030	425,629	21.70
Comparative No. 2	1,119,635	367,229	30.95
Comparative No. 3	936,160	176,236	26.19
Comparative No. 4	1,140,965	244,487	21.41
Comparative No. 5	1,711,404	291,237	26.79
Comparative No. 6	1,067,425	232,857	28.15
Average	1,330,603	289,613	25.79

Final profits tax, appellant	$836,733.45
Per cent of final tax to net income, appellant	26.04
Constructed invested capital, appellant	8,003,302.89

The above statistics show that the gross sales or net income of all six comparatives added together does not equal respectively the gross sales or net income of the appellant company. The comparatives chosen are therefore individually grossly disproportionate in size to the taxpayer company. The law, however, does not seem to specifically require the use of the same size companies as comparatives. This point, however, should be noted, as we shall see in a later case that the bureau insists on comparatives of the same size.

One of the practical points which stands out in this case is that special assessment is granted to a company which is by far the largest producer in its particular line. It is not apparent the Congress intended to give this relief to these large companies. If the principles established in this case are correct there seems to be no doubt that the United States Steel Corporation could be allowed special assessment, for this corporation was in the 80 per cent bracket in 1918 and had kept its books on a very conservative basis in regard to capitalization.

There are two other points which should be noted in this case:

In the first place, the reduction in tax through special assessment is about 9 per cent. It is not certain from the published regulations of the commissioner that this constitutes a "gross disproportion between the tax computed without benefit of this section and the tax computed by reference to representative corporations" as required by section 327 of the revenue act of 1918.

In the second place, the taxpayer had the benefit of substantial deductions for amortization and depletion. None of the comparative companies had these deductions showing that they were not "similarly circumstanced" in regard to their business. Amortization indicates the taxpayer had war contracts or contracts contributing to the prosecution of the war; depletion shows the taxpayer owned or operated mines.

CONCLUSION

This case is one of those not computed in accordance with the views of this division, but on the other hand it is admitted that there is nothing illegal in the determination made. It is admitted, also, that in the absence of definite rules, the specific application of the special assessment provision is largely discretionary with the commissioner.

Case No. 4

Code name: The "X" Tobacco Co.

Figures involved:

Total of original and additional assessments (1918 to 1921, inclusive)	$24,475,876.63
Previously refunded or credited	1,698,265.47
Balance	22,777,611.16
Final tax liability as determined	15,149,597.91
Overassessment allowed	7,628,013.25
Refunded	4,072,685.83
Credited	3,555,327.42
Overassessment	7,628,013.25
Interest	2,141,122.18
Total allowance	9,769,135.43

Subject: Special assessment.

DISCUSSION

On August 9, 1927, the following quoted letter was transmitted to the authorized representative of the Treasury Department. This letter sets forth the opinion of this division after a review of the case and is sufficient for the purposes of this report. It should be noted that actual names have been omitted in all cases and code numbers or letters substituted therefor.

AUGUST 9, 1927.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Washington, D. C.

Subject: Refund—"X" Tobacco Co.

MY DEAR MR. ALVORD: The Commissioner of Internal Revenue, on June 27, 1927, submitted to the chairman of this committee the facts in connection with the refund proposed to the "X" Tobacco Co., in accordance with H. R. 16462, requiring such report.

As per my general instructions covering all such cases I have made an investigation of the principal points at issue in this case, and not being in agreement with the findings of the bureau, the matter is referred to you with a request for a conference on this case on August 18 at 1.30 p. m., with such officers of the department as you may designate.

The figures involved in this case are as follows, covering the years 1918 to 1921, inclusive:

Total original and additional assessments	$24,475,876.63
Previously refunded and credited	1,698,265.47
Balance	22,777,611.16
Tax liability now determined	15,149,597.91
Overassessment proposed	7,628,013.25

Of this overassessment now proposed $4,072,685.83 is to be refunded and $3,555,327.42 is to be credited against 1923 taxes; in addition to this refund and credit, there will be due the taxpayer on this adjustment an interest payment of $2,141,122.18.

The determination of the final tax liability in this case has been arrived at by the application of the "special assessment provisions" sections 327 and 328 of the revenue acts of 1918 and 1921. The method employed is fully outlined in the recommendation of the general counsel to the Commissioner of Internal Revenue dated June 7, 1927, a copy of which is attached to this report. (See Exhibit A.")

The points in this case with which we take issue are as follows:

1. The holding that an abnormality exists in invested capital from the failure of the taxpayer to capitalize advertising expenses when at the same time it is held that "a satisfactory rule or formula" for capitalizing such expenses "has never been devised."

2. The determination of tax liability by "special assessment" by the use of only one comparative company.

3. The holding that legislative history is the controlling factor in granting special assessment in this case.

1. ABNORMALITY CLAIMED IN INVESTED CAPITAL

The general counsel sets forth in his memorandum (Exhibit "A") the total advertising and allied expenditures of the "X" Tobacco Co. from 1899 to 1921, which can be summarized as follows:

	Total advertising expenditures
1899 to 1911, inclusive	$7,062,542.51
1912 to 1917, inclusive	8,179,684.69
1918 to 1921, inclusive	22,060,884.79
Grand total	37,303,111.99

The general counsel states that "if a cause for special assessment exists it is (1) because the taxpayer employed in its business during the years under consideration valuable income-producing intangible assets which had been acquired through large expenditures in advertising but which are excluded from invested capital computed under section 326 of the revenue act of 1918, and (2) because of the legislative history of this particular case."

In our opinion there is nothing in section 326 which prohibits the capitalization of advertising expenses and its inclusion in paid-in surplus and in invested capital. However, the general counsel says that "a satisfactory rule or formula for obtaining the amount (of such expenditures) which should be apportioned to capital and the amount which should be apportioned to profit and loss has never been devised."

If this is the case, how can there be an abnormality in the invested capital of the "X" Tobacco Co. as required by section 327, through the failure to capitalize advertising expenses when there is no method in existence for this or any other company to capitalize such expenses? Noncapitalization of advertising expense must be the normal not the abnormal method of handling advertising expenditures.

Even if we grant that there is an abnormality on account of these advertising expenses, the relief afforded far exceeds what could be obtained under any method of capitalization of the advertising expenditures.

Suppose we allow advertising expenditures to be capitalized in full for all years, then the result would be approximately as follows:

Year	Approximate invested capital. All advertising capitalized	Statutory invested capital	Constructive invested capital as determined by special assessment
1918	$67,373,601	$52,131,384	$121,194,911
1919	61,022,116	65,215,929	144,437,216
1920	101,091,270	79,233,744	133,708,188
1921	109,965,289	81,406,904	169,999,324

From the above it can be seen that even if all advertising expenses were capitalized, the resulting invested capital would fall far short of that in fact allowed by the bureau under the special assessment provision. Not only that for the years 1918 to 1921 the taxpayers' income would be increased by the amount of such capitalized items, or the sum of $22,060,884.99.

It can readily be seen, therefore, that the taxpayer instead of suffering "an exceptional hardship" by the noncapitalization of such items as required by section 327, has in fact secured an advantage through the deduction of the items in full as an expense.

This method of allowing special assessment on account of an abnormality in not capitalizing expenditures, which expenditures are charged off in full as an expense for the taxable years in question, amounts to allowing such items both as an increase in capital and at the same time as a complete charge off from income. This method can not be approved of, and this case, if typical of the method employed by the special assessment section, becomes of general importance. To give the taxpayer this double advantage is obviously at variance with the whole intent of the law.

Probably the best method for the taxpayer would be to capitalize all advertising expenses up to January 1, 1918, and after that date charge same to expense. This method gives the following comparative results:

Year	Approximate invested capital. Advertising up to 1918 capitalized	Statutory invested capital	Constructive invested capital as determined by special assessment
1918	$67,373,607	$52,131,384	$121,194,911
1919	80,458,156	65,215,929	144,437,216
1920	94,475,971	79,233,744	133,708,188
1921	96,649,131	81,406,904	169,999,324

It will be seen from the above that even under this method, most advantageous to the taxpayer, the invested capital falls far below that determined under special assessment by the bureau.

It is our position that in any event the constructive invested capital determined under special assessment should not exceed the figures shown in column 1 of the above table, as such figures give effect to the full extent of the abnormality.

2. USE OF ONE COMPARATIVE

Section 328 provides that the tax determined under special assessment shall bear "the same ratio to the net income of the taxpayer for the taxable year, as the average tax of representative corporations engaged in a like or similar trade or business bears to their average net income."

Reference to any standard dictionary will show that it is impossible to obtain an average by the use of only one comparative company. This method appears at least technically illegal.

As we understand the position of the bureau, they adopt this method because there is only one company which they consider a proper comparative.

In the case of the refund recently allowed the "A" Iron Products Co. six comparatives were selected, all of whose net income added together did not equal the net income of the appellant company.

It is evident, therefore, that the same size of company is not required by the rules of the special-assessment section.

Data secured sometime ago from the special assessment section shows that there are many small tobacco companies who paid a higher excess-profits tax rate than is now found for the "X" Tobacco Co.

A summary of these comparatives follows:

1918

Name	Net income	Profits tax	Per cent profits tax to net income
Company No. 1	$29,531	$12,725	43.09
Company No. 2	245,293	101,659	41.44
Company No. 3	286,877	126,357	44.04
Company No. 4	188,774	64,474	34.15
Company No. 5	66,102	41,981	63.50
Company No. 6	39,344	14,938	37.96
Company No. 7	44,096	21,659	49.11

1918—Continued

Name	Net income	Profits tax	Per cent profits tax to net income
Company No. 8	$91,384	$32,278	35.32
Company No. 9	511,492	194,409	36.00
Company No. 10	39,114	19,327	49.92
Company No. 11	68,328	24,307	35.57
Company No. 12	60,053	22,149	36.88
Company No. 13	33,424	15,285	45.73
Company No. 14	61,069	27,614	45.21
Company No. 15	583,082	263,569	45.20
Total	2,347,953	982,931	41.86
1919			
Company No. 16	$28,548	$5,968	20.90
Company No. 17	43,528	6,499	14.93
Company No. 18	73,752	15,412	20.89
Company No. 19	78,759	11,376	14.44
Company No. 20	23,890	1,807	6.97
Company No. 21	54,477	9,941	18.24
Company No. 22	88,180	8,605	9.73
Company No. 23	98,896	8,168	8.25
Company No. 24	109,201	13,190	12.07
Company No. 25	294,610	51,301	17.48
Total	895,643	132,467	14.78
1920			
Company No. 26	$9,418	$692	7.34
Company No. 27	28,108	2,260	8.04
Company No. 28	117,012	14,936	12.76
Company No. 29	652,838	82,957	12.70
Company No. 30	34,189	3,192	9.33
Company No. 31	21,126	1,769	8.37
Company No. 32	32,765	5,137	15.67
Total	895,456	110,943	12.38

Of course, it can not be contended that all of the above comparatives are similarly circumstanced with the "X" Tobacco Co., the fact does remain that they are more or less in competition with it. A comparison of the average rates paid by these comparative companies against the rates now proposed for the "X" Tobacco Co. is as follows:

Year	Statutory rate "X" Tobacco Co.	Rate now allowed by bureau	Average rate shown by our comparatives
	Per cent	*Per cent*	*Per cent*
1918	50.37	26.09	41.86
1919	18.1	6.16	14.78
1920	11	4.67	12.38

There can be no doubt, therefore, that the "X" Tobacco Co. will under the proposed rates pay less than one-half of the profits-tax rate that many of its small competitors have been obliged to pay.

It would appear that if the bureau can disregard the size of comparatives in the case of the "A" Iron Products Co., that they could employ the same method in this case and use smaller comparatives.

Why a relief provision like special assessment should find a higher rate of tax for small companies than for large is not clear and does not seem to come within the intent of the Congress as expressed by the statute.

It is understood that rates have been determined under special assessment as follows for certain small tobacco companies:

APPELLANT COMPANY

1918

	Per cent
No. 1 Tobaccco Co. allowed profits-tax rate of	31.5
No. 2 Tobacco Co. allowed profits-tax rate of	38.03
No. 3 Tobacco Co. denied relief on rate of	40.96

1919

No. 4 Tobacco Co. allowed rate of	8.75
No. 5 Tobacco Co. denied relief on rate of	18.90

The memorandum of the general counsel goes into considerable detail as to the three other companies besides the "X" Tobacco Co., which dominate the tobacco business, namely:

The "M" Tobacco Co.

The "R" Tobacco Co.

The "S" Tobacco Co.

We have made a study of the statistics on those companies as published in Moody's Analysis of Industrials, which is interesting but too voluminous for reproduction here.

It might be mentioned, however, that if the "S" Tobacco Co. is granted special assessment on the argument advanced in this case they will of necessity also be compared with one company, the "R" Tobacco Co.

Now, the ground for special assessment in the "S" Tobacco Co. case is an excessive amount of borrowed capital. Yet the "R" Tobacco Co. appears to have a greater proportionate amount of borrowed capital than the "S" Tobacco Co. What will be done in such a situation is hard to see unless small comparatives are resorted to.

In regard to the "M" Tobacco Co. it is evident that the capital requirements of this company are quite different from the "X" Tobacco Co. The "M" Tobacco Co. manufactures large quantities of cigars and controls domestic and foreign subsidiaries which doubtless require more capital on the part of the parent company.

It might also be noted that all of the Big Four companies except the "X" Tobacco Co. have a large amount of bonded indebtedness showing an entirely different situation as to the capital necessary.

3. LEGISLATIVE HISTORY

It appears that the legislative history of this particular case is the controlling factor in allowing special assessment.

In other words, unless this company had been mentioned in the Finance Committee of the Senate as a typical case where special assessment was necessary, then this case would not have been allowed.

This means either that the bureau has failed to interpret this section of the act as intended by the Congress or that the act does not express the intent.

The fact remains that in this case, no other company similarly circumstanced with the "X" Tobacco Co. could get special assessment unless it too had been mentioned in a committee of the Congress or in that body itself.

We can not believe that the Congress intended to disregard in this way the fundamental principle underlying the excess-profits tax; namely, the taxation at special rates, of the profit accruing to corporations in excess of 8 per cent of its actual paid-in capital and paid-in surplus.

The fact remains that the other three of the "Big Four" tobacco companies had on the books large amounts of good will paid in for cash. These stockholders were entitled to their 8 per cent dividends before the payment of an excess-profits tax.

In the case of the "X" Tobacco Co., no such good will was paid for in cash, and it results that the stockholders could still get their 8 per cent dividend before being affected by the excess-profits tax.

We do not believe that the Congress in enacting sections 327 and 328 had in mind passing on the merits of all the facts in the "X" Tobacco Co. case, nor to hold the bureau to granting special assessment to this company, if they could not grant a similar relief to companies similarly situated which had not been mentioned by Members of the Congress.

When the 1918 revenue act first passed the Senate it included among the cases entitled to special assessment those which suffered a hardship "because of the time or manner of organization, or because the actual value of the assets on March 1, 1913, was substantially in excess of the amount at which such assets would be valued for the purpose of computing invested capital * * *."

This language was not in the House bill and was stricken out in conference. The general counsel's memorandum fails to show that the discussion in the Finance Committee was on the final revenue act as passed by both Houses, or merely in the act as first passed by the Senate.

The "X" Tobacco Co. case is clearly one where the time and manner of organization is substantially different from the other members of the "Big Four" group. But this ground for special assessment was clearly eliminated in the final bill as passed by both Houses.

A discussion of the above points is requested in conference, in order that this committee may fulfill the obligation laid on it by H. R. 16462, the urgent deficiency bill.

Very truly yours,

L. H. PARKER,
Chief Division of Investigation.

Following the above letter, conference was had with the party designated by the Treasury Department and the various issues raised were discussed. Information was given that the use of one comparative had been found legal after investigation by the general counsel's office. The representative of the Treasury Department took the position that the determination was the most favorable to be had in view of the peculiar circumstances of the case.

This division concluded that its duty had been performed by calling the main issues to the attention of the department.

CONCLUSION

This case is one where, in the opinion of this division, special assessment should not have been allowed. It is conceded, however, that it was within the discretionary power of the commissioner to grant special assessment in this case. This is a good sample of the extreme difficulty in the determination of tax under these provisions, and the magnitude of this overassessment shows its very great importance.

Case No. 5

Code name: The "B" Rubber Co.
Figures involved:

Original assessment	$614,768.27
Final tax liability	476,340.02
Overassessment	138,428.25
Refunded	138,428.25
Interest	51,072.44
Total allowance	189,500.69

Subject: Special assessment.

DISCUSSION

The refund in this case is due to the application of the special-assessment provisions of the 1918 revenue act to the determination of tax for the year 1919.

The grounds for special assessment are two in number and both appear proper. These grounds are stated by the general counsel as follows:

1. "Where there are excluded from invested capital computed under section 326, intangible assets of recognized value and substantial in amount, built up or developed by the taxpayer."

2. "Borrowed capital": During the taxable year, the company had $1,172,000 in borrowed capital, or approximately one-half of the amount of the statutory invested capital.

In regard to the selection of comparatives, the report of the corporation auditor for this committee states as follows:

"It is the practice of the unit in a consolidated case where the companies are engaged in a somewhat different line of business to select comparatives representative of each industry in which the class of products fall. This has been done in the above-named taxpayer's case as will be noted by reference to the data sheet attached. Some of the comparatives represent manufacture of hard rubber while Company No. 2 is engaged in the manufacture of asbestos. After going over in detail with the auditor the data sheet attached hereto and examining the cases selected it would appear that the comparatives used are the best that could be obtained."

CONCLUSION

This division believes that the determination in this case is proper and in conformity with the law. It is submitted in order to make plain that certain cases clearly fall within the intent of Congress in enacting the special-assessment provisions.

Case No. 6

Code name: The Produce Co.
Figures involved:

Total original assessment (1922 and 1923)	$112,000.85
Final tax determined	None.
Overassessment	112,000.85
Refunded	112,000.85
Interest	19,524.35
Total allowance	131,525.20

Subject: Depreciation—Discussion.

The recommendation of the general counsel to the commissioner is shown in Exhibit 4 of the appendix.

It appears that on the original returns of the taxpayer for the years 1922 and 1923 depreciation was not computed on a proper basis and a new basis was set up on amended returns. The amounts originally claimed for depreciation and the amounts as revised on the amended returns are shown below:

Year	Depreciation taken on original returns	Depreciation claimed on amended returns
1922	$238,423.98	$627,082.56
1923	241,651.47	639,926.19

The bureau found the depreciation claimed on the amended returns proper.

The determination of depreciation is fundamentally a question of fact. This division could not properly comment on the determination of fact without a field examination. In view of the large change made in the depreciation, the rates allowed were examined and found to be as follows:

	Per cent
Buildings	3
Equipment	5
Machinery	5

These rates appear reasonable. It should be noted, however, that repairs were deducted from income in these years as shown below:

1922	$726,640.10
1923	938,575.72

How far such repairs had the effect of increasing the life of the plant is not determinate from the record. In fact, this is a general problem which has never been satisfactorily solved, but which should be studied in view of the very great deductions taken in arriving at net taxable income on account of depreciation and repairs.

CONCLUSIONS

It is conceded that the allowance made in this case is proper on the basis of the facts shown in the record and accepted by the bureau. The importance of depreciation deductions should be specially noted.

Case No. 7

Code name: The "C" Oil Co.
Figures involved:

Total original and additional assessments (1918 and 1919)	$2,585,489.33
Final tax determined	1,885,482.59
Overassessment	700,006.74
Refunded	600,006.74
Credited	100,000.00
Interest	255,440.00
Total allowance	955,446.74

Subject: Depletion.

DISCUSSION

The recommendation of the general counsel to the commissioner in regard to this case is shown in Exhibit 5 of the appendix.

The principal issue in this case is the determination of the depletion allowance on oil wells. The depletion allowances claimed and allowed are shown in the following table:

Year	Oil depletion claimed by taxpayer	Oil depletion originally allowed by bureau	Oil depletion finally allowed
1918	$5,515,464.07	$2,779,079.91	$4,392,782.54
1919	37,214,875.18	9,744,761.59	11,033,320.11

The procedure in this case was unusual. The taxpayer filed suit in the Court of Claims for about $2,000,000. The case was compromised out of court for $700,000. Then a valuation was set up by the engineering division which would make the statutory tax agree with the amount of the compromise.

Such a method of fixing the tax and then working back to a valuation from the tax, is, in general, condemned. However, investigation showed that the valuation made was based on reasonable and proper factors and that the engineer making the valuation was satisfied that the value found was conservative.

CONCLUSION

It is probable the refund made in this case was for the best interests of the Government and that a larger refund would have resulted if the case had been carried through the court. The fact must be faced, however, that as long as the tax is based in these cases on the determination of valuations which vary by as much as 400 per cent according to the views of different experts, then just so long will compromises be necessary in these cases.

Case No. 8

Code name: "Standard" Tobacco Co.
Figures involved:

Total of original and additional assessments (1912 to 1918)	$13,800,517.37
Final tax determined	6,179,630.13
Overassessment	7,620,887.24
Refunded	1,964,729.02
Credited	24,625.91
Abated	5,631,532.31
Total	7,620,887.24
Interest	923,817.38
Total allowance	8,544,704.62

Subject: Invested capital.

DISCUSSION

The principal reason for the overassessment in this case is the adjustment of invested capital. The case is very voluminous and has been carefully reviewed; it is believed that on the basis of the facts admitted by the bureau the adjustment is proper.

The increase in invested capital amounting to approximately $36,000,000 is due largely to the valuation of tangibles and intangibles of predecessor companies acquired by the taxpayer at the time of incorporation. These valuations were based on certain facts which could only be verified by a field investigation. The legal action of the bureau appears to have been proper.

CONCLUSION

This case is illustrative of the great difficulty which is experienced with invested capital computations. A full discussion of all the various points involved would be too voluminous for the purposes of this report.

It is pointed out that one of the principal troubles is due once more to questions of judgment in the matter of valuations.

Case No. 9

Code name: The City Trust Co.

Figures involved:

Total of original and additional assessments (1917 to 1920)	$819,223.95
Final tax determined	593,465.56
Overassessment	225,758.39
Refunded	225,758.39
Interest	49,860.77
Total allowance	275,619.16

Subject: Red Cross contribution.

DISCUSSION

The principal reason for the refund in this case is the deduction from income of State franchise and Federal capital-stock tax accrued. The only point, however, which will be discussed is the allowance as a necessary expense deductible from income of a contribution to the American Red Cross in 1917.

The recommendtion of the general council to the commissioner states in part as follows:

"The first item is the allowance of a Red Cross donation in the amount of $90,100. During this year the taxpayer made a contribution to the American Red Cross in the amount of $100,100. The taxpayer contends that it would have in any event contributed to the Red Cross during this year but would not have given in excess of $10,000, except for the reason that the taxpayer was the principal depositary of the American Red Cross and had been such for some time prior to 1917. The average balance of the deposit of the American Red Cross with the taxpayer for the period from June, 1917, to June, 1918, was $7,446,000. The bank paid interest at the rate of 3 per cent on this deposit to secure a much higher rate of return through reinvestment.

It was held in Treasury Decision 2847 that corporations are not entitled to deduct from gross income the amount of contributions to religious, charitable, scientific, or educational corporations or associations even though such contributions may be made to the Red Cross or other war activities. The taxpayer takes the position, however, that the amount of $90,100, being the amount of its donation in excess of a fair ordinary contribution, should not be classified as a contribution but as an ordinary and necessary business expense. The taxpayer relies upon the provisions of article 562 of Regulations 45, providing that "donations which ultimately represent a consideration for a benefit flowing directly to the corporation as an incident of its business will be deductions from gross income." In appeal of Anniston City Land Co. (2 B. T. A. 526) a contribution by a corporation engaged in the business of land sales, made to the Chamber of Commerce of Anniston, was allowed as a deduction. The board said, "It is difficult to imagine an expenditure which would have stimulated demand as did this contribution. Such a contribution has, in a direct sense, a reasonable relation to the taxpayer's business." In the appeal of Citizens Trust Co. of Utica (2 B. T. A. 1239), a contribution by the taxpayer to the Oneida County Farm Bureau was allowed as a deduction upon the finding that it was an ordinary and necessary expense of the business. The facts herein bring the case within the provisions of the regulations and the application thereof made by the Board of Tax Appeals. Accordingly the deduction of $90,100 may be allowed."

This division was not convinced by the above reasoning and drew this item to the attention of the bureau. It is believed that the bureau did not change their position.

Treasury Decision No. 2847 states in part as follows:

"The Attorney General, in an opinion dated May 19, 1919, states the view that ordinary and necessary expenses contemplated by paragraph 1 of sections 214 and 234 were not intended to include all necessary expenses, because the two immediately succeeding paragraphs provide for deducting interest and taxes, both of which are necessary expenses; also the provision in regard to allowance for salaries, compensation, rentals, etc., indicates that all of the expenses which are contemplated under the terms used in paragraph 1 of these sections are expenses incurred directly in the maintenance and operation of the business, and not all those which may be beneficial and even necessary in the broader sense.

"In addition to the above considerations and to the fact that there is express provision for deducting contributions or gifts in the case of individuals, which is wanting in the section providing for deductions to be made by corporations, reference to the legislative history of the revenue act of 1918 (CONGRESSIONAL RECORD for September 17, 1918) shows that an amendment providing that corporations might make deductions of contributions or gifts, as in the case of individuals, came to a vote and was defeated, the principal reason assigned in the debate being that it would be dangerous to authorize directors to be generous with the money of their stockholders even for such laudable purposes.

"Corporations are therefore not entitled to deduct from their gross income for the purposes of the income tax the amount of contributions made to religious, charitable, scientific, or educational corporations or associations, even though such contributions are made to the Red Cross or other war activities."

It can be seen from the above quotation that under published decisions contributions by corporations to the Red Cross are not deductible from income even though such contributions "may be beneficial and even necessary in the broader sense."

CONCLUSION

This is a case where in the opinion of this division one of the issues has been decided in a manner not in accordance with existing decisions. It appears that the legal advice of the bureau is contrary to our opinion.

Case No. 10

Code name: The "D" Railroad Co.

Figures involved:

Total and additional assessments (1909 to 1916)	$112,421.33
Final tax determined	54,959.49
Total overassessment	57,461.84
Previously allowed	627.79
Overassessment (present)	56,834.05
Refunded	56,834.05
Interest	32,550.89
Total allowance	89,384.94

Subject: Affiliation.

DISCUSSION

The "D" Railroad Co. was affiliated with the "Universal" Steel Co. for 1917 and subsequent years. The refund allowed in this case is not due primarily to affiliation but nevertheless this question is involved. The refund is made as a result of the application of section 284 (c) of the revenue act of 1926, which provides as follows:

"If the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that there has been an overpayment of income, war-profits, or excess-profits taxes in any previous year or years, then the amount of such overpayment shall be credited or refunded, without the filing of a claim therefor, notwithstanding the period of limitation provided for in subdivision (b) or (g) has expired."

The only question that will be discussed in this case is the question which has caused much of the trouble in the case of the consolidated returns of affiliated companies, and which can be stated as follows:

Does the consolidated-returns provision create a new taxable status that is "one economic unit" for tax purposes, or does each corporation in the affiliated group retain its individual entity as a taxpayer?

The United States Board of Tax Appeals states as follows in the Farmers Deposit National Bank case (5 B. T. A. 527):

"On the other hand, it said, plainly enough we think, in section 240 (a) of the revenue act of 1918, that the generally recognized principle of corporate identity was to be overridden for the purpose of the income and profits taxes; that the separate existences of the affiliated companies ceased for tax purposes. It created out of two or more affiliated companies, otherwise having separate identities, a new tax status; and when it did so Congress intended that the group should have the attributes of a single taxpayer. And where, in other sections of the statute, Congress speaks of corporations as individual taxpayers, it means as to the sections dealing with consolidated units to treat the consolidated unit as a single corporation."

If this view is correct and the opinion seems decidedly broad, then it does not appear that in the case of the "D" Railroad Co. its taxes for 1909 to 1916 should be effected by adjustments in the invested capital of an affiliated group which had a "new tax status" and was treated as a "single corporation."

However, Mr. Nash, assistant to the commissioner, states in a letter to this division, as follows:

"'Taxpayer' is defined in section 2 (a) (9), Part IV of the revenue act of 1926 as 'any person subject to a tax imposed by this act,' while 'person' is defined in section 2 (a) (1), Part IV of the same act as 'an individual, a trust or estate, a partnership, or a corporation.' When corporations become affiliated for tax purposes under the provisions of section 240 of the various revenue acts they are required to file a consolidated return on Form 1120 and in addition separate returns on Form 1122. Each affiliated company is specifically made subject to tax under the provisions of section 240 and being subject to tax must be regarded as a taxpayer within the meaning of section 2 (a) (9), supra."

CONCLUSION

The opinion of this division is in agreement with the statement of Mr. Nash on the point discussed. It is important to note that the application of the so-called "economic unity theory" as advanced by the board is in conflict with the "separate entity theory" long practiced by the bureau and it is one of the factors in the difficulty experienced in the administration of the consolidated-returns provision.

Case No. 11

Code name: Estate of John Moe.

Figures involved:	
Total tax paid	$833,018.79
Final tax determined	679,085.50
Amount of refund	143,933.29
Interest	26,770.93
Total allowance	170,704.22

Subject: Estate tax.

DISCUSSION

The recommendation of the general counsel to the commissioner in regard to the case is shown in Exhibit 6 of the appendix.

It appears that John Moe owned at the time of his death an eight-ninths interest in John Moe & Co., a partnership. This partnership held bonds (or notes) of the "X" Motor Truck Co., having a book cost of $1,382,173.43.

John Moe died on May 31, 1922. At this time the "X" Motor Truck Co. was in operation but was losing money. In December, 1922, the "X" Motor Truck Co. went into the hands of a receiver.

The estate tax division valued the bonds (or notes) above referred to at $750,000 in their original determination of the tax.

The estate in support of a claim for refund, made affidavit that the bonds (or notes) had been sold during liquidation by court order for $1,000. This affidavit was accepted by the estate tax division and this decrease in value from $750,000 to $1,000 is the principal cause for the refund in this case.

An investigation made by this office showed that the assets of the "X" Motor Truck Co. were sold at receiver's sale on November 23, 1925.

It appeared probable that a certain beneficiary of the estate bought the bonds referred to for $1,000, and that on sale of assets such beneficiary might have received a substantial amount for same. The Treasury Department agreed to check this point up in the field to see that any difference between the $1,000 and the amount received should be included in taxable income.

CONCLUSION

This case is illustrative of the difficulty often encountered in valuation of securities for estate-tax purposes.

Case No. 12

Code name: "X" Leather Co.

Figures involved:	
Total original and additional assessments (1919)	$3,520,486.60
Final tax determined	3,173,673.24
Overassessment	346,813.36
Refund	346,813.36
Interest	140,858.48
Total allowance	487,671.84

Subject: Inventory adjustments.

DISCUSSION

The refund in this case is due principally to the reduction in inventory as of December 31, 1919. The taxpayer on this date showed an inventory of approximately $75,000,000, of which $39,577,036.68 consisted of hides, mostly purchased in 1918 at war prices. The return for the taxable year 1919 was made on the basis of an inventory at cost. The taxpayer later filed claim for refund, alleging that since its returns were made on the basis of "cost" or "market" whichever is lower as to inventories, it was entitled to have the inventory of December 31, 1919, revised on the basis of market, for the reason that market was lower than cost.

The bureau's explanation of its action is shown in Exhibit 7. This division made an examination of this case in the files of the bureau. Its findings are shown in Exhibit 8 of this report.

CONCLUSION

The principle applied in revising the inventory is in accord with the commissioner's regulations. The prices adopted by the bureau were accepted without check. The case is illustrative of many refunds resulting from the revaluation of inventories at market value.

Case No. 13

Code name: The "T" Typewriter Co.

Figures involved:	
Total original and additional assessments (1918 to 1920)	$167,426.79
Final tax determined	66,462.59
Overassessment	100,964.20
Previously allowed	4,466.73
Present overassessment	96,497.47
Refunded	96,497.47
Interest	34,606.65
Total allowance	131,104.12

Subject: Installment sales.

DISCUSSION

Considerable discussion has been had in connection with the so-called double-taxation feature of the present regulations applying to the installment sales method of reporting income in the year or years of transition from the accrual basis.

This actual case where the taxpayer originally reported on the accrual basis and subsequently changed to the installment basis shows that considerable benefit is secured by this change, even if the cash received in the current year on account of sales made in prior years is included in income. The latter basis was the method used in this case, the figures for which are shown below:

Year	Net income		Decrease in taxable income by change
	Accrual basis	Installment basis	
1918	$263,340.11	$253,471.90	$9,868.21
1919	497,854.20	135,336.70	362,517.50
1920	272,706.67	151,211.10	121,495.57

The above adjustments in net income were by far the principal changes made in these returns and are therefore the controlling factor in the allowance of the refund of $96,497.47 plus interest of $34,606.65. This large refund is allowable even under the double taxation method; if the method outlined in the Treasury decision of October 20, 1920, had been used the refund would have been still larger.

CONCLUSION

This case appears properly determined. It is presented as illustrative of the effect of changing from the accrual to the installment basis.

MISCELLANEOUS REMARKS

The study of individual cases has been very valuable to this division as a means of determining in a practical and concrete manner the operation and effect of our revenue acts.

The search for the principal points at issue in these cases has indicated certain provisions of the act which are troublesome. It has become apparent that wherever valuations are necessary difficulty follows. The determinations of facts as of dates far in the past is also a source of trouble.

Numerous cases in addition to these described could be listed but it appeared that those chosen are sufficient for the general purposes of this report. The complete file on the 323 cases submitted is in the hands of this division and open to the inspection of the members of the joint committee.

CONCLUSION

While certain points in connection with the refunds have been frankly criticized in this report it must be admitted that the great majority of the refunds have been correctly determined on the basis of the facts submitted.

Even in the relatively few doubtful cases it is also conceded that there are ample grounds for a difference of opinion.

The examination of these refunds has been instructive in connection with the more constructive work of this division provided for in section 1203 of the revenue act of 1926.

Respectfully submitted.

L. H. PARKER,
Chief Division of Investigation.

DECEMBER 8, 1927.

BUREAU OF INTERNAL REVENUE,
OFFICE OF THE GENERAL COUNSEL,
March 12, 1927.

In re John Doe & Co. (Inc.).

MR. COMMISSIONER: A certificate of overassessment in favor of the above-named company for the period February 25 to June 30, 1920, has been submitted for approval in the amount of $116,260.83.

The taxpayer filed its original return for the fiscal year July 1, 1919, to June 30, 1920. This return indicated a taxable income of $346,408.44. From the information contained in the return and in briefs filed by the taxpayer the bureau has found that there was no attempt to incorporate prior to February 25, 1920, and that prior to this date there was no user of corporate powers and that the taxpayer did not exist as a de facto corporation prior to that date. The bureau has, therefore, held that the taxpayer should file a return from February 25 to June 30, 1920. Inasmuch as the income for the entire fiscal year was included on the return, the ruling as to effective date of corporate organization excludes the income earned prior to February 25. This amount of income is approximately $226,408. Mr. Doe has been taxed on this income individually.

The income shown by the return has been reduced by an adjustment to closing inventory in the amount of $111,926.34 by an increase in purchase of $9,183.28 and by the allowance of accrued State taxes of $15,649.88. As above stated, the taxpayer benefits in these reductions

in income to the extent which the portion of the year in which it was in existence bears to the total fiscal year.

A field investigation has been made by the bureau and after a careful review of the records of the goods on hand June 30, 1920, and of the market price of the inventory items a valuation resulting in the reduced inventory figure has been determined. Reference was made by the field examiner to actual sales of goods immediately after the inventory date to substantiate the market value. It is noted that the market price of the inventory items actually fell below the figure used in the preparation of the inventory valuation approved by the unit. It is believed that the reduction in the inventory to the amount found by the unit to be the true market price at the date the inventory was taken is a proper adjustment under the provisions of article 1584 of Regulations 62, and it is, therefore, recommended that this action be approved.

The adjustment to purchases is a net adjustment on account of outstanding purchase contracts which the taxpayer claims to have been filled prior to the close of the taxable year so as to make it the owner of the goods. Due to the fall in market price, this results in a claimed loss for the taxable year 1920. The revenue agent has rejected the taxpayer's claim in so far as it relates to goods which were billed and/or delivered after June 30, 1920. It is believed that this action is proper in that there was no appropriation of goods to the contract by the seller and hence the taxpayer was not vested with title to the goods prior to the close of the taxable year. The agent has, however, allowed to be included in inventory goods actually invoiced and billed to the taxpayer prior to June 30. The goods in question were actually received by the taxpayer prior to June 30 and returned for further processing as they did not come up to contract specifications and were in specie returned to the taxpayer at a later date. The inclusion of these goods in inventory due to the decline in market results in a deduction in 1920 income of $9,483.28.

The books of the taxpayer were on an accrual basis, and a surplus reserve was set aside to take care of the State taxes applicable to the period ended June 30, 1920, which taxes accrued before the end of that period. It is believed that those taxes constituted an allowable deduction from income and that the amended income found by the bureau is correct.

In view of the foregoing it is believed that the audit resulting in the present certificate of overassessment is correct, and it is recommended that the overassessment be allowed.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved.

D. H. BLAIR,
Commissioner of Internal Revenue.

OFFICE OF THE GENERAL COUNSEL OF INTERNAL REVENUE,
August 5, 1927.

In re Roe & Roe.

Mr. COMMISSIONER: A notice of interest allowance in the amount of $12,697.61 has been prepared in favor of the above-named taxpayer for the calendar year 1917.

A certificate of overassessment of the taxable year 1917 in the amount of $60,014.94 was allowed and entered on Schedule It–A–17461, under dated of December 2, 1925, and a check, voucher No. 3935, was mailed to the taxpayer under date of April 16, 1926, covering $29,960.23, the refund portion of the overassessment. Of the amount of tax represented by the overassessment, $1,577.87 was abated, $14,291.41 was credited to unpaid taxes of John Roe, while $14,185.43 was credited to unpaid taxes of James Roe. The taxpayer has agreed to these credits.

At the time of making these adjustments interest in the amount of $14,135.68 was computed from the dates of payment of the tax (a) on the amount refunded to the date of the schedule on which the overassessment was allowed, or (b) on the amount credited to the due date of the outstanding tax to which credit was applied, as prescribed by section 1116 of the revenue act of 1926, as follows:

Amount refunded	Amount credited	Interest allowed		Interest
		From—	To—	
$29,960.23		Apr. 1, 1918	Dec. 3, 1925	$13,791.55
	$27,974.74	do	June 15, 1918	344.13

No interest was computed on the balance credited, $502.14, as the date of payment thereof was subsequent to due date of the tax to which credit was applied.

Subsequently, the taxpayer filed suit in the United States Court of Claims for additional interest on the amounts credited to James Roe and John Roe, alleging that the interest on the amounts credited should have been computed from the date of payment of the tax to the date of the allowance of the credit.

Under date of May 4, 1927, the Attorney General was informed that upon reconsideration of the case this office takes the view that, since the partnership was a taxable entity distinct from the partners, there was no statutory authority for crediting the overassessment due the partnership against the deficiencies due from the individual partners. The credit was made solely under the consent filed by the partnership and the partners. In substance, the crediting of this overassessment by consent or contract against the individual partner's liability was a refund to the partnership paid to the persons designated by the partnership to receive it. This crediting being in substance a refund, interest should be computed in accordance with the statutory provisions relating to interest on refunds, and, accordingly, interest on the entire amount of the overassessment should be computed in accordance with the provisions of the revenue act of 1926, relating to refunds, since the refund in this case was paid after the passage of that act.

The Attorney General was requested if after considering the matter he agreed with the view taken by this office that he notify claimant's counsel that upon filing with him in escrow of a motion to dismiss the case would be continued by consent, the administrative file would be returned to the Income Tax Unit with direction to reopen the claim and to allow interest on the amount credited, and that upon the allowance and payment of the interest the motion to dismiss the case would be filed.

Under date of June 22, 1927, the Attorney General informed this office that the attorneys for the plaintiff had filed with him in escrow a motion to dismiss when settlement should be made.

Accordingly, a recomputation of the interest payable has been made, resulting in allowing interest on $57,934.93 from April 1, 1918, the date of payment of the tax to December 3, 1925, the date of allowance of the refund or credit, and on $502.14 from June 21, 1920, the date of payment of the tax to December 3, 1925, the date of the allowance of the refund or credit, making the total interest due $26,833.29, and as interest in the amount of $14,135.68 had previously been paid there remains the difference, or $12,697.61 additional interest to be paid.

Accordingly, it is recommended that the above-mentioned payment of interest be allowed.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved August 8, 1927.

D. H. BLAIR,
Commissioner of Internal Revenue.

In re The "A" Iron Products Co.

Mr. COMMISSIONER: A certificate of overassessment for the year 1920 in favor of the above-named company in the amount of $62,423.24 has been submitted for approval.

The unit has made a field examination of the taxpayer's records and has found an amended taxable income and statutory invested capital which result in an additional tax liability of $37,992.52. This determination of income and capital has been acquiesced in by the taxpayer. A claim was filed, however, for assessment under the provisions of sections 327 and 328 of the revenue act of 1918, and the present certificate of overassessment reduces the tax liability on a statutory basis by $100,415.76 to result in the proposed overassessment of $62,423.24.

The taxpayer lists several grounds for special assessment, among them being low officer's salaries, appreciation in value of assets, built-up good will not reflected in statutory capital, and understatement of assets on its books due to the fact that large sums expended on additions, replacements, and other capital items were charged to expense in prior years. The first three grounds stated by the taxpayer do not constitute a basis for the allowance of special assessment. The unit has found, however, from a review of the taxpayer's records for later years that large expenditures were made for additions and capital items. These expenditures were not capitalized but were charged to expense, and therefore the book value of assets is understated and the statutory capital can not be satisfactorily determined. An abnormality results due to this condition under the provisions of section 327 (a) of the revenue act of 1918.

In the preparation of a data sheet the unit has reviewed all of the concerns similarly circumstanced with respect to gross income, net income, profits per unit of business transacted, and capital employed, and has selected concerns engaged in a like or similar trade or business as that conducted by the taxpayer. It is believed that the present data sheet used in the computation of tax liability resulting in the proposed certificate of overassessment is the best that can be prepared and lists concerns selected in accordance with the provisions of section 328 of the revenue act of 1918.

In view of the foregoing, it is believed that the computation of income and tax liability resulting in the present certificate of overassessment is in accordance with the provisions of the revenue act of 1918, and it is therefore recommended that the certificate of overassessment be approved.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved.

D. H. BLAIR,
Commissioner of Internal Revenue.

OFFICE OF THE GENERAL COUNSEL OF INTERNAL REVENUE,
April 8, 1927.

In re The Produce Co.

Mr. COMMISSIONER: Certificates of overassessment of corporation income taxes have been prepared in favor of the above-named company for the years 1922 and 1923 in the amounts of $37,533.74 and $74,467.11, respectively.

The above overassessments propose to refund the entire amount of tax assessed against the above-named company for the years 1922 and 1923. The returns originally filed show taxable income for 1922 and 1923 of $300,269.91 and $595,736.85. These original returns indicated that deductions had been taken for depreciation in the amounts of $238,423.98 and $241,651.47 for the years 1922 and 1923, respectively.

In the bureau audit of the case for the years 1917 to 1921, inclusive, segregation was made of the taxpayer's assets in the various classes and depreciation was allowed on the segregated costs of assets on the basis of the estimated life of each type of asset. The depreciation claimed by the taxpayer in its original returns was arbitrary and not based on the actual loss sustained from that source during the years in question.

Amended returns were filed by the taxpayer for the years 1922 and 1923 following the bureau audit for prior years and claiming depreciation on the same basis as had been allowed for the years 1917 to 1921, inclusive. The depreciation claimed in the amended returns for 1922 and 1923, respectively, was $627,082.56 and $639,926.19. In view of the fact that the amended returns reflected the actual depreciation sustained by the taxpayer and the reduction of income by this increased depreciation resulted in no income subject to tax, the present action in refunding the entire amount assessed on the original returns appears to be proper.

In addition to the foregoing it is noted that the audit of the return for the year 1921 indicates a statutory net loss of $988,382.41. The field examination of the case indicates that losses were sustained also for the years 1922, 1924, 1925, and 1926, and that the income for the year 1923 is less than $10,000. In view of the provisions of section 204 of the revenue act of 1921, the application of the net loss against the income for the year 1923 results in a net loss for the taxpayer for all of the years, 1921 to 1926, inclusive.

In view of the foregoing, it is recommended that the overassessments indicated above be allowed.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved April 11, 1927.

D. H. BLAIR,
Commissioner of Internal Revenue.

OFFICE OF THE GENERAL COUNSEL OF INTERNAL REVENUE,
March 26, 1927.

In re The "C" Oil Co.

Mr. COMMISSIONER: There have been prepared two certificates of overassessment in favor of the above-named taxpayer, one for 1918 in the amount of $293,144.84 and the other for 1919 in the amount of $406,861.90, corporation income and profits taxes. This corporation was affiliated with two small subsidiaries.

For 1918 the taxpayer filed a return reflecting a net income of $5,981,229.63 and invested capital of $7,003,437.45, and upon the resulting tax computation an assessment was made of $1,880,542.40. In this return a deduction was claimed for depletion of $2,161,133.71. Subsequently, on September 22, 1921, an amended return was filed for 1918 claiming a depletion deduction of $5,515,464.07 on oil and $63,365.62 on coal production and a consolidated net income of $1,507,421.92.

For 1919 a return was filed reflecting a net loss of $25,731,567.42, so that no tax was then assessed. This return claimed a depletion deduction of $37,733,986.23, mostly on oil and gas produced, the balance on coal. An amended return, filed September 22, 1921, showed a net loss of $25,104,907.78, and in this return the taxpayer claimed an allowance of oil depletion of $37,214,875.18, and depletion of $42,012.59 on coal.

On September 22, 1921, the taxpayer also filed a refund claim asking return of $2,494,751.16, made up of $1,894,751.16 for 1918, and $600,000 for 1919. This claim was based upon the amended returns then filed, and a request for application of the 1919 net loss against the 1918 net income, under section 204 (b) of the revenue act of 1918. The Income Tax Unit thereafter made an audit of the returns for 1917, 1918, and 1919, set out in bureau letters to the taxpayer on December 4, 1922. This audit disclosed an overassessment of $119,842.15 for 1917, which was proposed to be credited against additional taxes proposed, for 1918 in the amount of $154,670.47, and for 1919 in the amount of $550,276.46. These two amounts were assessed in December, 1922, and the refund claim for 1918 and 1919 accordingly rejected. Of the 1918 depletion of $5,515,464.07 deducted for oil, the bureau disallowed $2,736,384.16, and also disallowed $26,355.64 depletion on coal. The consolidated net income was set up as $4,269,046.03, and special assessment, under section 328 of the revenue act of 1918, was allowed, with an average profits tax rate of 40.62 per cent. The bureau audit also disallowed $27,470,113.59 depletion claimed for 1919 on oil, and $17,474.31 on coal, and there resulted a consolidated net income of $2,404,387.10.

Early in April, 1923, the taxpayer filed suit in the Court of Claims, asking recovery of $2,614,593.31 (with interest), which included the amount of the refund claim for 1918 and 1919, and the credit of $119,842.15 for 1917. The suit was based primarily on claims for additional depletion allowances through revaluation of the producing properties and establishment of increased discovery values. Sundry objections were raised, also the adjustments made by the bureau to the 1919 invested capital as returned. Testimony was taken in said suit, and thereafter, at the suggestion of the taxpayer, proposal was made to settle the case through agreement on the depletion allowance. The bureau has agreed to allow additional depletion on (oil) discovery values, in the amount of $613,702.63, for 1918, and the revised net income is $3,655,343.40. The tax computation, upon this net income, using the special assessment rate of 40.6214 per cent for determining the profits tax, discloses a total tax liability for 1918 of $1,742,068.03, as shown upon the certificate of overassessment.

For 1919, the audit of December 4, 1922, reduced the invested capital returned, from $12,357,869.09 to $10,745,115.44, chiefly through revision of the adjustments for Federal taxes in prior years, dividends paid within the current year, discount on capital stock issued for sundry tangible assets, sustained depreciation and depletion reserves, and inadmissible assets. The bureau has agreed to allow additional depletion, on discovery values, of $1,288,558.52, resulting in a net income of $1,115,828.58. By computing the tax thereon, without changing the invested capital set up in the letter of December 4, 1922, for profits-tax purposes, the corrected tax for 1919 is shown as $143,414.56, as indicated in the certificate of overassessment.

The revised depletion allowances having been computed by engineers of the bureau, and accepted by the taxpayer as a compromise basis for dismissal of its suit for refund of 1918 and 1919 taxes, it is recommended that the overassessments be allowed. Attention is called to the fact that $100,000 of the overassessment of $293,144.84 for 1918 was refunded to the taxpayer out of a prior appropriation, on December 7, 1926, and payment for 1918 to this taxpayer under schedule No. 22840 will be reduced by that amount.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved.

D. H. BLAIR,
Commissioner of Internal Revenue.

OFFICE OF THE GENERAL COUNSEL,
BUREAU OF INTERNAL REVENUE,
March 24, 1927.

In re Estate of John Moe.

Mr. COMMISSIONER: The claims for refund filed on behalf of the above-named estate on account of estate taxes paid have been prepared for allowance in the sums of $10,777.73 and $133,155.56.

The first claim was predicated upon an additional deduction sought on account of executors' commissions in the sum of $53,888.67. These commissions were approved by the court and paid and, therefore, constitute a proper deduction in determining the value of the net estate.

The second claim was based upon an additional deduction sought on account of debts of decedent. This indebtedness represents the decendent's liability as a member of the firm of John Moe & Co. In determining the decedent's liability under the former review of the return, there was included in the assets of the partnership bonds of the "X" Motor Truck Co. at a value of $750,000. It has now been established that these bonds are worthless and accordingly the decedent's liability on account of the indebtedness of the firm is increased in the sum of $665,777.78, which constitutes a proper deduction.

After taking into consideration the proposed adjustments, the value of the net estate is found to be $5,187,927.50, the tax upon the transfer of which amounts to $679,085.50. The estate paid a tax of $823,018.79, resulting in a total excess payment of $143,933.29, of which amount $10,777.73 is subject to be refunded as a result of the adjustment allowed on the basis of the first claim, and $133,155.56 as the result of the adjustment allowed on the basis of the second claim.

In view of the foregoing, it is recommended that the proposed refunds be allowed.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved.

D. H. BLAIR,
Commissioner of Internal Revenue.

OFFICE OF THE GENERAL COUNSEL
BUREAU OF INTERNAL REVENUE,
September 16, 1927.

In re "X" Leather Co.

MR. COMMISSIONER: A certificate of overassessment of corporation income and profits taxes has been prepared in favor of the above-named company for the year 1919 in the amount of $346,813.36.

The overassessment is principally due to the allowance of a deduction in income through a revaluation of the inventory of raw hides

owned by the taxpayer on December 31, 1919. Other adjustments to income have been made increasing the income shown on the return by approximately $2,000,000, which increase in income has been offset by the allowance of the reduction in closing inventory.

The income shown by the original consolidated return has been increased in the present audit of the case in the amount of $1,976,651.06. This increase in income is due to the disallowance of deductions taken on the original return for donations in the amount of $1,230, Federal income and profits taxes in the amount of $2,465.45, depletion in the amount of $145,891.70, depreciation of $4,492.02, losses in connection with bark and timber $14,641.72, losses on the sale of capital assets in the amount of $1,203,746.93, loss on railroad property in the amount of $6,558.37, and minor adjustments of $2,642.56. In addition the Income Tax Unit has restored to taxable income, Liberty bond interest of $425 and increase in surplus reserves of $594,557.31.

The disallowance of excessive deductions claimed for depletion and depreciation is in accordance with the determination by the Income Tax Unit of the proper depreciation and depletion sustained by the taxpayer during the year 1919. The allowance made in the present audit of the case is based upon a field examination and represents the actual depreciation and depletion sustained. The net increase in the surplus reserves was caused by charges to book profit and loss and the restoration of these erroneous charges to taxable income appears proper. The loss on the sale of capital assets arises in connection with deductions claimed by the "X" Leather Co. of $176,444.28, the "Y" River Land Co., $20,283.58; "R" and "S" Railroad Co., $2,450; "P" Tannig Co., $515,814.58; and "T" Tanning Co., $488,774.29.

In this connection the Income Tax Unit has found that the assets disposed of consisted of plants abandoned before March 1, 1913, and that the plants had a sales price in between the cost and their March 1, 1913, value. The taxpayer has acquiesced in the restoration to income of the amounts erroneously charged off as losses in connection with the sales of these plants. The loss claimed on the railroad property is in connection with property which was neither abandoned nor charged off during the year 1919. This claimed loss on the railroad property has accordingly been disallowed as a deduction from gross income by the Income Tax Unit. The foregoing additions to income appear proper, and as above stated, the taxpayer has acquiesced in the same.

The income shown on the return as increased by approximately $2,000,000 above explained, has been reduced by the revaluation of the closing inventory in the amount of $3,969,210.54 and the overassessment arises out of this change in inventory value. The Income Tax Unit has fixed prices on the various grades of raw hides owned by the taxpayer after a review of prevailing prices as indicated in trade papers of December 31, 1919. The prices fixed by the unit represent the actual market on December 31, 1919, and appear to have been determined in view of substantial market movements. The result of the revaluation of inventories is indicated in the following schedule:

Recapitulation of revised inventory

	Per books	As claimed	As allowed
Leather in stores	$17,117,048.59	$14,280,413.22	$14,117,048.59
Lumber	1,171,352.36	853,605.76	1,171,352.36
Glue	434,799.00	369,667.94	434,799.00
Hides	39,577,036.68	34,956,875.25	35,607,826.14
Betterments, etc	16,637,587.34	16,637,587.34	16,637,587.34
Total	74,937,823.97	67,098,148.51	70,968,613.43
Revised	70,968,613.43		
Reduction	3,969,210.54		

The invested capital shown on the original return has been reduced by $11,836,116.61. The reduction in capital is principally due to the exclusion of good will, the cash value of which at acquisition could not be satisfactorily established by the taxpayer. The reduction in invested capital increases the tax liability and reduces the present overassessment. The limitations of the good will included in invested capital to its cash value at acquisition is in accordance with the provisions of section 326 (a) (4) and (5) of the revenue act of 1918.

In view of the foregoing, it is recommended that the overassessment above indicated be allowed.

A. W. GREGG,
General Counsel Bureau of Internal Revenue.

Approved September 15, 1927.

D. H. BLAIR,
Commissioner of Internal Revenue.

DECEMBER 6, 1927.

Mr. L. H. PARKER,
Chief Division of Investigation,
Joint Committee on Internal Revenue Taxation,
House Office Building, Washington, D. C.

In re "X" Leather Co.

MY DEAR MR. PARKER: Pursuant to your written instructions, I have made an examination of the above-named taxpayer's case, in which a refund of $346,813.36 is proposed for the year 1919.

The principal item constituting adjustments resulting in the refund is the repricing of an inventory item at the end of the taxable year, classified in schedules as hides. The pricing of the hides has been made upon the basis of the market value at the date of the inventory, whereas the taxpayer's original return showed the hides at cost. Data sufficient to verify the correctness of these pricings is not available, and an examination of the schedule would seem to indicate that the prices have been carefully worked out.

It is, therefore, recommended that no objection to the proposed refund be made.

Respectfully,

G. D. CHESTEEN,
Corporation Auditor

EXHIBIT No. 4

UNITED STATES STEEL CORPORATION AND SUBSIDIARIES

Part 1. Taxes paid on account of year 1917

(Date and amount of payments of 1917 income and excess-profits taxes)

Date paid and net amount paid (after legal discount):	
Apr. 23, 1918	$9,989,766.97
Apr. 25, 1918	27,145,910.19
Apr. 27, 1918	51,226,964.12
May 6, 1918	110,698,167.19
May 8, 1918	32,492.16
May 13, 1918	28,344.45
May 14, 1918	848.72
Dec. 29, 1919	7,190,165.71
Dec. 3, 1920	6,369,497.75
Feb. 14, 1921	167,073.30
Aug. 29, 1921	4,000,000.00
Total payments	216,849,230.56

Part 2. Overpayments allowed on account of above payments for the year 1917, i. e., credits or refunds

Date	Credit to subsequent years	Refunded in cash
Aug. 9, 1926	[1] $22,621,502.92	
Jan. 15, 1927		$37,503.39
Feb. 18, 1928	[2] 5,640,568.37	
Jan. 5, 1929 (proposed)		15,756,595.72
Total	28,262,071.29	15,794,099.11

[1] To 1918. [2] To 1919–20.

Total credits and refunds $44,056,659.16.

Part 3. Interest on credits and refunds

(Date and amount of interest payments by the Government to the taxpayer)

	Credited to subsequent years	Refunded in cash
Sept. 20, 1926		$252,204.93
Feb. 1, 1927		13,719.56
Feb. 18, 1927	[1] $732,269.38	
Jan. 5, 1929 (proposed)		[2] 11,000,000.00
Total	732,269.38	11,265,924.49

[1] To 1919–20. [2] Approximate.

Total interest credited and refunded $11,998,193.87.

Part 4. Interest that will be due on credits against additional taxes for subsequent years which may have been erroneously assessed

Date:	Interest to be refunded
Future (approximate)	$13,000,000

Part 5. Summary

Taxes paid		$216,849,230.56
Refunds and credits	$44,056,659.16	
Interest paid or credited	11,998,193.87	
Probable additional interest	13,000,000.00	
		69,054,853.03
Probable final tax, less interest		147,794,377.53
(1) Years adjusted, 1916 and 1917:		
Original tax, 1916	$61,218.24	
Correct tax	58,052.62	
Overassessment		$3,165.62
Original tax, 1917	1,093,140.66	
Additional tax, 1917	1,153.93	
Total	1,094,294.59	
Correct tax	574,593.80	
Overassessment		519,700.79
Total overassessment		522,866.41
Adjusted by credit to taxes for 1919 and 1920.		
(2) Years adjusted, 1917, 1919, and 1929:		
Original tax, 1917	$1,387,849.62	
Correct tax	311,218.56	
Overassessment		$1,076,631.06

(2) Years adjusted, 1917, 1919, and 1929—Continued.

Original tax, 1919	$927,866.04	
Correct tax	None.	
Overassessment		$927,866.04
Original tax, 1920	301,449.87	
Correct tax	None.	
Overassessment		301,449.87
Total overassessment		2,305,946.97

Adjusted by refund of $557,551.87 and credit of $1,748,395.10 to taxes due for 1918.

(3) Years adjusted, 1918 and 1919:

Original tax, 1918	$385,614.71	
Correct tax	44,212.93	
Overassessment		$341,401.78
Tentative tax, 1919	25,000.00	
Final tax	112,871.99	
Total	137,871.99	
Correct tax	68,786.08	
Overassessment		69,085.91
Total overassessment		410,487.69

Adjusted by refund of $331,298.39—credit of $55,765.45 to taxes due for 1920 and 1921 and abatement of $23,423.85.

(4) Years adjusted, 1919, 1920, and 1921:

Original tax, 1919	$190,947.70	
Correct tax	None.	
Overassessment		$190,947.70
Original tax, 1920	130,639.11	
Correct tax	104.46	
Overassessment		130,534.65
Original tax, 1921	176,427.14	
Correct tax	74,828.53	
Overassessment		101,598.61
Total overassessment		423,080.96

Adjusted by credit to taxes due from Joseph Widener, George P. Widener, and Eleanor Widener Dixon for the year 1919.

(5) Year adjusted, 1919:

Original tax	$22,176,382.82	
Correct tax liability	14,388,696.56	
Overassessment		$7,787,686.26

Adjusted by credit to taxes for the fiscal year ended June 30, 1919.

(6) Years adjusted, 1918, 1919, and 1922:

Original tax for 1918	$21,323,497.00	
Additional tax	71,131.39	
Total tax assessed	21,394,628.39	
Correct tax liability	16,673,134.29	
Overassessment		$4,721,494.10
Original tax for 1919	9,706,950.52	
Correct tax liability	7,808,125.16	
Overassessment		1,898,825.36
Original tax for 1922	6,402,763.08	
Correct tax liability	6,105,755.16	
Overassessment		297,007.92
Total overassessment		6,917,327.38

Adjusted by credit to taxes for the years 1920, 1921, 1923, 1925, and 1926.

(7) Year adjusted 1919:

Original tax	$2,826,421.04	
Correct tax liability	1,611,840.42	
Overassessment		$1,214,580.62

Adjusted by credit to taxes for the year 1918.

(8) Year adjusted 1919:

Original tax	$275,647.77	
Correct tax liability	None.	
Overassessment		$275,647.77

Adjusted by credit of $113,625.29 to taxes for the year 1922 and by refund of $162,022.48.

(9) Year adjusted 1919:

Original tax	$534,217.04	
Correct tax liability	392,843.00	
Overassessment		$141,374.04

Adjusted by credit to taxes for the years 1920 and 1923.

(10) Year adjusted, 1917:

Original tax	$1,760,553.95	
Additional tax	55,654.31	
Total tax assessed	1,816,208.26	
Correct tax liability	1,565,176.08	
Overassessment		$251,032.18

Adjusted by abatement of $13,020.55 and by credit of $238,011.63 to taxes for the year 1928.

(11) Year adjusted, 1918:

Original tax	$1,165,033.65	
Amended tax	681,568.99	
Additional tax	59,829.80	
Total	1,906,432.44	
Correct tax liability	1,123,143.79	
Overassessment		$783,288.65

Adjusted by the following:

Abated	$7,530.28
Credited to 1919 additional tax	598,274.34
Refunded	177,484.03
Total	783,288.65

(12) Years adjusted, 1923 and 1924:

Original tax, 1923	$478,145.88	
Correct tax liability	443,553.11	
Overassessment		34,592.77
Original tax, 1924	424,115.74	
Correct tax liability	357,545.16	
Overassessment		66,570.58
Total overassessments		101,168.35

Total amount adjusted by credit to 1922 additional tax.

(13) Period adjusted—April 1, to December 31, 1918:

Original tax	$206,045.82	
Correct tax liability	None.	
Overassessment		206,045.82

Adjusted by credit to 1916, 1917, 1918, 1919, and 1920 additional tax.

(14) Years adjusted, 1923 and 1924:

Original tax, 1923	$205,444.79	
Less 25 per cent reduction	51,361.20	
	154,083.59	
Correct tax	None.	
Overassessment		$154,083.59
Original tax, 1924	69,796.32	
Correct tax liability	None.	
Overassessment		69,796.32
Total overassessments		223,879.91

Adjusted by credit to additional taxes assessed against Ellen S. Booth, William E. Scripps, and Anna S. Whitcomb for the years 1923 and 1924.

(15) Year adjusted, 1926:

Tax assessed	$145,399.64	
Tax liability	17,339.86	
Overassessment		128,059.78

Adjusted by credit to additional tax assessed for the year 1925.

(16) Year adjusted August 31, 1918:

Original tax assessed	$295,139.87	
Additional tax assessed	240,330.11	
Total	535,469.98	
Tax liability	81,901.12	
Overassessed		453,568.86

Adjusted as follows:

Abated	232,798.61
Credit 1917 additional tax	195,499.95
Credit Aug. 31, 1919, additional tax	25,270.31

(17) Year adjusted, June 30, 1918:

Original tax assessed	$109,553.08	
Amended return	17,147.01	
Supplemental return	80,046.26	
Total	206,746.35	
Tax liability	140,815.94	
Overassessment		$65,930.41
Year adjusted, June 30, 1919:		
Tax assessed	93,614.68	
Tax liability	None.	
Overassessment		93,614.68
Year adjusted, June 30, 1920:		
Tax assessed	250,578.70	
Tax liability	190,743.24	
Overassessment		59,835.46
Total overassessment		219,380.55

Adjusted by abatement of $18,216.64, credit of $175,675.84 applied to additional tax for fiscal year, June 30, 1923, and by refund of $25,488.07.

(18) Year adjusted, 1926:

Tax assessed	$253,458.82	
Tax liability	3,233.73	
Overassessment		$250,225.09

Adjusted by credit to additional tax for year 1925.

(19) Year adjusted, 1918:

Tax assessed	$97,165.39	
Tax liability	616.05	
Overassessment		$96,549.34
Year adjusted, 1919:		
Tax assessed	58,574.54	
Tax liability	1,205.69	
Overassessment		57,368.85
Year adjusted, 1920:		
Tax assessed	118,422.72	
Tax liability	774.47	
Overassessment		117,648.25
Year adjusted, 1921:		
Tax assessed	38,085.85	
Tax liability	1,306.38	
Overassessment		36,779.47
Year adjusted, 1922:		
Tax assessed	39,441.30	
Tax liability	1,376.88	
Overassessment		38,064.42
Year adjusted, 1923:		
Tax assessed	49,831.84	
Tax liability	1,608.81	
Overassessment		48,223.03
Total overassessment		394,633.36

Adjusted by credit of $375,064.06 credited to additional taxes for the years 1918 to 1923 inclusive assessed against the subsidiary companies, Green Island Mill Corporation and Manning & Peckham Co., and by refund of $19,569.30.

(20) Years adjusted, 1917 and 1918:

Original tax for 1917	$8,063,043.65	
Additional tax, April, 1920 L	3,546,474.33	
Additional tax, August, 1920 L	32,138.37	
Total tax assessed	11,641,656.35	
Correct tax liability	11,575,125.62	
Overassessment		$66,530.73
Original tax for 1918	16,112,393.64	
Additional tax, April, 1920 L	7,908,618.57	
Additional tax, August, 1920 L	2,185,947.36	
Total tax assessed	26,206,959.57	
Correct tax liability	23,321,490.77	
Overassessment		2,885,468.80
Total overassessments		2,951,999.53

Adjusted as follows:

Total amount abated	2,209,160.69
Total amount credited to 1919 additional tax	517,036.16
Amount refunded, 1918	225,802.68
Total	2,951,999.53

(21) Year adjusted (fiscal ending August 31, 1917):

Original tax	$687,170.65	
Additional tax	1,485,973.05	
Total	2,173,143.70	
Correct tax	729,510.63	
Overassessment		1,443,633.07

Adjusted by abatement of $1,214,067.95 and credit of $229,565.12 to taxes due for fiscal years ending August 31, 1914; August 31, 1915; August 31, 1916; and August 31, 1918.

(22) Year adjusted, 1918:

Original tax	$7,239,847.04	
Correct tax liability	4,094,508.15	
Overassessment		3,145,338.89

Adjusted by abatement of $1,777,954.63, refund of $126,790.40, and credit of $1,240,593.86 to taxes due for the year 1920 and to interest on deficiencies in tax for the years 1909, 1910, 1911, 1913, 1914, 1915, 1916, 1917, and 1919.

(23) Year adjusted, 1918:

Original tax	$490,782.11	
Correct tax liability	117,996.55	
Overassessment		372,785.56

Adjusted by credit to taxes for the years 1917 and 1920.

(24) Year adjusted, 1918:

Original tax	$5,127,028.58	
Correct tax	4,606,116.46	
Overassessment		520,912.12

Adjusted by credit to taxes due for the years 1919 and 1922.

(25) Year adjusted, 1919:

Original tax	$2,961,386.69	
Additional tax	6,468.07	
Interest	285.30	
Total	2,968,140.06	
Correct tax liability	2,728,625.38	
Overassessment		239,514.68

Adjusted by credit to taxes due for 1920.

COMMUNICATIONS TO THE TREASURY DEPARTMENT BY L. H. PARKER

JULY 12, 1928.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Walker-Johnson Building, Washington, D. C.

DEAR MR. ALVORD: In connection with the overassessments totaling $1,231,006.78 proposed in the case of P. Lorillard & Co., of New York, and submitted to this committee on June 21, 1928, the following comments are made:

This division has substantially the same opinion in regard to this allowance as in the case of the R. J. Reynolds Tobacco Co. (Our letter dated August 9, 1927.) However, as the bureau, after review, did not sustain our opinion in the Reynolds case to request another review on the same points in this case would appear to occasion unnecessary work, and therefore such a request is not made.

On June 4, 1928, the Supreme Court of the United States held in the Williamsport Wire Rope Co. case that the courts were without jurisdiction to review the determination of the commissioner in special assessment cases. In view of the fact that during our investigation of the R. J. Reynolds case we were informed that the case was allowed because it was feared that the taxpayer would get a larger refund by going to the courts, and using the American Tobacco Co. as a comparative, it would seem proper to request your consideration of the question as to changing the policy of the bureau in such cases as this, where no "exceptional hardship" is proven, and where the taxpayer is not entitled to relief except through executive action.

It is not desired to bring about any loss of interest to the Government in this case, but, as the date of payment is not until July 21, it is believed sufficient consideration can be given to our second comment in the nine days available.

Very truly yours,

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JULY 12, 1928.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Walker-Johnson Building, Washington, D. C.

DEAR MR. ALVORD: Please find inclosed copy of a report from Mr. G. D. Chesteen, corporation auditor for this committee in regard to the overassessment proposed in the case of Eisemann Bros., Boston, Mass. This case was submitted to the committee on June 25, 1928, and the 30-day period will expire on July 25.

The overassessment in this case is due entirely to the allowance of special assessment under section 210 of the revenue act of 1917. The ground for the allowance is excessive borrowed capital.

It is the opinion of Mr. Chesteen, concurred in by the writer, that excessive borrowed capital does not constitute a ground for special assessment in the year 1917, and that this opinion is sustained by the Board of Tax Appeals Decisions and the position taken by the appeals division of the general counsel's office.

It is requested that due consideration be given to the points raised in Mr. Chesteen's report before the refund or credit occasioned by this overassessment is finally made. As 13 days remain before the 30-day period expires, and as there is practically only one issue involved, it appears certain that ample time is available for such consideration without causing loss of interest to the Government.

Very truly yours,

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JULY 13, 1928.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Walker-Johnson Building, Washington, D. C.

DEAR MR. ALVORD: Application of the special-assessment provisions, section 210 of the revenue act of 1917 and sections 327 and 328 of the revenue acts of 1918 and 1921, by the Bureau of Internal Revenue are still giving this office much concern.

Your consideration is requested of the following propositions which appear to be correct from our investigation:

1. During the year March 1, 1927, to March 1, 1928, out of the total refunds and credits allowed by the bureau and submitted to the joint committee under the urgent deficiency bill, it was found that 21 per cent in amount of money were due to the allowance of special assessment.

2. It appears, therefore, that the total refunds and credits on account of special assessment were very probably in the neighborhood of $50,000,000 for the year above noted if the same relation existed in the smaller refunds as in those over $75,000.

3. The Supreme Court of the United States decided on June 4, 1928, in the case of the Williamsport Wire Rope Co. against the United States, that the courts have no jurisdiction to review the determinations of special assessment made by the Commissioner of Internal Revenue. It results that while deficiencies may be reviewed by the Board of Tax Appeals, the determination of the commissioner in regard to special assessment where refunds or credits are involved, is final.

4. It now appears that the commissioner had it entirely within his discretion during the period above noted whether to give back this

$50,000,000 to the taxpayers or not, a power which is unique in our executives branch, as the return of such money could not be enforced by law.

5. Under the revenue act of 1928, refunds and credits in excess of $75,000 are still submitted to the joint committee. These refunds, under the act above mentioned, were first submitted on June 9, 1928. On July 11, out of a total number of 45 cases submitted under the above act 11 cases, or 24 per cent, were due principally to the allowance of special assessment.

6. The different divisions of the general counsel's office are not in accord on the basis for the allowance of special assessment. The appeals and civil divisions hold, for instance, that borrowed capital does not constitute an abnormality under the revenue act of 1917. On the other hand, the interpretative and claims divisions hold that borrowed capital does constitute an abnormality. (See report on Elsemann case already submitted.) From the above, it results that the bureau is more liberal in allowing refunds and credits than it is in assessing additional tax. This state of affairs appears indefensible.

It is the opinion of the writer that in view of the fact that the special-assessment provisions have not been in the revenue acts since 1921 and also because there appears to be no diminution in the amount of refunds and credits allowed under these provisions, that the application of same be given serious consideration in order to restrict the granting of refunds and credits to the really meritorious cases.

This division can not help but note that while the law requires that an "exceptional hardship" must be proven in each case, the bureau rarely, if ever, meets this requirement and contents itself merely with proving an abnormality. It appears far from the purpose of Congress to give relief to corporations with large surpluses who are, and were, well able to pay the statutory tax, to say nothing of the fact that in these refund and credit cases the tax was, of course, actually paid.

The writer would also like to examine the record of special-assessment cases kept by the commissioner in accordance with section 328 (c) of the revenue acts of 1918 and 1921, and awaits your advice as to where such record may be examined.

It appears to the writer that the general subject of special assessment is of such importance that the policy of the bureau on these determinations should be the subject of conference, especially in view of the Williamsport Wire Rope Co. case above noted. I would be glad to be informed as to your views on this subject.

Very truly yours,

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MARCH 28, 1928.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Walker-Johnson Building, Washington, D. C.

DEAR MR. ALVORD: Inclosed please find a copy of a report addressed to me from the corporation auditor of this committee in reference to the refund proposed on schedule No. 28611 to the Montana Power Co., of Butte, Mont.

It appears from this report that there may exist an error in the computation of invested capital due to the failure to take into account all the assets and liabilities of a subsidiary company upon its acquisition. The apparent omission of some $19,000,000 in bonds outstanding seems particularly important.

It is requested that the case be reviewed on the points raised in this memorandum and that the writer be advised of the results of your review. Date of payment in this case is April 30, 1928.

Very truly yours,

L. H. PARKER.

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MARCH 26, 1928.

Mr. L. H. PARKER,
Chief Division of Investigation,
Joint Committee on Internal Revenue Taxation,
House Office Building, Washington, D. C.

In re Montana Power Co., 40 East Broadway, Butte, Mont.

MY DEAR MR. PARKER: Pursuant to your written instructions, I have made an examination of the proposed refund to the above-named taxpayer in the amounts and for the years as set forth below:

Year	Amount
1920	
1921	$35,660.71
1922	39,325.29
	62,441.94

The proposed refund for the year 1920 appears to be in error. The basis for this conclusion is set forth below:

FINDING OF FACTS

The commissioner has determined a net income for the year 1920 in the amount of $2,928,172.17. The excess-profits tax is not computed in the final A–2 letter. A previous A–2 letter, however, dated January 18, 1927, disclosed an invested capital of $40,927,903.94, and upon the basis of this computation the commissioner in the final A–2 letter to the taxpayer stated that the credit under the provisions of section 312 was in excess of the net income and for that reason no excess-profits tax was due for the calendar year 1920. The computation of invested capital as thus disclosed appears to be in error. The facts and reasons for this position are as follows:

OPINION

The Montana Power Co. was organized in December, 1912, with an authorized capital stock of $25,000,000 preferred and $75,000,000 common. The company was organized for the purpose of effecting a merger of a number of small public utilities operating in Montana and adjoining States. At the time of incorporation, capital stock was issued for the following companies and their subsidiaries: Butte Electric & Power Co., Madison River Power Co., Missouri River Electric & Power Co., and Billings & Eastern Montana Power Co. These companies, with their subsidiaries, were merged with the Montana Power Co. as a result of their acquisition. The record does not show whether the stock of the Montana Power Co. was issued to the companies direct, or whether it was issued to the stockholders of these companies, after which the companies were liquidated. In either case, the treatment for income-tax purposes is the same, and the manner in which the merger was effected is not material.

Among the assets of the Butte Electric & Power Co. was one-half the capital stock outstanding of the Great Falls Water Power & Townsite Co. The taxpayer, in the instant case, desiring to own the entire capital stock of this company, in the following year—that is, the calendar year 1913—issued $17,500,000 common and $5,000,000 preferred stock to John D. Ryan, the then owner of the remaining one-half capital stock of the foregoing company. An additional $5,000,000 capital stock was then issued for the entire capital stock of the Thompson Falls Power Co., the capital stock of the latter company being $5,000,000.

Subsequent to the acquisition of the Great Falls Water Power & Townsite Co., which was a holding company, the capital stock of the latter was reduced by partial liquidation, in which the stock of its subsidiaries—the Great Falls Power Co. and the Great Falls Townsite Co.—were distributed to the parent company. The organization thus effected continued through the taxable years 1917 to 1923. It is apparent therefore that the Montana Power Co. issued its stock partly as a result of the merger of certain companies and partly for the acquisition of certain subsidiary companies. For the purpose of invested capital for the years 1917 to 1921, the bureau has consistently held that where stock of a subsidiary is acquired by stock of the parent company the amount to be included in consolidated invested capital with respect to the company acquired is computed in the same manner as if the assets had been acquired instead of the stock. This position has been upheld by the Board of Tax Appeals (see Hollingsworth, Turner & Co., Vol. I, United States Board of Tax Appeals Repts., p. 958).

The bureau apparently attempted to apply the principle set forth above in the computation of invested capital in this case, but, due to an error in excluding the excess value reported on the return, appears to have allowed an excess amount in invested capital for the year 1920 to the extent of approximately $16,401,077.74. It is obvious, from the statements set forth above as to the manner of issue of capital stock for assets, that liabilities of all properties merged, as well as affiliated, at the time of issue of capital stock, must be taken into consideration in determining the net amount of capital stock issued for properties. The taxpayer appears to have set up on its books at the time of incorporation the entire par value of capital stock issued therefor. An appraisal was made of all physical properties, and a write up in excess of these properties as carried on the predecessor company's books was made to the extent of the amount necessary in order to make a total of assets equal to the total capital stock and liabilities of the companies merged.

COMPUTATION OF INVESTED CAPITAL AS SHOWN BY THE BUREAU IN A–2 LETTER, DATED JANUARY 18, 1927

1920

Invested capital as shown by return	$63,231,451.38
As corrected	40,927,903.94
Net reductions as explained below	22,303,547.44
Additions:	
(a) Organization expense	397,000.10
(b) Minority interest	530.00
(c) Reserves	73,323.03
(d) Refund of 1917 Federal income tax	27,590.06
(e) Bond discount amortization	10,576.20
(f) Overassessment, 1918	42,827.31
Total additions	551,846.70
Reductions:	
(g) Interest during construction	885,581.01
(h) Appreciation	20,264,102.77
(i) Additional depreciation	368,402.27
(j) Federal income tax for 1919	80,726.03
(k) Unsubscribed stock	13,183.61
(l) Employees' stock subscription	210,069.60
(m) Dividends paid Jan. 1, 1920	494,812.75
(n) Inadmissibles	538,516.10
Total reductions	22,855,394.14
Net reductions as above	22,303,547.44

The corrected invested capital is approximately as follows:

Invested capital as shown above in A–2 letter, dated Jan. 18, 1927		$40,927,903.94
Deduct:		
(a) Appreciation at date of acquisition not eliminated	$16,401,077.74	
(b) Additional depreciation for 1918 and 1919 allowed	628,142.89	
(c) Amortization allowed for 1918	238,970.20	
		17,268,190.83
Corrected invested capital		23,659,713.11

Explanation of items changed

(a) Adjustment for appreciation of assets at date of incorporation:

Value of plant, equipment, water rights, etc. at date of acquisition	$35,965,274.01	
Excess of other assets over all liabilities other than bonds of companies outstanding at date of acquisition	2,577,878.81	
Total		$38,543,152.82
Less: Par value of bonds outstanding at date of acquisition		19,775,000.00
Actual cash value for which stock of $55,433,333.33 was issued		18,768,152.82
Par value of stock issued		55,433,333.33
Net reductions		36,665,180.51
Reduction made by bureau letter, dated January 18, 1927		20,264,102.77
Excess invested capital allowed		16,401,077.74

(b) Additional depreciation for 1918 and 1919:

Name of company	Year	Additional depreciation and replacements
Montana Power Co	1918	$145,537.57
Montana Reservoir Co	1918	11,923.35
Idaho Transmission Co	1918	2,535.63
Thompson Falls Power Co	1918	15,461.03
Montana Power Co	1919	272,646.54
Great Falls Power Co	1919	147,531.81
Thompson Falls Power Co	1919	15,908.90
Montana Reservoir and Irrigation Co	1919	11,926.81
Idaho Transmission Co	1919	4,671.25
Total		628,142.89

The above additional depreciation has been allowed in the closing of the years 1918 and 1919 in excess of the amount allowed in A–2 letters for those years prior to the date of the issue of the A–2 letter for 1920, as shown above.

(c) Amortization allowed for 1918:

Name of company: Montana Power Co.; year, 1918; amortization allowed, $238,970.20.

The above represents the amount recommended in an engineer's report dated January 9, 1928, which appears not to have been given effect to at the time of the preparation of this memorandum.

On the basis of the invested capital set forth above the approximate additional tax due for the year 1920 is $259,380.42, as shown by the following computation:

Excess-profits credit

8 per cent of invested capital		$1,840,777.05
Special exemption		3,000.00
Excess-profits credit		1,843,777.05

Computation of excess-profits tax

Invested capital	per cent	20
Income		$3,284,779.33
Credit		$1,843,777.05
Balance		$1,441,002.28
Rate	per cent	20
Tax		$288,200.46

Income tax

Net income		$3,284,779.33	
Less:			
Interest on obligations of United States not exempt	$104.51		
Excess-profits tax	288,200.46		
Exemption	2,000.00		
		290,304.97	
Balance taxable at 10 per cent		2,994,474.36	299,447.44
Total income and excess-profits tax			587,647.90
Tax previously assessed			328,267.48
Additional tax due for 1920			259,380.42

Inasmuch as the commissioner has proposed a refund of $35,660.71, whereas there appears to be an additional tax due of approximately $260,000, it would appear that the apparent error should be called to the attention of the bureau in order that the determination might be made of whether or not a refund should be proposed in this case.

VALUATION OF PROPERTIES

The result of book entries at the date of incorporation and acquisition of the properties was to record in the account of properties, an excess value sufficient to set up the par value of the capital stock of the companies. The taxpayer, in the year 1913, appears to have made an appraisal of the properties for the purpose of rates, and, in accordance with this determination, made claim to its original book entries for valuation of properties. An engineer of the amortization section of the Internal Revenue Bureau, J. W. Swaren, was assigned to this case, and, after an exhaustive examination, set up a valuation of physical properties at the date of acquisition of the companies, in the following amounts:

Subsidiary	Value of—			Total
	Physical assets	Water rights	Intangibles	
Butte Electric & Power Co.	$3,000,348.57	$0.00	$379,029.40	$3,379,377.97
Madison River Power Co.	4,508,209.76	0.00	0.00	4,508,209.76
Billings & Eastern Montana Power Co.	1,549,008.08	9,760.40	987,917.90	2,546,686.38
Missouri River Electric & Power Co.	7,699,029.02	0.00	0.00	7,699,029.02
Thompson Falls Power Co.	145,833.43	2,234,188.28	0.00	2,380,021.71
Great Falls Power Co.	8,016,407.29	7,150,042.00	0.00	15,166,449.29
Rainbow Hotel (two-thirds interest)	185,925.33	0.00	0.00	185,925.33
National Realty Co. (one-half interest)	22,593.75	0.00	0.00	22,593.75
Total	25,127,355.23	9,393,990.68	1,366,947.30	35,888,293.21

It is therefore recommended that for the purposes of computing the invested capital of the taxpayer, that the sum of $35,888,293.21 be established as the values of properties acquired by stock issue at the time of merger.

In addition to the above properties, the taxpayer made claim for other properties acquired by stock issue, as follows:

Subsidiary	Date of acquisition	Value of assets acquired			
		Physical	Water power	Intangibles	Total
Conrad Electric and Power Co.	Oct. 1, 1913	$21,757.87	$0.00	$0.00	$21,757.87
Mesa Power Co.	Aug. 5, 1914	55,222.93	0.00	0.00	55,222.93

All costs and audit features of this appraisal are subject to check by the auditor or revenue agent assigned to the field investigation of this case.

Protest to this valuation appears not to have been made. The record indicates that the taxpayer accepted immediately the valuation proposed by the bureau. This valuation, it will be noted, has been used in the computation of the corrected invested capital. The engineer, in making the computation of the value of water rights, utilized the records and results of the taxpayer for the period 1913 to the date of the examination, 1923. He also made approximations and speculations as to what the possibilities as to earning power and increase in the plant and development of water rights would be up to 1942. The utilization of subsequent results of a taxpayer and the approximation of a long period of future years as to growth of population, increase in industrial plants, and amount of electricity to be used, to establish the value of water rights at a given date, in order to prove the actual cash value of stock issued therefor for invested capital, appears open to question in the light of the provisions of section 326 of the revenue act of 1918. It is not believed, however, in view of the amount established for water rights, that even though the principles adopted may be open to question, the results should be criticized. Comparison of the market value of the capital stock of the company immediately after incorporation while probably influenced by future possibilities, yet is some indication of the value of properties acquired. According to stock quotations, the stock of the company on March 1, 1913, had a value of approximately $45 per share. Careful study of the whole file in the case with respect to the valuation of the property, convinces the reviewer that the value recommended by the engineer is reasonable and is not open to question.

COMMENTS AS TO PRIOR YEARS

The apparent overstatement of invested capital as shown for the year 1920 was also made in the years 1918 and 1919. In those years the taxpayer was determined not to be subject to excess-profits tax, and a refund was granted in each year, the amount being approximately $80,000 for both years. A tentative approximation of the apparent error for the year 1918 would indicate an additional tax was due of approximately $750,000. The taxpayer, in the year 1918, reported an income of approximately $3,200,000. This gives an approximate tax of 25 per cent.

The question of whether or not the taxpayer might be entitled under those circumstances to special assessment, of course, can not be approximated. It is possible that if a tax of this amount had been proposed the taxpayer would have been entitled to some reduction of the $750,000, on the basis that the tax should have been determined in comparison with representative corporations doing similar business, as provided in sections 327 and 328 of the revenue act of 1918. The years 1918 and 1919 appear to have been outlawed so far as the right of the Government to impose an additional tax is concerned. There is, however, apparently a claim pending for further refund for the year 1918, based upon the fact that the bureau has proposed to allow amortization in the amount of approximately $238,000. It is obvious that the taxpayer would be entitled to at least $25,000 further refund for the year 1918, unless the correction for invested capital mentioned is made.

For the year 1919 it has not been deemed necessary to set up a computation for invested capital. An approximation of the invested capital would indicate that a small amount of excess-profits tax would have been due for that year, but inasmuch as the statute has run as to additional assessment and no claims for further refund are pending it has not been necessary to make the computation.

For the year 1921 the reviewer has not made a computation of invested capital. It is assumed that the bureau in reviewing the question raised as to 1920 will make proper correction of any adjustment found necessary with respect to 1921 if it is found that an excess-profits tax is due for that year.

Respectfully,

G. D. CHESTEEN,
Corporation Auditor.

FEBRUARY 9, 1928.

Mr. E. C. ALVORD,
Special Assistant to the Secretary of the Treasury,
Washington, D. C.

MY DEAR MR. ALVORD: In regard to the proposed refund in the case of the Diamond Coal & Coke Co., Pittsburgh, Pa., it appears that there may be an error in the computation of this refund, due to the allowance of both amortization and depreciation on the same property in the same year. I inclose herewith a copy of a report addressed to me from Mr. Chesteen, corporation auditor of this committee, which outlines his opinion in regard to the apparent error above noted.

This refund is contained on schedule No. 28092, the date of payment being March 19, 1928.

Please advise me as to the opinion of the general counsel on the question raised.

Very truly yours,

L. H. PARKER.

Mr. ANTHONY. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Chairman, and gentlemen of the committee——

Mr. WINGO. Before the gentleman proceeds I would like to ask a question, because there is some confusion about it. Does this action in the court involving $100,000,000 principal and $60,000,000 interest cover the 1917 year only, or does it include all previous years?

Mr. WOOD. My information is that it covers everything involved in the 1917 returns.

Mr. WINGO. And the subsequent years might be more?

Mr. WOOD. Yes; I understand there are the return years 1918, 1919, and 1920 yet to settle.

Mr. GARNER of Texas. You know all 12 cases cover a billion dollars.

Mr. WINGO. What I wanted to know was whether it covered only the 1917 claim?

Mr. WOOD. I think that is all. I find that the suit in the Court of Claims by the United States Steel Corporation for $161,000,000, composed of $101,000,000 tax and $60,000,000 interest, is for the taxes of the return year 1917. With the payment of the claim for $26,000,000 this suit will be closed forever and that will be the end of it so far as 1917 is concerned. A suit is also pending in the Court of Claims for approximately $50,000,000 and interest for the return year 1918.

Mr. WINGO. There has been some confusion about it.

Mr. WOOD. Mr. Chairman, I listened attentively to the speech made by the gentleman from Texas [Mr. GARNER] the other day. I listened with equal patience to a rehearsal of the same speech before the Committee on Appropriations, of which I am a member, and I heard the most of it again for a third time to-day.

And through all this trial and tribulation I have been trying to make up my mind what it is that has prompted the gentleman from Texas to oppose this particular appropriation.

Since the beginning of the fiscal year 1917 and down to October 1, 1928, we have refunded in round numbers $975,000,000. It seems a little peculiar that not until this particular moment has any question been raised by the gentleman from Texas about the tax refund procedure. It might have occurred, and perhaps has occurred, to some of you gentlemen while listening to him, that when the American Tobacco tax refund was up the same question was not raised about that by the gentleman from Texas. The refund to the Steel Corporation is only one of a number of cases that have had similar treatment at the hands of the Bureau of Internal Revenue.

Why was not some question raised as to some of these other cases? Can it be that disappointment has embittered the soul of the man from Texas? Can it be that because he was not successful in defeating the Greek loan that he has taken this means of getting even with the Treasury Department of the United States?

What is involved in this question? There is no more involved in this question than has been involved in all of these cases that have been coming before this Joint Committee on Internal Revenue Taxation and will continue to come before it if it continues to have the duty of receiving them. The same methods have been employed, Assistant Secretary Bond testifies, except that they have been more particular with reference to the Steel case than with most any other case, because of the amount involved, and because of the fact that it is one of the very largest corporations in the United States, and because it has been charged here that the Secretary of the Treasury of the United States is a stockholder in that concern.

The gentleman from Texas would have the country believe that the Secretary of the Treasury, Mr. Mellon, has been sitting on one side of the table dictating what these settlements should be with the interests with which he may be connected. The gentleman from Texas certainly should not try to deceive the American people into a belief of that character, when he knows that the Secretary of the Treasury has nothing to do with making these settlements, when he knows that that responsibility by law is upon the Commissioner of Internal Revenue, who is appointed by the President and confirmed by the Senate of the United States and is independent of the Secretary of the Treasury. We took pains when Mr. Bond, the Assistant Secretary, was before the committee, to inquire with reference to the procedure in this case as compared with other cases, anticipating that the very insinuations would be made that have been made to-day by the gentleman from Texas, as to whether the Secretary of the Treasury, Mr. Mellon, in any case, has ever either suggested an addition to or a subtraction from, and he said that in no case has Mr. Mellon ever intervened personally, either directly or indirectly, in the settlement.

Mr. Mellon needs no encomiums from me. Speak about his destroying the confidence of the people, should he perchance be the Secretary of the Treasury for four years more! Mr. Chairman, in behalf of the American people, I say that I hope he will be the Secretary of the Treasury for four years more. [Applause on the Republican side.] I am proud of the record that he has made. Every Republican is proud of the record that he has made. Every fair-minded Democrat is proud of the record that he has made, because he is proud of his country and of what Mr. Mellon has contributed to its success. Not since the beginning of this Government has he had a peer in that office.

Three times since he has become Secretary of the Treasury he has refunded a national loan at a lesser rate of interest than that at which it was originally put out. Never in the history of the Democratic Party was such a feat performed. In doing that Mr. Mellon has saved to the American people $75,000,000 annually in interest. The Secretary of the Treasury needs no support from me. The record that he has made is the record of the progress of this country during the period of his service, and the people of the United States can never repay the obligation that they owe to him—this man who has been reviled by some of you, who has been insinuated against. You can not point a finger to a single scintilla of evidence showing any disregard on his part in the performance of the high duty imposed upon him from the time he became Secretary of the Treasury down to this actual hour.

What is the question before the House? The gentleman from Texas (Mr. GARNER) and his party colleagues are asking you to vote against this item of $75,000,000 for refund of taxes erroneously or illegally collected. Suppose you do; what will be the result? Nothing can occur such as the gentleman from Texas would have you believe would occur by way of investigation. If any investigation were had by such a committee as he suggested the Speaker appoint, it would have nothing to do with the settlement with the Steel Corporation. That, as has already been stated, has been made. What then would be the

result? If this $75,000,000 is denied, there are thousands of people throughout the United States, large and small, who are just as much entitled to their refund as the Steel Corporation is and who would be deprived of receiving it at this time. Are you going to take the responsibility of saying to them: "You shall wait until the next session of Congress for that money that you have been waiting for since 1917? Do not you believe that you would be taking a responsibility that should not be thrust upon you, and are you willing to do it? Are you willing to say to the people of the United States that, forsooth, because you have some grudge against the Treasury Department and want to get even with it you will take this $75,000,000 appropriation out of the bill and make all the claimants wait a year or more for the money that they are entitled to between now and July 1, 1929? That is the practical result.

Those who have spoken here in opposition to this item have taken pains to say that they know of no fraud, that they know of no collusion, that they know of no illegal act involved in it. Why, then, again I ask, should this case be made an exception to those thousands of other cases? They are settling these cases at the rate of 14,400 a month. They are within three years of being current. If they are permitted to go on and settle them in this businesslike way in which we are settling them, we will be current and we will have arrived at the stage that Mr. GARNER has been trying to have us arrive at for lo these many years. But he would stop this machinery. For what purpose? No accomplishment can be had unless we change the organic law. We began in 1918 in this same manner in making these consolidated return settlements under a regulation and continued under the regulation until 1921 when this same process and policy were enacted into law, and the gentleman from Texas voted for it. So that in condemning the process that has been followed in this case, in all these cases of many millions of dollars, he is condemning the program laid down by himself, and supported by the Congress. If there should be any criticism, then the criticism should be of Congress, which fixed this process. Mr. McAdoo should be criticized, if it is wrong, for inaugurating it by Treasury regulation in 1918.

Let me say in passing, that the case to which Mr. GARNER referred here, where there was a refund of 33 per cent, 11 years ago, was not under this administration. That was under a Democratic administration, but we hear no criticism with reference to the administration that permitted that thing to be.

If this were any other claimant than the Steel Corporation, if the amount involved were $500 instead of $26,000,000, there would be no question made here to-day, unless some fraud, some collusion, or some unlawful act were pointed out. Why I ask—and I ask the gentleman from Texas to answer—should we make an exception of this case? We have been intrusting, and we must continue to trust, the matter of making these settlements to the Commissioner of Internal Revenue, because of our faith in his integrity and in the integrity of his employees.

Why, if it was not for the confidence that this Congress has in the executive officers of the Government, this Government would go to pot in no time. This Government is founded upon confidence; and I want to say to you that it has been very seldom that there has been any abuse of confidence on the part of officials high in authority in the Government of the United States. I think we can with more than justifiable pride point to the fact that no one has ever occupied the position of Secretary of the Treasury of the United States who has ever incurred the disfavor of the American people by reason of any defalcation or any malfeasance in his office.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Certainly.

Mr. CRAMTON. I think about 170,000 of these cases are handled by the department annually. What does the gentleman think of the comparative efficiency with which either the Committee on Appropriations of this House or the House itself could investigate the merits of these claims that are passed upon, and what about the possibilities of politics entering into the decisions regarding them if this House is to be the final arbiter?

Mr. WOOD. It would be made the football of politics, and you would find men upon that side trying to make political capital out of it, if perchance they were in power, and we would also find gentlemen on this side—human nature is so weak—who could not resist the temptation to take advantage of the opportunity afforded.

Now what does an investigation by this Congress of the steel cases involve? It involves 195 subsidiaries, extending over a period of 10 years or 11 years. Mr. Bond, in testifying before us, said it would take a string of trucks to haul up the papers involved in the audit of this case; that it would make a pile 10 feet high covering an entire room the size of one of the rooms of the Committee on Appropriations. Do you think that any committee appointed by this body could become as conversant with this complicated subject in a single session of Congress as have these trained men who have been put upon this special work and kept at it continuously, and doing nothing else for years? How much reliance would this House have in the action of any such committee—no matter how much confidence it might have in them—when so much is involved in these examinations, covering this period of years, with this multiplicity of interests, involving, if you please, these truck loads of documents? No. It would be physically impossible and mentally impossible.

So, after all, I say we must have confidence in those in the executive branch who are instructed to do that thing, in those who are charged under the law with that duty. If gentlemen who are criticizing now could point their finger to any dereliction of any kind or any conspiracy whereby the Government of the United States is going to lose a farthing, then there would be something in the contention that is made.

Now, then, let us look for a moment at what occurred when they sent this case up to the Joint Tax Committee. That committee is composed of five men from the Senate and five men from the House. They had a quorum present. You have heard who were there: Mr. GARNER and Mr. COLLIER, representing the minority side, and Mr. SMOOT and Mr. REED and Mr. HAWLEY, representing the majority side. Five hours were spent in the conference. After the conference had closed Mr. HAWLEY said to Mr. GARNER, "Will you make a motion to disapprove this settlement?" Then was the time for Mr. GARNER to act, or else forever hold his peace.

But taking the promise of the Treasury Department that if there was a vote of disapproval of the settlement made they would not pay it but would go into court and let it drag its weary way for 10 years with 6 per cent additional interest each year. Mr. GARNER of Texas did not make the motion. Why? It was too enormous a thing. He would not take the responsibility involved in that action. That was the consideration that moved Mr. Parker, the committee expert. He, too, did not want to take the responsibility. Mr. REED had represented the Steel Co. previously in some legal capacity. He would not make a motion on that account.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Is the Steel Co. case the only refund about which there is any question?

Mr. WOOD. There has been no question raised about the Steel Co. case. There may have been a question raised, however, by Mr. Parker, the expert, who was afraid to touch it because it was too big. Many other cases have been certified up to this committee, and no question has been raised about the amount. You can take the letters referred to by Mr. GARNER of Texas and examine them, and in no case has the gentleman found any fault with the amount agreed upon or found to be due by the Treasury Department. The only fault he has found has been in the method of computation and in the mode of procedure that has been followed in this case, like those in other cases. The method followed in those other cases is exactly the same procedure that was followed in the Steel case.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. CRISP. I am aware that my colleague from Texas [Mr. GARNER] has expressed his opinion in the committee, but if this committee performs no function and is only a receptacle to which these returns are sent, I would like to have the gentleman's view as to the advisability of the discontinuance of this committee.

Mr. WOOD. I was opposed to placing this refund duty on the joint committee at the time it was done. I could not see how it could serve any purpose. As was stated by the gentleman from Texas, it was first placed upon an appropriation bill, a deficiency bill, as I remember. It was the result of a compromise with the Senate in an attempt made by some gentlemen at the other end of this Capitol to get some legislation with reference to publicity of tax matters. This Congress has gone on record as being opposed to this idea of publicity of tax returns, and they were seeking, through a rider upon an appropriation bill, the accomplishment of the very thing that had been denied by the Congress.

Mr. TREADWAY. Will the gentleman yield for an interruption?

Mr. WOOD. Yes.

Mr. TREADWAY. Is the gentleman referring to the manner in which the joint committee was originally created or to the fact of reporting refunds in excess of $75,000?

Mr. WOOD. I am referring to the manner in which this refund reporting scheme was originally established. My memory is that it was first established by a rider upon a deficiency appropriation bill and later put into permanent law in the 1928 revenue act. I am not referring to the original purpose for which the Joint Tax Committee was created by the 1926 revenue act.

We have found that in all these millions of dollars worth of refunds there has been no objection to the settlement but the objection has been to the method of arriving at the settlement; yet that method is the method that has been prescribed by law, following out the regulations adopted by Secretary McAdoo away back at the beginning of things in 1918.

Now, I think it is an encomium and a compliment to the Bureau of Internal Revenue and the Treasury Department that they have so conducted their audits and that they have so justly arrived at conclusions as to what is fair to the Government and fair to the taxpayers, that all of these claims, in excess of $75,000, have passed the scrutiny of the expert, and Mr. GARNER says he is an expert, well calculated to go into these things and find out what is right and what is wrong. I think it is a compliment to the department that in only one single instance out of nearly 700 such cases has there ever been found a flaw with reference to the amount of money that has been allowed by the department in connection with these refunds.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. LAGUARDIA. Under existing law have we any control over the payment of the refunds?

Mr. WOOD. The courts have no control over them in some cases. They have been talking here and much stress has been laid upon the fact that these refunds ought to be denied so as to force somebody to go into court and have the question determined before we pay the money. However, before we do that, gentlemen, we have something which we must do ourselves.

We must provide a law that will compel them to go into court or compel the Treasury Department to go into court, or somebody to go into court; but under the existing order of things that in some cases is impossible. Take, for example, the case of the Williamsport Wire Rope Co. under the relief sections of the 1917 and 1918 acts. In that case it was held that the court had no jurisdiction to review the action of the Commissioner of Internal Revenue. However, the court held that the Board of Tax Appeals has such jurisdiction. In certain special assessment cases it has been held by the Supreme Court of the United States that there is no appeal and that no court has jurisdiction to reverse or modify the conclusions arrived at by the commissioner.

So this is all just a hullabaloo about nothing. As I have stated before, and wish to repeat, the only thing that striking down this appropriation could accomplish would be to deny the thousands of citizens throughout the United States, who are entitled to refunds, the opportunity of having the money paid to them promptly when it is found due.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. COLE of Iowa. All of these settlements have not been in favor of the claimants, have they?

Mr. WOOD. No.

Mr. COLE of Iowa. I wish the gentleman would give us some figures on that.

Mr. WOOD. I can not give the gentleman the proportion that has been either affirmed or denied, but I will say to the Members of this House that for every dollar of refund we are making we are collecting more than four times that amount in back taxes; so that the amount collected on these back taxes, to which the Government is entitled, exceeds the amount of refunds made down to this time; in other words, the amount of the refunds since 1917 is $975,000,000 as compared with over $4,000,000,000 collected from back taxes. The amount of taxes refunded is about 2.5 per cent of the whole amount collected during this period.

If this were a claim where $100 was involved, and the same principle was involved, would anybody raise any question about it? If that is so, why should we differentiate between this corporation—and it is a corporation—and an individual? Why should we differentiate because the amount is large or whether it is small, if we have confidence in the gentlemen whose duty it is to make the computations and arrive at the amount that should be repaid?

Investigations and audits are constantly in process, and as overpayments or underpayments of tax are discovered it is essential that the correction be made as promptly and honorably as possible in order that the taxpayer shall pay to the Government that which he owes or that the Government may pay as promptly as possible to the taxpayer that which has been erroneously or illegally taken from him. During all this time when refunds of $975,000,000 have been made, not one objection has ever come from anybody on this floor or from the Joint Tax Committee or anywhere else.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. There is no particular case before us for consideration under the bill. It is just a deficiency appropriation to pay refund of taxes generally, and we have no particular case before us to decide.

Mr. WOOD. Absolutely not, and we can not have that. It is simply setting up a straw man and tearing it down, and, as I said at the outset of my remarks, I can not for the life of me understand why the gentleman from Texas [Mr. GARNER] has worked himself up to such a pitch as he has done in trying to present his ideas with reference to this case.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Would the gentleman be willing to accept an amendment to the $75,000,000 appropriation, a limitation to the effect that none of this money shall be used to pay claims in excess of $75,000 until the joint committee has had an opportunity to investigate the claims that are referred to it? That would take care of everybody under $75,000.

Mr. WOOD. That is just exactly what you have now.

Mr. GARNER of Texas. You will get a chance to vote on that. You are talking about these little fellows that are to be deprived of their money. This would deprive nobody of any money who has a claim that is not over $75,000 until the joint committee can make an investigation.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CRAMTON. The gentleman from Texas is a very powerful member of the joint committee; does he think or has the House any reason to think that the record of accomplishment of that joint committee up to date is such as to warrant our telling a great many people they must wait for their money pending some investigation that may not be made?

Mr. GARNER of Texas. No; I said when I had the floor that I agreed with my friend from Indiana that the committee is not worth a darn the way it is working now, but I am hoping to get some improvement and this limitation will give an improvement.

Mr. WOOD. I can not see how your proposal would bring about any improvement. It is not different from what you have already in the law. The gentleman is a member of that joint committee. By reason of his expert knowledge, his seniority, and the respect everybody has for him, I wonder how long it would take the gentleman to examine into the United States Steel Corporation case or the American Tobacco Co. case or the Insurance Co. cases. The gentleman would and could not do it. The gentleman would tell them all to take the taxes and go plumb to; that he had enough to do to attend to his own legislative business.

Here is one of the great problems we have, and I want to call your attention especially to this. Under this tax-refund reporting section of the 1928 revenue act we are getting the Congress, as a legislative body, mixed up with the executive departments of this Government in executive duties; and it is a bad practice and one that we ought to get away from. The Congress of the United States should have nothing to do with the execution of the laws of the United States. When we have passed the law we have done our duty, and it ought to be up to the other branch to execute it; because, whenever you involve the Congress of the United States as a partner in the execution of the law, then you are treading upon very dangerous ground, and you are undermining the very foundation upon which the Government was originated. You are inviting, if you please, all sorts of dissension—political and otherwise.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Does the gentleman take the position that Congress ought never to make an investigation of an executive branch of the Government under any conditions?

Mr. WOOD. No; not at all.

Mr. GARNER of Texas. How can you get your information in any other way? You have got to make an investigation to ascertain whether the laws are being properly executed.

Mr. WOOD. That is quite a different thing. Making an inquiry to see whether the laws are being properly executed as compared with our being a part of the execution of the laws is quite different. That is just exactly what I am complaining about. It is our duty, if we find the laws passed by the Congress are not being properly executed, to inquire into the facts and find out the facts and to provide or to suggest a remedy.

I believe the gentleman, upon reflection, will agree with me that the Congress of the United States ought to keep aloof from the executive departments.

There ought to be just as wide a divergence there as there is between any encroachment of the legislative upon the executive or the executive upon the judicial. If we will hew to that line we will save ourselves a great deal of trouble and save the American people a great deal of woe.

Here is another thing I want to call the attention of the House to in connection with this case.

When once the Commissioner of Internal Revenue has determined in some of these cases that a refund is due, then if the commissioner does not proceed to remand it, the taxpayer can bring a suit to recover in the courts, but he can only recover the amount that the commissioner has found due him.

Now, maybe that is not right. It may be there ought to be a more liberal right given him. If it should be, this is the agency that should give it to him, and if a better way can be found than that which has been practiced since the adoption of this revenue law down to this goodly hour for ascertaining what is right with reference to invested capital, what is right with reference to combinations of principals and subsidiaries, it is up to the Congress of the United States to provide it. If any good is going to come out of this discussion, it will be by awakening the conscience of the responsible parties and bringing about an inquiry into the facts as to whether or not we have provided the proper machinery for the enforcement of this law.

Everybody knows that for the first four or five years it was impossible to find any two auditors that would come to the same conclusion upon the same given set of facts even with reference to small individual returns. There was this confusion with respect to the administration of the law.

By reason of this long practice, by reason of the expertness of those employed in the Treasury Department, and by reason of the experts that these large corporations and large business houses have had in expert men to make out their returns and study these laws, they have simplified it so that it is not half the job to-day that it was 10 years ago. There is yet room for improvement. In my opinion they could simplify the tax-return sheet so that almost any man with average intelligence could make out his own return. I daresay that there is not one-tenth of the Members of this House who could make out a tax return.

Now, criticism has been made against the Appropriations Committee that it was the duty of that committee to inquire into these refunds. Why, gentlemen, would they have us bring up cartloads and truckloads of these manuscripts and set somebody that we had confidence in to delve into those things to see whether a proper conclusion had been reached? It would take more time than all of the other business of the Appropriations Committee, and you would not have any confidence in us after you had got our results for the reason that there would not be sufficient time or information to make up the reports or come to sound conclusions.

Gentlemen, the Steel Corporation has been alive to its own interests and properly so, and has adopted this policy—that whenever an assessment was made against them by the Government they paid it. They have done so because if they did not interest would run against them. By paying it the Government has to pay this interest. That is the reason why you have $11,000,000 interest which the Government has to pay. Mr. Bond testified before our committee, and Mr. HAWLEY has made the statement before you, that in his opinion it is the best possible settlement that could have been made. It not only settles everything for 1917 but it settles the possibility of a lawsuit involving $101,000,000 for principal and $60,000,000 for interest. And yet criticism is made by reason of the fact that they bargain across the table.

Mr. Bond has described the manner in which these settlements are made. They are not compromises in the sense that a compromise is made, but when the facts are so close and there is a reasonable ground for dispute as to who is right and who is wrong, like business men, they settle and try to obviate the possibility of a lawsuit. Under the law, it is the duty to resolve every doubt in favor of the taxpayer.

Mr. LOZIER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LOZIER. The trouble comes in the application of the law to the disputed facts when the settlement is made in the manner these settlements are made. No formula or rule has definitely or legally been established for the future guidance of the Treasury. Does not public policy demand that the matter be submitted to the Supreme Court for final arbitrament to the end that a definite formula shall be established to govern the cases?

Mr. WOOD. Here is the trouble. There are so many things entering into the cases. They tell me that they are as different as it is possible to conceive. This Congress has been trying since the beginning of this scheme of taxation to legislate some plan, some simplification, and we have not accomplished it.

After all the men charged with this duty who have acquainted themselves with the facts and then tried to apply the law as they understand it, I expect come as nearly to arriving at a proper conclusion as any court in the United States. If we have the right kind of auditors, experts, lawyers, and engineers, if we have honest men handling these cases, the Government is not going to be cheated out of much.

Mr. MOORE of Virginia. It has been brought out here that there is a good deal of delay in passing on these cases. With the United States Steel Corporation the delay has been so great that there is included here $11,000,000 for interest. Could not that delay be very much diminished if the force in the Treasury Department should be amplified?

Mr. WOOD. Yes; we asked Mr. Bond that question, and he says that this case has been expedited as much as it possibly could be. They picked out the best auditors, the best engineers, the best experts, and told them to stick to the business, and they have done nothing else.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, namely.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15848, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and had come to no resolution thereon.

SPEECH OF HON. JOHN Q. TILSON

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that I may have printed in the RECORD the speech of the Hon. JOHN Q. TILSON, the majority leader of the House of Representatives, made before the Connecticut State Chamber of Commerce at Hartford, Conn., on December 27, 1928.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD by printing therein an address delivered by the gentleman from Connecticut [Mr. TILSON]. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following speech of Hon. JOHN Q. TILSON, majority leader of the House of Representatives, before the Connecticut State Chamber of Commerce at Hartford, Conn., December 27, 1928:

TARIFF REVISION

Mr. TILSON. I have consented to come here and speak to the manufacturers and other business men of Connecticut on this occasion because I believe that thereby I may be able to help, and it is with this purpose alone in view that I have come to you.

You have seen something in the papers in regard to a probable revision of the tariff at an extra session of Congress to be held either immediately or some time after the coming of the new administration. In order that you may the better understand the present situation I think it would be well for me to spend a few minutes in giving you something of the background and genesis of the agitation for tariff revision. You will recall that during the last session of the present Congress, when the farm-relief question was very acute, a resolution was introduced by Senator MCMASTER, of South Dakota, in effect calling for an immediate drastic, downward revision of what the resolution characterized as the excessive tariff duties. After considerable discussion this resolution was passed in the Senate by something like a two-thirds vote. The Democrats voted for it almost, if not quite, solidly, as did a number of other Senators including those posing as special friends of the farmer.

The McMaster resolution having passed the Senate came over to the House. It was then only a few weeks before the dates set for the two national conventions, and it was perfectly obvious that no general revision of the tariff could be made prior to the conventions or in fact prior to the general election in November, and that if it were attempted it would simply mean a session of Congress largely

devoted to partisan politics lasting right up to the election. Our good Democratic friends at any rate and doubtless some of the others intended by the move, and very closely too, to embarrass the Republicans by precipitating a general tariff revision to be carried out simultaneously with the presidential campaign. A number of the Republican friends of the farmer in the House, some of them in a spirit of sheer desperation, were ready to grasp at any straw that gave the slightest hope of relieving the situation and so were inclined to vote to the resolution. Finally by the narrow margin of eight votes, as I remember, the resolution was in effect laid on the table, thus removing for the time being the menace of undertaking a revision of the tariff under instructions from both Houses of Congress to revise it downward.

I have cited thus briefly the history of the McMaster resolution in order to show that there was at that time some sentiment for tariff revision among the farmers of the West, or at any rate among those purporting to represent them, that was not altogether friendly to protection as a national policy. While the discussion was going on it became apparent that there were insistent demands for tariff revision coming from other parts of the country and from industries other than farming. The result was, and I am violating no pledge of secrecy in saying so now, that a sort of understanding grew up at that time that in case the immediate revision was deferred until a more opportune occasion, an early general revision, including both agriculture and other industries, should be undertaken. No pledge of this sort was, of course, made, for no one had the right or the authority to make such a pledge, but the feeling existed that this was what should be done and that feeling has grown.

Tariff revision was referred to in the Republican platform adopted at Kansas City where it says, "We reaffirm our belief in the protective tariff as a fundamental and essential principle of the economic life of this Nation. While certain provisions of the present law require revision in the light of changes in the world competitive situation since its enactment, the record of the United States since 1922 clearly shows that the fundamental protective principle of the law has been fully justified."

During the campaign the subject was referred to very often, so that it may well be said that the party that was successful at the polls won out with the widespread understanding that a general revision of the tariff should be undertaken. Fortunately, the party platform and the campaign waged upon the platform, coupled with the sweeping victory, all made it clear that what was really wanted was a revision along protective lines. It was often stated during the campaign that the tariff policy of the Republican Party was, and is, to give adequate, necessary protection to every legitimate industry.

In connection with tariff revision I should mention the subject of farm-relief legislation, for the two have been closely associated throughout the discussion of the farm-relief question, it being contended, and I believe rightly, that a proper adjustment of tariff duties on many farm products would be most helpful to that industry. During the campaign farm-relief legislation was being urged from many quarters and Mr. Hoover in his campaign utterances tentatively promised that if satisfactory farm-relief legislation were not enacted before he came into office, he would call Congress into extra session for the purpose of considering the general subject. I do not regard it as probable that satisfactory farm legislation will be enacted during the present session of Congress, and this largely because those who have been most insistent upon immediate farm relief have taken the attitude that they prefer to wait until Mr. Hoover actually becomes President, or as some have expressed it, they would prefer to take their chances of favorable legislation from Hoover rather than from Coolidge. Whether or not they are correct in this time may tell. I do know, however, that President Coolidge has been and is most desirious of seeing proper farm-relief legislation enacted, and I am sure would be glad to approve a sound bill; but as I have said, there is little likelihood of such legislation now. It is, therefore, in my judgment, most probable that Mr. Hoover will redeem the campaign pledge of calling Congress together in extra session to consider the entire question of farm relief, which it is conceded includes tariff revision.

Any satisfactory revision of our tariff laws must cover the entire field because many of the items are interrelated and the rates more or less interdependent. Therefore it would be impracticable to select a few items, or even a few of the schedules, and revise these without at the same time considering all the others so as to be sure that the rates are not thrown out of balance. The revision at the present time, however, need not be a long drawn out or so difficult a task as it has been in the past because the conditions are much more favorable than is usually the case.

Ordinarily, our tariff bills have been written alternately by the party favoring protection and the party professing adherence to a tariff for revenue only. Usually, when the protection party comes into power it is necessary to prepare a tariff bill along entirely different lines to supplant a law written on a tariff-for-revenue-only basis. The reverse of this is true when the tariff-for-revenue-only party comes into power. In the present instance a protective tariff law is on the statute books which, on the whole, has operated quite successfully. The main structure of the present law need not be changed, but it has been seven years since that law was enacted and conditions in many industries have changed, necessitating corresponding changes in the law. Our present task is simply to make the changes necessary to fit the changed conditions, leaving the basic structure of the law as it now stands.

In order to be ready for an early revision of the tariff in case an early extra session is called, the House Committee on Ways and Means of the present Congress is to begin on January 7 hearings preparatory to the early general revision of the tariff. These hearings do not bind the incoming President to call an extra session and it is possible, though I do not regard it as probable, that such hearings might demonstrate that no tariff revision is needed at this time. Believing, however, that the extra session will be called and that tariff revision will be had, I wish to say a few words as to what I think the attitude of the country should be toward such revision, and especially what the attitude of the manufacturers of this part of the country should be toward it.

I speak as a Republican and a protectionist. I could not speak otherwise and speak truly, so that any old-fashioned Democrats present whose views do not fully coincide with mine on this subject will have to make the necessary allowance, taking into the account my viewpoint, which has been frankly stated. I believe that as conditions now are in our own country and in foreign countries, an American system of protective-tariff duties is most necessary, or, at any rate, highly desirable. I believe that if the country were deprived of such a system we should be in for a period of depression the end of which no one could possibly foresee. What should be done, then, that a tariff bill may be written carrying rates that are fair, adequate, and yet only such as may be necessary for the proper protection of the countless number and variety of articles produced by our immensely varied industries? In the first place, I think that we should take the position that protection is a national policy and that it should apply with equal force to every industry in the country that can properly bring itself within the protective-tariff principle. We in New England should favor proper protection for farming, mining, and other industries, just as we ask and need it for purely manufacturing industries. A policy of protection must be based upon principles broad enough to cover the Nation or it can not stand.

Our manufacturers can help very materially in the preparation of tariff schedules that will stand the test of time and thorough investigation. All that is necessary is that Congress shall be furnished with the material facts so that the tariff rates proposed and adopted may be based upon such facts and upon as thorough knowledge as possible of the conditions surrounding each particular industry, both in this country and abroad. It is necessary that these facts be carefully prepared and that they be properly presented in a way to inspire the confidence of the committees of Congress in charge of the revision, the Members of both Houses of Congress, and the country generally. For, after all, the tariff law, like any other law, if it is to command respect, should be backed up by sound public opinion, and this public opinion in order to endure must be based securely upon the facts.

In presenting to Congress the needs of the several industries great care should be exercised that the case be neither overstated nor understated. If understated, and rates are based upon such understatement, then the protection given will not be sufficient and the result will be unsatisfactory, as was the case in a few instances in the revision of 1921–22. On the other hand, if the case be overstated, the close and critical scrutiny which is sure to be given every item by both friends and foes of the tariff, will surely reveal the exaggeration of the need for protection, and the error will recoil upon the heads of those giving the inaccurate information to the injury of the industry that has been thus misrepresented.

In the revision of 1921–22 I served as chairman of the subcommittee on both the metal schedule and the sundries schedule. Many manufacturers, importers, and others interested in the revision came before my subcommittee. I then strove to impress them all with the fact that what the committee needed was accurate information as to the actual condition of the particular industry and as thorough knowledge as possible of the facts upon which the claim of need for protection is predicated. Some of the manufacturers at that time underestimated their need and some of these have been penalized for their moderation. Some, a very few, I am glad to say, overstated their case as to the need for protection, and I am glad to say that they, in practically every instance of overstatement, were discovered in time to prevent erroneous action, but if some of these latter ones suffered on account of their exaggerated claims, they had no one to blame but themselves.

If the tariff is revised during the Seventy-first Congress, it will be the first time in many years that a revision has taken place without the presence of a Connecticut man on either the Ways and Means Committee of the House or the Finance Committee of the Senate, the two committees of Congress having charge of tariff matters. In the last revision I represented Connecticut on the committee in the House while Senator McLEAN represented our State in the Senate.

Four years ago I was promoted to the leadership of the House, and now Senator McLEAN, of his own volition, is leaving the Senate. I wish to assure you, however, that every possible effort will be made to

properly safeguard the interests of Connecticut in connection with the tariff bill. As floor leader of the House I am permitted, through conference and otherwise, to exercise my persuasive powers with the committees of the House as a sort of member ex officio of the committee. In view of the great interests of our State and of my familiarity with the subject, owing to the active part taken by me in the last revision, I shall avail myself of the privilege of conferring with the Ways and Means Committee as often as possible when matters directly affecting Connecticut are being considered. I shall, also, through my constant touch with the chairman of the Ways and Means Committee, try to keep track of the work of the committee as nearly as possible as though I were still a member of it.

I appeal to the manufacturers and other business men of Connecticut, who are particularly interested in the prospective revision of the tariff and are in position to do so, to give the kind of help that I have already indicated. In any event I appeal to you to consider the entire tariff question on a broad-minded, country-wide basis, remembering, as I stated at the outset, that this is a national policy, that we are but a part of a great country, bound together by strong common interests, and that our interests in the last analysis and in the long run are the same as the interests of all other parts of the country. I believe that New England, and especially Connecticut, will take this broad-minded, businesslike, statesmanlike view of the subject.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to file before 12 o'clock to-night for printing under the rules the conference report upon the bill (H. R. 15089) making appropriations for the Interior Department.

The SPEAKER. The gentleman from Michigan asks unanimous consent that he may have until 12 o'clock to-night to file a conference report upon the Interior Department appropriation bill. Is there objection?

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3127. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

ADJOURNMENT

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until Monday, January 7, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, January 7, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States, an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To hear private bills.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Chemicals, oils, and paints, January 7, 8, 9.
Earths, earthenware, and glassware, January 10, 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6, 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

725. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Federal Board for Vocational Education for the fiscal year ending June 30, 1930, amounting to $13,400 (H. Doc. No. 500); to the Committee on Appropriations and ordered to be printed.

726. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $7,130,000 for the fiscal year 1929 to enable the Porto Rican Hurricane Relief Commission to extend relief to the people of Porto Rico (H. Doc. No. 501); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOWMAN: Committee on the District of Columbia. S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia; without amendment (Rept. No. 2009). Referred to the House Calendar.

Mr. FENN: Committee on the Census. H. R. 11725. A bill for the apportionment of Representatives in Congress; with amendment (Rept. No. 2010). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 3044. A bill for the relief of Leon Freidman; without amendment (Rept. No. 2011). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 3047. A bill for the relief of J. Edward Burke; without amendment (Rept. No. 2012). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7173. A bill granting compensation to the daughters of James P. Gallivan; with amendment (Rept. No. 2013). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 11698. A bill conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes; with amendment (Rept. No. 2014). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 11699. A bill conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes; with amendment (Rept. No. 2015). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 12502. A bill for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deseased; with amendment (Rept. No. 2016). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13521. A bill for the relief of Minnie A. Travers; with amendment (Rept. No. 2017). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13632. A bill for the relief of Ruth B. Lincoln; with amendment (Rept. No. 2018). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13888. A bill for the relief of Charles McCoombe; with amendment (Rept. No. 2019). Referred to the Committee of the Whole House.

Mr. BOX. Committee on Claims. S. 1364. An act for the relief of R. Wilson Selby; without amendment (Rept. No. 2020). Referred to the Committee of the Whole House.

Mr. BOX. Committee on Claims. S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co.; without amendment (Rept. No. 2021). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1547. An act for the relief of Johns-Manville Corporation; without amendment (Rept. No. 2022). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. S. 2989. An act for the relief of John B. Moss; without amendment (Rept. No. 2023). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 3741. An act for the relief of S. L. Roberts; without amendment (Rept. No. 2024). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15750) granting a pension to Clara E. Moor, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 15916) to provide for the construction of a new bridge across the south branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal; to the Committee on Interstate and Foreign Commerce.

By Mr. ARNOLD: A bill (H. R. 15917) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15918) to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes"; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 15919) to authorize the issuance of patent for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes; to the Committee on the Public Lands.

By Mr. CRAIL: A bill (H. R. 15920) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War"; to the Committee on World War Veterans' Legislation.

By Mr. LUCE: A bill (H. R. 15921) to authorize an appropriation to provide additional hospital, domiciliary, and outpatient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. CROWTHER: A bill (H. R. 15922) to provide for not less than 50 clear channels of radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. MORIN: A bill (H. R. 15923) to authorize an appropriation for the construction of approaches, surroundings, and adjacent roadways to the Tomb of the Unknown Soldier, in the Arlington National Cemetery, Va.; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 15924) to establish a department of veterans' affairs; to the Committee on Expenditures in the Executive Departments.

By Mr. SUTHERLAND: A bill (H. R. 15925) to facilitate work of the Department of Agriculture in the Territory of Alaska; to the Committee on Agriculture.

By Mr. CRAIL: A bill (H. R. 15926) to amend section 13 of the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain"; to the Committee on the Public Lands.

By Mr. CELLER: Joint resolution (H. J. Res. 371) establishing a peace college; to the Committee on Foreign Affairs.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 372) increasing the authorization for appropriations for the International Water Commission, United States and Mexico; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BECK of Wisconsin: A bill (H. R. 15927) granting a pension to Inez L. Hoxsie; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 15928) granting a pension to Edward Eason; to the Committee on Pensions.

By Mr. BUCKBEE: A bill (H. R. 15929) granting a pension to Earnest J. Wolter; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 15930) granting a pension to Sarah Coleman; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 15931) granting an increase of pension to Elizabeth Bowman; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 15932) for the relief of Raymond W. Still; to the Committee on the Post Office and Post Roads.

By Mr. ENGLAND: A bill (H. R. 15933) granting an increase of pension to Florence S. Smith; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15934) granting an increase of pension to Emily L. Ingram; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 15935) granting a pension to Irene Goetz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15936) granting a pension to Robert Valentine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15937) granting a pension to Pauline E. Geiser; to the Committee on Pensions.

Also, a bill (H. R. 15938) granting a pension to Emeline Wheelock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15939) granting a pension to Virgil H. Effinger; to the Committee on Pensions.

By Mr. FREE: A bill (H. R. 15940) for the relief of Stewart M. Crosgrove; to the Committee on Military Affairs.

By Mr. GUYER: A bill (H. R. 19541) granting an increase of pension to Virginia F. Huddleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15942) for the relief of the University of Kansas; to the Committee on Claims.

Also, a bill (H. R. 15943) granting a pension to John Davis; to the Committee on Pensions.

Also, a bill (H. R. 15944) granting an increase of pension to Louesa M. Cochran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15945) granting a pension to Kate Bartholomew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15946) granting a pension to Frances Lutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15947) granting a pension to Effie R. Brooks; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 15948) to provide for an examination and survey for a waterway across Kent Island, Queen Annes County, Md.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15949) to provide for the examination and survey of Walnut Harbor, Talbot County, Md.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15950) to provide for the examination and survey of Knapps Narrows, Talbot County, Md.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: A bill (H. R. 15951) granting an increase of pension to Eva R. Hunt; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 15952) relating to the eligibility of Jackson A. Findley for appointment as a cadet to the United States Military Academy; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 15953) to renew and extend certain letters patent to Rosa Schoenholz; to the Committee on Patents.

By Mr. KING: A bill (H. R. 15954) granting a pension to Mrs. James Newton Ramsey; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 15955) granting a pension to Clement Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15956) granting a pension to Edward Chaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15957) granting a pension to James Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15958) granting a pension to Arthur McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15959) granting a pension to Lizzie Gullett; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 15960) granting a pension to Eliza Ellen Scott; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15961) granting an increase of pension to Avarilla C. Culler; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 15962) granting an increase of pension to Cornelia Hunton; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 15963) granting an increase of pension to Mary J. Doyle; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 15964) granting an increase of pension to Martha J. Roberts; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 15965) granting a pension to Leo R. Snow; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 15966) granting an increase of pension to John G. Heck; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15967) granting an increase of pension to Ann M. Kisner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8156. By Mr. CHALMERS: Petition of citizens of the State of Ohio, desiring to have our governmental money system controlled by the Government only; to the Committee on Banking and Currency.

8157. By Mr. GARBER: Petition of Manufacturers' Conference on Prison Industries, urging passage of House bill 7729, the convict labor bill; to the Committee on Labor.

8158. Also, petition of the American Association Creamery Butter Manufacturers, the American Dairy Federation, and the National Dairy Union, in support of the Haugen oleomargarine law amendment (H. R. 10958); to the Committee on Agriculture.

8159. Also, petition of the National Lumber Manufacturers Association, requesting that the scope of any legislative enactment which will, under suitable safeguards, permit control of production in the coal and oil industries, be extended to include also forest products; to the Committee on Agriculture.

8160. By Mr. O'CONNELL: Petition of the Merchants Association of New York, favoring additional Federal judges for the city of New York; to the Committee on the Judiciary.

8161. Also, petition of the Chamber of Commerce of the State of New York, favoring the widening of the channel in the vicinity of the quarantine anchorage of Stapleton, Staten Island, N. Y.; to the Committee on Rivers and Harbors.

8162. By Mr. SWICK: Petition of Victory District, No. 14, Loyal Orange Lodge, Lawrence County, Pa., urging the extension of quota restrictions to immigration from Mexico and Canada, and more stringent enforcement of existing immigration laws; to the Committee on Immigration and Naturalization.

SENATE

MONDAY, *January 7, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Shepherd of Israel, who dost neither slumber nor sleep, we are the people of Thy pasture and the sheep of Thy hand. Make us to love Thy voice and answer to the name by which Thou callest us; so shall none be able to pluck us out of Thy hand. Beside the still waters, through pastures green, and in the valley where deep shadows lie, be Thou our strength and shield; and do Thou shepherd us beyond the plains of peril to the eternal fold where we may lie down in peace and take our rest, for it is Thou only that makest us dwell in safety. Grant this for the sake of Him who is the Lamb of God, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909," and it was signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Brookhart	Couzens	Fess
Barkley	Broussard	Curtis	Fletcher
Bayard	Bruce	Dale	Frazier
Bingham	Burton	Deneen	George
Blaine	Capper	Dill	Gerry
Blease	Caraway	Edge	Gillett
Borah	Copeland	Edwards	Glass
Glenn	McKellar	Ransdell	Swanson
Goff	McLean	Reed, Mo.	Thomas, Idaho
Gould	McMaster	Reed, Pa.	Thomas, Okla.
Greene	McNary	Robinson, Ark.	Trammell
Hale	Mayfield	Robinson, Ind.	Tydings
Harris	Metcalf	Sackett	Vandenberg
Hastings	Moses	Schall	Wagner
Hayden	Neely	Sheppard	Walsh, Mass.
Heflin	Norbeck	Shipstead	Walsh, Mont.
Johnson	Norris	Shortridge	Warren
Jones	Nye	Simmons	Waterman
Kendrick	Oddie	Smoot	Watson
Keyes	Overman	Steck	Wheeler
King	Phipps	Steiwer	
La Follette	Pine	Stephens	

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. MCKELLAR. I desire to announce that my colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably detained from the Senate on account of a death in his family. I ask that this announcement may stand for the day.

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate by illness. I will let this announcement stand for the day.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Eighty-six Senators having answered to their names, a quorum is present.

CREDENTIALS

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the credentials of FREDERICK HALE, chosen a Senator from the State of Maine for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF MAINE.

To all who shall see these presents, greeting:

Know ye that FREDERICK HALE, of Portland, in the county of Cumberland, on the 10th day of September, A. D. 1928, was chosen by the electors of this State a United States Senator to represent the State of Maine in the United States Senate for the term of six years beginning on the 4th day of March, 1929.

In testimony whereof I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta the 15th day of November, A. D. 1928, and in the one hundred and fifty-third year of the independence of the United States of America.

By the governor:

RALPH O. BREWSTER.

[SEAL.] EDGAR C. SMITH,
Secretary of State.

The PRESIDING OFFICER laid before the Senate the credentials of PARK TRAMMELL, chosen a Senator from the State of Florida for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, PARK TRAMMELL was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

Witness: His excellency our governor, John W. Martin, and our seal hereto affixed at Tallahasssee, this the 20th day of December, A. D. 1928.

JOHN W. MARTIN, *Governor.*

By the governor, attest:

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. METCALF presented the credentials of FELIX HEBERT, chosen a Senator from the State of Rhode Island for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, FELIX HEBERT was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His excellency our governor, Norman S. Case, and our seal hereto affixed at Providence this 21st day of December, A. D. 1928.

By the governor:

NORMAN S. CASE, *Governor.*

[SEAL.] ERNEST L. SPRAGUE,
Secretary of State.

AGRICULTURAL INSURANCE (S. DOC. NO. 190)

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, reporting, in re-

sponse to Senate Resolution 51 of March 6, 1928, his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy, which, with accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. BURTON presented 16 resolutions adopted by various branches of the Ohio Federation of Women's Clubs, favoring the ratification of the so-called Kellogg peace pact, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Cincinnati, Ohio, praying for the prompt ratification of the so-called Kellogg peace pact without qualification or reservation, which was ordered to lie on the table.

Mr. COPELAND presented numerous petitions and papers in the nature of petitions of civic and religious organizations and several thousand citizens in the State of New York, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FESS presented numerous petitions of civic and religious organizations and sundry citizens in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. TYDINGS presented the petition of members of the Beaver Dam Sunday School, Church of the Brethren, in the State of Maryland, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. CAPPER presented petitions, numerously signed, of sundry American citizens in India, China, and Japan, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, of Wells, Me., and of Fall River, Mass., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BLAINE presented resolutions adopted by the Wesley Woman's Missionary Society, of Milwaukee, and the Woman's Foreign Missionary Society, of Sharon, in the State of Wisconsin, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented resolutions adopted by the Marathon County (Wis.) Board of Supervisors, favoring the raising of the tariff duty on cheese, which were referred to the Committee on Finance.

He also presented a resolution adopted by the Park Falls Commercial Club, of Park Falls, Wis., protesting against the passage of legislation eliminating the Pullman surcharge rate, which was referred to the Committee on Interstate Commerce.

ORGANIZED LABOR'S RADIO STATION

Mr. DILL. Mr. President, I have a letter from the manager of the WCFL Radio Magazine, of Chicago, Ill., setting forth the claims of the labor-union station for larger power and for a clear channel for radio purposes. I do not care to read all the letter, but I do want to read certain parts of it which discuss the place that radio holds as a great resource of the American people:

This is the last great public domain. A few squatters have set up their tents, turned a few furrows, and now ask the Nation to confirm in them title to a continent. What do they care for the "public interest, necessity, and convenience"? What they want is to make money, to acquire power and to control in their interest this unparalleled new means of communication.

Never in our history has there been such a bold and brazen attempt to seize control of the means of communication and to dominate public opinion as is now going on in the field of radio broadcasting. And never in our history has the Federal Government shown such a crass disregard and contempt for the rights of those who toil.

This is a battle of the giants. On the one hand stands organized capital seeking to grasp and monopolize for itself, for commercial profit and for propaganda in its own interest, this vast and immeasurably valuable means of communication. On the other hand stands organized labor, armed with right and justice, battling for some measure of freedom of speech and freedom of the air, and for the right to have 1 out of the 89 broadcasting channels left open for the dissemination of the principles, policies, and ideals for which organized labor stands. It seeks no profit; it wants no commercial gain, but it does want an opportunity to serve the workingmen of the country, and through them, the Nation at large.

Then, this letter goes on to discuss in such a remarkable manner what constitutes public interest that I want to read another portion of it, as follows:

What is the "public interest, necessity, and convenience" which the law fixes as the sole test for granting radio licenses? Certainly it is the same as the "public welfare." That which contributes to the health, comfort, and happiness of the people is in the public interest. That which provides wholesome entertainment, increases knowledge, arouses individual thinking, inspires noble impulses, strengthens human ties, breaks down hatreds, encourages respect for law, is in the public interest. That which aids employment, improves the standard of living, and adds to the peace and content of mankind is in the public interest.

Is it in the public interest, necessity, and convenience that this marvelous new means of communication should be placed within the control of a few great corporations? Or handed out as a free gift to a few hundred private business concerns for commercial exploitation? Or sucked into the maw of great metropolitan newspapers, already in uncontrolled possession of power that threatens the welfare of the country? Is the public interest, necessity, and convenience to be determined by noisy acclaim? If so, then the movies overwhelm the universities, and are themselves outranked by a ball game or a prize fight. The cheapest sex novel would then put to shame the greatest scientific treatise.

Is it in the public interest, necessity, and convenience that Bill Jones, of Podunk, have a radio station to advertise his garage? Or that a great public utility monopoly operate a 50,000-watt station to further its interests?

Is it a matter of public necessity that 20 radio stations in one city pound the air with the same jazz tunes?

The "public interest, necessity, and convenience" is nation-wide. It is age long. It has to do with the physical, mental, moral, social, and economic welfare of all of the people. It is not greatly concerned with Bill Jones's garage, or the private profit which a station owner hopes to derive from his broadcasting operations. It is not enhanced by the granting of special favors to a few individuals or corporations, however rich and powerful they may be.

The "public interest, necessity, and convenience" requires that radio broadcasting provide not only entertainment but information, not only music but science, history, economics, and all the other things that make for human welfare. It requires that the serious problems of life shall be presented, not from one group or one viewpoint only, but from many groups and many points of view.

The great things of civilization are not sob songs nor symphony orchestras. They are matters that have to do with employment, with home life, with health, with the standard of living, with great economic and industrial problems that enter into the web and woof of the daily existence of all the people. To serve the public interest radio must pour into the homes of the Nation not only entertainment but something that will help solve the practical problems of everyday life.

Is it in the public interest, necessity, and convenience that all of the 89 channels for radio broadcasting be given to capital and its friends and not even 1 channel to the millions who toil? Will the public interest be served by opening all channels of communication to those who employ and denying any channel of communication to the vast group of employed?

I may say that in the allocation of radio stations made by the commission in November this one labor station was allowed 1,500 watts of power and was permitted to broadcast on a wave length during the daylight period, but forbidden to broadcast after the sun went down on the Pacific coast. In other words, the labor station, designed to serve and reach the laboring people in the central part of the United States, was not allowed to broadcast during the nighttime, the only time when the great masses of the laboring people can listen to the programs.

They have appealed for a full, clear channel. They appealed for 50,000 watts of power. I am informed this morning that in the last two or three days the commission has granted a permit to this station to build a 50,000-watt power station, but has not granted it the right to rebroadcast on a short wave length, in order that it may set up the little stations throughout the country on the same wave length and reach all sections of the United States.

This particular letter makes an appeal that they may be allowed to broadcast their programs all over the country, not by hogging a great lot of channels in the air, but by using a short wave length to rebroadcast their programs to stations of small power located in small towns, which will reproduce the programs on the same wave length that the Chicago station is

using, and thus their chain programs will be on the same wave length in every part of the United States.

It seems to me that when any radio organization offering entertainment and information to the people proposes to do it by serving the whole country on one channel when there is such a shortage of channels, the Radio Commission should encourage that station to go ahead and demonstrate what can be done.

Mr. McKELLAR. Mr. President, will the Senator yield.

Mr. DILL. I yield to the Senator from Tennessee.

Mr. McKELLAR. I have read the very remarkable letter to which the Senator calls attention. It is a very strong and able letter, and I am glad the Senator is going to put it in the RECORD. I think every Senator should read the letter. However, what I want to ask the Senator is this: What reason has been advanced by the Radio Commission why this station should not be granted the right, in a substantial way, at any rate, that it seeks?

Mr. DILL. I am unable to answer the Senator's question, because I was not present when the refusal was made. I do know, however, that the objection is made to their broadcasting after sundown that it would interfere with a station, KJR, in Seattle, on the Pacific coast, that has 5,000 watts, while this little station has 1,500 watts. In the first place, the interference would be so small that nine-tenths of the country would not know it; and, in the second place, it seems to me that the commission ought to recognize the importance of having one station at least that is under the control of organized labor which may broadcast the ideals and principles for which labor stands to the millions of working people of this country during the nighttime, the only time when the great masses of the people can listen to it.

Mr. McKELLAR. I agree with the Senator entirely. He has been very active in all radio legislation and has done splendid work in regard to it, and I hope he will take the lead in seeing to it that this organization has proper rights accorded it under the law.

Mr. DILL. I must say to the Senator in reply to his suggestion that my business is to try to frame and assist in passing radio legislation and not to try to administer it. The Radio Commission is charged with that duty. I am always ready to give it suggestions, but it seems to me that it should be able to work out a system whereby a station of this kind may be taken care of in the broadcasting spectrum.

Mr. McKELLAR. I, too, think so; but if for any reason that can not be done, it is our duty to enact such legislation as will compel it to be done.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him?

Mr. DILL. I yield.

Mr. HEFLIN. If when the facts have been submitted, and the Radio Commission turns down a request that is so reasonable and fair as this, if the appeal of organized labor does not move the commission, I think the Senate can adopt a resolution condemning the commission for its conduct.

Mr. DILL. Of course the Senate could adopt such a resolution and grant a wave length if it saw fit, but I do not think that is necessary. I want to call attention to the fact that the great Radio Trust, composed of certain large organizations that have made agreements in control of radio—the General Electric Co., the Westinghouse Co., the American Telegraph & Telephone Co., the United Fruit Corporation, and the Radio Corporation of America—have six clear channels, to say nothing of the chain-station rights which they have, to extend their programs all over the country; and they are granted those channels for unlimited use, with tremendous power of from 25,000 to 50,000 watts, while the labor station, located as it is in the center of the country at Chicago, has been limited to 1,500 watts, and limited to broadcasting during the daylight hours.

Having granted Mr. Insull's company a permit for 50,000 watts in Chicago, which divides the time with the Prairie Farmer station of 50,000 watts, the effect was such as practically to drown out the little labor station. So the commission has granted a permit to it to build a 50,000-watt station, but as yet has refused to grant them the short wave length upon which they can rebroadcast their programs throughout the Nation to little stations which will use the one-wave length.

Mr. President, I will not take more time, but will ask to have the letter printed in full at this point in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter entire is as follows:

WCFL RADIO MAGAZINE,
Chicago, Ill., January 5, 1929.

Hon. C. C. DILL,
United States Senator, Washington, D. C.

DEAR SENATOR: Radio broadcasting is the most effective means known to man for influencing public opinion. When the President speaks over the radio he is listened to intently by more people than read all the daily newspapers in the land. The mind can not conceive of the influence radio is destined to exert upon the thinking, the habits, the character, and the progress of mankind.

Radio takes its place alongside of the development of the printing press and the establishment of the public school. It is the super means of entertainment, education, and propaganda. Whoever controls radio broadcasting in the years to come will control the Nation. For good or ill, radio will pour into the homes of the land, into the minds and hearts of the people a constant stream of song and story, of history, science, economics, politics, and propaganda. Overshadowing and outreaching all other means of communication, radio has become the unrivaled master of human destiny.

Like the air we breathe or the sunlight that gives us life, radio must be charged with a public trust—the heritage of mankind. No man or corporation may appropriate it, any more than he could appropriate the air or the ocean. Granted that under our law a man may patent a mechanical invention and limit its use, he can not use his patented device in interstate commerce without the consent of the Congress of the United States. Radio being a form of interstate communication is therefore under the exclusive control of Congress.

A law has been enacted by Congress creating the Federal Radio Commission and delegating to it the power and authority to license persons to operate radio broadcasting stations, when in the judgment of the commission it will be "in the public interest, necessity, and convenience" so to do. By this law the public welfare is the sole basis for determining who shall be allowed to operate a radio station.

Under this authority the Federal Radio Commission has licensed some 650 broadcasting stations, although there are only 89 "wave lengths" or "channels" available for broadcasting in the United States. Forty of these channels are set apart as "cleared" channels; that is, only one station broadcasts on one of these channels at a time. In many instances a single station is granted an "exclusive" channel; that is, it has the sole use of that channel 24 hours a day. Stations on "cleared channels" are allowed to use high power up to 50,000 watts. These furnish fairly good service for a distance of about 500 miles, but they interfere with other stations in the same channel for 3,000 miles or more. The interference or "nuisance" range of any broadcasting station is about ten times its service range.

The great majority of the stations are limited to low power, and are placed on channels occupied by several other stations, being so spaced geographically as to reduce interference to a minimum. They are merely local stations, with a dependable service radius of 10 to 100 miles. Occasionally a station may be heard at great distances, but not with any regularity, and such long-distance reception is of little practical use.

Now, let us see who has been granted licenses by the Federal Radio Commission to exercise this precious franchise. Who have been deemed best qualified to serve the "public interest, necessity, and convenience"?

First, there is a group of five great corporations which have formed an alliance by mutual contracts and "cross licenses" of patent rights to secure control of the whole field of radio patents and of the manufacture of radio equipment. This group controls jointly more than 2,000 radio patents. It has become commonly known as the Radio Trust. No one can make a radio receiving set or operate a broadcasting station in the United States without having first purchased the privilege from some or all of this group. The Radio Trust is composed of General Electric Co., Westinghouse Electric & Manufacturing Co., American Telephone & Telegraph Co., United Fruit Corporation, and Radio Corporation of America, which is the pooling and selling agent for the other members. Recently the Federal courts have held the Radio Corporation guilty of monopolizing the sale of radio tubes on which the patents had expired.

The combined assets of this group exceed $3,000,000,000. These members of the Radio Trust have been licensed by the Federal Radio Commission to operate the following stations:

GENERAL ELECTRIC CO.

Station KGO, at Oakland, Calif., with 10,000 watts power on a cleared channel, with unlimited time of operation; also

Station KOA, at Denver, with 12,500 watts power, cleared channel and unlimited time; also

Station WGY, at Schenectady, N. Y., with 50,000 watts power, for which it is now fighting in the courts for a third cleared exclusive channel, with unlimited time of operation.

WESTINGHOUSE ELECTRIC & MANUFACTURING CO.

Station KDKA, at Pittsburgh, with 50,000 watts power, a cleared channel and unlimited time of operation; also

Station WBZ, at East Springfield, Mass., with 15,000 watts power, cleared channel and unlimited time of operation.

Station WBZA, at Boston, Mass., on the same channel; it also owns Station KYW, at Chicago, with 5,000 watts power on a cleared channel. This station it leases to the Chicago Herald Examiner.

In connection with station KYW, it also owns station KFKX, making in all five stations owned by the Westinghouse Co.

THE RADIO CORPORATION OF AMERICA

Owns station WJZ, near New York City, with 30,000 watts power, a cleared channel and unlimited time of operation.

It also owns and operates station WRC at Washington.

The three companies above named have formed and own the National Broadcasting Co., which owns and operates station WEAF, near New York, with 50,000 watts power, a cleared channel and unlimited time of operation.

In short, the members of the Radio Trust own and operate some 11 stations with an aggregate of about 220,000 watts of power, and are granted the exclusive use of 6 or 7 out of the 89 available channels in the United States.

By means of so-called chain hook-ups the stations owned by the Radio Trust tie into their control some 50 or more of the leading radio broadcasting stations in the United States—practically all of those which have more than a local service range.

Other manufacturers of and dealers in radio supplies have been granted licenses for about 60 broadcasting stations. Some of these have cleared channels with a maximum of 50,000 watts power.

About 25 or 30 of the great metropolitan newspapers have been granted licenses to operate broadcasting stations on very choice wave channels. In Chicago alone there are the following:

Chicago Tribune Co., station WGN, with 25,000 watts power, cleared channel and unlimited time of operation.

The Chicago Daily News, station WMAQ, 5,000 watts power, cleared channel and unlimited time of operation.

The Chicago Herald Examiner leases station KYW from the Westinghouse Co., 5,000 watts power, cleared channel.

The Chicago Evening American, cooperates with station WBBM, a station which has a cleared channel, 25,000 watts power, part-time service.

The Prairie Farmer owns and operates station WLS, 50,000 watts power, cleared channel, but is required to divide time with the Insull Power Trust's station, WENR, also using 50,000 watts power.

Approximately 350 licenses have been issued to various private business concerns, entirely local in character, many of them of trifling importance even in their own communities.

More than 40 local churches have been granted broadcasting licenses. About 70 educational institutions, some mere local high schools, have been licensed. Thirty local chambers of commerce and similar organizations hold broadcasting licenses. The rest of the 650 or more broadcasting licenses have been granted to miscellaneous persons of no importance.

In view of the foregoing we have now to state an astounding and well-nigh unbelievable fact:

Organized labor, with some 4,000,000 of members and comprising with their families almost a fifth of the entire population of the country, and representing not only its actual membership but the many millions of men and women who toil, has asked the Federal Radio Commission for just one channel of the 89 available in this country, together with ample power and adequate time of operation. The Federal Radio Commission has denied this petition and has granted to organized labor's station WCFL at Chicago, which has been built and supported during the past three years by voluntary contributions of labor unions and listeners, the right to broadcast on only 1,500 watts power during the daytime only! In view of the fact that working men and women do not return from their work until after 6 o'clock in the evening, it is manifest that the limitation put upon the station by the Federal Radio Commission practically destroys its usefulness.

In other words, the Federal Radio Commission takes the position that organized labor, notwithstanding the vast number of people who constitute its membership; notwithstanding the unparalleled service it has rendered to workingmen and to the general public in the past 50 years; notwithstanding the fact that it has principles, policies, and ideals of the utmost value to society which it wishes to promulgate; notwithstanding the fact that the working people of the country with their families constitute 90 per cent of its population and the very bone and sinew of the Nation; notwithstanding the fact that all other radio broadcasting stations of any importance, as well as the newspapers of the country, are owned by capital and are almost unanimous in their opposition to the ideals and principles of organized labor; notwithstanding the fact that organized labor is not seeking to make a profit from this station but is seeking solely to render a public service, nevertheless the Federal Radio Commission in its wisdom has seen fit to deny this great institution one single broadcasting channel out of the 89 available, while pouring into the lap of the Radio Trust six or seven such channels, with unlimited time of operation, besides numerous other broadcasting stations with part-time operation.

Metropolitan newspapers, which already have a powerful means of communication but which are nevertheless local institutions, are handed the choicest wave lengths, with ample power and unlimited time of operation. Hundreds of private individuals and corporations who are seeking solely to make a private commercial profit out of this divine gift to mankind are granted choice channels with ample power and time of operation. But the great body of millions of workingmen in the country, represented in the American Federation of Labor and its affiliated organizations, are told that it is not "in the public interest, necessity, and convenience" for them to have a voice on the air!

This is the last great public domain. A few squatters have set up their tents, turned a few furrows, and now ask the Nation to confirm in them title to a continent! What do they care for the "public interest, necessity, and convenience"? What they want is to make money, to acquire power, and to control in their interest this unparalleled new means of communication.

Never in our history has there been such a bold and brazen attempt to seize control of the means of communication and to dominate public opinion as is now going on in the field of radio broadcasting. And never in our history has the Federal Government shown such a crass disregard and contempt for the rights of those who toil.

This is a battle of the giants. On the one hand stands organized capital seeking to grasp and monopolize for itself, for commercial profit and for propaganda in its own interest, this vast and immeasurably valuable means of communication. On the other hand stands organized labor, armed with right and justice, battling for some measure of freedom of speech and freedom of the air, and for the right to have 1 out of the 89 broadcasting channels left open for the dissemination of the principles, policies, and ideals for which organized labor stands. It seeks no profit; it wants no commercial gain, but it does want an opportunity to serve the workingmen of the country, and through them, the Nation at large.

What is the "public interest, necessity, and convenience" which the law fixes as the sole test for granting radio licenses? Certainly it is the same as the "public welfare." That which contributes to the health, comfort, and happiness of the people is in the public interest. That which provides wholesome entertainment, increases knowledge, arouses individual thinking, inspires noble impulses, strengthens human ties, breaks down hatreds, encourages respect for law, is in the public interest. That which aids employment, improves the standard of living, and adds to the peace and content of mankind is in the public interest.

Is it in the public interest, necessity, and convenience that this marvelous new means of communication should be placed within the control of a few great corporations? Or handed out as a free gift to a few hundred private business concerns for commercial exploitation? Or sucked into the maw of great metropolitan newspapers, already in uncontrolled possession of power that threatens the welfare of the country? Is the public interest, necessity, and convenience to be determined by noisy acclaim? If so, then the movies overwhelm the universities, and are themselves outranked by a ball game or a prize fight. The cheapest sex novel would then put to shame the greatest scientific treatise.

Is it in the public interest, necessity, and convenience that Bill Jones of Podunk have a radio station to advertise his garage? Or that a great public utility monopoly operate a 50,000-watt station to further its interests?

Is it a matter of public necessity that 20 radio stations in one city pound the air with the same jazz tunes?

The public interest, necessity, and convenience is nation-wide. It is age-long. It has to do with the physical, mental, moral, social, and economic welfare of all of the people. It is not greatly concerned with Bill Jones's garage, or the private profit which a station owner hopes to derive from his broadcasting operations. It is not enhanced by the granting of special favors to a few individuals or corporations, however rich and powerful they may be.

The public interest, necessity, and convenience requires that radio broadcasting provide not only entertainment but information; not only music but science, history, economics, and all the other things that make for human welfare. It requires that the serious problems of life shall be presented, not from one group or one viewpoint only but from many groups and many points of view.

The great things of civilization are not sob songs nor symphony orchestras. They are matters that have to do with employment, with home life, with health, with the standard of living, with great economic and industrial problems that enter into the web and woof of the daily existence of all the people. To serve the public interest radio must pour into the homes of the Nation not only entertainment but something that will help solve the practical problems of everyday life.

Is it in the public interest, necessity, and convenience that all of the 89 channels for radio broadcasting be given to capital and its friends and not even one channel to the millions who toil? Will the public interest be served by opening all channels of communication to those who employ and denying any channel of communication to the vast group of employed?

Organized labor has contributed immeasurable service to the Nation. It has vastly improved working conditions, raised the standard of living, infused hope and courage and patriotism into millions of hearts. It

has battled for needed reforms, sane and useful legislation, and social and economic justice for all who toil. It has established principles, policies, and ideals which are as essential to the welfare of our country as is sunlight to the growing fields. It has a message for all mankind. It asks no monopoly, no special privilege, no right to exploit the air for commercial profit. It asks only that it be allowed to use one of the 89 available radio channels in order that it may freely promulgate its principles and ideals and thereby protect and serve the entire public.

Surely it is in the public interest, necessity, and convenience that this unparalleled means of communication be kept as a sacred heritage for all posterity; that it be not controlled or dominated by any class or group, but rather that every reputable group shall have opportunity to sing its song, tell its story, or proclaim its message to those who desire to hear.

Station WCFL has asked for an exclusive channel and for a permit to erect a 50,000-watt station. If these requests shall be granted, it is intended to erect one of the best stations in the country and to offer a program of music, entertainment, education, and inspiration second to none.

We have also asked for the use of a short-wave channel to be used in rebroadcasting WCFL programs to substations to be erected in various parts of the country, from which the programs will then be rebroadcast on the same wave length as WCFL. By this system we can send our programs into every part of the country without interfering with any other station, and shall serve on one broadcast channel practically the entire Nation. This is a step far in advance of the present practice whereby a nation-wide hook-up requires the use of 30 or 40 channels.

In addition to all of the foregoing, it is an impressive fact that the Farmers Educational and Cooperative Union of America, with affiliated farmers' unions in many States, has entered into a contract with us to participate in the program offerings of WCFL, and to contribute, on a per capita basis, to its support. In this way the farmers of the country will be served by this station more fully and efficiently than by any other radio station. All together, it is not too much to say that when WCFL has completed its broad program—already approved by the best radio engineers in the country—it will serve, with a high degree of efficiency, several times as many people as any other radio station in the world. It is the only radio station in America built and supported by the listeners themselves. It is the only station in the world owned and operated by organized labor.

Respectfully submitted.

ORGANIZED LABOR OF AMERICA,
By CHICAGO FEDERATION OF LABOR,
JOHN FITZPATRICK, *President.*
C. N. NOCKELS, *Secretary.*

P. S.—Under separate cover we are mailing you complimentary copy of our last issue of WCFL Radio Magazine.

RADIO BROADCASTING

Mr. BLEASE. Mr. President, in connection with the remarks of the Senator from Washington [Mr. DILL] on the radio situation, I ask to have printed in the RECORD two articles from the Washington Evening Star, one from the issue of December 28 entitled "Chicago Rivals in Radio Battle" and the other from the same paper of the issue of December 5, 1928, entitled "Superpower Hit by Senator DILL."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The Evening Star, Washington, D. C., Saturday, November 17, 1928]

CHICAGO RIVALS IN RADIO BATTLE—SENATORS CHARGE GIANT STATION IS PROMOTED FOR UTILITIES PROPAGANDA

By Martin Codel

All the pent-up antagonism toward authorizing certain public-utility interests to engage in radio broadcasting was loosed yesterday at the hearing before the Federal Radio Commission, involving the conflicting demands of stations WENR, operated by the Samuel Insull group in Chicago, and WLS owned by a farm magazine and largely controlled by a leading mail-order house, for rights to use one of the Chicago zone's cleared broadcast channels.

Three United States Senators appeared in opposition to the application of the giant Chicago station, owned by seven public-utility companies, the largest of them the Commonwealth-Edison, for full time on the air with 50,000 watts of power. Senators NORRIS of Nebraska, WALSH of Montana, and BROOKHART of Iowa all based their position on an assertion that "it is against the public interest to give these people another avenue to spread their propaganda."

The tenseness that surrounded this phase of the hearing of three days and three nights on the counterclaims of the two stations was aggravated by a remark by John E. Wing, counsel for WENR, at the conclusion of Senator WALSH'S informal statement before the Radio Commission:

"I would like to ask the Senator," said Mr. Wing after listening to the Montanan's recital of "shocking" disclosures in the Federal Trade Commission's public utility inquiry, "if in the recent elections the people of the United States have not expressed an opinion on attacks upon public utilities?"

NOT ATTACK ON UTILITIES

The question seemed to surprise Senator WALSH for a moment.

"I don't think so," he replied to Mr. Wing.

Then he went on to explain that he did not regard his own attitude or that of the Federal Trade Commission as an attack upon the utilities.

His opposition to permitting WENR to go on the air in preference to a station said to be devoting its time largely to agricultural interests, he said, was due to a careful study he has made of the "propaganda methods" employed by the utility companies as revealed in the Government's investigation.

The broad policy of enabling public utilities to utilize the ether for such an avowed purpose as that of the Chicago group, "creating good will," was strenuously opposed by both Senators NORRIS and BROOKHART. The Iowa Senator declared that he had supported Mr. Hoover in the last election on account of his stand on the farm problem.

"On the question of public utilities," said Senator BROOKHART, "I do not think it was decided at all by this election."

Mr. NORRIS and Mr. BROOKHART both vigorously scored the alleged propaganda against the principle of public ownership, which, they declared, was being carried on by underground methods by the so-called Power Trust. The Radio Commission, listening to the senatorial witnesses on behalf of WLS, heard a complete summarization of revelations in its sister commission's power inquiry of last spring and summer.

AIR CONTROL IS CHARGED

Senator NORRIS charged the utilities with trying "to control the air we breathe" at the expense of agriculture, while Senator BROOKHART declared an attempt was being made to monopolize the Chicago broadcasting situation with the highest power in that region.

"It seems to me," said Senator NORRIS, "that the Power Trust has controlled a good share of the earth and ought to let us have the air. I don't see why the public utilities should be allowed to engage in broadcasting. They are not connected with it even indirectly, unless it is for propaganda purposes."

The broadcasting channels sought by the two stations is now utilized five-sevenths of the time by WLS and two-sevenths by WENR. The latter seeks more time in order to make its operation commercially feasible and wants the maximum power in order to serve a large rural audience in the surrounding territory. Its counsel charges WLS with being controlled by Sears-Roebuck Co., whose contractual arrangement with the station is said to discriminate against its use by any rival mail-order house.

The hearing brought into the open an issue which has been brewing within the Federal Radio Commission for some time, sporadic outbursts until now alone indicating the nature of the controversy that must now be settled. Chairman Robinson was absent from this hearing, but has made it plain that he absolutely opposes WENR's right to be on the air. He has several times questioned the right of a public utility under its charter to expend funds drawn from rate revenues on such a medium as broadcasting. (Copyright, 1928, by North American Newspaper Alliance.)

[From the Evening Star, Washington, Wednesday, December 5, 1928]

SUPERPOWER HIT BY SENATOR DILL—COAUTHOR OF RADIO ACT DECLARES HIGH-WATT STATIONS RULE AIR

By Martin Codel

Besides considering the fate of the Federal Radio Commission, the present short session of Congress will hear renewed attacks upon high-powered broadcasting. An effort will be made to limit by specific legislation the amount of power a station may employ.

Very little criticism against the reallocation project as a whole has been voiced by returning Members to Congress, but several of the leaders in radio legislation say they have found the use of superpower on the cleared channels highly objectionable. Their complaint is that the superpower stations are making it impossible for many listeners at substations distances away to tune out their programs over exceedingly wide dial ranges.

Senator DILL, coauthor of the radio act, declares he has concrete evidence that the Radio Commission has erred in granting high power. Tuning in WLW, Cincinnati, while in Ohio last week, he found its 50,000-watt transmitter emitting a signal that covered half the dial of a standard high-priced receiving set. Two friends dialing the same station on two other makes of receiver experienced the same trouble.

"Station WLW did not shut out other stations altogether," said Senator DILL, "but its programs could be heard in the background whenever another station was tuned." The Senator from the State of Washington also asserted that his experience with the most recent entrant into the high-power ranks is the same that it is reported to him from competent observers near other superpower stations or within their normal listening ranges.

Something will have to be done to curb this use of high power, Senator DILL maintains. If special legislation is necessary to reduce powers, he declares he will back it. The coauthor of the radio law is severe in his criticism of the Federal Radio Commission for granting high power to many more stations. He said he has learned that certain members of the commission have urged certain stations to seek such power. The leading high-power advocate on the commission is O. H. Caldwell, and Senator DILL declared that his opposition to Commissioner Caldwell had not abated since he fought the New Yorker's confirmation as a member of the radio board last session.

In his opposition to high-power broadcasting, Senator DILL is joined by Representative EWEN DAVIS, of Tennessee, author of the equalization amendment. Mr. DAVIS describes the "blanketing" effects of high power as one of the defects in the present broadcasting structure. He states that adequate service can be furnished by a sufficient number of relatively low-powered stations properly situated throughout the country.

Like Senator DILL, Mr. DAVIS believes that radio listeners addicted to the "DX" habit are in the minority. After the first thrill of distance hunting wears off, most listeners become accustomed to the local or nearby stations they can readily tune in, according to Senator DILL. Then they regularly scan the programs of those stations, make their selections, and fix their dials at the usual point.

INTERMEDIATE CREDIT BANK OF COLUMBIA, S. C.

Mr. BLEASE. Mr. President, I should like to read an article from the Washington Star of yesterday, entitled "Meyer Concludes Great Clean-up."

I should like to call the attention of the members of the Banking and Currency Committee, who made a report on the resolution submitted by me, to the difference between the report thus submitted by them and what Mr. Meyer now says, and see who told the truth in this matter. The article which I desire to read is by William Hard, and is as follows:

[From the Sunday Star, Washington, D. C., January 6, 1929]

MEYER CONCLUDES GREAT CLEAN-UP—FEDERAL FARM LOAN HEAD ENDS QUIET, BUT EFFECTIVE, PURGING OF PROCESS

By William Hard

When it comes to lending oceans of public money to "stabilization corporations" and other agricultural institutions under farm legislation in the Hoover administration, there will be just one man in Washington who will clearly know most about all such problems. That man is Eugene Meyer, present farm loan commissioner of the Federal Government.

Mr. Meyer is just concluding one of the biggest—and yet one of the quietest—clean-ups that has ever happened in the Government's history. In the course of a relatively few months he has ruthlessly housecleaned our Federal land banks, our agricultural intermediate credit banks, and our joint-stock land banks, all coming under the supervision of the Federal Farm Loan Board, of which Mr. Meyer has been the operating executive since the spring of last year.

PURIFYING PROCESS TERRIFIC

Various officers of such banks in various parts of the country have been conveyed to jail—

Quite different from the report signed by this committee—

or have been sentenced to jail or are now under indictment or are on their way to indictment. The purifying process has been gigantic and terrific, and yet there has been no making of "sensations" and no exploitation of "scandals" for publicity purposes and no impairment whatsoever of the reputation and credit of our Federal agricultural banking system.

In fact, instead of an impairment, there has been an enhancement. Mr. Meyer is now selling the bonds of the banks under his care at a better figure than was obtainable when he took office and began investigating and prosecuting. When it is remembered that the securities involved in our Federal agricultural banking system have now reached the titanic sum of $2,000,000,000, the scope and the delicacy of Mr. Meyer's accomplished task become apparent.

* * * * * * *

His greatest achievement, though, has undoubtedly been his noiselessness as a vacuum cleaner of the Federal agricultural banking system over which he now presides. He has cleaned it in the midst of noiselessness instead of noisesomeness.

The Federal Farm Land Board smells perfectly sweet again now, and the Republican Party feels very grateful to Mr. Meyer.

Mr. President, if that is the truth as reported by this young man, it evidently was dictated to him by Meyer. If that is the truth, it is quite different from the report of our committee.

I have here a letter just received by me from a man whom I do not know at all. His name is Loehr. His letter is from Richmond, Va., December 27, 1928:

HONORABLE SIR:

* * * * * * *

I desire to state that I am a lifelong resident of this State and have been a citizen and taxpayer since reaching my majority and bear as good reputation and character as anyone.

I hope he does.

I am the holder for a trust fund of $5,000 in the joint stock land bank, First Carolinas, of Columbia, S. C., and have been greatly disappointed in finding the price of these bonds declining in value from par to 78.

That letter is signed by Charles E. Loehr, post-office box 211, Richmond, Va.

Mr. Meyer says here that these securities have not decreased in value—or this young man says so, who, I presume, got this dictation from Meyer. Here is a letter from one of the stockholders, just written, in which he says that his bonds have gone down from par to 78. I do not know whether Mr. Meyer or Mr. Hard, this newspaper correspondent, would call that an increase or a decrease. When I studied arithmetic I was taught that that was a decrease.

Now, listen to this report, gentlemen:

The books and records of this bank—

Speaking of the Columbia bank—

were found to be complete and satisfactory and all information available.

Yet right now, and for months, there have been men in the bank down there making an examination.

The report says that Mr. Arnold, the president of the bank, was exonerated by the grand jury from wrongdoing; and yet they forced Arnold out of the bank on the 1st day of this month.

Mr. Meyer, in this interview, says that the other bank is all right; and yet Mr. Lever, former Congressman, has just recently resigned and gotten out; one man connected with it committed suicide because he was discovered to be a thief; another is in the penitentiary to-day serving a sentence. Yet the report of this committee came on the floor of the Senate before the election, of course. Meyer would not have dared give out this interview before the November election—not that it would have affected the election at all, but he was hiding; he was deceiving.

This report further goes on:

No official of the Columbia Intermediate Credit Bank has been implicated in the fraudulent transactions.

That is your committee report; and yet, as I have just stated, both of the presidents have had to get out, one of the cashiers committed suicide, and another is in the penitentiary.

Furthermore, the report says:

A special examination of the Columbia bank, its records, and accounts was instituted in August, 1926.

Less than two years—possibly 16 months—just before I introduced my resolution and offered this proof and filed it with the clerk of the Senate; and yet the report says that this examination—

disclosed nothing which in any manner incriminated the officers of the Government bank.

The report also says that it is in good condition. Where is its good condition, Mr. President? What is its condition now? I want to call the attention of the Senate to the fact that somebody has not given the facts in this matter. I want to know whether it is Mr. Meyer, whether this committee was deceived, whether this committee deliberately reported to the Senate alleged facts that were not facts, or whether the young man who wrote this interview is the man. One of the three has certainly written what is not true.

I call your attention to Mr. Meyer's further statement there, or this young man's statement, that Mr. Meyer has cleaned up all the Federal banks. I have another resolution before the committee asking that the entire agricultural banking system be examined into. Last May, just before the Senate adjourned, there was not anything wrong with any of them according to Meyer. They were all in perfect condition, and had not done anything wrong. Now Meyer comes in here this morning, or this statement does, saying that he has got several of them in the penitentiary, several of them on the way to the penitentiary, and that he has driven out many officers from these banks. When did all this corruption go on? When did it start, Mr. President?

Another thing along the same line: I know personally that in these banks in Columbia—one headed by Mr. Arnold and one

headed by Mr. Lever—not only have they turned out their president but they have turned out many of their bookkeepers. They are making changes all the time; and there is a young man from Columbia in this city right now in consultation with certain parties in reference to some changes that are to be made soon.

With these facts before the Senate, I do not expect any action; I am not asking any; but I simply call the attention of the world and of the Senate to the fact that this corruption and stealing has been going on for years, and that the Federal officers in charge of the banks knew it; and if the Senate had brought on this investigation when I begged them to do it millions of dollars would have been saved to this country and to the farmers of the country that have been stolen and put into the pockets of somebody else. Who got it? We know who lost it.

REPORTS OF COMMITTEES

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2362) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of Red River, Okla. (Rept. No. 1393);

A bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo (Rept. No. 1394);

A bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah (Rept. No. 1395); and

A bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes (Rept. No. 1396).

Mr. CAPPER (for Mr. HOWELL), from the Committee on Claims, to which was referred the bill (S. 88) for the relief of James Gilfillan, submitted an averse report (No. 1397) thereon.

He also (for Mr. HOWELL), from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13498) for the relief of Clarence P. Smith (Rept. No. 1398); and

A bill (H. R. 8859) for the relief of Edna E. Snably (Rept. No. 1399).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 10908) for the relief of L. Pickert Fish Co. (Inc.), reported it without amendment and submitted a report (No. 1400) thereon.

Mr. ROBINSON of Indiana, from the Committee on the Judiciary, to which was referred the bill (S. 2204) to amend section 284 of the Judicial Code of the United States, reported it without amendment and submitted a report (No. 1401) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5528) to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign (Rept. No. 1403);

A bill (H. R. 5617) to limit the date of filing claims for retainer pay (Rept. No. 1404);

A bill (H. R. 7209) to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available (Rept. No. 1405);

A bill (H. R. 8327) for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age (Rept. No. 1406);

A bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve (Rept. No. 1407);

A bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States (Rept. No. 1408);

A bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels (Rept. No. 1409);

A bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy (Rept. No. 1410);

A bill (H. R. 14660) to authorize alterations and repairs to the U. S. S. *California* (Rept. No. 1411); and

A bill (H. R. 14922) to authorize an increase in the limit of cost of two fleet submarines (Rept. No. 1412).

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the enrolled bill (S. 3127) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes; to the Committee on the Judiciary.

A bill (S. 5224) granting an increase of pension to Jeremiah D. Ballew; and

A bill (S. 5225) granting an increase of pension to Lucinda Johnson; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5226) granting an increase of pension to John Nelson West (with accompanying papers); to the Committee on Pensions.

A bill (S. 5227) for the relief of James McCabe (with accompanying papers); to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 5228) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; to the Committee on Public Buildings and Grounds.

By Mr. NORRIS:

A bill (S. 5229) to amend section 876 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. BRUCE:

A bill (S. 5230) amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof (with an accompanying paper); to the Committee on the Civil Service.

By Mr. TYDINGS:

A bill (S. 5231) granting an increase of pension to Laney M. Darkey; to the Committee on Pensions.

A bill (S. 5232) to amend the World War veterans' act, as amended; to the Committee on Finance.

A bill (S. 5233) to amend chapter 2515 of the acts of the Fifty-ninth Congress, providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States; to the Committee on Military Affairs.

By Mr. WAGNER:

A bill (S. 5234) for the relief of Ludwig Baer; to the Committee on Claims.

A bill (S. 5235) to provide for the admission to the mails as second-class matter of publications of charitable societies; to the Committee on Post Offices and Post Roads.

By Mr. HALE:

A bill (S. 5236) for the relief of Oscar R. Hahnel (with accompanying papers); to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 5237) granting a pension to David P. Smith; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5238) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, to authorize the erection of a public warehouse for the storage of Government supplies, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 5239) granting a pension to John Tyman; to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 5240) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.; to the Committee on Commerce.

CHANGES OF REFERENCE

On motion of Mr. ROBINSON of Indiana, the Committee on Pensions was discharged from the further consideration of the bill (S. 5090) for the relief of Lewis H. Easterly, and it was referred to the Committee on Military Affairs.

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 5060) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929, and it was referred to the Committee on Pensions.

LOANS TO DRAINAGE OR LEVEE DISTRICTS

Mr. ROBINSON of Arkansas submitted an amendment intended to be proposed by him to the bill (S. 4689) to provide

for the making of loans to drainage or levee districts, and for other purposes, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

DETAIL OF ENGINEERS, BUREAU OF PUBLIC ROADS

Mr. ROBINSON of Arkansas submitted an amendment intended to be proposed by him to the bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters, which was ordered to lie on the table and to be printed.

AMENDMENTS TO THE AGRICULTURAL APPROPRIATION BILL

Mr. CARAWAY submitted an amendment intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 52, line 24, insert the following:

"To enable the Department of Agriculture to make a survey of the flora of the State of Arkansas to determine its distribution and richness in honey-producing substances, $10,000."

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 10, after line 11, insert the following as a new paragraph:

"The provisions of the act of July 24, 1919 (U. S. C. p. 58, sec. 536), with respect to annual and cumulative leave for certain employees of the Department of Agriculture stationed in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands, shall hereafter apply to all employees of said department assigned to permanent duty at any place outside the continental limits of the United States."

Mr. SHORTRIDGE submitted amendments intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 35, line 3, to strike out the numerals "1,077,231" and insert "1,097,231."

On page 43, line 21, to strike out the numerals "413,000" and insert "443,000."

Mr. ODDIE submitted amendments intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 40, line 11, strike out "$6,703,000" and insert in lieu thereof "$6,778,000."

On the same page, line 15, after the word "exigencies," insert the following: "*Provided further,* That $75,000 of the sum appropriated in this paragraph shall be available for insect-control work in said forests."

On page 52, line 5, strike out "$194,000" and insert in lieu thereof "$229,000."

PRINTING OF DOCUMENT ENTITLED "TUBERCULAR INFECTION OF ANIMALS"

Mr. MOSES submitted the following resolution (S. Res. 290), which was referred to the Committee on Printing:

Resolved, That 25,000 additional copies of Senate Document No. 85, Seventieth Congress, entitled "Tubercular Infection of Animals," be printed for the use of the Joint Committee on Printing.

LANDS CEDED TO THE UNITED STATES BY MEXICO

Mr. GEORGE submitted the following resolution (S. Res. 291), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee it may designate for the purpose, be, and it hereby is, authorized and directed to make a thorough investigation of and report to the Senate its findings and recommendations regarding charges that have frequently been made and continue to persist, and reports that have long been current and now prevail that vast tracts of lands within the area of the lands ceded to the United States by the Government of Mexico were corruptly and fraudulently turned over to and delivered into the possession of private interests, and have been held and are now held by said interests without color of title; that qualified citizens seeking to exercise constitutional rights relative to said lands, and parts thereof, have been maliciously threatened, intimidated, slandered, libeled, and arrested, and have been corruptly indicted and held under outrageous bonds for long periods of time, and then released without a hearing or a trial; that private interests continue in the unlawful possession of the public lands by reason of their exerted influence over those whose duty it is to enforce the law.

That said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpoena or otherwise; to require the production of books, papers, surveys, maps, grants, patents, and any and all other documents pertaining thereto; and to employ stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee or any member thereof may administer oaths to witnesses and sign subpœnas for witnesses and records; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or refuses to answer the questions pertaining to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the committee who audit and control the contingent expenses of the Senate.

COMMITTEE SERVICE

On motion of Mr. REED of Pennsylvania, and by unanimous consent, it was—

Ordered, That Mr. BURTON be assigned to membership on the Committees on Civil Service and Commerce; that Mr. HASTINGS be assigned to membership on the Committees on the District of Columbia and Post Offices and Post Roads; and that Mr. THOMAS of Idaho be assigned to membership on the Committee on Mines and Mining.

TURNING FARM WASTE INTO FARM PROFITS

Mr. SCHALL. Mr. President, I ask unanimous consent to address the Senate for 15 or 20 minutes on turning farm waste into farm profits.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Minnesota will proceed.

Mr. SCHALL. Mr. President, before the holidays I introduced Senate bill 4834, which was referred to the Manufactures Committee, Chairman GEORGE P. MCLEAN, which, if enacted, will point the way to turn farm waste into farm profits, take up the slack in agriculture, and give tremendous impetus to farm production, put into the pockets of the farmer an extra billion and a half dollars, and reduce the cost of home building and newsprint paper. I also introduced Senate Joint Resolution 183, which was referred to the Committee on Printing, HENRIK SHIPSTEAD, chairman, to print the CONGRESSIONAL RECORD on paper made from farm waste. This will give this particular industry a market of about $3,000,000.

The United States uses to-day about 60 per cent of the wood-pulp paper of the world. We import $275,000,000 worth of spruce-pulp paper every year, while cornstalks, straw, and sugar-cane pulp rot or are burned. Why not turn this $275,000,000 over to the distressed farmer instead of allowing it to go to the foreign Paper Trust? Why not save the newsprint paper buyers from twenty-five to thirty million dollars freight charges a year?

So many inquiries have been coming to me since the introduction of these bills that it seems to me a statement as to their purpose would be of interest at this time.

My bill, S. 4834, calls for an appropriation to build manufactories in different parts of the country where this raw material can be secured easily and demonstrate the commercial practicability of making a high-grade writing paper, newsprint paper, compo board, insulating board, and wall board from straw, cornstalks, and sugar-cane pulp, thus utilizing and turning into profit what is now waste and burnable nuisance. The Prairie Farmer, a national magazine, is printed on cornstalk paper. The Tipton (Ind.) Tribune has published two issues on cornstalk paper, Council Bluffs (Iowa) Nonpareil and the Logansport (Ind.) Press are about to publish editions on cornstalk paper.

I hold in my hand paper made from cornstalks. It is a page from the Danville (Ill.) Commercial News. It is as good paper as and better than is made to-day from wood pulp. In this particular paper, which was printed on December 16, a 100-sheet paper, there was published a letter written by the Secretary of Agriculture. I send it to the desk and ask to have it read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The legislative clerk read as follows:

I have your letter of November 19 and am very glad, indeed, to write you regarding my interest in the development of farm-waste utilization, especially in the utilization of cornstalks.

This department has been at work for many years on various methods of utilizing these waste products and has shown conclusively that cornstalks can be utilized not only for paper and building boards of various kinds but for various food products and other materials.

A recent survey made by this department, with a view to determining whether the spread between the cost of manufacture of these products from straw and cornstalks and the selling prices of the finished products

would compare favorably with other sources of raw material, shows that it is within the range of practicability to accomplish this.

With the cooperation of this department and the Bureau of Standards practical tests are now in progress in the Middle West, especially at Ames, Iowa, which have for their object the cheapening of commercial processes of manufacture and the methods of gathering, baling, and storing the stalks. Doctor Woods, of this department, recently visited Ames and assures me that the progress made there indicates that the improved machinery being devised in the engineering department and the improved methods being worked out by Doctor Sweeney appear to have reached a practical stage and have already aroused much interest among manufacturing groups with a view to putting them into practical operation.

I will be very much interested in the issue of the Commercial News of Sunday, December 16.

There is no doubt that an enormous volume of available material now going to waste can be utilized. With the rapid progress that is being made in the technical and commercial procedures we feel sure that a new day is at hand when many of these agricultural wastes will become sources of profit, not only to the farmer but to the country at large.

I wish to commend your efforts to promote interest in this subject.

Yours very truly,

W. M. JARDINE, *Secretary.*

Mr. SCHALL. Last session Congress appropriated $50,000 for experimental purposes along this line. The story of the fight to get this little $50,000 appropriation would be of great interest and point a moral for reflection concerning our Department of Agriculture which exists for the benefit of the farmer. This $50,000 appropriation to the Department of Commerce was blocked through the efforts of the Department of Agriculture, who reported to the Bureau of the Budget that it was a duplication of their appropriation and it was only through the alertness and vision and belief in this line of development in the interest of the farmer of Herbert Hoover, then Secretary of Commerce, now President elect, that the appropriation was secured. After this appropriation had been blocked by the Department of Agriculture Herbert Hoover went to President Coolidge and had this appropriation revived by Executive order for use by the Bureau of Standards. Thus the farmer has our President and our future President to thank that the Department of Agriculture was not allowed to continue its unusual zeal in behalf of foreign wood pulp at the expense of our farmers. It will also be interesting to note that as much as a million dollars annually have been appropriated to the Department of Agriculture, at its request, for the development of paper pulp from other woods than spruce, while they now, through a pamphlet printed and sent out since this bill was introduced, openly admit that they have known for 20 years that straw, corn stalks, and sugar-cane pulp could be used to make paper. Why was this valuable discovery kept so quiet? Why not allow our devastated timberlands to revive while using the waste products of the farms, and permanently establish our paper supply within our own borders and outside the dictation of the foreign paper trust? And why is the Department of Agriculture in their recent pamphlet advocating that compo board be made of cornstalks, sugar-cane pulp, and straw when there is no importation of this article at all? Absolute control of newsprint paper is, in the end, control of our newspapers; perhaps it would be interesting to note the statement printed in Editor and Publisher a week or so ago that the Canadian paper trust have already put $16,000,000 into preferred stocks and bonds of well-established newspapers of our country and have another $100,000,000 and more to invest likewise providing they can secure contracts to furnish them their paper for the next 15 years. It is also curious to note that the paper manufacturers of Ontario and Quebec have secured the services of the premiers of Quebec and Ontario to officiate in these negotiations.

The country that controls the oil supply of the world will control the freedom of the seas, because oil is now the future propelling power of ships. The Dutch Shell Oil Co., in which the British Government is interested, now controls that oil supply and, I have heard it said, through affiliations and secret contacts is in control of 80 to 90 per cent of oil within our own borders.

The ship of the land to-day is the automobile. It needs oil. But it also needs rubber. We have no rubber, but Britain's far-sightedness has this article cornered. Oil, rubber, and public opinion are essential to the welfare of this Republic. And yet foreign propaganda has already split our naval replacement program in two and would now have us abandon it altogether.

From the meager appropriation of $50,000 great vistas of farm profits from waste have unfolded, due to the energy of W. E. Emley, of the Bureau of Standards, and Prof. O. F. Sweeney, of the Agricultural College, of Ames, Iowa, where $18,000 of the $50,000 has been spent. To the impoverished and despairing farmer the achievements of chemistry are beyond compare, make Ali Baba pale, and dim the rays of Aladdin's lamp, for through actual experiments cornstalks, straw, cotton stalks, and sugar-cane pulp can be turned into newsprint paper and sold for less than 2 cents per pound, about half the cost before this bill was introduced, and a long ways below the peak price of 6½ cents, and still leaving a wide margin of profit to the manufacturing plant and giving the farmer $12 per ton for cornstalks or cane pulp, $5 per ton for any kind of straw. This would give the farmer $12 an acre and up for his cornstalks, $15 an acre and up for his wheat, rice, or other straw. How many tons to the acre of sugar-cane pulp, I do not know, but I do know that it would at least run a ton. For the cotton and peanut farmer another chemical process has been practically demonstrated to turn peanut shells and hulls of cottonseed, over 2,000,000 tons of which are now annually burned, and oat hulls into a substance known as xylos. This is a sort of sugar which has no food value; is used now for explosive purposes, and sells at $100 per pound, and can be easily converted into automobile fuel, if produced in surplus quantities, or used to make rayon. The utilization of cotton hulls and peanut shells in producing xylos would soon convert this now burned waste into large profit for the southern farmer. Such a plant can be constructed for $50,000. Fruits of all kinds can by chemical process be turned into acids, and the culls, surplus, and rotted fruits that now stand as total loss can be put on the credit side of the ledger.

In my State to-day potatoes are a drug on the market. You can hardly get enough to pay for the sack in which they are shipped. Of course, we can remedy this situation somewhat by raising the duty on potatoes and thus keep out the Canadian potatoes that in the spring flood our market, and raising the duty on starch, and thus give the farmer the benefit of the present annual importation of over $3,000,000 worth of starch, but while we are waiting to raise the duty on farm products, which they sorely need, why not build a factory which will demonstrate the practicability of turning the potato into high-grade alcohol and net the farmer around $1 a bushel for his potatoes? Demand is steadily increasing for high-grade alcohol to be used in lacquers and paint known as Duco. It will take the place of banana oil, which we now import. We are shipping into this country to-day $10,000,000 of blackstrap, which is being made into alcohol. Why not divert this $10,000,000 into the pockets of the farmer, along with the $275,000,000 spruce pulp import and the over $3,000,000 starch import?

We appropriated last session $10,000,000 to eradicate the corn borer. This eradication consists of raking up the cornstalks and burning them at a cost of $3 an acre. Why not make it possible for the farmer to rake up these cornstalks and get $12 an acre for them instead of being in the hole $3? Why not eradicate poverty of the farmer along with the corn borer by appropriating the six and one-half million called for in my bill and locate in the region where the raw material is most convenient these manufacturing plants and demonstrate to private capital or farmers' cooperative associations these practical methods of turning farm waste to profit and give a tremendous impetus to agriculture; bring back the value of farm land, melt the frozen credits, take down the for-sale signs, lift the mortgages, stop the bank failures in agricultural districts, bring back the farmer boys to their homes from the overcrowded labor market of the cities, and eradicate the blight of despondency from the farmers' prospects, and remove the pending threat of foreign control of our newspapers? Why not put the farmer on an equal basis with the prosperous industries of the country which are to-day making their profits from former waste? The manufacturer has discovered that the profits of to-day are the waste of yesterday. The packers' profit to-day from former waste is more than they used to get from the main product, which gives rise to the proverb that they use and sell everything but the "squeal" of the critter.

The slag, the culm heap, the bone pile, and the chaff which the wind driveth away are the source of great and ever-greater income as the scientific minds of the world uncover the eternal verity that nothing is lost and nothing is waste.

When Congress shall have appropriated the money to work out the most economical method of production along this line paper and wall board and xylos manufacturing plants will spring up like magic in all the agricultural States, with the mother plant located somewhere in the State where shipping facilities, water, and so forth, are accessible. While throughout the State will be scattered the pulp-making plants, covering a

radius of 30 or 40 miles, more or less, as the quantity of the raw material can be produced. These pulp-making plants can be erected for less than $100,000 and the farmer with his truck to-day thinks nothing of taking a load of a couple of tons or more over our ever-increasingly good roads to market 30 or 40 miles away.

The pulp thus produced can be dried in cakes, shipped or trucked to the mother plant, where with water again added it can be run through the rollers which are about 1,500 feet in length, and come out paper or wall board, for which the market is eagerly waiting, and the spruce pulp, which now goes into these commodities can then be held for far better prices for rayon, and reforestation will be given an impetus. The wood-pulp plants of to-day require tremendous crushing power consequent on coal, oil, or water power, while the chemical process requires no power and can, therefore, be set up anywhere, close to the raw material where water, shipping, or trucking facilities can be readily had.

Why pay freight from foreign countries on these commodities when they can be produced right at your home for far less than you are paying to-day? Why not use home product to print your papers, write your letters, build your houses?

In conclusion, let me say, Mr. President, that it seems to me that it is sure to come about that this process will be used. I will state just one reason that causes me to think so. The International Harvester Co., knowing that Herbert Hoover has been thinking along this line, knowing that he was back of this little appropriation of $50,000 to get something done for the farmer, have already set their engineers to work building a cheap, practical, home machine for cutting and binding and baling cornstalks and straw. They would not be doing that unless they thought something was coming along this line.

It is very encouraging to me because I know of the tremendous interests that are opposing the plan. It seems to me there is a time coming when we are going to be able to take the farm waste and turn it into a profit for the farmer, and when that is done I think the agricultural question will be well on its way toward settlement, when the farmer shall be put more nearly on an equality with the other industries of the country.

In the extra session which will be called for adjustment of the agricultural situation, we must raise the duty on farm products and also arrive at some plan whereby the surplus product of the farm can be lifted from the domestic market and thus give the farmer the actual benefit of whatever protection Congress sees fit to give him to equalize his industry with the other protected businesses and industries of the country. After five years of study on this surplus production problem it seems to me that the only sound and enduring basis for such an equalization is the plan known as the equalization fee which distributes the cost of lifting the surplus over the whole product, but while we are arguing over what is the best method of taking care of the surplus crop, let us get busy and appropriate the money called for in my bill and thereby demonstrate the commercial practicability of turning the farmer's waste into profit and add $15 and up an acre to the farmer, a part of whose crop is straw of any kind, $12 an acre and up to the corn grower, $12 an acre and up to the sugar-cane grower, $7 an acre and up to the peanut and cotton grower. In short, under this new chemical process, any vegetable such as the tops of sugar beets or other beets, carrots, or any vegetable or plant leaves can be baled and sold. Thus, nothing produced by the farmer would go to waste and all be credited on the right side as profit and herald a new era for agriculture.

These farm wastes are produced every year in the same locality, therefore assuring adequate material constantly for paper plants using field crops for the manufacture of their product and not a will-of-the-wisp supply, that is here to-day and some place else to-morrow.

Mr. President, I ask unanimous consent to have published in connection with my speech some articles written by Blair Coan, well-known author and newspaper correspondent in Washington, who has collected statistics and facts and put them into very comprehensible articles along this line, and also I ask permission to print several newspaper articles and editorials relating to the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

[From the Kokomo Dispatch]

SCHALL'S NEW RESOLUTION

Senator THOMAS D. SCHALL, who is championing a fight in Congress for Federal backing to further the industrial utilization of cornstalks, rice and wheat straw, and other farm waste material, in the manufacture of newsprint paper, has come forward with a new resolution.

The proposition embodied in this latest resolution presented by Senator SCHALL, would provide for the printing of the CONGRESSIONAL RECORD on paper made from waste products of the field crops on American farms.

Here is a very practical method by which the Government can encourage the manufacture of paper from farm waste material, and assist to a degree in relieving the distress of the agricultural class. Large quantities of paper are purchased by the Government for the publication of the RECORD, and the suggested substitute would suffice very well. The Government could establish its own mills and use them as laboratories for perfecting processes of paper manufacture along this new line, thus stabilizing the business on an economic footing with competitive wood-pulp mills.

The Prairie Farmer, a national magazine of wide circulation, printed its December 15 issue on cornstalk paper, and proved the potential possibilities of this new product. Right here at home, the Tipton Tribune has published two issues on cornstalk paper. While the new print paper does not immediately measure up to the satisfactory standard of the wood-pulp product, it is remarkable that the first rolls have been so nearly perfect. The strength is even greater than that of ordinary newsprint, and the slight imperfections of the first output certainly can be easily eliminated by modern chemists. With the Government in charge of the experimentations, it is certain that the day will be speeded when farm waste material will be in demand, and when a new revenue will be flowing into agricultural channels to help in the restoration of rural prosperity. We should bear in mind that only a few years ago, American packers and millers had waste products which to-day are turned into the creation of new margins of profit.

[From the Tribune, December 17, 1928]

THE FARM BY-PRODUCTS PROBLEM

American meat packers have for many years been pointed out as outstanding practitioners of industrial thrift. For commercial purposes they developed the by-product business until it was virtually 100 per cent. That is to say, they found ways of making profitable use of the raw animal material that was once discarded as waste. They now use hair, blood, bone, membranes, offal to such economic purpose that by-product operations are now on about as impressive a scale as the packing business proper. The profits of the whole industry are essentially the by-products profits.

Under scientific research and discovery many other manufacturing industries have learned to utilize much that was once dealt with as waste. Progress in this direction has been of considerable worth to American industry in keeping it on a competitive footing with the industries of other countries where labor and other costs are smaller.

There has of late been a serious turning to the farm as a place where it is possible to make much of the by-products policy to the great economic advantage of agricultural producers. It has been found that a great deal of farm material now burned or otherwise disposed of as excess baggage may be made a source of farm income. Somebody who has made a study of the question estimates at $1,500,000,000 the amount that can be added annually to American agricultural income with commercial utilization of what is now farm waste.

Among the leading waste materials of the farm are straw and cornstalks, of which the aggregate is tremendous. From these can be made tar, illuminating gas, alcohol, oxalic acid, paper, strawboard, a silken fabric, and other commercial products. Corncobs, peanut shells, oat chaff, and surplus potatoes are other materials that yield themselves to this sort of scientific use.

The Federal Government has been asked to make liberal appropriations for demonstration plants at strategic points throughout the country to put the farm by-products business on a stable and paying basis, or at least to show by extensive experimentation what can be done toward that end. Whether Government aid to that extent is desirable or necessary is not a question to be answered offhand. We should first be well assured that private enterprise, benefiting and guided by the findings of Federal and private scientific research, can not be depended on to take up the work and carry it on to practical conclusions on a commercial basis. The object is a worthy one, since economic progress is largely a matter of economic thrift.

[From the Mitchell (S. Dak.) The Evening Republican]

WOULD BE AN EXCELLENT START

THOMAS SCHALL, the blind Senator from Minnesota, had an excellent idea the other day when he proposed that the CONGRESSIONAL RECORD be printed on paper made from the waste-crop products of the farms of America. The suggestion was advanced in a resolution offered by Senator SCHALL.

If it should come to pass that the resolution is adopted, it would be a tremendous impetus to the very infant industry of making paper from cornstalks. Mr. SCHALL did not estimate how much paper is used in the CONGRESSIONAL RECORD, but it must be an immense

amount, and the Government bill for the printing of the RECORD is much more than that publication is worth.

However, if it were printed on the products of waste from the farms, the farmers wouldn't complain so much about the bill. We're for Senator SCHALL's suggestion all the way.

[From the Faribault (Minn.) News, Monday, December 17, 1928]

Senator SCHALL proposes that the Government shall try out the possibilities of utilizing waste farm products. He has introduced a bill calling for an appropriation of $6,550,000 from which to construct demonstrating plants in various parts of the country. According to the bill, two of these plants are to be built in Minnesota, one $1,000,000 plant for the manufacture of flax and wheat straw pulp and paper and a $500,000 plant for the manufacture of potato alcohol. This bill is a distinct effort in behalf of agriculture. The Government has spent larger sums upon less promising experiments. There seems to be good reasons why such a bill should be passed.

[From the Washington Herald]

By Arthur Brisbane

PAPER FROM CORNSTALKS

Yesterday morning cornstalks were taken to a Danville pulp mill. Six hours later the cornstalks appeared as newsprint paper in a special edition of the Danville Commercial News. It was good paper. That's important news for farmers, newspaper publishers, and those interested in forest preservation.

If cornstalks can produce cheap paper, trees will be safe.

[From the St. Cloud (Minn.) Journal-Press, Tuesday, December 18, 1928]

Senator THOMAS SCHALL, of Minnesota, has introduced a bill in the Senate whose purpose is to "transform agricultural wastes into profits for the American farmer," which is certainly commendable. * * * His idea is that the cost of making the demonstration can properly be met by the Government. As most of these demonstrations are for the making of paper the press of the country will naturally approve.

[From the Waterloo Tribune, Friday, December 28, 1928]

FOR USE OF FARM WASTES

Senator SCHALL, of Minnesota, is interesting himself deeply in use of farm wastes. He has a bill for the appropriation of some $7,000,000 for the building of experimental plants. He would build pulp mills, paper mills, for turning waste into useful products. After the experiment proved successful, his bill would direct the Government to sell the mills to private concerns.

Another bill directs the Government to print the CONGRESSIONAL RECORD on paper made from cornstalks, rice, wheat, or flax straw.

Paper made from cornstalks has been used in printing a book describing the process. And this class of paper would be just as suitable for the CONGRESSIONAL RECORD as that now used. Senator SCHALL'S idea is not that the Government would consume a great deal of waste products in this one journal, but that the mills could get started by Government patronage and from that point develop.

The Government would be doing agriculture a service in this. It might extend the use of farm waste paper to all departments, as bulletins, envelopes—in fact, most of the printed matter sent out of Washington—could be served well by paper of this grade.

[From the Marion Leader-Tribune]

CORNSTALK PROFITS

If making paper from cornstalks develops into the large industry that the successful operation of a plant for that purpose at Danville, Ill., would seem to forecast, the farmers who produce the cornstalks are going to have to give the proposition of disposing of them some thought if they are to derive the profit from the new industry that they should.

An article in the Kansas City Star points out that the Danville industry sends out crews to husk the farmers' corn and gets the stalks for its service. The farmer has more leisure, but not more money. To make the industry profitable to the farmer, he should collect and bale his stalks as well as his straw and sell the bales to the industry. He would put in more time, but would have more money. The price should be sufficient to make the saving of the field waste a real incentive.

Certainly private experiment has shown enough to justify the Government in extending it. The Government has the facilities to reach definite conclusions. The cost is negligible compared to the value of this possible industry to the farmers, if it utilizes at a profit, a vast volume of crop material that now goes to waste. There is in this possibility a real aid to the farmers from sources not considered in general plans of farm relief.

Furthermore, if an important source of supply of pulp for paper and wall board and many other products now derived from other sources should be found on the farms, to that extent there would be a saving of the forests that now are cut far beyond processes of replacement for the making of wood pulp.

[From the Canby (Minn.) News, Friday, December 21, 1928]

TO UTILIZE FARM WASTE

Senator SCHALL proposes that the Government shall try out the possibilities of utilizing waste farm products. He has introduced a bill calling for an appropriation of $6,550,000 from which to construct demonstrating plants in various parts of the country. According to the bill two of these plants are to be built in Minnesota, one $1,000,000 plant for the manufacture of flax and wheat straw pulp and paper and a $500,000 plant for the manufacture of potato alcohol. This bill is a distinct effort in behalf of agriculture. The Government has spent larger sums upon less promising experiments. There seems to be good reasons why such a bill should be passed.—(Faribault News.)

[From the St. Cloud (Minn.) Journal-Press, Thursday, December 27, 1928]

SCHALL PROPOSES PULP PLANTS IN MINNESOTA TO FEED WHEAT AND FLAX STRAW PAPER MILL—ST. CLOUD SUGGESTED AS LOCATION FOR PLANT; WOULD AID FARMERS AND RAILROADS

By Blair Coan, special Washington correspondent

WASHINGTON, D. C., December 27.—It was learned to-day that the $1,000,000 appropriation for a wheat and flax straw paper plant for Minnesota as outlined in Senator THOMAS D. SCHALL'S farm waste bill includes pulp plants to be located in various sections of the State, so that every farmer will have an opportunity to sell his present waste to those mills. Under Senator SCHALL'S program plants would be located at Duluth, Winona, Fergus Falls, Mankato, Rochester, and St. Cloud, with other locations to be selected later.

These plants would be for the purpose of reducing the straw to pulp and then the pulp would be shipped to the demonstrating mill, where it could be rolled into paper. It is authoritatively said that pulp plants could be started in practically every locality by the farmers, if they so wished, as their cost is very small, and in this way every community could reduce its waste to pulp and find market for it at the paper mill.

The railroad would benefit greatly by the added freight revenue, as at present these wastes are not transported. In a measure this project may assist the railroads of Minnesota, who complain they are hard pressed for freight revenue.

[From the Lincoln (Nebr.) Journal, Wednesday, December 19, 1928]

Senator SCHALL, of Minnesota, has introduced a bill which provides for the establishment of governmental experiment stations to study the problem of utilizing waste products of the farm. His idea is not that the Government should enter the business but that it should demonstrate the practicability of the manufacture of various products from cornstalks, wheat straw, and other waste materials. The plants which are now actually doing this thing on a commercial basis are the ones that hold hope for the farmer, but experimentation by the Government along this line might be of additional aid to agriculture.

[From the Litchfield (Minn.) Independent, Wednesday, December 19, 1928]

Senator TOM SCHALL has introduced a bill appropriating six and a half million dollars to erect demonstrating plants in Minnesota and other States for experiment manufacturing of paper and other fiber products from straw, flax straw, cornstalks, rice straw, sugar-cane refuse, and peanut shells, also a million dollars for a plant to be located in Minnesota to make alcohol from potatoes. No doubt much of these materials, now wasted, could be worked up into useful articles at a profit, but somebody has got to start the ball rolling.

[From the Wilmington Star]

WOULD SAVE FARM WASTE

A Senate bill, introduced by Mr. SCHALL, of Minnesota, aims at converting farm waste into salable commodities.

* * * * * * * *

Chief interest centers on the effort to manufacture paper pulp from ordinary farm products, but the entire bill affords a form of farm relief that would be permanent if successful. Favorable action on the Schall proposal would at least serve to try an experiment that may result in undreamed-of benefits.

[From the Danville (Ill.) Commercial-News]

WALTON LEAGUE WELCOMES USE OF CORNSTALKS—STATISTICIAN SHOWS THAT TON OF CORNSTALKS IN PAPER WILL SAVE 15 TREES

"Making paper from cornstalks is the basic conservation development of far-reaching benefits."

This significant statement comes from the Izaak Walton League of America in an article giving data on the forest situation with refer-

ence to the use of cornstalk paper received by W. T. Byland, president of the Danville chapter of the league.

The data was furnished by Seth Gordon, former director of conservation for the State of Pennsylvania, and with the national organization of the league for the past two years.

Mr. Gordon writes:

"Hundreds of thousands of tons of material which is now permitted to go to waste can be utilized to save a like amount of wood pulp made from forest trees. The Federal Government is also recommending that cornstalks be disked into the soil in order to curb the advance of the European corn borer. It appears that by chopping the cornstalks fine through the disking process the host of the borer is destroyed. If the cornstalks are utilized for the manufacture of paper a threefold purpose will be served—save the forest, utilize a waste material, and curb the ravages of a most destructive insect, in the curbing of which the United States Government is now spending $10,000,000 a year. Other destructive insects may likewise be destroyed by the same process.

"Pennsylvania was the home of America's first paper factory, established in Philadelphia in 1693. The paper in that mill was made from rags and was turned out in single sheets by hand. Paper for the press of Benjamin Franklin was made on Chester Creek, Delaware County, near Philadelphia. This mill produced paper by hand as late as 1866. During the American Revolution it supplied paper for the Continental currency.

"Franklin himself became interested in paper manufacture and is said to have started six different mills. When Washington and his associates met in Independence Hall to write the Constitution of the United States there were 48 paper mills in Philadelphia.

"Between 1850 and 1860 almost all newsprint was manufactured from straw. As the process of manufacture developed, plants were consolidated. In 1880, with the impetus given to the paper manufacturing industry upon the introduction of wood-pulp material, there were 50 paper mills in Pennsylvania alone, turning out products worth two and a quarter million dollars. In 1890 the number of such establishments had gone to 82, with an annual output of almost $5,000,000.

WOOD PULP CAME AFTER CIVIL WAR

"Paper from wood pulp was not made on a commercial scale in the United States until after the Civil War. Since the paper industry started in Pennsylvania, it is only natural that the process for making paper from wood pulp should have been developed in that State. In 1830 the first patent was issued to two Pennsylvania men, residents of Meadville, for making paper pulp from wood.

"The actual manufacture of paper from ground pulpwood fiber began in this country in 1867. The first experiments of pulpwood manufacture were made by Benjamin Tilhman, of Philadelphia. He began his experiments shortly after the close of the Civil War, but abandoned them just before bringing them to the point of commercial operation. His process was taken up in Sweden about 1870; the first American sulphite mill began operations in 1882. In 1870 there was but one establishment in Pennsylvania producing paper from wood.

"Paper mills were built in many other States, but many of them consolidated their operations. For example, there are now said to be only 12 pulp mills in Pennsylvania, but they consume 420,000 cords of pulpwood annually. The pulp mills of that one State require the annual wood crop of a half million acres of well-managed woodlands, a considerable part of which is imported from other States and even Canada.

"In 1850 the consumption of paper was 9 pounds per capita annually. In 1928 it is said the annual consumption of paper will be more than 200,000 pounds per person. We are now using more than 12,000,000 tons of paper annually, of which three and one-half million tons is newsprint, one and a half million tons magazine and book stock, and all other papers combined will total about 7,000,000 tons.

3,000 TONS PAPER IN 1810

"Publication of the first newspaper in America began in 1704. The output of paper in 1810 was estimated at 3,000 tons. By 1819 production had more than quadrupled. The Civil War, with its stimulus of news, increased the paper production of 1859 to 386,000 tons, in 1869, or a 10-year period, which marked the end of the period during which paper was made exclusively of other materials than wood.

"The soda process was the first of three chemical processes introduced. Chipped wood is cooked in a solution of sodium hydroxide. Under this process the short-fibered woods, such as aspen, yellow poplar, basswood, and the gums, are reduced. Soda pulp is used almost exclusively in book and the fine papers to give body.

"The mechanical process, sometimes called the ground-wood process, was introduced about the same time, but is based upon a different principle. It reduces such coniferous woods as spruces and true firs by abrasion against a rapidly revolving stone.

"The sulphite, which was the second chemical process to come into use, depends upon a cooking solution of bisulphate of lime and produces long-fibered pulp from such woods as the spruces, the firs, and the hemlock. This pulp is used to give the requisite strength to newsprint, books, and the fine papers. The sulphite process therefore is the most generally used of any of the wood-pulp processes.

"The third chemical process, the sulphate or Kraft process, is more recent and uses sodium hydroxide and sulphide in cooking, and from the hard pines, larches, etc., produces a very strong pulp, the standard use of which is for wrapping paper but which also is an important constituent of boards.

"Because of the nature of the solution ordinarily used, the soda and the sulphate processes are sometimes called the alkaline processes, and the sulphite is called the acid process.

"The United States now uses more paper than all other countries in the world combined. America originally had 822,000,000 acres of forest lands; now we have but 470,000,000 acres, of which 125,000,000 acres is original timber.

THREE TONS PRINT TO ACRE OF TREES

"Second-growth timber is represented by 250,000,000 acres, and 80,000,000 acres has been devastated through unwise lumbering and forest fires, until it is practically a barren waste. We import a large amount of pulp and pulpwood each year from Canada and several north European countries. Large amounts of paper manufactured complete are imported from Canada and several European countries. We cut more than four and one-half million cords of wood a year, but the total wood consumed in the United States and elsewhere to meet our paper requirements is approximately 10,000,000 cords of domestic and foreign wood.

"A cord of wood produces approximately 1,200 pounds of paper, or enough to supply the consumption, at the present rate, of six people. Statistics indicate that approximately 20 per cent of the present paper requirements in America are met by using waste paper and reprocessing it in such a way that it can be worked into various grades of paper and newsprint, but mostly paper board.

"Reducing the figures further, we find the United States pulpwood stands in the Northeast and in the Lake States runs about 5 cords per acre. On this basis the forest on 1 acre would make about 3 tons of newsprint, or 2½ tons of sulphite paper. By using 10 trees to a cord, as an average, 1 ton of newsprint paper requires about 15 trees, and 1 ton of all sulphide paper requires about 20 trees; whereas 1 ton of book paper, made up of new pulp and old paper combined, requires about 12 trees.

"The annual pulp requirements are approximately 2,400,000 acres. The American Pulp and Paper Association estimates that less than 1,000,000 acres of this requirement is supplied in the United States annually; the balance is imported in the form of pulpwood, pulp, or paper.

"If the cut of pulpwood is about 5 cords per acre, which reduced to paper amounts to 6,000 pounds, or 3 tons, and the average ton of paper used requires approximately 15 trees, it will be seen that every ton of cornstalk paper used will save 15 trees, or one-third of an acre of forest land. In view of the fact that America is cutting her timber five times as fast as it is being grown, this is very significant."

[From the St. Paul Pioneer Press, Thursday, December 13, 1928]

SCHALL EXPECTS FARM BACKING FOR BILL TO TEST STRAW PAPER MAKING

By Edgar Markham, Pioneer Press staff correspondent

WASHINGTON, December 12.—Support of farm organizations for his bill to establish a number of Government plants to demonstrate the utilization of waste products of agriculture is expected by Senator THOMAS D. SCHALL, of Minnesota. The bill has been referred to the Manufacturers Committee, and the Senator hopes to have public hearings shortly.

Five of the eight plants proposed by Senator SCHALL would be $1,000,000 factories to produce pulp and paper. Experiments with flax and wheat straw would be made in Minnesota. Rice straw in Arkansas, sugar cane in Louisiana, cornstalks in Indiana, and wheat straw in Kansas.

PLANT FOR SPUD ALCOHOL

For Minnesota, in addition, would be a $500,000 plant for the manufacture of potato alcohol. Location of the various plants would be left to the congressional delegations of the different States.

Senator SCHALL said he introduced his bill as a result of experiments recently made by W. E. Emley, chemist in the Bureau of Standards, with the use of wheat and flax straw, cornstalks, rice straw, beet sugar tops, cane pulp, and other straws for the manufacture of all kinds of paper, including print paper, compo board, wall board, and similar products.

For these experiments the last Congress appropriated $50,000, a part of which was expended on an experimental plant at Ames, Iowa. Senator SCHALL said the plan was to prove the commercial value of the products made from straw and cornstalks, and when placed on a paying basis, to turn the factory over to private operators.

NO POWER REQUIRED

By the use of the chemical process which Mr. Emley discovered white paper may be produced at a cost of 1½ cents a pound, Senator SCHALL explained. He added that no power was required to operate such a factory.

Wheat straw should bring about $15 an acre when sold to the proposed pulp factory and cornstalks about $12 an acre, it is thought. Senator SCHALL said an added benefit would be the elimination of the corn borer, for which Congress has appropriated millions, by reason of the removal of cornstalks from the fields.

One pulp factory can use the straw and cornstalks produced in 1,000 square miles of territory, Senator SCHALL asserted. * * *

[From the Minneapolis (Minn.) Morning Tribune, Tuesday, December 25, 1928]

CORN BORER SPURS USE OF CORNSTALKS—UNITED STATES BUREAU TURNS ATTENTION TO UTILITY OF BY-PRODUCTS—PAPER, MOTOR FUEL, ARTIFICIAL SILK AMONG DISCOVERIES

By George F. Authier, Tribune Washington correspondent

WASHINGTON, D. C., December 24.—The dreaded corn-borer pest, for the combatting of which Congress appropriated more than $10,000,000 in a single year, may prove a blessing in disguise if it continues to give impetus to the movement of the Bureau of Standards and the Department of Agriculture to utilize waste products of agriculture, particularly corn stalks and cotton stalks.

After an elaborate series of experiments, scientists of the Bureau of Standards have demonstrated that it is practicable to utilize corn stalks for the production of paper, artificial silk, pasteboard, building board, insulating board, and a score or more of valuable chemical by-products, including a motor fuel which it is predicted will eventually rival gasoline.

This important branch of research work was begun some years ago. It was given a new lease of life, however, by the sensational spread of the corn borer, and the wide publicity given throughout the country to the campaign of the Department of Commerce to educate farmers to the necessity of cleaning up and disposing of the cornstalks before midsummer of the following year.

RESULTS SATISFACTORY

The work of the Bureau of Standards has progressed far beyond the experimental stage. In conducting the most recent investigations, care has been taken to base the operations on a commercial scale, and the results have proved so satisfactory that a semicommercial plant is now being erected at Anniston, Ala., in cooperation with the Alabama State authorities, two State universities, and the Federal Phosphorus Co. to develop the technique of the new industry on a commercial scale. In the operations at Anniston, cotton stalks and cotton hulls will be the material most largely used, but it is to be noted that cornstalks may be used in the same manner.

As proof of what can be done with cornstalks it is to be noted that a recent edition of a Danville (Ill.) newspaper was printed entirely on paper made from such stalks. The paper, it is attested, compared favorably in color and quality with wood-pulp paper. The Bureau of Standards scientists have produced many examples of pasteboard, wall board, building board, and insulating material which compares favorably with the best examples of such materials made from wood pulp or cane. By subjecting the cornstalk pulp to extreme pressure a board is produced which is believed to have greater toughness and resisting qualities than wood boards of the same dimensions.

COST REDUCED

Practical experiments carried out at Ames, Iowa, Urbana, Ill., and Danville, Ill., have demonstrated, bureau experts assert, that the cost of collecting raw materials—cornstalks, cotton stalks, wheat straw, peanut shells, cottonseed bran, etc.—which hitherto has proved an obstacle, can be reduced to about $5 or $6 a ton. This figure, it is pointed out, is reasonable compared with the cost of wood pulp, since Canadian wood for pulp runs in the neighborhood of $10 to $12 a ton. Another important item is the fact that cornstalks are available in sections of the country which are far distant from the pulp-wood forests; and with mills located in the Corn Belt the transportation charges are materially reduced. It is to be remembered, too, that the cornstalk crop is annual, whereas a forest once cut over is not replenished immediately. At the same time the need for cleaning up cornstalks, as a check against the corn borer, ties in most handily with the new industry.

"In the Corn Belt or cotton-growing region," said a Bureau of Standards expert, "there is enough material within a radius of 10 or 15 miles to run a huge plant."

Where mills already have been established highly economic methods of collection have been instituted. Machinery especially adapted to the cutting and baling of the cornstalk has been devised, and the mills have organized a truck-collection service, which gets the baled material to the factory with a minimum of effort and expense.

ADVANTAGES CITED

There is slightly more waste in cornstalks or cotton stalks than in wood, the former running from 30 to 35 per cent fiber, and the wood from 40 to 45 per cent. However, this is offset by other considerations; and the fiber itself of the corn and cotton stalks is frequently more desirable because of its greater length, bureau experts assert.

That the importance of more recent development in this field is appreciated in authoritative circles is indicated by the fact that the Senator from Minnesota has introduced as a farm-relief measure a bill providing large appropriations for continuing work along these lines. The measure provides:

One million dollars for the study of flax and wheat straws in Minnesota.

Five hundred thousand dollars for the production of alcohol from potatoes in Minnesota.

One million dollars for the development of rice-straw paper and pulp in Arkansas.

One million dollars for the establishment of a sugar-cane paper and pulp plant in Louisiana.

One million dollars for a strawboard plant in the San Joaquin Valley, Calif.

Fifty thousand dollars for a plant utilizing peanut hulls, to be located near Albany, Ga.

One million dollars for a plant to convert wheat straw into paper pulp in Kansas.

MORE ECONOMICAL

The thing that makes the new processes worked out by the scientists of the Bureau of Standards so important is that they are more than twice as economical as any methods previously used. For years it has been the practice to cook wood with chemicals to obtain the fiber or cellulose for paper making. By this method all sugars and lignins were dissolved out and burned up in the process of recovering the chemicals.

Another method, practiced largely during the war, was to treat wood or sawdust with acids to recover sugars which were fermented in ethyl alcohol. By this method, however, the cellulose was destroyed. By the Bureau of Standards' method now in use, both the sugars and the cellulose are retained.

By a series of extractions and clarifications, a substance called xylose sugar is obtained from the wood, corn stalks, cotton stalks, peanut hulls, or whatever fibrous material is being used. This xylose is converted to a substance called xylotrihydroxy-glutaric acid, which is somewhat similar to citric or tartaric acids, and is used in the manufacture of soft drinks, for making cakes, ice cream, and in the dyeing industry.

Xylose also can be converted to "furfural," a liquid used for making molded plastic materials such as electric light fixtures, knife handles, taking the place of hard rubber or bakelite.

MOTOR FUEL MADE

Xylose may also be fermented into alcohol and acetone, which forms a most efficient motor fuel. Bureau chemists are convinced there is enough industrial waste in the country to supply the automobiles in the United States with fuel. So far, the production of this fuel has been carried out only on a laboratory scale, but studies made of its commercial possibilities are said to have proved extremely encouraging.

Besides the xylose sugar, agricultural wastes yield certain gums which are useful as binding material in the manufacture of coal briquets, as adhesives for the making of paper boxes, or the cementing of inside building material.

Besides converting the cellulose residue into cheaper forms of cellulose useful for the manufacture of papers, Bureau of Standards' chemists have also changed it into very valuable alpha cellulose suitable for making nitrocellulose and cellulose acetate, which is used in the manufacture of lacquers, varnishes, and artificial silk. It is also used in the manufacture of solid materials, such as celluloid.

Xylose may be converted into an antifreeze compound which is said to have many advantages, both of economy and utility, over other antifreeze compounds. The increasing demand for a substance of this kind makes the manufacture of the antifreeze compound almost an industry in itself, scientists assert.

[From the Commercial News, Danville, Ill., December 16, 1928]

COMMERCIAL-NEWS USES CORNSTALKS FOR EDITION OF PROGRESS—WORLD'S FIRST NEWSPAPER UTILIZING FARM WASTE FROM FIELDS OF VERMILION COUNTY INAUGURATES INDUSTRIAL ERA OF INTERNATIONAL IMPORTANCE

By Jack M. Williams

The Commercial-News presents to the world to-day the first daily newspaper printed on cornstalks.

And incidentally—because Danville is the cradle of a development attracting world-wide attention—this newspaper takes advantage of the opportunity to present the story of its community along with that of the cornstalk pulp and paper industry which has been born in its midst.

The paper you hold in your hand heralds more eloquently than printed or spoken words an accomplishment which the outside world recognizes to be of national and international importance.

This practical demonstration tells convincingly to a world hungry for new sources of paper-making material and new supplies of cellulose for industries which affect all people's daily lives that science has at last found a way to supply those needs from waste products of agriculture.

What reader is so lacking in imagination that he can not hear the rustle of the corn fields as he turns these pages?

Who can not visualize as he reads these printed columns that the successful establishment of a pulp and paper industry using agricultural wastes as its raw material means—

The stopping of overdrafts on the world's forest resources.

Automatic flood control by arresting the destruction of forests at the headwaters of streams.

Creation of new sources of income for agriculture from by-products now wasted.

Building of pulp and paper mills where they have never been built before—wherever corn is grown abundantly and there is ample water supply for manufacturing.

Gradual return of part of the American paper industry from Canada and its eventual establishment near the center of population and industry—the Corn Belt of the Middle West.

This newspaper is the answer to skeptics who said, "It can't be done."

It has been done!

The making of paper from cornstalks, high-grade and low-grade paper—paper showing qualities that surprise experts and even those who sponsored its development—is now on a commercial scale. Cornstalk pulp is being shipped in carload quantities from the world's first commercial cornstalk pulp mill in Danville.

MANY USES FOR CORNSTALK PULP

The paper in the black-and-white sections of this edition was manufactured in the plant of the Kalamazoo Vegetable Parchment Co. in Kalamazoo, Mich., from pulp produced by the Cornstalk Products Co. of Danville.

The first commercial run of 58,000 pounds was witnessed by paper experts, who up to the last moment were skeptical of the results. Slowly, cautiously at first, and then at increasing speeds until 500 feet per minute were coming over the rolls 13 feet 3 inches wide—enough paper to cover an acre in 7 minutes—this first cornstalk newsprint was produced. It was run finally at the top speed of the most modern paper machine in the world, a new installation costing $750,000.

Since this first sheet was produced on October 19, 1928—mark the date for it will be historic—cornstalk paper has been waxed for fine water-proof paper, coated by the Michigan Paper Co. in 65-pound and 80-pound weights for fine illustrations, and made in "antique" finish as high-grade book stock for the world's first book on cornstalk paper, calendared for retogravure printing and produced in white and yellow tinted bond for letterheads and envelopes.

Some of the characteristics of cornstalk paper are its toughness and smoothness. The fiber is fine and short, so short that paper-making experts did not believe it would be a satisfactory paper-making material.

Several paper manufacturers have experimented with cornstalks in a desultory way without attaining anything commercially practicable. It remained for an organization composed of men almost entirely outside the pulp and paper world to conquer the supposedly insurmountable difficulties of developing a practical paper-making pulp from cornstalks. The story of how this has been accomplished, the difficulties encountered, the obstacles overcome, is one of the industrial and scientific romances of our time.

In printing the edition of progress on cornstalk paper, the Commercial-News does not intend to imply that newspapers for the immediate future are likely to be printed on cornstalk paper.

Naturally the first output will go into papers costing more than newsprint, but this edition shows what can be and has been done.

Sponsors of the cornstalk-pulp development do not expect to revolutionize the paper industry or to bring about a great industrial migration overnight.

[From the Danville (Ill.) Commercial-News]

EXPERT CLAIMS CORNSTALK HAS LOW FERTILITY

Dr. George M. Rommel, official investigator farm waste utilization for Secretary of Agriculture Jardine, believes that any company that offers the farmer an opportunity to get rid of his cornstalks is doing that farmer a service.

* * * * * * *

In an article in Successful Farming Doctor Rommel summed up the latest available scientific information on cornstalks as fertilizer.

"All the statements on this point," says Doctor Rommel, "have been based on straight chemical analyses of nitrogen, potassium, and phosphorus contained in cornstalks. The prevailing local values of these chemical constituents, as shown by fertilizer prices in the neighborhood of the man who made the analyses, were taken to estimate the money value of the fertilizing constituents removed from the soil in a ton or an acre of harvested cornstalks.

"The trouble with this method is that no attention was paid to the availability of the fertilizing constituents, and this throws the assumed values out of line, especially in the case of nitrogen. This is not the fault of the men who originally made these estimates; blame it on the progress of knowledge.

"It is now known that the bacteria which decomposes cellulose, which makes up 35 to 40 per cent of the weight of cornstalks, do not act in the absence of nitrogen. Therefore cornstalks will decompose only if nitrogen is added to them, or, if they are plowed under, at the expense of nitrogen already in the soil. In the light of this fact, there are reliable chemists who will risk an estimate of no more than 75 cents as the value of the nitrogen in a ton of cornstalks.

"It is obviously ridiculous to argue about the fertility value of cornstalks with a man who rakes them up and burns them every spring, or for such a man to contend that they are worth $3 to $5 or some other figure a ton when he would burn them anyway. Likewise are both sides to the debate off the track when the corn borer is right around the corner and the old stalks must be disposed of before the next crop is planted."

"HORSE" SENSE IN MAKING NEWSPRINT—WASHINGTON CORRESPONDENT URGES USE OF FARM WASTES IN THE MANUFACTURE OF PAPER

By Blair Coan

(Copyright 1929)

WASHINGTON, D. C., January 3.—This is a narrative about "horse" sense and farm aid. They should go together, but they don't. If they did this would not be a news story.

For about 40 years, aided and abetted by the Department of Agriculture and all other departments which might aid or abet, we have been cutting down our forests to make print paper. The fact that material capable of making all this paper has and does rot on American farms, causing about a billion dollars loss to the farmer annually, is not the subject of this chronicle—it is the pitiful object.

Our highly trained scientists not only indorsed this denuding of our woodlands, but now that spruce is about extinct are suggesting we chop down all other standing timber and make paper of it. I am neither trying to qualify as a scientist or as a farmer. The only science I know is not to trump my partner's ace and as for farming, I don't know peanuts from potatoes until they reach the grocery store. But I maintain, falling back on "horse" sense as authority, that these trees serve a useful purpose as they are and as long as we can make paper without them why make it with them?

About 30 years ago Kansas was our well-known cyclone State. When you went there to visit the first question you asked was: "Where is the cyclone cellar?" and every time you saw a cloud in the sky you measured the distance between where you were and it. But they had a little "horse" sense in Kansas, and about that time the farmer began planting trees as windbreaks. The Kansas that was, 30 years ago, barren of trees is now almost a woodland. And who for the past 10 years has read of a Kansas cyclone? Then Kansas was dotted with cyclone cellars, to-day they are a curiosity.

In Indiana and Illinois cutting and not much planting of trees has been carried on for 30 years and in the past 10 years the whirlwinds which made Kansas famous have been transferred to these two States.

The Mississippi River has been overflowing its banks each spring ever since it had banks, but each year the volume of water and the flood damage increases. This is because when there were plenty of trees in the upper basin States the roots held the water in the ground and allowed it to run off slowly. Now there are fewer roots to hold it and the water runs directly through the ground into the rivers. Each year these floods are sure to increase, just as they did, and are still doing, in China, after all the trees were cut down and despite all engineering science.

We may scientifically dam the Mississippi with a billion-dollar appropriation but "horse" sense tells us that if we would make our paper from waste field crops and allow the trees to stand and keep on planting them, we would accomplish more.

There are many other things that trees do for men. They affect climate. They cause the rain, so necessary for growing crops. But above all, why spend millions each year devising means of making all kinds of trees into paper when these waste farm materials have the same relative value in paper, but no other worth to the human race?

So if we cut down all the trees and allow the farm wastes to rot there will not be such a large demand for paper, because there will not be so many people left to demand it. This may prove up with science, but it doesn't sound like "horse" sense to me.

OF IMPORTANCE HERE

News of the possibility of construction of a million-dollar Government plant for the manufacture of by-products from sugar-cane stalks is of enormous importance to Baton Rouge and to the State.

Provision for such a plant is included in the Schall bill just introduced into Congress.

* * * * * * *

The idea embodied in the Schall bill is a highly important one from an economical standpoint. Any utilization that can be made of agricultural products going to waste represents a forward step that may lead to far-reaching results. Bagasse, or that portion of the sugar cane which remains after it has been crushed in the mill, is already utilized to some extent in the manufacture of celotex, a fiber wall board. Limited experimentation has been conducted in making paper from bagasse.

and while complete success in this phase project has not yet been achieved it is possible that further and more complete experimentation will yield more satisfactory results. Cornstalks are already bringing good market prices, and it is claimed that bagasse likewise can be advantageously utilized.

This is an age when the manufacture of by-products has reached enormous proportions and must be counted as an important factor in the economic world. The greater utilization of bagasse would not only mean larger return for the sugar planters, but would also represent an important contribution to the industrial world and to the scheme of living.

It is welcome news to know that such a project is receiving attention, and as something of tremendous importance to Louisiana and to Baton Rouge there should be cooperation of forces in promoting the establishment of an experimental plant here.

PROCESS OF MAKING PRINT PAPER FROM CORNSTALKS SUPPRESSED FOR 20 YEARS

By Blair Coan

(Copyright 1928)

About 20 years ago a chemist working in the Department of Agriculture discovered that white paper could be produced cheaper and better by using the cellulose of field crops than by the conversion of spruce wood. He reported his discovery to the then Secretary of Agriculture, and the fact was heralded to the world. This was all that happened. No effort was made to test the commercial value or costs of making paper from corn stalks, wheat, flax, or rice straw or sugar-cane pulp. With the discovery all work in that direction was abandoned.

NEW BUREAU ESTABLISHED

Meanwhile the lumber and paper interests sent their representatives to the Department of Agriculture to explain that spruce wood might soon be exhausted and that an effort should be made to develop a process through which paper could be manufactured from other woods. If the Department of Agriculture suggested to them that field crops could be utilized when the spruce was all consumed, there is no record of it. But there is a record of what this department did do. It set about establishing at Madison, Wis., what they were pleased to call a bureau of forest products. This organization was and is for the purpose of discovering some method to use other woods for paper making.

Just how much has been expended by the Department of Agriculture in this forestry bureau is not known. The cost is in the millions yearly, and it is certain that already more money has been expended on this bureau than it would cost to erect enough pulp plants to reduce all field crop wastes to paper pulp, thereby increasing the present income of the American farmer by more than $1,000,000,000 annually.

Mr. Hoover secured the passage by Congress of a bill authorizing $50,000 for experiment on farm wastes.

Immediately on the passage of this bill the Department of Agriculture attacked the appropriation on the ground that it was duplicating a work they were engaged in, and with this argument convinced the Director of the Budget that the amount should be stricken out. This was done, but the fact was discovered before it was too late. The item was put back by Executive order, and with this money all these discoveries, including the commercial process of making xylos from cotton-seed bran and peanut shells, which may raise the monetary yield to cotton and peanut planters about $7 an acre, were made.

Whether coincidently or by design, it can not be said, but about this time the lumber interests opened a Washington office and subscribed $5,000,000 to be spent in advertising. The Bureau of Standards continued its work and this summer announced its marvelous discoveries. But the announcement fell on deaf ears. No newspaper correspondent at Washington decided it was worthy of notice, and so, until this paper began publishing the facts as written by your correspondent, the merit of this work was unknown.

BILL INTRODUCED BY SCHALL

Senator THOMAS D. SCHALL, of Minnesota, who realized what these findings would mean to the farmers of his State as well as to the entire agricultural belt, introduced a bill asking for $6,550,000 for Government demonstration plants to prove the commercial value of the work of the Bureau of Standards. Under ordinary circumstances this was what an editor in the agricultural West might consider a good news story, but the Washington correspondents decreed otherwise, and it was not until the papers had received the information by mail that the news services reluctantly sent out a detailed story. However, since that time the entire country has heard of these revelations. Scores of Congressmen and many Senators have either called on Senator SCHALL or your correspondent for information on this subject, and it would appear that those legislators who attempt to thwart the making of profits from farm wastes will have to deal with an electorate whose irritated patience is more than they can endure.

Meanwhile the Department of Agriculture is advising that persons who are interested in the development of farm wastes should direct their attention to the making of strawboard and not white paper. As we import about $275,000,000 worth of paper annually and no strawboard, it is difficult to guess the reason for this suggestion.

But one thing is certain, despite the Department of Agriculture, the lumber and paper industry, the combination of Washington newspaper correspondents to suppress this news, and every other agency, eventually paper will be made from field crops and the farmers will indeed reap a harvest.

This article is lese majeste, of this there is no doubt, and to the charge I plead guilty; but its publication may set aright a wrong which should not be perpetrated.

[This is the first of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—By the passage of Senator SCHALL'S farm waste bill Congress can within five years increase the present income of the American farmer by more than a billion dollars annually. You may think this is an extravagant statement, but the greatest economists of this country are agreed that it is a positive fact.

This new agricultural profit has been made possible by chemistry. The source of this revenue is to be derived from cornstalks, sugar-cane pulp, cottonseed bran, peanut shells, rice and wheat, straw and potatoes, all of which in many sections are now almost waste products.

The discovery of these facts was made by the Bureau of Standards on a cash outlay of $50,000 which the last Congress reluctantly bestowed on that Government bureau. A continuation of this work by allowing the Bureau of Standards to build the necessary plants to demonstrate the commercial value of the newly found products is all that is necessary.

Briefly, cornstalks make better and cheaper newsprint paper than is now produced by spruce pulp. Sugar-cane pulp, another waste product, makes the highest grades of writing paper at much less its present cost. Cottonseed bran and peanut shells, of which 2,000,000 tons are now produced and burned yearly, have been found to contain 45 per cent of xylose, a sugar of no food value which will take the place of glucose in the spinning of rayon, will produce high-power explosives and a number of other necessary commodities. Xylose now sells for $100 a pound. Straw makes the best wall board or synthetic lumber; all we have is now produced from sugar-cane pulp and supplies only 1 per cent of the potential demand. Straw also makes high-grade paper pulp. Potatoes will produce the higher as well as the lower grades of alcohol, which at present to manufacture we import annually from foreign countries $10,000,000 worth of blackstrap molasses.

By allowing these plants to operate Congress will give the corn grower approximately $12 per acre more for his product, the sugar-cane grower the same amount, and add about $7 an acre to the income of the cotton and peanut planter. The wheat farmer and rice grower can increase their monetary yield about $15 an acre, while the potato grower will in reality make his product—a drug on the market—in the form of alcohol.

None of these statements are guesses, suppositions, or a desire to please the agricultural sections of the country. They are cold, hard facts, as will be related in this paper in following articles, which will show in detail what has been done in these particular fields by the Bureau of Standards and what can now be done to secure this money for the farmer.

[This is the second of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington, D. C., This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—The farmer is a manufacturer. He takes seed, mixes it with the chemicals of the soil and the air and produces food. The corn farmer manufactures a product of which he sells, by weight, 40 per cent of the article produced and then throws the other 60 per cent away. Do that with steel rails or any other commodity and see how long you will stay in business. What the farmer now throws away is in reality his profit.

Partly the farmer must blame himself, because the Bureau of Standards at Washington has been functioning efficiently for a number of years and he has not asked help to determine how his waste product could be utilized; but now that white paper can be made better and cheaper from this waste, if he does not see that the plan is worked out commercially, he will have only himself to censure.

The Bureau of Standards has completed a process by which $12 a ton may be paid for cornstalks delivered at the pulp mill, and these pulp mills should be located every 30 miles in corn-growing States. If the coming session of Congress will allow this bureau the necessary money

to build a pulp mill, the commercial value will be established, and from then on it is up to the farmer to see that mills are erected, so the paper manufacturers can secure pulp without importing it from Canada.

Investigation by the Bureau of Standards shows that a cornstalk will produce from 35 to 45 per cent by weight of paper pulp. By paying the farmer $12 a ton for cornstalks delivered at the pulp mill, and after a cost of $18 a ton for processing, the pulp will bring $100 a ton and successfully compete with spruce pulp, which is higher in price and which in quantity is decreasing so rapidly that it soon will be so expensive as to make its use for newsprint paper almost prohibitive.

Furthermore, spruce pulp, which is known commercially as alpha cellulose, is becoming too valuable to be used in the manufacture of white paper. It is now used as the base of gunpowder and paint and is worth more per ton for this use. For this reason paper manufacturers who own standing spruce refuse to cut it for paper pulp, preferring to buy their pulp in Canada, thereby saving their trees to be sold for higher prices to the paint and powder industries. The average acre of corn produces a ton of cornstalks and is harvested from November to March, at a time when the farmer has no other crop.

To be of commercial value, according to the bureau, a pulp mill must have a yearly capacity of 50,000 tons of cornstalks, and this supply must come from within a radius of 15 miles. Therefore, from a territory comprising 90 square miles, or 576,000 acres, such a plant, according to Government figures, will pay the farmer and the processing and yield the owner a net of about $1,400,000 annually.

As in all matters of progress, there is some opposition to this farm aid by the "old school" of paper manufacturers who do not want to use the new pulp, not that it is not as good as spruce pulp, for the Government says it is better, but because it is new.

[This is the third of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—Opposition at this session of Congress, if any considerable amount develops, to the manufacturing of white paper from cornstalks, the programs which will put $150,000,000 more into the pocket of the American farmer, will come in the main from the foreign countries where we are now expending more than $240,000,000 annually in the purchase of white paper and wood pulp.

The United States uses yearly more than 56 per cent of the paper production of the world. About $90,000,000 is sent to Canada by our paper manufacturers to purchase wood pulp and more than $147,000,000 is paid to Canada and European countries for manufactured paper. Of the latter amounted purchased, $131,500,000 is for newsprint paper.

There is one cornstalk pulp plant now operating in the United States; it is located at Danville, Ill., and three weeks ago it shipped its first carload of pulp to a paper mill for manufacture. This plant is operating with a patent developed by a Hungarian and has had many difficulties. The Bureau of Standards, however, declares it has a process which is much more profitable than the one in the use there. The plant at Danville at first attempted to make alpha cellulose for the manufacture of rayon, but failed in this on account of its inability to get the "shiners" or spots out of the finished pulp, so that it has now turned its attention to making newsprint pulp and with which it has been successful.

To supply the amount of paper pulp now imported to this country will require at least 50 plants having a capacity of 50,000 tons of stalks, or 20,000 tons of pulp annually, and to produce the pulp necessary for our import of newsprint paper will require at least 50 more, so that at least 100 of these plants situated in corn States will be necessary to supply our immediate demand. Atop of this, many more pulp mills will be necessary to care for our yearly increasing demand for paper, as well as for those paper manufacturers now cutting their standing spruce for paper pulp who will soon be ready to sell it as alpha cellulose at a greater profit than they are now receiving for it as manufactured white paper.

When Congress acts in this matter the corn grower will add $12 an acre to his yearly income.

[This is the fourth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

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WASHINGTON, D. C., January —.—There is no longer any reason to feed the surplus apple crop to the hogs if Congress will permit the Bureau of Standards to build a plant to extract the malic acid from the surplus of this crop.

This discovery, as well as the making of paper from cornstalks, rice straw, and sugar-cane pulp, wall board from straw, xylos from cottonseed bran and peanut shells, and alcohol from potatoes, is directly traceable to the work of W. E. Emley, chief of the division of organic and fibrous materials of the Bureau of Standards.

In discussing these matters to-day Mr. Emley said:

"There is not a waste product of the farm, be it ever so little, which can not be used to financial advantage by the farmer. I hope to take up the waste in small crops just as soon as the big crop projects we are now engaged in are completed.

"Already in California there is a small plant making citric acid from the culled lemons. The same thing can be done with every other fruit crop; that is, extract the acids from fruits which can not be sold.

"Tops of plants which are now thrown away as worthless are almost 60 per cent cellulose, and when pulp mills are operating may be sent there and sold at a price perhaps as high as that part of the plant now raised for market.

"When these agricultured developments are put into operation farming will be one of the most profitable of vocations."

The next article will deal with where many of the cornstalk plants should be located.

[This is the fifth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent.]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—While as yet there is no official data on the subject, it may be roughly said that about 200 or more pulp plants to make cellulose for paper manufacture will be necessary to supply the need of this country and to make our paper industry self-sustaining. These plants may be located in every section of the country, but principally in the Middle West and Southern States.

There has been no definite work done on this detail except in a general way, but it is possible to say they should probably be located in the following States: New York, Pennsylvania, Maryland, Ohio, West Virginia, Kentucky, Indiana, Illinois, Michigan, Iowa, Missouri, Nebraska, Wisconsin, Texas, Oklahoma, Mississippi, Arkansas, South Carolina, Minnesota, Louisiana, and Kansas.

Those States producing the greatest amount of corn, rice, wheat and flax straw, and sugar-cane will, of course, be chosen for the greatest number of pulp plants. The erection of these plants has another bright side for farming and that is the fact that ultimately all waste materials of every description down to foliage from trees can be reduced to cellulose in them, so the farmer can bale not only his cornstalks but eventually even the waste beet tops and sell them to the mill for $12 a ton.

Cornstalk mills, the Bureau of Standards is inclined to believe, should be built by cooperative farmers' organizations, as a constant supply of cornstalks is necessary to their successful operation, and unless the farmers themselves are interested in the project there is danger of failure through inability to secure the adequate supply of raw material needed. This fact gives the farmer an opportunity to invest in a profitable manufacturing enterprise along with increasing the value of his farm products.

In Senator SCHALL'S bill $1,000,000 is asked for a cornstalk mill for Indiana.

[This is the sixth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent.]

By Blair Coan

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WASHINGTON, D. C., January —.—Corn growers within 10 miles of Ames, Iowa, are now receiving $12 an acre for their cornstalks from an insulating-board plant being operated there by the Bureau of Standards in conjunction with the Iowa State College. Another plant for this purpose has just been completed at Dubuque, Iowa, and is known as the Maizewood plant, so that this winter the corn farmers in that section will be receiving a similar price for their corn-land waste.

The Ames plant was constructed by the Bureau of Standards with $18,000 of the $50,000 gingerly appropriated by our economical Congress, which thinks nothing of spending a million dollars to investigate "bees' knees," or some other highly potential commodity, together with what money Iowa State College could afford to subscribe. It was a difficult undertaking on a shortage of funds, but was finally completed and is now manufacturing as good an insulating board as there is on the market, and successfully competing with similar boards which are produced from sugar-cane pulp.

A difficulty at Ames was encountered in providing the necessary harvesting equipment for the farmer, but this has now been done suc-

cessfully. At Danville, Ill., the farmers use their own balers for this purpose, and with success.

Speaking of the attitude of Congress toward this the greatest economic move in our time, Prof. O. R. Sweeney, the chemical engineer of the Iowa State College, said yesterday:

"It seems to me that the Federal Government should spend large sums of money in developing this sort of thing. If we can afford a huge laboratory at Madison to study forest products and support it with some millions of dollars each year we can do as much for the vast quantity of agricultural waste material, which is estimated to reach almost a billion tons a year."

[This is the seventh of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent.]

By Blair Coan

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WASHINGTON, D. C., January —.—Complete eradication of the corn borer, that deadly parasite which the corn farmer fears most, is certain the moment the corn producer harvests and sells his cornstalks for paper. This worm which destroys the crop comes to life only when cornstalks are allowed to lie in the field, and for this reason the farmer is now compelled to rake these stalks into piles and burn them to guard against this destructive animal.

The cost to the farmer of gathering these stalks and burning them is $3 an acre. Not only can he save this amount of money but he can secure $12 an acre for the waste product he now burns when Congress is induced to act for his benefit.

Having already legislated backwards, Congress is now going to be asked to move forward. Last session our able legislature authorized $10,000,000 to eradicate the borer. This amount of money would construct 10 paper and pulp plants, utilizing the cornstalks from 500,000 acres of land, thereby preventing any invasion by the borer and paying the farmer $13,000,000 for cornstalks and the paper manufacturers many millions more.

One of the most reasonable arguments for locating these pulp and paper plants in corn, rice straw, and sugar cane sections is the fact that, at present, all the paper mills are located along the Canadian border where the spruce is available, with the result that newsprint purchasers have to pay, in some cases, as much for freight as they do for their paper. By building these plants where these products are grown, the buyers of paper in all localities can secure their product at the least possible freight cost. For the above reason, this, of course, can not be done while spruce wood is used for pulp. Newspaper buyers of paper are now paying from $20,000,000 to $25,000,000 annual freight charges, which could be saved. Furthermore, in this connection, every year as the spruce is cut the location of the timber moves farther away from the paper mills and continues to add more and more to the freight cost.

In the use of field crops the product will not move away from the mills, as it is produced yearly on the same land.

[This is the eighth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

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WASHINGTON, D. C., January —.—This week Mr. W. E. Emley, of the Bureau of Standards, chief of the division of organic and fibrous materials, completed his experiments in the use of rice straw for the manufacture of high-grade white paper. The test was a complete success. White paper of the highest quality, which we import to the extent of more than $25,000,000 yearly and the demand for which is increasing so rapidly, the ability to produce enough for our consumption is becoming questionable, can be manufactured from rice straw.

This straw, which is now absolute waste, may be sold to a paper mill at $5 a ton. The average yield to the acre is 3 tons, so that the rice grower will receive an increase of $15 an acre for his product as soon as Congress acts.

The evolution of paper production is again in progress, according to the Bureau of Standards. Seventy-five years ago all paper was made from rags. Slowly this was changed by the introduction of wood pulp, until to-day less than one-hundredth of 1 per cent of the paper used comes from this source and now field crops are going to take the place of wood pulp.

The field-crop pulp may be produced at only a fraction of the present wood-pulp cost, because no gigantic grinding machines nor tremendous horsepower to operate them are essential. Cornstalk, straw, rice, and sugar-cane are reduced to pulp by acids instead of by machines. It is the necessity of that enormous power which is another cause for the paper mills being located along the Canadian border, where water power may be secured to turn these huge wood grinders.

When field crops are used for the manufacture of paper these plants can be located in practically every State, not only utilizing the waste farm crops but also reducing freight costs to the consumer. Senator SCHALL'S bill includes $1,000,000 for a rice-straw plant to be located in Arkansas.

[This is the ninth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—Manufacturing wall board from sugar-cane pulp has been a big industry in this country for more than 10 years. The largest wall-board plant in the country is located at New Orleans, and although it is of great capacity it is able to furnish but 1 per cent of the potential demand for synthetic lumber.

But sugar-cane pulp is so high in cellulose that there is a demand for a paper-pulp mill from the southern planters. Of the $50,000 which Congress so "generously" gave to the Bureau of Standards, there is remaining $15,000, and W. E. Emley, the bureau's chemical engineer, will have to decide whether this is to be used for a cornstalk or a sugar-cane pulp mill. The country at this time can not have both, because Congress in "its wisdom" does not want to be "too extravagant."

Cuba is far in advance of the United States in this respect, for it is already operating a paper-pulp mill supplied by sugar-cane pulp, and the United States is importing paper made there by this process while the cane pulp in this country is either rotting or being consumed in furnaces as a waste product.

Estimates for the coming year show that the United States will produce 600,000 tons of sugar-cane pulp. Of this, only 120,000 tons can be used by the wall-board plant now operating, as that is the maximum capacity of the plant, which means that this year we are going to burn up as waste 480,000 tons of sugar-cane pulp, which if processed would have a money value of $48,000,000. This amount of revenue is the loss this year to those Southern States in which cane is the leading crop.

Frantic efforts are being made by the American Sugar Cane League to induce the Bureau of Standards to expend this magniloquent reserve of $15,000 for a cane-pulp plant, but the corn farmers are just as energetic in their demand that this sum be used for a cornstalk mill, so it appears the Bureau of Standards will be compelled to toss a coin in rendering a decision which may avoid dissension.

[This is the tenth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—The American Sugar Cane League is ready to begin the construction of a number of sugar-cane pulp plants for the manufacture of paper pulp as quickly as Congress allows the Bureau of Standards the money necessary to construct an experimental plant to work out the most economical method of production.

These plants will be located in the States producing the most sugar-cane or in the States properly located climatically which are willing to go into cane production. At the present time there are only two States producing an extent sufficient to supply such mills. They are Texas and Louisiana, but other States may take up more cane production with the assurance of an increase in profits from its culture.

There is no danger of blight to this crop since the importation of Java cane, which is now being cultivated exclusively by the large sugar-producing States. Unlike the Japanese species, it is immune to blight and there is no danger of crop loss in future from this parasite.

Two years ago there was such a shortage of cane pulp that the wall-board plant operating in New Orleans was compelled to import from Porto Rico the pulp to manufacture its product. To bar a repetition of this disaster that company planted 95,000 acres of Java cane in Florida. This experiment demonstrated that Florida can grow cane and offers that State an opportunity to recoup the financial disaster left it by the explosion of the real-estate "boom," which skyrocketed land values beyond all conception of worth, through rehabilitation as a sugar State, which may not be so pyrotechnic but sound development.

Senator FLETCHER, of Florida, has sensed the opportunity thus afforded his State, and is advocating the growing of cane and the erection of a pulp mill.

Sugar-cane pulp not only produces newsprint paper but it can be used to manufacture the higher grades of papers ranking second only to rag paper in texture.

[This is the eleventh of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—An increase of at least $7 an acre in the financial yield of cotton is guaranteed by the new process of saving xylos from the cottonseed bran as devised by the Bureau of Standards. The profit to the cotton planters may be even more than this to the acre, as the exact commercial value of this rare sugar has not been definitely fixed. At present it sells for $100 a pound.

Xylos is a sugar which has no food value. After the cottonseed is crushed, the oil and the cotton meal extracted, there is left what is termed "hulls." The fuzz is then taken from these hulls and sold as linters, and the remaining bran—about 1,000,000 tons a year—is burned to get it out of the way. Now comes the Bureau of Standards, and with a new process utilizes this entire bran. It has been found to contain 45 per cent xylos, and that the remainder is pure alpha cellulose, which means the entire product is marketable.

At present, xylos, on account of its very high price, has no commercial value, but this new process brings its cost down so materially that its use in commerce has now been established. It has been found the best substitute in the spinning of rayon, for glucose, and as glucose has a food value it can now be diverted to channels of animal subsistance. Xylos produces a new explosive which is superior to any now in use; it may be used for "stuffing" leather and tanning and for dyeing wool. It will take the place of lactic and acetic acids in the latter process, as it will be much cheaper. As a harmless flavoring extract for soft drinks and candies it is superior and cheaper than citric and malic acids. In fact it has so many uses that no matter how great the production it will be consumed immediately. The residue, after the extraction of xylos, being pure alpha cellulose will produce rayon silk; so, unlike many other commodities produced, there is no waste.

[This is the twelfth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable revenue to the income of the American farmer resulting from experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—A recent engineering report shows that it takes more heat to warm a house in Texas in winter than it does to warm the same-sized dwelling in Minnesota. The reason for this is that in the northern climates they are now using insulating board in all new houses, while in the South they have not yet come to this mode of building. Further, this report, which is on file at the Bureau of Standards, shows that houses in which insulating board is used are cooler in summer time for the reason that the insulation keeps the outside heat out at that time of year just as it keeps the inside heat in in wintertime.

These facts were gathered for the purpose of finding the potential market for insulating board, which by a process recently invented at the Bureau of Standards will produce this wall board from straw. There being such vast quantities of straw yearly, almost all of which has to be destroyed to make room for the coming crops, it was first necessary to learn if a process to make it into wall board would be a commercial proposition. The bureau believes there will soon be a demand for at least one hundred times as much as is now produced, so there is plenty of market for the product.

The great wheat-producing States are the places at which these plants must be located. Nebraska, Kansas, Minnesota, North and South Dakota, and California offer splendid locations for these mills. Aside from the making of wall board, straw can be converted into newsprint paper with just as high a yield as cornstalks, just as the cornstalks are now being transformed into wall board at the Iowa State University at Ames, Iowa.

There is a great demand for this product on the Pacific coast, all of which has to be shipped from New Orleans. The long-distance haul makes it much more expensive than it would be were it produced from the present waste materials of the wheat fields of the Sacramento and San Joaquin Valleys.

[This is the thirteenth of a series of articles suggesting that the Bureau of Standards be permitted to add an almost unbelievable sum to the income of the American farmer as the result of experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—While experiments completed by the Bureau of Standards show conclusively that potatoes are much more valuable when turned into alcohol than when sold for food, this bureau has no money with which to build such a plant and hence is forced to wait until Congress decides to allow potato production to become profitable.

In many sections of the country the market price for potatoes is so low that farmers do not receive more than the cost of the sacks used to hold them. The result of this is that often a whole potato crop is allowed to rot because of the inability to secure an amount per bushel which would be equal to even the cost of marketing them.

With the view to finding a remedy for this condition the Bureau of Standards began experiments on the chemistry of the potato. The results have more than warranted the expectations.

For some years past there has been imported into this country more than $10,000,000 worth of blackstrap molasses for the production of grain alcohol. These new experiments show potatoes can be converted into grain alcohol so successfully as to compete with this blackstrap. Also it was discovered that from them can be produced the higher grades of alcohol for which the molasses is not suitable. These higher grades sell for as much as $1 a pint for "commercial purposes." Such alcohols as propyl, banana oil, and those used to make quick-drying lacquer and so greatly in demand, may be made from the potato with profit to both the farmer and the manufacturer.

In sections where these potato plants are put in operation the bureau believes potatoes may average in value about $1 a bushel. Senator SCHALL'S bill asks for $500,000 for a potato-alcohol plant.

[This is the fourteenth of a series of articles suggesting that the Bureau of Standards be permitted to add an unbelievable sum to the income of the American farmer as the result of experiments just completed at Washington. This survey is being made by the special Washington correspondent]

By Blair Coan

(Copyright 1928)

WASHINGTON, D. C., January —.—That a forceful effort to secure the production of white paper from cornstalks and other field crops will be made at the coming session of Congress is indicated by a statement made to-day by Senator GUY D. GOFF, of West Virginia.

Senator GOFF is rated as perhaps the most aggressive Member of that body and the suggestion that he might be willing to lead a fight for the farmers indicates success. Another point must be remembered in this connection and that is that Herbert Hoover will soon be the President of the United States and that these developments of financial advantage to the farmer were made by the Bureau of Standards while he was the head of that department as Secretary of Commerce and that he is thoroughly acquainted with the work.

Speaking on the white-paper situation to-day Senator GOFF said:

"The recent report of the Bureau of Standards concerning the use of cornstalks in the manufacture of paper should prove of great interest to the American farmer. It will provide another market for the products of the farm and I am sure will go a long way toward increasing the income of the farmers of this country and thus will help materially toward farm relief. Many years ago I remember reading a report of the Committee on Agriculture of the House of Representatives that a ton of cornstalks could be reduced to a pulp at much less cost than is necessary to reduce a ton of wood to the same condition. Man's ingenuity is constantly devising some new use for paper, and in my opinion unless factories are started in the near future that will use some substitute, such as cornstalks, in the manufacture of paper pulp, the cost of paper will steadily rise and its use in many cases will have to be curtailed."

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 19, 22, 23, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, 14, 18, 21, 25, 27, 32, 34, and 38, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment after the word "Service," insert the following: "to be equipped and maintained by the State of Arizona"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "for the purchase of additional lands, $20,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$297,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,889,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,658,600"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with amendment as follows: In lieu of the sum proposed insert "$1,520,100"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the proposed insert "$1,437,550"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project, $230,000; in all, $236,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For operation and maintenance, $20,000; for continuation of construction, $1,112,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction; in all, $1,132,000."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,978,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$157,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,400"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$5,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$219,400"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 20, 30, 39, 40, and 41.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
FRANK MURPHY,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I ask unanimous consent for the immediate consideration of the conference report. I desire to state to the Senate that there is virtually an agreement on all items with the exception of three. If we agree to the conference report now, we having the papers here, the report will go back to the House and then the House must determine by vote whether they will yield on three amendments or not.

Mr. WALSH of Montana. Mr. President, I ask the Senator why we should take two bites at the cherry?

Mr. SMOOT. If the House agrees to the three amendments, that will end it. This is the way all disagreements in conference are handled.

Mr. McNARY. Mr. President, may I suggest that the two Senators speak a little louder? I am very much interested in the subject and should like to hear what they are saying.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. SMOOT. Certainly.

Mr. NORRIS. As I understand it, the procedure is necessary because of the rules of the House of Representatives.

Mr. SMOOT. Absolutely.

Mr. NORRIS. But I want to ask the Senator a question. Some amendments reported here are, as a matter of fact, as I understand it, really agreed to by the conferees of both Houses, but it will be necessary to have the approval of the House under their rules.

Mr. SMOOT. That is correct.

Mr. NORRIS. Now I want to ask the Senator if one of those amendments is an amendment offered by me on the floor of the Senate in regard to the North Platte irrigation project?

Mr. SMOOT. I will state to the Senator that it is. It is amendment numbered 30, having reference to crediting the farmers on that project with the sum of $2,276.45.

Mr. NORRIS. It has really been agreed to by the conferees?

Mr. SMOOT. Yes; but it had to go back to the House under their rules.

Mr. WALSH of Montana. As I understand the matter, the report advises the Senate of an agreement by the conferees upon all items in difference between the two Houses except three items of particular interest to the Senators from the State of Montana.

Mr. SMOOT. That is true.

Mr. WALSH of Montana. I do not know why the rules of the House should really affect the situation at all.

Mr. SMOOT. They do not on those three items.

Mr. WALSH of Montana. Of course, the report will not be agreed to until the other matters in difference are disposed of?

Mr. SMOOT. This is only a partial report.

Mr. WALSH of Montana. I understand.

Mr. SMOOT. It is to clear up all the items with the exception of the three that I have called to the attention of the Senator.

Mr. NORRIS. As I understand the House rule, it provides that a certain class of amendments going to conference can not be finally agreed to by the House conferees until they have been brought back to the House and reported to the House, and the House given an opportunity to pass on those particular amendments. I do not know whether the amendment of the Senator from Montana is in that class or not.

Mr. WALSH of Montana. I understand that requirement, but that does not seem to affect the situation at all. The House conferees can easily report back to the House that the conferees have agreed upon all except certain items and ask the advice of the House with respect to those particular items. But why should that mean that the Senate must adopt a partial report?

Mr. SMOOT. It is the procedure which is always followed, so that we can dispose of all of the bill with the exception of the items which may be in dispute.

Mr. WALSH of Montana. I want to express to the Senate conferees the appreciation of myself and my colleague for the active support they have given to the Senate amendment referred to. I have no doubt that they have conscientiously and diligently endeavored to support the amendments. But, of

course, if everything else is disposed of except the particular items, everybody else will be in favor of a final favorable report upon the bill, so that it would concentrate everyone against the three amendments. I can see no reason whatever why we should adopt an interim report on the appropriation bill.

Mr. SMOOT. The Senate has the papers and the Senate has to take the next step. There are only two steps to take, either yield to the House or come to the Senate and ask for the adoption of a partial report, leaving the three items undetermined. If the House instructs Mr. CRAMTON, chairman of the House conferees, to yield on those three items, then the bill is completed; but if not, it goes back to conference again on those three items.

Mr. WALSH of Montana. Even so, the Senate would then be obliged to take action.

Mr. SMOOT. No; not if the House yielded on the three items.

Mr. WALSH of Montana. The Senate conferees would be obliged to report to the Senate that the House had yielded?

Mr. SMOOT. Certainly.

Mr. NORRIS. Or the House itself would by message send word to the Senate that the House receded from its disagreement and agreed to the Senate amendments. Technically speaking, the report that the conference committee makes would show a further disagreement, but the House can relieve that situation by agreeing to the Senate amendments. The conferees may recommend to the House that they agree to the Senate amendments. Assuming that the House follow the advice of the conferees, then they will inform the Senate that they have agreed to the amendments.

Mr. WALSH of Montana. Let us assume that the House does not agree. What then?

Mr. SMOOT. Then the bill goes back to further conference.

Mr. WALSH of Montana. Exactly; and then the sole question before this body is the disposition to be made with respect to those three amendments. The Senator from Nebraska having gotten his amendment adopted in conference and other Senators being in like position, they will all be eager to have the bill passed.

Mr. NORRIS. The Senator does the Senator from Nebraska an injustice. I supposed, until I heard what the Senator from Montana just said, that the Senator's amendments were in the same predicament that my amendment was.

Mr. WALSH of Montana. I did not so understand it.

Mr. NORRIS. If that is not so, then I did not understand the Senator's amendment.

Mr. WALSH of Montana. I confidently expected the Senator's support for those amendments.

Mr. NORRIS. When the time comes, if I am convinced that the Senator's amendments ought to be agreed to and that we could get such an agreement by a rejection of the report, I shall be glad to help the Senator. In other words, I did not know there was any difference whatever between the Senator's amendments and the one in which I was interested.

Mr. WALSH of Montana. Then I must have misunderstood the Senator.

Mr. SMOOT. We have been working on this matter for days and have held meeting after meeting. We have done everything we could to come to an agreement. It finally appeared that we could not agree upon the three amendments, and the only procedure left to the Senate conferees was to bring back a partial report and have it adopted, leaving the three amendments still in dispute, and then have it referred back to the House to let the House act upon the three amendments. There is no other way.

Mr. THOMAS of Oklahoma. Mr. President, I desire to make an inquiry before the matter is passed upon finally. I would like to ask the chairman of the conference committee what disposition was made of the amendment adopted by the Senate affecting the payment of funds to support the Kiowa Agency at Anadarko out of the private funds of the Indians? Did the Senate conferees accept the House provision?

Mr. SMOOT. We accepted the House provision.

Mr. THOMAS of Oklahoma. The second question is in relation to the hospital at Fort Sill Indian Agency. I would like to ask what disposition was made of that amendment?

Mr. SMOOT. It went out.

Mr. THOMAS of Oklahoma. In what way?

Mr. SMOOT. We disagreed to the House provision.

Mr. THOMAS of Oklahoma. And the bill as now before the Senate provides that the hospital extension shall be made from Federal funds instead of from private funds?

Mr. SMOOT. The provision for the hospital went out of the bill. That is as I understood the Indians wanted it unless it was paid for from funds in the Federal Treasury.

Mr. THOMAS of Oklahoma. So the report as now before the Senate provides no funds from any source to extend the hospital at Fort Sill?

Mr. SMOOT. That is correct.

Mr. THOMAS of Oklahoma. The item as agreed to by the Senate conferees provides that the agency at Anadarko shall be paid for from private funds in the nature of trust funds to the credit of the Kiowa, Comanche, and Apache Indians. The fact is that those Indians have only a very small amount to their credit. It is less than a million dollars a year. The Indians have a revenue of less than $100,000 a year.

Mr. SMOOT. I will say to the Senator that they have an income of over a million dollars a year.

Mr. THOMAS of Oklahoma. Mr. President, I can not dispute the Senator here, but I live among those Indians; I know their circumstances; and I say their income is less than $100,000 a year, derived entirely from the Red River royalties and from 4 per cent upon the fund they have in the hands of the Secretary of the Interior.

Mr. SMOOT. Either the Senator is wrong or the testimony given before the House committee is wrong. I remember what the Senator from Oklahoma said in regard to the matter before the committee and I looked it up.

Mr. THOMAS of Oklahoma. The fact of the case is that this bill takes money of the Indians in their trust fund to pay the expenses of the agency on their reservation to the extent of fifty-odd thousand dollars. The only trust fund they have is the one they received at the hands of Congress coming from the royalties derived from what is known as the Red River oil fields. These Indians secured that trust fund by their own efforts over the protest of the Department of Justice. They spent their own money in sending delegations to Washington; they spent their own money to hire attorneys; and after prosecuting their efforts for four years the Congress gave them this fund. Now Congress is proposing to take that fund to pay the agency expenses. I think that is wrong. The Senate committee joined in my opinion and struck out that provision and made the item payable from the Federal Treasury, from which it should be payable.

Mr. SMOOT. There are other items, I will say to the Senator, which were treated in exactly the same way, but as to which we had to yield; and of all the Indians in the United States the Indians for whom the Senator is speaking now are more capable of paying the amount out of their own funds than any of the others.

Mr. THOMAS of Oklahoma. That statement, Mr. President, I think will not be borne out by the record, because the Osages have millions to their credit, while these Indians have less than $1,000,000 to their credit.

Mr. SMOOT. The Osage Indians pay the expense out of their funds.

Mr. THOMAS of Oklahoma. If this procedure is followed it will be only two or three years when the Indians will have no funds whatever, and then we shall have to pay their agency expenses from the Federal Treasury or else the agency must be abolished.

Mr. SMOOT. When that time comes that is exactly what we will do.

Mr. THOMAS of Oklahoma. It occurs to me that that is a very bad precedent to set before three tribes of Indians when we are seeking to teach the ways of civilization.

Mr. SMOOT. I think, perhaps, it would be a bad precedent to say to one tribe of Indians who have money on hand and an income of over a million dollars that the Government of the United States should pay all expenses such as we are here considering. There are other tribes which, of course, have no money at all, and the Government pays such expenses for them; and so it will in the case of this tribe of Indians if the time shall ever come when they have no funds with which to pay the expense. That is the position the House of Representatives takes; it has been the policy in the past; and the House refused to depart from the policy which has been followed.

I wish to assure the Senator, however, that the testimony before the House committee—and I have sent for it and I will show it to him—is that these particular Indians have over a million dollars income. I mean that the Indians, as a tribe, have that amount of income.

Mr. THOMAS of Oklahoma. If the Senator can produce testimony showing that the Indians have an income such as he suggests, I will withdraw my objection. The fact is that their income is less than $100,000 a year; and it is now proposed that one-half of that total income shall be used to maintain an agency to supervise their business operations. I think that is wrong, and I protest against that policy. I ask that the con-

sideration of the conference report be delayed until this item can be investigated.

Mr. SMOOT. I do not know what more can be said than has been said. The House would not yield its opposition to the Senate amendment. The House conferees took the position that so long as the Indians have an income they ought to pay the expenses of the tribe; but just the moment it shall happen, if it ever shall happen, that they have no funds with which to make the payment, we will treat them just as we treat all other Indians who have no tribal funds whatever. That is the position which has been taken in the past; it has not been changed; and the House insists that that policy shall be pursued.

Mr. WALSH of Montana. Mr. President, let me remark that there seems to be quite a difference between the two Senators, one asserting that the total assets of the tribe are not to exceed a million dollars and the other asserting that they have an annual income of a million dollars. Of course, if they have an income of $1,000,000——

Mr. THOMAS of Oklahoma. Then I will withdraw my objection.

Mr. WALSH of Montana. There is no reason why the Government of the United States, out of the General Treasury, should pay for a hospital for them. I suggest that the Senator from Oklahoma ask that the report go over until later in the day, when he can advise himself definitely as to that.

Mr. THOMAS of Oklahoma. I shall object to the consideration of the conference report until this item as to the income of these particular Indians has been adjusted between the Senator from Utah and myself.

Mr. SMOOT. Here is what the testimony says. Their income last year was approximately $2,053,545.

Mr. THOMAS of Oklahoma. Who gave that testimony?

Mr. SMOOT. That was given by Mr. Meritt.

Mr. THOMAS of Oklahoma. That is absolutely wrong.

Mr. SMOOT. I will read the remainder of the testimony.

Mr. THOMAS of Oklahoma. Very well. Let the Senator read it all.

Mr. SMOOT. I will read the testimony:

> The Indians have attained a rather high degree of civilization through contact with the incoming whites and they live under measurably equal economic and social conditions. Their income last year was approximately $2,053,545, including $623,618 from agricultural leases; $121,823, grazing leases; $301,275, land sales; $375,000, crops sold and consumed; $300,000, salaries and wages; $100,000, per capita payments; $53,045, oil and gas leases; $52,500, livestock and other sources.

Making a total of $2,053,545.

Mr. THOMAS of Oklahoma. Mr. President, this report takes into consideration the amount that these Indians produced on their farms on the basis of an estimate made. There are 6,000 Indians on this reservation. Perhaps from their allotments it may be true, from an estimated standpoint, that they have collectively among them produced that amount of wealth; but the tribal fund is what I am speaking about.

Mr. SMOOT. Let me continue with the picture, so that the Senate may determine whether we will be hard upon these Indians if the proposed action is taken:

> Their individual Indian property is worth approximately $23,318,588, including land, $17,605; homes and furniture, $3,100,000; Liberty bonds and money in bank, $1,463,524; implements and machinery, $24,247; livestock, $270,957; and other property—

Not here listed.

I submit to the Senate that Indians with that amount of property, and with that amount of income, can at least afford to pay $50,000 for maintaining the agency out of the income they receive. If these Indians shall ever become, as are other Indians in other agencies who have no income whatever, totally dependent upon the Government, they will be treated exactly the same as other Indians in such circumstances are treated; but it seems to me, in view of what they have in the way of assets and income, that they can well afford to pay. If the Senator wants me to do so, I can give him a detailed statement of their income and property; but under the circumstances I do not think that they are going to feel very badly about paying $50,000 for maintaining the agency.

Mr. THOMAS of Oklahoma. Mr. President, I live among those Indians; there are 6,000 of them; they are scattered in probably five counties. At the time of the allotment each Indian was given an allotment of 160 acres, and most of those Indians now have allotments, especially the older ones, and it may be true that these 6,000 Indians living on 6,000 allotments are producing a total each year of hay and corn and livestock and hogs that may be estimated to be worth $2,000,000; but I make the positive statement that these tribes of Indians, the Kiowas, Comanches, and Apaches, have in their trust fund to-day less than the sum of $1,000,000. I make the further positive statement that their total income is less, approximately, than $100,000; and this bill proposes now to take one-half of that total income in order to maintain the agency at Anadarko.

Mr. SMOOT. They certainly would get the interest on their Liberty bonds, would they not?

Mr. THOMAS of Oklahoma. These Indians have the Liberty bonds and deposits in banks as their own private property.

Mr. SMOOT. Yes; and for that reason we also took into consideration the condition of the Indians themselves. They have $1,463,524 in Liberty bonds and deposits in bank.

Mr. THOMAS of Oklahoma. I think these Indians should be given credit if they have that amount of Liberty bonds in their possession.

Mr. SMOOT. Certainly; but I do not think these Indians ought to feel that they should be paupers, so far as the Government is concerned. I think Indians who have worked and put themselves in the position in which these Indians now are are to be commended, but I do not think they should be treated as paupers.

Mr. THOMAS of Oklahoma. In that viewpoint these Indians should be absolved from any agency supervision. If they hold Liberty bonds and deposits of over a million dollars why should they have an agency and be compelled to pay the expense to the amount of $50,000 a year?

Mr. SMOOT. Does the Senator know of their ever asking to be released from it?

Mr. THOMAS of Oklahoma. I have not been here very long.

Mr. SMOOT. I have never heard such a suggestion.

Mr. THOMAS of Oklahoma. They are protesting now against the payment to the expenses of this Indian agency out of their tribal funds.

Mr. SMOOT. We treat them just the same as we treat all other Indians who have incomes sufficient to pay such expenses. I will repeat, however, that if these Indians should ever find themselves in such a position that they could not maintain this payment, if they should at any subsequent time have no income at all, there is no question but that adequate appropriations would be made for them, exactly as appropriations are made for other Indians in similar conditions.

Mr. THOMAS of Oklahoma. Mr. President, I want to protest against this conference report. The sum for the maintenance of this agency should come from the Federal Government. It is unfair to these Indians to take what little funds they have for this particular purpose, especially a fund that came to them in the manner in which this fund came. I understand that I have no power to prevent the adoption of the conference report, but I wish to enter my protest against the policy which it follows.

Mr. SMOOT. Mr. President, I should like to say to the Senator that all the other Indian tribes that have incomes pay such expenses, and the amount is taken out of their tribal funds. I call attention to the fact in this connection that the Montana Blackfeet pay in similar fashion; that the Minnesota consolidated Chippewas also pay; that the Nevada-Carson Indians pay; and New Mexico Indians pay. Why should this tribe, the richest of all the Indians, be eliminated? There is no reason for it; and it would not be right, Mr. President, to provide that they should not do so.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. WHEELER. I object to the consideration of the report.

Mr. SMOOT. Then, Mr. President, I think that we might just as well settle the matter; and I move that the Senate proceed to the consideration of the conference report on the Interior Department appropriation bill, being House bill 15089.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah to proceed to the consideration of the conference report.

Mr. WHEELER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Glenn	La Follette
Barkley	Curtis	Goff	McKellar
Bayard	Dale	Gould	McLean
Bingham	Deneen	Greene	McMaster
Blaine	Dill	Hale	McNary
Blease	Edge	Harris	Mayfield
Borah	Edwards	Hastings	Metcalf
Brookhart	Fess	Hayden	Moses
Broussard	Fletcher	Heflin	Neely
Bruce	Frazier	Johnson	Norbeck
Burton	George	Jones	Norris
Capper	Gerry	Kendrick	Nye
Caraway	Gillett	Keyes	Oddie
Copeland	Glass	King	Overman

Phipps	Schall	Stephens	Walsh, Mass.
Pine	Sheppard	Swanson	Walsh, Mont.
Ransdell	Shipstead	Thomas, Idaho	Warren
Reed, Mo.	Shortridge	Thomas, Okla.	Waterman
Reed, Pa.	Simmons	Trammell	Watson
Robinson, Ark.	Smoot	Tydings	Wheeler
Robinson, Ind.	Steck	Vandenberg	
Sackett	Steiwer	Wagner	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, the junior Senator from Montana [Mr. WHEELER] advises me that he has not with him the papers which he will need to proceed with the discussion of this item, and he therefore asks that it go over until to-morrow. I am perfectly willing that that shall be done; but I desire to give notice that to-morrow morning, as early as possible, I shall call up the conference report for consideration.

The PRESIDING OFFICER. The report will lie on the table.

ELK HILLS OIL RESERVE

Mr. WALSH of Montana. Mr. President, on January 2 the Supreme Court of the United States handed down a decision and opinion in the case of Roy O. West, Secretary of the Interior, petitioner, against Standard Oil Co., the importance of which does not seem to have been appreciated, or at least expressed, through the press. This suit involves section No. 36, 640 acres of land in the very heart of naval reserve No. 1, the Elk Hills reserve, in the State of California, out of which, according to testimony taken before the Committee on Public Lands and Surveys, the Standard Oil Co. has already taken oil to the value of over $10,000,000. The suit presents the question as to whether this particular property belongs to the Government of the United States or whether it has passed to the State of California and from the State of California to the Standard Oil Co.

The State of California, like many Western States, secured from the Government of the United States a grant of sections 16 and 36, nonmineral, for educational purposes. The question as to whether the land is mineral or nonmineral is determined as of the time when the actual Government survey was made, in this particular case in the year 1903.

Prior to that time, about the year 1900, representations were made to the Department of the Interior that entries of lands in that section of the State of California were being made under the agricultural land acts, it being represented that the lands were agricultural in character and not mineral, whereas as a matter of fact it was quite generally believed, if not known, that the land was chiefly valuable for the deposits of oil in it. Accordingly the Secretary of the Interior put out an order suspending from entry entirely all lands within a certain extensive area in that section, including the entire Elk Hills reserve and the particular land in controversy in this litigation.

The survey was then made; and the surveyor reported, when the survey was made in the year 1903, that the land was in fact mineral in character—not only this particular section but all of the land in that immediate vicinity. Not only that, but in his field notes, filed with the report of his survey, he went into detail and explained the reasons for the conclusion at which he had arrived.

However, in the following year, a representative of the department was sent out to make a study of the neighborhood, and he reported that this particular land—this section 36 and other adjacent sections—were nonmineral in character; and thereupon, the order therefore made by the Secretary of the Interior withdrawing the lands from entry was vacated.

Upon that foundation the State of California set up title to this section 36, and conveyed it to the Standard Oil Co., which has occupied the land since that time, its title dating from somewhere about 1909 or 1910.

About the same time, however, the Southern Pacific Co., under its lieu-land selection, selected other lands adjacent to this particular tract, claiming that these lands were likewise nonmineral, and patents were issued to the Southern Pacific Co. for these lands; but it was afterwards believed that these patents had been fraudulently obtained, and with knowledge upon the part of the Southern Pacific Co. that the lands were as a matter of fact mineral in character; and another investigation was started, and was being prosecuted in the year 1912, with the result that the investigators reached the conclusion that all of the lands—not only those embraced within the patent to the Southern Pacific Co. but this section 36—were in fact mineral in character.

I might say that as a result of that, suit was instituted for the purpose of cancelling the patent to the adjacent lands issued to the Southern Pacific Railroad Co.; and as a result of that suit, by virtue of the decision of the Supreme Court of the United States, those patents were canceled, the Supreme Court holding that the evidence was amply sufficient to justify the conclusion that the whole area was mineral in character. That case is reported in Two hundred and fifty-first United States 1, the case of United States against Southern Pacific Co.

This information then coming to the Secretary of the Interior, he directed that proceedings be instituted before the land office at Visalia, Calif., for the purpose of determining the question as to whether the lands were or were not mineral in character; that is to say, whether they were known to be mineral at the time of the Government survey in 1903. He issued an order to that effect, which was transmitted to the chief of field division at San Francisco in the year 1913, and there was lost, and remained lost for seven years, until it was finally unearthed by an officer who was a successor of the man to whom it had been originally transmitted.

It was discovered in the year 1913 among the files of the office of the chief of field division in the city of San Francisco and transmitted in some consternation to the Secretary of the Interior, who was then the Hon. John Barton Payne, who forthwith directed that the proceedings initiated in 1913 go forward; and steps were being taken to carry on the inquiry as to the mineral or nonmineral character of this land when Mr. Payne retired as Secretary of the Interior and was succeeded by Albert B. Fall.

Thereupon the attorney for the Standard Oil Co. appeared before Mr. Fall and represented that all power over the matter on the part of the Department of the Interior had terminated when the report of the special investigator was turned in and the order withdrawing the lands from entry was vacated. The matter was argued out before Secretary Fall on the proposition of law thus asserted, together with another principle advanced by the counsel for the Standard Oil Co. to which I need not refer. Anyway, as the result of this inquiry, Secretary Fall dismissed the proceedings for the purpose of determining the character of the land. That was in the year 1922.

As a result of the investigation conducted by the Committee on Public Lands and Surveys, however, the Senate adopted a resolution directing the then Secretary, Doctor Work, to reinstate the proceedings; and they were again going forward, now for the third time, when suit was instituted by the Standard Oil Co. in the Supreme Court of the District of Columbia to enjoin the Secretary of the Interior from prosecuting the inquiry, upon the contention that all power in the premises in the Department of the Interior had terminated, first by reason of the investigation made in 1904, and second by reason of the determination made by Secretary Fall.

That contention was sustained by the Supreme Court of the District of Columbia, and a judgment granting a permanent injunction was entered. From that judgment an appeal was taken to the District Court of Appeals, which affirmed the judgment of the Supreme Court of the District of Columbia, holding that the title had finally passed to the State of California and the Standard Oil.

Mr. SHORTRIDGE. Mr. President——

Mr. WALSH of Montana. From that judgment an appeal was taken to the Supreme Court of the United States, which reversed the judgment of the District Court of Appeals, holding that no such effect could be given, in the law, to either the action of the Secretary vacating the order withdrawing the lands from entry in 1904 or to the determination by Secretary Fall.

The result of the judgment of the Supreme Court of the United States is that the investigation will now go forward, and the inquiry will be prosecuted as to whether these lands were or were not mineral in character in the year 1903, and only so.

In view of the decision and judgment in the case of United States against Southern Pacific, in Two hundred and fifty-first United States Reports, it seems altogether reasonable to expect that the adjudication will be in favor of the Government of the United States.

It will be interesting in this connection to recall, likewise, that it was because the Standard Oil was at that time taking the oil out of section 36 that Secretary Fall gave to Mr. Doheny a lease of the entire Elk Hills reserve, it being contended that so much oil was being withdrawn by private exploiters that it would be impossible to retain the rest in the ground.

I now yield to the Senator from California.

Mr. SHORTRIDGE. The supreme court here decided in favor of the company.

Mr. WALSH of Montana. The Supreme Court of the District of Columbia.

Mr. SHORTRIDGE. The court of appeals reversed the lower court.

Mr. WALSH of Montana. Oh, no.

Mr. SHORTRIDGE. It reversed the decision of the other court?

Mr. WALSH of Montana. No.

Mr. SHORTRIDGE. It affirmed it; yes. I did not hear the Senator's earlier remark.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. From which an appeal was taken, and the decision of the court of appeals was reversed by the Supreme Court of the United States.

Mr. WALSH of Montana. Both of the courts in the District of Columbia decided in favor of the company. It is an interesting thing that in this whole litigation the Government does not seem to be able to make any progress whatever in the courts of the District of Columbia, but it finds a more hospitable ear in the Supreme Court of the United States.

I ought to say that the decision is by a unanimous court, with the exception of Mr. Justice Stone, who did not participate in the decision by reason of the fact that he had some connection with the transaction as Attorney General prior to his appointment to the bench.

I ask that the opinion of the Supreme Court be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Supreme Court of the United States

(No. 71.—October term, 1928)

Roy O. West, Secretary of the Interior, petitioner, *v.* Standard Oil Co.—On certiorari to the Court of Appeals of the District of Columbia

January 2, 1929

Mr. Justice Brandeis delivered the opinion of the court.

This suit was brought in October, 1925, by the Standard Oil Co. in the Supreme Court of the District of Columbia against Doctor Work, the then Secretary of the Interior, to enjoin the continuation of proceedings in the local land office at Visalia, Calif., ordered by him with a view to ascertaining and determining whether particular lands were known to be mineral in character when the survey of them was accepted. State of California, Standard Oil Co., transferees (51 L. D. 141). Upon his resignation, Secretary West was substituted as defendant. The proceedings were of the kind commonly employed by the Secretary of the Interior to ascertain the existence of alleged facts reported by a representative of the General Land Office, because of which the title of one claiming public lands is questioned in the department. The register and receiver, after hearing the parties in interest, make report of their findings. These are subject to an appeal, on the evidence, to the land commissioner, and also to a further appeal to the Secretary. Upon the ultimate findings the commissioner decides, subject to the supervision and control of the Secretary, what action, if any, shall be taken. Compare George W. Dally (41 L. D. 295, 299). Circular No. 460, February 26, 1916 (44 L. D. 572), prescribes the procedure.

The proceedings here involved concern section 36, township 30 south, range 23 east, Mount Diabolo base and meridian—that land being in Elk Hills, Kern County, Calif. Section 36 is one of the sections in each township which, if not mineral or otherwise disposed of, was granted by Congress to the State of California in aid of public schools by act of March 3, 1853 (c. 145, sec. 6, 10 Stat. 244, 246). Under patents issued by the State in 1910, and mesne conveyances, the Standard Oil Co. claims title to part, and an interest in the rest, of the section. Drilling on this land, begun in 1918, has been followed by extensive oil-mining operations. The proceedings were based on a charge that on January 26, 1903, the date of the approval of the survey, the land was known to be mineral in character. If the land was then known to be mineral, the title confessedly did not pass by the act, for Congress excluded mineral land from the grant. (Mining Co. *v.* Consolidated Mining Co., 102 U. S. 167; Mullan *v.* United States, 118 U. S. 271, 276. See also Wyoming *v.* United States, 255 U. S. 489, 500; Work *v.* Louisiana, 269 U. S. 250, 257–258.) If it was not then known to be mineral, the legal title passed to the State on that date, for the land was within one of the sections in place designated in the granting act. (United States *v.* Morrison, 240 U. S. 192; United States *v.* Sweet, 245 U. S. 563.)

The act of 1853 here involved, like those granting school lands to many other States,[1] makes no provision for determining what part of the land is thus excluded from the grant. It does not provide for the issue of patents or for any equivalent action by the department to evidence the transfer of title to the State. No patent to the State, or evidence of title or interest in another, has in fact been issued by the Secretary of the Interior. Nor has there been in the department any contest between the State and another claimant which might have resulted in a determination of the character of the land. Whether this land was known to be mineral at the date of the survey must, therefore, be established otherwise. The Standard Oil Co. contends that its nonmineral character had, before Secretary Work's order, been established by a final determination in the department; that thereby the department lost jurisdiction over the land and that for this reason continuation of the proceedings should be enjoined.[2]

It is true that among the several officers of the Land Department action had repeatedly been taken having some relation to the character of the land prior to the order of Secretary Work. The survey, which was approved January 26, 1903, returned it as mineral. In 1904 a special agent reported it as nonmineral. In 1908 it was temporarily withdrawn from agricultural entry pending examination and classification by the United States Geological Survey. In 1909 the Director of the Geological Survey classified it as oil land. In 1910, the Secretary recommended its withdrawal for a petroleum reserve and the recommendation was approved by the President. In 1912, it was placed in Naval Petroleum Reserve No. 1. On January 14, 1914, the proceedings in the land office here involved were initiated. The papers having been mislaid or misfiled in the local office, the proceedings lay dormant; and process was not served until after March 2, 1921. Then the register and receiver were ordered by the land commissioner, under Secretary Payne, to proceed in accordance with Circular No. 460. On June 9, 1921, before further action thereon, Secretary Fall directed the land commissioner to dismiss the proceedings and notify all parties in interest of the dismissal.

On May 8, 1925, Secretary Work vacated Secretary Fall's order and directed the register and receiver to proceed to a hearing of the charge that the land was known to be mineral in character on January 26, 1903.[3] If at the time of Secretary Work's order the department still had jurisdiction of the land, he possessed the power to review the action of his predecessor and to deal with the matter as freely as he could have done if the dismissal of the proceedings had been his own act or that of a subordinate official. For, so long as the department retains jurisdiction of the land, administrative orders concerning it are subject to revision. (New Orleans *v.* Paine, 147 U. S. 261; Beley *v.* Naphtaly, 169 U. S. 353, 364; Lane *v.* Darlington, 249 U. S. 331; Parcher *v.* Gillen, 26 L. D. 34; Aspen Consolidated Mining Co. *v.* Williams, 27 L. D. 1.) Compare Louisiana *v.* Garfield (211 U. S. 70, 75). If, on the other hand, either Secretary Fall's order of dismissal, or some earlier action of the Government, terminated the jurisdiction of the department, Secretary Work's order reinstating the proceedings was a nullity; and the Standard Oil Co. is entitled to enjoin their continuance. (Noble *v.* Union River Logging Railroad, 147 U. S. 165; Lane *v.* Watts, 234 U. S. 525; Burke *v.* Southern Pacific R. R. Co., 234 U. S. 669, 686.)

In support of its contention that the jurisdiction had ended, the company relied in its bill upon two earlier acts of the department, besides Secretary Fall's order, as constituting a final determination that the land was not known to be mineral at the date of the approval of the survey. The Supreme Court of the District did not pass on the legal effect of the two other acts. Upon the stipulated facts it ruled and found: (1) That Secretary Fall had jurisdiction to determine the known mineral character of section 36, without awaiting the trial by the local land office and appeals from the findings there made. (2) That the Secretary granted a hearing before himself for the purpose of determining the issues raised by the proceedings and gave notice to all parties in interest of such hearing. (3) That he had before him evidence which he had a right to consider and which supported his dismissal of the proceedings. (4) That he dismissed the proceedings after a consideration of the law and facts and directed that the parties in interest be notified of the dismissal and that the case be closed on the records. (5) That the order of dismissal was reduced to writing by his direction and was a judicial determination of the known mineral character of the land on January 26, 1903. (6) That the order of dismissal reduced to writing was a judgment on the merits, and its correctness could not be questioned by collateral proceedings, except for fraud. A decree for a permanent injunction was entered. That decree was affirmed by the Court of Appeals of the District. (57 Dist. App. 329, 23 F. (2d) 750.) This court granted a writ of certiorari. (276 U. S. 613.)

Ordinarily, where an act granting public lands excludes those known to be mineral, the determination of the fact whether a particular tract is of that character rests with the Secretary of the Interior. (See

[1] See Joint Hearings before Senate Committee on Public Lands and Surveys and House Committee on the Public Lands on S. 3078 and H. R. 9182, to assure title to granted school lands, Feb. 11 and 12, 1926; Report of Senate Committee No. 603, Apr. 5 [16], 1926, 69th Cong., 1st sess.; Report of House Committee No. 1617, Dec. 9, 1926, 69th Cong., 2d sess.; No. 1761, Jan. 13, 1927, 69th Cong., 2d sess.; 67 CONGRESSIONAL RECORD, p. 8424; 68 CONGRESSIONAL RECORD, pp. 1815, 1820, 2015, 2581. See also Hearings of subcommittee, 69th Cong., 1st sess., pursuant to S. Res. 347, vol. 2, pp. 1997–2062.

[2] By reason of subsection (c) of sec. 1 of the act of Jan. 25, 1927 (44 Stat. 1026), the proceedings here involved are not affected by that act. (See 52 L. D. 51–54.)

[3] This action was taken after a joint resolution of Congress, dated Feb. 21, 1924 (43 Stat. 15). It is conceded that this fact has no legal significance in the case. The basis on which Secretary Work proceeded is shown in his decision reported in 51 Land Decisions 141.

Cameron *v.* United States, 252 U. S. 450, 464; Burke *v.* Southern Pacific R. R. Co., 234 U. S. 669, 684–87.) But compare Dunbar Lime Co. *v.* Utah-Idaho Sugar Co. (17 F. (2d) 351).

If such act provides for the issue of a patent, whether it be to pass the title or to furnish evidence that it has passed, the patent imports that final determination of the nonmineral character of the land has been made. The issue of the patent terminates the jurisdiction of the department over the land. (See Barden *v.* Northern Pacific R. R., 154 U. S. 288, 327–331; Courtright *v.* Wisconsin Central R. R. Co., 19 L. D. 410; Heirs of C. H. Creciat, 40 L. D. 623.) And in the courts the patent is accepted, upon a collateral attack, as affording conclusive evidence of the nonmineral character. (Smelting Co. *v.* Kemp, 104 U. S. 636, 640, 641; Barden *v.* Northern Pacific R. R., 154 U. S. 288, 327.) Similarly, if the granting act provides for other action by the Secretary equivalent to a patent, such as approval of a list of the lands, the approval ends the jurisdiction of the department (Cole *v.* Washington, 37 L. D. 387; Sewell A. Knapp, 47 L. D. 152); and it, likewise, imports that the necessary determination has been made. (Chandler *v.* Calumet & Hecla Mining Co., 149 U. S. 79. Compare Fred S. Porter, 50 L. D. 528, 532–533.) Even where the granting act does not require either the issue of a patent to the grantee or such equivalent action, the Secretary may have occasion to make a determination of the known mineral character of the land, as when rights adverse to the grantee are asserted under the mineral, leasing, or other laws. (See Work *v.* Braffet, 276 U. S. 560; Albert E. Dorff, 50 L. D. 219; Utah *v.* Lichliter, 50 L. D. 231; George G. Frandsen, 50 L. D. 516.) In such event the issue of the patent, or other instrument evidencing title, likewise imports that the determination has been made. (Steel *v.* Smelting Co., 106 U. S. 447, 451. Compare State of Louisiana, 30 L. D. 626.) (Or, in every such case, the determination of the mineral character is a prerequisite to the authority exercised in the performance of a duty imposed. (Smelting Co. *v.* Kemp, 104 U. S. 636, 640–641.)

The Standard Oil Co. contends that Secretary Fall determined that the land was not known to be mineral on January 26, 1903; and that this determination in the informal hearing before him was legally an equivalent of a determination of the fact in formal proceedings before the register and receiver under circular No. 460. We agree that if Secretary Fall had determined as a fact that the land was not then known to be mineral, his order dismissing the proceedings would have had the same legal effect as if it had followed the more formal procedure prescribed by circular No. 460. For the Secretary is not obliged to employ proceedings in the local land office as the means for making the determination as to the known mineral character. He could himself hear the evidence in the first instance. Nor is he obliged, in so ascertaining the facts, to follow a procedure similar to that prescribed for the local land office. (See Knight *v.* U. S. Land Association, 142 U. S. 161, 177–178.) We assume without deciding, that if Secretary Fall had determined as a fact that the land was not known to be mineral on January 26, 1903, his order dismissing the proceedings would have ended the jurisdiction of the department over the land. And this determination would, ordinarily, be conclusive on the courts, even if there were demonstrable error in the admission or appreciation of evidence. (See Shepley *v.* Cowan, 91 U. S. 330, 340; Lee *v.* Johnson, 116 U. S. 48, 49.) But we are of the opinion that Secretary Fall did not make a determination of that fact.

Secretary Fall's order is embodied in a letter sent by his direction to the Commissioner of the General Land Office, which after referring to the proceedings before the register and receiver, says:

"The transferees of the State of California, representatives of the Department of Justice, and of the Navy Department appeared before Secretary Fall on June 8, 1921, and presented the matter orally, whereupon, after consideration of the law and facts involved, the Secretary verbally directed that the proceedings be dismissed. You are therefore authorized and directed to dismiss the proceedings against the State of California and its transferees in re said sections 16 and 36. Notify all parties in interest of the dismissal and close the case upon your records."

The letter embodying Secretary Fall's direction to dismiss the proceedings does not state why he did so. The company argues that the dismissal was an order judicial in its nature; that in form the order is a judgment on the merits; that this judgment conclusively implies a finding of the fact that the land was not known to be mineral at the date of the approval of the survey; and that no evidence is admissible to contradict what the order imparts.

It may be assumed that the hearing was conducted in the judicial manner; that it was what is often called a quasi-judicial proceeding. But the order of dismissal is not a judgment.[4] (Compare Dickson *v.* Luck Land Co., 242 U. S. 371, 374.) It was an administrative act. And unlike such administrative acts as a patent or the approval of a list of lands pursuant to a duty imposed upon the Secretary, the order of dismissal does not carry the implication that all determinations essential to the passing of title have been made. Since it does not, there may be inquiry in pais to ascertain whether Secretary Fall actually made such a determination. To that end the occurrences leading up to the entry of the order of dismissal may be examined. (Compare Parcher *v.* Gillen, 26 L. D. 34; Harkrader *v.* Goldstein, 31 L. D. 87.)

In the oral argument of counsel for the company in this court there was perhaps a suggestion that Secretary Fall actually passed upon the known mineral character of the land as of January 26, 1903, when the survey was approved. But no such contention is made in the brief filed here. And when the occurrences which preceded the making of the order are examined it becomes clear that Secretary Fall made no determination of the contested issue of fact, which was to be the subject of a hearing before the local officers if he deemed the issue material. He rested his order of dismissal on a supposed rule of law, holding, on the admitted facts, that the actual known mineral character of January 26, 1903, was not of legal significance. In so ruling he yielded to the argument of counsel for the Standard Oil Co., who insisted that the then known mineral character had become immaterial, because the Government was estopped by action taken prior to 1921 from questioning the company's title. The brief filed by counsel with Secretary Fall prior to his granting the hearing; the notice of the proposed hearing before Secretary Fall on June 8, 1921, given by the department to the Attorney General and the Secretary of the Navy; and the stenographic report of that hearing establish that this was the only matter considered by Secretary Fall.

That brief was entitled an "argument in support of the request that the Secretary of the Interior decide that in view of the previous action of the department and of its regulations in force in January, 1903, the title to said section is vested in the State of California or its grantees."[5] The notice recited that the Standard Oil Co. and the Pan American Oil Co. had "asked to be heard orally in the matter of proposed proceeding by the Government to determine whether or not said section passed to the State of California under its school grant." The hearing consisted of an oral statement by counsel for the company, interrupted from time to time by questions or remarks. The statement was not a recital of evidence in support of the factual assertion that the land was not known to be mineral on January 26, 1903. It was an argument in support of the legal proposition that the proceedings should be closed without deciding that issue of fact, because certain rules of law arising from past action of the department as well as controlling equities estopped the Government from denying that the title had passed.[6] The conclusion that Secretary Fall did not deter-

[4] The department has repeatedly ruled that its decisions are not to be controlled by the same strict doctrine of res judicata which obtains as to judgments of the courts. (Osborn *v.* Knight, 23 L. D. 216, 218; Joseph Pretzel, 24 L. D. 64, 65; Ernest B. Gates, 41 L. D. 384. Compare Howard A. Robinson, 43 L. D. 221.)

[5] The brief states: "There is no reason why this decision as to the title of the State should not be made now, without putting the State to the enormous and costly burden of proof, such as was in issue in the Elk Hills case. (United States *v.* Southern Pacific Co., 251 U. S. 1.) In other words, if the absence of clear proof of the mineral character of the section in 1903 in the shape of discovery of mineral was sufficient to characterize the land as nonmineral under the regulations and repeated decisions of the department, it will make no difference that by the application of the principles of the Elk Hills case it could be successfully shown that the land within the reasoning of that decision was believed to be mineral land."

[6] The prior action relied upon as vesting title in the State and its transferees was: (1) The fact that the land was classified as nonmineral in 1904, when upon receipt of a report from Special Agent Ryan that it was nonmineral it was relieved from suspension; (2) the fact that on March 6, 1903, the department adopted an administrative rule respecting school land grants that the State would not be permitted to make lieu selections based on the alleged mineral character of land within a school section unless it proved that there had been actual discovery or exposure of mineral thereon. Mr. Sutro argued that since under this rule the State could not have made the land the base for a lieu selection it was legally entitled to retain it; and having acted on the rule its transferees were unaffected by later decisions of this court (Diamond Coal Co. *v.* United States, 233 U. S. 236; United States *v.* Southern Pacific Co., 255 U. S. 1) inconsistent with the rule. In closing he said:

"And I submit that in this case, where there is no fraud, no possible allegation of fraud, where the State five years after the classification of this land sold it in good faith to people who bought it in good faith and who held it for 10 years,. and who have now invested some millions of dollars in the land, that the time has passed when the United States can assert its title thereto, and that the United States is estopped by the judgment of this department that this was nonmineral land in 1904 and by its own regulations which defined it as nonmineral land in 1903. Now, if you will ask me what it is I am asking you to do I will say it is this: I am asking the department to close this case on the ground that the title is in the State and there is nothing further to investigate." Secretary Fall then said: "What you are asking now is that if convinced that the rule is as you state it, that instead of allowing this case to go to a hearing, and then in event I would hold with you, so deciding at that time, that if I am with you I should decide it at this time and prevent the delay in the trial?" After some further discussion Secretary Fall asked: "Is Mr. Sutro's statement of the case practically admitted?" First Assistant Secretary Finney answered: "I think that is substantially the case." Whereupon the Secretary said: "The contest will be dismissed."

mine the known mineral character of the land on January 26, 1903, is alone consistent with the stipulated facts.[7]

Most significant among the stipulated facts is the following: "It was the contention of the transferees from the State, with which contention Assistant Secretary Finney disagreed at the hearing, that it could serve no purpose to take evidence in the local land office to determine the question whether or not said section or the lands adjacent thereto showed structural and geological conditions indicative in 1903 of the existence of oil on said section under conditions justifying developments therefor for the reason that said questions presented an immaterial question of fact, and said question was not argued or discussed at the proceedings held on June 8, 1921, or at any conferences prior thereto between the representatives of the transferees and the Secretary of the Interior or the First Assistant Secretary of the Interior, except as shown in the brief and in the transcript of proceedings." [The stenographic report of the hearing above referred to.]

Thus, Secretary Fall did not hear evidence or make a determination on the issue of fact as to the known mineral character of the land within the meaning of the decisions in Diamond Coal Co. *v.* United States (233 U. S. 236) and Southern Pacific Co. *v.* United States (251 U. S. 1); and this because he deemed the fact in issue of no legal significance. It is true that in making the ruling of law that the Standard Oil Co.'s title was unassailable, the Secretary undertook to pass upon the merits of its claim to the land. For he concluded that, because of the conceded facts, urged by the company's counsel as creating an estoppel, the United States was precluded from questioning the title of the State and its transferees. But that decision could not end the jurisdiction of the department unless Congress conferred upon the Secretary of the Interior authority to determine the validity of the company's claim to the land, as a matter of law, without passing upon the contested issue of fact. To that question we now address ourselves.

Where, by the terms of an act, the Secretary is required, upon application of the claimant, to issue a patent, as in Michigan Land & Lumber Co. *v.* Rust (168 U. S. 589, 592); or to certify a list, as in Frasher *v.* O'Connor (115 U. S. 102, 115–116); or to approve a location for a right of way, as in Noble *v.* Union River Logging Railroad (147 U. S. 165); or to make a survey and approve a selection, as in Shaw *v.* Kellogg (170 U. S. 312), Congress, by implication, confers upon the Secretary the power to make all determinations of law as well as of fact which are essential to the performance of the duty specifically imposed.

After issue of the patent or other like instrument, his findings of facts are conclusive, in the absence of fraud or mistake, not only upon the department, but upon the courts, De Cambra *v.* Rogers (189 U. S. 119); Love *v.* Flahive (205 U. S. 195, 198); and though his rulings on matters of law are reviewable in the courts, Doolen *v.* Carr (125 U. S. 618, 625); Wisconsin Central R. R. *v.* Forsythe (159 U. S. 46, 61), they are not subject to reexamination by the department. Johnson *v.* Towsley (13 Wall. 72, 83–84). For in making such determinations he acts as a special tribunal with judicial functions. Riverside Oil Co. *v.* Hitchcock (190 U. S. 316, 324).

But here no similar affirmative duty rested upon the Secretary to the performance of which the determination of the question of law was incidental. Secretary Fall owed no active duty to the State or to any other claimant. His duty in respect to the land was solely that owed to the United States—the duty to preserve its interests therein. The inquiry directed to be made in the local land office had been ordered by a predecessor solely in the performance of that duty. If as a result of the inquiry it should be found that the land was known to be mineral, the Government would, if necessary, bring legal proceedings for possession and for damages or an accounting. If it should be found that the land was not known to be mineral, there would be no occasion for any further departmental action. Secretary Fall had, of course, the power to vacate the order of his predecessor that the register and receiver proceed with the investigation. For it is within the discretion of every Secretary to decide what investigations he shall pursue in the public interest; and no Secretary is obliged to continue an inquiry which he believes to be futile. But the question here is whether he can by action other than the final determination of fact, preclude resumption of the inquiry in the department, and thereby vest the title of known mineral land in the State.

We think that Congress did not confer upon the Secretary of the Interior the power to pass generally upon the right of the State to the land. When the Secretary has the duty to issue a patent or to furnish other evidence of title of a claimant, he must have authority to determine the questions of law incident to the performance of that duty. (Litchfield *v.* Register, 9 Wall. 575, 577–578). But here no such duty rested upon him. (Compare Louisiana *v.* Garfield, 211 U. S. 70, 77.) Authority to determine as a fact the known mineral character of the lands falls naturally to the Secretary as "the supervising agent of the Government to do justice to all claimants and preserve the rights of the people of the United States" to public lands. (Knight *v.* U. S. Land Association, 142 U. S. 161, 178.) But that authority does not carry the power to relinquish the jurisdiction of the department over the land without determining, as a fact, that it was nonmineral at the time of the approval of the survey. (Compare Work *v.* Louisiana, 269 U. S. 250, 261.) The broad power of control and supervision conferred upon the Secretary "does not clothe him with any discretion to enlarge or curtail the rights of the grantee, nor to substitute his judgment for the will of Congress as manifested in the granting act." (Payne *v.* Central Pacific Railway Co., 255 U. S. 228, 236. See, also, Burfenning *v.* Chicago, St. Paul, etc., Ry., 163 U. S. 321; Daniels *v.* Wagner, 237 U. S. 547, 558.) To read into the legislation, under such circumstances, authority to pass upon the State's claim of right to the land, regardless of its known mineral character, would create, by implication, a power in direct contravention of the expressed intention of Congress that mineral lands were not granted to the State. Thus, the Secretary would be constituted an agent rather for relinquishing than for preserving the rights of the United States in the public lands. (See Shaw *v.* Kellogg, 170 U. S. 312, 337–338.)

When Secretary Fall undertook to determine, not as a fact whether the land was known to be mineral in 1903, but as a proposition of law that, because of other conceded facts, the company's title had become unassailable, he acted without authority; and the order of dismissal based thereon did not remove the land from the jurisdiction of the department.

Reversed.

Mr. Justice Stone took no part in the consideration or decision of this case.

A true copy.

Test:

_____,

Clerk Supreme Court, United States.

[7] The land lies within naval petroleum reserve No. 1; a part of it is immediately adjacent to that involved in United States *v.* Southern Pacific Co. (251 U. S. 1), which was rendered in 1919. The fact that the proceedings were pending was not discovered by the chief of the field division of the land office until the close of 1920. In February, 1921, the importance of taking immediate action to protect supposed interests of the United States in the land was brought to the attention of the Department of Justice and the Secretary of the Navy. On March 2, 1921, the Commissioner of the General Land Office directed the register and receiver and the chief of the field division to take prompt action to determine by proper proceedings whether the land was known to be mineral at the date of the approval of the survey. The advisability of protecting the supposed interests of the Government, pending that determination, by an application for a receiver and an injunction, was considered by the several departments. That course was deemed inadvisable. Conference with representatives of the company resulted in an agreement that it would endeavor to secure from the Department of the Interior an early hearing and determination with respect to the known mineral character of the land; that, until such determination, there should be no further development thereon; and that the Government would not take any action in court. Thereafter, on several days prior to May 26, 1921, Mr. Oscar Sutro, representing the Standard Oil Co., presented to Secretary Fall and the First Assistant Secretary a request for an early determination with respect to the title to section 36. On May 26 he filed with the Secretary the brief above referred to. On May 28, 1921, the Secretary gave the Attorney General and the Secretary of the Navy the notice of hearing above referred to.

Mr. BRUCE. Mr. President, now that the Senator from Montana is on his feet I would like to ask him a question relating to a subject with which I know he has peculiar familiarity. Why is it that Fall is not brought to trial? I see it stated in the press quite frequently that it is because of the delicate state of his health, and statements to that effect, I think, have been made for at least a year past. Why is it that this flagitious malefactor, if he is what he is supposed to be, is dealt with in such a spirit of morbid tenderness as that?

Mr. WALSH of Montana. Mr. President, the circumstance to which the Senator from Maryland adverts is as disappointing to me as it could possibly be to him.

Mr. BRUCE. I should think it would be to the Senator more than to any other person, because of the splendid ability and untiring perseverance with which all the proceedings against these land thieves have been prosecuted.

Mr. WALSH of Montana. I thank the Senator. My information about the matter—and it is not very exact or very recent—is to the effect that the court having fixed, tentatively, at least, a time for the trial of Mr. Fall, a certificate or an affidavit from his physician was sent on saying that it would be impossible for Fall to come.

It will be recalled that when he was called on the second occasion before the Committee on Public Lands and Surveys a similar representation was made to the committee, but the committee, being perhaps a little doubtful about the matter, appointed a commission of physicians, consisting of three eminent physicians of this city, to wait upon Mr. Fall, to ascertain what his condition was. They came and reported to the committee that he was able to appear, and he did appear, and refused to testify, as the Senator will remember. Possibly taking that as a precedent, I am told that the court here has appointed a physician to go and examine into the condition of the defendant, to ascertain whether he could come on now for trial.

Mr. BRUCE. I did not know that. If I had understood that I would not have asked the question.

Mr. NORRIS. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. I would like to have the attention of the Senator from Maryland. I interrupt the Senator only because it may be that, rather indirectly, perhaps directly, I have a little information on the subject about which the Senator from Maryland made inquiry, and he having made his inquiry I feel it my duty to disclose to the Senator what I know about the matter.

I had a conversation just the other day with one of the Government attorneys, whose good faith can not be questioned, and I learned from him that there was a very good showing made in regard to Mr. Fall's health from physicians who have examined him, and, as I remember it now, who in some way testified. At any rate, I got the impression that the United States special attorneys were not negligent in the matter, that they were crowding it, but they themselves were rather convinced that the physicians were probably right in stating that it would be dangerous for Mr. Fall to come from the climate in which he now is to this city, particularly at this time of the year, but that later in the year, perhaps in the spring or in the early summer months, the objection would not lie.

I regret, of course, that the case has been so delayed, but as far as I have been able to get any information I am rather inclined to believe that nobody is to be blamed; that the attorneys have acted in good faith.

Mr. BRUCE. I thank the Senator.

PETER SHAPP

Mr. THOMAS of Oklahoma. Mr. President, I desire to report favorably from the Committee on Indian Affairs the bill (S. 4927) for the relief of Peter Shapp, and I submit a report (No. 1402) thereon.

The report on this bill being unanimous, and there being no objection to it, I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Let it be read.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Peter Shapp $1,245.02, out of any money in the Treasury not otherwise appropriated, for his shares in per capita payments made to the Western Miami Tribe of Indians in the years 1889 and 1891, which shares were erroneously paid to another Indian of the same name.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being on objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT MANCHESTER, N. H.

The PRESIDING OFFICER. The calendar under rule 8 is in order.

Mr. KING. Mr. President, there are only five minutes between now and 2 o'clock, when the morning hour will close. obviously we could not make much progress on the calendar in that time. There are two bills on the calendar which are not of very great importance nationally, but of importance to the Post Office Department in the prosecution of their work. One of them is a bill in which the junior Senator from New Hampshire [Mr. KEYES] is interested, and the other one in which the junior Senator from New York [Mr. WAGNER] is interested. We could pass them in a moment or two, and I ask unanimous consent that we proceed to the consideration of the bill (S. 4739) authorizing the Secretary of the Treasury to sell certain government-owned land at Manchester, N. H.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I will unite in the request provided there is to be no discussion.

Mr. KING. There are only five minutes left before 2 o'clock, and those two bills can be passed in that time.

Mr. BRUCE. Very well.

Mr. McKELLAR. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell to the New Hampshire Fire Insurance Co., for an amount not less than $20,000, the easterly 25 feet of the Government-owned site at Manchester, N. H., at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quit-claim deed, the proceeds of such sale to be deposited in the Treasury as a miscellaneous receipt.

The PRESIDING OFFICER. Is there objection to immediate consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAPID TRANSIT RAILWAY IN NEW YORK

Mr. WAGNER. I ask the Senate to proceed to consideration of the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 5, to strike out the words "for a distance of 40 feet; thence westerly on a line at right angles to the westerly wall of the Subtreasury Building to the westerly side of the areaway coping, a distance of approximately 5 feet, or to such other line as may actually form the westerly or Nassau Street boundary of the property of the United States; thence southerly along the westerly side of the areaway coping or along such other line as may actually form the westerly or Nassau Street boundary of the property of the United States for a distance of approximately 40 feet to the southerly boundary of the United States property; thence approximately 5 feet easterly along the southern boundary of the property of the United States to the point of beginning; and to permanently occupy, with a portion of the subway and/or sewer to be constructed in Nassau Street, New York City, the space below the level of the floor of the areaway within the limits described above," and to insert in lieu thereof "beginning at the southwest corner of the subtreasury site, being the intersection of the northerly line of Wall Street with the easterly line of Nassau Street, running thence northwardly with the line of Nassau Street along the westwardly side of the subtreasury area coping a distance of 40 feet to a point in the line of Nassau Street; thence in an eastwardly direction approximately 5.17 feet to the westwardly wall of the Subtreasury Building; thence in a southwardly direction with the westwardly line of the Subtreasury Building a distance of 40 feet to a point in the north line of Wall Street; thence with the north line of Wall Street along the southerly side of the subtreasury area coping a distance of 5.17 feet to the point or place of beginning," so as to make the joint resolution read:

Resolved, etc., That the consent of Congress is hereby granted to the city of New York to enter upon, for the purpose of constructing a rapid-transit railway, any and all property of the United States situated within the area described as follows:

Beginning at a point on Wall Street in the city of New York on the southern boundary of the property belonging to the United States and occupied wholly or partly by the Subtreasury Building, said point lying either at the southwest corner of the Subtreasury Building or in a southerly direction therefrom on a line in prolongation of the westerly wall of the Subtreasury Building and extending thence northerly along the westerly wall of the Subtreasury Building, or along a line in prolongation thereof, beginning at the southwest corner of the subtreasury site, being the intersection of the northerly line of Wall Street with the easterly line of Nassau Street, running thence northwardly with the line of Nassau Street along the westwardly side of the subtreasury area coping a distance of 40 feet to a point in the line of Nassau Street; thence in an eastwardly direction approximately 5.17 feet to the westwardly wall of the Subtreasury Building; thence in a southwardly direction with the westwardly line of the Subtreasury Building a distance of 40 feet to a point in the north line of Wall Street; thence with the north line of Wall street along the southerly side of the subtreasury area coping a distance of 5.17 feet to the point or place of beginning.

The subway structure, within the space hereinbefore described, shall be designed and constructed by the city of New York to carry the highest building that could be constructed on this property of the United States in accordance with the New York Building Code, and in default thereof the authority hereby granted shall cease and be null and void.

Mr. CURTIS. Has the department passed upon this measure?

Mr. WAGNER. The department is in favor of the legislation.

Mr. CURTIS. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR

Mr. BORAH. Mr. President, I was about to move to go into executive session, but a number of Senators have urged that we spend an hour on the calendar. I have no objection to that myself.

Mr. CURTIS. I ask unanimous consent, then, that with the consent of the Senator from Maine the unfinished business be temporarily laid aside and that we proceed with unobjected bills on the calendar until 3 o'clock.

Mr. HALE. That is, for one hour?

Mr. CURTIS. For one hour.

The PRESIDING OFFICER. Morning business is closed, and the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The PRESIDING OFFICER. Without objection, the unfinished business is temporarily laid aside, and the clerk will report the first bill on the calendar.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as first in order on the calendar.

Mr. ROBINSON of Arkansas. Mr. President, this is an unusual proceeding. Senators ought to have an opportunity to be here to object to these bills, and as no Senator has been informed that we would proceed to the consideration of the calendar, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Shipstead
Barkley	Frazier	McNary	Shortridge
Bayard	George	Mayfield	Simmons
Bingham	Gerry	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Blease	Glenn	Neely	Stephens
Borah	Goff	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas, Idaho
Broussard	Greene	Nye	Thomas, Okla.
Bruce	Hale	Oddie	Trammell
Capper	Harris	Overman	Tydings
Caraway	Hastings	Phipps	Vandenberg
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Ransdell	Walsh, Mass.
Curtis	Johnson	Reed, Mo.	Walsh, Mont.
Dale	Jones	Reed, Pa.	Warren
Deneen	Kendrick	Robinson, Ark.	Waterman
Dill	Keyes	Robinson, Ind.	Watson
Edge	King	Sackett	Wheeler
Edwards	La Follette	Schall	
Fess	McKellar	Sheppard	

The PRESIDING OFFICER (Mr. FESS in the chair). My colleague the junior Senator from Ohio [Mr. BURTON] is absent from the Chamber on important business.

Eighty-two Senators having answered to their names, a quorum is present. The clerk will call the first bill on the calendar.

RECOMMITMENT OF BILLS

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as first in order.

Mr. KING. I object. Let the bill go over.

Mr. BINGHAM. Will the Senator kindly withhold his objection for a moment?

Mr. KING. Very well.

Mr. BINGHAM. Due to various new measures which have been introduced in the Philippine Legislature and the present state of affairs in the island it has seemed wise to some of us to have the two bills regarding the Philippine Islands now on the calendar, calendar Nos. 226 and 396, sent back to the committee. I therefore ask unanimous consent that the two bills may be taken from the calendar and referred back to the Committee on Territories and Insular Possessions for further consideration.

Mr. KING. May I inquire if the two measures comprise all the measures dealing with the Philippine Archipelago?

Mr. BINGHAM. My impression is that they do.

Mr. ROBINSON of Arkansas. Mr. President, pending the request may I ask if the Senator expects the committee to consider amendments to the bill or to report other bills? Has any policy been determined upon?

Mr. BINGHAM. The committee have not met. I am doing this on my own responsibility. I ask that the two measures be sent back to the committee for further consideration.

Mr. ROBINSON of Arkansas. I have no objection to the request.

The PRESIDING OFFICER. There being no objection, the bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate and the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, will be taken from the calendar and referred back to the Committee on Territories and Insular Possessions.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. BRUCE. Mr. President, I would like to call attention to the fact that the proposed constitutional amendment seems to have quite an important bearing on the Kellogg peace pact.

It provides by section 1 that—

> War for any purpose shall be illegal, and neither the United States nor any State, Territory, association, or person subject to its jurisdiction shall prepare for, declare, engage in, or carry on war or other armed conflict—

And so forth.

It is perfectly obvious that even wars of self-defense are not exempted from the operation of the proposed constitutional amendment, which, laterally construed, I think is the effect of the Kellogg peace pact.

Mr. CURTIS. Mr. President, let the joint resolution go over.

The PRESIDING OFFICER. On objection of the senior Senator from Kansas, the joint resolution will go over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. The Senator from Texas [Mr. MAYFIELD] is not present. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Over.

Mr. SHORTRIDGE. Mr. President, I did not hear who objected. May I ask the Senator to withhold his objection just for one moment? I have not heard from any quarter any objection to the passage of the bill. From every humanitarian standpoint, from every economical standpoint, it is considered a wise measure.

Mr. BAYARD. Mr. President, my reasons for opposing the measure were given to the Senate at the last session. I think it is an improper bill, and inasmuch as I still hold that view I shall exercise my right to object.

The PRESIDING OFFICER. On objection, the bill goes over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. DENEEN. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. I agreed with the junior Senator from Tennessee [Mr. TYSON] that the bill should go over in his absence.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. CURTIS. Let the joint resolution go over.

Mr. KING. I ask that the joint resolution go over. However, I want the RECORD to show that it is not because of antagonism to the measure. There is an adverse report, and in view of that fact I think the Senator from Alabama [Mr. HEFLIN] ought to be here when action is taken upon it.

LAND OFFICES IN ALASKA

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Over.

Mr. JONES. Mr. President, I am not a member of the Committee on Territories and Insular Possessions. I do not know what the basis of the objection of the Senator from Wisconsin may be. My impression is that the reason for the measure grows out of the peculiar conditions in Alaska, because it is impossible to get anyone to take that office alone.

Mr. LA FOLLETTE. Mr. President, my information is that there is considerable protest from people living in the Territory against the abolition of those land offices. Therefore I ask that the bill may go over until I have time to make a further investigation.

Mr. ROBINSON of Arkansas. Mr. President, it is proper to point out that the bill is a very unusual piece of legislation. It authorizes the designation of clerks in a department in Washington to serve as registers and receivers of the land offices in Alaska. It would require very extraordinary conditions to justify such a piece of legislation, in my judgment.

Mr. BINGHAM. Mr. President, when the matter was submitted to the committee there was no objection raised against it. It appears now from what the Senator from Wisconsin [Mr. LA FOLLETTE] said that the people of Alaska are objecting. It seems to me that they ought to be heard, and therefore I ask that the bill may be taken from the calendar and referred back to the Committee on Territories and Insular Possessions.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Territories and Insular Possessions.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed, with the advice and consent of the Senate, may hold over after his term shall have expired was announced as next in order.

Mr. JONES and Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The resolution goes over under objection.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. The bill will go over on objection of the Senator from South Carolina.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. JONES. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

Mr. BRUCE. Mr. President, I move that the bill be taken up for consideration.

Mr. CURTIS. I have no objection to taking up the bill, but that would be in violation of the unanimous-consent agreement.

Mr. BRUCE. If it is, I shall not press the motion. I thought our form of procedure was such that we could move to take up a bill.

The PRESIDING OFFICER. The Senate is at present proceeding under a unanimous-consent agreement for the consideration of unobjected bills.

Mr. BRUCE. Very well.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. That bill would take considerable time. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order. The bill had been reported from the Committee on Claims with an adverse report.

Mr. KING. Mr. President, I move that the bill be indefinitely postponed.

Mr. McNARY. Mr. President, I make the request that that bill be passed over for the present. I have in mind certain plans which may affect the consideration of the measure.

Mr. KING. Very well.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PROPOSED NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. KING. Mr. President, I think that the joint resolution had better go over, though I have no objection to its consideration when we may have, say, half an hour for that purpose.

Mr. EDGE. I understand that the Senator from Utah will be perfectly willing that I may make a motion for the consideration of the joint resolution, so that it may be taken up, if it can be discussed for, say, an hour?

Mr. KING. If that is done I will join with the Senator.

Mr. EDGE. That will be perfectly satisfactory to me.

The PRESIDING OFFICER. The joint resolution, being objected to, goes over.

BILLS PASSED OVER

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. KING. Mr. President, my attention has been called to that bill by the senior Senator from New Mexico [Mr. BRATTON], who is not here; he has been unavoidably detained from the Senate; and I suggest that in his absence the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916," and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ODDIE. Let that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STABILIZATION OF INDUSTRY IN PERIODS OF DEPRESSION

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. KING. Mr. President, I have two amendments which I am preparing to that bill. I did not anticipate that we should proceed to the consideration of the calendar this morning. I shall be prepared to present those amendments to the Senator from Washington [Mr. JONES], the author of the bill, within the next day or two, and shall join with him later in asking for the consideration of the bill.

Mr. CARAWAY. Mr. President, I thought to promote prosperity was what they were going to do after the election on the 6th of November. Now do we have to enact legislation to bring about a condition of prosperity?

Mr. JONES. I am glad the Senator from Utah [Mr. KING] feels the way he has expressed himself. I shall be glad to see the amendments intended to be proposed by him. I merely wish to say that this bill is recommended by the Department of Commerce and is in accordance with the views of the President. It was reported unanimously by the committee. There are, however, certain amendments which the committee made which it has informally agreed shall be receded from when the bill comes up for consideration.

Mr. ROBINSON of Arkansas. Seriously, Mr. President, does the Senator from Washington think that the condition of business in the United States is such as to require congressional legislation to promote prosperity?

Mr. JONES. The bill provides that when prosperity is defective in a certain sense then action under it shall be taken.

Mr. ROBINSON of Arkansas. Is the Senator from Washington anticipating such an event as the result of either the present or the next administration?

Mr. JONES. Or at any time in the future?

Mr. KING. I might suggest that we had better postpone action on this measure for about a year, when hard times will come.

Mr. JONES. The idea is to have legislation so that when hard times do come it will be available. Hard times might come when Congress should not be in session.

Mr. CARAWAY. I think we had better consider the bill immediately.

The PRESIDING OFFICER. Being objected to, the bill will go over.

BILLS PASSED OVER

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill would require some time for consideration. We can not possibly consider it under the 5-minute rule.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. BLEASE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. SACKETT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC ROAD IN WIND RIVER INDIAN RESERVATION, WYO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo., which had been reported from the Committee on Indian Affairs with an amendment, on line 5, after the words "sum of," to strike out "$250,000" and insert "$150,000," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $150,000 for the reconstruction and improvement of the road running northwest from Milford across Wind River or Shoshone Indian Reservation, through Fort Washakie to the diversion dam in Wyoming, approximately 30 miles, and lying wholly within said Indian reservation: *Provided,* That the work on said road shall be jointly under the supervision and direction of the Bureau of Indian Affairs and the Bureau of Public Roads.

Mr. KING. Mr. President, I see from the bill itself that the appropriation is to come from the Treasury of the United States.

Mr. KENDRICK. Mr. President, the appropriation included herein is to construct a highway for a distance of about 30 miles across the Shoshone Indian Reservation in Wyoming. The building of this road would connect two ends of 150 miles each, or 300 miles, of a Federal highway extending from Rawlins, Wyo., on the Union Pacific Railroad, to the Yellowstone Park. The absence of development on this piece of road practically prevents the efficient use of the greater part of the 150 miles of road from the Union Pacific to a point about 3 miles north of Lander, Wyo., and also the 150 miles of highway beginning at a point north of the reservation and extending to the Yellowstone Park. In other words, the entire investment in a long line of road is made more or less inoperative and but little worth while because of this gap in the road.

Among the reasons why the 30 miles have not been included in the program of construction are, first, that the State has allocated every dollar of its road funds and its Federal funds to highways in other parts of the State; second, the absence of taxable values across this Indian reservation and the already heavy burden of taxation renders it impossible for the county in which the road is located to assume the cost of building on the reservation. It is also true that the permanent construction of this road would furnish the Shoshone Indians greatly increased facilities for the transportation of their forage crops to market, and for that reason meet an unusually urgent need.

Under such circumstances it seems only consistent that some action should be taken to finish this short section in order that not only the people locally but the hundreds of tourists from outside the State might have the benefit of the long line of road already completed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the bill will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization was announced as next in order.

Mr. McKELLAR. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

THOMAS JEFFERSON SHROPSHIRE

The bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that that bill may be recommitted to the Committee on Military Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill is recommitted to the Committee on Military Affairs.

BILLS AND RESOLUTIONS PASSED OVER

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. KING. Mr. President, we had better let that go over until we can have ample time to consider it.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

Mr. EDGE. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., was announced as next in order.

Mr. EDGE. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. PHIPPS. Let that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. EDGE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

Mr. KENDRICK. Mr. President, I understand that the Senator from Nebraska [Mr. HOWELL] is interested in this bill and the one that follows it on the calendar. The Senator from Nebraska is unavoidably detained from the Senate by illness, and on account of his absence I ask that the two bills be passed over without prejudice.

The PRESIDING OFFICER. At the request of the Senator from Wyoming, Senate bill 4304 and Senate bill 4305 will be passed over without prejudice.

OHIO RIVER BRIDGE AT EVANSVILLE, IND.

The bill (S. 4438) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through its State highway commission and the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near the city of Evansville, Ind., across said river to a point opposite in Henderson County, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through its State highway commission and the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The State of Indiana, acting by and through its State highway commission and the successors of said commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, and to provide a sinking fund sufficient to amortize such bonds or other securities as may be legally issued by said State for the cost of such bridge and its approaches, with reasonable financing charges and redemption provisions, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the completion thereof. After a sinking fund, including the earnings thereof from investment or otherwise, sufficient for such amortization shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. I object.

Mr. OVERMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, the Military Affairs Committee is considering a House bill of the same purport and has certain amendments in mind. I therefore ask that this bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. BLEASE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. CARAWAY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COLLECTION AND PUBLICATION OF TOBACCO STATISTICS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture, which was read as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States, in the possession of dealers, manufacturers, growers' cooperative associations, warehousemen, brokers, holders, or owners, other than the original growers of tobacco. The statistics shall show the quantity of tobacco in such detail as to types and groups of grades as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this act, and said statistics shall show the stocks of tobacco of the last four crop years, including therein the production of the year of the report, which shall be known as new crops, separately from the stocks of previous years, which shall be known as old crops, and shall be summarized as of January 1, April 1, July 1, and October 1 of each year: *Provided*, That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns of the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who, during the preceding calendar year, manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year.

SEC. 2. The Secretary of Agriculture shall establish standards for the classification of tobacco. He shall specify the types and groups of grades which shall be included in the returns required by this act. Such return shall show the quantity of tobacco by such types and groups of grades for new and old crops separately. The Secretary of Agriculture shall prepare appropriate blanks upon which the returns shall be made, and shall, upon request, furnish copies to persons who are required by this act to make returns.

SEC. 3. It shall be the duty of every dealer, manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner, other than the original grower, except such persons as are excluded by the proviso to section 1 of this act, to furnish within 10 days after January 1, April 1, July 1, and October 1 of each year, completely and correctly, to the best of his knowledge, a report of the quantity of leaf tobacco on hand, segregated in accordance with the blanks furnished by the Secretary of Agriculture. Any person, firm, association, or corporation required by this act to furnish a report, and any officer, agent, or employee thereof who shall refuse or willfully neglect to furnish any of the information required by this act, or shall willfully give answers that are false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned not more than one year, or both.

SEC. 4. The word "person" as used in this act shall be held to embrace also any partnership, corporation, association, or other legal entity.

SEC. 5. The Secretary of Agriculture shall have access to the tobacco records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons subject to this act and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this act.

SEC. 6. The returns herein provided for shall be made under oath before a collector or deputy collector of internal revenue, a postmaster, assistant postmaster, or anyone authorized to administer oaths by State or Federal law.

SEC. 7. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary of Agriculture whereby the data furnished by any particular establishment can be identified, nor shall the Secretary of Agriculture permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports.

SEC. 8. The act approved April 30, 1912, providing for the collection of tobacco statistics by the Bureau of the Census is hereby repealed.

SEC. 9. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS PASSED OVER

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowship in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. CARAWAY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. BLEASE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. KING. Mr. President, I have had a number of letters recently in regard to that measure but have not had an opportunity to examine them carefully. I suggest that the joint resolution go over for the present.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc., approved February 8, 1928, was announced as next in order.

Mr. BINGHAM. Mr. President, I notice that the Senator from Rhode Island [Mr. METCALF] has submitted minority views on the joint resolution. As he is not now present, I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BLEASE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. HALE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. Let that bill go over.

Mr. JONES. Mr. President, I wish to ask some member of the Committee on Post Offices and Post Roads a question with reference to this bill. The calendar says:

H. R. 5837 * * * substituted for S. 1679 and ordered to be placed on the calendar.

Has Senate bill 1679 been reported by the Committee on Post Offices and Post Roads?

Mr. McKELLAR. My recollection is that the Senate bill was reported and the House bill has been substituted for it.

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that that is the case.

Mr. JONES. Very well.

Mr. PHIPPS. I hope that bill may be taken up for serious consideration some time in the near future.

Mr. KING. What bill is that?

Mr. PHIPPS. The bill with regard to the salaries of first-class postmasters. We should like to take it up for serious consideration.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EQUALIZATION OF RANK OF CERTAIN ARMY AND NAVY OFFICERS

The bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy was announced as next in order.

Mr. KING. Mr. President, we have a number of bills here dealing with promotions of officers of the Army. I was wondering if it would not be better to consider them together.

Mr. REED of Pennsylvania. Mr. President, this is not of the same class as the other bills of that type. It merely gives temporary rank to the Chief of Staff so as to put him on a par with the Chief of Naval Operations. It is not a matter of very great importance, but it has been a sore spot in the Army for a great many years. Both the House and the Senate Committees on Military Affairs were unanimous in favor of the bill.

Mr. ROBINSON of Arkansas. Mr. President, does the Chief of Naval Operations now rank the Chief of Staff?

Mr. REED of Pennsylvania. In every case, no matter how much he is junior to him, or how long after the Chief of Staff he was appointed; and they ought to rank between themselves according to the dates of their appointments as such. That is all that the bill provides.

Mr. KING. Is it important to preserve parity as between officers of the Army and Navy and Reserve Corps?

Mr. REED of Pennsylvania. Yes, Mr. President; it is. The services are of equal dignity, and it is not right that either of them should take advantage of the other.

Mr. KING. Might it not be better to reduce the naval officer down to a parity with the rank enjoyed by the Army officer—instead of stepping one up, to step the other down a little?

Mr. REED of Pennsylvania. I should be perfectly satisfied with that; but the Congress in the past has promoted the Chief of Naval Operations and the commander of any battle fleet to the rank of admiral.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the words "dates of," to strike out "appointment as such" and insert "commission in the advanced rank held by them while serving as such and shall both take rank above all other officers on the active list of the Army and Navy," so as to make the bill read:

Be it enacted, etc., That hereafter the Chief of Staff of the Army, while holding office as such, shall have the rank and title of general, and shall receive the pay and allowances of a major general, and in addition thereto, the personal money allowance prescribed by law for the officer of the Navy serving as Chief of Naval Operations. The Chief of Staff of the Army and the Chief of Naval Operations shall take rank between themselves according to dates of commission in the advanced rank held by them while serving as such and shall both take rank above all other officers on the active list of the Army and Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RETIREMENT OF ENLISTED MEN OF PHILIPPINE SCOUTS

The bill (S. 4640) to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That when an enlisted man of the Philippine Scouts shall have served 30 years either in the Army (including the Philippine Scouts), Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with 75 per cent of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: $6.35 per month in lieu of rations and clothing, and $4.15 per month in lieu of quarters, fuel, and light: *Provided*, That in computing the necessary 30 years' time all service in the Army (including the Philippine Scouts), Navy, and Marine Corps shall be credited.

Mr. KING. Mr. President, I should like to have an explanation of the bill.

Mr. REED of Pennsylvania. Mr. President, this bill provides for the retirement of enlisted men of the Philippine Scouts who have served faithfully for 30 years or more. At this moment there is no such person living; but next November the oldest of the veterans of the Philippine Scouts will have reached the 30-year period. He is the only enlisted man in the United States Army who is denied retirement privileges. Those men have been constantly engaged in dangerous service since they first enlisted in the Army. In every respect the Philippine Scouts constitute an integral part of the United States Army. This is the only particular in which there is a difference, save that their pay is lower; consequently, their retirement pay will be much lower. It is estimated that this retirement privilege will cost the United States approximately $6,000 in 1930, and that that amount will increase, in all likelihood, so that by 1936 it will reach its maximum of about a quarter of a million dollars. I am quoting those figures from memory. The exact figures are given in the report.

The bill was reported to the Senate without amendment ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LAND NEAR CAMP BULLIS, TEX.

The bill (H. R. 11071) providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor, was announced as next in order.

Mr. JONES. Let that go over.

Mr. REED of Pennsylvania. Mr. President, will not the Senator withhold his objection for a moment until I can make an explanation of that bill?

Mr. JONES. Certainly.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. REED of Pennsylvania. I am glad to yield to the Senator from Texas.

Mr. SHEPPARD. It will be perfectly satisfactory to me for the chairman of the committee to explain the measure.

Mr. REED of Pennsylvania. I beg the Senator's pardon. I knew the Senator from Alabama [Mr. BLACK] was not here, and I did not notice that the Senator from Texas himself was here. I hope he will explain the bill.

Mr. SHEPPARD. I thank the chairman of the committee for his offer to cooperate, and I shall be glad to have his assistance.

Mr. REED of Pennsylvania. I am glad to do so.

Mr. SHEPPARD. The object of the bill is to acquire a strip of land between two camps in Texas, and it consists of about 1,100 acres. Both the camps are used for artillery practice; and with the high-powered guns of to-day it is not possible to conduct that practice satisfactorily without firing across this land, which heretofore has been rented by the Government. The price is not excessive.

Mr. JONES. Is the land settled?

Mr. SHEPPARD. I do not have exact information in that regard at hand.

Mr. JONES. How many settlers are there on it?

Mr. SHEPPARD. I am unable to say exactly how many.

Mr. JONES. Is it divided into small farms and well settled up?

Mr. SHEPPARD. I am not accurately informed as to how thoroughly it is settled. It is certainly needed by the Government to connect Camps Stanley and Bullis for purposes of effective artillery practice.

Mr. REED of Pennsylvania. If the Senator will permit me, the land has been used as part of the reservation in the past under a rental arrangement. It is the desire now to get title to it for the Government. There has been some trouble about renewing the lease. It is a wedge in the middle of the reservation over which the artillery must fire. At present it is very sparsely occupied; otherwise, we could not get it for not more than $10 an acre. We will have condemnation proceedings if we can not get it at a satisfactory price.

Mr. JONES. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 1320) for the relief of James W. Pringle was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2192) for the relief of Lemuel Simpson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11859) for the relief of B. C. Miller was announced as next in order.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. KING. Mr. President, I should like to know what statute would be offended against if this man were permitted to withdraw this deposit without the consent of Congress.

The PRESIDING OFFICER. The Chair will ask that this bill be passed over.

FEDERAL NARCOTIC FARMS

The bill (H. R. 13645) to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over until we can have an opportunity to investigate it.

Mr. DENEEN. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. DENEEN. This is a House bill. It authorizes and directs the Secretary of the Treasury and the Secretary of War to select two sites for narcotic farms. It also authorizes the Secretary of the Treasury to make estimates as to their cost, the cost of the buildings to be erected thereon, and their cost of operation. In the House a very careful hearing was had in this matter, and the report states, on the first page, that the three penitentiaries at Atlanta, Leavenworth, and McNeil Island have a capacity for 3,778 persons, and that on April 1, 1928, there were 7,598 persons in those penitentiaries. There are among them 1,559 addicts of narcotic drugs. The purpose of the bill is to accumulate information upon which the next Congress may act intelligently.

Mr. KING. I do not understand exactly what the Senator means by "collecting information."

Mr. DENEEN. The selection of the sites, the estimate of the cost of the sites, the estimate of the cost of the buildings to be erected thereon, and the estimate of the cost of operation.

Mr. KING. I understand that; but the point that I am trying to get at is, Is it the purpose to erect additional penitentiaries?

Mr. DENEEN. To erect two to accommodate the inmates of penal institutions. We have already outgrown the capacity to take care of those who are punished under Federal law, and it is particularly important because of the fact that there are 1,559 addicts among them now.

Mr. JONES. Mr. President, will the Senator let me interrupt him? I have not had an opportunity to read the bill; but, as I understand from the statement of the Senator, this bill does not contemplate the actual purchase of sites or the actual appropriations for constructing the buildings.

Mr. DENEEN. Not at all.

Mr. JONES. It simply provides for securing estimates to be submitted to Congress for further legislative action.

Mr. DENEEN. It authorizes these officials to recommend certain sites.

Mr. McKELLAR. Mr. President, has the bill the recommendation of the Department of Justice?

Mr. DENEEN. No; the bill has not been referred to any department for recommendation, as I understand.

Mr. KING. That is a matter that struck me as rather curious. The Department of Justice has to do with these penitentiaries. The Department of Justice controls them; and I was wondering why the matter now was taken from its hands and put into the hands of the Treasury Department, when the Department of Justice has the responsibility of caring for these people.

Mr. DENEEN. The bill contemplates the expenditure of money at present only for the purpose of selecting the sites, not for purchasing them, and an estimate of the cost.

Mr. KING. Let me ask the Senator a question. Does not the Senator believe that the department of the Government that has charge of the prisoners and is responsible for them would know more about the places where an additional penitentiary should be constructed than some other department of the Government?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DENEEN. This bill was drafted in the House and passed by the House. I take it for granted that the Department of Justice was consulted.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me right in that connection? By section 2, page 2, of the bill, the Attorney General, the Secretary of the Treasury, and the Secretary of War are authorized and directed to select the sites, so that the Attorney General is included on the commission.

Mr. DENEEN. I omitted to state that the Attorney General is one of the officers empowered to select these sites.

Mr. ROBINSON of Arkansas. It does not appear to me why the Secretary of War is named.

Mr. McKELLAR. Probably the Secretary of the Treasury was named because he has charge of buildings generally.

Mr. ROBINSON of Arkansas. Yes.

Mr. McKELLAR. I am in very hearty sympathy with the purpose of this bill, I will say to the Senator from Illinois; and, as far as I am concerned, I have no objection to it.

Mr. COPELAND. Mr. President, will the Senator yield? I assume that another reason why the Secretary of the Treasury was selected is because the United States Public Health Service comes under the Treasury Department; and, since this has to do with the medical phase as well as the custodial care of these persons, it would naturally go to the department which has to do with matters relating to health.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMS OF COURT IN VERMONT

The bill (S. 3590) to amend section 110 of the Judicial Code was considered as in Committee of the Whole.

Mr. McKELLAR. Mr. President, let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The legislative clerk read the bill, as follows:

Be it enacted etc., That section 110 of the Judicial Code (being sec. 191, title 28, of the United States Code) is hereby amended to read as follows:

"SEC. 191. (Judicial Code, sec. 110, amended.)—Vermont: The State of Vermont shall constitute one judicial district to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the second Tuesday in February, at Windsor on the second Tuesday in May, at Rutland on the second Tuesday in October, and at Brattleboro on the second Tuesday in December. Any stated term may, when adjourned, be adjourned to meet at any of the other stated places or at Montpelier or Newport. (Rev. Stat., sec. 531; March 3, 1911, ch. 231, sec. 110; 36 Stat. 1127; February 1, 1912, ch. 26, 37 Stat. 58.)

Mr. DALE. Mr. President, I should like to say in connection with this bill that it changes the code only in this respect: The terms of the Federal court in Vermont now are held on the fourth, third, first, and third Tuesdays, respectively, in February, May, October, and December.

Mr. McKELLAR. Does this bill apply only to Vermont or to the entire country?

Mr. DALE. Only to the State of Vermont. Those dates conflict with the dates of convening of the supreme court and the superior court; and it is proposed to change the dates of convening to the first Tuesday of each of the months I have named. The Federal judge, the district attorney, and the bar generally request this change simply as a matter of convenience in the holding of court, so that the terms of court will not conflict with each other.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE OF REPRESENTATIVES OFFICE BUILDING

The bill (H. R. 12897) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFINITION OF DEPENDENT CHILD OR CHILDREN

The bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

Mr. REED of Pennsylvania. Mr. President, a word of explanation about this bill. It has been discovered that there were adoptions by officers of the Navy of children who are almost as old as the officers themselves, the apparent purpose being to increase the dependency allowances paid to officers in that situation. The Comptroller General very promptly and very properly refused to credit the accounts of those officers under those circumstances. One or two of the cases have gone to the court.

This bill recognizes the correctness of the Comptroller General's ruling in requiring a bona fide dependency, but it also corrects that ruling and limits it so as not to deny dependency relief where there is a bona fide adoption of a child. A bona fide adopted child is treated as a dependent in just the same way that a natural child is. That is all this bill would do.

The PRESIDING OFFICER. The clerk will report the first amendment of the committee.

The amendments were, on page 1, line 10, to strike out the words "natural children" and to insert in lieu thereof the words "children, stepchildren"; and on the same page, line 11, to strike out the word "children" and to insert the words "children, where such legitimate children, stepchildren, or adopted children are in fact dependent upon the person claiming dependency allowance," so as to make the bill read:

Be it enacted, etc., That the words "child" and "children" as used in section 12 of the act approved May 18, 1920 (41 Stat. 604), and in section 4 of the act approved June 10, 1922 (42 Stat. 627), and in section 12 of the act approved June 10, 1922 (42 Stat. 631), as amended by the act approved June 1, 1926 (44 Stat. 680), shall be held to include, legitimate children, stepchildren, and adopted children, where such legitimate children, stepchildren, or adopted children are in fact dependent upon the person claiming dependency allowance.

Mr. McKELLAR. May I ask the Senator as to the words "or adopted children are in fact dependent upon the person claiming the dependency allowance." Would that prevent older persons from being adopted if they were actually dependent upon the official?

Mr. REED of Pennsylvania. There is a distinct age limit fixed in the present law. The dependency must exist as a matter of fact. The child who is adopted must in fact be supported out of the earnings of the officer.

Mr. McKELLAR. There is an age limit in the law as it is now?

Mr. REED of Pennsylvania. Yes; with certain exceptions as to permanently crippled persons, and matters of that sort.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSOURI RIVER BRIDGE, NEBRASKA

The bill (H. R. 13826) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr., was announced as next in order.

Mr. BLEASE. Mr. President, I would like to ask whether that bridge is to be built by individuals who are to be perpetually permitted to charge people crossing the bridge. I notice on the calendar several bridge bills, and down in my section I have noted that some people build bridges and make fortunes out of them, and just continue to charge tolls. I would like to know if this is to be a perpetual right.

Mr. JONES. Mr. President, I may say to the Senator that there has been a general form adopted for these bridge bills for the committees both of the House and the Senate to follow. We have a subcommittee of the Committee on Commerce, which deals with these measures and sees that they conform to that form. They report directly to the Senate. I have a very distinct recollection that there is a condition in that form under which, where the bridge is constructed by private parties, after a certain period of time the cost of the bridge shall be amortized, and thereafter it becomes a free bridge, or, at any rate, there is a condition in the bill under which the State or the county or the municipality can take the bridge over, and the basis of cost is prescribed in the law itself. I think that the interests of the public are as fully protected as we can protect them by law, because these forms were gone into very carefully by both committees of the House and the Senate.

Mr. McKELLAR. That condition is to be found in section 5 of the measure.

Mr. BLEASE. In some places there are ferries, and, of course, they are inconvenient, and it is much more convenient to use a bridge, but certain people get permission to build a bridge on a public road that belongs to the people and simply hold the bridge as long as time lasts, and they and their heirs and successors charge the public for crossing the bridge. I think there should be some provision somewhere that at some time such bridges should either be made free bridges or there should be some means by which the toll rate could be reduced.

The PRESIDING OFFICER. The Chair will state that the Senator from Vermont [Mr. DALE], who reported the bill, has just come into the Chamber, and will answer the question of the Senator from South Carolina if he will repeat it.

Mr. COPELAND. While the Senator from Vermont is looking the matter up, may I say that this bill provides in section 4 that it may be taken over by "the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States," and so on, and it has been the policy of the Committee on Commerce, as the chairman of the committee has said, ever since I have been a member of it, that no bill should be reported unless it had in it that proviso, and that under certain conditions the bridge might be taken over.

Mr. McKELLAR. An amortization fund is provided for in section 5, and it is further provided that at the end of 20 years it shall become a free bridge.

Mr. JONES. It is further provided that at any time the Secretary of War considers the tolls unreasonable, he can reduce them to a reasonable figure.

Mr. BLEASE. I do not object, but I wanted to have the facts understood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, WEST VIRGINIA

The bill (S. 4778) authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River from a point at or near the city of Moundsville, Marshall County, W. Va., to a point opposite in Belmont County, Ohio, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Moundsville Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near the city of Moundsville, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Moundsville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, contruction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Moundsville Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount neccessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Moundsville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Moundsville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Moundsville Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va."

OHIO RIVER BRIDGE, OHIO

The bill (S. 4616) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Commerce with amendments, on page 1, line 3, to strike out the word "the," and insert the word "The"; on line 4, to strike out the word "Saint," and to insert in lieu thereof "St."; on line 8, after the word "existing," to insert the word "railroad"; on page 2, line 3, after the numerals "1906" and the comma, to insert the words "other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced"; on page 2, line 6, to insert a new section, as follows:

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

On page 2, line 16, to strike out "2," and insert in lieu thereof "3," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., a corporation duly organized under the general laws of the States of Pennsylvania, West Virginia, Ohio, Indiana, and Illinois, its successors and assigns, to maintain and operate its existing railroad bridge and approaches thereto over the Ohio River at Steubenville, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, and any corporation to which, or any person to whom, such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio."

POTOMAC RIVER BRIDGE

The bill (S. 4721) to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 1, line 7, after the word "act," to strike out the words "granting the consent of Congress to" and to insert the word "authorizing"; on line 8, after the word "Company" and the comma, to insert the words "its successors and assigns, to construct, maintain, and operate"; on line 9, to strike out the words "to construct"; on line 10, after the word "River," to insert the words "at or near the Great Falls"; on page 2, line 7, after the word "bridge," to strike out the words "as authorized by section 1 of this act" and to insert the words "upon such terms and conditions as the Secretary of War may deem equitable and fair to the public"; on line 11, to strike out the words "This act shall be in force from its passage" and to insert the words "That the right to alter, amend, or repeal this act is hereby expressly reserved," so as to make the bill read:

Be it enacted, etc., That the time for commencing and the time for completing the construction of a bridge authorized by the act of Congress approved April 21, 1928, to be built across the Potomac River by the Great Falls Bridge Co., entitled "An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls" are hereby extended one and three years, respectively, from the date of the approval hereof.

SEC. 2. In constructing the said bridge the said company is authorized by and with the approval of the Secretary of War, to use and occupy such Government-owned land located at or near Great Falls as is necessary to carry to completion the construction of said bridge upon such terms and conditions as the Secretary of War may deem equitable and fair to the public.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES. Mr. President, let me understand that amendment about the site. My recollection is that the committee has not permitted the assignments where the grant to construct the bridge is to a State or a county or a municipality, because that might enable the county or the State or the municipality to turn it over to private parties. The conditions for private parties are different from those to States or counties. I will ask the clerk to report that amendment again.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 1, line 8, after the word "company," to insert the words "its successors and assigns, to construct, maintain, and operate," and to strike out the words "to construct."

Mr. ROBINSON of Arkansas. I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over.

Mr. JONES subsequently said: Mr. President, I would like to ask which bill it was that went over.

The PRESIDING OFFICER. Order of Business 1397, Senate bill 4721.

Mr. JONES. I will say to the Senator from Arkansas that that is a different bill from the one I thought we had reached on the calendar. That is a bill to extend the time for commencing and completing the construction of a bridge across the Potomac River, and authorizing the use of certain Government land.

Mr. ROBINSON of Arkansas. I have no objection to its consideration if the chairman of the committee has his mind clear on the matter now.

Mr. JONES. It is not a grant, as I understand it, to a municipality or to a State.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOX RIVER BRIDGE, ILLINOIS

The bill (S. 4744) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "navigation" and the comma, to strike out the words "in substantially a direct line connecting" and insert in lieu thereof the words "at or near"; on line 8, after the word "Avenue," to strike out the words "on the west side of the river with North Avenue on the east side of the river," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, at a point suitable to the interests of navigation, at or near North Avenue, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOX RIVER BRIDGE, ILLINOIS

The bill (S. 4745) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "city" and the comma, to strike out all down to and including the word "River" in line 3 on page 2, and to insert in lieu thereof the words "at a point suitable to the interests of navigation at or near New York Street," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, at a point suitable to the interests of navigation, at or near New York Street in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES. Mr. President, where is this bill on the calendar?

The PRESIDING OFFICER. It is order of business 1399.

Mr. ROBINSON of Arkansas. That appears to be the same as order of business 1398. There is a little difference in the language, but the legal construction of them is probably the same.

The PRESIDING OFFICER. Can the Senator from Illinois give some light on that?

Mr. DENEEN. Senate bill 4744 is for the construction of a bridge across the Fox River. I have not had an opportunity to read the whole bill, but there are two different views as to where the bridge should go. The measures apply to the same city and to the same river.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BORAH. Mr. President, has the time fixed in the unanimous-consent agreement been concluded?

The PRESIDING OFFICER. It will be in one minute.

Mr. ROBINSON of Arkansas. Mr. President, there are but a few other bills on the calendar, and I suggest that consent be obtained to complete the call of the calendar. Perhaps it could be completed in 10 minutes.

Mr. CURTIS. I ask unanimous consent that we go to the end of the calendar in the consideration of unobjected bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MISSISSIPPI RIVER BRIDGE, ILLINOIS

The bill (S. 4787) to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out the words "That the act approved May 26, 1924, granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at or near the city of Savanna, in the county of Carroll, State of Illinois, and the city of Sabula, in the county of Jackson, State of Iowa, be, and the same is hereby, revived and reenacted: *Provided,* That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within one year and completed within three years from the date of approval hereof"; and to insert in lieu thereof the words: "That the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Illinois, and the city of Sabula, Iowa, authorized to be built by the States of Illinois and Iowa by the act of Congress approved May 26, 1924, as revived and reenacted by act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from March 10, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Illinois, and the city of Sabula, Iowa, authorized to be built by the States of Illinois and Iowa by the act of Congress approved May 26, 1924, as revived and reenacted by act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from March 10, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa."

CUMBERLAND RIVER BRIDGE, TENNESSEE

The bill (S. 4793) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Wilson and Trousdale Counties, Tenn., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, to strike out the words "Wilson and"; on page 1, line 8, after the word "Trousdale," to strike out the word "counties" and insert the word "county"; on page 2, lines 3 and 4, after "1906," to change the comma to a period and strike out the words "and subject to the conditions and limitations contained in this act," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation in the vicinity of Harts Ferry, in Trousdale County, in the State of Ten-

nessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Trousdale County, Tenn."

ALFRED ST. DENNIS

The bill (H. R. 3041) for the relief of Alfred St. Dennis was announced as next in order.

Mr. KING. Over.

Mr. BROOKHART. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. I objected because the record shows that the man was a deserter.

Mr. BROOKHART. I want to call the attention of the Senator to the fact that he is not on the record as a deserter. In this case the muster-out roll itself shows that he was absent, sick, at the time of the mustering out of his company, and that under those conditions he could not be in reality a deserter. I think there is no doubt about the bill and that it ought to pass.

Mr. BRUCE. Mr. President, may I ask the Senator from Iowa whether the bill received the approval of the Senator from Pennsylvania [Mr. REED], chairman of the Committee on Military Affairs?

Mr. BROOKHART. I think so. However, that Senator is present and can speak for himself.

Mr. REED of Pennsylvania. What was the inquiry?

Mr. BRUCE. I asked the Senator from Iowa whether the bill had received the approval of the Senator from Pennsylvania as chairman of the Committee on Military Affairs.

Mr. REED of Pennsylvania. Yes. It was shown that the man had pneumonia, that he was taken to the hospital sick, that he was delirious when he got to his home, and that when he finally got well so that he could report to his regiment, the war was over and there was no such regiment.

Mr. BROOKHART. It appears on the muster-out roll that he was absent sick.

Mr. KING. Robert C. Davis, The Adjutant General, states in a letter appearing in the report:

> Upon this presentation of the case, application for removal of the charge of desertion has been repeatedly denied, and now stands denied, for the reason that the soldier did not serve until May 1, 1865, and that it has not been satisfactorily established that he was prevented from completing his term of enlistment.

Mr. BROOKHART. That ruling was made in the War Department notwithstanding the fact that the muster-out roll showed that he was absent sick. I think they were wrong in their ruling, but we can not correct it except by this legislation.

Mr. REED of Pennsylvania. If the Senator will look at the bottom of the first page of the report, he will see that it is officially stated that the muster-out roll of July 30, 1865, which, of course, is the last roll of the regiment, shows this soldier as having been absent sick from May 6, 1864, so that he was officially shown at the time to be absent sick and his absence was explained in that way. I can not understand why they did not hold that that was enough to satisfy the amnesty act.

Mr. KING. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alfred St. Dennis, who was a member of Company E, Fifty-seventh Regiment Massachusetts Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of May, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LENTZ

The bill (H. R. 8798) for the relief of William Lentz was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.*, That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Lentz, formerly a member of Company E, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, war with Spain; Company M, Nineteenth Regiment United States Infantry; and who served honorably in the World War, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company M, Nineteenth Regiment United States Infantry.
>
> SEC. 2. No back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

Mr. BRUCE. Mr. President, I would like an explanation of the bill.

Mr. BROOKHART. Mr. President, in this case the soldier served through the Spanish War and was given an honorable discharge. He deserted in time of peace and then served again through the World War and was honorably discharged. We felt that his record justified the approval and passage of the bill.

Mr. BRUCE. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY RESERVATION, MONTEREY, CALIF.

The bill (H. R. 13033) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to convey to the city of Monterey, Calif., by suitable instrument, an easement for a right of way over that portion of the military reservation at Monterey, Calif., particularly described, as follows, to wit:
>
> Beginning at a point on the south line of the United States Military Reservation, Monterey, Monterey County, Calif., which bears north 80° east, 75.16 feet distant from the point of intersection of said line of said reservation with the east line of Lighthouse Road (sometimes called Lighthouse Avenue), and running thence north 80° east 62.13 feet to a point which is 25 feet distant westerly from the center line of the Southern Pacific Railroad track; thence northerly on a curve of 630 feet radius, curving to the right (long chord, north 5° 17½′ west 346.77 feet) 351.3 feet to a point on the east line of said Lighthouse Road and 20 feet distant west from the center line of said Southern Pacific Railroad track, thence south 18° 35½′ west, along the east line of Lighthouse Road, 283 feet; thence south 19° 41′ east 138.6 feet to the point of beginning, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War, and certain widows and dependent children of soldiers, sailors, and marines of said war, was announced as next in order.

Mr. KING. That is a very long bill and it will take some time to consider it. I suggest that it go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

AUGUST J. MACK

The bill (H. R. 10472) to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army, was announced as next in order.

Mr. KING. Mr. President, I would like to ask the chairman the purpose of the legislation?

Mr. REED of Pennsylvania. The officer was in China and was authorized by existing law to have been appointed a warrant officer. His application was put in the mail promptly, but by delay on the part of the transport which was bringing the mail home from China it got here two days too late for the War Department to make the appointment within the limit of time allowed by law.

Mr. KING. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, after the word "Columbia," to strike out the words "and if necessary, in order to accomplish this purpose, the number of warrant officers authorized by law for the Army is hereby increased by one," so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of existing law, the Secretary War is hereby authorized to take the same action with respect to the application of Master Sergt. August J. Mack for appointment as a warrant officer, United States Army, that he could have taken had the application of Sergeant Mack not been delayed in the mail en route from China to Washington, D. C.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to a third reading, read the third time, and passed.

MORRIS FOX CHERRY

The bill (H. R. 12538) for the benefit of Morris Fox Cherry was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment on page 1, line 10, after the numerals "1918," to insert the words "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Morris Fox Cherry, who was a member of Battery A, One hundred and thirty-second Field Artillery, Thirty-sixth Division, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 16th day of April, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CLARENCE E. BURT

The bill (H. R. 4935) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint and commission Clarence E. Burt, first lieutenant, United States Army, retired, to the grade of captain, United States Army, retired, said grade being effective as of December 8, 1918, with the retired pay of captain, said pay to be based on his length of service on January 29, 1920, the date of his retirement: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I would like to have an explanation of the measure.

Mr. REED of Pennsylvania. Mr. President, this is the most difficult and technical matter we have had to contend with for some time. The law and the order of the department under the act of 1917 provided that no first lieutenant of the Medical Corps should be promoted to captain without examination and no examination should be had for such promotion unless, if an officer of the Medical Corps, he should have completed one year's continuous service in that corps. This officer was one of a class of 15 reserve and National Guard officers appointed in the Regular Army by recommendation of the Surgeon General. They were nominated to the Senate on December 13, 1917, and confirmed by the Senate December 18, 1917, but the appointment was not actually made until 10 days later—December 28, 1917. Meantime the class of medical officers which came into the service afterwards were all promoted to captaincies in December, 1918, and so would have been Lieutenant Burt but because of the fact that he was disabled during war time and was retired a few days before the year was up. The other officers of the same group of 15 have all retired from the service and that is why the bill applies only to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREN W. RYNEARSON

The bill (H. R. 8974) authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Oren W. Rynearson, late second lieutenant, United States Army, before a retiring board for the purpose of a hearing of his case and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of the service, according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Oren W. Rynearson, a second lieutenant, the grade which he had at the time of his resignation, and to place him on the retired list of the Army: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT COMMISSION OF INSULAR REORGANIZATION

Mr. BINGHAM. Mr. President, a little while ago, when Calendar 1131, the joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization, was reached, the senior Senator from Tennessee [Mr. McKELLAR] asked that it go over. I understand that now he has looked into the matter and is willing to have the joint resolution considered.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. Is there objection to returning to Calendar 1131?

There being no objection the Senate as in committee of the whole proceeded to consider the joint resolution (S. J. Res. 9) to establish a joint commission on insular reorganization which had been reported from the Committee on Territories and Insular Possessions with an amendment, on page 1, line 7, to strike out the word "elect."

Mr. BINGHAM. Mr. President, I ask that the amendment be disagreed to. Due to the fact that the bill was reported last May the word "elect" should be left in.

The amendment was rejected.

Mr. BINGHAM. On page 1, line 7, the word "seventieth" should be stricken out and the word "seventy-first" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 7, strike out the word "seventieth" and insert the word "seventy-first."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the committee was on page 2, line 13, to strike out "December 15, 1928," and insert in lieu thereof "December 16, 1929." so as to make the bill read:

Resolved, etc., That there is hereby established a joint congressional commission to be known as the joint commission on insular reorganization and to be composed of five Senators, appointed by the President of the Senate, and five Members elect of the House of Representatives, for the Seventy-first Congress, appointed by the Speaker of the House of Representatives. The commission is authorized and directed to make a careful study and examination of the various executive agencies of the Government engaged in the administration, supervision, and direction of matters pertaining to the insular possessions of the United States with a view to determining (1) the advisability of placing all such matters under the administration, supervision, and direction of one bureau or department of the Government, (2) the necessary and advisable transfers of executive functions to such bureau or department, and (3) a plan of organization for such bureau or department. The heads of the several executive departments and independent establishments shall, upon the request of the commission, detail representatives from their respective departments and establishments to assist the commission in such study and examination. The commission shall make a report in writing to the Congress on or before December 16, 1929, which shall contain a complete statement of the results of such study and examination and recommendations for appropriate legislative or other action.

SEC. 2. The commission shall cease to exist upon the submission of its report to the Congress in accordance with the provisions of this resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES MILITARY ACADEMY

The bill (S. 4644) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy, was considered as in the Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $297,540 for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF AQUEDUCT BRIDGE, GEORGETOWN, D. C.

The bill (S. 4217) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., was considered as in the Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va., to be removed and sold or otherwise disposed of, and the sum of $228,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the cost of such removal and disposal: *Provided*, That any balance remaining from this appropriation may be applied to such protection and improvement work on the Virginia side of the river, in the area included in the approaches to the Aqueduct Bridge and the new Francis Scott Key Bridge, as may be deemed necessary to insure that the surrounding conditions, after the removal of the old bridge, shall harmonize with the design of the new bridge and in no way endanger the said structure.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAKE MICHIGAN BRIDGE, CHICAGO, ILL.

The bill (S. 4915) granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill., was considered as in Committee of the Whole.

Mr. JONES. Mr. President, the bill, on page 2, line 2, should be amended by striking out the words "and assigns." It is a rule of the Committee on Commerce that when we grant consent to a municipality or something of the kind to construct a bridge we grant the permit to it or its successors, but we do not permit it to assign to private parties. The conditions as to private parties are different from those applying to municipalities. In line 2, page 2, I move to amend by striking out the words "and assigns."

The amendment was agreed to.

Mr. JONES. In line 12, on the same page, I move to amend by striking out the words "and assigns."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 12, strike out the words "and assigns," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, and their successors, to construct, maintain, and operate, at a point suitable to the interests of navigation, a bridge and approaches thereto across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of Congress is hereby granted to the commissioners of Lincoln Park, their successors, to construct, maintain, and operate, at a point suitable to the interests of navigation, a bridge, abutments, and approaches thereto across Michigan Canal, otherwise known as Ogden Slip, in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the actual construction of each of the bridges authorized in this act shall be commenced within two years and shall be completed within four years from the date of the passage of this act.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, and their successors, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, and their successors, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill."

MISSOURI RIVER BRIDGE, BROWNVILLE, NEBR.

The bill (S. 4861) authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, line 1, to strike out the word "Iowa" and insert the word "Missouri"; in line 11, before the word "years," to insert the word "twenty"; on page 4, line 10, after the word "exceed," to insert the word "twenty"; and in line 25, to strike out the word "Iowa" and insert the word "Missouri," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Brownville Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Brownville, Nebr., in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Brownville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Brownville Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Brownville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of

acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Brownville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Brownville Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAN RIVER BRIDGE, PITTSYLVANIA COUNTY, VA.

The bill (S. 4957) granting consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va., was considered as in the Committee of the Whole. The bill had been reported from the Committee on Commerce, with an amendment, on page 1, line 5, to strike out the word "rebuild," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns, to reconstruct, maintain, and operate its existing railroad bridge and approaches thereto across the Dan River, at a point 7.8 miles west of Danville, in Pittsylvania County, in the State of Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va."

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE, LA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5038) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La., which had been reported from the Committee on Commerce with amendments, in line 5, after the word "near," to strike out the words "the city of"; in the same line, after the name "Baton Rouge," to strike out the words "East Baton Rouge Parish, State of"; and in line 9, after the word "from," to strike out the words "the date of approval hereof" and to insert the words "February 20, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near Baton Rouge, La., authorized to be built by the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, by the act of Congress approved February 20, 1928, are hereby extended one and three years, respectively, from February 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WABASH RIVER BRIDGE AT MOUNT CARMEL, ILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5039) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill., which had been reported from the Committee on Commerce with amendments, in section 1, page 1, line 4, after the word "at," to strike out the words "or near"; in line 7, after the figures "1925," to strike out the words "and amended" and to insert "heretofore extended"; in line 8, after the word "the," to strike out the word "act" and insert the word "acts"; in the same line, after the word "approved," to insert "July 3, 1926"; in line 9, after the word "and," to strike out the words "by the act of Congress approved"; and on page 2, line 1, after the word "from," to strike out the words "the date of approval hereof" and to insert "March 29, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Wabash River at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress approved March 3, 1925, heretofore extended by the acts of Congress approved July 3, 1926, March 2, 1927, and March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAND CALUMET RIVER BRIDGE, EAST CHICAGO, IND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5059) granting the consent of Congress to the Chicago, South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind., which had been reported from the Committee on Commerce with an amendment in section 1, page 5, after the words "operate a" to strike out the word "railroad," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Chicago, South Shore & South Bend Railroad, and its successors and asigns, to construct, maintain, and operate a bridge across the Grand Calumet River, at a point suitable to the interests of navigation, in the city of East Chicago, county of Lake, State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Chicago, South Shore & South Bend Railroad, its successors and assigns; and any corporation to which or person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 3. That the right to alter, amend, or repeal this act is expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Chicago, South Shore & South Bend Railroad to construct, maintain, and operate a bridge across the Grand Calumet River at East Chicago, Ind."

BRIDGE ACROSS SPRING RIVER AT BLACK ROCK, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4976) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring

River at or near the town of Black Rock, Ark., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Randolph and Lawrence, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Black Rock, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SPRING RIVER BRIDGE AT IMBODEN, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4977) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark., which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Imboden, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES IN MINNESOTA AND ARKANSAS

The Senate, as in Committee of the Whole, severally considered the following bridge bills, which were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

A bill (H. R. 13503) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.; and

A bill (H. R. 13540) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line.

POTOMAC RIVER BRIDGE AT PAW PAW, W. VA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13848) to legalize a bridge across the Potomac River at or near Paw Paw, W. Va., which was read, as follows:

Be it enacted, etc., That the bridge now being constructed across the Potomac River at or near Paw Paw, W. Va., by the State of West Virginia and the State of Maryland, or any county or counties thereof, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation and operated as a free highway bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BORAH obtained the floor.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. Mr. President, as I understand, the bill just passed completes the call of the calendar. We passed over on the calendar Order of Business 785, being the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, authorizing a complete survey of certain improvements absolutely necessary on the Panama Canal, and further complete survey of the proposed Nicaraguan canal. I have conferred with the Senator from Utah [Mr. KING], who interposed an objection at the time the joint resolution was reached on the calendar, and I should now like to ask unanimous consent to consider the joint resolution. It is only a little after 3 o'clock, and we can probably dispose of it during the afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. EDGE. I understand that the joint resolution, if taken up, will not displace the unfinished business, but I am merely making an endeavor to dispose of the joint resolution, and the unfinished business, of course, will be retained in its present status.

Mr. BORAH. Mr. President, let me say to the Senator from New Jersey that I should like to move to go into open executive session for the purpose of disposing of a situation with reference to the multilateral peace treaty.

Mr. MOSES. I should like to ask the Senator from Idaho if he can not withhold that motion. I know it takes precedence over the request of the Senator from New Jersey, but it is an open secret that arrangements are progressing so that it is probable that a unanimous-consent agreement of some nature may be reached regarding the treaty probably at the session to-morrow. Therefore if that motion could be withheld until we could get into open executive session to-morrow, I am sure an arrangement satisfactory to the Senator from Idaho and to all other Senators who are interested in the document may be arrived at.

Since I am speaking of secrets, which are more or less open, I should like to add another which can not be of consequence to the Senate as a whole but certainly is of moment to Members on this side of the aisle. The Republican committee on committees has a scheduled meeting this afternoon, which must be held, and the sooner we can get at that important business the better, especially for the Senators whose prerogatives are involved.

Mr. BORAH. Mr. President, I do not know of any Senator who is ready to proceed this afternoon to discuss the treaty, and there is a possibility that——

Mr. BRUCE. I think the Senator from Idaho is mistaken about that. I am prepared to discuss it, though I prefer that other Senators who may desire to speak should precede me. However, I will adjust myself to their convenience.

Mr. MOSES. In that connection, if the Senator from Idaho will permit, I will ask the attention of the Senate for a few moments in connection with the treaty to-morrow.

Mr. BORAH. Mr. President, I expect to ask unanimous consent that instead of adjourning the Senate shall take a recess to meet to-morrow at 12 o'clock, so that we shall not really lose any time.

Mr. MOSES. That is, the request will be made when we are in executive session?

Mr. BORAH. Yes; that we shall take a recess instead of adjourning.

Mr. MOSES. I shall interpose no objection to that.

MULTILATERAL PEACE TREATY

Mr. BORAH. We can settle it after we go into executive session. I move that the Senate proceed to the consideration of the so-called multilateral peace treaty in open executive session.

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho.

The motion was agreed to; and the Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. EDGE. Now, Mr. President, as in legislative session——

Mr. MOSES. Mr. President, may I inquire just what is the present status?

Mr. BORAH. The present status is that the treaty is before the Senate.

Mr. MOSES. With no Senator ready to discuss it?

Mr. HALE. Mr. President, the Senator from Maryland, as I understood, said that he was ready to discuss it.

Mr. BRUCE. If it is desired, I will proceed at this time.

Mr. BORAH. If the Senator from Maryland is ready, we will be glad to hear him.

Mr. EDGE. Mr. President, I withdraw my request for unanimous consent.

Mr. BRUCE. Mr. President, I have already had occasion to comment on the Kellogg peace pact, but since that time it has undergone considerable discussion in the Senate, and this discussion has taken some directions which make me feel that it might not be amiss for me now to add something to what I have already said.

There are several distinct views that may be taken of the practical value of this pact. One is that it is a mere empty

interchange of mutual promises which begin and end in grandiloquent words. Article 1 of the pact says that the parties to it solemnly condemn recourse to war for the solution of international controversies and renounce it as an instrument of international policy in their relations with one another. But if mere ceremonious solemnity of utterance is not a sanction, the pact has no sanction whatsoever. It does not create any military or economic agency for the enforcement of its provisions; it does not suggest any penalty of any kind for a breach of those provisions by any faithless party to it. In other words, generally speaking, it can be said that from the point of view to which I have just referred, it is the most despicable thing imaginable; that is to say, it is a formal, deliberate utterance with no sanction of any kind behind it by which respect for its terms may be compelled.

The idea of the pact is that should any party to it violate its covenants no practical consequence whatever is to follow, except that, as respects that party, the other parties to the pact are to be released from all their obligations under it. As regards sanctions, the case is such a case as might arise where one individual violates a solemn promise to another, and the other has no observation to make upon the fact except, perhaps, to exclaim: "You are not the individual that I took you for"; or "you are no gentleman." That would seem to be rather an extreme illustration, but it is a fair illustration from the point of view that I am now considering, of the puerility, the utter impotence of the Kellogg pact so far as any direct or immediate efficacy upon its part to preserve the peace of the world is concerned. A party to the pact violates its obligations under the pact. All that any other party to the pact is expected to say to it is: "So far as you are concerned I no longer solemnly condemn recourse to war for the solution of international controversies; I no longer renounce war as an instrument of national policy."

Still speaking from the same point of view as heretofore, I might say without hesitation that the Kellogg pact represents the last stage of nervous and degenerate effeminacy in the history of the pacifist movement in this country. This is strong language, but, from this point of view, I believe it to be absolutely justified by the circumstances of the case.

This statement is all the more strongly warranted by the circumstance that the pacifist sentiment behind the pact has receded recently from the considerably more advanced ground that it occupied a short time ago in relation to the spirit in which an infraction of such an instrument should be met by the parties who had not violated their obligations under it.

Then the same pacifists who are primarily responsible for the Kellogg pact were talking about what? Why, the "outlawry" of war. Now, anyone who is familiar with the history of crime knows what "outlawry" meant. In past ages, when an individual was denounced as an outlaw he was pursued with hue and cry and hound and horn until he was run down and brought to earth like some noxious vermin. Only a few months ago Mr. E. O. Levinson—who is really the father of the form of pacifism evidenced by the Kellogg pact—was declaring that war should be outlawed; and it was only a few years before that a resolution was introduced into this body by the distinguished Senator from Idaho [Mr. BORAH] calling for the outlawry of war, and, as a means looking to that end, first for the adoption of an international code by the great civilized powers of the world—a most excellent idea in its proper place—and then for the establishment of some sort of international court of justice like the Supreme Court of the United States.

All that talk about outlawry, all that talk about the adoption of an international code, all that talk about the establishment of an international court of justice, has apparently been relegated to oblivion. The word "outlawry" is now too virile, too robust, too militant a word, to accord with the present temper of the pacifist mind in this country. So it is abandoned; and instead of talking about the outlawry of war, the conspicuous individuals in the United States who but very recently were carrying on that kind of talk are roaring as gently as a suckling dove in the Kellogg pact—a pact, as I have said, that is wholly sanctionless; that does not suggest one single practical agency by which any faithless party to the pact may be made to pay in any way the just penalty of his faithlessness.

So much in this connection for section 1 of the Kellogg pact.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. BRUCE. Yes; certainly.

Mr. KING. I think the criticism which the Senator has made of the Kellogg pact is probably warranted—that is, as to its lack of sanctions or any punitive provisions—but the Senator knows that there are two lines of thought; one followed by those who believe that the object sought by this treaty, in the prevention of war, can be attained only by moral influences and by moral suasion; the other represented perhaps by some of the European powers and by many persons in the United States who believe that war can only be prevented where sanctions are provided.

I think the Senator and I belong to the school that believed in the League of Nations. I still believe in the League of Nations——

Mr. BRUCE. Indeed, I do.

Mr. KING. And regret that the United States is not a member of the league.

Mr. BRUCE. And of the World Court.

Mr. KING. And of the World Court. I believe in sanctions. I think Mr. Roosevelt, in his speech when be obtained the Nobel prize, announced the correct view—that there must be some power to punish a recalcitrant nation that runs amuck and disturbs the peace of the world. The point I am trying to get at, however, is this: Aside from an organization such as the League of Nations that is authorized to enforce sanctions, what alternative is there?

Mr. BRUCE. None; though I am perfectly free to say that I think that all movements which have universal peace as their ideal, however feeble in their direct influence, in some appreciable degree hasten the time when this country will be ready to enter the World Court and the League of Nations. In other words, I think that even this peace pact tends to create an atmosphere favorable to the final adoption by this country of some more effective means for the preservation of peace than it or the like.

So much for article 1 of the Kellogg peace pact. That, the distinguished Senator from Idaho [Mr. BORAH] says, is not the article of the pact to which he attaches the highest degree of importance. The article of the pact which has, to use his own expression, "the active virtue" of pacification in it is article 2; but when we come to article 2, what do we find? It is an article which simply says, in the same sort of pompous language as that employed in article 1 of the pact, that the high contracting parties to the pact agree that the solution or settlement of all disputes or conflicts of every kind or nature which may arise among them shall never be sought except by pacific means.

But by what sort of pacific means? Is it by arbitration, by conciliation, by a court of international justice, or by still other means? In other words, article 2 of the pact declares that no settlement of any international conflict or dispute shall be sought except by pacific means; and yet is totally silent as to the specific pacific means by which settlement is to be sought.

In spite, therefore, of "the active virtue" which the distinguished Senator from Idaho [Mr. BORAH] assigns to article 2 of the Kellogg pact, one might well see nothing in it but the same uncertainty, the same vagueness, the same impotence which characterize article 1 of the pact.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Does the Senator from Maryland yield to the Senator from Utah?

Mr. BRUCE. Yes; I am glad to yield.

Mr. KING. If the Senator will pardon me for expressing dissent from his view, I should like to submit this interrogatory: Does not the Senator think that if two or more nations solemnly agree that they will not resort to war, and will settle by pacific means every controversy, every dispute arising from every cause, no matter what it may be, that will tend to promote peace? Does not the Senator think that such a solemn assertion—and we must assume that such an assertion is made in good faith by the signatories—would tend to restrain nations that were somewhat bellicose, and induce them to adopt every possible means to reach a settlement short of war?

Mr. BRUCE. But the negotiations that resulted in the Kellogg pact show that no two nations will ever enter into such an agreement. The history of that pact, apart from the interpretative notes which accompany it, demonstrates beyond a doubt, in my judgment, that the pact was intended to be far more comprehensive and sweeping than is now contended for by the distinguished Senator from Idaho [Mr. BORAH].

Mr. BORAH. Does the Senator contend that the treaty as it was signed was more sweeping?

Mr. BRUCE. Yes; than the treaty whittled down by three interpretative notes.

Mr. BORAH. But does the Senator contend that any statement which I made upon the floor is not in accordance with the terms of the treaty and the notes?

Mr. BRUCE. I do.

Mr. BORAH. What statement?

Mr. BRUCE. In the first place, as I understand the Senator, he contends that the right of self-defense falls within the ex-

press wording of this pact, and I take issue with him right at that point.

Mr. BORAH. The Senator may take issue with me, but our Government did not take issue with me. Our Government stated specifically that it was implicit in every treaty.

Mr. BRUCE. Of course Mr. Kellogg, after the pact was worded, could place any gloss on it that he chose, and the necessity of his position was such that he was bound to contend that the right of self-defense was exempted from its operation. Just turn to the language of the pact itself:

The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies.

Literally speaking, at any rate, does not that mean international controversies of every kind, whether springing from the exercise of the right of self-defense or from any other root?

Mr. BORAH. The Senator made the statement that some statement of mine had taken from the treaty the significance which it would have had without the statement, or, in other words, that I curtailed its meaning.

Mr. BRUCE. Not at all.

Mr. BORAH. And he referred to the question of self-defense. This is what our Government said:

The right of self-defense is inherent in every sovereign State and implicit in every treaty. No specific reference to that inalienable right of sovereignty is therefore necessary or desirable.

That is the exact position which the Senator from Idaho took.

Mr. BRUCE. That may affect our Government's position practically, but not in a legal sense; it does not affect at all the true import of the words that are actually employed in the pact. I am saying what the words of that pact mean independently of any commentary that has been made on them by Mr. Kellogg or any foreign country. I say that, approaching the fact without reference to anything that any government has said about it by way of interpretation, its language, both in article 1 and article 2, is broad enough to include international controversies of every description, whether controversies involving the right of self-defense or not.

Article 1 says that—

The high contracting parties * * * condemn recourse to war for the solution of international controversies.

Certainly, naturally construed, that means international controversies of every kind and description, whether involving the right of self-defense or not. Then article 2, in words equally as broad, or broader, says:

The high contracting parties agree that the settlement or solution of all disputes or conflicts—

Listen to this—

of whatever nature, or of whatever origin—

That is to say, whether arising out of the right of self-defense or not—

shall never be sought except by pacific means.

Mr. BORAH. Would the Senator support a treaty which he thought deprived his Government of the right of self-defense?

Mr. BRUCE. Of course I would not.

Mr. BORAH. And nobody else would.

Mr. BRUCE. In other words, if this pact were not accompanied by these interpretative notes, including the constructions placed by Mr. Kellogg upon it, I would as soon thrust my hand into an incandescent furnace as to vote for it.

Mr. BORAH. Then I ask again in what respect the statement of the Senator from Idaho changed the meaning from that which the Government gave.

Mr. BRUCE. If the Senator will refresh his memory, I think he will find that I am right in saying that what he said was that in order to place the construction upon this pact which the Senator placed upon it, as respects the right of self-defense, and everything else, it is not necessary to resort to the interpretative notes at all.

Mr. BORAH. That is exactly what Mr. Kellogg says, that it is inherent in the sovereign power and implicit in every treaty. We do not have to insert it.

Mr. BRUCE. But the Senator misses the point. I have not been discussing what Mr. Kellogg said; I have been discussing what this pact says.

Mr. BORAH. I understood the Senator was discussing what I said.

Mr. BRUCE. No; I will discuss that later.

Mr. REED of Missouri. Mr. President, if the Senator from Idaho is going out of the Chamber, I want to ask him a question, if I may have the permission of the Senator from Maryland.

Mr. BRUCE. Certainly.

Mr. REED of Missouri. There is one matter we have not covered in discussing the proposition of self-defense. Before I ask my question I say, by way of elucidation, that it is, of course, agreed by the Secretary of State, and seems now to be agreed by nearly everybody, that, notwithstanding the particular language of the treaty, the right of self-defense exists, unimpaired, because it can not be waived, and is inherent in every obligation.

The right of self-defense has been construed to mean not only the right to defend the territory of a nation but to defend its trade and commerce and protect and maintain the doctrines which nations have established, in the nature of the Monroe doctrine and similar doctrines applicable to European countries. That, of course, is a very broad definition of self-defense, and it may include what I am going to speak of.

My attention has been called by one of the great lawyers of the country to another proposition which I have not heard mentioned; that is, the right of a nation to protect its citizens in foreign lands. With the permission of the Senator from Maryland—and I hesitate to interrupt his speech in this way, and I have already taken more time than I intended——

Mr. BRUCE. I am glad to yield.

Mr. REED of Missouri. I have this letter from Victor Morawetz, who is the author of one of the great works of law:

The only "pacific means" by which an international dispute or conflict can be settled is either by negotiation or by a judicial decree or a finding of arbitrators which both parties have agreed to abide by and perform.

The United States, by becoming a party to the Kellogg-Briand treaty, would agree that in case of a dispute or conflict, of whatever nature, it will do nothing except to seek a settlement by negotiation or by judicial decision or arbitration. If the offending party refuses redress, or refuses to submit the dispute or conflict to a court or to arbitrators, or refuses to perform the decision of the court or arbitrators, apparently the United States will be obligated to do nothing whatever.

That might be argued over.

Thus, if a foreign nation should seize the property of American citizens or should imprison them or kill them outside of the United States, we should be obligated to do nothing except to seek redress by negotiation, legal proceedings, or arbitration; and if the offending party refuses to join in that method of settlement, we should apparently be obligated to suffer the wrong without redress.

There is more of the letter, but that brings up the point. Is the protection of the life or the property of an American citizen in a foreign country included in the right of self-defense? I would like to get the Senator's view on that.

Mr. BORAH. I stated on Friday, in answer to a question of the Senator from Connecticut, that I had no doubt it was. Assuming that life and property are in actual danger.

Mr. REED of Missouri. I did not know the Senator had already committed himself on that.

Mr. BRUCE. The Senator stated that, I recall.

Mr. REED of Missouri. If that is true, then we would not be prohibited from joining again with other nations, or by ourselves doing acts similar to that which occurred in the Boxer disturbances, or in the recent disturbances in China, or that which was done by Mr. Wilson in our troubles with Mexico.

Mr. BORAH. Mr. President, I do not know that I would undertake to pass upon particular acts, as to whether there had been attack, and therefore we were entitled to exercise our right of self-defense, but I have no doubt at all, first, that the protection of the lives and property of our citizens in foreign lands comes under the principle of self-defense and also under international law.

Mr. REED of Missouri. Then the right of a nation to defend itself means the right to defend its citizens and their property?

Mr. BORAH. Exactly; and, secondly, that whenever an emergency does arise, whatever the facts are, the judgment as to whether it is an attack and as to whether we should exercise our right of self-defense or not, is solely with us.

Mr. REED of Missouri. As far as our action is concerned.

Mr. BORAH. Yes.

Mr. REED of Missouri. But other nations might say that we had acted unjustly or made a wrong decision.

Mr. BORAH. Of course, they could claim that.

Mr. REED of Missouri. I thank the Senator. I simply wanted that point cleared up, and I did not know it had been adverted to.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Maryland permit me to interject one more question?

Mr. BRUCE. In just a moment. Of course, my remarks have been suspended for quite a little while now.

The point I was making was that if the two articles of this pact are construed independently of the interpretative notes that accompany it, then, in accordance with every accepted canon of legal construction, the provisions of the pact are broad enough to include not only wars of ambition or aggression, but wars waged in the exercise of the national right of defense, wars waged in vindication of the covenant of the League of Nations, and wars waged in vindication of the covenants of the Locarno treaties and of the neutrality pacts as well, into which France has entered; and also wars waged by Great Britain against countries attacking any region the welfare of which she claims is a matter of peculiar concern to her.

That, I say, is the natural, proper, and inevitable construction that any lawyer worth his salt would place upon the wording of the pact. Mind you, the construction for which I am contending is not an unnatural one. It is one entirely in harmony with the ideas of peace that had for some time before this pact was framed been entertained in this country by some of the leaders of the special school of pacifism of which the Kellogg pact is an outgrowth. That school of pacifists draws no distinction between offensive war and defensive war.

Mr. BORAH. The Senator is in error about that, I think.

Mr. BRUCE. I think not.

Mr. BORAH. The reason why I say that is because I introduced a resolution here some four years ago which was expressive of the views of that particular, peculiar class of pacifists as the Senator has named them—Mr. Levinson and others—and I especially excepted in that resolution the right of self-defense.

Mr. BRUCE. But, now, did the Senator do so? I will turn to a copy of his resolution to see whether he did or not.

Mr. BORAH. The last resolution which I introduced? That is true, because we concluded that it was implicit, as we said in every agreement, and inherent in every power; but the first resolution which I introduced——

Mr. BRUCE. Sometimes it is the first expression of our thoughts and aims that has the most value.

Mr. BORAH. Yes; I think so. That is the reason why I said what I did.

Mr. BRUCE. I have here a copy of the resolutions introduced by the able Senator in the Senate on December 12, 1927, in which it is said in the first resolution therein contained:

> That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Article I, section 8, of our Federal Constitution, which clothes the Congress with the power "to define and punish offenses against the law of nations."

The resolutions then go on to say:

> *Resolved further,* That a code of international law of peace based upon the outlawing of war and upon the principle of equality and justice between the nations, amplified and expanded and adapted and brought down to date, should be created and adopted.

Certainly there is not one single word of all these words that I have just read to indicate that to the mind of the Senator from Idaho or of his associates at that time, Mr. Levinson and others, there is any just distinction to be taken, as respects the outlawry of war, between war waged in the exercise of the right of self-defense and any other kind of war whatsoever. The Senator at that time was simply acting in complete harmony, so far as I can judge, with the views that had been previously expressed by persons associated and in sympathy with him.

Mr. BORAH. Mr. President, the resolution to which the Senator refers is as he stated, but as I stated before, when I first introduced the resolution, it read as follows:

> Whereas an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation and would not involve or affect the right of self-defense against invasion or attack, such right being inherent—

And so forth.

Mr. BRUCE. Is that in the preamble of the same resolution?

Mr. BORAH. The resolution which I introduced the year before.

Mr. BRUCE. Oh, yes, the year before; but I am speaking now of the resolution of 1927.

Mr. BORAH. As I said a moment ago, the first two or three times the resolution I introduced did contain the reference to self-defense. Afterwards it did not because I concluded after investigation that that was an inherent right implicit in any agreement we might make and could not be alienated. I see no reason to refer to it expressly.

Mr. BRUCE. May not the Senator in the meantime have worked himself up to a still higher degree of pacifism and come to the conclusion that a war of self-defense as well as all other wars should be included in the condemnation of some such pact as the Kellogg pact?

Mr. BORAH. No; I have not reached that stage of pacifism, and I trust I may never be so unfaithful and thoughtless of my country's interests as to reach that point.

Mr. BRUCE. I am justified in saying that I am a little surprised that the Senator should now take such a very conservative view about the condition in which an infraction of the Kellogg pact would leave any party to that pact which had been faithless to its promises. I hold in my hand a little brochure written by Mr. Kirby Page, entitled "The Renunciation of War." On page 19 of that brochure he said that he received a letter from the distinguished Senator from Idaho——

Mr. BORAH. No; the Senator is again mistaken. He did not receive a letter.

Mr. BRUCE. Then, perhaps I should have referred to a conversation between Mr. Page and the Senator rather than to a letter. I supposed that there was a letter, because Mr. Page says in this pamphlet:

> Some months ago, in response to my request for an opinion on this point, Senator BORAH said.

Perhaps, now that the Senator's memorandum has refreshed his mind, he can recall the fact that what he said to Mr. Page was in the form of a letter. It was certainly in some formal shape or other that he made his reply, because Mr. Kirby Page speaks of what the Senator said as being in response to his request for an opinion.

Mr. BORAH. It was in the nature of an interview.

Mr. BRUCE. Oh, I see! Is Mr. Page a journalist?

Mr. BORAH. I do not know whether he is a journalist or not, but he does some writing.

Mr. BRUCE. What he quoted the Senator as saying at that time—the pamphlet was copyrighted in 1928—was this:

> Senator BORAH said that another important result of such a treaty—

That is, the Kellogg multilateral treaty—

> would be to enlist the support of the United States in cooperative action against any nation which is guilty of a flagrant violation of this outlawry agreement. Of course the Government of the United States must reserve the right to decide in the first place whether or not the treaty has been violated and, second, what coercive measure it feels obliged to take; but—

And it is to this language that I especially desire to direct attention—

> it is quite inconceivable that this country would stand idly by in case of a grave breach of a multilateral treaty to which it is a party.

Mr. BORAH. That was in the nature of an interview and here is the memorandum from which the interview was made. The question asked was this:

> What will be the position and the action of the United States in case some nation violates the treaty? Will it simply be that of indifference?

The answer was as follows:

> Of course, the United States would not be indifferent. It would be interested in keeping the treaty alive. In case of a violation or in case it was claimed there was a violation, the United States would determine for itself whether there had been a violation. If it concludes the treaty had been broken, the United States would be entirely free as to its future course. It would then be in the same position and enjoy the same freedom of action as if the treaty had never been written. I would assume, however, that being interested in the cause of peace it would pursue such course through peaceful means as would best serve the cause of peace and maintain the treaty.

Mr. BRUCE. Then the Senator did not say as he is reported by Mr. Page to have said:

> But it is quite inconceivable that this Government would stand idly by in the case of a grave breach of a multilateral treaty to which it was a party.

Mr. BORAH. No; I did not. I was evidently misunderstood; and, furthermore, that is confirmed by the fact——

Mr. BRUCE. The statement of the Senator is enough for me. I accept that as final.

Mr. BORAH. But in view of the possible importance of the matter I think the entire record ought to be put in. Only a few days, if my memory is correct, before that interview took

place, in a signed communication to the New York Times on the treaty I had something to say and that signed communication was afterwards printed in the CONGRESSIONAL RECORD upon the request of the Senator from New Jersey [Mr. EDGE]. In that statement I said:

It is safe to prophesy—

This was some 10 days or two weeks before the other statement was made—

It is safe to prophesy that the United States will never become identified or cooperate with a system for peace based upon "pledges to wage war." But the United States now stands ready to cooperate and identify itself with a system based upon pledges not to wage war. * * * The effect of the Kellogg proposal is a solemn pledge to let that peace machinery work. It is a solemn pledge to rely upon the peace machinery of the peace plans and not upon the war machinery. It is a solemn pledge among the leading nations that they will not resort to war, that they are forever pledged to the employment of peaceful methods for the adjustment of their controversies.

That has been my position, I may say to the Senator, stated over and over again for the last five or six years. I was quite misunderstood if anyone has thought differently.

Mr. BRUCE. Hearing that, I am bound to admit that the Senator has consistently taken the view that when there is a breach of the Kellogg treaty no obligation of any kind is imposed upon any party to it to do anything.

I shall not detain the Senator any longer. I simply wanted to give him the opportunity to make what comments he pleased on those words which he was reported by Mr. Page to have used.

Now, let me say that even if we look no further than the face of the Kellogg pact it is impossible to reach the conclusion that it has any real practical value for the purpose of confirming international peace. It would be a very interesting book, indeed, that compiled all the treaties, pacts, and conventions of one sort and another to which the great civilized powers of the world have become parties; that have yet, in hours of passion, ruthless ambition, aggression, or greed, proved wholly powerless to keep the parties to them from flying at each other's throats. Not only has the field of human history, melancholy to relate, been strewn with the bodies of the dead victims of ever-recurring war but with the shattered promises of nations to abstain from war.

To establish the truth of this statement it is not necessary for us to go back to any remote stage of human history. When was there ever a more solemn and morally binding agreement entered into than the agreement that Germany, one of the highly civilized and enlightened powers of the earth, entered into in 1839 when guaranteeing Belgium's neutrality? Yet when the hour of temptation came did that guaranty prove, to recall the words of one of the great German leaders in the World War, anything but a "mere scrap of paper," such as I say that this Kellogg pact would prove were its strength ever subjected to any trying test? Forgetting all the obligations of her guaranty, Germany poured her helmeted legions into Belgium and forced her way across its violated soil to France. There is nothing to soften the story of that atrocious perfidy except the heroic resistance set up by the Belgian people under the leadership of their lion-hearted King and their noble primate, Cardinal Mercier, to the invader.

How idle is it for anyone to say to me, after the manner in which the Belgian people met that fearful crisis, that war is always a criminal and detestable thing; when waged in defense of home and hearthside it is at times a noble, glorious, I almost said a holy thing.

About the same time there was another illustration of the uncertainty that attends mere paper troth. If Italy had adhered to her tripartite treaty with Germany and Austria, when the World War came she would have taken her place in the struggle beside those two countries and not beside our allies and us. But she did not do so.

Mr. KING. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. KING. I hold no brief for Italy but I think the Senator—and I bow, of course, with deference to his superior knowledge of history—will upon a moment's reflection recall that Italy contended that the treaty to which he refers—the tripartite treaty between the Austro-Hungarian Empire and Germany and the Kingdom of Italy—did not present a casus fœderis and, therefore, Germany and Austria were not in a situation to ask Italy to join with them in the war. Italy took the ground that a proper construction of the treaty called upon her to render aid to Germany and Austria only if they were not the aggressors; if they were free from fault, if they were attacked. Italy contended that neither Germany nor Austria, under the conditions which precipitated the war, had a moral or legal right to invoke the aid of Italy. So Italy felt absolved from any obligation to take part with her two former associates, and having been so absolved she was at liberty later on to cast her lot with the allied cause.

Mr. BRUCE. Mr. President, I have no disposition whatever to bear hardly upon the Italian people, because I can truly say that I cherish a special attachment to them. Apart from the people of my own country, I rather think that there are no people in the world for whom I cherish such cordial feelings, except the English people, including the Irish; but Italy, of course, like any other country, is caught up at times in the tides of irresistible fatality and has to do the best that she can. I am not disposed to deny that perhaps Italy was in a position at that time justly to claim that Germany was really engaged in a war of aggression and not in a war of self-defense, but at the same time I feel bound to remind the Senator from Utah, who always pours a stream of light on any subject that any Member of this body may be discussing, that Germany herself denies, and most strenuously if not bitterly denies, that she was an aggressor in the World War or that she was doing anything when she invaded Belgium except what was necessary for her to do by way of self-defense. I am at least justified in making the point that when it suits the self-interest of a nation, whose hands are tied by nothing but paper chains, to find a way out of the obligations of such a pact it is not likely to lack the astuteness to do so.

I will content myself for the present with just those two illustrations of the untrustworthiness of treaty obligations when two nations are impelled by powerful motives of one sort or another to violate them.

And rarely has there ever been a time when it would have been a more fatuous thing than it would be at the present time for us to abandon all thought of making a proper addition to the strength of our Navy, and to rely merely upon such an instrument as the Kellogg peace pact for our security. The other day the distinguished Senator from Idaho [Mr. BORAH], with that kindling enthusiasm which is as much a part of his nature as is his eloquence, spoke of the tremendous moral forces which are operating at the present time to preserve the peace of the world and to give a real, substantial effect to such a pact as the Kellogg pact.

All I have to say in reply to that is that the Senator does not read the skies as I do at this hour. He sees tokens of approaching international tranquillity which I personally, and—what is far more important—many of the most distinguished contemporary statesmen of Europe, are utterly unable to see. In spite of the shipwrecked condition in which the finances of Europe were left by the World War, in spite of the poverty and misery entailed upon all the leading European countries by that war, their arsenals and military and naval workshops, and their legislative assemblies were never, to all appearances, busier or more active than they now are in making preparations for future wars.

Why, it was only a few days ago that the League of Nations—to which, it seems to me, we always have to turn when we are looking for some solid guaranty of international understanding and security—published a statement which shows what? Why, that at the present time the nations of the earth are expending $3,500,000,000 per annum, or one-sixth of their entire aggregate national income, for the maintenance of armies and navies; that throughout the civilized world there are at this time some 5,500,000 men under arms, or 1 soldier for every 300 civilians; and that there are in the world 1 ton of naval shipping for every 13 tons of merchant marine. So if there are any such moral forces operating throughout the world at the present hour for the extinguishment of war, as the sanguine Senator from Idaho pictures, I for one can not see that they are operating effectively.

Only a few days ago I called attention to the fact that Mussolini, in a recent speech in the Italian Parliament, had declared that cannon and bayonets are steadily increasing throughout Europe; and that Lloyd George, in an address which he has recently delivered in England, had made a statement practically to the same effect. Worst of all, it seems to be the general consensus of opinion to-day in England—that great, powerful, enlightened, generous nation with which we are connected by so many ties of blood and speech and of community of ideas and aims—that the relations between our country and Great Britain at the present time are decidedly unfriendly. That is what that splendid liberal sheet, the Manchester Guardian, has just told us.

That is what Lieutenant Commander Kenworthy has just told us. That is what other close English observers have just told us. Certainly the outlook of humanity is not very roseate

as far as peace is concerned when the two great peace-loving countries of the world can be reasonably supposed to be so lacking in cordial feelings toward each other.

God forbid that I should suggest the thought that because of those conditions we should feel that it is necessary for us to match ships with England or claim that we are warranted in regarding with jealous apprehension everything that England does in the way of making proper provision for the security of her great Empire. Not until English and American admirals and naval experts were called into international disarmament conferences did any human being in this country—certainly any civilian human being in this country—entertain the idea that the British fleet, powerful as it was, was any real source of peril to us. On the contrary, until recently we were in the habit of deeming that fleet not only the protectress of the destinies of England and her far-flung Empire but of human liberty and civilization throughout the world. Such, in my humble opinion, it is still to-day, in spite of the envious, malicious feelings which are sought to be implanted in the breasts of the English people and our own breasts at this time by some individuals who should be ashamed of their evil work.

If I had been a member of the Geneva disarmament conference last year I think that I should have been enough of a statesman to have said to the representatives of England at it: "I am willing that England should have whatever cruisers she may reasonably believe to be indispensable for her special needs, which are unquestionably peculiarly urgent. She has never heretofore used her cruisers or battleships for the oppression of mankind. My belief is that in all human likelihood she never will do so; and during the recent World War she used them not only to secure the safety of England but to secure the safety of the world, including that of the United States." And if I had been one of the British representatives at the Geneva conference, I think that I should have been sufficiently a statesman to have said to the American representatives at it: "I am willing that the United States shall have whatever cruisers it may reasonably believe to be indispensable for its special needs. I believe that its motives and purposes, like our own, are essentially pacific. Like ourselves, it prizes the garnered fruits of human civilization and progress too highly ever lightly to engage in a mere war of ambition or spoliation."

All the same, however, in weighing the practical value of such a pact as the Kellogg peace pact, it is impossible for us, unless we are completely destitute of all sense of prudence, not to look at the naval and military conditions that actually prevail throughout the world to-day as they are, and even not—painful as it is for us to do so—to take into account the present unsatisfactory relations between our British brothers—for that is what they are to me, at any rate—and ourselves.

But whatever the face value of the Kellogg peace pact may be, it has been largely destroyed by the interpretative notes which accompany it. It is admitted that the pact has no application to the right of national self-defense; and who, pray, ever heard of a nation waging any modern war that it did not stamp as a defensive war? How easily that can be done is evidenced by the fact that not a few highly searching minds outside of Germany have recently reached the conclusion that Germany, after all, was by no means the only aggressor in the World War. According to the ideas of this puerile—if I may use such an expression without offense—peace pact, should a nation violate it, and go to war, all it would have to say is, "I alone have the privilege of determining whether this is, in truth, a war of self-defense or not. I pronounce it a defensive war," and that is the end of the matter. It is admitted by the most conspicuous defenders of the Kellogg peace pact themselves.

Then, of course, confessedly excluded so far as the advocates of the pact are concerned, from the operation of the pact, are wars that may be waged by the League of Nations, or by the parties to the Locarno treaties, or by the parties to the neutrality pacts, into which France has entered, or by Great Britain against any country making an attack upon any region in which she believes that she has a peculiar interest, in any part of the world which she encircles with the continuous martial strains of her military bands.

She has not thought proper to tell us in what particular regions of the earth she has such a peculiar special interest that any attack upon any one of them would be regarded by her as an attack upon herself. Is it Egypt? Is it the Suez Canal zone? Is it India? Or is it some other country or countries where her ubiquitous drumbeat is heard?

It has been said that we need pay no attention to the reservations of England with respect to those regions whatever they are; but how can that be reasonably contended? The English notes which accompany the Kellogg pact expressly, explicitly condition Great Britain's assent to the pact upon the understanding that she shall have entire freedom of discretion in dealing with any attack upon any one of those regions which she has now brought within the scope of a Monroe doctrine of her own. So I say that if the Kellogg peace pact ever did have any practical value for the purpose of staying the hand of war, it has none when the contracting effect of all the various reservations contained in the interpretative notes associated with it are duly taken into account.

I recall the fact that during the Spanish-American War one of our ambitious American officers complained that there was not enough war to go around, and so it seems to me that our friend, Mr. Kellogg, for whom I entertain the highest degree of personal respect, might well complain that as the result of those interpretative notes there is left very little war for the Kellogg peace pact to apply to.

I forgot to affirm that, in view of the express reservation of Great Britain in connection with her Monroe doctrine, it is idle to say that by signing the Kellogg peace pact the other parties to that pact, including ourselves, would not acquiesce in the reservation. That reservation, as the Senator from California [Mr. JOHNSON] has pointed out, is in the nature of a condition precedent to the assumption by Great Britain of any obligation whatsoever under the Kellogg pact, and if this has not been accepted by the other parties to that pact, then Great Britain has not become a party to the pact at all.

Mr. President, if it suits the convenience of the Senate—and I am sure it will after these protracted remarks of mine—I hope the Senate will allow me the privilege of ceasing now and continuing my remarks to-morrow.

Mr. JONES. It will be understood that the Senator will have the floor to-morrow.

Mr. BRUCE. Very well.

Mr. BINGHAM. Mr. President, I ask unanimous consent that there may be printed in the RECORD as part of this debate section 80 of Wilson's Treatise on International Law in regard to the interpretation of treaties.

In view of the fact that several times there has arisen in the debate a question as to the interpretation of treaties, and how they are to be interpreted, it seems to me it is very important that one of the leading authorities in this country on international law should be quoted at this time to show that treaties should receive reasonable interpretation, and that the words of treaties, as was pointed out by the Senator from Arkansas [Mr. ROBINSON] the other day when he referred to the dictionary, are to be interpreted in their usual sense; that when there is doubt as to the interpretation of the words of a treaty, the words are to be interpreted in their usual sense, unless it involves an absurdity or is incompatible with the general provisions of the treaty.

I ask unanimous consent that this may be printed in the RECORD without my reading it.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From Wilson's Handbook of International Law, 2d ed., pp. 193 to 196]

80. Treaties should receive reasonable interpretation. In case of doubt in regard to interpretation, the following rules have been generally accepted:

(a) When there is doubt as to the interpretation of the words of a treaty: (1) The words are to be interpreted in their usual sense, unless this involves an absurdity or is incompatible with the general provisions of the treaty; (2) words having more than one meaning are interpreted in the more general sense, rather than the technical sense, unless clearly used in the technical sense; (3) words are to be interpreted as understood at the time of the negotiation of the treaty and favorably to the party assuming an obligation.

(b) When there is doubt as to the interpretation of the provisions of a treaty: (1) That which is specifically stated prevails against the more general; (2) a negative outweighs a corresponding positive; (3) provisions operating unequally may be strictly construed by the party suffering the greater burden; (4) single provisions should be interpreted with reference to the whole treaty.

(c) In case of conflict between different treaties: (1) If between treaties to which the same states are parties, the later treaty is binding; (2) if between earlier and later treaties to which the same states are not parties, the earlier treaty is binding.

The rules of interpretation have been set forth at various times by the Supreme Court of the United States. In the case of Geofroy *v.* Riggs, in 1890, the court said:

"It is a general principle of construction with respect to treaties that they shall be liberally construed so as to carry out the apparent intention of the parties to secure equality between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly in-

tended. And it has been held by this court that, where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is preferred." (Geofroy *v.* Riggs (1890), 133 U. S. 258, 10 S. Ct., 33 L. Ed. 642. See also Hauenstein *v.* Lynham (1879), 100 U. S. 487, 25 L. Ed. 628.)

In 1902, in the case of Tucker *v.* Alexanderoff, the broad basis of interpretation was stated: "As treaties are solemn engagements entered into between independent nations for the common advancement of their interests and the interests of civilization, and as their main object is not only to avoid war and secure a lasting and perpetual peace but to promote a friendly feeling between the people of the two countries, they should be interpreted in that broad and liberal spirit which is calculated to make for the existence of a perpetual amity, so far as it can be done without the sacrifice of individual rights or those principles of personal liberty which lie at the foundation of our jurisprudence." (Tucker *v.* Alexanderoff (1902), 183 U. S. 424, 22 S. Ct. 195, 46 L. Ed. 264.)

"Writers of authority agree that treaties are to be interpreted upon the principles which govern the interpretation of contracts in writing between individuals, and are to be executed in the utmost good faith, with a view to making effective the purposes of the high contracting parties; that all parts of a treaty are to receive a reasonable construction with a view to giving a fair operation to the whole." (Sullivan *v.* Kidd (1921), 254 U. S. 433, 41 S. Ct. 158, 65 L. Ed. 344; Missouri *v.* Holland (1920), 252 U. S. 416, 40 S. Ct. 382, 64 L. Ed. 641, 11 A. L. R. 984.)

While many rules for the interpretation of treaties have been given by various writers (2 Phillimore, Int. Law LXIV–XCIX; Crandall, Treaty Making and Enforcement, 5 Moore 249), controversies in regard to interpretation have in fact often resulted in the making of new treaties which would secure the objects sought by the states. Sometimes a protocol or declaration is added interpreting the treaty—e. g., in the final protocol of the Convention for the Protection of Industrial Property, June 2, 1911, "the words 'Propriété industrielle' (Industrial Property) shall be taken in their broadest acceptation; they extend to all production in the domain of agricultural industries (wines, grains, fruits, animals, etc.) and extractives (minerals, mineral waters, etc.)" (38 Stat. 1667.)

In the statute establishing the Permanent Court of International Justice, 1920, it was provided:

"ART. 38. The court shall apply—

"1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

"2. International custom, as evidence of a general practice accepted as law;

"3. The general principles of law recognized by civilized nations;

"4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

"This provision shall not prejudice the power of the court to decide a case ex aequo et bono if the parties agree thereto."

The British court, referring to the interpretation of the Sixth Hague Convention, 1907, Status of Enemy Merchant Vessels at the Outbreak of Hostilities, said:

"In construing such an international instrument as that now in question it is profitable to bear in mind from the outset sundry considerations which are not the less important for being doubtless somewhat obvious. It results from deliberations among the representatives of many powers, in which none can expect without some concession to insist upon his country's interests, its language, or its law. It is expressed in what is by tradition the common language of international intercourse, but it would be unreasonable in the circumstances to expect of it either nicety of scholarship or exactitude of literary idiom. Neither the municipal law nor the technical terms of the negotiating countries can be expected to find a place in its provisions. Where interests conflict, much must be allowed to the effects of compromise; where the principles by which future action is to be guided are laid down broadly, leaving to the powers concerned the actual measures to be taken in execution of those principles, it is unreasonable to expect a greater precision than the circumstances admit of or to reject as incomplete provisions which are expressed without much detail and sometimes only in outline.

"On the other hand, it is specially necessary to discover and to give effect to all of the beneficent intentions which such instruments embody and which their general tenor indicates. It is impossible to suppose, whatever the imperfections of their phrasing, that the framers of such instruments should have intended any power to escape its obligations by a quibbling interpretation, by a mere pedantic adherence to particular words, or by emphasizing the absence of express words, where the sense to be implied from the purport of the convention is reasonably plain. Least of all can it be supposed that His Majesty's Government could have become parties to such an instrument in any narrow sense, such as would reserve for them future loopholes of escape from its general scope." The *Blonde* and Other Ships (1922), 1 A. C. 313; Wils. Int. L. (2d ed.).

RECONSIDERATION OF SENATE BILLS

Mr. DENEEN. Mr. President, as in open legislative session, I ask unanimous consent to move to reconsider the vote by which the Senate passed the bill (S. 4915), granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill. I ask that the motion may lie over one day. I will state my reason for this request. A similar bill was passed in the House about 20 minutes before the Senate bill was passed.

I desire to make a like motion as to Senate bill 4744, granting the consent of Congress to the city of Aurora, State of Illinois, to construct and maintain and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and Senate bill 4745, granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois. Similar bills were passed by the House this afternoon, and will be here to-morrow. I shall then make a motion to substitute the House bills for the Senate bills.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Pennsylvania. Mr. President, as in open legislative session I make the same request as to Senate bill 4644, to authorize an appropriation for completing the new cadet mess hall United States Military Academy. I am advised that the House duplicate of this bill passed the House to-day, and I desire to enter a motion for a reconsideration of the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE OF GOV. FRANKLIN D. ROOSEVELT, OF NEW YORK

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD a brief message of the governor of my State to the legislature.

The PRESIDING OFFICER. Is there objection?

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE GOVERNOR'S MESSAGE

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, January 2, 1929.

Members of the Legislature of the State of New York:

I come before the legislature not only in accordance with the constitution to communicate the condition of the State but also to express the hope and belief that neither you nor I are entering upon our offices with partisan purpose. From the day of our election we become individually and jointly the representatives of all the people of the State.

We are charged with the duty of carrying on the existing functions of the government and also of initiating changes in present laws, made necessary by changing times, and of undertaking also new projects which an advancing civilization make desirable.

The past six years have been an unparalelled era in our State. We have pointed the way of progress to our sister States and we must not allow this progress to flag during the coming year.

Most of our problems are not political; they can be solved by the same kind of cooperation on your part which I as the executive of the State hereby offer to you. A few are matters of an honest difference of opinion; must of these also can, I hope, find practical solution by frank discussion and honest effort to obtain results.

FINANCES

I inherit from my distinguished predecessor a financial balance sheet showing an excellent condition in the treasury, and the prospect of a substantial balance at the end of the current fiscal year. Detailed figures will be submitted to you in a few weeks with the budget for the following fiscal year. From a preliminary examination of anticipated receipts, and of expenditures which are either mandatory or essential for the carrying on of existing business and of authorized projects, I am confident that we can arrive at a balanced budget, or, in other words, keep our expenditures within the figure of our anticipated income.

This does not, however, make allowance for new State undertakings, of which some are vital, nor does it make allowance for readjustment or reduction of certain taxes which now bear too heavily upon portions of our rural population. In spite of previous studies, little progress has been made in the formulation of a plan for a more scientific and equitable distribution of taxation. I urge the appointment of a nonpolitical commission to this end.

AGRICULTURE

I want the agricultural problems studied without regard to partisan politics, and it is my hope that through appointing an agricultural commission composed of members of the legislature, master farmers, representatives of the College of Agriculture, the Grange, the Farm Bureau, the Home Bureau, the Dairymen's League, and other farm cooperatives, the legislature from their recommendations will be able to act favorably and constructively on this most important subject.

It may be that adequate investigation will show that many of the farms abandoned within the period of agricultural depression since 1920 should not be restored to agriculture but should be devoted to growing a future timber supply for the people of the State. Also we do not want the present alarming rate of farm abandonment to continue; we must therefore make special efforts to make it possible for those who are now engaged in agriculture on suitable agricultural land to continue under more favorable and more profitable conditions.

I hope that this agricultural commission will make a special study and investigation of the whole farm assessment and tax situation in order to obtain a fairer adjustment of the farmers' taxes. The ultimate goal is that the farmer and his family shall be put on the same level of earning capacity as his fellow American who lives in the city.

The problem of distribution of farm products should also be studied to the end that the unnecessarily high differential between what the farmer receives and what the consumer pays may be materially lowered, giving a better price to the farmer for his products and a lower cost to the consumer for what he buys.

WATER POWER

On the subject of the development of water-power sites, owned in part or in whole by the people of the State, I am convinced of two facts: First, that there is a definite demand for the undertaking of their development—not several years hence but this year; second, that the title and constant control of the power generated at the sources shall remain definitely in the people and shall not be alienated by long-term leases. This is one of those questions on which I hope we can reach an agreement.

PARKS

The development of our state-wide park and parkway system has, I think, ceased to be a matter of political controversy and will, I am confident, go forward with your assistance.

GRADE CROSSINGS

Of vital importance is the elimination of railroad crossings. I am not satisfied either with the governmental machinery or with the cooperation of some of the railroads, and I hope that we can find means to expedite the work.

PUBLIC WORKS

The policy of placing all State construction in one consolidated department of public works has been justified.

HIGHWAYS

It seems almost unnecessary for me to stress the necessity for the continuation of the present large program of highway construction and reconstruction, the building as rapidly as practical of new roads and the rebuilding of old roads, now worn out or inadequate to meet modern traffic requirements.

There is no doubt that under the present system of distribution of cost between State and counties the burden of completing the State and county highway system and bridges falls in unfair measure on the less prosperous rural communities. The fairest measure should be the actual relative wealth of each community. The whole problem, however, is so involved in the broader subject of taxes and of budget that I will present it to you at a later time.

As both major parties have in their platforms recommended that the whole cost of maintaining State and county highways should be borne by the State, the provision of law requiring towns to contribute $50 a mile for this upkeep should be repealed. This will add about $600,000 next year to the State's expense.

CANALS

The past few years have shown greater justification for the maintenance and operation of the Barge Canal, and in view of this it is incumbent on us to continue its operation at the highest possible efficiency. With the canal the State owns a number of useless or unimportant terminal properties, not located on the canal itself. Where these properties are desired by local communities for useful public purposes, this use should be made possible by proper legislation.

OTHER PUBLIC WORKS

Definite progress has been made in designing and placing under construction the liberal program of hospitals, prisons, armories, office buildings, and other public buildings, and you will, I know, recognize that the division of architecture and the division of engineering in the department of public works should be given sufficient funds to keep the program up to schedule.

AVIATION

In order to keep abreast of the times and to avoid far heavier expenditures in later years, I am convinced that the State must take steps to encourage the establishment and development of airports under a definite plan and policy. We must give official recognition to air navigation as an established means of communication and transportation.

PAYMENT FOR FUTURE IMPROVEMENTS

We need have no idle dreams that when the present program of public improvement is complete, construction by the State can cease for a dozen years to come. Neglect and lack of vision in past years made the present heavy expenditure necessary. A constantly growing population, together with new demands of civilization, will soon require still more buildings to house the wards and the business of the State, and additional expenditures to add to parks, parkways and roads, and to put unused lands to some useful purpose.

With the example before us of highly developed and successful private businesses we can properly differentiate between those improvements which should be paid for out of current State revenues and the more permanent structures built and areas developed for the use of generations to come, which should be financed by the issuing of bonds backed by the credit of the State. It is worth while to call your attention to the fact that in spite of the bonding of many public improvements during the past few years, the debt of the State of New York is far lower than that of many other States on both a per capita and an assessed valuation basis.

FOUR-YEAR TERM FOR GOVERNOR

In the plan for the reorganization of the State government one major recommendation remains unrealized. A constitutional amendment providing for the election in presidential years of a governor to serve four years met defeat at the polls by an overwhelming vote. It has been claimed by one political party that this defeat expressed opposition to the principle of the 4-year term. It was claimed by the other political party that the defeat voiced no such opinion but only a rejection of the proposal to hold the election in presidential years. We are all familiar with the arguments on both sides. It is unnecessary to repeat them here. I want to make it perfectly clear, however, that as long as nothing is done this difference of opinion will exist, and no one will ever know whether the people of this State desire the 4-year term for governor with elections coming in the year midway between presidential elections. The only way to solve this question is to submit it frankly and fairly to the people of the State. If you are unwilling to pass a new constitutional amendment, which is my recommendation, providing for the election in off years, I ask you in fairness to submit this simple question to the voters by referendum for an expression of their opinion at the next November election. That would seem to be a practical way as well as a course of good faith.

COUNTY AND TOWN GOVERNMENTS

I can see no object in being anything but frank with you in regard to the business efficiency of our system of town and county governments. In recent years our system of State government has been brought to a high level of efficiency. Why should any of us pretend any longer that our county and town governments do not require the same kind of overhauling which we have given to the affairs of the State? Even the school children know that we maintain many useless offices in our towns; that many functions now exercised by town officials should be assumed by county management; that there is an almost complete lack of budgeting; that there is an equal lack of proper auditing; and in the final analysis that the average taxpayer does not know why or where his tax money is being spent. It would be a fine thing if you and I, laying politics and partisanship aside, could take definite steps at this session of the legislature toward this reform, which everybody knows is so vitally necessary. I am confident that the public will support an honest effort on our part, for I am not enough of a cynic to believe that the public is indifferent to wasteful or outworn governing methods.

LABOR

When I consider the extraordinary progress which has been made in labor and social legislation, I am reminded of the fact that 18 years ago, when I was a member of the legislature, any person advocating a large part of the laws which have been enacted in the succeeding years would have been called a dangerous radical. That is the universal history of social progress. While much has been accomplished so far, we can not stand still, and I recommend to you the following program which I believe to be in accordance with the needs of the day:

1. A real 8-hour day and 48-hour week for women and children in industry.

2. The establishment for them of an advisory minimum or fair-wage board.

3. The extension of workmen's compensation to give its benefits to all occupational diseases.

4. The prohibiting of the granting of temporary injunctions in individual disputes without notice of hearing, and provision for trial before a jury of any alleged violations of injunctions.

5. The immediate study by a commission of experts of the subject of old-age security against want.

6. The continuation of such provisions of the emergency rent laws as are necessary.

7. Further elimination of unhealthy living conditions in the congested areas.

8. Declaration by law that the labor of a human being is not a commodity or an article of commerce.

HEALTH

While we have made and are making splendid progress in caring for the general health of our citizens, there are two specific matters in which we can lay the foundations for great public benefit.

CRIPPLES

The first of these is the care of adults and children who, through accident or disease, are so crippled in body that they are unable to lead useful and happy lives. It is estimated that at least 50,000 men, women, and children in the State of New York are thus seriously handicapped, and many of them require constant attendance on the part of some able-bodied person. As a matter of good business, it would pay the State to help in restoring these cripples to useful citizenship, and the great majority of them can, with the aid of modern medical science, be so restored. Most of them are, however, not to-day receiving adequate care or treatment for the very good reason that such treatment costs more time and money than the average family can afford.

But there is an added reason. I conceive it to be the duty of the State to give the same care to removing the physical handicaps of its citizens as it now gives to their mental development. Universal education of the mind is, after all, a modern conception. We have reached the time now when we must recognize the same obligation of the State to restore to useful activity those children and adults who have the misfortune to be crippled. I shall submit to you a carefully worked out program to initiate this much-needed care.

SARATOGA SPRINGS

The State has during recent years acquired one of the greatest gifts of nature in the whole world—the mineral springs at Saratoga. I am not satisfied that the program for their development in the past has taken sufficient account of the great benefits to mankind that can be derived from them as medicinal and therapeutic agents. We in this country are far behind Europe in the internal and external use of natural mineral springs for health purposes. The springs at Saratoga should be developed primarily for health purposes, under far more careful medical supervision than we have hitherto attempted. The physical development of the State properties at Saratoga must proceed, and I ask you to authorize the appointment of a temporary commission of scientific and medical experts, in order that a careful plan may be worked out under their advice.

EDUCATION

The principal mandatory increase in the coming budget will be the additional sum, running probably to $9,000,000, required for the extension of the better education of our citizens. The people of the State are unanimous in support of our liberal policy.

Under the present methods of apportioning State funds to rural school districts, the poorer districts in many instances fail to receive their fair share. The method of apportionment should be simplified and made to conform more closely to the relative wealth of the districts.

JUDICIAL REFORM

While I am confident that the citizens of the State demand legislation aimed to diminish crime and approve the policy of prison reform, still there are many thinking people who believe that we have not yet gone to the root of our troubles. By a long series of piecemeal enactments, covering many years, we have built up a highly complicated system of judicial procedure, both criminal and civil, which does not conform to the ideals of modern efficiency or simplicity. A growing body of our citizens complain of the complexities, of the delays, and of the costliness of private and of public litigation. I do not for a moment believe either that the situation can be greatly improved by minor amendments to the existing system, nor do I believe that a drastic reform can be accomplished in one or two years. It is time, however, that a deeper study of the whole subject should be made by a body of citizens representing the bench, the bar, and laymen. After conferring with you, I hope that I can recommend the definite initiation of this at a later time in the session.

"AMBULANCE CHASING"

One of the evils which has grown up in connection with our present administration of justice is the practice of "ambulance chasing." The appellate divisions of the first and second departments have recently conducted investigations relative to this abuse, and, I understand, will present certain legislation to your honorable bodies for the purpose of curbing such activities. I urge you to give your most earnest consideration to these recommendations.

MODERNIZATION OF INHERITANCE LAWS

A State commission composed of experienced surrogates, legislators, and lawyers has for the past two years been considering the important subject of the reform and modernization of our laws for the inheritance of real and personal property. Many of these laws have remained unchanged for over 100 years and are out of harmony with modern economic and social conditions.

The commission will make its report to you at this session of the legislature.

I approve of the commission's general recommendations for improvements, particularly those for the greater protection of women in estates and for more simplicity, economy, and expedition in estate administration. I know that this important subject will receive careful consideration by you and hope its recommendations will meet with your approval.

ELECTION LAW CHANGES

The recent election showed the need of various improvements in the election machinery, in order to take away all possibility of errors and to remove existing delays. I hope that when you pass legislation to attain this end, you will also agree to the creation of bipartisan boards of election in all counties of the State, to the limiting of campaign expenditures for all elections, and to the publication of all campaign receipts and disbursements before, as well as after, election.

CONSTITUTIONAL AMENDMENTS, FEDERAL AND STATE

Also, I recommend that you make a part of our fundamental law a requirement referring further amendments to the Federal Constitution to the people of the State themselves before the legislature passes on them.

I strongly favor the right of the people to initiate amendments to their own fundamental law known as the State constitution, and I ask you to submit this proposal to the voters.

SOLDIERS IN VETERANS' HOSPITALS

There are many disabled veterans of the recent war who by reason of confinement in veterans' hospitals for treatment and cure, are unable to register or vote in elections. I recommend the necessary constitutional amendments and legislative changes to enable these men to exercise their rights of suffrage as citizens.

STATE CENSUS

In the interest of common sense and elimination of waste I recommend the abolishment of the constitutional provision for a State census, and that the Federal census be used for the purposes of State apportionment.

In my inaugural address to my fellow citizens I have already pledged myself to seek no mere personal or partisan advantage in the performance of my duties as governor. I feel sure that the legislators of both parties will join me in this pledge. He best serves his party who best serves his State.

Let us all at this session rid ourselves forever of that blighting dread of following in the rear guard of another's triumphal procession along the road to better government which has too often in the past prevented any progress whatsoever. It is of small moment who first points out that road. The important thing is, having once seen the proper course, that we should turn toward it, fight for its adoption, and march shoulder to shoulder with the others toward the goal.

In conclusion may I urge you all, individually, to come to me with problems, with suggestions, with honest differences of opinion as often and as freely as I hope you will let me come to you. The verdict on our relations that I most desire from you is that I have at least been fair—and reasonable—and friendly. Let a common desire to serve our State unite us in a common friendship.

FRANKLIN D. ROOSEVELT.

SILVER SERVICE OF THE BATTLESHIP "LOUISIANA"

Mr. BROUSSARD. Mr. President, I report back favorably from the Committee on Naval Affairs the bill (H. R. 13404) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana*, and submit a report (No. 1413) thereon. I ask that the bill be read. I shall then ask for immediate consideration.

Mr. KING. Is it a unanimous report?

Mr. BROUSSARD. It is.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF POST OFFICES IN GEORGIA

Mr. GEORGE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial appearing in the Atlanta Constitution yesterday, the 6th of January, with reference to Federal patronage jobbing, with particular reference to the Senate investigation being carried on in that matter.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STOP IT BY LAW

Federal patronage jobbing in the South during the Republican administrations, especially in Georgia, as disclosed by the congressional investigating committee of which Senator BROOKHART, Republican, of Iowa, is chairman, has assumed such a national scandal that it takes its place along with Teapot Dome, the Forbes steal, the Miller steal, the Vare and Smith corruptions, and others of like infamy.

And yet, according to Federal District Attorney Clint Hager, who knew of the perfidious practice and sought to stop it, there is no law to inhibit this system of tribute levying or to punish the patronage auctioneers who place Federal jobs literally on the auction block.

So the situation, unthinkable in its moral if not legal culpability, is squarely at the door of Congress.

Senator BROOKHART and his associates have done valuable service in uncovering the infamy and in roundly scoring it.

Postmaster General New says the system is obnoxious and abhorrent and that his department denounces it.

And yet it has been disclosed that he was acquainted with the exactions made of a lamb who refused to be sheared and of the definite "price" that was placed upon an appointment to a small post office that paid only a meager salary at best.

He did not stop the levying of such tribute, and if he complained it did not have any effect for the scandal not only continued, but grew in its boldness, reaching a point finally where a card-index system was adopted, similar in bookkeeping to the installment plan of merchandising.

There is but one answer—that is, the enactment of a Federal law that will make such practice a felony, applicable to both the receiver and the giver of tribute for Federal jobs.

Surely Senator BROOKHART and his colleagues, disgusted as they are at the scandals their investigations disclosed, will not let the matter stop with a mere report of the facts to Congress. To do so would be little less than compounding a flagrant abuse of privilege, and Senator BROOKHART has made himself clear in his unrestrained criticisms.

Now, it is a duty he owes to the Nation, to his party, and to office-holders in every State, to carry the matter to its logical conclusion and rigidly apply the legal brakes.

Such an infamous system, if continued as it has been practiced, will tear at the very roots of popular government, and overturn every ideal of constitutional liberty, and of integrity in Federal administration.

T. L. YOUNG AND C. T. COLE

Mr. GOFF. Mr. President, I report back favorably from the Committee on the Judiciary the bill (S. 4848), for the relief of T. L. Young and C. T. Cole and submit a report thereon (No. 1414). I ask to have the bill read, and after it has been read I shall ask unanimous consent that it be considered and passed.

The amendments were, in line 5, before the word "bond," to insert "judgment recovered on the," and at the end of line 7 to strike out the period and insert a colon and the following proviso:

Provided, That the defendants, T. L. Young and C. T. Cole, pay the costs in the case of the United States against C. A. Walters et al., being case No. 2566 of the term of the district court of the United States held at Kansas City in said district beginning on the 6th day of October, 1924, and also the cost of apprehending the said C. A. Walters, said costs to be determined and certified to the Secretary of the Treasury by the Attorney General.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to relieve T. L. Young and C. T. Cole from the payment of the judgment recovered on the bond for the sum representing the amount of the bond they signed as surety for C. A. Walters, who was subsequently rearrested and produced in court: *Provided*, That the defendants, T. L. Young and C. T. Cole, pay the costs in the case of the United States *v.* C. A. Walters et al., being case No. 2566 of the term of the district court of the United States held at Kansas City, in said district, beginning on the 6th day of October, 1924, and also the cost of apprehending the said C. A. Walters, said costs to be determined and certified to the Secretary of the Treasury by the Attorney General.

Mr. JONES. May I ask the Senator if this is a unanimous report?

Mr. GOFF. It is a unanimous report from the Committee on the Judiciary.

Mr. JONES. Has the department recommended it?

Mr. GOFF. It has. The bill was introduced by the senior Senator from Kansas [Mr. CURTIS].

Mr. ROBINSON of Arkansas. I understand it was a bail bond that was forfeited, and the parties procured the return of the defendant, and he was subjected to the jurisdiction of the court.

Mr. GOFF. That is correct.

Mr. ROBINSON of Arkansas. And he was punished.

Mr. GOFF. He was punished, and with the exception of the costs of the arrest, which the bondsmen are agreeing to pay, this is to relieve them from the bond, to the payment of which they were subjected prior to the apprehension of the man.

Mr. ROBINSON of Arkansas. I see no objection to the measure.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF SUPERVISING INSPECTOR GENERAL ON "VESTRIS" DISASTER

Mr. JONES. Mr. President, I hold in my hand a copy of the report of the Supervising Inspector General with reference to the *Vestris* disaster, together with his recommendation. I think it should be printed in the RECORD and also as a Senate document. I ask that that may be done, and that the report may be referred to the Committee on Commerce.

There being no objection the report was referred to the Committee on Commerce, and ordered to be printed as a document, and to be printed in the RECORD, as follows:

[S. Doc. No. 191, 70th Cong., 2d sess.]

STEAMSHIP "VESTRIS"

REPORT AND RECOMMENDATIONS OF DICKERSON N. HOOVER, SUPERVISING INSPECTOR GENERAL, MADE TO THE SECRETARY OF COMMERCE OF THE INVESTIGATION HELD IN NEW YORK CITY NOVEMBER 20, 21, 22, 23, 27, AND DECEMBER 1, 1928, OF THE ACCIDENT TO THE STEAMER "VESTRIS"

WITNESSES

November 20, 1928

Edward Keane, assistant inspector of hulls, Steamboat Inspection Service.
Frederick Sorenson, passenger.
Mr. McLain, reporter New York Sun.
Frank N. Bruning, assistant inspector of hulls, Steamboat Inspection Service.
William S. Hesley, assistant superintendent Lamport & Holt Line.
William H. Runham, surveyor to Lloyd's Register of Shipping.
Everhard A. Swan, superintendent Robins Dry Dock.
Frederick L. Dennis, assistant inspector of boilers, Steamboat Inspection Service.

November 21, 1928

James E. Duffy, reporter New York Telegram.
George B. DoValle, passenger.
Edward J. Marvin, passenger.
Eric Nelson, chief officer steamship *American Shipper*.
Conrad O. Nelson, third officer steamship *American Shipper*.
Schuyler F. Cumings, master steamship *American Shipper*.
Edward M. Walcott, passenger.
Edward A. Ohmin, second officer steamship *American Shipper*.
Carl Quiros, passenger.
James Short, surveyor to Lloyd's Register of Shipping.
Ernesto G. Permuy, passenger.
George R. Richardson, surveyor to Lloyd's Register of Shipping.
William A. Bambra, former master of steamship *Vestris*.

November 22, 1928

Gerald Burton, leading fireman steamship *Vestris*.
John Morris, fireman steamship *Vestris*.
Samuel A. Parfitt, leading fireman steamship *Vestris*.
Gus Wohld, carpenter steamship *Vestris*.
Herbert G. Welland, third officer steamship *Vestris*.

November 23, 1928

James Avard Adams, chief engineer steamship *Vestris*.
Carl A. Schmidt, passenger.
John Santanna, passenger.
Joseph Boxill, fireman steamship *Vestris*.
Fitz Giddens, trimmer steamship *Vestris*.

November 27, 1928

Alfred Hanson, assistant pantryman steamship *Vestris*.
Alfred Duncan, second steward steamship *Vestris*.
Thomas R. Edwards, first-class bedroom steward steamship *Vestris*.
Harry Forsythe, third engineer steamship *Vestris*.
George J. Prestwich, fourth engineer steamship *Vestris*.
Reginald M. Dickson, sixth engineer steamship *Vestris*.
Ernest Smith, second refrigerating engineer steamship *Vestris*.

December 1, 1928

Leslie Watson, second officer steamship *Vestris*.
J. L. Crone, supervising inspector, second district, Steamboat Inspection Service.
Harry Wheeler, marine superintendent Lamport & Holt Line.

DECEMBER 10, 1928.

The honorable the SECRETARY OF COMMERCE.

MY DEAR MR. SECRETARY: There is herewith submitted report of the result of my investigation of the loss of the steamer *Vestris:*

PRELIMINARY STATEMENT

When the steamship *Vestris* sank on November 12, I was in the sixth supervising inspection district in the Middle West, making a tour of that district, and on November 14 I talked by long-distance telephone from Memphis, Tenn., with the supervising inspector of the second district, and instructed that officer to see that the testimony of survivors who arrived in New York City was taken by the United States local inspectors at New York City. I also sent the proper telegraphic instructions to my office in Washington to direct the United States local inspectors at Norfolk, Va., to take the statements of survivors who might be brought into that port, and in those same telegraphic instructions directed that similar instructions should be given to the supervising inspector of the second district at New York. The instructions were repeated to New York because it was anticipated that most of the survivors would be brought to that place, and I wished to be doubly sure that the inspectors would understand the procedure that I desired them to take.

I left Memphis, Tenn., on the night of November 14 and arrived in the city of Washington early in the morning of November 16, and shortly after 9 o'clock on the morning of that day I conferred with you in regard to this disaster. In that conference I explained how this service proceeded in the matter of inspections of foreign ships, and the whole matter was generally discussed. I stated my intention of leaving Washington at noon of that day for New York for the purpose of taking personal charge of the investigation being conducted by this service. You approved that procedure and stated that you would send with me to New York, Gov. E. F. Morgan, Solicitor of the Department of Commerce, to advise me concerning questions of law. In company with Governor Morgan I left Washington at noon on November 16 for New York, and shortly after arrival at my hotel, Hon. Walter F. Brown, Assistant Secretary of Commerce, called, he having come there from Atlantic City, N. J., and stated that he would also assist me in the investigation.

Mr. Charles H. Tuttle, United States attorney in New York City, having already instituted fact-finding proceedings before a United States commissioner, Secretary Brown, Governor Morgan, and myself called upon that officer on November 17 and offered the assistance of the Department of Commerce. We were courteously received, and it was arranged that Mr. Tuttle should give us a transcript of the testimony taken before the United States commissioner, and the Steamboat Inspection Service should give him a copy of the testimony taken in the investigation conducted by me. Such records as were requested by Mr. Tuttle were also promptly furnished.

It was explained to Mr. Tuttle that it would be entirely agreeable to the Department of Commerce if he had a representative present to assist in the examination of witnesses, and he detailed Mr. Thomas J. Tadarelli, assistant United States attorney, for this purpose.

I started my investigation at 10 o'clock a. m., November 20, in the office of the supervising inspector of the second district, customhouse, New York City.

JURISDICTION

With certain foreign countries the United States Government has entered into reciprocal agreements for the inspection of ships under the authority of section 4400, Revised Statutes. Such a Government is that of Great Britain, and under that procedure the inspectors of the Steamboat Inspection Service would in the case of a vessel having a valid British certificate, assure themselves that the ship had on board in good condition the equipment required by her certificate. In the case of vessels flying the flags of foreign countries with which our Government does not have reciprocal inspection relations, the inspectors would in inspecting such vessels, see that they complied with the provisions of the statutes referred to in section 4400, Revised Statutes. These statutes are as follows:

Sec.	Subject
4417.	Inspection of hulls.
	Means of escape from steamers.
	Dry-dock examination.
	Air ports and deadlights.
	Lifeboat gear.
4418.	Inspection of boilers.
	Boiler-pressure test.
	Fire equipments.
	Sounding apparatus.
4421.	Certificate of inspection.
4422.	Gunpowder.
4423.	Posting of certificate.
4424.	Penalty for certain violations.
4470.	Steam pipes.
4471.	Pumps—hand pumps.
	Bilge and test hose.
4472.	Inflammable material.
	Fire alarm.
	Inflammable oils.
	Auxiliary lighting system.
4473.	Inflammable material.
4479.	Fire extinguishers.
4482.	Life preservers.
4488.	Davits.
	Motor boats.
	Lifeboats.
	Life belts.
	Ring buoys.
	Water lights.
	Line-carrying projectiles.
4496. 4497. 4499. 4500.	Penalties.

In the case of a vessel from a country with which the United States had entered into reciprocal inspection relations, and that vessel did not have a valid certificate of inspection from that country, then in that instance the inspectors would proceed to examine that vessel in the same manner as they would a vessel coming from a country with which this Government did not have reciprocal inspection relations. The *Vestris* was in this last class, and therefore the question would immediately arise in such a case as this as to whether the inspectors who examined this vessel had complied with the provisions of law applicable.

STATEMENT OF FACT

The steamship *Vestris* was a vessel of British registry of 10,494 gross tons; hull and boilers built of steel by Workman & Clark, of Belfast, Ireland, in the year 1912; owned by the Liverpool, Brazil & River Plate Steam Navigation Co. (Ltd.), of Liverpool, England; agents, Sanderson & Son, of 26 Broadway, New York, N. Y.; operated under the name of the Lamport & Holt Line.

The inspection of this vessel by this service, which was a regular inspection of a foreign steamship owing to the fact that she did not have a board of trade certificate from her home government, was made by Assistant Inspector of Hulls Edward Keane and by Assistant Inspector of Boilers Frederick L. Dennis, accompanied by Assistant Inspector of Hulls Frank N. Bruning, a recent appointee, who was assigned for the purpose of familiarizing himself with the procedure and details of inspection.

The inspection was commenced on November 2, 1928, and continued on the 3d, 5th, and 7th, a period of four days. On the 5th of November the vessel was examined in the dry dock.

The vessel having been reported to be seaworthy, a certificate of inspection was issued to her on November 8, 1928, authorizing her to navigate for a period of one year.

On November 10, 1928, at about 3.30 p. m., the vessel left Hoboken, N. J., bound for the West Indies and South American ports, at which time she had on board 127 passengers and 198 officers and crew, a total of 325. Of that number, 110 were lost through the vessel foundering at about 2.30 p. m. on November 12, when at sea approximately 200 miles off the Virginia Capes.

The cargo amounted to 2,822 tons—bunker coal, 2,790 tons, water ballast, 1,500 tons. It is understood that at one time this vessel had 250 tons of pig iron ballast placed in the bilges at the junction of Nos. 2 and 3 deep tanks (double bottoms). It is also understood that this ballast had been reduced from time to time with the intention of removing all of the fixed ballast; however, it is understood that 180 tons of this fixed ballast remained in the vessel at the time she was lost.

The water ballast was carried in tanks as follows:

65 tons in the fore peak, full.
65 tons in the after peak, full.
No. 1 tank, empty.
290 tons (salt) in No. 2 tank, full.
300 tons in No. 3 tank, full.
220 tons in No. 4 tank, full.
185 tons in No. 5 tank, capacity, 270 tons.
90 tons in drinking-water tank between Nos. 5 and 6 tanks, full.
175 tons in No. 6 tank, full.
120 tons in No. 7 tank, not divided.

The mean draft of the vessel before sailing was 26 feet 10 inches.

The statements differ about the trim of the ship, some of the witnesses stating that the ship had a starboard list when she pulled out of her berth at Hoboken, while others, with more sea experience and therefore better able to judge, say that the ship was on an even keel, which was maintained until midnight of Saturday, when easterly weather set in and the wind increased, and that by 2 a. m. on Sunday

the ship had a list of approximately 5° to starboard, due to the pressure of the wind on the port side of the ship. This list increased slowly during Sunday as the wind increased to a gale, and at 7.30 p. m. the ship was felt to lurch violently to starboard, at which time some of the cargo in No. 1 hold shifted, together with tables and chairs in the main dining room, and possibly coal in the cross bunkers. Previous to this the vessel is said to have rolled through an arc between an even keel and 5° to starboard, but after that time the vessel took a permanent list to starboard and rolled through an arc between 5° and 15° to starboard.

According to the testimony of the carpenter there was no change in the water in the bilges sounded by him throughout the ship, outside of the engine room and fireroom, up to his last soundings taken at 7 a. m. Monday.

According to the testimony of Chief Engineer Adams, which I think was borne out by other engineers who should know and some of the firemen, there was no great quantity of water in the bilges of the engine room and fireroom up to the middle of the forenoon of Monday, at which time the vessel was practically on her beam ends and sea water was entering the ship from many sources which would have been far above the water line had the ship been on an even keel or under an ordinary or even unusual list.

On Sunday, when the worst part of the storm prevailed, the records show that there was a heavy northeast gale with a very high sea, the wind east-northeast. This report was received through the steamer *Fort Victoria* as of 2.30 p. m., November 11, at latitude 37° 05′ north, longitude 71° 08′ west. Through the steamer *Perene* it is noted that on November 11 at noon there was a heavy northeast gale, tremendous sea, that ship pitching and rolling heavily. These two reports from vessels in the vicinity of the *Vestris* described what were the probable weather conditions for that ship.

LINES OF INQUIRY

As soon as this disaster occurred it was clear to me that the responsibility rested squarely upon the shoulders of this service as to the inspection of this vessel, and I stated then, and I state now, that this service has no alibi. Either its inspectors properly inspected the steamer *Vestris* or they did not, and hence the question immediately arises, first, as to whether the vessel was properly inspected; second, what caused the disaster to the ship with consequent loss of life; and, third, what are the lessons to be learned from this disaster, because from every disaster there are lessons to be learned that should enable us to take such action as may be necessary to prevent a recurrence. These are the three lines of inquiry that I followed, and I shall now proceed to discuss these three subjects in their order.

INSPECTION OF THE "VESTRIS"

The very first consideration in regard to the functioning of the inspectors is the matter of their personal conduct, and therefore, when I received a letter, which I had no doubt was anonymous, alleging intemperate habits on the part of Inspector Keane and Inspector Dennis, I immediately made that letter the subject of searching inquiry of all three of the inspectors who were on board the *Vestris*. The testimony taken will show clearly that no one of these three inspectors partook of any intoxicating liquor when on board the *Vestris* making the examination required by law. In fact, Inspector Keane stated that he was a total abstainer. All three inspectors denied having taken any intoxicating liquor. Inspector Keane stated that he had eaten lunch one day when he was on board the *Vestris*. Inspector Bruning had eaten no lunch on any day, and Inspector Dennis stated that he had lunch one day. Of course, the inference that might be drawn from the fact that any of these inspectors had eaten lunch on board the *Vestris* would be that their inspection had been affected by the fact that they had received this free meal, but it is only necessary to point out to any one familiar with shipping that here we have an instance of inspectors in their overalls and noon arrives when they are accustomed to eating their luncheon. They, undoubtedly with a view to accomplishing as much as possible in the matter of the work of inspection, ate lunch on board so they would not have to change from their overalls to their street clothing, leave the ship, buy their lunch, and then return, all of which would take up all of an hour. At the same time, however, not because there was anything inherently wrong in having done this, but because inspectors must avoid the very appearance of any conduct that would invite criticism, no matter how unjust, my office will take proper steps to see that hereafter no inspector eats any meals on any steamer, unless he pays for the same. It would not be practicable to say that an inspector should never buy a meal upon a ship, because to do so would at times seriously interfere with the efficient functioning of the service, as for example, when inspectors are on board steamers counting passengers when vessels are under way. Under such circumstances, it will be necessary for an inspector to eat, but then never gratis.

So far as the drinking of intoxicating liquor is concerned, it is something that everyone knows to be true that there is liquor to be had in the seaports of this country, and it is presumed that some of this liquor comes in on board ships. I know that so far as the inspectors of this service are concerned they are a body of men who are temperate in habit.

In this connection it is proper to give, and the same is set forth in detail below, the history of the service of each of these inspectors:

Edward Keane, appointed August 24, 1911, as assistant inspector of hulls at New York, N. Y.

Frederick L. Dennis, appointed June 3, 1893, as assistant inspector of boilers at New London, Conn.; promoted July 10, 1895, to position of local inspector of boilers at New Haven, Conn.; transferred June 17, 1917, to position of assistant inspector of boilers at New York, N. Y.

Frank N. Bruning, appointed October 10, 1928, as assistant inspector of hulls at New York, N. Y.

In order that it may be seen the detail in which an inspector of hulls proceeds when examining a foreign ship of the *Vestris* class, there will be found below in tabulated form the questions that are contained in book form 991 A, Hull Inspector's Report of Inspection of Foreign Steamer:

(Page 2)

Name of steamer_____
Nationality_____
Home port_____
Route between _____ and _____
Gross tonnage_____
Where built_____
When built_____ When rebuilt_____
Material _____
Owner or agent_____
Address of owner or agent_____
Master _____
Application for inspection made by_____
Where inspected_____
Local district where previously inspected_____

(If first inspection, so state)

Date of previous inspection_____
Date of expiration of old certificate_____
Date of application for present inspection_____
Date of receipt of application for inspection_____
Date or dates of actual work of inspection_____
Date and time left office_____
Date and time inspection on vessel began_____
Date and time inspection on vessel was completed_____

(Page 4)

Date or dates and time of return of inspectors to their office_____
Date original certificate was executed by inspectors_____
Date original certificate was _____ vessel_____
(delivered or forwarded to)
Date copy of certificate was _____ customhouse ____
(filed in or forwarded to)
Date of expiration of vessel's current home certificate of inspection _____
Copy of certificate filed in customhouse at _____
Copy of certificate filed in collection district of _____

PASSENGERS AND ACCOMMODATIONS

Number staterooms _____
Number berths _____
Number first-cabin passengers carried _____
Number second-cabin passengers carried _____
Number deck or steerage passengers carried _____
Whole number passengers carried _____
Number of officers carried _____
Number of deck crew carried _____
Number of persons carried in steward's and other departments not connected with the navigation of the vessel _____
Whole number of officers and crew carried _____
Total number of persons carried _____
Able seamen _____
Certificated lifeboat men _____

HULL AND DECKS

Number of decks _____
Date of last dockage of steamer _____
Condition of floor plates and frames in forward hold _____
Condition of floor plates and frames in after hold _____
Condition of floor plates and frames under engines _____
Condition of hull and frames in bunkers _____
Condition of hull abaft transom_____
Condition of all other accessible parts of hull _____

HOLDING TACKLE

Anchors, No. _____
Weights of anchors _____
Cables, No. _____
Chain or rope cable _____
Sizes and lengths _____

(Page 8)

LIFE-SAVING EQUIPMENT

Metal nonmotor lifeboats, No. _____
Builder _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Wooden nonmotor lifeboats, No. _____
Builder _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Collapsible lifeboats, No. _____
Builder _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Lundin decked lifeboats, No. _____
Builder _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Lifeboats propelled by steam, No. _____
Builder _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____

(Page 9)

State dimensions and cubic contents of boats and rafts in full on this page, and on following blank pages _____

(Page 10)

LIFE-SAVING EQUIPMENT—continued

Lifeboats propelled by motors other than steam, No., kind or kinds of motors (gasoline, naphtha, etc.) _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Working boat, No. _____
Total capacity _____ cubic feet _____
Total capacity _____ persons _____
Total number of boats _____
Total capacity of boats, in cubic feet _____
Total capacity of boats, in number of persons _____
Every lifeboat has equipment in accordance with the rules _____
Every lifeboat has cubic contents and number of persons allowed to be carried painted thereon as required _____
At annual inspection every lifeboat was lowered to water or to a wharf, and lifted clear of water or wharf, with boat loaded to allowed capacity _____
Life rafts, No. _____
Material _____
Builder _____
Total capacity _____ persons _____
Every life preserver was examined at this inspection _____

(Page 12)

LIFE-SAVING EQUIPMENT—continued

Cork life preservers for adults passed at this inspection and on board, No. _____
Other kinds of life preservers for adults passed at this inspection and on board, No. and description _____
Life preservers for children, No. _____
Life preservers condemned, No. _____
Notice where life preservers are kept _____
Auxiliary life-saving appliances _____
No. AND KIND _____
Has line-carrying projectiles and means of propelling them _____
KIND _____
Has _____ feet 3-inch manila line for gun _____
Life buoys, No. _____
Luminous life buoys, No. _____

FIRE APPARATUS, ETC.

Fire extinguishers, No. and kind _____
Fire extinguishers discharged and examined at annual inspection, No. _____

(Page 14)

FIRE APPARATUS, ETC.—continued

Portable hand pumps used as substitute for fire extinguishers, No. _____
All portable hand pumps were tested and found in good working order _____
Double-acting hand fire pumps, No. _____
All double-acting hand fire pumps were tested and found in good working order _____
Cubic capacity of each chamber of double-acting hand fire pumps, _____ cubic inches _____
Hose:
Internal diameter of, _____ inches _____
Number of lengths of _____
Length of, _____ feet _____
All hose for fire purposes tested at inspection to a pressure of 100 pounds to the square inch _____
Water pipes and hose on upper decks _____
Water pipes, internal diameter of, _____ inches _____
Hydrant connections supplied with suitable spanners _____
Hose couplings securely fastened _____
Glass lamps securely fitted into suitable metal brackets _____

(Page 16)

FIRE APPARATUS, ETC.—continued

Stoves securely fastened to deck _____
Number pounds hydrostatic pressure applied to boiler in my presence _____
Date or dates on which hydrostatic pressure was applied to boiler in my presence _____

STEAMER'S PAPERS

Has one copy of required edition Steamboat Law on board _____
Has one copy of required edition of General Rules and Regulations on board _____
Has two copies Pilot Rules on board _____
Has original certificate of inspection on board _____
Has certificate of inspection framed under glass and posted _____

(Page 18)

OFFICERS ASSISTING

Name of master assisting _____
Name of mate assisting _____
_____ U. S. _____ Inspector of Hulls
(Local or assistant)
_____ Port _____

(Pages 20 to 28)

REMARKS

There will be found below the questions that appear in book form 991 B, Boiler Inspector's Report of Inspection of Foreign Steamer:

(Page 2)

Name of steamer _____
Nationality _____
Home port _____
Route between _____ and _____
Gross tonnage _____
Where built _____
When built _____ When rebuilt _____
Material _____
Owner or agent _____
Address of owner or agent _____
Master _____
Where inspected _____
Date or dates of actual work of inspection _____
Date and time left office _____
Date and time inspection on vessel began _____
Date and time inspection on vessel was completed _____
Date or dates and time of return of inspectors to their office _____

ENGINES

Kind of _____
Number of _____
Condensing or noncondensing _____

(Page 4)

ENGINES—continued

Estimated horsepower _____
Diameter of cylinder or cylinders _____ inches _____
Stroke of piston _____ feet _____

MAIN BOILERS

Number of _____
When built _____ When rebuilt _____
Where built _____
By whom built _____
Name plate on boiler _____
Length _____ feet _____ inches _____
Diameter _____ feet _____ inches _____
Kind of _____
Material _____
Thickness of _____
Longitudinal seams _____ riveted _____
Rivet holes drilled and no part of such holes punched _____
Diameter of rivet holes _____
Pitch of rivets _____
Steam pressure allowed at next previous inspection _____ pounds _____
Steam pressure allowed _____ pounds.

(Page 6)

MAIN BOILERS—continued

Hydrostatic pressure applied _____ pounds _____
(Temperature of water reduced to 70° F. before putting on pressure.)
Date or dates on which hydrostatic pressure was applied:

Furnaces, No. _____
Length of grate _____
Width of grate _____
Aggregate area grate surface _____
Flues, No. _____
Length _____
Diameter _____
Thickness _____
Tubes, No. _____
Length _____
Diameter _____
Thickness _____
Distance between centers of stays in flat surfaces _____
Diameter of stay bolts in flat surfaces _____
Steam and water connections between boilers _____
Steam pipe _____
Diameter _____
Material _____
Thickness of material _____

(Page 7)

Hydrostatic pressure witnessed by _____
Inspector of Hulls (local or assistant).

(Page 8)

MAIN BOILERS—continued

Inside diameter of blow-off pipe _____ inches _____
Means of heating feed water _____
Temperature at which feed water enters boiler _____
Means for discharging sediment from boiler _____
Distance between boiler and woodwork _____
Distance between smokestack and woodwork _____
Smokestack apron properly secured to prevent closing of air space _____
Woodwork protected _____
Spark arresters _____

(Page 10)

ATTACHMENTS TO MAIN BOILERS

Safety valves:
Spring-loaded safety valves, No. _____
Spring-loaded safety valves, areas of, square inches _____
Common lever safety valves, No. _____
Diameter of _____ inches _____
Aggregate area of safety valves in square inches _____
Distance from center of valve to fulcrum, inches _____
Length of lever _____ inches _____
Weight of lever _____ pounds _____
Weight on lever _____ pounds _____
Weight of valve and stem _____ pounds _____
Weight, center of, adjusted, _____ inches from fulcrum _____
Weight adjusted to blow off at _____ pounds pressure _____
Steam gauges, No. _____
Steam gauges, condition of, as compared with test gauge _____
Gauge cocks, No. _____

(Page 12)

ATTACHMENTS TO MAIN BOILERS—continued

Low-water gauges, No. _____
Floats, No. _____
Means to prevent floats from getting into steam pipes _____
Fusible plugs, No. _____
Where inserted _____
When renewed _____
Feed pumps for boiler, No. _____
Length of stroke _____
Diameter of plunger _____
Testing pumps, No. _____
Bilge pumps, No. _____
Diameter _____
Stroke _____
Double-acting steam fire pumps, No. _____
Length of stroke _____ inches _____
Diameter of plunger _____ inches _____
No. and kind of equivalents _____
Where located _____
Has pipe to carry steam into hold _____
Internal diameter of pipe to carry steam into hold _____

(Page 14)

ATTACHMENTS TO MAIN BOILERS—continued

Has valves and handles suitably marked and inclosed in box or casing marked "Steam fire apparatus," for branch steam pipes to compartments of steam carrying freight or passengers _____
Lamp lockers, oil rooms, and like compartments wholly and tightly lined with metal _____
Steam pipe for lamp lockers, oil rooms, and like compartments, inside diameter of _____ inch _____
Has gas apparatus for extinguishing fire (substitute for steam) _____
Has pipe to carry extinguishing gas into hold _____
Internal diameter of pipe to carry extinguishing gas into hold _____
Gas apparatus was found in good working order _____
Pulsometer _____
Bilge ejector _____
Did you make internal examination of all main boilers? _____
Did you enter all main boilers? _____
If you did not enter all main boilers, state why _____

(Page 16)

AUXILIARY OR DONKEY BOILERS

When built _____
Where built _____
By whom built _____
Where located _____
No. of _____
Length of _____
Diameter of _____
Material _____
Thickness of material _____
Longitudinal seams _____ riveted _____
Circumferential seams _____ riveted _____
Diameter of rivet holes _____
Pitch of rivets _____
Furnaces, No. _____
Length of grate _____
Width of grate _____

AGGREGATE AREA GRATE SURFACE

Tubes, No. _____
Length _____
Diameter _____
Thickness _____

(Page 18)

AUXILIARY OR DONKEY BOILERS—continued

Safety valves, aggregate area in square inches _____
Steam gauges, No. _____
Steam gauges, condition of as compared with test gauge _____
Fusible plugs, No. _____
Where inserted _____
When renewed _____
Low-water gauges, No. _____
Feed pumps for boiler, No. _____
Length of stroke _____
Diameter of plunger _____
Woodwork protected _____
Steam pressure allowed to donkey boiler at next previous inspection _____ pounds.
Steam pressure allowed to donkey boiler _____ pounds.
Hydrostatic pressure applied to donkey boiler _____ pounds.
Date on which hydrostatic pressure was applied to donkey boiler _____
Did you make an internal examination of the boiler? _____

(Page 19)

Hydrostatic pressure applied to donkey boiler witnessed by _____ (Local or assistant) Inspector of hulls.

(Page 20)

OFFICER ASSISTING

Name of engineer assisting in examination _____
_____ U. S. _____ (Local or assistant) Inspector of boilers.
Port _____

(Pages 21 to 32)

REMARKS

The thing that requires explanation first in regard to the examination of the hull of the *Vestris* by Inspector Keane is the matter of the coal ports. Considerable has been said and written about these coal ports and about the half door, and the impression seems to have been given that these coal ports and half door may not have been properly examined by the inspectors and by Inspector Keane in particular.

There were 7 of these coal ports on either side of the steamer *Vestris*, making 14 in all, and there were 2 of these half doors, 1 on either side of the ship. These half doors Inspector Keane states were examined by him, and he further stated under oath that he did go into the bunkers and with his flashlight examined as many of the doors of the coal ports as were accessible. Some of these doors were not accessible because there was some coal against them. Immediately the question may be asked as to whether he had proceeded properly in this respect, because inferentially, without understanding the construction of the ship, the impression has been given that the distress of the *Vestris* was caused possibly by these coal

ports and by the half doors. Let us assume for argument's sake that the inspector had required that every one of the coal ports be opened. Having caused these ports to be opened, what would he have found? After the ports were open and he had looked at them in their open condition, it is to be remembered that the closing of these doors and the calking of the same is not a responsibility that rests upon the inspector. That is a matter of ship operation, and it is the custom for the carpenter of the ship to close those ports and calk them after the coal is in. If, therefore, these coal ports had been perfectly calked, and the inspector had caused them to be opened and afterwards they were not properly closed and calked, there can be no dereliction charged to the inspector, but to that employee of the ship who is responsible for the closing and the calking of the ports. The same thing may be said with reference to the half doors.

Furthermore, the inspector examined these coal ports also externally when the ship was on the dry dock. Furthermore, the bottom of these coal ports was 11 feet above the mean draft of the vessel on departure, and the bottom of the half doors was 6 feet and some inches above the mean draft—loaded draft of the vessel when she sailed from New York. So that it will be seen that so far as any difficulty that the ship may have experienced from these openings, if in fact she experienced any, that condition would not have appeared until, in the case of the half door, the vessel was listed 13°, and in the case of the coal ports, the vessel was listed 19°.

The next feature in regard to the hull inspection which relates to Inspector Keane has to do with the matter of the examination of the lifeboats. The lifeboats on the steamer *Vestris* were of wood clinker-built construction, and it is known to all persons familiar with ship operation that when a wooden lifeboat is first placed in the water there is some water that comes through the seams. These seams, however, take up in a reasonable time, and there are many seafaring folk who prefer a wooden lifeboat to a metallic one.

The evidence shows that these wooden lifeboats were carefully examined by the hull inspectors who were on board the *Vestris* for that purpose. The boats had been lifted clear of the chocks and careful external examination was made. A careful examination was also made internally and with particular reference to the equipment that these boats are required to carry. The evidence showed that in one boat—that is to say, lifeboat No. 8—there was a hole in the same, and the impression seems to have been given that the presence of that hole was apparently there when the inspectors examined the ship, and which would indicate if the hole was not discovered, that the examination of the lifeboats had been made in a perfunctory manner.

In my investigation I gave particular attention to developing evidence in regard to that hole, and when it is considered that that boat was on the port side of the ship, and on which side, which was the high side, it was difficult to get the lifeboats off, and where oars and boat hooks were used to keep the lifeboats away from the side of the ship, it is easy to be seen that the boats could have been and probably were damaged in this effort. There is even testimony to show by one witness, a very intelligent gentleman, that while he believed that the hole was an old one he could not swear to that fact, and finally there is evidence to show that the splinters in that hole protruded inwardly into the body of the boat. This last fact was testified to by Mr. Carl Schmidt, a passenger, and Mr. Gerald Burton, leading fireman on the *Vestris*, testified in his direct examination that the boat was damaged by being bilged on the side of the ship. Furthermore, it is to be remembered that there was a considerable sea when these boats were launched, and undoubtedly they shipped considerable water. Again, it should not be overlooked that it is possible and even probable, in view of the lack of discipline that is known to have existed in other respects, that the matter of putting the plugs in the drain holes in the bottom of the boats was overlooked. These plug holes are 1 inch in diameter, one in each end of the boat about directly under the end thwarts. Each hole was supplied with three metal-bound cork plugs fitted on chains for plugging said holes. The purpose of these drain holes is to keep the lifeboat free of water that might accumulate from rain, moisture, or the sea while on board the ship. The plugs should be inserted in the holes before the lifeboat is launched. So far as equipment in the boats is concerned, it is easy to understand how the equipment could be lost out of the boats incident to the handling of the same under the conditions that prevailed when an effort was made to launch these boats on the *Vestris*.

A very important question that the inspector is required to answer is with reference to whether every lifeboat is lowered to the water or to the wharf and lifted clear of water or wharf with boat loaded to allowed capacity. Inspector Keane answered that question with the one word "Yes," and failed to write on blank page 11 of Form 991 A opposite that question the fact that the lifeboats had not been actually lowered to the water. He should have answered that question "No," because the fact is that he did not lower the boats to the water or to the wharf and lift them clear of water or wharf loaded to allowed capacity. He should have written on blank page 11 of Form 991 A opposite that question the fact that the lifeboats had not been actually lowered to the water. He should have written on page 11 the fact that it was not possible to lower these boats, because the ship was alongside the dock and on one side the roof of the shed of the dock interfered and on the other side lighters interfered. He should have shown on page 11 that what he actually did was to swing the boats and test them in this condition with the required weight. The inspector actually did what he considered was equivalent to the requirement in Form 991 A, but he should have given the correct statement of facts in answer to the question.

So far as these lifeboats are concerned and the necessity of bailing, that was a condition that arose probably from the failure to insert the plugs in the boats and from the sea that was running at that time. Yet it is to be remembered that the testimony of the officers of the *American Shipper* that picked up the passengers of five of these lifeboats is to the effect that after having cast these boats adrift, and after having cruised around in the vicinity where these passengers were picked up for a period of not less than two hours, those lifeboats were still floating without anyone to bail them. Further, it is to be recorded that the officers of the *American Shipper* testified that when these lifeboats came alongside they were floating with considerable freeboard and no one bailing.

Following is a statement of what happened to each of the 14 lifeboats on the steamer *Vestris:*

Lifeboat No. 1. Picked up by S. S. *American Shipper.*
Lifeboat No. 2. Sank with the ship.
Lifeboat No. 3. Picked up by S. S. *American Shipper.*
Lifeboat No. 4. Sank with the ship.
Lifeboat No. 5. Picked up by S. S. *American Shipper.*
Lifeboat No. 6. Sank with the ship.
Lifeboat No. 7. Picked up by S. S. *Myriam.*
Lifeboat No. 8. Hole stove in while launching; hole patched; boat foundered two hours after ship sank.
Lifeboat No. 9. Was water-logged; couldn't get away from the ship.
Lifeboat No. 10. Picked up by the S. S. *American Shipper.*
Lifeboat No. 11. Picked up by the S. S. *Myriam.*
Lifeboat No. 12. Sank with the ship.
Lifeboat No. 13. Picked up by the S. S. *Berlin.*
Lifeboat No. 14. Picked up by the S. S. *American Shipper.*

With reference to the life preservers on the steamer, it may be pointed out that there were 691 cork life preservers for adults passed at this inspection. There were 4 extra life preservers. There were 70 life preservers for children. There were 68 life preservers that were condemned. It is proper to point out also that there were people who were in the water as long as 19 hours supported by these life preservers. I have observed that the Navy captain of the battleship *Wyoming,* in his testimony before the United States commissioner, had some comment to make about the life preservers and remarked that there were some bodies floating face downwards. His idea, too, was that life preservers should be probably of the naval type, the thought being that as a result of life preservers constructed according to the naval pattern a person's head would be held up in the event of the person losing consciousness.

Concerning this whole matter of life preservers, it may be stated that there is considerable argument to be advanced on both sides. In the first place, there are factors to be considered other than the one of a person's head being held upward. The naval life preservers are made of kapoc and it is true that, under the rules and regulations prescribed by the Board of Supervising Inspectors, kapoc life preservers may be passed by inspectors. I believe it is also true that aside from kapoc life preservers being used in the United States Navy, such life preservers are also used on the ships of leading maritime countries. As a matter of practice, in the American merchant marine, the kind of life preservers used are very largely of cork, and so far as I am advised at the present time there are not many kapoc life preservers being manufactured for use on vessels of the American merchant marine. While it is true that there are rules that have been carefully drawn out not only by the Board of Supervising Inspectors but by the Navy Department concerning the inspection of kapoc life preservers, there is a considerable question in my own mind as to whether a kapoc life preserver is really as reliable as a cork life preserver. It may all be true that a kapoc life preserver is light and soft and easily adjustable to the body, but it is known that kapoc may be an uncertain quantity. There is kapoc that comes from certain places that has practically no lasting buoyancy, and there is kapoc that comes from other places that has a lasting buoyancy, but when all factors are considered, cork is undoubtedly more reliable than kapoc in my opinion.

The British have given careful attention to this matter of life preservers and especially to the feature of a life preserver that will keep the head up, but there are life preservers of British make that, while the head is kept up, the body will float lower in the water than the body of a person in an American life preserver, so that in the event of a heavy sea as would frequently be encountered on the ocean, a person in such a life preserver while floating might nevertheless be considerably distressed, if not actually drowned, when in an American life preserver he would be considerably safer. It is not to be denied that the feature of keeping the head up is an important one, but it is not the only one that is to be borne in mind in the manufacture of life

preservers. Further, with reference to British life preservers of the type concerning which I have been speaking, that is to say, life preservers that have the buoyancy entirely under the chin and back of the head, I have been advised by a British ship's officer that he had seen bodies in the water during the late war floating face downward. It is also a question whether, in the case of the British life preservers of such types as I have referred to, a person might not be in a very dangerous situation if he attempted to jump from any height. So far as collars on life preservers are concerned, they are, under American practice to-day, permitted but not required.

This question of life preservers is one that has been gone into carefully by the Board of Supervising Inspectors, and it is one concerning which it has no pride of opinion; and in view of the able source of the observation in regard to these life preservers, this is a matter that will be again carefully considered by the Board of Supervising Inspectors at its next annual meeting.

With reference to the inspection of the boilers of the steamer *Vestris*, there seems to have been no question raised, and therefore there is no necessity of going into further detail in regard to that part of the examination of the ship.

In conclusion, as a result of a study of the testimony taken at this hearing as well as at the hearing before the United States commissioner, it is my opinion that the inspection of the *Vestris* itself and its life-saving apparatus and equipment was thorough and complete, in accordance with the practice that has been followed for many years in the inspection of vessels. No doubt the practice of inspection can be improved. Specific recommendations to that end, some of which require additional personnel and changes in existing law, are submitted below. The inspection was made by men who are able, experienced, and conscientious, and it is only fair to the service to state that there was no evidence at the hearing that the loss of life was due in any degree to failure of the inspectors in the performance of their duty.

CAUSE OF THE DISASTER AND CONSEQUENT LOSS OF LIFE

When this investigation commenced there was considerable prominence given by the press to the coal ports and to the half door on the starboard side of the ship. As it proceeded, however, there came in my mind more and more a doubt as to whether the difficulty was occasioned primarily by anything that might have happened to the coal ports or to the half door, and by the time this inquiry had concluded I was persuaded that the initial list of the ship was not due to water that came in from those openings. In order, however, to be accurately informed from first-hand information, I did on December 3 in company with the supervising inspector of the second district visit the steamer *Vauban* of the Lamport & Holt Line, which steamer is constructed identically as the *Vestris*, except that the *Vestris* was an Isherwood ship and the *Vauban* is not.

The difference between the Isherwood type of construction as compared with the ordinary or transverse type of ship is that in the Isherwood construction, instead of numerous closely spaced transverse frames with a few longitudinal stringers, keelsons, and intercostals, the transverse frames consist of heavy web frames spaced a considerable distance apart (approximately 12 feet, varying to some extent on different sizes and types of vessels). They extend across under deck forming a belt around the vessel, their strength being equal to that required of the combined number of transverse frames fitted in the ordinary type of construction. These web frames or girders are slotted at outer edges to allow the continuation of the longitudinal stiffeners which are riveted to the shell plating. These longitudinals are closely spaced, and on the bottom or floor of the vessel a number of them have a heavy web forming the keelsons. The effect of these numerous longitudinals is to give a greater support to the shell of the vessel longitudinally and eliminate to some extent vibration and the tendency of vessel to work in a seaway.

An examination of the *Vauban* proved beyond doubt that whatever may have happened so far as the entry of sea water into the *Vestris* from the coal ports or from the half door is concerned did not happen at first. When the ship was listed 13° and upwards, the matter of the amount of the water that would enter through the half doors and ports would become a factor, just as also would the water that would enter through the scuppers also become a factor at that time; but we must look to some other place than these openings for an explanation of that permanent list of less than 13°. It could not have been the water in the bilges. Soundings failed to show water in the holds. There still remains, therefore, the question of what caused that first permanent list of up to about 15° and which list became greater.

It is apparent that this vessel had very little, if any, positive metacentric height when leaving port. That is to say, the vertical center of gravity of the vessel must have been very near or above the point of transverse metacenter, which would cause a negative ship. It has been noted that no liquid ballast was used in No. 1 double bottom. This being a fact added materially to this negative condition. It has also been noted that No. 5 double bottom was not full, which would create what is termed a "loose-water" condition in that tank, and this, together with loose water that may have prevailed in other tanks not hardened up, cause a free-surface condition and thereby increase the negative condition of ship. This, together with the wind pressure on the port side previously referred to, would give the vessel its first permanent list. It has also been pointed out that attempt was made to correct this permanent list by pumping water from the starboard double bottoms. Reference has been made to tanks Nos. 2, 4, and 5. This in turn further increased the negative condition of the ship, therefore further increased the list to the first noticeable 13° to 15°. At this position the outer edge starboard side of the upper 'tween deck would be at or slightly below the water line of the sea. This deck is fitted with scuppers in the coal bunkers, passageways, toilets, wash rooms, etc. Said scuppers lead from the outer edges of the deck, pass down through the deck and out through the ship's side to open sea. The vessel with this 13° to 15° list put these scuppers entirely under water. It is probable that these scuppers were not plugged—that is to say, if they were equipped with clapper valves, the valves did not close—which allowed an open passage for the sea to pass into the coal bunkers, passageways, and what not. As the list increased the pressure and the amount of water coming into the ship increased. This condition continued with increasing list and increasing amount of water.

In addition to this list caused by wind, free surface and water entering through scuppers, the pumping of tanks Nos. 2, 4, and 5 would, until the tanks were entirely pumped, create further conditions of free surface. This free-surface condition together with the body of the water to one side, causing upsetting moment, all helped to increase the negative conditions of the stability of the ship. Of course, these observations in regard to the stability of the ship must at the present time in large measure rest upon supposition that is based upon such data as is at present available, and when further data are obtained, as they will be, the matter of calculating exactly the stability of the ship will be simplified, and will be exact.

There are some other facts also to be borne in mind in connection with this question of stability. We know that during the storm of Sunday the vessel was listed to starboard, and sea water to some extent may have entered the starboard bunker through a damaged or broken scupper pipe or sanitary discharge pipe from one of the toilets. There were two of these sanitary discharge pipes in the bunker space; one led out through the starboard side of the ship, the other through the port side.

It is possible also that one or more rivet holes in the case of rivets sheared through stress during bad weather, or a rupture in the shell plating from the same cause, may have allowed water to enter from the sea. However, it is much more likely that the water entered the starboard bunker through a broken scupper or sanitary pipe. In the case of a break in the sanitary pipes, the water circulating in the sanitary system, or part of it, would be dumped in the bunker, and would find its way to the starboard side from either of these pipes on account of the list to starboard. It will be remembered that one of the scupper pipes did break in the engine-room space Sunday afternoon, and if that happened, it is entirely possible that the same may have happened also in the bunkers. This water was, of course, taken up by the bituminous coal which is said to have been for the most part slack, and which would have resulted in increasing the list to starboard. Little of the water reached the fireroom bilges until the coal became thoroughly saturated. If the water had reached the fireroom bilges immediately the ship's pumps could have discharged it overboard

As the keel to starboard increased the quantity of water entering the ship increased, and at some time between 11 a. m. and 12 noon on Monday it became apparent that the pumps would not be able to control the water entering the fireroom section of the ship, partly on account of reduced steam pressure owing to difficulties of firing the boilers due to the heavy starboard list, which had become so great that it is not believed the pumps could have controlled the inrush much longer even if full steam pressure could have been maintained.

We know from the record that at 7.30 Sunday evening the ship came into violent contact probably with the sea, possibly with a derelict. I think that more probably it was due to the sea, and at that time one witness testified that there was a loud crashing sound and the ship vibrated violently for three-quarters of a minute. It is known that 10 tons of cargo shifted in No. 1 hold, and it is entirely possible that other cargo shifted in the other holds at that time. It is also possible that the coal shifted at the same time, and all of these factors together would tend to explain the permanent list of the ship after that time.

Now, when it was seen that the ship was doomed, the master was forced to use his next line of defense. As to the use of wireless, subsequent events have shown that he delayed too long sending out the S O S call. He had now only the boats upon which to depend. Some of the boats on the port side, the high side, the weather side of the ship, were gotten away with difficulty because of the list of the ship, the boats coming into contact with the side of the ship, and in some instances resting upon the side of the ship as the list increased. Five boats were gotten away from the starboard side of the ship, but no systematic effort was made to get the passengers into these boats. The reason given is the list and the difficulty of getting the passengers across the deck, but there was evident through all of this period the absence of a strong directing hand, and it is this absence of discipline

at this time that explains the immediate cause of the large loss of life in this disaster. Some reference has been made to the releasing gear failing to function, but it is reasonable also to suppose with the lack of discipline that was apparent at this time that the crew apparently were entirely unfamiliar with the use of the gear.

LESSONS TO BE LEARNED FROM THE DISASTER

The thing that stands out most prominently in this disaster and the lesson first to be learned is that we must hereafter stress *men* more than *things*. In this modern age we are prone to direct our efforts as far as possible toward the invention of mechanical devices that will make things safer, and this is true not only on ships but also on shore. As a result of it, I fear that we have come to unconsciously become the slaves of these things that we have invented to help us, foregetting that no matter how excellent a device there may be, there must be competent men to handle it, and this competency in men must be stressed at sea more than in any other place.

Without desiring to unnecessarily reflect upon the officers of the *Vestris*, it must be apparent to anyone with an open mind and approaching this disaster in a detached manner, that the officers of this ship do not seem to measure up to the standard that we would expect to be present in a British ship. We must have in mind, therefore, so far as the Steamboat Inspection Service is concerned, that first of all we must insist upon competent officers. We undertake to do this by requiring certain experience of all ships' officers before license may be obtained, and in addition, we undertake by written examinations to determine whether these officers are properly prepared to have issued to them licenses by the United States Government. In this British ship the Steamboat Inspection Service had no control over these ship's officers, but we are concerned as Americans in being sure that the officers of American ships shall be equal to such an emergency as confronted the officers of the steamer *Vestris*. In this connection, I may state that during the last 10 years marked improvement has been made in raising the standard of examination questions used by the local inspectors. This has been done by advice of the office of the Supervising Inspector General, and at present that office is engaged in the preparation of difficult questions of high standard.

It is manifest that the members of the crew of the *Vestris* were not well trained in lifeboat drill. In this country, so far as the issuance of certificates to lifeboatmen is concerned, those certificates are issued as a result of an actual practical examination of the applicant. So far as the issuance of able seamen certificates is concerned, those certificates are issued upon statements of experience that are made in affidavit form by the persons desiring to be able seamen. I do not argue that there should be no experience required for able seamen, but I do submit that in addition to the experience that is required, there should be an actual practical examination of able seamen conducted by inspectors of this service. It has been alleged that there has been much fraud in the handling of these able seamen certificates, and beyond doubt that is true, but that is not due to the service. It is due to the law, for where there is a law that requires the issuance of a certificate as important as an able seaman certificate, the issuance of that certificate based entirely upon a statement of experience, it is easy to see that fraud can easily be practiced by the applicant. The office of the Supervising Inspector General contains correspondence showing the efforts that have been made to apprehend these offenders, but the surest way to prevent this and to improve the standard would be by actual examination by the inspectors.

In connection with the loss of the *Vestris*, where it is evident that it was not possible to get all of the lifeboats clear of the ship, it is easy to see that those persons who believe in the increasing use of rafts would advance the argument that there should be more rafts supplied. In that connection permit me to say that so far as the use of boats is concerned, I would not be in favor of changing the rule of boats for all, but so far as the use of additional buoyant apparatus is concerned, I may state that the British have in their suggestions for the international conference that is to be held in London next spring included the use of additional buoyancy to the extent of 25 per cent of the people on board in addition to the lifeboats that are carried.

That suggestion by the British has been favorably met by the American committee that is preparing for the international conference, and it may be that as a result of the loss of the *Vestris* that percentage might be raised. This additional buoyancy would not be in the form of the catamaran rafts usually used in this country, but of an entirely different form of raft buoyancy, the purpose of such buoyancy being to take care of persons temporarily as best may be under probable conditions similar to those that were present in the case of the loss of the *Vestris*.

Encourage manufacturers in the lifeboat art to develop improved devices for launching lifeboats, particularly from vessels which are listed over.

I have referred in another part of this report to the suggestion of the commanding officer of the battleship *Wyoming* in regard to life preservers, and only take time at this place to again state that this is a matter that will be considered by the Board of Supervising Inspectors at its next annual meeting.

With regard to the inspection of lifeboats, I have pointed out in detail how lifeboats are inspected and the manner in which wooden lifeboats may be expected to act when first put into the water, but the question may well be asked as to whether granting that wooden lifeboats do take up in places where they leak, whether they take up sufficiently rapidly to be a safe boat, and my thought in that respect is that in the inspections that are hereafter made of wooden lifeboats, the test might be made with water in the boats. The water could be used as the weight required, and it could be also required that it remain in the boats for a certain length of time, and if at the end of that time the boats were not tight and they still leaked, then those lifeboats could be rejected.

Also in connection with the inspection of foreign ships and of the life-saving equipment of these ships in particular—and I refer now to those foreign ships that are not examined under reciprocal agreements—it might be well to increase the number of inspections; that is to say, have three reinspections during the year as well as the annual inspection that is now required. At present in the case of ferry steamers and excursion steamers three reinspections are required in addition to the annual inspection that is required by law. It is, of course, to be understood that if this be done it will be necessary to have more inspectors.

Again, in connection with the inspection of lifeboats, the inspectors have been up against the condition, especially in the crowded port of New York, of not being able to lower all of the lifeboats. They have lowered to the extent they were able. It would be very desirable to work out a plan by which all of these boats could be lowered and yet not at the same time unnecessarily interfere with the sailings of the ships. While as a matter merely of the use of words it might be stressed that regardless of what the physical conditions are time should be taken to lower the boats, yet it soon would be found if this were insisted upon under all conditions, without any consideration of the conditions existing in some of the ports, the inspectors would very soon be accused of being reactionary, unprogressive, and undertaking to add burdens to the American merchant marine. Increasingly, however, it is evident that in the matter of the lifeboat drills the service must insist upon more than a mere entry in the log, and these drills must increasingly be held frequently under the personal direction of the inspectors of this service. To do that requires more inspectors.

I have referred to the criticism made of the releasing hooks in use on the *Vestris*, and in that connection I may state that during the past year there has been a careful study made of releasing hooks, the matter to be considered at the next meeting of the Board of Supervising Inspectors. In that connection a letter under date of April 10, 1928, reading as follows, was sent to each supervising inspector:

"You will recall the correspondence that was before the Board of Supervising Inspectors at its recent session in connection with allegations made that there were lifeboat releasing gears that had been approved by the Board of Supervising Inspectors that were inefficient for the purpose intended and concerning which allegations this office is making an investigation. Although the allegations have been made, and apparently in good faith, up to the present time this office has received nothing to substantiate them, and therefore, in order that we may proceed further, it will be necessary to conduct an investigation with reference to all releasing gears in use.

"In view of the above you will issue the necessary instructions to the boards of local inspectors in your district in making annual inspections of passenger vessels to make a careful test of all lifeboat releasing gears found on such vessels, with a view to ascertaining whether or not they are efficient and fulfill the requirements of the law. In case they are found defective in their operation they should ascertain whether or not such defective operation can be corrected by adjustment of their working parts. This procedure should be followed until we have ascertained fully the kind of releasing gears on all passenger vessels coming under the jurisdiction of this service.

"You will also instruct them to, on November 15, 1928, submit to you a detailed report in triplicate, setting forth by trade names all gears found, showing the manufacturer by name and address and year of manufacture of gear, the vessels using such gears to be alphabetically arranged under the different kinds of gears, showing date of inspection and whether gear operated satisfactorily or otherwise, and if not satisfactorily to what extent it failed in the test. In a word, to give a report that will show exactly the kinds of gears installed, those that functioned satisfactorily, and more especially gears that failed, to the end that you may forward that report to the bureau in duplicate by not later than December 1 so that the bureau may consider the information obtained and be in a position to submit it to the Board of Supervising Inspectors, with a view to determining just what policy shall be pursued in the testing of gears that have failed, in the elimination of gears that have been approved but which have not been manufactured, etc., all with a view to purging the list of releasing gears approved for use on vessels coming under the jurisdiction of this service, so that the claim can not be made that we are permitting the use of inefficient and antiquated releasing gears."

Undoubtedly as a result of those letters the Board of Supervising Inspectors will undertake to test out again all the gear that has been approved during the years that have passed.

The question that must be uppermost in the minds of all men who are familiar with ships, so far as concerns the steamer *Vestris*, is that of stability. The whole thing revolves primarily about this question. So far as inclining ships is concerned, it may be pointed out that the United States Steamboat Inspection Service, as an arm of the United States Government, is the first organization of its kind in the world, and for a number of years, to have undertaken the inclining of merchant ships. Only recently has the British Government given attention to this matter, and I know of no other maritime nation that gives attention to it as a governmental function. Stability tests were first required by the General Rules and Regulations of the Board of Supervising Inspectors after the capsizing of the steamer *Eastland* in the Chicago River. I may also state that while the subject of stability was not included among those subjects to be discussed at the international conference in London next spring, Admiral Rock, chairman of the ship construction committee of the special American committees that are preparing for this conference, made the motion and I seconded it, to have stability added to the agenda to be discussed at that conference. In this connection, the question may be asked as to why this matter of stability has not received governmental attention from other nations the same as ours. It may also be asked as to why a standard has not been adopted in the premises, and in that respect, I may say that so far as stability is concerned, doctors disagree. There is a school of naval architects that believes in one thing in regard to stability and another school that believes in another, and the difficulty has been to get a point of departure that would be a standard that could be subscribed to by the maritime nations.

So far as the work in this country is concerned, I may point out that only recently and after much research has a special committee of the American marine standards committee arrived at a tentative standard with reference to stability, and that proposed standard is now being prepared to be sent not only to leading interests in this country but to the leading nations of the world. So far as the stability work of the Steamboat Inspection Service as it relates to American vessels is concerned, that is a positive thing that has been going forward for a number of years, but so far as the application of those rules to foreign ships is concerned, there immediately arises international questions that must be given consideration. If it be argued that these reciprocal agreements that our Government has entered into with foreign nations should be denounced and we should undertake to inspect foreign ships in all respects the same as American ships, then I answer that the intolerable conditions that arose as the result of that procedure are the very conditions that brought about the reciprocity that exists between leading nations, and in which reciprocity American ships have as much to gain as foreign ships. It seems to me that so far as foreign ships are concerned, that the way to meet this situation is not necessarily by radical action, but by proper discussion in conference between the best minds of the leading maritime nations of the world.

The proper way to approach this whole matter of hull inspection is through the front door and not through the back. In the case of boiler inspection we require that the design of a boiler shall first be passed upon by the service, the material subject to tensile strain which is used in the construction of the boiler is tested by an inspector of the service, and finally annually the completed boiler is given a thorough internal and external examination and submitted to hydrostatic pressure. Is it not reasonable to also hold that in approaching this proposition of hull inspection we should start *before* the hull is built as well as after the hull is built? But what we really do is to permit a ship to be built, subject her to a stability test, and then calculate as to whether the ship has proper stability.

We would not do this in the case of the construction of a building on land; such procedure would be considered absurd. It would not be considered reasonable to permit a man to build a building worth several millions of dollars, and then calmly tell him that that building was not safe. What is done is that the building inspectors pass upon those buildings before they are constructed, and if that reasonable action is used in regard to the construction of structures on land, why is it not just as reasonable and just as logical to follow the same procedure in regard to the construction of ships? Why should we use logical methods of approaching a situation on land, and then, because we have to deal with ships, undertake to throw aside all logic and follow the methods of past generations? If reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1915, it will be noted that the idea which the bureau then had in mind was to create in the Office of the Supervising Inspector General a corps of experts whose business it would be to approve proposed hull construction. Again, if reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1927, it will be noted on pages 1, 2, and 3 a suggestion made by that officer that reference to a reorganization in such manner as to provide a technical staff.

Another lesson to be learned from the loss of the *Vestris* is that wireless should be required on all ships navigating the ocean or the coasts. Had such a law been in effect it is probable that everybody on board the *Vestris* might have been saved, because there was a ship within as near as 45 miles of the *Vestris*, but not equipped with wireless, that could have gone to her assistance.

It would seem that all openings through the shell plating of ships, such as cargo ports, coal ports, scuppers, discharge pipes of all kinds, including ash ejectors and sea cocks and their chests, should have special attention at each annual inspection, and as far as practically possible, access should be had to them at any time, whether in port, at sea, loaded or light, and scuppers from any deck below a weather deck should lead to the bilges where the water could be handled by pumps.

In new construction, it may be well to require centrifugal pumps of large capacity installed to pump out of the the fire and engine room bilges, or have bilge connections installed from the circulating pump or pumps to bilges as above.

In all of this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction, but one that is vitally wrapped up in the matter of safety of ships. Captain Carey is gone. No man is able to say what his mental processes were in his hour of trial, but any man who is familiar with the law of the sea knows that he, Captain Carey, or any other shipmaster, would very carefully consider the sending of an S O S that would result in the salving of his ship, should it not be absolutely necessary to send out that call. There is a human thing here that must not be overlooked, and that is the professional pride of the master of the ship. Could he be sure that the ship could be saved by his own efforts, he would make every effort to do so before asking for help, and he did make every effort that he could. If the amount of salvage that could be claimed by vessels responding to such a call was reduced, the master of a ship in distress would not hesitate too long before asking for help.

If it be claimed that if salvage is reduced, masters of other ships would not respond as promptly as they should, I answer that in this day of wireless communication, when the positions of ships are so well known, it would be easy to place the responsibility upon a shipmaster who refused to respond, and who, refusing, should have visited upon him the severest penalty. Of course, the matter of what salvage shall be paid is something that very properly could be determined by an international conference, at which would be present representatives of the leading maritime nations.

Another thing that might well receive attention is that of liability. We speak of limitation of liability, so far as ships are concerned, as something that necessarily must exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have completely changed. In this modern day, when ships can be and are so largely directed from home offices, it might be well to give attention to the proposition of unlimited liability upon this kind of property. The point is that increasingly the effort is made in governmental affairs to take all responsibility, and so far as the Steamboat Inspection Service is concerned it must be remembered that it is not a service that operates ships. By giving attention to this matter of unlimited liability there would be a responsibility placed more squarely upon the owners, and they would not be prone to look so much to the responsibility of the Government. If it be contended that to impose such law upon American shipowners would be to penalize them—and it would—then that also is a question that would have to be adjusted in a proper international conference.

ACKNOWLEDGMENTS

I desire before closing this report to give credit to and thank the Hon. Walter F. Brown, Assistant Secretary of Commerce, the Hon. E. F. Morgan, Solicitor of the Department of Commerce, who by their advice were of inestimable value to me in conducting this investigation. To Rear Admiral J. G. Tawresey, to Mr. Earl B. Hull, traveling inspector of this service, who gave and is giving particular attention to matters of stability of the *Vestris*; to Mr. J. L. Crone, supervising inspector of the second district; to Burlingham, Veeder, Masten & Fearey, counsel for the Lamport & Holt Line, who produced officers and crew without the use of subpœna; to Mr. Harry Wheeler, marine superintendent of the Lamport & Holt Line, who cooperated in every way possible in furnishing me with data; and last but not least, to the clerks in the New York office who acted as reporters of the testimony.

I submit herewith the testimony taken at this investigation and copies of the books, Forms 991 A and B, of the inspectors who inspected the *Vestris*.

I have the honor to be,

Very respectfully,

DICKERSON N. HOOVER,
Supervising Inspector General.

RECESS

Mr. JONES. Mr. President, as in open executive session, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Tuesday, January 8, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *January 7, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of the ages, Thou who are infinite in love, in wisdom, and far too wonderful for human understanding—every noble task completed enlarges the soul of the doer and increases the joy of the world. As partakers of the divine nature, suffer us not to fail because of inherited tendencies, acquired vices, or evil habits. We believe that it is a consummation of an eternal plan to bring together all things in Thee! Oh, may our souls burst in gladness and praise before the purpose and the abundance of our God. Take our powers unemployed, our ideals unfulfilled, and our possibilities unachieved and let them exult with rapture in the heavenly delights of soul and sense. Be with all weary hearts and travelers who are on the hard, hard road; keep them until they reach the hilltop of eternity's morning. Amen.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent resolution relating to the election of President and Vice President of the United States.

EDITORIAL FROM THE COLUMBUS DAILY TELEGRAM WRITTEN BY HON. EDGAR HOWARD, OF NEBRASKA

Mr. BUSBY. Mr. Speaker, I ask unanimous consent to address the House for one moment.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker, there has come to my hands a very unusual editorial written by one of the Members of this House on the live subject of farming. It is a nonpartisan editorial, it deals in a frank and very fair way with the subject. It is so unusual in its merits that I ask unanimous consent to extend my remarks by incorporating this editorial as a part of my remarks.

Mr. UNDERHILL. Mr. Speaker, I did not quite hear the gentleman.

Mr. BUSBY. The editorial is written by a Member of the House, and signed by a Member of the House, and I desire to extend my remarks by incorporating it in them.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Columbus Daily Telegram of Columbus, Nebr., on the subject of farming, written by Hon. EDGAR HOWARD, a Representative from the State of Nebraska:

[From the Columbus (Nebr.) Daily Telegram]

WATCHMAN, WHAT OF THE YEAR

I am trying now most particularly to discover what the year shall have in store for those who have for long years been hoping, dreaming, and working for Federal legislation to insure a square deal for the American farm.

It now seems assured that some sort of farm legislation will be accomplished in 1929, either during the present session of the Congress or at a special session to be called by President Hoover. But when I know that such legislation will be promoted by one of two Presidents, neither looking at the farm problem through other than commercial eyes, I frankly confess that I can see but faint hope for anything in the nature of real farm relief. Everyone admits the unbalanced condition of agriculture. All thinking people know that the disparity existing between the profit earned by farm owners and the profit earned by those who are engaged in many other branches of industry is unfair under a form of Government founded upon the equality of its citizens.

More than 80 per cent of the wealth of the United States is located within less than one-fifth of geographical area, that one-fifth zone of great wealth being primarily an industrial area. The people within that zone do not work harder to produce their large profit than the people in agricultural sections work to secure their smaller profit. The difference is that the people in the so-called industrial zone have for long years enjoyed the benefit of special legislation which gave them an advantage over the people engaged in agricultural pursuits. The largest single legislative advantage has been the result of tariff legislation which has given them the advantage of increased and often fictitious prices. The one great problem of legislation in this hour should be to equalize the advantages conferred by our Federal Government, giving to all our people equal opportunity and the same legislative favor enjoyed now by a few favored people. This is the very heart of the farm problem.

Men are saying that the new Hoover administration will do more to give a square deal to agriculture than the Coolidge administration has done. Often I have stated my belief that President Coolidge is an honest man, honestly desiring to work for the welfare of the American people, and often I have similarly expressed myself as to our incoming President, Mr. Hoover. They talk about equality for the farming interests, but neither is willing to give to the American farm that justice which is its due, because if the American farm should be given full justice in the matter of tariff legislation—well, if that should be done, it would necessarily mean the withdrawal of many special privileges now enjoyed by the manufacturing industry under our present tariff policy. To that unfair tariff policy both President Coolidge and President Hoover are irrevocably committed.

What will be the character of any farm-relief legislation which may be enacted during the present session of the Congress, or at a later session to be called by President Hoover? I do not know. But I do know what it will not be. Of all the measures which have appeared in Congress in recent years for the relief of agriculture only two of them struck at the heart of the farm problem. Those two were the McNary-Haugen bill and the bill for an export premium or debenture plan. I think this debenture plan was promoted largely by Representative KETCHAM of Michigan, although I have regarded Representative MARVIN JONES of Texas as its primary advocate. The Coolidge administration would not let either plan become a law. Neither will the Hoover administration permit any such legislation to live. Still regarding both Coolidge and Hoover as honest men, one must not forget that their view of the farm problem is the view of big business. Big business is not willing to surrender the advantages it now enjoys under existing tariff law and tariff law interpretation. Naturally increased prices for farm products would mean increased prices for raw material which big business manufactures into its own articles of commerce. And so it is that the owners of American farms dare not look toward either Mr. Coolidge or Mr. Hoover for any legislation which shall not meet the favor of big business.

Mr. Hoover thinks in terms of commerce. He dreams of a vast commercial empire. He is almost obsessed by this dream. He thinks of agriculture only as an incident to the commercial fabric. His real mind was disclosed in a statement he made a year or more ago, long before he took the stump in the late campaign. In that statement he said that "the way to settle the farm problem is to balance agricultural production to the needs of the country." Now, let us carry that thought to its legitimate conclusion and see where we shall arrive. The fair conclusion is that such a policy would starve agriculture down to where it would merely supply the needs of the business interests, with never any surplus to send abroad, and in the end agriculture would become just what big business wants it to become—simply a feeder to the commerce of the country.

While I am always an optimist and never a pessimist, yet I can not feel justified in expressing to my Nebraska people any earnest hope for worth-while farm legislation during the coming year. From my touch with the leaders who are supposed to speak the views of President Coolidge and the incoming President I gather that such legislation as may be enacted will be nothing more nor less than a plan to loan more money to the farmers, the loaning program to be engineered by some sort of a farm board to be created in connection with the proposed new farm legislation. In my view such a plan could not carry any material relief to agriculture. However, in the absence of anything better, I shall support such a farm bill as may be offered by President Coolidge during the present session of the Congress, or any farm bill which may be offered by President Hoover at an extra session of the Congress. In taking this course I shall be supported by the belief that most anything in the nature of legislation to aid agriculture might improve the present unhappy condition of that great industry.

EDGAR HOWARD.

CONSENT CALENDAR

The SPEAKER. The Consent Calendar is in order, and the Clerk will call the calendar.

BRIDGE ACROSS THE MISSISSIPPI AT OR NEAR THE CITY OF BATON ROUGE

The first business in order on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I am requested to ask that this bill go over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

OSAGE INDIANS OF OKLAHOMA

The next business in order on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that that be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

AMENDING ACTS RESPECTING COPYRIGHTS

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect to mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEVEE AND OTHER IMPROVEMENT-DISTRICT BENEFITS AGAINST PUBLIC LANDS, ETC.

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I will have to object to this. There is a day coming for that committee, but if preferred I will ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DIVISION AND APPORTIONMENT OF THE WATERS OF THE NORTH PLATTE RIVER, ETC.

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, this is a bill in which the gentleman from Colorado, Mr. TAYLOR, is interested, and I ask that it and the following bill, Calendar No. 896, H. R. 7027, be passed over without prejudice.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

COMPACTS BETWEEN COLORADO AND UTAH

The next business on the Consent Calendar was the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEATHERWOOD. Mr. Speaker, in view of the investigations going that might affect the States involved, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. CRAMTON. Is it the idea of the gentleman from Utah that he will be able to act on this at an early date?

Mr. LEATHERWOOD. There are other bills that have been passed over without prejudice, involving the same questions.

Mr. CRAMTON. And the gentleman is not disposed longer to press his objection against this bill?

Mr. LEATHERWOOD. I am only asking that this be passed over without prejudice by reason of some investigations made by some gentlemen personally. It does not affect my State at all, and I have satisfied myself that as a matter of law we do not have to come in advance to Congress to get permission to make the compacts.

Mr. CRAMTON. The gentleman was asking that this bill be put in different form from the others. Does the gentleman withdraw that request, and is he willing to have this put in the same form as the others?

Mr. LEATHERWOOD. I do not think I would object for the reason that the bill and any amendments that may be made to it will bind the State of Utah.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

JOHN REESE, COMMANDER IN CHIEF OF THE GRAND ARMY OF THE REPUBLIC

Mr. SIMMONS rose.

The SPEAKER. The gentleman from Nebraska is recognized.

Mr. SIMMONS. Mr. Speaker, it is my great privilege and honor to call the attention of the House to the fact that in the Speaker's gallery there is a distinguished and honored citizen of my district and State, a distinguished and honored citizen of the Nation, the commander in chief of the Grand Army of the Republic, John Reese. [Applause, the Members standing in salute.]

CONSENT CALENDAR

The SPEAKER. The Clerk will report the next bill.

CARE OF INSANE IN THE TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill requires that residents of one State residing in another State be charged back to the original State from which they came.

Mr. CRAMTON. If the gentleman will permit, I will say that the gentleman from Washington [Mr. JOHNSON] is much interested in this bill, and he not being present, I ask that the bill be passed over without prejudice.

Mr. LAGUARDIA. That is satisfactory to me.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OSAGE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF FLORIDA

The next business on the Consent Calendar was the bill (S. 1275) to create an additional judge for the southern district of Florida.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPROUL of Kansas. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

MARION BRANCH, NATIONAL SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 14153) to authorize an additional appropriation of $150,000 for the construction of a hospital annex at Marion Branch.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, the gentleman from Michigan [Mr. JAMES] stated the last time this matter was before the House that he would look into the figure named here and ascertain if he could give the House any reasonable assurance that the amount here authorized would be sufficient to complete the work.

Mr. JAMES. Mr. Speaker, I would be glad to have the gentleman from Indiana [Mr. HALL] answer the gentleman as to that. I understand he has been in touch with the Supervising Architect of the Treasury on this subject.

Mr. HALL of Indiana. Mr. Speaker, I have just been in touch with the Supervising Architect this morning, and I learn that the plans for the entire structure have been completed, and he informs me that this $150,000 will be sufficient to do the work required.

Mr. LAGUARDIA. Then, the gentleman can give the House reasonable assurance that this amount will complete the construction?

Mr. HALL of Indiana. I am satisfied that it will.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, being concerned about another aspect, to wit, as to whether the work can be done for less money, I have in mind to offer an amendment to this bill—and also to No. 1004 and No. 1006 on the Consent Calendar—which will insert the words "not more than," with the expectation that when the appropriation comes before the Appropriations Committee they will go into the situation to see if there is actually a need for so much as is here authorized.

Mr. HALL of Indiana. I will be glad to accept such an amendment.

Mr. BLACK of Texas. Will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. I just take this opportunity to make an inquiry, because the gentleman has offered several amendments of that kind, and it seems to me they are without purpose. If I understand the duties of the Appropriations Committee, they have that authority anyway. If Congress, for example, authorizes $250,000 for this particular project and the Committee on Appropriations decides that only $200,000 is needed, I know of no reason which would compel the Committee on Appropriations to bring in an appropriation of $250,000.

Mr. CRAMTON. I will say to the gentleman from Texas that personally I agree with him, but the House has not seemed to agree with him, and so that we might minimize the criticism of the Appropriations Committee I offer this amendment for the purpose of making it clear that at the time the bill passes it is intended that the committee shall make that examination. On one or two occasions when the Appropriations Committee have on examination—having before them information that the House did not have at the time it acted—refused an appropriation they have not only been criticized but rather roughly treated here in the House, it being argued that if the House passes a bill for the appropriation of a certain amount of money it is the duty of the Appropriations Committee to accept that mandate. I do not entirely agree with that, but certainly, if we put in the words "not more than," then there is a mandate given the committee with respect to the actual expenditure to be made.

Mr. BLACK of Texas. Will he gentleman yield further?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. For this particular project $100,000 was originally authorized to construct an addition of 50 beds. It is now desired to add $150,000 to that amount, which would make a total appropriation of $250,000, or $5,000 a bed. I would like to inquire as to how that compares with the general cost of Government hospitals. It occurs to me it is a rather high amount. The Appropriations Committee should make careful inquiry.

Mr. CRAMTON. It certainly is enough. I think whatever error my friend from Indiana [Mr. HALL] has made heretofore, he is not erring in the same direction again, and my thought in these amendments is to make it clear that the House intends the Appropriations Committee to study that phase of the question and not recommend as large an appropriation unless it is really necessary.

Mr. BARBOUR. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BARBOUR. I will say to the gentleman from Texas that where the amount is fixed in the authorization bill, that is often thereafter taken by the departments, the Budget, and everybody else as the amount which Congress expects will be spent, and they make their plans and specifications accordingly.

Mr. BLACK of Texas. Mr. Speaker, still further reserving the right to object, does the gentleman from California think there is any virtue in adding the language "not more than"?

Mr. BARBOUR. Well, it might have some moral effect.

Mr. BLACK of Texas. I am unable to see the point. However, I imagine it will do no harm.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

Mr. LUCE. Mr. Speaker, reserving the right to object, I would like to address a question to the gentleman from Michigan. Does he not entertain any apprehension that unless these words are put in every appropriation bill improper inferences may be drawn? In other words, if two measures were compared, one saying "not more than" and the other omitting those words, would there not be the right to infer that this was done purposely?

Before the gentleman answers, I may point out that certain bills come in here under suspension of the rules, where amendment is impossible. The gentleman on unanimous-consent day has an opportunity to carry out his purpose, but there will inevitably be measures, such as one in which I am particularly interested, the hospital construction bill, where through inadvertence or through ignorance of the gentleman's position, these words may be omitted.

Now, agreeing as I do, thoroughly, with the gentleman from Texas [Mr. BLACK] and the gentleman from Michigan [Mr. CRAMTON] that it is the duty of the Committee on Appropriations to spend less money if possible, and feeling that there may be danger in deviating from what has been the established policy of the House, I rather think it is unwise to insert these words. Why, that is what the Committee on Appropriations is for. It exists for that purpose, and if we once gave any weight to the contention that it must appropriate all that it is authorized to appropriate, then the function of the committee would disappear.

Mr. CRAMTON. I will say to the gentleman from Massachusetts that I agree with him as to the duty of the Appropriations Committee, whichever form is used, to only recommend as much as their study convinces them is required, but, in the first place, as the gentleman from California [Mr. BARBOUR] states, when the words "not more than" are omitted and a specific amount is carried in the bill, that is taken by the department and the Budget, without further study, as being the amount that Congress wants.

Furthermore, the thing that the gentleman from Massachusetts [Mr. LUCE] fears may come to pass has already come to pass. The House membership generally have not concurred in the theory that the Appropriations Committee ought to make this study in any event. I recall a bill passed the Congress authorizing the payment of a certain Indian judgment with interest, entirely out of line with the general policy, but it got through with a limited amount of attention, and then when the Committee on Appropriations made a study of it and developed facts that the House had not been aware of at the time, we refused to recommend the appropriation. Then on the floor of the House the item was offered as an amendment and our committee was severely castigated by Members for having dis-

obeyed the mandate, as they called it, of the House; and, as a matter of fact, we were voted down on the proposition.

I think, notwithstanding that, the committee ought to make a study and to avoid any question of criticism because none of us wants any more criticism than is necessary; when these words are inserted, then certainly it is the duty of the committee to make the study and no one can criticize the committee for making it.

Mr. LUCE. But the gentleman does not meet my suggestion that there will be diversity between bills coming to the Appropriations Committee.

Mr. CRAMTON. There already is a diversity, and there already is the claim made that when a definite amount is recommended it is the duty of the committee to recommend that amount.

Mr. LUCE. When bills come to him, as I have suggested, under suspension of the rules and the words will be lacking, how will the gentleman meet that situation?

Mr. CRAMTON. My own judgment is that the duty is with the committee in any event, and as one member of the committee I am prepared to meet that duty, but in as many cases as it is feasible to do it, I think it best to have this sort of language, and, as I understand, the ranking member on the Military Affairs Committee said the other day that hereafter it would be the policy of that committee to use such words so as to remove this question.

Mr. BARBOUR. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BARBOUR. Would not that whole situation be obviated if the Appropriations Committee was left, in the first place, to determine the amount of money that should be expended? In other words, let the bill from the legislative committee authorize the construction of a certain building or whatever it may be, and stop there. Then let the Committee on Appropriations go into the matter and determine what the proper cost should be.

Mr. LUCE. That might be wise, but, with all due deference to the most admirable and efficacious Committee on Appropriations, other gentlemen of the House might think that their judgment was worth while and desirable in these matters. For example, the committee of which I have the honor to be a member, the Committee on World War Veterans' Legislation, is probably better equipped by experience and by having at its command the services of experts, to determine that matter than would be a Committee on Appropriations which does not specialize in that particular thing.

Mr. BARBOUR. I think the gentleman is right about that, but at the same time, if I understand the gentleman from Massachusetts correctly, he expects the Committee on Appropriations to scrutinize the recommendations of his own committee and pass on them later.

Mr. LUCE. The whole purpose of having a Committee on Appropriations, I take it, is to secure a double check.

Mr. BURTNESS. Will the gentleman from California yield?

Mr. BARBOUR. I have not the floor.

Mr. BURTNESS. I think the suggestion made by the gentleman from California is very pat. I have often wondered why a legislative committee in reporting legislation to authorize a building, for instance, to be used as a hospital, is concerned with more than the authorization of the building. If the legislation authorizes the building, then it is up to the Appropriations Committee in all cases to determine what the cost will be, which would be much the simpler way and would reduce the work of the House considerably, because you would not have to correct the old legislation from time to time.

Mr. LEAVITT. Where would the Budget come in if that kind of bill were sent out from the committee authorizing expenditures—if they were all made in blank and the Budget was completely left out?

Mr. BURTNESS. I do not think that would be a material question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of money in the Treasury not otherwise appropriated $150,000, in addition to the $100,000 authorized to be appropriated by section 3 of the act approved March 4, 1927 (Public, No. 798, 69th Cong.), for the construction of a fire-proof hospital annex at the Marion Branch of the National Home for Disabled Volunteer Soldiers.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 4, after the word "appropriated" insert the words "not more than."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SIGNAL DEPOT WAREHOUSE, PHILIPPINE DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 14155) to authorize the appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think the last clause in the bill is objectionable. We have had trouble with that sort of provision in a bill before, where you throw the doors open and say—

with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

I think we should strike that language out of the bill.

Mr. JAMES. Mr. Speaker, I have no objection to that.

Mr. CRAMTON. I think it would be better to leave in the words "as may be necessary" and to strike out the words "in the judgment of the Secretary of War."

Mr. LAGUARDIA. I think that is a good suggestion, and I shall accept it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated $49,000 for the construction and installation in the Philippine Department of a signal-depot warehouse, with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Line 6, after the word "as," strike out "in the judgment of the Secretary of War."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: In line 3, after the word "appropriated," insert the words "not more than."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POWDER-BLENDING UNIT AT PICATINNY ARSENAL

The next business on the Consent Calendar was the bill (H. R. 14156) to authorize an appropriation for the construction of a cannon powder-blending unit at Picatinny Arsenal, Dover, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JAMES. Mr. Speaker, the gentleman from New Jersey [Mr. ACKERMAN], who represents that district, is absent on account of sickness. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CONSTRUCTION OF MESS HALL, ETC., UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I call the attention of the gentleman from Michigan [Mr. JAMES] to the fact that I have received a great many complaints as to the rate of wages paid to skilled and unskilled laborers employed in the construction of these new buildings at West Point. I had a long conference last night with the distinguished chairman of the Committee on Military Affairs, the gentleman from Pennsylvania [Mr. MORIN], and he tells me that they are operating under a law which was passed last year providing the rate of wages. I believe he told me that the rate of wages for unskilled

labor was $4 a day. I want to say to the gentleman from Michigan and to the House that a laborer in the State of New York in that vicinity can not live and support his family on $4 a day. That is $24 a week, assuming the weather is good, and rain does not prevent him from working. This work is being carried on efficiently, I will admit, by the quartermaster officer, but there is no reason why the prevailing rate of wages should not be paid. I suggest as an amendment a proviso to the effect that the prevailing rate of wages paid for similar work in the vicinity of West Point shall be paid to all skilled and unskilled workers employed for the purpose authorized.

Mr. JAMES. Has the gentleman from New York talked with the gentleman from Pennsylvania [Mr. MORIN]?

Mr. LAGUARDIA. Yes. He says that they are paying the unskilled laborers $4 a day and the skilled laborers $8 a day. That is below the prevailing rate of wages. Am I not right about that?

Mr. BARBOUR. I do not know as to that, but it has been reported to the subcommittee on War Department appropriations that one of the reasons for this is because of the increased wages they have had to pay.

Mr. LAGUARDIA. The original estimates were made on going out and bargaining with the workers to work below the prevailing rates, and I believe a bill was passed at the last session that has something to do with it. I did not have time to investigate that this morning, but the Chairman of the Committee on Military Affairs told me that they fixed the rate of wages at $4 a day. That is below the prevailing rate. I do not believe we want to economize by bargaining with unskilled laborers.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of Texas. No bill was passed requiring the War Department to employ labor at any certain rate. There is no law of that kind. There is nothing to hinder them from paying the prevailing rate of wages.

Mr. LAGUARDIA. I did not believe there was.

Mr. BLACK of Texas. And there should not be any amendment such as the gentleman suggests here. It would be unusual. I dare say that the War Department will pay the prevailing rate of wages with this increased appropriation. There ought not to be any mandatory direction of that kind.

Mr. LAGUARDIA. They are not paying the prevailing rate of wages.

Mr. BLACK of Texas. Perhaps the appropriation is not sufficient, but this additional appropriation will provide additional funds.

Mr. LAGUARDIA. I shall press my amendment.

Mr. BLACK of Texas. The gentleman can press his amendment, but I do not want the gentleman from Michigan [Mr. JAMES] to agree to it, because it ought not to prevail.

Mr. LAGUARDIA. That puts the gentleman from Michigan in an embarrassing situation, if the gentleman from New York threatens him one way and the gentleman from Texas another.

Mr. BLACK of Texas. I certainly would object to an amendment of that kind, because it would be unusual and, I think, unnecessary.

Mr. LAGUARDIA. I will do this. I will not make it a condition, but I shall submit my amendment and let it come to a vote. I think that is fair.

Mr. BLACK of Texas. The gentleman has a right to submit his amendment, of course.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $297,540 for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which I desire to offer.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the period, insert a semicolon, and add the following proviso: *"Provided*, That the prevailing rate of wages paid for similar work in the vicinity of West Point shall be paid to all skilled and unskilled workers employed for the purpose herein authorized."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order against the amendment that it is not germane to the bill. The bill in question authorizes an increase in appropriation for certain West Point buildings amounting to $297,540. It does not deal at all with the question of wages to be paid to labor, and therefore I make the point of order that the amendment is not germane to the bill.

Mr. LAGUARDIA. This is a legislative bill. It provides and authorizes an appropriation for the construction of buildings and surely we can provide as to the method of employment, and it is entirely germane and within the meaning of the rule.

The SPEAKER. The Chair thinks this bill merely authorizes an appropriation to complete a building already in course of construction. There is no question arising on the face of the bill with reference to labor, wages, or anything of the sort. The Chair thinks it is not germane and sustains the point of order.

Mr. LAGUARDIA. Mr. Speaker, I desire to make a preferential motion. I move to strike out the enacting clause, and on that I desire to be heard.

Mr. Speaker, I sought by proper parliamentary tactics to correct a condition which I believe no Member of this House will approve. We have over a million dollars' worth of work going on at West Point Military Academy. That work is under the direction of a quartermaster officer. He employs workers, skilled and unskilled, and labor conditions up there have been nothing short of a scandal. Bargains have been driven and workers have been employed under stress of unemployment and the necessities there below the prevailing rate of wages. Now, I think it is a crying shame for Congress to sanction a continuation of such a condition. I am reliably informed we are paying laborers there $4 a day. That is $24 a week, and I assure you gentlemen that a man can not support his family decently in the vicinity of West Point on $24 a week. I submit to the ruling of the Chair. The gentleman from Texas is entirely within his rights if he desires to take advantage of his parliamentary rights and defeat something that seems to be very necessary. On the other hand, I do not believe that we should sanction this appropriation without full knowledge that in doing so the United States Government is running a "scab" shop at West Point and employing men on starvation wages. I would rather defeat the entire bill than permit such conditions to prevail with the sanction of Congress. If my motion prevails, it is certain that the committee will bring in a bill protecting the rights of labor and paying them a decent, living wage. I would rather not have these buildings constructed if we can not pay labor the proper scale of wages.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BLACK of Texas. If the gentleman's amendment is adopted, the Secretary of War will have no money with which to pay these increases in labor cost that he speaks about.

Mr. LAGUARDIA. Then let us not do the work.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. COCHRAN of Missouri. There is another phase in the matter. It is evident in my community with respect to public work. An outside contractor who does not pay his employees the rate of wages prevailing in the vicinity of the place where the work is going on has a distinct advantage over other contractors in that vicinity.

Mr. LAGUARDIA. Yes. Let me tell the gentleman that in Government work a contractor is expected to pay the rate of wages prevailing in the vicinity.

Mr. COCHRAN of Missouri. The bill introduced by the gentleman from New York [Mr. BACON] provides for that, but we have not been able to get a vote on it.

Mr. LAGUARDIA. The bill of the gentleman from New York provides that they must pay the wages of the locality where the work is going on.

Mr. DOWELL. But the Government is not now paying the prevailing rate of wages in the communities where the work is going on, and that amendment should be adopted in every one of these bills.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. LAGUARDIA] to strike out the enacting clause.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. WOOD. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 30, noes 70.

Mr. LAGUARDIA. Mr. Speaker, I object to the vote on account of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-five Members are present, not a quorum. The Clerk will call the roll. As many as favor the motion of the gentleman from New York to strike out the enacting clause

will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 54, nays 272, not voting 101, as follows:

[Roll No. 6]

YEAS—54

Almon	Crowther	Kvale	Palmisano
Bachmann	Dowell	LaGuardia	Peavey
Bankhead	Fulbright	Leavitt	Sanders, Tex.
Beck, Wis.	Fulmer	Lowrey	Schafer
Black, N. Y.	Garber	McClintic	Shallenberger
Buckbee	Green	McCormack	Simmons
Carss	Guyer	McKeown	Sinclair
Casey	Hall, N. Dak.	Martin, La.	Somers, N. Y.
Clarke	Hill, Wash.	Miller	Steagall
Cochran, Mo.	Howard, Nebr.	Moore, N. J.	Summers, Wash.
Collins	Howard, Okla.	Murphy	Swank
Cooper, Ohio	Huddleston	Nelson, Wis.	Williams, Ill.
Cooper, Wis.	Johnson, Okla.	Norton, Nebr.	
Crosser	Jones	O'Connor, La.	

NAYS—272

Abernethy	Doughton	Kahn	Ramseyer
Ackerman	Douglas, Ariz.	Kearns	Rankin
Adkins	Drane	Kelly	Ransley
Aldrich	Driver	Kendall	Rayburn
Allen	Dyer	Kent	Reece
Andresen	Eaton	Ketcham	Reed, Ark.
Andrew	Elliott	Kiess	Reed, N. Y.
Arnold	Englebright	Kincheloe	Reid, Ill.
Aswell	Eslick	Knutson	Robinson, Iowa
Auf der Heide	Fenn	Kopp	Robsion, Ky.
Ayres	Fish	Korell	Rogers
Bacharach	Fisher	Kurtz	Romjue
Bacon	Fitzgerald, Roy G.	Langley	Rowbottom
Barbour	Fitzgerald, W. T.	Lanham	Rutherford
Beck, Pa.	Fitzpatrick	Lankford	Sabath
Beedy	Fort	Larsen	Sanders, N. Y.
Beers	Foss	Lea	Sandlin
Black, Tex.	Free	Leatherwood	Schneider
Bland	Freeman	Leech	Sears, Fla.
Bloom	French	Lehlbach	Seger
Bohn	Furlow	Letts	Selvig
Boies	Gambrill	Lindsay	Smith
Bowles	Gardner, Ind.	Lozier	Snell
Bowman	Garner, Tex.	Luce	Sproul, Kans.
Box	Garrett, Tenn.	Lyon	Stalker
Boylan	Garrett, Tex.	McDuffie	Steele
Brand, Ga.	Gibson	McFadden	Stevenson
Brand, Ohio	Gifford	McLaughlin	Strong, Kans.
Briggs	Gilbert	McLeod	Strong, Pa.
Brigham	Glynn	McReynolds	Sumners, Tex.
Browning	Goldsborough	McSwain	Swick
Buchanan	Goodwin	Maas	Swing
Burdick	Gregory	Major, Ill.	Taber
Burtness	Greenwood	Major, Mo.	Tarver
Busby	Hadley	Manlove	Tatgenhorst
Butler	Hale	Mapes	Taylor, Tenn.
Byrns	Hall, Ill.	Martin, Mass.	Thatcher
Campbell	Hall, Ind.	Menges	Thompson
Cannon	Hammer	Merritt	Thurston
Carew	Hancock	Michener	Tilson
Carley	Hardy	Monast	Timberlake
Carter	Hare	Moore, Ky.	Tinkham
Cartwright	Haugen	Moore, Ohio	Treadway
Chapman	Hawley	Moore, Va.	Tucker
Chindblom	Hersey	Moorman	Underhill
Christopherson	Hickey	Morehead	Vestal
Clague	Hill, Ala.	Morgan	Vincent, Iowa
Cochran, Pa.	Hoch	Morin	Vincent, Mich.
Cohen	Hoffman	Morrow	Vinson, Ga.
Cole, Iowa	Hogg	Nelson, Me.	Wainwright
Collier	Hooper	Nelson, Mo.	Wason
Colton	Hope	Newton	Watres
Combs	Houston, Del.	Niedringhaus	Watson
Connally, Tex.	Hudson	Norton, N. J.	Weller
Corning	Hudspeth	O'Connell	Whittington
Cox	Hughes	Oliver, Ala.	Wigglesworth
Crail	Hull, Morton D.	Parker	Williams, Mo.
Cramton	Hull, Tenn.	Parks	Williams, Tex.
Crisp	Hull, Wm. E.	Peery	Wilson, La.
Cullen	Irwin	Perkins	Wingo
Dallinger	Jacobstein	Porter	Wolverton
Darrow	James	Pou	Wood
Davenport	Jeffers	Prall	Woodruff
Davis	Jenkins	Purnell	Woodrum
Deal	Johnson, Ill.	Quayle	Wurzbach
Dempsey	Johnson, Ind.	Quin	Wyant
DeRouen	Johnson, S. Dak.	Ragon	Yates
Dickinson, Iowa	Johnson, Tex.	Rainey	Yon

NOT VOTING—101

Allgood	Davey	Harrison	Mooney
Anthony	Denison	Hastings	O'Brien
Arentz	Dickinson, Mo.	Holaday	O'Connor, N. Y.
Begg	Dickstein	Igoe	Oliver, N. Y.
Bell	Dominick	Johnson, Wash.	Palmer
Berger	Douglass, Mass.	Kading	Patterson
Blanton	Doutrich	Kemp	Pratt
Britten	Doyle	Kerr	Sears, Nebr.
Browne	Drewry	Kindred	Shreve
Bulwinkle	Edwards	King	Sirovich
Bushong	England	Kunz	Speaks
Canfield	Estep	Lampert	Spearing
Celler	Evans, Calif.	Linthicum	Sproul, Ill.
Chalmers	Evans, Mont.	McMillan	Stedman
Chase	Fletcher	McSweeney	Stobbs
Clancy	Frear	Magrady	Strother
Cole, Md.	Gasque	Mansfield	Sullivan
Connery	Golder	Mead	Taylor, Colo.
Connolly, Pa.	Graham	Michaelson	Temple
Culkin	Griest	Milligan	Tillman
Curry	Griffin	Montague	Underwood
Updike	Welch, Calif.	Whitehead	Wright
Vinson, Ky.	Welsh, Pa.	Williamson	Zihlman
Ware	White, Colo.	Wilson, Miss.	
Warren	White, Kans.	Winter	
Weaver	White, Me.	Wolfenden	

So the motion to strike out the enacting clause was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Graham with Mr. Linthicum.
Mr. Curry with Mr. Blanton.
Mr. Denison with Mr. Mead.
Mr. Temple with Mr. Bell.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Arentz with Mr. Dominick.
Mr. Shreve with Mr. Stedman.
Mr. Begg with Mr. Kindred.
Mr. Frear with Mr. Kemp.
Mr. Griest with Mr. Drewry.
Mr. Magrady with Mr. Sullivan.
Mr. White of Maine with Mr. Douglass of Massachusetts.
Mr. Sproul of Illinois with Mr. Oliver of New York.
Mr. Anthony with Mr. Canfield.
Mr. England with Mr. O'Connor of New York.
Mr. Wolfenden with Mr. Edwards.
Mr. Kading with Mr. Connery.
Mr. Michaelson with Mr. McSweeney.
Mr. Welsh of Pennsylvania with Mr. Dickstein.
Mr. Stobbs with Mr. Griffin.
Mr. Browne with Mr. Underwood.
Mr. Palmer with Mr. Ware.
Mr. Chase with Mr. Sirovich.
Mr. White of Kansas with Mr. Milligan.
Mr. Estep with Mr. Allgood.
Mr. Winter with Mr. Celler.
Mr. Holaday with Mr. Mansfield.
Mr. Lampert with Mr. Doyle.
Mr. Evans of California with Mr. Warren.
Mr. King with Mr. Hastings.
Mr. Zihlman with Mr. Kunz.
Mr. Golder with Mr. Bulwinkle.
Mr. Johnson of Washington with Mr. McMillan.
Mr. Culkin with Mr. Fletcher.
Mr. Pratt with Mr. Patterson.
Mr. Britten with Mr. Mooney.
Mr. Strother with Mr. Evans of Montana.
Mr. Sears of Nebraska with Mr. Weaver.
Mr. Bushong with Mr. Kerr.
Mr. Williamson with Mr. Vinson of Kentucky.
Mr. Doutrich with Mr. Taylor of Colorado.
Mr. Speaks with Mr. Whitehead.
Mr. Clancy with Mr. Igoe.
Mr. Updike with Mr. Wright.
Mr. Welch of California with Mr. Gasque.
Mr. Chalmers with Mr. Spearing.

The result of the vote was announced as above recorded.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 5, before the figures "$297,540," insert the words "not more than."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLLECTION AND EDITING OF OFFICIAL PAPERS OF THE TERRITORIES OF THE UNITED STATES

The next business on the Consent Calendar was the bill (S. 1168), to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object for the purpose of calling the attention of the Committee on the Revision of Laws to the fact that this is one law that is not indexed in the Code of Laws. I do this so that the reviser of the index may be advised.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am quite dubious about the value of this bill, particularly since out of nearly 2,000 copies of the works that are to be published only 50 will go to the Department of State. Personally I do not know what I or any other Member will do with two copies. However, I am not disposed to make an objection, but I do suggest that section 4 ought to be amended by striking out all after the words "Department of State," in line 5 on page 3. As it reads, the Department of State will be enabled, through some mathematics of their own, to add to a certain one of their appropriations. I do not think that is desirable. I think the regular staff can do this work, and there is no necessity for enlarging that particular appropriation to that extent.

Mr. BLACK of Texas. If the gentleman will permit, I intend to ask that this bill go over without prejudice.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RELIEF OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I expect to do so, this bill, in my mind, is quite undesirable. I ask unanimous consent to revise and extend my remarks with reference to it and in doing so to insert a portion of a letter expressing the views of the Indian welfare committee of the General Federation of Women's Clubs.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The bill is unnecessary and undesirable. In so far as it can serve any good purpose, the authority now exists. It is, however, so broad in its terms as to make possible, indeed to invite, the States to spend the money of the Federal Government. Having difficulty at times in supervising and controlling the acts of our own officials, we are asked to turn our problems over to officials whom we do not select, whom we can not remove, whom we can not control. Our officials and employees are under civil service. State officials and employees are customarily under the political patronage system. Our officials and employees have back of them the national sentiment for generous treatment of the Indian and the national confidence in his possibilities. The State officials and employees are too often subject to a local sentiment that seeks to exploit the Indian, too often share in a local lack of confidence in his possibilities. We are building up an organization of specialists and any improvement in our policies acts directly on the whole field. The States would have varying policies, varying standards, and, once a contract was made, changes and improvements in policies could affect the field slowly if at all.

The far-reaching character of the bill is in this language:

> That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State, and to expend under such contract or contracts moneys appropriated by Congress for such purpose.
>
> SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

That is broad enough to transfer to the several States, in the discretion of the Secretary of the Interior, all our expenditures for education, health, and relief of distress, while retaining all our full organization for handling of the business and industrial affairs of the Indians. The State and Federal supervision would, under any general application of this plan, become inextricably mixed, with duplication of effort, controversy of purpose, and passing the buck galore. General exercise of the authority to contract with the States here proposed would be disaster. And the politicians and Indian exploiters of every Indian State would be alert and swarm on the Secretary of the Interior for such contracts. And the Secretary of the Interior would have a right to assume that passage of this act was intended by Congress as approval of such a general policy.

It may be urged that no such general policy is intended. The bill does not so indicate, and it would be construed as I have indicated. And if no general policy is so purposed, if it is not intended by this act to express the desire of Congress for general handling of these Federal funds by State authorities, why have the bill at all?

Close cooperation between State and Federal authorities in matters pertaining to the education, health, and relief of the Indian, as well as to his industrial development and general advancement, is greatly to be desired. It is being secured in a constantly increasing degree. Just as the Federal policies are being improved and expanded, so is the best thought of the various Indian States coming more and more to appreciate the importance of the Indian and his welfare, and they are working more and more in harmony with us for his advancement. And there is ample law now for such cooperation. We place Indian children in local white schools and pay their tuition there now. We place them in State institutions for deaf or dumb or blind or backward children and pay for their care there now under contract. We have just accepted very wise and generous cooperation by the State of North Dakota by which, without payment of tuition, Indian boys from the United States Indian boarding school at Wahpeton can go across the road and receive instruction at the State science school, an industrial school. In Wisconsin State public health nurses are doing good work on our Indian reservations. In many States very helpful cooperation in matters of health and education now exists, and I do not know of any feasible cooperation now proposed that is hindered by lack of law.

The proposed law is an invitation to trouble, which, if accepted, would lead to disaster.

A close student of Indian affairs and a generous champion of his interests is Mrs. Joseph Lindon Smith, chairman of the Indian welfare committee of the General Federation of Women's Clubs. She has written me as follows, expressing her protest against the proposed legislation:

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D. C., January 3, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: As chairman of the division of Indian welfare of the General Federation of Women's Clubs I wish to enter protest against the passage at this time of House bill 7031, a bill authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

I consider that it has been the uniform experience in the history of Indian administration that when Indians have been released from Federal jurisdiction 90 per cent of them have lost their property and a large number of them have become landless and homeless. When Congress in 1906 removed the restrictions on the lands of the mixed-blood Indians of the White Earth Reservation there followed a period of fraud, corruption, and debauchery of these helpless Indians. The removal of the restrictions by Congress on the lands of the Indians of the Five Civilized Tribes has resulted in decreasing the land estate of these Indians from 19,000,000 acres to approximately 3,000,000 acres in a period of less than 25 years, and the Indian Bureau was powerless to protect these Indians.

Cooperation between the Indian Bureau officials, State bureaus of public health, the Extension Service of the Department of Agriculture, and other public and private agencies is of vital importance to the welfare of the Indians and is an avowed policy of the Indian Service officials increasingly in effect.

In Wisconsin and Minnesota the General Federation of Women's Clubs have assisted materially in welfare work for the Indians, done in cooperation with the Indian Bureau and State officials. We issued a bulletin (October, 1928) on the Meriam report, and in it we indorsed the policy of the retention by the Federal Government of the control and supervision of the Indians as long as practicable.

It seems to us that the editorial from the Santa Fe New Mexican of December 20, attached, gives an accurate picture of the situation, and I trust that House bill 7031 will be recalled from the calendar and returned to the committee without further action by Congress.

Sincerely yours,

CORINNA LINDON SMITH,
Chairman Division of Indian Welfare,
General Federation of Women's Clubs.

[Editorial from the Santa Fe New Mexican, December 20, 1928]

THE INDIANS AND THE STATES

The Leavitt bill now before Congress provides that the care, responsibility, and future of the American Indian tribes may be farmed out to the various States, with grants of present national funds to pay the freight.

The average person does not know what an important measure it is and that the well-being and happiness of several hundred thousand people are involved. Neither do they realize that if the measure should become a law there would immediately start a campaign of spoliation such as this Nation never saw before. Imagine the ravage that New Mexico politicians would indulge in were such an opportunity afforded them!

The National Government from the beginning has had charge of this work. There have been abuses at times. Crooks get into the Indian Service as every other branch of governmental activity. Less often there are Indian leaders who are rascals. They are the exceptions that prove the rule.

The Indian Service has evolved into a most efficient system, worthy of a Government of this size. If each State were to take it up, they

would not have the experience of a hundred years back of them. Few of them would have learned anything from history. The result would be a crushing blow to the present wards of the Government.

There is nothing the matter with the Indian Service, except that it should be given more money and encouraged to modernize its ways in a few particulars.

When it comes to State Indian service, may the good Lord preserve us, and the Indians!

The bill is of such far-reaching importance that I believe the Committee on Indian Affairs might well give it further consideration in committee before asking the House to consider it.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD by inserting the bill itself and the report of the committee, since there has been so much misunderstanding with regard to its purpose and its effect.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to print the bill itself in the RECORD as well as the report of the committee. Is there objection?

There was no objection.

The bill and report follow:

[H. R. 7031, 70th Cong., 2d sess.]

IN THE HOUSE OF REPRESENTATIVES,

December 12, 1927.

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed. December 14, 1928, reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

A bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of and promotion of agriculture among the Indians in such State, and to expend under such contract or contracts moneys appropriated by Congress for such purpose.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior, after entering into any contract or contracts as herein authorized with any State, may permit the agents and employees of such State to enter upon Indian tribal lands, reservations, or allotments for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or to enforce compulsory school attendance of Indian pupils, as provided by the law of the State.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into effect.

SEC. 5. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this act and the moneys expended thereunder.

[H. Rept. No. 1955, 70th Cong., 2d sess.]

RELIEF OF DISTRESS OF INDIANS

Mr. LEAVITT, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 7031.

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Page 1, line 6, after the words "distress of" add "and promotion of agriculture among the."

For a number of years those constructively interested in the welfare of the Indians have been growing in the belief that it should be made possible for such States having considerable Indian population as have developed efficient agencies to deal with health and educational problems and to relieve distress among the indigent to give the benefit of such agencies to their Indian population as well as to the white.

Already some States, notably Minnesota, are giving attention to the health of the Indians, not only for the sake of the Indians, but for the protection of the people generally. Doctor Guthrie, the head of the Indian health work and a trained officer of the Bureau of Public Health, has testified to the great value of such cooperation. In many of the States the Federal Government has been paying tuition for the education of Indian children in the public schools, this over a sufficient period of years to demonstrate its unquestioned value.

At its last session the Legislature of Wisconsin enacted a law authorizing the government to enter into contracts with the Federal Government for the education, health, relief of indigency, and promotion of agriculture among Wisconsin Indians, thus leading the way for legislative enactments by such States as so desire to enable them to cooperate in like manner.

The Institute for Government Research, in its report entitled "The Problem of Indian Administration," submitted February 21, 1928, discusses this problem, beginning on page 98, as follows:

"With respect to the division of authority and responsibility between the National and the State and local Governments, the survey has proceeded upon these principles:

"1. That under the Constitution of the United States and in accordance with the historical development of the country, the function of providing for the Indians is the responsibility of the National Government.

"2. That the National Government should not transfer activities incident to this function to individual States unless and until a particular State is prepared to conduct the activity in accordance with standards at least as high as those adopted by the National Government.

"3. That the transfer of activities from the National Government to the State governments should not be made wholesale, but one activity at a time, as the willingness and ability of the State justify.

"4. That no great effort should be made toward uniformity in the treatment of all the States, as the question of the willingness and ability of the States is an individual one, with very different answers for different States.

"5. That when a State assumes responsibility for a particular activity, as in the case of admitting the children of nontaxed Indians to public schools or providing for nontaxed Indians in hospitals, it is eminently proper that the National Government should make contributions to the cost in the form of payments for tuition or hospital fees, and that so long as national funds are thus used the National Government is under obligation to maintain officials such as the day-school inspectors, to cooperate in the work done by the States to see that it is up to the required standard and that the Indians for whom the National Government is primarily responsible are receiving the agreed service.

"6. That the National Government is under no legal or moral obligation to make the real property of the Indians subject to the regular State and county taxes until such time as the Indians are prepared to maintain themselves in the presence of white civilization and the States are prepared to render full governmental service to the Indians according to standards which will protect them from neglect and retrogression.

"7. That it is in general highly desirable that the States should as rapidly as possible assume responsibility for the administration of activities which they can effectively perform alike for whites and for the Indians with a single organization, with the exception of activities that are directly concerned with Indian property. Experience tends to demonstrate that national control and supervision of property must be about the last of the activities transferred to the States."

Its great importance is further emphasized by President Coolidge in his annual message to the Congress on the 4th of this month, when he said:

"The movement in Congress and in some of the State legislatures for extending responsibility in Indian affairs to States should be encouraged."

This measure does not remove any of the protection of the Federal Government from the Indians. It does not apply to their property. It does allow the Federal Government to work cooperatively through State agencies for the betterment of the health of the Indians, for their education, for the relief of their distress, and for their agricultural advancement wherever the interests of the Indians will be advanced thereby, but it forces no such activities on any State. It authorizes cooperative contracts between the Federal Government and the States within carefully restricted fields of service in cases where the Indians will be benefited.

H. R. 6075, which is practically identical with this bill, was introduced by Representative Kelly, of Pennsylvania.

The favorable report of the Secretary of the Interior, with approval of the Bureau of the Budget, follows:

DEPARTMENT OF THE INTERIOR,

Washington, January 13, 1928.

Hon. SCOTT LEAVITT,

Chairman Committee on Indian Affairs,

House of Representatives.

MY DEAR MR. LEAVITT: I have the honor to reply to your request of December 14 for reports on H. R. 7031 and H. R. 6075, both of which cover proposed arrangements for the transfer to States of activities of the Indian Bureau dealing with education, medical attention, and relief of Indians. Inasmuch as the bills are identical in purpose and

substantially identical in language, it is felt that both may be covered in a single report.

The principle underlying the proposed legislation is in agreement with my belief that the time has arrived when States directly interested in the civilization and advancement of Indians should begin to assume a greater degree of responsibility for Indian affairs, especially in the matter of directing the activities specifically mentioned in the bills under consideration. In several specific statements, including reports on legislation having the same general objective, introduced during sessions of the Sixty-ninth Congress, and in recent annual reports to the President, I have expressed this view.

A number of States directly concerned have given indications of a disposition favorable to the proposal and there appears to be little reason to doubt that their attitude in the matter may be regarded as indicative of a general willingness on the part of State authorities to assume further responsibility in the administration of Indian affairs.

The proposed legislation has my approval and I recommend that it be enacted into law.

Under date of January 4, 1928, the Bureau of the Budget advised that this report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

TELEPHONE LINE FROM FLAGSTAFF TO KAYENTA

The next business on the Consent Calendar was the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I inquire of the author of the bill why it is not possible to have the Signal Corps build this line. They have the men and they have the material, so that surely they could build this line without any difficulty at all. They are building lines and taking them down for practice, so there is no reason why they could not build a permanent line. I think they have sufficient material and appropriations to do so.

Mr. DOUGLAS of Arizona. I can not answer that question from my own knowledge. The only information I have on the subject is that the Secretary of the Interior has recommended this bill. I did not know that the Signal Corps constructed lines to Indian reservations.

Mr. LAGUARDIA. They are putting them up and taking them down for practice so I think they could build a permanent line. I intend to ask that this bill go over without prejudice.

Mr. CRAMTON. I will say to the gentleman that what he is suggesting is something new to me. I am satisfied this telephone line is required and I am going to offer my usual amendment that "not more than" $35,000 is authorized. I will also say that if this bill becomes a law that before the appropriation is made we will make a careful check to see if it is possible to do what the gentleman from New York suggests, and if it is possible, of course, we prefer to do it.

Mr. LAGUARDIA. It would come before the gentleman's subcommittee.

Mr. CRAMTON. Either that or the deficiency subcommittee, and I will promise to give it my attention.

Mr. LAGUARDIA. That is satisfactory, and in the meantime I will take the matter up with the Chief of the Signal Corps.

Mr. CRAMTON. I will at the proper time offer an amendment to perfect the paragraph as to the name of the institution.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I would like to make an inquiry of the gentleman from Montana [Mr. LEAVITT]. I notice this bill is to construct a telephone line to an Indian reservation and is not made reimbursable. Are there any funds to the credit of these Indians by which it could be made reimbursable?

Mr. LEAVITT. It could be made reimbursable so far as the item is concerned, but that would mean nothing in the final result. It is a telephone line that is necessary for the health and the welfare of the Indians and should be built according to the terms of the bill.

Mr. BLACK of Texas. It is the custom of Congress, as I understand it, wherever Indians have trust funds to their credit and work of this kind is done to make it reimbursable out of their funds.

Mr. LEAVITT. My information is that they do not have the funds to pay it.

Mr. BLACK of Texas. That is the inquiry I wanted to make; of course, if they have not it would not come within that classification. There would be no value in making the item reimbursable.

Mr. LEAVITT. The amendment of the gentleman from Michigan [Mr. CRAMTON] is entirely acceptable to the committee.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That $35,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the reconstruction of the telephone line from Flagstaff to the Western Navajo Indian Agency at Tuba City, and for the construction of a continuation of said telephone line from Tuba City to the Marsh Pass Indian Boarding School at Kayenta, Ariz.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 1, line 3, after the word "that," insert the words "not more than."

Page 2, line 1, strike out the words "Marsh Pass Indian Boarding School" and insert in lieu thereof "Tuberculosis Sanatorium."

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERSTATE COMMERCE IN COTTON

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CLARKE. Mr. Speaker, I object.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. CAREW. Mr. Speaker, how many objections are required?

The SPEAKER pro tempore. This bill requires three objections, but the gentleman from Georgia has asked unanimous consent to have it passed over without prejudice, and without objection it is so ordered.

There was no objection.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 15013) to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LUCE. Mr. Speaker, reserving the right to object, I would call the attention of the committee to one or two phases of this bill and make one or two inquiries. I am in complete sympathy with the purpose to be accomplished. The method strikes me as open to serious query. The report accompanying the bill——

Mr. LAGUARDIA. Mr. Speaker, under the rules three objections are required; and the gentleman has no right of reservation unless he can get two more to join him.

The SPEAKER pro tempore. The gentleman has the right to make the reservation. If some one demands the regular order——

Mr. LAGUARDIA. I demand the regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928, is amended to read as follows:

"That the Board of Managers of the National Home for Disabled Volunteer Soldiers, when directed by the President, is authorized to accept on behalf of the United States, free from all encumbrances and without cost to the United States, title in fee simple to the land, including buildings, structures, and cemetery, constituting the camp

for veterans at Bath, N. Y. Such camp shall be perpetually maintained and used as a camp or home for veterans of the wars of the United States, and the veterans of the Civil War and the veterans of the Spanish-American War who are inmates of such camp at the time of such transfer shall be maintained therein during their lives. Upon acceptance of said camp by the Board of Managers such land, buildings, structures, and cemetery shall become the Bath branch of the National Home for Disabled Volunteer Soldiers."

SEC. 2. Section 2 of such act, approved May 22, 1928, is hereby repealed.

Mr. LUCE. Mr. Speaker, I move to strike out, beginning on line 5 of page 2, the sentence:

Such camp shall be perpetually maintained and used as a camp or home for veterans of the wars of the United States, and the veterans of the Civil War and the veterans of the Spanish-American War who are inmates of such camp at the time of such transfer shall be maintained therein during their lives.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE offers the following amendment: Page 2, line 5, beginning with the words "such camp," strike out all down to and including the word "lives" in line 10.

Mr. LUCE. Mr. Speaker, I offer this amendment primarily to let the House know what it is doing in the way of instituting a precedent that will have a grave effect upon the future relations between the Government and those who desire to give to it facilities for the care of veterans. In the first place, I point out that the committee making the report in this matter contents itself by informing the House that the purpose of the bill is to eliminate technicalities between the act passed by the State of New York and the act of Congress. It does not explain what those technicalities are. With all deference and good nature, I suggest the propriety of informing the House in reports of committees what changes are contemplated by bills that are reported. The bill itself shows neither by the use of italics nor by the repetition of the bill that has been amended what change has been made.

Mr. STALKER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STALKER. The other bill was enacted into law. This is a new bill. It is not an amendment.

Mr. LUCE. It is an amendment to existing law, and there should be brought into this House no amendment to existing law that does not enable Members readily and quickly to know what the existing law is and what change is proposed. That is a matter of technical draftsmanship which has been receiving the consideration of certain thoughtful Members of the House, and it is hoped that by rule or precedent we may presently be able to be informed when a change is made, what it is.

Mr. LAGUARDIA. There is a rule now pending to that effect upon the Speaker's desk.

Mr. LUCE. I certainly hope that the rule will prevail, and, anticipating the purpose of the rule. I am exercising the privilege of a Member in trying to find out just what changes are contemplated.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. COOPER of Wisconsin. I think there should be such a rule adopted by the House. I did not know that such a proposed new rule had been introduced last May by the gentleman from Iowa [Mr. RAMSEYER]. I introduced last month a bill to require the printing of bills so that the portions of existing law to be stricken out should be printed with a line drawn through them, and the proposed new law should be printed in italics. This is the law in Wisconsin and in many other States and ought to be the law here. To-day either House of Congress can pass and sometimes does pass bills of which not three Members on the floor really know the meaning.

Mr. LUCE. Mr. Speaker, I chanced to address myself to this subject, however, because I am concerned, deeply concerned, with the main proposition as a member of the Committee on World War Veterans' Legislation, whose duty in part it is to provide hospitals for the veterans of the World War. I call the attention of the House to what it is doing if it accepts this condition. This provides that the institution in question shall be perpetually maintained and used as a camp. I am not aware that it has been the practice of the Nation to accept gifts of any sort with a string attached to them, with a proviso attempting to anticipate the future. At this very moment there are numerous State homes for veterans that have dwindling population. The purpose of giving this home to the Nation is to transfer from the State of New York to the Nation the cost of maintaining just such a home.

Mr. STALKER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STALKER. The Board of Managers of the National Home for Disabled Volunteer Soldiers are in need of this home. General Wood informs me that they have not any vacant beds, and that they are in urgent need of this equipment. It has the approval of the Budget Bureau and of the War Department. The Legislature of the State of New York passed the legislation giving the United States Government this home.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. STALKER. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STALKER. In the last Congress we passed an act accepting the home.

Mr. LUCE. Mr. Speaker, I thought the gentleman was generous enough to ask that I have the three minutes. [Laughter.]

The SPEAKER. That was the gentleman's request.

Mr. STALKER. The gentleman from Massachusetts has the floor.

Mr. LUCE. Mr. Speaker, this home is wanted, it is greatly needed, and I hope that we will get it. I do not want the House to accept anything, however, from any Commonwealth with a promise to maintain it perpetually. That is an unwise thing to do. The provision is in this bill, because the Assembly of the State of New York in its offer put in that restriction. My own judgment is that the wise thing to do is to strike out the proviso and then allow the New York Assembly to make its offer as it ought to make the offer, without any strings to it. [Applause.]

This binds us down from now until kingdom come. We are hoping that there will not be another war. If in 75 years or a hundred years from now there should not have been any war, veterans will have disappeared. You are confronted with the proposal to maintain this perpetually and use it for the purpose specified. How are your successors going to keep your pledge? The State of New York tries to turn the institution over to us because it can no longer fill the place. It is nearly empty by reason of the fact that the results of the Civil War have almost disappeared. They ask us now to take the same obligations, the same burden, the same responsibility they are trying to get rid of. The right way to do is for them to take a leaf out of their own experience and say, "We will not ask the Nation to do things which are hampering us so seriously that we are glad to shift the responsibility to somebody else."

Therefore, sir, I desire this sentence to be eliminated if my argument has the approval of the House.

Mr. CRAMTON. Mr. Speaker, I think there are many States which would be very glad to turn over such expenses to the Federal Government, and if this passes there would be quite a rush to get in line. I think the bill ought to be carefully framed, and I believe the amendment offered by the gentleman from Massachusetts ought to prevail. There is another reason, in addition to the forceful presentation which the gentleman from Massachusetts has made. It not only provides for the perpetual maintenance of this as a home, but provides for the perpetual maintenance of those who are now in it. No matter whether they conform to the rules and regulations or not, no matter what good reason there might be for not continuing them, we are bound perpetually to retain them. The board that has the management of that institution loses all control over these particular inmates. We as a favor to the State of New York are providing their maintenance at Federal expense. I hope the gentleman will accept the striking out of that sentence, as without such action this bill ought to be defeated.

Mr. STALKER. That would defeat the bill and necessitate its return to the New York State Legislature.

Mr. CRAMTON. That is a good place to return it, in my judgment.

Mr. STALKER. The gentleman can read in the report where General Wood states there is urgent need for this home.

Mr. CRAMTON. That is all very true, but that does not mean that we must place language in the bill which makes it impossible for the board of managers properly to administer the institution.

Mr. STALKER. So far as the inmates are concerned, the average age of the Civil War veterans is about 84 years.

Mr. CRAMTON. How about the average age of the Spanish War veterans?

Mr. STALKER. There are not very many in the home.

Mr. CRAMTON. This great Government is not going to turn out these veterans unless a compelling condition arises, and if that arises there ought not to be a law saying whatever the condition might be they would have to be maintained.

Mr. CHINDBLOM. Would it have survived if General Wood had said he did not need this property?

Mr. STALKER. I would not have introduced the legislation. General Hines said they did not need the property, but General Wood stated that they did require it.

Mr. CRAMTON. Has General Wood said that he could not use it unless it had this sentence in the bill?

Mr. STALKER. I will say the gentleman from New York has presented this matter to the Attorney General, and is advised that he can not accept it until this language is inserted in the law.

Mr. CRAMTON. The language in the bill binds us for 40 years; perhaps, to retain up in that home certain survivors of the Spanish-American War, whether they conform to the rules and regulations of the institution or not.

Mr. STALKER. The Spanish-American War veterans are taken into any of these national homes.

Mr. CRAMTON. I am not talking about who can enter it; I am talking about the select class which this bill provides must be maintained there during their life, whether they conform to the regulations or not. In this institution these New Yorkers can be as much of a nuisance as they choose to be and still can not be put out.

Mr. STALKER. The State of New York is not trying to pass on any liability. This institution cost more than $5,000,000. It is a very complete home which they propose to give to the National Government, and something which the National Government is in urgent need of.

Mr. CRAMTON. My objection is to the sentence which the gentleman from Massachusetts [Mr. LUCE] moved to strike out.

Mr. LAGUARDIA. I want to point out the fact that every time New York turns something over to the Federal Government it does so without consideration.

Mr. CRAMTON. But with plenty of strings to it.

Mr. LAGUARDIA. When land is accepted from another State we take the land and the conditions, too.

Mr. CRAMTON. This is a proposition offering to the Federal Government an institution to be governed perpetually, as it appears, by the State of New York.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, this bill is of more universal interest than would appear on its face, because, as the gentleman from Massachusetts [Mr. LUCE] has so well expressed it, the Government will be perpetually bound by this precedent. Scattered throughout the entire United States, both in the North and in the South, there are many State soldiers homes, such as the one referred to in this proposed law. In the North they are maintained for soldiers who served on the Union side in the war between the States, or the Civil War, and in the Southern States for those who served in the Confederate Army. It is apparent that the time will come when the States maintaining these State homes will desire that these institutions be turned over to the National Government in order that the soldiers of the Spanish-American War and of the World War, the sons, perhaps, of those who fought in that other great conflict may be hospitalized in their own States. If that is done the control and jurisdiction of these hospitals should rest entirely with the United States Government, and not with the individual States.

Mr. O'CONNELL. That is where it ought to be.

Mr. JOHNSON of South Dakota. Yes. It is exactly where it must be, because otherwise, when these hospitals are turned over to the Federal Government they will come under 48 different State jurisdictions, if there are that many State homes.

As was pointed out by the gentleman from Michigan [Mr. CRAMTON], there would be the question of the discipline in all these institutions; not alone in this one in New York State. I think this one should be taken over under proper legislation, but in these institutions this question of discipline might be vital. There may be one of the patients in this hospital in New York—I do not say it will actually occur, but under this phraseology it can occur—there might be a man there who was engaging in the business of selling intoxicants or narcotics to inmates of the institution or to the public, and yet with this restrictive provision in this proposed law the proper authorities in charge of that home would have no right, in my judgment, to discharge him.

I do not think that situation ought to be allowed to exist. I am not so fearful about it except as a precedent, because I do not think there will be a President of the United States with such poor judgment as to take over an institution with a provision restricting the right of the Federal Government to maintain control over the hospitals which it maintains. I assume that the present President would not do that, and I assume that the next President would not do it.

I am, however, opposed to the bill unless the restriction is eliminated. Then the measure will be returned to the Legislature of New York with the suggestion that this institution may be accepted free of restriction, and notice thereby given that every other State must comply with that rule, which, I think, is for the best interests of the United States.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. JACOBSTEIN. How does this fit in with the policy of the Veterans' Bureau?

Mr. JOHNSON of South Dakota. I will say that the whole question of the care of ex-service men in hospitals and soldiers' homes, in marine hospitals and hospitals of the Army and Navy and Veterans' Bureau hospitals is, in a degree, involved in this discussion. It seems to me to be vital that there should be a law passed by this Congress that will give the President of the United States the power to consolidate all these governmental agencies which are now trying to do one thing but under five different operating heads.

Mr. JACOBSTEIN. Has General Hines expressed himself on the subject?

Mr. JOHNSON of South Dakota. I would not want to quote him, because I do not have the hearings before me at this moment. I would not want to quote him unless I could quote him accurately.

But my recollection of it is that he said he did not need this hospital at the present time and that he has said he did not want it with these restrictive clauses in the act authorizing its acceptance.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. STALKER) there were—ayes 81, noes 13.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONER OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 13506) fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioners of Indian Affairs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to inquire if these salaries were not fixed in the recent Welch bill or in the other classifications we have had?

Mr. LEAVITT. The status here is just as it was in the case of the Commissioner of Reclamation. It is necessary to have this law passed in order to increase the salaries of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs.

Mr. LAGUARDIA. Are there not some other employees in this department whose salaries have not been adjusted?

Mr. LEAVITT. They have been adjusted so far as they are under civil service and come within the different classifications, but these positions do not.

Mr. LAGUARDIA. Do not the commissioner and assistant commissioner come within the $9,000 class?

Mr. LEAVITT. No.

Mr. LAGUARDIA. What is the commissioner getting?

Mr. LEAVITT. Eight thousand dollars.

Mr. LAGUARDIA. What do other heads of departments doing the same work and of the same dignity, if you please, receive now?

Mr. LEAVITT. Perhaps the best illustration is that of the Commissioner of Reclamation, who by an act like this had his salary increased to these same figures, and that was done by the last Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what does the Commissioner of the General Land Office receive?

Mr. LEAVITT. I can not tell the gentleman .

Mr. BLACK of Texas. At the last session of Congress the Welch bill was passed and that bill provided for a new classification of salaries up to $9,000, as I recollect, and I assume that

this commissioner has had his salary increased to that amount, and if he has I shall certainly object.

Mr. LEAVITT. These positions do not come under the civil service and they are not reached by the Welch Act.

Mr. BLACK of Texas. Are they not affected at all by the Welch bill?

Mr. LEAVITT. I think not.

Mr. LAGUARDIA. Is there anyone who can give us that information? If not, and until we get that information, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEAVITT. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. SCHAFER, and Mr. SPROUL of Kansas objected.

BRIDGE ACROSS THE ST. CROIX RIVER

The next business on the Consent Calendar was the bill (H. R. 13502) authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Minnesota be and is hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Croix River at a point suitable to the interests of navigation, at or near Stillwater, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State of Minnesota all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ANDRESEN. Mr. Speaker, I offer certain amendments.

The SPEAKER pro tempore. The gentleman from Minnesota offers amendments which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. ANDRESEN: Page 1, line 5, after the word "Minnesota," insert the words "and the State of Wisconsin."

Page 1, line 5, after the word "and" strike out the word "is," and insert in lieu thereof the word "are."

Page 2, line 2, after the word "Minnesota," insert the words "and the State of Wisconsin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3116), providing for half holidays for certain Government exployees.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore. It takes three objections.

Mr. WOOD and Mr. CRAMTON also objected.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to make some inquiry as to the reference. In line 13, page 2, the bill provides that the borrower shall be subject to the restrictions and provisions of this act. When this is written into law, because the bill is simply an amendment of existing law, it seems to me it ought to refer to the provisions of chapter 7 of title 12 of the United States Code.

Mr. BLACK of Texas. I would suggest to the gentleman that the gentleman from Pennsylvania [Mr. MCFADDEN] has this bill in charge and I think it would be well to pass it over without prejudice.

Mr. LAGUARDIA. Then I make that request, Mr. Speaker.

The SPEAKER pro tempore. Without objection the bill will be passed over without prejudice.

There was no objection.

INDIAN LANDS IN OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 13507) to amend section 3 of Public Act. No. 230 (37 Stat. L., 194).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to know definitely how far-reaching this bill is. I have not had an opportunity to check back with the old legislation. Apparently, this takes the lid off as to our responsibility for such assessments anywhere in Oklahoma. Is that true or is our liability going to be limited to this $2,720?

Mr. SWANK. Mr. Speaker, my understanding is it will be limited to that amount. When the ditch was constructed in the first place, the law was $15 an acre. The department says that it now requires, under the increased cost of this sort of work, about $18.50 an acre.

Mr. CRAMTON. I do not worry so much about that increase of $3 an acre.

Mr. SWANK. My understanding is it is limited to the amount which the gentleman has stated.

Mr. CRAMTON. The first sentence as it stands in the bill before us says that the Secretary is authorized to approve the assessments, and so forth, "upon all other restricted Indian allotments situated within any drainage district located within and organized under the laws of the State of Oklahoma."

Mr. LEAVITT. That is the present law.

Mr. CRAMTON. That is a repetition of the present law? There is no expansion there?

Mr. LEAVITT. And I might call the gentleman's attention to this paragraph in the report of the Secretary:

As the provisions of H. R. 13507 are deemed adequate for the protection of the interests of the United States and will result in considerable benefit to the Indians in interest, it is recommended that the proposed legislaion receive your favorable consideration.

Mr. CRAMTON. I just wanted to be sure how adequate it is, and under the gentleman's statement I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 3 of Public Act No. 230 (37 Stat. L. 194), approved July 19, 1912, being an act to provide for the payment of drainage assessments on Indian lands in Oklahoma, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized, in his discretion, to approve the assessments, together with right-of-way maps, upon all other restricted Indian allotments situated within any drainage district located within and organized under the laws of the State of Oklahoma: *Provided*, That the limitation prescribed in section 2 hereof that no assessments shall exceed the sum of $15 per acre on any allotment or portion thereof shall not apply to assessments approved hereunder: *Provided further*, That for the purpose of paying such assessments approved by the Secretary of the Interior March 21, 1928, against restricted lands within the Little River drainage district No. 2, Cleveland County, Okla., there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,720.94, to be reimbursable as provided in section 2 of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IOWA TRIBE OF INDIANS

The next business on the Consent Calendar was the resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill revolves around the terms of paragraph 6 of the amended petition filed in behalf of these Indians, but the report does not set out what paragraph 6 deals with.

The report of the department indicates that the matter affected is this additional 49,153 acres; but I would feel much easier if I could see what paragraph 6 is and see what is included in that paragraph. Has the gentleman from Montana that paragraph at hand?

Mr. LEAVITT. I have not it here. I would be perfectly willing to have this go over and take it up the next time.

Mr. CRAMTON. That would be fine. I do not expect to object to it, but I would like to see that paragraph.

I will ask that the bill be passed over without prejudice, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

BRIDGE ACROSS MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I simply do this for the purpose of inquiring whether the grant should be given to Allegheny County, since you had a consolidation in your city, I believe, last year. I know, for instance, in our city the counties within the city would not have the right after consolidation to build a bridge. I am simply calling the gentleman's attention to it.

Mr. PORTER. The consolidation has not taken place.

Mr. LAGUARDIA. I thought it had.

Mr. PORTER. No.

Mr. LAGUARDIA. I simply wanted to make that inquiry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. I think it is generally understood that these bills will be read, and I think in this instance there are one or two amendments. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interest of navigation, approximately 1.5 miles above its junction with the Allegheny River, in the city of Pittsburgh, county of Allegheny, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out the words "and its successors and assigns";

Line 6, before the word "bridge" insert the words "free highway";

Line 7, strike out the word "interest" and insert the word "interests."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa."

BRIDGE ACROSS TENNESSEE RIVER, KNOXVILLE, TENN.

The next business on the Consent Calendar was the bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct a bridge across the Tennessee River at Henley Street, in Knoxville, Knox County, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Knoxville, Tenn., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at Henley Street at a point suitable to the interests of navigation, in Knoxville, Knox County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out "and its successors and assigns."

Line 5, after the article "a," insert "free highway."

Line 6, after the word "river" strike out "At Henley Street."

Line 7, after the word "navigation," insert "at or near Henley Street."

Page 2, line 3, strike out the proviso.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn."

BRIDGE ACROSS OHIO RIVER, PITTSBURGH

The next business on the Consent Calendar was the bill (H. R. 14451) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Ohio River, between the city of Pittsburgh and the borough of McKees Rocks, State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The amendment to this bill consists in striking out all after the enacting clause, and without objection the Clerk will report the amended bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the act of Congress approved February 27, 1919, granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge, with approaches thereto, across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania, be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within two years and completed within four years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania.'"

SALARIES OF COMMISSIONER OF INDIAN AFFAIRS AND ASSISTANT COMMISSIONER

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to return to H. R. 13506, fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to return to H. R. 13506. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has the gentleman obtained further information since the bill was last under consideration?

Mr. LEAVITT. We find, as I stated, that the two positions involved do not come under the Welch Act; neither do they come under the Civil Service Commission. The Commissioner of Indian Affairs receives now $8,500 a year and the assistant commissioner $6,500.

Mr. DYER. What does this bill propose?

Mr. LEAVITT. It proposes to increase the salary of the commissioner to $10,000 and the salary of the assistant commissioner to $7,500.

Mr. SCHAFER. Mr. Speaker, I withdraw my objection.

Mr. LAGUARDIA. And this is to bring these salaries up to the salary paid to people doing similar work and occupying similar positions?

Mr. LEAVITT. That is true.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Commissioner of Indian Affairs shall be $10,000 per annum and the salary of the Assistant Commissioner of Indian Affairs shall be $7,500 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS YOUGHIOGHENY RIVER, BOSTON, PA.

The next business on the Consent Calendar was the bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Youghiogheny River, at a point suitable to the interest of navigation, approximately 2 miles above its junction with the Monongahela River, between the borough of Versailles and the village of Boston, in the township of Elizabeth, in the county of Allegheny, Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out "and its successors and assigns."

Line 6, after the article "a," insert "free highway."

Line 7, strike out "interest" and insert "interests."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS FOX RIVER, AURORA, ILL.

The next business on the Consent Calendar was the bill (H. R. 14473) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River, within the city of Aurora, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, at a point suitable to the interests of navigation, in substantially a direct line, connecting North Avenue on the west side of the river with North Avenue on the east side of the river, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a" insert "free highway."

Line 7, strike out "in substantially a direct line, connecting," insert "at or near."

Line 8, after the word "avenue" strike out the comma, and the words "on the west side of the river with North Avenue on the east side of the river."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS FOX RIVER IN AURORA, ILL.

The next business on the Consent Calendar was the bill (H. R. 14474) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, connecting New York Street on the east side of the river with Walnut Street on the west side of the river, the center line of which shall be along the center line of Walnut Street, projected easterly across the Fox River to a point of intersection with the center line of New York Street on the east bank of Fox River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a," insert "free highway."

Line 6, strike out "connecting New York Street on the east side of the river with Walnut Street on the west side of the river, the center line of which shall be along the center line of Walnut Street, projected easterly across the Fox River to a point of intersection with the center line of New York Street on the east bank of the Fox River" and insert "at a point suitable to the interests of navigation, at or near New York Street."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GRAND CALUMET RIVER AT EAST CHICAGO, IND.

The next business on the Consent Calendar was the bill (H. R. 14481) to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana whether the Chicago South Shore & South Bend Railroad contemplates building this bridge themselves——

Mr. WOOD. Absolutely.

Mr. SCHAFER. And there is no chance that under section 2 it may become a speculation bill by which they can transfer——

Mr. WOOD. No. I will state the reason for building there is they are making certain street improvements in East Chicago requiring them to move the railroad.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment to the original bill.

The Clerk read as follows:

That the consent of Congress is hereby granted to the Chicago South Shore & South Bend Railroad and its successors and assigns to construct, maintain, and operate a railroad bridge across the Grand Calumet River, at a point suitable to the interests of navigation, in the city of East Chicago, county of Lake, State of Indiana, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Chicago South Shore & South Bend Railroad, its successors and assigns, and any corporation to which or person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 3. That the right to alter, amend, or repeal this act is expressly reserved.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS OHIO RIVER AT STEUBENVILLE, OHIO

The next business on the Consent Calendar was the bill (H. R. 14802) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., a corporation duly organized under the general laws of the States of Pennsylvania, West Virginia, Ohio, Indiana, and Illinois, its successors and assigns, to maintain and operate its existing bridge and approaches thereto over the Ohio River at Steubenville, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 3, after the word "to," strike out "the" and insert "The."

Page 1, line 8, after the word "existing," insert "railroad."

Page 2, line 4, after the figures "1906," insert: "other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

"SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person."

Page 2, line 17, strike out the figure "2" and insert the figure "3."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS MISSISSIPPI RIVER AT NATCHEZ, MISS.

The next business on the Consent Calendar was the bill (H. R. 14803) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MAHONING RIVER AT CEDAR STREET, YOUNGSTOWN, OHIO

The next business on the Consent Calendar was the bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct a bridge across the Mahoning River at Cedar Street, Youngstown, Mahoning County, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the commissioners of Mahoning County, Ohio, to construct, maintain and operate a bridge, together with the necessary approaches thereto, across the Mahoning River, at a point suitable to the interests of navigation, at or near Cedar Street, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, after the word "a" insert "free highway."

Page 2, line 2, after the word "navigable" strike out the word "waters" and insert "waters, approved March 23, 1906."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS ROCK RIVER IN JANESVILLE, WIS.

The next business on the Consent Calendar was the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, just a word about this bill. I introduced it at the request of the Wisconsin Highway Commission acting on the petition of the county board of Rock County. It provides for the construction of a bridge near the center of Janesville, one of the most enterprising and attractive of mid-west cities. The State commission has already considered the petition. Rock County is to pay $85,000 toward the construction of the bridge and the State $85,000, which makes a total cost of $170,000. It, of course, will always be a free bridge, never subject to tolls. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Wisconsin to construct, maintain, and operate a free highway bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Center Avenue, Janesville, Rock County, Wis., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE SABINE RIVER

The next business on the Consent Calendar was the bill (H. R. 15067) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Louisiana Highway Commission and the State Highway Commission of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Vernon Parish, La., and Newton County, Tex., at a point suitable to the interests of navigation, where Louisiana Highway No. 21 meets Texas Highway No. 45, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the Louisiana Highway Commission and the State Highway Commission of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

On page 2, after line 20, insert:

"SEC. 4. The act of Congress approved May 29, 1928, authorizing the State of Louisiana and the State of Texas to construct a bridge across the Sabine River at or near Burr Ferry, La., is hereby repealed."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE GRAND CALUMET RIVER, ILL.

The next business on the Consent Calendar was the bill (H. R. 15072) granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet at Burnham Avenue, in said county and State.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill and amendments.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of the county of Cook, State of Illinois, and their successors and assigns, to reconstruct the existing bridge and approaches thereto across the Grand Calumet River at Burnham Avenue in the county of Cook, in the State of Illinois, with such changes in clearances as may be approved by the Chief of Engineers and the Secretary of War, and to maintain and operate the same as a free bridge, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 3, strike out all of lines 3 to 9, inclusive, and on page 2 strike out all of lines 1 to 4, inclusive, and insert:

"That the times for commencing and completing the reconstruction of the bridge and approaches thereto across the Grand Calumet River at Burnham Avenue, in the county of Cook, in the State of Illinois, by the commissioners of the county of Cook, State of Illinois, authorized by act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from the date of approval hereof."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT SAVANNA, ILL.

The next business on the Consent Calendar was the bill (H. R. 15081) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near the city of Savanna, Carroll County, State of Illinois, authorized to be built by the State of Illinois and the State of Iowa, or either of them, by the act of Congress approved May 26, 1924, and revived and extended by the act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 8, strike out the word "and" and insert the word "as"; and on the same line strike out the word "extended" and insert the word "reenacted"; and on page 2, line 1, strike out the words "the date of approval hereof" and insert "March 10, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE OHIO RIVER, ALLEGHENY COUNTY, PA.

The next business on the Consent Calendar was the bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street on the north side of a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge with approaches thereto across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa., at a point suitable to the interests of navigation, approximately 980.4 miles above its mouth, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 4, strike out the word "and," and on line 5 strike out the words "its successors and assigns," and on line 6, after the word "a," insert the words "free highway," and on line 7, after the word "river," strike out the words "between a point," and on page 2, line 1, strike out the words "the north side and a point at or near Carson Street in the west end."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa."

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE DAN RIVER IN PITTSYLVANIA COUNTY, VA.

The next business on the Consent Calendar was the bill (H. R. 15202) granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing railroad bridge and approaches thereto across the Dan River, at a point 7.8 miles west of Danville, in Pittsylvania County, in the State of Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is

hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment, as follows:

Page 1, line 5, strike out the word "rebuild."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the Danville & Western Railway Co., to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va."

The SPEAKER pro tempore. The Clerk will report the next bill.

LAFAYETTE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park, in the State of Maine, and for change of name of said park to the Acadia National Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of the Lafayette National Park, lying within the bounds of Hancock County within which the park is situated, together with such islands in Knox County adjoining, as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest unit.

SEC. 2. That the area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Lafayette National Park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend to any lands now or hereafter included in said park.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. GARNER of Texas. Will the gentleman reserve his objection?

Mr. SCHAFER. I will reserve it.

Mr. GARNER of Texas. What objection has the gentleman to this bill?

Mr. SCHAFER. If the gentleman will refer to page 2 of the committee report he will see the following language in the report from the Department of Agriculture:

This bill would authorize the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River at or near San Benito, Tex. San Benito is on the system of Federal-aid highways approved for the State of Texas, and a bridge across the Rio Grande at this point would draw its traffic almost exclusively from the Federal-aid highway system. The department therefore would recommend that a private toll bridge at this point be not authorized.

Mr. GARNER of Texas. There is not a public highway within 5 miles of where this bridge is to be built. San Benito is 7 miles, as I recall, from the river; there is no village; there are no houses and there is no town on either side of the river. This is for the purpose of accommodating commerce and individuals who desire to go into Mexico and return from Mexico.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LAGUARDIA. The weakness of the gentleman's bill is that it makes no provision whatsoever for the amortization of the cost of the bridge and ultimately taking the bridge over by the State.

Mr. GARNER of Texas. Certainly not; and you could not do that by virtue of the fact that you would have to have the consent of the Mexican Government. This is a bridge across an international stream. Five bridges have been built between Laredo and Brownsville, and I think that is conducive to commerce between the two countries, and it certainly takes away any opportunity of monopoly.

Mr. LAGUARDIA. We had a similar situation not very long ago, and the gentleman from Michigan [Mr. CRAMTON] succeeded in negotiating very favorable terms, and we wrote into the bill a proviso for the amortization of the cost of the bridge and for the taking over of the bridge at the end of a certain period.

Mr. GARNER of Texas. Suppose the State of Texas should take over this bridge; Mexico, being on the other end of it, would collect all the money. You can not amortize the cost of a bridge over an international stream.

Mr. LAGUARDIA. No; but this is a private company that is asking for a permit from Congress.

Mr. GARNER of Texas. Certainly. Suppose this private company amortized its investment and then the bridge became the property, we will say, of the State of Texas, the price would be the same.

Mr. LAGUARDIA. The price would be the same, but the gentleman does not mean to say that Mexico would refuse to come to an agreement with the United States?

Mr. GARNER of Texas. I do not see why Mexico should do that and thus not be able to put the money into the coffers of its treasury.

Mr. LAGUARDIA. The answer to that is that the bridge has two ends.

Mr. GARNER of Texas. I understand it has, and they could stop traffic on the bridge; I will admit that; but the price would be the same. Neither Government can control the price or what shall be charged for crossing that bridge.

Mr. LAGUARDIA. But when we are asked to grant a permit of this kind we can make provisions which will ultimately enable us to protect the users of the bridge, the same as the gentleman from Michigan did with reference to the bridge on the Canadian border.

Mr. GARNER of Texas. I do not know how you can protect it. Suppose the State of Texas owned the bridge and did not want to charge any tolls on it. The only way it could keep from charging tolls would be to have the Mexican Government agree not to charge any tolls; and if they did not agree to that, the Mexican Government would get all the money and put it in their coffers. Therefore you pay the same price without any American being benefited by it.

Mr. SCHAFER. Does the gentleman know the officers of this company? I notice the gentleman has four or five similar bridge bills now on the calendar.

Mr. GARNER of Texas. Yes; I can tell the gentleman. This is private capital raised in the city of San Benito. There is a bridge at Brownsville and there is one at Mercedes just being completed. This is about 60 miles between these two points, and the citizens of San Benito want to have your folks, when they come down there, stop in San Benito before going across the river into Mexico. The chamber of commerce and people of the city of San Benito got together and raised sufficient money to build a bridge across the river from San Benito. They want the people who come that way to cross the river at this point rather than be compelled to go to Mercedes or Brownsville.

Mr. SCHAFER. Then the incorporators of this company are not the incorporators of the other bridge companies?

Mr. GARNER of Texas. No, sir; they are different people entirely, and I will tell you about the others. The Donna Bridge Co. is composed of different people entirely and the bridge company at Rio Grande City is composed of the leading citizens of that city. They have a bridge 10 miles above them at Roma and the people of the city of Rio Grande do not want everybody to run up to Roma and go across the river, but want them to spend a while in Rio Grande city. These bridges are swinging bridges and only cost about $75,000 or $100,000.

Mr. LAGUARDIA. Then they could be amortized in five or ten years?

Mr. GARNER of Texas. That would depend on the traffic and what you could get out of it. When it comes to amortizing

a matter of this kind, it is a question of what profit you can make.

Mr. HUDSPETH. There is no complaint from the people down there about the building of these bridges. The people down there want them built and used for the purpose of carrying on the commerce and so they can trade back and forth.

Mr. GARNER of Texas. Yes. There is no complaint about it at all.

Mr. HUDSPETH. I have had six or eight of these concerns created in El Paso and they are created so they can trade back and forth.

Mr. LAGUARDIA. The gentleman will understand that if we take a position on some of these bills we will have to take the same position with reference to all of them.

Mr. GARNER of Texas. But this is a bridge across a river into a foreign country. I agree that there is very good reason for looking into the matter of tolls on bridges in this country because they become monopolies, but there is not a single one of these bridges where there is a highway touching it. There is not even a ferry there at the present time.

Mr. LAGUARDIA. Does the gentleman contend that the Department of Agriculture is wrong in their statement in this report?

Mr. GARNER of Texas. Yes; they thought there was a bridge at San Benito. The bridge is six miles away.

Mr. SCHAFER. Does not the gentleman think this bill ought to go over until a further report can be obtained from the department?

Mr. GARNER of Texas. Of course, if the gentleman insists on it.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GARNER of Texas. Does the gentleman desire or intend to make the same request with respect to the other three bridge bills?

Mr. SCHAFER. Yes.

DONNA BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

LOS INDIOS BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I make the same request with respect to this bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

RIO GRANDE CITY-CARMARGO BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

BRIDGE ACROSS RED RIVER AT COUSHATTA, LA.

The next business on the Consent Calendar was the bill (H. R. 15269) to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to get some information about this bill.

Mr. SANDLIN. This is to be a free bridge, I will say to the gentleman.

Mr. SCHAFER. All right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be is enacted, etc., That the time for commencing and completing the construction of the bridge across the Red River at or near Coushatta, La., authorized to be built by the State Highway Commission of Louisiana by the act of Congress approved February 3, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "February 3, 1929."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS LAKE MICHIGAN AND THE MICHIGAN CANAL, CHICAGO

The next bill on the Consent Calendar was the bill (H. R. 15333) granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, and their successors and assigns, to construct, maintain, and operate, or cause to be operated, at a point suitable to the interests of navigation, a bridge and approaches thereto across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of Congress is hereby granted to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, at a point suitable to the interests of navigation, a bridge, abutments, and approaches thereto across Michigan Canal, otherwise known as Ogden Slip, in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the actual construction of each of the bridges authorized in this act shall be commenced within two years and shall be completed within four years from the date of the passage of this act.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 1, strike out the words "and their successors and assigns."

In line 2, strike out the words "or cause to be operated."

In line 3, before the word "bridge," insert the words "free highway."

In line 11, strike out the comma after the word "Park" and strike out the words "their successors and."

Line 12, strike out the word "assigns" and the words "or cause to be operated."

Line 14, before the word "bridge," insert the words "free highway."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ARCOSS THE CUMBERLAND RIVER, HARTS FERRY, TENN.

The next business on the Consent Calendar was the bill (H. R. 15470), granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, in the vicinity of Harts Ferry, in Trousdale County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a," insert "free highway."

Page 2, line 2, after the figures "1906" strike out the comma and the words "and subject to the conditions and limitations contained in this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn."

A motion to reconsider the vote by which the bill was passed was laid on the table.

IOWA TRIBE OF INDIANS *v.* UNITED STATES

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1021 (Senate Joint Resolution 139), for the relief of the Iowa Tribe of Indians.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to return to Senate Joint Resolution 139. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has the objection previously made been withdrawn?

Mr. LEAVITT. Yes.

Mr. CRAMTON. If the gentleman will yield, it has been explained to me that the litigation in question is to come up in February. The matter has been explained to me and I agreed to withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That jurisdiction be conferred upon the Court of Claims to hear, determine, adjudicate, and render judgment, in the cause now pending in the Court of Claims, Docket No. 34677, entitled "The Iowa Tribe of Indians versus the United States of America," referred to said court by the act of Congress, approved April 28, 1920 (41 Stat. L. 585), in the claim of the Iowa Tribe set forth in paragraph 6 of the amended petition filed in said court February 17, 1925, regardless of the limitation as to time for filing claims made in said act approved April 28, 1920.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BELL OF THE BATTLESHIP "CONNECTICUT"

The next business on the Consent Calendar was the bill (H. R. 12607), authorizing the Secretary of the Navy in his discretion to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion, for preservation and exhibition the bell which was in use on the battleship *Connecticut*: *Provided*, That no expenses shall be incurred by the United States for the delivery of such bell.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. This completes the reading of the Consent Calendar.

ORDER OF BUSINESS

Mr. YATES. Mr. Speaker, I am very much interested in Calendar No. 1049 (H. R. 7206), a bill to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater, which bill was introduced by our lamented late colleague, Mr. Rathbone. Do I understand that that is not in order to-day?

The SPEAKER. It is not eligible to be called to-day. The rule distinctly provides that only bills can be called up that have been on the calendar for three days.

Mr. BURTNESS. Mr. Speaker, I understood one of the other Members intended to ask unanimous consent that Calendar No. 1047 (S. J. Res. 59), authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 might be considered to-day.

The SPEAKER. The Chair would feel it his duty to ask whether a strong emergency exists in respect to it before recognizing anyone to make such a request. If there was no such emergency, the Chair would decline to entertain such a request.

Mr. BURTNESS. I do not know what the attitude of the committee handling the bill is. It was stricken from the calendar two weeks ago. It was through inadvertance that the bill was not placed earlier upon this calendar.

The SPEAKER. This bill has already been stricken from the calendar.

Mr. LAGUARDIA. It was at my instance that the bill was stricken from the calendar. I went into the matter, and I understand that an amendment will be offered providing that the Comptroller General will do the investigating.

Mr. STRONG of Kansas. That is correct.

The SPEAKER. The Chair does not think that that creates a sufficient emergency, and in accordance with the practice of the Chair he would refuse to recognize anyone to make the request for unanimous consent that it be considered to-day.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the first deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the first deficiency appropriation bill, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The first paragraph having been read, the Clerk will proceed with the reading of the bill under the 5-minute rule.

The Clerk read as follows:

Interior Department.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Page 6, after line 7, insert the following:

"SOLICITOR'S OFFICE

"For an additional amount for personal services, fiscal year 1929, $1,720."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

International Conference for the Safety of Life at Sea: For the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, as authorized by Public Resolution No. 70, approved December 7, 1928, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State, $90,000, to remain available until June 30, 1930.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, after line 18, insert as a separate paragraph the following: "Water boundary, United States and Mexico: Any unexpended balance on June 30, 1929, of the appropriation, water boundary, United States and Mexico, 1928 and 1929, contained in the act approved February 10, 1928 (45 Stat. 60), shall continue available for the same purposes during the fiscal year 1930."

Mr. HUDSPETH. Mr. Chairman, I had an amendment covering the same proposition.

Mr. ANTHONY. That is satisfactory to the committee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

JUDICIAL

United States Court for China: For an additional amount for compensation of the judge as provided by law for the fiscal years that follow:

For 1928, $166.66;

For 1929, $2,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, after line 24, insert as a new paragraph the following: "Prisons for American convicts: The appropriations for prison for American convicts for the fiscal year 1928–29 are hereby made available for like expenses which have been or may be incurred in Morocco and Ethiopia during those fiscal years, respectively."

Mr. ANTHONY. Mr. Chairman, under the ruling of the Comptroller General the appropriations for the current year are not available to pay for United States prisons in Ethiopia or Morocco, and this is for the purpose of maintaining United States prisoners in those far distant places.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TREASURY DEPARTMENT

BUREAU OF INTERNAL REVENUE

Refunding taxes illegally collected: For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, $75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts, and alphabetically arranged, of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "each," in line 12, page 12, strike out the period, insert a colon, and add the following: *"Provided*, That no part of the appropriation herein made shall be available for paying any tax refund in excess of $75,000 which has not been approved by the Joint Committee on Internal Revenue Taxation."

Mr. ANTHONY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. BYRNS. What is the point of order?

Mr. ANTHONY. As I heard the amendment read it is new legislation.

Mr. GARNER of Texas. The present law requires them to make a report to Congress.

Mr. ANTHONY. I do not think the present law requires the committee to approve. The amendment would require the approval of the joint committee, which is contrary to existing law.

Mr. HUDSON. May we have the amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. BYRNS. I am perfectly well aware of the rule which forbids any legislation being placed upon an appropriation bill under the guise of a limitation.

But it strikes me that the rule does not apply to an amendment of this kind. It is true that the law creating the Joint Committee on Internal Revenue Taxation does not provide for the approval or disapproval of the joint committee. Of course, Congress is not under any obligation to make an appropriation for the purpose of refunding taxes, but, if Congress undertakes in this particular instance to appropriate $75,000,000 for the purpose of refunding certain taxes settled by the Treasury Department, it would seem to me that it should have a perfect right to create the conditions under which those refunds shall be made. It is not a change of the general law; it is simply providing that, in so far as this particular appropriation is concerned, none of it shall be expended unless the Committee on Internal Revenue Taxation has approved, in so far as claims over $75,000 are concerned.

Mr. SNELL. That would prohibit the Secretary of the Treasury from paying these claims that are over that amount?

Mr. BYRNS. Yes; over $75,000.

Mr. SNELL. That is giving instructions to the Secretary of the Treasury, and it is not in order on an appropriation bill. It is clearly out of order.

Mr. BYRNS. It is clearly a limitation on the particular appropriation about to be made by Congress.

Mr. SNELL. That does not limit the amount appropriated at all. It does not reduce the amount carried in this bill and that would be paid out under the bill, but it gives definite instructions to the Secretary of the Treasury not to do certain things. That is definite legislation on an appropriation bill and is not in order.

Mr. BYRNS. I do not think in a case where a specific appropriation is made for a definite purpose Congress is prohibited under the rule from laying down the conditions under which that appropriation may be expended, because Congress, if it chose to do so, could refuse to make any appropriation to meet such purpose. But if it chooses to make this appropriation, it can say that it shall be expended in a certain way.

Mr. SNELL. We can not pass an appropriation with a limitation on the discretion of an executive officer.

Mr. BYRNS. This does not limit his discretion or place new duties on the Secretary of the Treasury.

Mr. SNELL. It is a definite instruction, and that is against the rules of the House.

Mr. BYRNS. In so far as this particular appropriation is concerned, not as to his general duties.

Mr. SNELL. It limits his discretion.

Mr. BYRNS. It says to him that, "So far as this appropriation is concerned, you must first have the approval of the joint committee before you expend it." If the Congress should adopt an amendment of this kind it would be tantamount to saying we will not make an appropriation under any other condition.

Mr. SNELL. It is beyond the authority of Congress and against the rules of the House.

Mr. WOOD. Mr. Chairman, while this amendment starts out as a limitation, yet before it is completed it changes existing law in this respect: Everybody who is acquainted with the law creating this joint committee of the House and Senate to review these assessments knows that that committee has no power either to approve or disapprove. That is the law now. If this amendment is adopted it will change the law so as to make it impossible for the Secretary of the Treasury to pay any of these assessments until he receives the approval of the joint committee, which is a distinct change of law.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Certainly.

Mr. MORTON D. HULL. It would really make this committee a tribunal for the hearing of these cases?

Mr. WOOD. Yes; it would make it an appeal board.

Mr. SNELL. I wish to direct the Chair to section 825 of the Manual, which, in substance, says that limitations shall not be offered directly governing the official functions of an executive officer, and the gentleman from Tennessee [Mr. BYRNS] admits that this would be a limitation on the functions of the Secretary of the Treasury. Therefore it would be in violation of the rules of the House.

Mr. BLACK of New York. Mr. Chairman, in a decision rendered by the gentleman from Connecticut [Mr. TILSON] respecting an amendment offered by myself, I think in the Sixty-ninth Congress, first session, where I offered an amendment to the inde-

pendent offices appropriation bill providing that no part of a certain appropriation should be expended in a private shipyard, the Chairman ruled my amendment out of order without citing a precedent. Before adjournment he called me to the Speaker's desk and told me that after an examination of the precedents he found that my amendment was in order. I called up the amendment to that section later, and the Chairman ruled then that the amendment was in order.

Mr. SNELL. This amendment restricts the functions of an executive officer.

Mr. BLACK of New York. We can either appropriate or not appropriate, and in that case the amendment provided that there should be no payment to a private shipyard.

The CHAIRMAN. The Chair is ready to rule. It is a well-known rule of the House that amendments which limit expenditures of money appropriated for a general purpose by excluding some specific purpose embraced in the general purpose are in order, but the rule is clear that such limitation to be in order must simply forbid the use of the money for a certain given purpose. It is the rule that anything carrying an affirmative, substantive change in existing law, that limits the functions or jurisdiction of an executive officer so drastically as to constitute a change of policy, or that imposes upon a governmental agency new duties not imposed upon it by law, is beyond the definition of a limitation and is, therefore, not in order.

The amendment under consideration provides that no tax refunds shall be paid by the Treasury Department in excess of $75,0000 which have not been approved by the Joint Committee on Internal Revenue Taxation. In the first place, ever since the existing income tax law has been in force the Treasury Department has had full discretion in making refunds where it was found that taxes had been improperly paid. To subject that function to the review of another body which has not at present that function is new legislation, involving an important change of policy, and is such a limitation on existing rights and powers of the Secretary of the Treasury as to constitute new legislation.

The point that remains, which is governing, in the mind of the Chair, is that it imposes upon the Joint Committee on Internal Revenue Taxation a function that is not now imposed upon it by law, and this incumbent of the Chair has repeatedly held that such imposition of new duties, in the guise of a limitation, is not in order. The Chair will cite but one precedent and that precedent, the Chair thinks, will be given weight by every Member of this House because of the person who handed down the decision, a person who is still a Member of this House and one whose knowledge of parliamentary law and whose clarity in expounding it is unquestioned. I read from a decision rendered by the gentleman from Georgia [Mr. CRISP] in the Sixty-fourth Congress, on March 11, 1916:

> But such limitations must not give affirmative directions and must not impose new duties upon an executive officer of the Government.

Now, whether it is an executive officer or a legislative body, an agency of the Government must not, in the form of a limitation, have imposed new duties. Therefore the amendment is held out of order.

Mr. BYRNS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BYRNS: After the word "each," in line 12, page 12, strike out the period, insert a semicolon, and add the following: "*Provided*, That no part of the appropriation herein made shall be available for paying any tax refund in excess of $75,000."

Mr. BYRNS. Mr. Chairman, I regret that a point of order was made against the amendment which I previously offered, but I feel very sure that if the House adopts this amendment a way will be provided whereby the House can be given some information which will enable it to act intelligently upon the large settlements that are being made by the Treasury Department in the way of tax refunds.

As was said upon Saturday, the legislation which was finally adopted with reference to the creation of the Joint Committee on Internal Revenue Taxation, composed of Members of the Senate and Members of the House, was a matter of compromise; but I can not bring myself to the idea that there was any Member of the Congress who voted to appropriate $40,000 a year, and more than that sum, for the employment of experts to consider these reports or settlements of more than $75,000, with any other idea save that the committee would give some attention to those settlements and advise the Congress and also the Treasury Department as to its conclusions. Certainly it seems to me to be an entire waste of money to appropriate more than $40,000 every year to employ experts and then to take the position that the joint committee is nothing more than a committee to receive the returns and send them back to the Treasury within 30 days. We are not justified, it seems to me, in appropriating money for the payment of experts unless they do perform some function.

I dare say there are no Members of the House, unless it be the members of this joint committee, who feel within themselves that they have sufficient information to say that these settlements should be allowed, or are willing, as individual Members of the House, to approve them; as we will approve them and as we do approve them when we vote this appropriation. That is said without any intention to reflect upon the Treasury Department or anyone else, but the facts are that you and I are here called upon by a vote for this appropriation to thereby expressly approve the settlements made by the Treasury Department in excess of $75,000, which will be paid out of this sum, when as we know, and as was said on a previous day when this bill was under discussion, the joint committee with this great force of experts, after a hearing upon one of the claims expressly refused, after a motion was made, to go upon record as approving it.

Now, it seems to me there can be no objection and should be no objection upon the part of the Treasury Department, and certainly not upon the part of any Member of Congress, to the adoption of this amendment, which will undoubtedly bring about an examination of these settlements of over $75,000, so that when we come to act we can at least act with the assurance that Members of this House charged with that particular duty have passed on them and have approved them after investigation. Now, Mr. Bond, in his hearing before the subcommittee——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS. Mr. Bond, in his testimony before the Subcommittee on Appropriations, stated that after these reports were returned by the joint committee they were paid. Of course, they must be returned within 30 days.

What is the object, gentlemen, in sending them up here to this joint committee? Of course, they say it is for publicity purposes. You can have publicity without that. Why provide experts at a cost of over $40,000 a year if it is only for publicity, when a clerk could receive them and afford the newspapers of the country and the other inquiring citizens opportunity to see them, if publicity is all that is to be expected?

But it is said that possibly there is another object. It is expected that these experts shall examine them, and then if they find there is anything wrong with them, report that to the Treasury Department. If this be true, when they find nothing is wrong with them why not make that report to the Treasury Department and at least give you and me the satisfaction of knowing that when we vote to make this immense appropriation, involving twenty-odd million dollars to some and six and a half million dollars to another big interest in this country, and millions to others, that the matter at least has been investigated by those who share with you and with me equal responsibility in connection with the money in the Treasury and our duty to the taxpayer.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LAGUARDIA. How long have these experts of the joint committee had these particular refund cases before them for consideration?

Mr. BYRNS. The law provides that they shall be sent to the joint committee and returned within 30 days, according to my recollection.

Mr. LAGUARDIA. That is the returning feature, but how long have they had to actually examine them?

Mr. BYRNS. I could not say to the gentleman. I do not know just when they were sent up, but I take it they are sent up immediately after the finding is made in the Treasury Department and then interest stops running for 30 days. At the end of the 30 days, the Treasury Department proceeds to pay them.

Mr. LAGUARDIA. Are they all sent at one time?

Mr. BYRNS. No; they are sent up as they are settled in the Treasury Department and are sent at different times.

This is the whole object of the amendment. It is just the simple proposition of whether we, acting here upon our reponsibility as Members of Congress, representing not only those

who are entitled to these refunds, but representing the taxpayers and the Treasury of our Government, shall insist that we have some information before we vote this immense sum out of the Treasury.

This does not affect any small taxpayer. Anyone who has had a settlement made with him under $75,000 will be able to receive the money if this amendment is adopted.

Mr. DEMPSEY. Will the gentleman yield for a suggestion?

Mr. BYRNS. Yes.

Mr. DEMPSEY. Will not every stockholder of the 25,000 stockholders of the United States Steel Corporation, for instance, be affected by this limitation?

Mr. BYRNS. Oh, undoubtedly.

Mr. DEMPSEY. And would not that be true of any corporation which has a refund, or is entitled to a refund, above $75,000?

Mr. BYRNS. The gentleman has referred to the Steel Corporation. I had referred to none in particular, but does the gentleman think that the Steel Corporation will be very seriously affected financially if a few weeks are consumed in considering the settlement made by the Treasury Department?

Mr. DEMPSEY. If the gentleman concedes, as his question does concede, that at the end of a few weeks this is to be paid and we are simply to discuss it as a formal question meaning nothing, but we are going to pay it when we have discussed it for a few weeks——

Mr. BYRNS. Oh, no; I do not concede that at all.

Mr. DEMPSEY. That is what the gentleman's question implies.

Mr. BYRNS. No.

Mr. DEMPSEY. If that is so, then, of course, it will not affect the stockholders of the Steel Corporation.

Mr. BYRNS. Oh, no.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS. Just two minutes more, Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BYRNS. The gentleman rather puts words in my mouth, because certainly what I said could not be construed as the gentleman undertakes to construe it.

My whole position is that these claims should be sent up here to the joint committee, and that this joint committee, which is provided with experts at the expense of the Treasury of the United States, should be required to function just as I think all of you, when you voted this appropriation, expected it to function; because if you did not expect this, then you were voting money out of the Treasury uselessly and for no purpose whatever. You might just as well have provided it with one clerk to receive these reports, to give them that publicity which you say was intended, and then send them immediately back to the Treasury Department. That is all this proposition involves; and I say that one of these experts—and my information is obtained from the hearings—the head of the expert force of the investigating committee, stated he could examine this entire Steel Corporation report in 60 days.

Mr. DEMPSEY. How long after the adjournment of the present session of Congress?

Mr. BYRNS. He said he could do it in 60 days.

Mr. DEMPSEY. Does not the gentleman from Tennessee realize that if we gave him 60 days that would mean 4 or 5 days after this session of Congress had adjourned? In other words, the gentleman thinks that some time during some future session he might be able to report.

Mr. BYRNS. Well, I know this: It took the Treasury Department 11 years to pass upon this claim, and during all that time it was bearing interest, which now amounts to more than $11,000,000 upon a claim of $15,000,000. It seems to me, under these circumstances, it is not unreasonable that we, as Members of Congress, called upon to vote this immense sum of money, should have the experts provided for this joint committee given 60 days in order to pass upon it and give the Congress the benefit of their findings as to the correctness or incorrectness of these large settlements.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. ANTHONY. Mr. Chairman, I think that the amendment offered by the gentleman from Tennessee [Mr. BYRNS] is extremely arbitrary. Under it a claim for $74,999 could be approved and paid, but if it were for $75,001 the Treasury could not pay it.

Mr. GARNER of Texas. When Congress passed the law creating this joint committee it fixed an arbitrary rule in respect to $75,000.

Mr. ANTHONY. Oh, no; it did not. It fixed an arbitrary rule under which the joint committee could get the facts in regard to a claim.

Mr. GARNER of Texas. Yes.

Mr. ANTHONY. And did not say that the claim should not be paid.

Mr. GARNER of Texas. If we fix an arbitrary rule now it would correspond with the arbitrary rule fixed by Congress when we created that joint committee.

Mr. ANTHONY. Furthermore, if the amendment should be agreed to it would place the United States Government in a decidedly unfair situation, in a position that I do not believe any citizen should ask it to occupy, because the Government does not want to take an unfair advantage in its transactions with the taxpayers. What would happen if the amendment should prevail? It means that when a case is taken into the Treasury Department for payment of additional taxes and determined the Government must promptly demand that the taxpayer pay at once, with interest running from the date of that demand. There is no escape for Mr. Taxpayer; he must pay. What happens if the shoe is on the other foot? Under the proposed amendment of the gentleman from Tennessee, if the amount exceeds $75,000 you tie the claim up for an interminable period, and you can not pay it at all. It is not fair, it is not equitable, it would not stand before any fair-minded tribunal. That is the first objection to it.

The practical effect of it would be to prevent use of most of the money carried in the bill for tax refunds. It means that a number of very deserving taxpayers would be deprived of their money. The gentleman from Tennessee [Mr. BYRNS] and other gentlemen who have taken an interest in this item are undoubtedly striving to prevent payment to the United States Steel Corporation. If it is any satisfaction to them, I might say that I have had information from the Treasury Department that that claim was in process of payment this morning, and it is probably all paid by now out of the funds available from the balance appropriated for this fiscal year.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman and gentlemen, I shall discuss very briefly the amendment proposed and the objections offered by the distinguished gentleman from Texas, my very good friend Mr. GARNER, on Saturday. The first question is as to this amendment. The amendment proposes that no payment shall be made under these refund provisions until the joint committee has approved. In order to appreciate what that means, let us see what the situation is as to refunds. I find that the refunds have averaged in amount from $609,000 in 1916 to $142,000,000 in 1928, and anyone who is at all familiar with the situation will find that most of these refunds are to large corporations, such as the United States Steel Corporation, where the report is a tremendously involved one, where, as in the case of the United States Steel Corporation, there are 195 subsidiaries, and all of the reports of these various subsidiaries are included in one consolidated report. The gentleman from Texas [Mr. GARNER] says that it is a curious thing and a very extraordinary thing that these refunds are all made to big corporations. That is not only not a curious thing, but it is an inevitable thing. Can you make these refunds to the man who runs a lunch counter, or a peanut stand, or who is a news vender? Of course, the large refunds have to be made to the large taxpayers, and the large taxpayers are the large corporations. So that that criticism is a criticism of what is inevitable, not an unnatural but an absolutely natural thing. You make large refunds to the men who have paid large taxes.

Let us see what the history in a general way is of refunds and back collections. We find that every year during the years since the income tax law was enacted there have been refunds and there have been collections. We have the exact figures for several years, and we find that in no year has the amount of the refunds been one-half, 50 per cent, of the back collections. The United States Steel Corporation we may take as an illustration. The tax we have before us is the tax for 1917. If the Democrats are going to insist, if my distinguished friend from Texas is going to insist that we shall be blamed, as for something culpable and wrong, for making refunds, then he also must give us credit for back collections, because these collections are for Democratic years just as much as refunds are for Democratic years. So give us the full credit. Remember, each year we have made a refund of $1 we have collected for the years of Democratic administration at least $2 in every instance, and under the table that I will present something more than $2.

Let us take the next question. Ought we to approve any such amendment as that suggested? I think the gentleman from Texas [Mr. GARNER], who said that he is proud of the House of Representatives, and I believe he is, will pause and consider most seriously and thoughtfully before he advocates any such legislation, for that is what it is. Those of you who have served here for a long time will remember that many years ago Mr. GILLETT, now Senator, and before he became Speaker of this House, came down into the pit here and made a long speech upon the never-ending controversy for governmental authority and control between the executive and the legislative branches of the Government.

And analyzing that at great length Senator GILLETT said that the substantial way in which the House of Representatives maintains its standing, its prestige, its influence against the spectacular and captivating appeal of popular Presidents like President Roosevelt was through the fact that after all it had control of the purse strings of the Government. Now the gentleman from Georgia on Saturday said, Ah, yes, but that is not a constitutional provision; it is only the growth of an immemorial, uninterrupted, continued, wise system, and so the gentleman from Texas, about to become the leader of his party, about to lead one of the two great parties in this House of which he is proud, starts his career or would start his career if he advocates this thing, which I do not believe he can seriously advocate, by asking for a surrender of the greatest privilege and source of jurisdiction of this House, because the instant you say that the Senate may join with us in determining whether or not we shall appropriate that instant you break up this custom, you lose its force, its continuity, you make the Senate a sharer with the House in what up to this time has been recognized to be the sole prerogative of the House. Then, second, one of the committees of which we are justly proud, one of the great committees of this House is the Committee on Appropriations, and the gentleman would also deprive that committee of functioning and determining matters which are brought before it and would send such matters to a joint committee composed of Members of the Senate as well as Members of the House. This shows how impractical, how useless, how senseless, and how theoretical all this legislation would be.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. DEMPSEY. I will.

Mr. GARNER of Texas. Speaking for myself, I will accept an amendment, if it is possible, by providing that before this $75,000, or anything in the case, shall be paid this joint committee shall make recommendation to the Appropriations Committee of the House of Representatives, and——

Mr. DEMPSEY. That does not cure it.

Mr. GARNER of Texas. Thus giving the Appropriations Committee information as well as giving it jurisdiction.

Mr. DEMPSEY. No; that does not cure it. It still makes this House and that committee subject to the voice of the Senate. You are going out of your way to say we should abolish a time-honored custom, we shall take that away from this House, that we shall give up that which gives it the most influence and prestige and surrender it voluntarily, holding it out to the Senate. Now, the gentleman knows as a lawyer how useless, how senseless, that amendment would be. Here is a case—the United States Steel refund case—which has taken the Treasury Department 10 years to consider, a case with truckloads of evidence. Now, the gentleman asked the House on Saturday, Are you prepared to go to your constituents and say to them you voted for that without knowing anything about it? Let us see whether that question amounts to anything. Does the gentleman in good faith say that it would be possible for any man on the floor, if he devoted 60 days, 90 days, or six months to the consideration——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. DEMPSEY. The gentleman knows well at the end of six months the Members of this House, every one, would be in the same condition they are to-day. He knows it is impracticable. He knows it is impossible for them to study a case like that, even to begin to comprehend the facts. So I say from that standpoint it is utterly useless.

Mr. SCHAFER. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. SCHAFER. Then, what is the necessity for spending $40,000 of the people's money each year for the experts for the joint committee?

Mr. DEMPSEY. I think probably those experts are as able and competent men as can be found. The gentleman from Texas and the gentleman from Tennessee say that in the course of 60 days Mr. Parker might be able to report some knowledge of this particular case.

Neither one of them claims that any Member of the House would know anything more than he does to-day, and what these gentlemen suggest is this: That instead of taking the word of the Treasury Department, upon which we have relied for all these years since the income tax law was adopted and which has been followed by uniform and marvelous success in the collecting of back taxes which were not paid under a Democratic administration to the amount of over $2 for every dollar refunded—I say, instead of relying upon them who are our constitutional advisers, and whose advice we have found so useful and so helpful, we shall rely upon a subordinate employee of a committee about whom no Member of this House, except members of the joint committee, knows anything; whereas every taxpayer and every citizen of the United States knows Andrew Mellon.

Practically every one of them knows David Blair. Everyone has found by experience that he can rely upon them and trust them, and has found that the general public throughout this country rely on them. Who knows Mr. Parker? I am not saying that Mr. Parker is not an admirable man and a good expert, but I am saying nobody knows him. On the other hand, we do know these other two men, and we trust them because we have found that we have the right to trust them.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SCHAFER. If we follow the gentleman's argument to a logical conclusion, we should necessarily abolish this committee and thus save the taxpayers $40,000 a year.

Mr. DEMPSEY. Oh, no. The committee, perhaps, is useful to a certain extent. It does give a means of publicity to these claims, and it does give a means of investigation. It is, perhaps, to a certain extent helpful. But you can not afford to push the jurisdiction or work of this committee any further than we have gone. I am sure the gentleman from Texas [Mr. GARNER] would not want to surrender the prestige and the power and prerogatives which this House now possesses by any such amendment.

Mr. BYRNS. The gentleman speaks of the Treasury Department passing upon these claims. The gentleman, of course, is aware of the fact that in all these cases they are really acted upon by one of the employees of the Treasury Department.

Mr. DEMPSEY. Allow me to answer that. I do not think there is a Member of this House who has not had experience with the Income Tax Bureau or division, and I think every one of us knows this: That each return passes through several hands, and very often it passes through a court of appeals right in the Treasury Department; I have never found a case myself where I acted for a constituent when I did not meet at least three men who have examined the facts, and who understand the facts, and who have been intelligent and active and zealous in the performance of their duties.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. May I have three additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Certainly.

Mr. O'CONNOR of Louisiana. The gentleman from New York is justly proud of the power and prestige and influence of the House of Representatives. May I ask the gentleman if that prestige is involved in any way in the failure thus far of his endeavor to obtain consideration of a river and harbor bill at the present session?

Mr. DEMPSEY. I will answer that at a later time.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes; I yield to the gentleman from Michigan.

Mr. CRAMTON. The gentleman just had a question from the gentleman from Texas [Mr. GARNER], which would seem to indicate that the gentleman from Texas recognizes the injustice of our denying the payment of claims above a certain fixed amount, and suggests that we might bar payment until the claims are examined by his committee. But those claims are so numerous and so complicated that unless we set up under that joint committee an organization almost duplicating the force of the Internal Revenue Bureau, that committee could not reach the point where they would feel justified in approving those claims.

Mr. DEMPSEY. Yes. Not only that, but I recognize that, taking into consideration an individual claim, such as the

Steel Trust claim, might require years of examination. The gentleman from Texas said four methods were adopted for the consideration of these claims, and that with three of them he was satisfied, and the fourth he severely criticized.

Mr. GARNER of Texas. No. "The gentleman from Texas" said the adoption of any one of the three would have been satisfactory, and would have saved the Government many millions of dollars.

Mr. DEMPSEY. I will take the gentleman's present statement. All that the gentleman criticised in his speech on Saturday was the fact that the corporation was heard. Have we reached the point where a taxpayer is not entitled to be heard? Even in a criminal case the criminal in the dock has the right to be heard. And yet the gentleman from Texas criticises this severely, and says that that is a thing which he characterizes as improper and reprehensible.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DEMPSEY. May I have three additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEMPSEY. The gentleman from Texas makes the complaint that that is really a reprehensible thing—the fact that these corporations were heard.

Why, gentlemen, how is the case to be presented at all? How are you to have anything except to go back to the star-chamber proceedings of hundreds of years ago, which Anglo-Saxon progress and energy and love of liberty have banished for all time? How are you to have anything except that unless you give the attorneys for these corporations the right to be heard, and that, I take it, as we all listened Saturday, was the chief subject of criticism on the part of the gentleman from Texas.

In closing, gentlemen, permit me to say this: That I will put in as a part of my speech the income taxes collected in this country since the income tax law came into force, the tax refunds during that period, the total taxes paid during that period, and the amount of back taxes collected. You will find on examining them that they constitute a glorious and splendid record. You will find that they redound to the credit of Andrew Mellon and of David H. Blair. You will find that you will be glad to follow these men who have done so marvelously well throughout all of the period since 1920. [Applause.] The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 7, 1929.

Hon. STEPHEN W. DEMPSEY,
House of Representatives.

MY DEAR CONGRESSMAN: Reference is made to your telephone request this morning that you be advised with respect to the following data:

1. Amount of income taxes collected by years since the enactment of the income tax laws.

2. Total amount of internal-revenue taxes from all sources by years since the enactment of the income tax laws.

3. Amount of income-tax refunds by years during that period.

4. Amount of back taxes collected by years.

So far as it is available, the information is given below:

1. Amount of income taxes collected by years since the enactment of the income tax laws:

1914	$71,381,274.74
1915	80,190,693.80
1916	124,916,315.51
1917	359,685,147.56
1918	2,838,999,894.28
1919	2,600,762,734.84
1920	3,956,936,003.60
1921	3,228,137,673.75
1922	2,086,918,464.85
1923	1,691,089,534.56
1924	1,841,759,316.80
1925	1,761,659,049.51
1926	1,974,104,141.33
1927	2,219,952,443.72
1928	2,174,573,102.89

2. Total amount of internal-revenue taxes from all sources by years since the enactment of the income tax laws:

1914	$380,008,893.96
1915	415,681,023.86
1916	512,723,287.77
1917	809,393,640.44
1918	3,698,955,820.93
1919	3,850,150,078.56
1920	5,407,580,251.81
1921	4,595,357,061.95
1922	3,197,451,083.00
1923	2,621,745,227.57
1924	2,796,179,257.06
1925	2,584,140,268.24
1926	2,835,999,892.19
1927	2,865,683,129.91
1928	2,790,535,537.68

3. Tax refunds (see note):

	Total	Income tax, exclusive of interest	Interest	Income tax, including interest
1916	$609,901.32			
1917	887,127.94			
1918	2,088,565.46			
1919	8,654,171.21			
1920	15,639,952.65			
1921	28,656,357.95			
1922	48,134,127.83			
1923	123,992,820.94	$95,094,635.00	$2,393,146.02	$97,487,781.02
1924	137,006,225.65	118,311,078.78	6,543,223.30	124,854,302.08
1925	151,885,415.60	107,253,329.95	29,432,762.78	136,686,092.73
1926	174,120,177.74	116,623,311.92	40,883,726.53	157,507,038.45
1927	103,858,687.78	70,372,252.33	20,067,045.94	90,439,298.27
1928	142,393,567.17	95,280,950.93	26,402,332.59	121,683,283.52

[NOTE.—Data not available at all as to years prior to 1916 and not as to income taxes for 1922 and prior years.]

4. Back tax collections (see note):

1921 [1]	$179,000,000.00
1922 [1]	94,000,000.00
1923 [1]	300,000,000.00
1924 [1]	300,000,000.00
1925	276,821,703.44
1926	295,982,056.33
1927	331,476,826.27
1928	277,835,602.35

I hope this information will serve the purpose for which you have requested it.

Sincerely yours, D. H. BLAIR, *Commissioner.*

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WOOD. Mr. Chairman, I want the attention of the committee for a very few minutes, in order that you may know exactly the question before the committee and what it means. On last Saturday we were informed that an amendment would be offered under the 5-minute rule to strike out this item entirely. All of the debate upon that day was based upon the assumption that that character of motion would be made here to-day, but gentlemen upon the other side, upon reflection and after timely consideration, have concluded that they do not want to take that responsibility, and no one should want to take it. They have lessened in some little degree their attitude, but what does their present proposal mean and what is it? It is proposed now that no sum in excess of $75,000 shall be paid out of this appropriation. The major portion, as I am informed, of this appropriation will be used to pay claims in excess of $75,000. Now, what will happen if this amendment prevails? It means that no payments shall be made where a claim is $75,000 or more, so that most of this appropriation will not be used and those entitled to refunds will not get what they are entitled to.

I wish to call attention to this fact, that if this amendment is adopted there will be no use for this joint committee and this expert, for even if this expert, under the law creating that official and this committee, were to make an investigation and were to find in favor of a payment or against it, their report would amount to nothing. If they determined in favor of a payment it could not be made if this amendment is to prevail, so that we are in this ridiculous position: We have a law giving authority to the Treasury Department of the United States to make these refunds, and yet this body is saying to the Treasury Department of the United States, which has been making these refunds under established law and regulations since the beginning of this income tax law, that no payment shall be made in excess of $75,000.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. What is going to happen? These claims are being passed upon at the rate of 14,000 a month or 170,000 a year. This Congress is going to adjourn very shortly, and unless some new law is enacted to supplant that law the fear that has been expressed by the gentleman from Texas, now on his feet, time and time again, will become a reality and the whole system will break down. I now yield to the gentleman from Texas.

Mr. GARNER of Texas. So far as excess-profits taxes are concerned, the testimony is that there are only 12,000 cases still pending, and if they are passing on them at the rate of 14,000 a month, they would be through with them in 30 days.

[1] Exact figures not available for the years 1921, 1922, 1923, and 1924. No figures available for years prior to 1921.

Mr. WOOD. The gentleman knows that if they pass on them at the rate of 170,000 a year, with the cases now pending, it will take three years to become current. The gentleman from Texas was insistent upon our increasing the number of the judges upon the Board of Tax Appeals in order that we might have the work made current, and we did that, more largely at his behest than at the behest of anyone else. Now, for the purpose of preventing payment, he is not only going to add to the burden of these agencies that are now overburdened but he is going to destroy the very machinery that makes it possible to have these tax refunds made. So we are presenting a most ridiculous picture to the American public. We are acknowledging that we have millions of dollars that have been erroneously taken from the pockets of the taxpayers of this country and yet we are now like children proposing that we are not going to pay the money back if a claim exceeds $75,000. What inconsistency! What a travesty it is!

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask the attention of the Members for just a few moments in order that I may explain my attitude upon the pending amendment.

If the amendment first proposed by my colleague from Tennessee had not fallen before a point of order, I should have given it my support, because it would have added at least an additional safeguard on this question of refund, and the matter which seems to worry the gentleman from New York [Mr. DEMPSEY] as to the House surrendering some prerogative that belongs to it would not, in my opinion, have been in the way at all, or at least not to an extent that would have prevented my supporting that amendment.

But, Mr. Chairman, when it comes to this amendment, I find myself driven to the conclusion that I ought not to support it.

The refund settlements that are involved and provided for in this $75,000,000 have been made under the processes of law as that law existed. There is no proposal involved in the amendment now offered by my colleague providing for a change of the law. It could not be because it would have fallen before a point of order, just as his other amendment did. So we find ourselves in the parliamentary situation where we are thrown up against the naked proposition of whether we will vote to make the refunds that have been established under the processes of law that have been in progress through all these years or whether we will hold them up where they are in excess of $75,000.

Mr. BYRNS. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BYRNS. Does not the gentleman know, as a matter of fact, that if this amendment is adopted the Congress is not going to refuse to appropriate money for the payment of these settlements, and that we will then have a way by which you and I and other Members of this Congress can vote intelligently and not vote $75,000,000 or any other sum out of the Terasury without the slightest information upon the part of the gentleman or myself or any other Member as to whether we are doing the right thing or not.

Mr. GARRETT of Tennessee. Well, all that I know about it is that these refunds have been made under the processes of law that have been in existence through all these years, just as other refunds have been made in the past.

I sympathize with the attitude taken by my colleague from Texas [Mr. GARNER]. I appreciate the force of the criticisms made by him in his addresses upon the subject. I stand ready to vote for any additional safeguards of law that it is possible to have, but when it comes to the naked amount of appropriations made simply to carry out law that has been in existence here all these years, I find myself greatly disturbed at being invited to vote against the refunds, and do not see how I can do it.

Mr. GARNER of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I regret exceedingly that our leader has found himself unable to support this amendment. I was under the impression it had his sympathy and would have his support. It might have been because I was under the impression that the limitations that were first offered in the amendment were in order.

I want to call the attention of the gentleman from Tennessee to the fact that as a minority party seeking to remedy a condition that seems to me demonstrates bad administration of this law, we have no remedy except the one this amendment may possibly bring about. If we had a remedy, if a bill was before the House at this time, where we could have an opportunity to place on the statute books such remedies as the gentleman speaks of or those that might occur to our minds, I would join the gentleman most heartily, and I admit that this is an indirect effort to accomplish what you and I would like to accomplish. This is the only opportunity, I repeat, and unless we avail ourselves of it, then these conditions which have been discovered by the joint committee will continue to exist in the Treasury Department, so far as we know, for all time to come.

Turn to page 1219 of the RECORD, if you desire, and look at the case that I briefly called your attention to on last Saturday, known as the "X" tobacco case, which is the Reynolds Tobacco Co. You will find that the Treasury Department gave the Reynolds Tobacco Co. $9,200,000, not $7,628,000, as reported to the joint committee, because they had already given them prior to that time $1,600,000.

No court can reach that case. No remedy is at hand except to withhold the money and let this committee look into it. This committee, through its agent, did criticize that settlement.

Mr. GARRETT of Tennessee. Is that involved in this appropriation?

Mr. GARNER of Texas. No, sir; not in this appropriation; but similar cases are involved.

The testimony shows the United States Steel Corporation will be settled within this fiscal year if they are paid to-day on the same basis that they have been settled with, and that they will pay them in the neighborhood of $28,000,000 additional, including $13,000,000 interest. That is the testimony from the Treasury Department. And not only testified to before the committee, but testified to before the joint committee. This case of the United States Steel Corporation is being settled for the 1917 taxes only, and Mr. Bond says, "If you approve this, or if we settle with them on this basis, I hope to settle with them; and I believe I can settle with them for the 1918, 1919, and 1920 taxes on the same basis"; and that will involve giving them $28,000,000 additional.

This may be a harsh remedy temporarily, but this does not mean that we are not going to pay these people every dollar that we owe them. There is not a man in this House who would refuse to return to the taxpayer every dollar that he paid into the Treasury that the law did not require him to pay; but I do say, in view of the facts that we have deduced here by a small investigation of the joint committee, that we ought to have an opportunity now to go into the merits of some of these.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 additional minutes.

Mr. GARNER of Texas. Oh, I do not think I want them. I occupied the floor on Saturday, and tried to explain at that time as far as I could. I shall ask for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Chairman, no one wants to refuse to pay whatever is just in a refund of taxes erroneously paid, but are you afraid to have your joint committee make an investigation of those claims in excess of $75,000? There is a reason for that. Congress authorized and directed this joint committee to make an investigation of everything in excess of $75,000. It makes the investigation. It criticizes and protests the payment, but the Treasury continues to make the payment.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. COLE of Iowa. Would the interest run on?

Mr. GARNER of Texas. Certainly.

Mr. COLE of Iowa. How much would the interest be?

Mr. GARNER of Texas. Oh, I have heard a good deal about that interest question. It is very alarming to the gentleman from Iowa and every other man who stands in his position, who are hunting an excuse to do what the Treasury wants, and then do it. We are paying 4¼ per cent interest now on the last borrowings of the Secretary of the Treasury, the greatest one since Alexander Hamilton, who has refunded every debt at a less rate of interest than a Democrat did. He is paying 4¼ now on several hundred million dollars that he borrowed the last time. That is only 1¾ per cent interest difference, so do not bother too much about the interest. You are paying 4¼ now for this money that you give to the taxpayer.

No one wants to refuse to pay this obligation of the Government, but all we ask is an opportunity to look into it and see if the refund has merit. Do not you want to do that? Is there a taxpayer having an application for refund at the present time which amounts to over a billion dollars who will object to the joint committee of the House or its experts examining to see whether the Treasury Department has allowed them their correct amount of refunds? As I said the other day, the Secretary of the Treasury ought to welcome it. The joint committee has criticized a number of them. The joint committee has sug-

gested different methods upon which to ascertain the facts and has criticized the total amount to be returned. But you gentlemen are not willing to postpone for 60 days or 90 days or 6 months, for that matter, the payment of these refunds in excess of $75,000 in order to give the joint committee an opportunity to function, in order to give this joint committee an opportunity to do what the law intended it to do, and, Mr. GARRETT, this is the only way that we can force it to be done. There is no other way that I know of by which you can compel this joint committee to act; when we get the eyes of the country focused upon it we will get results. With this amendment you will have it acting, and you will have it approving or disapproving and you will have some information by which Mr. ANTHONY and the other members of the committee can arrive at some intelligent conclusion as to how much they ought to appropriate for refunds and know of the merits of those refunds, which will be included in that lump-sum appropriation.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LOZIER. In view of the fact that our Government is built around Congress, is it not a matter of the highest ethics and duty of Congress to find out from its own experts if necessary and possible whether or not these expenditures are just?

Mr. GARNER of Texas. Oh, yes. When I saw my friend from New York [Mr. DEMPSEY] get up the other day, come down from New York and take an active interest in this case, I said, "There is the greatest defender the Republican Party has, and there must be something dead up creek." [Laughter.] Whenever you see that gentleman coming in here you may know that the old G. O. P. is in trouble and they have sent for him. I think gentlemen understand this amendment, and I am willing to have it voted on now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CRAMTON. Mr. Chairman, the pending amendment simply proposes that if a claim is above a certain amount we shall not appropriate for its payment. There is no method proposed that would define any more clearly our liability than the present law. None even has been suggested that would in any way improve the situation. The amendment would even go so far as to prevent the payment of judgments above $75,000 rendered against collectors which would carry interest.

I have been interested in getting the division of sentiment in the minority party in the House on this question. We have heard on one side of the question from the leader of the minority, the gentleman from Tennessee [Mr. GARRETT], and we have heard indirect opposition from the presumptive heir-apparent to the leadership of the minority, the gentleman from Texas [Mr. GARNER].

We have not yet heard from the new party whip, the gentleman from Texas [Mr. BOX]. We only get his views on party policies through the public press and on other subjects. There is one thing I would like to know, and I believe the minority would like to know. They were polled in the presidential election on a certain question in a great attempt to whip them into one coherent mass. I would be glad to know, in view of the assurances given the country by the present chairman of the Democratic National Committee, Mr. Raskob, that that party is not opposed to big business; that big business has nothing to fear from the Democratic Party—as I say, I am interested to know what he thinks of this attempt to have Congress declare big business can not expect to receive consideration at the hands of Congress; that if they have a claim above $75,000 Congress will make no appropriation——

Mr. GARRETT of Texas. I will try to find out by to-morrow, if the gentleman can wait that long.

Mr. CRAMTON. I think it would be interesting to know.

The CHAIRMAN. All time has expired——

Mr. CRAMTON. I am glad to know there is one gentleman of the Democratic minority who thinks he is close enough to the Democratic National Committee chairman to be able to find out anything from him. [Laughter.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and there were—ayes 105, nays 112.

So the amendment was rejected.

The Clerk read as follows:

Supreme Court Building: For acquisition of a site for a building for the Supreme Court, in addition to the appropriation heretofore made, $268,741.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman of the Committee on Appropriations. The Inland Waterways Corporation is an agency of the Government in the War Department, and, generally speaking, I think its appropriations come under the War Department appropriations bill. I notice that there is no provision in the urgent deficiency bill for an appropriation for the Inland Waterways Corporation. Last May, after very extended hearings, the Committee on Interstate and Foreign Commerce reported out a bill increasing the capital stock from $5,000,000 to $15,000,000. Now the basic law reads that that corporation was formed and the capital was furnished for the purpose of carrying out the "mandate" and the "purpose" of Congress as set forth in the transportation act and in the Inland Waterways Corporation act. Now, that was last May. In the meantime some six or seven months have elapsed, ample time, it would appear, for the gathering of the necessary information together for the purpose of submitting an estimate. Now, can the distinguished chairman of this committee say just what is the situation in reference to that new authorization, which is more than an authorization because it is to carry out a mandate of Congress in reference to carrying on our inland-waterways development?

Mr. ANTHONY. Mr. Chairman, I think the gentleman from Minnesota very accurately sets forth the situation in regard to the inland waterways item. The committee took up the matter with the Bureau of the Budget. It was my desire that the appropriation which that act directed should be carried in this bill, but the Bureau of the Budget advised us it was desired to make further inquiries into the requirements before submitting the estimate for an appropriation; that, furthermore, General Ashburn was out of town while we were writing up this bill, and they desired first to confer with him, but it was their intention to bring up the item for the next deficiency bill. And I find they wanted to make further inquiries in order to get the exact cost involved in the securing of power and barges, and I understand they are mostly for the Mississippi and Missouri, and they felt that instead of appropriating the full $5,000,000, that has been spoken of for this purpose, they would only ask for the exact amount to purchase the equipment needed.

Mr. NEWTON. If this goes over to the general deficiency bill, that will not become a law, of course, until the extreme end of the session; that is, if we may use our knowledge of the past in judging of the future. That will mean a delay of two months in the letting of a contract for the building of the barges and the making of the towboats that are necessary. Now, a delay of two months means the difference between having this additional equipment to carry grain from my section of the country and from the gentleman's section of the country and not having it. That is my affair; and the thought I have is surely if there is anything that should be included in an urgent deficiency bill it is a deficiency appropriation for that capital stock which Congress mandated last May.

Mr. ANTHONY. I think the gentleman very accurately represents the situation.

Furthermore, I may say that the Chief of Engineers promised that the new channel of the Missouri River from Kansas City to St. Louis would be ready for navigation in 1930, and I know that the business and shipping interests at Kansas City and all along that river are very anxious that the equipment, the towboats and barges for navigation, be provided for without any delay in the program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON. I sincerely doubt whether the equipment will be ready in time to move the grain crop.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. Would the gentleman object to our making at least a part of this appropriation available on the passage of the general deficiency bill?

Mr. ANTHONY. Inasmuch as the committee lacked accurate figures, and the Bureau of the Budget promised accurate figures, it was necessary for us to delay.

Mr. OLIVER of Alabama. It might be sufficient to meet the objection of the gentleman from Minnesota if we were to provide that of any such an amount as Congress would appove in the next deficiency bill a certain amount of that would become immediately available.

Mr. ANTHONY. The gentleman knows that the entire sum would be available if any lump sum were put on the general deficiency bill.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DYER. Is the gentleman able to advise the House at this time if it has received from General Lord a general recommendation?

Mr. ANTHONY. As I understand, General Lord is awaiting the arrival of General Ashburn in Washington. When he receives the accurate figures we will undoubtedly get an estimate up here.

Mr. DYER. The amount authorized is $10,000,000.

Mr. NEWTON. Yes; $10,000,000.

Mr. DYER. Is it a fact, or does the gentleman know, that General Lord has sent in a recommendation of a total amount of $3,000,000?

Mr. ANTHONY. I have no official information on that, but my guess is that it is believed that the equipment and power can be purchased for from three and one-half to four millions.

Mr. NEWTON. That is to meet the immediate necessity?

Mr. ANTHONY. That is the idea. Congress, of course, does not want to appropriate more money for a given purpose than is absolutely necessary.

Mr. NEWTON. We passed this law in May last. We passed it after very thorough hearings. I think our committee worked upon it for two or three weeks, possibly longer than that. There was no question about the need and necessity of additional equipment for the Warrior River, for the lower Mississippi, and for the upper Mississippi River, and the lower Missouri when that was completed; and then the Illinois River. Of course, the equipment needed on the Missouri River need not be provided in the present calendar year, but it will be needed shortly after that. The money for the equipment to be used on the Illinois River need not be expended until that channel is completed, probably not before two years. But the great bulk of that sum should be made available during the present year.

Now as to this question of additional time in which to consider the question. This was the mandate of Congress. General Ashburn was certainly in the city, and General Lord was in the city during the past seven months. They must have known that there would be a deficiency bill. I am somewhat surprised myself that this matter has been allowed to go on without inquiry into the details until the Christmas holidays. I do not know whether the committee has given consideration to it or not, but it seems to me that when Congress writes a law in the nature of a mandate the estimates ought to come down somewhere near the amount of authorization, and come down as expeditiously as possible. There has been ample time in which to find out just what is needed, the cost, and all of that; and the delay, unless something can be done, is going to mean that the farmers of my section of the country and the gentleman's section of the country who have had their grain held at St. Louis, the neck of the bottle, where there was not enough equipment to send it down, will continue to be at a disadvantage. That is going to be the situation in the coming year. From August of 1928 we on the upper river were filled to capacity until close of navigation.

We could have handled much greater tonnage if we had had the capacity. This was likewise true of the lower river. The farmer does not get the maximum benefit of lower rates and will not until we have barge and towboat equipment which is reasonably adequate to meet the demand; otherwise, buyers of grain can not figure on cheap water rates.

Mr. Chairman, under the authorization by Congress of this legislation we ought to speedily make the necessary appropriation, and it should be in amount in keeping with the authorization. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The Clerk will read.

The Clerk read as follows:

INDEPENDENT OFFICES

For salaries and expenses, office of Alien Property Custodian, $61.81.
For salaries and expenses, Board of Tax Appeals, $4.
For contingent expenses, Civil Service Commission, $30.25.
For expenses, Commission of Fine Arts, $1.93.
For housing for war needs, $2,939.03.

Mr. KELLY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. KELLY. Mr. Chairman, I desire to ask the chairman of the committee in charge of the bill a question regarding the item for housing for war needs, on line 19 of page 18. Is that a claim for the United States Housing Corporation, as administered by the Department of Labor?

Mr. ANTHONY. I am advised these are claims dating back to 1918 and 1919 of the old Housing Corporation which have just been settled and approved.

Mr. KELLY. Mr. Chairman, I desire to take this opportunity of stating—calling attention to the fact—that this will probably be the last time we shall deal with governmental housing activities of the war period. Congress appropriated $100,000,000 during the war for housing construction for civilian needs. This work was turned over to the Department of Labor and that department after the armistice proceeded to dispose of the projects. I am informed there will be returned to the Treasury 75 per cent of the entire expenditure, which is probably the greatest return from any expenditure of the kind made by the Government during the war. It is an indication of the fact that while we often fail to appreciate it, the Department of Labor deals with most important and difficult problems. The present Secretary, James J. Davis, has made an enviable record in dealing with these questions efficiently and successfully.

Mr. Chairman, it is no easy task. Capital and labor seem at times to be engaged in an irrepressible and unending conflict. The Department of Labor must stand between them and strive to help both while injuring neither.

Immigration restrictionists and opponents of restriction come to grips in this department which is charged with the responsibility of enforcing immigration laws. It requires the wisdom of a Solomon to act justly in all the multitude of cases which are appealed to the Secretary.

Through eight years Secretary Davis has efficiently and successfully met the tests of his office. Broad-minded, humane, and just, he has forced conflicting interests to recognize that common understanding will do much to lessen the area of conflict.

A toiler himself, his sympathies are with the men who earn their bread in the sweat of their brows. Time and again, just when it was needed, he warned that wage cuts spelled disaster, not alone to the workers but to capital as well. He pointed out that the employer who pays good wages enables his men to buy the products of industry and live up to the American standard.

Yet he has always pointed out that our continued prosperity depends upon efficient production. Increase the products and there will be more to divide. In season and out, Secretary Davis has preached sound doctrine for the development of this Nation and its people. He has earned the gratitude of all good Americans.

Mr. Chairman, few persons realize how far flung are the activities of the Department of Labor. No country in the world is outside the scope of the quota immigration acts which have been enacted by Congress since Secretary Davis took office in 1921.

Amendment of the original act was necessary, and great assistance was given by Secretary Davis in framing the act of 1924. In spite of all criticism, no sane man can deny that the policy adopted has had a tremendous effect upon the prosperity of this country.

The examination of prospective immigrants prior to embarkation for this country was a problem which presented many difficulties, but it has been worked out with patience and tact and firmness and is operating successfully.

A border patrol has been organized to prevent the surreptitious entry of aliens. Those who enter illegally are dealt with by another organized division and deportations number a thousand each month.

The naturalization service has been speeded up. Where before there was delay of months and sometimes years in furnishing certificates of arrival for aliens' petitions for citizenship, this work is now up to date. At the same time, the safeguards of proper citizenship have been increased.

The Bureau of Labor Statistics is doing better work than ever before and on a wider scale. Within the limit of appropriations it is furnishing vitally important information. It has made studies of the productivity of labor and the effects of the mechanization of industry. It has studied industrial accidents and occupational diseases and given the facts to those concerned. It has studied workmen's compensation laws and given to State and Federal Governments the facts upon which to base action.

The experience of Secretary Davis has made possible the direction of these fact-finding inquiries in the manner most valuable to workers and employers.

The conciliation service has been largely molded by the Secretary because of his intense interest in its purpose. Since 1921 there have been more than 4,000 instances in which the offices of the Secretary of Labor and Director of Conciliation have been used in industrial disputes, involving strikes, lockouts, and threatened strikes and lockouts. These cases concern more than 4,000,000 workers and involved practically every line of industry, including the packing industry, marine workers, coal miners, textiles, building trades, and many others.

The Secretary of Labor has earnestly proclaimed the truth that reason must prevail and that disputes should be settled around a council table before a strike rather than after it. The fact that there is to-day less conflict between workers and employers than at any time in our industrial history shows the progress made.

The employment service has been organized to give every particle of benefit possible. Secretary Davis acts upon the belief that the greatest need in America is a steady job with full and fair compensation for every man willing to work. He has devoted special attention to the problem of the man over 50 years of age who has been displaced because of machinery. His messages and advice to industrial leaders have helped to compel recognition of this serious problem.

Mr. Chairman, I believe in giving credit where credit is due. Serving in the Cabinets of two Presidents, Secretary James J. Davis has written a record of faithful, devoted efforts for the advancement of the general welfare. An outstanding Pennsylvanian, his achievements have made and will continue to make a better America. [Applause.]

The pro forma amendment was withdrawn.

The Clerk concluded the reading of the bill.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them engross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BYRNS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Tennessee offers a motion to recommit which the Clerk will report.

The Clerk read as follows:

Mr. BYRNS moves to recommit the bill to the Committee on Appropriations, with instructions to report back forthwith with the following amendment:

After the word "each" in line 12, page 12, strike out the period, insert a colon, and add the following: "*Provided*, That no part of the appropriation herein made shall be available for paying any tax refund in excess of $75,000."

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recommit the bill with instructions.

Mr. BYRNS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 169, not voting 138, as follows:

[Roll No. 7]

YEAS—130

Almon	Browning	Cooper, Wis.	Fulmer
Arnold	Buchanan	Cox	Gardner, Ind.
Aswell	Busby	Crisp	Garner, Tex.
Auf der Heide	Byrns	Crosser	Garrett, Tex.
Ayres	Carew	Cullen	Gilbert
Bankhead	Carley	Davis	Goldsborough
Beck, Wis.	Cartwright	Deal	Gregory
Black, N. Y.	Casey	DeRouen	Green
Black, Tex.	Chapman	Doughton	Greenwood
Bland	Cochran, Mo.	Drewry	Hammer
Bloom	Collier	Driver	Hare
Box	Collins	Eslick	Hastings
Boylan	Combs	Fisher	Hill, Ala.
Brand, Ga.	Connally, Tex.	Fitzpatrick	Hill, Wash.
Briggs	Connery	Fullbright	Howard, Nebr.
Howard, Okla.	Lozier	O'Connell	Somers, N. Y.
Huddleston	Lyon	O'Connor, La.	Sproul, Kans.
Hudspeth	McDuffie	Oliver, Ala.	Steagall
Jeffers	McKeown	Palmisano	Steele
Johnson, Okla.	McReynolds	Parks	Sumners, Tex.
Johnson, Tex.	Major, Ill.	Peery	Swank
Jones	Major, Mo.	Prall	Tarver
Kemp	Mansfield	Quayle	Tucker
Kent	Martin, La.	Quin	Vinson, Ga.
Kincheloe	Moore, Ky.	Ragon	Weller
Kvale	Moore, N. J.	Rainey	Whittington
LaGuardia	Moore, Va.	Rankin	Williams, Mo.
Lanham	Moorman	Romjue	Wilson, La.
Lankford	Morehead	Rutherford	Wingo
Larsen	Morrow	Sabath	Woodrum
Lea	Nelson, Mo.	Sanders, Tex.	Yon
Lindsay	Norton, Nebr.	Sandlin	
Lowrey	Norton, N. J.	Shallenberger	

NAYS—169

Adkins	Englebright	Johnson, S. Dak.	Reed, N. Y.
Aldrich	Estep	Johnson, Wash.	Reid, Ill.
Allen	Evans, Calif.	Kahn	Robinson, Iowa
Andresen	Fenn	Kearns	Robsion, Ky.
Andrew	Fish	Kelly	Rogers
Anthony	Fitzgerald, Roy G.	Kendall	Sanders, N. Y.
Bacharach	Fort	Ketcham	Schaefer
Bachmann	Foss	Kiess	Selvig
Bacon	Frear	Knutson	Shreve
Barbour	Free	Kopp	Simmons
Beck, Pa.	Freeman	Korell	Sinclair
Beedy	French	Langley	Smith
Beers	Furlow	Leavitt	Snell
Bohn	Garber	Leech	Stalker
Bowles	Garrett, Tenn.	Lehlbach	Strong, Pa.
Bowman	Gibson	Letts	Summers, Wash.
Brigham	Gifford	Luce	Swick
Buckbee	Goodwin	McCormack	Swing
Burtness	Hadley	McFadden	Taber
Butler	Hale	McLaughlin	Tatgenhorst
Campbell	Hall, Ill.	McLeod	Taylor, Tenn.
Carter	Hall, Ind.	Maas	Thatcher
Chalmers	Hall, N. Dak.	Manlove	Thompson
Chindblom	Hancock	Mapes	Thurston
Christopherson	Hardy	Martin, Mass.	Tilson
Clague	Haugen	Menges	Timberlake
Clarke	Hawley	Michener	Tinkham
Cochran, Pa.	Hersey	Miller	Treadway
Cole, Iowa	Hickey	Monast	Underhill
Colton	Hoch	Moore, Ohio	Vestal
Cooper, Ohio	Hoffman	Morgan	Wainwright
Crail	Hogg	Morin	Wason
Cramton	Holaday	Murphy	Watres
Dallinger	Hooper	Nelson, Wis.	Watson
Darrow	Hope	Newton	Welch, Calif.
Davenport	Hudson	Niedringhaus	Wigglesworth
Dempsey	Hughes	Parker	Williams, Ill.
Dickinson, Iowa	Hull, Morton D.	Porter	Wood
Drane	Hull, Wm. E.	Pratt	Wurzbach
Dyer	Irwin	Purnell	Wyant
Eaton	James	Ramseyer	
Elliott	Jenkins	Ransley	
England	Johnson, Ind.	Reece	

NOT VOTING—138

Abernethy	Dominick	Linthicum	Stedman
Ackerman	Douglas, Ariz.	McClintic	Stevenson
Allgood	Douglass, Mass.	McMillan	Stobbs
Arentz	Doutrich	McSwain	Strong, Kans.
Begg	Dowell	McSweeney	Strother
Bell	Doyle	Magrady	Sullivan
Berger	Edwards	Mead	Taylor, Colo.
Blanton	Evans, Mont.	Merritt	Temple
Boies	Fitzgerald, W. T.	Michaelson	Tillman
Brand, Ohio	Fletcher	Milligan	Underwood
Britten	Gambrill	Montague	Updike
Browne	Gasque	Mooney	Vincent, Iowa
Bulwinkle	Glynn	Nelson, Me.	Vincent, Mich.
Burdick	Golder	O'Brien	Vinson, Ky.
Bushong	Graham	O'Connor, N. Y.	Ware
Canfield	Griest	Oliver, N. Y.	Warren
Cannon	Griffin	Palmer	Weaver
Carss	Guyer	Patterson	Welsh, Pa.
Celler	Harrison	Peavey	White, Colo.
Chase	Houston, Del.	Perkins	White, Kans.
Clancy	Hull, Tenn.	Pou	White, Me.
Cohen	Igoe	Rayburn	Whitehead
Cole, Md.	Jacobstein	Reed, Ark.	Williams, Tex.
Connolly, Pa.	Johnson, Ill.	Rowbottom	Williamson
Corning	Kading	Schneider	Wilson, Miss.
Crowther	Kerr	Sears, Fla.	Winter
Culkin	Kindred	Sears, Nebr.	Wolfenden
Curry	King	Seger	Wolverton
Davey	Kunz	Sirovich	Woodruff
Denison	Kurtz	Speaks	Wright
Dickinson, Mo.	Lampert	Spearing	Yates
Dickstein	Leatherwood	Sproul, Ill.	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Canfield (for) with Mr. Wolfenden (against).
Mr. Pou (for) with Mr. Ackerman (against).
Mr. Spearing (for) with Mr. Sproul of Illinois (against).
Mr. Speaks (for) with Mr. Griest (against).
Mr. Igoe (for) with Mr. Magrady (against).
Mr. Kunz (for) with Mr. Golder (against).
Mr. Doyle (for) with Mr. Connolly of Pennsylvania (against).

Additional general pairs:

Mr. Perkins with Mr. Montague.
Mr. Lampert with Mr. Rayburn.

Mr. Dowell with Mr. Abernethy.
Mr. Wolverton with Mr. Cannon.
Mr. Crowther with Mr. Corning.
Mr. Seger with Mr. Douglas of Arizona.
Mr. Burdick with Mr. Oliver of New York.
Mr. Vincent of Michigan with Mr. Gambrill.
Mr. Yates with Mr. Hull of Tennessee.
Mr. Brand of Ohio with Mr. O'Connor of New York.
Mr. Glynn with Mr. Gasque.
Mr. King with Mr. Sullivan.
Mr. Merritt with Mr. McSwain.
Mr. Rowbottom with Mr. Williams of Texas.
Mr. Boies with Mr. Stevenson.
Mr. Clancy with Mr. Bulwinkle.
Mr. W. T. Fitzgerald with Mr. Allgood.
Mr. Guyer with Mr. Patterson.
Mr. Nelson of Maine with Mr. Reed of Arkansas.
Mr. Kurtz with Mr. Jacobstein.
Mr. Johnson of Illinois with Mr. Harrison.
Mr. Vincent of Iowa with Mr. Davey.
Mr. Schneider with Mr. Warren.
Mr. Woodruff with Mr. Cohen.
Mr. Houston with Mr. Edwards.
Mr. Kading with Mr. Whitehead.
Mr. Zihlman with Mr. Stedman.
Mr. Leatherwood with Mr. Dickinson of Missouri.
Mr. Peavey with Mr. Sears of Florida.

Mr. CROWTHER. Mr. Speaker, I was in attendance upon the hearings of my committee, the Committee on Ways and Means, and I did not quite make it. I would like to vote "no." Do I qualify?

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken and the bill was passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. EATON. Mr. Speaker, my colleague the gentleman from New Jersey [Mr. ACKERMAN] was called away by the death of a friend and begs to be excused for the day.

The SPEAKER. Without objection, the request is granted.

There was no objection.

THE CASE OF J. L. LYONS & CO.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced for the relief of I. L. Lyons.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, W. R. Hearst offers a prize of $25,000 for the best plan to repeal the eighteenth amendment. Some day we shall know who won the prize and what his plan is. W. C. Durant offered a prize of $25,000 for the best plan to make the eighteenth amendment effective. The Durant award has been made to Maj. Chester P. Mills. No one who has the slightest knowledge of the subject believes that the Mills plan will reduce the quantity of liquor that is being daily consumed throughout the country.

As a matter of fact, many of the prominent prohibition officials profess to see nothing new in the plan and are disposed to cynically dismiss it as "old stuff." The problem that confronts the Prohibition Bureau, and apparently one that is not susceptible to a definite and permanent solution, is how to prevent men and women, urbanite and ruralite, from making liquors, whisky, wine, and beer, when and as long as great mature continues to furnish the fundamentals and practice, habit of action, and repetition makes for proficiency in the details that change corn and rye into whisky, grapes into wine, and malt and hops into beer.

In three or four years a man or woman may become a good cook or baker, or both, and as chef prepare and furnish roasts and pastries to Sybarites of such excellency as to secure him great fame among the followers and votaries of Epicurus. Doubtlessly there are thousands, male and female, in the cities great and small whose merit in the way of making palatable and appealing whiskies and wines is extolled as an accomplishment devoutly to be wished; and it would be interesting to know how many agriculturists who have not by dint of several years' experience arrived at that period of development when they look upon their products as equal in kick, color, and purity to the choice liquors of the days that are no more, which disappeared in gloom when the Volstead Act found anchorage in Congress. There are many good citizens who do not believe it came as good tidings of a great joy. They view it as a Pandora's box opened wide with not much hope left behind to console the apprehensive.

There is one influence which will tend to check the rising tide or flood of liquor made in homes both in the cities and country, and that influence will be claimed as the result of his efforts by the professional prohibitionist. The public opinion that so rapidly crystallized all over the country against the open and public traffic in intoxicants, supported by leading industrialists, transportation executives, public-utilities officials, and merchants great and small, was due in a large measure to the extraordinary development and expansion that our country was undergoing in every conceivable line of its activities. For some inexplicable reason that crystallization apparently was paralyzed with the advent of the eighteenth amendment.

Some good people say that as long as the movement depended for its advance upon its own merit and what appeared to many as a moral appeal it was an irresistible force, but as soon as it was merged into a legislative enactment supported by the club, the sneak, the witch burner, the fanatical lyncher, jails, and penitentiaries, it lost the vitalizing force of its genesis and sank to the level of an irritating statute that ought to be linked up with blue laws and those infamous statutes that doomed unfortunates for their religious belief. But there may be a galvanization. A generation that has done so much for the advancement of civilization on land, sea, in the air, in every walk, alley, street, and avenue of life must have been building up a defense system against this flood of booze, and prevented that inundation which otherwise would have long since driven us to rafts.

This brings us to the question, Will the country be better off in the course of the years without distilleries, wineries, and breweries turning out a superior output as a result of first-class machinery appurtenances operated by trained operators and supervised by chemists and food experts, and which could be so regulated and licensed as to make for a reduction in the consumption of intoxicants, while yielding an enormous reveenue presently enjoyed by bootleggers, rum runners, and grafters all over the United States, though the Nation be exposed to the danger of having millions make what they might buy if they had a legal right to do so? Every observant man knows that there are as many or more soft-drink establishments, as many, if not more speakeasies to-day than there were open undisguised barrooms before the Volstead Act became the law which is more honored in the breach than the observance. Every man who has eyes to see and ears to hear knows that there are as many arrests, if not more, to-day than 10 years ago. Every man who reads the newspapers knows that there are more deaths from poisonous stuff sold by bootleggers than ever before. But things can not get any better until they get a little worse.

When the day does arrive that will bring home to us the truth that it is far better to discover with the eyes of statesmanship the ineradicable tendencies of millions in every generation and to regulate wisely those tendencies than to attempt to prohibit them, we shall have taken a forward step, one in the right direction. Then we may have a resubmission of the Rhode Island case—for its underlying constitutional principle still clamors for recognition. And if public opinion be strong enough may see the eighteenth amendment, which is becoming a menace to every other article of the great covenant, swept aside in order that way should be made for safe, sound, and sane legislation that will promote the cause of temperance, instead of conditions that now obtain, and their implications, present and future, by no means reassuring to many of our countrymen.

Of course there are numbers of lawyers who believe that the eighteenth amendment is not an inhibition upon the Government going into the liquor business by way of dispensaries or otherwise. But not many believe that the Government is already in that business and not conducting or operating its business in accordance with the ethics and standards of the commercial morality that should prevail. Let the following legal document unfold its own tale, from which the cynic may draw sardonic humor and the champion of Volstead law enforcement some information and wisdom. And I pray the latter to remember that the world was not submerged with immorality prior to the eighteenth amendment. Nor was the tea-drinking Orient superior to the temperate Occident.

In the United States District Court for the Eastern District of Louisiana, New Orleans Division

I. L. Lyons & Co. (Ltd.) *v.* United States of America, No. —

To the honorables the judges of the United States District Court in and for the Eastern District of Louisiana, New Orleans Division:

The petition of I. L. Lyons & Co. (Ltd), a corporation organized under the laws of the State of Louisiana and domiciled and doing business in the city of New Orleans; represents:

That petitioner is, among other things, engaged in the business of selling drugs at wholesale, and, as a wholesale dealer in drugs, it has a permit to purchase and sell intoxicating liquors;

That, by an order entered by this honorable court, the United States marshal for the eastern district of Louisiana, and the United States Customs Service, collection district No. 20, port of New Orleans, were authorized to sell to such persons possessing permits to purchase, certain intoxicating liquors then in the possession of the said United States marshal and the said United States Customs Service;

That in accordance with said authorization petitioner, among others, was solicited to purchase the said liquors by the said United States marshal and a Mr. Gordon, storekeeper in the United States Customs Service, and at the time of said solicitation said liquors were represented by the United States marshal and the said Mr. Gordon of the United States Customs Service to be genuine and fit for resale by petitioner for medicinal purposes in the course of its business as a wholesaler of drugs;

Petitioner avers that by reason of said representations, it purchased from the United States marshal and the said United States Customs Service, liquors of the kind and for the prices and on the dates set forth in the invoices of said sales;

Petitioner further represents that of said liquors so purchased it has on hand 269 gallons of Old Lewis Hunter rye whisky; 548.25 gallons of Atherton whisky; 220 gallons of Old Boone whisky; 233.25 gallons of Cedar Brook whisky; and 123.60 gallons of Scotch whisky, or a total of 1,395.35 gallons of whisky; 523.90 gallons of wine; and 20¾ gallons of assorted liquors;

Petitioner avers that of said gallons of whisky on hand (other than Scotch whisky), approximately one-half thereof was purchased from the United States Customs Service and approximately one-half thereof was purchased from the United States marshal;

Petitioner further represents that the average price of said gallons of whisky paid to the United States marshal and the United States Customs Service for said whiskies was the sum of $658.93 for 233.25 gallons of Cedar Brook whisky; the sum of $807 for 269 gallons of Old Lewis Hunter rye whisky; the sum of $1,644.75 for 548.25 gallons of Atherton whisky; and the sum of $715 for 220 gallons of Old Boone whisky, or a total of $3,825.68;

That of said Scotch whisky on hand, 30 gallons were purchased from the United States marshal for the sum of $60, and 93.61 gallons were purchased from the United States Customs Service for the sum of $327.60, or a total sum of $387.60;

That the 523.90 gallons of wine were purchased for the price of $0.90 per gallon, or the sum of $471.51, and the 20¾ gallons of assorted liquors for the sum of $3.50 per gallon, or a total of $72.63;

That in a letter to the Treasury Department, Bureau of Investigation, under date of September 28, 1927, I. L. Lyons & Co. addressed a communication to the Treasury Department, Bureau of Prohibition, for the purpose of obtaining the necessary permit to effect a sale of the liquors purchased as Old Lewis Hunter rye whisky, to the Frankfort Distillery for rebottling for medicinal distribution, and that in reply to said letter I. L. Lyons & Co. received from the Treasury Department, Bureau of Prohibition, a communication under date of October 6, 1927, in which said communication I. L. Lyon & Co. was advised that from an investigation conducted by the office of the prohibition administrator at New Orleans, the spirits were low in proof and of doubtful character, and that the bottles bore spurious labels and imitation strip stamps; and further, that there was no basis for a belief that the spirits were of the origin and production claimed or that there was any indication that they ever had a legal status prior to their seizure, and that accordingly such spirits could not be bottled in bond and strip stamps affixed thereto, nor could they be sold as bottled-in-bond spirits for medicinal use;

Petitioner further avers that the whiskies, wines, and liquors purchased by it were purchased in the utmost good faith and in complete reliance upon the representations of the said United States marshal and the employees of the United States Customs Service to the effect that said spirits were genuine and could be resold by it for medicinal purposes in its course of business as a wholesaler of drugs;

That since the results of the investigation of the Treasury Department into the character of whisky purchased by it from the United States marshal and from the United States Customs Service, it has reason to doubt the genuineness of all of said whiskies, wines, and liquors purchased by it from the United States marshal and the United States Customs Service, and because of this doubt it alleges upon information and belief that all of said whiskies, wines, and liquors are not genuine and are not fit for resale by it as a wholesaler for medicinal purposes; accordingly that the sales of said whiskies, wines, and liquors to it by the United States marshal and the United States Customs Service should be rescinded and that it should recover from respondent the purchase price of said whiskies, wines, and liquors, which petitioner avers to be the sum of $4,757.39.

I have given enough of the petition to anyone of imagination to lead him in fancy over the Spanish Main and the many adventures that this captured and confiscated booze must have, like many inanimate things, experienced. And what a dismal, sordid, and unromantic end—its virtues once praised by the Government which has turned upon it with epithet and denied it place to legally end its existence via medicinal channels.

I have introduced a bill for the relief of I. L. Lyons & Co. and hope it will soon be passed by the Congress in order that the escutcheon of the country may rest unblemished in its booze transactions, as the court does not apparently see how it can cut the legal Gordian knot.

ADDRESS OF HON. HARRY B. HAWES, OF MISSOURI

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech recently delivered by Senator HAWES on the life and character of Hon. David R. Francis, former Secretary of the Interior, former Governor of Missouri, and former United States Ambassador to Russia.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, St. Louis lost one of its leading citizens when Hon. David Rowland Francis passed away. He had held many positions of public trust—mayor of his city, governor of his State, Secretary of the Interior during the administration of President Cleveland, and ambassador to Russia, appointed by the late President Wilson.

He was president of the Louisiana Purchase Exposition Co., under whose auspices was held the Universal Exposition of 1904 in St. Louis.

Under leave to print, I include a memorial address delivered by Hon. HARRY B. HAWES, United States Senator from Missouri, before the Missouri Historical Society, on the life and character of Governor Francis.

The address follows:

DAVID ROWLAND FRANCIS

Let us visualize David Rowland Francis as he was before suffering from the blighting hand of foreign service.

There was never a finer picture of a real male man. No mollycoddle here, no sentimental theorist, no poser, no sycophant, no straddler, no hypocrite. He was a big man who had big conceptions, surrounded himself with big men and did big things. He had the vision for large things. He went to his objectives in a masterful way, sometimes with impatience, sometimes pushing aside without deference the obstacles that stood in his way. His designs were good and he gained his goal in straightforward combat.

Governor Francis enjoyed a cigar, a horse, a drink; delighted in a bright eye, a pretty face; responded to a good song, a good story, and a good friend. He served his friends, he served his city, he served his State, he served his Nation with both ability and distinction. There is no taint or blemish upon his escutcheon. There is no ugly whisper or scandal left to scar his memory. He hit hard and took some good blows in return; and then reached out to help, to succor, to bind up wounds, to soften things and make life not only more pleasant but more honorable. He carried with him into adventures of great magnitude the heart of a boy. He saw the humorous, joyful things of life, and while demanding his full share he was quick to divide his pleasures with others.

David Francis was a fighter when as a boy he crawled on a coach and sold papers during the war in a small Kentucky town. He was a fighter when in the closing years of his life he faced a mob in a foreign city and, with pistol in hand, defended the ancient "right of castle."

Can't you see him now as on hospital Saturday, with some chosen friends, he visits the booths in the hotels and office buildings, covered with badges, smiling, joking, the picture of health, good spirits, and the very embodiment of good fellowship, the leader, the inspiration of our most popular charity? How many will remember the old days at the Den in the Merchants Exchange, during the Veiled Prophet's Ball, when he led in the queen and, in his inimitable way, made another queen of each maid and each matron?

How he spread sunshine and good fellowship! He knew by first name more men than any other man in the city, and more men knew him and called him "Dave." The "Dave" was not a familiarity; it was esteem, regard, and affection. When the ball game was opened he was there; when a school was dedicated he spoke; when a park was opened he presided; when a new union station was needed he led the way; when a bridge was required he made the plan. He built the very hall in which we are assembled to-night.

In affairs of a city, as in the life of an individual, there comes a time when a forward step must be taken, or the ground already gained will be lost. This period came when the people made Rolla Wells mayor, and with that came the inspiration for the World's Fair and the inspiration and organization came from David Francis.

I will not detain you with an extended discussion of that event. Suffice to say he invited the Nation and the Nation came; he invited the world and the world came. They came from the farms and they came from the small towns, and they came from the factories and from the colleges of learning. They visited our city and they liked it. They found it was a city of homes, of generous impulse, of fine old traditions; a place good to live in, to grow up in, and in which to be buried. They came from the four quarters of the Nation to the heart

of the Nation. They saw the possibilities of trade and commerce. The forward stride which we took then was necessary. It was not a mere plan of advertising, it was an awakening of the spirit of the city to do better things. It kept St. Louis moving forward when she might have stood still. Our progress to-day may be attributed largely to the inspiration of Francis and the wonderful group of patriotic men who surrounded him and united with him in this great enterprise.

David Francis had the graces of the courtly Jefferson. He, like Jefferson, was fond of music, of the dance, of literature, fine paintings, fine horses, courageous men, and amiable women. He liked children and the children all loved him.

Francis helped Grover Cleveland and supported him in office for eight years. He helped Rolla Wells and supported him for eight years. He helped Woodrow Wilson and supported him for eight years. But each President was his President; each governor was his governor; each mayor was his mayor. He believed in orderly government and sustained the office even though he did not approve the man.

Twenty-five years ago the Kentucky Society of St. Louis attended a homecoming celebration in that State. We visited Lexington, where the finest horses were exhibited for our inspection. I remember a great chestnut stallion, with delicate nostrils, small ears, arched neck, long mane, and flowing tail held high. He, by the way, was named "Governor Francis." They brought him out. The governor stroked his nose; he felt his fetlocks; he passed his hand over his glossy mane and the magnificient animal remained perfectly docile, seeming to sense the fact that he was being handled by a friend. A few minutes later another member of the party approached. The great stallion rose in the air, whirled, came down to the ground and kicked; giving his colored attendant much trouble in holding him. The governor stepped quickly to his aid, and the magnificent animal came to attention. I watched the governor with great interest on this occasion. His expression of keen appreciation, his distress at the display of bad temper, his gratification when the temper had passed, and the splendid animal had recovered his poise; the whole incident in fact was characteristic of the man.

Later, on this same trip, we attended the trial of Howard, a mountaineer charged with killing Governor Goebel. As we entered the courtroom a deputy sheriff stood guard at the door. The governor was first in line. The deputy politely asked him if he carried a gun. For a moment there was indecision in the governor's face. Then he smiled. The deputy sheriff said, "Governor, we will check your gun, put it in this barrel and I will return it as you leave the court room." He made the same inquiry of each member of our party. None made a deposit. I looked in the barrel as we passed by, and the bottom was covered with revolvers, each one bearing a tag with the owner's name.

Returning to the hotel, the courthouse incident brought on a discussion of old Kentucky feuds, fights, and duels. Joined by some of the "Kentucky colonels," the stories went back to the Indian days, of the frontier adventures, of Aaron Burr on the Ohio River, of the War of 1812, when Kentucky riflemen—amongst whom was one of Francis's ancestors—took the long march to support "Old Hickory" at the Battle of New Orleans, of the Black Hawk War, in which the frontiersmen held their cabins for an advancing civilization; of the Mexican War, and of the Civil War, in which Kentucky's sons divided. Someone told the governor the amusing story of my grandfather, Richard Hawes, whose inauguration as Confederate governor of the State was interrupted by Buell's artillery; how he finished his speech and rode out of the capital on a mule, shelled by advancing troops, with his speech and State papers in his hat.

This Kentucky history formed the background of the governor's life. He carried it with him in his association with men, in business, in charity, in executive office, and in diplomacy. It was the bold, assertive, determined quality of the frontiersman which had been transplanted into his being and moved his stalwart figure in the front rank of every occupation. He was of Scotch-Irish ancestry, descended from the men who fought for liberty, for tolerance, for local government in the crags and mountains of Scotland. He was a figure like that of Robert Bruce.

We all remember the long and destructive filibuster at the close of the last session of Congress, led by Senator DAVID REED, of Pennsylvania. Our senior Senator, REED of Missouri was trying to break the filibuster and secure a vote. These two Senators are distant cousins, both Scotch-Irish. In the cloakroom one evening a tired Senator was complaining of the futility and waste of time in the contest. Some one referred to the relationship. Another said: "They are both Scotch-Irish; what can you expect?" And one of the auditors, turning away, said: "They may be both Scotch-Irish, but for the last week it has been more Irish than Scotch." And so it was with the governor. Sometimes in fighting mood, the Irish was on top, and sometimes the shrewdness of the Scotchman prevailed, and when the two combined, it made the combination which has left its impress throughout America.

When young David Francis first came to St. Louis he founded his career on the old Merchants Exchange. That was the period when steamboats lined our wharves, when the Merchants Exchange was the heart and center of every activity in St. Louis. It was the place where the Veiled Prophet's Ball was born; where great public movements were inspired; from which came Seth Cobb, Governor Stanard, and men who contributed to our civic and State development.

On its floor each day there were miniature battles. They were gained by quick decision, by a strong voice, by a hand raised quickly, by an offer, or a trade, by a bargain, which men made without paper or signed agreement. It was one man's word given to another. It required quick thought, quick action, quick decision, and this early training was responsible for many of the dominant traits of leadership in Francis.

As president of the Merchants Exchange he quickly attracted city-wide attention. He was made mayor of the city. As mayor he grew in popularity in the State and, surrounded by a small coterie of loyal friends, the early political days of Francis, associated with Rolla Wells, Breckinridge Jones, Charley Maffitt, and Fred Zeibig, formed a group of big, patriotic business men who did things, and while attending to business and social engagements they made real contributions to political advancement.

Francis attended the wedding; he kissed and danced with the bride; he sent the silver spoon or cup to the baby; he acted as pall-bearer and followed the friend's body to the grave; he seemed to have time in the midst of a busy career to do these human things and become the best-known man in St. Louis. Travel where you might in any part of the world, and the query was, "How is Governor Francis?" His personality had carried far beyond the confines of his own State. In distant lands, wherever men travel, they knew the big Missourian. He was a "round-table" man, and, while fond of talking, he had the fine faculty of making other men talk.

Rarely did he go alone. He loved companionship. When he moved or visited, he was usually in company with two or three companions. He drew attention and held it; made other people do things under his inspiration who were unaware of the fact that he had caused them to act. He was proud of what he called his "thirty-six feet of sons." These six sons were selected to carry the father and chieftain to his grave.

As mayor of St. Louis, Francis gave a business administration. He paved the city, reduced the rate of interest paid on the public debt, bought the site for the new water works at the Chain of Rocks, reduced the cost of gas, and forced a great railroad corporation to pay a million dollars into the city treasury. As governor he attracted national attention by the vigor of his administration. He was a new kind of governor for that day. Putting business methods into operation, he resurrected and put the National Guard upon a permanent basis, passed the Australian ballot system, created a school-book commission and uniform textbooks, created a geological survey, established stable State finances, and followed the same course he pursued as mayor with industry and administrative understanding. He reorganized the State university, created an endowment fund and popularized that institution. As Secretary of the Interior he studied the problems of the West. His long and intimate knowledge of the farmer and grain was helpful.

Governor Francis liked the "big outdoors," and had as his field assistant William Zevely, a devoted follower and indefatigable worker of the same warm and genial character as the governor. During both administrations of Grover Cleveland, Francis was his close friend and political adviser. Their contact was intimate, and the great New Yorker relied upon his judgment in making political appointments.

He was sent as a delegate to the Baltimore convention in support of Missouri's favorable candidate, Champ Clark. He helped organize the convention; was one of the floor leaders who saw Champ Clark's lead reach a majority. Later he gave his tireless energy in support of Woodrow Wilson, and his popularity, wide acquaintance, and reputation as a substantial business man was of inestimable help in both the Wilson elections.

Although in very poor physical condition, Governor Francis attended the last Democratic convention in New York, and was an interested spectator during its long struggle. While ill health prevented active participation, he followed the fortunes of the Jefferson party with interest and enthusiasm to the end.

It was the followers of Jefferson who made Francis mayor. It was the followers of Jefferson who elected him governor. It was a student of Jefferson who placed him in his Cabinet; and it was a real disciple of Jefferson who appointed him ambassador. How appropriate then, in this memorial of Jefferson, is a discussion of the man whose distinctions in life came from the supporters of Jefferson. He was never offensive in his partisanship, and, while he kept his party's faith, he retained as well his personal friends. When he accepted his last political assignment he was three score and five. Far-seeing men at that time knew we could not long remain out of the struggle; the whole world was at war.

One of the scenes of greatest tragedy was in Russia, the country to which he was assigned. Its borders had been drenched in blood; its civil government was dead; it was a scene not only of civil decay and war, but it was the center for schemers and plotters of all nations. It was the spot where men of various nationalities were trying to destroy

not only the bodies of men, but their minds. It was there that the great battle of propaganda was fought.

Governor Francis went not only courageously but blithely to his post of danger. It was his last call for public service, and he answered it. He left his family, and his business to the management of his sons, at a period when the perplexities and uncertainties of the time demanded his personal presence to preserve the fortune which he had built up during years of struggle. I remember his words, the fire and emphasis of his departing speech, in his farewell to his fellow townsmen:

"If my Government, in its wisdom, calls me to an important post which it thinks I am competent to fill on account of my years or my experience in domestic government, or in national or international commerce, I would be a poor citizen indeed if I permitted personal interests, or friendly associations, or love of ease, or even ties of consanguinity, to interfere or to prevent a favorable response on my part.

"Fear of jeopardizing whatever of reputation I may have gained in public affairs or in commerce is not one of my guides of action. If it were, I should be a coward, and unworthy of the respect of my fellows."

This was the Francis spirit. He went upon his duty and his duty brought his death. He accepted a position with nothing but hardship ahead, physical danger, and diplomatic uncertainty. The careful politician would have refused. The cautious diplomat would have declined. It was not a place in which to seek honor or publicity. It was an assignment of hard, dangerous, thankless work.

Francis's contribution to American history will be written later, but even now we know it will be a chapter of American courage. I was in Spain when a number of those who were attached to his embassy in Russia arrived. They sought me to tell of their admiration and love for their chief, especially for his courage in demanding respect for Americans. In listening to their praise, I felt a reflected glory as a fellow-citizen and a friend.

We remember the attack of the mob upon the American Embassy in Russia. Our ambassador sent the faithful Phil for his gun. "Stop," commanded the ambassador, facing the mob. "This is not Russian, it is American territory; you can not put your foot in here!" But the mob pushed forward. Again he said: "This is American territory. I will kill the first man that crosses the threshold!" The mob wavered. He displayed his weapon and the mob broke and went away.

No marines were there for Francis; no policemen. With his own revolver he stopped the mob. It was the fine old spirit of the frontier. It was part of the best traditions of Kentucky and Missouri. At that time he was not an ambassador; he was the frontiersman guarding the sacred threshold! When St. Louis erects the statue to the ambassador, I would have it a reproduction of this scene in the land of the Czar and the Bolshevik. Francis on the threshold of an American domicile; Francis saying, "This is American territory. I will kill the first man that crosses the threshold!"

Had he lived in the days of Scottish feuds he would have wielded a broadax or twanged a giant bow. Had he lived during the Crusades he would have straddled a horse and with vizor down charged the infidel. Had he lived during the Revolution he would have been one of the ragged soldiers who followed the tattered flag of Washington. He would have shouldered a rifle and followed Andrew Jackson to the Battle of New Orleans. These were not his times. But he was part of the World War and the last American to leave that living hell of carnage, rapine, and human slaughter. When government disappeared and torch and bomb struck and destroyed one of the oldest governments in the world he sent his secretaries and all of his attachés first, then followed last, with his faithful colored man.

The governor loved his country and would have sacrificed and fought for it at any period of its history. He was that kind of man. Just a few days before the armistice was declared our ambassador was carried by sailors on board ship at Archangel. This closed three years of service in a distracted country and was the beginning of the physical end. Even his great frame at his age could not stand the strain. But the break did not come until his full duty had been performed.

It must be remembered that Governor Francis never lost faith in the great body of the Russian people and predicted that time would bring a stable and sane government. And he desired to live that he might assist in the coming rehabilitation. Upon his return home one of our famous quartettes composed and sang a song. It was not classical, but it was the feeling of St. Louis then, and the city is of the same opinion now:

"He's a roving son of liberty, our townsman, and our Dave;
He saw the old red terror where the Czar went to his grave;
But he stayed right there on duty when a man must needs be brave;
And we're proud to get him back to old Missouri.
He's one of the war's great heroes, our own big native son;
He was there for Uncle Samuel when he needed things well done;
He held the fort in Petrograd, and didn't know how to run;
And he's mighty welcome back to old Missouri."

Governor Francis gave his old mansion, the scene of World's Fair festivities, the meeting place of business leaders and statesmen, to the Boy Scouts and the Junior Chamber of Commerce. He gave a park to St. Louis, a drinking fountain to Missouri University, and gave freely of his heart and brain for everything that went to make a better city and a greater State.

The governor enjoyed a story; he told good ones himself. He led the laugh; his was the hand that first applauded. He said the helpful word and slapped the back in approval. He was a gracious host and an appreciative guest. Always the leader; in civics, in society, in business, in politics, in sport, David Francis was first. As one of our papers editorially expressed it, he was "our most distinguished St. Louisian."

Let us think of David Rowland Francis frequently; call up his recollection often; and in this, the memorial he erected and named for Jefferson, keep a special place for him and the story of the part he played in the growth of our city, in the development of our State, in the national halls at Washington, and in the foreign land in which he exhibited the frontier spirit of Kentucky and Missouri.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. CHASE, on account of illness in his family.

Mr. KERR, until further notice, on important public business.

Mr. SPEAKS, for two days, on account of illness.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 8, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 8, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To hear private bills.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Chemicals, oils, and paints, January 8, 9.
Earths, earthenware, and glassware, January 10, 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6, 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

RIVERS AND HARBORS COMMITTEE

(10.30 a. m.)

To consider a project to improve Indiana Harbor, Ind.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

(10 a. m.)

To amend section 15a of the interstate commerce act, as amended (H. R. 8549).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(10 a. m.)

To regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park (H. R. 6055 and H. R. 8746).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

727. A letter from the Secretary of the Navy, transmitting draft of a bill for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man, third class, United States Navy; to the Committee on Naval Affairs.

728. A letter from the Secretary of Commerce, transmitting report with a brief statement of the action of the department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1928; to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 365. A joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes; with amendment (Rept. No. 2028). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 10774. A bill for the relief of the Carlisle Commission Co.; with amendment (Rept. No. 2026). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 13638. A bill for the relief of Weymouth Kirkland and Robert N. Golding; with amendment (Rept. No. 2027). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15788) granting an increase of pension to Rosella Leighton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15956) granting a pension to Edward Chaney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 15968) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. FREE: A bill (H. R. 15969) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15970) to grant certain lands of the United States of America in the parish of Plaquemines, La., to the Board of Levee Commissioners of the Orleans levee district, and for other purposes; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 15971) to increase the minimum fine for certain offenses under the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LAGUARDIA: A bill (H. R. 15972) to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15973) granting a pension to Lizzie C. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15974) granting an increase of pension to Mary A. Hinger; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 15975) for the relief of Nelson King; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 15976) for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy; and Paul Franz, torpedo man, third class, United States Navy; to the Committee on Naval Affairs.

By Mr. BROWNE: A bill (H. R. 15977) granting a pension to Pamela Hogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15978) granting an increase of pension to Laurence Bendixen; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 15979) to place Sprague B. Wyman on the retired list of the United States Army as a captain; to the Committee on Military Affairs.

By Mr. CLARKE: A bill (H. R. 15980) granting an increase of pension to Anna Green; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 15981) granting a pension to Alfred Bryant; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15982) for the relief of Robert Clyde Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 15983) granting a pension to Thomas Regan; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 15984) granting a pension to Helen Deets; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15985) granting a pension to Lou Shoemaker; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 15986) granting an increase of pension to Sarah M. Pursell; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 15987) for the relief of Patrick J. Lynch; to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 15988) granting an increase of pension to Lucetta J. Smith; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 15989) for the relief of Harold Lytle; to the Committee on Naval Affairs.

Also, a bill (H. R. 15990) to reimburse Yalmar G. Swanson for injuries sustained and for damages to his car in an accident with a truck operated by a United States marine; to the Committee on Naval Affairs.

By Mr. HAMMER: A bill (H. R. 15991) granting a pension to Sarah D. Rich; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 15992) granting a pension to Mary Ellen Wilson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15993) granting a pension to So-Kone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15994) granting a pension to John Littlechief (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15995) granting a pension to Tone-Moh (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15996) granting a pension to Keah Bone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15997) granting a pension to Mo-Cha-Chi (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15998) granting a pension to Aut-Do Mourner (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15999) granting a pension to Poolaw (Indian); to the Committee on Pensions.

Also, a bill (H. R. 16000) granting a pension to Haungooah, or Haw-Gone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 16001) granting a pension to Paukei, or Poaque (Indian); to the Committee on Pensions.

By Mr. KING: A bill (H. R. 16002) granting a pension to Clara Shatlain; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 16003) granting an increase of pension to Sarah J. Bates; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 16004) for the relief of Frank L. McCoy; to the Committee on Military Affairs.

Also, a bill (H. R. 16005) granting an increase of pension to Adah Z. Walker; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 16006) granting a pension to Susannah Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) for the relief of Harry H. Doescher; to the Committee on Military Affairs.

By Mr. MAPES: A bill (H. R. 16008) granting a pension to William E. Bjork; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 16009) granting a pension to Sarah Whoberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16010) granting a pension to Rosa Bare; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16011) to authorize an appropriation for the relief of I. L. Lyons & Co.; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 16012) granting an increase of pension to Charles M. Sabins; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 16013) granting an increase of pension to Jemima McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16014) granting an increase of pension to Almeda J. McBride; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 16015) granting an increase of pension to Margaret A. Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16016) granting an increase of pension to Glennie E. Smith; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 16017) granting an increase of pension to Helen E. Harrod; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 16018) granting a pension to Robert H. Harp; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 16019) granting an increase of pension to Hannah Stice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16020) granting an increase of pension to Nancy Garringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16021) granting an increase of pension to Sarah C. Gillespie; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16022) granting an increase of pension to Elizabeth McCurdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16023) granting a pension to Edith Patton; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16024) granting an increase of pension to Rachel Hubbard; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 16025) granting an increase of pension to Joseph M. Murtha; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8163. By Mr. CRAIL: Petition of Branch 24 of the National Association of Letter Carriers, of Los Angeles, Calif., favoring the passage of Senate bill 1727; to the Committee on Rules.

8164. By Mr. CULLEN: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, unanimously favoring the passage of House bill 9138; to the Committee on Pensions.

8165. By Mr. GARBER: Petition of Chamber of Commerce of the State of Oklahoma, indorsing and requesting that the Army engineers develop speedily the reservoir projects to control the tributaries as directed by Congress, in the interests of the Nation's protection and development; to the Committee on Flood Control.

8166. By Mr. O'CONNELL: Petition of the Institute of Margarine Manufactures, Washington, D. C., favoring the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8167. By Mr. QUAYLE: Petition of Merchants' Association of New York, favoring additional Federal judges for the city of New York; to the Committee on the Judiciary.

8168. Also, petition of Institute of Margarine Manufacturers, Washington, D. C., favoring the passage of the Haugen bill (H. R. 10958), a bill which broadens the definition of oleomargarine; to the Committee on Agriculture.

8169. Also, petition of Central Federation of Women's Clubs, of Dublin, N. H., urging increased appropriations for the Indian Service; to the Committee on Indian Affairs.

8170. Also, petition of the Standard Wholesale Phosphate and Acid Works, Baltimore, Md., opposing the passage of legislation to place a duty on disease-freed seed potatoes imported from Canada; to the Committee on Ways and Means.

8171. Also, petition of the General Harrison Gray Otis Post, No. 1537, Pasadena, Calif., favoring the passage of House bill 6523; to the Committee on Military Affairs.

8172. Also, petition of the Guaranty Co. of New York City, N. Y., favoring additional appropriations to the Postmaster General to enforce the postal fraud laws; to the Committee on the Post Office and Post Roads.

8173. Also, petition of the National Lumber Manufacturers' Association, of Washington, D. C., favoring legislation to include the control of lumber; to Committee on Interstate and Foreign Commerce.

8174. By Mr. WYANT: Petition of D. M. Irwin, Richard Campbell, and H. M. Zundel, committee of Captain George A. Cribbs Post, No. 276, Grand Army of the Republic, Greensburg, Pa., protesting legislation appropriating money for glorification of the "Lost Cause"; to the Committee on Ways and Means.

SENATE

TUESDAY, *January 8, 1929*

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

The message also announced that the House had passed the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 13506. An act fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. 194);

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14155. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct and operate a free highway

bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.;

H. R. 14802. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio;

H. R. 15013. An act to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets the Texas Highway No. 45;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Ave., in Cook County, Ill.;

H. R. 15081. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park;

H. R. 15202. An act granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.;

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; and

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

JUDGMENTS RENDERED AGAINST THE GOVERNMENT (S. DOC. NO. 192)

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States District Court for the Northern District of California (under the Treasury Department) in amount $366,009.63, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States district courts in special cases, as follows: Under the Navy Department, $47,870.51; under the War Department, $1,886.20; total amount, $49,756.71; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 193.)

JUDGMENTS OF THE COURT OF CLAIMS (S. DOC. NO. 194)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims and requiring an appropriation for their payment as follows: Under the Navy Department, $132,091.95; under the Department of the Interior, $100,000; under the War Department, $689,147.82; total amount, $921,239.77; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. DOC. NO. 195)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, schedules of claims amounting to $180,371.43, allowed by the various divisions of the General Accounting Office, under appropriations the balances of which have been carried to the surplus fund under the provisions of law, and for the service of the several departments and independent offices; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF FRANK MURRAY (S. DOC. NO. 196)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a claim allowed by the General Accounting Office, under certificate of settlement No. 0195121, in favor of Frank Murray, of Lac du Flambeau, Wis., in the amount of $3,000; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. PHIPPS presented telegrams in the nature of petitions from Mrs. James Van Lier Rush, president Denver Federation of Federated Women's Clubs; Mrs. J. P. Wright, chairman special committee Federation of Women's Clubs, Denver; Mrs. Hester M. Smith, president Colorado State Federation of Business and Professional Women's Clubs; the Rotary Club of Grand Junction; Mrs. James Rae Arneil, general chairman Colorado Committee on the Cause and Cure of War; Mrs. Max Michaelson, president Denver section National Council of Jewish Women; Mrs. Mary A. O'Fallon, president Diocesan Council of Catholic Women, Denver; Rev. C. O. Thibodeau, pastor Methodist Church, Greeley; and Rev. Walter H. Manning, pastor First Methodist Episcopal Church, Colorado Springs, all in the State of Colorado, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of the American History Class of the Hendersonville High School and sundry citizens of Asheboro, Greensboro, Raleigh, Charlotte, George, Woodland, Conway, Snow Camp, Salem, East Bend, High Point, Asheville, Rich Square, Wilson, and Brevard, all in the State of North Carolina, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BLAINE presented a petition of 21 citizens of Montfort, Wis., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

He also presented resolutions of the Woman's Foreign Missionary Societies of Brandon and Oshkosh, in the State of Wisconsin, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. GILLETT presented petitions of members of the First Methodist Episcopal Church of Holliston; members of the Girl Reserve Clubs of the Young Women's Christian Temperance Association of Worcester; members of the Central Woman's Christian Temperance Union of Springfield; members of the Woman's Christian Temperance Union of South Westport and Dartmouth; and sundry citizens of Amherst, Lawrence, Lynn, Methuen, North Adams, Walpole, Williamstown, Heath, Shelburne Falls, and Sharon, all in the State of Massachusetts; and of sundry citizens of West Virginia and New York, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented numerous petitions signed by approximately 10,000 citizens of the State of Massachusetts, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. CAPPER presented resolutions of the Woman's Christian Temperance Unions of Wichita, La Crosse, Carlyle, Viola, Alton, Athol, Almena, Bronson, Tyro, Kansas City, Ransom, Hiawatha, Natoma, Hill City, Hays, and Garden City; and of the Sunday School of the First Presbyterian Church, of Hiawatha; the Men's Bible Class of the Baptist Church, of Atchison; the Evangelical Church, of Osborn; the Men's Bible Class of Wichita; the Delphina Society, of Almena; Sunday School classes of Tyro; the Central Christian Church; Burnside Post, Grand Army of the Republic; the Sunday School of the Wyandotte Avenue Methodist Episcopal Church, and the Sunday School of the Washington Avenue Methodist Episcopal Church, of Kansas City; the East Side Methodist Episcopal Church, and the Ladies' Sunday School class of Potwin Presbyterian Church, of Topeka; the United Brethren Church, of Athol; and the Phitatha Sunday School class of the Methodist Episcopal Church, of Burns, all in the State of Kansas, praying for the prompt ratification of the so-called Kellogg multilateral treaty

for the renunciation of war, which were ordered to lie on the table.

Mr. ODDIE presented telegrams in the nature of petitions from the treasurer of the American Association of University Women; the President of the League of Women Voters of Nevada, and other citizens of Reno, Nev., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table, and, on request of Mr. ODDIE, to be printed in the RECORD, as follows:

RENO, NEV., *December 17, 1928.*

Hon. TASKER L. ODDIE,

United States Senate, Washington, D. C.:

American Association University Women urge a favorable vote on peace pact.

By treasurer.

ANNA LOOMIS,
Frandsen Apartments, Reno.

RENO, NEV., *December 16, 1928.*

Senator TASKER L. ODDIE,

Washington, D. C.:

We have canvassed the State and find the sentiment to be for the Kellogg treaty. We hope you will throw all your influence toward the passage of the pact.

Mrs. Jesse O. Beatty, president of League of Women Voters, Mr. and Mrs. H. R. Cook, Mrs. Frank Humphreys, Mr. and Mrs. B. D. Billinghurst, Mr. and Mrs. A. E. Hill, Mr. Sam Pickett, Mr. and Mrs. A. A. Blackmer, Mr. and Mrs. Robert Price, Mrs. T. W. Traner, Mrs. O. G. Purdy, Mrs. Karl Lehnert, Mrs. Henrietta Spann, Mrs. Charles Mapes.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5241) to provide for the construction of buildings and appurtenances for the Coast Guard Academy; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 5242) to authorize the continuation in research in certain cases of specialists to be retired for age from the Federal employ, and for other purposes; to the Committee on Civil Service.

By Mr. THOMAS of Oklahoma:

A bill (S. 5243) for the relief of Jerry Branham; to the Committee on Military Affairs.

By Mr. ODDIE:

A bill (S. 5244) to authorize an exchange of lands between the United States and the Utah Construction Co.; to the Committee on Public Lands and Surveys.

A bill (S. 5245) to purchase land for the Indian colony near the city of Ely, Nev., and for other purposes; and

A bill (S. 5246) to authorize an additional investigation with respect to the construction of a dam across the Owyhee River, to be located on the Duck Valley Indian Reservation, Nev., and providing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 5247) granting a pension to Lenore La Hue;

A bill (S. 5248) granting a pension to John Whyte;

A bill (S. 5249) granting an increase of pension to Fred Erton; and

A bill (S. 5250) granting an increase of pension to Retta L. Pennington; to the Committee on Pensions.

By Mr. FESS:

A joint resolution (S. J. Res. 185) to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.; to the Committee on Public Buildings and Grounds.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I gave notice yesterday that I would like to take up this morning the conference report on the Interior Department appropriation bill, H. R. 15089. However, the Senator from Montana [Mr. WALSH] is ill this morning and it is impossible for him to attend the session of the Senate to-day. That being the case I am going to ask that the conference report be not considered to-day as I gave notice on yesterday it would be. I shall hope to be able to call it up to-morrow.

Mr. McKELLAR. If the Senator from Montana is here?

Mr. SMOOT. If he is not here, I think his colleague the junior Senator from Montana [Mr. WHEELER] will speak for himself as well as for the senior Senator from Montana.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Barkley	Frazier	McLean	Shipstead
Bayard	George	McMaster	Shortridge
Bingham	Gerry	McNary	Simmons
Blaine	Gillett	Mayfield	Smoot
Blease	Glass	Metcalf	Steck
Borah	Glenn	Moses	Steiwer
Brookhart	Goff	Neely	Stephens
Broussard	Greene	Norbeck	Swanson
Bruce	Hale	Norris	Thomas, Idaho
Burton	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Trammell
Caraway	Hastings	Overman	Tydings
Copeland	Hawes	Phipps	Vandenberg
Couzens	Hayden	Pine	Wagner
Curtis	Heflin	Ransdell	Walsh, Mass.
Dale	Johnson	Reed, Mo.	Warren
Deneen	Jones	Reed, Pa.	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Edge	Keyes	Robinson, Ind.	Wheeler
Edwards	King	Sackett	
Fess	La Follette	Schall	

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague the junior Senator from Tennessee [Mr. TYSON] on account of the death of his mother. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is detained by illness in his family. This announcement may stand for the day.

Mr. WHEELER. I desire to announce that my colleague the senior Senator from Montana [Mr. WALSH] is detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

UNITED STATES MILITARY ACADEMY

Mr. REED of Pennsylvania. Mr. President, on yesterday after the passage of the bill (S. 4644) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy, it was discovered that the House on yesterday afternoon had passed a House bill which is word for word the same as the Senate bill. I thereupon moved a reconsideration of the vote by which the Senate bill was passed in order to hold it here. Now I ask unanimous consent, as in legislative session, that the vote by which Senate bill 4644 was passed may be reconsidered; that House bill 14813 may be substituted therefor; that the House bill may be considered and passed; and that the Senate bill (S. 4644) may be indefinitely pstponed.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy, was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAKE MICHIGAN BRIDGE

Mr. DENEEN. Mr. President, as in legislative session I ask unanimous consent that House bill 15333, just received from the House, may be taken up and considered. The same situation exists with reference to it as to the bill referred to by the Senator from Pennsylvania [Mr. REED]. A House bill relating to the same matter was passed by the House on yesterday afternoon and immediately upon learning of that fact I entered a motion to reconsider the vote by which the Senate passed the bill (S. 4915) granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

I now ask unanimous consent that the vote by which the Senate bill was passed be reconsidered and that the Senate

bill be indefinitely postponed, and that the Senate proceed to the consideration of the House bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill (H. R. 15333) granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill., was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOX RIVER BRIDGES AT AURORA, ILL.

Mr. DENEEN. Mr. President, a like situation exists as to Senate bill 4744, granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois, and likewise with reference to the bill (S. 4745) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois. Similar bills were passed by the House on yesterday afternoon, and I, immediately upon learning of that fact, entered a motion to reconsider the votes by which the two Senate bills were passed. I now ask unanimous consent that the votes by which the Senate bills were passed may be reconsidered and that the Senate bills may be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DENEEN. Now, let the House bills be put on their passage.

The bill (H. R. 14473) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois, was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 14474) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois, was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;* to the Committee on Naval Affairs.

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park; to the Committee on Public Lands and Surveys.

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; to the Committee on Appropriations.

H. R. 13506. An act fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs; and

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194); to the Committee on Indian Affairs.

H. R. 14153. An act to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch;

H. R. 14155. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 15013. An act to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928; to the Committee on Military Affairs.

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street, in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15081. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15202. An act granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.; and

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.; to the Committee on Commerce.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war, transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BRUCE. Mr. President, when I concluded my remarks yesterday I had been saying, among other things, that there were several distinct views that might reasonably be formed as to the practical value of the Kellogg peace pact. I had said that one view that might reasonably be entertained about it was that it was a brutum fulmen, a mere pompous gesture, and that idea I endeavored to expound as effectively as I could. This morning I desire to take up two other views that might reasonably be formed about it.

One view is that it is even worse than a mere parchment futility, because its tendency is to lull our people into a false sense of national security and to lead them to believe that paper professions and promises can take the place of adequate naval and military defenses. In other words, it may be forcibly argued that the tendency of all sanctionless pacts, such as the Kellogg pact, is to create the impression that there is no need for a nation to rely upon the strong hands and stout hearts of its people and adequate preparation in the form of military and naval armaments for its safety at that critical hour involving its welfare, or perhaps even its life, which may at any time come. It fosters the feeling in the bosoms of a large element of the population of the United States, which seems to be becoming

larger and larger, that to secure international peace all that it is necessary for us to do is to see to it that sermons, Sunday school lectures, and parlor or pink-tea addresses are delivered from time to time picturing the benevolent aspects and the blessings of peace; in other words, to use figurative language, this pact tends to develop the idea that peace can be secured by merely donning white robes, wings, and pious aureoles and crying incessantly, "Peace, peace, perfect peace."

That idea has been the death, as human history shows, of more than one free and independent nation. That was to some extent the condition of mind, as I remember at this moment, of the wretched Christians of Asia Minor who had been taught that when one cheek was smitten the only thing to do was to turn the other to the smiter, when Mohammed and his fierce adherents issued from the deserts of Arabia and brought down havoc, ruin, and death upon them. It seems to me that the danger at the present time is that the martial spirit of our people may become too enervated to face another great war. Surely the last World War is not so remote that we do not recall what a "lunatic fringe," to use the graphic phrase of Theodore Roosevelt, of imbecile pacifism, we had to brush aside before we could get down with our allies to the task of preserving the liberties and the civilization of the world. That such a lunatic fringe as that exists to-day can not for a moment be denied.

Only a few months ago a group of ladies called at my office and said that they wished my support for an amendment to the Federal Constitution which they were desirous of having adopted. I said, "Let me see a copy of the amendment." It was handed to me and I read it. It contained just two sections—one called for the immediate disbandment of the Army and Navy of the United States, and the other for the immediate destruction of all the ordnance and military and naval supplies of every sort of our Army and Navy. I said to one of those good ladies, "How would you feel if when you went back to Baltimore to-night you were told that the police force of that city had been disbanded, and that there was no reason, so far as police interposition was concerned, why your throat might not be cut in the dead of the night by some murderer?"

It was not until I used that illustration that the lady seemed to form any sort of accurate comprehension of what military and naval defenses are intended for.

It was only two days ago that another woman constituent of mine—no; I do the sex an injustice; I should have said—masculine constituent of mine wrote to me expressing the hope that I would vote for no addition to our Navy. I wrote back to him that I most assuredly would vote for the addition of 15 cruisers to our naval strength, and stated that I would just as soon think of not doing so as I would think of scrapping the pistol that I have kept for 30 years in a drawer beside my bed in my home in the country near the city of Baltimore.

It was only yesterday that I called attention to another proposed amendment of the Federal Constitution which for all practical purposes pledges this country of ours never to engage in war of any kind, offensive or defensive. If our people are further to undergo such degeneracy of spirit as I have illustrated, it will make but little difference to any powerful foreign country when the hour of provocative passion or ambition comes whether we have 120,000,000 people within our borders or not. So, I say that it is a reasonable view also to take of this pact that it tends, and dangerously tends, to produce a spirit of effeminacy in our people well calculated to render them incapable when the time comes of effectively meeting the exigencies of a state of war.

But there is another view that it seems to me may reasonably be taken of the Kellogg pact, and that is the view that I personally take of it and which will control my vote in relation to it when the time for ratifying it or rejecting it comes. And I not only expect to vote for the ratification of the pact but I expect to vote for its ratification without any reservations whatsoever, in view of the interpretative notes which attend it and which I think safeguard it, so far as it needs any safeguarding or is worth any, as effectively as we can reasonably ask. The tendency of the pact—I trust its not too marked tendency—is to substitute a peace psychology for a war psychology, to strengthen the disposition of our people to enter into closer working relations with the other great peoples of the world for the preservation of international peace, and to make it easier for us than it has been in the past to devise with those other peoples proper measures for that purpose. But, above all, I propose to vote for the ratification of the Kellogg pact because I agree with the statesmen of England and other European statesmen in believing that it at least measurably tends to draw our country into the only two institutions in the world to-day that hold out any real promise of international peace—that is to say, the World Court and the League of Nations.

It is perfectly obvious to my mind that some of the countries that have signed the Kellogg pact would never have done so had they not believed that it sets up a distinct, definite milestone for us on our way to the World Court and the League of Nations.

I know that this idea is not relished by all the Members of this body, whether on one side or the other of this Chamber; but, all the same, in my judgment it is a substantial, thoroughly warranted idea, as future events will doubtless demonstrate.

As I said a few days ago, almost all of these latter-day peace propositions have been suggested by our Government not so much from the desire to promote world peace as to provide for the exigencies from time to time of the Republican Party. There is in this country a powerful sentiment—there can be no doubt about that—in favor of promoting by all reasonable means the establishment of world peace. Consequently, whenever any important election comes along the Republican Party finds it necessary to concoct some new peace device with which to allay the impatience of thousands of its adherents. First, as I said a few days ago, it was the spectral association of nations conjured up by President Harding, only to be dismissed as soon as he was elected. Then, of course, there was the tremendous sheaf, which later followed, of arbitration and conciliation pacts, largely designed for the purely partisan purpose of drawing off the fire of the popular sentiment in this country that we should share, along with all the other great powers of the world, the responsibility of human civilization for world peace; and then still later those arbitration and conciliation treaties were followed by the imbecile suggestions of the present school of extravagant pacifists, altogether Republican so far as my knowledge goes, which would fain trust wholly to paper guaranties for our national safety. All these deceitful peace moves have either been initiated or adopted by the Republican Party for the purpose of preventing our country from getting back to the point where it fell into the tragic error of deserting the grand vision of world peace formed by that great statesman, Woodrow Wilson, and of allowing itself to be diverted into a pathway which has led to nothing except such "noble gestures," to use the language in the present debate of the Senator from Virginia [Mr. SWANSON], as the Kellogg pact.

Nothing is more certainly written in the book of fate, nothing has the finger of God more surely traced upon the future of humanity, than the fact that sooner or later this country will revert to the World Court and the League of Nations and become a participant in the splendid, generous, humanitarian effort which almost all the civilized powers of the earth except the United States are making to bring international warfare to an end.

A few days ago the distinguished Senator from Idaho [Mr. BORAH] said—I know he said it in no unkind spirit, because that is never his attitude toward me, I am glad to say, under any circumstances—that I was but an advocate of brutal force in the international relations of the world. In saying that he did me a great injustice. There is not a human being who cherishes a profounder, a more intense hatred than I do of aggressive war in all its ruthless and rapacious forms. I do not hesitate to assert that I think that the primary object of humanity throughout the world to-day should be to devise adequate means for holding international warfare in check. I do not hesitate to declare that to me it seems impossible that any rational man or woman can have anything but execration for war in other than its purely defensive forms. It is the greediest of all the rat holes into which the wealth of the world escapes; it is the vilest Moloch that was ever begrimed with human blood and tears.

The only war, aside from some purely domestic and defensive wars, that I can conceive of as having any palliative feature is war waged against war. But what I mean to say is that I can not imagine anything more visionary—I had almost said more despicable—than some vague, vain dream of international peace that is to be realized only by the bare will to peace. That is the kind of thing that the Quaker poet Whittier had in mind when he penned his line, "Peace unweaponed conquers every wrong."

If international peace is ever to be achieved, it can only be by institutionalizing it in the form of World Court and League of Nations, and by policing it with some such international police force as that which Theodore Roosevelt, with his practical intellect and vigorous nature, declared to be absolutely indispensable for the success of such a league as the League of Nations.

To that sort of peace I unqualifiedly subscribe. To that sort of peace I have endeavored to lend my feeble aid by every means in my power for years past. I thank God that, to use the in-

spired language of the Scriptures, to that heavenly vision at least I have never been disobedient.

But it is a curious fact, as illustrating the capricious and uncertain way in which the human intellect works, that many a man and woman in this country imagines that to secure international peace it need not be policed in any form at all, indeed, need not be backed by any sanctions at all, and that notwithstanding such men or women would doubtless set down anyone as an absolutely stark, irresponsible fool who suggested that crime could be kept under in a city without police coercion, or that crime and insurrection could be kept under in a State of the Union without having at hand for emergencies such a thing as a militia, or that rebellion, insurrection, and crime could be kept under in the United States without having at hand such a thing as an Army or a Navy.

I am glad that I am not one of those individuals in public life who are prepared to preach the mere gospel of despair with respect to the curse, the scourge, of international warfare. That war will ever be totally banished from the earth, of course, I do not believe, any more than I believe that crime will ever be totally expelled from the city of Chicago, the city of New York, or the city of Baltimore. But I think that the effective safeguarding of international peace, for all substantial purposes, is an entirely practical and feasible thing if only the right methods of preserving it are adopted; and that sooner or later those methods will be adopted. I harbor no doubt, as I have already intimated.

Therefore, entertaining the views which I have last expressed, I think that the wisest conception to form of the Kellogg pact is that, no matter how feeble its direct or immediate effect may be in promoting international peace, its face is set in the right direction, and that it may be reasonably hoped that the action of all the great civilized countries of the world in signing it will have some appreciable influence in ushering in the day when war will at least be sternly kept within very narrow bounds by the united efforts of those countries.

Mr. MOSES obtained the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Sheppard
Barkley	Frazier	McLean	Shipstead
Bayard	George	McMaster	Shortridge
Bingham	Gerry	McNary	Simmons
Blaine	Gillett	Mayfield	Smoot
Blease	Glass	Metcalf	Steck
Borah	Glenn	Moses	Steiwer
Brookhart	Goff	Neely	Stephens
Broussard	Greene	Norbeck	Swanson
Bruce	Hale	Norris	Thomas, Idaho
Burton	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Trammell
Caraway	Hastings	Overman	Tydings
Copeland	Hawes	Phipps	Vandenberg
Couzens	Hayden	Pine	Wagner
Curtis	Heflin	Ransdell	Walsh, Mass.
Dale	Johnson	Reed, Mo.	Warren
Deneen	Jones	Reed, Pa.	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Edge	Keyes	Robinson, Ind.	Wheeler
Edwards	King	Sackett	
Fess	La Follette	Schall	

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained on account of illness.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, there is a quorum present. The Senator from New Hampshire will proceed.

Mr. MOSES. Mr. President, the history of the pending treaty has been recited, here and elsewhere, ad nauseam. Its lofty purposes have been extolled. Its weakness and futility have been exposed and admitted. Whether it is a splendid gesture only or whether it is merely a feeble light—to choose from among the phrases with which it is characterized by its friends—is of little moment now that we know the determination of the Senate to ratify this instrument.

If the treaty had come here in the simple form in which M. Briand first proposed it, there would have been no obstacle to its eager adoption in order to signalize and to strengthen the traditional relationships which have so long marked the friendly and helpful intercourse of the French and the American peoples, each of whom is firmly attached to republican ideals.

But this could not be. A dream, as generous as it is grandiose, fell upon the American negotiator; and the Briand proposal, in its peregrinations between the Quai d'Orsay on the Seine and Executive Avenue on the Potomac, suffered a sea change into something rich and strange.

Even this could not have impeded our ratification if only the signatory powers to whom we presented the instrument had been content to take this treaty by its four corners and fold it to their breast. We would then have had a simple contract; its terms would have been applicable to all alike and we could have made the world the Christmas gift for which we heard so much clamor.

But this, too, could not be. No sooner had the aggrandized treaty been laid before the powers of the world who were invited to give their adherence than they began with one accord to exchange notes with our Secretary of State. The letter writing which this treaty has produced, Mr. President, is almost as if Lady Mary Wortley Montagu, in Protean form, had come to earth again and dwelt in most of the chancelleries of the Old World.

These notes bristle with what, in the earlier and more robust times of 10 years ago, would have been known as "reservations." Now, we are told, they are either "interpretations" or "understandings."

Whatever they are, they demonstrate that the Governments advancing them are keenly alive to their own interests. I do not know whether copies of all these documents have been furnished to us. I do know that in neither the official pamphlets supplied to the Committee on Foreign Relations by the Department of State nor in the document (No. 243) issued by the Carnegie Endowment for International Peace, can one find the notes of the Persian, Afghan, Egyptian, Rumanian, and Russian Governments, all of which communications seem to me to have a familiar bearing upon the question in hand, because each of these Governments must have written as they did because of some familiar feature of their national situation which demands their attention and safeguarding. It is fair to assume that Persia had in mind the rivalrous spheres of influence which have for so long thwarted her freedom of action. The Afghan Government doubtless wrote with Khyber Pass in view. Rumania was not unmindful of Bessarabia, of the Dobruja Quadrilaterial, and of Transylvania. Egypt was thinking of her shackled sovereignty. Russia could not have been unmindful of the series of wretched episodes through which the sovereign, though silly, Soviet has passed during the last 10 years.

And to these we must add the most significant of the entire series of communications, the carefully prepared note dispatched by his Britannic Majesty's Principal Secretary of State for Foreign Affairs, Sir Austen Chamberlain, on the 19th of last May.

In this note Sir Austen, in numbered paragraphs sets forth the "understandings" upon which the British Government joins in making this splendid gesture proposed by the American diplomatic Delsarte. In paragraph 10—around which rages a discussion almost equal to that which centered about Article X of an earlier pact of somewhat similar import—Sir Austen sets up a Monroe doctrine for the British Empire. He does not shrink from displaying that sense of self-assertion which generally characterizes a British statement of a British position; and he employs language which, in a diplomatic document, has come to have a fixed meaning. When he says it is desirable to remind the American Government that there are "certain regions of the world the welfare and integrity of which constitute a special interest" for the "peace and safety" of the British Empire, he stakes out a claim upon the seas and continents of the globe to which there are no metes and bounds and leaves himself and his successors free to post a "No trespassing" sign at any time. And he makes known further that his Government assents to this treaty "upon the distinct understanding that it does not prejudice their freedom of action in this respect." Still earlier he declared that "His Majesty's Government have been at pains to make it clear in the past that interference with these regions cannot be suffered."

And yet, despite past pains to make this known, the British Government takes particular pains now to reiterate it! Sir Austen Chamberlain does not deem it "unnecessary" or "undesirable" to utter the fitting word to safeguard his country's interests, while we are expected to sit silent.

Mr. President, I can not do it. The President, through his Secretary of State, has performed a constitutional function by negotiating this treaty and sending it here. Now, each Senator, as an integral part of the treaty-making power, must decide whether the ratification of this treaty, in view of the antecedent circumstances of its making, is a proper step to be taken without some attempt to safeguard our country.

If we, by silence, recognize the position taken by other countries who do not conceal their views, we shall commit ourselves to leave them with a hand free to draw us later to support the decisions of a political body of which we are not a member and membership in which we have rejected with emphasis. Therefore, I am asking only that the United States shall exercise the

same prudence which has been displayed by their excellencies the Foreign Ministers of France, Great Britain, Rumania, Persia, Egypt, Russia, and Afghanistan.

The imperious impatience of the Secretary of State is well known to some of us who have seen him display it here while he was yet with us. He was not always right then; and I do not think him right now, when he brushes aside the suggestions which we make with a sweeping assertion that they are "unnecessary." Even so, I can not see what harm is done by adopting some form of words to protect ourselves. It is better to be safe than sorry. I doubt if Mr. Kellogg, in his law offices in St. Paul, would ever advise a client, in the matter of a simple contract, as he now advises the Senate of the United States, namely, that in the event of a dispute the correspondence antecedent to the contract is of no consequence.

So far as international law is concerned, there is no rule more firmly established than the rule that treaties are to be interpreted according to the intent of the negotiators. It is not necessary to show that such intent was embodied formally in protocols and reservations. In order to discover the intent of the parties to a treaty, international tribunals admit parol evidence in the form even of private correspondence and journals. The purpose is to ascertain the interpretation clearly understood by any of the parties before ratifying the treaty. Thus, before the United States Senate ratified the Clayton-Bulwer treaty, Great Britain made clear by a note addressed to the Secretary of State that the provisions of this treaty did not apply to British Honduras, though, as a matter of fact, this procedure did not serve to eliminate completely later misunderstandings on that score.

It follows that every word and syllable of the preliminary negotiations between the United States and other powers prior to the signing of this treaty is of the utmost significance. Every public comment by any of the negotiators, whether by Sir Austen Chamberlain before the House of Commons, by M. Briand at the ceremony of the signing of the pact, or by Secretary Kellogg before the American Society of International Law, may be of the greatest importance in later interpretations of the treaty. Great Britain and France have most clearly placed on record that their acceptance of the treaty was conditioned by their interpretations of its scope and meaning. Great Britain, in order further to safeguard its position, filed with the secretariat of the League of Nations on August 4, 1928, three weeks before the signing of the treaty, a copy of all the preliminary correspondence.

It therefore becomes necessary to analyze closely not merely the text of the treaty, which contains a rather unusual phraseology, particularly its preamble, which is held to be a substantive part of the document, but also all of the "interpretations," "reservations," and "constructions" placed on the text in the course of the preliminary negotiations. Despite what I said a few moments ago, I fear I must enter upon a brief survey of the history of these negotiations:

M. Briand originally proposed the mutual renunciation of war by France and the United States.

Secretary Kellogg then proposed a general renunciation of war by all nations.

M. Briand countered with a proposal for the mutual renunciation of "aggressive war" by the United States and France, the other powers to join later.

Secretary Kellogg rejected any attempt to limit the treaty either with respect to "aggressive wars" or to the number of the signatories.

M. Briand thereupon enumerated the reasons why he hesitated to sign a general renunciation of war without any qualifications or limitations.

The United States submitted its own draft of the proposed treaty to Great Britain, Italy, and Japan on April 13, 1928.

France submitted its own draft to the United States and the above-mentioned powers on April 20, 1928, placing special emphasis on a most important provision concerning "obligations," which was later embodied in the preamble of the final treaty.

Secretary Kellogg, in an address before the American Society of International Law on April 28, 1928, sought to interpret the treaty in such a way as to satisfy M. Briand's scruples. This address was made a formal part of the preliminary correspondence in a note addressed by Secretary Kellogg to France, Great Britain, and other powers under date of June 23, 1928.

Great Britain, in a note dated May 19, 1928, formulated seriatim its interpretations of the proposed treaty. Sir Austen Chamberlain then observed that "the exact fulfillment of treaty engagements is a matter which affects the national honor. Precision as to the scope of these engagements is therefore of importance."

Great Britain formally accepted, on July 18, 1928, the American revised draft, on the basis of the specific interpretations the British Government had placed on the treaty, and in the light of Secretary Kellogg's "explanations."

The treaty was signed August 27, 1928, after all the parties had placed on record their understanding of its scope and meaning. M. Briand on this occasion stated that the purpose of the treaty was positive and not negative.

The question now arises, What are the exact limitations, qualifications, reservations, interpretations or "constructions" to use Secretary Kellogg's expression, which have been placed by the signatory powers to this momentous document? What are the exact engagements whose fulfillment is a matter affecting quite as much the national honor of the United States as that of the other signatories? The answer is not easy, but the following conclusions may be drawn from a study of the preliminary negotiations.

I. The obligations of the contracting parties under the covenant of the League of Nations are in no wise altered by the treaty. What these obligations entail can not readily be summarized, but the most important, unquestionably, is the obligation under Article XVI to cooperate in the application of sanctions against any nation placed under the ban of the League. What these precise sanctions are, and how they are to be employed has not yet been determined. Secretary Kellogg, however, has agreed that there is no inconsistency between the covenant and the pact. The United States, to this extent, would appear committed in advance to the recognition of the legality of these sanctions, even though they may directly and adversely affect American interests.

II. The obligations of the signatories of the treaties of Locarno are in no way altered by the treaty, although it should be recalled that in the event of a failure of the parties in dispute to find a peaceful solution, the Council of the League of Nations under Article XV of the covenant may be called on to apply the sanctions above referred to.

III. France has reserved complete liberty of action under its "treaties guaranteeing neutrality." Secretary Kellogg has stated that "the United States is not informed as to the precise treaties which France has in mind," though he can see no possibility of any inconsistency between their provisions and the present treaty. The treaties France has in mind would appear to be of the type signed with Poland on February 19, 1921. They might more accurately be termed treaties of defensive alliance for the purpose of "safeguarding the security of their territories and their common political and economic interests." A French writer, A. Fabre Luce, has said that "the Franco-Polish alliance hitherto has been very clearly the instrument of an anti-German policy." The United States, again, would appear committed in advance to a recognition of the legality of whatever action France may take under these treaties for the maintenance of the status quo and the preservation of the balance of power in Europe.

IV. Great Britain by its notes of May 19, and July 18, 1928, has formally reserved complete freedom of action in "certain regions of the world the welfare and integrity of which constitute a special and vital interest for (its) peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered." What these regions are and what measures may be contemplated to prevent "interference" can not be defined, but Great Britian conditioned its acceptance of the treaty on the recognition of its full freedom of action. There is nothing in the correspondence to indicate any intention to restrict this freedom.

V. The signatories to the pact have reserved complete freedom of judgment and action concerning the right of self-defense. Secretary Kellogg states that: "Every nation is alone competent to decide whether circumstances require recourse to war in self-defense." Having refused originally to accept the proposal of France to restrict the renunciation of war to "aggressive" wars, the United States finally conceded the right to wage war in self-defense. No term would seem more difficult of definition than self-defense. It has been used to justify many wars, including offensive wars for defensive purposes. Does it warrant forcible interventions for the protection of aliens in danger? Does it include freedom of action by the United States under the Monroe doctrine? It would either seem to permit almost any use of force, or to require some limitation, if the treaty is to have any practical significance.

VI. A provision to which France and Great Britain have attached extraordinary importance, and which was inserted in the preamble at their insistence, reads: "Any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished

by this treaty." It would seem quite unnecessary to state that all signatory powers would automatically be released from their obligation not to wage war against another signatory power which violated its obligation. It is a different proposition, however, to state that such an offending nation "should be denied the benefits furnished by this treaty." What are these benefits? Are they something more than the assurance that "the settlement or solution of all disputes or conflicts shall never be sought except by pacific means?" Professor James T. Shotwell, in commenting on this expression "benefits furnished by this treaty," argues that there is a "moral duty expressed or implied in this phrase, that the signatories to the treaty do not become the silent partners of an aggressor." He further states: "We are inclined to accept the view, almost universally held outside the United States, that the principle involved in this single phrase is at least equal in importance with that in the heart of the treaty."

It is evident that Great Britain, France, and other signatories are attaching a deeper significance to the treaty than a mere renunciation of war. M. Briand, at the ceremony of the signing of the treaty on August 27, 1928, asserted that "the state which might incur the condemnation of all its cosignatories would expose itself to the positive risk of seeing gradually and voluntarily formed against it a kind of general solidarity whose powerful effects it would not be slow to feel." Sir Austen Chamberlain stated in the House of Commons on July 30, 1928, that the importance of the treaty depended on "how the rest of the world thought the United States was going to judge the aggressor, and whether they would help or hinder him in his aggression."

Mr. Edwin James, the Paris correspondent of the New York Times, confirms this point of view by cabling to his paper: "Europe has gone right along expecting that the Kellogg compact means active aid on our part * * * what they say in the Kellogg treaty was an offer to help preserve the peace."

Mr. Frank Simonds, a constituent of mine of whom I am proud by reason of his unquestionable position in international journalism, says that "Europe believes that as a consequence of the new treaty, the United States will join in any league action to employ military and naval force against any nation pronounced by the league authority to be an aggressor, or at the very least will respect the naval blockade and the financial and economic boycotts which the same body may pronounce against any power." Mr. Simonds also says, "Europe has placed its own interpretation upon the Kellogg treaty. Sir Austen Chamberlain somewhat guardedly disclosed this when he said that the value of the treaty depended upon the extent to which we 'backed it.' He did not mean the extent to which we would be prepared to go to enforce the treaty. Both in France and Great Britain it was generally believed that our signing of the treaty was evidence enough that we were prepared to go a long way. Otherwise, the treaty was practically meaningless to the European mind."

The Right Hon. H. A. L. Fisher has expressed the doubt "whether opinion in Washington yet realizes how far these proposals go," and observes that after the treaty is accepted it will be far easier to open up the whole question of the relations between the United States and the league, as well as to reexamine the Monroe doctrine "in the light of the Kellogg principle."

From the foregoing analysis of the terms and the interpretation of the treaty the following deductions would seem permitted: First, that the treaty, instead of abolishing war, actually legalizes war. Prof. E. M. Borchard of the Yale Law School was entirely correct when he told the Williamstown Institute of Politics that "the treaty, now qualified by the French and British reservations, constitutes no renunciation or outlawry of war, but in fact and in law a solemn sanction for all wars mentioned in the exceptions and qualifications."

It seems to me inescapable that our Government, by its acquiescence in these exceptions and qualifications, has committed itself in advance to an implied recognition of the legality of action taken by Great Britain, France, and other powers, either within the League of Nations or in accordance with other treaty obligations. This includes the application of sanctions by the league in disregard of American interests, and in some cases probably in disregard of American public opinion concerning the merit of such punitive measures. We certainly have not reserved our freedom of judgment and action regarding the application of these sanctions; and Europe believes that we are committed, not merely to a rôle of passive acquiescence, but even of active cooperation against disturbances of international peace. This amounts to the abandonment of any possibility of neutrality by the United States. It means that, in any future war involving the great European powers, the United States would be in no position to contend for the freedom of the seas. It would mean the triumph of the historic British claim to ignore neutral interests. It would virtually mean that, having forfeited in advance any right of protest against action taken by Great Britain in accordance with its league obligations or other rights reserved under the Kellogg treaty, the United States no longer would have any need of a navy other than for ordinary police duty. England and France may thus perfect their own naval understandings without any concern regarding the attitude of the United States, once we have ratified this treaty.

The United States is now in the position, either of acknowledging the full implications of the treaty and committing itself whole-heartedly to all that it means in the light of the interpretations placed on record by the other powers, or of stating explicitly our own interpretations of the limitations and obligations we are prepared to accept. Professor Borchard is right in saying that our hands are tied, not the hands of Great Britain and France. "The reservations," he says, "are made at our expense, not theirs."

There are several ways in which our interpretation may be placed on record without rejecting the treaty. (1) The Senate may attach formal reservations which would require the assent of the other signatories upon exchange of ratifications. (2) The Senate may express its own interpretation of the treaty in the form of a resolution which the Secretary of State might embody in a note to the other powers in transmitting the ratification. (3) The Secretary of State might even now, in complete harmony with the procedure already observed in the preliminary negotiations, address a note to the other signatories stating fully our own official understanding of the nature of the commitments entered into by the United States. This note would thus become an integral part of the negotiations, and therefore would safeguard our position quite as much as Great Britain and France have safeguarded theirs. (4) A report in like terms from the Committee on Foreign Relations, duly read into the CONGRESSIONAL RECORD here and made known to the signatory powers, would likewise serve the purpose.

My vote, Mr. President, is not necessary to the ratification of this treaty. Even if it were, I can not cast it unless one of these four courses is pursued. Other Governments have been frank and explicit in limiting their commitments under this treaty. We can not afford to be less so. We owe it to our own people even more than we owe it to other peoples to acknowledge the exact obligations we are willing to assume. We should leave nothing to implication. It is absolutely necessary to our interests and to our honor that we make our position so clear that there can be no misunderstanding now and no unjust accusation in the years to come.

There may be those who are willing to "go it blind" in the matter of our relations with the rest of the world. I am not of that number.

CONTROL OF PRINT-PAPER SUPPLY

Mr. SCHALL. Mr. President, as in legislative session, I introduce a resolution which I ask to have read, and in connection therewith, two editorials which I am sending to the desk.

The resolution (S. Res. 292) was read, as follows:

Whereas it is announced in the December 22 issue of a weekly newspaper trade magazine known as Editor and Publisher that a certain group of men controlling the white-paper business of the world have purchased a controlling interest in a chain of American newspapers at a cost of $16,000,000, and that such group is also prepared to purchase the controlling interest in many of the large daily newspapers of the United States; and

Whereas the men composing such group are not citizens of the United States but are citizens of foreign countries, and are making such purchases in order to induce publishers to make 15-year contracts with the group for supplying their white paper; and

Whereas if such group should control many of the big dailies of this country they might have sufficient influence to prevent the passage of a bill to utilize farm wastes in the making of paper and thus prevent the establishment of a competitive source for the supply of paper and thereby tend to place the publishers of the smaller newspapers of the country at the mercy of the group; and

Whereas in a series of syndicated articles by Blair Coan, a Washington newspaper correspondent, it is suggested that the 15-year contracts offered by these paper manufacturers may be for the purpose of preventing paper made from farm wastes finding a market when produced; and

Whereas it is essential to protect the smaller newspapers of the country as well as the farmers who produce the farm wastes which may be utilized for the manufacture of paper: Therefore, be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the activities of groups of foreign citizens controlling the supply of white paper in the United States with a view to determining

whether such activities would have the result of creating a monopoly in the supplying of paper to publishers of small daily newspapers, and to report to the Senate as soon as practicable the result of such investigation, together with its recommendations, if any, for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted; to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. HEFLIN. Mr. President, the Senator from Minnesota is raising a very important question in this body and before the country. That resolution ought to be considered at an early date.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HEFLIN. Just one minute.

Mr. President, America has realized the importance of conserving our forests, doing something to preserve the trees. If our people really knew how many trees were being slaughtered every day to make print paper to supply the daily and weekly newspapers and other periodicals, they would be astounded. An enormous amount of wood pulp is consumed every day.

The Senator from Minnesota has raised a question here, it seems to me, that will go a long way toward solving this problem. There are millions of tons of cornstalks going to waste every year, millions of tons of cotton stalks going to waste, and the Agricultural Department has already discovered and demonstrated that print paper can be made out of cornstalks and cotton stalks. If we could do that, Mr. President, and get this move started, so that we could use these products of the farm that are now going to waste every year, and have it take the place of the millions of trees that are being destroyed, it seems to me that it would be a splendid thing to do; and I am in hearty sympathy with the movement that the Senator has started. I am now investigating the advisability and feasibility of using cotton stalks on a large scale for making print paper.

Mr. FESS. Mr. President, I rose to make the suggestion that the resolution ought to be referred first to the Agricultural Committee, since the Committee to Audit and Control the Contingent Expenses of the Senate has no latitude to consider the merits of resolutions other than simply to say that so much money shall or shall not be expended. It has been the practice, when a measure of that kind comes in, to send it first to the committee that would have charge of it if it were a legislative measure. I therefore make that suggestion. That has been the practice heretofore.

Mr. SCHALL. I have no objection to that being done.

Mr. JONES. That is what I rose to suggest.

Mr. HARRIS. Mr. President, I am in sympathy with the efforts of the Senator from Minnesota [Mr. SCHALL] in regard to helping the farmer by making paper out of cornstalks and cotton stalks, and will vote for his measure; but I rose to reply to the suggestion of the Senator from Alabama [Mr. HEFLIN] and inform him that two-thirds of the newsprint paper that we use in this country is manufactured in Canada and we send nearly $200,000,000 a year to that country in payment of paper. We are making every effort now to bring that industry into the South and into Georgia and the Senator's own State, and I have for three years secured appropriations for that very purpose, but this would not interfere with making paper out of corn and cotton stalks, which would not supply one-fourth the demands. The paper industry, it is conceded by all paper manufacturers, belongs in the South, because they do not have to cut so much timber in the few months good weather they have in Canada and do not have to keep it on hand through a large part of the year, as they do in Canada. You can go through that country now and see millions of cords of wood for pulp to make paper piled up to carry them through the winter, which could not be cut in extreme cold weather. In our section they do not have to do that. They can cut their wood every day and save the great expense of carrying such a large amount of wood on hand at great expense.

Mr. HEFLIN. Mr. President, does not the Senator think, though, that it would be very much better if we could convert the cotton stalks and cornstalks of the United States into this print paper, and save the forests of the whole country?

Mr. HARRIS. Mr. President, I agree with the Senator from Alabama that it would be wise to convert cotton and corn stalks into paper, but, as I said, this could only supply a small amount of the paper that we use. I stated that I was in sympathy with the attitude of the Senator from Minnesota in this matter and will vote for his measure. I regret that the experiments made in the South in efforts to manufacture paper out of cotton stalks have not been successful thus far. They claim they could not get sufficient cotton stalks. I am not referring to the experiments the Agricultural Department has made to manufacture paper from southern pine under the appropriation I secured.

Mr. HEFLIN. Mr. President, I differ with the Senator on that. The suggestion was made, when the experiment was made successful by the department, that we already have print paper made out of it. I have seen some of it. The Government has it on hand. The question they raised was of gathering these stalks together in large quantity at central points. At that time there was no machinery by which they could be pulled up and raked up in piles. We have such machinery now, I understand, just as you cut wheat or hay. They do that with machinery. It is run by motor power or by horse teams; and these stalks are ploughed up every year, or they are pulled up and thrown aside. Now, with the machinery that has been provided to rake up these stalks they can be accumulated, packed in a bale just like hay, and turned into a splendid industry for the farmer. The same can be said of the cornstalk; and it would be a great industry to the farmers of the South and West, and it would also help to conserve our forests.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). The Senator from Minnesota has the floor.

Mr. SCHALL. I asked unanimous consent to have those articles read. I wish to have them read.

Mr. JONES. Will not the Senator permit the resolution to be referred to the Committee on Agriculture and Forestry?

Mr. SCHALL. Yes; I am satisfied to have it go to that committee.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Agriculture and Forestry.

The Senator from Minnesota asks unanimous consent to have certain newspaper articles read. Is there objection? The Chair hears none, and the articles will be read.

The Chief Clerk read as follows:

[From the Logansport (Ind.) Press of January 5, 1929]

SIXTEEN MILLION TO BE USED TO DEFEAT MEASURE TO MAKE CORNSTALK PAPER—CANADA HAS UNITED STATES PRESS BY THE THROAT—WASHINGTON CORRESPONDENTS SAY NOTHING ABOUT SITUATION

By Blair Coan

WASHINGTON, D. C., January 4.—A fund of $16,000,000 was raised last week by the foreign newsprint paper manufacturers to defeat Senator SCHALL'S bill which will manufacture the paper we are now importing, from farm wastes such as cornstalks, flax, rice, and wheat straw, and sugar-cane pulp. This money is not to be paid in "graft" either to legislators or newspaper correspondents who help suppress the bill's passage; but is to be given to newspapers in need of finance, who will sign a 15-year paper contract with these foreigners, so that when Senator SCHALL'S bill passes there will be no market for 15 years for the paper made from waste farm products.

Although the fact that this fund has been raised and expended and that the newsprint manufacturers have quietly announced they are in a position to furnish at least $100,000,000 more is generally known, not a Washington newspaper correspondent has "peeped" on the proposition. While the papers they represent are being hedged about so that shortly they will be forced to give up most of their yearly profits to this newsprint-paper combination, these correspondents have remained dumb and allowed their newspapers to be drawn into this financial vortex, when the simple exposure of the proposition would have been invaluable to their employers.

These are the same newspaper correspondents who remained silent when the Schall farm-waste newsprint paper bill was introduced to help the farmer.

The seeming sad part of the whole affair to me is that the buying of our American newspapers is in the hands of the Premiers of Ontario and Quebec, so that when it is all over and the ownership transferred our press will be in the hands of the Canadians. With the United States, the wealthiest country of the world, it does seem that we should be able to finance and operate our own newspapers without foreign assistance, despite our dumb legislators and "hookworm" Washington correspondents. But it is manifestly unfair to include all of the 300 Washington correspondents in this list, because there are 6 who did send out the news on the Schall farm-waste paper bill.

Of course, we Americans are very trusting and not prone to think evil of our neighbors, but we might reasonably be suspicious of a combination owning all our daily papers. We might imagine that once they secure control of our press they will not allow the passage of the bill to make our paper from our farm wastes. They might even be as energetic in opposition to its passage as our Washington newspaper correspondents are apathetic.

Mr. Roy C. Hollis, the general manager of the New York Daily News, says he is not concerned about the purchase of our newspapers by foreigners as long as they confine themselves to the purchase of the preferred stocks of our papers. However, Mr. Hollis does not explain how he is going to confine their purchases to this class of stock; and besides, Mr. Hollis's employers own a large paper mill in Canada; and it would not be diplomatic for him to attack the Canadian purchasers.

Summing up the total it is not difficult to arrive at this conclusion: If the Premiers of Ontario and Quebec buy our large daily newspapers and should attempt to control our national policy on making paper from farm wastes, the smaller newspapers of the country will be at the mercy of this paper-newspaper combination, which would have the power should it care to exert it to raise the price on newsprint paper to a point where the smaller newspapers would have to either suspend or turn their properties over to Canadians.

The interesting thing to watch will be how the newspapers will attempt to defend themselves against this foreign newspaper combination as well as from their own Washington newspaper correspondents.

[From Editor and Publisher and the Fourth Estate for December 22, 1928]

NEWSPRINT MEN FINANCING NEWSPAPER DEALS—BUYING PREFERRED STOCK IN PUBLICATIONS NEEDING CAPITAL IN RETURN FOR 15-YEAR CONTRACTS—ONE CHAIN REPORTED FINANCED IS CAPITALIZED AT $16,000,000—AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION MAY CALL SPECIAL CONVENTION

By Philip Schuyler

Newsprint manufacturers are in the market for newspaper preferred stock, financing publishers who need capital in return for 15-year paper contracts.

A publisher of a group of newspapers who has been approached by two of the manufacturers this week told Editor and Publisher about the offers being made and declared he knew of instances where "newsprint money" had been accepted.

It was explained that the paper men were prepared to offer much cheaper money than the bankers. Their purchase of preferred stock involves none of the brokerage expenses incident to floating a bond issue. The deal affords the manufacturers the advantage of an assured market for their product for a definite number of years, a condition, which, besides lending the company valuable security in these chaotic days, decreases sales expense.

A published report quotes a reliable authority for the information that one $16,000,000 corporation has been backed by a newsprint manufacturer for the purpose of assuring itself an outlet for its print. The corporation so backed is reported to have already acquired 3 dailies and to want 40 or 50 more. Papers are not necessarily being bought outright for this chain, according to the story, but 51 per cent of the stock is being acquired.

International Paper Co. has been mentioned most frequently in reports of financing or proposed financing of newspaper properties. A. R. Graustein and his spokesman, N. C. Head, assistant to the president, have refused to confirm or deny the reports when they have been brought to them. Editor and Publisher has published the fact that a lawyer representing himself as an attorney for International was one of the unsuccessful bidders for Il Progresso, New York Italian daily, recently sold at auction.

With manufacturers thus preparing to market their own production irrespective of agreements supposedly in the making, a preparation which has given rise to rumors Editor and Publisher has been hearing for several months, additional credence is being given to the viewpoint expressed this week that the manufacturers will continue their own independent ways and fail to reach an agreement controlling either price or production.

On December 14 and 15, as forecast exclusively by Editor and Publisher last week, the American Newspaper Publishers' Association took a stand favoring a free newsprint market and opposed to any agreement which would provide for a board of control to govern production, distribution, and to some extent prices, as described in the interview granted by Premier Taschereau, of Quebec.

If the newsprint price is taken out of the realm of free competition and put into the hands of a "board of control, directors of the American Newspaper Publishers' Association intend to call a special convention of members in New York for a full discussion of the situation and the adoption of such measures as may be calculated to conserve the best interests of the newspaper industry," S. E. Thomason, chairman of the American Newspaper Publishers' Association paper committee, told members this week.

This week the manufacturers were back in Montreal considering American Newspaper Publishers' Association's stand in addition to their own other worries. Once again the doors were locked. Those from New York known to be present were Mr. Graustein and Mr. Head, of International; Edwin C. Crooker and Mr. Chahoon, of St. Maurice Valley Sales Corporation.

Remaining in New York, Tom Waller, who has retired from active executive management in the paper industry but remains as a director of St. Maurice Valley, viewed the renewed conferences across the border with skepticism. He said the stand of the American Newspaper Publishers' Association would have little effect one way or another on the manufacturers reaching an agreement, but expressed the opinion that intelligence in the paper industry seemed to be at a low ebb at this time, a factor which might prevent stabilization.

"The fact that the American Newspaper Publishers' Association was opposed to an agreement might cause some ill feeling and some shifting of contracts, but there are no laws in Canada, such as in the United States, prohibiting agreements among units of an industry," Mr. Waller said.

"The publishers can not murder the paper industry; it is committing suicide."

It was Tom Waller who in 1926 predicted the exact state of affairs into which the newsprint trade has now fallen. He urged action then, but his pleas were unheeded.

Whether or not this newest Montreal conference will produce a real agreement will evidently not be known this week. International in paid advertising space will announce that with the situation unchanged it is possible prices will not be announced until January, next year. In the event that the wrangling continues into 1929, the International is telling customers prices will be retroactive to January 1.

Roy C. Holliss, general manager of the New York Daily News, which, using 100,000 tons of print annually, is an important factor in the situation, stated the publisher's side of the situation to Editor and Publisher this week.

"If the International Paper Co. goes through with its $50 a ton contract with Hearst, we will want to receive newsprint at $50 a ton," Mr. Holliss said. "If, however, Hearst is willing to buy his paper at $55 a ton, we will be willing to pay that price. We think there is something to be gained by not permitting the price for newsprint to get too low."

In regard to paper company financing of newspapers, of which he had heard, Mr. Holliss declared there was no basis for scandal or misunderstanding so long as the manufacturers with money to invest in successful newspaper properties buy only preferred stock. It would be another matter should the manufacturers buy common stock, entitling them to a voice in conduct of the papers, he added.

While, according to Mr. Holliss, the American Newspaper Publishers' Association is not making Mr. Hearst to agree to a change in contract conditions, it is thought very likely that representations are being made to him in this direction by the Premiers of Ontario and Quebec and other important leaders of the Dominion who are anxious to see the prosperity of the newsprint industry maintained.

Mr. Holliss is a member of the paper committee of the American Newspaper Publishers' Association, which met in New York December 14 and 15 with paper company officials. His statement sums up, in brief, a lengthy report made to the association's membership by S. E. Thomason, publisher of the Chicago Evening Journal and other papers, who is committee chairman.

Mr. Thomason reported that, so far as the committee could learn, the Canadian manufacturers have reached a tentative schedule for the ensuing three years. These prices were $55 for the year 1929, a $60 maximum for 1930, and $65 maximum for 1931. Mr. Thomason had also been informed that at the New York meeting with Premier Taschereau, reported by Editor and Publisher last week, International was told that unless it abandoned the intention announced in its telegrams of October 30 and December 5 and established for customers other than Hearst the $55 price for 1929, the government of Quebec would find methods to compel this action. The part of Mr. Thomason's report describing American Newspaper Publishers' Association's stand follows:

"The paper committee informed the representatives of Canadian manufacturers and the International Paper Co. that the publishers stood firmly for a freely competitive newsprint market, free of governmental or cooperative control, and that the representatives of the American Newspaper Publishers' Association viewed with alarm and distrust any efforts to control the price of newsprint which interfered with free competition. The manufacturers were further advised that the publishers had steadily maintained the position that satisfactory conditions in the industry could only be secured through maintenance by each manufacturer of a uniform price to all of his customers.

"The Canadian manufacturers advised the committee that a general price as low as the reported Hearst price would bring hardships to all paper manufacturers in eastern Canada, bring about inequalities in employment, and endanger Canadian forests by uneconomical cutting. The committee replied that the sentiment of many publishers had reflected the belief that newsprint prices fixed at too low levels would

be of no advantage either to manufacturers or publishers. The committee stated, however, that the suggestion of price control by manufacturers' agreement or by governmental intervention could not leave the newspaper industry complacent.

"The paper committee sees in the present situation a threatened invasion of the publishers' rights through the proposed appointment of a 'board of control which will govern distribution, production, and to some extent price.' (The quotation is from an interview with Premier L. A. Taschereau in the December 15 edition of Editor & Publisher.)

"In the whole situation the paper committee sees a serious threat toward the uniform-price principle for which publishers have contended for more than two decades."

Attending the joint session of American Newspaper Publishers' Association directors and members of the paper committee in New York last week were E. H. Butler, Buffalo Evening News, president of American Newspaper Publishers' Association; William B. Bryant, Paterson (N. J.) Press-Guardian; John Stewart Bryant, Richmond News-Leader; Howard Davis, New York Herald Tribune; Mr. Thomason, William G. Chandler, Scripps-Howard newspapers; F. I. Ker, Hamilton (Ontario) Spectator; and Mr. Holliss. These publishers, after their own meeting, conferred with Mr. Graustein, of International, and Messrs. Chahoon, Rossiter, and Crooker, representing the Canadian manufacturers.

Newsprint historians are now pointing out that not since 1917 has newsprint sold at $50 a ton and in the intervening period contract prices rose as high as $130 a ton. Quoting from the Bulletin of the Inland Daily Press Association:

"In 1914 newsprint sold at around $38 a ton and in 1915 the prevailing price was around $40. In 1916 it rose from $40 to $50 and in 1917 from $50 to $55. In 1918 prices were controlled by the Government at $57 and $66, with a further increase to $69 in 1919. A sharp rise in 1920 carried the price up from $80 to $100 and then to $110, from which there was a jump to the peak level of $130, which prevailed in the first quarter of 1921.

"That this was excessive is evident from the fact that it dropped back to $110 in the second quarter of 1921, to $95 in the third quarter, and to $80 in the fourth quarter of the same year. In 1922 the prevailing price was $70, with a rise to $75 in 1923. This was the only upward movement since the first quarter of 1921. In the second half of 1924 the price fell back to $73 and to $70 in 1925. The price declined to $65 in 1926 and has remained nominally at that figure up to the present time.

During the reading of the foregoing article,

Mr. BORAH. Mr. President, would not the Senator be willing to have the article printed in the RECORD without having it read further at the desk?

Mr. SCHALL. No; I want to have it read. It contains some news that I think the Senator should hear. It is not very much longer.

After the conclusion of the reading of the article,

Mr. HARRIS. Mr. President, as I stated, I am in sympathy with and will support the resolution of the Senator from Minnesota, and I believe the Government should experiment with manufacturing paper out of corn and cotton stalks, but even if we make a success it would supply a very small per cent of the paper needed. In answer to the Senator from Alabama, I would like to say to him that on my initiative Congress has been appropriating money for three years in an endeavor to find the best forests for the manufacture of paper, and at this time it is believed that the southern pine will be the most available, because it is the only wood that will carry the expense in holding timber. The resin and turpentine taken out of the pine every year will pay the expenses of carrying, which is a very important part in the expense necessary for the manufacture of paper. The trouble with using Georgia pine to manufacture paper is the turpentine and resin that must be extracted, but this can be sold and will help pay the expense necessary in carrying the trees until ready to make pulp to manufacture paper.

The Government Forest Products Laboratory at Madison, Wis., has been making experiments under the appropriations I secured and they have manufactured a paper from Georgia pine that has been a great success, but they are still improving it. I first secured the appropriation for this laboratory work three years ago, and have been securing it every year since. They are doing a wonderful work, and I believe they will establish the fact that southern pine is really the best timber that can be used in making paper, and particularly so as the turpentine and resin will carry the expense of it. I sincerely hope we may also make a success in making paper out of corn and cotton stalks. Practically all paper manufacturers agree that the South is the place to manufacture paper in the future—the trees grow faster and they can work every day of the year.

Mr. SCHALL. Mr. President, in reply to the Senator from Georgia, I want to state that the Department of Agriculture has had appropriated to it something like $1,625,000 a year for the next 10 years to enable it to find out how to make paper out of some wood other than spruce. All their efforts have been devoted to using some sort of wood. The expenditure that is going on now in Wisconsin is tremendous. It is claimed in a pamphlet which has been circulated by the Department of Agriculture recently that they have known how to make paper out of cornstalks, straw, and sugar cane for 20 years. Yet they were the people who went to the Bureau of the Budget and had stricken from the bill the little $50,000 that was asked by the Department of Commerce in order to develop something for the farmer.

The Department of Agriculture has not been inclined to do anything for agriculture along this line, and it seems to me high time that we get busy for the farmer. We are going to have an extra session shortly for that purpose. The small sum of $50,000 that was appropriated for the Department of Commerce to find out how to make paper and how to make other things out of waste farm products was cut out of the appropriation by the advice of the Department of Agriculture, and it was Herbert Hoover and President Coolidge who put it back so the farmer would be given a chance. The Agriculture Department is doing fine work in discovering how to make paper out of other woods than spruce, but they do not seem to be inclined to do anything along the line of utilizing farm waste.

For 10 years the Department of Agriculture has expended millions of the taxpayers' money attempting to make paper from southern pine; but it contains too much rosin and turpentine, being too sticky to make the proper mixture; while the cotton stalks and cotton bran which we all know will make paper are rotting on the plantations of the South. The cotton and sugar planters of the South are losing more than $100,000,000 every year, while the Department of Agriculture goes merrily on spending millions of dollars to accomplish what would be a distinct loss were they successful. The destruction of the trees would dwarf our lumber supply and leave our southern planters profitless. Why not use the lumber for home building and other essential needs?

Millions of dollars have been appropriated; this last year, as I said a moment ago, $1,625,000 was appropriated to make studies into the best wood from which to make paper, but no effort is made to do anything along the line of utilizing the farm waste.

Let us break this foreign monopoly of our newspapers by turning this billion and a half dollar farm waste to its proper use. Let us make the United States the controlling factor of the world's paper market and free ourselves from foreign domination and at the same time do what we are about to hold an extra session for—help the farmer. Allow the farmer to cash in on what is now waste and it will come mighty near settling the farm situation.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. WAGNER. Mr. President, if the general treaty for the renunciation of war is an indication of what we may expect in the future, then we are on the threshold of a very interesting change in the conduct of international affairs. Apparently the treaty-making power, long the special prerogative of diplomats, is passing under popular control. The management of foreign relations was even in the United States clothed with secrecy and intrusted exclusively to the President and the Senate. But there is no doubt that the general treaty for the renunciation of war is a popular document and not a diplomatic arrangement. The idea of renunciation had its official origin in a public address. It was saved from discard by the public press. The negotiations have always responded to popular pressure and public desire. Here, at last, we have a treaty which may be said to have its birth in popular initiative and its approval in a popular referendum. The so-called diplomatic channels served in this instance their literal purpose as conduits of communication between the peace-loving peoples of the several nations.

The popular origin of the treaty has shaped its text. It is simple and brief, and it forcefully expresses a common aspiration. No precise rules of conduct are laid down. No definite standards of international behavior are established. No attempt is made to define or provide for the various contingencies that might arise under it. It is not a legal document but a popular slogan. It is more akin to the short commandment, "Thou shalt not kill" than to Blackstone's laws on homicide. No doubt there is a relation between the ancient commandment and the ordered civilization in which we live. So there must be a connection between the treaty of renunciation and the warless world to which we aspire.

What is the treaty? It is a promise of forbearance. It is a promise not to follow war as an instrument of policy. It is an undertaking not to seek the settlement of disputes except by peaceful means. Affirmatively the signatory nations undertake nothing. They do not promise to arbitrate their differences, nor do they agree to submit them to conciliation, to conference, or to adjudication. The treaty contains no agreement on the part of the nations to take their controversies to any particular forum or to abide by the decision of any tribunal. All they promise is that they will not employ war as an instrument of policy. In the event of violation no machinery of enforcement is provided. No sanctions are established. A breach of the treaty does not bring upon the violating state any consequences springing from the treaty. There is no obligation whatever upon any signatory state to punish a treaty-breaking state. The treaty, in other words, is not a contract. It can scarcely be called a legal instrument.

That is the treaty which has been transmitted to the Senate for ratification. It has been both criticized and praised. To my mind the blame has been too caustic and the praise too generous. It has been said that the treaty is the greatest step in the direction of perpetual peace taken in the history of mankind. It has likewise been called a futile gesture; a vain and unprofitable ceremony; an idle ritual.

Then there are those who believe that the treaty either says or implies too much. They read in the treaty obligations of every class and description destructive of our sovereignty and disruptive of our foreign policy. It is their view that the treaty should not be ratified unless it be properly insulated with reservations and interpretations.

It could hardly be foreseen that a treaty as simple in text as the one before the Senate could be appraised so variously. This diversity of opinion can perhaps be better understood if we attempt to classify this treaty into one of the categories into which peace proposals are usually divided.

In dealing with the war problem, thought in recent years has proceeded along two major lines. The first embraces the extension and perfection of the political instruments of arbitration, conciliation, conference, and the creation of a limited sphere for the adjudication of disputes. The league, the World Court, and the American arbitration treaties all fall within this category.

Another line was followed by those who were impatient with these political methods which, in every case, countenanced war, at least ultimately, as a legal and proper method of procedure. They favored the outlawry of war and its denunciation as an international crime.

In this scheme of things where does the present treaty fit? Obviously, it does not belong in the first, since it creates no new machinery, nor does it perfect any existing agency of arbitration, conciliation, conference, or adjudication. It does not extend the judisdiction of such present agencies to new controversies or to additional parties. Neither does the treaty, strictly speaking, fit into the outlawry program. It creates no court. It provides no code. It does not denounce war as a crime. It merely renounces its use as an instrument of national policy.

Plainly enough, this treaty is neither old-fashioned peace machinery nor the new-fashioned outlawry, and because it is neither some think it is not worth the ink with which it is written and others that it has ushered in the millennium. The truth, as is frequently the case, lies somewhere in between.

Let us ask ourselves the question about this treaty of renunciation: What exactly does the United States surrender? Is it really sacrificing anything? Is it giving up anything it ought to retain? The treaty renounces war as an instrument of national policy. That is nothing novel to the United States. If we read the history of this democracy aright we must conclude that the United States renounced war as an instrument of national policy on its natal day, 152 years ago. By the treaty the signatory nations agree not to seek the settlement of disputes except by pacific means. Is that any more than a summary of the underlying theory of our foreign policy? Three thousand miles of undefended borderland between the United States and Canada bear witness to the reality of that policy. Thousands of miles of boundary line divide this Nation into 48 independent and sovereign States and testify to the victory of peace over war.

As far as the United States is concerned, the renunciation of war as an instrument of policy is already written into our Constitution and our laws.

In 1848 Tampico was occupied by American forces. It became necessary to decide whether this constituted conquest to make Tampico American territory. It was held by the United States Supreme Court that it did not. (Fleming *v.* Page, 7 How. 603.)

In the opinion written by Chief Justice Taney the court said:

> The country in question had been conquered in war, but the genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. A war, therefore, declared by Congress, can never be presumed to be waged for the purpose of conquest or the acquisition of territory; * * *.

The doctrine of resort to peaceful methods for the settlement of international disputes is written into every one of our treaties beginning with the treaty of amity and commerce with France in 1778; the Jay treaty with England in 1794, and the same pacific thought runs through the Root arbitration treaties and the Bryan treaties for the "advancement of general peace."

The point I am making is that war as an instrument of policy is contrary to our institutions and out of keeping with the genius of this democracy. The United States has renounced war and has resorted to peaceful means for the settlement of disputes throughout its history. This country is, therefore, surrendering under this treaty nothing that it has not already voluntarily forsaken—except possibly the right to change its mind. Should it in the future change its mind about its cardinal principle, then, of course, it will no longer be the Nation that the fathers founded. Even so, should it change its mind, no legal consequences follow from the treaty.

That seems to be a trifling price to pay for the adherence of the rest of the world to a policy which we advocate. For only by universal adherence does our renunciation acquire any general validity.

To my way of thinking no price can be excessive for the banishment of deliberate warfare waged in pursuit of national policy. Looked at realistically, there is nothing more cruel, more inhuman than these blood-spilling carnivals that we call war. I have heard war rationalized as necessary and, indeed, inevitable. So we once thought of human slavery; so some still think of poverty. We can not prove the contrary by any logical demonstration, but millions have the faith, and I share it, that war is no gift from Heaven; that it is a man-made curse stupidly fostered by those whose selfish desires it serves. Least of all, do I respect the cynic who mocks at every effort for the avoidance of war on the ground that it is part of human nature to fight and that human nature is unchangeable. The same argument was no doubt used back in the dawn of history when some one first suggested that self-help was a dangerous method of settling private disputes.

I am no pacifist. I never subscribe to the fallacy of peace at any price, but I do believe that the same human nature which learned to submit private controversy to peaceful settlement can likewise be taught to do the same with international disputes.

This treaty is very far from accomplishing that purpose, but because I believe that it leads in that direction I am ready to vote for its ratification. I see little merit in the objections that have been raised and no need for the reservations that have been proposed.

MONROE DOCTRINE

Considerable concern has been expressed over the possibility that the treaty is in conflict with the traditional policy of the United States known as the Monroe doctrine. We all know that the Monroe doctrine has more than one meaning. One historian, Albert Bushnell Hart, says:

> The number of doctrines since 1849 is about the same as the number of Secretaries of State.

We should, therefore, be clear as to what Monroe doctrine we have in mind when it is suggested that the treaty and the doctrine are at odds. Originally the doctrine represented a measure of self-defense. It has slowly evolved into an assumption of responsibility on the part of the United States. The treaty does not conflict with either phase of this traditional policy.

Where a European power goes to war with an American republic, the treaty is violated and the United States recovers its freedom of action, and can pursue the same course that it is at liberty to follow in the absence of the treaty. If the foreign encroachment is such as to threaten our safety, then in self-defense the United States would be free to take exactly the same measures as it can now in the absence of such treaty. In the event that a purely American situation calls for attention, such as the failure of an American republic to safeguard life and property of citizens of the United States or foreign nationals, then the interposition of the United States is not war and is outside the scope of the treaty.

THE ABSENCE OF SANCTIONS

The discussion of sanctions under the treaty reveals more clearly than anything else how debatable are even the most elementary factors in a plan for a world free from war. The treaty has been ridiculed because it provides no sanction and no machinery or method of enforcement of the promises to refrain from war. It has likewise been challenged because it is said to impose upon the United States the duty to punish, by force of arms if necessary, a treaty-breaking state. This latter criticism is absolutely without foundation. There is no language in the treaty proper upon which the most astute of lawyers could pin an affirmative obligation to do anything. The treaty as worded is entirely a promise to abstain from a certain course of conduct, to refrain from the use of war as an instrument of policy. Nowhere does it impose upon any nation the obligation to do anything affirmatively concerning controversies to which it is a party, much less in controversies to which it is a stranger. We need pay little regard to far-fetched or fantastic implications read into the treaty which have no basis in the language of the treaty. It is natural to assume that when nations speak in so formal a manner as a treaty that they do not assume obligations beyond those plainly stated.

The preamble of the treaty contains the following sentence:

Convinced * * * that any signatory power which shall thereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty.

The preamble is, of course, not a binding portion of the treaty. But even if it were, all that this can be stretched to mean is that with a treaty-breaking state the signatory nations are not obliged to remain at peace. Thereby, it is denied the benefit of the treaty which is a promise to refrain from war. It does not say that a treaty-breaking state shall be subjected to the penalties imposed by the treaty because none are so imposed. It has been proposed that the Senate agree to a resolution expressing its understanding—

that the treaty imposes no obligation on the United States to resort to coercive or punitive measures against any offending nations.

Such a resolution is unnecessary and would serve only to complicate rather than to simplify the treaty.

It is more difficult to dispose of the argument that the treaty, by reason of its lack of enforcement machinery, is a mere futile gesture. It has been answered that no treaty has any sanction other than the plighted word of the signatory nations; that promises to go to war, like those found in treaties of alliance, have no better sanction than this treaty which contains a promise not to go to war. At the same time, we can not shut our eyes to the fact that this treaty offers no outlet for the disputes which will inevitably arise. This deficiency, however, in the treaty simply means that it does not go far enough. It does not justify a refusal to ratify. This treaty is an invitation to muster all efforts at further and better organization of peace.

WAR NOT ENTIRELY BANISHED

The international correspondence with which this treaty has been launched discloses the disappointing fact that it is not the absolute renunciation of war that it appears to be on its face. Force in international relations has not yet been entirely banned. The treaty certainly does not extend to force employed in self-defense, nor to wars against a treaty-breaking state, or in pursuance of sanctions employed under the league covenant and the treaties of Locarno, or in certain unspecified regions where Great Britain claims to be vitally interested, or in the exercise of our policy under the Monroe doctrine.

Not much need be said about self-defense. No treaty can or should ever serve to deprive a nation of the power to defend itself. No treaty can discharge a nation of its duty to defend itself. Neither can we complain of the fact that the treaty does not weaken the effectiveness of the Monroe doctrine, which has become for us a measure of self-defense.

Some of the other limitations go far to sustain the criticism that the treaty does not yet usher in a world where war is unknown. Recognizing, as I do, this deficiency I nevertheless maintain that it does not justify a refusal to ratify. It has been said that because the treaty does not extend to the subjects that I have mentioned, that it thereby sanctions such wars. I see no merit in that argument. Let me draw an illustration from local law.

Insanity is a good defense to an indictment for murder, so is sufficient provocation or lack of premeditation, but the law does not sanction killing by the insane, nor does it sanction provoked killings or unpremeditated homicides.

Neither can I see any validity at all in the suggestion that this treaty in some manner ties the United States to the League of Nations or to the European system of alliances and treaties. Neither the treaty nor the correspondence concerning it offers any basis for such a conclusion. True enough, Great Britain, France, and Germany expressed the continuance of their obligation under the covenant of the league and the Locarno treaties. The nations who are parties to these arrangements are concerned with them. The United States is not. They are bound by the terms of those instruments and they express the understanding that the present treaty does not modify their obligations. The United States recognizes neither rights nor obligations under those treaties. Our behavior in the event of violation under one of those treaties is left entirely in our own control. There is no occasion for a resolution expressing the Senate's understanding of that fact.

One of the so-called reservations that has been proposed in the Senate is—

That the treaty does not impair the right of the United States to defend its territory, possessions, trade, or interests.

If this reservation means self-defense, it is unnecessary. The use of force in self-defense is not the same as its use as an instrument of national policy. Only the latter use of force is condemned by the treaty. Who would blame the nation that fought in self-defense? The answer to this question is important, since moral pressure and public opinion are the sustaining breath of the treaty. It would thus needlessly complicate the treaty to agree to such a reservation and would leave the treaty open to very loose construction in those respects in which it is not reserved.

If the proponents of this reservation mean thereby to retain for this Nation freedom of action beyond legitimate self-defense, then they are goring the whole treaty.

Any reservation, whatever its nature, of necessity, limits the terms of the treaty. If I am right that the treaty is an expression of an ideal, a hope, a slogan, rather than a legally binding instrument, then reservations are out of order. The cardinal idea of the treaty is that war is renounced as an instrument of policy. Any limitation that we would place upon that idea is a confession to the world that some time, somewhere, when our interests may so dictate, we do intend to pursue war as an instrument of policy. I know that such is not the intention of those who offer these reservations. It is unthinkable that in an effort toward peace we should repudiate the significance of our history and the nobility of purpose which has motivated our foreign relations.

The treaty fails to denounce war as a crime. It fails to outlaw war. The nations have not yet legally contracted not to go to war. No instrument can well be a contract which as a practical measure is terminable at the will of any party and which, if broken, calls for nothing more than the resumption of the old order.

The treaty should, nevertheless, be ratified primarily as a great and lasting crystallization of the human will to peace, as an example of a popular treaty, rather than a diplomat's alliance. It gives basis to the hope that public opinion, successful in its first effort at treaty making, may push on to more substantial victories.

It is important that we do not make the mistake of believing that peace has been achieved. This treaty simply demonstrates that the people want it. It should now begin to breathe the spirit of faith amongst nations. The patriot who believes in peace should acquire his rightful place. The war makers' alleged monopoly of patriotism should be exposed as a fraud. Let every so-called statesman who in his heart plans to further some interest by resorting to war know that he is planning the dishonor of his Nation. In this modified atmosphere we can then try to create the necessary substitutes for the old war system, the use of which is now forsworn. The goal to which peace-loving people must proceed is the inauguration of a reign of law in international relations as it has been in our private relations. That means that we must have sooner or later a court with affirmative jurisdiction administering justice pursuant to an internationally adopted code of laws by which the use of war is not only renounced but denounced as a crime, and those who promote and prosecute war condemned as criminals.

Meanwhile the Congress of the United States is not yet discharged of its duty to provide adequately for the national defense, not only through armament but through the fostering of good faith amongst nations which will give us peace free of anxiety and free of suspicion.

Mr. BLAINE obtained the floor.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Keyes	Sheppard
Barkley	Fess	King	Shipstead
Bayard	Fletcher	La Follette	Shortridge
Bingham	George	McKellar	Simmons
Blaine	Gerry	McLean	Steck
Blease	Gillett	McMaster	Steiwer
Borah	Glass	McNary	Swanson
Brookhart	Glenn	Neely	Thomas, Idaho
Broussard	Goff	Norris	Trammell
Bruce	Harris	Nye	Tydings
Capper	Harrison	Overman	Vandenberg
Caraway	Hastings	Phipps	Wagner
Copeland	Hawes	Ransdell	Walsh, Mass.
Couzens	Hayden	Reed, Mo.	Waterman
Curtis	Heflin	Reed, Pa.	Watson
Deneen	Johnson	Robinson, Ind.	
Dill	Jones	Sackett	
Edge	Kendrick	Schall	

Mr. DILL. I desire to announce that the subcommittee of the Committee on Indian Affairs is holding a hearing, and the Senator from North Dakota [Mr. FRAZIER], the Senator from Oklahoma [Mr. PINE], the Senator from Montana [Mr. WHEELER], and the Senator from Oklahoma [Mr. THOMAS] are in attendance on that committee.

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. ROBINSON of Indiana. Mr. President, will the Senator from Wisconsin yield to me for just a few minutes?

Mr. BLAINE. Mr. President, before yielding to the Senator from Indiana I desire to offer a resolution in the form of a reservation to the multilateral treaty. I offer the resolution and ask that it be read at this time and that it be printed and lie on the table. I wish now to give notice that I shall call up this resolution at an appropriate time when the treaty is under consideration and ask for its adoption and endeavor to obtain a yea-and-nay vote upon it.

I now send the resolution to the desk and ask that it be read.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution, as follows:

RESERVATION

Resolved, That when the Senate shall advise and consent to the ratification of the multilateral treaty now pending in the Senate that it be done with and in consideration of the following understanding and reservation:

SECTION 1. That paragraph 10 of the British note dated London, July 18, 1928, transmitted to the American Government, shall not imply any admission of any reservation made in connection therewith and not a part of the text of the treaty.

Mr. ROBINSON of Indiana. Mr. President, war is a terrible thing. No one is more thoroughly aware of this fact than those who have worn the uniform in time of conflict.

Peace among the nations of the earth is the lofty ideal toward which civilization has been hopefully looking since its dawn. I suppose there is not a Member of this body who would not gladly make any sacrifice if by so doing he could usher in the "Peace on earth, good will toward men" so devoutly wished for. But the ideal and its consummation have always been widely separated, and the present situation among the nations of the world would seem to indicate that that consummation is yet far in the future. Still there is no good reason why we should not continue to work toward the goal, and all of us are undoubtedly imbued with the desire to hasten its achievement.

While Members of this body are clothed with great authority, they are also charged with enormous responsibility, and what we do here may vitally affect the welfare and happiness of generations yet unborn.

I suppose none will dispute the statement that our first duty is always to assure the safety of the American Republic, and in the consideration of every treaty that must be constantly kept in mind.

More than a century ago the Farewell Address of the first President warned against entangling alliances with other lands, and not long thereafter appeared the Monroe doctrine, stating as definite American policy that the United States would not look with favor on the attempt of any European country to gain a foothold on the American continents.

The Farewell Address and the Monroe doctrine laid down certain principles that were essential to the welfare of the Republic then. They are just as essential now.

Sovereignty in Europe at that time was considered to be in the crown. Under our Constitution it was and is in the people.

Then the European world was ruled by the monarch. America was and is ruled by the people.

Nor do the people of Europe have much more to say about their governments to-day than they had then; for, with the exception of a few countries, this is the age of dictators in one form or another.

For nearly a century there was no official recognition of the Monroe doctrine in the chancellories of the earth. We maintained it; Europe grudgingly observed it. But in the First Hague Conference of 1899 we forced its recognition and managed to have it upheld in the Second Hague Conference of 1907. When these accomplishments were consummated they were hailed as great American diplomatic achievements.

After nearly a century of struggle the Monroe doctrine was finally recognized by the foreign world as settled American policy.

To-day, only 22 years later, we are asked to ratify a multilateral pact to keep the peace among the nations of the world, with no mention whatever of the doctrine which has become part of our very existence, and without the maintenance of which our national security itself is impaired. Why this departure from established successful policy?

But it is argued that the right of self-defense is inherent, and that that right includes the maintenance of the doctrine. Then why not say so? Great Britain has not hesitated to state her position and make it an express condition to acceptance of the treaty.

Article 2 of the pact reads as follows:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

The language used is very emphatic, as, for instance, "of all disputes or conflicts of whatever nature." Surely a dispute over the Monroe doctrine would be embraced in this language; and under the treaty, without a proper reservation, possible settlement or solution of such a dispute "shall never be sought except by pacific means."

But suppose, in such a contingency, pacific means were unavailing, then if we kept within the letter and the spirit of the treaty we should be forced to abandon the Monroe doctrine completely and for all time to come.

And again, what pacific means would be available? We should be forced to appear before some tribunal or submit our claims to foreign arbitrators, and then they, and not we, would interpret the treaty with reference to the doctrine, and if the verdict were adverse, this settled principle of American policy would be thoroughly annihilated.

In this connection permit me to quote the following paragraph or two from a letter received to-day from one of the leading lawyers of the Indiana bar:

> I have no doubt whatever that foreign countries, if the question comes up, will hold us to arbitration on the question, and when we arbitrate the Monroe doctrine, we surrender it.
>
> Take a hypothetical case not at all unlikely to happen in the next 20 to 50 years. Take Russia, or Japan, or China, countries of vast population, and infinite resources, and almost invincible when once organized, as they certainly will be in future years. Assume that such country, by amicable agreement, obtains a concession from Mexico, or a Central American State, granting harbor rights with a privilege of fortifying. The United States protests to both countries, and both countries courteously, but firmly, refuse to nullify the concession. The United States claims it violates our Monroe doctrine, and we then demand that the concession be annulled. Mexico or the Central American State denies that the Monroe doctrine is encroached upon, and asks that the question be arbitrated under the Kellogg treaty.
>
> Then what will the United States do? If we submit that question to arbitration, it means that we leave to a court made up of representatives of other countries to determine what our Monroe doctrine is and what its scope should be, and when we have the right to enforce it. This is absolute surrender of the Monroe doctrine.

Again, we have the Panama Canal, vital to our welfare. Many questions could arise with reference to it, not necessarily connected with our own defense; are we to be forced to arbitrate such questions with no freedom of action in case of dispute?

But why enumerate cases? Enough has been said in the course of this debate to put every American on guard. There is a considerable difference of opinion, even among members of this body, as to the exact meaning of the treaty. Is it safe to assume that there would be less confusion of understanding among the signatory powers?

I think we can reasonably expect as many diverse interpretative judgments as there are nations joining in the pact.

Then why do we not interpret the treaty for ourselves as we understand it, acting while there is yet time?

It is but stating a fact to say that Europe has no particular love for us, and Great Britain is especially bitter in her envy and animosity. Just the other day the dean of St. Paul's in London, referring to America, was quoted in the press as follows:

It is more than possible that the nations of Europe, enraged by the bloated prosperity and airs of superiority of "the man who won the war," will combine to draw Shylock's teeth.

It may be confidently assumed, I take it, that in this statement he is giving voice to the popular English view.

Are we safe, then, in leaving in the hands of a hostile world the interpretation, so far as it refers to us, of a treaty that has such far-reaching possibilities?

Mr. BRUCE. Mr. President, the Senator from Indiana knows, of course, that the dean of St. Paul's is generally known as the "gloomy dean."

Mr. ROBINSON of Indiana. I do not care to discuss whether he is gloomy or not gloomy; I am simply stating facts and the language he used, and I suppose that he was reflecting the popular English view.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. ROBINSON of Indiana. I promised the Senator from Wisconsin I would be brief.

Mr. REED of Pennsylvania. Does not the Senator feel that that remark by the dean of St. Paul's presents a false picture of the feeling of the English people as a whole?

Mr. ROBINSON of Indiana. No, Mr. President; I believe that the English people as a whole are very unfriendly to the United States.

Mr. REED of Pennsylvania. I do not agree with the Senator in that.

Mr. ROBINSON of Indiana. I think that statements made by their own statesmen, even officially, and certainly unofficially, lead to that conclusion, and I think that most of Europe is unfriendly to the United States and very envious of our prosperity.

Mr. KING. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. Only for a moment, for the reason that I promised the Senator from Wisconsin to be very brief.

Mr. BLAINE. Mr. President, I obtained recognition from the Chair, and I yielded. I want to say this: That I do not propose to drag on this session to-day indefinitely. It will be utterly impossible, with these interruptions, for me to conclude within a reasonable time, with the length of time that is being taken. I therefore yield the floor for to-day, and give notice that upon the convening of the Senate to-morrow in open executive session I shall ask for the privilege of the floor in order that I may discuss the reservation or resolution which I have introduced.

Mr. ROBINSON of Indiana. I am very grateful to the Senator from Wisconsin for giving me this opportunity, and I will hasten to a conclusion of my remarks.

I waive any extended discussion of the League of Nations and its World Court, so far as they may be related to this treaty. I am opposed to our joining either the league or the court and am thoroughly convinced that the American people still stand squarely on the Farewell Address and against entangling alliances. They spoke emphatically on this question in 1920, when the League of Nations was an issue, and again, so far as they could, in the Senatorial elections of 1926 when the World Court was much discussed.

I am fully aware of the fact that many of the same people who sponsored those questions are now urging the ratification of this pact, without the dotting of an "i" or the crossing of a "t" and much of the old propaganda is in evidence. Nor am I unmindful of the fact that Europe hopes, through this treaty, according to Mr. Edwin James, of the New York Times, to involve us in European politics. In fact, the Times, in an editorial published January 4, under the caption, After Ratifying, had the following to say:

The peace treaty, even so, marks a great step in advance, but it is a step leading to something more. This is the reason why ratification of the treaty will be regarded in Europe as a sign, or even proof, that the United States proposes to return to closer cooperation with other nations. It is felt that the treaty will lead us, or should lead us, straight into the World Court. That tribunal constitutes one of the great "pacific means" to which we, with others, have pledged ourselves to resort. And behind the World Court, as its fostering parent, stands the League of Nations, which already exists as an organization able to make practically effective the pious aspirations of peace breathed in the Kellogg treaty. That instrument of peaceful intentions ought to be ratified. But it will be necessary later, in the legal phrase, to "implement" it by proceeding to more concrete measures and international agencies by which it may be made a living and continuous and effective force in the world.

All of which makes it imperative that we place our own construction on the treaty, with interpretations that will safeguard policies that are precious to us, and that mean so much for our continued prosperity as a people.

I may say in passing that I can not entirely agree with the Senator from Idaho [Mr. BORAH] in his construction of the treaty, nor in some of his conclusions drawn from the correspondence.

In my opinion, the conditions named by Great Britain amount to definite reservations, which would be considered by any tribunal in making an official interpretation.

Nor do I believe that the Monroe doctrine is properly safeguarded without more definite statement than appears in either the pact or the correspondence.

I am not so certain as he seems to be, either, with reference to the language of the treaty itself. It is so direct and specific that in my judgment it would be far safer for us to speak plainly on self-defense than to trust blindly to inherent right.

Other doubts are in my mind that can best be satisfied with clarifying pronouncements.

Grave matters confront us. We have but a little brief authority here. I hope we may so use it that the people, whose servants we are, may be benefited, not injured, and that the Republic may continue uninterruptedly on its glorious career among the nations of the earth.

Feeling as I do, using the best judgment of which I am capable, and following the dictates of my conscience, I shall vote for and whole-heartedly support a statement of interpretation that will preserve American policy.

Mr. SHEPPARD. Mr. President, the most critical need of the time is an earth-wide organization for universal peace. Such a need is the most serious challenge to Christianity and to all the world to-day. Our civilization may be hopelessly impaired by another general conflict. Two conditions sustain this conjecture. The first relates to the horrors of modern warfare. Machine power and chemicals which have brought so many blessings in eras of peace may be utilized for unspeakable destruction, terror, and mutilation in periods of war. Even the airplane, so useful and so promising in commercial lines, may become perhaps the deadliest instrument of battle. Marshal Foch has stated that one of the great factors in the next war will be aircraft and that the potentialities of aircraft attack are almost beyond measure.

Before the close of the World War airplanes were carrying bombs and machine guns. Since the war their capacity in this regard has been steadily increasing. Already they are able to drop shells with poison gas which may asphyxiate a whole community, or shells with inflammable material and explosives which may sink battleships and cruisers, destroy the largest buildings. The heaviest bomb yet dropped has a weight of 4,000 pounds and its explosion on the hard ground makes a crater 30 feet deep, 160 feet wide. Modern warfare employs every human and material resource, making towns, cities, homes, fields, factories, lines of transport, and entire populations the sources and agencies of supply and by the merciless mathematics of necessity objectives of attack. The havoc which may be wrought by battle planes assumes such proportions that the soul sickens in its contemplation. The best resistance to aircraft is found only in the construction of larger and more efficient aircraft. If the recent failure of so many airplanes to cross the sea under their own power be cited as an argument against any serious danger to us from an air assault by other nations let it be remembered that airships of the Zeppelin type are able to carry planes, and that these airships have already made a number of successful transoceanic trips. Sea vessels for the carriage of planes, known as airplane carriers, are now in the navies of all the leading countries and can provide a base 200 miles from shore for an air attack.

Remember further that within the last few hours the airplane known as the *Question Mark* has completed a continuous flight, remaining in the air more than 150 hours and covering a distance of about 11,500 miles, being refueled while in the air.

The second condition warning us against another martial outbreak is the fact that the principal nations are now so dependent on each other for the essentials of economic existence and so closely related, therefore, in material interest that war between two or three will almost inevitably mean war among all, and may bring any nation, combatant or noncombatant, whose transport and trade connections with the outside are suspended, disasters beyond control or calculation. As an example of the mutual dependence of nations note our own Republic. In the production of the commodities and facilities of current civilization it far surpasses every other realm.

The boast has often been made that it is strong enough to live unto itself alone, without the necessity of looking abroad for requisite materials of manufacture and agriculture. In truth, however, we are so utterly dependent on lands beyond the seas for so many of these materials that without them our industry and our progress would cease on anything like the present scale. The ensuing discomfort, suffering, crises, social, political, and financial, might imperil that system of free and progressive government which is now the wonder of the time.

Consider steel. Is it possible to imagine American civilization of to-day without steel—steel the basis of the railway, the factory, the giant structures devoted to business, education, art, benevolence, finance, steel of which we produce 64 per cent of the world's annual output? Is it possible to envisage the results of any substantial interruption in the production of steel in the United States, the very corner-stone of our supremacy in world industry? And yet some idea of the dependence of the fabrication of American steel on other countries may be obtained when we recall that steel can not be made without manganese, that probably 95 per cent of the manganese used in the United States in making steel must be secured from foreign lands.

Observe the case of rubber. The mere mention of this article arouses an immediate vision of its fundamental place in industrial processes and in our everyday life. For practically our entire supply of rubber we must look to the remote reaches of the earth. Most of our rope fiber and half of our raw wool must come from abroad. We have a tremendous volume of agricultural products. And yet, with our original soil fertility beginning to decline, we find ourselves looking overseas for cargoes of two of the three essential elements of that fertility—nitrate and potash. Of neither of these constituents of fertilizing material, these necessities of plant life and therefore of animal and human life, have we an adequate domestic supply.

Turn now to the need of foreign markets for our own surpluses. We produce more cotton, wheat, tobacco, hides, copper, finished steel items than we consume; and these surpluses must be marketed abroad if many existing plants, investments, life occupations are to be saved from ruin, our country from financial chaos. Other nations are as needful of some of our raw materials as we are of some of theirs. No one nation of importance possesses all the basic products necessary to the sustenance and the occupation of its inhabitants. No one nation of importance is able to live within its own limits, and virtually all the nations, especially the leading ones, must rely upon each other not only for necessary materials of industry and life but for the absorption of surplus commodities.

Another condition of international significance lies in the rapidity with which machines are supplanting men in this Nation. As the output per worker increases with improved machinery and mass production, fewer and fewer persons are needed, and hundreds of thousands of human beings are scrapped with the discarded machines. Census figures show that in manufacturing production increased 29 per cent between 1919 and 1925, while the number of producers decreased by 600,000. Production per employee continued to rise in 1926 and 1927, the number employed in the latter year being still lower than in 1925. Nor is this situation confined to manufacture.

According to the Commerce Yearbook for 1926 increase in production per man in manufacture and railroad transportation was 48 per cent, agriculture 45 per cent, and mining 99 per cent between 1899 and 1925, the average increase for all four groups being 79 per cent, while the number of workers in these groups increased only 35 per cent, as compared with a population increase of 54 per cent for the same period. New employments must be found for surplus men, and markets for their products must be secured both here and abroad if internal order and progress and our living standards are to be preserved. Thus the inexorable necessity of foreign contacts grows as modern civilization develops.

For nations already overpopulated a decreased death rate, due to modern sanitation, advances in surgery and healing, as well as unemployment due to labor-saving machinery, will find outside lands and markets for men and commodities more necessary than ever to their own existence. Clearly the need of the world for organized and lasting peace can not be overstated. It is a need assuming the nature of a crisis, the atmosphere of a tragedy. More and more the world is becoming an interdependent economic unit, each part as a rule essential to the other, with no nation of importance able to live within its own limits.

Two consequences lie in the wake of such a status. Harmonious relationships will lead to adjustments for mutual benefit, for further growth, prosperity, and peace throughout the earth, or a struggle for raw materials, domination of new lands and markets will bring about perpetual friction, suspicion, and hostility, with the frightful shadow of another world war always in the sky. So long as the latter possibility remains as grave as it is our defensive measures must be kept in an efficient and adequate state. The League of Nations, a body composed of nearly all the civilized nations, is making the mightiest effort yet known to establish world cooperation on a permanent foundation, but the refusal of the United States, the most powerful country of all, to become a part of the league organization is an unquestioned handicap. This so-called peace pact is a relationship in which the United States joins with the rest of the world in renouncing war, at least by a common expression to that effect, and as a beginning in the right direction I shall support it.

It is true that the treaty under debate is surrounded by many understandings embodied in the correspondence among its parties which led to its formation. If a single nation fails to abide by its terms, all other nations are released to the extent of their relations with the offending state. The renunciation of war proclaimed by the treaty is not to deprive any nation of the right of defense, and each nation is to be its own judge as to when and how it may exercise such right. France holds that the obligations of the treaty are not to be substituted for or to prejudice in any way the obligations contained in the covenant of the League of Nations, the Locarno agreements, or treaties guaranteeing neutrality.

The Locarno agreements include the Rhineland pact between Germany, Belgium, France, Great Britain, and Italy, by which these nations guarantee individually and collectively to maintain the present boundaries in western Europe and a demilitarized zone defined by the treaty of Versailles; engagements between France and Poland and between France and Czechoslovakia providing for assistance by France to these countries in case of unprovoked aggression against them by Germany; engagements between France and Belgium on the one hand and Germany on the other never to attack or to invade the other and never to go to war with each other except in exercise of legitimate defense or in application of the league covenant against an aggressor; pledges between Germany and Belgium and Germany and France to settle by peaceful methods all questions arising between them. If any party to the engagements proscribing war believes that it is being violated, an appeal is to be made to the Council of the League of Nations. If the council sustains the appeal, all parties are notified, and all are pledged to go to the assistance of the state attacked. In cases of flagrant violation all the other parties may go at once to the assistance of the state attacked, the council in the meantime to make its decision, and the decision it makes, if by unanimous vote, to be observed by the parties engaging in hostilities. Germany takes the same position as that taken by France as to the league covenant and the Locarno agreements, asserting that the treaty contains nothing which will interfere with these instruments. Great Britain states that the peace of Europe rests on the Locarno stipulations and the covenant of the league, and that it must be understood that the treaty now being considered in the Senate conflicts in no way with these engagements. Great Britain stipulates further that the article in the treaty before us in which war is renounced as an instrument of national policy is not to modify its freedom of action regarding certain regions of the world whose welfare and integrity are vital to Great Britain's peace and safety; that, as has been made plain heretofore, Great Britain will not suffer interference with these regions; that their protection against attack is a measure of self-defense for the British Empire. Great Britain does not define these regions, but evidently Great Britain is applying the principle of self-defense to the British Empire.

Japan writes that it is understood that this antiwar treaty contains nothing that refuses the right of self-defense and nothing incompatible with agreements guaranteeing the public peace such as are found in the league covenant and the Locarno agreements.

The Canadian note calls attention to the fact that Canada regards the League of Nations as essential to international harmony; that Canada would not take any step that would endanger the league's effectiveness, but sees no conflict between the league and the pending treaty.

The representative of our Government, Secretary of State Kellogg, in a letter to the other signatory powers prior to the completion of the antiwar treaty and its submission for ratification points out that our Government construes this treaty as in no way impairing the right of self-defense, and agrees that each nation is to decide for itself whether it is justified in going to

war in its own defense. The Secretary refers in this letter to a recent address of his, in which he took the position that the league covenant imposes—

no affirmative, primary obligation to go to war.

That—

the obligation, if any, is secondary and attaches only when deliberately accepted by the state.

That—

there is no necessary inconsistency between the covenant and the idea of an unqualified renunciation of war.

That—

the covenant can be construed as authorizing war in certain circumstances, but it is an authorization and not a positive requirement.

I have used the exact language of our Government's representative in respect to the league because it puts the league in an entirely different light from that in which many attempted to place it during the years following the war, when it was so unqualifiedly denounced throughout the United States as a veritable war trap for this Republic. This American letter proceeds to show in what manner the treaty on which we are soon to act may be harmonized with the Locarno agreements and the French guaranties of neutrality to certain States, namely, by making all the parties to such engagements parties also to this treaty. A nation breaking either of the first two would also be a violator of the treaty, and thus the other nations affected would be free to act. We agree further in this communication that a violation by one nation of the treaty awaiting our action immediately releases any other nation or nations affected. In another part of the official correspondence leading to this treaty our Secretary of State asserts that it does not conflict with the specific obligations or the fundamental purpose of the League of Nations.

Such is a brief summary of the conditions on which this treaty is to come into existence, conditions as much a part of its structure as if they had appeared in its written terms. It is remarkable that all these limitations could become an invisible but undeniable part of a treaty containing these two apparently simple and innocent provisions:

First. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

Second. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Mr. President, it is not possible to predict with entire accuracy what effect the understandings which do not appear in the physical body of the treaty may have upon its practical operation. I do not share, however, the fears and apprehensions that have been expressed regarding them. I am willing, sir, to make the experiment in the interest of the peace and safety of mankind.

Mr. GILLETT. Mr. President, the history of the treaty and its meaning have been so thoroughly set forth in the speeches of the chairman of the Committee on Foreign Relations, Mr. BORAH, and the ranking minority member, Mr. SWANSON, and the running debate in which the chairman answered the questions of Senators has so illuminated the text that no further discussion seems requisite, but as a member of the committee I wish to express very briefly my reasons for believing that the treaty is entitled to our support.

There are very different views about its effectiveness. Some seem to think that it is an insurance of perpetual peace; others that it is a mere noble gesture; others that it is an utter abandonment of our most cherished policies of isolation and security. I do not agree with any of these extremists, the pacifists who think that every nation can at once disarm and let the lion and the lamb lie down together; or the cynics who think that it is a hypocritical attempt to delude and appease a war-weary world.

It seems to me that everyone will agree that it is desirable that we should ratify it without any reservations or limitations unless some important national interest would be endangered. Although it originated in France, it was adopted by our Government, and gradually we became its sponsor and advocate, other nations yielding to our representations have waived amendments and accepted it in its present form; it is generally considered an American proposal, and for us now to alter or restrict it would look like abandoning our own offspring and showing less respect and confidence toward our own Government than the other nations have shown.

Is there, then, anything in its provisions so threatening to our security as to demand precaution or alteration? I see nothing. The explanation which Secretary Kellogg sent to the other governments with his proposed draft and which induced them to withdraw the various reservations which they had suggested amply protect us against any improvident interpretation. Indeed, the right of self-defense and the right of each government to determine for itself when that right may be exercised emasculates the treaty so much that its resultant weakness is the feature that can most justly be criticized. But probably it is wise that such a first step toward universal peace should be a slight one and should not run counter to so many national and historical currents of feeling as to make its observance unlikely. The great fundamental value of such a treaty is that the nations expressly and unitedly put themselves on the side of permanent peace by a formal agreement. That of itself is a vast accomplishment. As there are to be no sanctions, the main purpose is to focus upon one goal universal public opinion. That ought to make it infinitely more difficult in the future for any nation to inaugurate a war. It ought to make it easier to concentrate public opinion against the aggressor and determine who that aggressor is. For as we all agree to settle our disputes by pacific means, if one party to a quarrel offers such a resort and the other refuses, it is plain who has broken the treaty and who is the aggressor, and no nation will want to make war in face of the outraged opinion of the rest of the world.

To me that seems the great advance marked by this treaty. I think it makes peace more probable and a popular war more difficult. And, fortunately, the progress of our age, the explorations and discoveries of science are all working toward the same end, for they are making war more destructive and appalling and are also making victory more uncertain, as it may turn entirely on some new and unforeseen output of chemistry, and so the ambitious ruler or nation will have less temptation to embark on an enterprise whose cost is so terrible and whose result must be so dubious.

We must remember that until to-day war has been the greatest factor in history, always imminent and always the final arbiter of every dispute and the ultimate weapon of every ambition. It has been the instrument by which the boundaries of nations have been determined and both liberty and despotism established and supported. Despite its horrors it has always been looked upon as respectable, has been admitted by international law as an attribute of sovereignty, and an integral part of the relationship of nations. All that we are undertaking to overthrow. We are endeavoring to abolish and exterminate a force which the accumulating experience of thousands of years has habituated the human mind to accept as normal and inevitable and supreme. To tear from the universal thought of all nations such an ingrained habit can not be easy. We should expect it would meet with struggles and setbacks. We should not attempt too much at first. Those peoples who are most civilized, who most think and act for themselves, and those nations where the popular voice is most intelligent and most decisive will naturally grasp most eagerly and hold most tenaciously this novel and revolutionary idea of peace. For it is the masses of the people who are always the greatest sufferers and the least gainers by war, and when they have the intelligence to decide for themselves and the power to make that decision effective war is improbable. And that condition is more widespread to-day than ever before. Moreover, it is favored and advanced by the peculiar characteristics of our era. The marvelous discoveries of science and control of the forces of nature, which are our proudest distinction, have had a great effect on the relationship of nations. They have brought us together in a mutual knowledge and acquaintance which has vastly increased the spirit of cooperation and friendship. By enlarging and expediting the methods of communication they have prevented misunderstandings and made accord easier. And as a natural result of this increased intimacy there have developed among the nations associations and organizations whose tendency is all for peace. We have just had an illustration of it in the Pan American conference. We have had many instances of it in the League of Nations, and though I think it is fortunate both for us and the rest of the world that we are not a member of that league, though I think we are not fitted for membership, we do not know intimately enough the conditions of Europe, and we have a too polyglot population to judge impartially, yet I feel toward them the sincerest good will, and I think they constitute to-day an active and potent influence toward the peace of the world which we ought in every way to encourage and acclaim.

Mr. President, in our isolation it is hard for us to realize the feelings of those nations who have always been conscious of

an armed enemy at their gates, whose frontiers were never secure against attacks, and over whom always brooded the dread of armed invasion. And as war has not been with us an ever-present specter, to renounce it is not such a wrench to our habitual attitude. But the fact that the other nations seem as eager as we are to undertake this experiment is cheering, and it is also favorable that the nations where the masses of the people have most influence in political decisions, and therefore where the side of peace will have the greatest support, are also the nations which to-day are most powerful and formidable and will bring the greatest prestige and authority to this new movement, just as, on the contrary, in those nations where modern civilization has least penetrated, where the body of the people are least informed about their political affairs, where they have the form but not the substance of democratic government and are unable to prevent constant revolution and warfare, where force alone secures peace, and where their international obligations rest very lightly upon them and are little restraint upon their conduct, the problem of renouncing war is more difficult and the power of moral obligation and public opinion as sanctions for the enforcement of the treaty is more dubious. But these nations fortunately are the weakest.

That happy and expressive phrase, "to outlaw war," is often applied to this treaty. It does not seem to me it is quite justified, though I wish it were. Outlawry seems to carry with it a little more resolute, militant, punitive spirit of hostility than renunciation; it means not only an abandonment and a condemnation by public opinion, but it means positive activity to run it down and suppress and exterminate it. It is more virile and less pacific than renunciation. It implies sanctions as well as aversions. Perhaps some time in the future that will come among all nations. Perhaps the force of public opinion upon which this treaty relies will be found sufficient, and it will never be found necessary to develop a more drastic assurance of peace. Perhaps, as a second step, there will be needed some diplomatic or arbitral or legal tribunal to which shall be submitted the ultimate and authoritative determination of the question of self-defense. But that will be for another generation to determine.

As Mr. Briand very wisely said, "Such a treaty means a beginning, not an end." How that end shall be attained, whether the means here provided shall prove adequate or whether new and improved agreements shall be requisite, experience alone can determine. It is our high privilege to make the beginning. The mere fact that all the nations of the earth unite with a single mind to abandon the historic and recognized instrument by which up to this time they have always planned to carry out their policies, gratify their ambitions, or preserve their liberties is of itself, regardless of all consequences, an impressive spectacle, and we may reasonably hope is at least laying a firm foundation for a new and better order. It is by slow and short steps that international progress is most secure. It may take generations to develop this first step into a steady march toward the millennium of peace, or this may prove of itself efficacious. Its very vagueness and simplicity may prove its most enduring merit, despite the scorn of cynics and the dissatisfaction of enthusiasts. Its central purpose is unmistakable and a universal acceptance of that marks a revolution. If the same force of public opinion which has constrained all governments to adopt it continues actively and sleeplessly to support it, the beginning which Mr. Briand conceived may itself prove to be the complete and beneficent end which he contemplated.

The PRESIDING OFFICER. The question is, Shall the Senate advise and consent to the ratification of the treaty?

Mr. BORAH. Mr. President, I understand that debate is not yet closed.

Mr. HEFLIN. The Senator from Wisconsin [Mr. BLAINE] gave notice that he desired to speak on this question to-morrow.

Mr. BORAH. Yes; I say the debate is not closed. I understand that no one else is ready to go forward this evening. I move that the Senate proceed to the consideration of executive business with closed doors.

BURNING OF COLUMBIA, S. C.

Mr. BLEASE. Mr. President, before that is done I should like to ask permission to have printed in the RECORD and referred to the Committee on Claims an article from the Columbia (S. C.) State and an article from the historical records of the Ursuline Convent at Columbia, S. C., in reference to a claim now before that committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to was ordered to be printed in the RECORD and referred to the Committee on Claims, as follows:

[From the State, Columbia, S. C., Tuesday, November 13, 1928]

BURNING OF COLUMBIA AS RELATED IN RHYME—JUDGE M. M. MANN, OF ST. MATTHEWS, RUNS ACROSS POETIC VERSION OF SHERMAN'S VISIT TO CAPITAL CITY OF SOUTH CAROLINA

Judge Marvin M. Mann, of the South Carolina bench, has run across an unusual description of the burning of Columbia. The judge, in looking over some of his mother's books recently, found a small volume of poems, written by Elizabeth O. Dannelly, originally from Georgia, but from Baltimore at the time the book was printed.

Judge Mann prizes the book very highly, but consented to let the State have it long enough to copy the poem from it for its readers.

THE BURNING OF COLUMBIA

Methinks there'll be emblazoned on the dismal walls of hell A record base, whose fiery words of fiendish deeds will tell, Through ages of eternal woe, to demons black with crime, How once, on earth, degraded men o'erleaped the bounds of time, And though they dwelt in human flesh, incarnate devils turned, When maddened by infernal hate they plundered, killed, and burned; Methinks the "Prince of Darkness," with a wild, sardonic grin, Will point exultant to a crime that won the prize from sin, And glory in a monument that tells his direful sway O'er Northmen who, with burning torch, swept happy homes away.

They came, a motley multitude, a God-forsaken band, With vengeance rankling in each heart, and blood upon each hand, And they stood with glittering steel on Carolina's banks, "Vae victis!" was the fiendish shout that sounded through their ranks. They looked across Savannah's stream with fury-glaring eyes, And trembled in their eagerness to pounce upon their prize. In muttered curses, mingled with the "howlings of delight," They longed to strike, with bloody hand, the stunning blow of night. And as they neared, with dashing speed, Columbia so fair, Their heavy tramp and cannon's roar that thundered on the air gave warning to her people that a conflict had begun, Whose deadly stroke would do its work before another sun. A carriage then was seen to leave which bore a flag of white, And men within whose bosoms burned the consciousness of right The army reached, in proper form, a noblt-hearted mayor Surrendered all, and begged the foe their lovely city spare. The sacred promise sought was given, but soon a shout arose Which told, alas! of pledges broke, and treachery of foes. Behind them desolation told the fury of their wrath; The light of burning homesteads threw a glimmer o'er their path; The smiling fields, all trampled, lay beneath the horseman's tread, And cattle o'er a thousand hills lay mangled, bleeding, dead. Half-naked people cowered under bushes from the blast, And shivered as the midnight wind with icy breathings passed; Fair maidens whose luxurious lives had known before no blight, With faces pale as marble, stood beneath the pall of night, While "crimson horrors" lighted up the wintry midnight sky, As on the ebon wings of smoke their burning homesteads fly. Till village after village by ascending flames were traced, And rising on the morning clouds with fiery arms embraced, The treasured stores of art and taste defiled and ruined lay; Rare paintings which had long withstood the touch of Time's decay; Rich tapestry of velvet soft besmeared with ink and oil, Where dainty feet once lightly trod, are now among the spoil; Rare furniture, superbly carved, pianos grand in tone, Beneath the ruffian's crushing stroke sent up an echoing moan; The gardens, types of Paradise, in tropic verdure dressed, All trampled by the vandal's steed, lay ruined with the rest; The cries of starving children rose upon the smoky air, And wild ascended piteous screams of women in despair; As far as human eye could reach a blackened desert lay, And o'er a stricken people hung the shadow of dismay.

On, on they dashed with mad'ning speed, "woe to the conquered," cried, "We'll burn her cherished capital, we'll rob her of her gain, And woman's prayers or piteous cries shall reach our ears in vain!" No summons for surrender came, but thick, and rapid fell Into Columbia's heart, the treacherous, bursting shell, The flying fragments bearing death to innocence and mirth, To children sporting, free from care, around the social hearth. To helpless women, feeble age, and victims of disease, Who fell, with terror stricken down, upon their bended knees.

An aged sire, with wrinkled brow, and silken locks of white, Was wounded by a missile sent, which took away his sight.

The wild excitement on the street, the universal haste, The people flying to and fro, the rush, the wreck, the waste, The "wilderness of baggage" sent on wagons to the train, The hundreds striving to get off, but striving all in vain, The children and the helpless babes of every age and size, Who added terror to the scene with sharp and fearful cries, The women trembling, pale with fright, who knew, alas; too well, The weaker sex no mercy claimed from men in league with hell,—Will be a sight remembered long, and long on history's page The record will be handed down to tell of Yankee rage.

A loud explosion ushered in that long remembered day, The depot at the dawn of light in smoldering ruins lay. A prelude to the tragic act the dark, infernal plot Which left upon the northern name a black, eternal blot. The clock upon the market hall had struck the hour of ten On Friday, that eventful morn, when entered Sherman's men.

High o'er a captured city now the "Stars and Stripes" they place To witness scenes of violence, of burning, and disgrace; A banner that once proudly waved—the standard of the free—Now floats above the

tyrant's ranks the type of infamy. To take upon its sullied folds a deeper, darker stain Than blood of brothers in the cause of holy freedom stain, To wave above infernal scenes—fit prototypes of Hell—And with its colors dyed in crime, a mute approval tell; A flag that once o'er Washington a hallowed shadow threw, When in the cause of liberty, his gleaming sword he drew; A flag upon whose azure blue the brightest stars that gleamed Arose from where the southern blood in crimson rivers streamed, Whose glory fled when 'neath its folds no longer could we stand, When first it ceased to wave above a free and happy land.

The thieving wretches, one and all, their pillage now began, Assisted by the officers exalted in command. Woe to the honest passer-by who carried watch and chain, His arguments of prior right were uttered all in vain, For Yankees ignore all but gold, and no compunctions feel, 'Tis but the "Nature of the beast" to swindle, lie, and steal; New boots and shoes, or coats and hats, the same abstraction shared, And, all alike, the white and black, with gross injustice fared.

The jeweled hands of maidens fair, were sought, a brilliant prize, And sparkling gems were taken off despite of tearful eyes, Engagement rings of massive gold, their diamonds and their pearls, Now glitter on the brawny hands of saucy Yankee girls, And Yankee boards are shining now arrayed in silver plate Engraven with the honored names of South Carolina's great.

The relics of ancestral pride, by noble sires left, Are lost, polluted, sacrificed, to groveling Yankees theft; And Yankee cooks and chambermaids, now since the heartless raid, Flaunt out in southern women's lace and elegant brocade; Disgracing lovely womanhood, ignoring moral law, They wear, without a blush of shame, their "trophies of the war."

But 'twere a task impossible to write the endless list, The articles of precious goods that Southerners have missed; We "fell among" inhuman "thieves," suffice it then to say, That scarce a vestige of our wealth remains with us to-day. Not e'en the house of God was spared, the sacramental cup Was filled with liquor's burning draught for cursed lips to sup; The sacred vessels of the church were wrested from his hand, As, homeward bound, his steps were turned, the venerable Shand.

They plundered on, insatiate fiends, till near the set of sun, While Sherman looked serenely on, and whispered, "Boys, well done."

With vengeance written on his brow, and falsehood in his breast, He bade our noble, trusting mayor retire to his rest. Assured him that a "finger's breadth" his men would never harm, And told him how unwise his fears, how needless his alarm.

As well might we with childish faith believe the "Prince of Lies," For scarce upon the tainted air his false assertion dies, When, lo! the rockets darting high illume the brow of night. The signal bids the restless foe his blazing torches light; The savage sign thus being given, now bursting to the skies The crimson flame of burning homes in rolling volumes rise. The doom, the awful, awful doom, we heard the soldiers tell, With savage chuckle through their ranks, "to-night we'll give you hell!" With soaking balls of turpentine, and brands of flickering light, They ushered in, with eager hand, the horrors of that night. A rage of burning mountains "raised their flame-capped heads on high," And spouts of melted lava sent their torrents to the sky; The crumbling walls upon the air with thundering crashes broke, As o'er them rose successive clouds of black, terrific smoke, The embers floated on the breeze like stars of glowing light, And glittered high above the flames upon the vault of night; The elements of nature seemed at war with air and sky, And in convulsive fury swept like avalanches by. The grandeur of the awful scene no painter can portray, But graven on the frenzied mind forever will it stay.

Now rocking, with a deathlike shock, the ancient statehouse falls, And buries deep the lore of time beneath her crumbling walls. How many reminiscences of other days arise, Here, once assembled beauty, wealth, the honored and the wise, 'Twas here the voice of Preston rang with eloquent appeals, And battled for that principle that never, never yields; The mighty Hayne here nobly plead in freedom's holy cause, And labored for his country's fame, its happiness and laws; McDuffie stirred the people with his blistering words of fire, They quailed beneath his strong appeals, the maiden and the sire; And here spoke Carolina's son, her noblest, proudest boon, Who rocked the Western Hemisphere—the eloquent Calhoun. Long is the bright, untarnished list of Carolina's great, But ruined lies her capitol, the glory of her State.

In deep despair the women rush with madness to and fro, Receiving naught but taunting words and insult from the foe; They strive to rescue from the flames, a relic, but in vain, A demon grasps the captured prize, and hurls it back again.

Within a silent chamber now, where burns the lamplight pale, And prayers from anxious watchers rise upon the midnight gale, There rests upon a downy couch, a fragile form so white, And lying closely by her side, just opening to the light, Peeps out a tender, little bud, a tiny infant face, And love, in silence, reigns supreme within that hallowed place, The demons rush with curses wild into the darkened room, And carry to its inmate fair a sad and fearful doom. They grasp her thin and trembling hand to seize the shining rings, And terror o'er her livid face its ghastly pallor flings, They seize the watch beneath her head, and with it steal her breath, For, lo! her eyelids gently close into the sleep of death. Another suff'rer, pale and wan, is writhing in her pain, She begs for mercy of the fiends, but pleads, alas! in vain; With cries of murder on their lips and glaring torch they came, And wrap the drapery of her room in sheets of crimson flame. Under a mattress, rudely borne into the chilling air, While icy winds are sweeping by, she meekly suffers there, And bears, in patient agony, while cursing lips condemn, What woman, by the "stern decree," had suffered once for them. A widow, with her "little all," a bag of meal and flour, Had sadly watched her earthly store through many a weary hour, When, with a brow unknown to shame, a ruffian bore away The earnings scant, and pitiful, of many a toilsome day; He brandished in her mournful face a shining bowie knife, And threatened, as she plead and prayed, to take away her life.

Nor did the hardened wretches spare the children in their play; When closed the night, and dawned in gloom, another mournful day, A group of merry little ones caressed a sprightly pet, A greyhound, with its glossy hair, and sparkling eyes of jet, When, passing by, a bandit threw a missile at its head, and howling, bleeding, at their feet the little dog fell dead.—

A slow procession on that night, with faces deadly pale, Around whose fragile figures hung the long black sweeping veil, The nuns, in silent sorrow, left the holy shrine of prayer, While o'er their faces, pale as death, was spread a lurid glare. With trembling steps they sadly sought the "city of the dead," As from the hot, and crumbling walls, they terror-stricken fled, And there, 'mid hallowed, sacred dust, 'mid tombstones cold, and white, They passed in bitterness of heart that long remembered night.—

In Sidney Park where once the gay, and happy city thronged, There huddled, in promiscuous crowds, the old, the young, the wronged. The sick lay fainting on the ground, and to the mothers clung, In almost idiotic fright, their babes, and helpless young; They fancied here a safe retreat from crumbling walls to find, But, lo! redoubled horrors break upon the frenzied mind, When hot, into their ghastly midst with darting speed there falls, Hurled wildly from the heights around, with flashing, fiery balls.—

But there are crimes, far blacker still, too base alas! to tell, Too vile to e'en escape the lips, too near allied to hell, To contemplate would cause a blush on woman's cheek to burn, The thoughts of such infernal deeds her purity would spurn.—

But night removed her sombre veil, and morning came at last; Like maniacs the people stood, and thought upon the past, It seemed a wild, excited dream, a vapor of the brain, Too awful for reality, too fraught with mad'ning pain; But weary limbs and aching feet, as shelterless they roam, Remind the wanderers, pale and faint, they have, alas! no home.—

Ah! who can paint the shocking scene, the desolation wild, The black despair that reigned supreme where happiness once smiled.—

The sun revealed a languid ray of sympathetic light, As though his soul had sickened o'er the horrors of the night, He would not cast a radiant smile into the face of gloom, Or mock the dismal soul that mourned its sudden, awful doom; His brightest smiles were far too bright in golden light to fall Upon the frowning ruins there, the black and tottering wall.—

But o'er such scenes of blood and wreck my weary Muse grows faint, No longer would she human crimes, and human sorrows paint; Nor would she peer beyond the stage o'er which the curtain falls, The act behind congeals the blood, the tragedy appals. A glance upon the outer screen is all she dare bestow, Where only types of monstrous crimes in fainter outlines glow.—

So sad and awful are the scenes, whose traces can not die, The ruling spirit of the wreck fain his work deny; When devils that possessed his soul upon that awful night, By softer feelings of the heart are put again to flight, With human eye he views the deed, in terror stands aghast, And on the name of Hampton brave, the fearful blame would cast.—

Thorns fester in the southern heart, and do you ask me why? Time can not teach forgetfulness; the past can never die.

THE BURNING OF THE URSULINE CONVENT, COLUMBIA, S. C., BY SHERMAN'S ARMY IN 1865

(An abridged copy, taken from the annals of the convent, written by a member of the community who was an eyewitness)

On February 17, 1865, General Sherman's army entered Columbia. Reverend Doctor O'Connell, pastor of St. Peter's Church and chaplain to the Ursulines, asked a guard of protection for the convent. He obtained it—one man. On February 17, about noon, a cavalry officer rode up to the convent, spoke to the guard, and rang for admittance. Of the portress he asked to see the mother superior. To the superioress, Mother Baptista Lynch, he introduced himself as Major Fitzgibbons, a Catholic, and offered any service he, as an individual, could render. The reverend mother, not suspecting any danger to the convent, declined, at the same time thanking him for the offer. He, earnestly insisting, said: "Columbia is a doomed city; at least, that is the talk of the Army; and I do not know if a house will be left standing."

Such an announcement startled the superioress; yet she and her companion answered that such threats could not apply to the convent,

since General Sherman had given a patron of the institution the assurance that her daughter, a pupil, was in a place of safety.

"Of course," replied Major Fitzgibbons, "I do not say the convent will be burned—such a thing would happen only by accident—but we all know what accidents are."

The nuns could not be convinced that danger was imminent. Finally the major persuaded mother superior to write to the general stating all the reasons she had given for her confidence of protection. He offered to be the bearer of the letter, and said he would place it in the general's hand. The letter was written and intrusted to the major. About 3 o'clock that afternoon Major Fitzgibbons returned, accompanied by seven soldiers, whom he stated to be picked men sent to guard the convent. He also gave to mother superior the envelope which had inclosed her letter to the general, and on it Sherman had penciled orders to nearest commanding officer to protect the convent.

Scarcely had the nuns given supper to the seven guardsmen and gathered in the community room for the evening when the alarm of fire was given. From the windows the nuns saw the city toward the south blazing. Calling one of the guards, they asked him to go for Major Fitzgibbons. He refused. Other guards refused other services. The nuns saw that no assistance was to be expected from them.

Reverend Father McNeal called to remove the Blessed Sacrament. The suppressed sobs of the younger sisters but feebly expressed the deep emotion that filled all hearts.

Parents came running for their children, yet knew not where to take them for safety. The danger became so imminent and the crowds of soldiers so great that the pupils and the younger sisters were given bundles of clothing and marshaled into line as for a promenade. At a signal given by mother superior they marched quietly out. Reverend Father O'Connell accompanied them to the Catholic Church—the wind being from that direction, the edifice was deemed safe.

About midnight, by the light of the fast-approaching flames, the plundering of the convent began. Heavy flakes of fire were falling over the premises. The nuns who had remained were admonished to leave. Reverend Doctor O'Connell wished to lead the nuns down Main Street, but the flames were lashing one another from building to building. As the sisters stood bewildered, not knowing their own city, a gentleman on horseback called, "Follow me, sisters; I will lead you to safety." As they followed flakes fell so fast on and about them that holes were burned in their veils and cloaks. In a short while, however, they were with their sisters in the churchyard.

The morning of February 18, 1865, dawned upon the group of nuns and children—cold, hungry, and homeless. Three families, whose nearby homes had escaped the burning, sent food, which all the group needed sadly and accepted gratefully.

Crowds gathered about the churchyard fence—some curious; some sympathetic. General Sherman rode up and was addressed by mother superior. During their short interview the general told her to choose any home in the city for a refuge and it should be protected. He appointed Colonel Ewing to see the nuns and children to safety. Colonel Ewing, learning that they wished to go to the Methodist College, came with ambulances to convey them thither. Finding the trustees of the college unwilling to admit the convent refugees, Colonel Ewing insisted, demanded the keys, and gave them in charge to mother superior.

Here the nuns and their pupils suffered much from overcrowding, scant food, poorly cooked—for they had neither kitchen nor proper utensils—and other discomforts. Colonel Ewing called often and, noting their sad state, reminded mother superior of General Sherman's words that she might choose a home. She said they had thought of asking for General Preston's mansion. Colonel Ewing asked, "Is that where General Logan has his headquarters?" Mother superior answered, "It is." Colonel Ewing replied, "That building has been ordered burned to-morrow morning when the Army leaves the city; if you choose it for your convent, I shall apply to the general to have the order countermanded." This was done, and the next morning the nuns took possession.

Mother Etienne Vassas was placed in charge of this house, where she cared for the invalid sisters; while mother superior, with the pupils and their teachers, remained at the college (now Colonia Hotel) till the surrender of General Lee and the return of families to their homes.

In May, 1865, General Preston and family returned. Mother Etienne and her charges left the mansion and rejoined their companions in the Methodist College.

In the latter part of August they were notified they must leave the college by September 1. They had no place to look for shelter. Day after day they vainly sought a residence for themselves and the 30 pupils still with them. A little later they found means of sending the pupils to their homes; and, acting on the advice of Doctor Lynch and other good friends, they went to Valle Crucis, a country seat belonging to Bishop Lynch (who was then in Rome, Italy), and situated about 3 miles from the city.

Later the nuns bought Valle Crucis; and there, under difficulties and privations that would adorn the annals of missions in pagan lands, the nuns continued their work of education with the heroism of true missionaries for 22 years.

Items of property of the Ursuline Convent, which was destroyed by the United States Army in 1865, with their values at that time

1 large brick building of 72 rooms and outbuildings	$60,000
Altars and statues in chapel	1,000
1 oil painting, original Corregio	2,000
1 oil painting, original Caracci	1,000
1 oil painting, Guiraine	1,500
1 oil painting, Calo Dolce	1,000
1 oil painting, modern school	300
Contents of art room—frames, studies, materials for painting, drawing, etc	1,000
1 organ	750
14 pianos, at $600	8,400
3 harps, with covers, at $600	1,800
5 guitars, with boxes, at $25	125
Music stands	35
14 piano covers, at $12	168
4 bookcases, at $35	140
3 marble-top tables, at $30	90
20 stained wood tables, at $10	200
600 chairs, Windsor, etc., at $1.50	900
200 school desks, double, at $20	4,000
4 teachers' desks, at $20	80
Chemical, philosophical, and astronomical apparatus	1,000
30 benches, at $5	150
6 carpets, velvet and Brussels	600
5 carpets, stair	125
Books (a rough estimate)	1,000
200 bedsteads, at $7.50	1,500
10 bureaus, at $15	150
150 washstands, at $3	450
2 wardrobes, at $50	100
250 pillows, at $3	750
250 mattresses, at $10	2,500
350 pairs sheets, at $2	700
250 bed spreads, at $3	750
150 bed comforts, at $4	600
150 pairs of blankets, at $7	1,050
100 work boxes, furnished, at $3	300
200 writing desks, furnished, at $3	600
75 portfolios, at $3	225
Kitchen range and furniture	500
China, glassware, crockery, clothing, large quantities of music, provisions, etc	15,000
Total	112,538

REAPPORTIONMENT—ADDRESS BY HON. ARTHUR H. VANDENBERG

Mr. JOHNSON. Mr. President, I ask unanimous consent that I may have inserted in the RECORD an address delivered from WRC, at Washington, over National hook-up in "Collier hour," Sunday evening, January 6, 1929, by the junior Senator from Michigan [Mr. VANDENBERG] upon a very important subject, that of reapportionment. The address, I may say in a word, is not only a very able and a very eloquent one but it deals with a subject which ought to be of paramount importance to the Congress as well as to the people of the United States.

When the junior Senator from Michigan first began to agitate this question in the Senate, perhaps he imagined he stood quite alone, but I can assure him that those of us who come from the West, and particularly the representatives of the State which I represent in part, are very glad indeed to stand at his side in the endeavor he is making to enforce the Constitution, and to see that the constitutional provision regarding reapportionment shall be put into effect at the earliest possible moment.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Is there objection to the request of the Senator from California?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Fellow citizens of the United States: I bring to you a serious problem in violated constitutionalism. The responsibility, I regret to say, rests upon the American Congress. I bring you the challenge that these insidious contempts must end or their perpetuation will jeopardize the entire structure of the Republic.

I refer to the failure of Congress to reapportion the House of Representatives on the basis of the 1920 census pursuant to the explicit mandate of the first article in the Constitution of the United States. This may sound like an academic contemplation. But it is not. It involves the basic rights of the American people—rights harking back to the flaming protest of Revolutionary patriots who wrung from their oppressors the historic acknowledgment that "taxation without representation is tyranny." It still is tyranny. It touches every faithful heart and every loyal hearthstone in the land, because all that we are, all that we have, and all that we can ever hope to be are dependent upon the sanctity of our constitutional warrants.

Here is the existing mockery. The Constitutional Convention of 1787 liquidated the perplexing problem of congressional representation by giving each State two Senators and as many Representatives as their population should deserve by equal ratio. Then the convention ordered

a census every 10 years and a reapportionment of Representatives pursuant thereto. Thus serial equity was guaranteed to all the people. The fathers recognized that this equity would be indispensable. Indeed, John Randolph solemnly declared that "if a fair representation of the people be not thus secured, the injustice of the Government will shake it to its foundations."

From 1790 to 1910 Congress never lapsed in this momentous duty. Each 10 years it took the census count and reapportioned the House of Representatives, never permitting more than two years to intervene between the enumeration and its honest validation. For 120 years, in other words, Congress kept faith with the Constitution.

Then came the nullifying interlude. The census was ordered again in 1920. But there has been no reapportionment since August 8, 1911. A sterile and deadly interim has evaded or ignored the plain and paramount mandate in the first article of our great basic charter. No country-loving constitutionalist can tolerate such contempts. This poisonous infirmity must be cured, and cured at once.

Here are some of the results of this congressional default:

First. The last reapportionment in 1910 was on a census basis which counted 91,000,000 people. By 1920 this figure was 105,000,000. In 1930 it will be 123,000,000. Thus the difference between the first and last figure—a difference of 32,000,000—counts the number of our people who to-day are virtually disfranchised. Nothing could be more grossly un-American. Nothing could do greater violence to fundamental rights supposedly established in 1776 and supposedly stabilized in 1787. Even on the threshold of Civil War, Lincoln found it possible to utter this confident challenge in his first inaugural: "Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied." It is a hapless but unavoidable reflection upon our own times to say that precisely this thing has happened and is happening now. The plainly written mandate of the Constitution is denied, and with it are denied the equal-suffrage rights of 32,000,000 American people.

Second. Great constituencies are victimized by this constitutional default. For example, my own State of Michigan has 2,000,000 people in three of her congressional districts, whereas under the old 1910 quota 2,000,000 people should count for at least nine districts. In the face of such disability, it is a travesty to talk of constitutional equalities. All of the following States are similarly victimized in greater or less degree: California, Ohio, Connecticut, New Jersey, North Carolina, Texas, and Washington. The founders of America would turn over in their graves if they sensed such ravishment of the constitutional guarantees which they so painstakingly ordained. If Congress were to permit a President to keep the White House eight years beyond his constitutional rights, there would be a revolution against such usurpation. It may be a less spectacular affront, but it is no less virulent anticonstitutionalism when Congress permits numerous of its own Members to sit eight years beyond their constitutional warrant.

Third. Even the honesty of the Electoral College is stained, because each State has a presidential elector for every Senator and every Representative. Those States unjustly deprived of Representatives are proportionately deprived of electors. In a close presidential year this might precipitate as dangerous a crisis as in the Hayes-Tilden campaign of 1876. It is insufferable folly to permit such hazard to exist.

Fourth. The greatest of all dangers is to the Constitution itself. Like any other chain, it is no stronger than its weakest link. We speculate with the life of the Republic when the Constitution is nullified, particularly when it is nullified in the Halls of Congress itself.

But, you ask, why does this situation exist? First, because those who would lose their seats under reapportionment often consult political expediency instead of hard, constitutional duty; second, because their colleagues are often too complacently courteous in the face of this dilemma and too prone to pursue the course of least resistance; third, because of the arguments over methods and limitations, which, in turn, defeat actual action; fourth, because the country has not given Congress plain and explicit notice that it wants the Constitution preserved—all of it—no matter who is helped or hurt.

This latter element is within the influence of those who listen to me to-night. Both House and Senate belatedly confront this reapportionment issue this January. If you are a sound constitutionalist—if you want the integrity of the Republic's foundations preserved—you can say to your Congressmen and to your Senators that you expect them to observe both the letter and the spirit of their oaths. You can tell them to validate the Constitution in this vital matter. You thus can make yourself count in the battle to save our common inheritance.

WESTERN NAVAJO INDIAN RESERVATION, ARIZ.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta, on the Western Navajo Indian Reservation, Ariz., which were, on page 1, line 3, after the word "That," to insert "not more than"; and, on page 1, line 8, to strike out "Marsh Pass Indian Boarding School" and insert "tuberculosis sanatorium."

Mr. ASHURST. I move that the Senate concur in the House amendments. One amendment simply limits the amount to not more than $35,000. The other amendment simply further identifies one of the two termini of the line.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

OHIO RIVER BRIDGE, STEUBENVILLE, OHIO

The bill (H. R. 14802) to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio, was read the first and second times by its title.

Mr. FESS. Mr. President, the Senate on yesterday passed an identical Senate bill, S. 4614. I have just been informed that this Senate bill was passed by the House without amendment a short time ago; and as there is no further legislative step to take with reference to the matter, I therefore move that the House bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; and

S. J. Res. 139. Joint resolution for the relief of the Iowa Tribe of Indians.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. BORAH. I renew my motion to go into secret executive session.

The motion was agreed to, and the doors were closed. After 10 minutes spent in closed executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate, as in open executive session, take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Wednesday, January 9, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 8 (legislative day of January 7), 1929

COLLECTOR OF CUSTOMS

Kyle Elam to be collector, district No. 21, Port Arthur, Tex.

UNITED STATES DISTRICT JUDGES

James W. McCarthy to be United States district judge, district of New Jersey.

Edgar S. Vaught to be United States district judge, western district of Oklahoma.

UNITED STATES ATTORNEY

Phillip Forman to be United States attorney, district of New Jersey.

IN THE ARMY

Francis LeJau Parker to be Chief of Bureau of Insular Affairs.

POSTMASTERS

FLORIDA

Emma M. Cromartie, Reddick.

ILLINOIS

Emma L. Enders, Cherry Valley.
John S. Redshaw, Granville.

KANSAS

Henry A. Cory, Alta Vista.
Clarence T. Taylor, Arlington.
Henry N. Van Doren, Deerfield.
Guy W. Bryan, Delia.
George H. Leisenring, Ellis.
Grace E. Wilson, Milford.
Clara G. McNulty, Stockton.

MASSACHUSETTS

Florence L. Beal, North Cohassett.
Andrew J. Maguire, Randolph.

MICHIGAN

Agnes B. Ruttle, Carsonville.
Florence R. Woodbridge, Sidnaw.
Curtis Van Prentice, South Haven.
James L. Blakeley, Standish.

MONTANA

Nora M. Henley, Geyser.
Stanley A. Yergey, Hardin.
Roy D. Beagle, Savage.
Alma M. Engle, Somers.
William Fraser, Three Forks.

PORTO RICO

Luis E. Kolb, Utuado.

SOUTH CAROLINA

Dana T. Crosland, Bennettsville.
Benjamin T. Frierson, Conway.
Lawrence D. Hagan, Due West.
Hamilton R. Burkett, Eastover.
Melvin L. Sipe, Fountain Inn.
Addie V. Thames, Hemingway.
Carolyn M. Venters, Johnsonville.
Luther V. Martin, Mullins.
LeGrand G. Bolin, Neeses.
Andrew R. Barrett, Rock Hill.
Rebecca Wimberly, St. Matthews.
John C. Luke, Summerville.
Albert H. Askins, Timmonsville.
Jasper E. Watson, Travellers Rest.
James J. Vernon, jr., Wellford.
George S. Wilson, Williamston.
George R. Hudson, Williston.
George H. Hart, York.

TEXAS

Elizabeth Ingenhuett, Comfort.
Ruth S. Marion, Kermit.
Alvin O. Fricke, Kingsbury.
Edward H. Reinhard, Poth.
Susan Sipes, Sinton.
Emil J. Spiekerman, Skidmore.

UTAH

Joseph Odell, Logan.
Warren W. Porter, Morgan.
John E. Lunt, Nephi.
Robert S. Calderwood, Tremonton.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 8, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O brooding Spirit of God, Thou who dost wear the earth as a flower upon Thy breast, hear our little prayer. While we realize the dark mystery of sin, we are so grateful for the bright message of pardoning and redeeming love; help us to translate into terms of human thought and express it in moral terms of daily conduct. We thank Thee that Thou hast placed eternity in hearts of men; and, Heavenly Father, in Thee only can we find complete satisfaction. Our intellects require Thee in the solution of the deepest problems of life. Thou alone can overtop all finite heights, for in Thee is gathered the fullness of all existence. Help us, direct us, and lead us to-day that our country may have the finest fruitage, our best thinking, and wisest working. Let Thy Holy Spirit be a witness to a Righteous King and moral government in the world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army;

H. R. 8798. An act for the relief of William Lentz;

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana;*

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; and

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 9961. An act to equalize the rank of officers in positions of great responsibility in the Army and Navy;

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army;

H. R. 12449. An act to define the terms "child" and "children" as used in the act of May 18, 1920, and June 10, 1922; and

H. R. 12538. An act for the benefit of Morris Fox Cherry.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2330. An act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.;

S. 3590. An act to amend section 110 of the Judicial Code;

S. 4217. An act to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.;

S. 4438. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.;

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio;

S. 4640. An act to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes;

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4793. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Trousdale County, Tenn.;

S. 4848. An act for the relief of T. L. Young and C. T. Cole;

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 4927. An act for the relief of Peter Shapp;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5059. An act granting the consent of Congress to the Chicago, South Shore & South Bend Railroad to construct, maintain, and operate a bridge across the Grand Calumet River at East Chicago, Ind.;

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

NATIONAL PLAZA COMMISSION

The SPEAKER. Under authority of the bill S. 3171, providing for a Presidents' plaza and memorial in the city of Nashville, Tenn., to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, now a law, the Chair appoints as members of the commission known as the National Plaza Commission on the part of the House the gentleman from Tennessee, Mr. BYRNS, the gentleman from Tennessee, Mr. TAYLOR, and the gentleman from Tennessee, Mr. ESLICK.

SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside at the opening of the House to-morrow morning.

EXTENSION OF REMARKS IN THE APPENDIX OF THE DAILY RECORD

Mr. JONES. Mr. Speaker, I rise to propound a parliamentary inquiry. I notice that when leave is granted to include an article as a part of remarks in the House it is usually printed in the Appendix, whereas in the other body it seems to be printed in the body of the RECORD. Does this correspond with the rules of the Joint Committee on Printing? My reason for making the inquiry is that yesterday one of the Members of the House asked to have printed an editorial written and signed by another Member of the House, and that it be included as a part of his remarks. It was put in the Appendix. I think properly so. But turning back I find that a similar request upon the part of a Member of another body is included in the body of the RECORD. What is the distinction in the privilege of the two bodies?

The SPEAKER It is a matter for each body to determine for itself; but the Chair has stated on a number of occasions that he thinks the proper distinction is this, that if a Member obtains the right to extend remarks which he is actually making by placing therein a document which he gets leave to print, that document is printed with those remarks in the main part of the RECORD. If, however, he asks leave to extend remarks not actually made by printing a certain document, that goes in the Appendix.

Mr. JONES. I appreciate that distinction and the reason for it, but those reasons do not seem to apply at the other end of the Capitol.

The SPEAKER. The Chair is not responsible for a great many things that occur at the other end of the Capitol.

Mr. JONES. In this particular instance the Member who made the request asked that it be printed as a part of his remarks.

The SPEAKER. As a part of the remarks that he was actually making on the floor?

Mr. JONES. No. He said, "I ask unanimous consent to extend my remarks by incorporating this editorial as a part of my remarks."

The SPEAKER. That would go in the Appendix. If the gentleman is making remarks on the floor of the House and obtains leave to print any document which helps his argument or refers to matters he is discussing, the Chair thinks that properly becomes a part of his remarks in the main body of the RECORD; but if he rises and asks unanimous consent to extend his remarks and to incorporate therein a document, letter, or editorial—whatever it may be—that must be printed in the Appendix.

Mr. JONES. I appreciate the force of the Speaker's reasoning, and I am wondering why it does not apply at the other end of the Capitol. I think these articles should go in the Appendix, but I think they should go into the Appendix no matter which wing of the Capitol they come from.

BRIDGE ACROSS OHIO RIVER AT STEUBENVILLE, OHIO

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4616) to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio, and pass the same. An identical House bill passed the House yesterday. It was bill H. R. 14802, and is a bill legalizing an existing railroad bridge at Stuebenville, Ohio. The two bills are identical.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to take from the Speaker's table the bill S. 4616, and pass the same. The Clerk will report the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. BECK ELECTION CASE

Mr. VINCENT of Michigan. Mr. Speaker, I call up the report and resolution from Elections Committee No. 2 in the matter of the right of JAMES M. BECK to a seat in this House.

The SPEAKER. The gentleman from Michigan calls up a resolution which the Clerk will report.

Mr. VINCENT of Michigan. Mr. Speaker, I ask unanimous consent that the resolution be reported in lieu of the report and resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 283

Resolved, That JAMES M. BECK is entitled to a seat in the Seventieth Congress as a Member of the House of Representatives from the first congressional district of the State of Pennsylvania.

Mr. BROWNING. Mr. Speaker, I offer a substitute for the resolution.

The SPEAKER. The gentleman from Tennessee offers a substitute for the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That JAMES M. BECK is not entitled to a seat in the Seventieth Congress as a Member of the House of Representatives from the first congressional district of the State of Pennsylvania.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Do I understand the gentleman from Michigan yielded to the gentleman from Tennessee for that purpose?

The SPEAKER. The Chair assumed that he yielded for that purpose.

Mr. TILSON. For the purpose simply of offering a substitute resolution?

Mr. BROWNING. Yes.

The SPEAKER. The Chair assumed that.

Mr. GARRETT of Tennessee. Will the gentleman from Michigan yield, is it the purpose of the gentleman to have the report printed in the RECORD?

Mr. VINCENT of Michigan. I would be glad to have it printed, and I ask unanimous consent——

Mr. GARRETT of Tennessee. The report and the minority views?

Mr. VINCENT of Michigan. Yes.

Mr. GARRETT of Tennessee. It rather seemed to me in a case of this importance, it is well to have the official report of the committee and minority views printed in the RECORD.

Mr. VINCENT of Michigan. I will ask unanimous consent that the report of the committee and the views expressed by the minority Members be printed in the RECORD at this point.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the entire report, including the views of the minority, be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

[H. Rept. No. 975, 70th Cong., 1st sess.]

JAMES M. BECK ELECTION CASE

Mr. VINCENT of Michigan, from the Committee on Elections No. 2, submitted the following report, to accompany the JAMES M. BECK election case:

The Committee on Elections No. 2, having had under consideration the matter of the right of Mr. JAMES M. BECK to his seat as a Representative in the Seventieth Congress from the first congressional district of Pennsylvania, as submitted to said committee under House Resolution 9, after careful consideration of the same, respectfully submits this report to the House of Representatives.

THE QUESTION SUBMITTED

House Resolution 9 reads as follows:

"Whereas it is charged that JAMES M. BECK, a Representative elect to the Seventieth Congress from the State of Pennsylvania, is ineligible to a seat in the House of Representatives for the reason that he was not at the time of his election an inhabitant of the State of Pennsylvania in the sense of the provision of the Constitution of the United States (par. 5 of sec. 2, Art. I) prescribing the qualifications for Members thereof; and

"Whereas such charge is made through a Member of the House, and on his responsibility as such Member upon the basis, as he asserts, of records and papers evidencing such ineligibity:

"*Resolved*, That the right of JAMES M. BECK to a seat in the House of Representatives of the Seventieth Congress be referred to the Committee on Elections No. 2, which committee shall have power to send for persons and papers and examine witnesses on oath relative to the subject matter of the resolution."

It will be seen at once that the sole question involved is the naked constitutional question as to whether, under the facts, Mr. JAMES M. BECK at the time of his election to the House of Representatives was an inhabitant of Pennsylvania within the meaning of paragraph 2 of section 2, Article I, of the Constitution of the United States. This and no other question is involved. No charge of fraud nor any other wrongdoing is raised against the entire regularity and legality of Mr. BECK'S nomination nor election except the one question of his inhabitancy of Pennsylvania.

THE FACTS

Mr. JAMES M. BECK was born in Philadelphia, Pa., July 9, 1861. He was educated in the schools of that city. Later he attended the Moravian College at Bethlehem, Pa. He was admitted to the bar in Philadelphia in 1884, and resided in that city and practiced law there continuously until 1900. During this period he served one term as assistant United States attorney for the district in which Philadelphia is located, and also one term as United States attorney for the same district. In 1900 he was appointed by President McKinley Assistant Attorney General of the United States and came to Washington to discharge the duties of that office, but retained his residence in Philadelphia until 1903, when he resigned from this office. Upon his resignation he went to the city of New York to engage there in the practice of law. At that time he gave up his residence in Philadelphia and acquired a residence in New York City. He continued to reside in New York City until November, 1920. In the intervening period between 1903 and 1920 he acquired a summer home, not suitable for residence except as a summer place, at Sea Bright, N. J., which property he still owns.

In November, 1920, he sold his residence in New York City and came to Washington and purchased a house, which he has owned since, at 1624 Twenty-first Street NW. He purchased this home in Washington in anticipation of being appointed to a position in the Harding administration, and in 1921 he was appointed Solicitor General of the United States by President Harding. He held this position until 1925, when he resigned for the reason that his eyesight was being impaired by the burden of the work connected with that office.

Mr. BECK testified that when he went to New York to practice law in 1903 he did so for the purpose of acquiring a competence; that he never intended to make New York his permanent home; that it was always his intention to return to his native city of Philadelphia when such a competence had been acquired. And that when he sold his residence in New York in 1920 he ceased all residential connection with that city and State.

On April 30, 1925, he was appointed by the mayor of Philadelphia to represent the city of Philadelphia in securing the participation of foreign countries in the Sesquicentennial Exposition held in that city. Again the following year he was appointed as special commissioner of the exposition in foreign countries. On September 28, 1925, under a Federal statute which required that the advisory commission having the Sesquicentennial Exposition in charge should be composed of two members from each State, President Coolidge appointed Mr. BECK as one of the two members from Pennsylvania on the national advisory commission of that exposition.

On April 30, 1925, Mr. BECK made an address at a club function in Philadelphia in which he expressed his intention of resuming his permanent home in Philadelphia. In the spring of 1926 he conducted negotiations for the securing of an apartment in that city. An apartment at 1414–1416 Spruce Street, in the building known as the Richelieu Apartments, was selected and agreed upon. Before executing the lease therefor Mr. BECK went to Europe on matters connected with the Sesquicentennial Exposition. The apartment was held for him until his return. On July 6, 1926, he executed the lease for this apartment, in which it was provided that the rental should begin on June 1, 1926, the lease to be for one year with the privilege of renewal thereafter from year to year unless one of the parties thereto gave notice of discontinuance at least two months prior to the end of the current annual period. This was an unfurnished housekeeping apartment. The rental agreed upon was $110 per month, which the testimony showed Mr. BECK had paid continuously since the beginning of the lease. He immediately furnished the apartment with proper furniture and equipment.

It appeared that the testimony that Mr. BECK, with the exception of occasions when he was absent in Europe on business connected with the sesquicentennial, and except for summer periods spent in his Sea Bright summer home, has occupied this apartment one or more times each week. His sister, Miss Helen Beck, has also occupied the apartment for a considerable portion of the time it has been under lease. On numerous occasions when Mr. BECK was in Philadelphia, and his sister also was occupying the apartment while Mr. BECK made it his headquarters, it frequently occurred that he would spend the night near by at the Art Club of Philadelphia, of which he has been a member for years. The apartment consists of a living room, a bedroom, a kitchen, and a bathroom. Mr. BECK has retained his Washington house fully furnished and has occupied it whenever he desired during all of this period. He testified that he retained his Washington residence in the main because his professional work largely consisted of cases before the Supreme Court of the United States. He has a law office in the city of Washington, but not in partnership with any other attorney. His private business affairs are all conducted in Philadelphia, the Girard Trust Co. being his fiscal agent.

While Mr. BECK was a resident of New York he voted in that city. While he was Solicitor General of the United States he registered and voted from his summer home in Sea Bright, N. J. The last vote he cast there was in the presidential election of 1924. He testified that on account of his intention to reidentify himself with his native city of Philadelphia and to resume his citizenship in the State of Pennsylvania he refrained from voting elsewhere after 1924.

The law of Pennsylvania contains a requirement of a residence of one year in that State in order to qualify for registration for electoral purposes, except that in the case of one that has theretofore been a citizen of that State and, having resided elsewhere, has returned to the State of Pennsylvania, such residence requirement is reduced to six months. It is also required that in order to register in Pennsylvania one must have paid a tax of some sort; and if one has not paid a real estate or personal property tax, then one must pay a poll tax of 25 cents and hold the receipt at the time of registration. Mr. BECK paid this poll tax in September, 1927, and offered himself for registration as a voter in September, 1927, and was registered. He voted in the primaries in the city of Philadelphia on September 20, 1927. He was assessed for a personal-property tax on a valuation of $20,000 in Philadelphia on October 3, 1927. This tax did not become payable until after the expiration of the year 1927.

After the primary of September 20, 1927, the Representative elect from the first congressional district of Pennsylvania, Mr. Hazlett, resigned, and to fill the vacancy so caused the proper Republican authorities nominated Mr. BECK for Representative in Congress on the Republican ticket. The Democratic Party nominated Mr. J. P. Mulrenan. At the election on November 6, 1927, Mr. BECK was elected by a majority of approximately 60,000.

As tending to prove his constant intention to reidentify himself with Philadelphia and to resume his citizenship thereof, Mr. BECK testified concerning his membership in many social and civic institutions of that city, most of these memberships having existed for many years. Among these were the Fairmount Park Art Association, of which he had been president and is now vice president and general counsel—its purpose is the improvement of the city by the erection of works of art therein; the Philadelphia Commission, having a somewhat similar purpose as that of the foregoing association; the City Parks Association, having a somewhat similar purpose; the American Philosophical Society; the Art Club; the Legal Club; the Shakespeare Society; the Mahogany Tree Club; the Franklin Inn Club; the General Alumni Society of the University of Pennsylvania; the New England Society of Pennsylvania; the Historical Society of Pennsylvania; the Five O'Clock Club; the Orpheus Club; the Friendly Sons of St. Patrick. It is proper to say in connection with the memberships in these clubs and associations that two of the clubs carry a separate roster for resident and nonresident memberships. Mr. BECK stated that he did not personally draw the checks for membership dues in these organizations but that this matter was taken care of by his secretary. In the late fall of 1927 his attention was called to the question as to whether he ought not to change from the nonresident classification to resident classification in the Art Club. This he attended to as soon as the matter was brought to his notice.

In the case of the other club having the two classifications, he was carried as a nonresident member.

It is proper to add also that the house in Washington is an attractive, commodious, well-furnished house, in which there is much more room and much more valuable furniture and equipment than in the Philadelphia apartment, and that in the matter of number of days actually spent by Mr. BECK in these two places of abode since the acquiring of the Philadelphia apartment, more days have been spent in the Washington house than in the Philadelphia apartment. It further appeared that Mr. BECK had on occasions when he was a guest in hotels registered from Washington, and that his automobiles bear license plates provided by the District of Columbia.

THE CONSTITUTIONAL PROVISION

Paragraph 2 of section 2, Article I of the Constitution, provides as follows:

"No person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

THE PROCEEDINGS IN THE CONSTITUTIONAL CONVENTION

To determine whether the facts applicable to the case of Mr. BECK place him within the meaning of the framers of the Constitution in their use of the word "inhabitant," it is of the greatest importance to consider the debate which occurred at the time this provision was adopted. This particular provision of the Constitution was considered on Wednesday, August 8, 1787, and as it came before the convention the provisions were the same as now except that citizenship of the United States for a period of three years was required, and it was also required that the Representative should be a "resident" of the State from which he should be chosen. The following is the entire debate contained in the Madison Papers on this paragraph of the Constitution:

"Col. Mason was for opening a wide door for emigrants; but did not chuse to let foreigners and adventurers make laws for us & govern us. Citizenship for three years was not enough for ensuring that local knowledge which ought to be possessed by the Representative. This was the principal ground of his objection to so short a term. It might also happen that a rich foreign Nation, for example Great Britain, might send over her tools who might bribe their way into the Legislature for insidious purposes. He moved that 'seven' years instead of 'three' be inserted.

"Mr. Govr. Morris seconded the motion, & on the question, All the States agreed to it except Connecticut.

"Mr. Sherman moved to strike out the word 'resident' and insert 'inhabitant,' as less liable to misconstruction.

"Mr. Madison seconded the motion. Both were vague, but the latter least so in common acceptation, and would not exclude persons absent occasionally for a considerable time on public or private business. Great disputes had been raised in Virginia, concerning the meaning of residence as a qualification of Representatives which were determined more according to the affection or dislike to the man in question, than to any fixt interpretation of the word.

"Mr. Wilson preferred 'inhabitant.'

"Mr. Govr. Morris was opposed to both and for requiring nothing more than a freehold. He quoted great disputes in New York occasioned by these terms, which were decided by the arbitrary will be of the majority. Such a regulation is not necessary. People rarely chuse a nonresident. It is improper as in the 1st branch, *the people at large*, not the states, are represented.

"Mr. Rutlidge urged & moved that a residence of 7 years should be required in the State wherein the Member should be elected. An emigrant from New England to South Carolina or Georgia would know little of its affairs and could not be supposed to acquire a thorough knowledge in less time.

"Mr. Read reminded him that we were now forming a National Government and such a regulation would correspond little with the idea that we were one people.

"Mr. Wilson enforced the same consideration.

"Mr. Madison suggested the case of new states in the West, which could have perhaps no representation on that plan.

"Mr. MERCER. Such a regulation would present a greater alienship among the States than existed under the old federal system. It would interweave local prejudices and State distinctions in the very Constitution which is meant to cure them. He mentioned instances of violent disputes raised in Maryland concerning the term 'residence.'

"Mr. Elseworth thought seven years of residence was by far too long a term: but that some fixt term of previous residence would be proper. He thought one year would be sufficient, but seemed to have no objection to three years.

"Mr. Dickinson proposed that it should read 'inhabitant actually resident for — year.' This would render the meaning less indeterminate.

"Mr. WILSON. If a short term should be inserted in the blank, so strict an expression might be construed to exclude the members of the Legislature, who could not be said to be actual residents in their States whilst at the Seat of the General Government.

"Mr. MERCER. It would certainly exclude men, who had once been inhabitants, and returning from residence elsewhere to resettle in their original State; although a want of the necessary knowledge could not in such case be presumed.

"Mr. Mason thought 7 years too long, but would never agree to part with the principle. It is a valuable principle. He thought it a defect in the plan that the Representatives would be too few to bring with them all the local knowledge necessary. If residence be not required, rich men of neighbouring States, may employ with success the means of corruption in some particular district and thereby get into the public Councils after having failed in their own State. This is the practice in the boroughs of England.

"On the question for postponing in order to consider Mr. Dickinsons motion:

"New Hampshire, no. Massachusetts, no. Connecticut, no. New Jersey, no. Pennsylvania, no. Delaware, no. Maryland, ay. Virginia, no. North Carolina, No. South Carolina, ay. Georgia, ay.

"On the question for inserting 'inhabitant' in place of 'resident'—agreed to nem. con.

"Mr. Elseworth & Col. Mason moved to insert 'one year' for previous inhabitancy.

"Mr. Williamson liked the Report as it stood. He thought 'resident' a good enough term. He was against requiring any period of previous residence. New residents if elected will be most zealous to conform to the will of their constituents, as their conduct will be watched with a more jealous eye.

"Mr. Butler and Mr. Rutlidge moved 'three years' instead of 'one year' for previous inhabitancy.

"On the question for 3 years:

"New Hampshire, no. Massachusetts, no. Connecticut, no. New Jersey, ay. Pennsylvania, no. Delaware, no. Maryland, no. Virginia, no. North Carolina, ay. South Carolina, ay. Georgia, ay.

"On the question for '1 year':

"New Hampshire, no. Massachusetts, no. Connecticut, no. New Jersey, ay. Pennsylvania, no. Delaware, no. Maryland, divided. Virginia, no. North Carolina, ay. South Carolina, ay. Georgia, ay."

It is evident that in this debate the framers of the Constitution were seeking for a nontechnical word, the main purpose of which would be to insure that the Representative, when chosen, from a particular State should have adequate knowledge of its local affairs and conditions. Mr. Madison, Mr. Wilson, and Mr. Mercer all emphasized that it was not desired to exclude men who had once been inhabitants of a State and who were returning to resettle in their original State, or men who were absent for considerable periods on public or private business. The convention by vote deliberately declined to fix any time limit during which inhabitancy must persist. To get clearly in mind the thought which the word "inhabitant" held in the minds of the framers of the Constitution, it is well to recall that in the days of the Colonies the people who constituted the body politic of a colony were quite generally described in the charters and other public documents connected with the governments of the Colonies as being "subjects" of Great Britain and "inhabitants" of the colony in which they were members of the body politic.

A number of examples of this are recited in the volume of law arguments taken in the hearings before this committee, beginning on page 38. To these men an "inhabitant" was one who had an abode within a colony and was recognized and identified as one who was a member of the body politic thereof. The fact that he might absent himself physically from the colony for a very considerable period of time did not militate against the recognition of him as an inhabitant of such a colony, and this remained true after the colonies had achieved their independence and had become independent States. Thus, though George Washington was for the greater part of 16 years absent from Mount Vernon and Benjamin Franklin was absent for years from Pennsylvania, no one would have considered there was any cloud on their title as inhabitants, respectively, of the States of Virginia and Pennsylvania. In those early times it was the uncommon rather than the common thing that a man should have more than one place of abode. In these modern times it is quite common that men have two or more places of abode to which they may repair according to the season of the year, according to their business convenience, or according to the public duties which they may be called upon to discharge. This is true of many Members of each House of the Congress to-day, but the principle has not changed. Admittedly a man can have but one inhabitancy within the meaning of the Constitution at a given time. Where this may be is a mixed question of intent and of fact.

To be an inhabitant within the Constitution, it seems clear that one must have, first, as a matter of fact, a place of abode, and second, that this place of abode be intended by him as his headquarters; the place where his civic duties and responsibilities center; the place from which he will exercise his civic rights. We think that a fair reading of the debate on this paragraph of the Constitution discloses that it was not intended that the word "inhabitant" should be regarded in a captious, technical sense. Can it be that the fathers intended that to determine whether one was an inhabitant of a par-

ticular place that the number of days which he actually spent there in a given period should be counted and his absences balanced against the periods of his physical presence? Can it be that the fathers intended that the tenure of his holding of a particular abode, whether it be by fee-simple title or by leasehold, should govern the question as to whether it was the place of inhabitance? We feel positive that such a construction would in no sense carry out the meaning which the framers of the Constitution regarded as contained in this word. Further, such a technical attempt at construction would result in the very confusion which the debate showed the framers hoped to avoid by the rejection of the word "resident." We think that a fair interpretation of the letter and the spirit of this paragraph with respect to the word "inhabitant" is that the framers intended that for a person to bring himself within the scope of its meaning he must have and occupy a place of abode within the particular State in which he claims inhabitancy, and that he must have openly and avowedly by act and by word subjected himself to the duties and responsibilities of a member of the body politic of that particular State.

That Mr. BECK has such an abode in the State of Pennsylvania can not be questioned. That he had obtained it a year and a half before his election to Congress is unquestioned. That he had occupied it according to his convenience one or more times a week during that period was testified to by Mr. BECK, and certainly was not disproved by any other evidence. It is true that during a part of the period under discussion he was absent from the country, but then he was absent on business connected with the city of Philadelphia, and certainly such absence ought not to be counted against his being an inhabitant, the absence being on public business connected with the very city in which he claims to be an inhabitant. It is true, too, that he spent a short portion of time in the summer at his place at Sea Bright, N. J., but it will be an unusual conclusion if it is held that for a man to absent himself from the place of his inhabitance in order to live for a time at his summer place raises a cloud upon the legal continuance of his inhabitancy. So much for the fact as to a place of abode in Pennsylvania.

As to Mr. BECK'S intention, let it be said that he testified before the committee, fully and frankly, as to all the circumstances and facts which were asked of him; as fully and frankly disclosing those facts which seemed, possibly, to militate against him as to any. He solemnly testified under oath before the committee that when he went to New York to live in 1903 he then had the intention some time to return to Philadelphia, his native city, and resume his citizenship in that city and reidentify himself with its affairs. Hence, he kept his memberships in all the civic associations in which he had acquired membership before his leaving. He testified that this had always been his intention during all of the time he was away from Philadelphia.

He testified that when he left New York in 1920 and came to Washington to take up the duties of Solicitor General of the United States that he had acquired a competence, and that it was his intention, if found acceptable to the public, to devote the remainder of his life to public service; and that when his duties were ended as Solicitor General he began negotiating for a place in Philadelphia so that he might carry out the intention he had held all those years to return and reidentify himself with Philadelphia and with its public affairs. He testified that at that time he entertained the hope that it might occur that he could have a seat in Congress from that city.

In carrying out his desire to give himself to the public service of that city, he gave very much of his time to the Sesquicentennial Exposition, accepting a commission from the mayor of the city and from the President of the United States to a high position connected with that exposition, that he traveled abroad to foreign countries to engage their interest and cooperation in making the exposition a success, giving his time and efforts thereto without any remuneration.

He solemnly testified under oath that since June 1, 1926, his intention has been to be a resident of the State of Pennsylvania and in the constitutional sense to be an inhabitant of that State, and to subject himself to all the duties as well as to enjoy the privileges of that status.

There is no testimony and no fact which would warrant the committee in making a finding that this statement is not entirely true.

Further than this, Mr. BECK is now and was at the time of his election a "legal resident" of Pennsylvania. We do not think that this can be disputed. He had a habitation there and at the expiration of more than the required time under the constitution of Pennsylvania he presented himself for registration, asserted his intention to be a resident of Pennsylvania, and was registered as a voter. By that act he subjected himself conclusively to all the duties of a resident of Pennsylvania. Thereupon he became subject, among other things, to personal taxation within the State of Pennsylvania, subject to jury duty there, and, if he died, conclusively subject to the inheritance tax laws of that State. In other words, he subjected himself to all the duties that fall upon a resident of that State and could not be heard to claim that he was not a resident there.

Mr. BECK is a "citizen" of Pennsylvania. We do not think this can be disputed. Born in that State, after having left it, he has returned and maintained a legal residence more than sufficiently long to satisfy the constitutional provision of that State as to citizenship therein.

Mr. BECK is a legal elector in the State of Pennsylvania. We do not think this can be disputed. Having maintained a legal residence in that State more than sufficiently long to qualify him for the electoral privileges, he attended to the formalities thereof, paid the poll tax required, offered himself to the registration board for registration, was registered as a voter without challenge, and thereafter and before his election performed the privilege of voting in an election without challenge.

We do not think that the framers of the Constitution intended by the use of the word "inhabitant" that the anomalous situation might ever arise that a man should be a citizen, a legal resident, and a voter within a given State and yet be constitutionally an inhabitant elsewhere. If any such conclusion could be reached we might have the peculiar result in this country of a man being a resident, a citizen, and a voter in a given State, and yet within the constitutional sense barred from the right of representing a district in that State in Congress, but having the right to represent a district in another State in Congress. No such interpretation can fairly be read into this provision. We think that Mr. BECK, having legally subjected himself to the duties and responsibilities of a citizen and an inhabitant of Pennsylvania, having maintained a habitation there, and having occupied the same regularly, though not continuously, is also entitled to the rights of a citizen and an inhabitant of Pennsylvania. We think that such a finding is entirely within the meaning, the spirit, and the letter of the Constitution.

THE PRECEDENTS

We think that a proper interpretation of the facts in the early case of Philip B. Key in the Tenth Congress would be controlling in the present case. Mr. Key was a native of Maryland and a citizen and resident of that State at the time of the adoption of the Constitution. He was never a citizen or resident of any other of the United States. But in 1801 he removed from Maryland to his house in Georgetown, D. C., where he continued to reside until 1806. During that period he had no other habitation. In 1805, however, he had purchased land in Maryland and had contracted for the erection of a summer home thereon, intended for his own use. On September 18, 1806, he removed with his family into this summer home, which was not yet entirely completed. On October 6, 1806, just 18 days later, an election occurred in which Mr. Key was elected to a seat in the House of Representatives. He had left his house in Georgetown, D. C., fully furnished. On October 20, 1806, he removed with his family and household to his house in the District of Columbia again, where he lived until July, 1807, in which month he returned to his Maryland house and lived in it until October 23, 1807. On this latter date he returned to his house in the District of Columbia to attend to his duties in Congress. During the five years that he had no habitation in Maryland and during which his sole habitation was in the District of Columbia he continued to practice law in Maryland and had not practiced in the District of Columbia. But he had in January, February, and March, 1806, declared that he intended to reside in Maryland and that he bought the land with that intention. It was admitted that the House which he built in Maryland and which he occupied only 18 days before the election was fitted only for a summer residence and was much inferior to the house in the District of Columbia, and that the latter was left practically with its furnishing complete whenever the family went to Maryland. This case will be found reported on page 417 of the first volume of Hinds' Precedents.

In the argument before the committee an attempt was made to distinguish this case from the Beck case in two particulars: First, that Mr. Key when he left Maryland did not establish a residence in any other State but only in the District of Columbia, while Mr. BECK, when he left Pennsylvania, established a residence first in New York and later in the District of Columbia. We are unable to see that this creates any distinction between the two cases as a matter of legal contemplation. Mr. Key utterly ceased to be an inhabitant of Maryland in 1801. Mr. BECK as fully ceased to be an inhabitant of Pennsylvania in 1903. We fail to see wherein any distinction as a matter of law can arise on the question of inhabitancy due to the fact that one moved into the District of Columbia and the other moved into the State of New York. In each case the habitation in the native State completely ceased. In both cases, if it were revived, the revival occurred by proceeding from the District of Columbia back to the native State. In the case of Mr. Key the new inhabitancy of the State of Maryland existed for 18 days prior to the election. In the case of Mr. BECK it existed for a year and a half prior to the election.

The other point of distinction that was attempted to be raised to void the effect of the Key case on the present issue in the argument was that in the Key case Mr. Key owned outright the house in Maryland to which he moved 18 days prior to his election, while Mr. BECK'S is a leasehold. We can not conceive that there is any merit in this attempted distinction. It is as common in this country for a man's habitation to be held by lease as it is by free ownership. It is

the intent under which he occupies it which is the controlling feature. The House of Representatives held that Mr. Key was, within the constitutional sense, an inhabitant of Maryland and entitled to his seat in the House of Representatives.

A case which was relied upon in the argument to uphold the exclusion of Mr. BECK from his seat was the case of John Bailey, elected from Massachusetts to the Eighteenth Congress, reported on page 419 of the first volume of Hinds' Precedents. The facts in that case were as follows:

On October 1, 1817, Mr. Bailey, who was then a resident of Massachusetts, was appointed a clerk in the Department of State. He immediately repaired to Washington and entered upon the duties of his position and continued to hold the position and reside in Washington until October 21, 1823, when he resigned the appointment. It did not appear that he exercised any of the rights of citizenship in the District, and there was evidence to show that he considered Massachusetts as his home, and his residence in Washington only temporary. It was shown that Mr. Bailey resided in Washington in a public hotel with occasional absences on visits to Massachusetts until his marriage in Washington, at which time he took up his residence with his wife's mother. He never exercised the right of suffrage in Massachusetts after leaving there for Washington.

The election at which Mr. Bailey was chosen as a Representative was held September 8, 1823, at which time he was actually residing in Washington in his capacity as clerk in the State Department. This case was debated in the House for seven days, and, of course, many things were said, but the facts in it are what seem important in its use as a precedent. Mr. Bailey had no abode in Massachusetts. Before he came to Washington he lived with his parents in their house. He had none of his own, either leased or owned. In support of the committee it was stated "had he left a dwelling house in Massachusetts in which his family resided a part of the year; had he left there any of the insignia of a household establishment, there would be indication that his domicile in Massachusetts had not been abandoned."

We think that the Bailey case is clearly distinguishable from the Beck case in that Mr. Bailey had no habitation, no place of abode, under his control in Massachusetts at any time after he accepted the appointment in Washington. The very report of the committee in the Bailey case shows that had he maintained any place of abode or insignia of domestic establishment to which he had repaired from time to time, the holding of the committee would have been otherwise.

No doubt it would do violence to words to hold that a man was an inhabitant of a place where he had no habitation. The House of Representatives held that Mr. Bailey was not entitled to his seat.

The case of Nathan B. Scott, elected a Senator from the State of West Virginia in 1899, was contested on the ground that he was not an inhabitant of the State of West Virginia at the time he was elected. Mr. Scott resided at Wheeling, W. Va., until January 1, 1898, when he was appointed Commissioner of Internal Revenue, at which time he came to Washington to discharge the duties of that office. His intention was to retain his residence and habitation at Wheeling, W. Va., and in carrying out that intention he voted in the election held November 8, 1898, at Wheeling, W. Va. He had no intention to change his domicile to Washington from Wheeling and he claimed to be an inhabitant of Wheeling, W. Va. The committee found that Mr. Scott was an inhabitant of Wheeling, W. Va., at the time he was elected to the Senate of the United States.

In the Bailey case, Mr. Bailey did not exercise the rights of citizenship in the State of Massachusetts, nor did he vote in the State of Massachusetts. In the Scott case, Senator Scott did, and the Senate found that he was an inhabitant of the State of West Virginia.

The committee desires to direct attention to the language in the decision of the Supreme Court of the United States in the case of Shelton *v.* Tiffin (6 Howard, 163, 185). The Federal courts had no jurisdiction in this controversy, unless within the meaning of section 2 of Article III of the Constitution of the United States, the parties thereto were citizens of different States. Hence, this question being raised, its solution was necessary to the decision of the court. In this case, the Supreme Court uses the following language:

"On a change of domicile from one State to another, citizenship may depend upon the intention of the individual. But this intention may be shown more satisfactorily by acts than declarations. An exercise of the right of suffrage is conclusive on the subject; but acquiring a right of suffrage, accompanied by acts which show a permanent location, unexplained, may be sufficient."

It is true that a holding of even the Supreme Court of the United States is not binding on the House of Representatives in the question at bar, since this question is committed by the Constitution solely to the House of Representatives, but we think the opinion of the Supreme Court of the United States ought to be regarded with the highest respect and should be very persuasive in deciding a similar question. It will be remembered in this connection that Mr. Beck registered as a voter and exercised the right of suffrage in Philadelphia in the month of September, prior to the November in which he was elected to Congress.

It is true that in the many court decisions that have been rendered in various courts of the States, under different legal situations, many contradictory definitions of the words "inhabitant" and "resident" may be found. We are impressed, however, with the conviction that the framers of the Constitution were seeking to use the word "inhabitant" in the plain, nontechnical sense in which it had been understood as explained above up to the time of the framing of the Constitution, and that their purpose was to require those who represented the several States in the House of Representatives to be identified with the local interests of those States by having a habitation therein and being in addition a member of the body politic of the particular State from whence they came to the House.

It was argued before the committee that such a construction would lead to the existence of "rotten boroughs" in the United States as once existed in England. We think this argument misapprehends what the "rotten boroughs" were. It will be remembered that the "rotten boroughs" consisted of small communities with few inhabitants, which were given representation in Parliament out of all proportion to the population of other areas and large centers. In other words, the "rotten boroughs" situation in England resulted in insufficient representation for large bodies of the population as compared to many small communities. We call attention to the fact that if a man, because he has business in the District of Columbia and arranges a place of abode there so that he may conveniently care for such business when necessity occasions it, whether it be public or private, is to be denied for that reason the right to have a habitation within one of the States, to acquire citizenship there, to be an elector there, to take his part in exercising the duties and responsibilities of citizenship, it will result in a much closer approximation to the "rotten borough" situation which has been described and condemned.

After all, we must rely upon the integrity, the patriotism, and the good common sense of the electors in the various districts with respect to the choice of a fit membership in the House of Representatives. This is a part of the very genius of representative government. And we do not think that it is proper to seek for strained and captious interpretations of this paragraph of the Constitution to find reasons for rejecting men who have been chosen through the deliberate will of their constituents as indicated at the polls. We believe that every word of the Constitution should be upheld, but we do not think that men who have been chosen to represent a district should be excluded unless their case presents a clear violation of the constitutional provision. We are convinced that such is not the case in the matter now before us. We believe that Mr. BECK is clearly entitled to his seat.

For the above reasons, the committee recommends the adoption of the following resolution:

"*Resolved*, That JAMES M. BECK is entitled to his seat in the Seventieth Congress as a Member of the House of Representatives from the first congressional district of the State of Pennsylvania."

MINORITY VIEWS

JAMES M. BECK CONTESTED-ELECTION CASE

We, the minority, regret to find ourselves in disagreement with a majority of the committee who report that Mr. JAMES M. BECK is entitled to a seat in the House of Representatives from the first Pennsylvania district. If the question involved were not one of vast importance, in our opinion, we would not interpose our opposition; for there could be no personal objection to Mr. BECK as a Member. Neither is there any political significance that could attach to the challenge of his right to sit, as anyone from that district at this time undoubtedly would be of his political faith. And we recognize fully that the renown of Mr. BECK as a constitutional lawyer and a man of high intellectual attainments necessarily is persuasive with the committee.

But the issue is one which goes to the vitals of the National Constitution. Mr. BECK in his opening statement expressly recognized that the question is not free from difficulty. The question arises as to his qualification under Article I, section 2, of the Constitution, wherein it says:

"No person shall be a Representative who shall not have attained to the age of 25 years, and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen."

Our conviction is that he was not an inhabitant of the State of Pennsylvania in November, 1927, when chosen.

Mr. BECK was born in Philadelphia July 9, 1861, and had his home in that State until 1900, when he came to Washington, D. C., as Assistant Attorney General. In 1903 he resigned his position in Washington, gave up his residence in Philadelphia, and moved to New York to practice law with a view to securing a competence. He owned one or more homes in New York where he lived and voted and practiced law until November, 1920. At that time he sold his New York home and purchased a commodious residence on Twenty-first Street NW.,

Washington, D. C., to which he immediately moved his family, his extensive personal library, his art treasures, and all his personal belongings he holds most dear.

In June, 1921, Mr. BECK was appointed Solicitor General of the United States by President Harding, and held that position until June, 1925, when he resigned on account of his eyes failing. He immediately established a law office in the Southern Building, Washington, and specialized in United States Supreme Court practice, which law office he still maintains. He also resumed his connection with his old law firm in New York. He does not practice law in Pennsylvania, and has not since 1900.

For several years he has owned and used a summer home in Sea Bright, N. J., on the ocean front. After moving from New York in 1920 he established a voting status at his summer home and he and his wife voted there in the 1924 presidential election by mail. In November, 1927, when chosen he sustained the same relation as to voting status in New Jersey which he did in 1924 and does at the present time, except expressing an intention, which was not carried out, to transfer it to Pennsylvania. His residential connection there is exactly the same, having used that residence for himself and family the last summer months. So far as the New Jersey authorities are concerned, no act of Mr. BECK has shown withdrawal of claims for voting privileges in that State.

In the early spring of 1926 he went to Philadelphia, and with Mr. Greenfield, a real-estate man who is also prominent politically, looked at some two or three apartments in the first congressional district with a view to retaining one for the specific purpose of running for Congress from that district. Mr. BECK states that he had two purposes in view by this. One was to again establish a status in Philadelphia as one of its people. The other was to run for Congress from that district. As to the latter purpose he said:

"The seat in Congress was then a possibility undoubtedly, and I would not want to say, and could not say truthfully, that it had nothing to do with the renting of the apartment." (Rec. p. 58.)

Again he states:

"The apartment was selected in full anticipation of the fact that I might run for Congress. My point is that my taking any habitation in Philadelphia had as its dominant purpose the desire to be reidentified with the political life of Philadelphia, quite irrespective of whether I ran for Congress or not. But the selection of this locality had in mind the possibility of my going to Congress; and it also had in mind that it was very accessible to the main thoroughfare of Philadelphia, and right around the corner from my club." (Rec. p. 61.)

Mr. VARE, the then sitting Member from the first Pennsylvania district, was at that time a candidate for nomination to the United States Senate.

But no apartment was then agreed on, and Mr. BECK went to Europe on a business mission in April, 1926. He returned early in June. On the 6th of July following it seemed that Mr. Greenfield had put in order a 2-room apartment at 1414 Spruce Street, and Mr. BECK then leased it as of date June 1, 1926. This was a yearly renewable lease, unless either party exercised the option of giving a legal notice of its termination. The apartment was then furnished by Mr. BECK, and he still holds it and pays rent on it.

His unmarried sister, Miss Helen Beck, has occupied this apartment continuously for a year; and while she is in it he goes to the Art Club to sleep when in Philadelphia rather than incommode her. The apartment is equipped with a kitchenette, but Mr. BECK has never eaten a meal there. It has one bedroom.

Mr. BECK states that he is in Philadelphia most every week; that he frequently goes to New York on business, and stops over there to break the trip. He was carried as a nonresident member of several clubs in Philadelphia at the time of election and until January last. In none of them was he listed as a resident member.

The janitor of this apartment house, who admits he is entirely unreliable, when approached on the premises, and without notice of the purpose of the inquiry, first said he had only seen Mr. BECK there three times in the 18 months. When placed on the stand he finally estimated that he had known of him being there fifteen or twenty times.

On page 66 of the record, Mr. BECK gives the status of his family as follows:

"Mr. KENT. Now, your family consists of whom?

"Mr. BECK. My wife and myself. I have two children.

"Mr. KENT. Where are they?

"Mr. BECK. My daughter is the wife of the United States consul at Geneva; my son has been in London ever since he was in the Army in France. But neither of my children live with Mrs. Beck and myself. We live alone."

And there can be no question but that Mr. BECK and his wife "live alone" in Washington, D. C., and have lived here since November, 1920, have had this as their domicile, their abode, their habitation. Mr. BECK always registers from Washington when he goes to hotels, has his merchandise for personal comfort sent to him here, has his automobiles for every use registered here; and at no time has he treated the small two-room apartment in Philadelphia as a real, bona fide habitation for any purpose except a gesture at compliance with the constitutional requirement for an inhabitant.

So his claim to inhabitancy is based on the rental of this apartment, which is in reality a place for his unmarried sister to live, with occasional visits to the city of Philadelphia by him when he would stop largely at the Art Club or a hotel; his testimony of intent to return; that he transacts his private affairs in Pennsylvania; and that he attempted to qualify and did vote there in a primary in that State in 1927.

We can not ascribe to the doctrine that intention is the controlling part of inhabitancy. Mr. BECK quotes approvingly a letter relating to his speech in Philadelphia, on April 30, 1925, to the effect that he was "then in a position to take a permanent home again in Philadelphia, where, among your old friends and your books, you would indulge yourself for the balance of your life." Of this Mr. BECK said, "that is just what I said in substance." It would be a strange perversion of every rule to accept even undisputed intentions, shown by declarations, in the face of a state of facts, such as we have in this case, to prove inhabitancy. In truth, Mr. BECK never took a permanent home again in Philadelphia. Had he done so, and moved his family and his books and household there before election, as his expressed intention was, no question would now be made as to his eligibility. Intention, in a case of this kind, is a deduction or conclusion of law founded on fact. We must determine from the facts whether inhabitancy exists. It certainly can not be shifted or designated at the whim or pleasure of the individual affected.

Granting that he had the intention to return, this was outweighed by his desire to inhabit Washington, to practice law here, to have advantage of proximity to the United States Supreme Court, to all Federal activities, to retain all his books, works of art, home, servants, automobiles, mental endeavors, entirely without the borders of the State of Pennsylvania.

As to the transaction of his private affairs in Pennsylvania, it is a fair inference from the proof that he has $20,000 in securities or some other form of property in that State, as he submitted to an assessment in that sum. But he pays taxes in New Jersey on both real and personal property, pays his income tax from Washington, as well as a realty tax here, no doubt on more property value than that for which he is assessed in Pennsylvania. We can find no burdens of citizenship carried by Mr. BECK in that State which he does not bear both in New Jersey and the District of Columbia, except 25 cents paid in September last for an occupational tax.

It is contended that a mere political status meets this requirement of the Constitution. If a political status could be counted the sole qualification for holding this office under the Federal Constitution, a citizen just naturalized and having acquired a voting privilege in his State could sit in Congress, although the Constitution says he must have "been seven years a citizen of the United States"; and likewise, if the citizen is 21 years of age and can vote in his State he could come to Congress in the face of the constitutional provision that "no person shall be a Representative who shall not have attained the age of 25 years." The burdens of citizenship are definitely placed on these two classes who are forbidden to hold a seat in Congress, even though their constituents should choose them unanimously. There is no more discrimination against one who has met the requirements for voting in a State, but who is not an inhabitant of that State within the meaning of our National Constitution, than there is against these others so limited in this privilege.

A mere voting privilege is granted by each separate State in its own way. If a voter can satisfy the requirements of a State law, he can exercise the privilege of franchise. But compliance with the requirements of the Federal Constitution in qualifying for membership in this House is entirely independent of State regulation. A voting status can not be the measure of inhabitancy. If it had been thus intended, the Federal Constitution would have remained silent and thereby left the matter to the separate States. This would amount to the same thing as expressly telling each of the States to fix this qualification, when they would leave that right in the absence of any expression by the Federal Constitution.

One of the conclusive reasons that they regarded a "citizen" and an "inhabitant" as entirely different designations is that they used both in this same clause, this same sentence, for separate and distinct qualifications for membership. No trivial matter of verbiage or curious distinction is necessary to a sensible meaning of this term as used by great men.

The word was substituted for "resident," and the reason clearly given by the great Madison was to allow a temporary absence from a true domicile, not to place it on a casual presence in a temporary domicile.

Mr. BECK was not a qualified elector of the State of Pennsylvania at the time he voted in the primary of September, 1927, nor at the time of his election to Congress. The constitution of that State requires that an elector must be a "resident" of the State for 6 months next before voting in his case, and 12 months for one who has never before been a citizen of Pennsylvania. And the courts of that State have repeatedly and uniformly held, as in Fry's election case (71 Pa. 302, p. 305):

"When the constitution declares that the elector must be a resident of the State for one year it refers beyond question to the State as his home or domicile, and not as the place of a temporary sojourn." * * *

"These extracts will enable us to understand more clearly the term 'residence,' as denoting that home or domicile which the third article of the constitution applies to the freeman of the Commonwealth. It means that place where the elector makes his permanent or true home, his principal place of business, and his family residence, if he have one; where he intends to remain indefinitely; and without a present intention to depart; when he leaves it he intends to return to it, and after his return he deems himself at home."

It can not be reasonably contended that Mr. BECK had his home or domicile in Pennsylvania at that time. It was here in Washington, where it has been since November, 1920, the place where he has his family life, where he comes when he is sick, his true home, the only establishment he has had which resembles a home or permanent domicile, where he keeps his five servants, two automobiles, and the only place he keeps these or any other semblances of home life to comport with his accustomed comfort.

In addition to this, he did not procure his occupational tax receipt on the 9th of September, 1927, legally. This is not meant in the sense of imputing bad faith to Mr. BECK, but the law requires specifically that this must be purchased from the office of the receiver of taxes in person or from a deputy at the place of registration on any of the registration days provided by law; and the only exception to this is when a written and signed order is given by the elector to a person to purchase same for him. This was not done. The receipt was delivered to Mr. BECK in the office of Mr. VARE, not on registration day, not at the place for registration, not in the office of the receiver of taxes, and after being procured by some person with no written authority to purchase same. It is expressly made unlawful in Pennsylvania for any person to vote or attempt to vote upon a tax receipt so obtained in violation of this law. It appears from the testimony by Harry W. Keely, receiver of taxes for the city of Philadelphia, Mr. BECK, and others, that this receipt was not issued in accordance with law and could not be used lawfully. It was only 11 days old when used by him, whereas the law directs that it must have been purchased 30 days before the election in which it is used. But the disqualification for voting which is in no way technical is that of failure to comply with the requirements of a "resident," since his real home, his actual established home, is elsewhere than in Pennsylvania, where at best he only has a place of temporary sojourn.

But if Mr. BECK had been qualified and had legally voted in all Pennsylvania elections, this would in no way be conclusive of inhabitancy. In the Virginia case of Bayley *v.* Barbour (47th Cong., Hinds, vol. 1, p. 425) the House held as follows:

"In answer to this position, without deeming it necessary upon the facts of this case to enter into the constitutional signification of inhabitancy, it is only necessary to say that the right to vote is not an essential of inhabitancy within the meaning of the Constitution, which is apparent from an inspection of the Constitution itself. In Article I, section 2, the electors of Members of Congress 'shall have the qualifications requisite for electors of the most numerous branch of the State legislature,' but in the succeeding section, providing for the qualifications of Members of Congress, it is provided that he shall be an inhabitant of the State in which he is chosen. It is reasonable to conclude that if the elective franchise was an essential the word 'elector' would have been used in both sections, and that it is not used is conclusive that it was not so intended."

And if a voting status "is not an essential of inhabitancy within the meaning of the Constitution," but is vitally essential to citizenship or a political status, it would be sophistry indeed to hold them synonymous.

The term "inhabitant" has never been defined by the courts in connection with this clause of the Constitution, as the House is the sole judge of the qualifications of its Members, so we must look elsewhere for an authentic definition. The intent of the framers should govern if that can be ascertained, and we insist it is very patent from the only definite construction of the word which has ever been in common usage. There has been no marked change in the commonly accepted meaning of the term since 1787, when the Constitution was framed.

Webster's New International Dictionary says of "inhabitant":

"One who dwells or resides permanently in a place, as distinguished from a transient lodger or visitor."

"It ordinarily implies more fixity of abode than resident."

"Inhabitant, the general term, implies permanent abode; citizen, enjoyment of the full rights and privileges of allegiance."

Entick Dictionary, London, 1786, gives the following:

"Inhabitant, one who dwells in a place."

Dr. Samuel Johnson's Dictionary, 1770, gives the following:

"Inhabitant, dweller; one who lives or resides in a place."

Ash's Dictionary, 1775, gives the following:

"Inhabitant: A dweller, one that resides in a place."

Dyche's English Dictionary, 1794, gives the following:

"Inhabitant: One who lives in a place or house, a dweller."

Law dictionaries contemporaneous with the framing of the Constitution do not vary from this. A new Law Dictionary, by Giles Jacob, ninth edition, published in London, 1772, gives the following:

"Inhabitant: Is a dweller or householder in any place."

Doctor Burn's Law Dictionary, published in London, 1792, Vol. II, page 21:

"The word 'inhabitant' doth not extend to lodgers, servants, or the like; but to householders only."

Burrill's Law Dictionary says:

"The Latin Habitara, the root of this word, imparts by its very construction frequency, constancy, permanency, closeness of connection, attachment, both physical and moral; and the word 'in' serves to give additional force to these senses."

Black's Law Dictionary:

"Inhabitant: One who resides actually and permanently in a given place, and has his domicile there."

In Book I, chapter 19, section 213, Vattel says:

"The term 'inhabitant' is derived from abode and habitation, and not from political privileges."

We think the test of inhabitancy is a permanent and fixed abode with the personal presence of the individual in that place, ordinarily; and absence from it must be for a cause temporary in its nature, with the intent to return to said place of abode to reside as soon as the purpose of the said absent mission is accomplished. The absent mission may be in its nature for pleasure, business, or public duty. When said absence is for the purpose of engaging in a business or occupation which calls for the establishment of a home and indeterminate presence therein pursuant to said activity, we consider the former inhabitancy broken, or suspended at least until it again takes on the degree of permanency it formerly had. The overwhelming weight of authority, both as to legal construction and definition, support this view.

Every recognized authority, whether legal or otherwise, excludes the idea of temporary residence, and holds that the term "inhabitant" carries with it the necessity of a fixed and permanent home, the place at which one is habitually present under ordinary circumstances, and to which, when he departs for temporary purposes, he intends to return. This is the common and only justified construction of the word.

The constitution of New Hampshire, adopted in 1792, shows clearly what the common acceptation and meaning of this term was in the following declaration:

"And every person qualified as this constitution provides, shall be considered an inhabitant, for the purpose of electing and being elected into any office or placed within this State, in the town, parish, and plantation where he dwelleth or hath his home."

The constitution of Massachusetts, adopted in 1780, Chapter I, section 2, article 2, declares that—

"to remove all doubts concerning the word 'inhabitant,' in this constitution, every person shall be considered an inhabitant (for the purpose of electing and being elected into any office or place within this State) in that town, district, or plantation, where he dwelleth or hath his home."

This constitution was amended in 1821 to confer the right to vote on citizens who have resided in the State one year, and in the town or district six months. In 46 Mass. (5 Metc.) 587, 588, it was held that "inhabitant" as used in the original constitution is identical in meaning and synonymous with "citizen who has resided," as expressed in the amendment. These provisions and construction are the best possible means of determining the exact use made of the term at that time. Some of the men who were in the National Constitutional Convention were members of the State conventions that placed in the documents themselves this definition of "inhabitant."

On the 8th of August, 1787, in the Constitutional Convention, the committee of detail struck out of the text at this place the word "resident" and substituted the word "inhabitant." The motion was made by Mr. Sherman and seconded by Mr. Madison, who thought the latter less vague, and would permit absence for a considerable time on public or private business without disqualification. They were trying to get away from the abuse being made of the loose construction of "resident" by personal enemies of those who sought to qualify. There is no suggestion of an uncommon meaning to be given the word in their use of it here. The construction placed on these statements of Mr. Madison and others by Mr. BECK is to apply it to his case wherein he was absent from Pennsylvania 23 years, under his own admission, and yet he would not be disqualified on the grounds of inhabitancy. (Rec. p. 15.) And this regardless of the fact that during that time he had been an inhabitant of New York, New Jersey, and the District of Columbia, and had voted in both these States, and still has his only true home in Washington. Nothing was further from the thoughts of these great men.

Mr. James Wilson preferred "inhabitant" to "resident." Statements made by him and Mr. Sherman at other stages of the debates prove conclusively that they would not countenance a provision to permit representation by one who had not had his actual habitation among his constituents for such a long time. The brilliant James

Wilson, when insisting on election of the Members of the House by the people, as shown in Formation of the Union, page 755, said:

"Mr. Wilson is of the opinion that the national legislative powers ought to flow immediately from the people so as to contain all their understanding and to be an exact transcript of their minds."

Mr. Sherman, in advocating annual election of Members of the House, said:

"Mr. Sherman thought Representatives should return home and mix with the people. By remaining at the seat of government they would acquire the habits of the place, which might differ from those of their constituents. So he perferred annual elections. (Formation of the Union, p. 256.)

"Mr. SHERMAN. I am for one year. Our people are accustomed to annual elections. Should the Members have a longer duration of service and remain at the seat of government, they may forget their constituents and perhaps imbibe the interest of the State in which they reside, or there may be danger of catching the esprit de corps." (Formation of the Union, p. 794.)

And this from the man who moved to substitute "inhabitant" for "resident." He was unwilling that a man should stay more than a year at the seat of government before giving an account of his convictions to his people.

In placing this limitation on qualifications for membership in the House it was an attempt on their part to preserve the coloring of local State convictions, State feelings, which might be lost if men with attachments to other locations and other conditions were permitted to sit for them; that otherwise they feared attachments for State governments would be lost to the General Government, and usurpation of powers by the latter encouraged. No fear was ever better founded or more completely borne out by the present trend toward centralization.

In Story on the Constitution, Volume I, article 619, he says:

"The object of this clause, doubtless, was to secure an attachment to, and a just representation of, the interests of the State in the national councils. It was supposed that an inhabitant would feel a deeper concern and possess a more enlightened view of the various interests of his constituents than a mere stranger. And, at all events, he would generally possess more entirely their sympathy and confidence."

In Constitution of the United States, by John Randolph Tucker, Volume I, pages 394, 395, we find:

"This inhabitancy or domicile of the person in the State which chooses him was to exclude all who, by noninhabitancy, might secure an election when by reason of no community of interest, with the constituency, he would be unfitted to represent it."

There was the purpose, no doubt, as shown by the committee discussion, to guard against corruption by the wealthy who might hunt for a district to purchase. But the very foundation of representative government, to their minds, rested on their ability to insure a true reflection of local sentiment in the most numerous legislative branch. They sought to make the House a cross section of national thought, of national aspirations, of national feelings. They will that their Government should always have a common interest with the people and be administered for their good, be responsive to their will; so it was essential to their rights and liberties that the Members of the House should have an immediate instruction from and sympathy with the people. Hence the reasonableness of the provision that a person, to become a Representative, must have a bona fide and permanent abode and actually live among his future constituents. No habitual nonresident is eligible.

The leading case directly in point is that of John Bailey, of Massachusetts, decided in the Eighteenth Congress, as shown in Hinds' Precedents, Volume I, page 419.

On October 1, 1817, Mr. Bailey was appointed a clerk in the State Department from his father's home in Massachusetts, and held said position for six years. During that time he lived in Washington in hotels until a year before his election in September, 1823, at which time he married in Washington and moved into the home of his wife's mother. He had made occasional visits back to Massachusetts, had his library there, claimed his father's home as his habitation, declared his stay in Washington temporary, and that his real habitation was Massachusetts.

In the report adopted in that case Annals of Congress, volume 41, page 1594, a full discussion and interpretation of the word "inhabitant" is given. It is set forth that the word was substituted for "resident" as being a "stronger" term, intended to express more clearly their intention that the persons to be elected should be completely identified with the State in which they were to be chosen. Because of the importance of this case, we quote extensively from the report as follows:

I

"The difficulty attending the interpretation of constitutional provisions, which depend on the construction of a particular word, renders it necessary to complete explication, to obtain, if possible a knowledge of the reasons which influenced the framers of the Constitution in the adoption and use of the word 'inhabitant' and to make an endeavor at ascertaining, as far as practicable, whether they intended it to apply, according to its common acceptation, to the persons whose abode, living, ordinary habitation, or home should be within the State in which they should be chosen, or, on the contrary, according to some uncommon or technical meaning.

II

"The true theory of the representative Government is bottomed on the principle that public opinion is to direct the legislation of the country, subject to the provisions of the Constitution, and the most effectual means of securing a due regard to the public interest, and a proper solicitude to relieve the public inconveniences, is to have the Representative selected from the bosom of that society which is composed of his constituents. A knowledge of the character of the people for whom one is called to act is truly necessary, as well as of the views which they entertain of public affairs. This can only be acquired by mingling in their company and joining in their conversations; but, above all, that reciprocity of feeling and identity of interest, so necessary to relations of this kind, and which operate as a mutual guaranty between the parties, can only exist, in their full extent, among members of the same community.

"All these reasons conspire to render it absolutely necessary that every well-regulated government should have in its constitution a provision which should embrace those advantages; and there can be no doubt it was from considerations of this kind, that that convention wisely determined to insert in the Constitution that provision which declares no person shall be a Member of either House of Congress 'who shall not at the time of the election be an inhabitant of that State in which he shall be chosen,' meaning thereby that they should be bona fide members of the State, subject to all the requisitions of its laws and entitled to all the privileges and advantages which they confer. That this subject occupied the particular attention of the convention and that the word 'inhabitant' was not introduced without due consideration and discussion is evident from the journals, by which it appears that in the draft of a constitution reported by the committee of five on the 6th of August the word 'resident' was contained, and that on the 8th of that same month the convention amended that report by striking out 'resident' and inserting 'inhabitant' as a stronger term, intended more clearly to express their intention that the persons to be elected should be completely identified with the State in which they were to be chosen. Having examined the case in connection with the probable reasons which influenced the minds of the members of the convention and led to the use of the word 'inhabitant' in the Constitution in relation to Senators and Representatives in Congress, it may not be improper, before an attempt is made at a further definition of the word, a little to consider that of citizen with the view of showing that many of the misconceptions in respect to the former have arisen from confounding it with the latter.

"The word 'inhabitant' comprehends a simple fact, locality of existence; that of 'citizen,' a combination of civil privileges, some of which may be enjoyed in any of the States in the Union. The word 'citizen' may properly be construed to mean a member of a political society; and although he might be absent for years and cease to be an inhabitant of its territory, his rights of citizenship may not be thereby forfeited, but may be resumed whenever he may choose to return; or, indeed, such of them as are not interdicted by the requisition of inhabitancy may be considered as reserved, as, for instance, in many of the States a person who by reason of absence would not be eligible to a seat in the legislature might be appointed a judge of any of their courts. The reason of this is obvious. The judges are clothed with no discretionary powers about which the public opinion is necessary to be consulted; they are not makers but expounders of the law, and the constitution and statutes of the State are the only authorities they have to consult and obey.

III

"If citizenship in one part of the Union was only to be acquired by a formal renunciation of allegiance to the State from which the person came previous to his being admitted to the rights of citizenship in the State to which he had removed, the expression of an intention to return would be of importance; but as it is it can have no bearing on the case; the doctrine is not applicable to citizens of this confederacy removing from one State and settling in another; nor can it in the present case be considered as going to establish inhabitancy in Massachusetts, when the fact is conceded that at the time of the election, and for nearly six years before, Mr. Bailey was actually an inhabitant of the city of Washington, in the District of Columbia, and by the charter of the city and the laws in force in the District was, to all intents and purposes, as much an inhabitant thereof as though he had been born and resided there during the whole period of his life, and the refusal to exercise the rights of a citizen can be of no consequence in the case. It is not the exercise of privileges that constitutes a citizen; it is being a citizen that gives the title to those privileges."

If the former action of the House is to have any weight with us now, this Bailey decision definitely disposes of the major contention that a political status is the answer to inhabitancy. Mr. Madison was then

alive and vigorous, and no doubt watched with interest every interpretation of the Constitution. Had this decision done any violence to the intention of the framers, it would have been his nature to protest. But no comment from him can be found. And no holding of the House has ever reversed or modified the principles of interpretation established in this report.

It is apparent that temporary absence from a regular habitation on private or official business does not disqualify under this clause. The same committee which reported the Bailey case, and at the same session, in the Forsyth case, so held. But the presence of Mr. BECK in his home in Washington can not stand on that exception. He purchased his home here and moved into it from a full citizenship of the State of New York some seven months before he became connected with a Government position. He remained an inhabitant of the District of Columbia from June, 1925, until July, 1926, with no official connection whatsoever, before he rented the apartment in Philadelphia. And in this connection let it be denied, as charged by him, that almost one-half the Senate and a large number of the House who have homes here are in a similar position to his.

The Members of Congress referred to, when elected, were bona fide inhabitants of their respective States. Any home established here for their use is incident to the discharge of public duty, temporary, and does not destroy the status of inhabitancy they had when elected. He seeks to reverse that order by having his real habitation in Washington to begin with an attempting to create a fictitious abode in the State of Pennsylvania for the purposes of qualification and not as an incident to service after election. There is no such wholesale condition of noninhabitancy prevailing, but if such were the case the House would have all the more reason to check a flagrant violation of the Constitution.

His former residence in Pennsylvania can not enter into this consideration, for the reason that, at least for 23 years, he was completely severed and divorced from that State so far as any pretense to habitation or voting privilege or citizenship is concerned. He divested himself of every privilege of citizenship in Pennsylvania to avail himself of the superior advantages he would have in moving to New York. His claim must stand or fall on the facts developing after July, 1926. It will be observed from the record that Mr. BECK had but little to do personally with the effort to qualify him under the State law for voting. Undoubtedly he did not even familiarize himself with the legal requirements for voting. While he was in Europe and two months before he rented any apartment, he was entered on the assessment roll for a voting tax out of the regular order and of date exactly six months before the November election, the time required for returning to citizenship in that State. He never regarded this assessment enough to pay the 25-cent tax. He did not run for Congress that year because he did not get the indorsement of the Vare organization. A brother-in-law of Mr. VARE was nominated and elected.

The question then arose as to the legality of the election of Mr. VARE to the Senate and his right to a seat therein, and Mr. BECK because of counsel for him. He was assessed in the semiannual assessment for 1926 and again ignored it. Twice in 1927 Mr. BECK's name was placed on the assessors' list, once out of regular order, which assessment was again ignored by him, and Mr. VARE's office procured the only tax receipt of any kind he has purchased in that State, 25 cents each for him and Mrs. Beck, and delivered it to him in said office. He registered the next day and voted in the primary 10 days later, in which the Member of Congress from that district was nominated for a city office and immediately resigned his seat.

Thereupon the Vare organization, through Mr. VARE's secretary, notified Mr. BECK that he would be nominated for Congress at a certain time, and for him to be in waiting. He was called for at the designated time, conducted to a hall, and was formally notified of and accepted the nomination from the seven men present, who had nominated him, two of whom he states he knows. He made no canvass whatever in this district for the purpose of developing sentiment in his favor or for expressing his views on national issues.

Mr. BECK made only three speeches in Philadelphia in the city-wide campaign in November, 1927, general election, at which time he was elected, all on Friday or Saturday next before the election on Tuesday, and then left immediately for his Washington home. He did not vote in the said election the following Tuesday for the reason that he was at home and not in Pennsylvania. He had entertained anxiety that an adverse city election for the Vare ticket would be construed as a repudiation of his client, and his speeches had been made in an effort to avert this.

In a day when a political machine can select any individual it chooses to put into the House there are multiplied dangers to those the fathers knew when they made this inhibition. Without reflecting in the least on the personal desirability of Mr. BECK, it is clear that, if his contention is to prevail, an all-powerful, though it be an unscrupulous, combine in control of a district machine can select anyone they need for any special purpose, and the House would be powerless to resist it. All that would be required of their choice would be to establish what can be termed a technical, constructive, fictitious, superficial, fly-by-night residence and then go a-carpetbagging. This presages a radical and serious departure from the fundamentals of representative government as we know it.

This is not a case of simply thwarting the will of a constituency. We consider that any constituency should have the right of choice, but that choice must be within constitutional bounds. Our charter of liberties, the Constitution, should stand above the aspirations of an individual who would subvert it or the action of constituencies who ignore it. If Mr. BECK is to retain his seat we view the precedent, not as a part of the general "erosion" of the Constitution, but as a frontal attack on it, a blasting process which is to weaken the foundation of the great American dream of representative government.

Respectfully submitted.

GORDON BROWNING.
T. WEBBER WILSON.

Mr. VINCENT of Michigan. Mr. Speaker, before we proceed perhaps we had better have some understanding as to time. The rule, I understand, gives an hour of debate. The gentleman from Tennessee [Mr. BROWNING], I presume, would like an extension of that time.

Mr. BROWNING. I would desire all the time that can possibly be given for discussion.

Mr. VINCENT of Michigan. Mr. Speaker, I think it is advisable that there be longer than half an hour to a side on this matter, and I am perfectly willing and ask consent to double that time. I ask unanimous consent that debate be limited to two hours, one-half of that time to be controlled by the gentleman from Tennessee [Mr. BROWNING] and one-half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time for general debate be extended to two hours upon this resolution and substitute, one-half of that time to be controlled by himself and one-half by the gentleman from Tennessee, at the end of which time the previous question shall be considered as ordered. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I do it for the purpose of asking the gentleman from Michigan how this matter comes before the House at this late day. Under the rules passed some time ago the committee is required to make a report on a contested-election case within six months. In this case the committee did report within six months, and yet we are almost at the end of the Congress before the House has opportunity to pass upon it.

Mr. VINCENT of Michigan. In explanation of the delay I will say that a date was fixed for the matter, and unfortunately one of the Senators from Michigan at the last session died at that time and the delegation from Michigan attended his funeral, and later on I myself was confined to a hospital, and for that reason there was a delay in bringing this case before the House.

Mr. LAGUARDIA. It is not the purpose of the gentleman and of the Election Committee to disregard the rule?

Mr. VINCENT of Michigan. No. I can speak not only for myself but for every member of the committee when I say they desire to have these matters disposed of at the very earliest time.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Would the gentleman from Michigan be willing to extend the time?

Mr. VINCENT of Michigan. I understand the program before the House to-day includes another important matter. I think that the question before us, which is a clear and narrow question, can be fully considered in two hours.

Mr. GARRETT of Tennessee. It is a question with some Members of the House whether there might not perhaps be a longer time allowed. Of course, the matter is in the gentleman's control, and we will have to accept with as much grace as we can the gentleman's suggestion.

Mr. VINCENT of Michigan. Personally I want to be perfectly fair in this matter. I think heretofore I have been quite fair, and I think I am quite fair now, in view of the other bill that is pending before the House to be disposed of to-day.

Mr. GARRETT of Tennessee. I would like to prefer the request, if I may, to make it three hours, one-half the time to be controlled by the gentleman from Michigan and one-half by the gentleman from Tennessee; one hour and a half to a side.

Mr. VINCENT of Michigan. I am sorry, but I can not yield to that suggestion.

Mr. GARRETT of Tennessee. Then I hope the gentleman will not insist on that part of his request, that the previous question be considered as ordered at the end of two hours, although I do not suppose there will be objection to the previous question.

Mr. TILSON. Mr. Speaker, I suggest that we make it two and one-half hours, and regard the previous question as ordered, the time to be equally divided.

Mr. VINCENT of Michigan. I will modify my request, Mr. Speaker, to conform to that suggestion.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time be extended to two and one-half hours, one hour and a quarter to be controlled by each side, and at the conclusion of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. VINCENT of Michigan. Mr. Speaker, I would like to be advised when I shall have consumed 20 minutes.

The SPEAKER. Very well.

Mr. VINCENT of Michigan. Mr. Speaker and Members of the House, this matter comes before the House in a form a little different from most election contests. This matter was referred to Committee on Elections No. 2 by House Resolution 9, which raised the question whether Mr. JAMES M. BECK was entitled to a seat in this House to which he had been elected because of the question as to whether or not he was at the time of his election an inhabitant of the State of Pennsylvania, as required by the Constitution.

That is the bare and only question that is presented in this case. There is no contest except that this matter was referred to the committee for its inquiry and report. No charge of fraud or any wrongdoing of any kind is asserted against Mr. BECK or his right to a seat. The Constitution of the United States provides that no person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he was chosen. The question before the House is whether or not Mr. BECK was an inhabitant of the State of Pennsylvania at the time he was chosen.

That question, of course, depends for its solution upon the facts presented in the case and upon the precedents which this House has established. I hope the House will give careful attention to the facts as they were developed by the committee in this inquiry. They show that Mr. BECK was born in Philadelphia, in the State of Pennsylvania, in 1861; that he was raised there; that he obtained his college education in that State; that he was called to the bar and practiced law in Philadelphia; that he held the office of assistant United States attorney in that city; that later he held the office of United States attorney in that city; that in 1900, having resided there continuously, he was appointed Assistant Attorney General of the United States. He held this office until 1903, when he resigned it. At the time he resigned the office of Assistant Attorney General of the United States he had lived continuously in Philadelphia from his birth.

He testified before the committee—and it is not controverted, except incidentally—that in 1903 he resigned the office of Assistant Attorney General of the United States and gave up his residence in Philadelphia and took up his residence in the city of New York for the practice of law. He testified that it was his purpose in going to the city of New York to practice law to gain for himself a competence, with the hope and intention then, at that time, of returning to Philadelphia to take up his residence when such a competence had been acquired. He resided in New York and practiced law there until 1920. That period was from 1903 to 1920. In 1920 he sold his home in New York City and gave up every residential connection with that city. He came to Washington and purchased a home here in Washington on Twenty-first Street, and came here and occupied that house. He came here to Washington at that time in the expectation that he would receive an appointment to the public service in the Harding administration. In 1921 he was appointed Solicitor General of the United States by President Harding.

In the interim, while he was residing in the city of New York, he purchased a summer home at Sea Bright, N. J., on the ocean. It was useful only for a summer place. He has continued to own that place up to the time of the inquiry by the committee.

In 1925 he resigned the office of Solicitor General of the United States on account of failing eyesight, and testified that he then intended to take up his residence again and reassume and reidentify his interests with the city of his birth, Philadelphia. After resigning from the office of Solicitor General of the United States he was appointed by the mayor of Philadelphia to visit foreign countries and interest them in the Sesquicentennial Exposition to be held in Philadelphia. He did travel abroad on that commission. A little later, in 1926, he was appointed by President Coolidge as one of the commissioners of the Sesquicentennial Exposition, the law requiring that two commissioners be appointed from each State, and Mr. BECK was appointed as one of the commissioners to the governing body of that exposition to represent thereon the State of Pennsylvania. In 1926, in addition to going abroad under this commission and continuing the work of interesting foreign nations in the Sesquicentennial, he opened negotiations, in the spring of that year, for the acquirement of a place of abode in the city of Philadelphia. Prior to doing so he addressed one of the clubs that he had been a member of ever since his original residence in Philadelphia, stating that it was his purpose at that time to come back to Philadelphia, to reassume his citizenship thereof, and to reidentify himself with the interests of his native city.

These negotiations for an apartment in Philadelphia continued along until June, 1926. On the 6th day of July, 1926, a lease was entered into between the owner of an apartment house and Mr. BECK wherein Mr. BECK leased an apartment in the Richelieu Apartments in the city of Philadelphia, on Spruce Street, in the first congressional district thereof, for the sum of $110 a month, for an unfurnished apartment. This lease was to run from year to year unless one party or the other gave two months' notice of its ending. That lease continued in force up until at least the conclusion of the inquiry and, as I understand it, has continued since. Mr. BECK immediately furnished that apartment in proper order as a place of abode and entered into possession of it. He has maintained it ever since that time. He testified before the committee that he had occupied that apartment in the city of Philadelphia at least twice a week ever since he had acquired it; that a large portion of the time it is occupied by his sister, who makes her place of abode there when it is not occupied by Mr. BECK himself.

Now, mind you, that was in July, 1926. During all of the period of time that Mr. BECK had been away from the city of Philadelphia, from 1903 until the occasion I speak of in 1926, as supporting his testimony that he did always intend to return to the city of Philadelphia and reidentify himself with its interests, he had maintained his membership in a number of civic organizations in that city. I might state to the House some of those organizations in which he had maintained his membership during all those years in the city of Philadelphia as having some bearing on the intention of Mr. BECK with respect to his citizenship in that city. He had continued to be a member of the Fairmount Park Art Association, which has for its purpose the progress of art and the embellishment of public places in that city. He had continued to be a member of the Philadelphia Commission, which has a somewhat similar purpose; the City Parks Association; the American Philosophical Society; the Art Club; the Legal Club; the Shakespeare Society; the Mahogany Tree Club; the Franklin Inn Club; the New England Society of Pennsylvania; the Historical Society of Pennsylvania; and some other social organizations.

Mr. BECK acquired this place of abode in Philadelphia in July, 1926. He was assessed for personal taxes in the city of Philadelphia thereafter. In 1927 he applied for registration as a voter in the city of Philadelphia, and he was registered as a voter there without challenge; he voted there in the city primaries in September, 1927. At that time he was not running for office and he was not a candidate for Congress.

The Congressman elect was Mr. Hazlett, of Philadelphia. After the primary in September, 1927, Mr. Hazlett resigned, and the properly constituted authority of the Republican Party in the first congressional district of Philadelphia nominated Mr. BECK as the candidate for Congress in the by-election which was held November 6, 1927, to contest as its candidate for a seat in this House. The Democratic Party chose as its candidate Mr. J. P. Mulrenan. At the election held November 6, 1927, Mr. BECK was elected by a majority of over 60,000.

During the period of time that he had control of and occupied this apartment in the city of Philadelphia, he continued to maintain his house in the District of Columbia on Twenty-first Street. He occupied it when it was convenient for him to do so and he occupied the apartment in Philadelphia when it was convenient for him to do so. He also has continued to own the summer property on the ocean front at Sea Bright, N. J.

When Mr. BECK left New York and came to the District of Columbia he registered and voted at Sea Bright, N. J., where his summer house was. He cast his last vote there in the presidential election of 1924 and has not done anything on his part to maintain his registration and status as a voter at that place since the election of 1924. As I stated before, after he had acquired the leasehold on the apartment in Philadelphia and had continued to hold it for the constitutional period of time as fixed by the constitution of Pennsylvania he registered and voted in the primaries in Philadelphia in 1927.

In the hearings some question was raised with respect to this registration. In my own view of the constitutional provision I think that is an immaterial matter, but I desire to point it out to the House for its consideration. The law of the State of Pennsylvania requires that, in order to register, you must have paid a tax of some kind. If you have not paid a real estate or

a personal-property tax prior to the registration you must pay a poll tax of 25 cents. The law provides that this poll tax must be paid by the individual in person to the proper official receiving taxes or that it be paid by an agent who is authorized in writing to pay it for his principal. It has been suggested in the hearings before the committee that Mr. BECK in his registration failed to comply entirely with that statute. These are the facts concerning that matter: He was sitting in the office of Senator VARE, in Philadelphia, across the street from the office where the receiver of taxes has his place of business. By telephone call it was suggested to the office of the receiver of taxes as to where Mr. Beck was at that moment, and that he desired to pay his poll tax. One of the clerks from that office came over to the office where Mr. BECK was sitting and came to the door of the room in which he was sitting in a chair. The door was opened and the young man from the tax collector's office had in his hand an envelope containing the tax receipts for Mrs. Beck and Mr. BECK.

Mr. BECK, instead of handing the 50 cents personally to the young man who came from the collector's office; instead of doing that, the young man stayed at the doorway and another person in the office took the envelope over and handed it to Mr. BECK, to whom he handed 50 cents, who carried it to the man at the door and handed it to him.

To my mind this is too technical a matter to be considered as throwing suspicion upon the registration of Mr. BECK.

The SPEAKER. The gentleman from Michigan has consumed 20 minutes.

Mr. VINCENT of Michigan. Mr. Speaker, I yield myself 15 minutes more.

Mr. BECK, when he presented himself for registration as a resident in the city of Philadelphia, subjected himself to all of the obligations of that status. He immediately subjected himself, of course, to an assessment for his personal property, and that assessment promptly was made, and he is assessed for his personal property in the city of Philadelphia.

It further appears that all of his personal financial business is transacted in Philadelphia, the Girard Trust Co. being his fiscal agent for that purpose.

It is fair to say to the House that the house in Washington owned by Mr. BECK is a more commodious, better furnished house than the apartment in Philadelphia.

It is true also that two of the clubs to which I have referred in the city of Philadelphia have nonresident and resident rosters. When Mr. BECK was in New York he was carried as a nonresident member of these two clubs. When he came back, his attention was called to it—he had not personally paid his dues, his secretary attending to that—and he immediately had his status changed to a resident member of the club, to which his attention was called. It appeared in the hearing that the other single club which carried a nonresident roster still carried him as a nonresident member.

It appeared, too, that the automobiles which Mr. BECK owns and operates here in Washington were provided with District of Columbia licenses.

I think this is a fair statement of the facts connected with this matter. The testimony shows Mr. BECK has occupied this apartment about twice a week during the period of time he has had it, a year and a half before he was elected to Congress, except when he was absent from the city in Europe in connection with the Sesquicentennial Exposition, where he went in the employ and in the interest of the very city where he now claims his inhabitancy to be. Of course, he was not in the apartment during the time of these trips, but he went abroad as a representative of the city of Philadelphia and in connection with its work and, incidentally, without remuneration therefor, because of his interest in its civic affairs.

Now, there is a precedent established by this House that in my own honest belief seems to dispose of this case if it is followed by this House, which precedent I think an examination will show has never been disturbed, and that is the case of Philip B. Key, of Maryland, who was elected to Congress in the Tenth Congress in 1806.

At that time many of the framers of the Constitution were still living; Thomas Jefferson was then President of the United States; Madison was later to become President of the United States.

These are the facts in the Philip B. Key case:

Mr. Key was born and raised and educated and called to the bar and practiced law continuously as a resident of the State of Maryland. He was born before the Constitution was adopted, of course. He lived there and practiced law until 1801, when he disposed of every semblance of a habitation in the State of Maryland and removed to a house which he owned in the District of Columbia at Georgetown. This house in Georgetown was the only house he possessed from 1801 until 1806.

About 1805 or 1806 he purchased a tract of land out in Maryland, upon which there was no house. He gave a contract in the spring of 1805 to erect thereon for his use a summer home, and it is set forth in the record of that case that this was useful only for a summer home. Before that house was entirely finished he removed with his family from the house in Georgetown out to the summer house in Maryland. He made this removal in September, 1806. He retained the house in Georgetown, in the District of Columbia, fully and completely furnished as it had been before.

Eighteen days after he moved his family out to the summer house in Maryland he was elected in an election to Congress. Twelve days after the election he moved back into the house in Georgetown, and he moved back and forth as his convenience dictated. He would spend the winter in his house in Georgetown and the following early summer move out with his family to the house in Maryland.

When he came to take his seat in this House his right to do so was challenged on the ground that he was not when elected an inhabitant of the State of Maryland.

There was prolonged discussion on this point; and the House, after full consideration, having in view the fact that he was born in that State, had been in the past identified with its interests, was returning to settle again in it when he went back 18 days before the election to his house there, found that he was, within the meaning of the constitutional provision, an inhabitant of the State of Maryland and sustained his right to a seat in this House.

To my mind there is no legal difference between these two cases, except, it seems to me, that Mr. BECK's case presents a stronger argument for his right to a seat than did that of Mr. Key.

There are these differences which you may consider. Mr. BECK, when he moved from Philadelphia, moved first into the State of New York, later came to the District of Columbia, and from there proceeded to Pennsylvania. Mr. Key did not have any intervening residence in a different State. But inhabitancy is a matter of mixed fact and intent on the part of the person, and I can see no legal difference in the situation of a man who gives up entirely his home in a given State and moves to the District of Columbia and then returns, as Mr. Key did, than in the case of a man who gives up his physical residence, moves to the State of New York, then to the District of Columbia, and then reestablishes his residence or inhabitancy in his original State.

There is this other difference between these two cases, that Mr. BECK in his tenure in the apartment in Philadelphia has a leasehold, while Mr. Key when he went back into Maryland had a freehold estate. But, to my mind, again—and I think to the Members of this House—it is well known that people are commonly making their inhabitancy, their abode in this country, in places where they hold it by lease as well as where they hold it by fee simple title. In the case of Mr. Key, his physical inhabitancy of that State existed for 18 days prior to the election. In the case of Mr. BECK it existed for 18 months before election.

It was argued in the hearings before the committee that there was another precedent which threw doubt on the applicability and standing of the Key precedent. That is the case of Bailey of Massachusetts—and, by the way, this Key case can be found on page 417, volume 1, Hinds' Precedents. In the case of Bailey he was a man who lived in Massachusetts in the house of his father and mother, when he was appointed on October 1, 1817, to a clerkship in the Department of State. He continued to hold that clerkship and to stay here in the District of Columbia and look after the duties of his clerkship until 1823, when he was elected to a seat in Congress from the district in Massachusetts where he had grown up. He had in the meantime, according to the report of the committee, maintained absolutely no indicia of any place of abode whatever in the State of Massachusetts during all of the period that he was engaged in the State Department. He married while he was here in the District of Columbia, and he and his wife established their residence, the place where they lived at least, in the home of her mother here in the District of Columbia. There was no house, no place of abode, no habitation of any kind in the district in Massachusetts which elected him to Congress from the period when he came to the State Department in 1817 until he was elected. The House in that case held that he did not conform to the provision of the Constitution requiring a man to be an inhabitant.

I think myself that to consider a man an inhabitant of a State where he has no habitation would be a contradiction in terms, and that the holding of the House was correct, and that it does

not in any way affect the validity of the Key precedent, nor of the right of Mr. BECK as the facts are presented here.

I think my time has almost expired and I must leave time for others.

Mr. Speaker, I reverence the Constitution of the United States. I would not vote to keep any man here who I considered had violated it with respect to his qualifications for his seat in the House, not even a man of the attainments of Mr. BECK of Pennsylvania, but I feel that the true conception of the thing is this, that in the last analysis for a fit membership of this House of Representatives we have got to depend upon the patriotism and the intelligence and the common sense of the people who inhabit the various districts of the country, and that after a district has selected a man deliberately at the polls by an unquestioned majority, before this House denies to that constituency the right to have the man of their choice represent them in this House, we ought to be perfectly certain and absolutely clear that his election does violate the Constitution of the United States, and until that is clear, and it is not in this case, that constituency should have the right to be represented by the representative of its choice. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BRAND of Georgia. Mr. Speaker, may I be permitted to ask the gentleman a question?

Mr. VINCENT of Michigan. I yield the gentleman half a minute.

Mr. BRAND of Georgia. I simply wanted to ask whether Mr. Key was a married or a single man?

Mr. VINCENT of Michigan. He was a married man with a family.

Mr. BROWNING. Mr. Speaker, I yield myself 30 minutes and ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. BROWNING. Mr. Speaker and gentlemen of the House, I regret exceedingly, of course, at any time to find myself in disagreement with the very delightful gentleman who is the chairman of my committee, and I wish to say that in my experience of six years' service with him on that committee this is the first time we have disagreed on any major issue with respect to an election contest. Neither am I free from the influence that always affects Members when they are voting on the seat of a colleague for whom they have the highest regard. But in my humble judgment the test of fidelity to my oath when I asserted that I would uphold and defend the Constitution of the United States comes when I am called upon to apply it to a friend and to some one whom I do hold in high regard and whose ability and capacity is unquestioned, as is the case in the matter of Mr. BECK.

I hope the membership will not consider that any political or partisan consideration has entered into this case so far as I am concerned, because there is nothing to be gained from a partisan standpoint, if Mr. BECK should be unseated. No one is contesting his seat. I do regard it an important matter when we have a mandate of the Constitution, and we come to a deliberate conclusion that our Constitution has been violated, that we vote in accordance with our convictions. That is why I am here to-day offering the substitute resolution in this case.

I have listened very attentively to the facts stated by the chairman of the committee. You will pardon me if I reiterate and add to some of those statements in giving my recollection of the facts in the case. Mr. BECK, after being a Federal official in the city of Philadelphia, came to Washington in 1900 as an Assistant Attorney General of the United States. He held that position until 1903, when he resigned to take up the practice of law in the city of New York. At that time he sold all of his property, so far as residences are concerned, in the city of Philadelphia and the State of Pennsylvania, and in Washington if he had any, and bought a home in the city of New York and lived there and practiced law until 1920, in November, just after the presidential election. He voted there in all elections until after 1920. He then came to the city of Washington, selling his New York home and severing all residential relations there, and bought a home on Twenty-first Street in this city and moved his family here, moved his extensive private library here, moved his art treasures and other things he had which comport with his accustomed degree of comfort, to which, of course, he was clearly entitled in the place where he lived. He retained his summer home at Sea Bright, N. J. He went back there to spend his summers on the ocean front and established a voting residence there, registered and paid taxes there, and he and his wife voted from there by mail in the presidential election of 1924.

In 1921, as has been stated, he was appointed Solicitor General of the United States by President Harding. That was several months after he had completely severed his relations in New York and after he got a home in Washington and moved into the home with his family. He acted in that capacity for four years, approximately. He resigned from his position as a public official, I believe, because of his eyesight failing. After his resignation he never moved his residence, he never moved his home or acquired a home elsewhere. He established a law office in the Southern Building in Washington and began the practice of law as a specialist in practice before the Supreme Court of the United States. He also renewed his connection with his law firm in the city of New York.

Since 1900 Mr. BECK has not practiced law in the State of Pennsylvania. Now, in 1926, Mr. BECK states he wished for two reasons to get a residential relation in the State of Pennsylvania. One was that he wanted to reestablish his connections with that State, he said, and the other was that he wanted to come to Congress from the first district of that State. In company with a Mr. Greenfield, a real estate man and a man of considerable connection in politics of that city, he went over the first district looking for a desirable apartment. He did not contract for one, but went to Europe on a business trip. While he was gone Mr. Greenfield seems to have made a selection of an apartment in the Richelieu Apartments, 1414 Spruce Street, and reserved it for Mr. BECK. It has one bedroom, one living room, a kitchenette, and bath. After Mr. BECK got back, and on the 6th of July, 1926, he signed a lease for this apartment as of June 1 of that year, agreeing, and has paid since that time, according to the proof, $110 a month rental. He furnished it. I do not remember the testimony exactly as does the chairman when he states the amount of time Mr. BECK says he has been in the apartment. I do remember definitely, page 53 of the hearings, Mr. BECK's statement was that he had been in Philadelphia most every week since that time except summers and when he was in Europe on business. He stated that while in Philadelphia, up to about the 1st of January, 1927, he stayed in the apartment at night. After that time his sister, Miss Helen Beck, returned from Europe, and he turned over the apartment to her; and while she was there he went to either the Arts Club or the Bellevue-Stratford Hotel at night while he was in the city.

His visits there were sometimes to make speeches, but most of them, as was indicated in his statement, were to break the trip between New York and the city of Washington. Mr. BECK's family consists of himself and wife. He has two children, a daughter, whose husband is United States consul at Geneva, and his son, who is still in Europe and has been there since the World War, having served in the American forces. But he says, "My wife and I live alone." In other words, his family consisted of himself and Mrs. Beck. Mrs. Beck has never spent a night in this apartment in the city of Philadelphia, as I remember the record. Mr. BECK has never eaten a meal in that apartment, and so far as the record shows undoubtedly the ordinary, regular, permanent home where Mr. BECK has spent most all of the time since November, 1920, has been in the District of Columbia in his home on Twenty-first Street, Washington.

Now this question comes up: The chairman of the committee suggests that the supreme consideration is to be given the constituency of Mr. BECK in their right to select a person to represent them. In this same clause of the Constitution I call your attention to the fact that there are three inhibitions placed upon men who shall sit in this House: First, they must be 25 years of age; second, they must have been seven years a citizen of the United States; and, third, they must be an inhabitant of the State from which they are chosen at the time they are chosen.

Now, there is no difference in my mind in the effect of these inhibitions. Suppose that a constituency elected a man only 21 years of age to represent it in the House of Representatives, and this question was raised. What are you going to do? Suppose they had selected a man who had been naturalized less than seven years. No matter what his other qualifications are, what are you going to do? The same thing applies to an inhabitant; and the whole thing, my friends, rests on the determination of the question whether Mr. BECK is properly an "inhabitant" within the meaning of the framers of the Constitution.

We are not undertaking, those of us who are supporting the minority views in this case, to override the will of any constituency which is within constitutional bounds. We are not undertaking to disregard the will of the people. We are insisting that the people should rule; that their will is the Constitution. We are insisting that if Mr. BECK is not an inhabitant

of the State of Pennsylvania he falls in the same category with those men who are not citizens, or who have not been citizens for seven years, and have not attained the age of 25.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Certainly.

Mr. DEMPSEY. Is there not this very vital distinction between the two questions on the one side, of age and of being an inhabitant or citizen of this country, that the evidence must be necessarily clear, distinct, and convincing, while in the other case the evidence may be conflicting and may be determined largely upon the intention of the man?

Mr. BROWNING. Not at all. The evidence in each of these cases ought to be treated exactly the same.

Mr. DEMPSEY. Treated exactly the same, but there can not be any real dispute about a man's age, or about how long he has been a citizen.

Mr. BROWNING. We are not disputing the facts in this case. We are taking Mr. BECK'S word for them.

Mr. DEMPSEY. But there can be very easily a dispute about where a man resides in this country, and that question may depend almost wholly upon the intention of the man himself.

Mr. BROWNING. No. The intention does not determine the matter. An intention in this instance is a deduction of law, founded on fact, as has been numerously laid down, not based upon what a man says alone but based upon that and the facts of what he did. That is what I am insisting on. Mr. BECK did make the declaration that he was going back there to Philadelphia where, among his books and art treasures and his friends, he could spend the declining years of his life. But he did not do it. If he had borne out his intention and moved his family to Philadelphia, then his case would be different.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. JACOBSTEIN. Have you noted the authorities on that point?

Mr. BROWNING. We have cited numerous authorities in the report.

Mr. JACOBSTEIN. Is not the fact emphasized that a man ought to be familiar with conditions in the district represented by him?

Mr. BROWNING. Yes. Now, mind you, when the draft of the Constitution was offered to the committee of five, the word "resident" was in there. Mr. Sherman moved to strike out that word and insert instead the word "inhabitant." Mr. Madison engaged in the discussion, and it was clearly the intention to put in that language, because Mr. Madison called attention to the fact that a man might be away on business, public or private, or pleasure, and it might be claimed by some man having spite against him that because of this temporary situation he was not a resident; and so the word "inhabitant" was inserted instead, because they wanted a man completely identified with the constituency which he represented. That is fundamental; it should be fundamental with the American Government to-day if we have any fundamentals. We should seek to guarantee a true representation of local sentiment, as it were, to present a cross section of the people's thoughts, to represent them truly in the more numerous branch of Congress. I believe Mr. Wilson expressed it when he said that they wanted a transcript of the people's mind.

Now, in the discussion of this change of verbiage, and elsewhere in the debate, these very men, Mr. Sherman and Mr. Wilson and Mr. Gouverneur Morris, all insisted that the Representatives should be elected every year. They said in substance, "We do not want a man to go away from his constituency and stay at the seat of government more than a year before he comes back and renders an account of himself to his constituents and permits them to determine whether he has taken on the esprit de corps of the locality of the Capitol."

Now, what about this as to Mr. BECK? He had been away from his constituency 23 years. During that length of time he had lived 17 years in the city of New York. My experience as a countryman is that if there is any place in this world that could get under a man's skin it is the city of New York. [Laughter.]

Mr. WELLER. I would like to ask the gentleman if he does not like to come to New York?

Mr. BROWNING. I do. It is a stupendous and magnificent city, ringing with the tumult of nocturnal pleasure, and other enjoyments. [Laughter.] However, it is a dangerous place for a man to go, regardless of where he has been raised. I do not care who he is. [Laughter.] I only spent about three weeks there at one time, and yet Mr. BECK stayed there for 17 years.

Mr. CAREW. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. CAREW. Do you think he is a Republican from New York? [Laughter.]

Mr. BROWNING. Well, I will say this to the gentleman: That I do not know whether he is or not, but I know the record discloses that he started out in very good company as an official under the Democratic administration in the State of Pennsylvania; that he then came to Washington, after he had changed his allegiance, which he had a perfect right to do, though I think he made a great mistake. Then he became a Republican official here. Then he went to New York and came back to Washington and held office under a Republican administration. I do not think the city of New York itself had anything to do with his becoming a Republican. They are not so indigenous to that city.

Mr. HASTINGS. I want to ask the gentleman one question.

Mr. BROWNING. Briefly, if you please.

Mr. HASTINGS. Does the gentleman state the record shows that Mr. BECK never ate a meal in this apartment nor his wife remained there a single night?

Mr. BROWNING. That is true.

Mr. VINCENT of Michigan. I do not think that is borne out by the record, if the gentleman pleases. Further than that, the gentleman from Tennessee, in giving the rooms of this apartment, left out the living room.

Mr. BROWNING. Possibly I did that, but it is a two-room apartment. May I ask the chairman what objection he has to the statement I made that Mr. BECK never ate a meal in this apartment? The record shows that, and that Mrs. Beck never spent a night there. The record shows that.

Mr. VINCENT of Michigan. I do not think the record shows that. It may possibly show that she did not eat a meal there, but she did stay there with Mr. BECK, according to the record.

Mr. BROWNING. I am positive the record shows different.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BROWNING. For a brief question.

Mr. BLACK of New York. Does the gentleman take the position that the fact that Mr. BECK maintained a home in the District of Columbia of itself disqualifies him as an inhabitant of the State of Pennsylvania?

Mr. BROWNING. Not at all. The position I take is this: That he not only maintained a home in Washington but occupied it as his place of abode. I do not claim that the fact that he bought himself a home in the District disqualifies him at all, but the fact that he is an inhabitant of the District of Columbia is the thing that disqualifies him.

Mr. GREEN. Where did his family reside?

Mr. BROWNING. His family resided here in Washington. Now, under any of the circumstances which you can find in this record, when Mr. BECK got through with the temporary duties he was performing, whether they were in the city of Philadelphia, whether they were in New York, or whether they were in Europe, he came to Washington where his home is. Now, the test of inhabitancy is the place where a man lives, to which he goes under all ordinary circumstances, the place where he has his family life, the place where his folk live, the place where he goes to when he is sick. Mind you, in this case, in 1926, Mr. BECK made, I believe, three speeches in the city of Philadelphia during that campaign; but after he finished on Saturday night before the election on Tuesday he came home to Washington. He was not even there to vote. Why? Because he was at home and not in Pennsylvania at all. He was sick in his regular place of abode.

Now, the chairman of the committee discusses this Key case. Let me show you the difference in that case and this one. Mr. Key made a declaration in the spring before this house was built, when he bought this farm, that he intended to build a home on it and to live in it himself. He did do that. He declared in the spring of the year that he was going to do it. He bought a part of his wife's family estate; he built a house on it for himself expressly; he went back to it and was living there at the time he was elected to Congress. He had moved his family there; he had taken his complete household, including his servants. And when he left Maryland and came to the District of Columbia he kept his law practice in Baltimore. He declined to take practice in the city of Washington at all, but he kept all of his activities there in Maryland. He was completely identified with that State except for the time he was a resident of the District; but he went back and qualified. There is too much of a disposition in this case to get the idea of citizenship and the idea of inhabitancy interwoven. They are not the same at all.

Take the Key case, for instance. At the time he was elected to Congress and got his seat from the State of Maryland, the law required a man to live in the State of Maryland for 12 months before he could vote. Key had only been there 18 days.

He was an inhabitant but he could not vote. He met the qualifications for a Member of Congress, yet he could not vote in his own election.

They are not the same at all, and I hope the House will not have that point disturbing their minds. Citizenship consists of an aggregation of civil privileges. Inhabitancy depends entirely on where a man lives and has his ordinary home.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. KINCHELOE. Does the evidence disclose whether or not Mr. BECK voted from the time he rented this apartment in Philadelphia until he was elected to Congress?

Mr. BROWNING. Here is what the record shows: In May, 1926, after it was determined that Mr. VARE was going to leave the House, while Mr. BECK was in Europe, out of order on the alphabetical list for assessment, Mr. BECK was listed exactly six months to a day before the election as a taxpayer for the payment of this occupational tax of 25 cents. If a man has been a citizen of Pennsylvania, he can go back and resume his citizenship with a six months' residence. He ignored that assessment. He was assessed twice in 1927, one time out of order, not on the regular alphabetical list, but picked up out of order. He ignored the first one, but the second one he paid just 11 days before the primary in which Mr. Hazlett, who had been elected to the House, was running for a county office. He voted in that primary on that poll-tax receipt, which was gotten as the chairman has indicated, 11 days after its purchase.

The law requires that the man shall either go to the office of the receiver of taxes and pay the poll tax himself or he must pay it to a deputy at one of the registration places on registration day, or he must have an agent do it on written authority from him. Mr. BECK had neither of these requirements complied with. There was no intention on his part, I concede, to violate the law; he is incapable of that; but I am asserting he had no right under the law to vote on that tax receipt in the primary election in September before he was elected in November.

Now, Mr. BECK very properly calls my attention to a statement I made in the minority report to the effect that a man had to have his poll-tax receipt 30 days, I believe, before the election. If I am wrong I want to correct that, because he insists that that does not apply to a primary. Since that time, when I told him I would correct it, I have gone further into the statute, and I confess I am not clear whether the law in Pennsylvania in that regard applies to primaries or not; but I know that in the State of Pennsylvania the law is specific that before a man can vote he must be a resident for a certain length of time, and the court goes on to describe this residence by saying:

> It means that place where the elector makes his permanent and true home, his principal place of business, and his family residence, if he has one; where he intends to remain indefinitely, and without a present intention to depart; when he leaves it he intends to return to it, and after his return he deems himself at home. (71 Pa. 302.)

This is a requirement for voting which Mr. BECK never met in the State of Pennsylvania.

Mr. GREEN. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. GREEN. How many times during the 20 years of his alleged residence in the city of Washington do the records disclose that he voted in Pennsylvania, if any?

Mr. BROWNING. The first time he voted was in this primary in 1927, and that is the only time he had voted for 20 years in the State of Pennsylvania when this proof was taken.

Now, as to inhabitancy, in the Bailey election case from Massachusetts which the chairman referred to——

Mr. STEAGALL. Will the gentleman yield for one question?

Mr. BROWNING. Yes.

Mr. STEAGALL. Reference has been made to Mr. BECK's membership in various clubs in the city of Philadelphia; did the committee ascertain whether or not he had membership in clubs in Washington or elsewhere as well as in Philadelphia?

Mr. BROWNING. Yes; I think he was a member of possibly one or two clubs in the city of Washington, but I will not be certain about that. But he always registered, when he registered away from the city of Washington, with his residence as Washington, D. C. He had all goods for his personal comfort sent to his residence here on Twenty-first Street. Everything tended to show he considered this his home and abode and, in reality, it was. There is no question about that in my mind.

Now, as to inhabitancy, in this Bailey case that has been referred to from Massachusetts, this man was appointed a clerk in the State Department by John Quincy Adams. He came here from his father's residence. He was a single man then and had lived in his father's home. He left his library back there. The proof tends to show he had expressed always the opinion and the conviction that he was still identified with Massachusetts and had his citizenship there, and even as great an authority as John Quincy Adams himself certified to that. He lived here for four years in a hotel and then he married in the District of Columbia. He had never exercised the rights of citizenship here, and people could vote here at that time. He had never done anything to contradict his conviction, often expressed, that he was still a citizen in full standing of Massachusetts. He was elected to Congress one year after he had married and moved into the home of his mother-in-law. They rejected him, and in the consideration of that case I want to read just this one statement:

After reviewing the circumstances attending the adoption of the clause of the Constitution, which I referred to a moment ago, the committee commented upon the fact that the word "resident" had first been proposed but had been put aside for "inhabitant" as being a "stronger term, intended to express more clearly their intention that the persons to be elected should be completely identified with the State in which they were to be chosen."

Now, here is a definition which, I think, is really the summing up of the definition of inhabitancy.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BROWNING. Mr. Speaker, I yield myself 10 minutes more.

This is from Burrill's Law Dictionary:

> The Latin habitara, the root of this word, imparts by its very construction frequency, constancy, permanency, closeness of connection, attachment, both physical and moral; and the word "in" gives additional force to these senses.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. DALLINGER. I understand that the gentleman is quoting from Bouvier's Law Dictionary?

Mr. BROWNING. No; from Burrill's.

Mr. DALLINGER. I notice that you do not cite Bouvier's Law Dictionary.

Mr. BROWNING. Oh, I am not willing to have the gentleman make my speech.

Mr. DALLINGER. Is the gentleman aware that in Bouvier's Law Dictionary the statement is made that "inhabitant" as used in the Federal jurisdiction act of 1789 means citizen, and there are two decisions of the Supreme Court confirming that?

Mr. BROWNING. I can cite the gentleman to cases from his own State that will refute that. An Illinois case decides that inhabitant is not synonymous with citizen. I will go on over to a Massachusetts case.

As used in the general statutes—section 11, paragraph 12—providing that all personal estate within or without the State shall be assessed to the owner in the city or town where he is an inhabitant on the 1st day of May, "inhabitant" does not mean any man who may happen to be personally in a town or a city, but means a man who has a home in a place, so any man who established a permanent home for himself and family, if he has one, and who there performs all the duties required of him.

There are a great many decisions, not only from the States of Illinois and Massachusetts, but from others, and this I get from the State of Delaware:

> A man may be a citizen without being an inhabitant of the State, as a man may be an inhabitant without being a citizen. This is not only an obvious distinction, but one which the Constitution itself makes, as in the qualification of voters it requires both citizenship and residence.

Here is another United States case:

> The term "inhabitant," as used in an act of Congress providing that no civil suit shall be brought before certain courts against an inhabitant of the United States by any original process in any other district than that whereof he is an inhabitant or in which he shall be found at the time of serving the writ, is a mere equivalent description of citizen and alien. A person might be an inhabitant without being a citizen, and a citizen might be an inhabitant though he retain his citizenship. Alienage or citizenship is one thing and inhabitancy, by which is understood local residence, annimo manendi, quite another.

That is in the case of Piquet *v.* Swan (U. S. 19 Fed. Cas. 609, 613).

I cite another from Fifth Federal:

> "Inhabitant," as used in Civ. Code Or., sections 1051, 1053, which declared that the jurisdiction to current letters of administration on the estate of a deceased person is vested in the county courts of the county of which the deceased was at or immediately before his death an inhabitant, means one who has an actual residence in the county or who is

ordinarily personally present there, not merely in itinere, but as a resident and dweller therein. It is not the equivalent of the technical term "domicile."

The word "inhabitant" implies a more fixed and permanent abode than resident.

That is from another Federal case.

It comprehends locality of existence, the dwelling place where one maintains his fixed and legal settlement, not the casual and temporary abiding place which is required by the necessities of present surrounding circumstances. A mere sojourner is not an inhabitant in the sense of the act.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. JACOBSTEIN. If the report of the committee is sustained, what would prevent any wealthy man from renting a room anywhere within a State and getting himself elected by that subterfuge?

Mr. BROWNING. I think the door is wide open. It is not the immediate effect of seating Mr. BECK in this House that I am contending against. It is the precedent that you are going to set by leaving the situation such that where any kind of an organization, whether it be good or bad, can select any individual it chooses in the United States, establish a temporary, fly-by-night residence by renting an apartment, and sending him to Congress to serve any purpose they want.

I think this is a very serious matter. I think this is one thing that the fathers had in their minds as possible when they laid down this inhibition. It does not matter to me, except I want to relieve my mind of being convicted with regard to the true construction of the Constitution.

Reference was made a while ago to the establishment here in the District of Columbia of homes by men to live in who are in public life. That is not under consideration. I confess to you that a man has a perfect right to establish a home here which is incident to the discharge of his public duties.

But in this case Mr. BECK certainly can not go back of 1926, and the things that have developed since that time must govern his case. And in the beginning we find him with his permanent home established in the city of Washington. He never established it for the temporary purpose of representing these people in Congress, but he went to the district and established a temporary residence there in an attempt to qualify as a Member of Congress. He reversed the order entirely. Nobody else is endangered. It is whispered around that somebody else may be hit. I must insist that nobody is disqualified because he has a home in the city of Washington, but if this situation is so widespread as has been intimated in some quarters, then it is high time that we asserted what we understand to be the true meaning of the Constitution.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. GREEN. Was anything brought out in the record to show whether or not Mr. BECK had church membership in that district?

Mr. BROWNING. I do not remember anything about church membership.

Mr. GREEN. How about any lodge membership?

Mr. BROWNING. We discussed that, the clubs to which he belonged, but no fraternities that I have any recollection of.

Mr. PERKINS. Does not the record show that he was a trustee of the Episcopal Academy in Philadelphia?

Mr. BROWNING. That may be true, but that does not mean membership.

Mr. PERKINS. It is pretty close to membership.

Mr. BROWNING. I happen to belong to another church and I do not know what the requirements of membership are in that church.

Mr. DEMPSEY. Does not the only authority of the State of Pennsylvania quoted in the minority report at the top of page 17, in the final part of the decision, lay this down as the indispensable requisite of citizenship:

It means that place where the elector makes his permanent or true home, his principal place of business, and his family residence, if he has one; where he intends to remain indefinitely; and without a present intention to depart; when he leaves it he intends to return to it, and after his return he deems himself at home.

Mr. BROWNING. Yes.

Mr. DEMPSEY. Making the question a question of intention, just as suggested by the previous question?

Mr. BROWNING. No. It does not do that at all. It says "return." I regret my inability to explain to the gentleman what I am trying to talk about, and that is, that the expressed intention must be followed by his action, and he never acted in this case. He has lived in the District of Columbia, and has every month since November, 1920. It has been his permanent place of abode, where his wife lives and he had his home life.

Mr. DEMPSEY. My understanding of what the gentleman said was that he had an apartment and residence in the city of Philadelphia which he rented previous to his——

Mr. BROWNING. Just as a pretext in order to come to Congress. Mr. Speaker, I do not yield any further.

Mr. PERKINS. Will the gentleman yield?

Mr. BROWNING. I will.

Mr. PERKINS. On page 34, Mr. BECK testified as follows:

The idea that I have not occupied that apartment constantly in the last year and a half is quite a mistake. That explains my allusion in my statement that a member of my family has occupied that apartment continually for the last year.

Mr. BROWNING. And, of course, he said he did not stay there while his sister was there after she came back from Europe six or eight months before he ran for Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. VINCENT of Michigan. Mr. Speaker, I yield 10 minutes to the gentleman from West Virginia [Mr. BACHMANN].

Mr. BACHMANN. Mr. Speaker and gentlemen of the House, some question has developed as to whether or not Mr. BECK spent any time in his Philadelphia apartment, whether or not he lived there any part of the time. In this connection I want to refer the gentleman from Tennessee [Mr. BROWNING] to page 13 of the record in which Mr. BECK in his statement says:

On June 1, 1926, I rented an apartment at 1414 Spruce Street, which I have since maintained as my Philadelphia residence. It was an unfurnished housekeeping apartment, and I furnished it with all necessary furniture and equipment. This apartment my family and I have occupied from time to time, and one member almost continuously. Excluding the summer months, I am in Philadelphia nearly every week. My chief purpose in renting my Philadelphia apartment was not to obtain a seat in Congress, but to reidentify myself with my native city and Commonwealth as a citizen.

Let me, gentlemen of the House, take you a little further and show you exactly what Mr. BECK's intention was when he took this apartment. On page 58 of the record Mr. BECK says:

In taking that apartment when I rented it, the dominant purpose with me was to again establish a status in Philadelphia as one of its people. The seat in Congress was then a possibility undoubtedly, and I would not want to say, and could not say truthfully, that it had nothing to do with the renting of the apartment. It involved a very substantial sacrifice to me. But at least I would not want to be the kind of Washingtonian who was content to escape all civic responsibilities and duties, and I felt that I had all my life preached the duty of every citizen taking a part in politics and I wanted to have a status as a citizen, and that I could not have in Washington, and I established it in Philadelphia to do my civic duty.

Mr. DEMPSEY. Will you not read the next two sentences? Because there is a conflict with the previous statement. It is on page 58.

Mr. BACHMANN. I do not have a copy of the hearing before me.

Mr. DEMPSEY. I read:

Did you sleep there?

Mr. BECK. Many times.

Mr. BACHMANN. I understood that was the fact.

Mr. BRAND of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. I yield to the gentleman from Georgia.

Mr. BRAND of Georgia. Does the record show that Mr. Beck's sister was a member of his family?

Mr. BACHMANN. Yes. She lived in that apartment in Philadelphia.

Mr. BRAND of Georgia. I know; but prior to that time, when he was living with his wife, was his sister living with him and his wife?

Mr. BACHMANN. My recollection is that his sister spent most of her time in Europe, and that at other times she visited in Washington.

Mr. BRAND of Georgia. I did not know whether the gentleman had in mind Mr. BECK's sister as a part of his family.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes, I yield.

Mr. KINCHELOE. I have not heard the gentleman from Tennessee [Mr. BROWNING] speak about Mr. and Mrs. Beck living in this apartment as man and wife.

Mr. BACHMANN. The only thing referred to by Mr. BECK as to that is that they would go there occasionally and occupy that apartment. If the gentleman wishes to bring out the fact

as to where Mr. and Mrs. Beck lived most of the time, I think the record will show that they lived most of the time in Washington.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. GREEN. Does the record disclose whether or not Mr. BECK owned property in Philadelphia, in this district, at the time of his election?

Mr. BACHMANN. I understand he owns real estate in Pennsylvania, but whether it is in this district or not I do not know.

Mr. GREEN. Does the evidence show that he voted in Philadelphia before that?

Mr. BACHMANN. He was a resident there all his life until he came to Washington. While he lived in Philadelphia he was Assistant United States Attorney and then United States Attorney, and voted there.

Mr. VINCENT of Michigan. The record shows that Mr. BECK was assessed for $30,000 of personal property in Philadelphia.

Mr. BACHMANN. Yes. He was assessed in 1926 and 1927.

Mr. NELSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. I yield to the gentleman.

Mr. NELSON of Wisconsin. The Constitution requires a man to be an inhabitant. Where was Mr. BECK's inhabitancy—in Philadelphia or in Washington?

Mr. BACHMANN. We think it was in Philadelphia.

Mr. NELSON of Wisconsin. Can you have it in two places at one time?

Mr. BACHMANN. Not in my opinion. A man may have a dozen residences if he so desires, or three or four; but I do not think he can have two inhabitancies at the same time.

Mr. NELSON of Wisconsin. That was what I was trying to settle in my own mind. It must be dependent upon what the Constitution provides. A man can not have two inhabitancies.

Mr. DEMPSEY. Will the gentleman read from the record as to Mr. BECK's membership in the clubs? It has been referred to by Members on the other side.

Mr. BACHMANN. That has all been put in the record by the chairman of the committee, Mr. VINCENT of Michigan.

Mr. BUSBY. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BUSBY. The fact that Mr. BECK remained in this apartment would not restrict his residence there if he was actually residing in Washington with his wife?

Mr. BACHMANN. No.

Mr. COCHRAN of Pennsylvania. I want to call the gentleman's attention to Mr. BECK's testimony on page 34 in answer to that question.

Mr. BACHMANN. Mr. Speaker and gentlemen of the House, the only question involved in the case of JAMES M. BECK is that growing out of Article I, section 2, of the Constitution, which provides:

> No person shall be a Representative who shall not have attained to the age of 25 years, and has been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Therefore, we are called upon to decide whether or not Mr. BECK was an inhabitant of the State of Pennsylvania within the meaning of the Constitution when he was elected.

The word "inhabitant" has many meanings. It has been construed to mean an occupant of lands; a resident; a permanent resident; one having a domicile; a citizen; a qualified voter. No exact definition can be given of the word "inhabitant" as applicable to all cases.

The Supreme Court of the United States has said that—

> In a statute providing that a majority of the inhabitants of the town, to be ascertained by an election, might authorize the issue of bonds the word "inhabitant" means legal voter. (Walnut *v.* Wade, 103 U. S. 683.)

That—

> "Inhabitant," as used in the statute of Henry the Eighth, concerning bridges and highways and providing that bridges and highways shall be made and repaired by the inhabitants of the city, has been construed to include those who hold lands within the city where the bridge is to be repaired lies, though they reside elsewhere. (Bank of the U. S. *v.* Deveaux, 9 U. S. (5 Cranch) 61.)

That—

> In the act of September 24, 1789, providing that no civil suit shall be brought against an inhabitant of the United States in any other district than that whereof he is an inhabitant, the term "inhabitant" means citizen. (Ex parte Shaw, 145 U. S. 444.)

That—

> On a change of domicile from one State to another citizenship may depend upon the intention of the individual. But this intention may be shown more satisfactorily by acts than declaration. An exercise of the right of suffrage is conclusive on the subject. (Shelton *v.* Tiffin, 6 Howard 163.)

That—

> The very idea of a political community, such as a nation is, implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words "subject," "inhabitant," and "citizen" have been used, and the choice between them is sometimes made to depend upon the form of government. "Citizen" is now more commonly employed. * * * It is understood as conveying the idea of membership of a nation. (Minor *v.* Happersett, 21 Wallace 162.)

One of the best definitions I have been able to find is that in the case of Howard College *v.* Gore (Mass. (5 Pick) 370):

> An inhabitant is one who, being a citizen, dwells or has his home in some particular town, where he has municipal rights and duties and is subject to particular burdens; and this habitancy may exist or continue notwithstanding an actual residence in another town or in another county.

The SPEAKER pro tempore (Mr. LAGUARDIA). The time of the gentleman from West Virginia has expired.

Mr. VINCENT of Michigan. Mr. Speaker, I yield to the gentleman five additional minutes.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for five additional minutes.

Mr. BACHMANN. In other words, gentlemen, we must reach a conclusion as to what the word "inhabitant" means.

It has been argued that the word "inhabitant" as used in the Constitution refers not to a political status but to physical presence. In this connection it is significant that the representation was to be for the State and not of the district, which in itself excludes the idea of physical presence in that neighborhood. This clearly indicates that the framers of the Constitution had in mind, by selecting the word "inhabitant," a political status and not a physical presence in a particular locality—the question of whether an individual owed allegiance, whether he was subject to the exactions of its laws, and whether he could share to the extent permitted in the benefits of the laws. To be an "inhabitant" of a State meant either an involuntary subjection to its laws by birth or a voluntary subjection to its laws by adoption. Always the idea has been one of political allegiance. Therefore it can be readily seen that the term "inhabitant" had no reference to the vague standard of whether an individual spent the greater part of a year in one place or another but referred to his political status.

I do not believe it can be seriously contended that Mr. BECK did not have a political status in Philadelphia. Therefore, if you believe to be an inhabitant of a State meant a political status, there is no question other than that Mr. BECK is clearly entitled to his seat.

Mr. NELSON of Wisconsin. If it was a political status it could not have any bearing on the District of Columbia at all?

Mr. BACHMANN. That is true. I am coming to that with respect to the Washington residence and the Philadelphia residence.

It should be kept in mind when talking about the Washington residence of Mr. BECK, whether we are talking about the same thing the Constitution requires in that portion requiring one to be an inhabitant of the State.

It is well settled throughout the United States that there are two kinds of residence—one permanent and legal, equivalent to domicile, the residence which makes citizenship, which establishes relation between the man and the State, and the other, the residence which consists in actual physical presence in a place other than a man's domicile. It has been held by courts of last resort over and over again that a man may have two residences, one his domicile and the other his actual residence.

It is clear, and no doubt will not be contradicted, that a man may have his domicile and the right to vote in Pennsylvania, and at the same time be a resident of the city of Washington.

Now, which of these two residences is meant by the Constitution. The universal rule throughout the Union is that the word "residence" when it refers to eligibility to office, means domicile; that is, permanent legal residence, and has no reference to where a man is actually living.

No man can be deprived of his citizenship, his domicile, his legal residence, against his will. No man can be deprived of it

except by his own intention. Will anyone doubt that JAMES M. BECK tells the truth when he solemnly declares, as he does, that?—

from the time I sold my home in New York I had but one desire, and that was to establish a residence in Philadelphia and become again a citizen of that city. (P. 75, record.)

The SPEAKER. The time of the gentleman from West Virginia has again expired.

Mr. VINCENT of Michigan. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. BACHMANN. Can anyone doubt that Mr. BECK is telling the truth when he solemnly declares, as he does, that?—

I announced at a large public dinner in Philadelphia on April 30, 1925, that it was my intention to reidentify myself with Philadelphia. (P. 151, record.)

Can anyone doubt that Mr. BECK is telling the truth when he says?—

it being my intention to resume my citizenship in Philadelphia I ceased to vote in Sea Bright, N. J., after the presidential election of 1924. (P. 2 Beck statement.)

Can anyone doubt that Mr. BECK is telling the truth when in carrying out his intention to make Philadelphia his legal residence he said?—

I finally decided to acquire a permanent residence in that city, and on June 1, 1926, I rented an apartment at 1414 Spruce Street, which I have since maintained as my Philadelphia residence. (P. 3, Beck statement.)

Can anyone doubt that Mr. BECK is telling the truth, when in carrying out his intention to make Philadelphia his legal residence, he said?—

I was assessed as a taxpayer there in May, 1926, and again in December, 1926, and in May, 1927. I registered as a voter in Philadelphia in September, 1927, and voted in the primaries of September 20, 1927. (P. 3, Beck statement.)

Can anyone doubt that Mr. BECK is telling the truth when he said?—

Hardly a week goes by that I am not in Philadelphia, sometimes two or more nights. The fact that I transact my personal affairs there; that my personal fortunes are conducted in Philadelphia; that there I control my investments; and there I manage the property that I have; my identification with the city's civic interest—I think I can say without exaggeration, the unselfish identification that I have had in the civic enterprises in Philadelphia, all show my presence there is not an infrequent thing. (P. 17–18, extract from hearings.)

Will you believe, against the evidence, that Mr. BECK is still an inhabitant of New Jersey, and as well a citizen of that State, as contended by the gentleman from Pennsylvania [Mr. KENT] on page 32 of the record? Will you believe, against the evidence, that it was not the intention of Mr. BECK to abandon his political status in the State of New Jersey? Will you believe, against the evidence, that it was not the intention of Mr. BECK to reidentify himself with the city of Philadelphia and the State of Pennsylvania, the State of his birth, the home of his father; the city and State that had showered honors on his youth and had more honors in store for his manhood; the State of his nativity, of his ambition, and his pride.

Can anyone contend that he intended to abandon that and take up his residence in the one place in the United States where residence gives no political rights and offers no future to ambition and to hopes—the District of Columbia?

To Mr. BECK alone belongs the privilege of acquiring inhabitancy or citizenship in any State in the Union. That it was his intention to do so in Pennsylvania is beyond doubt. That his acts and deeds in furtherance of that intention beyond question establishes his inhabitancy and citizenship. Having thus subjected himself to the burdens of taxation, the burden of renting a habitation, the burdens of jury service, the burdens under the succession law under which the State of Pennsylvania will take some portion of his estate when he passes on, he surely is entitled to the enjoyment of those privileges similarly enjoyed by all other citizens and inhabitants of that great State. To deny him his seat as a Member of the House of Representatives from the State of Pennsylvania would only mean the taking from him of certain obligations and services and deprive him of his constitutional right of making himself an inhabitant and citizen of one of the States of this Union, a right enjoyed by all citizens and inhabitants of the United States under the Constitution. [Applause.]

The SPEAKER. The time of the gentleman from West Virginia has again expired.

Mr. BROWNING. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Speaker, ladies, and gentlemen of the House, as a member of the same profession with Mr. BECK, as a member of the American Bar Association and the Supreme Court bar of this country, I have the greatest respect for his ability and learning; but when by an effort, such as this record presents, short of trickery he attempts to manipulate the provisions of the Constitution of this country to gain a seat in this House I am most willing to take my stand against him.

The majority report from the Committee on Elections No. 2, coupled with Mr. BECK's own statements before the committee, is such an ingenious and unprecedented manipulation of sound and common sense interpretation of the constitutional provisions involved it becomes necessary at the outset to consider the facts in order to locate, if possible, some reason therefor. The facts—taken from the committee's reports—bearing on the issues I shall discuss can be briefly stated as follows:

Mr. BECK's early life was spent in Pennsylvania, he being born and educated there. In 1900 he moved to Washington to accept an appointment as Assistant Attorney General of the United States. This position he resigned in 1903 when he went to the city of New York to practice law. At the same time he abandoned his residence in Philadelphia and acquired a fixed domicile in New York City. He continued to reside in New York City until November, 1920.

In the intervening period between 1903 and 1920 he acquired a summer home at Sea Bright, N. J., which property he still owns, and at which place he registered and voted as late as the presidential election in 1924. This voting status in New Jersey he retained in November, 1927, and, so far as we are advised, at the present time. So far as the New Jersey authorities are concerned, no act of Mr. BECK has shown withdrawal of claim for voting privileges in that State. Mrs. Beck enjoyed the same voting status, and it is fair to assume she still does, even from the standpoint of intention, because not by the greatest stretch of imagination could she qualify as a resident or inhabitant of Pennsylvania. In 1920 Mr. BECK sold his residence in New York City and came to Washington and purchased a home he has owned since at 1624 Twenty-first Street NW. Between June, 1921, and June, 1925, Mr. BECK served as Solicitor General of the United States. Upon resigning that position in June, 1925, he established a law office in Washington and also resumed his connection with the old law firm in New York. At no time since 1900 has he retained a law office in Pennsylvania or practiced law there. In the spring of 1926 he inspected several apartments in the first congressional district in Philadelphia, and on the 6th day of July following he executed a lease of date June 1, 1926, for a 2-room apartment at 1414 Spruce Street. The apartment is equipped with kitchenette, but Mr. BECK has never eaten a meal there; it has one bedroom and that has been occupied continuously by his unmarried sister, Miss Helen Beck; Mrs. Beck has lived at the Washington home continuously since its purchase and no claim is made that the apartment in Philadelphia aforesaid was for her use or convenience in any way. Mr. BECK always registers as from Washington when he goes to hotels throughout the country, this being true during the life of the aforesaid lease. He has his merchandise for personal comfort sent to his Washington home; he has his automobiles for every use registered in the District of Columbia. At no time has he treated the small 2-room apartment in Philadelphia, located—as I think fair to submit, in a locality as different in point of environment, value, and habit from that which Mr. BECK has been and is now accustomed to, as day is from night. It is fair to state that the facts in no particular indicate or convince one that Mr. BECK's rental of this apartment presented to him in any sense a real and bona fide habitation.

The lease must have been entered into as an attempt, now appearing to be of the weakest kind, to comply with the constitutional requirement for an inhabitant. On the 9th day of September, 1927, Mr. BECK has delivered to him in the office of Mr. VARE his occupational-tax receipt, for which the sum of 25 cents was paid. Considerable doubt exists as to his compliance with the registration laws of Pennsylvania, but this I shall not discuss. He then registered as a voter in the primaries in the city of Philadelphia in September, 1927, at which primary, Mr. Hazlett, a relative of Mr. VARE, was the candidate for Representative from the first district to succeed Mr. VARE. After the primaries, Mr. Hazlett, having been nominated, resigned, and to fill the vacancy so caused by the Republican authorities nominated Mr. BECK. The election was held November 6, 1927, but Mr. BECK did not come from his Washington home to vote, although it is reported on election night he attended a Washington dinner party.

It is certainly germane to the issue before the House to discover, if possible, some reason for Mr. BECK—a man standing high in the legal profession and enjoying an enviable reputation as a constitutional lawyer—to attempt such a flimsy, loose, and unprecedented plan to gain a seat in this House. Let us remove the smoke screen which is prevalent all through Mr. BECK's testimony and argument and try to find some reason. It is a known fact that Mr. VARE in 1926, then the Representative of the district Mr. BECK now represents, was a candidate for the United States Senate, and on November 2 of that year was elected to the United States Senate. Difficulty in sustaining his right to a seat in the United States Senate was anticipated, and Mr. BECK during the year 1926 must have been counseling and advising Mr. VARE, because in that year Mr. BECK published his book entitled "The Vanishing Rights of the States." It takes but a child to read this book and discover it to be nothing but a brief in behalf of Mr. VARE. It is interesting also to know that the morning after the election in Philadelphia, at which Mr. BECK did not vote but was elected, that he issued from his Washington office a statement to the press, declaring the Philadelphia election has "vindicated Mr. VARE."

Our familiarity with developments in the Vare case before the Senate during the present session of Congress, and the knowledge that Mr. BECK is still chief counsel for Mr. VARE, coupled with the prior association I have attempted to discuss, presents most forcibly reasons as to why Mr. BECK so hastily attempted to secure the status of an inhabitant of Pennsylvania, and later a Representative from a boss-ridden district in Philadelphia, where his election was at the will of his client and the vote so certain and meaningless from a personal standpoint that he himself did not take the time to journey from his real residence and habitation in Washington to participate therein.

The doctrine of State's rights is not involved in this controversy. However, I am not surprised it is brought forth, because in Mr. BECK's desperation, he, like a drowning man grabbing at a straw, seeks to maintain his rights through the help of every conceivable line of reasoning. It is doubtful if Mr. BECK, when he penned his work, The Vanishing Rights of the States, expected the issue of State's rights to be presented in a case such as his personal claim for a seat in this House now presents, for he says in that book (p. 49):

> This provision (speaking of the section of the Constitution designating each House as the judge of the qualifications of its Members) unquestionably invests each House with the right to determine whether a man who claims to have been elected to either House was in fact elected, and if so, whether he possesses the requisite qualifications, but these qualifications are obviously those which have already been prescribed in the Constitution as to age, the period of his citizenship, and the fact that he is an inhabitant of the State which he seeks to represent.

Was Mr. BECK at the time of his election an inhabitant of the State of Pennsylvania in the sense that the law requires?

Paragraph 2 of section 2, article 1, of the Constitution provides as follows:

> No person shall be a Representative who shall not have attained the age of 25 years and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

It is the last part of the aforegoing paragraph of the Constitution which this House is called upon to interpret at this time. The answer given by the House to-day is, therefore, one of national policy and of extreme importance.

The majority report in this matter, discussing the aforesaid constitutional provisions of page 4 of that report, says:

> To determine whether the facts applicable to the case of Mr. BECK places him within the meaning of the framers of the Constitution in their use of the word "inhabitant," it is of the the greatest importance to consider the debate which occurred at the time this provision was adopted.

I quote this because the majority report recognizes the fact that in disposing of Mr. BECK's rights the word "inhabitant" must not be too strictly construed, but that the intent and purpose thereof as disclosed by the debate upon that provision as contained in the Madison Papers be considered. These debates, as furnished us by Mr. Madison and set forth to some extent in the committee reports and in Mr. BECK's brief, are very interesting; but as they are all used finally by Mr. BECK as a basis for the argument that Washington and Franklin were not inhabitants of Virginia and Pennsylvania, respectively, unless he, Mr. BECK, is regarded by the Members of this House as an inhabitant of Pennsylvania, I ignore that argument, because obviously it contains no merit. This House has to determine whether Mr. BECK was an inhabitant of Pennsylvania in a sense that the Members of this House approve, and I can not conceive of the issue being disposed of upon party alignment or personal prejudice. It should be met in fairness and in furtherance of the commonly accepted understanding of the people of this country as to the status of citizenship a Representative in this House should enjoy. Mr. BECK is most desperate in his own behalf in this case. It is astounding (in view of what I shall say hereafter), to read on pages 5 and 6 of his brief the following language:

> You will thus see that the convention divided upon the use of the word "resident," thereby meaning a stricter physical presence, and "inhabitant," thereby meaning a member of a political community. It can not be questioned that the word "resident" was a stricter term, for it imported the idea of containing physical presence.
>
> If, however, as I shall argue, to be an "inhabitant" referred not to physical presence but to a political status, he could not, when elected, be an inhabitant of the State unless he had previously accepted by birth or adoption, as a member of that political community.
>
> Moreover, it is significant that the Representative was to be for the State, and not of the district, which in itself excludes this idea of neighborhood and of physical presence in that neighborhood. This indicates that they had in mind by selecting the word "inhabitant" a political status, and not a physical presence in a particular locality.
>
> * * * And yet the Constitution provided that the people of Pittsburgh might, if they chose, select as their Representative a citizen of Philadelphia who had never lived in their midst, and whom, personally, none of them ever knew. In fact, all of the 35 Members of the Pennsylvania delegation could, if the people of Pennsylvania so elected, be selected from the residents of one particular district even at this time.

Further quoting, page 13:

> What they [framers of the Constitution] wanted to do was to lay down a rule that would be easily susceptible of application. In this they wholly failed, if by "inhabitant" they meant resident in the physical sense.

Further quoting, page 15:

> Having thus given my interpretation of the Constitution, which at least has the advantage of being practical and reasonable and not general and indeterminate—then I may add that it at least has the advantage of the sanction of history—it is not necessary to say much in applying it to the facts in my case.

Further quoting, page 16:

> Where I purchased and maintained a home, by the maintenance of a house in Washington, meaning thereby a legal residence in Washington, has never been regarded as an abandonment of the right to retain or acquire the rights of citizenship in one of the States.

I think all of us will admit that inhabitancy and citizenship and residence is largely a question of intention on the part of the individual. At the same time it is admitted with equal force that such intention is always gathered from the facts and not by some secret resolve on the part of the individual. It is an insult to the intelligence of this House to argue from the facts presented in Mr. BECK's behalf that he was a bona fide inhabitant of Pennsylvania at the time of his election. Aside from the secret resolve on his own part, which he himself now says he possessed to become an inhabitant of Pennsylvania, the record presents nothing of force and merit to his advantage.

May I have two more minutes?

Mr. BROWNING. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. BACHMANN. Will the gentleman yield?

Mr. COLE of Maryland. Not at this time. I have no doubt had some hack politician instead of a man of Mr. BECK's standing attempted a trick of this kind, we would have been enjoying the mastery and sound interpretation of our Constitution by Mr. BECK protesting against the assault upon the Constitution which such a case would have presented.

I recall on one occasion, before the Supreme Court of the United States, a certain lawyer of recognized ability was presenting his argument and in doing so submitted certain legal propositions as being sound and applicable to his case. He was interrupted, as I recall, by Justice Holmes, with this remark, "Mr. (Blank), the reasoning you have just advanced is directly contrary to that which you state in your work on Pleading and Practice." The lawyer answered, "If that is the case, then my book is wrong." It is needless for me to say that the court sustained the authority in this great lawyer's book, which was, of course, his sound, sane, and real interpretation of the law and not that which happened to fit the particular case he was arguing at that time. Mr. BECK, you know, is the author of a very delightful book entitled: "The Constitution of the United States." It was published in 1924. As a caption to chapter 10, page 124, he places these words from Lowell:

> Once to every man and nation comes the moment to decide,
> In the strife of truth with falsehood, for the good or evil side.

Bearing in mind what I have heretofore said and supplementing that with the knowledge you possess of Mr. BECK's argument and the effort of the majority report in this matter to sustain his right to a seat in this House, see if you can reconcile that attitude and that interpretation of the Constitution with Mr. BECK's own language in the very wonderful work by him which I have just quoted. On page 281 we find Mr. BECK discoursing as follows:

Lord Brunnel then suggests that the governmental institutions of England and France give a greater opportunity to public service than America. Unquestionably, our institutions, with their tendency toward localization, do not make for national leadership. For example, in England a man can run for Parliament in any district. Even if defeated in one district he may stand for another seat, but in America a man can not run for Congress unless he is a citizen of the State in which he is situated; and while in theory, if a Pennsylvanian he can be a candidate for any congressional district of that populace Commonwealth, yet in actual practice—because the habits of the people are always as much a part of its constitution as the written law—the opportunity to serve the Nation in the Halls of Congress is dependent upon the consent of the district of his residence.

[Applause.]

I might add that Mr. BECK is not alone in the aforegoing interpretation of our Constitution as to the requirements of one seeking representation in Congress, for we find Beard, on American Government and Politics, page 232, expressing a similar view. I find comfort and satisfaction in the position I have taken in this controversy from the language of the Court of Appeals of Maryland, the State I represent. Naturally there is confusion from time to time as to the right of certain residents of the District of Columbia temporarily residing in Maryland, voting there. Permit me to quote therefore the language of Justice Bryan in the case of Thomas *v.* Warner, Eighty-third Maryland, pages 19, 20, and 21:

Warner was undoubtedly a resident of Washington from 1885 to 1892. It was in his power to remove his residence to Maryland if he thought proper to do so. It was a very easy thing to do. If he had broken up his establishment in Washington, abandoned his residence there, and made his home in Montgomery, there could have been no question about the matter. But sometimes the change of residence can not be proved by clear and unambiguous evidence. It must, however, always appear that the former residence has been abandoned. There must be an actual acquisition of a new abode; and in the case of a married man the settlement of the family there with all the incidents and associations belonging to a home according to their circumstances. The idea of residence is compounded of fact and intention; to effect a change of it there must be an actual removal to another habitation, and there must be an intention of remaining there. It is not required that the purpose to remain shall be unalterable; for a person may change his residence whenever his wishes or his interests may induce him to do so. But there must be an adoption of the new abode as a place of fixed present domicile; it would ordinarily be the "center of his affairs," and the place where the business of his life was transacted. Of course, no one thinks that a man is obliged to remain at home as if he were a prisoner. His business might require him to be absent on frequent occasions for longer or shorter periods. But his home is the place where he and his family habitually dwell; which they leave for temporary purposes, and to which they return when the occasion for absence no longer exists. * * *

We have seen that Mr. Warner's election to change his residence would not be sufficient without making the new habitation a place of fixed present domicile. Now, we see in the evidence no change in the course of his life in Washington after he purchased the land and built the house in Montgomery. He continued to live at his former dwelling and, as far as we can see from the evidence, under the same conditions and circumstances. He paid taxes on his personal property in the same way as formerly, as only a resident is required to do; and there is no external mark or indication which would designate him as a transient dweller or sojourner. Although he and his family paid visits to his country house, we have seen that such visits were by no means inconsistent with a residence in Washington. * * * Judge Story tells us that: "In a strict and legal sense that is properly the domicile of a person where he has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning (animus revertendi). We find it impossible to infer that these conditions are fulfilled in the case of the Montgomery house."

This House is one of the most precious instruments of our Government, and I for one believe the good people of this country intend that its membership shall in every way respect the sane, common-sense construction of paragraph 2, section 2, Article I, of the Constitution, and comply with its provisions before they should knock at the doors for entrance, and above all else before they should attempt to hold a seat in this House. Sad and unfortunate as it may be in the case of Mr. BECK, a man who has served this Government; a man who at a time when his better judgment was not influenced as it evidently has been since 1926, gave to us his splendid work on the Constitution from which I have quoted; and a man who necessarily stands high in the legal profession of this country, of which I am a member. I hope the intelligence of this House will assert itself to-day and, free from party alignment, political affiliation, stamp its disapproval upon the manner in which Mr. BECK has gained his seat on this floor. It is a sad spectacle to find a living being serving as a pallbearer at the funeral of his own reputation, but to present that commitment to Mr. BECK is in my judgment our solemn and binding duty.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. VINCENT of Michigan. Mr. Speaker, what is the situation with respect to the time?

The SPEAKER. The gentleman from Michigan has 22 minutes remaining and the gentleman from Tennessee 28 minutes.

Mr. BROWNING. Mr. Speaker, I would like to inquire if that is not a wrong check of the time? I have used only 47 minutes.

The SPEAKER. The Chair is informed by the time clerk that that is correct.

Mr. BROWNING. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. KENT].

The SPEAKER. The gentleman from Pennsylvania is recognized for 28 minutes.

Mr. KENT. Mr. Speaker, with the permission of the Speaker and Members of the House, this House has an unusual and extraordinary opportunity of reestablishing and reaffirming a precedent in this case which has come down from the very foundation of the Government; and in this connection may I call attention to the fact that the Elections Committee was the first committee that was appointed by the First Congress. So, we have the extreme pleasure of participating before the first committee that was ever established by the Congress of the United States, which has always been extremely jealous of its dignity and of its ability to control the proceedings of the House of Representatives, according to the precedents of the House itself.

Somewhere throughout the arguments in some of the precedents it was endeavored to be established that upon this question of inhabitancy, or any other question affecting the qualifications of Members of Congress, the Congress should leave the matter to the particular States from which a representative claimed a seat, in order that that particular State should itself fix what it believed was the proper rule affecting inhabitancy. But I do not believe that it will be even slightly contended that the State, or any State of the Union, has, under our Constitution, any right to fix the qualifications for a Representative.

The qualifications, of course, are fixed in the Constitution, and by a separate section of the Constitution, only the time and the manner and the place of holding elections are left to the States themselves.

Therefore, in the principal case which has come down to us, the Congress at the very outset called attention to the fact that it was jealous of its jurisdiction, and that it was the exclusive judge in determining the qualifications of its Members.

Before going into an analysis of the facts, as I will read them in chronological order, I may again state what the minority leader stated in bringing this matter to the attention of the committee.

No possible political advantage can be gained in this matter by any party now represented in this House of Representatives. Numerically we all understand how the great political parties are represented in this House. We also understand, from common knowledge, that the minority in this House could not possibly procure a seat if this matter were decided adversely to the sitting Member. By a long line of precedents it has been definitely established that even though the gentleman who received the second highest number of votes in this matter were contesting, he could not possibly be entitled to this seat if Mr. BECK were held to be disqualified.

So, from the first congressional district of Pennsylvania, if Mr. BECK is not qualified to sit, unquestionably some one of the same political faith will succeed him, and no party advantage can therefore be obtained by the minority in this House; and by reason of the minority now existing, no party advantage can be obtained by the majority in this House.

The second section of Article I of the Constitution provides—and in order that it may be fresh in our minds I will read it now:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the

most numerous branch of the State legislature. No person shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

The facts are as follows:

1. JAMES M. BECK was born in Philadelphia on July 9, 1861, and was educated in the public schools there and later in Moravian College at Bethlehem, Pa.

2. In 1884 he was admitted to the Philadelphia bar.

3. His statement read in the record from the printed statement released for publication January 7, 1928, is silent upon the fact that in the first term of President Cleveland he was appointed assistant United States district attorney for the eastern district of Pennsylvania and served in that capacity for four years. (See p. 38 of hearings.)

4. As the result of presidential appointment of President Cleveland in the latter's second term, Mr. BECK served for four years as United States district attorney for the same district.

5. In 1900 he was appointed Assistant Attorney General by President McKinley, moved to Washington, retained his voting residence in Philadelphia, and resigned that position in 1903. (See p. 38.)

6. At the age of 42 Mr. BECK went to New York in 1903 to practice law in order to secure a competence. (See p. 39.)

7. He remained in New York until November, 1920. (See p. 39.)

8. He owned at different times two homes in New York City, both of which were sold at or about November, 1920. (See p. 39.)

9. He purchased a property in Sea Bright, N. J., about 25 years ago, owning the fee simple. He is still possessed of the fee-simple title to that real estate.

10. He voted in New York up until the time of his removal from that State.

11. He paid personal-property and real-estate taxes in Sea Bright, N. J., in 1921 and having removed to Washington was qualified to vote in New Jersey in 1921, and did then and thereafter, until 1926, at least, maintain intentionally a voting status in New Jersey.

12. He was in a similar position in 1922 and voted in Sea Bright, N. J., in the congressional elections of that year.

13. He paid personal-property and real-estate taxes in Sea Bright, N. J., in 1923 but failed to vote that year.

14. He paid personal-property and real-estate taxes at Sea Bright, N. J., in 1924 and voted by mail, as did his wife, at Sea Bright, N. J., in the presidential elections of that year.

15. He paid personal-property and real-estate taxes at Sea Bright, N. J., for 1925.

16. He paid personal-property and real-estate taxes at Sea Bright, N. J., for 1926.

17. He paid personal-property and real-estate taxes at Sea Bright, N. J., for 1927.

18. The Sea Bright, N. J., property is a large, handsome, and expensive property on the ocean front. Mr. BECK rented that property and had it for sale until the summer of 1927, and in that summer he withdrew the property from sale and used it himself.

19. The Sea Bright, N. J., property is in the custody of the caretaker, who lives upon it, and he together with his wife are qualified voters of New Jersey.

20. After the presidential elections in 1924 in which Mr. and Mrs. Beck voted, no other acts were performed by them until 1926 showing they were not entitled to vote in the State of New Jersey nor showing withdrawal of claims to voting privileges in that State.

21. In November of 1920, being assured that he would be connected with the Harding administration in some capacity, he sold his property in New York and acquired, about November, 1920, the fee simple at 1624 Twenty-first Street NW., in Washington, D. C. He resided in Washington from November, 1920, until June of 1921 without any official connection with the United States Government.

22. He retained his law office in New York City from November, 1920, up to the time he became Solicitor General in June, 1921, by President Harding's appointment.

23. He still owns that property in Washington, D. C. (See p. 40.)

24. In 1925 he resigned as Solicitor General and opened a law office in the Southern Building in Washington, D. C. (See p. 65.)

25. He is now, and was when elected to Congress, residing principally and exclusively at 1624 Twenty-first Street NW., Washington, D. C., without change of status which began in November, 1920, excepting that he in May, 1925, long prior to his election to Congress, opened a law office in the Southern Building in the National Capital.

26. He has no law office in Philadelphia, having ceased to practice there in 1900, and has nothing more in that city than an alleged voting residence acquired through the execution of an alleged lease on July 6, 1926. (See p. 43.)

27. Mr. BECK is married and has two children. Both children are in Europe and he resides with his wife at his Washington address, excepting that in the summer of 1927 he resided with her at Sea Bright, N. J.

28. He is associated in the law practice in Washington, D. C., with several other lawyers in the same suite of offices, and department records show that these lawyers practice before all governmental departments.

29. His name appears in the telephone book in Washington, D. C., as a resident at 1624 Twenty-first Street NW. and as an attorney in the Southern Building, and he maintains telephones at both places.

30. His automobiles are registered in Washington, D. C., and he never had an automobile registered or licensed in the State of Pennsylvania. (See p. 66.)

31. The home in Washington, D. C., is large and commodious, containing on the ground floor leading from Twenty-first Street a reception room, a den or office in which Mr. BECK spends some of his time with some of his books; on the second floor there are many books in the large library, sitting room, reception room, dining room, and other rooms. On the next two floors there are rooms for Mr. BECK's family, guests, and servants. There are four servants in the Washington home and a chauffeur who operates two of Mr. BECK's automobiles which are in operation and cares for an additional one not in operation. (See pp. 64–65.)

33. Mr. BECK has been for his entire lifetime a voracious reader and has written several books. He has, according to his estimate, a large comprehensive library of several thousand volumes, covering a wide variety of subjects.

34. In Philadelphia he has no books, estimated by himself at less than half a dozen.

35. According to his own statement, all that he holds dear in life, including his books, furnishings, works of art, and things of like character, are in his Washington home.

36. At 1414 Spruce Street, Philadelphia, there is an apartment house known as the Richelieu, partly owned and altogether controlled by Albert M. Greenfield, Philadelphia real-estate operator, prominent in organization politics in Philadelphia.

37. On July 6, 1926, a lease was alleged to have been entered into between Greenfield and Mr. BECK for two rooms, kitchenette, and bath on the second floor of that apartment house.

38. In this apartment Mr. BECK has never eaten a meal. (See p. 59.)

39. According to his claim, his sister resides there almost continuously, and when she occupies it he himself does not sleep there. Since she occupies the same continuously, he does not sleep there except perhaps rarely.

40. The apartment contains one bedroom.

41. The janitor of the apartment, admittedly without credibility, stated on one occasion that he had seen Mr. BECK in the apartment house only three times in 1927 and about 15 times from July, 1926, to the present time. He was friendly to Mr. BECK on the stand.

42. After having used the apartment himself, he turned the same over during a part of 1926 for the temporary use of a Mr. Ackerson, who held a position with the Sesquicentennial Exposition at Philadelphia.

43. Mr. BECK had not and has no clothes in that apartment, nor has any other member of his family except perhaps his sister. His clothes are taken in and out of the apartment only when he visits the same. (See p. 59.)

44. He has bank accounts in Washington, New York, Philadelphia, London, Paris, and Geneva.

45. Up to the present time he has paid only 25 cents in taxes in the State of Pennsylvania since his alleged removal back to Pennsylvania.

46. He has not submitted himself to taxation in 1926 and 1927, although claiming to be an inhabitant of Pennsylvania and subject to its laws.

47. He failed to submit himself to the taxing power of Pennsylvania by making full disclosure of taxable property in that State when requested so to do at or about the time of his election and by default after the election he was arbitrarily assessed at $20,000. At no time did he perform any legal duty requiring him to submit himself to taxation.

48. At the time of his election and with his knowledge he was a nonresident member of the Art Club, Philadelphia, and the Franklin Inn Club, of Philadelphia, and at the same time he was a resident member of the Metropolitan Club, of Washington, D. C. In the Art Club, of Philadelphia, a nonresident

member is one who resides more than 50 miles beyond the city. In the Metropolitan Club, of Washington, a nonresident member is one who resides 30 miles beyond the city. (See p. 70.)

49. Mr. BECK knowingly remained upon the nonresident members' list of the Art Club of Philadelphia until January 1, 1928.

50. During 1926, up to his election on November 8, 1927, he registered at hotels in Philadelphia without exception as a resident of Washington, D. C. After his election in 1927 he, without exception, continued to register at Philadelphia hotels as a resident of Washington, D. C.

51. In his correspondence with the Union League of New York in ordering cigars and directing his bills to be sent to certain designations Mr. BECK always referred to "my residence at 1624 Twenty-first Street NW., Washington, D. C.," and "my Sea Bright, N. J., home." On one occasion, in a lengthy correspondence extending through 1926, 1927, and 1928, he directed cigars to be sent to the Art Club at Philadelphia. At no time did he refer to a home residence, habitation, or domicile at 1414 Spruce Street, Philadelphia.

I have read the clause in the Constitution which refers to qualifications for a Representative in Congress. I will ask the House to bear with me while I read that part of the clause in the Constitution which fixes the qualifications for Senators.

On page 12 of the House Manual and Digest we find the following:

> No person shall be elected a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

It will be noted that the Constitution retained the word "inhabitant" in both classes, fixing qualifications for both branches of the Congress.

Then, in fixing the qualifications for the Executive, on page 48 of the House Manual, we find the framers used the following language:

> No person except a natural-born citizen or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President. Neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States.

It will there be noted that the framers used the word "inhabitant" of particular States when they fixed qualifications for both branches of the National Legislature; but when fixing the qualifications for President, intentionally and in order to care for certain persons like Alexander Hamilton and others, they fixed 14 years as the period of residence, but used, distinctly and unqualifiedly, the word "resident" instead of the word "inhabitant," so that it would not be necessary for the President to be at the particular time an inhabitant of a particular State, but he could be a resident out through the United States.

In the twelfth amendment, in article 12, the following language is again significantly used. This is with regard to the meeting of the Electoral College. It is found at page 78 of the House Manual.

> The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves.

Again designedly using the word "inhabitant."

But, very significantly, in our Constitution, in article 14, a great many of our difficulties have been swept away when we come to define the word "inhabitant" with regard to the qualifications for membership of the House of Representatives. There citizenship is defined, on page 82 of the House Manual and Digest:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States of the State wherein they reside.

So it would appear, as we go through the different sections of the Constitution, that the framers were endeavoring to define citizenship. They were not insisting that a citizen be an inhabitant of a State. They did not insist that the President should be a specific inhabitant of a State, or any particular State of which he was an inhabitant at the time of his election, but that he needed to be only 14 years a resident of the United States.

But, significantly—so significantly that it must challenge the attention of the committee—when they fixed the qualifications for Members of the National Legislature they insisted that they be inhabitants of the State from which they came when elected.

In a discussion of this character it is well to go to the fountainhead of our knowledge upon the subject, and I therefore quote from volume 3 of Documentary History of the Constitution, December, 1899, beginning on page 471. On Wednesday, August 8, 1787, and, of course, prior to the report of the committee on style the identical article and section in question were before the convention for consideration. We find the following language on the above page:

> Mr. Sherman, moved to strike out the word "resident" and insert "inhabitant," as less liable to misconstruction.
>
> Mr. Madison 2ded the motion. both were vague, but the latter ("less liable" stricken out) least so in common acceptation, and would not exclude persons absent occasionally for a considerable time on public or private business. Great disputes had been raised in Virg[a]. concerning the meaning of residence as a qualification of Representatives which were determined more according to the affection or dislike to the man in question, than to any fixt interpretation of the word.
>
> Mr. Wilson preferred "inhabitant."
>
> Mr. Gov. Morris was opposed to both and for requiring nothing more than a freehold. He quoted great disputes in N. York occasioned by these terms, which were decided by the arbitrary will of the majority. Such a regulation is not necessary. People rarely chose a nonresident—It is improper as in the 1st. branch, *the people at large*, not the *States* are represented.
>
> Mr. Rutlidge urged & moved that a residence of 7 years shd be required in the State Wherein the Member shd be elected. An emigrant from N. England to S. C. or Georgia would know ("as" stricken out) less of its affairs and could not be supposed to acquire a thorough knowledge in less time.
>
> Mr. Read reminded him that we were now forming a *Nat[l] Gov[t]* and such a regulation would correspond little with the idea that we were one people.
>
> Mr. Wilson enforced the same consideration.
>
> Mr. MERCER. Such a regulation would present a greater alienship among the States than ("n" written upon "t") existed under the old federal system. It would interweave local prejudices & State distinctions in the very Constitution which is meant to cure them. He mentioned instances of violent disputes raised in Maryland ("under these" stricken out) concerning the term "residence."
>
> Mr. Elseworth thought seven years of residence was by far too long a term but that some fixt term of previous resident would be proper. He thought one year would be sufficient, but seemed to have no objection to three years.
>
> Mr. Dickenson ("s" effaced) proposed that it should read inhabitant actually resident for ——— year. This would render the meaning less indeterminate.
>
> Mr. WILSON. If a short term should be inserted in the bank, ("it might" stricken out) so strict an expression might be construed to exclude the members of the Legislature, who could not be said to be actual residents in their States whilst at the Seat of the Gen[l] Government.
>
> Mr. MERCER. It would certainly exclude men, who had once been inhabitants, and returning from residence elsewhere to resettle in their original State; Although a want of the necessary knowledge could not be in such case be presumed.
>
> Mr. Mason thought 7 years too long, but would never agree to part with the principle. It is a valuable principle. He thought it a defect in the plan that the Representatives would be too few to bring with them all the local knowledge necessary. If residence be not required, Rich men ("may" stricken out) of neighboring States, may employ with success the means of corruption in some particular district and thereby get into the public Councils after having failed in their own State. This is the practice in the boroughs of England.
>
> On the question for postponing in order to consider Mr. Dickinson's motion.
>
> N. H. no. Mas. no C[t] no. N. J. no. P[a] no. Del. no. M[d] ay. V[a]. no. N. C. no. S. . ay. Geo. ay.
>
> On / question for inserting "inhabitant" in place of "resident"—Ag[d] to mem. com.

From the foregoing it would clearly appear that the founders of the Constitution had definitely in mind a case exactly similar to the present one. If there was one thing that the founding Fathers desired to prevent in their new experiment upon this hemisphere it surely was the rotton borough system of Great Britain. The entire tenor of the debate just above cited demanded that a Representative should come to the seat of government from the State in which he was a bona fide inhabitant, not a resident only and mere voting citizen, nor one having temporary or actual or permanent domicile for purposes of taxation and other purposes for the exercise of the right of citizenship. But it was desired that he should be an actual inhabitant completely identified with the State which he chose to represent. He was not to be a person, rich, or poor, coming into one State from another in which he was an inhabitant and then attempting to seek a place in the public councils of one State after having failed in his political ambitions elsewhere.

This view was debated in the most famous and best considered case upon the subject in the history of our legislative procedure, namely, the case of Mr. John Bailey, claiming to be entitled to

a seat in the Eighteenth Congress from the State of Massachusetts. Before the House passes definitely upon this question it would be well for every Member to read the Annals of Congress, volume 42, in subvolume 18, part 2, 1824, Eighteenth Congress, first session, beginning at page 1794. This case has been very thoroughly considered in Hinds' Precedents, volume 1, published in 1907, beginning at page 419. I deem this case to be of sufficient importance that I quote copiously from it. That case in the Eighteenth Congress was decided without party lines being taken into consideration. We are fortunate in this regard because the House of Representatives of the Seventieth Congress has an unusual opportunity of laying down and fixing a precedent. Mr. Bailey opened the debate (see p. 1794, above quoted) and admitted practically all of the facts showing conclusively that on October 1, 1817, while a resident of Massachusetts, he was appointed as a clerk in the Department of State. He immediately repaired to Washington and entered upon the duties of his position and continued to hold the position and reside in Washington until October 3, 1823, when he resigned the appointment.

It did not appear that he exercised any of the rights of citizenship in his district and there was evidence to show that he considered Massachusetts as his home and his residence in Washington only temporary. It was shown that Mr. Bailey resided in Washington only temporarily. It was shown that Mr. Bailey resided in Washington at a public hotel with occasional absences on business to Massachusetts until his marriage in Washington, at which time he took up his residence with his wife's mother. The election at which Mr. Bailey was chosen a Representative was held September 8, 1823, at which time he was actually residing in Washington in his capacity as a clerk in the State Department. He actually had, however, a large law library in the State of Massachusetts. He never claimed any other State as a place of inhabitancy, residence, domicile, or citizenship. The House had only to deal with the question of his status in the State of Massachusetts and District of Columbia (see p. 1799):

The report proceeds to state "that the true theory of representative government" requires that the representative be "selected from the bosom of that society which is composed of his constituents"; and that he should possess a knowledge of their character and political views, and for that purpose should "mingle in their company and join in their conversations"; and "that he should especially have that reciprocity of feeling and identity of interest which exist only among members of the same community." This is a beautiful theory, but happens to make no part of our Constitution, and therefore has no application to the case in question. We are all prone to fancy to ourselves what ought to be a rule of action, and thence to infer that such is in fact the established rule. This is an error. Our inquiry now is, What is the Constitution? Not, what ought it to be? That the above picture is ideal, and unsupported by the Constitution, is easily shown.

If the people of a country, by common consent, consider a person as an inhabitant of a State, though he is temporarily absent in public employment, this must be received as the true meaning of the word, even if there were not a single formal decision on the point. Such general practice shows what is the common-sense interpretation of the word, and is conclusive of the question.

It was further argued:

What are the facts in the case before us? The Member is a native of Massachusetts; he is intimately acquainted with the policy and interest of that State; he is presumed to participate in the feelings of his immediate constituents; he has been reared up in the bosom of that society, where his father still resides, and is bound to them by the strongest ties; he has been honored, on several occasions, with a seat in their State legislatures. A few years past, he was appointed to discharge the duties of a clerk in the State Department, within this District; that truce was accepted, with the positive declaration that he did not intend to renounce his native State; and that Massachusetts was his home. During his residence here, he boarded at a tavern, until within some few months previous to his selection, and occasionally returned to Massachusetts. He purchased no property here; and that which he possessed consisting of near 800 volumes was left in that State. He has declined all participation in the concerns of this District. His constituents and himself had intercourse with each other, and understood, much better than we can know, the relations which existed between them. Considering him a citizen and inhabitant of their State, they called upon him to know whether he was willing to serve them in Congress. He yielded to their solicitation, and was elected by a majority of all the votes in the district. No person has claimed his place. But his eligibility has been contested, in a remonstrance signed by 26 persons only, and inclosed under a blank cover, to a Member of Congress, and we are called upon to vacate his seat.

Against the seating of Mr. Bailey it was argued as follows:

Let us discard, sir, these subtle refinements, which only lead us from perplexity to absurdity, and construe this Constitution as we should, according to the plain common acceptation of words. It is a question of common sense merely. The gentleman has resided in this city more than seven years; his family is here; his dwelling place is here; it is his home. He is eligible to any office under the corporation of the place—a subject in the District—liable to jury duties. I repeat the question which I put to the committee before. It has not yet been answered. If this District was entitled to a Delegate in this House, whose qualification should be that he was an inhabitant of the District of Columbia, would he not be eligible to the place? Is he not now entitled to every privilege or right of an inhabitant of this District, be those rights what they may, civil or political? These questions must be answered in the affirmative; and unless it can be shown that he has a sort of double capacity, which may constitute him an inhabitant of two distinct places at one time, and furnish him with two different domiciles, he must be considered as an inhabitant of this District. When the nature of his rights may be here, or their extent, is a question of no importance. Be they greater or less, he is entitled to them, whatever they may be. It is enough for us that he has become an inhabitant of the District, and has lost his inhabitancy in Massachusetts, and is thereby rendered obnoxious to that clause of the Constitution which forbids his eligibility in that State.

A powerful argument was used on page 1838 relative to those who are inhabitants of the District of Columbia:

An inhabitant of one State is deprived of the right of being elected in all the other States. Is there any reason in the imagination of any part of the House why this District, or those who are inhabitants here, should be more highly favored and gifted with more unlimited privileges than the inhabitants of the States? Where, then, is the disfranchisement which has been so often complained of and resounded in this debate, and in what does it consist? The inhabitants of this District are, in this respect, on a perfect equality with all others. If they have not the right of sitting in this House as Members, the fault, if anywhere, is in the Constitution which has denied the District a representation because it is a union of the State and not of Territories.

See also the following, on page 1838:

If, by removing to this District, he loses his inhabitancy in his original State, it is his free act, and he must submit to the disability in return for the advantages, if any, which he may have supposed himself to acquire by changing his previous residence. The whole question, therefore, results in the inquiry whether the facts in the case do not show a change of domicile—whether, under all the circumstances existing in relation to the residence of the gentleman in this city, he must not be deemed to have been so established here as to create an inhabitancy in this District? Had his residence here been transient and not uniform; had he left a dwelling house in Massachusetts, in which his family resided for any part of the year; had he left there any insignia of a home—furniture or any property which usually accompanies a household establishment—all or any of these would be deemed indications that his domicile in Massachusetts was not abandoned. Instead of any indications of this nature we find him here for years, discharging the duties of an office permanent in their nature—establishing domestic connections in this city, and residing here with all the characteristics of a permanent inhabitant. Common sense seems to teach us that he is so; that he has emigrated from Massachusetts in search of better fortunes which perhaps he has acquired. In forming my opinion, sir, I disregard the declarations which have been occasionally expressed by him, that he considered Massachusetts as his home; that this city was a temporary residence. Every man doubtless intends to change his domicile when better prospects elsewhere are presented. It is probable he came here for the enjoyment of the public office which he has held, and that whenever it became convenient or necessary to leave it he intended to return to Massachusetts, unless he could more beneficially establish himself elsewhere. All these vague and contingent intentions are entertained by every man.

In a powerful argument, beginning on page 1838, Mr. Storrs uses the following language:

The circumstances of the case now before us call upon us to maintain with vigilance some of the most important principles of the Constitution—principles which were established for the preservation of the purity and independence of the House of Representatives. We are not only asked to allow a seat here to one whose inhabitancy is not bona fide among his constituents, but one who comes from the executive departments. If this District is to furnish Members for this House, it is the more dangerous if they are to be educated under the immediate eye of their political patrons. The framers of the Constitution intended that a Representative here should come from the bosom of his constituents; that he should live among them; be conversant with their feelings; their wishes, and their wants; that he should know their political principles, and be identified with the people whom he represents. They entertained no notions of that technical inhabitancy which has been set up here to fritter away the most salutary purposes of the Constitution. The example of England was before them where, under the form, though in mockery, of representative government, the Parliament was filled with placemen and pensioners. They never intended to turn the States of this Union into rotten boroughs or to make this

District the great and common borough of all the States. There is something so pregnant with mischief to the character of this House in the doctrines which have been advanced, and so threatening in its purity, that I feel as if, in giving up or relaxing the construction of this part of the Constitution, we give up the Constitution itself, or render it an idle mockery. If there is anything to be feared in this Government, it is the corrupting influence of patronage. The Constitution considers all placement of the Government as unfit to represent the people in the legislative department. I speak, sir, with no allusion to the gentleman whose seat is now questioned; but all history and experience, our observation of human nature, and our knowledge of the motives and springs of human action, warn us to look with jealousy to any interpretation of this part of the Constitution which shall approximate to a relaxation of its spirit and intention. If we sanction the principle that the incumbents of office here are to be universally eligible in the States, I beg, gentlemen, to reflect what an enormous and irresistible weight of influence may be brought to bear upon the State elections, to promote the views of government and fill this House with the creatures of executive power. The patronage of government in the States will be devoted to this end. The connections of men in office here are powerful and numerous elsewhere. The officers of your Government scattered throughout the Union are multiplying every day. Dependent on governmental favor, they naturally rally round the power which feeds them, and will be found subservient to its will. This vast machinery, when once organized and put in motion, will exercise a powerful control in the States, and the election will feel the worst of all influence in a free government. Candidates for this House, furnished from the departments here, will be supported by your marshals, judges, and hosts of customhouse and other executive officers of the States.

The Treasury of the Nation will sustain, through the dispensations of Executive bounty, this pernicious system. We have no reason to believe that, in all our future history, administrations may not be found which might avail themselves of such means to sustain their influence in this House. The only barrier to Executive power is here—its only effectual restraint is in preserving the identification of this House with the people and closing every avenue to the approach of Executive influence in our deliberations. Sanction the doctrine that the officers of the departments are eligible and we may find here, at some future day, a semiofficial cabinet, a bench of ministers—men who have merely laid aside the forms of office, but whose political feelings and partiality and obligations center in the Executive will; a packed Parliament—men who are taught to look anywhere but where they should look for support, to the approbation of their constituents. Why has the Constitution prohibited any officer of the Government from holding a seat in Congress? It is, sir, because they are presumed to be politically unfit for legislation—because the influence of patronage is often too strong to be resisted—because their interests and partialities are not in unison with the mass of the Nation; and because all experience has proved that they are the most pliant instruments of the power which supports them in office and dispenses the public emoluments.

Mr. Hall, of North Carolina, beginning on page 1854, argued as follows:

Gentlemen seem to have fallen into some strange hallucination on this subject. In maintaining their doctrine they undertake to subvert a plain and imperative requisition of the fundamental statute of this land, by applying to it, constructively, the principles of the common law of nations. Suppose that in some of the State courts any lawyer in a plain case of law and fact, a case where a statute applied explicitly to some crime, a case in which the evidence was completely made out and the law and the fact in entire unison—what would be thought, in such a case, of any lawyer who should attempt to overthrow, by applying to it the principles of the British common law from Blackstone, or by preaching a politico-moral homily from Paley and Beccaria? And, yet, it would be of a piece with what is now attempted.

Mr. Speaker, I have prescribed to myself a very plain and simple method of construing this instrument which I hold in my hand, the Constitution of the United States—a method which, if pursued with a view solely to the truth, will generally be right. It is, to take the plain vernacular meaning of the words in which any subject is couched, and endeavor, in their plain sense, to find what was the intention of its framers. Having to the best of my judgment done this, I adhere to that interpretation without attempting to bend or twist it to answer, by a strained construction, any other purposes which, were I to do, I should be guilty of treason against my understanding and my moral sense.

I have applied this rule to that part of the Constitution which says "that no person shall be a Representative who shall not have attained to the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." From which, it appears to me, that the framers of the Constitution meant to exclude two orders of persons from the House of Representatives as Members—persons who are not citizens of the United States, and citizens who are habitual nonresidents of the States in which they are elected. So that the Constitution demands, in so many words, that to be a Representative it is not only necessary to be a citizen of the United States, but, in addition to this, a person to become so must live among those who are to become his constituents, evidently drawing a plain and marked line of distinction between citizenship and inhabitance.

Gentlemen fall into this error by confounding the abstract political right of citizenship with the act of inhabitance which the Constitution requires; but, sir, I consider them doubly disqualified from becoming Members of this House by habitual residence out of the State for which they were or might be elected (I know of no better definition of inhabitance than habitual residence; I would thank any gentleman for a better), and officeholding under the United States, which, so long as they continue to do, is a disqualification in the face of that part of the Constitution which requires that "no person holding any office under the United States shall be a Member of either House during his continuance in office"—showing clearly an intention to keep distinct and immiscible the executive and legislative functions of the Government; and, sir, to return to the gentleman from Massachusetts, I feel no hesitation in saying that his seat ought to be vacated upon this ground, if he labored under no other disability.

Hinds' Precedents, volume 1, beginning at page 420, digests the famous Bailey case in part as follows:

The committee comment upon the fact that the word "resident" had first been proposed but had been put aside for "inhabitant" as being a "stronger" term, intended to express more clearly their intention that the persons to be elected should be completely identified with the State in which they were to be chosen.

The word "inhabitant" comprehended a simple fact—locality of existence; that of "citizen" a combination of civil privileges, some of which may be enjoyed in any of the States of the Union. The word "citizen" might properly be construed to mean a member of a political society, and, although he might be absent for years and cease to be an inhabitant of its territory, his rights of citizenship might not be thereby forfeited. The committee quote Vattel and Jacob's Law Dictionary to show that the character of inhabitant is derived from habitation and abode and not from political privileges.

See also page 421:

The construction put on the word "inhabitant" by the various States was not particularly pertinent, as it might import a different sense in different States. The construction merely. Mr. Bailey's residence was in the District. He was eligible for office there. If the District were entitled to a Delegate in the House whose qualifications should be that he should be an inhabitant of the District, he would certainly be eligible for that place. Therefore he must have lost his inhabitancy in Massachusetts. So far as inhabitancy was concerned, the District stood on the same basis as the other Territories of the United States.

Also see the following:

An inhabitant of one State was deprived of the right of being elected in all the other States. Was there any reason why the inhabitants of the District should be more highly favored than the inhabitants of the States? It was inevitable that in moving from State to State political and even personal rights must suffer modification or extinction with the changed condition of law. So in moving to the District certain rights enjoyed in the States were lost. If the residence of Mr. Bailey here had been transient and not uniform, had he left a dwelling house in Massachusetts in which his family resided a part of the year, had he left there any of the insignia of a household establishment, there would be indication that his domicile in Massachusetts had not been abandoned. It had been argued that the expressed intention to return to Massachusetts should govern. But the law ascertained intention in such a case by deducting from facts. The danger of allowing the Executive to furnish Members of Congress from the public service was discussed at length. The committee did not contend that a Member must be actually residing in a State at the time of his election. Foreign ministers going abroad, but from the nature of the case precluded from becoming citizens of a foreign power or obtaining the rights of inhabitancy, did not lose their inhabitancy at home by absence.

It will be argued in behalf of the sitting Member that the case of Phillip B. Key is of importance (see Hinds' Precedents, vol. 1, p. 417):

As to his inhabitancy in the State, the committee report facts showing that Mr. Key was a native of Maryland and a citizen and resident of the State at the time of the adoption of the Constitution of 1787; that he was never a citizen or resident of any other of the United States; that in 1801 he removed from Maryland to his house in Georgetown, about 2 miles without the boundaries of Maryland, where he continued to reside until 1806, when, on September 18, he removed with his family and household to a partially completed summer home (intended for himself and not for an overseer), which he was building on an estate in Maryland bought by him in 1805, and which was part of an estate owned many years by Mrs. Key's family. Here he was residing October 6, 1806, the date of his election. On October 20, 1806,

he removed with his family and household to his house near Georgetown which he lived in until July, 1807, when they returned to the Maryland house and lived in and inhabited it until October 23, 1807. On that date they returned to the house near Georgetown, that he might attend to his duties in Congress. It further appeared that he had continud the practice of law in Maryland and had declined practice in the District of Columbia; and that in January, February, and March, 1806, he had declared that he intended to reside in Maryland, and that he bought the land with that intention. It was urged and admitted that the Maryland house was fitted only for a summer residence, and was much inferior to the house near Georgetown; and that the latter was left practically with its furnishings complete whenever the family went to Maryland.

But that case is so readily distinguished from the present one that it is amazing that the Key case should have been even referred to. First he was a native of Maryland. He was never a resident or citizen of any other of the United States. He moved into the District of Columbia. But at the same time he was constructing a summer home in the State of Maryland on his own property or at least the property of his wife. He was residing on that property on the date of his election. He continued the practice of law in Maryland and declined to practice in the District of Columbia. He bought 1,000 acres of land about a year before his election in the State of Maryland, declaring it as his intention to use it as his permanent residence. In the present case Mr. BECK left Pennsylvania in 1903 with the intention of securing a competence. He bought property in New York and voted there. He bought property in New Jersey and voted there. He established a law office in the District of Columbia and resides in that District, practicing law actively here and no other place, in law offices with a firm of lawyers which practices before the governmental departments in matters which have a direct and positive bearing upon the Treasury and governmental policies of the United States. His one act in Pennsylvania had to do with an attempt to establish a voting residence there, whereas the Constitution requires that he must be an inhabitant.

Another case that will be cited is the case of Charles H. Upton (Hinds' Precedents, vol. 1, p. 297). No case could possibly be a stronger one than the Upton case against the right of Mr. BECK to a seat in this body. Mr. Upton for 25 years prior to consideration of his case had been a freeholder in the State of Virginia. For most of the time he had been a resident and inhabitant of the county of Fairfax, where he and his family were domiciled. For some time prior to the month of November, 1860, the sitting Member had lived in Zanesville, Ohio, where he owned an interest in a newspaper and helped to conduct it. The committee was satisfied that shortly after the Ohio elections Mr. Upton had returned to the county of Fairfax, Va., where his family had remained and there was. From that time forward he continued to be a resident and inhabitant of the State of Virginia. In the present case Mr. BECK at no time disassociated himself or his family from the State of New Jersey or from the District of Columbia. He went to the State of Pennsylvania apparently, and his first entry into the civic life of that State appears to have been through a fraudulent registration on May 3, 1926. In no way has there been complete identification of Mr. BECK with the State of Pennsylvania. As we shall presently argue, he did not become a qualified voter of the State nor did he establish a bona fide residence there.

It is interesting to note that the case of Bayley against Barbour has been cited. It begins with section 435, on page 432, of volume 1 of Hinds' Precedents. At the time of Mr. Barbour's election from Virginia his wife owned real estate in the city of Alexandria. Barbour was a native of Virginia, had always been a citizen of that State, never claimed to have lived elsewhere in a permanent sense, and never exercised the rights of citizenship in any other State or Territory. In the present case Mr. BECK voted in New York and New Jersey for over 21 years, then established a law office in Washington, D. C., and continued at the time of his election and still continues to hold permanent residence here as well as permanent occupation as a legal practitioner. Barbour had his post office, business headquarters, and residence required by statute for service of legal process in Alexandria. He had a temporary winter residence in Washington, but also had a house in Alexandria, where with his family he was residing on the date of the congressional election at which he was elected. Service of process was also made upon him at Alexandria as president of a railroad company. When traveling away from Virginia he invariably registered himself as from Virginia. The House in that case took the same position as did the House in the Bailey case, when they said that Mr. Barbour was in point of fact before and at the time of his election an actual inhabitant of Virginia enjoying all the rights and subject to all the burdens as such.

It is also further remarkable that the case of Eldridge *v.* Underwood (vol. 2, Hinds' Precedents, p. 631) has been cited. An examination of the hearings as well as the debates show conclusively that at the time of the election the contestant was actually an inhabitant of Alabama and that his wife resided in Ohio temporarily only because of inability at that time to reside in Alabama.

Applying the foregoing precedents in the House of Representatives to the particular facts of this case, it is quite clear that Mr. BECK when elected was not an inhabitant of Pennsylvania, either actually or in the constitutional sense. The framers of the Constitution had clearly in mind a case exactly like the present, and therefore they had before them in the original draft the words "resident," "inhabitant," "voter," "occupant," and words having similar and cognate meanings. The original draft, without debate, had carried the word "resident," whereupon, after mature deliberation and without a dissenting voice, the word "inhabitant" was used in this particular clause. The word "inhabitant" then meant exactly what "inhabitant" means now. The States which had been raised up then still exist as States of the same, though enlarged, Federal Union. It was contemplated then, as now, that there were people residing in cities, towns, villages, and upon farms and plantations. A large number of the people in the Nation had been born in Europe and had cast their lots with the Colonists in the Revolution. The English common law had been transferred to America. The old English idea was, according to one text writer, that one of the best tests of inhabitancy in England in determining classifications under acts of Parliament was whether or not an owner, tenant, or occupant manured the land which he occupied and tilled. The theory was that permanency was evidenced by such action, that he who tilled and enriched the soil was an inhabitant, as against one who made barren the soil by temporary use and occupation, and so after many centuries the idea of permanency of occupation and habitual occupation came into use when the word "inhabitancy" was considered. It was conceded then that a man might reside temporarily in several places, but the place which he occupied with the greatest degree of permanency was the place in which he was an inhabitant. And so this theory concerning inhabitancy has become so fixed and determinate in all the law of every State that it is hard to believe that anyone could get another meaning out of it than actual, permanent, and habitual residence, and in addition thereto actual, permanent, habitual residence in a domicile in the place in which he claims to be an inhabitant. Black's Law Dictionary (2d ed., p. 625) defines the word as follows:

> Inhabitant: One who resides actually and permanently in a given place, and has his domicile there. (Ex parte Shaw, 145 U. S. 444, 12 Sup. Ct. 935, 36 L. Ed. 768; The Pizarro, 2 Wheat. 245, 4 L. Ed. 226.)
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> The words "inhabitant," "citizen," and "resident," as employed in different constitutions to define the qualifications of electors, mean substantially the same thing; and one is an inhabitant, resident, or citizen at the place where he has his domicile or home. (Cooley, Const. Lim. *600.) But the terms "resident" and "inhabitant" have also been held not synonymous, the latter implying a more fixed and permanent abode than the former, and importing privileges and duties to which a mere resident would not be subject. (Tazewell County *v.* Davenport, 40 Ill. 197.)

The latest authentic definition upon the subject is contained in Corpus Juris, volume 31, page 1194. The term "inhabitant" has been conceived to be entirely free from technicality and declared to have a known and universally accepted meaning, all agreeing in considering "inhabitant" as directly connected with habitation and abode. (Spraggins *v.* Houghton, 3 Ill. 377–397.)

On page 1195 of the same work we find the statement of the general law, both Federal, State, and municipal; "in law the term 'inhabitant' is used technically with varying meaning in respect to permanency of abode." It embraces locality of existence or fixed permanent home and excludes the idea of a temporary residence. All lexicographers distinguish an inhabitant as one who dwells in a place with the intention of making it his home and not a mere transient or temporary sojourner therein. The term embraces the fact of residence at a place with intent to respect and make it his home. The act and intent must concur and the intent may be inferred from declaration and conduct.

See note 86 at bottom of page 1195 of the same volume of Corpus Juris:

> The Latin habitara, the root of this word, imparts by its very construction frequency, constancy, permanency, closeness of connection, attachment, both physical and moral, and the word "in" serves to give additional force to these senses.

Cases in practically all of the States of the Union are quoted to substantiate this doctrine and particularly do cases in Illi-

nois, Indiana, Alabama, Nebraska, Minnesota, Mississippi, New Jersey, New York, Pennsylvania, Texas, Michigan, Kansas, West Virginia, California, Missouri, and Tennessee stand out.

A very leading case is that of Sharp *v.* Casper (36 N. J. L. 387), in which the following language is used:

> One who has an actual, but merely temporary, residence in a place is not in any proper sense an inhabitant of that place. An inhabitant of a town or ward is one who has his domicile there, his fixed habitation and home from which he has no present intention of removing.

See also the following:

> Absence as affecting: Actual residence—that is, personal presence in a place—is one circumstance to determine the domicile or the fact of being an inhabitant, but it is far from being conclusive. A seaman on a long voyage and a soldier in actual service may be, respectively, inhabitants of a place, though not personally present there for years. It depends, therefore, upon many other considerations besides actual presence. Where an old resident and inhabitant, having a domicile from his birth in a particular place or country, the great question whether he has changed his domicile or whether he has ceased to be an inhabitant of one place and become an inhabitant of another will depend mainly upon the question, to be determined from all the circumstances, whether the new residence is temporary or permanent; whether it is occasional, for the purpose of a visit or of accomplishing a temporary object; or whether it is for the purpose of continued residence and abode, until some new resolution be taken to remove. If the departure from one's fixed and settled abode is for a purpose in its nature temporary, whether it be business or pleasure, accompanied with an intent of returning and resuming the former place of abode as soon as such purpose is accomplished; in general, such a person continues to be an inhabitant at such place of abode for all purposes of enjoying civil and political privileges and of being subject to civil duties. (Sears *v.* Boston, 1 Metc. (Mass.) 250, 251.)

And so all the States, as well as the higher courts of the United States, establish that an "inhabitant" is an habitual resident, and that he must have about him a degree of constancy, permanency, and steadiness in an actual domicile in the place of abode.

Therefore the framers of the Constitution recognize clearly the distinction between the words "inhabitant," "resident," "citizen," and "voter," because in the particular clause in question they use the words "citizen of the United States" in fixing the length of time of residence and the word "inhabitant" prescribing qualifications with regard to actual, habitual residence. This is further signified, since in section 2 of Article I the word "inhabitant" was used fixing the qualifications of a Representative, and in section 3 of Article I they also used the word "inhabitant" when fixing the qualifications of Senators, and in section 1 of Article II, clause 4, the framers establish that the President must merely have been a resident for 14 years within the United States, but, of course, it was found nenecessary that he be a natural-born citizen. In the twelfth amendment to the Constitution it is specifically provided that the presidential electors shall vote by ballot for President and Vice President, but one of them, at least, could not be an inhabitant of the same State with such electors. The fourteenth amendment specifically defines "citizenship" as follows:

> All persons born or naturalized in the United States and subject to jurisdiction thereof are citizens of the United States and of the State wherein they reside.

Therefore the framers of the Constitution clearly and concisely gave to the word "inhabitant" a meaning which they expected would run without interruption through the course of existence of the Republic which they were constituting. A Representative and a Senator had to be an inhabitant of his State, but the President needed only to have been a natural-born citizen or a citizen at the time of the adoption of the Constitution and a resident for at least 14 years.

JAMES M. BECK was not an habitual resident nor an inhabitant of Pennsylvania in November, 1927, nor was he a bona fide resident of that State. Furthermore, he was not even a qualified voter.

Under the fourteenth amendment, of course, Mr. BECK was then and is now a citizen of the United States, but he could not possibly be a citizen of the State of Pennsylvania, not being a resident there, but he is a citizen of the United States residing in the District of Columbia, and is therefore a citizen of that District. If the right to vote were given to the citizens of that District, and if it were given by constitutional amendment a Representative or Senator in Congress, or both, would anyone say sincerely that Mr. BECK would not be qualified to represent the District in Congress? There could be no possible question about that, because he is an inhabitant of the District of Columbia, filing his income-tax returns from this District, registering his automobile as a resident of the District of Columbia, residing here with his home, books, paintings, furniture, and his family permanently, and returning his intangible taxes to the taxing authorities within the District.

At the outset of the hearings it was suggested that a man could be an inhabitant of several States. That is clearly an erroneous doctrine, especially in the constitutional sense; because if that were possible under the Constitution, he could qualify for Representative and Senator from several States at one and the same time. This idea, upon mature reflection, runs violently against every constitutional interpretation. But a man can be a resident of several States. He can reside in each of them temporarily, but in order to be an inhabitant under the Constitution it is necessary that he have his domicile in the State in which he claims inhabitancy. On page 10 of the hearings, Mr. DOUGLAS of Arizona, from the committee, suggested by his questions that a bad precedent would be established if we went outside of the Constitution and allowed outsiders to come into the State in order to be elected to Congress. Further answer is made to the inquiry of Mr. BACHMANN, on the committee, who inquired as to whether it would not be a controlling factor to determine the State in which the Representative voted.

This, of course, is not controlling, because the word "citizen," as pointed out in the Bailey case, means nothing more than a member of a political society and is wrapped up about a combination of civil privileges, some of which may be enjoyed in any State or in several States at the same time. Further, the word "citizen" of the United States and of any State is clearly defined by the fourteenth amendment, but no one will dispute that the construction of the word "inhabitant" in this case is purely within the jurisdiction of Congress. The construction put upon the word in any State or all the States is important merely as throwing light upon the general subject. The House of Representatives, always jealous of its own dignity, integrity, as well as its perpetuity, stands out under the Constitution as being the exclusive judge of the qualifications of its Members, and so the House in this case must determine from all the precedents whether the person elected was an inhabitant at the time of his election of the State from which elected, irrespective of his privilege of franchise.

I can conceive of a situation where one State might relax in the stringency of its election laws and permit a man to vote on a property qualification merely, without requiring residence or inhabitancy. Therefore that same person could be an actual inhabitant of another State and be eligible to come to Congress from a State in which he was not a qualified voter, because if he voted in one State he certainly could not be a voter in another. But in this case, it is argued, because of an argument made by one of the members of the Constitutional Convention, the word "inhabitant" would not exclude persons who had been absent for a time upon public or private business; that is true, but Mr. BECK does not come within that classification. His statement and testimony seem to indicate that he believes that having been born in Pennsylvania and having resided there until 1903, he went away, emulating Benjamin Franklin, to secure a competence, and was away from Pennsylvania on public and private business until 1926, but within the terms of the Constitution he was an inhabitant of Pennsylvania until 1903, or at least until he became Assistant Attorney General, and, by his own testimony, he was an inhabitant of New York until 1920. Then he sold his property and became a bona fide inhabitant of the District of Columbia, moving to that District all that he held dear and of which he was most fond. Of course, in 1922 and 1924, under the laws of New Jersey, he may have been qualified to vote, so, therefore, we go back to the old doctrine which the House laid down after seven days of debate over a hundred years ago, when it said that a person in Mr. BECK's position could be a citizen of the United States with his residence in the District of Columbia.

By choosing citizenship in New Jersey, because he there had real estate, personal property, and a voting residence, and a certain status in New Jersey wrapped up in a combination of civil privileges, Mr. BECK was authorized to vote, but what has he done to change the condition which existed from 1920 until 1926? He did not move his residence; he did not create a domicile; he attempted merely to add to an already existing status, to wit, while he owned property in New Jersey and had his home in Washington and was a mere private citizen engaged in the practice of the law at his permanent home in Washington, D. C., he attempted by artificial means to add to an already existing status by creating the combination civil privileges in Philadelphia which would do nothing more than transfer his voting status from New Jersey to Pennsylvania. But he has performed no act of a permanent nature, nor has engaged in a continuous, habitual, and permanent source of conduct which

would justify him in saying that he is an inhabitant of Pennsylvania or that he has been such an inhabitant since 1903.

At no point in Mr. BECK'S testimony does he do any more than claim that he had resumed his citizenship in Pennsylvania. Nowhere does he make the claim that he became again an inhabitant. (See p. 21 of the hearings.)

On page 40, he admits that in 1924, having no vote in Washington, and having lost his vote in New York, he voted from his summer home in New Jersey, but that he took no steps whatever after 1924, until the present time, in New Jersey, to show that he had abandoned his civil privileges there.

Therefore if he had done nothing in Philadelphia, attempting to add to an already existing status, he would still have been a qualified voter in New Jersey, with his habitation in Washington, D. C.

Can it be supposed that the claimant is an inhabitant of Pennsylvania when he does not eat or sleep in what he claims to be his residence there? On page 59 it is shown that he has no wearing apparel in this so-called habitation. He has less than six books and perhaps none in this apartment, his sister resides continuously at the apartment and has done so for the past year. In the summer of 1927 Mr. BECK was at his Sea Bright, N. J., home and for another month of that year he was in Europe. His children both live in Europe. His wife has scarcely ever occupied this apartment—there is only one bedroom in it; therefore, when his sister is there, he testified he slept at the Art Club, Philadelphia, of which he was, knowingly, a nonresident member. If his sister occupied the apartment continuously, Mr. BECK, therefore, never slept in it, having never eaten in it, having no clothes and no books in it, and since his wife rarely, if ever, occupied it, it is difficult to understand just what Mr. BECK'S argument is, and how he, as a man of high intellect and legal attainments, can indulge himself with the belief that he is an inhabitant of Pennsylvania. The strongest thing that can be said for him is, taking his statement at its face value, he intended to resume his citizenship in Pennsylvania.

Residence is, in some degree, a matter of intention, inhabitancy is in every degree a question of fact, shown by the acts of him who claims to be an inhabitant. There may be some element of intention about it, but the intent must be shown by unqualified acts, showing a consummated desire to become an habitual resident, with continuous acts showing conclusive degree of permanency.

On page 58 it is shown in his testimony that Mr. BECK established this apartment that he might have the status of a citizen:

Mr. BECK. I do not know as to that. But what I do want to impress upon the committee is this: That in taking that apartment when I rented it, what was the dominant purpose with me was to again establish a status in Philadelphia as one of its people. The seat in Congress was then a possibility undoubtedly, and I would not want to say, and could not say truthfully, that it had nothing to do with the renting of the apartment.

But I was by no means clear in my mind that I wanted to go to Congress. It involved a very substantial sacrifice to me. But, at least, I did not want to be the kind of Washingtonian who was content to escape all civic responsibilities and duties, and I felt I had all my life preached the duty of every citizen taking a part in politics, and I ought to have a status as a citizen and that I could not have it in Washington, and I established it in Philadelphia to do my civic duty.

On pages 53 and 54, may we call attention to the fact that Mr. BECK practically admits, although in a very hesitating way, that his sister occupied the apartment continuously and, therefore, he could not have done so.

Mr. KENT. Now, when did you go back to Philadelphia after that? What was your first trip back?

Mr. BECK. I could not tell you about my first trip after that.

Mr. KENT. How long had you been there before you made the three speeches?

Mr. BECK. I doubt very much whether I was in Philadelphia except those three nights before the election—I mean in the immediately antecedent days. I could not tell you exactly. The situation is this, Mr. KENT: I have been in Philadelphia, as my statement shows, if you exclude the summer months, almost every week. I have business in New York. I will break my journey in Philadelphia, then go to New York and transact my business there; then spend another night in Philadelphia, and then come here. Sometimes I have public addresses to make in Philadelphia, and then I will stay there longer. But if you want to prove that—I am going to admit it—and I want to admit anything that is true, whether it helps or hurts my case—if you want to prove that I spend more time in my Washington home than in my Philadelphia home, I admit it. And if that is fatal to my case that is the end of the case.

See pages 53 and 54. This apartment, the testimony shows conclusively, was rented solely for the purpose of establishing a voting residence in the erroneous belief that such procedure would satisfy the Constitution of the United States fixing qualifications for Representatives. We quote from pages 51 and 52 of the hearings:

Mr. KENT. Now, may we have the name of the sister, please?

Mr. BECK. Miss Helen Beck.

Mr. KENT. Now, you have stated that when she occupied the apartment at night, you did not. You have also stated in your statement before the committee that she resides there almost continuously?

Mr. BECK. I say, since she has returned from Europe. I mean in the last year, I think it was, she has been there right along.

Mr. KENT. In Europe?

Mr. BECK. No; I mean to say that she has been at that apartment.

Mr. KENT. I see—and she has occupied it at night?

Mr. BECK. Yes. But whenever I wanted it, I would take it.

Mr. KENT. She goes down, now, does she not, a couple of times to get the mail?

Mr. BECK. She does not go down. She is there.

Mr. KENT. All the time?

Mr. BECK. Well, you do not mean 24 hours a day. She goes out like anybody else.

Mr. KENT. But she inhabits this apartment continuously?

Mr. BECK. Mr. Kent, outside of a visit she has made down to Washington, I suppose my sister has been there continuously.

Mr. KENT. Then it was suggested to you that you could take this seat?

Mr. BECK. Oh, yes.

Mr. KENT. By whom?

Mr. BECK. Well, it is fair to say that I sought the place.

Mr. KENT. Yes; I see.

Mr. BECK. When I say I sought it, I mean I sought it not six months ago; but I expressed a desire when I reidentified myself with Philadelphia to represent, if possible, the city in Congress. I had no desire for any local office, or rather, that did not appeal to me. But I did think I could do something for my native city in Congress, and therefore I am not posing as having had this thing thrust upon me. I expressed a desire to go to Congress, and that desire was acceded to.

Mr. KENT. And promptly, therefore, you suggested to friends that you had the desire to go to Congress from Philadelphia?

Mr. BECK. Yes.

Mr. KENT. And represent your native city?

Mr. BECK. Yes.

See also page 61 of the hearings, in which it is definitely and conclusively shown that Mr. BECK, in his search for apartments in Philadelphia, with Albert Greenfield, Mr. VARE'S lieutenant and principal financial supporter, was confined to the first congressional district, that the apartment was selected in full anticipation of the fact that he might run for Congress and that the selection of the locality had in mind a possibility of his going to Congress.

Mr. KENT. The location of the apartments then, that you and Mr. Greenfield visited was fixed, not because of the fact that they were in the first congressional district and that Mr. VARE is likely to be nominated for the United States Senate, thus causing a vacancy in the congressional seat, but because of your love for that particular section of the city?

Mr. BECK. No; I do not pretend that. The apartment was selected in full anticipation of the fact that I might run for Congress. My point is that my taking any habitation in Philadelphia had as its dominant purpose the desire to be reidentified with the political life of Philadelphia, quite irrespective of whether I ran for Congress or not. But the selection of that locality had in mind the possibility of my going to Congress; and it also had in mind that it was very accessible to the main thoroughfare of Philadelphia, and right around the corner from my club.

Mr. KENT. This was, then, in anticipation of becoming the successor to Mr. VARE?

Mr. BECK. In anticipation of the possibility.

Mr. KENT. And therefore Mr. Hazlett became a candidate for Congress in order to hold the seat until you should become a qualified voter?

Mr. BECK. No; on the contrary. I can not interpret Mr. Hazlett's views. But I think Mr. Hazlett was unwilling to give up his seat unless he could be elected recorder of deeds. He preferred the local office. If he had been defeated for recorder of deeds I imagine that he would be occupying the seat and I would be out of it.

On pages 74 and 75, of the hearings, is the following, very interesting colloquy between Mr. CRAIL, of the committee, and Mr. BECK. It shows that at the 1926 primary, when Mr. VARE was nominated, Mr. BECK contemplated the possibility of going to Congress and therefore rented the apartment in the first congressional district, shortly thereafter, in order that he might be the legatee to Mr. VARE'S seat.

Mr. CRAIL. At the primary of 1926, did you contemplate in your mind somewhat the possibility of running for Congress from the first district of Pennsylvania?

Mr. BECK. I contemplated the possibility of it. That is undoubtedly true. I had no assurance at that time of any support, and it is needless for me to say that it was not a question of entering the primary. It was a question of getting the support of the organization leaders. I had nothing to do with the primary in that year. As I said before, I was in Europe. I took no part in the primaries. I did not feel I had reestablished my citizenship sufficiently to take any part in them.

Mr. CRAIL. Mr. Hazlett was the candidate at that time, was he not?

Mr. BECK. Yes.

Mr. CRAIL. At that time was he holding the office of recorder?

Mr. BECK. I think he was.

Mr. CRAIL. He was holding the two offices for a while?

Sergeant at Arms ROGERS. Yes.

The Bailey case and all the precedents which follow it hold that an inhabitant in the constitutional sense must be one who is an habitual resident, completely identified with the State from which he comes, entitled to all the rights and privileges of the State, and subject to all its duties and responsibilities, and yet Mr. BECK was fraudulently placed upon the registry assessor's books on May 3, 1926. He did not take trouble to render himself liable to taxation; he paid no taxes for 1926 and none for 1927, and in 1927 found in his mail an assessment blank directed to him, stating that if he made no returns for 1928 he would be arbitrarily assessed by the taxing authorities. He did pay 25 cents for a poll-tax receipt in September, 1927, but we have the interesting spectacle of him who has written volumes upon civic duty and in defense of the American Constitution attempting to say to the House of Representatives that he was subject to the civic duties and responsibilities, as an inhabitant of the State of Pennsylvania, when he utterly ignored and neglected the taxing power of the State, without the taxes of which the State would fall into dissolution. If he were a bona fide resident or inhabitant, he would have gone to the taxing authorities. He would have caused himself to be assessed for 1926, which is the year he says he began his residence there. He would have become assessed or paid taxes for 1927, because his testimony shows that he had a financial agent in Philadelphia who for 10 years had handled his personal business, and that he had at all times taxable securities in Philadelphia. On December 31, 1927, after his election to Congress, Mr. BECK was arbitrarily assessed by the taxing authorities for $20,000. Mr. BECK filed no returns, although return sheets were presented to him. He stated that he chose to permit the arbitrary assessment to stand. He does not even say that it was too high or too low; then, if it was too low, as a good citizen it was his duty to make an honest return to the city of which he was an inhabitant, the city of his birth, in which he sought to represent a large constituency in the halls of the most important legislative body in the civilized world. (See pp. 66–67.)

In the Bailey case Mr. Hall, of North Carolina, might be heard saying in this House about Mr. BECK as he said about Mr. Bailey:

> A person must live among those who are to become his constituents. * * * He is confronting the abstract political right of citizenship with the act of inhabitancy which the Constitution requires. * * * I know no better definition of "inhabitance" than habitual residence.

Mr. BECK continued to file his income-tax statements, and still does so, from the District of Columbia, although it is made out by an agent in Philadelphia. (See p. 72.) There is no significance in the fact that he has a bank account in Philadelphia, because he has had one there for 10 years and also has accounts in New York, Washington, London, Paris, and Geneva. These are incidents showing the intent of Mr. BECK in connection with his failure to exhibit any intent he may have had to become a bona fide inhabitant of Philadelphia. Another indication is the fact that he continued as a nonresident member of the two clubs in Philadelphia of which he was a member. He did not change his status in the Art Club until the matter was called to his attention (see p. 70):

> Mr. BECK. A couple of months ago. But I was utterly unaware that I was a nonresident member of the Art Club. I paid no attention to it. I paid the dues and that was all I know.
>
> Mr. KENT. Was it at the time of your election that you learned that you were a nonresident member?
>
> Mr. BECK. I think it was about that time that some member of the club, attracted by the discussion—I imagine that it was shortly after the election, and there was some little discussion, and some member said to me, "Are you a resident or a nonresident member of the Art Club?" And I found I was a nonresident member, and I told them to transfer me to resident membership, which they did.
>
> Mr. KENT. And when was the transfer made?
>
> Mr. BECK. I have no recollection, except that it was a short time after that.
>
> Mr. KENT. But it was after the election.
>
> Mr. BECK. It was after the election.

In Washington, D. C., he has continued his membership as a resident member. With the desire to reidentify himself with his native city, it would seem that he would have been meticuously careful about his club membership, just as careful about establishing his family in Philadelphia, and still more careful about rendering proper tax returns to his city, his county, and his State, rather than "permit himself to be assessed whether the amount was just or unjust." In this case Mr. BECK stands before the highest tribunal on this subject which can adjudicate his title to this public office, and he must be treated in the same way as any other citizen. There is only one conclusion to be drawn from this conduct, namely, Mr. BECK did not regard himself as a bona fide inhabitant of Pennsylvania, or he would have rendered proper tax returns. His failure to do so and his acceptance of the arbitrary assessments lead one irresistibly to believe that the assessment was too low and not too high. It could not have been accurate because it was an arbitrary guess.

On the subject of assessments it is further interesting to note the manner in which Mr. BECK permitted himself to be carried upon the books of the registry assessor in the city of Philadelphia. We must bear in mind that Mr. BECK contends that the apartment was the habitation of himself and his wife and yet, after he was fraudulently placed upon the assessor's list in May of 1926, there were three separate assessments. In September, 1926, the name of Mr. BECK only appears—that was the assessment of May 3, 1926, concluded in September; Mrs. Beck's name does not appear. Mr. BECK's name appears at the end of the column in different ink and apparently in different handwriting from the names preceding it. In December of 1926 the name of Helen Beck appears, that being Mr. BECK's sister, and again Mr. BECK's name apppears at the end of the column. In the following assessment the name of Helen Beck has dropped out. Mr. BECK's name appears twice and Mrs. Beck's name appears for the first time. In the following assessment of December, 1927, the name of Mr. BECK only appears. The assessor placed upon the said report that they had gained their information from the janitor and superintendent of the building and in one instance by copying the names as they appeared on a directory on the first floor of the building. Mrs. Beck has never paid any taxes, was not assessed for real or personal property taxes, and never voted. This same condition existed so far as Helen Beck is concerned. Here, again, we have a condition wherein Mr. BECK failed to subject himself to the duties and liabilities of citizenship in Pennsylvania. That testimony shows lack of complete identification in Pennsylvania and its interests.

In order further to show that Mr. BECK had no intent to establish a habitation but a mere voting residence we quote from page 45, showing that he campaigned very little and was glad to get back to Washington. The intent is herein shown in that Mr. BECK was glad to get back home to his family, his habitation, books, and the things that he held dear. On page 45 of the hearings it is shown that he went out to dinner on the night of the election. Page 48 of the hearings shows that he did not even know the names of the gentlemen who nominated him. On pages 48 and 49 is told the remarkable story of Mr. BECK having heard from Senator VARE'S secretary that he was to be nominated for Congress waited alone in this apartment, was later told to come to a said meeting room and there he met a committee which he did not then know and does not now know, which committee nominated him for Congress. He does not know the location of that place or the voting place where the voting booth is. This is all perfectly conclusive—that Mr. BECK's sole intent and inclination was to establish a voting residence to comply with the legal qualifications necessary for voting and he never intended to become an inhabitant of Pennsylvania. In this connection it is of extreme importance to again note that establishing a home and becoming an inhabitant are quite different from reidentifying one's self with his native city.

We have thus gone to considerable length to prove that Mr. BECK was not completely identified with Pennsylvania when elected nor was he an habitual resident at that time entitled to all the rights and privileges of inhabitancy and subject to all the duties and obligations arising therefrom, nor did he have an habitual abode or domicile in that city.

If there had been any doubt that Mr. BECK was not a qualified voter of Philadelphia, it certainly ought to be set at rest after referring to the decisions cited and the argument made by the Hon. Alexander Simpson, jr., a justice of the Supreme Court of Pennsylvania. (See vol. 69, No. 1, University of Pennsylvania Law Review, beginning on p. 1.)

If Mr. BECK was not such a resident of Pennsylvania under its particular election laws that he could become a qualified voter, then, under all conditions, he certainly was not an inhabitant of Pennsylvania. Having in mind that inhabitant is a stronger word than resident and requires not only locality of existence but permanency and habitual residence, we must know that an inhabitant of Pennsylvania clearly would be entitled to vote in that State by going through the technical process of assessment and registration. No one who reads Justice Simpson's article could possibly believe thereafter that Mr. BECK was an inhabitant of Pennsylvania. And we quote only a few of the paragraphs therefrom, in the hope that the committee will read carefully all the decisions cited thereunder. Beginning at page 4 of that volume may we quote as follows:

The question under consideration divides itself into two others, viz: (1) What does the word "resided" mean in the foregoing constitutional provisions and (2) under what circumstances may an elector choose which of two or more places shall be his voting residence? These questions naturally and inevitably run into one another, rendering it difficult to consider one without, in a large degree, considering the other; but an endeavor will be made herein to answer them separately, as far as it is possible so to do.

As the maxim expressio unius est exclusio alterius is applicable to the Constitution, and has been expressly applied to this part thereof (Page *v.* Allen, 58 Pa. 338 (1868)), it follows that, save in the excepted cases, a voter must have his actual residence in a particular election division of the State, in order to qualify him to vote there; and no expedient or excuse will avail him if he has not. Since the Constitution contains nothing antagonistic to this conclusion, it alone should solve the question in issue.

It is obvious, therefore, that even a technical construction of the constitutional provisions compel the conclusion that, save in the excepted cases, the voter must have an actual, fixed residence, in fact, in the place where he offers to vote; and that no other character of occupancy will suffice. Moreover, under the first of the foregoing principles of interpretation the Constitution is not to be technically construed, but as the average voter probably understood it. Every such man would unhesitatingly say that, in order to "have resided in the election district where he shall offer to vote at least two months immediately preceding the election," the voter must have actually lived there; it must have been his home as we know and love that term; not an imaginary or technical home, but an actual, established one; one which every unbiased citizen and neighbor would unhesitatingly say is the voter's home.

Fry's election case, herein repeatedly referred to, is the leading case in Pennsylvania upon the question as to whether or not students temporarily living in college, solely for the purpose of pursuing their studies are entitled to vote in the election district in which the college is situated, if they have complied with the other constitutional requirements in regard to suffrage. It was held they were not, for the reason that the word "resided" refers to a real home and not to a mere temporary stopping place; and this is substantially the unanimous American view.

See also Jacobs on the Law of Domicile, section 325:

I apprehend that if a citizen of the United States, formerly living in another State, abandons his residence there and moves into a house in Pennsylvania, which thereafter is his only home, and is occupied as such during the year prescribed by the Constitution, he would be entitled to vote here though he always intended to move away at some time in the future. Having given up his old home, there is no place to which the animus revertendi could apply; and the intention to move away from the new home at some time thereafter is at most a floating intention (Gilvert *v.* David, 235 U. S. 561 (1915); 19 Corpus Juris 407, 97, H. I. Cases, 124, 160 (1858)), which may float out of sight when the beauties of spring and fall lead him to feel he can not improve his condition by going elsewhere, but he may reappear with the chills of winter and the heat of summer.

And so it may well be said that in case one may be subject to a floating intention and Mr. BECK may have abandoned his intention to reside in the first congressional district of Pennsylvania, as the beauties of the Pennsylvania autumn and the exhilaration of a Pennsylvania election had passed away. He may have felt then that his law office and magnificent home in Washington, where his wife lived, and among his books, furnishings, and portraits would be a more acceptable place. Of course, under Mr. BECK's contention, his intention to inhabit Pennsylvania could again return with each succeeding election.

In this connection, it is important to note that in the event of Mr. BECK's death, there would be a question as to the particular taxing laws which would attach to the distribution of his estate. No matter where he may have voted or claimed the right to vote, yet his actual domicile would govern and it would appear quite conclusive that he would be taxed in accordance with the taxing laws of the District of Columbia. By a peculiar coincidence also under the law of Pennsylvania, Mr. BECK's property could not be attached in Pennsylvania under the attachment laws.

See also from Mr. Justice Simpson's opinion:

It is repeated, therefore, as a matter of law, that, subject to the exceptions specified in the Constitution, the residence prescribed by it must be an actual residence in the physical occupancy of the voter, his real home, in fact, and not in expression merely.

While it is doubtless true, as stated by Lord Cranworth in Whicker *v.* Hume, "By domicile we mean home, the permanent home," and if you do not understand your permanent home I am afraid that no illustration drawn from foreign writers or foreign languages will very much help you to it.

The rule stated in this latter case, namely, that the party's acts must accord with the choice he makes, applies even where there are two homes occupied at different seasons of the year; and a fortiori it does so where one thereof is but a perfunctory stopping place. In all such cases the statement that the voter has selected a certain place as his home must necessarily give way to proof of his acts; for one can not be heard to say, if in fact his actions show that some other place is his real home, "That actions speak louder than words is sound law as well as proverbial wisdom." (Graham *v.* Dempsey, 169 Pa. 460, 462 (1895).)

Therefore Justice Simpson has truly stated the law of Pennsylvania in a very few words to be as follows:

2. If he is a family man, the actual established home is ordinarily where the family actually lives. If not it is where he normally and usually resides; and no temporary use of any other house, whether or not he formerly lived there, will justify a choice by him, or avail as against the actual established home.

3. If he has two or more actual established homes, he may select which of them shall be his voting residence; but not otherwise.

4. He can not legally vote elsewhere than in the election district in which is situated his actual established home, as hereinbefore defined.

We have already pointed out by citations in the Bailey case what would be the result if officeholders in the District of Columbia were permitted, although being actually inhabitants there, to run for Congress and become elected in districts in the States of the Union. The Executive would thus have a powerful influence in shaping legislation and could eventually control Congress through the appointing power.

But there is a still greater evil which ought to be avoided. Congress, according to Champ Clark, will some day be almost in continuous session. The great, expanding, and varied interests of our people and the great population of our country have made it necessary, at least, to conduct one long session of Congress from December to June. Congressmen must, therefore, be understood to be in Washington temporarily, as temporary residents representing States in which they are inhabitants, but since Representatives must necessarily be in Washington for the temporary purpose of representing their people, a great danger would arise if they were permitted to have their chief occupation in Washington, as the actual practice of the law with Washington offices as headquarters for that practice. Mr. BECK has his office in the Southern Building. Twelve other lawyers, or persons engaged in business, have their offices in the same suite. These attorneys, according to official records of which this House in its judicial capacity will take judicial notice, appear before all the governmental bureaus and departments representing clients throughout the United States and foreign nations. No wrongdoing is imputed to Mr. BECK, but we can not conceive of conditions where, if Mr. BECK is permitted to retain his law practice in Washington and his established home here, and still be called an inhabitant of Pennsylvania, will other lawyers—as Members of Congress, not want to do the same thing?

If we establish this precedent, Members of Congress can practice law in Washington, own homes here, have their principal residence here, have law offices here, receive here fees for conducting the private business who employ associates of such Congressmen in matters affecting legislation on domestic and foreign affairs. Under article 198 of title 18 of the Criminal Code (see the Code of Laws of the United States of America, in force December 6, 1926, vol. 44 pt. 1, p. 474, and also under sections 202, 203, and 204 of the same volume and other penal laws) it would be unlawful for a Congressman to act in any matter against the United States or in which the United States was interested. In other words, a Representative could not be active in an individual capacity against his Government nor could he accept a fee nor be interested in compensation directly or indirectly growing out of any matter in which his Government was interested. It is doubtful whether he could even represent his Government in such matters. A Representative is wholly separated as a legislator from acting in any executive or judicial way, but if Congress should sink to a low ebb or

level, can not we visualize a large proportion of a particular Congress made up of men of high intellectual attainments having offices in Washington, being secretly interested in matters affecting their Government, living in Washington, being inhabitants here, having permanent habitations here, controlled by persons and corporations whose sole interests would be to shape legislation in particular ways? Personally, I can see in the future probable conditions arising which would make such Congressmen the actual balance of power and the dominating influence in legislation. Such a condition would without doubt eventually bring about a dissolution of this powerful Government.

Other nations in the past have felt as secure of themselves as we now do. They were just as absolute. They felt that they had just as sure a grip on themselves as we feel that we now have. But they became careless. They allowed executive power to run on without restraint. They permitted the legislative authority to usurp functions that they did not possess and to-day they are no more than ashes and dust.

To seat Mr. BECK in this case would definitely set aside every leading precedent governing similar cases before the House of Representatives. We have quoted freely from the Bailey case, but another very important case is found in volume 1 of Hinds' Precedents, page 426, in the case of McDonald against Jones. At the same time of the election in 1894, and prior to and since that time, the contestant was engaged in business and resided with his family in the city of Washington in the District of Columbia. He had no place of business or residence of any description in the State of Virginia. It was held that he was not an inhabitant of the State of Virginia at or near the time of his election and was not eligible to his seat. That case is exactly like the present one, since Mr. BECK never claims to have been an inhabitant of Pennsylvania. But merely claims to have endeavored to reidentify himself with Pennsylvania in establishing a voting residence therein.

It is held in volume 1 of Hinds', page 381, in the case of William McCreery, that the States have no right or power to add to the qualifications of a Representative and so it became the sole and absolute duty of this House to decide this question according to the true intent and spirit of the Constitution.

Mr. VINCENT of Michigan. Will the gentleman yield there?

Mr. KENT. I am happy to yield to the chairman of the committee.

Mr. VINCENT of Michigan. I want to correct the statement that the gentleman made. Mr. BECK was on the resident list of all the clubs he belonged to except only two clubs, and the resident list of the Metropolitan Club here in Washington includes people living anywhere within the United States.

Mr. KENT. The resident list of the Metropolitan Club in Washington consists of members who live within 30 miles of the city of Washington.

Mr. BROWNING. My recollection is that the only two clubs on which he was on the nonresident list were the ones he belonged to.

Mr. WELLER. Mr. Speaker, will the gentleman yield?

Mr. KENT. I do.

Mr. WELLER. I do not see whether it makes any difference whether he was on the residential list or nonresidential list. If he maintained after he left Philadelphia his membership in the clubs of Philadelphia, it would indicate that he intended to go back there.

Mr. KENT. Perhaps; but the same conclusion would apply to clubs in London and to the Union League Club in New York, of which he was a member. Retaining his memberships there would indicate he intended returning to those places.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. KENT. Yes.

Mr. JACOBSTEIN. Did the character of the district where the apartment he rented was located comport with the high position of Mr. BECK?

Mr. KENT. I had hoped that that point would not be brought up.

Mr. JACOBSTEIN. It concerns me as a question whether it was a subterfuge or not.

Mr. KENT. I had hoped that that would not be brought up. I was hoping that I myself, being a Representative from the State of Pennsylvania and a colleague of Mr. BECK's from the same State, would not be asked a question of that kind. But Mr. BECK, in my judgment, who has such a fine library and has so many art treasures and so beautiful a home in Washington, would not attempt to add to his already existing status—that is, the status of a citizen and inhabitant of the District of Columbia and a qualified voter under the statutes of New Jersey—by going into South Philadelphia, into this particular district, to live there. It does not seem probable.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. KENT. Certainly.

Mr. DOUGLAS of Arizona. Is it not a fact that in October, 1927, the secretary or some other official of the Art Club of Philadelphia wrote to Mr. BECK and called his attention to the fact that Mr. BECK had been publicly identified as a resident of Philadelphia, and asked the question as to whether or not Mr. BECK did not desire his membership to be transferred from the nonresident roster to the resident roster?

Mr. KENT. That is partially right. Mr. BECK, when his attention was called to the fact that he was a candidate for Congress from Philadelphia and on the nonresident list of the club, suggested that he go on the resident list on the first of the next year.

Mr. DOUGLAS of Arizona. And is it not further the fact that on November 7, 1926, before Mr. BECK was elected, he replied by letter that he desired to be transferred to the resident roster of that club?

Mr. KENT. I have answered that. But that does not affect the fact that he had no residence in Philadelphia. A man who is completely identified with the interests of Pennsylvania pays taxes therein, and from the time some one registered him on the registration books when he was in Europe, on May 3, 1926, until the hearings the testimony shows that he paid only 25 cents taxes, and no more. He was carried on the assessment lists in 1926 and 1927 and was adversely notified to make returns for personal-property taxes. He did not do so, but was arbitrarily assessed. But he paid no taxes except 25 cents up to the time of the hearings. [Applause.]

Mr. VINCENT of Michigan. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. DOUGLASS].

The SPEAKER. The gentleman from Massachusetts is recognized for 20 minutes.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, I do not desire to discuss the question at issue on such points as where a man sends his wash or how many books he has in his library or the clubs he belongs to. As the Democratic member of the committee who joined in the majority report, I have a brief outline of my ideas to give you.

This matter gave me great concern as a member of the committee. My position was not at all clear in the beginning of the hearings. In fact, I might say I was a bit prejudiced against the case of Mr. BECK. But as I listened to the evidence and as I heard the arguments advanced before the committee I was compelled to arrive at the conclusions of the majority.

I am first impressed by the debate in the Constitutional Convention itself. That debate as copied here in the report of the committee, taken from the Madison papers, occupies only a page in small type. However, the real argument was had upon the question of the word "inhabitant." What very brief statements were made I desire to take the time to read to you. In the first place, remember that the original draft of the Constitution contained the word "resident," and that word "resident" was afterward changed to "inhabitant," and the debates on the meaning of the words "inhabitant" and "resident" ensued.

Mr. Madison said, seconding the motion to have the word "inhabitant" inserted:

> Both were vague, but the latter least so in common acceptation, and would not exclude persons absent occasionally for a considerable time on public or private business. Great disputes had been raised in Virginia concerning the meaning of residence as a qualification of Representatives which were determined more according to the affection or dislike to the man in question than to any fixed interpretation of the word.

And from the day of the Constitutional Convention down to the present time, in all our courts there have been disputes and various interpretations of the words "resident" and "inhabitant." My judgment in this case has been formed because of the historical meaning of the word "inhabitant," as understood at the time of the framing of the Constitution, and at that time, as I gathered from my study of the question, the word "inhabitant" did not mean so much a resident as it meant a person who had a location in the colony, a person who was familiar with the local needs and conditions of the colony, and as I gather from the debate here and from the commentaries made upon it by historians, the meaning of the word "inhabitant," as used in our Constitution—and with the true meaning of that word we are engaged here to-day—is a person with a habitation in the community, one who is familiar with the local needs and conditions. So, when the Constitution provided that a man must be an inhabitant of the district from which he was elected, it meant that he should be a man who knew his people, who knew their interests, who knew their

conditions, and who was one of them in the commonly accepted sense.

With that understanding of the word "inhabitant" I have gone down in my own mind to the case of JAMES M. BECK, and I find that Mr. BECK was born in the city of Philadelphia, the city from which he has had the honor to be elected. I find he was educated in the public schools of the city of Philadelphia and in the colleges of the great State of Pennsylvania. I find that his life, outside of his public service here in Washington in the service of the United States Government, his whole life, has been devoted to the interests of the city of Philadelphia and of the great State of Pennsylvania. His real interest was not in the clubs and in the social institutions alone but in the progress and in the development of his native city, so that when the Sesquicentennial Exposition was talked about and a true representative of that city was to be sent to Europe to interest foreign countries in that exposition, it was this JAMES M. BECK, of whom we are speaking, who was chosen by the mayor of Philadelphia to represent the people of Philadelphia, to represent the interests, the local interests and conditions of Philadelphia in the countries of Europe. [Applause.] And that man, a native of Philadelphia, a son of Pennsylvania, knowing that he was an inhabitant of the city of Philadelphia, desired to renew his connections with his native city, as was his right, and, I doubt not, he had an ambition to become a Member of Congress, as all of you men here had, otherwise you would not be here. With that honorable ambition to become a Member of this great legislative body and serve his Nation, as he had served his city, he comes to the city of Philadelphia and there builds a home, and under the Constitution and within the meaning of the word "inhabitant" he becomes a voter. I care not for the technicalities that have been raised here. He became a voter substantially and within the law. At the time he voted in the primaries of Philadelphia, in 1927, JAMES M. BECK was a bona fide, legal voter of the city of Philadelphia, a registered voter, and he was assessed and taxed as such. He had a right to vote for himself. No one disputes that, and if he had a right to vote for himself I can not see how the people of Pennsylvania, particularly the people of the city of Philadelphia, had not the right to vote for him for any office to which they wanted to elect him, and they did vote for him as a citizen and as an inhabitant of Philadelphia. They elected him to Congress by an overwhelming majority; they knew he was one of them; they knew that under the meaning of the debates in the Constitutional Convention JAMES M. BECK was familiar with local conditions; that he was able to represent them, and they elected him to represent them.

This case is simple, and I shall be brief. In conclusion, I say that under all the conditions he is entitled to a seat in this body. When the great State of Pennsylvania chose Mr. BECK to represent it in this House the people there believed he was their coinhabitant; they believed he was within his rights under the spirit and the letter of the American Constitution, and if they elected him with that understanding we can seat him with the same understanding. [Applause.]

Mr. VINCENT of Michigan. This closes the debate, Mr. Speaker, and we call for a vote.

The SPEAKER. The question is on the substitute offered by the gentleman from Tennessee [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, may we have the resolution and the substitute again reported?

The SPEAKER. Without objection, the Clerk will again report the resolution and the substitute therefor.

There was no objection.

The Clerk read the resolution and the substitute.

The question was taken; and there were—yeas 78, nays 248, answered "present" 3, not voting 99, as follows:

[Roll No. 8]

YEAS—78

Abernethy	DeRouen	Hill, Ala.	O'Connor, N. Y.
Almon	Dominick	Huddleston	Peavey
Arnold	Drewry	Jacobstein	Quin
Aswell	Edwards	Johnson, Okla.	Rankin
Bankhead	Eslick	Johnson, Tex.	Romjue
Beck, Wis.	Fisher	Kading	Sanders, Tex.
Black, Tex.	Fletcher	Kent	Sandlin
Bland	Fulbright	Kincheloe	Sinclair
Box	Fulmer	Lanham	Steagall
Briggs	Gardner, Ind.	Lowrey	Stedman
Browning	Garrett, Tenn.	Lozier	Steele
Busby	Garrett, Tex.	Lyon	Swank
Byrns	Gilbert	McReynolds	Tarver
Carss	Goldsborough	Major, Mo.	Williams, Mo.
Cartwright	Green	Mead	Williams, Tex.
Cole, Md.	Greenwood	Morrow	Wilson, La.
Collier	Hall, Ill.	Nelson, Me.	Woodrum
Cooper, Wis.	Hammer	Nelson, Mo.	Yon
Cox	Hare	Norton, Nebr.	
Davis	Hastings	O'Connor, La.	

NAYS—248

Ackerman	Drane	Knutson	Rayburn
Adkins	Driver	Kopp	Reed, N. Y.
Allen	Dyer	Korell	Reid, Ill.
Andresen	Eaton	LaGuardia	Robsion, Ky.
Andrew	Elliott	Langley	Rogers
Auf der Heide	England	Lankford	Rowbottom
Bacharach	Englebright	Larsen	Rutherford
Bachmann	Estep	Lea	Sabath
Bacon	Evans, Calif.	Leavitt	Sanders, N. Y.
Barbour	Fenn	Leech	Schafer
Beedy	Fish	Lehlbach	Sears, Nebr.
Beers	Fitzgerald, W. T.	Letts	Selvig
Black, N. Y.	Fitzpatrick	Lindsay	Shallenberger
Bloom	Fort	Linthicum	Shreve
Bohn	Foss	Luce	Simmons
Bowles	Free	McCormack	Smith
Bowman	Freeman	McDuffie	Somers, N. Y.
Boylan	French	McFadden	Sproul, Kans.
Brand, Ga.	Furlow	McKeown	Stalker
Brand, Ohio	Gambrill	McLaughlin	Stobbs
Brigham	Garber	McLeod	Strong, Kans.
Britten	Gifford	McSwain	Strong, Pa.
Buchanan	Glynn	McSweeney	Summers, Wash.
Buckbee	Goodwin	Maas	Sumners, Tex.
Bulwinkle	Graham	Major, Ill.	Swick
Burdick	Guyer	Manlove	Swing
Burtness	Hale	Mansfield	Taber
Bushong	Hall, Ind.	Mapes	Tatgenhorst
Butler	Hall, N. Dak.	Martin, Mass.	Taylor, Tenn.
Campbell	Hancock	Menges	Thatcher
Carew	Hardy	Merritt	Thompson
Carter	Haugen	Michener	Thurston
Casey	Hersey	Miller	Tilson
Chalmers	Hickey	Monast	Tinkham
Chase	Hill, Wash.	Moore, N. J.	Tucker
Chindblom	Hoch	Moore, Ohio	Underhill
Christopherson	Hoffman	Moore, Va.	Underwood
Clague	Hogg	Moorman	Vestal
Clarke	Holaday	Morehead	Vincent, Iowa
Cochran, Mo.	Hooper	Morgan	Vincent, Mich.
Cochran, Pa.	Hope	Morin	Vinson, Ga.
Cohen	Houston, Del.	Murphy	Wainwright
Cole, Iowa	Howard, Nebr.	Nelson, Wis.	Wason
Collins	Howard, Okla.	Newton	Watres
Colton	Hudson	Niedringhaus	Watson
Combs	Hughes	Norton, N. J.	Welch, Calif.
Connery	Hull, Morton D.	O'Connell	Weller
Connolly, Pa.	Hull, Wm. E.	Oliver, Ala.	Welsh, Pa.
Cooper, Ohio	Irwin	Oliver, N. Y.	White, Me.
Cramton	James	Palmer	Whitehead
Crosser	Jeffers	Palmisano	Whittington
Cullen	Jenkins	Parker	Wigglesworth
Dallinger	Johnson, Ind.	Parks	Williams, Ill.
Darrow	Johnson, S. Dak.	Perkins	Wingo
Davenport	Johnson, Wash.	Porter	Wolverton
Deal	Jones	Prall	Wood
Dempsey	Kahn	Pratt	Wright
Dickinson, Iowa	Kelly	Purnell	Wurzbach
Dickstein	Kemp	Quayle	Wyant
Douglas, Ariz.	Kendall	Ragon	Yates
Douglass, Mass.	Ketcham	Ramseyer	Zihlman
Doutrich	Kiess	Ransley	

ANSWERED "PRESENT"—3

Ayres	Beck, Pa.	Kvale

NOT VOTING—99

Aldrich	Dickinson, Mo.	Kunz	Snell
Allgood	Doughton	Kurtz	Speaks
Anthony	Dowell	Lampert	Spearing
Arentz	Doyle	Leatherwood	Sproul, Ill.
Begg	Evans, Mont.	McClintic	Stevenson
Bell	Fitzgerald, Roy G.	McMillan	Strother
Berger	Frear	Magrady	Sullivan
Blanton	Garner, Tex.	Martin, La.	Taylor, Colo.
Boies	Gasque	Michaelson	Temple
Browne	Gibson	Milligan	Tillman
Canfield	Golder	Montague	Timberlake
Cannon	Gregory	Mooney	Treadway
Carley	Griest	Moore, Ky.	Updike
Celler	Griffin	O'Brien	Vinson, Ky.
Chapman	Hadley	Patterson	Ware
Clancy	Harrison	Peery	Warren
Connally, Tex.	Hawley	Pou	Weaver
Corning	Hudspeth	Rainey	White, Colo.
Crail	Hull, Tenn.	Reece	White, Kans.
Crisp	Igoe	Reed, Ark.	Williamson
Crowther	Johnson, Ill.	Robinson, Iowa	Wilson, Miss.
Culkin	Kearns	Schneider	Winter
Curry	Kerr	Sears, Fla.	Wolfenden
Davey	Kindred	Seger	Woodruff
Denison	King	Sirovich	

So the substitute was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Canfield (for) with Mr. Griest (against).
Mr. Kerr (for) with Mr. Kurtz (against).
Mr. Ware (for) with Mr. Wolfenden (against).
Mr. Wilson of Mississippi (for) with Mr. Curry (against).
Mr. Chapman (for) with Mr. Golder (against).
Mr. Browne (for) with Mr. Igoe (against).
Mr. McMillan (for) with Mr. Montague (against).
Mr. Pou (for) with Mr. Snell (against).
Mr. Weaver (for) with Mr. Spearing (against).

General pairs:

Mr. Hawley with Mr. Garner of Texas.
Mr. Hadley with Mr. Crisp.
Mr. Timberlake with Mr. Martin of Louisiana.
Mr. Kearns with Mr. Doughton.
Mr. Aldridge with Mr. Rainey.

Mr. Crowther with Mr. Hull of Tennessee.
Mr. Sproul of Illinois with Mr. Corning.
Mr. Treadway with Mr. Carley.
Mr. Magrady with Mr. Bell.
Mr. Clancy with Mr. Cannon.
Mr. Culkin with Mr. Mooney.
Mr. King with Mr. Celler.
Mr. Temple with Mr. Doyle.
Mr. Gibson with Mr. Sullivan.
Mr. Dowell with Mr. Evans of Montana.
Mr. Arentz with Mr. Gasque.
Mr. Reece with Mr. Taylor of Colorado.
Mr. Denison with Mr. Kunz.
Mr. Seger with Mr. Hudspeth.
Mr. Schneider with Mr. Griffin.
Mr. Robinson of Iowa with Mr. McClintic.
Mr. Speaks with Mr. Warren.
Mr. Crail with Mr. Gregory.
Mr. Winter with Mr. Patterson.
Mr. Frear with Mr. Milligan.
Mr. Johnson of Illinois with Mr. Stevenson.
Mr. Lampert with Mr. Sirovich.
Mr. R. G. Fitzgerald with Mr. Peery.
Mr. Michaelson with Mr. Kindred.
Mr. White of Kansas with Mr. Reed of Arkansas.
Mr. Leatherwood with Mr. Blanton.
Mr. Begg with Mr. Dickinson of Missouri.
Mr. Williamson with Mr. Vinson of Kentucky.
Mr. Boise with Mr. Moore of Kentucky.
Mr. Anthony with Mr. Connally of Texas.
Mr. Strother with Mr. O'Brien.
Mr. Updike with Mr. White of Colorado.

Mr. BACHARACH. Mr. Speaker, the Ways and Means Committee is holding hearings, and the following gentlemen have asked me to get general pairs for them, as follows:

Mr. Hawley with Mr. Garner of Texas.
Mr. Hadley with Mr. Crisp.
Mr. Timberlake with Mr. Martin of Louisiana.
Mr. Aldrich with Mr. Rainey.
Mr. Crowther with Mr. Hull of Tennessee.
Mr. Kearns with Mr. Doughton.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. VINCENT of Michigan, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

Mr. BECK of Pennsylvania. Mr. Speaker, I ask unanimous consent to speak for five minutes. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BECK of Pennsylvania. Mr. Speaker and my friends of the House of Representatives on both sides of the aisle, it seems strange that the first time I should crave the privilege of addressing the House of Representatives would be an occasion of this character; but when I entered the House and the right to my seat was questioned I determined then that until my right to sit in this House was cleared of any objection or question I would not take part in any debate, and I have consistently followed that principle.

But now I have at least the opportunity to thank the Members of the House—and I include those who voted "aye" as well as those who voted "no"—for the patience, care, and consideration with which they have heard a question of real difficulty and of profound constitutional importance.

It is idle to minimize the fact that the question is one of great importance in the future development of our political institutions. When I made my statement before the committee I made this statement which I venture to quote:

> This is my case, and if this committee and, later, the House of Representatives should place a narrower interpretation upon the Constitution I should accept the result without any resentment, for I not only recognize that the question is not free from difficulty, but I especially recognize that the distinguished Representative from Tennessee who assumed the responsibility of this challenge to my eligibility was actuated by no unworthy or partisan motive.

[Applause.]

That, gentlemen, was not a mere conciliatory gesture on my part. It was said because of my long knowledge and deep respect and esteem for the leader of the minority in this House, and I knew full well that for me personally he entertained none but the kindliest feeling, I knew full well that only convictions as to his interpretation of the Constitution led him as a matter of conscience to challenge my right to the seat at the beginning of the session. This was clearly within his rights. I did not resent it then and I do not resent it now.

There were certain things that happened during the committee meetings that I confess wounded me very deeply, but to show you how completely those wounds have long since healed, let me add that although I was besought in the recent campaign to go into the thirtieth Pennsylvania district, in which the gentleman from Pennsylvania, who made the final argument against me, was a candidate, and make some political addresses against his candidacy, and although it was a district in which my college is situated and in which I have many warm personal friends, I nevertheless declined to do anything that might seem to be actuated by any petty personal feeling of resentment or revenge. [Applause.]

And now, gentlemen, if you will pardon me, just a further word: I did seek an opportunity to represent the city of my birth in this House. I am not going to pose by suggesting that the seat was thrust upon me or that I, actuated by high purposes, simply yielded to irresistible pressure to run for office. [Laughter and applause.] I frankly sought it, and I sought the office because I had a very deep and abiding love for the city of my birth, which has never left me and will, I trust, last until my latest breath, and because I believed that with the little knowledge I have acquired in the judicial and executive branches of the Government I might be of some service to the city of Philadelphia in this House by being one of its Representatives. I may add that I had this further motive, that having been a student of our constitutional institutions for more than 30 years and having had some experience with the judicial and the executive branches of the Government, I thought I would like, as a matter of education, to serve in the House of Representatives and see the legislative department of the Government from the inside.

Well, I have had my education. [Laughter.] It has been long and laborious, but most educations that are worth anything are long and laborious; but it has had its compensation for me a thousandfold. When I first came into the House I confess that the apparent confusion which my superficial observations seemed to disclose, made me wonder why I had ever left the quiet decorum of the Supreme Court of the United States to come into so vociferous a body as the House of Representatives. I then found that my superficial views were erroneous and that the richest compensation for service in this House are the friendships that one makes on both sides of the aisle, and as the months passed these friendships made me covet ever more and more a wish to remain in this House; and in the vote that has just been passed I have had abiding proof of those friendships, and I want the gentlemen on the other side of the House, many of whom voted for me, to know how deeply I appreciate the fact that they rose above any question of party politics and ignored the fact that I was not of their political faith and voted to sustain my right to this seat.

I have already spoken more than I intended, and I will only say in the words of Hamlet—

> And what so poor a man as Hamlet is
> May do, to express his love and friending to you,

On both sides of the aisle—

> God willing, shall not lack.

[Applause.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; and

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioner of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3779) entitled "An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz."

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; to the Committee on Public Buildings and Grounds.

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to th egrade of major, retired, in the United States Army;

H. R. 8798. An act for the relief of William Lentz:

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana;*

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.;

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.; and

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S. J. Res. 139. Joint resolution for the relief of the Iowa Tribe of Indians.

CONVICT LABOR

Mr. KOPP. Mr. Speaker, I present a conference report upon the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, for printing under the rules.

REAPPORTIONMENT

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a table prepared by myself on the subject of reapportionment.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following comparison of constituencies at present and under proposed reapportionment on the basis of the 1920 census.

The average number of persons per Representative is 241,867, and is obtained by dividing the population of 1920, 103,212,179, by 435:

State	Population, 1920, excluding Indians not taxed	Number Representatives now	Population per Representative now	Departure from average constituency	Number Representatives proposed reapportionment	Population per Representative after reapportionment	Departure from average constituency
Alabama	2,348,174	10	234,817	−7,050	10	234,817	−7,050
Arizona	309,754	1	309,754	+67,887	1	309,887	+67,887
Arkansas	1,752,204	7	250,314	+8,447	7	250,314	+8,447
California	3,426,031	11	311,457	+69,590	14	244,716	+2,849
Colorado	939,161	4	234,790	−7,077	4	234,790	−7,077
Connecticut	1,380,631	5	276,126	+34,259	6	230,105	−11,762
Delaware	223,003	1	223,003	−18,864	1	223,003	−18,864
Florida	968,470	4	242,117	250	4	242,117	+250
Georgia	2,895,832	12	241,319	−548	12	241,319	−548
Idaho	430,442	2	215,221	−26,646	2	215,221	−26,646
Illinois	6,485,280	27	240,936	−929	27	240,936	−929
Indiana	2,930,390	13	225,414	−16,453	12	244,199	+2,332
Iowa	2,404,021	11	218,547	−23,320	10	240,402	−1,465
Kansas	1,769,257	8	221,157	−20,710	7	252,751	+10,884
Kentucky	2,416,630	11	219,693	−21,174	10	241,663	−204
Louisiana	1,798,509	8	224,563	−17,304	7	256,930	+15,063
Maine	768,014	4	192,003	−49,864	3	256,005	+14,138
Maryland	1,449,661	6	241,610	−257	6	241,610	−257
Massachusetts	3,852,356	16	240,772	−1,095	16	240,772	−1,095
Michigan	3,668,412	13	282,184	+40,317	15	244,560	+2,693
Minnesota	2,385,656	10	238,565	−3,302	10	238,565	−3,302
Mississippi	1,790,618	8	223,827	−18,040	7	255,803	+13,936
Missouri	3,404,055	16	212,753	−29,114	14	243,147	+1,280
Montana	541,511	2	270,756	+28,889	2	270,756	+28,889
Nebraska	1,296,372	6	216,062	−25,805	5	259,274	+17,407
Nevada	75,820	1	75,820	−166,047	1	75,820	−166,047
New Hampshire	443,083	2	221,541	−20,326	2	221,541	−20,326
New Jersey	3,155,900	12	262,991	+21,124	13	235,647	−6,798
New Mexico	353,428	1	353,428	111,561	1	353,428	+111,561
New York	10,380,987	43	241,418	−449	43	241,418	−449
North Carolina	2,559,123	10	255,912	+14,045	11	232,647	−9,220
North Dakota	644,746	3	214,915	−26,952	3	214,915	−26,952
Ohio	5,759,394	22	261,790	+19,923	24	239,974	−1,893
Oklahoma	2,028,283	8	253,535	+11,668	8	253,535	+11,668
Oregon	783,389	3	261,129	+19,262	3	261,129	+19,262
Pennsylvania	8,720,017	36	242,223	+356	36	242,223	+356
Rhode Island	604,397	3	201,446	−40,421	2	302,198	+61,331
South Carolina	1,683,724	7	240,532	−1,335	7	240,532	−1,335
South Dakota	631,239	3	210,413	−31,454	3	210,413	−31,413
Tennessee	2,337,885	10	233,788	−8,079	10	233,788	−8,079
Texas	4,663,228	18	259,058	+7,201	19	245,433	+3,566
Utah	448,388	2	224,194	−17,673	2	224,194	−17,673
Vermont	352,428	2	176,214	−65,653	1	352,428	+110,561
Virginia	2,309,187	10	230,918	−10,949	10	230,918	−10,949
Washington	1,354,596	5	170,919	+29,052	6	225,666	−16,201
West Virginia	1,463,701	6	243,950	+1,083	6	243,950	+1,083
Wisconsin	2,631,305	11	239,210	−2,657	11	239,210	−2,657
Wyoming	193,487	1	193,487	−48,380	1	193,487	−48,380

LEAVE TO ADDRESS THE HOUSE

Mr. FISH Mr. Speaker, I ask unanimous consent to address the House for 10 minutes immediately after the reading of the Journal on Thursday next.

The SPEAKER. The gentleman from New York asks unanimous consent that on Thursday next, after the reading of the Journal and the completion of matters on the Speaker's table, he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

REAPPORTIONMENT

Mr. MICHENER, from the Committee on Rules, presented the following resolution:

House Resolution 284

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. R. 11725, a bill for the apportionment of Representatives in Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The resolution and report were referred to the House Calendar and ordered to be printed.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. WOODRUFF, at the request of Mr. MICHENER, on account of illness.

Mr. MONTAGUE, for three days, on account of illness in his family.

Mr. DOYLE, for 10 days, on account of illness.
Mr. BELL, for five days, on account of important business.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

Mr. LAGUARDIA rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LAGUARDIA. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. I understand that when the committee rose the last time the bill was under consideration the Clerk had read up to and including line 11 on page 12.

The CHAIRMAN. The gentleman is correct.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 12, line 11, strike out the period, insert a colon, and the following: "*Provided further,* That none of the money appropriated in this act shall be used to pay any officer or enlisted man on the retired list of the Army who is in the employ of the United States and whose salary for such employment exceeds $2,500 per annum."

Mr. BARBOUR. Mr. Chairman, I make the point of order on the amendment that it is not germane. I shall reserve the point of order.

Mr. LAGUARDIA. Oh, no. If the gentleman wants to make the point of order, let us dispose of that now.

Mr. BARBOUR. Mr. Chairman, if I understood the amendment correctly, it is apparently to limit the purposes for which these funds shall be used, but the practical effect of the amendment is to change substantive law, the law governing the payments to retired officers. For that reason I make the point of order that the amendment is not germane, and that while upon its face it is a limitation, yet nevertheless it changes existing law.

Mr. LAGUARDIA. Mr. Chairman, the question of germaneness does not enter into this at all at this time. The amendment is purely a limitation upon the appropriation, and the Chair has nothing else to do but to observe the paragraph following the one just read, which is a similar limitation and which has been passed on repeatedly on this very bill.

The CHAIRMAN. Does the gentleman from California wish to be heard further on the point of order?

Mr. BARBOUR. No.

The CHAIRMAN. The amendment offered by the gentleman from New York seems to the Chair clearly a limitation, and a proper limitation from a parliamentary standpoint. It refers only to the money appropriated in this bill and limits the purposes for which this money may be expended. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, the purpose of my amendment is simply to prevent the drawing of two pays by retired officers of the Army. Recently there has been an epidemic of young retired officers getting from $3,000 to $3,500 and $4,000 retired pay entering the employment of the United States and receiving an additional Government pay. Now, it is very difficult for a man in civil life to enter into competition with Army officers drawing two pays. If an Army officer is physically incapacitated so that he can not work for the United States Government and he is retired for that reason and receives a pension, it seems strange that the next week he can turn around and obtain employment by the same Government and receive pay for his services, thereby receiving two salaries.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. DICKSTEIN. Is that occurring at the present time of the year or last year or two years ago?

Mr. LAGUARDIA. It is going on right now.

Mr. DICKSTEIN. Men getting two salaries after they are retired?

Mr. LAGUARDIA. Yes.

Mr. DICKSTEIN. What officers?

Mr. LAGUARDIA. Why we had General Andrews on retired pay, we had Major Mills, Barnett——

Mr. DICKSTEIN. The Government is employing them after they are retired?

Mr. LAGUARDIA. Yes; that is going on right now, and it is manifestly unfair that other men have to come in and compete with those men who for some reason or other are preferred. Now, this ought to be stopped.

I provide in my amendment a limitation on the appropriation prohibiting the payment of retired pay to those receiving an additional Government salary of $2,500. I do not want to hurt the old soldier who is getting $30 a month pension and perhaps has a position as watchman or janitor paying him $1,200 or $1,500 a year. That is not the purpose of my amendment. Its purpose is to put an end to practically young men who manage to be retired drawing a good pension and then immediately obtaining other Government employment. A youngster entering the Army at 22 retires at about 55 on three-fourths of his base pay, and if he has the slightest disability he may retire at 40 or 45 years of age. Gentlemen, you provide in this bill millions of dollars of pensions for officers on three-quarters base pay and allow them to retire after actual 30 years' service and sometimes less. We have on the Speaker's table a bill and a rule providing for its consideration at any time that it is called up giving the civil-service employees a slight increase in retired pay and even then the maximum would be only $1,200, and we can not get a vote on it. Our whole retirement system is inconsistent and unjust. The poor civil-service employees, who pay for most of the cost, can not even obtain a maximum of $1,200, and Army officers are retired at comparatively young age on handsome pensions.

Mr. HUDSON. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. HUDSON. Under the gentleman's proviso about what salary will be paid the retired officer when he gets——

Mr. LAGUARDIA. Oh, it depends upon the position with the Government he may obtain.

Mr. HUDSON. I thought possibly the gentleman had figured out as to what the average would be. In other words, suppose you take the retired officer who goes back into service and accepts a salary on which he could not live and——

Mr. LAGUARDIA. But you expect everybody else to do it, that is my point. That is exactly my point. If a man in my district and your district or my State and your State enters the Government service and takes a position that pays a certain salary and a retired officer comes in and takes over a job and also gets his retired pay, of course it is discrimination against the citizens of your State and my State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. I would ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. NEWTON. Can the gentleman in the course of his study of this question tell the committee about how many officers who are drawing retired pay who are now working for the Government and receiving more than $2,500?

Mr. LAGUARDIA. The number has nothing to do with it. There should not be one.

Mr. NEWTON. The gentleman is proposing an amendment here and asking the committee to pass upon it. Now, it seems to me it is rather pertinent to ascertain whether there are any who are drawing the pay and how many there are.

Mr. LAGUARDIA. There are some.

Mr. NEWTON. If there are, who are they and how many of them are there?

Mr. LAGUARDIA. The personality of the officers has nothing to do with it.

Mr. NEWTON. Yes; but who they are and how many there are has something to do with it.

Mr. LAGUARDIA. If it is wrong for one, it is wrong for 100,000.

Mr. BACON. I do not think the gentleman has made a careful study of this question.

Mr. LAGUARDIA. This question has been put before the committee from year to year.

Mr. BACON. Why has not the gentleman made some investigation of this subject, so that he could give us some facts? Does the gentleman know of any case? Can the gentleman give us some numbers?

Mr. LAGUARDIA. The gentleman knows that it is contrary to the law for any civil employee of the United States to draw two salaries unless he happens to be a retired officer of the

Army or Navy—then an exception is made and the retired officer is permitted to draw two pays. These men are favored. It is unjust. It is not right. The exception to the law is contrary to its very spirit and purpose.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COOPER of Wisconsin. Suppose a man is an officer at 22 years of age. When under the law does he retire?

Mr. LAGUARDIA. It might be after 30 years, or 20 years, or 15 years if he has had some slight disability. If a man loses a finger or has a slight disability, he can retire on three-quarters pay. Such officers do not contribute a cent to the officers' retirement fund, whereas in the civil service employees contribute to their retirement fund and receive a most measly allowance?

Mr. COOPER of Wisconsin. What is his allowance?

Mr. LAGUARDIA. The retired officer's allowance is three-quarters of his pay at the time of retirement.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARBOUR. Mr. Chairman, I think the discussion of this amendment shows the unwisdom of trying to legislate—and that is the character of this amendment, legislation—on an appropriation bill. Questions have been asked here going right to the merits of the whole proposition, upon which we have been unable to get any information at all, and for that reason it is unwise to undertake to change substantive law that has been in effect for years by an amendment under the guise of a limitation on an appropriation bill.

Here is a question that is important: As to the merits of it we do not know, because the gentleman from New York [Mr. LAGUARDIA], when asked material questions, did not have the information desired. It seems to me that a proposition of this kind should be made in the regular way and brought in here as legislation and considered by the House as legislation, so that the House could be fully advised as to what the effect of the legislation will be.

Mr. LAGUARDIA. I ask the chairman of the subcommittee in charge of this bill appropriating millions of dollars for retired pay if he knows the number of retired officers drawing retired pay.

Mr. BARBOUR. I do not know how many are drawing retired pay and other pay in addition thereto.

Mr. LAGUARDIA. The gentleman should know.

Mr. BARBOUR. The gentleman from New York is the proponent of this amendment, and he should know.

Mr. LAGUARDIA. The gentleman from California is protecting this retired pay and he has brought in an appropriation covering it. His attention was drawn to it before. If the gentleman does not know what is going on, it is his responsibility and not mine.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman give way for a question?

Mr. BARBOUR. Let me first finish my statement. The gentleman from New York has offered an amendment, and the burden is on him to give the information desired respecting it. This appropriation bill is brought in here making the same provision as has been provided for years past. The gentleman from New York wants to change it. If the House wants to change it without studying the effect of it, it can do so. The burden here is on the gentleman who offered the amendment to give the facts and figures to sustain his amendment. The law on the subject is this. I read:

Double salaries: Unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum. (R. S., sec. 1763; May 10, 1916, c. 117, sec. 6, 39 Stat. 120; Aug. 29, 1916, c. 417, 39 Stat. 582.)

Now, there is an exception to that law, evidently passed for some purpose, and the exception is section 59. I read:

Same; exceptions; retired officers and enlisted men of Army, Navy, Marine Corps, or Coast Guard, or officers and enlisted men of militia. Section 58 of this title shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia. (May 10, 1916, c. 117, sec. 6, 39 Stat. 120; Aug. 29, 1916, c. 417, 39 Stat. 582.)

When that law was passed, for some reason an exception was made in these cases, but we have not had an opportunity to find out the reason. This amendment of the gentleman from New York comes in under the guise of a limitation to strike out that exception.

Mr. DICKSTEIN. When was that law passed?

Mr. BARBOUR. In 1916.

Mr. DICKSTEIN. The appropriation has been made from year to year?

Mr. BARBOUR. Yes. The appropriation has been made from year to year. A few years ago there was incorporated in the appropriation bill this provision, and it has been carried in this bill ever since:

None of the money appropriated in this act shall be used to pay any officer on the retired list of the Army who for himself or for others engages in the selling, contracting for the sale of, negotiating for the sale of, or furnishing to the Army or the War Department any supplies, materials, equipment, lands, buildings, plants, vessels, or munitions. None of the money appropriated in this act shall be paid to any officer on the retired list of the Army who, having been retired before reaching the age of 64, is employed in the United States or its possessions by any individual, partnership, corporation, or association regularly or frequently engaged in making direct sales of any merchandise or material to the War Department or the Army.

That is to keep a retired officer of the Army from going to work for some commercial concern that sells materials to the Army and drawing his retired pay at the same time.

Mr. GARRETT of Texas. And dealing with his former associates in the Army.

Mr. BARBOUR. And dealing with his former associates in the Army, as the gentleman from Texas suggests. That bars them from engaging in that kind of an activity.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. There is nothing which prevents an officer from waiving his pay and then dealing with his former associates?

Mr. BARBOUR. No; that can be done.

Mr. LAGUARDIA. That being so, how can the gentleman distinguish between the limitation in his own bill and my limitation?

Mr. BARBOUR. I do not think the gentleman's limitation applies to retired officers engaged in the business of selling supplies and materials to the War Department. My understanding is that there are certain officers of the Government, who are retired Army officers, whose salaries are fixed at a certain amount; they draw their retired pay, but they do not draw the full amount of their other salary; they draw their retired pay and enough in addition to make up what their salary would be. I understand that is true in the case of the Director of the Budget, who is a retired Army officer, and if my information is correct that is true in the cases of other officers. So it is apparent on the face of it that there are many questions involved here, and if anything of this kind is to be done we should take time to look into the matter and see what the effect of such action will be.

Mr. VESTAL. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. VESTAL. It appears to me that the amendment offered by the gentleman from New York has some merit in it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. VESTAL. As I say, it looks to me as though this amendment may have some merit in it, but from the statement made by the chairman of the subcommittee it seems to me the amendment ought not to be voted into this bill at this time but that there ought to be some consideration given to the proposition, because, as I say, on the face of it it appears to have some merit in it. However, I would not want to vote for this amendment in face of what the chairman of the subcommittee has said.

Mr. LAGUARDIA. With all due deference to the chairman, he has not said very much with reference to my amendment.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

EXPENSES OF COURTS-MARTIAL

For expenses of courts-martial, courts of inquiry, military commissions, boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, $80,000.

Mr. JAMES. Mr. Chairman, I make the point of order that in line 12, page 13, after the word "commissions" the word "retiring" has been omitted. The law provides for retiring boards; but on page 13, line 12, after the word "commissions" the word "retiring" is omitted. On August 8, 1928, the Comptroller General rendered a decision in this respect and certain gentlemen in the War Department wish to nullify that decision by having the new change in language. When the matter was before the subcommittee the members of the subcommittee admitted it was legislation. In addition, I have a letter here from the office of the Judge Advocate General in which they also admit that it is legislation.

Mr. BARBOUR. Does the gentleman make the point of order?

Mr. JAMES. I do.

Mr. BARBOUR. Mr. Chairman, the gentleman has stated the purpose of this. The committee made the change in the bill at the request of these officials of the War Department who were hampered by this decision of the Comptroller General. I think the point of order is good, if the gentleman insists on it. I would like to offer the suggestion, though, Mr. Chairman, that the paragraph itself has legislation in it. For instance, the paragraph provides for contract stenographic reporting services, which, I understand, are not authorized by law but have been carried in this bill for years as a formal matter; and the matter objected to by the gentleman from Michigan as being legislation is legislation in a section that is in itself legislation and has been heretofore carried.

The CHAIRMAN. Does the gentleman from California concede the point of order?

Mr. BARBOUR. I concede the point of order; yes.

The CHAIRMAN. Does the gentleman from Michigan [Mr. JAMES] make his point of order against one word or against the entire paragraph?

Mr. JAMES. I make the point of order because the word "retiring" has been omitted. It will be satisfactory to me if the chairman of the subcommittee would offer an amendment putting back the word "retiring."

Mr. LAGUARDIA. Where would that word go in the paragraph?

Mr. JAMES. It has been omitted from line 5 after the word "commissions."

Mr. LAGUARDIA. How does the gentleman from Michigan suggest that it should read?

Mr. JAMES. "Retiring boards."

Mr. BURTNESS. In other words, if the gentleman will permit, there is now authority to pay these expenses for retiring boards, but no legislative authority for boards other than retiring boards; that is the actual situation?

Mr. JAMES. That is right; yes.

The CHAIRMAN. Does the Chair understand that the gentleman from Michigan objects to the entire paragraph on account of the one offending word or does the gentleman simply make a point of order against one word?

Mr. JAMES. I make the point of order against the word "retiring."

The CHAIRMAN. That word is not in the paragraph.

Mr. JAMES. It ought to be in the paragraph. I make the point of order against the word "boards."

The CHAIRMAN. The Chair sustains the point of order, and the word "boards" goes out of the paragraph.

The Clerk read as follows:

APPREHENSION OF DESERTERS, ETC.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to each prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, $110,000.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. On page 13, line 20, strike out "$50" and insert in lieu thereof "$10"; and on page 14, line 2, strike out "$110,000" and insert in lieu thereof "$30,000."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 13, in line 20, strike out "$50" and insert in lieu thereof "$10"; and on page 14, in line 2, strike out "$110,000" and insert in lieu thereof "$30,000."

Mr. LAGUARDIA. Mr. Chairman, with all due deference to the great Appropriations Committee, which has a complete monopoly on all knowledge, military and otherwise, and resents any suggestions, I want to point out to the committee the grave abuses that exist in the apprehension of deserters and the payment of these rewards; particularly is this so in the large cities where the "desertion business" has developed into a regular industry.

Young men are enticed from their posts or ships, encouraged to desert, in some cases employment is found for them, and when the statutory period expires making them deserters they are apprehended by the same men who enticed them to desert and turned back for the sole purpose of obtaining this reward. Everybody in the Army knows this is so. Yes; I would say to the committee, if I may be permitted, that I simply tremble in fear every time I take the floor and make the slightest suggestion to the Committee on Appropriations.

The gentleman from California [Mr. BARBOUR] just a moment ago made a speech which was the best argument for my amendment, and then urged the House to vote it down. Then he criticized the gentleman from New York because he did not give sufficient facts, but the gentleman from California, with all his hearings here [exhibiting], thousands of pages, did not know anything about the whole retirement system in the United States Army. The law he quoted proved conclusively the unfair exception made in favor of retired Army officers.

Now, gentlemen, there is a bad condition concerning desertion in the Army. As pointed out a few days ago on the floor of the House, in speaking of the desertions, they give us the figures in percentages, because 5 per cent does not sound like very much; but there were over 5,000 desertions in one year—over one entire regiment of your entire Army deserted in one year.

Mr. BURTNESS. Will there be more or less desertion if this amendment is adopted?

Mr. LAGUARDIA. I think there will be less. I think it is worth while trying for a year. I really believe in a great many of the desertions the boys are enticed to go away and are then brought back.

Mr. BURTNESS. Why not try to change it to $25?

Mr. LAGUARDIA. I will compromise at $25. I am not the Committee on Appropriations. I admit I am wrong often, and that is why I am not on this great committee. I have not any of the atmosphere of infallibility about me. If the gentleman from California will accept a compromise of $25, let us try it for one year, because you have a bad condition. All I am trying to do is to remedy conditions which should not exist.

Mr. BARBOUR. Mr. Chairman, the Committee on Appropriations in considering this item and passing on it, reduced the amount from $170,000 recommended by the Bureau of the Budget, to $110,000. We cut the estimate $60,000.

Mr. LAGUARDIA. But not the amount of the reward.

Mr. BARBOUR. No; the amount of the reward is the same. As I understand the law on the subject, it is that the Secretary of War is authorized to pay a reward for the capture of deserters not in excess of $50. The testimony before the subcommittee, as I remember it, was that in many cases less than $50 is paid, and in many cases $50 does not even reimburse them for the expense of returning the deserter.

There is another item in here, but I think the amendment of the gentleman from New York takes care of that. There is $30,000 in here for the payment of $10 to each discharged prisoner from a military prison. I believe it is the intent of the gentleman from New York to retain that item?

Mr. LAGUARDIA. Yes.

Mr. BARBOUR. The committee feels, however, that the reduction it has already made in the amount recommended by the Bureau of the Budget is sufficient.

This is another one of those amendments that seeks to change law that has been in existence for a long time, and we do not have an opportunity, when it comes up as an amendment on an appropriation bill, to go into the merits of it and determine just what the effect of it will be.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LAGUARDIA. I know the gentleman wants to be fair in stating the facts.

Mr. BARBOUR. I am trying to be.

Mr. LAGUARDIA. What expense can there possibly be to anyone receiving the reward in connection with the delivery of a prisoner?

Mr. BARBOUR. I did not hear the gentleman's question.

Mr. LAGUARDIA. The gentleman said that in many instances the $50 reward did not even pay the expenses. Anyone delivering a prisoner can not have any expenses.

Mr. BARBOUR. Oh, yes.

Mr. LAGUARDIA. He can not take them into custody; he can not feed them; he can detain them.

Mr. BARBOUR. He must.

Mr. LAGUARDIA. Under what authority of law does a private citizen have any right to arrest a deserter?

Mr. BARBOUR. A deserter has violated the law. The sheriff, for instance, or a constable or a police officer picks up a deserter, say, two or three hundred miles from the nearest Army post. In order to collect the $50 reward he must return the deserter to the nearest Army post. That is correct, is it not?

Mr. LAGUARDIA. No.

Mr. CLAGUE. Oh, yes; surely it is correct.

Mr. LAGUARDIA. A private citizen can not take a deserter over into custody.

Mr. BARBOUR. A police officer arrests him upon the ground that he is a deserter.

Mr. LAGUARDIA. And informs the nearest military authority, and then they send a patrol for him.

Mr. BARBOUR. Oh, no. He has to deliver the deserter at the nearest military post to collect his $50; but the testimony is that in many cases $50 will not pay the expense, and for that reason a lot of deserters are not returned, because peace officers will not pay money out of their own pockets in order to do it.

Mr. LAGUARDIA. And the military authorities will not send for a deserter when they know where he is?

Mr. BARBOUR. Oh, lots of times they are picked up by soldiers, but we are talking about the men who collect the $50. That man must deliver the prisoner to the nearest military post in order to collect the $50. The gentleman stated a moment ago that he was willing to agree on $25, and in that case the amount of this appropriation would be $100,000.

Mr. LAGUARDIA. Very well. Make it $100,000.

Mr. BARBOUR. The bill carries a hundred and ten thousand dollars, which is only $10,000 more than that, so that the gentleman and the committee are not very far apart if we stick to the total now in the bill.

Mr. LAGUARDIA. I am not concerned with the total. I am concerned with the maximum amount that shall be paid as a reward. If the gentleman will take $25 instead of $50, that is satisfactory to me, and I am not concerned with the total.

Mr. O'CONNOR of Louisiana. Does the gentleman from New York mean to say that there is a number of well-established cases where certain men deliberately frame soldiers, get them drunk, and have them desert and then have them arrested in order to make $50?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of Louisiana. Where does that practice obtain?

Mr. LAGUARDIA. In all of the large centers. I get that from the Army men themselves.

Mr. SCHAFER. That practice does not obtain in our city of Milwaukee.

Mr. LAGUARDIA Have you not any soldiers there?

Mr. SCHAFER. Oh, yes; we have many of them.

Mr. O'CONNOR of Louisiana. How many of these cases occur in the city of New York, for instance?

Mr. LAGUARDIA. I do not know.

Mr. BARBOUR. Is it the gentleman's proposition to leave the amount at $110,000 and change the maximum amount that can be paid for apprehending a deserter to $25?

Mr. LAGUARDIA. If the gentleman will accept that, I shall accept the other part of it.

Mr. BARBOUR. We will accept the gentleman's amendment.

Mr. LAGUARDIA. Then, Mr. Chairman, I ask unanimous consent to amend my amendment by inserting $25 in place of $10.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Modified amendment by Mr. LAGUARDIA: Page 13, line 20, strike out "$50" and insert "$25."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

None of the funds appropriated in this act shall be used for payment of expenses of operating any utility or instrumentality of the War Department selling services or supplies at which the cost of the services or supplies so sold does not include all customary overhead costs of labor, rent, light, heat, and other expenses properly chargeable to the conduct of such utility or instrumentality: *Provided*, That no such utility or instrumentality shall procure for sale any article not regularly carried in stock.

Mr. JAMES. Mr. Chairman, I make the point of order to the language in line 22, on page 16, commencing with the words:

Provided, That no such utility or instrumentality shall procure for sale any article not regularly carried in stock.

I do this because it is legislation unauthorized by law on an appropriation bill. Also I make the further point of order to the language in line 17, on page 16, to the words "utility or instrumentality," and the same on line 22, as to the words "utility or instrumentality." I do that for the same reason that it is new legislation.

The CHAIRMAN. What is the ground of the gentleman's point of order?

Mr. JAMES. It is new legislation. It applies to post exchanges. There is nothing in this bill where we are appropriating money for post exchanges. The post exchanges are conducted by money furnished by the troops themselves—the enlisted men.

Mr. BARBOUR. Mr. Chairman, the position of the subcommittee is that this is a limitation upon the expenditure of these funds, the purpose for which they may be expended.

Mr. JAMES. But we do not appropriate any money for post exchanges. The post exchanges are run by the men themselves.

Mr. BARBOUR. On page 9 of the bill there is an appropriation for military post exchanges, and the amount carried is $72,000. There are a lot of expenses in connection with military post exchanges not borne by the exchanges themselves, and this is a limitation on those funds.

Mr. JAMES. Even conceding that; the gentleman said a while ago, in response to the LaGuardia amendment, that matters of legislation that come up suddenly ought to be considered by the proper committee, which in this case is the Committee on Military Affairs. There is nothing to show there has been any abuse by the post exchanges. There is nothing in here to show that the post exchanges have sold anything they ought not to sell.

Mr. GARRETT of Texas. Is it not true that post exchanges are for the benefit of enlisted men? That is the only place where they can go. The officers can go down town, but the enlisted men go to the post exchange and there make their little bargains of things which they desire.

Mr. LAGUARDIA. The very purpose of the post exchange is to give these soldiers who get $24 a month an opportunity to buy the necessaries of life at actual cost.

Mr. JAMES. That is the reason they were established.

Mr. LAGUARDIA. Some mushroom or little stands around the post exchange come in and succeed in having this written into the bill.

Mr. WAINWRIGHT. I would like to call attention to the section on page 9, to which the chairman of the subcommittee called attention, providing for an appropriation of $72,000, which does not seem to cover purchase of supplies but simply for the conduct of the post exchange. Let me read the paragraph:

For the equipment and conduct of the post exchange, school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers for which payment may be made in advance, and including salaries and travel for civilians employed in the hostess and library services, and for transportation of books and equipment for these services; for the rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, $72,000.

There is nothing about the purchase of such supplies as mentioned with the $72,000.

Mr. LAGUARDIA. That is the method of approach, by a limitation of this kind. It would be impossible for an enlisted man working around a post exchange to get any benefit.

Mr. SHALLENBERGER. The purpose of the new legislation does not provide for any saving to the United States Government which might accrue under the operation of this particular amendment, but this is to be paid by those who enjoy the benefits. This stops the purchase of certain things under this bill, but it does not provide for a saving by a reduction of expenses of the United States Government.

Mr. HILL of Alabama. These purchases are made not by funds of the Federal Government but by the funds of the men themselves. Even if there should be a retrenchment, it would not be a retrenchment of the funds of the Government, but in the conduct of the organization.

Mr. SHALLENBERGER. And a part of the expenses are paid by those who enjoy the privileges but not by the Federal Government.

Mr. JAMES. By the men of our Military Establishment.

The CHAIRMAN. The Chair would like to ask the gentleman from California whether this limitation applies to anything other than the expenditure of funds authorized by this appropriation bill?

Mr. BARBOUR. It is a limitation to the funds carried in this bill. None of those other funds that have been referred to are appropriated in this act.

Mr. JAMES. If you will examine the hearings you will find that it all revolves around the post exchange. We contribute nothing to the financing of the post exchanges.

The CHAIRMAN. The Chair would call the attention of the gentleman to the code, title 10, section 1231, which provides as follows:

Sale price of quartermaster supplies: Authorized sales of clothing and other quartermaster supplies shall be for cash or on credit at the average current prices plus all overhead costs, to be determined and fixed by the Secretary of War. (June 30, 1922, c. 253, Title I, 42 Stat. 729.)

Mr. JAMES. Mr. Chairman, the Secretary of War has nothing at all to do with the regulation of prices charged at the post exchange.

The CHAIRMAN. The Chair is trying to find out what this limitation has to do with the post exchange. It does not clearly appear on the face of it that it has anything to do with the post exchange.

Mr. JAMES. If you will read the hearings you will find that it applies only to the post exchange.

Mr. BARBOUR. Yes. It all applies to the post exchanges.

The CHAIRMAN. Then does it limit the post exchange in its expenditure of funds other than those carried in this appropriation bill?

Mr. BARBOUR. No. It simply limits funds carried in this bill. But the other post exchange funds are not affected.

Mr. CONNALLY of Texas. Mr. Chairman, everything in the bill is included in this act. If the post exchanges are conducted by the enlisted men the amendment properly could not limit it, because it would not be a Government expenditure. Therefore the rule of limitation would not apply.

The CHAIRMAN. The Chair is trying to find out whether it applies to funds other than those carried in this act.

Mr. CONNALLY of Texas. The gentleman from California says this is a fund to start the post exchanges, and then the exchange is carried on further by the men.

Mr. BARBOUR. It would apply only to funds carried in this bill.

Mr. CONNALLY of Texas. It goes further than a limitation. They can expend these funds provided they add to it the cost of overhead. Thereby a limitation is imposed.

The CHAIRMAN. But in section 1231, title 10, of the code, as read by the Chair, it is provided that in determining the cost it is required to include the cost of overhead.

Mr. CONNALLY of Texas. The limitation says the funds shall be expended only for certain purposes. This is legislation attempted under the guise of a limitation. In other words, it is going to prevent these men from adding the overhead to the cost.

Mr. JAMES. The last proviso says:

Provided, That no such utility or instrumentality shall procure for sale any article not regularly carried in stock.

In other words, a post exchange with its own money could not buy a radio set or a kodak to supply it to these men unless it was carried in stock. I make a point of order against that particular proviso. My first point of order was on that particular proviso.

The CHAIRMAN. Then the Chair will sustain that point of order.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out all on page 16 from line 16 to line 22, inclusive.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 16, line 16, strike out all of line 16 to line 22, inclusive.

Mr. LAGUARDIA. Mr. Chairman, this is the result that the gentleman from Michigan [Mr. JAMES] desired to obtain by his first point of order. The situation is this: At every military post there is a post exchange; just a store, selling the things that the men need around the post. There has been some agitation against these post exchanges by small business men who establish themselves in the vicinity of the post, claiming that by reason of the fact that rent and light and heat are not properly included in the retail prices of commodities sold in the post exchange, such as chewing gum and cigarettes, these independent outside establishments are at a disadvantage in carrying on their business.

There is a very good reason for the post exchanges. First, they give the soldier an opportunity to buy at practically cost the things he needs; and second, in many instances in these little stores around a military post there is a back room, a rear room behind the front store where craps are played, or other plants to get the soldier's money. Now the post exchanges are very useful. It is a very picayune matter to attempt to add overhead expenses which really do not exist, in order to increase the cost to the soldiers. This very bill provides for an appropriation of $72,000, as pointed out by the gentleman from California, for the purpose of keeping these post exchanges going. That in itself shows that they are wanted, that they are needed and that they are necessary. Now, to provide an artificial overhead expense simply to make prices the same as in stores outside of the post destroys the very purpose of the exchange. I hope the committee will agree to the striking out of this paragraph and leaving the exchanges as they were and have been for the last 40 or 50 years. That is all there is to it.

Mr. JAMES. Up to a short time ago, and until the new ration went into effect, the men were paying for a part of their own food, and a good deal of the money they made on the post exchanges went into their food.

Mr. LAGUARDIA. It does yet.

Mr. JAMES. We should not penalize them because of this profit, because it enables them to purchase a radio or to fix up their rooms. By doing this we are not penalizing the officers, but we are penalizing the enlisted men.

Mr. LAGUARDIA. And the money also goes for athletics. They buy their balls and bats and everything like that out of the company funds. I hope the amendment will be adopted.

Mr. BARBOUR. Mr. Chairman, the language now contained in the paragraph, with the proviso stricken out, is practically the language of the substantive law, and that would be effective anyway. This simply applies the substantive law to these particular funds, and there is, perhaps, no necessity for making that application.

I think from the discussion here, Mr. Chairman, that there is possibly a misunderstanding with regard to the purpose of this proviso to which a point of order has been sustained. It was not the intention of the committee to in any way hamper the operations of these post exchanges. They are a very fine thing and they render a great service not only to the enlisted men at the various posts, but also to the officers and their families, and the very fact that we carry over $70,000 in the bill to help pay the expenses of the post exchanges is evidence of the fact that the committee is not unfriendly to the post exchanges. However, it was brought to the attention of the committee that some of the post exchanges had no limitation whatsoever on the articles sold. They were not such as enlisted men would buy; they were special articles that outside people might want. We were told, for instance, that through a friend at the post a civilian could buy a wrist watch, a radio set, or almost anything.

Mr. COLLINS. And evening dresses.

Mr. BARBOUR. Evening dresses, if you please, and obtain them at reduced prices. Now, the merchants in some of these towns, who were paying local taxes, rents, and things of that kind, felt that they should not be compelled to meet that kind of competition.

They had no objection to the ordinary operations of the post exchanges for the benefit of persons on the post. A short time ago it was brought to our attention that one of these post exchanges advertised in a near-by paper that it had on hand a large supply of Christmas toys which were available to anyone who wanted to come to the post and buy them. That is competition with the local merchants, which we thought was possibly going a little too far in the conduct of post exchanges, and that was the purpose of putting this proviso in the bill. It was not put in the bill for the purpose of restricting the operations of the post exchanges so far as the enlisted men, the officers, and their families were concerned.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CONNALLY of Texas. Would it not be better to put in a proviso restricting the sale of these articles rather than to undertake to tell them how to run the post exchanges?

Mr. BARBOUR. That was intended to be the purpose of the proviso. The proviso is—

That no such utility or instrumentality shall procure for sale any article not regularly carried in stock.

Mr. CONNALLY of Texas. Then they would just increase their stock and they could carry all they pleased.

Mr. BARBOUR. I realize that the words "regularly carried in stock" are open to construction and that that language is more or less elastic.

Mr. CONNALLY of Texas. Why not restrict it to the soldiers and officers and not let the public buy?

Mr. BARBOUR. The committee did not feel that it cared to go that far, I will say to the gentleman from Texas, and that if we did go that far it would be legislation.

Mr. JAMES. Does not the gentleman think they should sell to the civilian employees of the Government?

Mr. BARBOUR. There is no question about that.

Mr. HILL of Alabama. The proviso has gone out on a point of order, so there is no use in discussing it. Would it not be better to restrict them by some limitation as to how these products should be sold rather than to increase the overhead cost? Increasing the overhead cost will not necessarily stop these abuses.

Mr. BARBOUR. When you do that, I will say to the gentleman from Alabama, you have pretty nearly got to enumerate a list of articles in here. It would be rather difficult to describe them in general language, and at the same time would not that be legislation that should come from the Committee on Military Affairs, of which the gentleman from Alabama is a member?

Mr. HILL of Alabama. If it is legislation, then I should think it ought to come from the Committee on Military Affairs.

Mr. BARBOUR. I agree with the gentleman on that.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CONNALLY of Texas. When the gentleman requires overhead to be placed on these articles that they ought not to buy, he also includes overhead on those things that they are in the habit of buying.

Mr. BARBOUR. That has always been done.

Mr. CONNALLY of Texas. So what you are really doing, in order to rid these local merchants of this competition on things that they ought not to sell through the exchange, is to make them compete in the exchange on everything. Why have an exchange if you are going to put them on a parity with the merchants in the town?

Mr. BARBOUR. There is no intention to put them on a parity with other merchants. As to overhead, they have always charged a certain amount for that in order to cover certain of the expenses of the exchanges that are not covered by this fund.

Mr. CONNALLY of Texas. Your $72,000 is overhead?

Mr. BARBOUR. That is for part of the overhead; yes.

The CHAIRMAN (Mr. KETCHAM). The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken; and on a division (demanded by Mr. HILL of Alabama, there were—ayes 25, noes 9.

So the amendment was agreed to.

The Clerk read as follows:

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the Mine Planter Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, including purchase and repair of laundry machinery; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of dry-cleaning plants, salvage and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued to each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $5,832,067, of which amount not exceeding $36,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1930.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of asking the chairman if the amount appropriated contemplates the purchase, this year or the next year, of blue uniforms for the soldiers?

Mr. BARBOUR. I will state to the gentleman from New York that nothing is included in this bill for that purpose.

Mr. LAGUARDIA. The committee, of course, went into that matter?

Mr. BARBOUR. The committee went into it quite fully.

Mr. LAGUARDIA. I notice the War Department has issued an order reinstating the old blue uniform.

Mr. BARBOUR. The Secretary of War, I believe.

Mr. LAGUARDIA. Just why that was done it is very difficult to understand. The trim looking khaki uniform is, of course, very military and very serviceable. They are going back to the antiquated blue, opera bouffe uniform, which, with colored epaulettes and gold lace, I suppose, may be conducive to vanity, but not to the morale of an army. Now, in keeping with this dress parade, if next year they come along and say, "Now, we want the soldiers to have blue uniforms so that the ensemble or the color scheme will fit in," I want to point out that that is going to be a pretty big item.

Mr. BARBOUR. Yes; that would be a rather big item, and that is one reason why there is nothing in this bill for it.

Mr. LAGUARDIA. It is not the present intention of the committee to change the uniforms of the enlisted men to conform with the officers' uniforms?

Mr. BARBOUR. No. I understand, though, that the order issued by the Secretary of War goes so far that if an enlisted man sees fit to buy for himself out of his own funds a blue uniform there will be no objection to it.

Mr. LAGUARDIA. It is going to cause a funny combination if some of the boys are going to have blue uniforms and others khaki or the O. D.

Mr. BARBOUR. Of course, they would buy them by units. There would not be one man in khaki and another in blue in the same organization.

Mr. LAGUARDIA. If that is so we can reasonably expect in the next fiscal year a pretty big item for blue uniforms for the whole Army.

Mr. BARBOUR. Of course it is hard to tell what will come in the next year's bill, but let me say to the gentleman there has been for some time considerable talk about another uniform, a so-called dress uniform, for the enlisted men of the Regular Army. A lot of them would like to have a blue uniform. It is different and it is a change from the khaki. It is intended not as a service uniform at all, but to wear when they are about town or on parade or something of that kind. The idea is to have a uniform that will perhaps look a little better, as some of them think, than the khaki uniform. The khaki will remain as the service uniform. They will have khaki uniforms and then they will have what may be called a dress uniform or a better uniform than the uniforms they have when they are at drill or at work. It will be a dress uniform of a different color. This is what is being considered. It has not been decided definitely, although they are considering a blue uniform for the enlisted men.

Mr. LAGUARDIA. That is what I thought was coming.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the operation of coffee-roasting plants; for payment of entrance fees for Army rifle and pistol teams participating in competitions; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for lecture fees at the Army Music School and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, $3,898,496: *Provided*, That no appropriation contained in this act shall be available for any expense incident to the employment of a greater number of officers, enlisted men, or civilian employees in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs than were so employed during the fiscal year ending June 30, 1929.

Mr. WAINWRIGHT. Mr. Chairman, I move to strike out the proviso appearing on page 21, between lines 9 and 16.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WAINWRIGHT: Page 21, line 9, beginning with the word "provided," strike out all down to and including line 16, on page 21.

Mr. WAINWRIGHT. Mr. Chairman, this is the first indication of any inclination on the part of the committee to in any

way hamper, restrict, or curtail the very necessary work in connection with the industrial war plan and the plans for adequate supply of munitions and other matériel in time of war, which the law directs that the Assistant Secretary of War shall prepare. One lesson that came out of the war more than any other was the necessity of some plan or method of providing for the supply of the Army in the event of war. You will all recall the tremendous dislocation of industry and the great delay there was in supplying our expanded Army. When an army is expanded from 100,000 men to 3,000,000 men, the supplies will be expanded to a very much greater degree, and we all know that it was not until after the armistice that supplies for the Army really came through. Had it not been that we had allies who were supplying our combat armies in the field, we might have had a very different record from that which the American Army had in the war. Realizing the tremendous importance of that consideration, Congress, in the national defense act, reposed the duty of providing an adequate industrial war plan upon the Assistant Secretary of War. Paragraph 5-a of the national defense act made him responsible for the procurement of supplies in time of war and for the assurance of adequate materials, supplies, and industrial organization for war-time needs. That is a tremendous task. During the last eight years that work has been going on through organizations perfected by the Assistant Secretary of War. The Assistant Secretary of War under the law is intended to be what they call abroad the minister of munitions. His is a tremendously important office in view of the importance of the function cast upon him by the law. When we consider that the entire cost of this important work is less than $250,000—$214,130, to be exact—and, in addition, the amount required for training of reserve officers assigned for training in connection with procurement and the pay of the regular officers assigned to this duty, and that the Assistant Secretary of War has only 117 regular officers assigned to him, with a certain proportion of reserve officers who are called in for instruction as to what their duties will be in time of war, it seems almost unreasonable that the committee should undertake in the way they do by this proviso to curtail the activities of the Assistant Secretary of War. What is this proviso?

It is that there shall be no more officers or civilians or employees assigned to this work than were assigned in July, 1928. There is no necessity for any such limitation as that. I am sure the chairman of the subcommittee will agree with me that there has been no extravagance, that there has been no disposition on the part of the office of the Assistant Secretary of War to unduly expand this work. If the number of officers is curtailed, as proposed, it would seriously hamper the work of the Assistant Secretary of War. The number of officers he has for this purpose must in the nature of things be flexible. The appropriation itself, the allocation of funds for this activity, limits the amount that can be devoted to the purpose, and within the limitation of funds it seems to me it is unreasonable to put a limitation on him in respect to the number of people that he can use for the work.

For instance, at some part of the year he might wish to put on more men than at another part of the year, subsequently curtailing the number so as to keep within his limit.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Therefore, Mr. Chairman, it seems to me that this proviso should go out and that the Assistant Secretary of War should not be hampered in the way that he will be by this amendment. When you think of the fact that you are appropriating here $435,000,000 for the expenses of the War Department, and that there is less than a quarter of a million dollars devoted to this service, it seems to me that to attempt to cut that down by the very few thousand dollars that might be involved is, to say the least, unreasonable and unwise, and I trust that the amendment will be adopted.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, procurement planning is the old munitions battalion under a new name. It permits the Army to go into the fields and factories and railroads of the country, and in the event of war for the Army to take charge of them and run them. This language which the gentleman objects to prevents an expansion of this practice.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. STEVENSON. What do they do when they go into the factories?

Mr. COLLINS. They go around and get an office in a city and a corps of stenographers and clerical help, and then appoint some aides, and mess around a factory, go in and look it over occasionally, and as far as real information is concerned, they get none. They do nothing that is worth a row of pins.

Mr. STEVENSON. Do the factories have any objection to that? The people down in my country do not like to have folks snooping around their business.

Mr. COLLINS. It is all done in the name of national defense.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. The gentleman does not contradict the fact that what the Assistant Secretary of War is doing is by virtue of the positive direction in the national defense act, and as long as the law is as it is the gentleman will not contend that he should not fulfill the duty that is cast upon him?

Mr. COLLINS. There are lots of things in the national defense act that this Congress does not approve. We do not want our factories and fields and our transportation companies managed by first and second lieutenants even in war times.

These jobs are sops for Army officers and without good to the Government. What good could come to this country if I were a second lieutenant to place me with the Pennsylvania Railroad for a year, and 20 years from now a war was declared to put me in charge of the operation and management of that railroad? I would know nothing, or scarcely nothing, about its affairs. It would be just the rankest sort of injustice to the road to expect me to correctly manage its affairs.

Mr. WAINWRIGHT. Will the gentleman yield for another question?

Mr. COLLINS. I do not think that this Congress wants to let that activity expand, and that is the purpose of this proviso. It is intended to keep it from expanding, and I think it is wise legislation. We do not want the farmers of this country and the factories of this country and the railroads of this country to be put in charge of and be operated by Army officers. It would seem that the rest of us have no patriotism. That the Army has a corner on it, and that we can not be trusted in war times or even in peace times. The carrying out of the Army program is a reflection on the civilian population of this country. If you strike out this amendment, then the Army can act without limit in expanding the activity. They will find a hole here and put 15 or 20 Army officers in it, and one over there and put some officers there, and scatter them all over the United States without limit. That is what was proposed last year, only on a more extensive scale. There was an item in the bill as it came to us then, and the item was to grow until there was approximately 35,000 such officers, and this committee killed it then, and General Summerall, in his testimony before the committee this year, evidently thought it dead. Procurement is the same work under a different name. There is not any other nation that has undertaken this sort of activity with its army. And aside from this, what is the use in the Government engaging in the foolish practice of permitting Army officers to take charge of the management of the factories, the mines, the fields, and the transportation companies of the country, the meddling with them under the pretext of national defense?

Mr. WAINWRIGHT. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WAINWRIGHT. Mr. Chairman, of course I approach this whole question of national defense from a different angle from that of the gentleman from Mississippi. I realize the gentleman from Mississippi prefers we do nothing to conserve our national defense——

Mr. COLLINS. I did not hear the gentleman.

Mr. WAINWRIGHT. I realize the gentleman from Mississippi, if he had his way, would do nothing to conserve our national defense by preparing——

Mr. COLLINS. The gentleman is very unkind. That is the way I am going to characterize it at the present time.

Mr. WAINWRIGHT. Of course, we can not approach the subject from the same angle. If it is necessary and advisable that we should have in time of war such a plan and planning agency and if the law so provides, manifestly the Assistant Secretary of War must proceed along these lines. What I am attempting to impress upon the committee is the view that the magnitude and importance of his task require him to do what

he has done and that what he is doing is entirely reasonable, proper, and in no way out of proportion.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. WAINWRIGHT. I will.

Mr. O'CONNOR of Louisiana. Does the gentleman think there is any strong sentiment in this or the other body looking to a strong policy of national defense at the present time?

Mr. WAINWRIGHT. Unfortunately I am afraid that is the fact. I am afraid we are beginning to slump back as we do after every war, and as in this case it seems to me we are not willing to adequately support absolutely necessary measures of national defense.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. LAGUARDIA. It is not because this House does not want to support a policy of strong national defense, but it is because the very people who are charged with the national defense have so loaded this bill that we are up now to $385,000,000, and you can not possibly think of anything more to put into this bill.

Mr. WAINWRIGHT. May I say to the gentleman that, be that as it may, what we are discussing is a great proposition involving a very important activity of the War Department which ought not to be hampered in the way proposed?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. SCHAFER. Does the gentleman believe that one of these first or second lieutenants, in case a war should come upon us to-morrow or next month, could run these factories or operate these railroads better than the present owners are doing?

Mr. WAINWRIGHT. All the industries of the country during the war were left in the hands of their civilian owners. It would be the same also in the event of another war. The suggestions of the gentleman from Mississippi [Mr. COLLINS] were far from the details of the plan referred to.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARBOUR. Mr. Chairman, this proviso is intended to place a limit upon the procurement activities of the War Department. No limit has been placed upon those activities heretofore. At the present time or by 1930 they will have 145 civilians engaged in this activity and 117 officers of the Army. They have offices, I believe, in 19 different cities in the United States. It is already a big activity in the War Department, and this committee thought it would be wise to put this limitation in the bill and provide that after June 30, 1929, no money should be expended to increase those activities. In other words, we will hold it down for a while until we can get some idea of what it will ultimately involve.

Mr. HILL of Alabama. How much is expended now?

Mr. BARBOUR. Two hundred and fourteen thousand dollars in addition to the pay of the Army officers.

Mr. TABER. There is a very considerable number of reserve officers working on this matter.

Mr. WAINWRIGHT. Most of them serve without pay.

Mr. TABER. They are on active duty part of the time.

Mr. BARBOUR. A lot of attention is being given to this procurement matter. It is not being neglected.

Mr. TABER. Is it not true, as the gentleman from Mississippi said, that it was proposed that these officers detached last year were to go into the factories and learn how to run the factories in case of war?

Mr. WAINWRIGHT. Mr. Chairman, I hope before the Chairman takes his seat he will tell us a little more about the importance of this work.

Mr. BARBOUR. I think the gentleman from New York has gone into that quite fully.

Mr. WAINWRIGHT. I would like to have the concurrence of the gentleman's committee.

Mr. BARBOUR. As I understand the situation, the Navy might step in, in case of an emergency, and take all of these activities away from the Army.

Mr. O'CONNOR of Louisiana. Mr. Chairman, yesterday a gentleman on the Republican side remarked that the hour was approaching 5, and he did not think it in order to make a twilight speech. I am going to observe the suggestion which he made and not extend my remarks beyond 15 or 20 minutes.

I hope that when the House adjourns, if it be in accordance with the precedents and the history of this body, that the Republican floor leader will move to adjourn out of honor to and in memory of the great battle known as the Battle of New Orleans, fought on January 8, 1815, in what is known as the War of 1812. I hope some Members will expatiate, in the extension of their remarks, on the value of that event in our history. I recall what a former Assistant Secretary of War and presently an honored Member of this House said with regard to the lack of enthusiasm in this House and in another body over the national defense which is absolutely necessary in order to safeguard the interests of this country and to make for the fulfillment of its great destiny.

I am obliged to the chairman of this committee for the suggestion that I should say a few words in connection with this great day in the history of our country. Those who were born by the sea will die by the sea, and the gentleman who has the honor of occupying the chair to-day [Mr. TILSON] is responding to the splendid memories of the long ago which originated in his own great State of Tennessee when her sons followed the fortunes of Andrew Jackson, who won imperishable glory for American arms—a glory which offset the disasters, vicissitudes, and sorry performances of many American soldiers who did no credit to the American uniform in other fights in that war.

I am glad he made the suggestion that I should speak, because otherwise I would have let the occasion pass. I have spoken so often on recurring anniversaries of the Battle of New Orleans that I would abuse the patience of the House if I should voluntarily thrust myself upon it, and I respond only because the chairman has requested me to do so, and I desire to acknowledge the honor he has done me in his own inimitable and characteristically gracious manner.

I was under the impression that a Kentuckian, whose ancestor may have fought in that battle, would speak on this day. I thought that some Tennesseean would rise and say something. It was suggested to me that some Mississippian might want to speak, and I was glad to get out of the way; but I found at the last moment that they were affectionately relying upon me to say something in connection with the 8th of January which would express their thoughts. It is a very generous and flattering attitude, particularly as I know that all of them could treat the inspiring subject with far greater elegance and eloquence than I can command.

Now, in all sincerity, gentlemen, I believe in commemorating the great days in the history of this country. I know that after a great war like the World War, and in accordance with the law of compensation that operates incessantly in our thoughts and actions and is present in all of our movements, there was a let-down from that tremendous emotionalism that carried us to the heights, to the very top of the wave, during that holocaust and that there was almost a spirit of cynicism that set in. No one believes there will be war again! The war to end wars is fought and won and that ends it! So why prepare? Ignore the great days of the past; pursue a policy of laissez faire; let things go along as they would go along anyhow. I know I am not adding to your stock of information when I say with all the force at my command that is not the correct policy:

Kingdoms by blood gained must by blood be maintained.

[Applause.]

This country grew by the strong arm and by force. It would be folly to ignore the history of the past. We acquired lands from the Indians and the Mexicans; we worked the negroes, and we did everything that was inevitably and inexorably necessary in order to broaden and expand and become the tremendous factor we are in the civilization of the world. We obeyed the law of our existence and environment and "the lesser breeds without the law," as Kipling calls them, will some day necessarily come up and contest for the splendid position we have to-day, and if we are not prepared we will go down in the black smoke of defeat. That is the law of life, and it would be folly, in my judgment, to neglect the Army and the Navy, as they are the symbols of our power in peace, and in war times expanded to meet exigencies of the hour, a terror to our enemy on land or sea.

Why, gentlemen, the history of all the world furnishes examples. Kingdom after kingdom, dynasty after dynasty, and empire after empire have disappeared and almost been forgotten by historians as a result of having grown effeminate through luxury and ease and the neglect of the power that had brought them to the splendid position they occupied.

Listen to these oracular words from the Temple of Time:

So runs the scroll of human destiny,
Written in fire and blood and scalding tears,
Scrawled with wrecked hopes and blasted visioning,
The weary record of ten thousand years;
The weary record of peoples and of kings,
Of empire and of race,
That to the law that ruleth earthly things,
In ruin yielded place.

* * * * *

You can not make a diamond from the mud,
Or pearl from salty tear.
In other worlds other laws may prevail,
You can not change them here.

Do not neglect force in the way of a proper Army and a proper Navy, for if you do you will pay the price and go the way of all the splendid and gorgeous nations that were once in the vanguard of civilization and then went down into nothingness. [Applause.]

It would be as unwise for this Nation to be without an adequate Army and Navy, both of which we should be able to expand at a moment's notice, as it would be for the city of New York to be without a police department or a fire brigade. Folly, stupidity, and ignorance of history and the gloomy truths her pages teach are no less folly, stupidity, and ignorance because they emanate from good and sincere men and women. It little matters to the expiring nation that the blow was struck by a misguided but honest, good, and sincere friend. Mere goodness and sincerity never yet saved a nation tottering to its destruction and fall. Like honesty, goodness and sincerity are rather common virtues and nothing to blow about. Unless used, exercised to support the Nation intelligently and prepare it for fire and flood, they are negative qualities. In times of peace prepare for war. Beware of the seeming friend of to-day, for he may be the enemy of to-morrow. When observed sanely and reasonably, they are the slogans, too, that make for long life and prosperity for a nation.

Who can tell when and where the next war will start? Who could tell a week before that on August 1, 1914, the world would go afire?

Mr. Chairman, let us observe our great days that record the victories we have won and which have made for our glory and grandeur. Let us keep sacred our battle fields—they are holy ground; they teach us to be prepared, for no man knows what a day may bring forth. First, it was cave man against cave man, then family against family, then tribe against tribe, clan against clan, city against city, state against state, country against country, then combinations of countries against combinations of countries. What next? Will it be combinations of races against combinations of races? Who can tell? The sources, the wellsprings from which arise the war spirit and the lust for strife, are so deep-seated that apparently no divining rod will ever fathom their depths. Men have been fighting from the dawn of time—for love or hatred, for possessions, but always the lust for the fight was there—and until it was aroused there was no fight. Commerce, the emblem, the symbol of peace, is in a measure a species of warfare. Let us not wait until a fire breaks out to organize a fire department. Prepare now. It would not be even a gloomy satisfaction to a dying country to feel that its death throes were caused by its own sons and daughters whose pacifism overthrew their reason and their motherland. Idle tears that would not wash away their folly would be of no value to their expiring country—

So felt the struck eagle stretched upon the plain,
No more through the rolling clouds to soar again,
Viewed in his own breast the fatal dart,
And wing'd the shaft that quivered in his heart
Keen was his agony, but keener far to feel
That he nursed the pinion which impelled the steel,
And the same plumage that had warmed his nest
Drank the last life-drop of his bleeding breast.

Remember, keep alive Jackson and his brave Kentucky, Tennessee, Mississippi, and Louisiana soldiers who put down the flower of the British Army on January 8, 1815. It means keeping alive the spirit by which this great land of the free lives; and when your memory flags and lags turn to this narrative of my own, given on a former occasion, and refreshen yourself by living over again the stirring event which, in a feeble way, I have recorded.

Of course, it is not flattering to ourselves nor agreeable at times to recall the vicissitudes, calamities, and catastrophes of the War of 1812, but I think we should do so, lest we forget the terrible lessons they convey. We should recount that which is ancient in our history for the purpose of gathering a light by which to guide our footsteps in the future, even at the risk of irritating those sensitive souls that recoil at the thought of looking backward to our nights of despair.

Of course, you know that the War of 1812 was disastrous to American arms, and the treaty consummated at Ghent was consummated by England only on the theory that disintegration had already set in and that the States calling themselves the United States would soon be seeking the protection of the mother country and would be Colonies once more, not later than five years after the signing of the treaty, which would carry it to about 1820.

Canadian, English, and continental newspapers were convinced that the collapse of the young Republic of the West was impending; that it was staggering to its destruction; that its fall was at hand. Monarchists the world over were confident that the United States had run its brief course and that its hour was about to strike.

If England had thought otherwise, she would have insisted upon the harsh terms which she had laid down at the beginning of the discussion of the treaty we sought, so desperate was our situation. She thought we were incapable or did not care to fight. Had not her soldiers burned our Capitol; had they not been almost uniformly successful on land and sea in their encounters with our soldiers and sailors? Did not the apathy of a large section of the country show it was an extremely unpopular war? That is one great reason why our victory on the plains of Chalmette was transcendent in its importance, because it obliterated the catastrophes of that war, which had made school children cry out in the streets of their villages and hamlets and towns at the degradation into which their country had fallen. That condition was deplorable, so deplorable that Lord Castlereagh and others who were in power and in the control of the British Government at the time said that "every port and city in America is in our hands, and the Americans are little better than prisoners in their own land," and gloatingly and boastfully declared that they were in a position to dictate any terms that they might feel inclined to dictate.

But, gentlemen of the House, in order to thoroughly understand the gravity of the situation, not only as our national honor was concerned but the menacing attitude of England and Spain with respect to the vast empire of territory known as the Louisiana Purchase, let us swing backwards; let us turn back the hand of time; let us roll up the curtain on the mighty drama played out on a solemn, brooding, but at times terrible sea stage, the Gulf of Mexico and her titanic daughter, the Mississippi River; let us peer into the days of romance and adventure, the days of the conquistadores, the buccaneers, the pirates, the days that ran through a century and gave to Spain, France, and England their greatest discoverers and sea captains. The history and tradition of that time are so interwoven and blended that it is utterly impossible to separate them if we would—and would we, if we could? For is not history what the great Napoleon said it is—"a fable agreed upon"? And were there not nobler souls than those whose exploits are recorded, if a sacred bard had but sung them into immortality? Some one has written: God conceived the earth—that was poetry; He formed it—that was sculpture; He colored it—that was painting; He peopled it—that was the divine drama.

One thing is certain, every generation has had an opportunity to play out on a grand stage the part allotted to it in the drama of the world and mankind, but in no generation or generations has tradition given to the field of adventure so much poetry, sculpture, painting, song, and romance as to the age of Columbus, Cabot, Hudson, Pineda, Cortez, Pizarro, De Soto, La Salle, without reference to their chronological order, and a score of others such as Drake, Magellan, Morgan, who were not only possessed of the passion of the sea wild life but for booty and spoils also.

But let it not be supposed that these sea marauders were not the heroes of their native lands. They gave a glory to their countries which the regular armies and navies could never win.

But back to our story.

Guided by history's pages, we see Narvaez going from Mexico to Florida and touching at the mouth of the Mississippi River. He was a Spanish conquistador, a nobleman and explorer. That was in 1528. Fourteen years later we see Hernando de Soto viewing the Mississippi River at some place near where the Arkansas joins her. He was a splendid Spanish conquistador, a striking figure in that romantic period, and was buried darkly at night, as was said of Sir John Moore, and left alone with his glory. But he had a magnificent tomb, and the tide of the Father of Waters, rolling all the way to the Gulf of Mexico and on to the Atlantic Ocean, probably furnished to him a funeral train such as was never the lot of any other man in history or romance. Out in the Rotunda of the Capitol, under the Dome, you will see eight great pictures portraying the life of America from the romantic and historical standpoint; one picture by William H. Powell portrays the wonder and amazement of De Soto and his followers when they beheld the Father of Waters gliding southward in its solemn, majestic sweep to the Mexican sea. Years and years elapsed, and in

1673 we find Joliet and Marquette descending the Mississippi River, under the direction of the French governor of Canada, in search of the mighty river that was supposed to run from east to west and connect the two great oceans. Then they returned, having gone as far south as the Arkansas River.

Strange as it may appear, my fellow Members, the idea that a great river ran from east to west and connected the eastern and western oceans remained even among educated people for over a century after these great explorers had gone to that undiscovered country from whose bourne no traveler has ever returned, and I understand that in South America there is still a disposition to believe that there is such a waterway.

Only lately down in Panama it was thought that the Chagres River at one time did make a connection between the two great bodies of water. It is said that Balboa, when he viewed from the hill that bears his name the mighty Pacific, looked for the river that he thought joined it to the Atlantic.

In 1682 La Salle completed the discovery of the Mississippi River and claimed the whole country for France, naming it Louisiana, in honor of Louis XIV.

It is clear to you gentlemen of the Committee of the Whole House from this recital that there must have been an issue between France and Spain in regard to the immense territory involved and flowing from the right of discovery. This is made clear by the fact that in 1762 France, by treaty of Fontainebleau, ceded to Spain all that part of the Louisiana territory lying west of the Mississippi River and the island of Orleans, which is to-day New Orleans, and in the following year, 1763, by the treaty of Paris, surrendered all of that part of the territory lying on the right bank, and Florida, to England. The desire of Napoleon to create a colonial empire in America led to the secret treaty of St. Ildefonse, in 1800, by which France acquired that part of Louisiana formerly ceded to Spain. This acquisition by the great Corsican and the treaty by which France secured it was denounced as fraudulent by Spain and England, and Napoleon transferred it to the United States for $15,000,000, as he feared an invasion of the Louisiana territory by England and wished to make us its defenders. Matters drifted, as Napoleon was then at the zenith of his power and the terror of Europe. Then came that terrible day for him and joy for Europe when he had to abdicate and take up his residence in Elba in the early summer of 1814.

England was now in control of the world. Up to this time she was successful in the War of 1812, her chief triumph being the capture and burning of our Capitol. London newspapers teemed with accounts of her easy victory and triumphs and ridiculed a people that could not offer a soldier's resistance to the invaders of their country. Our President and Army—in fact, the population—were mercilessly lampooned upon the stage and derided and sneered and scoffed at in the English journals of the time. Flushed with success on the Continent, England now determined to settle with the infant Republic and give her a military lesson that would break her spirit completely. Therefore one of the conditions to be imposed upon France was the return of Louisiana to Spain and which England would take from us if her ally should not be strong enough to do so for herself.

It was indeed a day of appalling danger for our country. The entire valley was to be trampled under military heel. An immensely large force for that time was to embark from Plymouth for the conquest of the Gulf States, the control of the Mississippi Valley, and the occupancy of the Louisiana Purchase. This army was composed of men who had been under Wellington in the Peninsular wars. General Ross was to have commanded this invading army after Wellington declined its command; but Ross was killed on the banks of the Patapsco and Sir Edward Pakenham was placed in charge, the Duke of Wellington having again declined the command.

It was a dark period for our country. The old martial spirit of the Revolution seemed to be dead. The war was far from arousing any patriotic enthusiasm. Even the school children of America were depressed, downhearted, and saddened at the overwhelming calamities that had befallen their country.

It is clear that if another disaster had befallen our arms instead of the triumph that we won, if another defeat had been our fate, we would have been crushed and overwhelmed by such a catastrophe, England would have occupied New Orleans and taken possession of the Louisiana Territory without another blow, as we would have been at her mercy.

We had sent James Bayard, John Quincy Adams, Henry Clay, Jonathan Russell, and Albert Gallatin to secure a treaty of peace.

But even while the treaty was being discussed the London Sun, as well as the Canadian newspapers, looked forward to and predicted the annihilation of what they scornfully refused to recognize as a military force.

Our peace commissioners were subject to mortification. Michigan, Wisconsin, Ohio, and Indiana were demanded as an evidence of our defeat. This was on September 8, 1814. It is needless to say that these demands were promptly refused by our commissioners.

Keep this fact in mind, my countrymen, for the seeming friend of to-day may be the enemy of to-morrow, and eternal vigilance and watchfulness are necessary to safeguard the interest and unity of the Nation. For on October 24, six weeks later, Lord Bathurst gave Pakenham his commission and orders to proceed to Plymouth and embark there for Louisiana to assume command of the forces operating for the reduction of that Province. All of these warlike preparations were being made while the peace conference was in session at Ghent.

Yes, my countrymen, eternal vigilance is the price, or a part of the price, we must pay to preserve our liberties, our freedom, our institutions. Self-reliance, preparedness, training, resolution, and fortitude should be the cloud by day and the pillar of fire by night to guide us along the road to the goal of our country. Alliances, except for the purpose of trade, do not appeal to a bold and militant people. Courage and that discipline which comes as a result of training from the cradle until the patriot steps on the battle field or the deck of his country's war vessel are what make for a nation's perpetuation and its glory.

It is true a treaty of peace was signed, but let us not forget that it was not a spirit of generosity on the part of England that led to the abandonment of her extraordinary claims and proposed indemnities as an evidence of our humiliation, but because she was assured just at this time and believed that we were so torn and worn by dissension, so near exhaustion, that dissolution was inevitable, and that the dismembered States would seek a new and closer alliance with her as separate and distinct dependencies. In other words, she hoped to secure more by what she considered the inevitable process of dissolution that her informants thought they saw in operation than by force of arms or a too exacting treaty and the harsh terms she had intended to impose. She had not relinquished her rights in the Louisiana Purchase on behalf of Spain, nor had she abandoned her plans to control the Mississippi, for the Pakenham expedition had been hurried across the Atlantic and assembled at Negril, Jamaica, with a full civil government for the Crown Province of Louisiana, as it was referred to by England, and no effort was made to recall it.

As a matter of fact, all plans for the invasion and occupancy of the Louisiana territory were being actively pushed while the peace conference was in session. Do not ever forget this, my countrymen; keep it in mind, lest on some tremendous day we have to pay for our carelessness in blood and tears.

Just at this critical time in the history of our country there loomed on its horizon one who became a great figure in the affairs of this world, one who came out of the woods, like Hosea of old. Tried by obscurity, poverty, pain, danger, and the malevolence that always assails merit, he had overcome disappointment, surmounted every obstacle, subdued and triumphed over every disaster. The perils of the wilderness, the hostility of the savage, the silent antagonism of the trackless swamps and the unbroken forest, melted into thin air before the dauntless courage and martial fire of this hero, warrior, statesman, patriot, and American, Andrew Jackson, whose fiery heart never quailed before any foe, whose crest was never lowered to any enemy.

His fame as an Indian fighter, his wonderful march against Pensacola, his defense of Fort Bower had reached Europe, and Wellington saw flashing across the military skies, not a meteor, dazzling in its brightness for a moment only to plunge into everlasting gloom and darkness, but a rising star of the first magnitude.

I will not dwell upon Pakenham's advance up the Gulf of Mexico and through Lake Borgne, nor upon the skirmish by lake and land, by river and bayou, that preceded the memorable conflict on the 8th of January, 1815. From this Spartan message vision the glory of our victory—the tragedy of their defeat.

American loss: 7 killed and 6 wounded.

English loss: 700 killed, 1,400 wounded, and 500 prisoners.

Among the slain being Pakenham, the gallant leader of the invading force. As are Leonidas and Thermopylæ Pass to Greece are Jackson and New Orleans to Americans.

Pakenham was killed. His army, or what was left of it, was withdrawn and afterwards took part in the battle of Waterloo, earning for themselves the sobriquet of "The Invincibles."

The compensations of life—a Chalmette and a Waterloo—for them a disaster and then a triumph.

On what slight things does destiny hang her judgments. In 1762 England had her choice of American territory from France and she demanded and received the right bank, or the Floridas. Had she requested and received the west bank, or the Louisiana Purchase, as it was later known, how different might have been the results—for she would certainly have held, even as she holds Canada, where she was willing to acquire by invasion and conquest—or had she been successful and destroyed Jackson's army and occupied the city of New Orleans, from which to rule the conquered territory. But as a result of her choice in 1762 and the Battle of New Orleans in 1815 the heart of the continent became American soil for all time.

That is the biggest of the big reasons for celebrating an immortal American victory, for that battle, fought on one side by raw and undisciplined but brave and heroic hearts from the wilds of America and on the other side by tried, disciplined, and courageous troops who had won glory on many a European battle field, determined that this Republic should extend from ocean to ocean, and not have the Mississippi River as its western boundary line, with a western Canada paralleling the frontier, menacing it from the present northern boundary line to the Gulf of Mexico and the Republic of Mexico on the south and rolling over prairie and mountain westward from the Mississippi to the shores of the Pacific, with the flag of Britain floating proudly over that which we are pleased to call the great West and Southwest, a different government, different institutions, and with a stranger's life at our doors. One can see from this account what mighty and momentous changes might have taken place if the fortunes of war had gone against us on that memorable day of January 8, 1815. Nations as well as individuals seem at times to have a curious perspective—the great appears small and the insignificant looms large on the horizon of history. As the years move onward into eternity, however, we know that the Battle of New Orleans will take its place with the decisive battles of the world. There are some men who are unbeatable in the larger sense and significance of that word. There have always been and always will be in this world men and women whose deathless purpose must and shall prevail. When men are willing to endure any disaster, suffer any defeat, undergo privation and starvation, meet gloom and catastrophe dauntlessly, knowing, feeling, that they must and shall win, triumph is inevitable. The sheer force of longing to achieve, of desire to attain the goal, of purpose to toil and strain and fight for the end in view culminates irresistible in reaching the end of the trail gloriously and triumphantly.

Fate determined, apparently, that Pakenham could not win. He was up against the crack shots of the world and men who were as wild and as brave as pioneer life in forest and an unbroken country could make them. Fate apparently ordered it so. Jackson and his army could not be defeated. He may have been driven from Chalmette, but what of that, in view of a determination that could come only to the boldest hearts and to characters selected by fate to carry out inexorably judgments of the highest degree and lead mankind from the lowlands to the peaks of human existence? Had Jackson been forced to retreat from the plains below New Orleans, consequences as spectacular as any in the history of the world would have resulted. For Old Hickory had intended in the event of such a contingency to burn the city, move up the river with all the inhabitants, and as soon as he reached the point where the land begins its incline or upward slope, cut the banks, overflow the city, and annihilate the hopes of the British Army, which could have had one and only one escape, and that would have been by means of rafts with which to make their ships if the swirling tide would permit such an escape. The burning of Moscow, which made its occupancy by Napolean untenable, would have been nothing compared with the epic that might be written of a city that was destroyed by its people, overwhelmed by the Father of Waters before they would let it be the prize of an invading foe.

That blood, that spirit, that heroic unconquerable purpose is still here—no invader could ever remain for any length of time in our country. Other Jacksons would come out of the wilderness to lead their countrymen in death-defying assaults that would, step by step, drive the foe from our native land. What Jackson did and what he would have done will always remain with the American people to inspire them to do noble things, not dream them all the day long, whenever the hour arrives for us to strike for our altars and our fires. That battle was fought 108 years ago; and its memories, though with us, are inscribed without bitterness upon the long and splendid scroll of the United States of America. On January 8, 1915, we celebrated the centennial of that great event—American and English dead are sleeping side by side down there where the bearded oaks rustle their leaves softly as if whispering and murmuring a requiem for the gallant souls that are at rest, and forever. Annually that victory is celebrated by banquets and speech making, where men assemble to recount the heroic exploits of Jackson and his magnificent attitude toward life and the courageous manner in which he approached and solved the problems that sprung into existence in his time and had to be met or block the road over which his country was traveling to attain the splendid destiny that is and will be hers. Year after year the greatness and the glory of his followers have been extolled and sung all over our land by fervent, patriotic Americans who have conveyed to listening multitudes the thrill of a victory that will always stand out among America's greatest achievements on land or sea. History can not forget this magnificent record of a momentous event without lessening its appeal to the imaginations of our people.

To-day we stretch from ocean to ocean, and then some, and our sway there is none to dispute. Out into the Pacific, up into the Arctic, and down in southern seas our flag flies to the breeze—

Sun kissed and wind tossed,
The flag for me and you,
That glorifies all else beside
The red, white, and blue.

Old Glory reflects back the "lights" of northern skies in Alaska and the Southern Cross in the southern ocean, because we maintained the Louisiana Purchase on the field of battle January 8, 1815. Let us hear from the hero of Chalmette. Let him speak to us through one-time Congressman William Allen and in a later time a Governor of Ohio. He, too, has gone to join the patriarchs of the infant world, but he still speaks to us from and through this writing:

General Jackson greeted me on the portico of the White House, just as he would have greeted a welcome guest at his own home in the country. Together we walked to the dining room, where the table was already prepared. Following the universal custom of the world of those days, General Jackson invited me to take a drink, and proposed as a toast: "The new star in our flag—Arkansas."

That ceremony having been observed, General Jackson looked at me very earnestly and said, inquiringly:

"Do you know, Mr. Allen, that this new State which has just become a part of our vast Republic is one of the first substantially large fruits of my victory at New Orleans?"

I was surprised, very much surprised, and I said so. I could see no political nor historical connection between the admission of a new State to the Union and a battle which had been fought about 20 years before that admission. I knew and everybody knew that General Jackson was extravagantly proud of his victory at New Orleans, and I supposed that he was giving me a bit of pardonable braggadocio. I reminded him that the treaty of Ghent had been signed 15 days before the Battle of New Orleans, and I said:

"General, I am familiar with that treaty, and it provided for the restoration of all territory, places, and possessions taken by either nation during the war, with certain unimportant exceptions."

"Technically you are quite correct," replied General Jackson, and his smile was more triumphant and proud than before. "But, my dear Allen," said the old hero, "those very words would have been used to defeat the purpose of the American commissioners at Ghent, because the Battle of New Orleans was fought after the war; 15 days after the war technically ceased by treaty."

Now I began to be more than ever interested. I begged the national military hero to tell me the whole story; and he did. He said:

"If General Pakenham with his 10,000 veterans could have annihilated my little army and captured New Orleans and all of the contiguous territory, technically after the war, Great Britain would have held that territory, abrogated that treaty, and utterly ignored Thomas Jefferson's great deal in real estate with Napoleon. Moreover," he continued, "Great Britain had other cards up her sleeve."

Venerable, but as vigorous and swift of action as ever in his life, General Jackson arose, went to a small desk, opened a drawer, took out a bundle of parchment manuscript, brought it to the luncheon table, spread it out, and said:

"Here are the transcripts from the Department of State concerning the famous treaty of Ghent. Here are the minutes of the conference which were kept by Mr. Gallatin, who records:

"The British commissioners emphatically declared: 'We do not admit Bonaparte's construction of the laws of nations. We can not accept it in relation to any matter before us.'"

Still unenlightened, I asked what that statement could have to do with the international situation, and General Jackson explained:

"At that moment not one of our American commissioners comprehended the awfully deep significance of those few words. But every one of the commissioners of Great Britain knew that General Pakenham was on the way to New Orleans with upward of 10,000 veteran soldiers.

"In their judgment—and it was a wise judgment, too—10,000 British soldiers should, and would, clean up and wipe out any army which

America could muster, for the Pakenham invasion was to be a triumphant military coup and surprise.

"Now, I can tell you, Mr. Allen, that I did not know, and my boys behind those bales did not know, what a prize the British were after nor what a service we were rendering our country. We were simply typical American soldiers, fighting for our country as American soldiers always do; ready and willing to dare, do, and die.

"But since I have been President I have ascertained from diplomatic sources of unquestionable authority that the British ministry did not intend to permit the treaty of Ghent to apply to the Louisiana Purchase at all. The whole body, Lord Liverpool, the Dukes of Portland, Greenville, Percival, and Castlereagh, all of them, utterly and emphatically denied the right of Napoleon to sell Louisiana. Therefore, their commissioners declared, 'We can not accept Napoleon's interpretations of international law in relation to any matter before us.'

"Now, you see, Mr. Allen," said the proud old hero, "the British ministry in London held most vehemently that this country had no right to that immense territory—no right at all. They intended to hold that it was entirely extraneous to the terms of the treaty of Ghent. And, if General Pakenham had been successful at New Orleans—as, under all of the ordinary rules of war he ought to have been, with his tremendously overwhelming force of veterans—if he had defeated my little, thin line of riflemen, if he had killed or captured me, if he had won that battle as Great Britain had every reason to expect of him, he would have held his ground. Moreover, he would have fortified his positions, and Great Britain would have sent other veterans enough to forever hold that great prize, the Louisiana Purchase."

Palpably noting the surprise which my features undoubtedly expressed, General Jackson continued:

"Now, you must see, Mr. Allen, that the words which Mr. Goulborn pronounced for the commissioners of Great Britain and which I have quoted from the minutes of Mr. Gallatin, had an immensely deeper significance than the commissioners for the United States could penetrate. Those words were meant to base the British claim for possession of the whole Louisiana Purchase. This was to be entirely external to the provisions of the treaty of Ghent. Moreover, they fully believed that General Pakenham would strengthen their position by capturing all of the salient military parts of the Louisiana Purchase after the war.

"Thus, you see clearly, my friend Allen," continued the proud defender of his country, "that the British Government, always skilled in diplomacy, as well as in war, was signing that treaty with one hand in front; but, with the other behind its back, it was dispatching Pakenham and a magnificent army to seize and hold our greatest and most precious acquired possession, including, of course, Arkansas and an empire beyond.

"Thus you can also see, my dear William"—having several times toasted the new star in our flag—"you can also see what an awful mess such a situation would have caused if the British Government had been able to carry out its military purposes as well and as completely as it did its diplomatic program at Ghent."

After showing me ample proofs of the facts set forth—and you may be sure I was wonderfully interested and patriotically more proud of Andrew Jackson and his boys behind the bales than I had ever been before—the tall, vigorous, gray-haired, proud old hero said:

"But, my dear sir, British diplomacy and British military power combined knew nothing of my Tennessee and Kentucky riflemen. The will of the enemy was strong and intelligent; but the will of God was far above it all. Providence willed that this Nation should live, grow, and be the cradle of the liberty of the world." Then General Jackson quoted a well-known hymn: "God moves in a mysterious way, His wonders to perform."

Reverting to his first statement, General Jackson then said: "Now, you see, my dear Mr. Allen, how Arkansas was saved at New Orleans; and how a thin line of American raw recruits, facing upward of 6,000 brave and fearless veterans, made it possible for us to have the State of Arkansas in our Union to-day."

The luncheon having long been finished, when I arose to leave, my host, whom I then revered as America's grandest living hero, arose, proposed another toast to the new star in our flag—Arkansas—and concluded his narration substantially in these words:

"The astute diplomats, the trained commissioners of Great Britain, cheerfully found it easy to throw sand into the eyes of our honest commissioners at Ghent; but, Allen, they could not ward off the cold lead which my rough and ready riflemen sprinkled into the faces of their red-coated veterans at New Orleans. All of the tangled web that British diplomacy and English cunning could weave about our inexperienced commissioners was torn to pieces and soaked in blood in half an hour by the never-missing rifles of my squirrel-shooting pioneers of the mountains as they carefully took their aim from behind those invulnerable bales of cotton."

Then, hastily flinging from his proudly smiling cheek the trace of a tear, the grand old commander earnestly said: "I wish that those brave boys behind the bales might be here now, Allen, to join us in this final toast of the day to that splendid new star in our flag—the State of Arkansas."

Why should we not celebrate this great day? It was a memorable victory, Mr. Chairman, one that students of American history should never forget, one that our boys and girls should be taught to mention, not only on this day but on all other days.

Mr. Chairman, originally Jackson Day was not treated from a political standpoint. It was nonpartisan, nonpolitical in the method in which it was celebrated—by banquets and ceremonies all over the country. Jackson was a Democrat, and the followers of his party appropriated the day to themselves in a great many cases, and I am not objecting to it, for "I, too, was born in Acadie." I am a Democrat and have no desire to criticize Democrats keeping alive Jackson's political views; but I would always prefer to treat the 8th of January, Jackson Day, as an American day, a day on which all Americans, regardless of party attachments, could gladly assemble and celebrate the great, magnificent, inspiring, and durable victory. Of course, at times it is tedious to talk about Leonidas and Thermopylæ. It does not seem quite right to the practical and modern up-to-date fellow, who is thinking of his country in points of industrialism, to talk about the dim and misty and vague past, but our past is not so far distant that we ought to forget it, and we should always keep in mind that the seeming friend of to-day may be the enemy of to-morrow; and we ought always to cogitate upon that Chalmette victory and remember its importance and the treacheries that surrounded it and "what might have been."

It teaches us that eternal vigilance is the price of liberty and we should always be mindful of invasion.

I said once before recently on this floor that I never like to discuss Great Britain's attitude, because even in the minds of the most generous there is in all probability something akin to the thought that there may be acrimony behind my attitude.

Of course, there is nothing of the sort. I am an American first and an English-speaking man in the next place, and I recognize that it is a great common family to-day. English literature is the boast of men who speak that tongue wherever it is spoken, but I can not blind my eyes to the facts of human existence. I know that as a people we fought and tore at each others' throats for four and a half years, and we not only speak the same tongue but we were bound together in fraternal ties. If we fought, why should we gull ourselves, bamboozle ourselves with the idea that we are the same people as our English-speaking cousins across the seas and will never fight with them again? We did fight with them in order to gain our independence. We did fight with them in 1812, and we were ready to fight with them after the Civil War. We were ready to fight with them about the time of the Venezuelan affair, and if her alliances constitute a menace and a danger to us, we will be ready to fight with them again. I repeat, and shall repeat as long as I live, that the lesson of January 8, 1815, should convey to every American mind that eternal vigilance is the price of liberty and freedom, and that we should at all times on land and sea, be ready to meet any foe that might question our rights, challenge our privileges and our desires to be in the vanguard of human civilization. It is a great day. I know there are some who laugh and snicker and have an inclination to sneer at such celebrations. I do not know that it adds anything to their stature, neither does it diminish the importance of the day nor lessen the tremendous victory that was secured on the plains of Chalmette. I know that it is not as important to some minds as the discussion of money, but it is important, nevertheless, to a great many people who do not always think in terms of dollars.

It is well, my countrymen, to recall great historical events and outstanding commanding figures in the arena of peace and warfare, because we can not ignore the historical facts that it is by warfare that we have grown great and rich and powerful and opulent and strong. We have not grown to the magnificent proportions so aptly described by the phrase "from ocean to ocean" as a result of pious reflections and beautifully phrased expressions of peace on earth, good will to men, which may come in time, and which I will not obstruct. I will pray with the most religious for the millenium, but frankly confess that I would not rely implicitly on prayer in the midst of a warlike world. We have grown great and powerful and strong as the result of courage and bravery and a determination to do and dare and never give up, because apparently even when we were beaten, phœnixlike we rose from the ashes of defeat and disaster and gave to freedom and liberty over the earth, and particularly to our country, one of the greatest victories ever obtained by a small and militant band of men struggling against overwhelming odds and the greatest soldiers of Europe.

Let us teach our children to know the history of their country—its trials, its defeats, its disasters, its triumphs, its victories—for, knowing why they should love their country, they will love it with heart and soul. They will love it for the dangers through which it has passed if they are taught to study

and understand what these dangers were; and then they will be on guard against the dangers of the future. Chalmette, America shall never forget. A prayer and a tear for those who won and lost that day. They are in the bosom of their Father and their God.

The muffled drum's sad roll has beat
The soldier's last tattoo;
No more on life's parade shall meet
That brave and daring few.
On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Rest on, embalmed and sainted dead,
Dear as the blood you gave,
No impious footsteps here shall tread
The herbage of your grave;
Nor shall your glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot
Where valor proudly sleeps.

The CHAIRMAN. The time of the gentleman from Louisiana has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, we have not made as much progress on the War Department bill as we should have liked to make and I should like to go on with it to-morrow. I therefore ask unanimous consent that Calendar Wednesday business for to-morrow may be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business to-morrow be dispensed with. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, will an extra day be set aside for the committees? I notice that some of the committees will hardly be reached before the end of the session if we take away Calendar Wednesday to-morrow.

Mr. TILSON. Some of the committees will not be reached in any event; but if any of them have bills of very great importance, they may be reached by means of a special rule or otherwise. I understand that the Committee on the Public Lands, which has the call to-morrow, has not yet had full opportunity to act on the bills pending before that committee. If the gentleman will recall, there was a vacancy in the chairmanship of that committee which was not filled until very recently. I think it would be very agreeable to this committee to have the call go over for one week.

Mr. COLTON. That is a correct statement.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 9, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 9, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Chemicals, oils, and paints, January 9.
Earths, earthenware, and glassware, January 10, 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6, 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

INTERSTATE AND FOREIGN COMMERCE COMMITTEE—SUBCOMMITTEE ON RAILROADS

(10.30 a. m.)

To amend section 15a of the interstate commerce act, as amended (H. R. 8549).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif. (S. J. Res. 142).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, as amended (H. R. 15211).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended (H. R. 13857).

To repeal certain provisions of law relating to the Federal building at Des Moines, Iowa (H. R. 13957).

To provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y. (H. R. 15854).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

729. A communication from the President of the United States, transmitting report from the Chief of Engineers on preliminary examination and survey of Shamokawa (Steamboat) Slough, Wash. (H. Doc. No. 502); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

730. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of channel from Gulf of Mexico, through Passage Key Inlet, to northern end of Anna Maria Key and into Sarasota Bay, Fla.; to the Committee on Rivers and Harbors.

731. A letter from the Comptroller General of the United States, transmitting report showing the officers of the Government who were delinquent in rendering or transmitting their accounts to the proper offices in Washington during the fiscal year ending June 30, 1928; to the Committee on Expenditures in the Executive Departments.

732. A letter from the Georgetown Barge, Dock, Elevator & Railway Co., transmitting annual report of the stock of said company, the earnings, and expenses for the calendar year 1928; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 13981. A bill to permit the United States to be made a party defendant in certain cases; without amendment (Rept. No. 2029). Referred to the House Calendar.

Mr. MICHENER: Committee on Rules. H. Res. 284. A resolution providing for the consideration of H. R. 11725, a bill for the apportionment of Representatives in Congress; without amendment (Rept. No. 2036). Referred to the House Calendar.

Mr. LEAVITT: Committee on the Public Lands. H. R. 14925. A bill to authorize repayment of certain excess amounts paid by purchasers of lots in the town sites of Bowdoin, Mont., and for other purposes; with amendment (Rept. No. 2037). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. S. 3569. An act to equalize the pay of certain classes of officers of the Regular Army; with amendment (Rept. No. 2038). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15427. A bill authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; without amendment (Rept. No. 2045). Referred to the House Calendar.

Mr. REECE: Committee on Military Affairs. H. R. 15472. A bill to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; without amendment (Rept. No. 2046). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 15060. A bill to reinstate Charles Robert Conroy in the West Point Military Academy; without amendment (Rept. No. 2030). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5286. A bill for the relief of J. H. Sanborn; with amendment (Rept. No. 2031). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5287. A bill for the relief of Etta C. Sanborn; with amendment (Rept. No. 2032). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5288. A bill for the relief of William F. Kallweit; with amendment (Rept. No. 2033). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5289. A bill for the relief of Loretta Kallweit; with amendment (Rept. No. 2034). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 13992. A bill for the relief of N. P. Nelson & Co.; with amendment (Rept. No. 2039). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 1393. A bill to correct the military record of Frank Fowler; with amendment (Rept. No. 2040). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 6204. A bill for the relief of Rebecca J. Rider; with amendment (Rept. No. 2041). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 6892. A bill for the relief of Martha J. Tonguet; without amendment (Rept. No. 2042). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 12424. A bill for the relief of William Fisher; with amendment (Rept. No. 2043). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 14972. A bill for the relief of Sylvester S. Thompson; with amendment (Rept. No. 2044). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15963) granting an increase of pension to Mary J. Doyle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11560) for the relief of Bennion Livestock Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COMBS: A bill (H. R. 16026) to extend the times for the construction of a bridge across the Missouri River at or near Randolph, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. W. T. FITZGERALD: A bill (H. R. 16027) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes," approved July 3, 1926; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 16028) to regulate computation of percentage of active pay to be paid as retired pay to officers of the Army; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 16029) to amend and supplement an act entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' approved May 28, 1928, and for other purposes"; to the Committee on the Civil Service.

By Mr. MERRITT: A bill (H. R. 16030) to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 16031) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 26, 29, and 30 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture.

By Mr. COHEN: A bill (H. R. 16032) to amend the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian"; to the Committee on Ways and Means.

By Mr. GOLDSBOROUGH: A bill (H. R. 16033) to provide for the examination and survey of Smiths Island, Somerset County, Md.; to the Committee on Rivers and Harbors.

By Mr. GRAHAM: A bill (H. R. 16034) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the middle district of the State of Pennsylvania; to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 16035) to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. PRALL: A bill (H. R. 16036) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16037) granting an increase of pension to Cyrene Baker; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 16038) for the relief of Girolomo Cimbalo; to the Committee on Claims.

By Mr. BRIGHAM: A bill (H. R. 16039) granting an increase of pension to Mary J. Gibbs; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 16040) granting a pension to Mariah H. Bowen; to the Committee on Pensions.

Also, a bill (H. R. 16041) granting a pension to Fred Allen; to the Committee on Pensions.

Also, a bill (H. R. 16042) granting an increase of pension to Thomas H. Rogers; to the Committee on Pensions.

By Mr. COHEN: A bill (H. R. 16043) for the relief of Alice F. Martin and two minor children; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 16044) for the relief of Edwina R. Munchhof; to the Committee on Claims.

Also, a bill (H. R. 16045) granting an increase of pension to Nannie H. Moore; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16046) granting an increase of pension to Herman Bertman; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 16047) for the relief of Alice Hipkins; to the Committee on Claims.

By Mr. HICKEY: A bill (H. R. 16048) granting a pension to Elzina Clemans; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 16049) granting an increase of pension to Louise Vansickle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an increase of pension to Martha A. Ervin; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 16051) granting an increase of pension to Josephine Hargreave; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16052) granting an increase of pension to Mary Cunnean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16053) granting an increase of pension to Cora E. Pointer; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16054) granting an increase of pension to Frank H. Bruce; to the Committee on Pensions.

Also, a bill (H. R. 16055) to correct the military record of Orville D. Dailey; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 16056) granting a pension to Grant Rodgers; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 16057) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. KNUTSON: A bill (H. R. 16058) granting a pension to Lizzie C. Walsh; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 16059) for the relief of Arthur H. Thiel; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 16060) granting a pension to Pricy Riley; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 16061) granting a pension to Emma Nicholson; to the Committee on Pensions.

By Mr. MANLOVE: A bill (H. R. 16062) granting an increase of pension to Mary Dyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16063) granting a pension to Amanda Bland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16064) granting a pension to Amanda E. Roy; to the Committee on Invalid Pensions.

By Mr. PARKS: A bill (H. R. 16065) granting a pension to Mary Howell; to the Committee on Pensions.

By Mr. PRALL: A bill (H. R. 16066) for the relief of Ex-Ensign Thomas Vincent Corey; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 16067) granting an increase of pension to Mary C. Childers; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 16068) for the relief of Elizabeth Cachelin; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 16069) for the relief of G. G. Laugen; to the Committee on Claims.

By Mr. SWING: A bill (H. R. 16070) granting a pension to Belle Seward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16071) for the relief of T. E. Stephenson; to the Committee on Claims.

By Mr. STOBBS: A bill (H. R. 16072) granting an increase of pension to Ella R. Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16073) granting an increase of pension to Mary F. Bancroft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16074) granting an increase of pension to Maria G. Kelley; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 16075) granting a pension to Horeb M. Boone; to the Committee on Pensions.

Also, a bill (H. R. 16076) granting a pension to John F. Sales; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 16077) granting an increase of pension to Mary Ann McManus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8175. By Mr. BACHMANN: Petition of John Szelewa, chairman of the American Citizens of Ukrainian Descent, Wheeling, W. Va., protesting against Polish Government for its barbarous and uncivilized treatment of the Ukrainian people living in eastern Galicia; to the Committee on Foreign Affairs.

8176. By Mr. BOYLAN: Resolution adopted at the regular meeting of the Military Intelligence Reserve Society, held at the Army and Navy Club, New York City, relative to increasing appropriation for reserve officers as provided by national defense act; to the Committee on Military Affairs.

8177. By Mr. CULLEN: Petition of the Military Intelligence Reserve Society, that funds in an amount greater than heretofore provided are needed for training reserve officers during the ensuing year; to the Committee on Military Affairs.

8178. By Mr. CRAIL: Petition of Hollywood Auxiliary, No. 54, United Spanish War Veterans, of Hollywood, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on Military Affairs.

8179. By Mr. GARBER: Petition of Institute of Margarine Manufacturers, 1049 Munsey Building, Washington, D. C., in support of House bill 10958, introduced by Mr. Haugen; to the Committee on Agriculture.

8180. Also, petition of the Wichita Mill & Elevator Co., Wichita Falls, Tex., indorsing House bill 15267, to amend the tariff act of 1922; to the Committee on Ways and Means.

8181. Also, petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., indorsing House bill 9138; to the Committee on World War Veterans' Legislation.

8182. Also, petition of Ed. S. Vail Butterine Co., 4528–4538 Gross Avenue, Chicago, Ill., in opposition to a special rule enabling the consideration of Haugen bill (H. R. 10958) before the House for passage with limited debate; to the Committee on Agriculture.

8183. By Mr. HOWARD of Oklahoma: Petition of Hon. Owsley Lonergan, Pawnee, Okla., on the subject of reciprocal guarantee of credit; to the Committee on Agriculture.

8184. By Mr. JOHNSON of Texas: Petition of Hon. Rufus Hardy, of Corsicana, Tex., indorsing Senate bill 4689; to the Committee on Irrigation and Reclamation.

8185. By Mr. KVALE: Petition of members of the Chippewa Indians of Minnesota, urging a per capita payment out of their tribal fund; to the Committee on Indian Affairs.

8186. Also, petition of railway postal clerks of the St. Paul & Williston Railway post office, of Minnesota, opposing enactment of Senate bill 860; to the Committee on the Post Office and Post Roads.

8187. By Mr. McCORMACK: Petition of F. H. Clark, of J. R. Poole Co., 11–12 South Market Street, Boston, Mass., protesting against the proposed increase of the tariff to 8 cents a pound on beef, lamb, and mutton, as against the present duties of 3 cents, 4 cents, and 2½ cents, and in increase in the duty on butter from 12 cents to 20 cents; to the Committee on Ways and Means.

8188. By Mr. MOORE of Kentucky: Petition signed by H. B. McCoy and 59 other citizens of Butler County, Ky., requesting Congress to pass appropriate legislation authorizing a preliminary survey of Mud Creek with the view of preventing future floods; to the Committee on Flood Control.

8189. By Mr. O'CONNELL: Petition of the Military Intelligence Reserve Society of New York, favoring increased appropriations for training reserve officers; to the Committee on Military Affairs.

8190. By Mr. O'CONNOR of New York: Declaration adopted by the Military Intelligence Reserve Society, indorsing need of increased appropriations for the training of reserve officers; to the Committee on Military Affairs.

8191. By Mr. PRALL: Declaration adopted by the Military Intelligence Reserve Society at its regular meeting held at the Army and Navy Club, New York City, December 19, 1928, received from Capt. Clarence A. Manning, secretary Military Intelligence Reserve Club; to the Committee on Military Affairs.

8192. By Mr. VINCENT of Iowa: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of House bill 9138; to the Committee on Pensions.

8193. By Mr. YATES: Petition of the Illinois National Guard, urging additional appropriations to National Guard items necessary to caretakers and camps of instruction, signed by C. E. Black, adjutant general; S. T. Lawton, colonel; Albert L. Culbertson, colonel, Infantry; Otis Duncan, colonel, Infantry; Fred E. Rand, colonel, Infantry; O. K. Yeager, colonel; Maj. R. C. Rottger; Capts. W. C. Timm, Eval Runsbog, C. M. Cook, R. E. Shouts, B. P. Bruegle, and A. E. Dickerson; Lieuts. E. L. Styles, Charles Bean, W. A. Crookston, Mark Plaisted, Gordon Bellow, M. G. Peter, and W. P. Binney; Col. Charles H. Davis; Capt. George W. McClure; Maj. Dill B. Hordin; and 100 other officers of the Illinois National Guard; to the Committee on Military Affairs.

SENATE

WEDNESDAY, *January 9, 1929*

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 4616) to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army;

H. R. 8798. An act for the relief of William Lentz;

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana;*

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; and

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.

FINAL ASCERTAINMENT OF ELECTORS

As in legislative session,

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainments of the electors for President and Vice President from the States of Ohio, Oklahoma, and Tennessee, at the election held November 6, 1928, which were ordered to lie on the table.

PETITIONS

As in legislative session,

Mr. JONES presented petitions of sundry citizens of Seattle, Spokane, Prescott, Chehalis, and Palouse, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

REPORT OF THE COMMITTEE ON PENSIONS

As in legislative session,

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 5060) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929, reported it without amendment and submitted a report (No. 1415) thereon.

ENROLLED JOINT RESOLUTION PRESENTED

As in legislative session,

Mr. GREENE, from the Committee on Enrolled Bills, reported that on January 8, 1929, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

BILLS AND JOINT RESOLUTIONS INTRODUCED

As in legislative session,

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

A bill (S. 5251) granting an increase of pension to Elizabeth Inman; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 5252) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha Plant of the National Motors Corporation; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 5253) authorizing admission of Jackson A. Findley to the United States Military Academy (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5254) to extend the times for commencing and completing the construction of a bridge across Port Washington Narrows within the city of Bremerton, Wash.; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 5255) for the relief of present and former postmasters and acting postmasters, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. ODDIE:

A bill (S. 5256) to amend the act of August 29, 1916, relating to the promotion of officers in the Navy to provide for the promotion of officers who have been wounded in line of duty; to the Committee on Naval Affairs.

By Mr. NEELY:

A bill (S. 5257) granting a pension to George Myers; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5258) granting a pension to Lawrence Perry (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5259) granting a pension to Old Coyote; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 5260) granting an increase of pension to Helen A. O'Haver; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5261) granting an increase of pension to Daniel Flynn; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5262) to establish a term of the United States Circuit Court of Appeals for the Fifth Circuit at Jacksonville, Fla.; to the Committee on the Judiciary.

By Mr. GEORGE:

A bill (S. 5263) for the relief of J. D. Baldwin, and for other purposes; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 5264) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

A bill (S. 5265) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

A bill (S. 5266) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain,

and operate a bridge across the Rio Grande at or near San Benito, Tex.; and

A bill (S. 5267) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 5268) granting a pension to Hugh M. Jones (with an accompanying paper); to the Committee on Pensions.

A bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests; to the Committee on Public Lands and Surveys.

By Mr. HAYDEN:

A bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.; to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 5271) granting an increase of pension to Mary B. Williamson; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5272) to incorporate the American National Institute (Prix de Paris) at Paris, France; to the Committee on the Library.

By Mr. KING:

A joint resolution (S. J. Res. 186) creating a commission on additional interoceanic canal facilities; to the table.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 187) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

By Mr. EDGE:

A joint resolution (S. J. Res. 188) to create a commission on a memorial to the signers of the Declaration of Independence; to the Committee on the Library.

By Mr. RANSDELL:

A joint resolution (S. J. Res. 189) interpreting sections 3 and 4 of the Mississippi River flood control act of 1928; to the Committee on Commerce.

ENFORCEMENT OF PROHIBITION

Mr. HARRIS. Mr. President, I desire to submit an amendment to the deficiency appropriation bill passed by the House and now before the Senate, which I send to the desk and ask to have printed and referred to the Committee on Appropriations.

The amendment provides for an appropriation of $50,000,000 additional for prohibition enforcement, to be made available immediately and to be used in 1929 and until June 30, 1930. The other day by a majority of two the Senate voted in favor of a conference report striking out an appropriation of $370,000,000 to enforce the prohibition law, which was provided in an amendment introduced by the Senator from Maryland [Mr. BRUCE], which had passed the Senate, but the House refused to concur in this amendment. Everyone knows that prohibition enforcement at present is a mere farce. I am not criticizing the men who are attempting to enforce prohibition, because their difficulty lies in the fact that they have not sufficient funds to employ the necessary number of men to do this work. Every Senator knows the present amount appropriated is entirely inadequate. It is my purpose to offer such an amendment to every appropriation bill that comes before the Senate relating to this work and will continue doing so until we get a sufficient appropriation for this purpose. I shall try to get at least the amount I have named appropriated in addition, and I hope that the Senate, when the matter comes before it, will approve the increase proposed.

Mr. President, the people of the United States favor the enforcement of the prohibition law and it is our duty to carry out their wishes. Outside of a very few States in the East, the people of every State in the United States strongly favor the enforcement of this law. One of the reasons I voted in favor of woman's suffrage was because I believed a large majority of the women would favor prohibition and with their vote would help elect officials who would honestly support prohibition measures. In my judgment Congress is not doing its duty when it fails to appropriate a sufficient amount to enforce this law. The enemies of prohibition claim that the law has been a failure, and it is our duty to appropriate the amount necessary to make it a success. It is a shame the way it is now enforced—everyone knows this—and the only way it can be made a success is to appropriate more money for its enforcement. I sincerely hope Senators will vote for my amendment for $50,000,000 additional appropriation for this work.

The VICE PRESIDENT. The amendment will be referred to the Committee on Appropriations and printed.

"THE LOST CAUSE"

Mr. HARRISON. Mr. President, I ask that there may be printed in the RECORD an editorial written by James M. Cox, who has been honored by his party and by the people of Ohio many times. The editorial is entitled "The Lost Cause," and appeared in the Dayton (Ohio) Daily News of Saturday, December 8, 1928.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LOST CAUSE

Ten years ago last Tuesday Woodrow Wilson set sail upon the greatest adventure in modern history. There will still be some to quarrel with that estimate. They may prove to be right. We merely cast in our guess that when the books of our times are balanced on the pages of history, a century or so hence, this will be the verdict. The picture of that lone man setting out from America to impose a modern peace upon a medieval world needs only a Tolstoy to draw, and we shall have the greatest adventure in the most dramatic setting and with the most tragical ending in the world's last 2,000 years.

Woodrow Wilson had been elected in 1916 by a people passionate for peace. He was the President of a country moved by diverse, deep-lying motives. Our mixture of immigrant strains gave us violent sympathizers with both combinations of nations at war in Europe. Wilson had tried to keep America simply American. When he saw the pressure of circumstances and events driving us inexorably into the war, he turned his attention to the effort to salvage out of the war which he foresaw the gain of a lasting peace. He tried by his speeches and messages to lay the ground for such a settlement after the war as would remove occasion for international rivalries and hates. By his 14 points he sought to assert the principles of justice which, once followed, would end the war system. He planned a cooperation of the nations which should penalize war and war makers. In this, all America was with him.

The war came to its sudden end and the making of this peace became a practical matter. But obstacles had developed at home. Woodrow Wilson was President by grace of a temporary break in a party which had ruled the country for 50 years and into which had collected the dominant industrial, financial, and social interests of the country. Wilson was the great liberal. His hope for America lay in its rule by a broader aggregation of elements than had been dominant in the Republican Party.

It was of the utmost importance to these that Woodrow Wilson should not be the shining figure of a glorious peace. "Anything to beat Wilson" was the cry. Even before the armistice was signed his enemies had managed to elect a hostile Congress. Republicans like Lodge, who had originated the idea of a league of nations, which Wilson was now to press upon Europe, began to plan the destruction, if it came with Wilson's name on it, of their own child.

Under these circumstances Wilson set sail, this 10 years ago, for Europe. There he found a people wild with hope for the new world which he was trying to usher in—and a diplomacy all set to defeat his efforts to lay the foundation for any such new world. A stone wall of medieval diplomats against him in Europe, a flying squadron of desperate politicians plotting at his back in Washington—such was the world which surrounded Wilson as he embarked on the 4th of December, 1918.

The rest of the story is universal knowledge. He fought his way in Paris to a half loaf. He got his League of Nations, but at the cost of many a hard sacrifice. Then he returned to America to face the force which had been ravening at his back. In the battle which followed he fell. The League of Nations was rejected. His very body was broken. The election of Harding and the return to power of what Harding reflected completed his defeat—at what an awful price there is no need now to discuss.

So the lone crusader who set his face to Europe on that December day 10 years ago was beaten, crushed. Woodrow Wilson was discredited and soon dead. So had died many a prophet before him. One of the outstanding tragedies of the age had been written. All we are saying is that it was a great adventure, the most magnificent of our time, for only out of great adventure can great tragedy such as this proceed.

MATTIE B. WILLIAMS

Mr. BRUCE submitted the following resolution (S. Res. 293), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mattie B. Williams, widow of John R. Williams, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the

Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BLAINE rose.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sackett
Barkley	Fletcher	McLean	Schall
Bayard	Frazier	McMaster	Sheppard
Bingham	George	McNary	Shipstead
Blaine	Gerry	Mayfield	Shortridge
Blease	Gillett	Metcalf	Simmons
Borah	Glenn	Moses	Smoot
Brookhart	Goff	Neely	Steiwer
Broussard	Greene	Norbeck	Stephens
Bruce	Harris	Norris	Swanson
Burton	Harrison	Nye	Thomas, Idaho
Capper	Hastings	Oddie	Thomas, Okla.
Caraway	Hawes	Overman	Trammell
Copeland	Hayden	Phipps	Tydings
Couzens	Heflin	Pine	Vandenberg
Curtis	Johnson	Pittman	Wagner
Dale	Jones	Ransdell	Walsh, Mass.
Deneen	Kendrick	Reed, Mo.	Warren
Dill	Keyes	Reed, Pa.	Waterman
Edge	King	Robinson, Ark.	Watson
Edwards	La Follette	Robinson, Ind.	Wheeler

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is unavoidably absent because of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is still detained from the Senate Chamber on account of illness. I will let this announcement stand for the day.

Mr. WHEELER. My colleague the senior Senator from Montana [Mr. WALSH] is detained from the Senate by illness.

Mr. McKELLAR. My colleague the junior Senator from Tennessee [Mr. TYSON] is absent owing to the death of his mother.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate by reason of illness in his family.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Eighty-four Senators having answered to their names, a quorum is present. The Senator from Wisconsin [Mr. BLAINE] is recognized.

Mr. BLAINE addressed the Senate. After having spoken for about an hour,

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. BLAINE. I yield.

Mr. REED of Missouri. With the Senator's permission, I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Shipstead
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smoot
Bingham	George	Mayfield	Steck
Blaine	Gerry	Neely	Steiwer
Borah	Glenn	Norris	Stephens
Brookhart	Goff	Nye	Swanson
Broussard	Harris	Oddie	Thomas, Idaho
Bruce	Harrison	Overman	Thomas, Okla.
Burton	Hastings	Phipps	Trammell
Capper	Hawes	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Copeland	Heflin	Ransdell	Wagner
Curtis	Jones	Reed, Mo.	Walsh, Mass.
Dale	Kendrick	Reed, Pa.	Watson
Deneen	Keyes	Robinson, Ark.	Wheeler
Dill	King	Robinson, Ind.	
Edge	La Follette	Schall	
Edwards	McKellar	Sheppard	

Mr. NORRIS. Mr. President, I wish to announce that my colleague, the junior Senator from Nebraska [Mr. HOWELL], is absent on account of illness.

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

Mr. BLAINE resumed and concluded his speech, which is entire, as follows:

Mr. BLAINE. Mr. President, yesterday I introduced a resolution in the form of a reservation to the pending multilateral treaty. At that time I gave notice that I would formally present the resolution at an appropriate time and before a vote was taken upon the resolution to adhere to the treaty.

The resolution which I introduced is for the purpose of removing from the multilateral treaty the reservations made by the British Empire during the course of diplomatic exchanges. Before taking up an analysis of that situation I want to address myself to some general propositions in connection with the proposed treaty.

I listened with a great deal of interest to the very able presentation made by the Senator from Idaho [Mr. BORAH] in reporting the peace pact to the Senate. I am not altogether in disagreement with his contentions. However, in my humble opinion, he has failed to recognize what I believe to be the actual situation with reference to this proposal. I understand the chairman of the committee concedes that the notes exchanged during the negotiations have the same effect as do reservations, but he also contends that what the notes proposed to reserve was already reserved in the text of the treaty. With that contention I do not agree.

I concede that the right of self-defense is an inalienable right, held by individuals and groups of individuals organized in a social compact from which results sovereignty, and that that sovereignty can not alienate the right of self-defense. However, that sovereignty may, through its constituted authority, suspend that right through inaction or through failure to call upon the necessary instruments of the sovereign to enforce the right of self-defense.

This pact, however, does not mean what it says. It is like the commandment handed down to us from Mt. Sinai to the effect that "Thou shalt not kill."

The junior Senator from New York [Mr. WAGNER] said that, in effect, was the pronouncement of this peace pact—"Thou shalt not kill." We all recognize, however, that that commandment is subject to many modifications, limitations, and conditions. It is conceded that the commandment "Thou shalt not kill" does not mean what it says, and never did mean what it says. Individuals and governments have never recognized, under all circumstances, the validity of the prohibition of that commandment.

It has therefore been interpreted to mean "Thou shalt not kill," except in self-defense. The individual may kill when he is assailed and his life is put in jeopardy. That commandment has been modified to the extent that there is the right to kill through judicial process; that the state and the government may take human life notwithstanding the commandment "Thou shalt not kill." That commandment does not prohibit wholesale killing; it does not prohibit in the affairs of men and nations the right to kill, to take human life, individually so far as the individual is concerned, and by the sovereign in wholesale so far as the sovereignty is concerned.

I concede that this treaty on the question of self-defense goes no further than to say "Thou shalt not kill" except under certain circumstances, and I shall deal with those circumstances in a few moments. I therefore come to the same conclusion as does the chairman of the committee, that the right of self-defense, the right to take human life when the sovereign is assailed, exists with or without this treaty. I do not concede, however, that this Government may exercise that right under what I believe to be the correct interpretation of the Monroe doctrine except to a very limited extent.

The Monroe doctrine has been construed to suit those whose interests were best served by some particular construction. The Monroe doctrine as announced by President Monroe in two or three fragmentary paragraphs of a message which was sent to Congress a little over 105 years ago, as President Monroe meant it and as it had been adhered to for a hundred years, meant only two things: First, that there should be no colonization of the territory known as the Territory of Oregon. The purpose of that fragmentary portion of the Monroe doctrine long ago ceased to exist. Colonization of that Territory is no longer threatened. That leaves but one other provision of President Monroe's pronouncement in effect as a national policy for America, and that policy must be interpreted in the light of the day and the conditions under which the pronouncement was made.

America, at that time at least, so President Monroe conceived, was threatened by the invasion of monarchial systems of government. President Monroe recognized that here on the Western Continent democracy and monarchy could not abide together, and therefore proclaimed that the monarchial system of government should not be permitted to obtain a foothold on the Western Hemisphere. That is the extent, and the limit of the extent, to which the Monroe doctrine goes, although that, it is true, involves the question of self-defense, the defense of our democracy, our republican system of government against the tyranny of a monarchial system of government.

The Monroe doctrine does not carry with it the whole general doctrine of self-defense, but only a self-defense limited to this hemisphere alone and limited to the proposition that no foreign government should ever attempt to establish the European system of government upon the soil of the Western Hemisphere. To that extent the Monroe doctrine, the right of self-

defense, so limited, is fully protected and covered by the text of the treaty, except in so far as the reservations that have been made by way of diplomatic notes have circumscribed that limited right of self-defense in this hemisphere.

The right to protect life and property, the duty of a sovereign to protect the lives and property of its citizens does not come from the Monroe doctrine. Moreover, the right or the duty to protect the property and the lives of the nationals of a country is, as well, a limited duty.

The duty existing between the sovereign and the subject involves relationships whereby no subject has the moral right to place in jeopardy the peace of his country, whether his process is by way of investments in foreign lands or by way of adventure.

No American citizen has the unlimited right to sail the seas of the world, to go wherever he may choose. That right ceases when he approaches the imminent possibility of involving his Nation in a war.

Moreover, the right of a citizen to protection of life and property is further limited. Daniel Webster, when he was Secretary of State, laid down the proposition, in effect, that citizens going into another territory must abide by the laws of the country to which they went, and respect the decisions of the courts of that country so long as those courts were open to them equally with the citizens of that country. Blaine, when Secretary of State, in the Mafia affair in New Orleans, reiterated that doctrine. He went further in carrying out that doctrine by asserting that America owed no responsibility to those who were set upon by an unlawful mob so far as compensating them or their dependents for injuries or loss of life was concerned. He said that America afforded to them identically the same protection that she afforded to her own citizens, and that when one of our own citizens has been set upon by a mob, that citizen has recourse to the courts of this Nation. He may there seek his remedy; and Secretary Blaine said that we could not guarantee or extend any other or different or enlarged protection to the citizens of another country. So that doctrine has its limitations, and is not affected by the proposed treaty.

Therefore I consider as important the reservation respecting the treaties of Locarno, the treaty of Versailles, the treaties of alliances, and the treaties of neutrality. They have all been incorporated into this peace pact by reservations called interpretations as effectually as though they were written into the text of the treaty itself.

I want to turn my attention just for a few moments to our relationship with those treaties if this peace pact is adhered to by this body.

It has been said by the British premier and by our own Secretary of State that the treaties of Locarno are not inconsistent with the provisions of this treaty. If that is true, if their design is the same as the Paris pact, then it is immaterial whether the reservation relating thereto is made or not. But we here to-day may not have a full understanding and appreciation of the ultimate effect of the treaties of Locarno. If they look to the same end, effectuating the same purpose, then with respect to them I have no concern; but we come to the more important treaties, the obligations of the various nations joining in them which have been preserved by the diplomatic notes by way of interpretation, and suggest that by this treaty and by those notes we will be involved in foreign entanglements, enmeshed to such an extent that America will be drawn, actually or constructively, into every conflict that may arise from the treaties of alliances and the treaties of neutrality.

Our own Secretary of State, in his diplomatic notes, has stated that he is not informed as to the terms or conditions of those treaties, and therefore he can not speak about them; yet America's representative proposes that we shall take a step in the dark and adhere to this treaty with interpretations ingrafted into it and upon it concerning alliances of which we have no knowledge.

We may not be legally bound by those treaties; but in honor, in good conscience, we are estopped, when any of those nations attempt to put those treaties into effect, from asserting what America believes to be the path of rectitude. When Great Britain, France, and Italy, or whatever countries may have joined in those alliances, find it necessary or desirable to put into effect by force of arms the provisions of those treaties, America can not sit by except in silence, even when she will or may observe the exercise of the greatest brutality that was ever known in the world, the extension of a tyranny the like of which never has been conceived by man. Yet by this treaty, with the reservations and interpretations, we recognize the treaties of alliances and the treaties of neutrality and we are in honor estopped from asserting that which America ought to assert and which she has asserted in the past in the interest of suppressed and repressed humanity.

I therefore can not join my vote with the votes of those who support this treaty under those circumstances.

Moreover, one of the interpretations particularly keeps in force and effect, as between the nations signatory to that treaty, the League of Nations. I need not, for the purpose of this debate, discuss the provisions of the treaty of Versailles with its League of Nations; but, as for me, I do not propose to cast my vote in a way that may place America in the future in a position where it will be estopped from taking action against international crimes and international bandits.

I therefore express the hope that the Senator from New Hampshire [Mr. MOSES] and the Senator from Missouri [Mr. REED] will present their resolution in the form of a reservation to the pending treaty. I think the contest over this Paris pact should continue until we have convinced our own consciences, at least, that America should not join that which has been described as nothing more than a noble gesture.

Mr. BRUCE. Mr. President, will the Senator yield to me for just a moment to ask a question?

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I do.

Mr. BRUCE. I have been reading the resolution offered by the Senator, and it seems to me that its effect, if it should be adopted, would be entirely to shut out Great Britain as a party to the Kellogg pact. The Senator from California [Mr. JOHNSON] pointed out yesterday, or the day before yesterday, that the assent of Great Britain to the treaty was expressly given subject to the condition precedent that her signature was to be taken as in no way impairing her right, as a matter of self-defense, to repel any attack upon any region in the world the welfare of which was a matter of peculiar concern to her. It seems to me that if this resolution should be adopted by the Senate, that condition precedent would not be complied with, and Great Britain would not become a party to the treaty at all. I think the Senator will admit that our failure to obtain the assent of Great Britain to the Kellogg pact would create quite a void in it.

Mr. BLAINE. Mr. President, I think the price the Senator asks is too dear a price to pay for this so-called noble gesture.

I understand that the treaty has been proclaimed as transcendental. I submit that the treaty is clothed in beautiful words, it permits of the highest emotionalism, it encourages a veritable Niagara of extravagant declarations as to the great moral force it may be, but I notice that while many of its proponents proclaim that this treaty is a moral gesture, transcendental, at the same time they are voicing their approval of the treaty they are packing their ammunition belts with shot and powder.

I also observe that the treaty is so sublime that we propose to enter into a competitive struggle in supplying ourselves with implements of war and destruction. Beautiful sentiments are uttered, full of great possibilities for the onrush of emotionalism, but the treaty itself, weighted down by the reservations, contains the fertile soil for all the wars of the future.

I would support that noble gesture, I would adhere to that treaty, with the understanding that any interpretation, condition, or reservation contained in the diplomatic notes exchanged during the negotiations for the treaty should not imply any admission of any reserve not contained in the text of the treaty itself. That would make it more than a noble gesture. If the nations would subscribe to an unconditional treaty outlawing war, and withdraw their interpretations and their reservations, then we might be taking the first step toward peace, but I do not believe even then it would be a substantial step.

Humanity is burdened with its inherent weaknesses. There has been no progress made in the world down the path carpeted with velvet. In the march of progress there has been no bed of roses.

I conceive of no order of things designed by the Ruler of the Universe whereby we can have a standardization without death and decay. Mankind has trod this earth from his inception in a constant struggle for existence, assailed by the elements, assailed by pestilences, assailed by war, all in defense of what humanity regarded as essential for its perpetuity. Then it is proposed, by mere verbs, by mere nouns and adjectives, that the centuries-old frictions of humanity are to be wiped out.

We can not promote peace by mere words. Slogans have never saved civilization. Slogans have had their blighting curse in all governments and in all times.

We heard much during the World War of making the world safe for democracy, of putting an end to all wars. We now all know that it was a lie, and every slogan a lie.

Slogans are designed for the purpose of falsehood; they are the instruments of tyranny. We will outlaw war when we recognize realities and deal with realities instead of writing

beautiful phrases and manufacturing slogans, the fabric of which future generations will know is falsehood. We will outlaw war when and only when we outlaw the causes of war.

Mr. President, writers and publicists, in discussing the multilateral treaty, have stated and reiterated that the worst that can be said of the treaty, and the most that can be said for the treaty, is that it is a gesture toward peace. Other writers and publicists have said that at the worst the treaty can do no harm and that it may do some good. Proponents of the treaty appear to hold to the same opinion and urge that the virtue of the treaty will be its moral effect upon international relations in the future.

A study of the proposed treaty and the diplomatic notes exchanged during its negotiation, to my mind, can lead to but one conclusion, namely, that it is a one-sided declaration of British policy.

While the Kellogg treaty is couched in idealistic phrases it is but a pious declaration interspersed with pretenses and hypocrisy in a maze of reservations and interpretations. This formula for peace proposes to stabilize and legalize the spoils of war obtained by the greatest empire of the world. The peace designed by this treaty is the peace of the status quo of the Versailles treaty.

It is called a multilateral treaty. It is that in name only. In its essence, in its importance, and in its accomplishments, it is a unilateral treaty with a multilateral concurrence, granting substantial and far-reaching guaranties to a single nation. I emphasize by repeating that that which the treaty does is unilateral. It is one-sided. That one-sided bargain is entered into by all signatory nations, and they agree to a sole benefit in the interests of a single nation; and that benefit is not peace for either that nation or for any other.

What benefits to mankind will flow from this treaty? What is the consideration for this agreement? The proponents of the pact will reply that war is renounced—the renouncement of war as an instrument of national policy.

I ask, sir, what war is renounced?

It is clear that, with the interpretative notes and reservations, there is no renunciation of war.

There is no renunciation of war in self-defense. There is no renunciation of war against any state which breaks the treaty. There is no renunciation of war in execution of obligations under the covenant of the League of Nations. There is no renunciation of war in the execution of obligations under the Locarno agreements. There is no renunciation of war in the execution of obligations under treaties guaranteeing neutrality, including the French, Italian, British, and other alliances. There is no renunciation of war on any continent of the world wherever the British flag flies—and that flag is unfurled on every continent and in every clime. There is no renunciation of war whenever the British Government decides that she has a special and vital interest in any portion of the world.

The wars I have mentioned are the only wars that have been fought since Cornwallis surrendered at Yorktown. The only war renounced is the war that never has happened in our time and in the very nature of things never will happen again.

Professor Borchard, of Yale University, states the case clearly when he writes:

> Considering these reservations, it would be difficult to conceive of any wars that nations have fought within the past century or are likely to fight in the future that can not be accommodated under these exceptions. Far from constituting an outlawry of war, they constitute the most solemn sanction of specific wars that has ever been given to the world.

It is argued by proponents of the treaty and by our Secretary of State that the wars to which I have referred are left in exactly the same status as though this treaty were never proposed. I concur in that contention. I have no doubt about it. If that were all the treaty did—if the treaty merely preserved the war status in relation to such wars; if the treaty left to the judgment of the nations the institution of such wars—indeed, the treaty would be negative—in fact, worse than negative, and positively useless—a sham.

As a negative proposition, as a mere skeleton, inert and impotent, the treaty is being exaggerated far beyond its importance by its proponents.

But the treaty takes on a more significant aspect than that. It has a positive, potent, and substantial purpose—a one-sided purpose.

I urge upon the Senate that the most careful consideration should be given to that purpose. The country should be informed of that purpose. The ratification of this treaty should not be jammed through until there has been full opportunity not only for discussion in this body but as well an opportunity for the people of this Nation to acquaint themselves with the actual purpose and design of the treaty as modified by the interpretative notes and diplomatic correspondence.

I shall not go into the multitude of notes exchanged during the negotiation of this treaty. It is important, however, to set down a few historical facts.

In April, 1928, the Government of the United States dispatched a note to the Governments of Great Britain, France, Italy, and Japan. That note was received by those Governments on April 13 last. That note is published in the memorandum issued by the American State Department and publicly distributed. It is not essentially material to discuss the contents of that note.

On May 19, 1928, the British Government replied to the American note of April 13. The British reply acknowledged the receipt of the American note, together with copies of correspondence between the United States and the French Government on the subject of the treaty. Of course, it is understood that the American Government had been, over a long period of time, exchanging notes with the French Government respecting a treaty. It is that treaty which is discussed in the American note of April 13 and the British note of May 19.

The British note is carefully drafted, and the text of the note is divided into paragraphs, each paragraph bearing its number, from 1 to 13, inclusive.

At the same time that the American note of April 13, including the American draft of the treaty, was dispatched, the French Government dispatched a note to the same countries, including a draft of the French proposal.

The British note of May 19 discussed all questions referred to in the American and French correspondence. However, the British note introduced a new proposition and embodied that proposition in paragraph 10 of her note.

All questions had been raised as to the relative rights of nations. Up to May 19, 1928, they had been discussed by the various governments with which our Secretary of State had had exchanges. On May 19, 1928, the British Government conceived that now was her opportunity to fit in the missing link of the League of Nations, to take that missing link and insert it into the Paris peace pact. I want to quote in full this new proposition.

It will be understood at this time that Article X of the League of Nations guaranteed the territorial integrity of all nations joining in that covenant against external aggression. However, the treaty of Versailles and the covenant of the League of Nations did not guarantee the territorial integrity of any nation against internal aggression. That will be clearly comprehended when I recall the fact that President Wilson in his 14 points announced the right of self-determination, the right of the people to set up a government of their own choice, recognizing the policy that made this Government of ours possible.

But as a result of the war Great Britain found herself in possession of a large portion of the earth. No guaranty contained in the covenant of the League of Nations would perpetuate her dominion over the countries without their consent. The missing link in the covenant of the League of Nations was a provision guaranteeing territorial integrity against internal aggression. Herein is exhibited the tact, the skill, the shrewdness of British diplomats. Sir Austen Chamberlain said: "Now is the time to take the link missing from the league and put it in the Paris pact and complete the chain that binds 400,000,000 lives to the dominion and tyranny of the British Government." Paragraph 10 of the British note completes that chain. I will read it; it is familiar to all Senators.

(At this point Mr. BLAINE yielded to Mr. REED of Missouri, who suggested the absence of a quorum, and the roll was called.)

Mr. McLEAN. Mr. President, before the Senator proceeds I should like to ask him a question.

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. BLAINE. Certainly.

Mr. McLEAN. Has the Senator had his attention called to the obligations of the new multilateral treaty which Mr. Hughes is negotiating with the South American Republics? I have not seen it published.

Mr. BLAINE. I know nothing about the terms of that proposed treaty; I have not even seen it in the newspapers, as Will Rogers might say.

Mr. President, I am going to read paragraph 10 of the British note. I know Senators have read it, but I wish to read it again. I do not believe that its importance can be overemphasized. Before reading it, however, I wish to reply to the Senator from Idaho [Mr. BORAH]. It was the Senator's view that paragraph 10 of the British note was analogous to a reservation of self-defense, but when we interpret an instrument we must take the

whole instrument and not any separate paragraph of the instrument. Attention must be called to the fact that the question of self-defense was the general question, broadly treated, in the exchange of notes between the various countries. Great Britain so recognized it; the British Secretary of State for Foreign Affairs was familiar with that correspondence; and so in paragraph 4 of the British note of May 19 that proposition is discussed, and Sir Austen Chamberlain says:

4. After studying the wording of article 1 of the United States draft, His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable, and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

There was the whole proposition of self-defense conceded, admited, agreed to. I am sure that we can not fairly interpret the British note by any claim that paragraph 10 is a reservation of the general right of self-defense. Paragraph 10 is a specific paragraph dealing with specific matters outside of and beyond all question of self-defense. It is as follows:

10. The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered.

That is the instrument of an assailant and not the reservation of a pacific man or nation. Further reading from the note:

Their protection against attack is to the British Empire a measure of self-defense.

Not the general doctrine of self-defense, but a specific system of self-defense engrafted upon this multilateral treaty.

Reading further:

It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

That is the British declaration of policy. That is the one-sided declaration of policy. That is the only public policy, the only international policy, recognized by this treaty. The renunciation of war is wholly cast aside in all these instances, and we propose to acknowledge and recognize a declaration of a British public policy heretofore unknown to all the nations of the world.

Now, observe the keenness of the British diplomat, the subtlety—and I say this without implying——

Mr. KING. A Machiavellian spirit?

Mr. BLAINE. Well, I do imply a Machiavellian spirit—but without implying any degree of distrust in the ingenuity of the British diplomat. This is not a part of the British policy which I am about to read from paragraph 10; but Sir Austen Chamberlain declares:

The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

A very gratuitous expression or piece of advice.

But the British Government conceives the Monroe doctrine entirely different than it was conceived by President Monroe, by President Cleveland, by Secretary of State Daniel Webster, or James G. Blaine, or Theodore Roosevelt during his first term in the presidential chair.

The Monroe doctrine has never acknowledged any special or vital interest of America in the Western Continent. It has simply declared that we would not tolerate the implanting of the foreign system on this continent. Seductive, however, is Sir Austen Chamberlain. He is very anxious to have the Monroe doctrine given the broadest interpretation, without latitude, without boundary lines, without a hitching post; so he made this very seductive declaration expressing the intention and meaning of the United States Government.

Now, let us analyze this note of May 19 just a little further in the interpretation of paragraph 10.

On July 18 there was another note from the British Secretary of State for Foreign Affairs, Mr. Chamberlain, to the American Government. In that note Mr. Chamberlain reiterates not this proposition of the right of self-defense generally but this new-found declaration of public policy of the British Empire. You will find it on page 48 of the publication issued by Mr. Kellogg. He says:

As regards the passage in my note of the 19th of May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

Can anyone, in placing a fair interpretation upon this treaty, suggest or argue with any degree of conviction that paragraph 10 is not a new proposition; that it deals only with the question of self-defense? I think not. It is a specific provision, a specific article in a document which becomes a part of the treaty as effectually as though it were written into the text of the treaty.

Now, just follow Mr. Chamberlain one step farther.

Following the paragraph which I have just read from page 48, he again discusses not this new declared British policy but the general question of self-defense. He says:

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th of April that the proposed treaty does not restrict or impair in any way the right of self-defense, as also with his opinion that each State alone is competent to decide when circumstances necessitate recourse to war for that purpose.

It does not make any difference what may be the interpretation given to paragraph 10 by the distinguished Senator from Idaho; but his interpretation is not the interpretation of Mr. Chamberlain, and it is Mr. Chamberlain's interpretation that will prevail, because his interpretation is written into the treaty itself through this note as a reservation or interpretation. The words of the Senator, so forceful in the Senate, will fall without effect when the British Government decides to put into effect this new one-sided, self-serving declaration of British policy.

What we may think about it here to-day, what Senators who propose to support this treaty may think about it, will avail nothing when the time comes that British interests require that the full force of paragraph 10 shall be put into effect as against America and the world.

Mr. KING. Mr. President, will the Senator suffer an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I do.

Mr. KING. I have read the notes submitted by Sir Austen Chamberlain, as well as the notes submitted by the various other governments so far as they have been published. It seemed to me that the interpretation to be placed upon the notes of Sir Austen Chamberlain, taking them in their entirety, is this:

Great Britain has certain areas of territory in which she claims a vital interest, much the same—and I add this parenthetically—as we claim a vital interest in the Panama Canal, and claim to have certain interests under the Monroe doctrine in Latin-American Republics. We sign this treaty with the understanding that with respect to those territories in which we have a vital interest we shall be permitted to adopt and apply the law of self-defense, and that we are the sole interpreters of when and where and how to enforce that law of self-defense, to the same extent as the United States may apply the law of self-defense under the Monroe doctrine when it believes—and it is the sole judge—that its rights are affected.

It seems to me that that is all that Sir Austen Chamberlain means. Great Britain has the right of self-defense not only to defend the island of Great Britain when it shall be invaded; it has the right of self-defense to defend Australia when it may be invaded; it has the right of self-defense to protect the Suez Canal if it should be attacked; or any other territory over which it claims this particular and special right or prerogative. Conceding that every country signing the multilateral treaty is the sole and exclusive judge of what the right of self-defense is, and when it shall apply the right of self-defense, I can not see that these notes of Sir Austen Chamberlain enlarge the general doctrine contended for by Mr. Kellogg and by those who are supporting this treaty; namely, that the right of self-defense is inherent in every country, and is implicit in every treaty.

Mr. BLAINE. Mr. President, permit me to suggest to the Senator from Utah that Great Britain challenged the Monroe doctrine down at least to the time of the administration of President Cleveland. The Monroe doctrine, as construed by American statesmen at that time and prior thereto, was a limited instrument for self-defense—defense only against monarchical European systems. Here, however, it is proposed that we, by the ratification of this treaty, grant to Great Britain her entire claim. We will forever be estopped from asserting any other position than that taken by Great Britain. That I can not consent to do; and I will endeavor to show before I get

through why I should not consent to do it, and why I believe the Senate of the United States ought not to consent to do it.

Moreover, if the British Government may establish a one-sided declaration of public policy, then the French Government may do the same; the Italian Government may do the same; Nicaragua may do the same; Cuba may do the same; the frozen regions of Labrador may do the same. They may declare that to be their doctrine. That does not argue that we should consent to that doctrine, and estop America from asserting not only her own rights but as well the rights that may belong to other people entitled to assert their independence as we asserted our right to be independent some few decades ago.

That is my objection to paragraph 10, that if we adhere to this treaty we recognize a self-serving declaration of public policy by a single nation, and we will forever be estopped from asserting any policy contrary to that declaration.

Mr. REED of Missouri. Mr. President, I should like to make one inquiry in connection with the statement of the Senator from Utah. If it be true that the right of self-defense, properly construed, includes the right of Great Britain to do everything she has specified in her note she proposes to reserve the right to do, why did Great Britain write the note?

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I would like to have the Senator answer at some other time, if he will.

Mr. KING. I shall not trespass on the Senator.

Mr. BLAINE. I think that is a very pertinent question, and I have no doubt but that the Senator from Utah will be able to enlighten us upon that proposition. But I want to repeat, it is not what the Senator from Utah may declare on this floor; it is what Sir Austen Chamberlain has declared in paragraph 10, and his government alone will construe that paragraph, and not a Senator, or the Senate of the United States, or the United States of America. We propose by this treaty to extend an approval of that one-sided declaration of British policy.

I am going to discuss that a little later more fully. I therefore conclude that paragraph 10 of the British note has no reference to the general proposition of self-defense, that the note on the face of it sustains that contention, and that therefore it is a special provision, it has certain meanings, it will be given a certain interpretation, and I do not propose, I repeat, to place America in a position where she will be in honor bound to recognize the full force of that declaration.

Professor Shotwell, of Columbia University, the acknowledged author of the French proposal which ripened into the multilateral treaty, has written a book on this treaty. I want to qualify that statement, however. A great many claim the authorship of the French proposal of the multilateral treaty. I do not intend to deny any of them whatever honor may come to them because of their alleged authorship. My own prediction is—and I am not speaking as a prophet but drawing on the experience of the past—that it will not be many years before no American citizen will be proud of having credited to him the authorship of this treaty. I think in the years to come whoever that statesman may be he will find a more desirable environment in the British Parliament than within America.

Without any intention of reflecting upon Professor Shotwell, it can be fairly said that he is not anti-British, and his statement of the British claim in Egypt is entirely favorable to the British viewpoint. In discussing the multilateral treaty, Professor Shotwell characterizes this new-found British policy in these words:

> * * * no matter what may be the ultimate fate of the Kellogg proposal, the Chamberlain pronouncement, being a unilateral statement of British policy, will have taken its place as a formal notification of British policy in this regard.

Paragraph 10 of the British note is another article 10 of the covenant of the League of Nations. As I said, it is the missing link. That missing link has been found. It is now being neatly fitted into world affairs by the British Government. The fact is that paragraph 10 of the note is much more far-reaching than article 10 of the league covenant. Paragraph 10 of the British note proclaims the territorial integrity of the whole British domain, including her spoils of war, and by this treaty America is asked to guarantee the territorial integrity of the British Empire.

Article X of the covenant for the League of Nations guaranteed the territorial integrity of the spoils of war only against external aggression. By the conditions imposed by paragraph 10 of the British note upon the nations adhering to this treaty, we are asked to guarantee the territorial integrity of the British Empire not only against external aggression but as well against domestic and internal struggles for independence of her subject people.

I say we guarantee British dominion; we do, and a most effective guaranty; we recognize her claim of vital and special interest. We legalize that claim. By this treaty we enter into a consent decree quieting British claim of title to one-fourth of the inhabitable globe and dominion over a quarter of the world's population. We are morally bound ever afterwards to respect that decree. What Great Britain did not get under Article X of the league covenant she proposes now to acquire by engrafting upon the multilateral treaty paragraph 10 of the British note.

Great Britain's adherence to the multilateral treaty is "upon the distinct understanding" that she shall have freedom of action in those regions of the world the welfare and integrity of which constitute what she may claim to be her special and vital interest.

To make that condition more emphatic, more binding, the British Government, in a note dated London, July 18, 1928, notified the American Government that Great Britain accepted the multilateral treaty—and I am using her own language—"upon the understanding that it does not prejudice their freedom of action" in those certain regions the welfare and integrity of which she proclaims to constitute a special and vital interest for her peace and safety.

America did not join the League of Nations. America did not guarantee the territorial integrity of any of the spoils of war. America did not guarantee the status quo under the treaty of Versailles. The Senate refused to ratify the league, and through a most solemn national referendum, with a most decisive vote against the league, the American people ratified the Senate's act.

America proposed to retain her traditional policy. She did not propose to deny to other nations—smaller and weaker nations—the right of self-determination, the right of self-government, the right of independence. America proposed to grant to other peoples that which America claimed for herself on the establishment of this Republic.

That left foreign imperialism uncertain and unassured. Peoples possessing the same language, the same tradition, the same customs, the same habits, desiring a separate unity, were still assured the continuance of America's traditional policy. That left for them a ray of hope. That gave to them perseverance and courage. That inspired in those nations and races the spirit of freedom and held out to them the possibility of their own independence, to be by them acquired for themselves through whatever sacrifices they choose to make as America acquired and sacrificed on the battle fields of the American Revolution.

I take off my hat to British diplomacy. No statesmanship in the last half century has been able to cope with it. British statesmen are trained in the art. They know the game of diplomacy as do no other statesmen. We need not search far to learn the secret of the success of British diplomacy. British statesmen have but one purpose, one object, and that is the British Empire. They have no divided allegiance. They think only in the terms of Great Britain and her subjects. They are not moral crusaders in the realm of diplomacy. They pursue their object incessantly, diligently, and with a skill that befuddles other statesmen. When Great Britain did not obtain all she wanted under the league her statecraft readily found the avenues through which she might obtain her object in the multilateral treaty.

Trace the history of the diplomatic exchanges of notes just briefly. Keep in mind that the British Government in its note of May 19, 1928, pursued its purpose with a definiteness and a thoroughness that left no single proposition involved in the treaty undefined so far as she was concerned. In the course of the diplomatic exchanges is the note of June 23, 1928, from the State Department of our Government to 14 other governments, including Great Britain. In that note Secretary Kellogg summarized what was contained in his former notes and in his public addresses, to which reference is made in the diplomatic correspondence.

The Secretary of State treated with candor and frankness all of the propositions, conditions, interpretations, and reservations that had been made during negotiations, except as to one proposition. He defined the reservations and interpretations in their relation to the multilateral treaty in the following order: (1) Self-defense; (2) the league covenant; (3) the treaties of Locarno; (4) treaties of neutrality; (5) relations with a treaty-breaking state; (6) universality.

But lo, he is as silent as a tomb on paragraph 10 of the British note of May 19. And this is significant. He did not discuss paragraph 10 of the British note with candor and frankness; in fact, he did not discuss it at all, either in his explanatory note of June 23 or any subsequent or prior notes that were

exchanged during negotiations. At least, if he discussed paragraph 10 of the British note he has not so informed the Senate or the public.

Now, I am not criticizing our Secretary of State for failure to discuss paragraph 10 of the British doctrine. I know that the subject raised by Great Britain is a sensitive one. I know that the policy pursued by our own Government in the last few years in our relations with Central and South America has caused a sore that briny liquid irritates. I know that the interpretation of the Monroe doctrine by modern statesmen has gone far afield from the purposes of President Monroe, who announced that doctrine a hundred and five years ago.

Of course, the British Secretary of State for Foreign Affairs, Mr. Chamberlain, is quite familiar with the history of the Monroe doctrine and the application that has been made of that doctrine by America in the last quarter of a century.

So Mr. Chamberlain, in paragraph 10 of his note, gently taps the shoulder of our Secretary of State and reminds him of that history and the modern interpretation given to the Monroe doctrine. He whispers to our Secretary of State and says, "Now, Mr. Secretary, I do not expect you to talk about this. I do not want to embarrass you, and so I have given expression as to the intent and meaning of your Government in applying the Monroe doctrine. Now, you can keep still about it. I will accept your interpretation of the Monroe doctrine, and I will apply it to the multilateral treaty and extend its scope to embrace all that was guaranteed to His Majesty's Government under Article X of the covenant of the League of Nations, and then I will give it a little broader effect so that the modern interpretation of your ancient Monroe doctrine may be extended to the British Empire, without territorial limitation, either as to lands or people, and you, Mr. Secretary, may keep still about it." And he has kept still.

Mr. President, it was the greatest betrayal of America and her interests that could be conceived by any public official having the authority and the power to engage in diplomatic correspondence with a foreign government, and the betrayal is stamped with an utter silence.

Now, of course, those are not the words of Mr. Chamberlain spoken to Mr. Kellogg, but those words accurately picture the British claim under paragraph 10 of the British note, and the silence of our State Department on that reservation.

I am not unmindful of the excuse that will be offered for the silence of Mr. Kellogg. That excuse will at once hark back to a certain pronouncement made by the British Government in 1922 respecting Egypt.

But that is not what the British Government says in her note. She does not limit it to a region. Her reservation in paragraph 10, while indefinite, leaves the door open for Great Britain to claim application of the doctrine announced to any region of the world in which she may have any interest. Great Britain uses the words of diplomacy. They are indefinite, misleading, subject to such construction as she may desire to place upon them, as may serve her purpose in the future.

I am criticizing the policy announced. I do not care whether it refers to one region or many regions, whether it is Egypt or India, whether her reference is to a mandate or a protectorate.

If her reference is to Egypt alone, my objection is emphasized, because Great Britain has broken her word of honor, given to the Egyptian people in 1914. She then promised Egypt independence. She now denies to Egypt independence.

And the curse of this treaty is that we recognize and legalize her betrayal.

The Egyptian people, relying upon that word of honor, contributed to the British Empire 1,000,000 of her young men to fight in the World War that democracy might be made safe in this world, that the right of self-determination might be established; but the sacred word of the British has betrayed the Egyptian people and betrayed the spirit of every Egyptian boy that lies under the sod of an allied battle field. Then we are asked in the Senate of the United States to place America in a position where we will be estopped from protesting that betrayal.

Argue as we will, temporize as much as we please, talk as long as we may, we can not explain away the fact that the British Empire has declared a new British policy to which we are asked to adhere, and when we do adhere we are estopped to deny it.

I realize it will also be contended that the interpretations, conditions, and reservations are no part of the treaty. It is true that they are not a part of the text of the treaty before us. It must be conceded, however, that treaty obligations other than the League of Nations have for their sanction only moral forces.

The success of the multilateral treaty must depend alone upon the good faith of nations. The nations adhering to this treaty plight their faith and pledge their word of honor, and the sanction rests in the conscience of the nations and their peoples.

By the same token, by the same plight of our faith, by the same pledge of our word of honor, by the same conscience of our Nation and our people, the interpretations and the reservations have their sanction.

It does not make any difference whether we call the notes that have been exchanged interpretative notes or conditions precedent, or reservations; as those terms relate to diplomatic intercourse they are analogous and interchangeable. The difference in their meaning and purport is only the difference between tweedledum and tweedledee.

In good faith we propose to adhere to this treaty. We plight our faith, we pledge our honor, and we plight that faith and pledge that honor as the sanction for every interpretation, every condition, and every reservation contained in the diplomatic notes.

Mr. REED of Missouri. Mr. President, if it will not interrupt the Senator, I should like to call his attention at this time and on this point to the fact that it has been claimed that there is no necessity for in any way mentioning the Monroe doctrine in any reservation or resolution of the Senate, for two reasons: One of them is that it is claimed that it is a doctrine of self-defense. But there is another reason that was advanced in the committee and has been advanced upon the floor, namely, that Great Britain had recognized the Monroe doctrine in a note from Chamberlain; that was an admission by Great Britain of the validity of the Monroe doctrine. If that is true, then certainly we equally recognize the claim of Lord Chamberlain to Great Britain's Monroe doctrine.

Mr. BLAINE. Exactly; and we recognize the interpretation of the Monroe doctrine given by Sir Austen Chamberlain in applying the new British doctrine.

On this same proposition, in some of the notes exchanged in the negotiations for the treaty, the interpretations and reservations are expressly reserved, and the treaty has been entered into upon express conditions and understandings. I will note briefly these reservations, conditions, and understandings.

In the Japanese reply to the United States invitation, her signature to the treaty is upon the understanding that it contains nothing that would refuse to independent States the right of self-defense, and other alleged rights.

The Union of South Africa, by the British Secretary of State for Foreign Affairs, puts its willingness to become a party to the treaty on the condition that certain conditions be granted.

Now, let us look into those conditions.

The British Government, in her note of May 19, clearly announces that her willingness to join in the treaty is upon the distinct understanding that it does not prejudice her freedom of action in certain respects concerning the territorial integrity of her domain.

The French note of July 14 summarizes the interpretations, at least four of them, stating what France believes to be the interpretation of the treaty, and in conclusion states that under such circumstances and in such situation she is willing to sign the treaty.

The Government of Poland, in its note of July 17, takes note of at least three of the interpretations.

Then, as I have already stated, in the British note of July 18 last, the British Government expressly declares that it accepts the new treaty upon the understanding that it does not prejudice her freedom in certain regions of the world.

The Czechoslovakian minister, in his note of July 20, recites interpretations or reservations and expresses the willingness of his Government to join in the treaty, but makes it plain that the letters and diplomatic notes indicate the meaning and the significance that is to be attached to the multilateral treaty.

Who can say, therefore, that we are not bound or that any nation is not bound by the interpretations, conditions, or reservations contained in the diplomatic notes? This treaty has been joined in by certain nations upon a condition precedent. That condition is certain interpretations, certain definitions, and the nations have joined with the absolute and expressed understanding that they join on the conditions precedent; and therefore it follows as night follows the day that whatever interpretation, condition, or understanding agreed to in the diplomatic notes exchanged in the negotiation of this treaty constitute a part of the obligations entered into, morally binding upon all nations adhering thereto and having notice thereof.

Moreover, I call your attention to paragraph 7 of the British note of May 19, where in discussing the relations with a treaty-breaking state it is stated that means can be found of placing the understanding in relation thereto on record in some appropriate manner, "so that it may have equal value with the terms of the treaty itself." Observe the keenness of British

diplomacy—"So that it may have equal value with the terms of the treaty itself."

The device used in bringing about this treaty is the same device that was used in the negotiations at Locarno, and so the interpretations or conditions or reservations contained in the exchange of notes are contemporaneous with the treaty itself, binding in good morals, in good conscience, in good faith, and in the code of honor as is the treaty itself and having for their sanction the same sanction as for the treaty itself, whatever the treaty may mean.

Is there anyone who proposes that we shall not abide by the interpretations, conditions, and reservations contained in the diplomatic notes? Are we to adhere to this treaty with the mental reservation that we will or may with impunity disregard the so-called interpretative notes whenever it suits our purpose? Do we propose to announce to the world that we adhere to this solemn obligation and at the same time disclaim an obligation to adhere to the reservations or interpretations of which we have knowledge?

If we do, if that is to be the attitude of America, then we will stand before the world as hypocrites, naked of honor and destitute of morals or conscience.

In my opinion there can be no quibble over the proposition that we are as firmly bound to acknowledge and to observe the interpretations, conditions, and understandings imposed in the negotiation of this treaty as we are, in good faith, to observe the text of the treaty.

There are other circumstances in connection with this subject which I may appropriately call to your attention at this time. Some governments are not adhering to the treaty except upon conditions subsequent to the treaty.

On December 28 I directed a communication to the Secretary of State asking him to furnish me a copy of all the notes precedent and subsequent to the signing of the treaty which had been exchanged among the several nations. Up to this time I have received no reply to that request. Therefore I am in no position to discuss from the record the conditions subsequent which have been imposed upon the various nations, but I have been able to gather fragmentary portions of conditions subsequent on the part of nations that have adhered to this treaty.

The Egyptian Government objects to the new imperialistic policy of Great Britain, and declares that the peace of the world can not be assured when Great Britain's imperialistic enterprises have no other justification than force. The Egyptian Government, therefore, adhered to the treaty on condition that there should be no implication of any admission of any reserve whatever.

The Persian Government, another government under the domination of the British Empire, in its adherence to the treaty, declared that—

> the reservations made by certain powers do not create on the part of Persia any obligation to recognize anything susceptible of contravening its territorial and maritime rights and possessions.

The Turkish Government, in adhering to the pact, did so without reservation, bound only by the text of the treaty, to the exclusion of all interpretations, conditions, or reservations that are not an integral part of the treaty.

Afghanistan, another nation over which the British Empire proposes to perpetuate its dominion, is in accord with Persia.

The Soviet Government declared on adhering to the treaty that—

> inasmuch as the note of the British Government has not been communicated to the Soviet Government as an integral part of the compact or its supplement, it therefore can not be considered obligatory for the Soviet Government.

The Soviet Government of Russia, in adhering to the treaty, declares against the reservations.

The Indian Empire, consisting of 319,000,000 men and women, has no one to speak for it except Great Britain, which exercises complete dominion over the Indian people. However, the people of India, not so unlike other peoples in past centuries, have that spark which may at any moment ignite a conflagration that will bring to them their independence. The people of India have their Franklins; I do not propose to deny to them their Lafayettes, their Kossuths, their Von Steubens, their Kosciuskos, or their De Kalbs. The people of India have sent to America their representatives, as the colonies went from port to port in Europe through their representatives in aid of the war that made our Nation possible.

To America to-day the people of India are speaking their hope through a woman from India. Sarojini Naidu—a cultured, refined, and intelligent representative of the people of India, trained in the great universities of Great Britain—speaks at least the spirit of India and the voice of India so far as an unofficial representative of an organized people can speak it.

I hold in my hand a telegram from that unofficial representative dated January 8, addressed to myself, which I ask to have read from the desk.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Without objection, the telegram will be read.

The legislative clerk read as follows:

NEW YORK, N. Y., *January 8, 1929.*

Hon. JOHN J. BLAINE,
Senate Office Building:

The issue you have raised in the course of the debate on the multilateral treaty with special reference to British reservations is of momentous importance to India. To accept such reservations in their entirety is to indorse and assume responsibility for all arbitrary policies and actions which might conceivably work to the detriment of my people in their legitimate aspiration and endeavor to secure full national freedom. As an unofficial but duly accredited spokesman of my country, I question the claim of Lord Cushendun to commit India to any treaty in which her own representatives were neither included nor consulted. Though India has always upheld the high gospel of peace toward the recognition of which principle this pact in its original intentions constituted an admirable gesture she can not be held bound in all circumstances to honor any vicarious pledges made in her behalf and without her consent which deprives her of a single national or international right but she must reserve to herself complete independence of action in all its implication to establish and maintain her undeniable and inalienable birthright of political liberty.

SAROJINI NAIDU,
Ex-President Indian National Congress, 21 Union Square.

Mr. BLAINE. Mr. President, so far as the Indian people may speak, that great people has spoken.

With this record before us it is proposed that America shall be committed to an agreement that is one-sided, that recognizes and legalizes the spoils of war, that proposes that the British Empire may extend her sphere of influence, her imperialistic sway, to the four corners of the world, under a self-serving declaration of national policy heretofore unrecognized by a single nation.

President Wilson went to Paris and brought back Article X of the League of Nations. Secretary Kellogg went to Paris and brought back paragraph 10 of the British note. I repeat, what Great Britain did not accomplish under Article X of the league she proposes to consummate under paragraph 10 of the British note.

I have no intention of extending this discussion beyond reasonable bounds. Candor compels me to discuss concretely what Great Britain proposes as the price she demands for adherence to this treaty.

America having transformed the Monroe doctrine into an instrument of oppression of smaller and weaker peoples, Great Britain, by paragraph 10 of her note, now adopts the modern American policy. With the recognition of this new British imperialism by America the two great English-speaking nations of the world are preparing themselves for the contest in the division of the world—a competitive struggle for lands and commerce, raw material and material resources. Concurrent with the treaty is the big navy program; what other does it mean than war?

Why, this treaty, sir, is not even a truce. It is the beginning of the most stupendous struggle for world dominion and territorial aggrandizement. The clash may not come in our time, but this treaty portends an early conflict—the first one a commercial war, the second one none but the Infinite Mind can contemplate.

I have no doubt but that the Senators who are supporting the big navy program will vote for this treaty, or the most of them. I am not surprised that many of those voting for this treaty justify their support of a big navy. We may need it. We may be compelled to meet gun with gun, battleship with battleship. When we legalize, as we do by this treaty, British control of one-fourth of the world's habitable land, with a population of 15,000,000 more than one-fourth of the total inhabitants of the world, we draw the noose tight about our neck.

Here this mighty giant, the British Empire, with vast territory of land, with her dominion over more than one-fourth of the people of the world, the territorial integrity of which we acknowledge and legalize, with the trade routes to the Orient and Africa under her control—we now by this treaty deliver into her keeping the ports of two great continents, from which she may deny our commerce. Why, then, sirs, do you propose to make the contest an uneven one—why handicap America? Why betray America with this pretended covenant for peace? Peace! There is no peace—there can be no peace, except an

armed peace, so long as governments insist upon maintaining the causes of war.

The outlawry of war will not be brought about through slogans. War can not be outlawed through sublime declarations. War is not a state of mind. War is a state of things. War exists because certain nations propose to dominate and bully the rest of the world.

Protectorates, mandates, spheres of influence, foreign concessions, exploitation of natural resources—oil, coal, steel, precious metals, tropical plantations, monopolization of the trade routes of the world, indefensible tariff barriers; these are some of the causes of war; and war will not be outlawed until nations are willing to make their respective sacrifices until every cause of war has been removed.

You might just as well by a decree, by a noble gesture, proclaim against the invasion of a scourge. That will not prevent it, and the scourge will come unless the causes that produce that scourge are eliminated. They are not eliminated by slogans and idealistic phrases. They are eliminated when we recognize the realities. This old world of ours, after all, with all its beauty and all its poetry and all its art, recognizes that in the eternal order of things realities control.

Those causes of war to which I have referred are augmented by the terms of the harsh and unconscionable treaty of Versailles and the extension of Article X of the League of Nations by paragraph 10 of the British note.

Far worse than the threat to our commerce is our denial of the right to liberty and independence everywhere. We propose to weld tighter the steel band of tyranny and imperialism about the form of prostrate and subject people.

We by this treaty solemnly acknowledge that less than 50,000,000 subjects of Great Britain shall have the right to rule over 400,000,000 people, without their consent and against their protest.

Mr. President, is there a single Member of this Senate who can say that we are not by this treaty building up a power that is not only a menace to the peace of the world, but, as well, a menace to civilization itself?

Let us look at the world picture briefly. In Africa alone the British Government has subjugated 50,000,000 people in a territory almost equal to Canada and Mexico.

In Egypt 13,000,000 human lives are under her domination.

In India she exercises sway over nearly 319,000,000.

The United Kingdom, with a population of only 44,000,000, dominates in Europe three and a half millions of people, in Asia, 329,000,000; in Africa, over 50,000,000; in North America, over 9,000,000; in the West Indies, a million and three-quarters; in South and Central America, 350,000; in Australasia, over seven and a half million inhabitants; and in the scattered islands of the seas, nearly a million.

Of this vast multitude of subjects nearly 90 per cent are a race foreign to the Anglo-Saxon. This vast multitude of Asiatics, Africans, and Malaysians have a civilization far more ancient than that of the British. They have given to the world the greatest men; they have developed the sciences; they handed down to us laws and a literature rich in spiritual value. They constitute a great sleeping giant. In the retrogression of civilization, as we propose by this treaty, who can say that these ancient people may not some day become the salt of the earth and God's chosen people?

And yet it is proposed in the Senate of the United States that we should solemnly recognize the British Kingdom's claim of sovereignty, dominion over, and possession of these people.

I say, sir, that America, born out of the womb of revolution, can not afford to deny to those 400,000,000 people their right of independence, as they may in the future be able to assert that right. I may stand alone in this, but as for myself, I will not consent to a treaty that obligates America to recognize and respect the claim of any nation against the right of independence of other nations.

Nearly 10 years ago—to be exact, on November 18, 1919—Senator Robert M. La Follette, the senior La Follette, of my State, made one of the most memorable speeches that was ever delivered in this forum. The Senate had under consideration the covenant of the League of Nations. Under discussion was Article X of that covenant. Senator La Follette, with an unconquerable soul and an undimmed vision of the rights of smaller and weaker peoples, and with unsurpassed ability and power, and with a prophetic vision, said:

> I care not what reservations or amendments we attach to this covenant. In the final analysis it is an instrument for the preservation of the status quo. Like the Holy Alliance of 1815, it is couched in the language of idealism and peace. But, like the Holy Alliance, it will be used for the suppression of nationalities and for the prosecution of oppressive warfare.
>
> This covenant closes the doors in the face of every people striving for freedom.
>
> * * * * * * *
>
> Mr. President, we can not, without sacrificing this Republic, maintain world dominion for ourselves. And, sir, we should not pledge ourselves to maintain it for another.

He further said:

> These people do not ask that we send armies to Europe or Asia to aid them in gaining their freedom. They ask simply that we shall do nothing to hinder them in their struggle for independence from the power which once held sway over the American Colonies.

Senator La Follette was discussing Article X of the league. Take out of his speech all reference to Article X of the league, and substitute in place thereof the multilateral treaty and paragraph 10 of the British note. Then every word uttered by that great American patriot, who loved liberty and independence more dearly than his own life, is applicable with equal emphasis to the treaty under consideration. His words, which I have quoted, are as powerful against this treaty as they were when uttered against the league.

I quote but one more paragraph from his memorable speech. He said:

> The map of the world has become the map of Great Britain. It is not the work of chance. On its face it is the written confession of the guilt of British imperialists for their full share in the years of diplomatic intrigue which inevitably embroiled the world in war.

These are the regions, from Cairo to Cape Town, from the Black Sea to Singapore, from Labrador to Cape Horn, with her dominion over the islands of the sea, with America standing as the only nation with the force and resources sufficient to prevent the closing of the British imperial vise—these are the regions of the world the territorial integrity of which Great Britain demands that we acknowledge, and it is here proposed that the Senate shall give adherence thereto.

This pact commits our Nation to an impossible peace, unworthy of the traditions of America, and forgetful of that which made this Republic possible.

PRISON-MADE GOODS—CONFERENCE REPORT

Mr. COUZENS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

JAMES COUZENS,
SIMEON D. FESS,
HARRY B. HAWES,
Managers on the part of the Senate.

W. F. KOPP,
FREDK. N. ZIHLMAN,
WILLIAM P. CONNERY, Jr.,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). The conference report is received as in legislative session. Is there objection to its consideration?

The Senate, by unanimous consent, proceeded to consider the report.

Mr. ROBINSON of Arkansas. What is the amendment from which the Senate conferees receded?

Mr. COUZENS. The Senate conferees receded from an amendment put in on the floor, which I should like to have the Secretary read. It is with respect to exempting farm products.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

> On page 2, line 5, after "otherwise" insert a colon and the following proviso:
>
> "*Provided*, That this act shall not apply to the preparation or processing of farm products so as to make same suitable for use by the manufacturer in the making of any manufactured article."

Mr. ROBINSON of Arkansas. Is the report unanimous?

Mr. COUZENS. The report is unanimous.

Mr. BINGHAM. Mr. President, I should like to ask the Senator from Michigan whether all the other amendments were agreed to, including the one providing for a prolongation of the time.

Mr. COUZENS. The House conferees agreed to every amendment made by the Senate, with the exception of the amendment just read.

Mr. BINGHAM. I thank the Senator.

Mr. BROUSSARD. I understand that the amendment with reference to agricultural products was not accepted by the House conferees?

Mr. COUZENS. That is the amendment on which the Senate conferees receded. It was put in on the motion of the Senator from Oregon [Mr. McNARY] on the floor of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ALLEGED BRIBERY OF SENATORS

Mr. REED of Pennsylvania. Mr. President, I rise to a question of the highest possible privilege. As in legislative session I ask leave to submit a report of the special committee to investigate charges that certain Senators were bribed by the payment of money by foreign governments.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McNary	Sheppard
Bayard	George	Metcalf	Shipstead
Bingham	Gerry	Moses	Shortridge
Blaine	Glenn	Neely	Simmons
Borah	Goff	Norbeck	Steiwer
Brookhart	Harris	Norris	Stephens
Broussard	Hawes	Nye	Swanson
Bruce	Hayden	Oddie	Thomas, Idaho
Capper	Heflin	Overman	Thomas, Okla.
Caraway	Johnson	Phipps	Trammell
Copeland	Jones	Pine	Tydings
Couzens	Kendrick	Pittman	Vandenberg
Curtis	Keyes	Ransdell	Wagner
Deneen	King	Reed, Mo.	Walsh, Mass.
Dill	La Follette	Reed, Pa.	Waterman
Edge	McKellar	Robinson, Ark.	Watson
Edwards	McLean	Robinson, Ind.	Wheeler
Fess	McMaster	Sackett	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, as in open legislative session I wish to submit a report on a matter of the highest privilege.

This is the final report from the committee appointed by the Senate under Senate Resolution 7 to investigate propaganda or money alleged to have been used by foreign governments to influence United States Senators. Before sending the report to the desk I would like to make a brief explanation of it.

The committee was originally appointed to investigate the authenticity or falsity of a large number of documents printed in the Hearst papers supposed to have come from Mexican Government files in Mexico City and from their consulate in New York City. It was found to the satisfaction of everyone, including the experts employed by Mr. Hearst, that those documents were crude forgeries.

While the committee was studying those documents there came to our attention privately some eight photographs of pretended documents which, if they had been genuine, would have shown that two United States Senators had received large amounts of money from the soviet authorities in Europe for the purpose of inducing them to work for the recognition of the soviet by the United States. Those papers were sent to us by an American who had come upon them in Europe, who sent them without any representation that they were genuine, without any expression that they were genuine, but under what he conceived to be his patriotic duty to make them known to the Senate.

Our committee was of the impression from the first sight of the new papers that they were fraudulent, but we did not feel disposed to dismiss them without investigation. We were unwilling that it might be said now or at any time in the future that we had the slightest disposition to whitewash any one of our number merely because we had implicit confidence in his complete integrity. So the committee quietly went to work to test out or find corroboration of the new documents if it were possible that that corroboration existed. We did not make their existence public because we were unwilling that the papers should be published without at the same time having made public an expression of our judgment on their genuineness or their falsity.

The committee held its last meeting yesterday morning, and the notes of that meeting have been sent to the Printing Office for confidential printing. A draft of our report has likewise been sent to the Printing Office, together with photographs of all of the new documents. We would not have made them public until the printed copies had been received for each and every Senator's inspection had we not learned to-day that in some way the newspapers had learned about the incident and were about to publish accounts of it.

Inasmuch as we want whatever is published to be complete and to be accompanied by our verdict, it was our judgment that the report in typewritten form had best be laid before the Senate now, and the notes of our hearings on the matter can be laid before Senators as soon as they come from the Government Printing Office.

Generally speaking, I may say that the documents consisted of eight photographs of letters and receipts, including a receipt pretended to be signed by Mr. Dudley Field Malone, saying that he had received from the soviet ambassador in Paris $100,000 to be paid to "Senator W. Norris"—not "GEORGE W. NORRIS," but "Senator W. Norris."

I may say at this moment that we are convinced that all of these things are crass forgeries. Another pretended receipt bore what seemed to be a facsimile of the signature of the Senator from Idaho [Mr. BORAH] acknowledging receipt of $100,000 from Mr. Dudley Field Malone, for purposes not stated.

We have investigated the matter through every channel of investigation that has been suggested by any person in this country and abroad, both through official channels and through private channels. I myself had to go abroad last summer on the work of the American Battle Monument Commission, and while there took occasion to help in running these down, although other persons with whom we had previously made arrangements had been doing it for some time before I got there. We found where the originals are of the documents that were photographed. They are in Paris. They were offered for sale to us for $50,000 approximately, the amount being stated in French money. But the man who offered them for sale, in spite of repeated urgings on our part, had to admit that he could neither furnish us any evidence to prove their genuineness nor any evidence to show that any such transaction had ever passed through the bank, nor any evidence to show that anything of the sort had ever occurred; and he had to admit, further, that he could not give us any clue which we might follow up with any likelihood of being able to find any such cooperation. He simply offered the papers for sale at a very large price and said that if we paid him his price we could keep the papers, but he would wash his hands of the whole transaction.

Our committee is unanimously of the opinion that the papers, in so far as they tend to involve either of the Senators mentioned, are the crudest kind of forgery, and that there is absolutely no reason why any living being should attach the slightest importance to the charge which is inferred in the papers. We feel that it is only simple justice to them that we make this public statement and put an end to that current of whispering which is bound to result when such things exist, and put an end to the effort to peddle this kind of forgeries around in America. The whole business is on a par with the group of Mexican documents which was exposed so thoroughly last year .

Since we started the investigation still another forgery has come to our attention which was discovered in Mexico, sent to Washington, and was destroyed here by the officials who received it because they thought it was not worth calling anybody's attention to, and that it was a part of this same Mexican forgery factory. It was a pretended receipt signed by Senator BORAH for $100,000 from the Mexican Government.

The whole matter would be amusing if it did not trifle with the reputations of distinguished Americans. It would be too ridiculous for answer were it not dealing with reputations that it is to the interest of all America to hold above suspicion. The product of the forgers, both in Paris and in Mexico, is being offered steadily to our representatives abroad and to the representatives of foreign governments.

The Mexican Government itself was not long ago victimized by being induced to purchase a lot of forged pretended American documents tending to show that our Government had taken a lot of hostile steps with reference to Mexico, all of them sheer inventions and proven to be so. The only way to put an end to the traffic is to make these things public the moment they are discovered, and that your committee has endeavored to do in this case.

We were so sure of the falsity of the papers that we did not believe they were even worth asking these Senators to answer.

That assurance on our part was increased by the total absence of results secured by this long and painstaking investigation. But nevertheless, at their own initiative, they asked us to call them; they asked us to administer the oath to them. That was done at our meeting yesterday, and they have each of them most meticulously and thoroughly denied having any relation whatsoever or any correspondence with any official of the soviet or having received any money at any time for any purpose from Mr. Dudley Field Malone, or having ever been offered or suggested that any money should have been received. They did that of their own initiative, not because our committee felt that there was enough substance in these things even to ask them for the denial. Now, Mr. President, I send the report to the desk.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, I desire to say that I think he should also state in that connection that Mr. Dudley Field Malone testified that he never received any fund and never executed any receipt for the purposes stated in the alleged receipt presented to the committee.

Mr. REED of Pennsylvania. That is true. When Mr. Malone was on the stand about a year ago we showed him this receipt allegedly signed by him and asked him whether it was his signature. He replied that it looked very much like his signature, but that he had never signed any such paper. I do not remember his testimony in detail, but in substance it was that he had not seen these Senators on this or any other business and that he had not at any time or for any purpose paid them anything. His denial was quite comprehensive.

Now, Mr. President, I send to the desk this report which is slightly over two pages long, with the request that it may be read. Before it is read, however, I call attention to the fact that it is a unanimous report, signed by every member of the special committee.

Mr. ROBINSON of Arkansas. Mr. President, pending the reading of the report in which I and all of the members of the committee concur, I desire to make a brief statement.

It is both astonishing and alarming to note that forging and uttering alleged public documents has in some countries become a business profitable to many crooks. Sometimes these papers are of a nature, if published and accepted as genuine, to disturb the peace of nations. In other instances they are intended to involve the integrity and good faith of men well known in public life. Such damnable products of villainy have no commercial value unless they are made to appear highly sensational.

A Senator may readily comprehend the fact that forged instruments affecting prominent men or public questions will occasionally appear; but it is difficult for anyone, situated as Senators usually are, to realize that in some foreign capitals confidence men, men devoid of both patriotism and personal honor, will gain the confidence of diplomatic agents, representatives of newspapers, and others by pretending to have discovered and to possess mysterious and important papers, the significance of which is usually to becloud wholesome and well-justified confidence in public men with suspicion of treachery and dishonesty.

The Mexican documents recently investigated by this committee, and finally admitted to be forgeries, constitute an illustration of the sometime profitableness of a nefarious trade in spurious documents.

The report of the special committee to investigate charges that certain Senators had improperly received moneys, just submitted to the Senate by the Senator from Pennsylvania [Mr. REED], recites a shocking and disgusting story, which one may trust shall never be repeated.

A former employee, it is alleged, of the Russian Embassy in Paris produces copies of alleged instruments which on their face imply dishonest and disloyal conduct on the part of Senator BORAH and Senator NORRIS. No Member of this body stands above either of these Senators in his reputation as a private citizen and as a public officer. Both Senator NORRIS and Senator BORAH throughout their long periods of service in the Senate have earned and deservedly enjoyed the full confidence and respect of their fellow Senators. It is regrettable that either should be embarrassed by the publicity resulting from this report and the discussion of it. The committee and both Senator BORAH and Senator NORRIS feel that the proper course to pursue is to bring all the facts before the public, in full confidence that no honest person will censure in any degree the Senator from Idaho and the Senator from Nebraska, for the simple reason that the documents referred to are forgeries and the pretended transactions to which they relate never occurred.

Let me make clear to all who hear me that there is not a scintilla of proof tending to establish improper conduct on the part of either of these Senators. The incident illustrates the truth that no man prominent in public life is immune from those cowardly assaults which have always been prompted by cupidity or malice. The important thing is that everything possible should be done to prevent the recurrence of such incidents as that now under discussion. The governments necessarily indirectly concerned should be prompted to ascertain the identity of the individuals participating in the conspiracy against peace and the reputations of honorable gentlemen while we extend our hand in full confidence and sympathy to the Senators whose names have been improperly and unjustly mentioned in connection with alleged treasonable acts. We ought here to sound a note of warning to sensational crooks that the filth and stench which they habitually seek to peddle can not find a market anywhere among honest, fair-minded men, and that if such crooks are found within the jurisdiction of this Government penalties appropriate to their crimes will be relentlessly imposed.

Mr. JOHNSON. Mr. President, may I reecho what has been so well said by the Senator from Arkansas [Mr. ROBINSON] and express myself in full agreement with what has been said by the Senator from Pennsylvania [Mr. REED]?

It was unnecessary for either the chairman of the special committee or any member of the committee to investigate, in order to know its falsity, any charge of misconduct against either Senator BORAH or Senator NORRIS. To me, sir, it is with a distinct feeling of personal humiliation that we should even be required under the rules and the necessities and the exigencies of this case to make a report upon it at all. I require, those who were associated with me upon the special committee require, and, thank heaven, this Nation requires, no proof of the integrity or the character of the Senator from Idaho or the Senator from Nebraska.

We recognize, of course, what a delicate thing is a man's reputation, particularly that of a man in public life. It is worse than a sin, it is a crime, when that reputation has been unblemished for a lifetime and every man understands and every man knows it, that there should even be a breath on any occasion whereby that reputation should be sought either to be destroyed or tainted or affected in any degree; worse still, sir, when the opportunity may be afforded malice or rancor or hostility or enmity to say aught against men such as these because of groundless and outrageous and lying charges such as may have been predicated upon the documents which have been before us.

I do not acquit the Senators of wrong, because I know they are incapable of wrong. I speak from a heart filled with affection for those two Senators, and I say to them that I feel with them that the least that could be done is that which we do to-day, when we stand here, as every Member of this body will stand here, not testifying, sir, because testimony is unnecessary, but to pay to them the full meed of admiration, respect, and love which their constituencies have for them and which they have so richly earned in a lifetime of devotion to the public interest.

Mr. BRUCE. Mr. President, as a member of the special committee, I should like to add just a brief word to what has been so well said by the Senator from Pennsylvania [Mr. REED], the Senator from Arkansas [Mr. ROBINSON], and the Senator from California [Mr. JOHNSON] with respect to this matter.

It almost suffices for my purpose to recall again, as I recalled in an earlier stage of this matter, an observation made by Thomas Jefferson on one occasion when, as the result of one of the basest conspiracies in American history, the honor of Edmund Randolph, when Secretary of State, was impeached. After reading Randolph's vindication of himself, Mr. Jefferson said, as I remember his words, "Anyone who reads this vindication will acquit Edmund Randolph of all reproach;" and then he added, "Those who knew him had acquitted him already."

So I say that anyone who has had the privilege of knowing, as I have for six years, these two distinguished and highly respected Members of the Senate, Mr. BORAH and Mr. NORRIS, might well have said before a line of testimony had been taken down by our committee that their acquittal could safely be pronounced without any hearing.

Of course, it is impossible, in speaking of one's fellow Senators, to indulge in the language of invidious discrimination, but I think that I voice the feelings of all the Members of this body when I say that there are no two Members of it who are deemed by their associates to be more scrupulously, irreproachably honorable in all their motives and conduct in every respect than the Senator from Idaho [Mr. BORAH] and the Senator from Nebraska [Mr. NORRIS]. And the unanimous report of our committee is but another proof that this reputation is unassailable.

The VICE PRESIDENT. The clerk will read the report.

The legislative clerk proceeded to read the report (No. 52, pt. 2), which is as follows:

Mr. REED of Pennsylvania, from the Special Committee to Investigate Propaganda or Money Alleged to Have Been Used by Foreign Governments to Influence United States Senators, submitted the following final report (pursuant to S. Res. 7):

"The special committee created by Senate Resolution 7 to investigate alleged payments to United States Senators by representatives of foreign governments makes this final report of its investigation and asks that the committee be discharged.

"Our first report, filed January 11, 1928, contained our definite conclusions upon the falsity and spurious character of the documents published in the Hearst newspapers and purporting to show corruption on the part of certain United States Senators. Those 'documents' were shown to be crude forgeries.

"The committee did not ask to be discharged at the time of filing its first report, because from other sources other 'documents' had been delivered or described to the committee which, however improbable we might think them, could not be dismissed without investigation. These documents are—

"1. Eight photographs of letters or receipts purporting to show that Senators BORAH and NORRIS had received $100,000 each from the Soviet ambassador in Paris, either directly or through the interposition of Dudley Field Malone, an American lawyer who maintains an office in Paris.

"2. Two typewritten documents, pretended to be statements of the substance of an order for the payment of money from Soviet accounts in Paris to Senator NORRIS, and the substance of a letter pretended to have been written by Senator BORAH in September or October, 1927, to the Soviet ambassador in Paris.

"3. A receipt, pretended to have been signed by Senator BORAH, for the payment to him of a large sum of money by the Mexican Government. This paper appears to have been sent by American Ambassador Sheffield from Mexico to Undersecretary Olds of the American State Department. So little regard was there given to it that it was destroyed without being submitted to our committee or to the Senate, but it has been described to us.

"Photographs of the documents in groups 1 and 2 are included in the printed report of our hearing of January 8, 1929.

"This committee has exhausted every effort both in America and Europe to discover corroboration of the charges carried by these documents. We can find no such corroboration; we can find no clue to any facts that would tend to show that any such transactions ever occurred. The originals of the documents of group 1 have been offered to us by a person in Europe at a price of about $50,000, but the person offering them states that he has no evidence to show their genuineness and can suggest no such evidence. He delivered to us the documents of group 2 as 'corroboration,' but states that he can not find the originals of such documents.

"Senator BORAH and Senator NORRIS have voluntarily come before the committee, have asked to be sworn, and have denied very emphatically the charges carried by these documents. Specifically they deny any dealings of any sort with any Soviet official; they deny the receipt of any money from Soviet sources, either through Malone or any other person; and they deny that any such payments have ever been offered or suggested by any person.

"The committee is unanimous in the firm belief that each group of documents is a fraud, that the pretended signature of Senator BORAH on Exhibit D is a forgery, and that the documents purporting to show the payment of money to these Senators were concocted either for the purpose of sale or for the purpose of covering up the diversion of money to other uses.

"The committee feels that these documents are so clearly trumped up and fraudulent as not to have required an explanation or denial by either of the Senators named therein, but in order to prevent any further efforts to peddle these forgeries and to prevent any whispered circulation of their purport, the committee has decided to make these matters public.

"DAVID A. REED.
"JOS. T. ROBINSON.
"HIRAM W. JOHNSON.
"W. L. JONES.
"WM. CABELL BRUCE."

During the reading of the report,

Mr. REED of Missouri. Mr. President, is that word "appears" or "purports"?

The VICE PRESIDENT. The word is "appears."

Mr. REED of Missouri. I am going to suggest to the committee the wisdom of changing the word "appears" to "purports" or "pretends."

Mr. REED of Pennsylvania. I ask that the clerk may read the entire sentence. I do not know what word the Senator is talking about.

The VICE PRESIDENT. The clerk will reread the sentence referred to.

The Chief Clerk read as follows:

3. A receipt pretended to have been signed by Senator BORAH for the payment to him of a large sum of money by the Mexican Government. This paper appears to have been sent by American Ambassador Sheffield from Mexico to Undersecretary Olds, of the American State Department.

Mr. REED of Pennsylvania. The Senator offers no criticism of that word?

Mr. ROBINSON of Arkansas. I see no objection to the language as employed there.

Mr. REED of Pennsylvania. There is no question but that it was sent.

Mr. REED of Missouri. Very well.

Mr. HEFLIN. The word "pretended" before that, I think, makes it clear.

Mr. ROBINSON of Arkansas. Yes.

After the conclusion of the reading of the report,

Mr. REED of Pennsylvania. Mr. President, I move that the committee be discharged.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. Mr. President, it seems to me that the committee has not completed its work.

Mr. Hearst was involved in this scandal or slander against four Senators, myself included. If he has been reprimanded or criticized in any way by this committee, I am not aware of it. If any steps have been taken by the committee against him to punish him for this outrageous performance, I have never heard of that.

Avila, who sold to Mr. Hearst this purported testimony involving four Senators, has been to this Capitol, has testified, has departed, and is now I do not know where. If any effort has been made by the committee to prosecute and punish this man, I have not heard of it. It seems to me that this committee should indict Mr. Hearst for his part in this scandal and that the Senate ought to see that it is done. He ought to be condemned by this body for his part in this very scandalous performance against four United States Senators. This man Avila ought to be severely condemned, along with severe condemnation of Mr. Hearst.

This is a very serious matter, Senators. If public men can be singled out for doing their duty to their country and crooked interests can fall upon them and seek to destroy them because of their service to their country, and then get away without punishment, it is an inducement to others to try to do the same thing at some other time.

I think Senators feel generally—the country does, also—that this effort to destroy us grew out of the part that I took in preventing war with Mexico, the part the Senator from Idaho [Mr. BORAH] took, the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Nebraska [Mr. NORRIS], at a time when a good many of our daily papers were saying, "We are right on the edge of war with Mexico." We happened to be the four Senators who led in the fight against that proposed war. As a reward for our service to our country we were drawn into an international scandal, and Mr. Hearst's newspapers published those scandalous charges broadcast.

It seems to me that the Senate ought to require this committee to amend its report and condemn Mr. Hearst for his part in this very scandalous, outrageous, and criminal thing, and also this Mexican who came over here and is perhaps still in our country, who received money from Mr. Hearst for his part in this villainous and criminal performance.

I do not think the committee has discharged its duty. I felt at the time that the committee made its partial report it had been derelict in its duty in failing to attack Mr. Hearst. I do not know exactly why Hearst has not been indicted, and severely indicted, in this report by the committee. It ought to be done. There ought not to be any favorites played by anybody.

I make that suggestion, Mr. President. I, for one, feel that Mr. Hearst ought to be condemned, and that Avila ought to be condemned; and if it is possible for the committee to devise ways and means to prosecute these people, that ought to be done. I am opposed to accepting the final report as it now stands.

Mr. ROBINSON of Arkansas. Mr. President, I can well understand and fully appreciate the indignation which the Senator from Alabama [Mr. HEFLIN] feels and expresses. At the same time, I think it appropriate to say that the committee was appointed to make an inquiry into an alleged state of facts. As we view it, it is not incumbent upon the committee to indict anyone. We found the facts and reported them to the Senate; and I, upon my personal responsibility, took occasion to express in the Senate my personal views as to the effect of those facts in relation to the conduct of those responsible for the publication of forged documents without full inquiry as to their genu-

ineness before publishing them. Senators here will recall, perhaps—some of them, at least—that occasion; and they may recall the manner in which the acts just mentioned were characterized.

In the view of the committee, as I understand it, under the resolution instructing the committee, we have performed our full duty. It is, of course, competent for the Senate to take any action upon the matter that is deemed proper. The committee feel, I think, that we have gone into the facts fully and reported them completely.

Mr. BRUCE. Mr. President, I can perfectly understand, of course, the tenderness that the Senator from Alabama feels with respect to anything that affects his honor; and I have taken occasion more than once to say that I never saw the Senator from Alabama show to more advantage than when he came before our committee in a perfectly simple, dignified, and manly way and repelled the base charge that had been made against him.

At the same time, it seems to me that if this committee is not to be discharged, a somewhat better reason should be assigned than those which have been assigned by the Senator from Alabama. I am perfectly free to say that, in my individual judgment, at any rate, Mr. Hearst is not justly to be censured for obtaining those documents, or even obtaining them in the way that he did—that is to say, by the purchase of them.

If my conduct as a Senator had been above reproach in every respect, and there was reason to believe that among the archives of the Government of Mexico was a document gravely, profoundly affecting my moral standing as a Senator and as a man, I should be thankful to Mr. Hearst or to any other enterprising newspaper proprietor who brought out that fact and gave me an opportunity, before death had closed my eyelids forever, to allege that the document was a spurious one.

Those documents which Mr. Hearst secured may well not have come to light for years after the then Members of the Senate, including the Senator from Alabama, had passed from the scene of human interests and events. Then there would have been nobody to produce the most conclusive evidence that could be rendered under the circumstances of innocence.

If Mr. Hearst had with any marked degree of precipitation or rashness proceeded to unearth the documents, he might, of course, justly have subjected himself to criticism. But it seems to me that he did all that any prudent newspaper proprietor could be reasonably expected to do under the circumstances which surround the management of a great newspaper to ascertain whether the documents were or were not forgeries.

Therefore it seems to me that not only is there no ground for supposing that Mr. Hearst should be indicted, as suggested by the Senator from Alabama, but that there is no substantial ground for saying that he has done anything which it is not the right, and in a sense the high duty, of the owner of a great newspaper in this country to-day to do, when there is reason to believe that just grounds exist to suspect the integrity of a Member of the United States Senate, or, in other words, one of the very highest officials of the Federal Government. So I trust that my friend the Senator from Alabama may be induced to take just a little different view of this matter from what he has expressed, and feel that it is not essential to his reputation for personal integrity and honorable conduct, which is irreproachable, that any further step be taken by this committee with reference to such of the Hearst documents as bore upon him.

I have my doubt, Mr. President—and I hope my friend the Senator from Pennsylvania will listen to me as I express the doubt—whether just at this time this committee should be discharged. It is true that we have rendered our report, but the testimony on which we have acted has not yet been placed before the Senate or even printed. It may be that when that testimony is perused by some Member of this body, or by somebody outside of this body, the suggestion may be made that there is still some remaining subject that we might take up for investigation. So I suggest to the Senator from Pennsylvania that the wise course under the circumstances would be to let the matter remain in abeyance for some little time, until the evidence assembled by our committee has been printed and has been presented to the Senate, and there has been an opportunity on the part of both the Members of the Senate and the members of the press, or anybody else, to read that evidence, and question, if you please—though I do not think any such question could be raised—the completeness of our work, the fullness of the evidence elicited by us, or anything else connected with our investigation.

Mr. FESS. Mr. President——

Mr. BRUCE. As I said, it might occur to some Member of the Senate that there was just some little thing or other—I do not think there could be more than that—that might be cleared up by further action on the part of our committee. So I believe that it is only fair to the Senator from Nebraska and to the Senator from Idaho, to the members of our committee, and, above all, to the general American public, that our committee should not be discharged just at this time.

I feel pretty confident that that would be the idea of the Senator from Nebraska and of the Senator from Idaho, because one of the things that has been most noteworthy in connection with this entire investigation has been the prompt and earnest manner in which those two gentlemen have insisted upon the investigation conducted by the committee being pushed to the most searching lengths possible.

Mr. FESS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. Will the Senator yield for a parliamentary inquiry?

Mr. BRUCE. The Senator a few minutes ago wanted to interrupt me. Now he wants to make a parliamentary inquiry. I want to know just what it is he wants, to secure from me the privilege of interruption or to impeach my right to be saying what I am saying.

Mr. FESS. My interruption was to make a parliamentary inquiry. Mr. President——

Mr. BRUCE. It seems to me the Senator might not have shown so much solicitude as to whether I gave my assent or not, if that was his object.

Mr. FESS. I wanted to inquire whether under the rules of the Senate, when a committee has been appointed for a specific purpose and a report has been made upon that matter, that does not discharge the committee without further action of the Senate?

The VICE PRESIDENT. If there is a final report, under the precedents of the Senate, the committee would be discharged.

Mr. HEFLIN. Mr. President, I make the point of order that it is the business of the Senate to say whether or not it will accept the report and is willing to have the committee discharged. If that were not true, a committee could make a partial investigation and come in with a partial report and ask to be discharged. It certainly is the business of the Senate, under the rules of the Senate, to say whether the Senate will accept a report as filed.

Mr. BRUCE and Mr. REED of Pennsylvania addressed the Chair.

Mr. HEFLIN. I would like to have a ruling on that.

Mr. BRUCE. I think I still have the floor——

Mr. REED of Pennsylvania. Mr. President——

Mr. BRUCE. But I am so beset on every side I am beginning to doubt it.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. BRUCE. I simply want to add that it does seem to me that it would be a most anomalous thing to discharge a committee from the further performance of its duties when the testimony on which its report to the Senate is based has not been brought to the attention of the Senate. It seems to me it would be premature at this time for the Senate to discharge our committee.

Mr. HEFLIN. Not only that——

Mr. BRUCE. There is an air of precipitation——

Mr. HEFLIN. In connection with what the Senator said, the committee is asking to be discharged when the testimony is not here, as the Senator from Maryland suggests. Why not wait until that is printed, so that we can all see it?

Mr. REED of Pennsylvania. Mr. President, my motion, whether I expressed it clearly or not, was a motion to adopt the report and discharge the committee. The discharge of the committee, I presume, would necessarily follow from the adoption of a final report.

Mr. BRUCE. It seems to me——

Mr. REED of Pennsylvania. I decline to yield to the Senator from Maryland, Mr. President——

Mr. BRUCE. There can be no doubt, from the tone of the Senator's voice, that he declines.

Mr. REED of Pennsylvania. When the Senator would not even acknowledge my request to him to yield.

Mr. BRUCE. I did yield. I took my seat. In point of fact, I had not completed my observations; but out of consideration for the Senator from Pennsylvania I took my seat. That is the most decisive evidence of yielding that a Senator can afford.

Mr. REED of Pennsylvania. Mr. President, we state in our report the substance of the hearings taken before the committee; and state the fact, which was that each of these Senators came before the committee and made under oath a comprehensive denial. That is all the Senators will find in the printed testimony that was taken.

Mr. President, it is not fair that this committee should remain in existence one moment longer, as if it were to be a depository of complaints or suspicions against these Senators or any others. We have stated our unqualified and unanimous conclusion that these documents are forgeries and fakes, and for the committee to remain in existence any longer would indicate that we have a doubt about it, which in fact we have not.

The committee has found the facts, it has made a final report on every particle of charges that has come to its attention, and it would be the height of injustice against all of these Senators—the Senator from Alabama, the Senator from Wisconsin, and the other two Senators—if we should continue as a committee in existence for one moment longer.

Mr. HEFLIN and Mr. WALSH of Massachusetts addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. I am not objecting to the part of the report which exonerates the Senator from Idaho and the Senator from Nebraska. All Senators know that they are entirely innocent of any wrongdoing and that all of the false testimony that has been accumulated against them is the work of crooks and criminals. There is no doubt about that. The country believes that they have been imposed upon, and that all of us have been imposed upon, by crooks and criminals.

I objected to the partial report that was made by the committee before when it asked for further time. Now it comes with its final report—and listen to a part of its partial report of a few months ago.

Speaking of Mr. Hearst, the committee said:

> Mr. Hearst laid before the committee 71 documents, some, but not all, of which had been published in his newspapers. He testified that he had no evidence and knew of none which would tend to show that any Senator had received any such payment, and he testified that he personally did not believe that any Senator had received any. He admitted that no Senator mentioned in the documents had been given any opportunity to see the documents before publication or to deny the implied accusations contained in them.

Senators, what will it take to arouse the Senate to a sense of its duty? Here we have charges against United States Senators who were seeking to prevent war between the United States and Mexico, seeking to save the lives of thousands of American boys, and who were accused by the interests that want to involve us in war with Mexico of having an ulterior motive, that we were being paid for the services we had rendered. They brought this Mexican here and to New York; and he had dealings with Mr. Hearst's agent and was paid money, and Mr. Hearst admitted it. Then Mr. Hearst himself came and testified before the committee; and the committee states that he stated that he did not give a single one of us an opportunity to be heard or to see the stuff that he was publishing against us which sought to destroy us at the bar of public opinion for what we had done in the Senate from a sense of patriotic duty.

I submit, when the committee said that Mr. Hearst admitted that he did not let us see the false and forged papers before they were published in his papers, that he did not permit us to see the scandalous charges that he was broadcasting in his papers throughout the country, and that he confessed that he did not believe a word that was in them and that he thought these men were innocent, why did not the committee then say, "We condemn Mr. Hearst for his part in this matter. He deserves the condemnation and the scorn of the American people for what he has done toward these four United States Senators."

Why did not the committee do that? Is the committee afraid to attack Mr. Hearst because of his chain of newspapers? If we have reached the time in this body when we will not attack anybody who assails the honor and integrity of a United States Senator, we are coming to the point where some need to be weeded out of this body and somebody else sent here who will stand up and fight for the honor and integrity of the United States Senate. I think the committee ought to amend its report before this body finally discharges it and let it say: "In conclusion the committee desires to express its condemnation of Mr. Hearst for his part in this scandalous performance. We think that he deserves to be censured, that he deserves the condemnation of the Senate and of the American people."

Why should not that be done? Why is not the committee willing to take the report back and amend it so as to include that statement? They have permitted a man to attack four Senators and he goes out unscathed with not one word of criticism against him in the report. He is not censured anywhere in this final report.

I think that ought to be done, and I ask that the report be referred back to the committee for further consideration or that the report at least be postponed until the testimony connected with it can be printed and put upon the desk of Senators. I ask unanimous consent that it may be withheld until the testimony can be printed and until we can have more time to look into the matter.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama?

Mr. REED of Pennsylvania. Yes, Mr. President; I must object. I think, in fairness to the Senators who have been named, the Senate ought to accept the report and discharge the committee now.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the committee itself is not in agreement as to whether it should be discharged——

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. REED of Pennsylvania. The report is unanimous and the report asks that the committee be discharged.

Mr. WALSH of Massachusetts. One of the members of the committee, if I can understand words correctly, has expressed a wish that the committee should not be discharged.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield.

Mr. BRUCE. We should bear in mind the fact that the Senator from Pennsylvania himself gave the reason why only the typewritten report was offered at the present time, and it was because the testimony has not yet been printed. That was the reason given by the Senator himself.

Mr. WALSH of Massachusetts. In view of this disagreement and the fact that the debate is likely to be prolonged, and the further fact that the Senator from Tennessee [Mr. McKELLAR] and the Senator from Connecticut [Mr. BINGHAM] and myself have been waiting for some time this afternoon to address the Senate upon the question of the Kellogg peace pact, I shall insist upon our right to go forward unless the matter can be acted upon by yielding the floor temporarily.

Mr. REED of Pennsylvania. Mr. President, this is a matter of highest privilege which has been taken up by unanimous consent of the Senate. I do not think that it requires the consent of any Senator to act on it. But under all the circumstances perhaps it will be wiser to allow my motion to go over until the testimony has been printed. I am anxious that when the Senate acts on the matter its action shall be absolutely unanimous so that no doubt may remain in anyone's mind of the judgment which has been passed on these unworthy charges.

Mr. WALSH of Massachusetts. I should hope if we could be unanimous on any subject it would be on this subject.

Mr. REED of Pennsylvania. Therefore I withdraw my objection and agree that the motion to adopt the report and discharge the committee may go over.

The VICE PRESIDENT. Without objection, it is so ordered.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. WALSH of Massachusetts. Mr. President, I desire to speak very briefly upon the subject under discussion, namely, the ratification of the Kellogg peace pact, and also to submit some observations with respect to the cruiser bill.

Mr. President, as I have listened to the debate and read the correspondence and the discussions with respect to this treaty in the various countries concerned, I have been profoundly impressed with the meager consideration given to the problem of peace and the means of promoting and securing it. The outstanding fact is that the entire discussion has been devoted to the consideration of the ways and means by which war can be waged by the several countries without violating this peace pact and escape its moral consequences.

The statesmen of nearly all these nations, including some of our own, have been vying with each other to read into this treaty ways and means of resorting to war. It is a sad commentary upon the extent to which many statesmen are removed from the popular pulse of the war-stricken peoples of the world and the intense and prayerful longings of the human family for immediate and irrevocable measures for the establishment of world peace.

During the time this treaty has been under consideration, namely, since June, 1927, not one less war machine or implement of war has been produced. On the contrary, more money has been appropriated and larger militaristic programs elaborated during this period than in any other period since the

World War. The Republic of France is to-day maintaining a larger armed force, with Germany disarmed, than it did in 1914 when Germany was armed. With Austria and Hungary disarmed by reason of the peace treaties of 1919–1921, the succession States, namely, Czechoslovakia, Rumania, and Yugoslavia, maintain to-day larger armies than was maintained by the former Austro-Hungarian Empire.

Since the Washington treaty of 1922, excluding vessels to be completed under the treaty, Great Britain has laid down and "appropriated for" for naval expansion 288,684 tons—74 vessels. Japan has laid down and appropriated for in the same period 125 vessels, with an aggregate tonnage of 361,452 tons. France with 119 and Italy with 83 new vessels, particularly submarines and destroyers, have closely followed the example of Great Britain and Japan. All have far exceeded the efforts of the United States in both total tonnage and in new naval vessels. During this period the United States has alone among the powers of the world refused to increase her military armament. Exclusive of 6 small river gunboats for use in China we have laid down only 11 new naval vessels with a total tonnage of 88,200.

Let me recapitulate: Since the Washington reduction of naval armaments treaty of 1922, excluding vessels permitted to be completed under that treaty, the great powers of the world have laid down and "appropriated for" for naval expansion, as follows: Japan, 125 vessels; Great Britain, 74; France, 119; Italy, 82; and the United States, exclusive of the small river gunboats, 11.

No statement of naval defenses, however, is comprehensive without considering merchant ships, for they are, in fact, an important part of a nation's navy. The World War demonstrated the great importance of large and modern merchant vessels in connection with naval operations. From the viewpoint of merchant vessels being an essential element of naval strength the United States' record displays a lamentable weakness. During the period from 1922 to 1927, covering ships of transoceanic service tonnage, the United States has been outbuilt by Great Britain 50 to 1, Germany 10 to 1, France 5 to 1, Italy almost 5 to 1, and Japan more than 4 to 1. This evidence of naval and merchant vessel expansion shows no aggressive attitude on the part of America, an attitude in sharp contrast to that of the other powers.

To such an extent has the mad race of armament proceeded since the World War that for several years following the conclusion of peace, France stipulated in her financial loans to the little entente states that large portions, from 20 per cent up, should be used for buying armaments from French industries. In one instance the whole loan was granted for the purpose of armament. Other loans were granted for the building of strategic railroads which had no productive purpose.

In the face of this record and in view of America's long delay in strengthening her greatly limited military equipment because of her desire to lessen the tax burden of her people and show an example of her sincere desire to bring about world peace and disarmament, it is not to be wondered at that our Government finds itself to-day so far behind the other great powers in naval establishments that it is reluctantly forced to undertake the building of new cruisers to maintain the semblance of an efficient Navy that is, in part at least, comparable with the navies of the other great powers which have refused to join with her in a further limitation of naval armament.

If any world power does not realize that the great majority are indignant at the apparent necessity of now taxing the people of the United States vast sums of money for the building of new cruisers, they do not know the public sentiment of America. It is with no enthusiasm that millions of Americans who are in no sense pacifists now realize because such little progress has been made in international disarmament that their Government is compelled to increase its financial burdens, not upon the wealthy classes but upon the masses of our people who finally bear all tax burdens, for national insurance in a "self-defense" war-conniving world.

In the last analysis the principal difference between the sentiments of so-called pacifists and other Americans, except the jingoes, is that the former, notwithstanding the attitude of the other nations toward disarmament, oppose any appropriation for additional armament in the hope of leading others to follow; the latter are reluctantly convinced that for the present at least the protection of the lives and property of our people demands the maintenance of our present military establishments—scarcely adequate under present world conditions for a nation preferring peace to aggression.

As an example of the subtle methods resorted to by the signatories of this peace pact to escape the moral responsibility of the treaty and justify future wars, let us quote from the correspondence of the Czechoslovakian Government preceding the signature of the pact.

I read in the Czechoslovak note of July 20, 1928, in paragraph (2) the following statement:

> It is clear that there is nothing in this treaty in opposition either to the provisions of the covenant of the League of Nations, or to those of the Locarno treaties or the neutrality treaties, or, in general, to the obligations contained in existing treaties which the Czechoslovak Republic has hitherto made.

It seems to me that this is a very broad statement, and I was interested to look at some of those treaties which Czechoslovakia has concluded. Among others I found, for instance, a treaty between Czechoslovakia and Yugoslavia on August 14, 1920; another between Czechoslovakia and Rumania on April 23, 1921. I also found that article 2 of these treaties provides for military conventions. The treaties have been published by the League of Nations, but I was unable to find anywhere the military conventions. On the other hand, I see that these military conventions must exist somewhere, because in the renewal of these treaties—also published by the league—there are also provisions for the renewal of these military conventions. Does anyone seriously claim that military conventions are, as a rule, concluded for the purpose of renouncing war as an instrument of national policy. I am certain that the chairman of the Committee on Foreign Relations will agree that secret military conventions should not be excluded from the operation of this peace pact, or, in fact, from any international treaty which genuinely seeks to promote world peace. This statement and many similar statements set forth in the correspondence by various governments shows that by renouncing war they have sought to reserve means by which to resort to war.

I shall vote for the ratification of this treaty not because I am entirely certain that it is a real, genuine movement that will materially advance the ending of war and the promotion of peace of the world but because if the United States fail to ratify it now in view of their participation in the international negotiations that have brought it into being, would be misunderstood. It would place the United States, regardless of her sincere and profound desire and purpose to bring about peace in the world, in the position of an obstructionist to such a movement. The pact itself is nothing more than a statement of principle. We believe in the principle; why not say so? To do otherwise would justify the suspicion that perhaps after all we do not. Mankind, I believe, will still entertain the hope that, notwithstanding the efforts of the nations who have signified their approval of this treaty to reserve further for themselves various loopholes which would justify future wars and their studious efforts through their correspondence to provide excuses for future wars, the treaty may be another link in the chain now being forged by the public opinion of the world to bind the war spirit and to make resort to war less liable.

I feel very strongly, as I believe most Americans do, that we ought to keep free from obligations to support European quarrels or political alliances; but this should not prevent us from assuming moral obligations to help rather than hinder all movements to remove provocation to conflicts of arms. This is exactly what this pact does. Our very strength imposes this duty upon us. It sets up no machinery to enforce it. Its great purpose is to organize the moral influences of the world in behalf of adjustment of difficulties without conflict.

No one claims that any paper treaty can absolutely guard against war; but law can help to that desired end. This document is but a scrap of paper unless there is behind it the good faith of the rulers and people of the respective nations. Frankly, the haste and zeal with which they have sought to reserve to themselves excuses for future wars is disappointing to those who realize that without good faith the whole business is a gigantic piece of hypocrisy, temporarily narcotizing innocent and serious-minded lovers of peace.

As I see it, only one thing can put an end to warfare. It is not diplomacy nor disarmament. The people of the world must insist that the spirit of warfare be ruled out of their chanceries. What an indictment of democratic political leadership it is to realize that one of the main sources of strength and growth of the Bolshevism movement in Europe has been its advocacy of peace and its programs of disarmament!

The masses of human beings everywhere must realize who are responsible for war and center their attention upon remedies at the fountain source. Who are the war makers? The man in the street does not want war. It is he who must meet its terrible drafts of life and health; of man power and woman power and national resources; of taxes and waste and destruction; of corruption and violence and oppression.

The average citizen does not cherish the ideas that provoke war, hate and hyprocrisy, fear and suspicion, industrial or commercial selfishness, deceitful propaganda, cunning and cir-

cumvention, espionage and treachery. He is guiltless of the common cause of war—ambition, envy, and national rivalry.

He knows too well what war has always meant for him and his children. He may be inarticulate, but he is persuaded of the vast and incurable immorality of war, and he hails with joy every argument or plan that tends to abolish it or diminish its menace. It is this common understanding which is now becoming articulate and is making outlawry of war the one sentiment that is paramount to the spirit of nationalism.

It is in the higher circles of life and of government, in the world of statesmanship, so-called, that wars originate. Statesmen and predatory forces are responsible for war.

For these men justice and charity, the great preventatives of war or its best remedies, are too often unfamiliar or impossible terms. Their philosophy of life is purely secular, usually a compound of materialism, of greed, of tangible advantage and cynical mistrust of human nature.

What the plain man and woman the world over want and will demand, once their power is internationally coordinated, from statesmen is good faith—that is, honesty of purpose and expression—and from jingoes dispossession of control of the agencies of government.

But there can be no good faith among men without an habitual sense of justice and charity; of justice because no difficulty or wrong is ever settled until it is settled rightly; of charity, because human nature is fallible, and therefore we ought to observe the golden rule, and deal with our neighbor as we want him to deal with us.

On these solid outlines of justice and charity and on them alone can public order, international law, and civilization rest secure. Unless they are worked, seriously and practically, into the education of all modern youth in every part of the world, I see no hope for a universal and lasting peace.

And their general recognition and acceptance, somehow, are indispensable, if we seriously hope to rid ourselves of the immemorial plague of war.

It may be said that this is religious education, but no one can say that it is sectarian, since it must appeal to all earnest lovers of peace, and has the approval of all men and women for whom the Old Testament and the New are yet law and light and hope. It is a part of that natural religion to which every heart can be led to pay homage.

I repeat, to me it seems certain that the criminal and immoral character of most war, and its unspeakable horrors, can never through legal enactment alone, be efficiently set forth for all mankind. It is in the light of the noble moral forces of justice and charity to which, in the long run, we owe all that is permanent in our civilization, that world peace will be consummated.

Mr. President, no man can here and now assess the benefits which may in years to come flow from this pact. They may be many, they may be few. It seems to me that it is much too soon to hail it as a great triumph or to brand it as an empty gesture. Time alone will determine that. It is a forward step toward world peace, but whether a large step or a tiny step the future will disclose.

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few moments to state my position upon this treaty.

Mr. President, I expect to vote in favor of ratifying the so-called Kellogg peace proposal.

Since I have been in the Senate I have supported the Bryan peace proposals; I have supported the League of Nations without reservations; I have supported our entrance into the World Court; and, with this record, I feel that I should support this pact, however weak and impotent it may be or seem. Some good might possibly come from it. It might deter some nation from making war. It might be the means of aiding in the peaceful solution of some international disagreements, and I want to take no chances. At least it can do no great harm.

Again, our ratifying the pact may draw our country to look more favorably upon the League of Nations or upon our entrance into the World Court, and for these reasons I am going to vote for the treaty.

It is true, I am quite convinced that some of those who are now urging this pact would not do so if they thought its adoption would bring us any nearer into the league or any nearer into the World Court, but I am hoping that they are mistaken. I believe they are for this reason: While it is true that substantially all of the leading nations who are now members of the league and of the World Court have signed this treaty on condition that it does not interfere with their membership in those organizations, when we ratify the treaty in substance we tacitly assert that our associates are members of those organizations, and that being members of those organizations they are at least desirous of peace. Under these circumstances I do not see how the United States in the event of a controversy with another power which is a member of the League of Nations can very well refuse to settle the difficulty peaceably by submitting it to the tribunals set up by the league or by submitting it to the Permanent Court of International Justice if the other party to the dispute asks for this means of settlement. Therefore I am persuaded that our ratification of this document will bring us in closer connection with the league and with the World Court and their instrumentalities of settling disputes, and, believing in the efficacy of those instrumentalities to bring about peaceful solutions of international difficulties, I think I ought to cast my vote in favor of the pact, and I shall do so.

Another reason, Mr. President, why I am going to vote for the ratification of the pact is because while under the conditions set out by the various powers the treaty may be substantially meaningless, to vote against it might make my position as to war misunderstood. I think all international disputes ought to be settled by peaceful means, and, even though the value of this treaty with the conditions imposed seems to be remote, I want to take even a remote chance to prevent war.

Again, Mr. President, the treaty having been negotiated, the position of our country might be misunderstood by our neighbors if we should not ratify it, although it is true that whatever real value the ratification of the treaty may have has been greatly lessened or even dissipated by the conditions imposed by the various Governments in ratifying it.

For instance, take the case of Great Britain. She retains the right to disregard the treaty entirely as to all questions affecting her colonies or interests in any part of the world, wherever situated.

Mr. Chamberlain states the matter plainly:

> His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

This exception is all embracing and it leaves Great Britain in exactly the same position she was before she signed the pact. She can spend any sum, pursue any course, build any forts or arsenals or navies, take any steps in reference to her colonies anywhere—and they cover the world. She also reserves full freedom of action in reference to any matter as to which she might be bound under the League of Nations covenant or under the treaty of Locarno. If, under those treaties, an offensive war should be called for, she would be at perfect liberty to enter into such warfare.

All the other great nations have to a more or less degree made similar conditions. As I understand the chairman of the Foreign Relations Committee, our country is the only one of the great nations that have been called upon to sign the treaty without reservations, limitations, or conditions.

I have read Secretary Kellogg's notes and speech, and apparently he has made a very definite and studied effort not to raise in any way the question of the Monroe doctrine. This, to my mind, is very unfortunate. Our signature to the pact ought to be on the condition that it is not in any way to affect our adherence to the Monroe doctrine. It ought not to affect in any way our protection of our dependencies. It ought not to affect in any way our self-defense. In other words, we ought to sign this pact on conditions similar to those which have been imposed by other nations which have signed it. Unless we do, instead of its being a multilateral treaty it will be a unilateral treaty binding only the United States. I shall cheerfully vote for a reservation by the Senate that it is understood that the Monroe doctrine is not to be interfered with.

In casting my vote in any event I want it distinctly understood that I reserve for myself, and as far as I can for my country, absolute freedom of action as to our own self-defense, freedom of action as to our dependencies, and our continued and absolute adherence to the Monroe doctrine.

It is admitted, Mr. President, that all these various letters of the various powers are substantially parts of the treaty, or, at least, that they constitute the various nations' interpretation of the treaty, of which all parties to the compact must take notice.

It is peculiar, therefore, Mr. President, that all the great nations except the United States alone have signed upon conditions. Thus Germany has inserted her conditions, Great Britain hers, Canada hers, Japan hers, Poland hers, and France hers. Italy of the great powers alone seems not to have yet made conditions. Whether she has signed the treaty or not I am not sure. I have no doubt that when she does sign it she will impose the same conditions as have been imposed by France, Great Britain, and Japan. Why is it, then, that the

United States should be required to sign without conditions? It can not be pride of authorship, for as I read these letters it is admitted that the treaty was first drawn in substantially the same language by Monsieur Briand, of France. There can not be the fear of causing offense to our South American neighbors, because our South American neighbors are just as much interested in our Monroe doctrine as we are. Why, then, the studied effort to exclude all mention of the Monroe doctrine from any of the negotiations? There must be some motive behind it. Why should we ratify the treaty without having this motive expressed?

Everyone admits that there is no way of enforcing the treaty, and everyone admits that each nation shall be the judge of whether it has violated the treaty. If all the other nations affix conditions which will give them excuses for violating the treaty and America fixes no such conditions, then it is perfectly apparent that it is a treaty which virtually binds only America. I am greatly interested in binding America to keep the peace, but at the same time I want all the other nations signing the treaty bound in like manner as we are bound. Then if we can not bind them with us we should be bound in the same manner that they are bound.

Mr. President, I would to heaven that there should never be another war. It is a barbarous way of settling international disputes. We should leave no step untaken to secure the permanent peace of the world; but it will be of little avail if we bind ourselves never to go to war and fail to bind at least our warlike neighbors.

Our Government made a unilateral agreement in 1922 under the guise of a multilateral agreement. I speak of the disarmament pact, under which pact the United States dismantled the best part of its Navy, or sunk the best part of its Navy, while no other country did. It was a very unwise step, and as soon as that treaty expires by limitation it ought not to be renewed.

Everybody knows now that in the limitation of arms agreement we did not get what we bargained for. Everybody knows now that while the United States yielded her place of equality on the seas she got no reduction in the British naval armaments. She just sunk her own Navy and gave Great Britain until 1936 the continued undisputed mastery of the seas. The British people are our kinsmen and our friends, and I hope this relation of friendship will ever exist; but, Mr. President, if it does exist, as it ought to exist, it ought to exist on terms of national equality. It can only exist in that way upon terms of equality.

In my judgment the peace of the world can only be permanently secured by the United States and Great Britain each having a Navy equal in size, in armament, and in power, so that neither will be able to go to war with the other, with an agreement that each will keep the peace. Whenever this is brought about it will be easy for these two great English-speaking peoples not only to secure but to enforce the peace of the world. Whenever this is done it will be easy to secure a real limitation of armament. In my judgment it is the only way in which the permanent peace of the world can be secured.

Of course, it is all well enough to express ourselves as being in favor of peace, but we can not blind ourselves to the facts of history and to the frailties of human nature.

We all recall from history that after the Napoleonic wars ended in 1815 there were innumerable peace treaties. Everybody wanted to put an end to war forever. The most celebrated of these treaties was the Holy Alliance between the Emperor of Austria, the King of France, the King of Great Britain, the King of Prussia, and the Emperor of all the Russias.

I quote from one of these treaties, as follows:

> The intimate union established among the monarchs, who are joint parties to this system, by their own principles, no less than by the interests of their people, offers to Europe the most sacred pledge of its future tranquillity.
>
> The object of this union is as simple as it is great and salutary. It does not tend to any new political combination—to any change in the relations sanctioned by existing treaties. Calm and consistent in its proceedings, it has no other object than the maintenance of peace, and the guaranty of those transactions on which the peace was founded and consolidated.
>
> The sovereigns in forming this august union have regarded as its fundamental basis their invariable resolution never to depart, either among themselves or in their relations with other States, from the strictest observation of the principles of the right of nations; principles which, in their application to a state of permanent peace, can alone effectually guarantee the independence of each government and the stability of the general association.
>
> Faithful to these principles, the sovereigns will maintain them equally in those meetings at which they may be personally present, or in those which shall take place among their ministers; whether they be for purpose of discussing in common their own interests, or whether they shall relate to questions in which other governments shall formally claim their interference. The same spirit which will direct their councils, and reign in their diplomatic communications, will preside also at these meetings; and the repose of the world will be constantly their motive and their end.
>
> It is with these sentiments that the sovereigns have consummated the work to which they were called. They will not cease to labor for its confirmation and perfection. They solemnly acknowledge that their duties toward God and the people whom they govern make it peremptory on them to give to the world, as far as it is in their power, an example of justice, of concord, and of moderation; happy in the power of consecrating, from henceforth, all their efforts to protect the arts of peace, to increase the internal prosperity of their States, and to awaken those sentiments of religion and morality, whose influence has been too much enfeebled by the misfortune of the times.

This declaration, while a little more high-sounding and a little longer than the so-called Kellogg pact, nevertheless contains about the same sentiments, namely, that these nations were not going to resort to war. The Kellogg pact goes a little further, and states that only peaceful methods of settling international disputes will be used, and that war is renounced; but, after all, it is a declaration of sentiment just as the proposal of the Holy Alliance. That alliance did some good, though it was not long before the nations were at war again.

I am sincerely hopeful that the expression of sentiment contained in this pact will likewise do some good. At all events, the psychology of it is good. At all events, its expression of purpose is good. At all events, the intention of it is good. Evidently it has caught to a very large extent the attention of the public in this country, and, I hope, in all countries. In this way the treaty may have a good moral effect—a good psychological effect. Being an ardent advocate of peace, I sincerely hope that its effect will be all that is claimed for it by its friends.

Mr. President, I want to add just a word.

I read in this morning's Washington Post, in an article under the headline of Drive Against Cruiser Bill Seems to Help Passage, a statement given out by some unnamed person who quotes me as saying the following:

> Tennessee next.
>
> I called on Senator McKELLAR, and he said the pact didn't amount to anything. He said the only way you can have peace on earth is to have a navy bigger than England's. Can you believe me when I say it?

I just want to say, Mr. President, that, of course, I can not believe this unnamed person, whoever it may be, when he or she says it. There is not a word of truth in the statement. I made no such statement. I never made any statement concerning Great Britain and America and peace other than that which I have just made in the few remarks I have made. Whoever quoted me as making any such statement has quoted me wrongly. There is no ground whatsoever for the statement. If it is a lady who makes the statement, I will simply say that she is mistaken. If it is a gentleman who made the statement, he did it without having any right to make it.

I have said for many years that the best way to secure the peace of the world is for the two great English-speaking nations of the world—to wit, Great Britain and the United States—to agree that there will be peace, and then, to guarantee their agreement, to have their navies just exactly, as far as it is practicable, of the same size. That is the only statement I have made; and, of course, whoever attempted to quote me did so wrongly.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Certainly.

Mr. BLAINE. I just wanted to be clear about the situation, and inquire whether the Senator's position was not very much like that of the distinguished Premier of Italy, when he said, "Why, we will just rush to sign any peace pact, but, mark you, we are going to arm to the teeth."

Mr. McKELLAR. My feeling is not exactly that. However, I think, being a man of common sense—and I hope I have common sense—we ought to deal with these pacts with great care. I notice in the literature that has been published in connection with this pact every other nation except the United States has announced its adherence to the pact upon conditions, and those conditions are printed, and are published throughout the world. Of course, we must take those statements for what they are worth, and as each of these nations has the right to construe its own advocacy of this pact, or the conditions each lays down in having signed the pact, then such statements are a part of the treaty. Whether they are in so many words or not, they are a part of the treaty.

What I can not understand is why, with all other nations having signed the pact conditionally, America alone is asked to sign it unconditionally. So far as I am concerned, I very much prefer that the Monroe doctrine be specially ex-

empted from it, or that we should pass an independent resolution stating our adherence to the Monroe doctrine, whether or not we sign the pact with reservations. I am as strong for the Monroe doctrine as I have ever been, and I expect to so continue.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

RIGHTS OF NEUTRALS AND FREEDOM OF THE SEAS

Mr. REED of Missouri. Mr. President, I desire to submit a resolution and I want to offer a word of explanation. I shall not take more than three minutes. I ask to have the resolution read for the information of the Senate. I will not ask for action on it to-night.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will read the resolution.

The resolution (S. Res. 294) was read, as follows:

Resolved, That the President of the United States is respectfully requested to negotiate treaties with the principal nations for the protection of the rights of neutrals and freedom of the seas, embracing the doctrines set forth in article 12 of the treaty of 1785, negotiated by Benjamin Franklin, Thomas Jefferson, and John Adams, between Prussia and the United States.

Mr. REED of Missouri. Mr. President, in order that the resolution may be understood, I desire to read article 12 of the treaty referred to in the resolution. It is as follows:

ARTICLE XII

If one of the contracting parties should be engaged in war with any other power the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy. (From treaty of amity and commerce concluded September 10, 1785; ratified by the Congress May 17, 1786; ratifications exchanged October, 1786.)

Mr. President, I am not offering this as any reservation or resolution in connection with the pending treaty, or as in any manner connected with it. I intend to address the Senate touching this resolution at the appropriate time and to ask for action upon it. Let it be distinctly understood that it has nothing to do with the pending treaty.

The PRESIDING OFFICER. The resolution will lie on the table.

STATE AERONAUTICAL LEGISLATION

Mr. BINGHAM. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD Aeronautics Bulletin No. 18, of the Department of Commerce aeronautics branch, dated August 1, 1928, entitled "State Aeronautical Legislation and Abstract of State Laws."

This is the season when State legislatures are convening, and I desire to call the attention of Senators to the fact that the air commerce act of 1926, which regulates flying, flying machines, and pilots, applies only to interstate commerce, and there is no law in some 20 States which would prevent a pilot who had no license from taking money to take up a passenger who was unacquainted with the situation in a plane that had not passed the Government test, provided that he did not go out of the boundaries of his own State.

It is quite extraordinary, Mr. President, that States that have as much interest in flying and as much territory to fly over as Illinois, Indiana, Iowa, Missouri, Texas, and a number of others which are given in a list here have no legislation whatever regulating flying of an intrastate character.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. ROBINSON of Arkansas. Has the Senator considered the advisability of printing the provisions of the Federal law on the subject in connection with the document to which he is referring?

Mr. BINGHAM. Does the Senator mean the air commerce act of 1926 or the regulations?

Mr. ROBINSON of Arkansas. The air commerce act, and any other statutes, if there be other statutes, dealing with the subject, or compilation or codification of the provisions of Federal law relating to the subject. I merely made the inquiry because it seems to me that it would be very convenient to have the Federal statutes in connection with the State statutes which the Senator is having printed. I have no objection to the request the Senator is making.

Mr. BINGHAM. I thank the Senator for his suggestion, and in accordance with the suggestion I shall be glad to ask that there be printed at the end of this pamphlet the Federal statute regulating flying in interstate commerce.

The pamphlet which I have in my hand suggests various forms of legislation which the legislatures of the different States might adopt. It also contains the text of a uniform State law, which has already been adopted by Delaware, Idaho, Maryland, Michigan, Nevada, North Dakota, South Dakota, Tennessee, Utah, and Vermont.

That uniform State law has certain defects, to one of which in particular I desire to call the attention of the Senate for a moment. It is in section 5 of this proposed law, which provides that—

The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath, caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not.

That law does not apply in States like Connecticut and Massachusetts, which have their own State laws, and which recognize the fact that the operator and owner of an airplane should not be liable if something happens for which he is not responsible and for which he can not be held negligent. With that exception, I think the uniform State law is a good one.

About 14 States have adopted their own legislation, as I have read, and about 10 or 11 States have adopted this uniform State law. But 20 States have not adopted any legislation, and in view of the fact that the Department of Commerce has pointed out that 85 per cent of the fatal accidents in aviation in the United States last year took place with unlicensed pilots and unlicensed planes, it seems to me that for the future of aeronautics and for the safety of aviation Senators ought to urge upon their States that they either do what New York State did last year, in adopting a law that no one could fly in the State unless he had a Federal license, and was flying in a Federally inspected plane, adopt a good law of their own, or adopt the uniform State law. Something should be done to make flying safer in the States which have no legislation.

Mr. ROBINSON of Arkansas. Of course, the subject matter is of very great importance, but as to the Senator's suggestion, I would not undertake to tell my State, with my present limited knowledge, what I think it ought to do about it. I think Congress does very well if it legislates intelligently within the sphere of its own powers.

Mr. BINGHAM. May I say to the Senator that the State of Arkansas, which he represents in such a distinguished manner on the floor of the Senate, has its own aeronautical legislation, and is not one of the States that has passed no legislation.

Mr. ROBINSON of Arkansas. The State of Arkansas is very greatly interested in the subject of aeronautics, and many aeronautical organizations exist, many landing fields have been established, and there is quite an active effort there to promote air navigation.

Mr. BLAINE. Mr. President, if the Senator will yield just for a suggestion——

Mr. BINGHAM. I yield.

Mr. BLAINE. There is an organization known as the Commission on Uniform Legislation, and I understand that all of the States are represented on that commission. They have been working out uniform legislation along the lines of banking and many other subjects, and that is the appropriate organization to which a subject of this kind might be referred by any individual who was interested in it. That is a very effective way to bring about uniformity in legislation. I think the commission is a very earnest body; they have their annual meetings, they have their separate committees, as I understand it, and devote a great deal of time and consideration to developing uniformity of legislation. If some suggestion were made to that commission along the line suggested by the Senator, there would not be a feeling that the Senate of the United States or a Member of the Senate was undertaking to tell the State what it ought to do.

Mr. McKELLAR. Mr. President——

Mr. BINGHAM. Mr. President, may I say to the Senator from Wisconsin that his own State has passed legislation prohibiting flying over thickly settled areas and at low elevations, but has done nothing with regard to protecting individuals who desire to fly from flying with pilots who are unfitted for their work or in aircraft that are unairworthy. There is no mention made in the law with regard to the licensing of pilots or of planes, and I hope very much that he will call the attention of his friends at home to the fact that Wisconsin has an opportunity there to protect its own citizens from the dangers of flying in unlicensed planes or with unlicensed pilots in intrastate traffic when the Federal Government has already protected them in interstate traffic.

I yield now to the Senator from Tennessee.

Mr. McKELLAR. As I understand it, Tennessee is one of the States that has a uniform law.

Mr. BINGHAM. Tennessee has passed a uniform State law as recommended by the commission.

Mr. McKELLAR. The Senator's only purpose this afternoon is to have the article printed in the RECORD? It is not to take any steps?

Mr. BINGHAM. There are no steps that Congress could properly take, in my opinion.

Mr. McKELLAR. I can not imagine what steps, other than the mere use of good influences, a step which Congress could take, because it would have no right or authority.

Mr. BINGHAM. Absolutely. It is not a matter of interstate commerce but of intrastate commerce. I merely wanted to call attention to the fact that some States have no legislation to protect their citizens from flying in unlicensed aircraft with unlicensed pilots within the boundaries of their own State.

The PRESIDING OFFICER. Without objection, the request of the Senator from Connecticut is granted.

The matter referred to is as follows:

[From Aeronautics Bulletin No. 18 (formerly Information Bulletin No. 41), August 1, 1928]

DEPARTMENT OF COMMERCE,
AERONAUTICS BRANCH.

STATE AERONAUTICAL LEGISLATION AND ABSTRACT OF STATE LAWS

Because of the fact that the air commerce act of 1926, under which the Department of Commerce functions in the matter of regulating civil aeronautics, does not require intrastate operators and aircraft to be registered and licensed, there has developed the necessity for uniform State legislation. The interest on the part of the various States has become so universal, and the requests for suggestions in the premises so numerous that the department has prepared this bulletin, containing three drafts of proposed State legislation covering the subject. Each is designed to accomplish the apparent necessities and at the same time bring about the extremely desirable feature of uniformity. There is also included suggested legislation concerning the acquisition and maintenance of airports.

The drafts dealing with licensing have been designated by the numbers 1, 2, and 3, in the order of their apparent desirability, and are discussed in that order. The fourth draft concerns acquisition and maintenance of airports.

No. 1. This draft is premised upon legislation recently enacted by the State of New York, with changes which are designed to remove certain ambiguities. It requires a Federal license for all pilots and all aircraft operating within the State. It would not necessitate any additional personnel or any increase in cost to the State. Local police authorities could handle violations thereof in the same manner now provided for motor vehicles. Transgressions thereunder would be for violation of the State law requiring a Federal license rather than a violation of the Federal act.

No. 2. This draft is suggested as an amendment to the State penal code and accomplishes the same result as outlined above. It has been suggested that this draft may conflict with some of the State constitutions; therefore consideration should be given this question before enactment is undertaken. It is recommended for its brevity and conciseness and is without equivocation.

No. 3. This draft is modeled after one prepared by a committee of the American Bar Association and requires either a State or Federal license. Such legislation would necessitate setting up a State inspection system with its attendant costs and complications. The draft, however, does not contemplate the actual issuance of licenses by the State. Rather it is intended that the State and Federal license requirements will be identical, in which case the applicant would prefer the latter because of its broader privileges. This draft does not definitely assure uniformity to the same extent as the preceding ones. It would permit a given State to depart from the Federal requirements, with its consequent confusion to the industry, thus defeating the purpose of uniform State legislation. If, due to some State constitutional provision, this draft is the best type of legislation that can be enacted, it is highly desirable that extreme caution be exercised in promulgating requirements for State licenses in order that they may conform to the Federal requirements.

Legislation throughout the United States requiring only Federal licenses would be of real benefit to manufacturers, operators, and pilots, who would then know that compliance with the Federal regulations would also be compliance with State regulations; also, there would then be uniform throughout the country one set of aeronautical standards, obviating a multiplicity of licenses and conflicting regulations with their attendant costs to the States.

No. 4. This draft is a suggested premise for States desiring to acquire landing fields and airports. Such legislation will depend entirely upon the fiscal legislation of the State and has been provided for informative purposes only, being a revision of legislation already enacted by some of the States. Such legislation may be combined with regulatory features outlined above or may be enacted as a separate measure.

"NO. 1. AN ACT CONCERNING THE LICENSING OF AIRMEN AND AIRCRAFT AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO

"*Be it enacted*—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. 'Operating aircraft' means performing the services of aircraft pilot.

"SEC. 2. Aircraft; construction, design, and airworthiness; Federal license: The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the State unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force.

"SEC. 3. Qualifications of operators; Federal license: The public safety requiring and the advantages of uniform regulations making it desirable in the interest of aeronautical progress that a person engaging within this State in navigating the aircraft described in section 2 hereof in any form of navigation for which license to operate such aircraft would be required by the United States Government shall have the qualifications necessary for obtaining and holding the class of license required by the United States Government. It shall be unlawful for any person to engage in operating such aircraft within this State in any form of navigation unless he have such a license.

"SEC. 4. Possession and display of license: The certificate of the license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager, or person in charge of any airport or landing field in this State upon which he shall land.

"SEC. 5. Penalties: A person who violates any provision of this article shall be guilty of a misdemeanor and punishable by a fine of not more than $100, or by imprisonment for not more than 90 days, or both: *Provided, however,* That acts or omissions made unlawful by this article shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States; but it shall not be necessary to allege or prove, as part of the case for the people, that the defendant is not amenable, on account of the alleged violation, to prosecution under laws of the United States. That he is amenable to such prosecution shall be matter of defense, unless it affirmatively appear from the evidence adduced by the people.

"SEC. 6. Time of taking effect: This act shal ltake effect the —— day of ———, 192—.

"NO. 2. AN ACT CONCERNING AERONAUTICS

"*Be it enacted*—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term 'public aircraft' means an aircraft used exclusively in the governmental service. The term 'civil aircraft' means any aircraft other than a public aircraft. The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 2. Licensing of aircraft and airmen: Any person who navigates within this State any aircraft without a pilot's certificate issued by the Department of Commerce of the United States, or without a valid certificate of airworthiness for such aircraft issued by said Department of Commerce, or in violation of the air commerce regulations which have been, or may hereafter be, promulgated by the Department of Commerce

of the United States, shall be guilty of a misdemeanor and punishable by a fine of not more than ——— dollars or imprisonment for not more than ———, or both.

"SEC. 3. Repeal: All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

"SEC. 4. Time of taking effect: This act shall take effect ———.

"NO. 3. AN ACT CONCERNING THE LICENSING OF AIRMAN AND AIRCRAFT AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO

"*Be it enacted*—

"SECTION 1. Definition of terms: In this act 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term 'public aircraft' means any aircraft used exclusively in the Federal governmental service or the State governmental service. The term 'civil aircraft' means any aircraft other than public aircraft. The term 'airman' means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 2. Power to regulate: The ——— shall administer the provisions of this act, and for such purpose is authorized to make such regulations as are necessary to execute the functions vested in him by this act, which regulations shall conform to and coincide with, so far as possible, the provisions of the air commerce act of 1926, and amendments thereto, passed by the Congress of the United States, and the air commerce regulations and air traffic rules issued pursuant thereto.

"SEC. 3. Aircraft license required: No civil aircraft shall be flown or operated in this State unless such aircraft is licensed as provided by section 5 of this act, or shall have been licensed and registered under the provisions of the air commerce act of 1926 and amendments thereto and the air commerce regulations and air traffic rules issued pursuant thereto.

"SEC. 4. Airman license required: No person shall serve as an airman in connection with any civil aircraft when such aircraft is flown or operated in this State until he shall have obtained a license as provided in section 6 of this act, or shall have been licensed under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto.

"SEC. 5. Licensing of aircraft: The ——— shall provide for the issuance and expiration and for the suspension and revocation of licenses of civil aircraft not licensed and registered under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto.

"SEC. 6. Licensing of airmen: The ——— shall provide for the issuance and expiration and for the suspension and revocation of licenses as airmen not licensed under the provisions of the air commerce act of 1926 and amendments thereto and the air-commerce regulations and air-traffic rules issued pursuant thereto, but to persons applying for such licenses in accordance with the regulations promulgated by him.

"SEC. 7. Public aircraft excepted: The provisions of this act shall not apply to public aircraft owned by the Government of the United States or by this State.

"SEC. 8. Violation of this act a misdemeanor: Any person who navigates within this State any civil aircraft without an airman's license issued in accordance with the provisions of this act or the air commerce act of 1926 and amendments thereto, or without a valid license for such aircraft issued in accordance with the provisions of this act or the air commerce act of 1926 and amendments thereto, or who violates any provision of this act or any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and punishable by a fine of not more than ——— dollars, or by imprisonment for not more than ——— or both.

"SEC. 9. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 10. Short title: This act may be cited as the 'Uniform State air licensing act.'

"SEC. 11. Repeal: All acts or parts of act which are inconsistent with the provisions of this act are hereby repealed.

"SEC. 12. Separability: If any provision of this act is declared unconstitutional or the applications thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 13. Time of taking effect: This act shall take effect ———.

"NO. 4. AN ACT AUTHORIZING CITIES, VILLAGES, TOWNS, AND COUNTIES TO ESTABLISH, CONSTRUCT, IMPROVE, EQUIP, MAINTAIN, AND OPERATE AIRPORT OR LANDING FIELDS

"*Be it enacted*—

"SECTION 1. The local legislative body of any city, village, or town in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages, and towns, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town.

"SEC. 2. The local legislative body of any county in this State is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such counties, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such county.

"SEC. 3. Any lands acquired, owned, controlled, or occupied by such cities, villages, towns, or counties for the purposes enumerated in sections 1 and 2 hereof shall and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity, and such cities, villages, towns, or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity.

"SEC. 4. Private property needed by a city, village, town, or county for an airport or landing field shall be acquired by purchase if the city, village, town, or county is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the city, village, town, or county is authorized to acquire real property for public purposes, other than street purposes, or, if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price or award for real property acquired for an airport or landing field may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds of the city, village, town, or county, as the local legislative body of such city, village, town, or county shall determine, subject, however, to the adoption of a proposition therefor at a municipal election, if the adoption of such a proposition is a prerequisite to the issuance of bonds of such municipality for public purposes generally.

"SEC. 5. The local legislative body of a city, village, town, or county which has established an airport or landing field and acquired, leased, or set apart real property for such purpose may construct, improve, equip, maintain, and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance, and operation thereof, in any suitable officer, board, or body of such city, village, town, or county. The expenses of such construction, improvement, equipment, maintenance, and operation shall be a city, village, town, or county charge as the case may be. The local legislative body of a city, village, town, or county may adopt regulations and establish fees or charges for the use of such airport or landing field, or may authorize an officer, board, or body of such village, city, town, or county having jurisdiction to adopt such regulations and establish such fees or charges, subject, however, to the approval of such local legislative body before they shall take effect.

"SEC. 6. The local authorities of a city, village, town, or county to which this act is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such city, village, town, or county a sum sufficient to carry out the provisions of this act.

"SEC. 7. This act shall take effect immediately."

The State laws abstracted herein are by no means recommended, but are set forth as a comparison to emphasize the need of uniformity in State legislation in conformity with the progress aeronautics have made within the last two years. The so-called uniform State law of aeronautics set forth in detail is an especially good example of the urgent need for revision of such legislation.

The confusion to the industry at the present time is obvious from a study of the multiplicity and variation of requirements.

The drafts suggested at the beginning of this bulletin were prepared to minimize this confusion.

ABSTRACT OF STATE LAWS ON AERONAUTICS

NOMENCLATURE

Aeronautics: The science and art pertaining to the flight of aircraft.
Aviation: The art of operating heavier-than-air craft.
Aerostation: The art of operating lighter-than-air craft.

TYPES OF STATE AERONAUTIC LAWS

State aeronautic legislation has been of two types—regulatory laws providing for licensing of airmen and aircraft, air-traffic rules, etc., and nonregulatory laws, such as the uniform State law, the purpose of which is to establish the legal status of air navigation in relation to general law.

The District of Columbia law, being regulatory in character, and the regulatory provisions of the Hawaii law were superseded by the Federal air commerce act of 1926. The California and Florida laws became void under express provisions that they would be in effect only until Federal legislation entered the field. Regulatory provisions of other State laws are superseded by the Federal air commerce act of 1926 in so far as they are inconsistent with it.

In the following States there is no State aeronautical legislation:

Alabama, Arizona, Georgia, Illinois, Indiana, Iowa, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Texas, Washington, and West Virginia.

UNIFORM STATE LAW

A "uniform State law of aeronautics" has been adopted and is still in force in the following States and Territories. In Michigan the uniform State law has been supplemented by regulatory legislation. The regulatory provisions added to the uniform State law as adopted in Hawaii were superseded by the Federal air commerce act of 1926.

Delaware, 1923 (ch. 199, approved March 23, 1923).
Hawaii, 1923 (Revised Laws of Hawaii, 1925, secs. 3894–3905).
Idaho, 1925 (ch. 92, approved February 25, 1925).
Maryland, 1927 (ch. 637, approved April 26, 1927).
Michigan, 1923 (No. 224, approved May 23, 1923).
Nevada, 1923 (ch. 66, approved March 5, 1923).
North Dakota, 1923 (ch. 1, approved February 5, 1923).
South Dakota, 1925 (ch. 6, approved February 24, 1925).
Tennessee, 1923 (ch. 30, approved February 16, 1923).
Utah, 1923 (ch. 24, approved February 28, 1923).
Vermont, 1923 (No. 155, approved March 26, 1923).

TEXT OF UNIFORM STATE LAW

"An act concerning aeronautics and to make uniform the law with reference thereto

"Be it enacted—

"SECTION 1. Definition of terms: In this act 'aircraft' includes balloon, airplane, hydroplane,[1] and every other vehicle used for navigation through the air. A hydroplane while at rest on water and while being operated on or immediately above water shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft.

"'Aeronaut'[1] includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight.

"'Passenger' includes any person riding in an aircraft but having no part in its operation.

"SEC. 2. Sovereignty in space: Sovereignty in the space above the lands and waters of this State is declared to rest in the State, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this State.

"NOTE.—Hawaii substitutes 'Territory' for 'State.' Both Hawaii and Michigan omit the words 'pursuant to a constitutional grant from the people of the State.'"

"SEC. 3. Ownership of space: The ownership of the space above the lands and waters of this State is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section 4.

"NOTE.—Idaho omits the words 'subject to the right of flight described in section 4'; deleted on amendment.

"SEC. 4. Lawfulness of flight: Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable as provided in section 5.

"NOTE.—Utah adds 'or damaging' after the word 'dangerous.'

"SEC. 5. Damage on land: The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath caused by the ascent, descent, or flight of the aircraft, or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property, both owner and lessee shall be liable, and they may be sued jointly, or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person or owner or bailee of the injured property shall have a lien on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

"NOTE.—Utah adds 'or damage' after the words 'liable for injuries' and after the words 'causing the injury.' There is also inserted 'injury or' after the words 'to the extent of the.'

"SEC. 6. Collision of aircraft: The liability of the owner of one aircraft to the owner of another aircraft or to aeronauts or passengers on either aircraft for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

"SEC. 7. Jurisdiction over crimes and torts: All crimes, torts, and other wrongs committed by or against an aeronaut or passenger while in flight over this State shall be governed by the laws of this State; and the question whether damage occasioned by or to an aircraft while in flight over this State constitutes a tort, crime, or other wrong by or against the owner of such aircraft shall be determined by the laws of this State.

"SEC. 8. Jurisdiction over contracts: All contractual and other legal relations entered into by aeronauts or passengers while in flight over this State shall have the same effect as if entered into on the land or water beneath.

"SEC. 9. Dangerous flying a misdemeanor: Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this State, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor and punishable by a fine of not more than $500 or imprisonment for not more than one year, or both.

"NOTE.—Idaho sets the penalty as $100 or six months, or both. Maryland sets penalty at $1,000 or six months, or both. Nevada makes the imprisonment six months. In South Dakota the fine is $1,000 and imprisonment six months. Utah adds 'loose sheets of paper' after 'water' and sets the fine at $300 and the imprisonment six months. Vermont's fine is $100. Hawaii adds 'or paper handbills' after 'ballast' and sets the fine at $1,000.

"SEC. 10. Hunting from aircraft a misdemeanor: Any aeronaut or passenger who, while in flight within this State, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than ——— or by imprisonment of not more than ———, or both.

"SEC. 11. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics.

"NOTE.—Nevada adds at the end of this section: 'It shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.' Hawaii adds 'and Territories' after 'States.' Michigan omits this section.

"SEC. 12. Short title: This act may be cited as the uniform State law for aeronautics.

"SEC. 13. Repeal: All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

"SEC. 14. Time of taking effect: This act shall take effect ———."

ABSTRACTS OF OTHER STATE LAWS

Acts granting authority to acquire land for airports or other navigation aids and the like have not been included. Neither have there been included local ordinances.

Each of the following States requires original or periodic examination of pilots and inspection of planes:

Arkansas, Connecticut, Colorado, Florida, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Virginia, and Wyoming.[2]

A similar requirement prevails in all Territories and possessions of the United States[2] and in the District of Columbia[2] and the Panama Canal Zone.[3]

The State laws hereinafter digested do not, of course, comprise either a digest of the entire law applicable in respect of the registration or licensing of pilots and aircraft, or all the air-traffic rules applicable to interstate or intrastate air navigation. Under the air commerce act of 1926 the air-traffic rules promulgated by the Secretary of Commerce apply to all air navigation, commercial or noncommercial, interstate or intrastate.

Under the air commerce act of 1926 the requirements as to the registration of aircraft and certificates of airworthiness therefor and as to certificates for airmen apply not only to interstate transportation of passengers or property for hire but also to interstate "navigation of aircraft in furtherance of a business or navigation of aircraft from one place to another for operation in the conduct of a business."

Such requirements also apply to such transportation and navigation between two points in the same State but through any place outside thereof, and between two points within the Territories of Alaska or Hawaii or the District of Columbia or any possession of the United States.

[1] The word "hydroplane" and "aeronaut" are erroneously used, according to official nomenclature.

[2] Registration in Wyoming dependent on Federal licenses, which require pilot examination and plane inspection.

[3] Federal regulations under air commerce act control. Licensed planes are inspected, while those "identified" or merely registered are not required to be inspected.

	Uniform State law	Arkansas	Colorado	Connecticut
Authority	No mention	State aircraft board, 3 members	Commission of aeronautics, 3 members.	Commissioner of aviation(sic)[1] and advisory board of 7 members.
Aircraft registration and inspection.[2]	do	Annual on inspection, free; additional inspection, $5.	Board to provide	Annual, on inspection.
Transfer	do	Vendor notifies board; vendee obtains transfer on $1 fee.	No mention	Registration expires, on transfer; vendor returns certificate with notice.
Pilot license	do	Annual, on examination	On periodic examination	Annual, on examination.
Students	do	No license until solo stage	No mention	No license until solo stage; nonlicensed persons must be accompanied by licensed pilot.
Fees	do	Private plane, $15; commercial plane, $50; private pilot license, $10; commercial pilot, $50; manufacturer or dealer license, $50 for 3 planes.	do	Plane registration, $25; experimental registration, $2; initial pilot examination, $15; annual pilot examination, $10; semiannual pilot examination, $5; operating license, $5; transfer, $1.
Suspension or revocation	do	No mention	Pilot license may be suspended or revoked on hearing.	For sufficient cause.
Traffic rules	do	Board may prescribe	No mention	No mention.
Acrobatics	Prohibited over thickly settled areas or assemblies.	Prohibited over populated areas	do	Prohibited over thickly settled areas or assemblies.
Normal altitude	Flying unlawful at such low altitudes as to endanger or interfere with existing use.	Minimum over cities, 1,000 feet; over thickly populated premises 250 feet, except in fog or forced landing.	do	At least 2,000 feet over thickly settled areas or assemblies.
Nonresidents	No mention	Private operation only exempt 15 days, conditional on compliance with home State, foreign, or Federal registration and license laws.	do	Exempt 30 days if plane registered and pilot licensed, home State or Federal. If no home State law, commissioner may waive provisions. Exhibitions or flights for hire require compliance. Arrivals to be reported in 48 hours.
Exemptions	do	Pilots and aircraft of U. S. Government.	Aircraft of U. S. Government and sovereign States and countries.	Pilots and aircraft of U. S. Government.
Violations	Penalty varies. The uniform State law also includes penalty for hunting with aircraft.[3]	$25–$100	$20–$500	Not more than $100 or six months, or both.
Relation to Federal law	Law construed to harmonize with Federal laws.	Provisions of the act may be waived by board if conditions of Federal regulations are met.	Regulations which may be promulgated by the commission to be in harmony with air commerce act.	No mention.
Miscellaneous		Board empowered to regulate all navigation, inspection, and examination of pilots and craft, regulate traffic, and field markings. (Act 17, approved Feb. 16, 1927.)	Commission to generally foster air commerce, provide regulations, encourage airports, airways, record accidents; National Guard may set aside fields for air commerce and fix rentals. (H. B. 79, approved May 5, 1927.)	Commissioner may make, alter, or repeal all regulations. Pilot and employer liable for damage due to negligence. Other provisions include reporting of damages; inspection of airports, tampering with aircraft, airports, or airways, reports of accidents, etc. (Approved May 10, 1927, ch. 324.)

	Kansas	Kentucky	Louisiana	Maine
Authority	Aircraft board, 3 members	Air board, 5 members	No mention	Secretary of state.
Aircraft registration and inspection.	Annual, on inspection	No mention	do	Annual, on inspection.
Transfer	Vendor notifies board, vendee requests transfer.	do	do	Registration expires and vendor notifies secretary of state.
Pilot license	Annual, on examination	do	do	Annual, on examination.
Students	No license until solo stage	do	do	No license; must be accompanied by licensed or military pilot.
Fees	Registration and inspection, $15; other inspection, $2.50; pilot license, $10; manufacturer and dealer license, $20 for 3 aircraft and $1 each for additional; transfer, $1.	do	Bond in sum of $15,000 for 1 airplane and $1,000 for each additional airplane to cover injuries to persons or property required in carrying passengers for hire.	Registration, $5; inspection, $5; pilot examination, not over $25; operating license, $2; passenger-carrying permit, $1.
Suspension or revocation	No mention	do	No mention	On hearing for sufficient cause.
Traffic rules	Board may prescribe	do	do	Provided.
Acrobatics	Prohibited over thickly settled areas.	do	do	Prohibited over thickly settled areas or assemblies.
Normal altitude	Minimum over cities, 1,000 feet, or anywhere under 250 feet, fog and forced landings excepted.	do	do	Minimum altitude 1,000 feet in city limits.
Nonresidents	Exempt 30 days if plane registered and pilot licensed in home State; flight for hire requires compliance.	do	do	Private pilots exempt 15 days if licensed in home State; commercial pilots and passenger aircraft must comply.
Exemptions	Pilots and craft of U. S. Government.	do	do	Pilots and planes holding Federal authority.
Violations	$25–$500	do	Maximum of $1,000 or 6 months, or both.	$10–$100 or 1–6 months, or both.
Relation to Federal law	No mention	do	No mention	
Miscellaneous	Board authorized to regulate and control air navigation, including markings for airports. (Ch. 264, approved Mar. 1, 1921.)	Board may acquire land and equipment and provide airports and airways. (Approved Mar. 3, 1926.)	Act mentions only operators carrying passengers for hire. (Act 52, approved June 26, 1926.)	Permit necessary to carry passengers for hire. Pilots must maintain log. (Laws of 1923, ch. 220; as amended, 1925, ch. 185.)

	Massachusetts	Michigan	Minnesota	New Jersey
Authority	Registrar and advisory board of at least 3 members.	No mention	Adjutant general	No mention.
Aircraft registration and inspection.	Annual on inspection	Aircraft must comply with Federal regulations.	Semiannually on inspection	Must comply with Federal regulations and have Federal license if operating commercially.
Transfer	No mention	No mention	No mention	No mention.
Pilot license	Annual on examination	Pilots carrying passengers for hire must have Federal license.	On examination	Pilots operating commercially must have Federal license.

[1] Delaware—Maximum $500 or 1 year, or both. Idaho—Maximum $100 or 6 months, or both. Maryland—Maximum $1,000 or 6 months, or both. Nevada—Maximum $500 or 6 months, or both. North Dakota—Maximum $500 or 1 year, or both. South Dakota—Maximum $1,000 or 6 months, or both. Tennessee—Maximum $500 or 1 year, or both. Utah—Maximum $300 or 6 months, or both. Vermont—Maximum $100 or 1 year, or both.

[2] "Registration" as used herein means official entry or record of aircraft, whether licensed or merely identified.

[3] Law covers all aircraft, however, whether lighter or heavier than air.

	Massachusetts	Michigan	Minnesota	New Jersey
Students	No license; must be accompanied by licensed pilot unless over approved field.		No mention	No mention.
Fees	Pilot license, $5; examination, $5; plane registration, $15.	No mention	Registration, $10; renewal, $2; pilot license, $10.	Do.
Suspension or revocation	On hearing, for cause	do	For cause	Do.
Traffic rules	Registrar may provide	do	No mention	Do.
Acrobatics	Prohibited over thickly settled areas and in commercial passenger carrying. Wing walking, transfer, etc., prohibited.	do	Prohibited over thickly settled areas or assemblies.	Do.
Normal altitude	Minimum, 3,000 feet over thickly settled areas; 1,000 feet over assemblies; 500 feet over any building or person.	1,500 feet over assemblies except at flying fields.	Such as to enable glide to landing [4]	Do.
Nonresidents	Private pilots and planes or commercial pilots and planes in interstate traffic which have complied with home or Federal laws exempt; all others must comply.	do	No mention	Do.
Exemptions	Pilots and craft of the State or U. S. Government, or licensed pilots and registered planes under Federal authority; experimental craft.	1,500 feet over assemblies except at flying fields.	Pilots and aircraft of the State or U. S. Government.	No mention.
Violations	$10–$500 or 1–6 months, or both	$10–$100 or 90 days, or both	Violation is misdemeanor	Violation is misdemeanor.
Relation to Federal law	None except as above	As above	No mention	As above.
Miscellaneous	Other requirements are set as to landing in public parks, establishment of landing places, reporting damage to planes, limitation of load, etc. (Acts of 1922, 534, secs. 35–40; acts of 1925, 189, secs. 41–59.)	These regulatory provisions are in addition to the provisions of the uniform State act. House enrolled act 127, Public Act 138, approved May 11, 1927.	The adjutant general is charged with promulgation of regulations; these were published as G. O. 18, Sept. 1, 1927. (Approved Apr. 25, 1925, ch. 406.)[4]	Ch. 63, New Jersey laws of 1928. Effective Mar. 19, 1928. Same as stated on New York.

	New York	Oregon	Pennsylvania
Authority	No mention	Secretary of state	Secretary of internal affairs, advised by State aeronautics commission, 7 members.
Aircraft registration and inspection.	Must comply with Federal regulations and have Federal license if operating commercially.	Annual, on inspection	On inspection.
Transfer	No mention	Vendee notifies secretary of state	No mention.
Pilot license and examination	Pilots operating commercially must have Federal license.	No mention	On examination.
Students	No mention	do	Regulations provide for.
Fees	do	Registration fee, $10; transfer fee, $1	No mention.
Suspension or revocation	do	No mention	On hearing.
Traffic rules	do	do	Covered by regulations promulgated by Department of Internal Affairs under authority of act.
Acrobatics	do	do	Do.
Normal altitude	do	do	Do.
Nonresidents	do	do	Do.
Exemptions	do	do	Airmen and aircraft of U. S. Government, of Pennsylvania State, or those Federally licensed.
Violations	Not more than $100 or 90 days or both	$10–$100	$10–$100 or not more than 30 days.
Relation to Federal Law	As above	No mention	Regulations not to be inconsistent with Federal laws and regulations.
Miscellaneous	Ch. 233, Mar. 5, 1928. Effective July 1, 1928. Requires Federal licenses for pilots and aircraft engaged in operation which would require such license if operation was interstate.	Approved Feb. 11, 1921, ch. 49; amended Feb. 23, 1923, ch. 186.	Department of internal affairs authorized to adopt regulations for registration and licensing of aircraft, airmen licensing, and regulation of airports except those of U. S. Government. (Acts of Assembly No. 164, Apr. 13, 1927; No. 250, Apr. 26, 1927.)

	Virginia	Wisconsin	Wyoming
Authority	State Corporation Commission	No mention	Secretary of state.
Aircraft registration and inspection.	State or Federal license (State license under rules promulgated by commission).	do	Registration on presentation, Federal license only.[5]
Transfer	No mention	do	No mention.
Pilot license	State or Federal license (State license under rules promulgated by commission).	do	On presentation of Federal license only.[5]
Students	No mention	do	No mention.
Fees	do	do	Do.
Suspension or revocation	May under rules promulgated by commission	do	Pilot and plane, on conviction for violation.
Traffic rules	No mention	do	Traffic rules, navigation obstruction lights, signals, etc., provided.
Acrobatics	do	Prohibited over thickly settled areas or assemblies.	Prohibited over thickly settled areas or assemblies, or with passengers, or over an airport, or within 1,000 feet horizontally, or under 2,000 feet above an airway, or by plane carrying passengers for hire.
Normal altitude	do	No flying at such low altitudes as to endanger persons below.	Minimum altitude over thickly populated areas or assemblies, 1,000 feet; elsewhere, 500 feet.
Nonresidents	do	No mention	No mention.
Exemptions	Aircraft of U. S. Government and State of Virginia.	do	Do.
Violations	Not more than $100 or one month, or both	$10–$100 first offense; $100–$500 or 6 months, or both.	$50–$500 or 30 days to 1 year, or both.
Relation to Federal law	State license not required if federally licensed	No mention.	
Miscellaneous	Effective date. Act also prohibits establishment, maintenance, or operation of airport or landing field without permit from commission. Fine not less than $100 or more than $500 for each day operated.	Approved Apr. 2, 1925, ch. 35	Act also authorizes governor to set apart air space and municipalities to acquire property and conduct airports. (Approved Feb. 26, 1927, ch. 72.)

[4] Law of 1921 set 2,000 feet over cities, with fine not over $100 or 60 days, or both. This law not repealed by 1925 act.
[5] Wyoming registration not necessary in case of transit over the State.

REGULATORY POWERS—AIR COMMERCE ACT

SEC. 3. Regulatory powers. The Secretary of Commerce shall by regulation—

(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than 8 months after the passage of this act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, rerate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

(d) Provide for the examination and rating of air-navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

(e) Establish air-traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

(f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary, upon receipt of the request, shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

SUGGESTED UNIFORM CITY ORDINANCE

An ordinance to require the licensing of aircraft and pilots operating over the city of ———.

SECTION 1. Be it ordained by the common council of the city of ———, that on and after the first day of ———, 192—, only aircraft and pilots licensed by the United States Department of Commerce shall be permitted to operate in or over the city of ———: *Provided, however,* That this restriction shall not apply to public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof.

SEC. 2. Any person violating the provisions of this ordinance shall upon conviction be found guilty of a misdemeanor and subject to a fine of not more than ——— dollars or imprisonment for not more than ——— days, or both such fine and imprisonment.

COOK COUNTY, ILL.

The following resolutions were passed in 1927 by the board of county commissioners of Cook County, Ill., to bring all local activities within the scope of the regulations of the Department of Commerce:

"*Be it resolved,* That the board of county commissioners hereby prohibits the flying of aircraft within the corporate limits of the county of Cook, excepting such aircraft as has been inspected and licensed by the Department of Commerce of the United States and when operated by pilots possessing licenses issued by the Department of Commerce of the United States; and

"*Be it further resolved,* That no pilot of aircraft be permitted to operate aircraft within the corporate limits of the county of Cook, excepting those who are in possession of licenses issued by the Department of Commerce of the United States."

Similar ordinances have also been passed by other municipalities.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate, as in open executive session, take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess in open executive session until to-morrow, Thursday, January 10, 1929, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 9 (legislative day of January 7), 1929

COMMISSIONER OF IMMIGRATION

Norval P. Nichols, of Porto Rico, commissioner of immigration at the port of San Juan, P. R.

COAST GUARD OF THE UNITED STATES

Commander (Engineering) Christopher G. Porcher to be a captain (engineering) in place of Capt. (Engineering) John E. Dorry, retired, to rank as such from September 26, 1928.

Lieut. Commander (Engineering) Frederick H. Young to be a commander (engineering) in place of Commander (Engineering) Christopher G. Porcher, promoted, to rank as such from September 26, 1928.

The above-named officers have passed the examinations required for the promotions for which they are recommended.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Edward A. Greene to be a colonel in the Marine Corps from the 2d day of January, 1929.

Maj. Franklin B. Garrett to be a lieutenant colonel in the Marine Corps from the 22d day of December, 1928.

Maj. Samuel W. Bogan to be a lieutenant colonel in the Marine Corps from the 2d day of January, 1929.

Capt. DeWitt Peck to be a major in the Marine Corps from the 2d day of January, 1929.

First Lieut. Merton A. Richal to be a captain in the Marine Corps from the 19th day of May, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 9 (legislative day of January 7), 1929

POSTMASTERS

CALIFORNIA

Gladys B. Evans, Knights Landing.
Mamie L. Royce, Pittsburg.
Clement J. Nash, San Mateo.

COLORADO

Valcie V. Vining, Wray.

GEORGIA

George E. Youmans, Adrian.
John H. Boone, Hazlehurst.
William H. Blitch, Statesboro.

INDIANA

David E. Conrad, Lapel.

IOWA

Gay S. Thomas, Audubon.
Samuel A. Garlow, Avoca.
Homer C. Thompson, Bayard.
William W. Gundrum, Casey.

KENTUCKY

Edmund T. Davern, Kenvir.
Everett E. Davis, Louellen.
E. Paul Counts, Olive Hill.

MARYLAND

William G. Smyth, Chestertown.
Louis J. DeAlba, Glenburnie.
Robert G. Merryman, Monkton.

MISSOURI

Clara Harlin, Gainesville.
Charles W. Lowry, Normandy.

NEBRASKA

Laurence N. Merwin, Beaver City.
Clarrissa Bilyeu, Big Spring.
Marcus H. Carman, Cook.
Joe G. Crews, Culbertson.
Charles H. Fueston, Dakota City.
William C. Coupland, Elgin.
Lucy L. Mendenhall, Elk Creek.
Charles E. Cook, Franklin.
James J. Green, Moorefield.
Herbert L. Wichman, Norfolk.
George A. Ayer, Oxford.
Olaf H. Larson, Shickley.
Lulu C. Brown, Stockville.
Franz J. Riesland, Wood River.

NEW YORK

John A. Crager, Hagaman.
Hazel I. VanNamee, Richville.

OHIO

Calvin M. Crabtree, jr., Convoy.
Charles F. Shoemaker, Pickerington.
Clarence S. Frazer, Xenia.

OREGON

Earl B. Watt, Falls City.
Jay W. Moore, Harrisburg.
William R. Anderson, Milton.
Clarence C. Presley, Newport.

PENNSYLVANIA

Anna R. Parker, Kulpmont.
David L. Bly, Watsontown.

WASHINGTON

Albert Maurer, Kelso.
Pearl B. Burrill, Snoqualmie Falls.

WISCONSIN

Alfred H. Krog, Darlington.
George L. Harrington, Elkhorn.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 9, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. TILSON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father in Heaven, for the enfolding ministries of Thy providence. We praise Thee that through repentance and divine love we have access to the Father, who pardons and restores all who are of a humble heart. Restrain the discordant notes of unrest and defiance to law and authority. Subdue the unwise critics of the Republic, and in every way help us to preserve our national inheritance and traditions, which have made us respected and honored throughout the world. Bring into bonds of unity all our citizens, and let them enjoy a righteous freedom from every form of repression and oppression. Give the blessings of courage, confidence, and good cheer to all sick and sorry hearts. Bless us this day, and may we not fear to-morrow. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House on Friday, after the reading of the Journal and the disposition of matters on the Speaker's table, for 30 minutes on some phases of the activities of the Treasury Department.

Mr. CLARKE. Reserving the right to object, what is to be the subject of the address?

Mr. CELLER. The subject of the address will be certain activities of the Treasury Department, particularly as they refer to treaties concerning liquor.

Mr. SNELL. Mr. Speaker, reserving the right to object, while I do not know of any objection, I would not want this to get in ahead of the completion of the Army bill. If the Army bill is completed at that time, I would have no objection.

Mr. CELLER. I have not often made requests of this sort and I would appreciate having this one granted.

Mr. SNELL. If the gentleman will modify his request and ask the permission following the completion of the Army bill on Friday——

Mr. CELLER. I understood we were to have the Army bill under consideration on Saturday also.

Mr. SNELL. We hope to complete its consideration by Friday. If the gentleman will modify his request and ask for the time after the completion of the Army bill on Friday, I shall not object.

Mr. CELLER. I agree to that. The request is changed, Mr. Speaker, at the suggestion of the gentleman from New York, and I ask for this time after the completion of the Army appropriation bill.

The SPEAKER pro tempore. Is there objection to the modified request of the gentleman from New York?

There was no objection.

IMPROVEMENT OF THE GREAT KANAWHA RIVER

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and Members of the House, a river and harbor improvement bill is now pending on the House Calendar. This bill was favorably recommended by the Committee on Rivers and Harbors at the first session of the Seventieth Congress. Both of our great political parties are pledged to river and harbor improvement. This pledge should be kept and the improvement rushed to completion as rapidly as is consistent with economy. Any delay in this highly important legislation is wholly unjustified. Millions of dollars have been expended in the improvement of the Mississippi and Ohio Rivers. The improvement of the Ohio River is practically complete. An increase in tonnage is needed for shipment over these two great waterways in order to justify the large sums of money expended in these improvements.

The improvement of the Great Kanawha River which flows through the district I have the honor to represent will furnish more tonnage than any other river which empties into either the Mississippi or Ohio Rivers.

The Great Kanawha Valley and surrounding territory has the greatest deposit of smokeless coal in the world, all of which may be shipped over the Great Kanawha River as soon as the river is improved so as to afford adequate transportation facilities.

I assert without fear of contradiction that the Great Kanawha River affords the greatest possibilities in the shipment of tonnage than any river in the country. In addition to the unlimited quantity of coal, estimated by competent engineers to be 18,000,000,000 tons within sufficient proximity to be marketed by shipment on the Great Kanawha River, there are numerous factories in this great industrial center. Clay, brick, iron, steel, chemicals, glass, bottles; in fact, everything nearly that can be manufactured is manufactured in this valley. The coal business is as near on the rocks of ruin as any other industry in existence. Relief should be had before it is too late. The improvement of the Great Kanawha River will perhaps afford greater relief to our coal business than anything else which might be done.

Numerous civic organizations and coal operators' associations have sent me messages urging the immediate passage of the river improvement bill.

These organizations are: St. Albans Business Men's Association, the Rotary Club of Montgomery, the Beckley Chamber of Commerce, the Beckley Kiwanis Club, the Beckley Rotary Club, the Winding Gulf Coal Operators Association, the Charleston Chamber of Commerce, the Great Kanawha Valley Improvement Association, Oak Hill Chamber of Commerce, and the Montgomery Chamber of Commerce.

Permit me to say that the improvement of the Great Kanawha River, in proportion to the amount necessary to expend

for proper transportation purposes, means more in the development and prosperity of the country than any other river within its borders.

Let us do our duty and pass this bill during this session of Congress, and thereby afford the coal business, farmers, and other industries relief without any further delay.

Mr. McDUFFIE. Will the gentleman yield?

Mr. ENGLAND. Yes.

Mr. McDUFFIE. Does the gentleman know the attitude of the leadership on his side of the aisle as to the passage of this bill?

Mr. ENGLAND. I do not. At the present time I do not know that there is any specially defined attitude. So far as I know, there is none.

Mr. McDUFFIE. Does not the gentleman realize that unless we do something in this Congress it will probably be more than 12 months before we can consider river and harbor legislation?

Mr. ENGLAND. That is exactly the reason I am urging immediate action at this particular time.

Mr. McDUFFIE. Has the gentleman any hope that the leadership on the majority side will help us to get this bill up and pass it?

Mr. ENGLAND. I certainly hope they will. I do not know that the leadership has any views as to what action may be taken or what they are going to do.

Mr. McDUFFIE. It rests absolutely with them. All they have got to do is to say so, and the matter will be taken up.

Mr. ENGLAND. I do not know as to that.

Mr. KNUTSON. In fairness to the gentleman, if the gentleman has any information as to the attitude of the leaders on this side, I think he should give it to the House so that we may know what it is. I have not heard any expression myself.

Mr. ENGLAND. I have heard no expression as to the purpose or decision of the leadership.

Mr. McDUFFIE. That is exactly what is troubling us now—we have heard no such expression, and we want some expression from them.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. ENGLAND. Yes.

Mr. HOWARD of Oklahoma. The gentleman asked consent to put in his remarks an editorial of a certain publication. How long is that?

Mr. ENGLAND. It is not very long.

Mr. HOWARD of Oklahoma. I want to inquire why the gentleman from Massachusetts, who has become head waiter and sanitary inspector for this House recently, does not object to your requests, when he turns on the Democrats in the House?

Mr. UNDERHILL. The gentleman has not given me a chance yet.

Mr. HOWARD of Oklahoma. And the gentleman was not going to, either.

Mr. UNDERHILL. He was, too.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ENGLAND. It is well known what the coal industry means to our national life and prosperity to the entire country.

This being an indisputed fact, Congress should act promptly in the passage of legislation to revive this industry, which is now practically prostrate.

The speedy improvement of the Great Kanawha River is one means of affording a measure of relief to the coal business in our section, and for that reason, among many others, legislation for the improvement of river transportation facilities should not be delayed. Such improvements will afford cheaper transportation and broader markets for our coal products. [Applause.]

REUNION OF THE BLUE AND THE GRAY

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for five minutes now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

Mr. CLARKE. Reserving the right to object, is this in order or out of order?

Mr. HOWARD of Nebraska. I do not know. [Laughter.]

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, I ask that the Clerk read in my time the following bill which I have introduced.

The Clerk read as follows:

[H. R. 14461, 70th Cong., 1st sess.]

A bill (H. R. 14461) to provide for a joint reunion of the surviving veterans of both sides of the war of 1861 to 1865, in the city of Washington, in the year 1929; to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion; and to provide for a commission to carry into effect the provisions of the act

Be it enacted, etc., That it is deemed appropriate that a joint reunion of both sides of the few surviving veterans of the war of 1861 to 1865 be held in the city of Washington in the year 1929, in order that opportunity be given to the American people to express their affection for said veterans; and that the expenses of such joint reunion be borne by the United States Government.

SEC. 2. That for the purpose of carrying into effect the provisions of this act there is hereby authorized to be appropriated out of moneys in the United States Treasury a sum or sums of money sufficient to pay all expenses of said joint reunion.

SEC. 3. That for the further purpose of carrying into effect the objects of this act and arranging for said joint reunion there is hereby created a commission, to consist of the following persons, to wit: The General of the United States Army, the commander of the Spanish-American War Veterans, the commander of American Legion, the commander of Veterans of Foreign Wars, and such other persons as the President of the United States may appoint.

SEC. 4. Full power is hereby granted to said commission to arrange for and carry into effect said joint reunion.

Mr. HOWARD of Nebraska. Mr. Speaker, I have asked and graciously received permission to speak for five minutes for the sole purpose of calling the attention of the House to this Christian good-will offering providing for a joint reunion of the survivors of the armies of the blue and the gray in Washington during the present year.

When I first presented the bill it provided that the commission should be composed of the General of the United States Army, governors of the several States, and such other persons as the President of the United States might be pleased to appoint. I have thought now that it would be better to have the commission composed of the General of the United States Army, the commanding officers of the Spanish War Veterans, the American Legion, and the Veterans of Foreign Wars, having the thought in mind that it would be beautiful if these men of the younger organizations could stand in a sense as hosts of the veterans of the great Civil War.

Now, Mr. Speaker and gentlemen, my particular purpose is to remind Members of the House that to-morrow morning the hearing on this bill will be held before the House Committee on the Judiciary, and I would like to ask those who are in accord with the Christian good-will spirit of this bill to appear before the committee and plead for favorable action.

A few mornings ago the House was honored by the presence of the commander in chief of the Grand Army of the Republic, who sat in the gallery, and this House did pay honor to his presence. He was in Washington for the express purpose of pleading for the passage of this legislation. He was called to another State yesterday and may not get back in time for the hearing, but his heart and soul are in favor of it, and I earnestly hope that all of those Members of the House—and particularly all you who are ex-service men—who favor this movement in behalf of brushing away the last vestige of bitterness between two sections of our country once at war but now fully united may appear before the committee and ask for early action on the bill.

Mr. DYER. Will the gentleman yield?

Mr. HOWARD of Nebraska. I will.

Mr. DYER. Has the gentleman inquired of the veterans of the gray whether they are in accord with the proposed reunion?

Mr. HOWARD of Nebraska. I will say that I have received some 4,000 letters from survivors of the two armies. Out of all these I have received but four antagonistic to the movement. One of them came from Maine, 1 from Massachusetts, 1 from Maryland, and 1 from Virginia. Two of the objectors said that they did not want to march down Pennsylvania Avenue with the "damned Yankees." [Laughter.] The other two said they did not want to march with the "damned rebels." All the other 4,000 applauded the purpose of the bill. [Applause.]

MICHIGAN CRIMINAL CODE

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, the Criminal Code of Michigan has raised a great deal of talk in the last two weeks throughout the Nation because of the celebrated case against Etta Miller. I would like to have read in my time an editorial from the Detroit Free Press, of January 8, which I send to the desk.

The Clerk read as follows:

[From the Detroit Free Press, Tuesday, January 8, 1929]

NEEDLESS TEARS

There seems to be no end to the tears the professional sob squadders feel they must shed over Mrs. Etta Miller, now serving a life term in the Detroit House of Correction because she insisted upon repeatedly defying the liquor laws of the State. Actually there is no reason to weep over the woman's situation, as far as her treatment by the agencies of the law is concerned. Mrs. Miller has borne 10 children, it is true—so have many other women who have not found it necessary to run blind pigs—but only 4 of the 10 survive, and 3 of those are married and the other is being supported by the State; so the theory that she was driven to illegal practices in order to support a family rather falls by the wayside.

And although Mrs. Miller has been convicted only four times, she has been in trouble with the law a large number of times, if apparently reliable reports are accurate; and when last apprehended, she had a 12-year-old girl in her place serving drinks to customers. Mrs. Miller is a confirmed and obstinate lawbreaker. She was a menace to the community where she lived, and the thing to do was to place her where she could cause no more trouble.

Those who for propagandist reasons, which have nothing whatever to do with love of justice or the public good, are trying to make a heroine and a martyr out of an aged purveyor of rotten booze, do not worry much over the harm the woman has been doing. They are not concerned about the injury to persons she has sold her wares to. And in that connection it is pertinent to notice that some of those who mourn assiduously over the woman's troubles are persons or publications who also make a specialty of crying over the hard fate of assassins while forgetting about those they have murdered.

The Detroit Times said in a recent editorial: "Grandma Miller made the mistake of violating the eighteenth amendment in a dry community. She also made the mistake of being poor." And with this as a premise the publication proceeded to an utterance that was close to an inferential incitement to lawbreaking and meant nothing at all, if it did not mean that in the opinion of the newspaper Mrs. Miller and others like her have a perfect right to defy the statutes and practice bootlegging if they are able to get away with it, and ought not to be punished if they are caught.

We are inclined to the belief that the Michigan Criminal Code, though a most excellent legal instrument as it stands, is perhaps a little severe in dealing with fourth offenders who have done nothing except violate the liquor laws in a relatively small way, and that perhaps a term of years, something less than life, would be a sufficient punishment for chronic wrongdoers of that sort. But the hardship, if any exists, is not very great, because nobody is obliged to break the law; and the overseverity certainly is not so serious an evil as that created by reckless persons or publications who incite individuals to break the law of the land and undertake to glorify and make heroes of those who suffer penalties for doing so. An apology for crime which tends to incite crime is as real an offense against society as is the commission of crime itself.

Mr. HUDSON. Mr. Speaker, I hold in my hand the record of the Social Service Bureau of the city of Lansing, beginning with the files that are now in existence after the fire of 1920, and about every three months from 1921 on, this record shows that this family has been in police trouble for harboring immoral people, for leading immoral lives themselves, and being constantly arrested for bootlegging and intoxication, both on the part of the father and the members of the family. The woman in question has four children by her first husband, and three by the last. The stepson of the first husband has been arrested a number of times as a bootlegger and has served time. The oldest daughter lived for over a year immorally with a man that the community afterward forced her to marry. The woman has been arrested for immoral practices. The second daughter is in the industrial reform school for girls, and the last child is committed to another State institution. I shall read now into the RECORD this woman's record of crime.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. Not now. This is the police record of Mrs. Miller:

September 24, 1924: Illegal possession of liquor, served 60 days in the county jail at Mason.

October 10, 1924: Illegal furnishing of liquor, charge dismissed.

January 24, 1925: Illegal possession of liquor, no disposition of the case listed.

October 10, 1925: Illegal furnishing of liquor, six months to a year at the Detroit House of Correction.

March 10, 1927: Illegal furnishing of liquor, six months to a year in the house of correction.

March 19, 1927: Illegal possession of liquor. Pleaded guilty; no disposition.

May 24, 1927: Illegal furnishing of liquor. Pleaded not guilty; no disposition of case recorded.

October 4, 1928: Illegal possession of liquor.

Then in December came the conviction that culminated in the fourth felony offense for which the judge had no recourse except to send her under the criminal law of Michigan to prison for life. The Supreme Court has upheld that. My contention is that if we are going to waste our tears and sobs over somebody who has been hurt by the law, then we should take some one who is worthy of it and not a character of this kind.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. I yield back whatever time I have.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I do not for one moment attempt to defend this notorious Michigan bootlegger who has been sentenced to life imprisonment. I notice that the preceding speaker, the gentleman from Michigan [Mr. HUDSON], has read into the RECORD a statement of convictions and moral lapses on the part of certain members of the woman's family. It may be well if those who read his presentation and who have heard it keep in their minds that the daughter of the family who is charged with having had moral lapses may have been emulating that notorious gentleman from New York who contributed $500,000 to the Anti-Saloon League and who, it was found, had been maintaining a love nest in the great State of New York.

EXTENSION OF REMARKS

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent that the remarks I made a few moments ago may be extended in the RECORD.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD which he made a few minutes ago. Is there objection?

Mr. UNDERHILL. I have no objection if they are his own remarks, Mr. Speaker.

Mr. HOWARD of Oklahoma. Mr. Speaker, when the gentleman from West Virginia was speaking a few moments ago I asked the question as to why an objection had not been made to his including an editorial in his remarks. The gentleman from Massachusetts said that he intended to. I want to know if he did. I do not intend to object, but I want to know whether the gentleman from Massachusetts objects.

Mr. UNDERHILL. Mr. Speaker, I am on my feet to object to extraneous matter going into the RECORD.

Mr. HOWARD of Oklahoma. I want to know whether the gentleman did object.

The SPEAKER pro tempore. The gentleman from West Virginia asked unanimous consent to extend his remarks in the RECORD and the gentleman from Massachusetts has objected to any remarks other than his own remarks.

Mr. ENGLAND. Mr. Speaker, I hope the gentleman from Massachusetts will withdraw that for this reason: The editorial referred to is not long and it deals with the effect that coal has upon our industries generally. I felt it was better expressed in this short editorial than I could express it in my own words. For that reason I would like to have it incorporated as a part of my remarks. The other matter consists of telegrams from various civil organizations down there. None of those telegrams is very long. They are regarding the improvement of this great river. For that reason I hope the gentleman will withdraw his objection.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, these are matters to which I have conscientiously and consistently objected. The gentleman has presented his case in a convincing manner, and so far as these telegrams and editorials are concerned, there is a place in the basket for them, and they will take their usual course and be entered into the RECORD as having been received by this House. There is no necessity of publishing them as a part of the gentleman's remarks, and I object.

The SPEAKER pro tempore. Objection is heard.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, with the permission of the House I rise to make an announcement. Several Members have asked me when we intended to call up the rules that are on the calendar. It is expected that the rule for the reapportionment bill will be called up immediately after the disposition of business on the Speaker's table to-morrow, and that right after the disposition of the War Department appropriation bill, after the time allotted to the gentleman from New York [Mr. CELLER], we intend to call up the bill changing the jurisdiction of the Judiciary Committee of the House and also the one that the gentleman from Iowa [Mr. RAMSEYER] introduced relative to the printing of amendments to the bill.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including their traveling expenses; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the purchase or construction, not exceeding $200,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C. p. 197, sec. 751); to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C. p. 197, sec. 752); and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $16,802,731, of which amount not exceeding $2,000,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1930.

Mr. TREADWAY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TREADWAY. For the purpose of moving to strike out the last word and asking unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. TREADWAY. Mr. Chairman, for some time past there has been a great deal of interest shown in relation to contracts made for various supplies made by the different departments of the Government. There were some hearings last spring before the Committee on Interstate and Foreign Commerce on a resolution known as the Wood resolution, and as a result of those hearings I think some slight changes were made in the phraseology of the language having to do with Government contracts. About a week ago the gentleman from Michigan [Mr. CRAMTON] introduced and had printed in the RECORD a lengthy bill relative to methods of Government purchases, particularly calling attention, as I read the bill, to a change in method whereby to a certain extent Government contracts were to be handled through General Lord's office, and in that way perhaps have more or less uniformity. Now, the clause of the bill of the gentleman from Michigan to which I called attention the day that he had permission to reprint the bill in the RECORD is section 16, and if I may be permitted I would like to read section 16 as amended by the proposed bill of Mr. CRAMTON. It reads as follows:

SEC. 16. Domestic materials: In the making of contracts to be performed in the United States, its Territories, and possessions preference shall be given to articles or materials of domestic production, conditions of quality and price, including duty, being equal. The term "articles or materials of domestic production" means articles or materials manufactured or assembled in the United States, its Territories, or possessions.

That does not change in any material way the present law. The law provides for a preference for domestic manufactured articles, other things being equal, including price and quality. On April 30 last I introduced a bill which was referred to the Committee on Interstate and Foreign Commerce, whereas the bill containing the language I have just read is before the Committee on the Judiciary. There is, therefore, some conflict of jurisdiction in that the subject is being considered by two different committees of the House. My bill goes further than either the Wood resolution or the paragraph I have read from Mr. CRAMTON'S bill. I believe we should do more for our home industries than simply to give them an equal break with foreign production. [Applause.] I believe we should give a preference of at least 10 per cent to American and domestic production rather than simply to say in the law that, other things being equal, our officials should select American-made goods. The point as I see it is this: We are paying out the money of the American taxpayers to the American manufacturer employing American labor. As their scale of wages is greatly in excess of the wages of our competitor nations, why should not we give our home production a preference in the form of a differential? That is the purpose of the bill I have before the Interstate and Foreign Commerce Committee. Why should they not have a 10 per cent preferential over the foreign competitor for our Government contracts?

I think such an idea as this is both right and proper, because we all know how great the difference is in the cost of production here and abroad. In private business this competition must be met by our producers, but when it comes to the production of goods for Government use I maintain that the American producer is entitled to a fair differential in order to have these contracts if possible kept at home. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. I ask for five additional minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CELLER. Has the gentleman fixed in his mind whether 10 per cent represents the difference in cost of production between here and a foreign country? Is there any reason why you pick that percentage?

Mr. TREADWAY. No; only to give a preference to our people which is not unreasonable in competition with foreign goods.

Mr. CELLER. You are not fixing in mind a difference in cost of production?

Mr. TREADWAY. No. It is an arbitrary favoritism. It is not a scientific favoritism; neither is it an exclusive favoritism. I would not advocate that. I think our people have to take a fair amount of competition, but I think they are entitled to some preference.

I have made some inquiry about this bill as to its provoking any possible retaliatory action by other countries, and I find by reference to the Department of Commerce, through Doctor Klein's bureau, that while there is no specified difference in one country or another, practically every country does something of this same nature, showing a preference to a homemade product in paying out the taxpayers' money from the national treasury; so that no one could claim, if this were done, that there would be any likelihood of retaliatory measures against our products in foreign countries. We would be simply following the example set us by other countries. In that connection, by way

of revising and extending my remarks, I would like to insert some references to other countries and a copy of the bill I have introduced.

The CHAIRMAN (Mr. TILSON). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. TREADWAY. My attention was called first to this matter a year ago by certain concerns in my district who were trying to supply the Navy Department with certain tools such as would be used ordinarily on shipboard. On examination I found that they could not get certain Government contracts in competition with the agencies in New York handling goods imported from foreign countries. Later on I found that one of the distinguished Senators from New Jersey was interested in the subject and had taken up the matter of the sale to the Navy Department of cotton waste for wiping material for wiping engines and machinery, and had found that thousands of pounds of that ordinary waste out of the cotton mills of our country were continued to be regarded as waste, whereas a contract was awarded for a German product.

A couple of years ago when our Government was providing headstones to mark the graves of our soldiers in our national cemeteries in France the War Department purchased them in Italian marble, finished in Italy. The design selected by the commission called for a minimum amount of stone and a maximum amount of work. So great is the difference in the cost of labor in Italy from its cost in this country that these stones were bought in Italian marble delivered at the site at much lower cost per stone than that for which they could be obtained in this country. Even so, it would seem fitting from reasons of sentiment alone that our soldier dead who lie in foreign soil should at least have the crosses which bear their names and mark their resting places made from stone quarried in their native land and chiseled by their fellow countrymen.

Now, every Member of this House can find upon inquiry of manufacturers in his district similar illustrations of where our people have been discriminated against, because if we say in the language of the law, "Other things being equal, he shall get the preference," still we give him practically no preference, because it is a well-known fact that in the manufacture of most articles we can not compete with foreign goods on an equal basis. So I bring this idea before the House.

I talked with the gentleman from Indiana [Mr. WOOD] about his resolution. I believe I saw him here a short time ago, but I am sorry he is not here at this moment. He agrees with me that his resolution only makes a little more definite the actual equality between various bidders, competitive bidders, foreign and domestic, and he feels that the discrimination that I seek to establish in behalf of our products is much better than the idea that he suggested.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. The Wood resolution simply undertakes to reiterate the policy heretofore expressed by Congress—that is, that American goods should have the preference over foreign goods whenever conditions of price, quality, and so forth, are equal. My bill would go further and give the American producer a 10 per cent advantage over his foreign competitor.

It has long been felt by those interested that the American manufacturer and producer was not receiving the advantage in Government contracts which Congress intended he should have. In making awards Government purchasing agents have been confronted with two sets of statutory requirements, one holding that, conditions being equal, the American should have the preference over the foreigner, the other holding that awards should be made to the lowest responsible bidder. If the purchasing agent failed to adhere strictly to the first requirement, the only comeback on him would be the protest of the unsuccessful American bidder. On the other hand, if the purchasing agent violated the restriction concerning the lowest responsible bidder by so much as a penny in favoring an American manufacturer over a foreign manufacturer, his accounts were suspended by the accounting officials of the Government. It is therefore easy to see where a purchasing agent, in a case where American and foreign bids were substantially equal, might be inclined to resolve the doubt in favor of the foreigner if he felt there was the slightest question of doubt about the American bid being absolutely as low as that of the foreigner.

My bill, if enacted into law, would entirely relieve this condition. It is needless to say that the measure will have the hearty support of all American manufacturers and producers who compete for Government business.

As the proposed measure will constitute a radical change in the existing practices and procedure in Government departments, it is expected there will be some opposition from Government officials. Whether this opposition will be sufficient to offset the indorsement of American producers and manufacturers remains to be seen.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, April 30, 1928.

Hon. ALLEN T. TREADWAY,
House of Representatives, Washington, D. C.

Foreign goverenmental practices re local purchase of Government supplies.

MY DEAR CONGRESSMAN: In accordance with your request, I am happy to send you herewith a collection of material available in the bureau on the practices of foreign governments in giving preference for local purchase of government supplies.

I believe this will be just what you need. You will note that there is no uniform policy followed by any great number of different countries, but that the system varies from fixed percentages of preference as provided for in New South Wales, Australia, or other specific regulations covering the preference to be granted as with the automotive industry in Spain, to a general tendency to favor domestic production, as indicated under Germany.

If you think we can supplement this information in regard to any specific points on which you might need further data, or if at any time we can be of assistance to you in any other way, I hope you will feel free to call on us.

Sincerely yours, JULIUS KLEIN, *Director.*

COLLECTION OF MATERIAL ON GOVERNMENTAL PRACTICES IN FOREIGN COUNTRIES RE LOCAL PURCHASE OF SUPPLIES

CANADA

The Canadian Government is at present actively cooperating in the British Empire shopping week being held in Canada, which sponsors considerable propaganda in favor of the preferential treatment of British goods. The preference policy, however, had relatively hard sledding in Canada because of the industrial ambitions of the various Provinces of the Dominion and the participation of American capital in the development of the country. Of course, there is a very strong sentiment in favor of the use of local materials, and where the price differential is not particularly great contracts are undoubtedly awarded on this basis. American firms in Canada have repeatedly stated to our representatives and others that where price is not a material consideration they prefer to award orders locally because of the favorable influence on their operations. In the legislation before Parliament at the present time regarding the permission to build the Port Huron Sarnia bridge, an unsuccessful attempt was made to insert wording which would establish a definite required percentage of material contracts to be placed with Canadian firms. On the other hand, the summer of last year, Canadian firms made a strong effort to obtain the contracts for the five steamships ordered by the Government for the West Indies service, the contract approximating $10,000,000. They were underbid by Cammell Laird to the extent of some 50 per cent, the government taking refuge in the statement that the contract was awarded to a British firm by reason of the fact that the Canadian bids were not considered competitive but that the business was, nevertheless, thus kept within the Empire.

GREAT BRITAIN

We have no concrete examples with which to demonstrate British voluntary preference to domestic production, although British purchasing agencies quite generally favor the assumption that preference is always given to local production when the goods of domestic producers are at all competitive with similar foreign products. Discussion on the situation ordinarily is only brought about when a British buying agency purchases foreign material, such agency then finding it necessary to defend the course taken.

Three examples are quoted:

1. In or around April, 1927, the Southern Railway Co. of Great Britain placed a $600,000 order for rotary convertors with a Swedish electrical firm. The railway issued an official statement in justification of its action on the grounds that the British electrical manufacturers held such a strict control of prices and conditions of supplying equipment that the railway company felt that it was being subjected to dictation in regard to the terms of purchase. The railway stated that the price quoted by the Swedish firm was lower than that quoted by British manufacturers, but that this was not the principal reason for placing the order abroad as their chief object in doing so was to avoid being dictated to by the alleged British electrical manufacturers' combine.

2. Early in 1928 the Stockport town council decided (according to an open letter to the press) to place an order for electrical generating plant in Switzerland. The difference between the British and Swiss prices in connection with the Stockport contract was said to be about $85,000 out of a total of about $257,000, a difference of 33 per cent, and apparently sufficient in the opinion of the Stockport town council to justify purchasing the material from the Swiss.

3. Early in March, 1928, there was considerable discussion in the Sheffield press over the action of a committee of the city council of the

Sheffield (city) corporation in passing a recommendation that a well-known American typewriter be considered the standard typewriter when new machines are acquired by the corporation. British typewriter manufacturers strongly protested that they had not been asked to submit bids for supplying recent requirements of the Sheffield corporation; they insist upon this stand notwithstanding the statement of one of the councilmen to the effect that all first-class makers of typewriters were invited to send in estimates and that the terms offered by the American firm represented a savings of slightly more than $29 in the case of each machine. Following the councilman's statement one of the British makers supplied the press with a lengthy statement reaffirming the contention that his company had not been approached in the matter.

A statement appeared in the London Times of February 9, 1927, to the effect that British shipbuilding firms had secured contracts aggregating nearly $5,000,000 in the face of strong competition from continental shipbuilders, and there have been some more general statements to the effect that the British shipbuilding industry has been favored by British shipping companies partly, at least, because of the yards' great need for work.

It is reasonable to assume that some benefit must naturally accrue to British producers because of the advertising activities of the Empire Marketing Board and similar propaganda carried on by governmental and private organizations.

FRANCE

There is no central purchasing organization for supplies required by the various ministries of the French Government. Each ministry secures its supplies either by direct orders placed with local firms, except in rare instances, or by making public a call for bids. There is no hard and fast rule barring foreigners from participating in Government contracts for supplies. Notwithstanding the latitude offered to foreign firms in bidding on government contracts, the placing of orders with such firms is very uncommon in France. Officials state that this is due to the fact that bids tendered by local firms are more attractive and add that no discrimination is shown.

BELGIUM

Purchases by the government departments in Belgium are governed by a law of May 15, 1846, and a royal decree of December 10, 1868. All contracts for government supplies are competitive and public with certain exceptions, including, primarily, supplies of small value, operations which must be held secret, merchandise manufactured under exclusive patent, works of art which can be intrusted only to artists or specialized workmen, and goods urgently needed. Except in cases of urgency, calls for bids are made 15 days in advance, and are advertised in the Bulletin des Adjudications.

Bids on Belgian Government contracts are made by Belgians and foreigners on equal terms, and in some cases preference is even given to foreign firms because of well-established reputation for quality. The tendency to award contracts to the lowest bidder, regardless of nationality, has even caused some dissatisfaction on the part of Belgian firms, notably when orders have been placed in ex-enemy countries. Few requirements are made of foreign firms wishing to enter bids for government contracts. Residence in the country must be established by the bidding firm or by a person representing the firm, with power of attorney drawn up in a form prescribed by the ministry. Another requirement of firms entering bids is to have a postal checking account in Belgium. These requirements form no obstacle to foreign firms, but the question of time is a serious handicap to American firms. The time required for filing bids renders it impossible for American firms not represented in Belgium to make bids within the time limit allowed, and even when an American firm is represented it is often impossible to meet the time requirement if the nature of the material or work calls for blue prints or long technical details which can not be satisfactorily cabled.

THE NETHERLANDS

Contracts for all supplies for the Netherlands Government are not centered in one bureau. There is, however, a Government purchasing bureau at The Hague which buys supplies destined for interdepartmental use, including such things as stationery, office supplies, fuel, etc. Bids are not announced or advertised, but several reputable firms are invited to bid. Very little purchasing is done abroad. The director of the purchasing bureau may accept any bid, regardless of price or terms. In addition to the Government purchasing bureau, there is the Government building service which has charge of the purchasing, hiring, construction, and upkeep of all Government buildings.

Only those corporations or individuals having a domicile in the Netherlands (or abroad) are admitted as suppliers and in regard to whose ability to carry out the contract the minister entertains no doubt. The minister may award a contract without having to accept the lowest bid and without stating his reasons for doing so. At the same time, he may also throw out all bids if such procedure seems desirable. Domestic suppliers are given preference up to a percentage of 10 to 15 per cent in connection with bids, although this margin is not always strictly adhered to. As a security for performance, the successful bidder is often required to name two guarantors who will each be held responsible for the carrying out of the contract and who have to affix their signatures to the bid in question. The guarantors must be persons residing within the kingdom.

SPAIN

There is a law of February 14, 1907, which lists those foreign products which may be purchased abroad for Government contracts. In a decree of July 27, 1926, it is required that among the products which that list outlines only those which can not be procured from local industries may be purchased abroad. The reasons for such foreign purchases can be: (1) Quantity not available; (2) quality not available; or (3) can not be produced within required period of time.

Enterprises dedicated to public transportation of persons and merchandise, entities having contracts with the State, Provinces, or municipalities, and the various branches of the Government requiring automobiles, trucks, tractors, steam rollers, tanks, etc., must communicate with the Comisión Oficial del Motor y del Automóvil (Official Commission of the Motor and Automobile) regarding such purchases.

In case of competitive bids, Spanish products will be given preference when the price does not exceed the foreign bid by more than 10 per cent or in some cases 5 per cent.

Three general classes of automobile manufacturers are established: (a) Manufacturers of automobiles or those manufacturing all classes of the mechanical elements entering into motor vehicles; (b) manufacturers of bodies; (c) manufacturers of auxiliary elements and accessories. Manufacturers are considered in the first category and entitled to the highest degree of preference when they manufacture or use 75 per cent of Spanish-made elements entering into their product. In considering a motor vehicle the following elements are given the percentage noted below:

	Per cent
Motor	29
Transmission	3
Differential and rear axle	13
Axles	6
Stearing gear and brakes	5
Control	2
Feed, suspension, wheels, and tires	26
Shifting gears and clutch	16

ITALY

[Law published Gazzetta Ufficiale, April 25, 1927]

It is obligatory for all Government departments, semiofficial institutions, and organizations in any way dependent either directly or indirectly on the Government, including those holding concessions from or in any way subsidized by the State to give the preference to local firms in connection with all purchases of supplies or work to be done. Foreign bids will only be received when the local industry is unable to offer satisfactory prices for the quality required or where it is not possible to obtain the entire quantity needed within the necessary period of time, in which latter case such bids must be limited to the quantity exceeding the capacity of the local industry. In all other cases bids must also be requested locally, and the competition can be limited to foreign firms only in the event that the local industry is not in position to produce the material required. In connection with contracts made by the Government departments, where necessary, the opinion of the Minister of National Economy or of the General Confederation of Industry as to whether or not the conditions outlined above exist shall be obtained, and such departments must furnish quarterly to the minister in question a list of the contracts concluded abroad, indicating in each case the name and nationality of the firm, the nature of the goods furnished, and their value. The only exception made is in the case of materials purchased by the military departments for purposes of experiment or study where it is desirable that secrecy should be maintained. A special commission will be appointed to consider doubtful cases.

The Government departments and other organizations where freedom to make purchases abroad is limited by the decree just issued can not request competitive bids from abroad without the previous authorization of the Minister of National Economy, which is also required in the case of private negotiations with foreign firms except in connection with the purchase of repair parts for machines manufactured abroad. Where foreign bids are allowed, the limits of protection granted to local firms by a previous decree dated January 7, 1926, will apply; that is to say, the price of the domestic product may exceed that of foreign products offered in competition, including customs duty and transportation charges to destination, by not more than 5 per cent, and in exceptional cases this percentage may be increased to 10 per cent. If the most favorable foreign bid increased by the percentage indicated above is equal to or greater than the lowest Italian bid, preference shall be given to the latter. However, this protection is only granted to Italian firms which manufacture in Italy and to the establishments of foreign firms situated in Italy which employ for the most part Italians and assume an obligation to manufacture the goods in question in Italy, using Italian materials as provided in a later article.

Local firms which have been awarded contracts for furnishing supplies or carrying out work are obligated to employ exclusively materials of local production except in the following cases:

(a) Where it is a question of goods not produced in Italy.

(b) Where it is impossible to obtain the quality required or a sufficient quantity to insure the observance of the conditions of delivery.

(c) Where the price of the local materials exceeds that of foreign materials by more than the percentage of protection granted to the local industry as indicated above.

There shall be considered as local products goods of all kinds which are produced in Italy either using raw or semifinished materials of Italian production or raw or semifinished materials produced abroad, provided that in the latter case the finished product represents an increase in value of at least 40 per cent over the value of the foreign materials used in its manufacture. Under special conditions this percentage may be less than 40 per cent, but in no case below 20 per cent. In no instance will products that are simply assembled in Italy from separate parts manufactured abroad be considered as Italian products, even if there are added accessories manufactured in Italy.

Firms which do not comply with the conditions laid down are punishable with a fine up to 10 per cent of the value of the raw or manufactured materials of foreign origin employed, and in case of a second offense may be excluded for a period of from one to two years from all contracts with the State and the other bodies to which the decree applies.

POLAND

Although not officially revealed, it has been an open secret for some time past, especially since the inauguration of drastic import restrictions in 1925, that the Polish Government is pursuing a policy of eliminating, whenever possible, foreign products not only in cases of bids on government contracts but also for use by municipal and communal institutions. This policy is being enforced chiefly, indirectly, by means of confidential circulars. At least in one instance such a circular was brought to the surface by a contractor in connection with the delivery of American products (lard and fatback) for the Polish War Ministry.

While the discrimination against foreign products is essentially a part of the policy of import restrictions, it is also intended for the protection of domestic industries and labor. For instance, all the contracts of the American contracting firm "Ulen & Co." on the construction of public utilities for several municipalities contain a stipulation limiting to a minimum the use of foreign materials and labor. Even the Harriman-Anaconda concession on the Giesche Zinc & Metallurgical Works, generally very broad, contains similar limitations. Municipalities have been admonished by the central government to refrain from placing orders abroad without the consent of the respective ministries.

RUMANIA

The elimination of foreign materials not produced within the country is effected exclusively by means of prohibitive duties. The draft of the contract of "Ulen & Co." with the municipality of Bucharest on public-utilities construction work provided practically for the elimination of foreign materials obtainable within the country. No other information concerning discrimination against foreign products by the government or municipal authorities has been brought to the attention of this office.

SCANDINAVIAN COUNTRIES

There is no information which would indicate that the government of any of the Scandinavian countries gives preference to local firms to the extent of awarding a contract, although their bidding be higher than that of a foreign firm. Occasionally, when a contract is awarded to a foreign firm because of their ability to underbid local firms, the press often expresses regret that high wages followed by high cost of production makes it impossible for native firms to obtain the contract. There is considerable agitation in the Scandinavian countries for buying home products. This, however, has never taken the form of excluding fair competition by foreign countries.

GERMANY

Persons of any nationality are permitted to bid on government contract requirements. There is a natural tendency, of course, to place orders with German firms, especially in view of the present very large number of unemployed and Germany's high financial obligations to the nations who participated in the war, but orders are also placed abroad if the offer of the foreign bidder is attractive. No particular preference is shown to the United States.

There is no definite percentage in favor of domestic bidders.

UNION OF SOUTH AFRICA

The Government of the Union of South Africa has a well-defined policy for the preferential treatment of the goods made in the Union and allows a 10 per cent buying preference for those manufactured in South Africa from South African raw materials; goods made in South Africa primarily from imported materials are given a buying preference of 5 per cent. While the adoption of this regulation in 1926 has had the effect of permitting an increasing participation of South African goods, on the whole it probably favors also the participation of American goods represented in the market by resident agents, as compared with their position under the former régime by which contracts were exclusively awarded through the High Commissioner's office in London.

While essentially following the British Empire preference policy, the extent of the government's preference to empire firms, as opposed to other nationals, is less well-defined. In fact it has been the subject of considerable complaint on the part of British firms who feel that the government does not maintain a consistent position with respect to the preferential award of contracts. In some cases the specifications for government tenders have been so drawn as to practically exclude any but British products and it is generally accepted as a fact that in the case of large and important orders a considerable pressure has been brought to bear on South African officials for the preferential treatment of British goods, particularly as a result of the influence of British trade organizations and industrial interests, the latter, of course, predominant in South Africa.

Within the past few months there has been a great deal of criticism of the last Government award in railway tenders, which constitute the most important group of the Government's purchases. German firms received contracts for 93 of the 120 locomotives ordered on a bid which was stated to have been 25 per cent under the British tender and between 30 per cent and 50 per cent under the tender of American firms. British firms received a contract for 29 locomotives and Italian firms a contract for 10 locomotives of a special type. We have seen unconfirmed reports to the effect that the British bidders were requested to submit the second tender in order to make the award more nearly competitive. It appears, however, that the question of delivery was the most important factor in the award and probably explains the request for a second tender. Aside from the Government's awards, it is possible to select a number of instances of awards in South Africa which went to German and Belgian concerns over the heads of British bidders, the price differential in all of these cases having been the conclusive factor. The Durban Corporation extends a voluntary preference of 10 per cent to British firms over other suppliers, but has been compelled to make purchases from German concerns because of the size of the price differential in German bids.

The proportion of South African goods in the total award of Government stores is undoubtedly increasing substantially year by year. The proportion of British participation in this business has dropped from 81 per cent in 1922 to 65 per cent in 1926. Government store imports from Germany have increased from 1 per cent in 1922 to 11 per cent in 1926. The percentage of United States participation is erratic, due to our interest in a somewhat narrower range of commodities. It was 12 per cent in 1925 and 2 per cent in 1926, the drop being due wholly to the participation in railway contracts.

LATIN-AMERICAN COUNTRIES

It is difficult to give specific instances where local manufactures have been preferred despite price or quality differentials favoring foreign merchandise. There are undoubted tendencies in that direction, particularly in governmental and municipal works; but even where there is a marked difference in the price of the foreign and the domestic product, it is not always feasible to determine the relative qualities.

However, we know of one case where the Chilean Government ordered certain railway materials, and specified that these should be manufactured within the country, notwithstanding that none of the materials ordered had ever heretofore been produced in Chile. Although we have no means of ascertaining the prices eventually paid and the qualities delivered, nor the probable prices and qualities had foreign merchandise been ordered, it is safe to assume that the native-made freight cars, gondolas, tank cars, etc., were more costly than and inferior to the imported article.

Another instance is an order placed by the municipality of Buenos Aires, in which it was stipulated that domestic cement was to be used in construction. No prices were mentioned, but it is probable that at the seaport of Buenos Aires the foreign cement could have been supplied at a lower cost, else the stipulation referred to would have been superfluous.

On the other hand, there has been a case in Peru where an order was given for German cement in preference to that locally manufactured at the Foundation Co.'s plant, despite the lower price of the latter. The German cement was allowed to come in free of duty in order to offset the market price differentials.

FAR EAST

BRITISH MALAYA

Singapore naval base: From all reports there appears to be a kind of unwritten agreement that all materials to be used in the construction of the naval base at Singapore must be of British origin.

In this connection it is interesting to note that Trade Commissioner Renshaw recently wrote from Singapore that "despite what amounts to practical orders that only British goods should be bought, a fair amount of American machinery and building material is going into the new naval base because of the acknowledged superiority of these goods."

BRITISH INDIA

An indirect preference is given domestic products by virtue of the fact that all articles purchased abroad, with a few exceptions, by the Government of India or a local government are assessed the same rates of duty as private purchases.

Whereas under former regulations Government purchases abroad were exempted from the payment of import duties, a law effective April 1, 1924, as amended, provides for the imposition of import duties on all goods imported by the Government of India or a local government, or which have been shipped on the order of a department of the Government of India or local government, and have been appropriated to such order at the time of shipment, with the exception of airplanes and parts thereof, arms, ammunition, and certain military stores, currency notes and postage and revenue stamps.

In a recent report regarding protection to the Indian Railway wagon industry, the Indian Tariff Board recommended to the British Indian Government that until the demand for wagons becomes more normal the Government should call for tenders only in India and place contracts if the tenders were within a certain maximum price. A bill was submitted to the legislative assembly in a modified form to give effect to these recommendations. After being considered by a select committee the bill was reported back to the legislative assembly with the recommendation that the Indian Tariff Board's recommendations be accepted rather than those of the Government. According to last reports no final decision had been reached in regard to the measure by the legislative assembly.

NEW SOUTH WALES, AUSTRALIA

(Local government amendment (preference to Australian and Empire goods) act, 1926)

SEC. 2. The local government act, 1919, is amended by inserting next after section 517 the following new section:

517A. (1) In purchasing or obtaining any goods the council shall give effective and substantial preference to goods manufactured or produced in the Commonwealth.

(2) If goods manufactured or produced in the Commonwealth can not be purchased or delivered within a reasonable time, or can only be purchased in insufficient quantities, or of a quality unsuitable for the purpose required, the council shall give effective and substantial preference to British goods over foreign goods.

(3) The minimum rates of preference to be given under this section are indicated in the table following:

Rate of customs duty to which the goods are liable	Minimum rate of preference to be given to goods manufactured or produced in the Commonwealth over—	
	British goods	Foreign goods
	Per cent	*Per cent*
Duty free	20	30
5 per cent	15	25
10 per cent or more	10	20

In all cases, subject to the provisions of this act, goods manufactured or produced in the Commonwealth are to be given preference of at least 10 per cent over British goods.

In all cases British goods are to be given preference of at least 10 per cent over foreign goods.

(4) In this section "British goods" means goods manufactured or produced at any place within the British Empire; "Commonwealth" means the Commonwealth of Australia; "foreign goods" means goods manufactured or produced at any place outside the British Empire; "goods" includes machinery or material.

(5) The provisions of section 213 with respect to surcharges shall apply in relation to any expenditure authorized by a council in contravention of the provisions of this section.

In addition to this actual preference, there is a sentimental preference in favor of local production which is effective in aiding local manufacturers.

JAPAN

It is the general policy of the Government in Japan to encourage the use of home products wherever possible. Commissions have been organized for the purpose of spreading propaganda on the advantages of using domestic goods in preference to foreign. The following law, passed during the last session of the Diet in 1927, and effective on March 31, 1927, indicates the Government's policy:

"For the purpose of encouraging national industries, and when it deems such action necessary, the Government, for the time being, may specify goods of domestic manufacture in purchases for its account. It may specify (at the time contracts are entered into with manufacturers or others tendering bids) that part or all of the materials which are to be used in construction or manufacturing processes shall be of domestic manufacture."

Commercial Attaché H. A. Butts reported to the bureau under date of March 20, 1928, that "The Home Industry Encouragement Commission of the Department of Commerce and Industry has definitely agreed upon 37 articles in which preference will be given to home manufactures. These include pig iron and various steel products, certain dyestuffs and chemicals, woolen goods, and miscellaneous technical appliances. It is said that a total of 118 articles will ultimately be designated for such preference as against imported articles. No definite statements have been forthcoming as to the degree of preference to be given."

[H. R. 13405, 70th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES,

April 30, 1928.

Mr. TREADWAY introduced the following bill, which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill (H. R. 13405) to regulate the purchase of personal property for the use of the Federal Government

Be it enacted, etc., That in all cases where supplies, equipment, stores, or any other personal property for the use of the Federal Government are required by law to be purchased on the basis of competitive bids, each bid shall specify whether the bidder proposes to furnish a product of domestic origin or a product of foreign origin, as such terms are defined herein, and any bid which fails to comply with this requirement shall be rejected. After such bids and also those which fail to comply with the required specifications or conditions of purchase have been eliminated, the remaining bids shall be classified into (a) those proposing to furnish products of foreign origin, and (b) those proposing to furnish products of domestic origin. If the purchase is required by law to be made on the basis of the lowest acceptable bid and if the lowest acceptable bid proposes to furnish a product of foreign origin, such bid shall be compared with the acceptable bids proposing to furnish products of domestic origin. If any such acceptable domestic bid is not more than 10 per cent in excess of such foreign bid, the official charged with executing the contract may accept the domestic bid and reject the foreign bid. In determining whether to accept the foreign bid or a domestic bid, due weight shall be given by such official to promptness and certainty of delivery, the financial stability and known reputation of the bidders, the assurance of being able to obtain future repairs or replacements, the desirability of maintaining domestic sources of supply of said product for use in time of war or other national emergency, and to any superior quality or adaptability of the domestic product.

SEC. 2. As used in this act—

(a) The term "product of foreign origin" means any product all or the principal part, constituent, or ingredient of which is produced, mined, extracted, manufactured, assembled, or processed in any foreign country otherwise than by a citizen or group of citizens of the United States or a corporation or association organized under the laws of the United States or of any State, Territory, possession, or the District of Columbia.

(b) The term "product of domestic origin" means any product other than a product of foreign origin.

SEC. 3. All laws and parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

MILITARY POSTS

For construction and installation at military posts of buildings, utilities, and appurtenances thereto, as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928 (45 Stat. p. 748), without reference to sections 1136 and 3734, Revised Statutes (U. S. C. p. 219, sec. 1339; p. 1302, sec. 259; p. 1303, sec. 267), including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, $14,441,950, of which not to exceed $4,800,000 shall be available for the payment of obligations incurred under the contract authorizations for these purposes carried in the War Department appropriation act for the fiscal year 1929, and in the second deficiency act, fiscal year 1928: *Provided,* That of the amount herein appropriated, $4,800,000 shall be payable from the military post construction fund created by section 4 of the act approved March 12, 1926 (U. S. C. p. 1913, sec. 1597), and $9,641,950 shall be payable out of the general fund of the Treasury: *Provided further,* That the Secretary of War is authorized to enter into contracts for the purposes specified in the said act of May 26, 1928, to an amount not to exceed $3,000,000, in addition to the appropriation herein made:

Provided, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

Mr. IRWIN. Mr. Chairman, I would like to submit an amendment.

The CHAIRMAN. The gentleman from Illinois submits an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: Page 25, line 16, after the word "made," strike out the remainder of the paragraph.

Mr. IRWIN. Mr. Chairman and gentlemen of the committee, as Representative from the district in which this military post, Scott Field, is located, I want to protest against the language used in the bill. Therefore I have introduced this amendment.

In the Sixty-ninth Congress I introduced a bill for $100,000 for housing at Scott Field, and in the first session of the Seventieth Congress the gentleman from Michigan [Mr. JAMES] introduced a committee bill for $150,000 for the same purpose. Those bills were authorization bills, and both passed the House. In the appropriation bill for the fiscal year 1929 an item for $100,000 was carried. It passed the House and went over to the Senate, and was eliminated in the Senate.

I am very anxious to know who is the author of this particular language in this paragraph of the bill. I would like to ask the chairman of the committee.

Mr. BARBOUR. I will state to the gentleman from Illinois that the language was inserted in last year's appropriation bill in the Senate. As I recall, it was exactly the same language.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. IRWIN. I will.

Mr. COCHRAN of Missouri. I have read in the hearings where the officials of the War Department themselves requested this committee to insert that language in the bill. The hearings so disclose.

Mr. BARBOUR. The language of the hearings shows, as I recall, that the War Department does not care one way or the other about it.

Mr. COCHRAN of Missouri. Yes; and you personally called their attention to it.

Mr. BARBOUR. The language was first inserted in the Senate. The gentleman from Illinois [Mr. IRWIN] asked who was responsible for the language.

I stated to him that this language was written into the bill in the Senate, and this year the bill comes down with the same language in it.

Mr. IRWIN. Now, gentlemen, I appeared before the Subcommittee on Appropriations and tried to get this item of $100,000 inserted in this bill. I was told by the committee to go to the Bureau of the Budget. I talked with General Lord about the matter and he said it was purely up to the Secretary of War or the War Department. I got into communication with the War Department and have a letter from that department, which I ask leave to insert in the RECORD, stating that owing to the fact that this item was taken out of the bill in the Senate the War Department judged a change in policy was contemplated. The Secretary of War stated that he would willingly submit this whole matter to the Congress of the United States. In other words, I went to the committee, I went to the Budget, and I went to the War Department. I have been traveling around in circles but have not been able to accomplish anything.

It seems to me that the striking out of this item by the Senate is interpreted to mean the policy of Congress in this matter. I seriously protest against this discrimination against this one field. We have many more military posts all over the country and none is included in this proviso except Scott Field. I can not quite understand why this field should be discriminated against. From what information I have been able to get from the different activities of the Government I understand this field is supposed to be continued, but under the language of this bill, if it stays in the bill, there could not be one nail driven at this military post. Suppose we should have some contingency at the field or suppose a storm should blow down some of the barracks. If that happened nothing could be done.

The barracks are war-time barracks and are practically falling to pieces at the present time. I understand the Army intends to continue its activities at this field. While I am not asking to amend this bill by inserting an appropriation I am certainly asking that Scott Field may not be discriminated against, and I certainly hope that my amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the letter referred to. Is there objection?

There was no objection.

The letter referred to follows:

DECEMBER 6, 1928.

Hon. ED. M. IRWIN,
House of Representatives, Washington, D. C.

DEAR MR. IRWIN: I am pleased to reply to your letter of November 19, 1928, wherein you request information as to whether appropriations covering certain construction of barracks and noncommissioned officers' quarters at Scott Field, Ill., have been submitted to either the Bureau of the Budget or whether they are included in the War Department appropriation bill for the fiscal year ending June 30, 1930, now under consideration by the House Committee on Appropriations.

Specifically the items referred to are—

One hundred thousand dollars for barracks (Public, No. 764, 69th Cong., 2d sess.).

One hundred and fifty thousand dollars for noncommissioned officers' quarters (Public, No. 518, 70th Cong., 1st sess.).

The item of $100,000 for barracks was included in the Army appropriation bill, fiscal year 1929, but was eliminated from the bill by the Senate. Subsequently, the Bureau of the Budget was requested to include this item in the second deficiency bill, 1928. It was found to be in conflict with the financial program of the President and was not included in the bill.

From the action of the Senate, to which reference has been made, it appears that there may be some intention on the part of Congress to change its policy with reference to lighter-than-air equipment. Pending a decision by Congress on this subject the War Department does not feel that it should again include such items in the Budget.

However, the policy of the War Department with reference to lighter-than-air equipment remains unchanged.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in support of the amendment. Mr. Chairman and members of the committee, as the report shows, no funds are included in the bill for the preparation of lighter-than-air equipment, nor are any funds included for any building construction at the lighter-than-air post at Scott Field.

This means practically the end of lighter-than-air craft so far as the Air Service of the Army is concerned. The hearings show at the end of the present fiscal year we will have nine ships in operation, while July, 1930, there will be but three ships unless some provisions are made for this service in the pending bill.

I have carefully examined the record, and in no instance can I find any doubt existed either in the mind of the Assistant Secretary of War Davison or Major General Fechet, Chief of the Air Corps, of the advisability of continuing lighter-than-air operations.

This service is included in the 5-year program for the Air Service. Further, provisions have been made in two acts of Congress for the construction of barracks for noncommissioned officers and quarters for the commissioned personnel at Scott Field, Ill. Still the War Department failed to submit estimates to the Bureau of the Budget, and in view of this the committee has declined to recognize the needs of this branch of the Air Service. The subject is discussed no less than eleven times in the hearings, the subcommittee giving the officials every opportunity.

While in one breath those charged with the affairs of the Air Corps state the value of lighter-than-air craft in military operations is admitted, in another breath they recommend to the committee the insertion of this language in the bill, which means beyond question, if carried out, the discontinuance of this branch of the service after July, 1930.

When pressed by the gentleman from California [Mr. BARBOUR] for a reason as to the failure of the department to submit estimates the officials replied it was waiting to see if Congress desired to change its policy in respect to lighter-than-air craft.

We all know the military policy of the Government is not changed by the Congress unless so recommended by the War Department, and I find at no time has the department made any recommendations of any character or even intimated that it desired a change.

We have 32 officers, 2 warrant officers, and 539 enlisted men at Scott Field, Ill. Neither the officers nor noncommissioned officers are properly housed; in fact, the officers reside in towns near the field, either at hotels or in private homes.

The failure of the department to make an estimate for the continuance of lighter-than-air craft is due to the objections of one Senator. In last year's appropriation bill he succeeded in eliminating the item covering this service. The House conferees made every effort to get the Senate conferees to recede from the amendment, but the Senate conferees held out and the appropriation was omitted. The $250,000 for quarters had been placed in the bill by the House after the department had submitted an estimate, and there was also a $200,000 appropriation for additional equipment. This was reduced to $13,000, seriously crippling the activities of this service.

In shirking its responsibility in this matter by declining to submit estimates this year the department officials yield to the opinion of one Senator, but at the same time take the precaution to state in the hearings the necessity of carrying on lighter-than-air.

The House committee has taken the stand if the department wants the appropriation it should ask for it and not expect the committee to assume responsibility. No complaint can be made of this course. The question is, Does the House desire its wishes as expressed by the 5-year program and the two authorizations for housing carried out, or will it, too, yield to the Senator, who is making a fight to destroy this branch of the Air Service?

I do not propose to refer to the military value of lighter than air, because I confess I have not sufficient knowledge to warrant me in expressing an opinion, but I do call attention of the House to the frank statements found in the hearings time and again where the officers of the Air Service not only say there is a military value but also say the service should be continued.

Only a few months ago hundreds of millions of people here and abroad followed the press reports day by day of the movements of the big airship that made the round trip from Germany to the United States. The hearings show England, Germany, and other countries are engaged in research work and experimenting, spending large sums on lighter-than-air craft, while our officials are content to say we want it but will not ask for the necessary funds.

The language the gentleman from Illinois seeks to have stricken from the bill, which provides that no part of the appropriation shall be used for construction of Scott Field, was submitted to the committee by the Chief of the Air Service. The Government has already spent large sums in establishing Scott Field, and this money will practically be a complete loss if the activities are not continued. It was my intention to offer an amendment providing for $200,000 for additional lighter-than-air equipment. However, after talking with members of the committee, I will accept the suggestion that the bill go to the Senate as reported. The language restricting the expenditure of any money at Scott Field should be stricken from the bill, and I hope the amendment of the gentleman from Illinois, Mr. IRWIN, will be adopted.

A Member of the Senate is now endeavoring to get the War Department to submit an estimate to the Bureau of the Budget and have it sent to the Senate committee in time to be added as an amendment to this bill. We hope he succeeds; and if he does, I feel confident the House committee will accept the amendment and the House will approve.

Mr. BARBOUR. Mr. Chairman, the 1929 appropriation bill, when it passed the House, did not carry this language. When the bill went to the Senate this proviso was written into it in the Senate, there being some question as to how far the Army should go in carrying on these lighter-than-air activities.

The Navy is engaged quite extensively in lighter-than-air craft manufacture and operation. Because of this fact it was considered, as I understand the situation in the Senate, that there was very apt to be duplication along these lines. Therefore, this language was written into the bill providing that none of the money appropriated or authorized to be contracted for in this paragraph should be available for construction at Scott Field.

The Army is reducing its lighter-than-air activities. According to the statements made to our committee, they will have on hand on June 30, 1928, and in operation, 13 lighter-than-air ships; on June 30, 1929, they will have on hand and in operation 9 lighter-than-air ships, and it is estimated that on June 30, 1930, they will be operating 3 lighter-than-air ships.

So in view of the fact that the Army is limiting and even reducing its lighter-than-air activities, and in view of the situation in the Senate the committee deemed it advisable to retain this language that was in the act last year.

There was no estimate from the Bureau of the Budget for this item for Scott Field. When the gentleman from Illinois [Mr. IRWIN] appeared before the committee, the committee took the position that in view of the situation, the Senate having written this language into the 1929 bill and insisted on its being retained, the gentlemen interested in this item should go first to the Bureau of the Budget and get an estimate. Then the matter could be presented to the committee in the regular way. But the real fight on this matter is in the Senate.

It is there that serious and strong objection has been made to the item, not here; and it is there, in my opinion, that the matter must be fought out. For that reason the committee felt that the only course it could pursue was to bring this bill back with the same language it contained when it was finally adopted last year.

Mr. IRWIN. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. IRWIN. I would like to ask the gentleman, who is chairman of the subcommittee, if he thinks it is entirely fair to single out this particular field. While we are concerned with what the body at the other end of the Capitol does, yet we are legislating on this side of the Congress. As I have protested by my amendment here, I feel that we are discriminated against. If this language is left out we are not discriminated against, but with this language in the bill, there could not be one thing done, as I have heretofore said, and I certainly feel that the House does not care to discriminate for or against any particular military field in the United States until such time as the War Department takes a definite stand as to the policies in respect of the various activities of that department.

Mr. BARBOUR. I will state to the gentleman from Illinois that so far as the subcommittee is concerned, there is no disposition to discriminate against anybody, but here is the peculiar condition that confronts us.

As I said a moment ago, this item for Scott Field was in the bill last year and went out in the Senate. This was agreed to by the House in conference after the Senate insisted on its amendment, and since that time nothing further has been done until now; no effort to get the Budget to recommend it, no effort, as I understand, to get the War Department to recommend that it be provided for. It comes before us without any recommendation behind it whatsoever and the committee felt in view of the circumstances it would not be justified in changing the language of this bill.

Mr. TABER. Mr. Chairman, this is a rather unusual situation. This is the section of the bill which provides for the construction of new barracks and quarters. It provides the money to complete all the barracks which have not now been completed.

At Scott Field we have this situation. As the chairman of our subcommittee has so clearly stated, the lighter-than-air activities are being reduced. At the same time it is contemplated by the War Department to carry them on in a reduced way over the period of the year 1930 and see what results—and see if there is a different policy determined upon by the Congress as to whether or not this activity should be carried on.

With this situation in mind it would be absolutely foolish to go ahead and build new barracks at this place when we do not know whether the final policy is to go ahead with the activity or not.

In the meantime the situation is not suffering, because the general provisions of the law carry money which can be used for the repair of the wooden barracks, and these wooden barracks are probably better than almost any other wooden barracks that we have left which are being used in this country. Having all this in mind, it is absolutely foolish for this House to go ahead and attempt to provide for the construction of new barracks there. Anyway the proper procedure would be for the gentleman to go to the Bureau of the Budget and get an estimate of what the cost of these barracks would be, because the Bureau of the Budget has not submitted an estimate which covers the construction of these buildings; and it can not be done, anyway, without that estimate and the item being included in the bill.

Mr. COCHRAN of Missouri. An effort is being made by a Senator to secure the estimate and submit it to the Senate committee.

Mr. TABER. It will be time to pass on that when they get it.

Mr. COCHRAN of Missouri. There would be no objection by the committee.

Mr. BARBOUR. The gentleman is mistaken; I did not say there would be no objection; I said our action was not final until then.

Mr. IRWIN. In my amendment it does not call for an appropriation. I am only asking that the proviso be cut out.

Mr. TABER. It does not hurt the gentleman whether it is cut out or not.

Mr. IRWIN. Then why is this language in this bill?

Mr. TABER. Because it is generally understood that the construction is to be postponed until they determine whether we are going on or not.

Mr. IRWIN. Why does the gentleman object to striking it out if it does not mean anything?

Mr. TABER. Because it lets it be known that Congress does not intend to go ahead until the matter is determined.

Mr. IRWIN. My amendment simply strikes out the proviso. I am not asking for an appropriation. I am simply asking for the elimination of the proviso.

Mr. TABER. That can be done whenever the estimate comes up and has been passed upon by the committee. It is not proper for Congress to do it now.

Mr. IRWIN. I was told by the committee to go to the Budget, and I did. I went to the War Department, and I tried my best and did everything I possibly could up to this time to secure recognition for Scott Field.

Mr. TABER. The gentleman certainly has.

Mr. IRWIN. I am only asking that you shall not discriminate against Scott Field. We have many other fields, and why discriminate in this bill against Scott Field by expressly specifying it? That is what I object to, and I hope you will allow this provision to be stricken out and not discriminate against Scott Field.

Mr. LANHAM. Mr. Chairman, I was interested in the statement of the chairman of the subcommittee to the effect that by the 30th of June, 1930, the Army would have but three lighter-than-air ships in operation. Do I understand the gentleman to say that that will be the total number of lighter-than-air ships of the Army that will be in use by that time?

Mr. BARBOUR. I understand that is to be the program.

Mr. LANHAM. Now, I want to address myself to that situation. It seems to me that this country, of all countries, should retain its active interest in lighter-than-air work. We are peculiarly and fortunately blessed in being the only country under the sun that has in relative abundance the necessary agent for the safe and practical operation of lighter-than-air ship—namely, helium.

Mr. TABER. Will the gentleman yield for a short statement?

Mr. LANHAM. I yield.

Mr. TABER. I think it is fair that I should inform the gentleman that the naval budget submitted to Congress, which the Naval Appropriation Subcommittee is now considering, provides for the continuation of the construction of the two large airships, the starting of which was provided for in the last year's naval appropriation bill, as rapidly as it can be done under the contract. And it also provides for the continuation of the operation of the *Los Angeles* in the same manner that it has been operated during the period of construction.

Mr. LANHAM. The construction of these two large dirigibles which have been authorized will necessarily require a considerable length of time. Consequently, by the end of the fiscal year we will have three lighter-than-air ships in the Army and practically but one in the Navy—the *Los Angeles*—because the two large ones will be under construction.

It has been my privilege to give considerable study to the operation of lighter-than-air craft. That study was stimulated in the first instance somewhat by reason of the fact that the helium production plant was located in the district that I have the honor to represent. Certainly I can not now be charged with any selfish motive in this regard, which might formerly have been imputed to me, because that plant is closed down and the new Government plant is set up 335 miles from Fort Worth in Amarillo, Tex., in the district represented by my colleague [Mr. JONES]. But my study has impressed me with the importance of our development in this line, because, I repeat, we are the only country that has this invaluable agent and asset of helium in any considerable volume. Other nations have sought for it, even going to the extent in Japan of attempting the hazardous undertaking of trying to find helium in the emanations of certain volcanic gases. And, now, the fact that other countries of the world are anxious to find helium within their boundaries and are spending their money in promoting lighter-than-air development—the great giant *Graf Zeppelin* of Germany having but recently made a trip across the Atlantic and back—shows that the rest of the world, not so favored as we are, is keenly alive to the possibilities of lighter-than-air craft. To me it seems almost preposterous to think that by the 30th of June of next year, favored and fortunate as we are, even for purposes of training personnel and of experimentation by land and by sea, we are going to have but three little ships in the Army and one large one in the Navy, which, according to the terms of the treaty, can not be used in military operations.

Should the foremost country in the world, favored by Providence in having a practically inexhaustible supply of this great agent, throw away its chances and opportunities, train no personnel, have no ships, when the other nations of the earth not so favored are proceeding diligently in the lighter-than-air field?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LAGUARDIA. Mr. Chairman, I agree entirely with the conclusion of the gentleman from Texas [Mr. LANHAM], though perhaps not for the same reasons. It seems to me that the Congress should not abandon lighter-than-air craft in the Army and the Navy. While at the present time there is doubt as to the real military value of large airships, owing to the development in airplanes, the field of airships has been by no means fully explored.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LANHAM. In that connection, of course, the large ships will perhaps be more serviceable for the Navy, but those in the Army service are smaller ships, and it is not contemplated that they will be enlarged in size.

Mr. LAGUARDIA. They have great potential possibilities. There has been very little developed in airships since the time that Count Zeppelin first built his large dirigible, and it would be a great mistake if, having the natural resources described by the gentleman from Texas [Mr. LANHAM], we were to abandon the experimentation and development of lighter-than-air ships. If there is one useful purpose of an army and navy in time of peace, it seems to me that it is along these lines in developing these new means of transportation, and I look at aviation as an agency of peace rather than as a weapon of war. We have the advantage of having an abundance of helium gas. We are certainly appropriating generously for the development of aviation, but I would not go along with the recommendation of the War Department to curtail along these lines. At the last world aviation conference held in Washington, I think it was brought out by some one that all of the discussion was on heavier-than-air planes, and very little was said concerning airships, because there was such little improvement and progress made in that field.

The lighter-than-air ships afford great possibility for the development of motors. With the new fuel used by the Germans in the *Graf Zeppelin*, which just made a round trip from Germany, and with the new ideas being put into the great dirigible now being built by the English, which ship will be ready in a few weeks, we ought to take advantage of the progress made by the English and the Germans and utilize the natural resources that we have and utilize the time and services of a large, efficient Air Corps and use some of the funds we are appropriating for the development of aviation and keep up the experimentation in the lighter-than-air ships. I for one say that we have not yet arrived at that time or stage of development where we can properly say, "Let us abandon the lighter-than-air ships."

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. IRWIN. In view of the fact that Scott Field is the largest lighter-than-air port in the United States, and in view of the fact that the gentleman says that this matter of lighter-than-air ships is in an experimental stage, does he feel that it would be proper to abandon this particular field, which is the greatest field in the country at the present time?

Mr. LAGUARDIA. That is but one of the details. I am never very much concerned and I can not get very much excited over the location of a field or barracks or experimental station. I always look at these things from a broad national viewpoint; it is a matter of indifference to me whether the field is at Scott Field or anywhere else, and I say that in due deference, because I believe the gentleman is entirely within his right in urging the particular field in his district.

Mr. IRWIN. I would say the same thing after the Government of the United States has expended millions of dollars there.

Mr. LAGUARDIA. I am interested in the proposition in its broadest sense.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JAMES. Mr. Chairman, it is not the intention of the Air Corps to abandon either the balloons or airships. I had the matter up with both General Fechet and Mr. Davison. I have a similar letter from each and with the permission of

the House I shall extend my remarks by inserting these letters at this time:

JANUARY 5, 1929.

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

DEAR MR. JAMES: With reference to your letter of December 14 concerning Scott Field, I am inclosing a communication which is identical with a letter which I understand Mr. Davison has already forwarded to you.

Sincerely yours,

J. E. FECHET.
Major General, Air Corps, Chief of the Air Corps.

JANUARY 3, 1929.

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

DEAR MR. JAMES: With reference to your letter of December 14 concerning Scott Field, the following data has been compiled:

a. Scott Field was established June 14, 1917; the land being leased by the War Department from that date until 1919, when it was purchased for $119,485.84. The area is approximately 626 acres.

b. Scott Field was first established for the purpose of primary heavier-than-air training.

c. Amount of appropriations: Permanent improvement, including original cost of land to June 30, 1928, approximately $3,561,056.67.

d. At present the Air Corps has located at Scott Field a balloon and airship school which has been suspended for the present fiscal year due to various causes. During the suspension of school activities the airship companies are operating as tactical organizations.

Inclosed is a copy of the recommendations made by me to The Adjutant General concerning the future of lighter-than-air. There is no intention of abandoning Scott Field. In war time this field will be the center for lighter-than-air training and the mobilization center for lighter-than-air organizations.

Sincerely yours,

J. E. FECHET,
Major General, Air Corps, Chief of the Air Corps.

[First indorsement]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE AIR CORPS,
Washington, D. C., October 6, 1928.

To: The Adjutant General, Washington, D. C.

In compliance with basic communication the following report is submitted. The report follows, in general, the form and captions as outlined in above-mentioned letter.

1. It is the opinion of this office that lighter-than-air craft are of great value and are necessary to the Army in war and that their operations should be continued during peace time in order to prepare for war activities. Although balloon companies were rendered inactive in 1922, it was not because balloons were considered as no future use in war. Balloons have in the past, and will continue to be in the future, the most efficient and effective means of observation of artillery fire and surveillance of limited areas when the ground observer is unable to properly function. It is readily seen that a balloon company, in peace time, although a very valuable asset as a training school for officers as well as for use in conjunction with ground troops, is not as necessary or important as heavier-than-air activities. With the limited appropriations available and the small size of the Army there are other activities which are of much more importance. It was necessary to curtail certain activities and it was believed to the best interest of all concerned that the balloon companies should be the ones to suffer. However, it is believed that balloons should again be used for work with the railroad artillery at Fort Eustis, Va., with the Field Artillery School at Fort Sill, and possibly for use with the Second Division at Fort Sam Houston, in addition to other stations where it is desired that they cooperate with other arms. Their war-time function has not ceased or been changed. They are still considered our best means of observation in their particular line.

The development of the larger airships has been undertaken by the Navy as a result of an agreement between the members of the Joint Army and Navy Board with the understanding that when a satisfactory airship had been designed and tested that it would be available for the Army. In consequence very little, in fact no, experimenting had been done by the Army in the larger types of rigid airships. Although it is the opinion of this office that dirigibles will undoubtedly play a large part in the next war, especially in the transportation of personnel and supplies, nevertheless the Army is unable to carry out experiments and tests by virtue of the aforementioned agreement. However, the *RS–1*, a small semirigid airship, has been constructed by the Army at Scott Field, Ill., and considerable experimenting has been carried on with this particular type. Curtailment of funds prevent more thorough and exhaustive tests.

It is apparent that for coastwise patrolling the airship is a most valuable adjunct. The type now present in the Army is entirely too small for this purpose, and it is believed that the type developed by the Navy—that is, the *Los Angeles*—is too large. Therefore, considerable experimenting will have to be undertaken before this question can be definitely answered. However, the large airship affords great possibilities as a means of transporting limited personnel and supplies to reinforce our foreign possessions at the outbreak of war.

A. BALLOONS

(1) Free balloons: The free balloon is an instrument of training only. All types of lighter-than-air craft may at times become free balloons and must be operated in accordance with the laws of aerostatics. This is true of the captive observation balloon, should its cable break, and of the airship when the engines cease to function. It is, therefore, essential that the preliminary training of all pilots of lighter-than-air craft begin with training in free ballooning.

(2) Balloon, observation: The observation balloon, as its name implies, is a means of effecting aerial observation for the benefit of ground troops. It proved very effective during the last war, and is still considered an excellent method of observation for the adjustment of most types of artillery fire and the surveillance of certain areas of active operations. Because of the ability of the observer in the balloon to give his complete attention to the examination of his sector and because of the direct two-way telephonic communication available, the observation balloon provides an excellent method of carrying out general observation, command, and liaison missions over a limited area. The observation balloon should always be used in lieu of heavier-than-air craft, provided it can fulfill the mission. All balloon companies were placed on an inactive list by July, 1922. As a consequence, there has been little development of the observation balloon and the training and technique pertaining thereto since that date. The peace-time activities are covered in paragraph 1 above.

B. AIRSHIPS

The airship is used strategically or tactically in a situation favoring its employment as a complement or replacement of the airplane. Such conditions are cloudy or inclement weather, long-range operations by the aerial situation, and situations wherein the peculiar characteristics of airships make it a suitable agency for use in conjunction with or in lieu of heavier-than-air craft. The characteristics of the airship can be stated as follows:

(1) POWERS

(a) Ability to cruise for long periods of time.

(b) High percentage of useful load with a continued increase of percentage of useful load with an increase in size.

(c) Ability to navigate accurately under conditions of poor or no visibility.

(d) Ability to hover for extended periods at high ceiling or in lower altitude.

(e) Ability to "free balloon" during engine trouble or for the purpose of effecting surprise.

(f) Ability to fly in fog, clouds, and other kinds of inclement weather with less hazard than airplanes.

(g) Superior facilities and conditions for two-way communications due to greater weight-carrying capacity.

(2) LIMITATIONS

(a) Vulnerability. This characteristic will always remain with the lighter-than-air equipment until their speed will equal or surpass that of aircraft or until some means are effected of permitting the protection by either airplanes or machine-gun fire or possibly a combination of both. The vulnerability from fire caused by incendiary bullets or from explosion of its gases has been overcome by the use of helium.

(b) Comparative slow speed.

(c) Limited ceiling of the nonrigid and semirigid types.

(d) The difficulty of handling while on the ground. This difficulty is being lessened by the added use of mechanical appliances.

(3) MISSIONS

The airship is particularly well adapted to perform coastal and observation missions in coast defense, especially in those sectors where a landing in force is not probable but where raids may be expected. It is unlikely that there will be sufficient airplanes available for employment in such sectors in a major war.

The efficiency of such as are available can be greatly increased by operating them in conjunction with patrol areas which will perform much of the reconnaissance duty at ranges greater than can be covered by heavier-than-air craft. Airships in such employment will be able to spot hostile submarines to greater advantage than airplanes because of their ability to travel at much slower speed and, consequently, conduct a more thorough search. Airships can destroy submarines by bombing the same as by heavier-than-air craft. The ability to travel at slower speeds make the airship useful in inspecting friendly mine fields. Another employment mission for airships is in situations such as those present at the Panama Canal and the Hawaiian Islands where attack is likely to take the form of occasional raids, particularly from the air. It is believed that the airship can do much of the aerial patrolling, patrolling ranges greater than the radius of action of heavier-than-air equipment.

(4) AIRSHIPS, PRIMARY TRAINING

The function of the training type airship is to provide instruction in flying and in the principles of flight of lighter-than-air craft supplied with power. A small airship is used to furnish this necessary primary instruction.

(5) AIRSHIPS, OBSERVATION

Airships for observation will be of several different sizes, depending upon the type of observation work required. It is possible that there is a definite place for a small airship so equipped and rigged that it can be flown to a particular location, anchored by means of a cable and operated as a captive balloon. Such an observation airship could supplement a captive observation balloon to a certain extent. The large size airship will be required for observation missions at great distances or during weather in which it is impracticable for heavier-than-air craft to operate.

(6) AIRSHIPS, PATROLLING

The function of the patrolling airship is that of furnishing continuous patrol over large stretches of border area, sea area, or seacoast. Such an airship, by virtue of its ability to remain in the air for long periods, can furnish an effective and continuous patrol. The size of the airship will be dictated by the distance to be flown, frequency of patrols, and altitude required. The ability of the airship to hover over a given point for detailed observation and to remain on patrol for a long period with a small crew and without great apparent hardship or fatigue on the crew gives to this type of craft a distinct advantage for patrol over long stretches or over great areas.

(7) AIRSHIPS, CARGO

Although there has not been a great amount of work done along this line, nevertheless it presents great possibilities and undoubtedly in future wars will play an important rôle. It can be visualized that the day is not far distant when it would be possible to send a pursuit group by lighter-than-air craft from the Pacific coast to Hawaii. It also has possibilities as a means for the evacuation of the sick and dangerously wounded to bases in the zone of the interior.

It is believed that further experiments will disclose a very important rôle for this type as a medium of transportation for personnel and supplies from base depot to advance depot; points in the zone of interior to points in the communications zone; method of rapidly reinforcing our foreign possessions, particularly Panama and Hawaii, and like uses.

a. Present equipment: The Nineteenth Airship Company now maintains in commission two airships of the TC type. The equipment of Scott Field consists of three TC type airships and two of the TA type, together with the necessary spares. These are used for training purposes. There are also at Scott Field, undergoing service test, airships of the TE and TF types. The TE type is intended, if satisfactory, to replace the TA type for training purposes. The *RS–1* is also in commission at Scott Field.

The present lighter-than-air organization is as follows:

Station	Organization	Enlisted strength
Langley Field, Va	Nineteenth Airship Company	120
Scott Field, Ill	Eighth Airship Company	116
Do	Ninth Airship Company	117
Do	Twelfth Airship Company	123
Do	Twenty-fourth Airship Service Company.	100

The Air Corps 5-year program provides that with the second increment of personnel which was to be made on July 1, 1928, the Eighth, Ninth, and Twelfth Airship Companies, at Scott Field, Ill., be brought to an enlisted strength of 130 men each, and that the Sixteenth Airship Company be organized with a strength of 130 men.

To date none of these increments have been added, nor has the Sixteenth Airship Company been organized.

b. Balloons: The 5-year program should be carried out as approved except that two captive balloons be temporarily furnished each Airship Company in addition to their present equipment as soon as the equipment is available and hangar space can be obtained.

AIRSHIPS

The 5-year program which is now being carried out should not be materially changed, and the airship policy, increase in personnel, equipment, etc., should be followed as given in this program except for such minor changes and modifications as are necessary from time to time.

c. In order to carry out the recommendation in paragraph b (balloons) above, it will be necessary to determine the actual amount of equipment necessary—i. e., balloons, balloon winches, etc.—before a comprehensive statement can be furnished. Inasmuch as the Budget hearings for the 1930 fiscal year are already under way, it is thought proper to thoroughly study this matter and include the funds necessary in the 1931 estimate rather than attempt to hurry the matter and include the items in the 1930 fiscal year funds. A study covering this proposed change will be immediately undertaken and definite recommendations will be furnished your office at the earliest possible date.

As previously stated, the cessation of balloon activities and curtailment of activities is not as a result of the premise that they had little or no place in the scheme of national defense but was required in order to keep the Air Corps funds within the limit prescribed and at the same time carry out the best heavier-than-air program possible. A study of the appropriations in the past few years will disclose the fact that funds for lighter-than-air activities have continually diminished until the point was reached in the 1930 fiscal year funds when nothing was included. It is proposed to include funds for this branch in the 1931 fiscal year appropriation and gradually bring back into being a well-balanced and active lighter-than-air component.

d. The Air Corps Balloon and Airship School had been rendered inactive for the fiscal year 1929 per third indorsement, Adjutant General's Office, September 12, 1928, file A. G. 352, A. C. Bln. & Airship Sch. (8–28–28) Misc. (C).

J. E. FECHET,
Major General, Air Corps, Chief of the Air Corps.

The amendment offered by the gentleman from Illinois [Mr. IRWIN] would not make any difference either way, whether you adopt it or reject it, because if you will read the rest of the paragraph you will see that it has already been allotted to different places.

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. JAMES. What the gentleman should do, as I advised him, is, instead of adding $250,000 to this bill, to go to the Director of the Budget and get a supplemental estimate and have it come up in the deficiency appropriation bill, and get it in that way.

Mr. IRWIN. I am not asking for an appropriation. I am asking that this language be cut out in this amendment prior to asking for an appropriation later. I am just asking that this proviso be cut out—that is, the whole amendment—because I feel it is a discrimination, and if we want to continue lighter-than-air activities I do not think we ought to discriminate against this field at this time. I am not asking for an appropriation now, but I expect to later.

Mr. JONES. If the gentleman from Michigan will yield for a question in reference to the program he is reading. I notice on page 34 this bill carries this proviso:

No part thereof may be expended for the production of lighter-than-air equipment.

Will not that language, if it stays in, prevent the use of any money provided in this bill for construction of lighter-than-air equipment?

Mr. JAMES. For the present year; yes.

Mr. JONES. Let me ask this question: What about the reconditioning and remodeling of the *RS–1*, which they claim has depreciated? I understand they desire to recondition, remodel, and recover the *RS–1*, and I wondered if this clause here would not prevent that being done?

Mr. TABER. This has nothing to do with anything whatever of the regular Air Service appropriation. It simply relates to the construction of barracks and quarters.

Mr. JONES. I understand that, but I call attention to the language on page 34 and ask if that prevents them from going ahead with lighter-than-air matters?

Mr. TABER. No——

Mr. JONES. "For experimental and research work with airplanes or lighter-than-air craft."

Mr. TABER. It does prevent the building of lighter-than-air craft with any of the money, but does not——

Mr. JONES. It says here "and their equipment, experimental, and research work."

Mr. TABER. No; it says lighter-than-air equipment, and that means new and not replacement or reconditioning or recovering. It means the construction of new equipment.

Mr. JONES. To follow it up it says here that no part thereof may be expended for production of lighter-than-air equipment. Would that in any way prevent the reconditioning or remodeling or recovering of a ship they have now on hand?

Mr. TABER. Not reconditioning or repair of that which they have on hand.

Mr. JONES. Then it was not the intention of the committee in putting this language in any way to interfere with the program of remodeling and recovering the *RS–1* should they decide to do so?

Mr. TABER. Not at all.

Mr. JONES. That could be undertaken notwithstanding that provision?

Mr. TABER. Yes.

Mr. COCHRAN of Missouri. I referred to that in my remarks, and I had an amendment prepared to strike out that language, but in view of what was stated by the chairman I thought it advisable not to offer it.

Mr. JONES. I have prepared an amendment but in view of the assurances received I shall not offer it.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words for the purpose of obtaining information. After listening very carefully I could not but reach the conclusion that that proviso means nothing according to the committee. It makes no difference whether it is stricken out or left in the bill.

Mr. TABER. I would say if it was stricken out it would not mean the construction of these barracks.

Mr. SCHAFER. If this proviso is stricken out, will the War Department have authority to use any of the appropriation for that particular field?

Mr. TABER. No.

Mr. SCHAFER. Then it does not mean anything, and I do not think the House should adopt the policy of putting language in a bill that does not mean anything.

Mr. BARBOUR. The appropriation was in the bill last year, and it is rewritten in the bill this year. There is no Budget estimate for it. In all probability the War Department would not use any of it for Scott Field, there being no Budget estimate for it in connection with this bill. But they probably would have a right to do it if they undertook to do it deliberately. They could use some of this money for Scott Field, but I do not think there is any probability that they will do it.

Mr. SCHAFER. Then why not strike it out? If you add two or three lines of language to this bill and two or three lines of language to another bill, lines of language that do not mean anything, it adds to the expense of printing, to say the least.

Mr. DYER. It would be economy to strike it out?

Mr. SCHAFER. Yes. However, I think there is something deeper in this proviso than appears on the surface. If this proviso is left in the bill, I venture to say that in the future should the gentleman from Illinois request the Budget to approve appropriations for this field that he will be told that they will not be approved because Congress by adopting the proviso had indicated a policy against further appropirations for this field.

Mr. IRWIN. The language of this bill specifically prohibits the War Department from using it at all. There might be some contingency arising whereby they might have occasion to use some of the money, and therefore I am objecting to this proviso.

Mr. SCHAFER. I think the gentleman's amendment is proper. The House should adopt it by an overwhelming vote.

Mr. JAMES. Did not the Budget send an estimate of $100,000 last year, which was reported by your committee and which was passed by the House and stricken out by the Senate?

Mr. BARBOUR. This is what happened: This language provides that none of this money shall be used at Scott Field. That was the action of Congress in the 1929 act, and it will be the action of Congress if this bill carries this language. Last year it was ratified and adopted by both Houses.

Mr. DYER. No matter what the necessities may be as they arise, they could not use any of this money for this purpose?

Mr. BARBOUR. In view of the status of lighter-than-air ships in the Army, I think we should have this language until some definite decision is made by the Army as to what the policy shall be. A new helium plant is being constructed at this time down at Amarillo, Tex. The Navy is providing $8,000,000 for its experimental work in connection with lighter-than-air ships and the Army will carry out its policies at the present time. In view of the activities of the Navy there is no reason why the two branches of the Government should be experimenting along the same line and spending perhaps twice as much money as may be necessary.

Mr. IRWIN. The reason why I press the amendment is that if there should be a contingency arising the Government could not spend a dollar on this project. That is the reason why I want the language eliminated. Something might turn up in 12 months by which you might want to do some building. Therefore I think the War Department ought not to be hampered by this language.

Mr. BARBOUR. The War Department does not feel that it is hampered. They are not interested one way or another.

Mr. HILL of Alabama. We might have a fire out there or something of that kind.

Mr. BARBOUR. Yes; and then the matter could be reached in a deficiency bill. We have fires at Army posts off and on, and they are always taken care of. We had one at Fort Sill a year or so ago.

Mr. HILL of Alabama. And one the other night at Bolling Field.

Mr. BARBOUR. Yes; they have had several over at Bolling Field. They are taken care of.

Mr. IRWIN. After Congress adjourns there might be a fire, and we could not then appropriate money for Scott Field.

Mr. BARBOUR. Then we might have an extra session.

The CHAIRMAN. The time of the gentleman from California has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. SHREVE. Mr. Chairman, I want to interrogate the distinguished gentleman from Texas [Mr. LANHAM]. When I came into the Chamber one gentleman was speaking of the helium situation.

Mr. LANHAM. Did the gentleman understand me to say there was not enough helium?

Mr. SHREVE. Yes.

Mr. LANHAM. The gentleman misunderstood me. I think there is sufficient helium, and I contend further that, if we reduce our operations in lighter-than-air craft, the new plant at Amarillo, Tex., with its possible production at a very low cost, will produce more helium than the available ships can take.

Mr. SHREVE. I am glad to have that statement. The committee having charge of the matter was desirous of furnishing all the helium required by the Army and the Navy, and we really made another appropriation and set aside $500,000 more to be used at the discretion of the President.

Mr. LANHAM. I commend the committee and the gentleman's activity in that regard. We have plenty of helium, and the means are available for producing helium, and all we are concerned about now is to have the proper airships into which to put that helium.

Mr. HOWARD of Oklahoma. Is it not a fact and does not the evidence show that there is much helium going to waste in gas fields in which the plants being operated by the Bureau of Mines are not located?

Mr. SHREVE. Yes; and we have been giving that consideration. What we are endeavoring to do now is to secure a great area of land that the Government will own where helium will be produced as found necessary and where there will be no leakage and wastage.

Mr. HOWARD of Oklahoma. What I am driving at is to have a little more conservation, for the reason that I know in the Osage Nation, in my district, there is a certain percentage of helium in the gas, every bit of it, and it is going to waste, and in addition to producing helium in a Government plant I was wondering whether or not your committee had given consideration to the question of conserving that which is being destroyed.

Mr. SHREVE. I will say we are making a study of the whole helium-bearing section, with the idea in mind of determining just what eventually should be done in the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

Mr. O'CONNELL. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. IRWIN) there were—ayes 34, noes 21.

So the amendment was agreed to.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. I do so, Mr. Chairman, for the purpose of asking for a little general information relative to the item in connection with the construction of military posts. I think everyone has recognized for some time that there was a very urgent need for the construction of proper barracks or military posts in order to provide comfortable and sanitary quarters for our troops. I wonder just to what extent the War Department has proceeded in the way of the construction of barracks. In other words, what percentage of the work has been accomplished or will be accomplished with the appropriation carried in this bill?

Mr. BARBOUR. Was that question directed to the gentleman from California?

Mr. BYRNS. Yes; I ask for that information from the gentleman from California who, of course, is fully advised on the subject.

Mr. BARBOUR. I will say to the gentleman from Tennessee that in the report on the bill, page 10, there is a statement showing the construction that will be undertaken under this appropriation. It shows all of the various posts at which moneys will be spent under this appropriation for permanent construction, the character of the construction, and the estimated cost of each building.

Mr. BYRNS. That does not give the information I wanted. This program covers a period of years. When is all this work to be completed, how much has been expended up to this time, and how much is it contemplated will be expended?

Mr. BARBOUR. I will state to the gentleman from Tennessee that the money carried in this bill, together with the contract authorization of $3,000,000, carries the amount that will be provided in 1930 up to almost $40,000,000.

Mr. BYRNS. That will have been appropriated if this appropriation is made?

Mr. BARBOUR. Yes; including the items in this bill. Their whole program of permanent construction at posts amounts to something over $100,000,000. There is in the hearings a table showing the status at the present time of every project for which we have made appropriations heretofore. The statement in the report shows the posts at which the money carried in the 1930 bill will be expended and the character of the buildings which will be erected. There is a statement in the hearings showing the status at the present time of each of the buildings heretofore appropriated for, some practically completed, others in course of construction and some for which they are preparing plans and specifications. Now, as to the results that have been accomplished by this building program—and I think that is what the gentleman from Tennessee is interested in—I will say that the sum carried in the 1930 bill, plus the contract authorization of $3,000,000 carried in this bill and prior appropriations will make provision for 23,798 enlisted men, 797 noncommissioned officers, 727 officers, 1,408 hospital beds, and 192 nurses.

Mr. BYRNS. The gentleman says $40,000,000 will have been appropriated and that it will require more than $100,000,000 to complete the program. Does that mean in addition to the $40,000,000?

Mr. BARBOUR. As I understand it that is the estimate of the War Department for the complete housing program.

Mr. COLLINS. If the gentleman will yield, I think the figures show that the total building program will be around $200,000,000.

Mr. BYRNS. That appears to me to be quite a sum.

Mr. BARBOUR. I will state to the gentleman from Tennessee that that has not all been authorized as yet.

Mr. BYRNS. It has not been authorized?

Mr. BARBOUR. No.

Mr. BYRNS. I was just wondering as to the character of these quarters.

Mr. BARBOUR. They are modern buildings, very well constructed, with all the latest improvements in the way of sanitary plumbing and things of that kind. They are buildings in which they take into consideration the surrounding landscape and they are appropriate to the particular location. They are very fine, comfortable buildings, and well constructed.

Mr. BYRNS. I think everyone wants to see these buildings provided in a manner that will be comfortable, sanitary, and architectural to a certain extent.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS. If we are going to proceed with a plan that will involve $200,000,000 in the construction of these quarters, that is a greater sum than I anticipated would be necessary, and I have wondered just how much of that is being spent in providing large and handsome homes for major officers, so to speak.

Mr. BARBOUR. I would state to the gentleman from Tennessee that, so far as the officers are concerned, they have a fixed price for officers' quarters, $14,500 for an officer with the rank of major or above and $12,500 for captains and lieutenants. There was a limitation of less than that up until a short time ago, and an act was passed by Congress increasing the amount of the officers' quarters, because it was found they could not build satisfactory quarters with the former amount that was permitted by law. So we increased it about $2,000 on each class of quarters.

Mr. BYRNS. Let me ask the gentleman this question: Are these posts being constructed under what might be called one general plan, or are we having a different plan and different kind of construction and architecture for each post as it is being built?

Mr. BARBOUR. There is a general plan to a certain extent, depending upon the use or the character of the building, for instance, whether barracks or officers' quarters. The plans are modified to meet the climatic conditions of various sections of the country. For instance, in the northeastern section of the country they have one type of building.

In California we are told that they are building their barracks of the Spanish type of architecture with tiled roofs and other characteristics of the Spanish type. In the southern section of the country I understand they are using the so-called southern type of architecture, and in the other parts the old Colonial type.

Mr. BYRNS. The gentleman knows that some of us for years contended with reference to the construction of buildings for post-office purposes that there should be a general type adopted for buildings that were to cost something like the same amount and cut out so much expense for architects and for other professional services. Since they are paid upon a percentage basis, it costs a great deal to secure these professional services. The Treasury Department, as I understand, for some years has been conforming to this idea. Now, why carry in this bill continually a provision making it possible to expend unnamed and unknown sums for architects and professional services and things of that sort. It seems to me a great deal of money could be saved by adopting some general type or form for these barracks. We could at least save a little of this $200,000,000 that is going to be expended for this very worthy purpose. I am not criticizing the purpose for which the money is being expended.

Mr. BARBOUR. We went into that matter with the Quartermaster General, and General Cheatham stated to the committee that they only employed architects in very rare instances. Most of the work is done by the architects of the Quartermaster Corps. There are cases where they like to have their building plans, when completed, looked over by an architect who is located in that particular section of the country and is familiar with conditions there and have possibly some suggestions made which would be valuable. The purpose of carrying this provision in the bill is to permit them to do that. We are told by the Quartermaster General that only in rare cases do they employ these architects. Most of the work is done by their own architects.

Mr. GREEN. Mr. Chairman, I move to strike out the last two words.

I would like to have the attention of the chairman of the subcommittee a moment. I have a telegram from Florida's adjutant general of our National Guard relative to the appropriation for that service, and I would like to know how the appropriation in this bill compares with the one we passed last year; is the appropriation for this purpose as liberal or more liberal?

Mr. BARBOUR. I will state to the gentleman from Florida that we are coming to that item later in the bill, and it is the expectation of the committee that there will be a full and free discussion of it, as much so as is possible, having due regard to the time available.

Mr. GREEN. Does this bill provide a sufficient appropriation for the National Guard, and is it as much as the appropriation last year?

Mr. BARBOUR. The total appropriation for the National Guard is larger than it was last year. I have in mind the matter that the gentleman from Florida refers to and I understand that an amendment will be offered on the floor, and it is our purpose to go into the matter fully at that time.

Mr. GREEN. I appreciate the information and would like to say that it is our desire to ably and well take care of this item.

Mr. LINTHICUM. I want to join in the sentiment of the gentleman from Florida. I understand there will be an amendment of some $400,000 additional, will there not?

Mr. BARBOUR. The committee is not going to offer it. All we have to go on is the report that we hear. We have not seen the amendment. We are getting our information from telegrams coming to the Members of Congress from various sections of the country.

Mr. LINTHICUM. The National Guard feels they should have about $400,000 more than is provided in the bill, does it not?

Mr. BARBOUR. I would not say that the National Guard feels that way although some persons connected with the National Guard are urging increased appropriations for one or two items. I will say to the gentleman from Maryland, as I stated to the gentleman from Florida, that we are going into the matter fully at the proper time.

Mr. GREEN. We trust the committee will look with favor on this amendment and help us to adopt it. Our National Guard serves a great purpose and is ready to rescue in disaster, danger, or peril, and I want it well provided for.

Mr. BARBOUR. We will present the views of the committee in regard to the matter and I presume that the gentlemen offering the amendment will present their views. It is an item that we are going to reach later in the bill.

Mr. LINTHICUM. I was hopeful the committee would give the matter consideration in advance so they would not oppose us.

Mr. BARBOUR. The committee has already given careful consideration to all these items.

Mr. LINTHICUM. Is there not some money that might be reappropriated?

Mr. BARBOUR. We considered all those matters. I might say to the gentleman that I think we will be able to show that the National Guard is being pretty well taken care of by this bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings and grounds for military purposes and lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, and disposal of sewage, $11,648,041: *Provided*, That not more than 19 procurement-planning offices may be maintained during the fiscal year 1930, and not more than 1 such office may be maintained in any city. Where space was occupied in a public building on December 31, 1928, wholly or in part for procurement-planning work, no appropriation contained in this act shall be available for renting space for procurement-planning work in a city where such public space was so occupied: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables for military attachés: *Provided further*, That not exceeding $100,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1930.

Mr. WAINWRIGHT. Mr. Chairman, I move to amend by striking out the proviso appearing on page 36, between lines 12 and 20.

The Clerk read as follows:

Amendment by Mr. WAINWRIGHT: On page 36, line 12, after the figures, strike out all down to and including the word "occupied," in line 20.

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the House, this proviso sought to be stricken from the bill refers to the industrial procurement planning by the Assistant Secretary of War.

I took occasion yesterday, in discussing an amendment I offered, also curtailing, or seeking to curtail, the activities of the Secretary of War in regard to the number of officers that may be assigned to him, to explain the importance of this work. The Assistant Secretary of War, by virtue of the duty cast upon him by section 5–A of the national defense act, is seeking to fulfill his duty to assure adequate supplies, matériel, and industrial organizations for war-time needs, namely, for the event of another war. It is a tremendous task. The duty was cast upon the Assistant Secretary of War as the result of our experience in the Great War, where we all know the tremendous delay and extravagance and the enormous dislocation of industry that then ensued from our having no plan or made any provision for procuring necessary supplies. This responsibility that is cast upon him relates to planning to take care of the purchase of supplies that may run into billions of dollars. In the late war we know they ran into sums way over twenty billions of dollars. Think how much less the burden of expense of that war might have been had we made some such provision.

As was brought out yesterday, the entire expense of the Assistant Secretary of War is incurred in connection with this planning, outside of the salaries of the Regular Army officers, and is less than one-quarter of a million dollars.

It is manifest that the work must be done throughout the country where the supply services of the Army are located. That requires office space in many places.

What is this proviso? That there shall be not more than one office in any city where these procurement planning activities are carried on; that in any city where at the end of the last fiscal year an office for such work was being maintained in a public building, thereafter from now on no office can be maintained in any other than a building or office space rented.

That means that if the Assistant Secretary of War has an office in connection with the bureau of engineers, where planning in regard to what might be engineers' supplies in case of war, or with the Quartermaster General's Department for quartermaster supplies, he will be prohibited from having any other office in that city for his planning activities for the other services, even though those other services may have their own separate offices; that is to say, that all the planning activities of the Assistant Secretary for all the several services must be crowded into one office.

Now, it is as unreasonable to expect that all of the activities should be crowded into one office as it would be to require that all of the services could be combined into one service. So far as the second part of the amendment is concerned, namely, that where he is now in a public building, he can never be located in any other than a public building. Suppose, as may be the case, the engineer office that supplies planning is in a public building. If he was crowded out of the building, if it had to leave that office for any reason, if it was torn down, the result would be that, even during the time another public building was being erected, he could never thereafter have rented space anywhere else.

The aggregate they are expending for rent to-day is only $15,000. I have a list here of 18 offices. They do not seem to be paying over $800 in any one city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WAINWRIGHT. To tie the Assistant Secretary down to any such restriction will result in a complete dislocation and curtailment of the work as at present being carried on and can not fail to be little short of disastrous.

I take occasion to again emphasize the fact that while we are providing to spend over $400,000,000 in this Army appropriation bill it seems unreasonable to adopt a hampering clause like this, to obstruct and curtail this transcendentally important activity of the Army, relating to the possible procurement of millions if not billions of dollars of supplies where we can, under a proper industrial plan, effect great economies in the event of another war.

I urge the committee to strike out this clause and not to hamper in this manner the present very efficient Assistant Secretary of War, who is doing his best, and a very good best, to meet the great responsibility cast upon him by law. A very small amount of money is involved. The economy that would be effected by this proviso would be far out of proportion to the great disadvantage of the Government in tying down this work in the manner proposed. I urge that this amendment be adopted and this proviso stricken from the bill.

Mr. CLAGUE. Mr. Chairman, I rise in opposition to the pro forma amendment. Under the present regulations of the Army they have 48 offices. Under the proposed plan of the bill we cut those offices down to 19. We do not take away from any city an office, but we are trying to place in these different cities where they have a number of different offices one main office, combining them into one. These offices all relate to the procurement planning of the United States Army. For instance, in the city of San Francisco they have an office for the ordnance procurement planning, and another one for the Quartermaster's Corps, another for the Air Corps, the Signal Corps, the Chemical Warfare, and also the Engineers—seven different procurement offices for the Army in that one city. All those offices should be combined in one. Those men are not there all of the time. Under this planning these officers go out to different manufacturing plants, and things of that kind, and it is a useless expense to have seven different offices where one will be sufficient. We are not taking away an office from any of the cities that have one. This is a matter of economy. There is no reason why, when there is more than one office in a city, they can not be combined into one office. We are leaving an office in every city that now has one. There are 19 cities which now have procurement offices for the Army, and under the bill it provides one office for each of the cities now having one.

Mr. WAINWRIGHT. I have here a list of offices, and in San Francisco there are only four.

Mr. CLAGUE. We have a list of offices also.

Mr. WAINWRIGHT. Not seven, but four, and there are more in San Francisco than in any other city. No other city appears to have more than three.

Mr. CLAGUE. We have a map here furnished by the War Department that shows that in the city of San Francisco they have seven. They have seven in the city of New York, and a large number in other cities, and all of these in Chicago, Cleve-

land, New York, and San Francisco, or anywhere else can be combined into one office in each city. It is time that we had some efficiency. I have a very high regard for the Secretary of War; he is a well-equipped member of the Cabinet, but it is about time that in many of these places where we are spending large amounts of money we have a little efficiency. I hope the amendment will not prevail.

Mr. LAGUARDIA. It is not the Secretary of War that shapes the policy. It is the General Staff. The Secretary of War and the Secretary of the Navy are simply rubber stamps.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

CONSTRUCTION AND REPAIR OF HOSPITALS

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, $578,880: *Provided*, That no part of this appropriation shall be used for the construction of new hospitals.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: On page 29, line 1, strike out "$578,880" and insert "$603,880," and add the following after the word "hospitals," at the end of line 2: "*Provided*, That out of this sum herein appropriated there shall be used $25,000 for the construction of a veterinary hospital at Fort Bliss, Tex., on lands now owned by the Federal Government and not at present in use for military purposes."

Mr. BARBOUR. Mr. Chairman, I reserve the point of order.

Mr. HUDSPETH. Mr. Chairman, I ask that the following letter from the Surgeon General of the Army be read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, December 19, 1928.

Hon. C. B. HUDSPETH,
House of Representatives, Washington, D. C.

MY DEAR MR. HUDSPETH: It was gratifying to me to have your inquiry of December 15 with reference to the need of a veterinary hospital at Fort Bliss. I have personal knowledge of the inadequacy of the veterinary hospital arrangements at Fort Bliss, which are a makeshift and of a temporary nature.

Since Fort Bliss has a larger number of mounted troops than any other station in the Army, it is my opinion that they are entitled to the modern veterinary hospital building and equipment, as provided in blue prints and specifications on file in this office and approved by the construction division of the Quartermaster General's office. An up-to-date veterinary hospital of a size to provide accommodations at Fort Bliss is estimated to cost approximately $25,000.

A necessary adjunct to the proposed hospital is an isolation ward to be used for the purpose of isolating animals suffering from contagious diseases, and especially for the purpose of isolating newly purchased remounts from the animals of the garrison, and it is estimated that this building will cost approximately $10,000. Such construction has been carefully considered, and while these buildings will provide adequate hospital facilities for the animals at Fort Bliss under normal conditions, it is believed that nothing less would suffice.

More than a year ago the veterinary division and the supply division of this office made an effort to procure a small but efficient veterinary hospital for Fort Clark, Tex., and we thought that we were about to get it, when it was discovered that the money appropriated for construction and repairs was interpreted as being for "repairs" only. It therefore will be necessary to have a sufficient sum of money appropriated for the specific purpose of such construction at Fort Bliss; and inasmuch as this office is strongly in favor of this much-needed improvement, we will render every assistance possible that you may desire.

I am very much obliged to you for your interest in this matter; and with the season's greetings for you and your family, believe me,

Very sincerely yours,

M. W. IRELAND,
Major General, the Surgeon General.

Mr. HUDSPETH. Mr. Chairman, I trust that my friend from California will not insist upon his point of order. This sum is recommended by the Surgeon General of the Army. This post at Fort Bliss is the largest Cavalry post in the United States. They have 5,000 or 6,000 cavalry horses there. Their loss every year from disease which this hospital would prevent is much greater than the sum we are asking for.

Mr. BARBOUR. I shall be compelled to insist upon the point of order because there has been no authorization for this construction. We can not appropriate in this bill for a building not authorized. The proper procedure would be to have a bill introduced and referred to the Committee on Military Affairs and have the construction authorized, then the appropriation will follow.

Mr. HUDSPETH. The appropriation here, under the heading I seek to amend, is, "For construction and repair to hospitals."

Mr. BARBOUR. That means those that have already been authorized by law.

Mr. HUDSPETH. This would be an adjunct. I take it that it would be a continuing project, according to the language used by the Surgeon General.

Mr. BARBOUR. We have in this bill over $17,000,000 all together in appropriations and authorizations for new construction, all of which has been authorized by law. We have no right to include an item in the bill that has not been authorized by law. It is not that I object to the item, because I know nothing about it, other than what the gentleman has stated.

Mr. HUDSPETH. The Surgeon General states that they now have a makeshift hospital there. This is to construct an addition to that which has been held by various chairmen as a continuing project.

Mr. BARBOUR. If the conditions are as they are reported to be at Fort Bliss, it seems to me that it would be the duty of the War Department to ask for authorization to construct a veterinary hospital there.

Mr. HUDSPETH. As the gentleman will see by the statement there, they thought they had the funds to build this hospital in a former appropriation; but find that they could not use it because it did not provide for a specific hospital at Fort Bliss.

Mr. BARBOUR. The Military Affairs Committee is considering these authorization items all of the time, and the regular procedure would be to first get an authorization and then afterwards the appropriation would follow.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. I am not going to take up the time of the committee, but my idea from the language of the letter from Surgeon General Ireland is that it is a continuing project, and therefore it is, as held by Mr. Towner when chairman of the committee—the gentleman will recall in reference to the land purchased at Leon Springs and El Paso—where he held that it was a continuing contract, and therefore it was in order. I think under that decision it is in order.

The CHAIRMAN. Has the gentleman any knowledge of an act of legislation authorizing the erection of a veterinary hospital at Fort Bliss?

Mr. HUDSPETH. No. There is a hospital, a makeshift, as General Ireland says. I think this project is a continuing project, but all the information I have is the letter from General Ireland. I know they have an old makeshift hospital.

The CHAIRMAN. Does the gentleman from California desire to be heard?

Mr. BARBOUR. Mr. Chairman, I understood from the reading of the amendment that it calls for the construction of a new veterinary hospital at Fort Bliss.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule. The Chair does not think the construction of a new veterinary hospital at Fort Bliss, Tex., is in continuation of work on any project that is now in existence, a continuing project. As the Chair understands, it is not for the repair of an existing building but a new project, and therefore the Chair is constrained to sustain the point of order.

The Clerk read as follows:

AIR CORPS

AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Corps activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patents, licenses under letters patent and applications for letters patent for the purchase, manufacture, and construction of balloons, and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purchases; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at expermiental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies, and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, $33,359,409: *Provided*, That not to exceed $3,026,199 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $50,000 may be expended for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; not exceeding $2,255,930 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; no part thereof may be expended for the production of lighter-than-air equipment; not exceeding $3,267,000 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary; not less than $17,439,280 shall be expended for the production or purchase of new airplanes and their equipment, spare parts, and accessories, of which not to exceed $2,250,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department appropriation acts for the fiscal years 1928 and 1929; and not more than $6,000 may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War: *Provided further*, That the sum of $25,000 of the appropriation for Air Service, Army, fiscal year 1927, shall remain available until June 30, 1930, for the payment of obligations incurred under contracts executed prior to July 1, 1927: *Provided further*, That section 3648, Revised Statutes (U. S. C. p. 1009, sec. 529), shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That none of the funds appropriated under this title shall be used for the purpose of giving exhibition flights to the public other than those under the control and direction of the War Department, and if such flights are given by Army personnel upon other than Government fields a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 36, line 3, strike out the period, insert a colon, and add the following: "*Provided further*, That none of the money appropriated in this act shall be used for the purchase, maintenance, repair, or upkeep of any airplane after July 1, 1929, which is equipped or propelled by a Liberty motor or by any motor or airplane engine purchased or constructed prior to July 1, 1920."

Mr. LAGUARDIA. Mr. Chairman, the purpose of my amendment is to prevent the use of obsolete motors in new airplanes. We had after the war a large supply of Liberty motors. We have been using those motors ever since. Some of them have been remodeled and rebuilt, it is true, but they are not satisfactory compared with motors available to-day. Now you will hear from the committee telling us that they have had some understanding with the War Department that they would not put these old motors on new airplanes. I have just been informed accurately from authoritative sources down at Dayton that they do intend to put some of these old motors in new training planes. This is the year 1929—not 1919. There might have been justification for using the Liberty motors in 1917–18, but there is no justification in putting those motors in a plane in 1929 and 1930. We are appropriating $17,000,000 for new planes, and, Mr. Chairman, it is not economy for us to buy new planes and put old motors in them. One forced landing and crash may cost the price of the plane. Surely that is not economy; and besides, if we are to make progress in aviation we must develop motor construction as well as plane construction. We have developed some very satisfactory types of motors in this country and should use them. The records which we have acquired in the last two or three years speak for themselves as to the progress made in motor development, so I want to urge the very serious consideration of my amendment. It so happens that the gentleman sitting on my left at this moment, the gentleman from Minnesota [Mr. MAAS], in flying from Langley Field last year in one of the up-to-date bombing planes equipped with three Liberty motors, had to make a forced landing, and it happens every day.

I know a great many of the flyers, some old in the service with me, with whom I have kept in contact; and I have not heard of one flyer in the Army Air Service who recommends the continued use of the Liberty motor in these new planes. And, gentlemen, it is not economy; quite the contrary. My amendment will be conducive not only to the development of motors but also conducive to the morale of the force. I know of no new planes and can not think of a solitary new plane sold to-day that uses the old Liberty motor. I hope my amendment will be approved.

Mr. BARBOUR. Mr. Chairman, the representatives of the Air Corps who appeared before the subcommittee at the hearings stated positively that they did not intend to use any of the money carried in this bill to build airplanes equipped with Liberty motors. It was stated to be the intention of the Air Corps not hereafter to equip any new airplane with Liberty motors, but simply to retain the Liberty motors they now have on hand for the replacement and repair of Liberty-motored planes.

Mr. LAGUARDIA. My amendment would not prevent that.

Mr. BARBOUR. That is the intention of the Air Corps. The only question that arises is the advisability of putting that language in the bill when the Air Corps does not intend to use Liberty motors in new construction anyway. I have no particular objection to the amendment down to the word "motor," and I would like to ask the gentleman from New York as to the effect of the following words, "on hand in airplane experiments since July 1, 1920"? Might not that prevent the use of a motor more recent and more highly developed than a Liberty motor in replacing motors already in planes?

Mr. LAGUARDIA. If it is since 1920, there is no such animal as the gentleman describes. There is no question about it.

Mr. BARBOUR. I repeat, Mr. Chairman, that the officials of the Air Corps stated positively that they did not intend to use the Liberty motors after July 1, 1929, and therefore there would be no reason for having this amendment in the bill.

Mr. TABER. Mr. Chairman, may I ask the gentleman a question?

Mr. BARBOUR. Yes.

Mr. TABER. This committee in its hearings and in its conduct right along has repeatedly urged the War Department not

to use the Liberty motors. We have their promise now, and their estimate is based on their leaving out the Liberty motors. It is all buttoned up. Why disturb it?

Mr. BARBOUR. Secretary Davison gave his opinion in regard to the use of Liberty motors when the gentleman from New York [Mr. TABER] asked him the question—

There is nothing provided in the estimates before us at this time for planes equipped with Liberty motors?

Mr. DAVISON. That is correct.

Mr. TABER. That is, for the construction of such new planes?

Mr. DAVISON. Yes.

Mr. BARBOUR. Take the planes that are equipped with Liberty motors, and the planes that will be reequipped with Liberty motors. Would you say those planes will be unsafe to use?

Mr. DAVISON. It is awfully hard to answer that question. I am perfectly willing to fly in them, and I do it a good deal, and so does General Fechet. But it is much safer to fly in machines with the modern motors. I do not see how you can get away from that relative proposition, or that relative question.

It was positively stated there and in other places in the hearings that they did not intend to use any more Liberty motors in new construction after July 1, 1929.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HUGHES. How recently have they used these old motors in these planes?

Mr. BARBOUR. In the current year, in training planes.

Mr. HUGHES. Does the gentleman think there would be any harm in adopting that amendment offered by the gentleman from New York in view of what has happened recently?

Mr. BARBOUR. There would not be any use in putting it in, because they are not going to use them anyway.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. MAAS. There are some 3,000 of these Liberty motors in the warehouse. We do not know what the attitude of a possibly different personnel in charge of aviation may be. I think it would be well to provide by law that there shall be no new planes equipped with Liberty motors. I see no objection to putting the amendment in the bill, because the temptation to use these 3,000 Liberty motors might be too great to be overcome.

Mr. BARBOUR. I do not think there is any danger or any intention or any possibility of their using Liberty motors in newly manufactured planes after July 1, 1929.

Mr. FURLOW. Mr. Chairman, I am informed that at the present time we have approximately 3,000 war-time Liberty motors in our warehouses, packed in grease. In order to make each motor available for use it costs the Government practically $2,500. These Liberty motors were wonderful motors in their day, but progress has been made since their development, and we now find that age has weakened the cylinders and they rust very easily.

Now, then, in what position do we find the Government? It is using an obsolete, reconditioned motor for training purposes, and that does two things. It retards the development of motors, and it places the Air Corps in a position of supplying its fliers not with the best motor but with a motor that was good in its day, but which has outlived its purpose.

I think that Congress ought to establish its own policy with reference to these motors, and that policy should recognize that the Liberty has served its purpose. The testimony in 1926 was that these motors could well be sold at a dollar apiece and thereby save money to the Government in the long run.

I hope the amendment offered by the gentleman from New York will prevail and that this Congress will take this forward step in aviation.

Mr. HUDSON. Will the gentleman yield?

Mr. FURLOW. Yes.

Mr. HUDSON. Would these motors be apt to be sold by the department to others who are building planes?

Mr. FURLOW. I do not think they should be.

Mr. HUDSON. But under present regulations they could do it, could they not?

Mr. FURLOW. Yes; they could be sold.

Mr. HUDSON. Then unless this amendment is made of a broader scope you will imperil lives just the same as if you used these motors in Army planes?

Mr. FURLOW. I say junk them.

Mr. HUDSON. I think if they are not fit for use in Army planes they ought not to be used in commercial planes or anywhere else.

Mr. LAGUARDIA. I will say to the gentleman that there is no market for them.

Mr. MAAS. These motors lend themselves splendidly to conversion as marine motors and I do not think we should preclude the Government from selling them for some purpose, because they can easily be converted into good marine motors.

Mr. LAGUARDIA. My amendment would not preclude that.

Mr. FURLOW. I think that can be taken care of, but I do not think they should be put out into the commercial field.

Mr. HUDSON. I think the language should be so safeguarded that they could not be used in any air service.

Mr. BARBOUR. Mr. Chairman, I would simply state that in view of the fact that the War Department has already gone on record as saying they practically favor this proposition the committee has no objection to the amendment.

Mr. COLLINS. Mr. Chairman, I do not think we are justified in saying what has been said about the Liberty motor. The report of Mr. Davison, Assistant Secretary of War, which has recently been issued, makes this statement:

The record made last year is worthy of recognition. The Air Corps flew 182,193 hours, or over 18,000,000 miles, with but 27 fatalities. This means 677,400 miles to each fatality, whereas the year before it was 327,600 miles per fatality.

And in 1926 it was less than that.

Then a question was asked as to the extent of the use of Liberty motors in 1928 as compared to their use in 1927, and he said that the number of Liberty motors used in 1928 was 1,000 as compared to 690 used in 1927.

Mr. HUGHES. Will the gentleman permit a question?

Mr. COLLINS. Yes, indeed.

Mr. HUGHES. Does not the gentleman think that was 1,000 too many for them to use?

Mr. COLLINS. If the number of fatalities was reduced, it seems to me it is an argument as to the usefulness still of the Liberty motor.

Mr. O'CONNELL. Who was the witness?

Mr. COLLINS. That was Mr. Davison, the Assistant Secretary of War in charge of aviation.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. HUDDLESTON. I should like to ask what percentage of the total number of motors in use during both periods were Liberty motors?

Mr. COLLINS. I can answer the gentleman only generally. The testimony only shows that a larger number of Liberty motors were used in 1928 than were used in 1927. Let us go on further. The Assistant Secretary was asked as to the number of fatalities in 1928 that were attributable to motor trouble, and he testified that only four fatalities were attributable to motor trouble. The fatalities were reduced in spite of the larger number of Liberty motors that were used in 1928 over 1927.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. BLACK of Texas. Did the Assistant Secretary of War state whether or not these four fatalities, which were due to motor trouble, resulted where Liberty motors were used?

Mr. COLLINS. No. He did not.

We have approximately 4,000 Liberty motors now on hand. This bill provides for the renovation of approximately 2,000 of them, and these Liberty motors are going into planes where the motors have worn out. They are not to be placed in any new planes and they are not to be used in any new planes. When a plane is bought we buy the motor that is in it and one additional motor, too. I do not find from the record any good reason why this Congress should put its stamp of disapproval upon a motor that is still useful and when the fatalities are growing less year after year with their use.

The Government has approximately 4,000 of these motors on hand now; they are good motors and they should be used.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. COLLINS. As I said, they are good motors and they are usable motors. General Fechet and Mr. Davison, on their trip to Panama, used one of them, and they testified they are constantly using them now. They do not recommend the installation of them in new planes, but they do recommend the renovation of about half of those that are on hand.

Mr. BLACK of Texas. Will the gentleman yield further?

Mr. COLLINS. Yes.

Mr. BLACK of Texas. If we adopt this amendment it will prevent, as I understand it, the Government from using those motors and make it necessary for the Government to go out and buy new motors from concerns at a large price.

Mr. LAGUARDIA. Oh, no.

Mr. COLLINS. No; only those planes that are built after 1929.

Mr. MAAS. It does not prevent the replacement of present planes with Liberty motors at all.

Mr. COLLINS. It would prevent the replacement——

Mr. MAAS. Oh, no.

Mr. COLLINS. The gentleman does not know what I am going to say. It would prevent the replacement of the motor in a plane, built in 1929, with a Liberty motor four years hence.

Mr. TABER. If the gentleman will yield, I do not understand it in that way. I understand that any plane that is built during the fiscal year 1929 and delivered can be reconditioned by the installation of a new Liberty motor.

Mr. COLLINS. I do not construe the proposed amendment as the gentleman does.

Mr. LAGUARDIA. My amendment merely provides that new planes purchased by the Air Corps after July 1, 1929, shall not be equipped with Liberty motors. That is all my amendment provides.

Mr. COLLINS. That is what I have said.

Mr. LAGUARDIA. The gentleman stresses the fact that there are several planes being reconditioned by replacing Liberty motors in existing planes; my amendment does not disturb that plan or condition at all.

Mr. COLLINS. I understand; but if a plane were equipped with another motor and that plane were built in 1929, then the motor in that plane could not be replaced with a Liberty motor.

Mr. LAGUARDIA. The gentleman is correct.

Mr. TABER. That plane is not constructed so that it could be so replaced.

Mr. COLLINS. The author of the amendment says that my construction of the amendment is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 24, noes 14.

So the amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 34, line 13, strike out "$50,000" and insert in lieu thereof "$81,820."

Mr. JONES. Mr. Chairman, I do this in order to make it certain that they will be able to have the funds necessary to purchase the helium that the hearings show they desire.

In the hearings General Fechet said they would need $132,000, but that was based on helium at a price of $46 per thousand.

At the new plant at Amarillo, provided they can run reasonably near capacity, they hope finally to be able to make the helium at $20 per thousand, and I take it this is the basis on which the committee made the amount $50,000.

As shown by the hearings not only on the Department of Commerce bill but on the present bill—and I have confirmed this by consultation with the Bureau of Mines—this is based on their being able to run at something near capacity. On page 369 of the hearings on the Department of Commerce appropriation they give an estimate of $20, based upon a purchase of 8,100,000 cubic feet by the Army and Navy combined, and they state that it would require an additional amount if less than this amount were purchased.

In this letter from Mr. Turner, who is the Director of the Bureau of Mines, having this work in charge, it is stated:

Costs as low as those indicated by the above table should not be expected during the first few months of operation as a new plant.

The plant has just about been completed and will be ready to go into operation some time during this month, probably between the 15th and February 1. For the first few months, even if they ran at full capacity, they will not be able to furnish the helium at this price. The cheapest helium that has ever been purchased by the Government is $35 per thousand.

By my amendment I have not increased the appropriation to $132,000, which was based on the old rate they had to pay at the Fort Worth plant because of the scarcity of gas and their inability to run full time, but I have placed it at $35 per thousand, and I have put it "not to exceed $81,820," which is figured on the amount of helium they require at $35 per thousand. I think when we have spent 700,000 to build and equip a new plant and have the facilities already for operation, it would be parsimonious, it would be false economy, not to give them a chance to get into proper operation; not to give them a little leeway, because even the director, who is in charge, says they will not be able the first few months to make the helium at $20 per thousand, even operating at practically full capacity.

My amendment does not provide the full amount requested—$132,000—but only $81,000, which is an increase of $31,000. I think the committee should give them this opportunity. This is a matter of tremendous importance.

Why, in this same bill we are appropriating $150,000 for the breeding of Cavalry horses. This may be important, and I suspect it is. They need Cavalry horses at times, but in war times dray horses are used much more than Cavalry horses. If it is important to appropriate for some of these items here, it seems to me we could appropriate $31,000 more to an item as important as helium, which is for a great wing of the Army, lighter-than-air craft, which, to say the least, has some indication of being of service. It is a branch of the service that is cheaper to operate than the heavier-than-air craft. They have been able to make much longer flights than the heavier-than-air craft. Way back in 1919 the old British *R–34* crossed the ocean both ways. We have recently gone to Panama in about one-fifth the time it would take ships to go there. They also used captive balloons in war times even though filled with hydrogen. Lighter-than-air ships have gone great distances filled with hydrogen. They are much safer when filled with helium.

I think when we have gone to this expense in the equipment of a plant it would be the height of folly to cut this appropriation down and require the plant, which cost $700,000, to stand in idleness and rust when by adding a few thousand dollars to the original appropriation we can have it operating right along.

I think the committee should agree to this increase. I think it is reasonable.

Mr. LANHAM. Mr. Chairman, I would like to make a few observations with reference to this amendment and this provision of the bill in order that the members of the subcommittee may reply to the inquiries of my colleague [Mr. JONES] and myself at the same time.

The estimate of $50,000 for the purchase of helium, as stated in this bill, is predicated upon the purchase by the Government at the rate of $20 per thousand cubic feet. It is interesting to note in passing, as indicative of our progress, that 15 years ago a cubic foot of helium had never been extracted for less than $1,500. Now we hope to get it down to 2 cents a cubic foot. Whether or not the sum of $50,000 will be sufficient will depend on certain things. The authorities of the Bureau of Mines estimate that they can supply helium gas at $20 per thousand cubic feet, provided their output is permitted to be 8,100,000 cubic feet, of which the Army is supposed to take 2,500,000 cubic feet and the Navy 5,600,000 cubic feet.

Now, if the demand for the output is sufficient to keep the plant running at such capacity as to enable them to produce 8,100,000 cubic feet, and the Army will use the amount indicated, and the Navy do likewise, then the appropriation of $50,000 will be sufficient. But, in order to know that it will be sufficient, we shall have to have the assurance that the Army will use 2,500,000 cubic feet, and that the Navy will use 5,600,000 cubic feet; and the further assurance that neither branch of the service will use any helium manufactured by other parties unless it is in excess of the 8,100,000 cubic feet. I understand that some helium is produced by a private corporation. There is a private concern extracting helium in rather considerable quantities and the Navy has purchased, as I have been informed, some of its supplies from this concern. They have been extracting helium and selling it to the Government at about $35 per thousand cubic feet. If the Navy is going to get a part of its supplies from that source, and is not going to use the 5,600,000 cubic feet from the Government plant, and the Army is not going to use the 2,500,000 cubic feet, then this plant could not produce helium at $20 per thousand cubic feet, and the appropriation of $50,000 would not be adequate. Therefore, whether or not the amendment should carry, or whether the amount of $50,000 should be increased, must necessarily be dependent upon information given us as to whether or not the Army and the Navy, respectively, are going to use the amounts I have indicated. I should like to have the members of the subcommittee, if they can, give us an assurance as to whether there is going to be a demand for 8,100,000 cubic feet for the respective needs of the two services.

If so, I think the sum of $50,000 in this bill would be sufficient. If not, it is going to cost more than $20 per thousand cubic feet to produce the helium because the overhead remains practically constant, regardless of what the output may be. The smaller the output the greater the expense per thousand cubic feet. So it is highly important that the House should have

accurate information as to whether or not the prescribed quantities are going to be used.

Mr. TABER. Mr. Chairman, the committee went into this situation carefully. The average number of cubic feet of airship capacity which the Army will probably operate in the fiscal year 1930 will be approximately 1,400,000. The Air Corps authorities state that it will require for one year approximately one and one-half times the capacity to operate the ships. Having that in mind the amount of helium consumed during the year 1930 would be 2,100,000 cubic feet. At $20 a thousand cubic feet that would amount to $42,000. But the committee, in order to be a little more than fair with this activity, and having that in mind provided enough money to purchase two and one-half million cubic feet, which is the amount that the Bureau of Commerce stated would be required by its plan from the Army to keep running on an 8,000,000 basis a year. That plant is going to start February 1, and by July 1, or the beginning of the fiscal year 1930, the plant ought to be in full operation, according to the statement which the Department of Commerce, Bureau of Mines, made in their hearings; and we ought to get the helium then for $20 per thousand cubic feet.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. JONES. I call the gentleman's attention to the items shown on page 508 of the hearings. They include $10,000 for transportation. In estimating the cost of helium, of course, figuring the helium at $46 plus per thousand cubic feet, $10,000 is added for transportation, which makes up the $132,000 that they are asking for. The transportation would probably be the same. I think the gentleman has his figures too low, because $42,000 plus the $10,000 of transportation would be $52,000 even if helium were produced at $20 per thousand cubic feet. I have simply put in $35 and say not exceeding $35 per thousand, including the $10,000 for transportation, which they would have to pay in any event.

Mr. TABER. They might have to pay $10,000 for transportation and they might not.

Mr. JONES. They have no hangar at that plant and they have no mooring post, and they would necessarily be compelled to transport it.

Mr. TABER. The gentleman means that they have no hangar at the Amarilla plant?

Mr. JONES. Yes; and no mooring mast.

Mr. TABER. Of course, they have to transport it, but $8,000 will cover that.

Mr. LANHAM. What about the Navy requirements?

Mr. TABER. I can not give them offhand, but they have the *Los Angeles*, which is approximately 2,200,000 cubic feet. That, with its method of operation, would probably consume three and a half million to four million cubic feet, and the Navy Department is trying to purchase helium in advance of the requirement of the *Los Angeles*, with the idea of storing it for the new airships when they come along, because they have a cubic foot capacity of approximately six and a half million, and we could not expect to run into the immediate production of helium sufficient to keep those ships in operation, if we did not accumulate a storage, so that the Navy will have a storage proposition. The Navy estimate on that, which has not yet been considered by the subcommittee on Navy appropriations, is $300,000, which would provide, at $20 per thousand, for the purchase of twelve or thirteen million cubic feet.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANHAM. Of course, what the production of this helium will cost will necessarily depend upon the volume of the output, because the overhead expense remains practically the same. In other words, with the plant getting out something like its full capacity the helium will cost us less per thousand cubic feet than if a smaller volume is being produced, and if it is reasonably assured that the Government in the Army and Navy services will take from the helium plant for the next fiscal year an output of 8,100,000 cubic feet, then this figure would be about adequate; but if there is no assurance of this kind, the helium would cost more, and consequently the figure would have to be increased.

Mr. TABER. I think we can fairly say to the gentleman that the cost of the helium is a factor which will have to be taken into consideration by the Naval Committee in framing the naval appropriaiton bill, and if that bill does not provide sufficient to pay for at least 6,000,000 cubic feet at $20 per thousand, there would be a legitimate criticism of their appropriation. In the meantime inasmuch as 2,100,000 cubic feet would be sufficient, according to the statements of the Army air officials, to take care of what their operation will actually cover, I think that this appropriation is undoubtedly sufficient.

Mr. LANHAM. Yes. I will say that the gentleman who has charge of helium in that division of the Bureau of Mines gave me the information that if the total output for the Army and Navy would equal 8,100,000 cubic feet, he thought it could be produced at $20 per thousand cubic feet.

Mr. TABER. I think the gentleman is correct. That is the same information that we acted upon.

Mr. JONES. I had that information, but the testimony shows that if the Army and Navy do not take the full amount the cost would be very much increased.

Mr. LANHAM. Naturally, it would.

Mr. TABER. That is an item that should be taken up on the naval bill, if they do not carry enough to purchase 6,000,000 feet. If they do—and I personally feel that they will—this is ample to take care of the situation.

Mr. JONES. Mr. Chairman, in view of the assurance given by the committee in reference to that, while I think they ought to take care of the extra freight cost, it is so near that that I desire to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. JONES. Mr. Chairman, I move to strike out the last word for the purpose of discussing this matter just a little further. I was somewhat surprised and disappointed at the statement which one of the members of the committee made that the Army is planning to abandon the lighter-than-air type of service. I can not credit this. I think it would be very unfortunate should they finally decide to do so. In one sense it is a somewhat new activity, and a somewhat old one in another sense. But at the same time an impression seems to have grown up in the minds of some people to the effect that lighter-than-air craft are not suitable for military service. Yet as shown by the records the lighter-than-air craft, even with the dirigibles filled with hydrogen and the receptacles filled with hydrogen, did a very great service during the war.

I know, from what a number of people have told me, from official records, and from personal observation, that one of the nightmares of the soldier in the last war was to have shells bursting around him, not knowing where they came from, and thus being handicapped in his efforts to fight back.

In the old days fighters were sometimes placed in a ring blindfolded for the purpose of fighting with gloves. One can readily realize their helpless feeling.

To avoid the condition that sometimes prevailed when the shells were bursting around them which they could not locate the soldiers ran up what were called captive balloons from a stable position back behind the lines. In this way they would try to get information as to what was going on behind the enemy lines, as to his movements, the location of his batteries, and where the firing was coming from. These balloons were filled with hydrogen gas, so that a single touch of an incendiary or a tracer bullet would make them come down in a mass of flames.

This helium we are talking about is noncombustible and if a bullet should strike a captive balloon filled with helium it would not burst into flames. If it had more than one compartment it might not even be forced down. They may find something to take the place of a captive balloon if there is another war, but there is no assurance of that. The information obtained by these balloons was invaluable in the last war. Of course, they took pictures and made observations from heavier-than-air aircraft—that is, from the airplanes which went across the lines—yet these pictures did not always furnish all of the information needed. They had to be moving all the time and could not get all of the advantages that could be obtained from a stationary position. They had to get some sort of a stable craft behind the line in order to get fuller or supplemental information.

During that war some of the worst terrorism was caused by dirigibles which crossed the channel to London. In this way the Germans dropped bombs and even exploded arsenals, causing tremendous damage, going over the city under the cover of night or fog or clouds. These lighter-than-air aircraft may not be as important as some other branches of the service, but they are at least important. My right hand may be better than my left hand, but there is no reason for cutting off my left hand. The heavier-than-air aircraft may be more valuable in war time than the lighter-than-air aircraft, but, as shown by experience in the last war, the lighter-than-air aircraft is of tre-

mendous military service, and therefore if the Army is to remain strictly up to date, as it should be if it is going to be our means of national defense, we ought to have all the available methods, strictly modern methods, of carrying out its activities. For this reason I think this committee and the Committee on Military Affairs and the Congress would make a great mistake if they required the Army to abandon this form of activity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I ask unanimous consent for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES. Mr. Chairman, I do not know whether it is true, but it is a fact, nevertheless, that for some reason the heavier-than-air aircraft have been much more talked about than the lighter-than-air aircraft. Much ado was made last year when for the first time three men—we all remember the occasion a few months ago when three men made a western trip across the Atlantic in an airplane. The papers had headlines filled with it all over the country. That was the first time anyone had ever crossed the Atlantic in an airplane in a nonstop flight in a westerly direction. Yet four years before—more than that; in fact, in 1919—the *R–34* made a flight both across and back, and four years ago the *Los Angeles*, purchased by this country, flew 5,000 miles from Germany and landed over here, and neither caused much more than a ripple of comment.

The *Los Angeles* had made more than a hundred successful flights. One of the dirigibles in this country made a flight of 9,000 miles. Recently I think the *Los Angeles* went to Panama in about one-fifth the time it takes a steamer to go there.

All that is important not only from the commercial standpoint but from the standpoint of the military service. From the military standpoint, it is recognized as so important that Germany and other countries are building these craft. They are spending much more than we have talked about here to-day trying to develop a substitute for helium, and they have been trying to locate helium also. Other countries have spent large sums in trying to find some source of supply of a commodity of which America has practically a monopoly. They recognize its importance, and I think the Congress ought to recognize its importance. I think it will in the course of time.

An effort is being made to develop helium by private concerns. I hope it will be successful. But in conservation matters private concerns can not always be depended upon. The conservation of our natural resources is one of our principal needs, and particularly the supply of helium, because, as we know, at present it is somewhat limited, and very much limited so far as locality is concerned. In the matter of reforestation it is possible that private interests might reforest this country as cheaply or even more cheaply than the Government, but it is generally recognized that reforestation must be handled by the Government. That is true of the development of helium. I am informed that a private concern is now making helium from a gas that can not be used for any other purpose. That gas ought to be kept in the ground, and the helium ought to be extracted from gas that we use for other purposes. In various localities, one in Oklahoma—I do not know to what extent—and in certain sections of Texas, and in one or two other sections there is a gas that contains helium that comes into use for fuel; but the helium is taken out of the ground, and if it is not extracted it is wasted. I understand that one institution is extracting helium from a gas that is used for no other purpose than the extraction of helium.

Mr. MERRITT. Mr. Chairman, where is helium found?

Mr. JONES. The helium is found in various localities—some in the Texas fields, some in Oklahoma. There is a great quantity in what is known as the Panhandle field in Texas. There is some also in Kansas, and some in Utah, as well as one or two other States; and in small quantities helium has been found in two or three other countries, but not in quantities justifying its extraction from the natural gas. So that helium, for all practical purposes, so far as I know at this time, is confined to this country; and we have a monopoly on a commodity upon which other countries are spending more than we are inclined to expend in their effort to find helium.

Mr. MERRITT. Does the gentleman say that some of the helium is now wasted?

Mr. JONES. Yes. When the gas is owned by private parties they are going ahead and using the gas which contains helium and selling it as gas, and private concerns, of course, can not be blamed for it. One of the chief reasons for building the Amarillo plant is not only to establish the manufacture upon a firm basis but to conserve the greatest supply of helium-bearing gas that is now known. There, I understand, they do not expect to use the gas except when the helium is extracted. In other words, they expect to develop the field only as our helium needs may require. I have understood that they hope to arrange a contract to protect the entire structure of that field. There is another field, a larger field, not far away, but it does not contain a particularly large amount of helium. This particular field that the Government has sought control of for the purpose of conservation covers such an extent of territory that it would probably supply the helium that we need for an indefinite period of time, provided we do not permit it to get into the control of private hands, who, in order to sell the gas, might release the helium from the ground.

Mr. LAGUARDIA. What is the cost?

Mr. JONES. Before the plant was built at Fort Worth it cost $1,500 per cubic foot. Of course, it was then a chemical curiosity. Naturally, experience enabled them to produce it cheaper. In the experimental plant at Fort Worth, before the main plant was built, they produced it at about 5 or 6 cents per cubic foot, or $50 to $60 per thousand. They gradually reduced the cost in the main plant until I think it was estimated at about 3 cents or 3½ cents per cubic foot. Of course, recently, due to fact that the plant has only operated part time, the cost has increased to some extent.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. The Fort Worth plant was built in war time, naturally at greater expense than would be incurred now. Besides it was the first of its kind in the world. They have developed some very great improvements in the process. Naturally, the cost range has been higher, due to the newness of the industry and the lack of knowledge at the time the Government work began.

When all these things are considered I think those in charge of production by the Government have done remarkably well in the showing they have made.

Taking a commodity about which little was known, and concerning the practical extractions of which less was known, operating in an almost uncharted field, I think those who have made sacrifices in its development deserve the thanks of the Congress and the country.

Having the benefit of their experience and their knowledge, there is every assurance that future production can be maintained at a much lower cost than the older plant was able to maintain.

The CHAIRMAN. The time of the gentleman from Texas has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

PRAGUE SINGING SOCIETY

Mr. BRITTEN. Mr. Chairman, before the Clerk reads further, I ask unanimous consent that I may address the House for three minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. Mr. Chairman, there are in the gallery of the House right now some 53 public-school teachers from Czechoslovakia. They have just called upon the Chief Executive at the White House. They are paying what might almost be termed an official visit to the United States. Ten years ago President Masaryk was in Washington. A resolution was pending which had for its purpose his addressing the House and Senate in joint session, but he accomplished his mission without coming before the Congress and then left the country. These gentlemen are here now on what might be termed the tenth anniversary of that event.

Besides being school-teachers they represent an organization called the Prague Teachers' Singing Society. They are singing their way around the United States as guests of the Bohemians of the United States. Chicago, Cleveland, New York, Cincinnati, Detroit, and various other places where there are groups of Bohemians have invited these men over here, and if they will stand up I would like to present them to the House of Representatives. [Applause.]

Mr. Chairman, I hear a number of requests that they sing for us, and I would very much like to have them sing either our national anthem or their national anthem, or both. It will take only a minute.

Mr. JONES. I suggest that the gentleman move a recess.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that that may be done.

The CHAIRMAN. The gentleman will have to move that the committee rise and the Speaker will have to resume the chair before a recess can be taken.

Mr. BRITTEN. There seems to be a general desire among the Members that a recess be taken. [Applause.]

Mr. Chairman, while we are waiting for the Speaker, I may say that this delegation has just sung their national anthem and our national anthem at the White House in the presence of the President of the United States.

Mr. Chairman, I withdraw my request and we will proceed with the Army bill for 10 minutes until a motion may properly be made.

The CHAIRMAN. The gentleman from Illinois withdraws his request, and the Clerk will read.

WAR DEPARTMENT APPROPRIATIONS

The Clerk read as follows:

MEDICAL AND HOSPITAL DEPARTMENT

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,246,571: *Provided*, That no part of this appropriation shall be used for payment of any expense connected with the publication of the Medical and Surgical History of the War with Germany: *Provided further*, That civilian employees of the Army shall be required to pay not less than cost prices for Army medical supplies purchased by them pursuant to the provisions of the act approved April 23, 1904 (U. S. C. p. 215, sec. 1236).

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from California the reason for the proviso on page 37, line 21 to line 24.

Mr. BARBOUR. That is with regard to the civilian employees?

Mr. LAGUARDIA. No; with regard to the history.

Mr. BARBOUR. I understand from the testimony given to our committee that the work on the medical and surgical history of the war with Germany is practically completed and that the funds already appropriated will fully complete that work.

Mr. LAGUARDIA. Every other branch has printed its history. I think the Medical Corps did remarkably well and I believe its history will be very useful.

Mr. BARBOUR. We have provided a specific appropriation for that and we did not want this money used for that purpose.

Mr. LAGUARDIA. But the history will eventually be published?

Mr. BARBOUR. Oh, yes. They are carrying on the work and it is practically all done.

Mr. LAGUARDIA. It is all right as long as the work will not be stopped.

Mr. BARBOUR. In fact, the composition work on the history is completed; most of the volumes have been printed and the remaining volumes are either in the hands of the printer or about to be sent to the printer.

Mr. LAGUARDIA. That is satisfactory.

The pro forma amendment was withdrawn.

The Clerk read as follows:

ENGINEER DEPOTS

For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, laborers, and other employees; for lumber and materials and for labor for packing and crating engineer supplies; repairs of, and for materials to repair, public buildings, machinery, and instruments, and for unforeseen expenses, $93,060.

UNITED STATES ARMY AIR SERVICE REFUELING MISSION

Mr. CLAGUE. Mr. Chairman, I ask unanimous consent to speak out of order for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CLAGUE. Mr. Chairman, I do not think there has been anything said in the House regarding the Army fliers who made such a wonderful record on the recent endurance flight on the *Question Mark*. I hold in my hand a letter written January 4, 1929, the fourth day of the flight, written by Chief Pilot Eaker, which I will read to the House:

ON BOARD THE "QUESTION MARK,"
OVER SOUTHERN CALIFORNIA,
January 4, 1929, fourth day of flight.

DEAR MR. CLAGUE: Here's wishing for you and Mrs. Clague the best of everything for 1929. Hope you are both well and happy.

Our endurance flight is still enduring at the present time. Have just passed 80 hours. We are learning some very valuable things for aviation, both military and commercial. Hope to see you both on my return.

Sincerely, IRA C. EAKER, *Captain, Air Corps.*

[Applause.]

The personnel of the flight was Maj. Carl Spatz, in command, Capt. Ira C. Eaker, chief pilot, Lieut. H. A. Halverson, Lieut. Elwood Quesada, and Sergt. Roy W. Hooe.

The men who conducted this flight were continuously in the air for about 151 hours and traveled nearly 12,000 miles. They have demonstrated to the country what can be done in the new, up-to-date airplanes. It is the greatest endurance record ever made in the air in this or any other country, and the people of the United States have reason to be proud of the men who made this great flight.

This flight has shown the country that the engines used in this plane are the most wonderful engines that have perhaps ever been constructed.

I think these men are not only entitled to a vote of confidence by this body, but they have shown not only to the United States but to the entire world that we have in the United States as good if not the best airplanes that have ever been manufactured. I recommend that these men who performed this great record be given hero medals. [Applause.]

PRAGUE SINGING SOCIETY

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I have just talked personally with the Speaker of the House concerning the request of a number of Members of the House to have the Prague teachers sing their national anthem or ours in the Hall of the House.

The Speaker thinks it would be establishing a precedent which might work against the House at some future time, and after talking with him I am inclined to believe he is entirely right. So I am going to ask the minister of Czechoslovakia and his friends to step out to the east front of the Capitol and sing there for us. [Applause.]

WAR DEPARTMENT APPROPRIATIONS

The Clerk read as follows:

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VA.

For purchase of engines, generators, motors, machines, measuring and nautical instruments, special apparatus, and materials, and for experimental purposes for the engineering and artillery and military art departments and enlisted specialists division; for purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defenses; for incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary, technical, or special services; for office furniture and fixtures, machinery, and motor trucks; and unforeseen expenses; in all, $29,205: *Provided*, That section 3648, Revised Statutes (U. S. C. p. 1009, sec.

529), shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation: *Provided further*, That purchase and exchange of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

How is it that the Coast Artillery School is able to obtain these typewriter machines at reduced prices made to schools and asks that this proviso be written into the appropriation bill? This seems strange to me.

Mr. BARBOUR. It seems to be a special provision in the case of the Coast Artillery and it requires just this much less money.

Mr. LAGUARDIA. I understand it requires less money in this instance, but then we have the Infantry School, we have the War College, we have West Point, we have Annapolis, and several other schools in the Government, and to write a proviso of this kind in one particular instance strikes me as being so unusual that some explanation or justification should be made.

Mr. BARBOUR. This has been carried in the bill for a good many years.

Mr. LAGUARDIA. If a typewriter company sells the Coast Artillery School a typewriter at a special school price, I do not see how it would be obligated to sell to anyone else at the same price, and yet we are writing this proviso into the law.

Mr. BARBOUR. It may be that these other schools are getting the benefit of it also. The situation is that this bill grew out of about five or six different appropriation bills, and we have been trying to improve the form of the bill and get it in better shape. Maybe these other schools are getting this special price, but this provision has been carried in connection with the Coast Artillery School for some time.

Mr. LAGUARDIA. The gentleman understands the object of some of us in seeking to bring about some uniformity in respect of all these bills?

Mr. BARBOUR. We are all working to the same end.

Mr. LAGUARDIA. Without seeking to disturb the form of the bill at this time I simply want to call the gentleman's attention to this proviso so that the gentleman may look into the matter. It seems to me it ought to apply to all of them.

Mr. BARBOUR. It may apply to all of them, but I know this language has been carried for some time at this particular place.

The pro forma amendment was withdrawn.

The Clerk read as follows:

PUBLIC WORKS, UNITED STATES MILITARY ACADEMY

For construction of new cadet barracks, including razing old cadet mess hall, preparing plans and specifications, excavating, and preparing site, as authorized by acts approved February 28, 1928 (45 Stat. 129), and March 10, 1928 (45 Stat. 300), $600,000, to remain available until expended.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 17, insert a new paragraph, as follows:

"For an additional amount for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy, as authorized by the act entitled 'An act to authorize an appropriation for building a new cadet mess hall, United States Military Academy, approved January 9, 1929,' $297,540, to be immediately available."

Mr. DOWELL. Mr. Chairman, I make a point of order on that.

Mr. BARBOUR. The erection of the building has been authorized by law.

Mr. DOWELL. This is an annual appropriation bill, and this provision to make it immediately available is legislation on an appropriation bill.

The CHAIRMAN. Will the gentleman from California cite the Chair to the law?

Mr. BARBOUR. The construction of this project at West Point has been authorized by law.

The CHAIRMAN. And the Chair asks the gentleman from California to produce the law.

Mr. BARBOUR. The act was reported by the Military Affairs Committee, passed, and signed by the President, and this is a continuing appropriation.

Mr. MORIN. It has been appropriated for since 1924.

Mr. DOWELL. Unless the words "immediately available" are stricken from the proposed amendment, this is legislation.

Mr. BARBOUR. I understand that the gentleman's point of order is made to the words "immediately available," but not to the appropriation itself?

Mr. DOWELL. The question I have raised here is as to making it immediately available. I say that is legislation on ths bill. The only way the gentleman can present that is in another form and in another bill.

Mr. BARBOUR. The appropriation is authorized under the act of January 9, 1929, which is to-day.

The CHAIRMAN. The Chair asked the gentleman to cite the Chair to the act so that he might examine it.

Mr. LAGUARDIA. That is the bill that was passed last Monday.

Mr. BARBOUR. We have here a letter from the President addressed to the Speaker of the House estimating for the appropriation carried in this amendment. We also have a letter from the Director of the Budget addressed to the President in which he submits this appropriation to the President, and it is approved by the President in the letter to the Speaker. He cites the act of January 9, 1929, evidently signed to-day.

The CHAIRMAN. The fact seems to be that the bill in question passed both Houses, was signed by the Presiding Officers of the two Houses, and sent to the President. So far as the Chair has official information, that is as far as it has gone. If the point of order is raised challenging the provision of the law, of course the Chair can do nothing but call for the law. Probably the gentleman from California will not be able to produce the law until to-morrow when it is messaged from the White House.

Mr. DOWELL. Mr. Chairman, I do not want to raise the question on the appropriation; my purpose is only to make the point of order to the words "immediately available" under this bill. This bill is for appropriations beginning on the 1st of July of this year. This amendment providing for an appropriation for this fiscal year is legislation.

Mr. BARBOUR. Well, I submit that that question has been ruled upon on numerous occasions heretofore, and the point of order has been overruled.

The CHAIRMAN. As the Chair recalls from memory, this particular point has been ruled upon a number of times since the adoption of our present system of appropriating by departments and in each case, so far as the Chair recalls, a point of order made on account of the words "immediately available" has been overruled. Has the gentleman from Michigan [Mr. CRAMTON], who is on his feet, any remembrance that conflicts with the recollection of the Chair?

Mr. CRAMTON. I can not refer to the citation, but I know that that precise point has been raised, and it has been ruled that to make it immediately available, or to make it available until expended, is in order on one of these appropriation bills, since the whole matter is in the jurisdiction of the Committee on Appropriations.

The CHAIRMAN. That is the recollection of the Chair. The parliamentarian has just found one precedent that would seem to be in point. It is section 8223 of the Precedents of the House of Representatives, and is summed up in this statement:

Such items were formerly ruled out on account of jurisdiction, but since the Committee on Appropriations now has exclusive jurisdiction of all general appropriation bills, the point of order is no longer valid.

The Chair recalls a number of instances, though he is not able to turn to them immediately, that have been ruled in this way. The Chair, therefore, overrules that point of order.

Mr. DOWELL. Mr. Chairman, I do not desire to raise any further question about the other matter, about the law not being here.

Mr. BARBOUR. All we have is the letter from the President referring to the act signed to-day. A printed copy of the act is not at this time available, but it is the law.

The CHAIRMAN. If the other point of order was pressed, the Chair would sustain it, because clearly the law can not be produced, and until it can be the Chair would be compelled to rule the other way.

Mr. DOWELL. I do not desire to press that question.

Mr. LAGUARDIA. Mr. Chairman, for the sake of precedent, the Chair does not intimate that a physical presentation of the law is necessary.

The CHAIRMAN. It is necessary that the public act be cited in one way or another.

Mr. LAGUARDIA. Cited, yes; I did not want the intimation to go out that a physical production of the law is necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 49, line 12, after the word "barracks," insert "on the site of the old mess hall, its street face on the barracks to be in prolongation of the street face of the West Academy Building."

Mr. BARBOUR. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

Mr. LAGUARDIA. Mr. Chairman, it is apparent that the bill itself provides for a new cadet barracks on the site of the old mess hall, and all my amendment does is to amplify the site. I am absolutely indifferent whether the committee adopts this or not, except that next year, if the committee does not adopt this amendment and it comes in with a deficiency appropriation, I shall be able to say, "I told you so." This is the situation. The barracks is to be placed on the same site now occupied by the mess hall. I understand, and I am reliably informed, that the present superintendent there has decided to change somewhat the plans that are now complete by placing a porch in the front of this building. If that is so it will be necessary to throw the building back, and owing to the peculiar topography of the land you will need more excavation, and the amount that you now appropriate will not be enough. I can only bring the facts to the committee. If you want to raise the point of order of course you may do so, but it is simply describing the site, and if it is not accepted, and the plan should be changed, you will be confronted with a deficit.

Mr. COLLINS. Yes. He is preparing to excavate rock 35 feet through.

Mr. LAGUARDIA. That is what my amendment seeks to avoid.

Mr. COLLINS. For the purpose of making this minor alteration.

Mr. LAGUARDIA. That is what my amendment seeks to avoid.

The CHAIRMAN. Does the gentleman from California make the point of order?

Mr. BARBOUR. Yes.

The CHAIRMAN. The paragraph under consideration in the bill provides an appropriation for the construction of new cadet barracks as authorized by the acts approved February 28, 1928, and March 10, 1928. The amendment of the gentleman from New York evidently seeks to amplify the authority given, although the Chair has not examined the acts authorizing this construction, but assumes that if the amendment of the gentleman from New York has any effect whatsoever it will be to amplify or otherwise alter that authority, and therefore will be legislation. As the paragraph in the bill now stands, it simply provides that the construction for which the appropriation is made shall be done in accordance with certain acts. Now the gentleman wishes to supplement the provisions of these acts. As a matter of fact, the gentleman is almost a year late. If he had been here when the acts were passed, his amendment would have been in order to change them in any way germane to the then pending bills; but at the present time this appropriation bill carries no legislation on the subject but simply provides an appropriation to be expended in accordance with the acts passed nearly a year ago.

Mr. LAGUARDIA. I have not the act before me, but it is my understanding that the act provides for tearing down the old building and putting a new building in its place.

The CHAIRMAN. Does the gentleman's amendment change the act?

Mr. LAGUARDIA. No; but it permits the building to be shoved back.

The CHAIRMAN. What the gentleman states is clearly legislation and defeats his own amendment.

Mr. LAGUARDIA. It is to carry out the intention of the act.

The CHAIRMAN. The gentleman's amendment is clearly an attempt to enlarge, amplify, clarify, or otherwise alter previous legislation, and is therefore legislation.

Mr. LAGUARDIA. Perhaps it is better to enlarge the legislation than the appropriation, as we will have to do in the future.

The CHAIRMAN. That, however, is a matter to be taken up in a legislative bill and not an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

Section 3648, Revised Statutes (U. S. C. p. 1009, sec. 529), shall not apply to subscriptions for foreign, professional, and other newspapers and periodicals to be paid from any of the foregoing appropriations for the Military Academy.

Mr. DOWELL. Mr. Chairman, I reserve a point of order. That appears to be suspending a statute and has the appearance clearly of legislation, and I was wondering why a statute has to be suspended and what necessity do they have for offering to repeal the practice for this purpose?

Mr. BARBOUR. We are not going to change the practice. We simply propose to make an exception, because many of the foreign newspapers require the payment of subscriptions in advance and frequently they can get them at lower rates if paid in advance. This is simply for convenience and possibly to save a little money.

Mr. DOWELL. It seems to me there is a regular way in which to do this instead of suspending statutes.

Mr. LAGUARDIA. There are 10 different paragraphs with the same proviso in them, and the only time I permit them to go through is in reference to subscriptions to foreign papers.

Mr. DOWELL. If there is any great necessity for this, I am not so vigorous in the matter and I should withdraw it; but it seems to me there ought to be a specific appropriation for what they desire or what is necessary instead of trying to suspend a statute.

Mr. LAGUARDIA. It only permits the payment of subscriptions in advance.

Mr. BARBOUR. It is only to pay in advance.

Mr. DOWELL. Make the appropriation. Just a moment ago the chairman held you have an exclusive right if you want it, and I will say for this time I am going to withdraw the reservation of the point of order, but hereafter I shall try to hold the committee to a strict accountability.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

The Secretary of War is hereby directed to turn over to the United States Military Academy without expense all such surplus material as may be available and necessary for the construction of buildings; also surplus tools and material required for use in the instruction of cadets at the academy: *Provided*, That the constructing quartermaster, United States Military Academy, is hereby exempted from all laws and regulations relative to employment and to granting leaves of absence to employees with pay while employed on construction work at the Military Academy: *Provided further*, That the funds appropriated herein for the United States Military Academy may be expended without advertising when in the opinion of the responsible constructing officer and the superintendent it is more economical and advantageous to the Government to dispense with advertising.

Mr. COLLINS. Mr. Chairman, the gentleman from New York [Mr. COHEN] wants to occupy 10 minutes. I ask unanimous consent that he be given 10 minutes at the present time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from New York be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. COHEN. Mr. Chairman and members of the committee, I am having a map brought in, largely to show you a picture of Governors Island, which is within four minutes of the Battery and within about six minutes of the financial district of the city of New York. I would like in connection with this map to describe the barracks that are being built and which are expected to be built with the appropriation that was passed at the last session.

I have consulted with the Secretary of War, calling his attention to the fact that on Governors Island the proposed barracks are to be built within about 150 to 250 feet of the quarters now occupied by the officers and showing that the location of the quarters of these officers is practically such that there is no real privacy for the officers and their families and the men stationed on Governors Island. I called on The Adjutant General, and he informed me that they were going to do a piece of legerdemain. They were going to remove the porches from the front of the officers' quarters and rebuild them on the back of the officers' quarters, thereby making the fronts the backs and the backs the fronts. Of course he said nothing about changing the interior plans of these houses and of this particular house which he calls cottage building No. 64.

This floor plan [indicating on map] shows that with the porches placed on what is now the rear of the houses it will be necessary to either go through the kitchen or the butler's pantry to reach the living room or reception room, as they call it, and that even with a change of the fronts, which only means a change of the porches, there is absolutely no privacy for the officers or their families. Just think what it would mean to have about 500 pairs of eyes looking from a 3-story building, a height 78 feet 6 inches at the highest point above grade, into the rooms of these officers' quarters, making it impossible for the families of these men to have that privacy to which they are entitled.

When I first called the question of an airport on Governors Island to the attention of the House I endeavored to convince the War Department that they were a bit selfish, to say the least, in holding an island of 172 acres where only about 74 acres were at present in use and 102 acres used for nothing but polo fields, golf courses, baseball field, and running track; and I am afraid with the present location of the barracks they are going to spoil the running track.

When I first introduced the bill the War Department gave no reasons for it not being suitable as a landing field or express station; but with the pressure of public opinion and the backing of the many organizations, they found it was necessary to do something more than just to stand mute, and they then raised the question of fog, wind conditions, the smallness of the field, the danger of flying; in fact, everything that could possibly be thought of. They ignored the recommendations of a congressional committee of the Sixty-eighth Congress, of which Representative PRALL was a Member; they refuted the statements of such flyers as Commander Byrd, Col. Clarence Chamberlain, and Casey Jones; and, in fact, I am told there are over 18 men around New York who have flown to and from Governors Island. They have stated that Governors Island is not suitable, but tell me what airport is 100 per cent perfect all of the time? Not one of them but at times has trouble with fogs, high winds, and other bad landing conditions.

Remember, gentlemen, you are within six minutes of Manhattan Island. You are within eight minutes of the customhouse and post office of the city of New York, and mail can be landed from the field and the Battery by boat within that time, leaving out the questions of pneumatic-tube service from the customhouse to the landing field. The mail comes from all over the country to New York City, and the delay in its transmission costs your constituents millions of dollars, even with the new port that is being built at Barren Island and the other airport in Jersey at Port Newark.

Irrespective of the statements made by Secretary Mellon to Mayor Walker to the effect that an airport should be as near the business section as possible, when I interviewed Secretary Mellon he said, "Yes; he did make that statement, but Governors Island was in another department." Postmaster General New, after making speeches and public statements that airports should be as close to the center of business as possible, and after recommending putting sheds on the Pennsylvania yards in Long Island City, when I called his attention to Governors Island all he stated was that fog made it unsuitable, even though our meteorological figures show that fog is not as bad at Governors Island as at Barren Island. Also an interview with President-elect Hoover, then Secretary of Commerce, only brought out the statement that it was in another department. I hope, now that as he will be the head of the Government shortly, that with his business knowledge and experience the War Department may listen to him if he will only speak. Practically every organization in New York City save one has advocated at one time or another the use of Governors Island as an express landing field.

Mr. LAGUARDIA. As to selecting Governors Island as a port, it was testified before the Senate committee that Governors Island was not properly adapted for military purposes, and they proposed to appraise the island and sell it.

Mr. COHEN. It was given by the State of New York to the Government of the United States with the express stipulation that it was to be used for military purposes only.

I called the attention of the Secretary of War to the fact that Major General Ely, now in command of the Department of the East, had made a recommendation to the War Department that the barracks, instead of crossing the island, should be placed along Buttermilk Channel, which would leave the island open and free. This recommendation, I believe, would be found in the official record, as the statements, I believe, were made to Representative JAMES, as well as myself; but the War Department saw fit to ignore these recommendations, and when I visited Secretary Davis he refused to make any change in the plans, saying it was for the esthetic and architectural beauty of the island; but more of that later.

I want to call your attention to one thing: The only place around New York adapted for landing in the event of an airplane having difficulty with its engine and being compelled to land is Governors Island. With these improvements on the island it will be almost impossible for an airplane to land, and unless the wind is just right it will be impossible for an airplane to take off. They have talked of wind, of fog, of the necessity for military occupation. They have talked practically about everything imaginable, but when you come to the last analysis, the absolute reason they want to keep Governors Island under the War Department is due to the fact that it is the last stepping-off place for major generals of the Army who are going to be retired from the service, and every general in the Army hopes he will spend his last days on a beautiful island in New York Harbor, surrounded by all the athletic activities of a country estate or club and within 15 minutes of Broadway and Forty-second Street.

I realized only this fall, when I tried to get this island from the War Department, why it was they had a donkey as the emblem of the West Point Athletic Association. I can now understand why that is. I believe the Army should have what is known as "bulldog tenacity," but to have and just show the plain stubbornness of a mule or donkey is hardly compatible with one of the chief branches of the United States and a department that covered itself with everlasting glory a few short years ago. In this particular case they have acted as stubborn as the proverbial mule; no real reason but just the pure cussedness of a mule. You may call it a mule or a donkey or a jackass, but far be it from me to say that of the Army or the War Department; but if the War Department is spending its millions of dollars—yes, its hundreds of million dollars—is spending our money, the people's money, in the same way as they are spending it on Governors Island I think the country at large should have it called to its attention, and the voice of the people, which in the last analysis is the voice that must be listened to, should call, through its proper representatives, the Members of the House and Senate, for a thorough investigation of the conduct of the War Department.

Mr. McFADDEN. Will the gentleman yield?

Mr. COHEN. Certainly.

Mr. McFADDEN. What is the probable value of the land on Governors Island?

Mr. COHEN. Perhaps the gentleman from New York [Mr. LAGUARDIA] can inform the gentleman, because I do not know whether they have ever had it appraised.

Mr. LAGUARDIA. I think they have had it appraised at several million dollars, which, of course, is a ridiculously low figure, because the gentleman can imagine what that land, practically in the heart of a great city, would be worth.

Mr. McFADDEN. I asked that question because I have been informed by those who have a competent judgment of values in New York that that island is worth from a billion to a billion and a half dollars. If that island is worth that amount of money, it occurs to me it is a rather extravagant thing for the War Department to use it as a retirement home for the officers of the Army.

Mr. COHEN. I hardly think the value of the property enters into the matter at all. It is not the value of Governors Island as Governors Island, but the value of Governors Island to the country at large. I can take the train from Washington and reach my office within 30 minutes of the time you can get from here by airplane. The same thing applies to Boston and to other places within a radius of 300, 400, or 500 miles, and that is on account of the distance of this airport from New York. Let me add the statement of General Conner before the Committee on Military Affairs of the United States Senate, Sixty-ninth Congress, on page 17, which reads as follows:

General CONNER. Yes. That has been opposed by the Second Corps Area. There has been no decision on it. In fact, the matter has not been presented to the Secretary of War, but there has been some talk—perhaps I have done most of it myself—about selling Governors Island. If we could get the money, if we could put Governors Island on the market and sell it, and one other place, we could see our way very clear toward financing this housing program.

Senator BINGHAM. What is the appraised value of Governors Island?

General CONNER. I think Governors Island was considered at one time to be worth $25,000,000.

Major BRANT. We had an estimate of $18,000,000, and we thought that was an underestimate.

The CHAIRMAN. This is not for training purposes, a good place for infantry, is it?

General CONNER. No, sir.

The CHAIRMAN. You just have a parade ground on it practically; is that all?

General CONNER. A parade ground is all. Of course, it serves to house the Second Corps Area headquarters.

The CHAIRMAN. But it is a fine post.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. LAGUARDIA. The gentleman will remember that when the authorization of an appropriation for the erection of the buildings now under discussion was before the House some of us protested and pointed out that eventually, notwithstanding the stubbornness of the War Department, Governors Island would be used as a terminal airport. The gentleman from Michigan then assured us that the buildings would not be placed in such a position as to hamper the use of Governors

Island for that purpose. The gentleman from Michigan [Mr. JAMES] has kept his word. When the War Department announced it was going to build in this way I telegraphed the gentleman from Michigan as follows, as we were not in session at the time, and he got busy:

JULY 16, 1928.

Hon. FRANK JAMES,
House of Representatives, Washington, D. C.:

You will recall appropriation for barracks Governors Island and opposition thereto and agreement that no permanent building would be placed anywhere on island which would interfere with eventual use of island as aviation field. Am now informed it is contemplated to construct barracks for one regiment southwest of present brick barracks. This would entail unnecessary waste public funds because progress can not be stopped and island will be used eventually as airport; besides it is not keeping gentlemen's agreement at time appropriation authorized. What do you advise to prevent this spiteful action and wanton waste of public funds? Kindly wire me 220 Broadway, New York City.

F. LAGUARDIA.

The following is an extract from a letter from Representative JAMES to myself:

I find your wire upon my return from a trip. I am to-day writing to Washington, stating I hope that no barracks will be erected that will prevent Army or other planes from landing on Governors Island.

You will agree that there is no doubt about the fact that they are doing this building purposely in order to prevent the use of Governors Island as an airport, because they can then come in and say, "You can not use it as an airport because we have these buildings here."

Mr. COHEN. May I say to the gentleman from New York—and I say it without fear of contradiction—that word came from the Architect's Office that they were to erect a building across this island. Originally they claimed they wanted to beautify the island, but see what they intend to do. They put the front of the barracks so as to face the officers' quarters, but when I called their attention to the fact that the rear of the barracks facing the open bay would hardly be "a thing of beauty and a joy forever"; that the rear of a building is never one that beautifies scenery, they for the first time changed their views and had the architect change their plans so as to make that part that was originally to be the rear facing down the bay front, and now the front faces down the bay and the rear faces the officers' quarters. They have made the back the front and the front the back.

Mr. LAGUARDIA. But leave it in the middle of the field.

Mr. COHEN. That is true, and that is done against the recommendation of Major General Ely, who is thoroughly familiar with the island. He has landed on the island in an airplane and has taken off from the island.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. COLE of Iowa. If this island were bought for war purposes and it is now devoted to other purposes, will it not go back to the State or city of New York?

Mr. COHEN. No; because the bill adds, for military, naval, postal, and other governmental uses. And I am quite sure that the State of New York would be more than willing to amend its deed of gift for what would be of such great benefit to the people of the city, State, and Nation.

Mr. ACKERMAN. Will the gentleman yield?

Mr. COHEN. Yes.

Mr. ACKERMAN. The gentleman is aware that the Newark Airport is about to open, is he not?

Mr. COHEN. Yes.

Mr. ACKERMAN. And will not that cut down the time now taken in transporting mail from Hadley Field to New York City?

Mr. COHEN. It will cut it down about 30 minutes, and it will take about 45 minutes. It now takes from one hour to two hours from Hadley Field, while now it will take about 45 minutes from Newark Airport, and I am giving you the very best of breaks through traffic. I went to Newark the other day in my automobile and it took me an hour and ten minutes, in my own machine.

Mr. ACKERMAN. That was because of the interference with traffic on account of the bridge being down, was it not?

Mr. COHEN. No; the bridge was not down. They were making some repairs, but the gentleman knows that is a very heavy artery of traffic.

I do not know what action this House will take, but I say to you gentlemen if this were a business corporation, and we were the directors responsible to our stockholders, and we had a piece of property within a few minutes of the business heart of a city, we would not think of going from 30 to 40 minutes, or even an hour, away to build on another piece of property when we had an island such as Governors Island at our door to build on. Were there a real necessity for the War Department's selfish desire to withhold Governors Island from the lanes of progress, or a real reason to-day, 1929, as in 1800 to retain troops on Governors Island, or if the War Department could give a real reason except the selfish desire to retain Governors Island for its own use because it had it in the past, I would be the first one to say that I am mistaken and withdraw any endeavors to convince this House that Governors Island is a small cog, though a necessary one, in the prosperity of the community along modern lines, but while I do not know what action this House will take, while I know that the matter has passed beyond the Appropriations Committee, still I hope that this House will take suitable action and force the War Department to bow to the will of the people. I shall not be here next session, except possibly as a visitor, so my desire for Governors Island as an express station is not due to any other than a public-spirited motive. I trust that the House and Senate will pass a joint resolution withholding or recalling their approval of the appropriation for a barracks on Governors Island. This should be passed at this session because they are just now digging the foundations and the cost of changing same to the side of the island facing Buttermilk Channel would practically be nil, and if something is not done before the regular session of the Seventy-first Congress convenes it will be almost like the words of the marriage ceremony:

Speak now or forever after hold your peace.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, had come to no resolution thereon.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15569) making appropriations for the Departments of State and Justice, for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. SHREVE, TINKHAM, ACKERMAN, OLIVER of Alabama, and GRIFFIN.

SETTLEMENT OF CLAIMS AND SUITS AGAINST THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, with House amendments, insist on the House amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

Mr. GARRETT of Tennessee. Is this agreeable to the minority?

Mr. ZIHLMAN. I have consulted the ranking minority member in the city, I will say to the gentleman from Tennessee.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ZIHLMAN, UNDERHILL, and GILBERT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KINDRED, indefinitely, on account of illness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases."

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table, and under the rule referred as follows:

S. 2330. An act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

S. 3590. An act to amend section 110 of the Judicial Code; to the Committee on the Judiciary.

S. 4217. An act to authorize the removal of the Acqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

S. 4640. An act to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes; to the Committee on Military Affairs.

S. 4721. An act to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land; to the Committee on Interstate and Foreign Commerce.

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4848. An act for the relief of T. L. Young and C. T. Cole; to the Committee on Claims.

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Interstate and Foreign Commerce.

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 9. Joint resolution to establish a joint commission on insular reorganization; to the Committee on Rules.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p. m.) the House adjourned until to-morrow, Thursday, January 10, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 10, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Independent offices appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Earths, earthenware, and glassware, January 10, 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6, 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

A bill to provide for a joint reunion of the surviving veterans of both sides of the war 1861–1865 in the city of Washington in the year 1929, to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion, and to provide for a commission to carry into effect the provisions of this act (H. R. 14461).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchie River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

For the improvement of the Caloosahatchie River, Fla., for purposes of navigation and flood control (H. R. 15095).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

733. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1930, for the War Department, for Chickamauga and Chattanooga National Military Park, $5,500 (H. Doc. No. 503); to the Committee on Appropriations and ordered to be printed.

734. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1930, for the War Department, for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy, $297,540 (H. Doc. No. 504); to the Committee on Appropriations and ordered to be printed.

735. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1930, to remain available until expended, for the purchase of capital stock of the Inland Waterways Corporation created by the act of Congress approved June 3, 1924, as amended by the act approved May 29, 1928, $10,000,000 (H. Doc. No. 505); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOOPER: Committee on the Public Lands. H. R. 13899. A bill authorizing the Secretary of the Interior to issue patents for lands held under color of title; with amendment (Rept. No.

2047). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12404. A bill authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.; with amendment (Rept. No. 2049). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 14466. A bill to provide for the sale of the old post-office property at Birmingham, Ala.; with amendment (Rept. No. 2050). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway; without amendment (Rept. No. 2051). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMPERT: Committee on the District of Columbia. H. R. 8746. A bill to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park; with amendment (Rept. No. 2052). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13957. A bill to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa; without amendment (Rept. No. 2053). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOFFMAN: Committee on Military Affairs. H. R. 14493. A bill for the relief of George Press; without amendment (Rept. No. 2048). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 1071. A bill for the relief of Clyde Calvin Rhodenbaugh; without amendment (Rept. No. 2054). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 8575. A bill for the relief of Thomas Gaffney; without amendment (Rept. No. 2055). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 14576) granting a pension to Elizabeth Segall, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLEBRIGHT: A bill (H. R. 16078) authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN: A bill (H. R. 16079) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 16080) to authorize a uniform and equipment allowance for officers of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 16081) to provide additional hospital facilities for World War veterans at American Lake, Wash.; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 16082) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 16083) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

By Mr. JOHNSON of Texas: A bill (H. R. 16084) authorizing appropriation of $30,000 to reimburse Navarro County, Tex., for destruction of two bridges belonging to said county by Federal authorities; to the Committee on Claims.

By Mr. KURTZ: A bill (H. R. 16085) to transfer Blair County, Pa., from the western judicial district to the middle judicial district of the State of Pennsylvania; to the Committee on the Judiciary.

By Mr. REID of Illinois: A bill (H. R. 16086) to amend the act approved May 15, 1928, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes"; to the Committee on Flood Control.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16087) to provide for the allowance of stationery and supplies to Members of Congress, and for other purposes; to the Committee on Accounts.

Also, a bill (H. R. 16088) to increase the salary of the Clerk of the House of Representatives; to the Committee on Accounts.

By Mr. LEAVITT: Joint resolution (H. J. Res. 374) to create a commission to investigate Indian affairs; to the Committee on Rules.

By Mr. WILSON of Louisiana: Joint resolution (H. J. Res. 375) interpreting sections 3 and 4 of Mississippi flood control act of 1928; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings; to the Committee on Claims.

Also, a bill (H. R. 16090) for the relief of Hugh Dortch; to the Committee on Claims.

By Mr. ALDRICH: A bill (H. R. 16091) granting a pension to Ellen E. Phillips; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 16092) for the relief of Bertell Q. Ford; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 16093) granting an increase of pension to Mary E. Stubbs; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 16094) granting a pension to Alice M. Clouser; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 16095) granting a pension to Lizzie Olson; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 16096) authorizing the President to appoint Edgar A. Gilbert to the position and rank of first lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. CULLEN: A bill (H. R. 16097) granting a pension to Elsie Bell; to the Committee on Pensions.

By Mr. ENGLAND: A bill (H. R. 16098) granting a pension to Ephriam (Malcom) Malcolm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16099) granting an increase of pension to Mary C. Kincaid; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 16100) granting an increase of pension to Matilda S. Brewer; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 16101) granting a pension to Hester A. Jones; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 16102) to correct the naval record of James M. Hudson; to the Committee on Naval Affairs.

By Mr. HALL of Indiana: A bill (H. R. 16103) granting a pension to George A. Sence; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16104) granting a pension to Mary Mills Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16105) granting an increase of pension to Nancy M. Oglesby; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 16106) for the relief of Paul C. Christian; to the Committee on the Judiciary.

Also, a bill (H. R. 16107) granting permission to First Lieut. Joseph M. Glasgow, Cavalry, United States Army, to accept the decoration and diploma of Chevalier of the French Legion of Honor, which decoration was conferred on him by decree of the President of the French Republic, dated September 4, 1928; to the Committee on Foreign Affairs.

By Mr. HUGHES: A bill (H. R. 16108) granting an increase of pension to Margret McMillen; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16109) granting a pension to William J. Reisman; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 16110) granting a pension to John M. Chambers; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 16111) granting a pension to Jennie Hitchcock; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 16112) granting an increase of pension to Mary A. Toomey; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16113) for the relief of Jennie Williams; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 16114) granting an increase of pension to William Felter; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 16115) granting an increase of pension to Mary A. Hilton; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16116) granting a pension to Annie Duggan; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16117) to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;* to the Committee on War Claims.

By Mr. TABER: A bill (H. R. 16118) granting a pension to Elida Irene Hodder; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 16119) granting an increase of pension to Almira Justice; to the Committee on Invalid Pensions.

By Mr. VINCENT of Iowa: A bill (H. R. 16120) for the relief of Mildred L. Williams; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 16121) granting a pension to Margaret S. Colf; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 16122) for the relief of E. Schaaf-Regelman; to the Committee on Claims.

By Mr. WASON: A bill (H. R. 16123) granting an increase of pension to Delta J. Dressler; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16124) granting a pension to Beverly A. Foster; to the Committee on Pensions.

Also, a bill (H. R. 16125) granting a pension to Zereldia A. Robinson; to the Committee on Pensions.

By Mr. MORIN: Joint resolution (H. J. Res. 373) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 285) to pay to Norman E. Ives $1,200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8194. By Mr. CHALMERS: Petition signed by citizens of Toledo, Ohio, protesting against discriminations practiced against certain nations and nationals of the Caucasian race and desiring and demanding the abatement thereof; to the Committee on Immigration and Naturalization.

8195. By Mr. O'CONNELL: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8196. By Mr. PEAVEY: Petition from the Superior Trades and Labor Assembly at Superior, Wis., demanding that the same consideration be extended to radio station WCFL as is extended the other broadcasting stations, and that it also be granted the desired unrestricted wave length; to the Committee on Interstate and Foreign Commerce.

8197. Also, petition from the United Brotherhood of Carpenters and Joiners of America, Local Union No. 755, Superior, Wis., demanding that the Federal Radio Commission place WCFL, radio station of Farmer-Labor, to its former position, frequency, unlimited power, and time of operation without interference from other stations; to the Committee on Interstate and Foreign Commerce.

8198. By Mr. ROMJUE: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, favoring the passage of House bill 9138; to the Committee on Pensions.

SENATE

THURSDAY, *January 10, 1929*

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 11 o'clock a. m., on the expiration of the recess.

ENROLLED BILLS SIGNED

The VICE PRESIDENT, as in legislative session, announced his signature to the following enrolled bills, which had been signed previously by the Speaker of the House of Representatives:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from Hamilton & Hamilton, attorneys, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

OFFICERS DELINQUENT IN RENDERING ACCOUNTS

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, submitting, pursuant to law, a report showing the officers of the Government who were delinquent in rendering or transmitting their accounts to the proper offices in Washington during the fiscal year ended June 30, 1928, the cause therefor, and whether the delinquency was waived, together with a list of such officers who upon final settlement of their accounts were found to be indebted to the Government and had failed to pay the same into the Treasury of the United States, which was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, lists of papers and documents on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. REED of Pennsylvania and Mr. SIMMONS as members of the committee on the part of the Senate.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations, December 19, 1928.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McLean	Sheppard
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Steiwer
Bingham	George	Mayfield	Stephens
Black	Gerry	Metcalf	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Greene	Norbeck	Trammell
Brookhart	Harris	Nye	Tydings
Broussard	Harrison	Oddie	Tyson
Bruce	Hawes	Overman	Vandenberg
Burton	Hayden	Phipps	Wagner
Capper	Heflin	Pittman	Walsh, Mass.
Caraway	Johnson	Ransdell	Warren
Copeland	Jones	Reed, Mo.	Waterman
Couzens	Kendrick	Reed, Pa.	Watson
Curtis	Keyes	Robinson, Ark.	Wheeler
Deneen	King	Robinson, Ind.	
Dill	La Follette	Sackett	
Edge	McKellar	Schall	

Mr. CURTIS. I was requested to announce that the Senator from West Virginia [Mr. GOFF], the Senator from Nebraska [Mr. NORRIS], the Senator from Utah [Mr. SMOOT], and the Senator from Minnesota [Mr. SHIPSTEAD] are absent on official business.

Mr. DILL. I desire to announce that Senators FRAZIER, PINE, LA FOLLETTE, WHEELER, and THOMAS of Oklahoma, members of the subcommittee of the Committee on Indian Affairs, are in attendance upon a hearing of the subcommittee.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is necessarily detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I am going to ask to have a formal reading of the treaty. It has not as yet been read, and we may, I think, have that done now.

The VICE PRESIDENT. The Secretary will read the treaty.

The legislative clerk read the treaty, as follows:

THE PRESIDENT OF THE GERMAN REICH, THE PRESIDENT OF THE UNITED STATES OF AMERICA, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE EMPEROR OF JAPAN, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC,

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present Treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a Treaty and for that purpose have appointed as their respective Plenipotentiaries

THE PRESIDENT OF THE GERMAN REICH:
Dr. Gustav Stresemann, Minister for Foreign Affairs;

THE PRESIDENT OF THE UNITED STATES OF AMERICA:
The Honorable Frank B. Kellogg, Secretary of State;

HIS MAJESTY THE KING OF THE BELGIANS:
Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

THE PRESIDENT OF THE FRENCH REPUBLIC:
Mr. Aristide Briand, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

For GREAT BRITAIN and NORTHERN IRELAND and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

For the DOMINION OF CANADA:
The Right Honourable William Lyon Mackenzie King, Prime Minister and Minister for External Affairs;

For the COMMONWEALTH OF AUSTRALIA:
The Honourable Alexander John McLachlan, Member of the Executive Federal Council;

For the DOMINION OF NEW ZEALAND:
The Honourable Sir Christopher James Parr, High Commissioner for New Zealand in Great Britain;

For the UNION OF SOUTH AFRICA:
The Honourable Jacobus Stephanus Smit, High Commissioner for the Union of South Africa in Great Britain;

For the IRISH FREE STATE:
Mr. William Thomas Cosgrave, President of the Executive Council;

For INDIA:
The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

HIS MAJESTY THE KING OF ITALY:
Count Gaetano Manzoni, his Ambassador Extraordinary and Plenipotentiary at Paris.

HIS MAJESTY THE EMPEROR OF JAPAN:
Count Uchida, Privy Councillor;

THE PRESIDENT OF THE REPUBLIC OF POLAND:
Mr. A. Zaleski, Minister for Foreign Affairs;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC:
Dr. Eduard Benès, Minister for Foreign Affairs;

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ARTICLE I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ARTICLE III

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble and every Government subsequently adhering to this Treaty with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

IN FAITH WHEREOF the respective Plenipotentiaries have signed this Treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

DONE at Paris, the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.

[SEAL]	GUSTAV STRESEMANN
[SEAL]	FRANK B. KELLOGG
[SEAL]	PAUL HYMANS
[SEAL]	ARI BRIAND
[SEAL]	CUSHENDUN
[SEAL]	W. L. MACKENZIE KING
[SEAL]	A. J. McLACHLAN
[SEAL]	C. J. PARR
[SEAL]	J. S. SMIT
[SEAL]	LIAM T. MACCOSGAIR
[SEAL]	CUSHENDUN
[SEAL]	G. MANZONI
[SEAL]	UCHIDA
[SEAL]	AUGUST ZALESKI
[SEAL]	DR. EDUARD BENÈS

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole; and there being no committee amendments, article 1 is open to amendment. The Senator from Idaho is recognized.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Idaho yield for a question?

Mr. BORAH. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. It has been often stated that the effect of this treaty would be to preserve the status quo for the benefit of those nations which have satisfactory boundaries and protect them from any aggressive or warlike act which would rectify or change those boundaries. The question has been asked whether the treaty might in any way prevent attempts by pacific means to settle boundary disputes or to secure rectification of boundaries. I should like to ask the Senator's opinion whether the treaty has any such effect?

Mr. BORAH. Mr. President, my understanding is—and it is very clear to me—that the treaty would in no wise embarrass any nation in an effort to seek relief so far as boundaries are concerned or as to other settlements with which it might be dissatisfied, provided it should seek it through pacific means. The treaty would preclude the going to war upon the part of a nation signatory to the treaty to bring about a change of its boundaries or to bring about a change in a situation otherwise, but in no way would it affect the effort of a nation, dissatisfied with its boundaries or dissatisfied with its situation in any other respect, seeking to readjust conditions through pacific methods, through the organization of public opinion, the mobilization of moral feeling in regard to it or to an appeal to public opinion, or by any other method which would be regarded as pacific. All those things would be open under this treaty. Let me say in this connection that all the small nations of Europe have hastened to adhere to the treaty. I think it is their great hope.

Mr. REED of Pennsylvania. Mr. President, the Senator is aware, of course, that all over the world there are unsettled boundaries, there are controversies over boundaries, or there are nations which think that, for one reason or another, their boundaries should be changed. There are many cases where boundaries were established by treaties, and in many of the notes or agreements of acceptance of this treaty mention is made of one treaty or another which might have had to do with boundaries. I should like to ask the Senator, then, whether he thinks that by that process there has arisen any estoppel or implied agreement that any party to this treaty is not wholly free, by pacific means, to endeavor to change a

boundary or a treaty establishing a boundary? Of course, I recognize, as the Senator has just stated, that this treaty would prevent any warlike action to that end.

Mr. BORAH. In my opinion there is nothing in the treaty and nothing in the correspondence which would preclude a nation signatory to the treaty from pursuing any peaceful method to readjust its boundaries or to readjust its rights.

Mr. REED of Pennsylvania. I thank the Senator.

Mr. ROBINSON of Arkansas. Mr. President, I do not think that there has been any suggestion here or elsewhere that the contrary would be true. I have never heard that anybody has construed this treaty as preventing the readjustment of boundaries by mutual consent or through diplomatic negotiation or through any other peaceful means, such as arbitration.

Mr. REED of Pennsylvania. I have heard the suggestion made in Europe that some of the acquiescences to the treaty referred to former treaties establishing boundaries in such language as to imply that those were sacrosanct and could not be changed even by peaceful means. It seems to me to be an absurd suggestion, but, so as to remove all possible doubt, I wanted to have the question and answer in the RECORD.

Mr. ROBINSON of Arkansas. With the permission of the Senator having the floor, I think it may be said that, of course, all arrangements for peace, in a sense, tend to the preservation of the status quo, in that they contemplate the elimination or prevention of war to change existing conditions.

Mr. REED of Pennsylvania. Of course, we are all agreed as to that.

Mr. BORAH. Mr. President, some time before the debate closes, I may make some suggestion as to the benefit which I believe this treaty to be to small nations. I shall not do so now.

Mr. HEFLIN rose.

Mr. BORAH. Does the Senator from Alabama wish to occupy the floor?

Mr. HEFLIN. I wish to inquire, Mr. President, what is the order of business? Are reservations to be voted on first?

The VICE PRESIDENT. Section 1, article 1, of the treaty is open to amendment, the treaty now being before the Senate as in Committee of the Whole.

Mr. BORAH. I inquire of the Senator from Kentucky [Mr. BARKLEY] if he is ready to proceed?

Mr. BARKLEY. I was not quite ready, Mr. President; but if other Senators are not ready I suppose I can go on now as well as at any other time.

Mr. MOSES. Mr. President, the Senator in charge of the pending measure has spoken of his purpose to make some remarks before the close of the debate. May I ask him whether it is possible to come to any understanding as to when the vote will be had on the measure, and in what order we shall vote with reference to the reservations and resolutions which have been submitted?

Mr. BORAH. I should be very glad to have an understanding as to a time to vote. I had not taken up the matter of closing debate yet for the reason that I thought there were certain Senators who were not ready, on account of the fact that they had not spoken, to come to an agreement to vote; but I am quite ready to do so.

Mr. MOSES. I should like to enter upon negotiations with the Senator from Idaho to that end.

Mr. BORAH. Very well.

Mr. BARKLEY. Mr. President, I do not intrude myself upon the Senate at this time for the purpose or with the hope of influencing the vote of any Member of this body with reference to this treaty; but I do so in order that I may record, for my own benefit and for any other benefit that may accrue, some reactions which have occurred to me over the treaty and as a result of the discussion of it during the past few days.

There is a group of people in this country and in the world which looks upon this treaty as the ushering in of the millennium. There is another group which takes a wholly cynical view of it—that it is utterly worthless and ineffective, and that it is an evidence of weak-mindedness on the part of responsible statesmen in the world to entertain the hope that this treaty or any other treaty that may be entered into among the nations can abolish what history and politics must recognize as having been an instrument of national policy from the beginning of the world until this hour.

I do not belong to either of these groups. I hope that my attitude and my view of the treaty is not wholly visionary. I am quite certain it is not cynical.

I recognize that in any legal document, whether it is entered into between individuals or between nations, there will necessarily be controversy as to interpretations. If it were not for the controversies arising over the interpretation of legal documents and legal rights, the legal profession would have vanished from the earth long ago. But the fact that there are controversies, perfectly honest and perfectly logical, that arise over the interpretation of private agreements, is no reason why men should refuse to enter into those agreements, because, fortunately, there is in this country and in every other civilized nation a tribunal which can officially interpret the documents, and grant to the parties signatory thereto the rights to which they are entitled. Fortunately or unfortunately, there is now no world tribunal to which the United States is obligated, either by this treaty or any other treaty, to submit its controversies with other nations; and to that extent this treaty and our attitude toward any world organization now in existence offers an exception to the rule which may be applied to contracts entered into between private citizens of any nation.

In order to understand the background and the atmosphere which gave rise to this treaty it would be necessary to recount somewhat at length the long, distressful, and bloody history of mankind in its efforts to emphasize nationality, in its efforts to establish by might and by power the existence of a right which any individual nation has claimed or may claim under this or any other treaty.

I do not desire to go into any such review of the history of the world, because it would take too long, and it would serve no good purpose; but it is, I think, helpful to those who are constantly seeking some different method by which to settle the differences that arise between nations to reflect upon the fact that this treaty, that the treaty of Locarno, that the treaty of Versailles, with whatever of injustice it may contain, with whatever harsh terms there may have been inserted in it by the victorious powers, that the treaties of arbitration entered into during Mr. Bryan's incumbency as Secretary of State—that all these efforts on the part of all the nations or any group of nations to provide some method by which controversies may be settled amicably, grow out of the distressing and brutal conflicts of history, which have always brought suffering and misery to the great masses of the people, who in many cases had no voice in determining the policy which brought them into the catastrophe in which they were sufferers. I say it is extremely helpful to remember the fact that it is out of this history, out of this misery, of this bloodshed, of this humiliation, of this national and international bitterness and hatred, there have come these modern efforts to find some way by which the nations of the world may settle their controversies without resort to war. It has been very truthfully said that even the victor in any war is ultimately the loser, although it may have accomplished the purpose for which it went to war.

The treaty which we are considering at this time offers one of those plans, one of those hopes, one of those honest efforts, in my judgment, to find a peaceful way to settle the disputes that arise among nations; and the question which we are called on to determine for ourselves as we vote either for or against this treaty is whether it offers any hope of the peaceful solution of this age-old question that involves not only nations as nations, but involves millions and hundreds of millions, and even billions of men, women, and children throughout the nations of the earth.

I do not desire to enter into a discussion of the effect that this treaty may have upon the League of Nations or upon the World Court so far as our own country is concerned. We are not adherents to the treaty of Versailles, which created the League of Nations, although it may be said that that conception emanated very largely from the United States of America. We are not parties to the protocol which creates the World Court, either as an offshoot or an agency of the League of Nations. Therefore, so far as any binding effect that the existence of the League of Nations or the World Court may have upon us as a nation with relation to this particular treaty is concerned, it does not seem to me that we need give ourselves any great concern with reference to it.

There are some Members of this body and citizens of this Nation as citizens who hope that our ratification of this treaty and its existence among nearly all the nations of the earth may gradually lead us into the League of Nations and the World Court. There are other distinguished Members of this body and other citizens of the United States who are enthusiastically for this treaty in spite of their opposition to the League of Nations and in spite of their opposition to the World Court, and probably in the hope that the existence of this treaty and the obligations that may be assumed under it may in the long run prevent the entrance of the United States into the league or into the World Court.

I do not desire to enter into that controversy. Let any Senator or any citizen obtain whatever comfort or consolation he

may out of either of the horns of this dilemma. The question which confronts me, as I see my duty here, is: What effect will the ratification of this treaty have upon our country, upon the peace of the world, upon the realization of the highest ideals which in all generations have actuated peaceful men and women in drawing near to the goal which they all seek?

It may be unfortunate, and sometimes during this debate I have felt that it was unfortunate, in this era of "open covenants openly arrived at," and in view of the frank statements made by the nations which have signed this treaty preliminary to its signature, that in the very circumstances of the case it probably was impossible for our own Nation to be quite as frank with reference to one or two matters involved in this treaty as the other nations which felt it their duty to make some explanation or condition upon which they agreed to sign it.

I can realize that in any responsible position like that of Secretary of State or President of the United States in our own country, and in similar positions in other countries, where a treaty has been sponsored, where it has originated in some sense in a department of our Government or with the head of our Government, there is more or less embarrassment later if they are compelled to admit that they did not survey the whole situation originally; that they did not take into consideration all of the ramifications that might be affected by the promulgation of such a treaty. I can also understand some of the delicacy that must have surrounded our own State Department, after having sponsored and suggested and promoted this treaty, in having to take the position that it had to be explained by any formal communications or reservations. Yet I am compelled to pay tribute to the statesmen of other countries who, not only for themselves, not only in the interest of their own countries, but in the interest of a broader and more complete understanding in the years to come, when somebody must interpret this treaty, placed on record their understanding of its effect upon them, not only as to the assertion of their rights but as to the assertion of the rights of other nations that might be similarly situated, either at the time of the ratification or in the changes that may occur in the relations of nations hereafter in the world's history.

I am for the treaty, Mr. President. I wish that a little more had been said by our Secretary of State. I wish circumstances had justified him in going a little further in his correspondence and in his public addresses upon the subject with reference to those matters which other nations felt it incumbent upon them to point out.

I think if it had been possible or had been wise, under the circumstances, for our State Department to have elaborated more fully in its reply to the note of Sir Austen Chamberlain, and the notes of other nations, it might have saved a good deal of this debate and a good deal of the time of the Senate, and, at the same time, it might have reassured not only Members of this body, but it might have reassured the country more completely as to the exact status of our country in the assertion of the rights that may arise hereafter under this treaty or any other treaty.

I desire now to address myself very briefly to some of the objections which have been raised by the technical hair-splitters—and, of course, we are bound to have technicians in a great body like this, and it is well that we should go into minute detail in undertaking to understand the effects of a legal document like this.

It is my understanding, not only as to treaties but as to contracts, even so limited as between individuals, that in the interpretation of a contract, the correspondence and conversations leading up to the consummation of the agreement are competent evidence in determining what the contract means, if there should arise a controversy over its interpretation.

What does this treaty obligate the United States to do? No more than it obligates any other nation to do, because, as developed a few days ago in a colloquy between the distinguished Senator from Idaho [Mr. BORAH] and myself, this treaty can not mean one thing for one nation and another thing for another nation. If it is a multilateral treaty, that means, in my judgment, that it is alike to all nations, is the same to all of them. There is no nation that signs it or that adheres to it that can adhere to the benefits that accrue under the treaty, and, at the same time, deny or renounce whatever obligations may accrue under it. In interpreting this treaty in that light, even assuming that the interpretation of this treaty given by the distinguished Secretary of State for Foreign Affairs of Great Britain in the explanatory note which he saw fit to send to our country as the agent of Great Britain, as it reflects Great Britain's attitude, is the correct interpretation—and I think it is a correct interpretation—it can not mean that for Great Britain and something else for the United States, or France, or Italy, or any other country in the world.

If there are certain regions in the world that Great Britain now regards as of special interest to her, either as a matter of self-defense, or under any conception of moral obligation to less fortunate peoples throughout the world, then that same interpretation and that same obligation and that same right would exist with respect to any other nation which in the course of the years that lie out in the future might find itself similarly situated with Great Britain. In other words, if Great Britain can reserve the right, as she undertakes to do in this letter of Sir Austen Chamberlain, to construe this treaty as to her right of self-defense with respect to any part of the world where she has a special interest similar to that which now exists; and if, as is conceded here, the United States may do the same with reference to the Monroe doctrine, or any other regions of the world where our interests are comparable or similar, then it must logically follow that any other nation signatory to this treaty, although not now similarly situated either with Great Britain or with the United States, but which in the years to come might be similarly situated as a result of historic events which may occur in the future, would have the same right under this treaty to exercise the same right of self-defense wherever that right existed as a matter of necessity which either Great Britain or the United States now enjoys under the terms of this treaty on account of the situation in which they find themselves.

The question has been raised here as to the binding obligation of this treaty in the event no peaceful method of settlement can be arrived at between nations, because of the provision of the treaty that they obligate themselves to resort to no method of settlement except peaceful methods. I do not understand that provision of the treaty to mean that a nation must be compelled to sit supinely by and have its rights attacked or infringed upon by some other nation which may have an aggressive design against it, or some selfish purpose to accomplish by aggressive action toward our country or any other country. In other words, this obligation to resort to no other method except a peaceful method to settle a controversy presupposes that the peaceful methods have been or will be resorted to, or that these peaceful efforts have been made, prior to a conflict; but if any other nation, in the exercise of some unlawful or unholy design against our Nation or any other nation, makes an unfriendly gesture or takes an unfriendly, aggressive course, by any sort of force, the treaty does not obligate our Nation or any other nation to sit by peacefully and supinely and have its rights infringed upon without resorting to the same method of defense that has always been recognized as a part of national policy. It does not deny to any nation the right of self-defense.

While the language itself might imply it, I can not conceive of any nation, any administration, or any responsible statesman in any country committing his country to a proposition that would renounce war as an instrument of national policy and carry that renunciation to the extent of permitting an infringement of its rights, either at home or upon the high seas, or permitting an invasion of its territory, or an invasion of its institutions, or a combined effort on the part of other nations or of any single nation to undermine the foundations of its civilization or of its national existence. Therefore, in interpreting the meaning of the language "renunciation," we must interpret it in the light of experience and in the light of well-recognized national rights as well as human rights.

Every man and every woman who belongs to or joins civilized society has given up something that may be denominated a natural right—and by natural right we mean such right as men may enjoy in a state of nature; and in a state of nature the only right that is recognized is the right of force, the right of superior power, the right to accomplish some design of an individual without regard to any assumed natural or inherent rights of any other individual where force and power and might are the only law recognized.

Nobody would be willing to revert to a state of nature. Nobody would be willing to abandon all the bulwarks of civilization, all the structures of government, all the regulations which society has found it necessary to set up in order that civilization may be advanced, and return to a status where every man would be a law unto himself or where no right would be recognized except that of superior force.

Because I, as an individual, am a member of civilized society or am a citizen of the United States of America, or because I am a citizen of my own State under certain obligations that have been prescribed by our Constitution and by the laws of of our State, I do not thereby abandon my right to defend myself or my castle or my rights if they are invaded by any

man or any group of men who might undertake to deprive me of the rights which I enjoy as a member of civilized society.

By analogy I think we may place the same interpretation upon this treaty. Our ratification of the treaty does not take from us the right to exercise the first law of nature—the right of self-preservation.

Complaint has been made here that by the ratification of this treaty we obligate ourselves to stand by the status quo throughout the world, and yesterday the distinguished Senator from Wisconsin [Mr. BLAINE] took the position that by the ratification of this treaty we denied the right of every submerged race in the world to aspire to independence, that we hereby bind ourselves, while no other nation is bound, to recognize the claims of Great Britain as to her jurisdiction throughout the world, and that as to Egypt, India, Australia, or any other group or colony or section of the world over which Great Britain now exercises suzerainty or authority by entering into this treaty we close the door of hope to those submerged nations which may aspire to independence, and that if this treaty had been in effect in 1776 the thirteen original Colonies would not have had a right to revolt against the mother country and to establish their independence.

Mr. President, I am unable to read into this treaty or into any of the correspondence preliminary to it, or into any possible interpretation of the treaty, any obligation on the part of the United States or any other nation that is signatory to this treaty to interfere in the internal affairs of any other nation in the world. If all the colonies of Great Britain should on the day following the universal ratification of this treaty rise in revolt and seek to establish their own independence as independent nations of the world, there is not only nothing in this treaty which obligates the United States to interfere with those colonies or nations in their efforts, but, on the contrary, I think the plain implication of the treaty is that we would not have any right to interfere in any such conditions or circumstances.

If the treaty had existed in 1776 under the same terms and in the same language that it carries to-day there would have been nothing in it that would have obligated any other country to have interfered on behalf of the American Colonies or in antagonism to them. It is conceivable that if the treaty had existed in 1776 to 1783 France might not have had a right under the treaty to have interfered in our behalf, but at the same time she would have had no right to have undertaken to interfere on the side of Great Britain to prevent the accomplishment of our efforts to establish an independent nation.

Therefore I am not frightened away from this treaty by what I think is a fantastic interpretation, by what I think is an effort to read into it not only language but implications that are not justified either in the language or in the negotiations that led up to it. I do not think that by ratifying the treaty we are thereby obligating ourselves to close the door of hope to any submerged nation or race that may in the years to come aspire to national independence.

Let us see what it really was that Sir Austen Chamberlain said. That seems to be the "fly in the ointment" here. That seems to be the stumblingblock. Mr. Chamberlain had either the foresight or the frankness, or perhaps both, to call attention to certain circumstances which he regarded as essential to the defense and preservation of the British Empire. We are told that in doing this he was making a shrewd attempt to commit the United States to acquiescence in the existence or creation of a sort of British Monroe doctrine, while under the surface and under the cover and behind the scenes there was a tacit understanding between our State Department and the British State Department that no mention would be made of the Monroe doctrine.

Mr. REED of Missouri. Mr. President, did the Senator from Wisconsin say that?

Mr. BARKLEY. He did not say that actually occurred, but he drew that picture of what he thought probably occurred.

Mr. REED of Missouri. I did not so interpret it. However, I did not hear all he said.

Mr. BARKLEY. The Senator will find that reference in the speech of the Senator from Wisconsin as printed in the RECORD this morning. The writing of a letter on the part of Mr. Chamberlain did not create any new situation. It did not add anything to a condition which all of us recognize surrounds the British Empire and the British Government.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. BARKLEY. I yield.

Mr. BLAINE. In connection with my comment on the failure of our Secretary of State to discuss the American Monroe doctrine, is it not a fact, as I stated, that in the British note containing paragraph 10, that paragraph 10 was numerically subsequent to paragraph 4 of the British note with reference to self-defense, and is it not a fact that our Secretary of State remained silent not only upon the question of the American Monroe doctrine but also remained silent with respect to his interpretation of paragraph 10 of the British note?

Mr. BARKLEY. Yes. I had already stated, in the absence of the Senator, that I regretted that the circumstances did not seem to impel the Secretary of State to give some recognition to that suggestion in the British note.

Mr. BLAINE. I not only regret it but I condemn it as a betrayal of his own country.

Mr. BARKLEY. I am not able to follow the Senator in that strong position on that subject. I think it is unfortunate that the Secretary of State did not go into a discussion of it and did not mention it. I so stated the other day in an interrogatory which I propounded to the Senator from Idaho [Mr. BORAH]. But at the same time, taking into consideration the Secretary's attitude upon the treaty and his explanation of its scope and meaning to the effect that it in no way rescinded or infringed upon or denied or in any way placed any condition upon the right of self-defense, and that he interpreted self-defense as exactly what the Senator has in mind, I can well understand why under the circumstances he did not deem it necessary to go into a detailed discussion of it or to recognize it specifically in his reply to the British note.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BARKLEY. I yield.

Mr. REED of Missouri. I do not want to argue the question. I want to get the Senator's view, and that is all. I will speak in my own time. But does the Senator attach no significance to the fact that while Great Britain carefully reserved or set up for the first time specifically a British Monroe doctrine, our Secretary of State never once mentioned our Monroe doctrine? Does he not attach any significance to that?

Mr. BARKLEY. Yes; I attach some significance to it. I do not attach any significance to it, though, in so far as it affects our rights under this treaty or any other treaty, because the American Monroe doctrine is a doctrine that has been in existence for 105 years. It has been recognized by other nations of the world even in the formality of treaties. It was recognized in the treaty of Versailles. It has been recognized, I think, in one or two other treaties, possibly more than that. But it is a doctrine that is well established as a part of the fabric of international law. It is recognized by other nations as such. That can not quite be said of the so-called British Monroe doctrine. At least, I am not so sure that it can.

Mr. REED of Missouri. I will have to take exception to the statement of the Senator from Kentucky that our Monroe doctrine is recognized as a part of the fabric of international law. It has never been recognized as international law.

Mr. BARKLEY. Did not the treaty of Versailles make an exception? Of course, we are not a party to that treaty. But that treaty recognized the Monroe doctrine.

Mr. REED of Missouri. The treaty did not make an exception, and we did not become parties to that treaty.

Mr. BARKLEY. No; but it is binding upon all the nations that are parties to that treaty.

Mr. REED of Missouri. No; not at all. It was made for our benefit, with the expectation that we would sign, and when we do not sign a treaty we can not claim its benefits. However, let me ask the Senator whether it would make any difference in his construction if he knew that the Secretary of State had purposely avoided any reference to the Monroe doctrine because he feared that the South American countries would then refuse to sign?

Mr. BARKLEY. No; it would have no effect upon my interpretation of the treaty itself because the Monroe doctrine was made in its original form as a doctrine to apply as between the United States and European nations in dealing with South America. It was not a doctrine entered into between the United States and any South American country, and has never been so regarded, although I agree with the Senator from Idaho and other Senators that we have wandered far from the original conception of the Monroe doctrine. I doubt very seriously whether President Monroe ever had it in his mind when he announced that doctrine that it could be made to apply to a friendly settlement of legitimate disputes that might arise between some country in Europe and some country in South America, such a controversy as might arise between any nations anywhere in the world and not peculiar to South America. We have developed and interpreted the doctrine until it is now generally understood that our Government applies it to the

settlement of disputes between European nations and South American nations, even in a friendly way, that by some conception might infringe upon the future right or power of defense or safety of the United States.

Mr. REED of Missouri. The Senator recognizes the fact that at least a number of South American countries have been constantly protesting against the continued application of the Monroe doctrine?

Mr. BARKLEY. Yes; I am aware of that, but of course that protest has arisen largely out of our attitude toward the South American countries in matters involving our country, wholly independent from any European nation.

Mr. REED of Missouri. That may be. However, that is aside from what I am trying to develop. The Senator concedes that South American countries, or some of them at least, regard the Monroe doctrine as an infringement upon their rights. He now asks those countries to sign a general pact of peace. We know that their feeling is such touching the Monroe doctrine that they would not sign the treaty if we mentioned the Monroe doctrine, and with that knowledge we do not mention it, and we thereby secure their signatures. Does not the Senator think that in morals, if not in law, we have waived the Monroe doctrine, or does he think that we have the right to perpetrate that sort of—I do not like to say "fraud" but it is the only name I know that fits the case—upon the South American countries?

Mr. McLEAN. A secret reservation.

Mr. REED of Missouri. Yes; a secret reservation.

Mr. BARKLEY. As I said earlier in my remarks, I regard it as unfortunate in this day of complete publicity with reference to international relations existing between different countries, that some mention was not made of that interpretation of the treaty; but at the same time I doubt whether the Senator or any Senator can say that if Secretary Kellogg had gone into a detailed discussion of the Monroe doctrine in his correspondence with the British Secretary of State, South American nations would not have signed the treaty. I can make no such assumption. There is no way by which we can judge what would have happened if something else had happened that did not happen.

Mr. REED of Missouri. The Senator then thinks it would not be obnoxious to South American countries at all if we did now mention the Monroe doctrine, and if that is the case why do we not now mention it in some form or other here in the Senate so that the world may know that America still stands upon her doctrine?

Mr. BARKLEY. I think it would be well for some mention to be made of it. It has been discussed here in the Senate by different Senators. I think the committee in its report upon the treaty might well have made perfectly plain the interpretation that we place upon the treaty and our entrance into it. If controversies should ever arise hereafter as to what we mean, we ought, as a matter of evidence, to make perfectly clear that by ratifying this treaty and by undertaking to carry out its obligations, we do not surrender this time-honored doctrine which has been purely American in the assertion of our rights on the Western Hemisphere.

Mr. REED of Missouri. I expected just that sort of frank and fair answer from the Senator. The Senator, of course, is familiar with the rule that what may be said by individual members of a legislative body in discussing a proposed law or treaty is not accorded much, if any, weight by any court or tribunal called upon to construe the instrument; but that a report of a committee is taken as carrying with it considerable authoritative construction. Of course, if the committee has failed, or should fail to report, the same thing may be accomplished even more positively by a simple resolution of the Senate stating that in ratifying this document we do not waive in any way our Monroe doctrine. In view of that, I ask the Senator why he can not concur with some of us who insist that that sort of precautionary measure should be adopted?

Mr. BARKLEY. Mr. President, there is a difference between having in the record something that is capable of being used as an interpretation of our conception of the obligation of the treaty on the one side and a formal resolution that might be in the nature of a reservation or a condition or an exception of some kind attached to the treaty itself.

Mr. REED of Missouri. I am not speaking of a reservation, because it has been said that if there were a reservation attached the treaty would have to go back to all other nations for future consideration. To my mind, that is exactly what we ought to do as a matter of fair and square dealing; but, in view of that objection, many of us have said that a simple resolution of the Senate, showing that we maintain our Monroe doctrine unimpaired, would be acceptable. I think, in view of the Senator's argument, he ought to be in a frame of mind to acquiesce in it. None of us want to destroy this treaty since it has reached its present stage, I take it, but we do want it to be clear that we are not waiving any rights. I myself would never have offered this treaty; I go so far as to say that it is a foolish thing, in my judgment; other people have a different view of it, and they have the right to their different view; but if we ratify the treaty, if there ought to be some expression by a committee, and if the committee does not express itself, why should not the Senate say authoritatively, while we have ratified this treaty as it stands, in doing so we have not waived the Monroe doctrine; we have not by implication agreed ever to make war upon any nation in an effort to enforce this treaty, and we have not by accepting the treaty accepted any particular constructions that anybody has put upon it?

Since the Senator's patience with me does not seem to be exhausted, I will say this further: When sensible men who are not trying to destroy the treaty entertain fears that certain constructions may be placed upon the treaty, is it not fair to assume that antagonistic European interests, finding it to their particular interest to give those constructions, are very likely to insist upon them, and that, as a matter of prudence, we should in advance clarify the entire situation so that in the future no honest nation can honestly give the constructions which we fear the treaty will bear?

Mr. BARKLEY. I should hesitate to take here any action that would place an embarrassment around the United States in the future application of this treaty that would not be placed around the other nations that are signatory to it. Of course, in a treaty or in any sort of legal document that is drawn up in as general terms as is this treaty, in the very nature of things, it is capable of all sorts of constructions. Efforts will no doubt in the future be made to place constructions upon the treaty that will be in the interest of different nations that may have something in mind in the application of the treaty or in undertaking to shun some obligation that may be assumed under it. Taking human nature as it is and not as we would like to have it, we are bound to anticipate, just as individuals now and then seek to relieve themselves from the solemn obligation of a contract entered into between them and others, that groups of individuals which we call nations may assume, now and then, to try the same thing. So I would hesitate, by our action here, to do anything that might embarrass our country to a greater extent than any other country would be embarrassed in the future in the interpretation and application of the treaty; but I would not be willing to go to the extent of hazarding the accomplishment of this treaty. Taking our chances upon the interpretation already placed upon it by the Secretary of State and by almost every Senator here, I say I would not go so far as to hazard the accomplishment of this treaty, in order to surround it by technical explanations so that no controversy might ever arise in the future as to its interpretation; and I do not believe that that is what the Senator has in mind.

Mr. REED of Missouri. Of course, when the Senator says that we have a treaty here that is so loosely drawn that almost any construction may be placed upon it——

Mr. BARKLEY. I did not use the words "loosely drawn." I said the treaty was general in its terms.

Mr. REED of Missouri. Very well, then—"general in its terms."

Mr. BARKLEY. The expression "loosely drawn" carries a sort of stigma; and I do not care to use it.

Mr. REED of Missouri. I do not want to stigmatize anything; but, taking the Senator's language, the treaty is "generally drawn." Of course, that is a sufficient reason why we ought never to sign it. The Senator from Kentucky would not permit a client of his, nor would I permit a client of mine, to sign a contract so general in its terms that anybody could place upon it any kind of a construction that he wanted to place.

Mr. BARKLEY. If in the days of dueling a contract had been entered into between two men that in the settlement of their disputes thereafter they renounced dueling as an instrument of their private policy and agreed not to attempt to settle their disputes except by some pacific means, would the Senator have undertaken in that sort of a contract to have gone into all the possible interpretations and applications of such an understanding between the two men in order that in the future no misunderstanding might arise?

Mr. REED of Missouri. Oh, no; I would have just prohibited dueling and meant it. I would not have prohibited dueling except when somebody wanted to construe the prohibition to mean that what he was doing was in self-defense, that he was defending himself, and was defending his honor, and therefore he had the right to draw his sword when anybody infringed his honor. That is the condition in which we find ourselves in connection with this treaty.

Mr. BARKLEY. The analogy is a little different, because the state in that case had the power to prevent dueling, and did so, and had the power to punish those who participated in dueling. The difference is that there is no tribunal in the world that has the power now to prevent war, enforce its prevention, and to punish the nation that violates the prohibition against war. Our Nation has been unwilling to enter into any such understanding.

Mr. REED of Missouri. Therefore, in drawing any contract, there being no court to construe it, we ought to make the contract all the plainer. However, we are going a little aside from the thought that I had in mind. The Senator says that the treaty is so generally drawn and that many constructions can be placed upon it. It would seem, therefore, that the argument in favor of removing a difficulty of construction that we can remove ought to be adopted before any controversy arises, because it is a poor time to construe an instrument after a controversy has arisen.

The Senator from Kentucky has said he does not want to impair the chance of the acceptance of the treaty. If Great Britain can attach important conditions of construction, if France can attach important conditions, if Germany can attach important conditions, if Yugoslavia and Czechoslovakia can attach important conditions, if Russia and Persia and Egypt can attach important conditions which they deem necessary to do in order that there shall be no mistake as to the conditions upon which they sign the treaty, why can not the United States attach the very conditions that every advocate of this treaty has insisted are our rights and have gone to the extent of insisting that we do not even need to state them; that they are in the treaty?

Why should any nation refuse to accept this treaty because we insist upon stating in plain words that which so many Senators say is embraced in the treaty anyway?

Mr. BARKLEY. My answer to that would be, of course, that I do not think any nation ought to refuse to adhere to it on that ground. Whether there is such a nation, of course, I am not in a position to say.

Mr. REED of Missouri. If the Senator will pardon me further, if there is a nation that will not sign this treaty, if we state plainly what it means, then is it not perfectly certain that that nation does not intend to keep the treaty with the construction which we put upon it? If that is the case, ought we not to know it now before we touch pen to paper and bind ourselves?

The Senator would say that to any client; I know he would, for he is a splendid lawyer. No one could get him to say to a client, "You believe this contract means a certain thing, but if you write it into the contract the other man will not sign it; therefore do not write it in the contract; let us hope," to use the slang phrase, "to put it over on the other fellow and get his signature." The Senator would not do that; an honest lawyer would not do that; an honest client would not do that; and an honest man would repudiate it.

Mr. BARKLEY. Of course, the Senator will recognize the fact that the conditions carried in the correspondence with Germany and France largely deal with the obligations under the League of Nations and the Locarno treaty; and in the very nature of things probably it was proper to make it clear, although I do not know that it was necessary, because this treaty does not undertake to abrogate any obligation that is carried under the League of Nations or the treaty of Locarno.

Mr. REED of Missouri. If it was necessary to mention the Locarno pact—which is a pact for mutual defense and offense—if it was necessary for Great Britain to mention and set up really for the first time officially her Monroe doctrine, why is it not equally necessary for us to set up our rights? Why should we alone, of all the nations in the world, stand silent and reserve nothing, except that the desire to have this treaty ratified is so great that the rights of the United States are to be jeopardized?

Mr. BARKLEY. Of course, the explanations on the part of Germany and France and Great Britain and all the nations that made any reference whatever to the League of Nations and its obligations, and the treaty of Locarno and the neutrality treaties, in my judgment, are not matters about which we, as a Government, may concern ourselves. We are under no obligations under the League of Nations, and whatever reservations were made by any European nations as to obligations under the League of Nations were reservations among themselves, not applicable to the United States; and the same is true of the treaty of Locarno. We are under no obligations under those treaties. We are not a party to either of them. So that it gets down, after all, to the interpretation of the treaty as it applies to the Monroe doctrine and the so-called British Monroe doctrine.

Mr. REED of Missouri. Then the same argument that the Senator has made would be true as to our Monroe doctrine. We would say it is none of their business; but I do not take that view.

Mr. BARKLEY. We might as well attach a reservation or condition that the ratification of this treaty in no way abrogates or affects the so-called Bryan treaties, entered into 15 years ago, or any other treaty between the United States and any South American nations which have recently been entered into for arbitration and friendly settlement of disputes that arise between the South and Central American nations and our Nation.

Mr. REED of Missouri. Exactly.

Mr. BARKLEY. This treaty does not abrogate those treaties. It does not affect them, except possibly to strengthen them. It might be just as logical, however, to say that in order that that may be made clear we shall have a reservation or an attachment to this treaty saying that it does not affect our obligations under these arbitration treaties heretofore entered into by the United States.

Mr. REED of Missouri. Now, let us see how far that answer goes. It would be perfectly proper for us to say it, and if we were as wise as foreign diplomats we would do exactly what they did do; we would say it. But, waiving that for the moment, I say that when we enter upon this treaty we are concerned with the obligations of other nations if those obligations are to continue.

Let us see if that is not true.

We make a treaty saying that no nation will go to war under any circumstances. Then, if there were treaties for war, we certainly would be concerned in that question, and we would want to know whether they were going to stand on their old treaties or obey this one. There were such treaties. Upon the face of the papers they were wiped out. Then came the European nations and said, several of them, "We want it understood that these obligations to make war under certain conditions are not wiped out, and you must consent to that or we will not sign." Are we concerned in it?

What are we making this treaty for? We are making it to preserve the peace of the world—not our peace alone, but the peace of the world—and if there be treaties and obligations which are excepted from this treaty, they thereby minimize the effect and scope of the treaty, and we are interested because it then becomes not a general treaty of peace but a treaty of peace with qualifications for war.

How can it be denied that that is true?

Mr. BARKLEY. We are, of course, interested as a nation in the peace of the world. We are not interested, as a party to the contract referred to by the Senator, in the treaties existing among the nations of Europe. The covenant of the League of Nations in article 10 stipulates that all the signatories to that treaty obligate themselves to respect and preserve the territorial and national integrity of the other nations that are signatory to it.

According to my interpretation, even if we were a member of the league and had ratified that treaty, that does not obligate us to go to war to preserve the territorial integrity of one nation if it should be attacked by another; but it specifically provides that the council of the league shall thereafter consider what means shall be adopted to carry out that treaty.

Mr. REED of Missouri. And, having considered, what next?

Mr. BARKLEY. So that I do not regard that treaty as a treaty which compels entrance into war; neither do I regard the Locarno treaty as a treaty that provides for war. All of them are looking—it may be unwisely, in the estimation of the Senator—but all of them are looking toward the accomplishment of peace.

Mr. REED of Missouri. No; all of them are treaties by which certain nations agree that in the event another nation does a certain thing they will apply to that nation what they call "sanctions," which means warlike measures, and may mean war. If such treaties exist, and if we recognize them, we thereby limit and qualify this treaty that we are entering into; and to that extent we are clearly interested—that is the point I am making—just as they would be interested, and no more than they would be interested if we were specifically to reserve the Monroe doctrine.

Now, let me illustrate that.

Mr. BARKLEY. Not quite so, because to reserve the Monroe doctrine is a reservation, according to my interpretation of the original Monroe doctrine, against any action on the part of Europe.

Mr. REED of Missouri. Surely.

Mr. BARKLEY. But the reservations and obligations carried in the treaty of Locarno and the treaty of Versailles, to which we are not parties, can not be interpreted as reserva-

tions or conditions applied against the United States, because we are not parties to those treaties.

Mr. REED of Missouri. No; they are not applied against the United States; but let us see if they do not apply here.

It is true, now, that they do not make us agree in the treaty of Locarno that we will go over there and do anything. They do agree that they are going to do a great deal.

Mr. BORAH. Mr. President——

Mr. REED of Missouri. Just a second. There can be no war in Europe without its affecting—and that is the great argument for this treaty—the welfare, the economic conditions of this country and of every other country. Therefore if they get up a war in Europe, no matter who starts it, it has some effect upon us, and thus we are interested.

It may mean an embargo upon our commerce. It may mean seizure of our vessels on the high seas, as England seized them in the last war long before Germany began to do it. It may mean drawing us into another struggle, as we were drawn into this through interference with our trade and commerce and shipping. So we are interested; and it is idle, it seems to me—and I say it with all respect—to claim that here is a treaty that we ought to enter upon for the purpose of preserving the peace of the world and stopping all wars, and then to say that we are not to consider the question of whether there are certain obligations and treaties which are really treaties that draw nations into a conflict which is not, as to them, a conflict of self-defense.

Let me illustrate what I mean: Here are four of us. We have been enemies. We agree now that for the common benefit of all we will keep the peace; that we will not fight except in strict self-defense. Then it transpires that I and my friend here from Louisiana [Mr. BROUSSARD] have a side agreement that if either one of us is attacked, or either one of us has a controversy, we will join to put down one of the other men. Now, certainly when we all sign this pact that side agreement has its effect upon that pact of peace; and certainly it is not the same thing, when we accept this side agreement and except it from the terms of the agreement, as the agreement would have been if the side agreement had not been made. There can not be any question about that.

Mr. BARKLEY. The side agreement, while it may disturb the peaceful atmosphere of the community of interest among the four of you, can have no binding effect upon the other two who have not been a party to it, even though it might draw in a fifth who was not a party to either of those agreements.

Mr. REED of Missouri. But it has the effect, the Senator must admit, of excepting from the terms of this agreement all of the conditions of the other agreement.

Mr. BARKLEY. It might affect the terms of the agreement as between those nations or those parties affected, but it could not affect the terms of the agreement between us and those nations; that is my contention.

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. In view of the fact that the Senators are discussing the Locarno pact, I want to put into the RECORD article 2 of the Locarno pact:

> Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other, or resort to war against each other.

The principle is identical with the principle here, limited only in territory. All the members of the Locarno pact are members or will be members or signers of this treaty. Therefore if they violate the Locarno pact they have violated this agreement, and we are released from it.

Mr. REED of Missouri. That is true; when any nation goes to fighting we are released under this agreement so far as that nation is concerned. The Locarno pact provides, however, that in the event certain things are done, certain other nations will go to war, not when they are attacked but when a treaty is violated.

Mr. BORAH. For instance, let us say that Germany, simply as an illustration, violates the Locarno pact. The minute she does so we in this country are released from obligations to Germany by reason of this agreement, and every other signer of this agreement is released as to Germany, and they deal with Germany with the same freedom as if the treaty never had been signed. The violation of the Locarno pact at the same time and through the same act annuls this treaty as to that nation.

Mr. REED of Missouri. We are not released as to those that do not break the pact; and those others who do not break the pact are engaging in a war to put down a particular nation, not because they have been attacked but because one of them has been attacked or because the terms of a treaty have been violated.

Mr. BORAH. No; but suppose Germany violates the Locarno pact. Great Britain is released from this treaty as to Germany. The United States is released as to Germany.

Mr. REED of Missouri. Yes; but that is not all. Great Britain is not only released as to Germany from her obligation to keep the peace but she has made a positive obligation to make war.

Mr. BORAH. She has a perfect right to do so, so far as this treaty is involved, because it has been broken, and Great Britain is free.

Mr. REED of Missouri. Yes.

Mr. BORAH. The minute the Locarno pact is broken Great Britain is free to proceed against Germany.

Mr. REED of Missouri. Surely.

Mr. BORAH. The minute the Locarno pact is broken this country or Great Britain would be free to proceed against Germany.

Mr. REED of Missouri. But is there no difference in the distinguished Senator's mind between being free to take an action or not to take it, and having assumed a positive obligation to take an action, that action to be an action of war?

Mr. BARKLEY. In other words, any nation which is a party to both the treaty of Locarno and this treaty may violate both treaties in the same act.

Mr. BORAH. That is correct.

Mr. REED of Missouri. That is true.

Mr. BARKLEY. And the violation of either one of them or both in the same act releases the other nation from the obligation that it may be under to grant to that offending nation the benefits of this treaty.

Mr. REED of Missouri. Yes.

Mr. BARKLEY. But it does not obligate the United States to do anything else; to go to war or to take any action against the offending nation.

Mr. REED of Missouri. But it does obligate these other nations to make war.

Mr. BARKLEY. Not against us.

Mr. REED of Missouri. No; but against another nation and thus spread the war. Any man who says that that does not make any difference reasons in a way that I can not understand.

Mr. BARKLEY. Under the Locarno treaty, as I understand it, any nation which may be described as an offending nation is a nation that has taken some aggressive action without justification against some other signatory to the treaty. The same conception is carried in this treaty. Of course, if some nation a party to the Locarno treaty takes an aggressive action against some other nation a party to that treaty, then the obligations, whatever they are, under the Locarno treaty, attach to all the nations that have signed it. Of course, they do not attach to us. But if, in the violation of the Locarno treaty by an aggressive act on the part of a nation party to it, this treaty is at the same time violated, then it automatically relieves our nation of any obligation to accord to the offending nation any benefit under this treaty. That does not obligate us to go to war or take sides in the controversy that is involved in the violation of the Locarno treaty.

Mr. REED of Missouri. Mr. President, let us stick to the question we are discussing. Everybody admits that we are not obligated to go to war unless there is an implied obligation on our part to sustain the treaty, and I am afraid there is; but I am not arguing that now. Let us take the other view. Here are certain nations of Europe. They have agreed to certain things upon the happening of which they will resort to war-like measures. We make a treaty with all of them to keep the peace. One of them breaks the peace. That breaks the treaty as to us and it breaks the treaty as to all the other nations. If that were all, we would all be on a parity; but we acknowledge the validity of a treaty that binds these other nations, then, to resort to certain measures, and those measures mean the spreading of the war, or may mean the spreading of the war, to a large number of countries.

Let us see what the Locarno pact says. It is not so simple as would appear:

> The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the treaty of peace signed at Versailles on the 28th of June, 1919, and also the observance of the stipulations of articles 42 and 43 of the said treaty concerning the demilitarized zone.

The first thing there is a guaranty of a status quo. It is never to be changed.

I am not speaking for Germany, but I am speaking of the principle. No matter how onerous these conditions may become, no matter, though Germany might deem it a matter of life and death, not only of self-defense or defense of her interests but of her very life, to undertake to change them, these nations with which we are now signing have solemnly agreed to put her down. I continue the reading:

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defense; that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of articles 42 or 43 of the said treaty of Versailles.

There is an agreement to go to war when nobody is defending, when nobody is attacked. They are to go to war for other conditions.

If such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarized zone immediate action is necessary.

2. Action in pursuance of article 16 of the covenant of the League of Nations.

3. Action as the result of a decision taken by the assembly, or by the council of the League of Nations or in pursuance of article 15, paragraph 7, of the covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Then we go on:

ART. 3. In view of the undertakings entered into in article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with article 15 of the covenant of the league.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

Now, listen to this:

ART. 4. 1. If one of the high contracting parties alleges that a violation of article 2 of the present treaty or a breach of articles 42 or 43 of the treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

2. As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the power against whom the act complained of is directed.

In plain, simple language that means that the obligations imposed upon Germany at the end of the war are to stand, that German territory is to stand as it did stand, that no matter how much Germany may claim she is defending herself, no matter how vital is her action to her interests, the Council of the League of Nations decides that question; and if the Council of the League of Nations decides that question against Germany, every one of these nations has agreed to go to war. You say that does not qualify a general proposition that we will never go to war? Or that proposition is not qualified by the definition of self-defense, that we will never go to war except in self-defense? This is not a matter of self-defense at all; it is a matter of imposing conditions upon a nation.

I do not see how Senators can argue that the exception of these articles of the Locarno treaty from this pact makes no difference. If it makes no difference, then everything is excepted from it and there is no pact, and all we are doing is throwing a kiss to Europe and they are sending it back; and I hope that there will not be any germs connected with it.

Mr. BARKLEY. It may be more effective and more valuable now and then to throw a kiss than to throw a bomb.

Mr. REED of Missouri. That is true, and if we are going to throw a kiss, let us understand that it does not carry with it any obligation of matrimony.

Mr. BARKLEY. I suppose there is no possibility of misconception as to the Senator's attitude on the question of matrimony between nations. My understanding of the provisions of this Locarno treaty, in a nutshell, is this: That the nations obligate themselves, in that section where they guarantee to respect the territorial limitations of each country, not to undertake to acquire a part of the territory of any other nation a party to that treaty by force.

Germany has signed that treaty. It does not lie in our mouths in the United States to complain that Germany, by reason of the Locarno treaty, may be forced to accept permanently the boundary lines fixed in the treaty of Versailles. If Germany has with her eyes open signed that treaty, has been willing to obligate herself not to undertake to recover any of the property taken from her by the Versailles treaty by force, it does not lie in our mouths to complain of an action that Germany has freely and voluntarily entered into.

Mr. REED of Missouri. That is not the question.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Kentucky yield to the Senator from Wisconsin?

Mr. BARKLEY. I will yield, but I desire to conclude my remarks as soon as possible.

Mr. BLAINE. Can it be assumed that Germany voluntarily joined in the treaty of Versailles? Is it not a fact that Germany was the defeated nation, and that word was given to Germany that she should place her signature on that treaty or that the armed forces would be moved and occupy her territory?

Mr. BARKLEY. That may have been suggested in the preliminary negotiations about the armistice, but it brings us back to the old question of taking a horse to water and not being able to make him drink. It may be that Germany was not only taken to the creek but was forced to drink. But that would not be true as to the Locarno treaty. There was no big club held over Germany to compel her to sign the treaty of Locarno. That was a treaty signed by the belligerent nations of Europe that had been primarily involved in the World War, to try to make it impossible for any other situation ever to arise among them that would bring on another world conflict like that which was precipitated by the entrance of Germany, Russia, France, and England into that great war. It is to the credit of Germany and the other nations that they were willing to enter into an obligation that would prevent the creation or existence of such conditions as those which produced the World War.

I can not place any interpretation on the Locarno treaty that puts upon the United States either any legal or moral obligation to interfere in the application or in the enforcement of the Locarno treaty, even though we become a member of the family of nations that sign the treaty now under consideration. The signatories promise, of course, that they will not invade one another for aggressive purposes or interfere with the boundaries between the nations; but in the very nature of things they could not agree that if one nation violates the treaty and invades another nation to get some of its territory, that nation will be compelled to sit supinely by and permit itself to be ravished without retort or without defense.

Mr. REED of Missouri. Will not the Senator let me bring him back to the question?

Mr. BARKLEY. Even if the treaty of Locarno obligates the other nations that are signatory to it to go to the defense of the invaded nation, even to the extent of war, that does not obligate the United States under this treaty to follow in the wake of that war, unless as a consequence of it, of course, the question of our own self-defense should arise, as it did in the war between Germany and the other nations of Europe.

Mr. REED of Missouri. It is true that is not a treaty alone to prevent Germany from invading some other country, as the Senator put in his statement. Here are the mentioned articles 42 and 43:

ARTICLE 42

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.

ARTICLE 43

In the area defined above, the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

ARTICLE 44

In case Germany violates in any manner whatever the provisions of articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world.

So, coming back to our original point of discussion, which was whether accepting and acknowledging these exceptions of the Locarno treaty and of the treaty of Versailles, in connection with this treaty, changed the treaty, it must be perfectly

manifest now that they do change this treaty. They take out of it all of these other obligations. They place the other nations under an obligation to act and to make war, not in defense but in order to impose the conditions of certain treaties upon Germany. Therefore it must constitute a very important qualification to this treaty.

That being true, and the European nations having done all that to safeguard every treaty, and every agreement, and every pact that they have, why should not the United States, as a matter of common prudence, stipulate that we are not waiving the most important doctrine our country has ever maintained? Why should they object and how can they object if the Senate says we have not waived or impaired the doctrine announced by James Monroe?

Mr. BARKLEY. I agree with the Senator very largely in his last suggestion. I do not agree with him in his interpretation of the obligations that may remotely be placed upon us by reason of those two treaties in Europe to which we are not parties.

Mr. REED of Missouri. I do not want to be misunderstood. The Senator has been very patient. I have not said they impose obligations upon us.

Mr. BARKLEY. But the Senator said it changed the treaty.

Mr. REED of Missouri. It changes the treaty because they are taken out of the treaty, but it does not impose an obligation upon us to fight. It places us in the position of recognizing their rights to make these wars without in any way consulting us, and they can not make that sort of war without it affect our interests. That is all I said.

Mr. BARKLEY. It is only putting upon the notes, in which reference is made to the Locarno treaty and the Versailles treaty, the extreme interpretation which the Senator from Missouri might be capable of placing upon them. In my judgment it only means that we recognize that there are such treaties that exist in the European nations, but by simply recognizing that they have entered into those obligations in no way affects our moral or legal obligation under this treaty or under those treaties. It might be just as logical to say that we ought to put in here some definition that would make it perfectly plain that while recognizing the Locarno treaty and the Versailles treaty to some extent, we make no exception of the reservations on the part of the nations that are parties to those treaties, but we want it understood that it in no way affects us or our rights.

Mr. REED of Missouri. Why not also say, "Since you gentlemen have reserved all of your treaties and your obligations, we likewise reserve ours and want you to understand that we regard it as a matter of vital interest to us"?

Mr. BARKLEY. I do not think that will be necessary. I think if all the nations parties to those treaties should undertake to set out all the obligations that they are under to somebody else that may be remotely affected by this treaty, they would comprise a large volume and the world would lose sight of the treaty itself.

Mr. REED of Missouri. We would only be doing what Great Britain has done. We would simply be saying, and I am using common ordinary language to express it, "Understand, gentlemen, when we are signing this treaty we are not waiving our Monroe doctrine." Now, I come back to my question again, and then I am not going to interrupt the Senator further. If the Senator knew that the Monroe doctrine, or any mention of it, had been left out of the treaty lest it might arouse the antagonism of South American countries to the treaty, would not he think that as a matter of good faith the South American countries ought to be frankly told that we do intend to except the Monroe doctrine?

Mr. BARKLEY. If there were any necessity for serving notice upon the South American countries that that was our intention, the Senator's position might be well taken, but I think in view of the history of the Monroe doctrine, in view not only of the fact that we have never yielded or departed from it, but have enlarged it, it seems to me to serve notice upon not only South America but the entire world that the United States has no intention of waiving its rights under the Monroe doctrine.

Mr. REED of Missouri. But is afraid to mention it.

Mr. BARKLEY. No; we are not afraid to mention it. We are doing it every day. To sum up my attitude toward the various propositions that might be included in reservations or exceptions, I wish to say that so far as treaties that bind the various European nations among themselves to do or not to do a particular thing in a certain contingency, I may be entirely wrong about it; I may be too generous in my conception of their attitude toward one another, but I am not alarmed for the welfare of the United States as a party to this agreement by reason of the treaties that bind the various nations of Europe. If they violate the treaty of Locarno or the treaty of Versailles, they automatically violate the treaty we are now considering, and that violation automatically releases us from any further obligation to the offending nation.

There is a provision in this treaty or in the correspondence which says that if one nation violates the treaty it is to be denied the benefits of the treaty. I am not quite clear as to what that means, because that involves an interpretation of what are the benefits under the treaty, and my conception of the benefits that might accrue under the treaty grows out of the fact that it may provide a method to settle disputes without resort to war, which would be, of course, not only a benefit to the nations involved but a universal benefit.

As I said at the outset, while I think it is unfortunate the Secretary of State made no reference to the Monroe doctrine as a matter of precaution against any misunderstanding in the future, and while I think the Committee on Foreign Affairs ought to make, in its report, a specific reference to the Monroe doctrine and a declaration that we stand by that doctrine and do not waive it, yet I believe that such a declaration on the part of a responsible committee in its report on this treaty would be all that is necessary in order to serve notice on the world that in ratifying the treaty and becoming a party to it we recognize the obligation which we have for more than a century assumed under the Monroe doctrine. But in my present frame of mind I do not believe it is necessary to attach to the treaty itself a reservation stipulating that interpretation of the treaty.

Mr. REED of Missouri. So that I may be perfectly understood, I know of nobody that is insisting upon attaching a reservation. So far as I know—and I can only speak from such conversations as I have had—everybody would be content if the committee would make a clear-cut report saying that our interests are not affected as to the Monroe doctrine, that we are not obligated by the treaty, directly or indirectly, to make war in enforcement of it or bound by the terms of any other treaty. That would be satisfactory. It would be satisfactory to have a separate resolution passed by the Senate after the treaty is ratified saying that in having ratified the treaty the Senate did so with the full intent to maintain these rights and stipulations. I am not particular about the language. I am appealing to the Senator, who is just as earnestly desirous of protecting the welfare of his country as anyone could be, that as we are making a perpetual treaty with all the nations of the world, and as every other nation has seen fit to safeguard its particular interests, whether we ought not in some formal way to express the will of the Senate, either through its committee or by its resolution.

What the Senator said on the floor of the Senate is his construction. What I may say will be my construction. We will differ as to certain points, though not as to everything. Other Senators will differ, and therefore the individual statements of Senators do not go very far in the construction of a treaty; but an official resolution of the Senate or an official report of the committee is taken, if not as authoritative and binding, at least as highly persuasive.

So I hope the Senator will help us to insist upon these safeguards. Once they are added I do not care how soon the treaty is ratified.

Mr. BARKLEY. I sincerely hope that some understanding may be arrived at that will be satisfactory to all Senators, at the same time guarding against the impression that we have ratified the treaty with our fingers crossed. I think if we ratify the treaty we ought to do it ungrudgingly; we ought to do it in the hope that it will accomplish the purpose in the minds of those who are responsible for it.

That brings me to just a few concluding remarks upon the suggestion which has been made that this is a mere gesture. Of course, the field for discussion of gestures is almost as inexhaustible as the field for discussion of the treaty itself. It might be said that the mobilization of the Russian Army on the frontier in August, 1914, was a gesture.

The responsible officials of Russia contended then, and the record still shows they contended, that they were seeking peace, but they were making an unfriendly gesture by the mobilization of their armies on the frontier. Sending the Army of Germany down to the Belgian frontier in case it might be needed there for sudden emergencies was a gesture. Germany then contended that it was only in self-defense or only for the purpose of preserving peace. It might be said that the circumnavigation of the globe by the American Navy a few years ago was a mere gesture for the purpose of parading the power and the might of this Nation before the world.

I have just been reading a very interesting book, Meet General Grant, by William E. Woodward. In that book, in discussion of the Mexican War with which President Lincoln, then a Member of Congress, did not agree and against which he voted, with which General Grant himself never had any sym-

pathy although he fought in it, the statement was made that the Army of the United States was moved down to the western Louisiana border and camped there for months as a mere gesture in case something did happen, or perhaps hoping that something would happen to it that would be a casus belli. That was a gesture, of course, but it was an unfriendly gesture.

If the world has been, century after century, making gestures of one sort and another that have led to war, that were bellicose in their nature and in the very nature of their circumstances productive and not preventive of war, it is not entirely out of place, after 10,000,000 of the world's best men have been sacrificed in an effort to settle disputes that might well have been settled by peaceful means instead of through five years of bitter warfare—after more money have been expended in the perpetration of warfare, both offensive and defensive, than is represented by the value of all the property in the United States—it seems to me not out of place that we should make a gesture in the direction of peace, one that may ultimately create a psychological condition in the minds of all the men and women of the world that may abolish war as an effective measure and as an instrument of national policy, instead of fostering it and encouraging it as it has been done throughout the history of the world.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BARKLEY. I yield.

Mr. FESS. I have heard it stated often that this can not be more than a mere gesture. I am wondering whether the denunciation of war by every nation of the earth and a solemn pledge not to resort to warlike methods to settle disputes by every nation of the world can be considered only a mere gesture.

Mr. BARKLEY. I, of course, do not agree with the suggestion that it is a mere gesture. I am attempting to reply to that suggestion by undertaking to measure this gesture, even if it is a gesture, against the thousands of gestures that have been made throughout the bloody history of mankind that have led to war, the destruction of property, and to the loss of human life. If we are to measure these things according to the character of the gesture, I am willing now and then to place up against the war gesture at least one peace gesture that might result in happiness to the human race. Many human lives have been lost as a consequence of a gesture made toward the hip pocket. It may have been a pure bluff. It may have been by design. It may have been based on the knowledge that in the hip pocket was something that would take life. But many a time a human life has been lost by an idle or foolish gesture to the hip pocket because the other party to the quarrel had a right to defend himself if he thought his life in danger.

Mr. REED of Missouri. I have not seen it as often as the Senator from Kentucky, because I come from a peaceful State. [Laughter.]

Mr. BARKLEY. The State of Missouri is inhabited very largely by Kentuckians and I do not think their nature has been denatured by their transfer to Missouri. They have contributed to the civilization of that State.

Mr. REED of Missouri. The best people of Kentucky, the most peaceful, came to Missouri.

Mr. BARKLEY. The State of Kentucky, until a few years ago, gave Missouri every governor which she had from the time of her admission to the Union almost and nearly all of her United States Senators.

Mr. REED of Missouri. We got most of the cream.

Mr. BARKLEY. We are still milking and have a few cows and much cream left.

Mr. REED of Missouri. I know that, for we have the Senator as an example.

Mr. BARKLEY. I am not making personal allusions.

Mr. REED of Missouri. Oh, no.

Mr. BARKLEY. And, of course, my illustration was not based entirely upon my experience in Kentucky. I was speaking of a universal condition.

Mr. REED of Missouri. The Senator's illustration is very good. There are gestures and gestures, but frequently we are led aside by illustrations. Of course, when Russia mobilized her army it was not a gesture; it was a threat. It was the first step toward striking. When Germany mobilized her troops on the frontier of Belgium that was not a gesture; that was the first advance toward war. In those instances one could use the term "gesture," but not in the same sense in which we are using it here.

If we were going to make a real movement toward peace, if we were really going to do something, if we were really going to back up our professions by some substantial act, then we ought to be doing more than merely saying that we are going to keep the peace. We ought to be taking a substantial step toward it, and the first step would be to begin reducing the great armaments of war that are in constant preparation. I think the reason this is described as a "gesture"—and I do not like the term; we might use the term "hypocrisy" better—is that it is——

Mr. BARKLEY. I do not think that term would fit even as a substitute for "gesture," and I am not willing by silence on my part to seem to admit that this treaty is a matter of hypocrisy. I think it is a matter of genuine desire among the people of the world.

Mr. REED of Missouri. Exactly; among the people; but if while we were taking this action we were agreeing to reduce armaments, then our acts would be consistent with our professions. When we are professing to abandon war as a national policy, and Japan is building 50 submarines—I understand the most powerful ever designed—and is also building many cruisers; when Great Britain is preparing to cover the seas with a swarm of cruisers; when Italy is enlarging all of her armaments; when we can absolutely hear their hammers beating and formulating instruments of death; and at the same time we say we will never fight and we are renouncing war as an instrument of national policy, hypocrisy may be a harsh term; but I wish the Senator could think of a gentler one.

Mr. BARKLEY. It may be a situation in which even those nations hope for the best and prepare for the worst. I do not think that the United States of America can be truthfully accused of hypocrisy by a refusal to reduce her armaments. I doubt whether anybody can successfully contend that we have not in good faith carried out the obligation into which we have entered with reference to a reduction of armaments.

Mr. REED of Missouri. Exactly. We have reduced our armament. We sunk $500,000,000 worth of the finest fighting ships ever conceived; the other nations sunk but a few. When we sent our ships to the bottom they proceeded to build a great number of ships, and we said to them, "Will you not, please, stop that? Our desire was to reduce armaments." They replied, "Well, you did not nominate it in the bond; we have a right to build them, and we are going to build them." When they got us to agree to abandon the island of Yap, which was to be the half-way house between the Philippines and the United States, they drew a crooked line through the seas so that they could go on and build great fortresses and command the waters of the eastern seas. The Senator might turn his statement of a while ago around, that we make a gesture of peace but prepare for eventualities, and he might say that we prepare for war and make a gesture of peace.

Mr. BARKLEY. I do not desire at this time to enter into any discussion of the question of naval armament; we shall have that matter before us in a few days, and I think any discussion of that question might be more appropriate then than now; but assuming that the Senator is correct, that while we have kept the bond and while it may be that other nations have kept it in a technical sense but have circumvented it by increasing their armaments in some directions not covered by the disarmament treaty, I believe that it will be easier for those nations to find an excuse to use those armaments in the absence of this treaty than it will be for them to find an excuse to use them if the treaty shall exist.

Admitting that the obligation of this treaty is largely moral, it is impossible to eliminate moral obligations in the structure of society. There are certain moral obligations in civilized society that could not be enforced in any court of law, and yet they are well recognized in our standards of life. If we place upon this treaty the construction that it is only moral in its obligations, I am optimistic enough to believe that there will be more reason for acknowledging and accepting that moral obligation if this treaty shall be entered into unreservedly and whole-heartedly than if it is not. There would be infinitely less excuse for the very nations which are in the mind of the Senator from Missouri to use their increase of armament, being a party to this treaty, than would be possible if the treaty did not exist. Therefore I am going to vote for the treaty. I am going to vote for it in such form as may be accepted by the world as a whole-hearted acquiescence on the part of the United States in this effort to bring about universal peace. I am going to vote for it in the hope that its application will be the realization of the dream of countless millions of men and women who now look and have heretofore looked forward to the day when war may be abolished as an instrument of policy among the nations of the earth, just as humanity and society in every civilized nation have abolished the duel as an instrument of policy in the settlement of private disputes.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KING in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McMaster	Sheppard
Barkley	George	McNary	Shipstead
Bayard	Gerry	Mayfield	Simmons
Bingham	Gillett	Metcalf	Steck
Black	Glass	Moses	Steiwer
Blaine	Glenn	Neely	Stephens
Blease	Goff	Norbeck	Swanson
Borah	Greene	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Broussard	Harrison	Oddie	Trammell
Bruce	Hastings	Overman	Tydings
Capper	Hawes	Phipps	Tyson
Caraway	Hayden	Pine	Vandenberg
Couzens	Heflin	Pittman	Wagner
Curtis	Johnson	Ransdell	Walsh, Mass.
Deneen	Jones	Reed, Mo.	Warren
Dill	Kendrick	Reed, Pa.	Waterman
Edge	Keyes	Robinson, Ark.	Watson
Edwards	King	Robinson, Ind.	Wheeler
Fess	La Follette	Sackett	
Fletcher	McKellar	Schall	

Mr. WHEELER. I desire to announce that my colleague [Mr. WALSH of Montana] is detained from the Senate by illness.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. UNDERHILL, and Mr. GILBERT were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. TINKHAM, Mr. ACKERMAN, Mr. OLIVER of Alabama, and Mr. GRIFFIN were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

As in legislative session,

The PRESIDING OFFICER (Mr. KING in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES, Mr. WARREN, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

SENATOR FROM TEXAS

Mr. SHEPPARD presented the credentials of TOM CONNALLY, chosen a Senator from the State of Texas for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

CERTIFICATE OF ELECTION

STATE OF TEXAS.

This is to certify that at a general election held in the State of Texas on the first Tuesday after the first Monday in November, A. D. 1928, being the 6th day of said month, TOM CONNALLY having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as United States Senator for the State of Texas.

In testimony whereof I have hereunto subscribed my name and caused the seal of State to be affixed at the city of Austin on this the 19th day of December, A. D. 1928. DAN MOODY, *Governor.*

By the governor:

[SEAL.] JANE Y. MCCALLUM,
Secretary of State.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. CAPPER presented a resolution adopted by the board of directors of the Crawford County (Kans.) Retailers' Association, protesting against the passage of legislation eliminating the Pullman surcharge in transportation, which was ordered to lie on the table.

Mr. GREENE presented petitions of sundry citizens of Wolcott, Coventry, Orleans, Newport, Irasburg, North Bennington, Derby, Swanton, Rupert, West Rupert, and Barre, all in the State of Vermont, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. JONES presented petitions, numerously signed, by citizens of Tacoma, Creston, Olympia, Puyallup, Bellingham, Spokane, and Bremerton, and of sundry other citizens and organizations, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

NAVAL CRUISER PROGRAM

Mr. WAGNER. Mr. President, I present a communication, with accompanying resolutions, from the New York Commandery, Military Order of Foreign Wars of the United States, in relation to the proposed naval cruiser program, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the communication, with the accompanying resolutions, was ordered to lie on the table and to be printed in the RECORD, as follows:

MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES,
NEW YORK COMMANDERY,
New York, January 8, 1929.

Hon. ROBERT I. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Military Order of Foreign Wars of the United States, New York Commandery, has, at a formal meeting thereof, unanimously adopted the inclosed resolution. We can not speak for our numerous commanderies in Canada, China, France, and throughout the United States, but we do speak, and most emphatically, in favor of the so-called 15 cruiser naval bill, as reported out of the Committee on Naval Affairs.

As we know war at first hand and the suffering, during practically all of our wars, from lack of preparedness, so we, American officers of foreign wars in which the United States has participated, expect of those who represent us a reasonable and strong defense. We do not desire in days to come to be forced to rely for defense, for a period of one year, upon the strength of other nations; but, on the other hand, this country should stand reluctant but able to fight when and if the occasion arises. There are none who desire peace more than those 4,335,000 men who participated in the late war, and it is only in fairness to them and to the younger generation who will take our places that you, the men whom we have chosen to represent us in Washington, stand for adequate national defense and vote in favor of the 15 cruiser bill.

The President of the United States in his Armistice Day message to Congress declared that "it is obvious that, eliminating all competition, world standards of defense require us to have more cruisers."

We are confident that you will support this measure in the performance of the great trust you assumed when you took your office.

Very sincerely yours,

NOEL BLEECKER FOX,
Colonel, Field Artillery Reserve, Secretary.

NEW YORK, N. Y., *December 14, 1928.*

Whereas it is the decided opinion of the President of the United States of America that the proposed naval cruiser program be adopted by the Congress of the United States and be enacted to support the national defense provision of our Federal statutes under the national defense act of 1920 and the additions thereto; and

Whereas the President of the United States of America has recommended to the Congress the enactment of a bill to provide for such a program in conformity with the so-called Washington conference, held during the year 1922 at Washington, D. C., which limited only the building of capital ships and not auxiliaries; and

Whereas the enactment of such a law would tend to place this Nation on a parity with all of the other signatories to that agreement in the proper ratios therein designated and that such passage and adoption is absolutely essential to the maintenance of our Navy, the relation which we bear as a nation to the other nations, signatories to the above-mentioned agreement and others, as well as to the national welfare and to the defense of the United States of America; and

Whereas the resolution hereinafter referred to has been unanimously adopted by the Council of the New York Commandery: Now, therefore, be it

We, members of the New York Commandery of the Military Order of Foreign Wars of the United States at the annual meeting hereby recom-

mend: That the said naval cruiser program, as passed by the House of Representatives, March 17, 1928, be enacted; and it is further

Resolved, That a copy hereof shall be sent to the Hon. Calvin Coolidge, to the chairman and the members of the Naval Committee of the United States Senate, and the two United States Senators from the State of New York.

DIVERSION OF COMMERCE FROM AMERICAN PORTS

Mr. WALSH of Massachusetts. Mr. President, during the past session of the present Congress there was much discussion in the Senate with reference to the serious extent to which American ports were losing export business because of the difference in the methods of inspecting grain for export here and in Canada, the difference in rail and ocean freight rates, and because of the preferential custom regulations being imposed by the Canadian Government.

I have a communication which very directly indicates the aggressive attitude of the Canadian Government in increasing business at its ports to the increasing injury of American port business by preferential customs or tariff regulations, and I ask that this letter be printed in the CONGRESSIONAL RECORD and referred to the Finance Committee.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MARITIME ASSOCIATION OF THE
BOSTON CHAMBER OF COMMERCE,
Boston, Mass., January 7, 1929.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SIR: For your information, the Canadian Dominion Government has recently imposed a duty of 50 cents per bunch on bananas imported to Canada through United States ports. No such duty is imposed if the bananas are imported through Canadian ports.

This will cause the diversion to Canadian ports of a substantial volume of business that has previously been handled through the port of Boston by the United Fruit Co.

The port record for the year 1928 indicates that 100,000 bunches were handled through Boston destined to points in Canada.

This is another instance of preferential customs regulations imposed by Canada to force traffic through the ports of that country.

Yours very truly,

F. S. DAVIS, *Manager.*

PAY OF CERTAIN GOVERNMENT EMPLOYEES

Mr. BROOKHART, from the Committee on Civil Service, to which was referred the bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, reported it without amendment and submitted a report (No. 1416) thereon.

REPORT OF A NOMINATION

Mr. JONES. As in closed executive session, I ask leave to present a certain nomination from the Committee on Commerce for the calendar.

The PRESIDING OFFICER. The nomination will be received and placed on the Executive Calendar.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day, January 10, 1929, that committee presented to the President of the United States the following enrolled bills:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta, on the Western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WAGNER:

A bill (S. 5273) to extend the benefits of the World War veterans' act, 1924, as amended, to John Melville; to the Committee on Finance.

By Mr. DILL:

A bill (S. 5274) granting a pension to Charles N. Raybourn; and

A bill (S. 5275) granting a pension to Mary Elizabeth Sherlock; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 5276) granting compensation to Dempsey Stoney Edenfield; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5277) for the relief of William Goodwin (with an accompanying paper); and

A bill (S. 5278) for the relief of William D. Grusch (with accompanying papers); to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 5279) granting a pension to Henry E. Liepmann; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5280) for the relief of Michael J. Moran; to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 5281) granting a pension to Susan A. Miller; to the Committee on Pensions.

A bill (S. 5282) granting compensation to Lawrence F. Morris; to the Committee on Finance.

By Mr. SHIPSTEAD:

A bill (S. 5283) for the relief of Gustave C. Wetterlind; to the Committee on Claims.

A bill (S. 5284) granting an increase of pension to Carrie M. Quinlen (with accompanying papers); and

A bill (S. 5285) granting an increase of pension to Helen L. Sarver (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5286) granting a pension to Helen Bruner; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5287) for the relief of Adam Augustus Shafer;

A bill (S. 5288) for the relief of Patrick O'Brien; and

A bill (S. 5289) for the relief of James Jackson; to the Committee on Naval Affairs.

A bill (S. 5290) granting a pension to Richard C. Baalke;

A bill (S. 5291) granting a pension to Max Batoski; and

A bill (S. 5292) granting an increase of pension to Mary L. Greenwood; to the Committee on Pensions.

A bill (S. 5293) for the relief of Edwin Black;

A bill (S. 5294) for the relief of William Kelley;

A bill (S. 5295) for the relief of William Rose; and

A bill (S. 5296) for the relief of Charles B. De Crevecoeur; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 5297) granting a pension to Margaret Dunn (with accompanying papers); and

A bill (S. 5298) granting a pension to Clyde Woodson (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5299) for the relief of Paul C. Christian (with accompanying papers); to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 5300) to amend section 250 of the Code of the United States (Judicial Code, sec. 145) by adding a new section (sec. 4); to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A joint resolution (S. J. Res. 190) appointing John J. Steadman a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. BROOKHART submitted an amendment intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page —, after line —, insert the following new section:

"SEC. 2. The provisions of section 5 of the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes,' approved March 3, 1893, as amended, with respect to the granting of annual and extended leave to clerks and employees of the executive departments, shall apply to the clerks and employees of the Department of Agriculture who are assigned to duty outside of the city of Washington but within the limits of the continental United States, excluding Alaska."

AMENDMENTS TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. McKELLAR submitted amendments intended to be proposed by him to House bill 15848, the first deficiency appropriation bill, 1929, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page —, line —, strike out the period, insert a colon, and add the following proviso:

"Provided, That no interest allowed by the Bureau of Internal Revenue shall be authorized to be paid out of this appropriation."

On page —, line —, strike out the period, insert a colon, and add the following proviso:

"*Provided further,* That the Court of Claims now having jurisdiction over all claims for tax refunds, no part of the appropriation herein made shall be available for paying any tax refunds in excess of $5,000."

On page —, line —, strike out the period, insert a colon, and add the following proviso:

"*Provided,* That no part of the appropriation herein made shall be available for paying any tax refund in excess of $10,000 until all the papers and proof in reference to the claim for refund have been submitted to the Joint Committee on Internal Revenue Taxation and approved by a majority of all the members of said committee."

On page —, line —, strike out the period, insert a colon, and add the following proviso:

"*Provided further,* That no part of this appropriation shall be used to pay the claim of any claimant employing a former agent of the Bureau of Internal Revenue who had, or might have had, anything to do with the assessment or reassessment complained of, or who had any jurisdiction over any assessment or reassessment of the original, or additional taxes assessed, concerning which there is a dispute while such attorney or agent representing such claimant was employed by the Internal Revenue Bureau."

On page —, line —, strike out, after the word "provided," all of the proviso and insert in lieu thereof the following:

"3. The Commissioner of Internal Revenue, under regulations prescribed by the United States Board of Tax Appeals, shall certify on the 1st of January, April, July, and October of each year all claims for refunds of taxes where the amount claimed is more than $500 and where the commissioner recommends a refund or repayment. There shall also be ratified with such claims all the papers and proof in reference to such claims, with the recommendations of the Commissioner of Internal Revenue thereon, whether such claims arise from illegality of assessment, of collection, of penalties, or of unjust or excessive taxation. Where the amount of such claim is more than $500, should the commissioner not recommend the refund, the taxpayer shall have the right to appeal from the commissioner's refusal to recommend to the United States Board of Tax Appeals in like manner, and in such cases the commissioner will certify the claim, papers, and proof to said United States Board of Tax Appeals. The action of the United States Board of Tax Appeals, which is hereby given full and complete jurisdiction to hear and determine such claims on the merits, with the right of either Government or the taxpayer to submit additional proof, shall be final in all such cases certified by the commissioner or appealed by the taxpayer. All claims of refunds for less than $500 shall be refunded by the Commissioner of Internal Revenue under regulations prescribed by the United States Board of Tax Appeals. In all cases where a judgment or a decree of a court is obtained against any collector or deputy collector for any internal-revenue tax collected by him or for the costs and expenses of the suit, or where damages are assessed against any assessor, deputy assessor, collector, deputy collector, or agent by reason of anything in the performance of his official duty, the Commissioner of Internal Revenue is directed to certify such judgment to the Congress for payment as now prescribed by law."

VICTORIES OF INDEPENDENT TUBE MAKERS IN THE COURTS

Mr. DILL. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD a statement by Mr. Oswald Schuette on the subject of "Victories of Independent Tube Makers in the Courts" in the finding of patents invalid.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Although the independent radio manufacturers of the United States complain that they have had no help from the Department of Justice, or the Federal Trade Commission, or the Federal Radio Commission in their fight against the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., and the United Fruit Co.—whom they charge constitute the Radio Trust—these independent manufacturers have won three important victories in the Federal courts in the last three weeks.

The most recent of these was the refusal on Monday by the United States Supreme Court to grant a writ of certiorari to review the decision of the Circuit Court of Appeals for the Third Circuit holding the products claims of the so-called Coolidge ductile tungsten patent to be invalid. This was an important decision to the independent radio tube makers. The lower court upheld the validity of the Coolidge patent so far as its process claims were concerned, but none of these tube makers, I am informed, were interested in this as they did not manufacture their own tungsten. The General Electric Co., as owner of the patent, had asked the courts to extend the patent over the use of the product and had charged the DeForest Radio Co. with infringing the Coolidge patent because it used ductile tungsten in its tubes. The lower court held that nature had put the ductility in tungsten, and that all that Coolidge had done had been to invent a process for purifying tungsten ores and that therefore he could not have a patent on anything more than the process itself.

A week ago the Supreme Court made an even more important decision when it refused to grant a rehearing on a previous refusal of a writ of certiorari in what has become one of the most famous of recent cases under the Clayton law—the so-called Tube Clause case. The members of the alleged Radio Trust had made a patent license agreement with 25 manufacturers of radio sets, covering the manufacture of something like 75 per cent of all the radio sets made in the United States, and requiring them to purchase from the Radio Corporation of America all of the tubes needed "initially to operate" their sets. The independent tube makers obtained a preliminary injunction from Judge Morris, of the United States District Court of Wilmington, Del., forbidding the enforcement of this clause as a violation of the Clayton Act. Judge Morris held that the Radio Corporation of America by means of this clause had undertaken to create a monopoly in the manufacture of radio tubes. This decision had been upheld by the Circuit Court of Appeals for the Third Circuit, and it was this decision which the Supreme Court had refused to review.

Although this preliminary injunction was in the nature of an emergency injunction, granted a year ago under the express provisions of the Clayton Act, to prevent a powerful combination from destroying a smaller competitor while the courts might pass upon the legality of such a clause, the United States Circuit Court of Appeals held the case on appeal for almost eight months without a decision, during which time the injunction was inoperative. Such a delay in an appeal on an emergency injunction almost defeated the purpose for which the injunction was granted, for it left the illegal clause in full operation during a critical time in the radio business. However, the independent tube makers, through their organization, the Radio Protective Association, took the question to the court of public opinion and had succeeded in calling so much public attention to the iniquity of the contract by which the so-called Radio Trust had undertaken to destroy the independent radio tube industry that the Radio Corporation of America was forced to suspend this tying clause.

Three months before the United States Circuit Court of Appeals validated the injunction, the Radio Corporation notified all of these manufacturers who had signed the contract that it would not enforce the tube clause until the case had been finally adjudicated. This was just what Judge Morris had ordered them to do eight months before and what they had succeeded in avoiding by their appeal. As a result the independent tube industry immediately reopened its plants and is now sharing in the great prosperity of the radio business.

This fact is highly important, as the tube is the heart of modern radio. Had the corporations which make up this radio monopoly been able to destroy the independent tube makers, their control of the industry would have been complete.

The third decision won by the independent radio manufacturers in the last three weeks, was handed down by the United States District Court of New Jersey holding four patents of the General Electric Co., on tube-making machinery to be invalid because the devices they pretended to cover were too trivial to be called inventions. The General Electric Co. had sued the Eisler Engineering Co., of Newark, on 12 patents used in making tipless tubes. Four of these patents were held last summer to be either invalid or noninfringed. Four of the other suits were withdrawn. The last decision covered the remaining four patents. The court held that none of these rose to the dignity of an invention and quoted a previous decision which declared "the design of the patent law is to reward those who make substantial discovery or invention which adds to our knowledge or makes steps in advance in the useful art."

In declaring all four of these patents to be worthless the United States District Court in New Jersey concluded its decision by saying:

"There is nothing in any of the devices, machines, or methods referred to in the patents in suit that seem to rise to the realm of invention. The art is crowded, devices are many, novelty seems to characterize none. The bill will be dismissed with costs."

All these patents were part of the great patent pool made up by the companies which comprise this radio monopoly and it is by means of this patent pool they have tried to circumvent the antitrust laws and to destroy their independent competitors.

INTERVIEW WITH CHIEF JUSTICE TAFT

Mr. NORRIS. Mr. President, there was printed in the Washington Star of January 9 an interview with Chief Justice Taft, by Basil Manly, and, as it is an exceedingly interesting article, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHIEF JUSTICE DEPLORES MATERIALISTIC ATTITUDE—CALLS LUST FOR WEALTH AND ORGANIZED CRIME MENACE TO CIVILIZATION—BACKS CONSTABULARY—STEADY IMPROVEMENT SEEN IN RELATIONS BETWEEN EMPLOYER AND EMPLOYEE

"What progress has the United States made in the 10 years since the war?"

"What tendencies of the present day should concern us as good American citizens?"

"Is the current trend of civilization forward or backward?"

These three vital questions were put to former President Taft, now Chief Justice of the United States Supreme Court, and are answered by him in the following interview he gave to Basil Manly. Mr. Manly served with Chief Justice Taft as joint chairman of the War Labor Board in 1918–19, and it is their long friendship which made it possible for Mr. Manly to get the interview.

By Basil Manly

Visiting the Chief Justice of the United States, I found him seated at his desk in the comfortable office of his Washington home. Before him lay the manuscript of his decision in one of the important cases now pending before the Supreme Court.

Seventy-one years old last fall, Chief Justice Taft to-day looks as hearty and almost as young as he did 16 years ago, when he left the White House.

What is the secret of his health and unflagging energy after half a century in the public service? The answer is easy—careful diet, moderate exercise, and a sense of humor which preserves the spirit of youth. The old, deep-throated chuckle and the wholesome laugh afford the relief which lightens the burden of presiding over the most august tribunal in the world.

The Chief Justice delights in this sense of humor. He pities and is amused by those who lack it.

"Have you read the diary of John Quincy Adams?" he asked. "It is charming. I am using it just now for my bedtime reading. I work until 9 and then read for an hour to put myself in the proper frame of mind for a good night's sleep. Adams was a great man, but he had no sense of humor. I get a good laugh out of almost every page of his self-revealing narrative."

After further pleasantries and reminiscences of war days and our experience on the War Labor Board I broached the principal subject of my visit.

"It is 10 years," I said, "since the end of the war. The world is still in a state of confusion, caused by that tremendous upheaval. Many of us whose function it is to view developments from day to day are perplexed to know in what direction it is moving. Are we going forward or are we, as some pessimistic commentators proclaim, losing our hold upon the fundamentals of civilization and falling constantly backward? What developments or tendencies do you see that should particularly concern us as good American citizens?

APPRAISAL IS GUESS

"By virtue of your experience and the detached position which you occupy, you have a perspective which most of us lack and which is necessary to any sound judgment."

"Any appraisal of the trend of our civilization," the Chief Justice replied, "can be nothing better than a guess. We are still too near the cataclysmic eruption that shook the whole world during the four years of the war for anyone to venture an assured opinion on the general trend of the great forces which sway the destiny of this and every other nation.

"As you know," Mr. Taft continued, "I am always an optimist, and I firmly believe that the American people will find a way to solve the perplexing problems which now beset them. Nevertheless, there are conditions confronting us to-day which merit the consideration of every citizen who has at heart the welfare of the Nation and the future of his children and his children's children."

"What do you consider the most disturbing element in our national life?" I asked.

"It is difficult to describe precisely," the Chief Justice replied, "but it may be understood when I characterize it as the materialistic philosophy which places wealth and worldly success ahead of every other consideration in life. What can it profit a man to have accumlated millions if he has not at the same time maintained a clear conscience and acquired the good will and esteem of his fellow citizens?"

MENACES CIVILIZATION

"What relation, if any," I asked, "do you see between this lust for wealth at any cost and the problem of organized crime that is to-day challenging the government of every large city in the country?"

"There is a problem," the Chief Justice replied, "which unquestionably menaces our civilization. Our entire machinery of justice must be geared up to cope with it. Our police forces, our prosecuting organizations, and our court system must all be improved until we are able to subdue these criminal organizations.

"The aftermath of war, which made the destruction of human life a commonplace, and the great profits to be gained by preying upon our postwar prosperity, have combined to create a system of organized crime which should arouse every responsible American citizen.

"The Nation does not yet appear to be fully awakened to the seriousness of this problem. As a people we seem incapable of effective action until we are approaching a crisis. Do you remember Kipling's caustic lines giving his view of the American spirit?

"'That bids him flout the law he makes,
That bids him make the law he flouts,
Till, dazed by many doubts, he wakes
The drumming guns that have no doubts.'

"Unfortunately, there is some truth in them. It is only too clearly manifested in the flippant views of those who advocate or complacently condone the nullification of prohibition and other laws. To preach disrespect and disregard of laws duly enacted, even though they may be unwise, can have no other result than to encourage criminals.

MUST CAPTURE CRIMINALS

"We shall come through this crisis as we have through others even more grave, but to do so we must have the effective cooperation of all the forces of law and justice.

"First of all, we must detect and capture the criminals. This means a larger and better organized police force in every State and city. It will cost some money, but in proportion to the menace that confronts us it will be cheap at almost any price.

"Every State should, in my opinion, have an efficient constabulary," Mr. Taft asserted with a resounding thump on the desk to emphasize his point. "It should be organized not only to patrol the rural districts and the State highways, which have become of such great importance with the development of the automobile, but also to reinforce the police forces of towns and cities whenever conditions may make it necessary."

"But is it not true," I asked, "that the problem of convicting a criminal, especially if he is rich and powerful, is at least as difficult as catching him?"

"Unfortunately, it is," the Chief Justice replied. "It is a disgrace to our country that so many criminals with large resources at their command have been able to avoid paying the penalty for their misdeeds. At the basis of this situation lies our jury system, which must be improved if we are to obtain effective justice. We must find a means of getting intelligent and conscientious jurors who will not be mislead by ingenious attorneys or swayed by maudlin appeals to sympathy.

CRITICIZES DELAYS

"The administration of justice is the very basis of orderly government, and should command the support and cooperation of every thoughtful citizen, regardless of any temporary sacrifice or inconvenience which service upon grand juries or trial juries may entail.

"If we can perfect our police systems and our court procedure, I have no doubt that within a reasonable time we can bring under control even the most aggressive gangs which are now preying upon our cities and States."

Turning aside for the moment from this question of crime and legal administration, which naturally is of peculiar interest to the Chief Justice, and reverting to the important part he played in maintaining the Nation's industrial stability during the war, I asked:

"Do you regard the apparently steady improvement in the relations between employers and employees as a hopeful sign for the future?"

"I do," the former joint chairman of the War Labor Board replied. "It seems to me that American employers and the men whom they employ are nearer to an understanding of their common interests than at any time within our history. We still have Bourbon business men and extremists among the labor leaders, but the number of both these types, fortunately, appears to be decreasing year by year.

"One of America's greatest contributions to human progress has been the demonstration in a number of our industries that good wages and reasonable hours of labor are compatible with low costs of production. Thus the way has been opened for a constant improvement in the standard of living and the ultimate elimination of that abject poverty which was the curse of earlier centuries.

SEES MEDIATION GAINING

"The constant extension of voluntary conferences between employers and employees and the growing use of mediation and arbitration as a means of settling industrial disputes seem to indicate that the day may soon come when the old wasteful methods of industrial warfare will be practically abandoned for more intelligent plans of adjustment."

"Do you feel that equally satisfactory progress has been made since the end of the war in the field of international relations?" I asked.

"No intelligent man can view that field with complete satisfaction or complacency," replied the Chief Justice, who during the 20 years before he was appointed to the Supreme Court was one of the leading advocates of international arbitration and world peace.

"Nevertheless, we must have the patience to realize that the habits and traditions of centuries can not be changed in a day. Our system of civil and criminal jurisprudence, which is still far from perfection, was not created overnight, but was the product of the earnest thought of many generations. How can we, therefore, expect immediately satisfactory results in the international field, where every forward step is dependent upon the voluntary action of many nations with widely divergent interests and foreign policies?

"What is most important is not how fast we are moving, but whether, on the whole, we are going in the right direction. I believe we are. We can see in the events of each year new evidences that the masses of the people throughout the world have an ever-increasing appreciation of the horror, waste, and futility of war and are determined to find peaceful means of settling their international disputes.

"The nations are moving to a sense of obligation that nothing should be done of a critical nature until their authorized representatives have

had an opportunity to sit down around a conference table and attempt to reconcile their differences.

"That is the significance of the Locarno conference and the Kellogg pact for the outlawry of war. Both of these are important steps in the right direction. They have been taken because the governments of the leading nations have come to realize that the people want peace.

"We have no right to expect the millennium, but our present progress should lend encouragement to the thoughtful citizens of every nation to continue unabated their efforts to promote world peace and produce enduring international understandings." (Written exclusively for the Star and North American Newspaper Alliance. Copyright, 1929, by the North American Newspaper Alliance. All rights strictly reserved.)

STONEWALL JACKSON

Mr. OVERMAN. Mr. President, a few days ago the Senate ordered printed as a public document a short sketch of the life of Stonewall Jackson, by his granddaughter, who is a young lady about 15 years of age. In the print of the document her name is given as Mrs. Preston. I know she would not like to have such a mistake made. I ask that a reprint of the document may be ordered with a correction of the name, and that the document now on file in the Printing Office may be recalled.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Without objection, it is so ordered.

MAINTENANCE OF SENATE OFFICE BUILDING (S. DOC. NO. 197)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, pertaining to the legislative establishment, for the Senate Office Building, amounting to $8,400, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MODELS FOR THE SUPREME COURT BUILDING (S. DOC. NO. 198)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, pertaining to the legislative establishment, under the Architect of the Capitol (models for the Supreme Court Building), amounting to $15,000, which, with the accompanying papers, were referred to the Committee on Appropriations and ordered to be printed.

HOUSE OF REPRESENTATIVES OFFICE BUILDING (S. DOC. NO. 199)

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, pertaining to the legislative establishment, under the Architect of the Capitol, for the acquisition of a site and the construction of a fireproof office building for the House of Representatives, etc., amounting to $8,400,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BINGHAM. Mr. President, I do not intend to make a long address on a subject which has already been so fully discussed, but it seems to me that it is incumbent upon this body to know what the treaty means; and, as I see it, there are only three ways in which we can know and in which our friends and enemies, if there be any, can know.

One of those is by having something inserted in the treaty in the form of a reservation to it or an amendment to its articles, which would be unfortunate.

Another is in the nature of a resolution like that proposed by the Senator from New Hampshire [Mr. MOSES] and sponsored by my distinguished colleague the senior Senator from Connecticut [Mr. MCLEAN].

A third method would be by having the Foreign Relations Committee present a report as to what they believe this treaty means which they have advocated and asked us to ratify.

I desire to ask the chairman of the Foreign Relations Committee very earnestly whether he will not try to persuade his committee to make a report. It is customary, in the case of nearly all bills which we have on the calendar, for a printed report to accompany the bill. Very frequently when a bill on which there is no printed report comes up on the calendar some Senator will object that we ought not to consider the bill in the absence of a printed report from the committee. It is not necessary that the report be unanimous. Nevertheless it should certainly be a majority report.

I hope very earnestly that the members of the Foreign Relations Committee will agree to make a report, for otherwise we are left in a sea of doubt. We are surrounded by more or less envious peoples. We are like an ostrich in the desert, with our head in the sand, thinking that there is nothing in the wind against us. Let us recognize this fact and do something to interpret this treaty.

Never before in my short experience in this body have there been such violent differences of opinion with regard to two brief paragraphs as there are with regard to articles 1 and 2 of this treaty. They are not long.

Mr. BORAH. Mr. President, I do not think there is very much difference of view about the two articles. The differences of view arise out of inferences entirely outside of the articles and not justified by the articles.

Mr. BINGHAM. That is what I intended to convey. The differences of view are as to what the treaty means. We have on the one hand people like those good citizens who have recently been holding sessions in Washington with the motto, "The cruiser bill shall not pass, and the treaty must pass without reservation." They believe that if the treaty is ratified there will be no necessity for any more Army or Navy. They are honest in the belief that this treaty binds us not to make war and not to use force.

I had a letter this morning from a well-known citizen of New York, one of our most distinguished publicists, Mr. Samuel Colcord, who is known to a great many of you as having given a large part of his life to promoting peace and international good will, in which he says:

Whatever may be the merits or demerits of the cruiser bill, the multilateral treaty, which stands by itself, deserves the hearty support of every Senator.

Then he goes on to say:

A treaty in which all the nations of the civilized world pledge their sacred honors never to resort to war, but to settle their disputes by no other than peaceful means, is more than a gesture.

There is a distinguished citizen—and, if my recollection serves me correctly, a lawyer by profession—who takes the position that if we ratify this treaty we pledge our sacred honor never to resort to war, but to settle our disputes by no other than peaceful means. There are a great many other citizens who are in the same position.

The Rev. Henry Sloan Coffin, D. D., one of the most distinguished clergymen in this country, the president of the Union Theological Seminary in New York, in a sermon preached before the Yale students at the end of the last term, or perhaps it was on Armistice Day, November 11, stated that if we ratified this treaty we could not vote for any more cruisers without being absolutely and ridiculously inconsistent.

Mr. BORAH. Mr. President, I notice that so distinguished a citizen of New York as Doctor Dewey, who has a reputation on three continents as a great philosopher, said that if I supported this treaty and supported the cruiser bill I ought to be assigned to the psychopathic ward.

Mr. BINGHAM. The Senator has added another item of testimony to the fact that there is the very widest divergence of opinion.

Mr BORAH. I did not say "opinion."

Mr. BINGHAM. Well, Mr. President, it seems to me there is no question about the fact that opinions on this treaty differ as widely as the poles. I have been told by one Senator on this floor—not for publication—that he would vote for the treaty because he believed that if we ratified the treaty we could not send our cruisers into the heart of China, and we could not send cruisers and marines to Nicaragua in the case of disturbance, and we could not do a lot of things that he objects to our having done in the last few years. On the other hand, I have been told by another Senator that he is going to vote for the treaty because he believes it means nothing, and is merely a gesture, and does not restrict our action in any sense at all.

I have been told by still another Senator that he believes that if this treaty meant exactly what it said there would not be a dozen Senators on the floor to vote for it.

In other words, there is the very greatest divergence of opinion, Mr. President, even among Senators. In the United States we find an equal divergence of opinion among thinking men. Therefore it seems to me that it is very important that something be done to put us definitely on record, without equivocation, as to what the treaty means. Otherwise, I believe that in the future we shall be accused of rank hypocrisy, of bad faith, and of deceiving the nations of the world by our action in ratifying the treaty.

Mr. BORAH. Mr. President, does the Senator object to interruptions?

Mr. BINGHAM. Not at all.

Mr. BORAH. I do not know how a committee report would add anything to the clarity of the language which is employed in this treaty. The language of the first article says:

The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

That language is perfectly plain and simple. It can not in reason be misunderstood. It means that the nations hereafter propose to reject war among themselves for the settlement of international controversies. They do not propose to appeal to war. They reject it as a method of settling controversies. That is the meaning of the language. That is what it says. I do not see how there can be any misunderstanding about it.

The second proposition is:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

That is to say that a nation having a controversy with another nation will not seek settlement through war; it will not seek settlement through violence; it will seek settlement only through pacific means, through peaceful means. It may not reach a settlement, but it pledges itself not to employ war, but simply to seek it through peaceful means. What could a committee report add to that?

Mr. BINGHAM. Mr. President, the Senator knows that it is customary in the case of all bills for a printed report to accompany the bill when it comes before the Senate, even though the chairman of the committee explains the bill fully on the floor. The Senator knows, as he himself has called to the attention of the Senate, that in the Supreme Court it has been held, in the interpretation of a law, that the remarks of a Senator or a Member of the House of Representatives when the bill was being considered are not to be used in the interpretation of that bill. But the Supreme Court has also held that the report of a committee, made when the bill was being considered and recommending its passage, is evidence of what is meant. Interpretations of what the treaty means have differed on the floor of the Senate; and some interpretations given orally, in reply to questions, have been more or less altered so as to give a somewhat different tone to the interpretation.

Obviously there is need of interpretation. Even the divergences in the interpretation accepted by lawyers differ as widely as the poles.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BINGHAM. I yield.

Mr. SHIPSTEAD. Does the Senator think that divergence of opinion is due to a lack of clarity in the text of the treaty, or due to the interpretative notes that have been passed between various governments? Would the Senator think that if the treaty came before us in the complete original text without these interpretative notes there would still be such a great difference of opinion?

Mr. BINGHAM. I think there would, Mr. President, for this reason: A great many people reading the language, which is clear—I will say to the Senator there is no lack of clarity—particularly those whose minds run along the lines of internationalism, those who are members of the Non-Partisan Association for Adherence to the League of Nations, particularly those in favor of the League of Nations, read it in one way and say it means only what it says. Others, notably the distinguished chairman of the Committee on Foreign Relations, read it another way, and state, quite correctly, it seems to me, that it means far more than it says; that there is implied in this treaty the full right of self-defense, which includes the Monroe doctrine. Now, as I am about to show to the Senators, the various authorities on international law in regard to the interpretation of treaties give certain methods of interpretation which would seem to justify the position taken by Mr. Colcord and his brethren. Does that answer the Senator's question?

Mr. SHIPSTEAD. What I wanted to clear up was whether the Senator thought that the treaty itself needed explanation, taken away from the interpretative notes. I must confess that the only difficulty I have in reconciling my judgment and conscience with the treaty has come entirely from the interpretative notes that have been passed between the various governments. I have studied the argument of the very able chairman of the Foreign Relations Committee, whose opinions I always study and regard with the highest respect, and I have tried to come to an honest opinion in my own mind, to reconcile the text of this treaty with the interpretative notes. Up to this time I have been unable to do so. I say that with a great deal of regret.

Mr. BINGHAM. In other words, the Senator feels a good deal as does Professor Borchard, professor of international law in Yale University, who, in the address which he delivered at the Williamstown Institute of Politics last August, and which has been printed as a part of Senate Document No. 176, said:

We are now about to sign a treaty in which we expressly recognize the right of the other signatories to make war upon anybody, including ourselves, for the purpose of enforcing, even against us, their mutual obligations under the covenant of the League of Nations, not to mention individual undefined national interests in any part of the world. They alone will determine the occasion of such action, without our participation.

In justice to Europe it can not be said that they have left us in doubt as to their conception of our obligations. Indeed, these obligations are expressly or implicitly contained in the very reservations which the United States has accepted. Should we repudiate these commitments, we shall be denounced as a violator of our own treaty, and not without some justification.

It has not been a pleasant task to analyze this pact of Paris. The original American proposal was progressive, pure and simple, to use Mr. Kellogg's expression.

I assume the Senator agrees with that. Professor Borchard continued:

The European amendments transformed the proposal into something entirely different—into a universal sanction for war, into a recognition by us of Europe's right to wage war, even against the United States, whenever the individual interests of certain nations are deemed to require it and whenever the league, in its uncontrolled discretion, decides upon it.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. BINGHAM. Certainly.

Mr. BORAH. The Senator is a very able Senator, and has had experience in these matters. Does he find anywhere in this treaty that we sanction the right of a foreign nation to attack us?

Mr. BINGHAM. I do not.

Mr. BORAH. That is what Professor Borchard says.

Mr. BINGHAM. He is an international lawyer, and I am not. Perhaps he is right.

Mr. BORAH. The Senator says "perhaps." He does not think so?

Mr. BINGHAM. For what my opinion is worth, I do not think so.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. JOHNSON. Has the Senator read the book of Mr. David Hunter Miller in respect of this treaty?

Mr. BINGHAM. I regret to say that I have not.

Mr. JOHNSON. Mr. Miller is a gentleman for whom I have very high respect. He is an ardent advocate of the treaty. Yet he reaches some conclusions in his book that are puzzling and perplexing to me. May I read a paragraph to the Senator, or would he prefer that I do not at this time?

Mr. BINGHAM. I should be glad to have the Senator proceed to read the paragraph.

Mr. JOHNSON. I wanted to ask whether, with the intimate knowledge of international law the Senator has, he would agree with the conclusion Mr. Miller reaches in his very able work upon the peace pact of Paris. He says:

But suppose this happened; it seems to me rather remote, but perhaps it is not impossible. Some headstrong power, rejecting alike the advice of the league and the counsel of the United States, refuses arbitration or any other peaceful settlement of its controversy and goes on to war. The defiance of the covenant and the breach of the Briand-Kellogg treaty would be simultaneous.

I tried to put this question, but rather inaptly, to the Senator from Idaho the other day, before I had read these paragraphs, and he answered me with frankness and directness. Mr. Miller proceeds:

It is quite impossible to suppose that under such circumstances the United States would stand wholly aloof, issue the usual proclamation of neutrality, and treat the power that had rejected our advice and broken our treaty as being in all respects on the same footing as any other friendly nation.

Just what course the Government of the United States would take in such a case it is unnecessary to attempt to predict. The breaking of diplomatic relations with the violator, a policy of benevolent neutrality with the other side, and various other more or less drastic steps, all falling short of war, might be imagined; but an attitude of supine indifference to our own treaty is unimaginable.

Does the Senator agree with Mr. Miller's conclusion in that regard?

Mr. BINGHAM. It seems to me it is a very sound position, Mr. President.

Mr. JOHNSON. That takes us back, does it not, to the discussion in which we used to indulge nearly 10 years ago concerning the League of Nations as to the difference between legal obligations and moral obligations; and it leaves us, if that be accurate—I by no means say that it is—in the situation of having a moral obligation to act in case of the simultaneous breach of the league covenant and this treaty.

As I understood the Senator from Idaho the other day, there is neither legal nor moral obligation on the part of this continent, and he nods assent to that view. That was my view when I was addressing the query to him. These statements have more or less puzzled me.

Permit me to read one more paragraph, and then no longer will I occupy the time of the Senator. I do it in his behalf because here is an authority on international law, one who is an enthusiastic advocate of this pact, and yet in reaching his conclusions as to what the pact means, he has asserted just what I have read to the Senator, and then he asserts this:

> The treaty links the United States to the League of Nations as a guardian of the peace; it makes the aim of that institution and the aims of our foreign policy in the largest sense identical. It is not too much to say that the treaty in fact, though not in form, is a treaty between the United States and the league.
>
> It has often been said that the treaty has no sanctions, no means of enforcement. Textually this is correct enough; but the linking up of the United States with the League of Nations, the conjunction of the Briand-Kellogg treaty with the covenant, means that the sanctions of article 16 of the covenant have behind them the moral acquiescence of the United States; so that, lurking in the background of those sanctions, is the possible, though unexpressed but still potential attitude of the United States toward a power that flouts its promise. This is a very true sanction.

Does the Senator from Connecticut agree with that statement?

Mr. BINGHAM. I am not sure that I should agree with it, but I am very curious to know whether the chairman of the Committee on Foreign Relations agrees with it.

Mr. JOHNSON. I was going to propound the query to him. May I ask the Senator from Idaho if he agrees with that conclusion of Mr. Miller?

Mr. BORAH. No; I do not.

Mr. BINGHAM. Mr. President, the answer of the Senator from Idaho is another illustration of what I have been contending from the beginning of these remarks—that the friends of the treaty differ absolutely in its interpretation, and therefore there rests upon the Foreign Relations Committee the responsibility to present to us a report which shall put in clear language what they believe the treaty to mean. When we ratify it we can then point to their report and say, "That is what we meant when we ratified it." Otherwise, it seems to me we are sure to have the finger of scorn pointed at us in the future by those who disagree with our interpretation, and to be accused of hypocrisy and of bad faith.

Now, Mr. President, I think it is very significant that in the letters which I have received opposing the treaty there is not one from a military man or a naval man. No officer of the Army, no officer of the Navy, has ever spoken to me against this treaty. Officers who have talked to me have favored its passage.

Not a single manufacturer of my State or of any other State has approached me or written me opposing the treaty. Although the State of Connecticut during the war produced a very large amount of arms and ammunition used by the Allies and by the United States, and is known as the State where such great factories as the Remington, the Winchester, and the Colt single it out from other States as a place where arms are manufactured, not a single one of the officials of those companies, or any of their allied companies, or of any of their stockholders has objected to this treaty in any way, shape, or manner.

The objections have not come from militarists, military men, or those who manufacture arms; they have come from international lawyers and publicists. In other words, objections have come from men who desire peace with honor.

I have the highest regard for the gentleman who holds the chair of international law at Princeton, Professor Brown. I understand he is opposed to our ratifying the treaty without some kind of reservation or interpretation.

I also have a high regard for Professor Borchard. A day or two ago I received a letter from Professor Borchard, of Yale, a part of which I shall take the liberty of reading. He said:

> This is the first time in 10 years that I have ventured to differ from Senator BORAH in a matter involving our foreign policy. Just what has caused Senator Borah to espouse this treaty, the hollowness of which as a preventive of war he has openly admitted, I do not know. Perhaps it is the fascination exerted by the term "outlawry of war."
>
> At all events the original proposal of Secretary Kellogg has been so altered by the modification effected through the exceptions and qualifications contained in the exchange of notes, that the original proposal is not to be recognized in what has now been placed before the Senate. I can not believe that Senator BORAH seriously contends that the exceptions, qualifications, and interpretations embodied in the exchange of notes are not to be read in connection with the treaty; for in fact they record the scope of the obligations which the contracting parties undertake.
>
> Up to the present time it is the European countries that have defined the scope of their obligations and the exceptions to the words of the treaty which they propose to adopt. By our assent, we agree that the treaty limits their freedom of action no further than the limitations embodied in the exchange of notes.
>
> The United States, however, has not limited in any way the scope of the obligations subscribed, for the speech of Secretary Kellogg would, if interpreted by us later on, involve only recrimination against us.
>
> In order that we may do no more than what France and Great Britain have done, it seems to me almost essential that we should define the sense in which we understand the obligations incurred by the signature of the treaty. Nothing is stated in the treaty about the Monroe doctrine; nothing is stated in the treaty about the obligations of the League of Nations, except the French and British insistence that all the obligations of the League of Nations are binding upon them and are not to be construed as contrary to the peace pact.
>
> It is in this very respect that an interpretation or qualification or reservation on our part is essential. The French and British Governments, through their official newspapers, have made it all too clear that they regard this pact as binding us to support their commitments under the League of Nations and the Locarno treaties, if not other treaties. This aspect of the question does not seem to have troubled Senator BORAH, though to me it is the most significant part of the whole treaty. The treaty does in practical effect, and Europe has made that clear, tie us up irrevocably to the decisions of the League of Nations on any subject. Unless we now make it clear that we are not to be bound by decisions of the League of Nations we are certain to invite the most bitter recriminations in a future crisis, when they will ask us to support our treaty. The alleged violations of the League of Nations covenant will be certain to be charged as a violation of the peace pact.
>
> This whole enterprise, in my humble judgment, should not have been pursued after Mr. Briand undertook to outlaw only aggressive war. All that the peace pact now does is to leave Europe's hand entirely free to do anything it chooses, while at the same time committing us to the political enterprises of European statesmanship, reflected primarily, perhaps, in the decisions of the League of Nations. There are no advantages in the treaty for the United States, but only disadvantages; and the cause of peace, as I think Senator BORAH practically admitted, has made no material advance.
>
> While refusal to ratify would, perhaps, incur recriminations, we invite even greater recriminations if we do not now specifically state the interpretation that we place upon the obligations now subscribed. For that reason it is an act of patriotism, in my judgment, as well as of simple honesty, to adopt a resolution along the line of that submitted by Senator MOSES, in order that the world may understand what the United States undertakes by the signature of the peace pact.

That, Mr. President, is the opinion of one of our most distinguished authorities on international law, and I give it merely as an expression of his opinion and not as mine, for there are several things in it in regard to what the Senator from Idaho has stated about the treaty with which I should venture to disagree.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BLAINE in the chair). Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BINGHAM. I yield.

Mr. BORAH. Let us see what the difference between Professor Borchard and myself may be. As I understand this document which the Senator read, Professor Borchard thought that the original American proposal was progressive, pure and simple, to use Mr. Kellogg's expression. As I understand Professor Borchard, if the treaty had been left just as it was proposed by Mr. Kellogg in the first instance it would have been exceedingly acceptable to Professor Borchard. He would have regarded it as a progressive, effective, desirable treaty. The only possible difference between Professor Borchard and myself must be as to the effect of the letters from the foreign countries signing the treaty. If it had not been for those letters this would be a very desirable treaty, according to Professor Borchard.

The treaty was signed precisely as it was proposed by Secretary Kellogg. Through a year's negotiation he resisted all changes in the treaty. So the sole question before the Senate,

so far as the difference between Professor Borchard and myself is concerned, is, What is the effect of those letters? Professor Borchard intimates that it would be dishonest and lacking in good faith if we should not take into consideration those letters.

Mr. BINGHAM. No. What Professor Borchard states is that we invite recrimination if we do not now specifically state the interpretation that we place upon the obligation. For that reason he states that as an act of patriotism as well as of simple honesty we should adopt a resolution in order that the world may understand what it is that the United States undertakes.

Mr. BORAH. But previous to that he said that we must take into consideration these letters, that it would be an act of bad faith to sign the treaty and not give due consideration to the letters. I have no objection at all, and I have never contended that we ought not to give consideration to those letters. But my contention is that, taking them into consideration, they do not change the treaty in any respect whatever, nor do they give the nations writing the letters any additional right, privilege, or advantage other than that which they would have under the treaty if they had never written them. So the only difference between the professor and myself is as to the effect of the letters. I do not hesitate to say again—and whatever my opinion is worth in regard to this treaty may turn upon that proposition—that these letters do not effectuate any change in the treaty whatever. Great Britain would have exactly the same right to say what constitutes self-defense as to any part of her world possessions that she had before she wrote the letter.

Mr. REED of Missouri. Does the Senator mean right or power?

Mr. BORAH. Both right and power. In other words, Mr. Kellogg had stated in his communication that the right of self-defense was one for the nation to determine for itself. That being true, Great Britain had the right to determine the question of self-defense without any further communication whatever. The general assertion is constantly made that these letters change or modify the treaty or give to Great Britain a right which she otherwise would not have, but no one ever stops to point out what the change or modification may be or what right or advantage they give. I assert the letters are stating in advance what they would have an equal right to do after signing.

Mr. BINGHAM. In connection with what the Senator just said, may I call his attention to what has already been frequently spoken of on the floor, but which it seems to me might well be spoken of again. I think it was first spoken of by the Senator from Wisconsin [Mr. BLAINE]. In a letter which the British Secretary of State for Foreign Affairs, Mr. Chamberlain, wrote to the American ambassador on May 19, 1928, in paragraph 4 it is stated that "His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defense." If he had gone no further than that I could agree that the Senator's position might appeal to me as having force. But the fact is that some paragraphs later on, in paragraph 10, Sir Austen states:

> The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered.

And, in order to make it clear to all minds, he goes on to say that—

> The Government of the United States have comparable interests, any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

It seems to me, with all respect, that if the British Government had felt that there was nothing in the treaty which interfered with their right to make war for some of the regions, or in connection with some of the regions in which they have a particular interest, if they had felt that that was all covered under paragraph 4 and under article 1 of the treaty, as simply coming under the head of self-defense, it would not have been necessary for Mr. Chamberlain to have gone on and explained in paragraph 10 that there was something else besides mere self-defense, and that the very nature of the language of article 1 rendered it desirable that he call attention to the fact that there were parts of the world, not necessarily British territory, interference with which could not be suffered by His Majesty's Government.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Florida?

Mr. BINGHAM. I yield.

Mr. FLETCHER. Professor Borchard in his article seems to raise the question that emphasizes the difference between himself and the Senator from Idaho [Mr. BORAH] in this way: He says the treaty, as now qualified by the French and British reservations, constitutes no renunciation or outlawry of war; but, in fact and law, a solemn sanction for all wars mentioned in the exceptions and qualifications. That is the point that he makes with reference to the British and French notes. The Senator from Idaho, I understand, contends that there is no qualification affected by the British and French notes, that the unambiguous language of the treaty speaks for itself, and that those notes do not qualify its terms or qualifications.

Mr. BINGHAM. We have an old proverb in our language that "When the doctors disagree the patient suffers." The doctors of international law obviously disagree on what is meant by these two simple paragraphs, although to the average layman, in reading them, they can mean only one thing.

I will now venture to bring to the attention of Senators who are doing me the honor to listen to these remarks, the opinions of some of the most distinguished authorities on international law in the history of the world as to the interpretation of treaties, for after all if we are not to be accused of bad faith, if our honor is not to be called into question, if we are not to be guilty of rank hypocrisy, there ought to be a clear interpretation as to what it is we are doing when we ratify this treaty, if we do.

The oldest of well-known authorities is the distinguished jurist Grotius who, in his chapter 16, said:

> If we consider the promiser alone, he is naturally bound to fulfill his engagements. "Good faith," observes Cicero, "requires that a man should consider as well what he intends, as what he says." But as acts of the mind are not, of themselves visible, it is necessary to fix upon some determinate mark, to prevent men from breaking their engagements, by allowing them to affix their own interpretation to their words.

If it has been said once it has been said several times on the floor of the Senate that we are at liberty to interpret self-defense as we see fit, that we are at liberty to interpret the treaty so we may go to war whenever we feel so inclined.

Mr. BORAH. No; that is not a fair interpretation; not that we may go to war whenever we feel inclined but that we may go to war under such circumstances as we think constitute bona fide self-defense.

Mr. BINGHAM. What constitutes the necessity of going to war to defend ourselves? I do not think the United States has ever gone to war for any other reason than because of its belief that its territory or citizens were affected.

Mr. REED of Missouri. And every nation signing the treaty that has said anything about it has said that it had always been their policy never to go to war except in their own defense. England says it is her century-old policy. France says it, Russia says it, and Germany says it. They all say it. They have all said, and they say right in this correspondence, that they never make war except in self-defense.

Mr. BORAH. Mr. President, that may be true; it may be that for——

Mr. REED of Missouri. If it is true, and we accept it, then we have accepted all of the conditions that have made war in the past.

Mr. BORAH. Of course, the nations of the future will, as they have in the past, determine under what conditions they will go to war in defense of their rights; there is no doubt about that at all; and there is no doubt about the effect of that principle upon the treaty. But there is no way in the world to get it out of the treaty; we can not make a treaty denying to the nations of the earth the right of self-defense. Neither the Senator from Connecticut nor the Senator from Missouri nor myself nor anyone else would agree that anybody else other than we should determine what is self-defense.

Mr. BINGHAM. No, Mr. President. But here is a situation that it seems to me might conceivably arise. Supposing we should ratify this treaty and all the other nations, including Nicaragua and China, should ratify it; and supposing there should happen in China within two or three years what has happened within the past two or three years; that in that great country, with its 400,000,000 people, its magnificent distances, its warring factions, and its Provinces whose people do not understand one another's language, a situation should arise such as arose only a very few months ago, in which the lives and property of American citizens were endangered. Supposing a situation should arise such as that which arose in

Nanking in April, 1926, when an army from South China poured in through the walls of Nanking, and, acting clearly under instructions from higher authority—just how high nobody knows—proceeded to wreck every missionary's house, to burn some, to assault some of the missionaries, to kill one or two, but to spare all Chinese houses and limit their attention entirely, as an army, to foreign property and particularly American property. We had several hundred missionaries at that time in Nanking and a large amount of property, paid for by philanthropists of this country, as we had a right to have under our treaties with China. Fortunately we had a gunboat and a destroyer in the river just outside of Nanking. When word came to the commander of our warship that the lives of our citizens were in great danger and that many of the citizens had escaped to Socony Hill, which was within the walls of Nanking—and it will be remembered that the walls of Nanking are more than 30 miles long—he laid down a barrage around Socony Hill in order that the lives of American citizens there being attacked by Chinese soldiers in uniform might be saved; and they were saved. As soon as that bombardment began, whistles blew, rioting ceased, the soldiers were recalled, no more foreigners were killed, and there was prevented what might have been a terrible holocaust.

We were able to bring off our citizens on board the gunboats and save their lives without taking the lives of more than a small handful of Chinese. I think that Gen. Chiang Kai-shek, the President of China, in his official statement said he was unable to find that more than five Chinese were killed. But at that time there were a great many Chinese who had been educated in this country and there were friends of China in this country who were howling that we should withdraw our warships from China; that we should send no marines to China; that it was an act of war that we were carrying on. The Chinese Governments, both north and south, maintained that we were doing something contrary to the sovereignty of China when we sent our cruiser 700 miles up the Yangtze to Hankow, that we were affecting their sovereignty and endangering their national life when we sent our destroyers up and down the Yangtze River, as we did all that summer; and there were a great many people in this country who felt that they were right. If we sign this treaty, the Chinese can say, "You have agreed in the words of the treaty that you will settle all disputes by peaceful means; that all the future conflicts of whatever nature or whatever origin they may be which may arise shall never be settled except by pacific means."

How, then, are we going to meet the public opinion of the world when it states—and China is a signatory to the treaty—"You are doing something that is against Chinese sovereignty; you have agreed not to use any but pacific means, but you are sending your warships up the Yangtze and you are laying down a bombardment on a Chinese city without ever having entered into any arbitration, without ever having sat down about a table and resorted to mediation about it."

What are we to do, Mr. President, when that situation arises, as has happened in the past and is likely to happen in the future? Is not the force of public opinion in this country and in the world going to operate to bear so forcefully on the American Government that we will scarcely dare to do what we did a year and a half ago?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BINGHAM. I yield.

Mr. BORAH. If we should do what the Senator has said we did, and what we would do again under the same circumstances, under what rule would we be acting? We would be acting under the thoroughly well-established principle of international law relating to self-defense, and for the protection of our nationals which we have announced over and over again. It would not be an act of war against China to do that; it would be purely an act in defense of our own people and under well established and universally accepted principles of international law.

Secretary Cass, in an almost identical state of facts, made this announcement as Secretary of State:

> Our naval officers have the right—it is their duty indeed—to employ the forces under their command not only in self-defense but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done both in China and elsewhere.

Now, suppose that conditions should arise, there is no rule of which I have knowledge in international law that is so thoroughly well established as that a nation has a right to protect its citizens in a foreign land against danger, against attack, against assault; in doing so it is acting in self-defense and under international law, and that in doing so it is not committing an act of war. It is not making war and it would not in so doing violate this treaty.

Mr. BINGHAM. Mr. President, I only wish that all the lawyers in America agreed with the distinguished Senator from Idaho; I only wish that all the Senators on this floor agreed with him.

Mr. BORAH. I do not know of any lawyer who disputes that proposition.

Mr. BINGHAM. Mr. President, I read a letter from a distinguished lawyer, Mr. Colcord, in which he states that in this treaty the nations of the world pledge their sacred honor never to resort to war.

Mr. BORAH. I have just said that what was done in China was not an act of war.

Mr. BINGHAM. The Chinese thought it was.

Mr. BORAH. But the principle of international law is well established, and our Government has maintained it from its existence, and every other government of which I know has done so. If China should do the same thing, would she not claim that it was not an act of war? Suppose a Chinaman were attacked in a foreign country and the Chinese Government should undertake to protect him, does the Senator suppose that the Chinese Government would claim that it had not a right to do so, and to do so in self-defense, and that it was not carrying on war?

Mr. BINGHAM. But the point is this: What will happen if we should proceed to police the Yangtze River, as we have done for the last 50 years, to prevent mobs from assaulting and killing our missionaries and interfering with legitimate trade, and the Chinese Government should say in the future, as it has said in the past, "The presence of these gunboats in the interior of China is an offense to our sovereignty, and they must get out, and if they do not get out, as an act of self-defense we will fire on them"? They did fire on them. I have seen our ships out there with holes in them from shots fired from the shore. It is almost a miracle that more damage was not done to our warships from shots fired by Chinese soldiers. The only reason for the slight damage is that the Chinese did not have big enough cannon; chiefly they had rifles; but whenever a gunboat went up and down the river for months, whenever a destroyer appeared, there were any number of shots fired at it, and it was claimed by many distinguished Chinese that it was all done in self-defense.

When a government claims that some such act is in self-defense, are we not going to be put into a position where the opinion of the world will be against us and where public opinion in the United States will say, "If the words of this treaty mean anything, they mean that you can only use peaceful means, such as arbitration, and you have got to withdraw those warships if the Chinese Government says their presence offends its sovereignty?"

Mr. President, if I may proceed, I should like to quote a little further from Grotius:

> Where we have no other conjecture to guide us words are not to be strictly taken in their original or grammatical sense but in their common acceptation, for it is the arbitrary will of custom which directs the laws and rules of speech. It was a foolish act of perfidy therefore in the Locrians when they promised they would adhere to their engagements as long as they stood upon that soil and bore those heads upon their shoulders, in order to evade their promise to cast away the mold, which they had previously put within their shoes, and the heads of garlic, which they had laid upon their shoulders.

Mr. President, the day may be coming when the Chinese are going to say, "You accepted this treaty; words mean what they say; but apparently you had back of your mind something quite different; you had back of it the right virtually to make war, even if not technically doing so, in order to defend the lives and property of your citizens 700 miles up the Yangtze River." What are we going to say then?

Further, Grotius says:

> On the other hand, a passage may be interpreted in a more limited signification than the words themselves bear, if such interpretation be necessary, to avoid injustice or absurdity. If no such necessity exist, but equity or utility manifestly require a restriction to the literal meaning, it must be most rigidly adhered to, except where circumstances compel us to do otherwise.

Mr. President, unless the Foreign Relations Committee submit a report with this treaty stating what they believe it means, it seems to me that, to use as an illustration the same nation again, although I do not desire to be offensive, the Chinese might claim that there is nothing in the words of this treaty involving an injustice or absurdity, and that, therefore, the words ought to be adhered to in their literal meaning.

Therefore—

Goes on Grotius to say—

when anyone makes a grant or relinquishes his right—

And I take it, in view of what the Constitution of the United States says about the right of the Congress, that we have the right to declare war, and in view of the fact that it appears to some people that the first article of this treaty renounces the right to declare war—

when anyone makes a grant or relinquishes his right—

As we are apparently doing in the minds of some people here—

though he express himself in the most general terms, his words are unusually restricted to that meaning which it is probable he intended.

There, Mr. President, is another reason why it seems to me it is absolutely incumbent upon the Foreign Relations Committee to submit a report in order that the words may be restricted to that meaning which it is probable we intend. Otherwise, we are going to be accused of hypocrisy and the finger of scorn is going to be pointed against us by any nation in the world that dislikes our actions when we say we are acting in self-defense.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BINGHAM. I yield.

Mr. BORAH. Suppose the Foreign Relations Committee should submit a report upon the question of self-defense, what would the Senator suggest that the committee say upon that subject?

Mr. BINGHAM. That which the Senator has already prepared as a possible draft of such a report would be entirely satisfactory to me. If he will submit such a report at this moment I will stop my speech this instant.

Mr. BORAH. Mr. President, suppose I should say in the report that under this treaty each nation reserves to itself the right of self-defense and to determine for itself what facts constitute justification for the employment of self-defense; would that put an end to the controversy which the Senator is expecting between this country and China in case we should go there and do something that China did not think constituted self-defense and she should contend that it did not constitute self-defense but was an act of aggression? A report of the committee would not change that situation, because it would be in the same language exactly that Mr. Kellogg put into the treaty when he wrote his letter to the foreign governments which the foreign governments accepted.

Mr. BINGHAM. Mr. President, while it might not affect what China might say, I believe it would very seriously affect opinion in this country, because it is perfectly obvious that there are thousands and thousands of people in this country who believe that the treaty means far more than the Senator from Idaho thinks it means; and I am more interested in seeing that public opinion in the future in America is willing to stand behind this Government when it protects the lives and property of its citizens abroad than I am in what foreign opinion is going to say. Because, if public opinion in this country does not stand behind the administration in defending the lives and property of our citizens abroad then we can not do so, and our citizens might as well come home.

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think it would be utterly impossible to set out, in any treaty or any report or any note or any document whatever, all the instances of self-defense that might arise throughout the world? We might name some of them, but it would be impossible to forsee all the circumstances and conditions and instances that would be justified under self-defense.

Mr. BINGHAM. The Senator is undoubtedly correct; but the draft of a report of the committee on the treaty to which I referred a few moments ago is, in my opinion, all that is necessary to be put in to protect us, in the judgment of a court of international law or a court of international arbitration or the court of public opinion of the world, against any claims of hypocrisy or of breach of faith.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. SACKETT. Does the Senator feel that if all the nations had signed this treaty without any of these interpretations or reservations he would be willing to ratify the treaty for the United States?

Mr. BINGHAM. That is a hypothetical case, Mr. President.

Mr. SACKETT. It is hypothetical only because there may be a meaning to these interpretations.

Mr. BINGHAM. All the international lawyers with whom I am acquainted and with whom I have corresponded agree that the letters from these other powers which they thought it necessary to write are in the nature of reservations and interpretations. Certainly no one can ever accuse the British Government of hypocrisy or of breach of faith if they proceed to protect their colonies or their interests in Africa or India or anywhere else after they have signed and ratified the treaty, because they have specifically stated their interpretation in the letter of May 19.

Mr. SACKETT. What I wanted to get at was whether the Senator felt that we ought not to ratify this treaty because they have interpreted it and we have not; or whether, if they had not interpreted it in the way they have, the Senator would be willing to go ahead. We could not police the Yangtze, under the Senator's interpretation, if we ratified the treaty when there were no reservations.

Mr. BINGHAM. I think the answer to the Senator is this: The majority of the nations of the world have been unwilling to sign the treaty without letters which are in the nature of reservations. They believed that if they signed it without any reservations or explanations it would interfere with their protecting the lives and property of their citizens abroad, and it would interfere with their protecting their interests abroad.

Mr. SACKETT. Yes; and the Senator feels that we ought not to ratify it under any conditions, then, unless we interpret it so that we can protect the lives and property of our people abroad, and that, whether they made any interpretation or not, we ought to make one?

Mr. BINGHAM. Mr. President, the fact remains that they have made interpretations, and they can protect themselves against public opinion by pointing to those interpretations; and we have made no interpretations here in the Senate, except through the mouths of individual Senators; and, as has been pointed out, that is not evidence in a court of law.

Mr. SACKETT. Then the Senator feels that the interpretation on our part is a sine qua non to the ratification of the treaty?

Mr. BINGHAM. That is the way I feel about it. I think the Senator was not present when I began, when I stated that in view of the very wide difference of opinion in this country as to the meaning of the treaty it seemed to me absolutely incumbent upon us and upon the members of the Foreign Relations Committee to do one of three things: Either to adopt a reservation, or a separate resolution, or to bring in an official report of the same nature as that which is put in on every bill reported out of every committee, so that we might have an official interpretation of the treaty on record.

Mr. SACKETT. I take it the Senator would not want to sign the treaty as an original proposition without the interpretations.

Mr. BINGHAM. Not any more than the nations of Europe did.

Mr. SHORTRIDGE. Mr. President, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. SHORTRIDGE. I understand the Senator to take the position that practically all, if not all, of the nations that have agreed to this treaty have made certain reservations.

Mr. BINGHAM. Or interpretations.

Mr. SHORTRIDGE. Or interpretations. Does the Senator attach any importance to the interpretation of this treaty as made by our Secretary of State?

Mr. BINGHAM. Yes, Mr. President; and that is one of the difficulties. As was pointed out by my distinguished colleague, the senior Senator from Connecticut [Mr. McLEAN] the other day, the Secretary of State in his letter appeared to restrict self-defense to the defense of our territory and in no way met the invitation of Sir Austen Chamberlain in his letter of May 19, in which he said:

The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

We did not reply to that.

Furthermore, when this matter was discussed in the Committee on Foreign Relations, as we have it in their hearings, Part I, page 8, there occurred this colloquy:

Senator MOSES. What makes me ask that is that in clause 8 of paragraph 10 of the British note—

Which I have just read—

there is certain language used which you say was employed also by us, to say that we had certain interests the defense of which we would be necessitated to take on. Was that ever stated in a note on the part of this Government?

Secretary KELLOGG. No; my explanation of what was self-defense was stated in the note on page 36.

Senator SWANSON. In the notes of Austen Chamberlain both discussing it and in the final acceptance, he said they believed it was expressing the intention of our Government to defend the regions in which we had an interest, which I believe meant certain regions, and you acquiesced in it?

Secretary KELLOGG. Of course there are certain regions——

Senator REED of Missouri. Let me say, without answering, Secretary Kellogg said he did not answer the British note, but acquiesced in it.

Secretary KELLOGG. I did not acquiesce in it at all.

Mr. SHORTRIDGE. Precisely. To what regions or to what doctrine or to what position of America does the Senator think Secretary Chamberlain referred when he made use of the language which the Senator has just read from his note?

Mr. BINGHAM. It appears to me that he referred to the Monroe doctrine.

Mr. SHORTRIDGE. Yes.

Mr. BINGHAM. And when the attention of Secretary Kellogg was called to the fact that reference had been made to that, and that the British Government had said they assumed that the United States Government would like to make similar reservations, Secretary Kellogg said, "I did not acquiesce in it at all."

Mr. SHORTRIDGE. Precisely.

Mr. BINGHAM. That is the dangerous point.

Mr. SHORTRIDGE. Therefore we may look to other declarations of the Secretary, other declarations of this country, for our interpretation of this instrument, if we may look to these various letters and correspondence issuing from other countries. Also, this question—not to interrupt more, for this is the first time I have interrupted any Senator in connection with this treaty, and it really is not my habit to do so—for perhaps future comment: Does the Senator give to a declaration of our Secretary of State any force equal to or approaching that of Secretary Chamberlain?

In a word, what are their functions? What is their power? How far may they commit the one or the other government?

Mr. BINGHAM. The Senator is too good a constitutional lawyer to expect me to instruct him on that question, for he knows as well as I do that a Secretary of State for Foreign Affairs in Great Britain holds his position only so long as he retains the confidence of the majority of the Parliament, theirs being a parliamentary form of government.

Mr. SHORTRIDGE. I understand that.

Mr. BINGHAM. And similarly with other European countries; when the Secretary of State for Foreign Affairs speaks, he speaks not only for the executive but for the legislative branch. With us it is different. Under our Constitution, treaties are to be made by the Executive and ratified by the Senate. And therefore the opinion of the Senate, as shown in a report from the Committee on Foreign Relations, as to the meaning of a treaty, is precisely as important as any letter from the Secretary of State; and without it the opinion of the Secretary of State has only half the importance which the expressed opinion of Sir Austen Chamberlain or of the French Foreign Minister might have.

Mr. SHORTRIDGE. If we are aware of the utterances, the official statements of our Secretary of State, and, it may be, of the President of the United States, and then concur in and approve a treaty negotiated and approved by the President, do we not carry into our ratification or approval a full approval of all that either or both of those officers, the President or the Secretary of State, have said?

Mr. BINGHAM. That might be so held very properly, I may say to the Senator; but, in view of the fact that it would appear from the correspondence that the Secretary of State specifically declined to make any implication that the Monroe doctrine was included in our mental reservations, we ought to be particularly careful to have an interpretation on record here. I do not say that it is necessary that we vote for reservations. I do not say that it is necessary that we pass the Moses resolution, or even the first paragraph of it. But if we do not do that, then we certainly ought to have here on file a report from the committee stating just what the committee thinks the treaty means and why the committee reported it favorably. The very fact that the committee is disinclined to do it leads me to feel that the treaty ought not to be ratified, because there is something there somewhere, some mental reservation, that must go without being said; there is somebody somewhere who thinks the treaty means what it does not mean; and, if I may quote again from Grotius—

From what has been said, an inference may be drawn in favor of sworn treaties or agreements that they ought to be taken in the most usual acceptation of the words, rejecting all implied limitations and exceptions and such as are not immediately necessary to the subject.

If we reject all implied limitations and exceptions to this treaty, then it is a very dangerous document; but, as I said before, there are a great many Senators who believe that it is a harmless document because it means very little.

Mr. SHORTRIDGE. If the Senator will permit me, I think it means a vast deal. I did not have the benefit of listening to all the Senator has said; I have just come into the Chamber; but may I ask him, if he has not already covered the subject, how far may we or any party signatory to this treaty depart from, go outside of, the four corners of the instrument?

If the Senator grasps the force of that question, I should be very glad to be advised as to his position.

Mr. BINGHAM. Mr. President, the Senator has stated that he was not here when I began; and the reason why I am appealing in this way to the Foreign Relations Committee to make a report is that the four corners of the instrument to which the Senator refers are, in the minds of some people in America, very narrow and restricted, and in the minds of others they are as far apart as the poles. It is because great international lawyers differ absolutely on the meaning of the treaty, with or without such a declaration as would occur in the report of the committee. It is because publicists differ. Some think it very dangerous for us to sign it; others think there is no danger at all in it. The friends of peace who were here in Washington within the last few days opposing the cruisers all believe that if the treaty is ratified they can then bring pressure to bear upon us that there shall be no more cruisers, because we have promised to use none except pacific means.

Mr. SHORTRIDGE. Well, of course, they are all wrong on that proposition.

Mr. BINGHAM. I hope so.

Mr. SHORTRIDGE. Utterly wrong.

Mr. BINGHAM. If they are wrong, then why is there any objection to the Senate saying so, either in a resolution or by a report of the Foreign Relations Committee?

Mr. SHORTRIDGE. As for me—and I will undertake to make myself understood hereafter—this agreement is plain, simple, and unambiguous. I think the criticisms aimed at it are hypercritical, the defects are imaginary, the fears expressed are groundless. What we say is in our tongue, plain English, so that even a Senator should not err therein—that we renounce war as an instrument of national policy. I would attach some importance to those words, "as an instrument of national policy." We say that we condemn recourse to it as an instrument of national policy. We are not, may I say in anticipation, denouncing a righteous, revolutionary war.

Mr. BINGHAM. Will the Senator permit me to proceed?

Mr. SHORTRIDGE. Will the Senator indulge me for a moment? I am going to stand upon this treaty. I think it plain, notwithstanding the publicists, notwithstanding the versatile newspaper writers, notwithstanding, perhaps, and I say it with respect, hastily formed opinions.

Mr. BINGHAM. Mr. President, I am glad the Senator feels so sure that this treaty is, in plain words, entirely satisfactory, for I know he is an ardent advocate of the national defense and would do nothing which would interfere with our having as many cruisers as we needed for the national defense and for protecting American lives and property abroad. But I would call his attention to the fact that the plain words of the treaty say that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be that may arise shall never be sought except by pacific means.

Mr. SHORTRIDGE. Precisely.

Mr. BINGHAM. And if that means what it says, without reservation or explanation, it is contrary to the Senator's own theory.

Mr. SHORTRIDGE. We shall seek it by what? By pacific means, by arbitration, by conciliation, by going on our knees to avoid war; but if other nations will not meet us in the same spirit, then we may have recourse to power to redress a wrong or to defend ourselves.

Mr. BINGHAM. Let me ask the Senator a question. Suppose he were trying to draft a clause that would prevent us from using any but pacific means; how would he draft it in any other way than this?

Mr. SHORTRIDGE. I would not undertake to do so, because I think this perfect.

Mr. FESS. Mr. President, will the Senator yield to a question?

Mr. BINGHAM. I yield.

Mr. FESS. Is the Senate to understand that the Senator's exception to the use of any but pacific means means that he thinks we would have to resort to warlike means—that is, that there are only two alternatives, either pacific or warlike means?

I am interested in the observations the Senator made on China. The Senator seemed to intimate that if this treaty had been in existence we would not have been free to do what we did at that time; that it might have been regarded as war. China claimed it was war. It is not the Senator's position that that was war, is it?

Mr. BINGHAM. Oh, no, Mr. President; I do not hold that position. What I was going to point out was the fact that in the exercise of our right of self-defense in the past it was frequently necessary for us to do things which the nations to which we did them said were acts of war, but they were not strong enough to speak out in terms of cannons and gunboats.

Mr. FESS. On the 21st day of April last year the Senator, standing just where he is now standing, gave a recital of the many cases in which we protected our citizens, starting from the beginning and going up to that time, including our difficulties in Central America, in the West Indies, and in the Orient. I thought that was one of the best presentations and most valuable documents we had received here from the standpoint of the history of our relationships in that respect. In every case the Senator insisted that we were not going to such an extent that it could be justly claimed that we were committing an act of war; and I agreed with him. What has changed the Senator's opinion from that day to this?

Mr. BINGHAM. Mr. President, my opinion has not changed, and I am sorry if I give that impression. I do not think the Senator was present when I began my remarks to-day. I am not arguing against the treaty. I am not arguing for the treaty. I am beseeching, with all the force and power that I have, that the Foreign Relations Committee present to the Senate a report as to what they believe the treaty means. That is all I am asking for. Every time any committee reports an important measure to the Senate it presents a written report as to what the measure means. The Foreign Relations Committee have not done so in this case. There are thousands of good American citizens who do not agree with the Senator or with me that if we ratify this treaty we can then protect American lives and property as we have done in the past by using our gunboats and marines, without going to war, without using force, just as we did in the Boxer rebellion, when we sent our battalions and our warships to Tientsin, and then marched overland to Peking.

So far as the Chinese were concerned we were making war on China. Technically, from our point of view, we were not making war, even though we were carrying on a bloody military campaign.

The Senator will remember there were certain Senators last year, or year before last, in the discussion of the Nicaraguan episode on the floor of this Chamber, who continually referred to the fact that in their minds we were making war on Nicaragua. I think the Senator from Nebraska took that position and referred to the "war in Nicaragua." He is present, and I will ask him whether that is not the fact?

Mr. NORRIS. Mr. President, like the Senator from Connecticut I have not changed my mind. I still think so.

Mr. BINGHAM. Exactly. That, Mr. President, is the reason why I want an interpretation here, because there are Senators as honest and distinguished and patriotic as the Senator from Nebraska, who believes that you can not do the things the Senator from Ohio and I think should be done without declaring war. Therefore if we shall ratify this treaty, when we do those things we will be told that we are going contrary to our pledged word.

Mr. NORRIS. Mr. President, since the Senator has himself brought me into this discussion, I would like to ask him now what difference it makes whether we have a report from the committee or do not have a report, as far as anything we did in the past in regard to Nicaragua is concerned? And also, would the ratifying of this treaty——

Mr. BINGHAM. May I answer one question at a time?

Mr. NORRIS. I will wait until the Senator has answered that question.

Mr. BINGHAM. It would have no effect on anything we did in the past.

Mr. NORRIS. From the Senator's viewpoint, not mine, of what we did in Nicaragua, if this treaty had been in effect, would we have been restrained from doing anything we did do without the treaty?

Mr. BINGHAM. Mr. President, I am not trying to give to-day my opinion as to what the treaty means. I am trying to state that there are two widely different schools of interpretation of the treaty.

Mr. NORRIS. I appreciate that.

Mr. BINGHAM. And because the interpretations of it among honest men are so widely different, I believe we should have an official interpretation in our records in the shape of a report of the committee.

Mr. NORRIS. The Senator has not answered my question. I wish he would do so.

Mr. BINGHAM. I do not care to give my opinion of the treaty at this time. I am pleading for something else. I am not arguing for the treaty or against it. I do not care to get involved in that dispute.

Mr. NORRIS. As I understand it, the ratification of the treaty, from my viewpoint of what happened in Nicaragua, would not change our right one particle. We would have the same right. If we were there of right, under the claim the Senator thinks was sufficient, we would still have it. The Senator is now only pleading for an opinion of the Committee on Foreign Relations. He wants it filed here. Does not the Senator know that there would be just the same opportunity to disagree with the conclusions of the committee as there is to disagree with the treaty itself? Would there not be just as much dispute about what the committee meant as there is about what this treaty means? We can not do anything that will prevent men from disagreeing, and honestly so, as to what certain words mean, and if there is a disagreement as to what the treaty means now, there would be a disagreement as to what the Foreign Relations Committee meant if they undertook to rewrite the treaty. As I look at it, it would be only jumping out of the frying pan into the fire.

Mr. BINGHAM. Mr. President, it is a little disconcerting to have Senators who have only heard a small part of the presentation ask questions and make implications. I will say to the Senator from Nebraska that it was brought out several days ago—I do not think he was present at the time—and it has been since called to my attention personally by the Senator from Idaho that the Supreme Court has held that while the statement of a Senator or of a Representative on the floor of either House can not be used in interpreting a law in the courts and is not authoritative as to the meaning of the law, a report of a committee formally made and filed before the action of the Senate or the House on the law is evidence in the courts as to what the law means, if there is any doubt about it.

I should like to go on now.

Mr. NORRIS. The Senator will permit me to interrupt further, will he not, because he has not entirely stated my position?

I heard what the Senator from Idaho said, and I am not disagreeing with what he said; I have always held that opinion. But we still are up against the proposition that whatever we do is going to be construed by men in the future, and that is true of the Foreign Relations Committee, and it is true of the Supreme Court itself.

As I understand it, we would not simplify the treaty by the method the Senator has proposed; but that is only my judgment. To my mind, it needs no construction by the Foreign Relations Committee. If I am wrong about that, and a majority of the Senate thinks I am wrong, and a proper reservation is offered and voted on, we will get the sentiment of the majority of the Senate, and by that I will abide. We would not want to vote for the adoption of a construction of a treaty that we thought was already plain and give two opportunities for misconstruction and misinterpretation afterwards instead of one.

Mr. BINGHAM. Very well. I am glad the Senator has made himself so very plain.

Mr. FESS. The Senator, then, has not changed his opinion from that expressed in his speech of April 21, 1928?

Mr. BINGHAM. Not at all, I will say to the Senator.

Mr. FESS. His only concern is that a certain portion of the public might think that we are wrong when we say it is not an act of war?

Mr. BINGHAM. I think the Senator from Ohio was not present when I read the recent letter from Professor Borchard.

Mr. FESS. I heard most of it.

Mr. BINGHAM. In which he said that if we do not now specifically state the interpretation that we place upon the obligations subscribed to we will invite bitter recriminations, and that it is an act of—

simple honesty to adopt a resolution along the line of that submitted by Senator MOSES, in order that the world may understand what the United States undertakes by the signature of the peace pact.

I understand, and I think it is an open secret, that the administration is extremely anxious that there should be no vote of the kind mentioned by the Senator from Nebraska. A large number of Senators who are loyal to the administration, and who hold a slightly different opinion of this from what I do, although possibly agreeing with me in regard to its general

aspects, would vote against any such resolution, because the Secretary of State is so very strongly opposed to a vote in favor of a reservation, or a vote on a matter of explanation.

For that reason I am not pressing for the adoption of a resolution because I know that a great many Senators in favor of it would have to vote against it, because they have promised to vote against it, and they do not want to go against their promise, or because they feel that the administration is so anxious that they should vote against it. At the same time there is nothing to prevent the Foreign Relations Committee from making a report, a draft of which has already been drawn up by the chairman of the committee. That would obviate the danger of any official claim of any foreign country in the future that we were misinterpreting the treaty, that we were reading something into it that was not there, and that we were not acting in good faith.

Mr. FESS. The Senator does not think a resolution that might be adopted by the Foreign Relations Committee would have very much effect in alleviating that fear of those who claim that it is an act of war, does he?

Mr. BINGHAM. The report which has been prepared is of a nature which would do away with most of the important misunderstandings. It would do away with any claim on the part of certain nations that there was something implied in the treaty which they did not know was implied. The very fact that certain nations do not want us to make any reservations is to my mind a good reason why, in all honesty, we ought to make a reservation of whatever sort seems best to the Senate.

Mr. SHORTRIDGE. Mr. President, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. SHORTRIDGE. What was the date of the letter or statement of Professor Borchard from which he just read?

Mr. BINGHAM. January 7, 1929.

Mr. SHORTRIDGE. Does the Senator think he had then heard the masterly defense and explanation of the treaty made by the chairman of the Foreign Relations Committee when he uttered that statement and made those puerile remarks?

Mr. BINGHAM. My impression is that he had read it, but I object to any such observations about any of my constituents. They do not make "puerile remarks."

Mr. SHORTRIDGE. I read what purported to be an article or an argument of this same learned Connecticut professor.

Mr. BINGHAM. That is better.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. It seems to me, if I understand the Senator's position, it would be rather hypocritical, if there is such ambiguity in the instrument, after supplementary interpretation for us to be content with a mere declaration of what the language means by the Committee on Foreign Relations. Notwithstanding my high regard for the Committee on Foreign Relations, their interpretation is no better than the interpretation of other Senators. I want to know for myself just exactly the interpretation which ought to be placed upon the language. If the Senator's position is correct that the treaty is subject to different interpretations and that our rights under the treaty are difficult to determine, are susceptible of different interpretations, I think it is our duty not to be content with a declaration of what the Committee on Foreign Relations says, because that would not bind the Senator from Connecticut; it would not bind me or anybody else; but there ought to be a formal reservation or amendment to the treaty.

Mr. BINGHAM. Although it might not bind anyone it would be evidence accepted in a court of law, in a doubtful case, as to the meaning of the treaty. Now, if I may be allowed to proceed for a little time with what I have prepared, I shall be very grateful to my friends.

Mr. NORRIS. Mr. President, I shall not interrupt the Senator without his consent, but I would like to ask a question on that very point.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. The Senator knows——

Mr. NORRIS. I do not want to be discourteous to the Senator. If he implies that I ought not to ask a question, I shall not ask it, of course.

Mr. BINGHAM. I asked the privilege of going on for a while, but as the Senator is on his feet I yield to him.

Mr. NORRIS. I want to ask the Senator this question: Assuming, of course, as I do, that he is perfectly sincere in trying to get the opinion of the Foreign Relations Committee as a sort of reservation or interpretation, and admitting all that he said about it for the sake of argument, would it not be a great deal better to have the judgment of the Senate itself than of the Foreign Relations Committee?

Mr. BINGHAM. Undoubtedly.

Mr. NORRIS. If the Senator is right—and I concede he has a perfect right to ask an interpretation—why not have it in the way of a reservation that will get the opinion of the Senate instead of one of its committees?

Mr. BINGHAM. I have tried to tell the Senator it is because I believe——

Mr. NORRIS. The only reason the Senator has given is that some Senators have promised somebody—I suppose the Secretary of State or the President—that they will not vote for a reservation. If Senators are convinced that a reservation is necessary to properly interpret the treaty, it seems to me they are violating their duty to their country and as Senators if they refuse to vote for it. Personally I do not believe in it, but if I did I would insist on voting for it and getting the opinion of the Senate on it. I would be glad to accept the judgment of the Senate if it is against my judgment. I hate to have the treaty go out with a statement made by the Senator that a large number of Senators think there ought to be some interpretation made here, but for one reason or another they are afraid to vote for it.

Mr. BINGHAM. Does the Senator doubt that condition of affairs?

Mr. NORRIS. I never thought of it before. It never occurred to me before that such a condition existed here. But if it is true I would like to know the names of the Senators who have pledged themselves not to vote for a reservation when down in their official hearts they think there ought to be one.

Mr. BINGHAM. So far as I know there are no documents, forged or otherwise, giving any names in this matter. But nobody doubts that that is the fact.

Mr. President, if I may go on without interruption for a few moments, I desire to quote from Chitty's edition of Vattel's Law of Nations. It will be generally recognized by Senators that Vattel is one of the highest authorities on international law. On page 244, chapter 17, in discussing the interpretation of treaties, which is a subject to which he gives a great deal of attention, perhaps more than any other writer on international law, he said:

> The first general maxim of interpretation is, that it is not allowable to interpret what has no need of interpretation. When a deed is worded in clear and precise terms—when its meaning is evident, and leads to no absurd conclusion—there can be no reason for refusing to admit the meaning which such deed naturally presents.

The position maintained by the distinguished lawyer from New York, Mr. Colcord, and others who believe the treaty is plain and explicit, is that no one could possibly vote hundreds of millions of dollars for an army and navy after having signed the treaty.

Vattel proceeds:

> To go elsewhere in search of conjectures, in order to restrict or extend it, is but an attempt to elude it. If this dangerous method be once admitted, there will be no deed which it will not render useless.

It has been stated on the floor of the Senate that in the opinion of some Senators there is no war which may not be considered a war of self-defense. Certainly, so far as my recollection serves me, there were no nations in Europe in the last and greatest of all wars that did not maintain that they went to war purely to defend themselves and their interests.

Vattel says:

> However luminous each clause may be, however clear and precise the terms in which the deed is couched, all this will be of no avail if it be allowed to go in quest of extraneous arguments to prove that it is not to be understood in the sense which it naturally presents.

When these good friends who oppose the cruiser bill read that maxim of interpretation it seems to me they will have a fair and reasonable position on which to base their opposition to the cruisers.

> Those cavilers who dispute the sense of a clear and determinate article are accustomed to seek their frivolous subterfuges in the pretended intentions and views which they attribute to its author. It would be very often dangerous to enter with them into the discussion of those supposed views that are not pointed out in the piece itself. The following rule is better calculated to foil such cavilers and will at once cut short all chicanery: "If he who could and ought to have explained himself clearly and fully has not done it, it is the worst for him."

I assume it is possible that there will be people who will cavil at this treaty in the years to come. If we who ought to

have explained ourselves clearly and fully in this matter, by resolution or otherwise or by report of the committee, do not do it, it is the worst for us.

Vattel goes on to say:

He can not be allowed to introduce subsequent restrictions which he has not expressed. * * * The equity of this rule is glaringly obvious, and its necessity is not less evident. There will be no security in conventions, no stability in grants or concessions, if they may be rendered nugatory by subsequent limitations, which ought to have been originally specified in the deed, if they were in the contemplation of the contracting parties.

It is obvious that our European friends had that in mind when they wrote those letters in which they specifically stated what they understood the treaty to mean when they signed it.

Vattel goes on to say:

The third general maxim or principle on the subject of interpretation is that neither the one nor the other of the parties interested in the contract has a right to interpret the deed or treaty according to his own fancy.

That would seem to give those people who are greatly in favor of the treaty and opposed to the cruisers the right to say that we have no right to interpret the treaty according to our own fancy and virtually to go to war, as they believe we do when we send marines to Nicaragua and China as we have done in the past.

For if you are at liberty to affix whatever meaning you please to my promise, you will have the power of obliging me to do whatever you choose, contrary to my intention, and beyond my real engagements; and, on the other hand, if I am allowed to explain my promises as I please, I may render them vain and illusory by giving them a meaning quite different from that which they presented to you, and in which you must have understood them at the time of your accepting them.

Vattel then goes on to say:

On every occasion when a person could and ought to have made known his intention, we assume for true against him what he has sufficiently declared. This is an incontestable principle, applied to treaties: For, if they are not a vain play of words, the contracting parties ought to express themselves in them with truth, and according to their real intentions. If the intention which is sufficiently declared were not to be taken of course as the true intention of him who speaks and enters into engagements, it would be perfectly useless to form contracts or treaties.

It seems to me that if we were to use that maxim of interpretation in regard to article 2, it would have to read somewhat as follows:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means, except when we believe that our self-preservation is in danger, except when we believe that we are pledged to exercise the right of self-defense, and except when our citizens, their lives and property, are endangered in foreign lands, and except when the Monroe doctrine is threatened.

If we did that then we would safely come under this rule of Vattel where he said that on every occasion when a person could and ought to have made known his intentions, we assume for true against him what he has certainly declared. But we do not do it in the treaty. The treaty has been signed, but it is only half effective, for it has not been ratified. If we do not do this before we ratify it seems to me a perfectly valid ground for contention on the part of Mr. Colcord and others that they may assume for true against us that we will not use any but pacific means, under any consideration whatsoever.

Vattel goes on to say:

As these rules are founded on right reason, and are consequently approved and prescribed by the law of nature, every man, every sovereign, is obliged to admit and to follow them. Unless certain rules be admitted for determining the sense in which the expressions are to be taken, treaties will be only empty words; nothing can be agreed upon with security, and it will be almost ridiculous to place any dependence on the effect of conventions.

But, as sovereigns acknowledge no common judge, no superior that can oblige them to adopt an interpretation founded on just rules, the faith of treaties constitutes in this respect all the security of the contracting powers. That faith is no less violated by a refusal to admit an evidently fair interpretation than by an open infraction. It is the same injustice, the same want of good faith; nor is its turpitude rendered less odious by being choked up in the subtilities of fraud.

Let us now enter into the particular rules on which the interpretation ought to be formed, in order to be just and fair. Since the sole object of the lawful interpretation of a deed ought to be the discovery of the thoughts of the author or authors of that deed, whenever we meet with any obscurity in it, we are to consider what probably were the ideas of those who drew up the deed, and to interpret it accordingly.

So long as the Foreign Relations Committee makes no report, so long as we are permitted to pass no resolution of interpretation, how are our friends in this country or abroad or our enemies to interpret the ideas of those who ratify the treaty? Every Senator has his own views of what the treaty means. None of those views is valid in a court of law.

Mr. President, there is one more quotation from Vattel which seems to me to be very important. On page 252 he says:

It is not to be presumed that sensible persons in treating together, or transacting any other serious business, meant that the result of their proceedings should prove a mere nullity.

There are a number of Senators on this floor who think that the treaty is practically a mere nullity, but, since they have been asked to vote for it, they are going to vote for it.

Vattel goes on to say:

The interpretation, therefore, which would render a treaty null and inefficient can not be admitted.

Mr. President, there are a great many people in the world who will hold that an interpretation of the treaty which would permit us to send marines or a cruiser into any port of the world or into the interior of China, if we should think the lives and property of our citizens were affected, would render the treaty null and inefficient. I do not think there is any doubt about that. Does anyone doubt that? I do not hear anyone object to that.

Mr. SHORTRIDGE. Mr. President, I doubt it; that is to say, I claim it would not be violative of the treaty.

Mr. BINGHAM. I did not say that it would be violative of the treaty. What I tried to state was that there were a great many people in the world who would hold that such an act on our part would render the treaty null and inefficient. I did not say that the Senator from California would think so.

Mr. SHORTRIDGE. No; but it would not have any effect upon the treaty at all, in my judgment.

Mr. BINGHAM. I know the Senator believes in the national defense, and consequently it would not have any effect in his judgment; but he is at one extreme of the interpretationists, and there are just as many people, if not so distinguished ones, at the other extreme.

Mr. SHORTRIDGE. Where are they?

Mr. BINGHAM. A good many of them were in the gallery the other day, I will say to the Senator.

Mr. SHORTRIDGE. They are in foreign countries. If so, that does not concern us.

Mr. BINGHAM. I have never before heard the gallery referred to as a foreign country.

Mr. SHORTRIDGE. I do not know whether or not any distinguished representatives of foreign countries are in the gallery, but if so, they are quite welcome.

Mr. BINGHAM. The Senator knows that there are very distinguished Americans who hold that we can not possibly do as the Senator proposes to do, namely, vote for the treaty and for the cruiser bill without being hopelessly and wickedly inconsistent.

Mr. SHORTRIDGE. But I shall be entirely consistent. We propose to enter into this treaty; we propose to keep it absolutely; but if other nations shall break it, I trust this Nation will be able to defend itself and every one of its men, women, and children wherever they may be on God's earth.

Mr. BINGHAM. The Senator knows that I heartily agree with him.

Mr. REED of Missouri. Mr. President, may I ask the Senator from California a question merely to get his views?

Mr. BINGHAM. I yield to the Senator from Missouri for that purpose.

Mr. REED of Missouri. Does the Senator from California think that this treaty in any way qualifies or limits our policies as we have heretofore been pursuing them?

Mr. SHORTRIDGE. I do not, I will say to the Senator from Missouri; and that is the only verbal criticism I would make of the language of the treaty. We are here renouncing war as an instrument of national policy. We have never resorted to or made use of war as an instrument of national policy.

Mr. REED of Missouri. I agree with the Senator.

Mr. SHORTRIDGE. This Nation is smitten with a love of peace; we wish no war, and I trust we never shall have war. I want to enter into this treaty committing ourselves anew, if you please, to this doctrine of mine and of the Senator from Missouri; and if any nation shall violate it, I wish to be in a position to defend America. I think that if we are in such position it will have a very deterring influence upon other nations if they are disposed to violate it.

Mr. REED of Missouri. And then the Senator thinks we ought to spend some millions of dollars to help put ourselves in that position?

Mr. SHORTRIDGE. I think so, if we are not now in such a position; and I fear we are not.

Mr. REED of Missouri. This treaty, then, does not change our national policy one particle; it will remain the same after the treaty shall have been ratified as before. That is the Senator's position?

Mr. SHORTRIDGE. I will repeat my statement, if the Senator will allow me.

Mr. REED of Missouri. Then all we have done is to reaffirm a policy that we have always maintained.

Mr. SHORTRIDGE. It may well be so, so far as we are concerned; but, in a sense, we took the large initiative and we are seeking to have all the civilized nations of the earth adopt the same policy.

Mr. REED of Missouri. Our policy always has been that we had a right to defend our national interests; that it was our duty so to do; and that policy is not changed? The Senator nods his head, and I take it he concurs.

Mr. SHORTRIDGE. Yes; I claim that our record is absolutely clear.

Mr. REED of Missouri. And the right that we have to defend our territory and our interests equally obtains for every other nation?

Mr. SHORTRIDGE. I did not quite catch the Senator's observation.

Mr. REED of Missouri. I say it equally obtains for every other nation; they all have similar rights.

Mr. SHORTRIDGE. Yes.

Mr. REED of Missouri. So that all that we are doing is to say that we are renouncing war as an instrument of national policy and that we will keep the peace. Well, we never did use war as an international policy; and does the Senator know of any civilized nation which will admit that during the last hundred years it has employed war as an instrument of national policy except to defend itself?

Mr. SHORTRIDGE. I do not; but I know of many that I think have used war as a national policy.

Mr. REED of Missouri. And some of them will say that of us.

Mr. SHORTRIDGE. I grant that they may.

Mr. REED of Missouri. When, therefore, we say to a nation that has always maintained "We do not employ war as an instrument of national policy," "Please say it over again," we have not made much of an advance, have we? That nation is just where it was before.

Mr. SHORTRIDGE. Here is a thought which I think is responsive to the one just expressed: Most treaties of peace have been entered into as between two nations, while here is a proposed treaty entered into by and between and among all the nations of the world.

Mr. REED of Missouri. Does the Senator think that adds to the obligation?

Mr. SHORTRIDGE. I certainly do, sir.

Mr. REED of Missouri. Very well; that is to say, there exists to-day between the United States and every civilized nation a treaty of perpetual amity and peace; similar treaties exist substantially between all other nations; in the aggregate the existing treaties are pledges of amity and peace and pledges in many instances to settle all controversies by peaceful means. That is the existing state of affairs. Now, the Senator thinks that by putting that all in one document, and by signing it, in some way it strengthens the articles of peace. I take it that is the Senator's view?

Mr. SHORTRIDGE. Yes; I entertain that view.

Mr. REED of Missouri. Does the Senator think that there springs from that any mutual obligation, since it is a mutual contract, to defend or sustain the contract?

Mr. SHORTRIDGE. Well, first, I think, to repeat myself——

Mr. REED of Missouri. I want really to get the Senator's view.

Mr. SHORTRIDGE. Precisely; but I am trespassing and intruding upon the time of our friend the Senator from Connecticut [Mr. BINGHAM]. However, I feel sure he will suffer a prolongation of the interruption.

Mr. REED of Missouri. I have great respect for the views of the Senator from California, and I know if he and I differ on this question that any two nations in the world when their interests are concerned are likely to differ.

Mr. SHORTRIDGE. I have not differed from the distinguished Senator on many great questions.

Mr. REED of Missouri. And the Senator has generally been right.

Mr. SHORTRIDGE. I was far away and my views were of little moment. But, first, I do think, even though there exist to-day many treaties of peace, that this proposed treaty, entered into by the great powers and small, the strong and the weak, the European, the American, the Asiatic, all nations in different degree of—shall I say civilization, but with respect for them all—a treaty entered into by them all as of this year committing themselves or recommitting themselves to renounce war as an instrument of national policy will have a most beneficial influence and effect upon all concerned.

Mr. REED of Missouri. Passing to the next question, if the Senator please, does there spring from this multilateral agreement any multilateral obligation to sustain the treaty either expressed or implied?

Mr. SHORTRIDGE. No; if I grasp the import of the question. I have thought of that. I have read with care the remarks attributed to the Senator from Missouri when he was discussing that question, referring, namely, to whether if this treaty should be broken by one of the signatory powers there would be any legal obligation or moral obligation on the part of the others to go to the defense of the assailed or the innocent party; in other words, to become the associate or the ally of the treaty-observing members. With great respect for the views of the Senator, I do not think there is any moral or legal obligation carried in this treaty to become the ally or the associate——

Mr. REED of Missouri. That is to say, if 50 nations sign this treaty, the object being to maintain the peace of the world, and one of them wrongfully assails another, we are to let that nation stand out and take the brunt of the whole matter, it alone to suffer, and the rest of us to be at perfect liberty to deal with the offending nation exactly as with the injured nation?

Mr. SHORTRIDGE. I answer as I have, and for this reason: The Senator has asked me whether there was any moral or legal obligation springing out of this agreement or this proposed treaty in event that it be broken, and I have answered as appears. If the treaty be broken every member of the treaty is released eo instanti from any and all its obligations. That does not mean that we then, freed from this treaty, might deem it proper to become the ally or associate of the nation that had been attacked.

Mr. REED of Missouri. I understand; but that is not the question.

Fifty nations sign the treaty. One of them violates the treaty by attacking another. By the violation of the treaty as to that one it has violated the treaty as to all of us, and we are released from any obligations to the offending nation, if we can determine which one it is. The question I am asking, then, is, being released from obligations to the offending nation, are we under any kind of express or implied obligation to assist the injured nation?

Mr. SHORTRIDGE. Not by the terms of this proposed treaty.

Mr. REED of Missouri. No; not by its terms; but is there any implication there?

Mr. SHORTRIDGE. I answer neither explicitly nor impliedly is there any such suggested legal or moral obligation under or by this treaty.

Mr. REED of Missouri. Are we, then, at liberty to send our goods, our supplies, to the offending nation just the same as we would be if we never had ratified this treaty?

Mr. SHORTRIDGE. I would answer, yes; whatever the law may be upon that subject.

Mr. REED of Missouri. We are at liberty to do it?

Mr. SHORTRIDGE. Whatever the law may be, it would be unaffected by this treaty.

Mr. REED of Missouri. Then we get the treaty down to this point:

Every nation, now, has a pact of peace with every other nation. If we ratify this treaty, and a nation breaks it, no matter how grossly, we are under no obligation to stand by or assist in any way the nation that is injured. We are at perfect liberty to open our ports and our commerce to the wicked and offending nation just the same as though we had never made this pact of peace.

If that is true, then this is a sounding brass and a tinkling cymbal.

Mr. SHORTRIDGE. On the contrary, I think it is a high and holy declaration which will have a most wholesome influence upon all the nations of the earth.

Mr. BINGHAM. Mr. President, if I may resume——

Mr. REED of Missouri. I apologize to the Senator.

Mr. SHORTRIDGE. On behalf of the Senator from Missouri, I apologize.

Mr. BINGHAM. The apology is not only accepted but the interruption was extremely welcome.

As the concluding words of the two Senators who have just spoken, and for whom I have a high regard, show the truth of the contention I have been making this afternoon, I should like to repeat them, in that one said that this treaty was a sounding brass and a tinkling cymbal, and the other said it was a high and holy declaration, a pious aspiration, and so on, and so on.

Mr. SHORTRIDGE. I did not put it just that way.

Mr. BINGHAM. Will the Senator kindly put it as he would like to have it appear?

Mr. SHORTRIDGE. No; our words, yours and mine, will be as set down.

Mr. BINGHAM. The point is that the interpretations of these few words in these two clauses are, as I have said before, as wide apart as the poles; and therefore there is really an obligation—a moral, if not a legal, obligation—on the Committee on Foreign Relations to tell us in so many words, by a written report, just what they think the treaty means when they report it to us with their recommendation that it pass.

Mr. BLAINE. Mr. President——

Mr. BINGHAM. I yield to the Senator from Wisconsin.

Mr. BLAINE. It may not be apropos at this time, but it is near enough to the occasion to suggest to the Senator from California that about the only conclusion a temperate mind may come to in this situation is that this treaty is a pious pronouncement of pure piffle.

Mr. BINGHAM. Mr. President, I desire to conclude as rapidly as possible by quoting from two or three other authorities on international law with regard to the interpretation of treaties.

A very distinguished authority, Mr. William Edward Hall, whose treatise on international law is familiar to all students of international law, says, in part 2, chapter 10:

> When the language of a treaty, taken in the ordinary meaning of the words, yields a plain and reasonable sense, it must be taken as intended to be read in that sense, subject to the qualifications that any words which may have a customary meaning in treaties differing from their common signification must be understood to have that meaning, and that a sense can not be adopted which leads to an absurdity, or to incompatability of the contract with an accepted fundamental principle of law.

Mr. President, it is quite obvious from what the Senator from Idaho [Mr. BORAH] said a few days ago that he holds that the language of the treaty can not be taken in the ordinary meaning of the words, in which they yield a plain and reasonable sense, because a sense can not be adopted which leads to an absurdity, and the Senator holds that any interpretation of the treaty leading to an interference with the right of self-defense is an absurdity, and I assume that the Senator from California will agree with him in that regard.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me, before he proceeds, to ask whether our Supreme Court, in authoritative cases, has not laid down the rule by which treaties are to be interpreted?

Mr. BINGHAM. I hope, when the Senator presents his speech on the treaty, he will refer to those cases in which the Supreme Court has laid down those rules, because I am extremely anxious to have them presented to the Senate.

Mr. SHORTRIDGE. I do not wish to encumber the RECORD, but the same rules apply in the interpretation of a written treaty that apply in the interpretation of any written agreement.

Mr. BINGHAM. Exactly, Mr. President.

Mr. SHORTRIDGE. That is the law.

Mr. BINGHAM. And since the Supreme Court has said that the report of a congressional committee to either House is acceptable in the courts, therefore I claim that the least the Committee on Foreign Relations can do to help us settle these tremendous divergences of opinion is to make such a report.

Mr. ROBINSON of Indiana. Mr. President——

Mr. BINGHAM. I yield to the Senator from Indiana.

Mr. ROBINSON of Indiana. May I ask the Senator from California a question, if the Senator from Connecticut will permit me? Suppose the Supreme Court has laid down rules for the interpretation of treaties. Who will interpret this treaty in the event that we should become signatories to this pact?

Mr. SHORTRIDGE. That is a very thoughtful question, and the subject matter of the question had occurred to me.

The Supreme Court of our country perhaps might never be called upon; but in so far as we are concerned—we, the Senate—I think we are justified in proceeding along the lines mapped out by our Supreme Court.

Mr. ROBINSON of Indiana. But who would construe the method of interpreting the treaty?

Mr. SHORTRIDGE. Assume a trouble arising between two nations.

Mr. ROBINSON of Indiana. Between some other nation and ourselves?

Mr. SHORTRIDGE. Precisely, and both are perfectly willing to refer it to arbitration.

Mr. ROBINSON of Indiana. Then foreign arbitrators, in that event, would construe the treaty.

Mr. SHORTRIDGE. Unquestionably so.

Mr. ROBINSON of Indiana. Our Supreme Court, then, would be entirely out of consideration so far as the foreign arbitrators are concerned?

Mr. SHORTRIDGE. To this extent: Those representing us in and about the interpretation of the treaty under consideration by the arbitrators undoubtedly would impress upon the arbitrators the proper rules for interpreting the treaty, and doubtless would have recourse to decisions of our high court in support of their contentions.

Mr. ROBINSON of Indiana. Mr. President, suppose this question should arise: Suppose that Japan, for instance, should negotiate with Mexico for territorial concessions; and suppose that Mexico were friendly to the idea, and the arrangement were made. Then assume that the United States should object and say that that violated our understanding of the Monroe doctrine.

Mr. SHORTRIDGE. Precisely.

Mr. ROBINSON of Indiana. But suppose that both Japan and Mexico in that situation insisted that they were going through with their understanding. We are bound to use pacific means for arriving at the solution of any controversy or question. Suppose they suggest, then, that under this treaty we refer the whole question to some tribunal pacifically. Then would it be our policy to permit that to be done?

Mr. SHORTRIDGE. We have always said that we reserved that doctrine.

Mr. ROBINSON of Indiana. But suppose we state that we reserve the right to interpret the Monroe doctrine, then suppose the other two nations insist on having the matter settled by some other pacific means: What is our alternative?

Mr. SHORTRIDGE. With equally pacific mind we have said we reserved that doctrine; we interpret that doctrine.

Mr. ROBINSON of Indiana. But we have not reserved it in the treaty up to date.

Mr. SHORTRIDGE. I think we have.

Mr. ROBINSON of Indiana. But suppose these nations have the same view that I have, and then it were referred to arbitration?

Mr. SHORTRIDGE. Of course, there are some things that could not be referred to arbitration, and this Monroe doctrine is one of them.

Mr. ROBINSON of Indiana. But would the Senator then go to war in that instance?

Mr. SHORTRIDGE. No; I would not necessarily go to war.

Mr. ROBINSON of Indiana. The Senator would let them go through with the understanding with Mexico?

Mr. SHORTRIDGE. I would not.

Mr. ROBINSON of Indiana. What would the Senator do?

Mr. SHORTRIDGE. I would merely indicate our objection, and I think that would be sufficient.

Mr. ROBINSON of Indiana. But suppose it were not sufficient?

Mr. SHORTRIDGE. It was sufficient in the case of Magdalena Bay.

Mr. ROBINSON of Indiana. I am assuming that it would not be sufficient in this instance.

Mr. SHORTRIDGE. I think the Senator has in mind the supposed—I will not say it was a fact—endeavor of an Asiatic country to acquire a naval base at Magdalena Bay.

Mr. ROBINSON of Indiana. Oh, I remember that quite well; but this treaty was not in existence then.

Mr. SHORTRIDGE. Ah, but the Lodge resolution which passed this body was immediately passed.

Mr. ROBINSON of Indiana. But this treaty supersedes that in the event we become a signatory.

Mr. SHORTRIDGE. I think not. The Senator means that it supersedes the Monroe doctrine?

Mr. ROBINSON of Indiana. The resolution of which the Senator speaks.

Mr. SHORTRIDGE. The resolution was but, perhaps, an enlargement of the Monroe doctrine, although it was grounded upon another well-known principle.

I may allude to that hereafter, but at the moment, if the Senator recalls it, it was thought that an Asiatic country was seeking a naval base at Magdalena Bay, and Senator Lodge, then chairman of the Foreign Relations of the Senate, intro-

duced a resolution bearing on that question. After discussion the resolution, as originally introduced, was amended. It was very thoughtfully considered, and it passed this body, as I recall, by a vote of 51 to 4.

I contend that the Monroe doctrine is reserved from discussion between us and other nations. All the nations of the earth understand this doctrine. Every one of them understands it. There is no question about it; and to repeat myself over and over again, it needs no reservation, it needs no new promulgation. That doctrine is grounded on the natural law of self-defense. If anybody wishes to get at the scope and meaning of that doctrine let him read what former President Grover Cleveland said about it during the Venezuela controversy with England.

Mr. ROBINSON of Indiana. Will not the Senator confine himself to a specific answer to the specific question? Assume that we should become signatory to this treaty, and that very question did arise, and both Japan and Mexico should insist on arbitrating the question of whether the Monroe doctrine applied or not, and suppose we yielded. Then we would surrender the Monroe doctrine, would we not? The minute we permit the Monroe doctrine to be arbitrated by any foreign arbitrator or any world tribunal we surrender the Monroe doctrine.

Mr. SHORTRIDGE. That is the very thing we do not propose to do—yield to arbitration as to what constitutes this American doctrine, and we are not obligated to do so under this treaty. I listened attentively the other day to the argument of the Senator from Indiana, and I have reflected over it. I do not think it can be held that by this treaty we surrender in any way this doctrine, or put it in question, so that it would be the subject of arbitration between any two nations or ourselves.

Mr. ROBINSON of Indiana. I am just assuming that the other nations would insist, in a case of that kind, that the Monroe doctrine did not apply, and in that event, if it were left to arbitration, we would surrender the Monroe doctrine.

Mr. BINGHAM. Mr. President, again we have evidence that two good men can differ very materially in regard to the interpretation of this treaty, and we have further evidence of the incontrovertible fact that the Foreign Relations Committee does not itself seem willing to present a report which will state what they believe the treaty means and what they believed it meant when they recommended it.

I wish that some members of that committee, or the distinguished chairman of it, would give us conclusive reasons for their failure to do what a committee ordinarily does in reporting a great measure, for their failure to present a written report. Is it because they desire to leave it open, and to leave it broad, and to let anyone interpret it in any way he desires? If that is the case, then we are certainly riding for a fall.

Mr. SHORTRIDGE. It is not usual for the Committee on Foreign Relations to accompany a treaty with a report when we sit in executive session.

Mr. BINGHAM. The rules of the Senate do not permit us to discuss what happens in closed executive session.

Mr. SHORTRIDGE. I do not at the moment recall a case where there has been a written report of the Foreign Relations Committee.

Mr. BINGHAM. I see on the floor the Senator's distinguished colleague who has been a member of that committee for many years.

Mr. JOHNSON. The Senators will recall what was a matter of great controversy here, the Colombian treaty. We had majority and minority reports upon that. In matters that are of consequence I think reports are filed. But I have distinctly in mind that in the case of the Colombian treaty there were minority and majority reports, and a very long debate upon both.

Mr. SHORTRIDGE. Yes; there were reports and there was debate. The Senator is correct. He refreshes my mind as to that.

Mr. BINGHAM. I should like to quote a few sentences from Doctor Oppenheim's great treatise on international law, particularly because Doctor Oppenheim, in presenting this treatise, stated that it was intended not for those who were learned in the subject, but for those who took an interest in international law, were not jurists, and had had no legal training; in other words, people like the great majority of people in the United States, who are taking an interest in this treaty at the present time. They are not international lawyers, they are not jurists, most of them have had no legal training, but they are tremendously keen about the treaty, because it represents, they believe, an ideal. I should like to call to their attention the words of Oppenheim on page 560, where he says:

> The terms used in a treaty must be interpreted according to their usual meaning in the language of everyday life.

Certainly, if you were to ask the ordinary person not familiar with law, not a jurist, not an international lawyer, but thoroughly conversant with the language of everyday life, what is meant by an agreement never to settle all disputes or conflicts of whatever nature or whatever origin they may be which may arise among the nations except by pacific means, my impression is that he would place an entirely different interpretation upon that language from that which is placed on it by the distinguished chairman of the Foreign Relations Committee, and others more conversant with international law than the ordinary man. In other words, it does not seem to be fair to the great majority of the people of this country who are interested in these matters to ratify a treaty which they interpret, as Oppenheim says, in the language of everyday life, when, in that light, it does not mean what it says, there is a lot behind it—the right of self-defense, which includes very extensive possibilities, such as the Monroe doctrine, such as sending cruisers and marines to all parts of the world.

Oppenheim goes on to say:

> It is taken for granted that the contracting parties intend some reasonable, something adequate to the purpose of the treaty, and something not inconsistent with generally recognized principles of international law and with previous treaty obligations toward third states. If, therefore, the meaning of a stipulation is ambiguous, the reasonable meaning is to be preferred to the unreasonable, the more reasonable to the less reasonable, the adequate meaning to the meaning not adequate for the purpose of the treaty.

"Not adequate for the purpose of the treaty." The purpose of the pending treaty, I take it, is to outlaw war, as has been frequently stated, and to promote peace. It is difficult for some people to see how the adequate meaning of this treaty can be held to be adequate for the purpose of the treaty and at the same time to promote wars of self-defense.

Oppenheim further says:

> The principle in dubio mitius must be applied in interpreting treaties. If, therefore, the meaning of a stipulation is ambiguous, the meaning is to be preferred which is less onerous for the obliged party, or which interferes less with the parties' territorial and personal supremacy, or which contains less general restrictions upon the parties.

I shall refer to one more writer and then I shall have done. Sir Robert Phillimore prepared a great work on international law in half a dozen volumes entitled "Commentaries on International Law," which is generally recognized as being one of the great authorities on this subject. In volume 2 of the third edition, chapter 8, on Interpretation of Treaties, he states:

> In all laws and in all conventions the language of the rule must be general and the application of it particular. Moreover, cases arise which have perhaps not been foreseen, which may fall under the principle, but which are not provided for by the letter of the law or contract. Circumstances may give rise to real or apparent contradictions in the different dispositions of the same instrument, or of another instrument * * * which may require to be reconciled. These are difficulties which may arise between contracting parties disposed to act honestly toward each other, but they may not be so disposed; one of them may endeavor to avoid his share of the mutual obligation.

Similar cases might easily arise under this treaty.

> Indeed, there is no need for a priori reasoning on a subject amply demonstrated both in the covenants of individuals and the treaties supposed to be a matter of practical necessity.
>
> The interpretation is the life of the dead letter; but what is meant by the term "interpretation"? The meaning which any party may choose to affix or a meaning governed by settled rules and fixed principles, originally deduced from right reason and rational equity and subsequently formed into laws? Clearly, the latter.

It would seem to prevent us from giving any interpretation to the treaty which we seem inclined at the moment to give it. He goes on to say in paragraph 67:

> The general heads under which, for the sake of perspicuity, we may range the principles and rules of interpretation are the following:
>
> Authentic interpretation. * * *
>
> Usual interpretation. * * *
>
> Doctrinal interpretation. * * *
>
> Authentic interpretation in its strict sense means the exposition given by the lawgiver himself; it is, therefore, strictly speaking, inapplicable to the case of treaties.

Since any effort on our part to interpret it afterwards, or the meaning which we desire to give it ourselves is inapplicable to the case of treaties, it would seem to be all the more important for an official interpretation to be given at this time.

Mr. President, the hour is late, and I ask unanimous consent that there may be included in the RECORD at this point several

paragraphs, quoting from Phillimore's work, which call attention to the rules to be followed in the interpretation of treaties.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From "Commentaries on International Law," by Sir Robert Phillimore, vol. 2]

Usual interpretation is, in the case of treaties, that meaning which the practice of nations has affixed to the use of certain expressions and phrases, or to the conclusions deducible from their omissions, whether they are or are not to be understood by necessary implication.

* * * * *

Doctrinal interpretation is, as has been said, either, 1, grammatical or philological; or, 2, logical; and first—

As to grammatical interpretation, we must not confound translation and etymology with interpretation. It has been well observed that though it may not be easy to determine with exact precision where the province of the grammarian and the lexicographer ends and that of the interpreter begins, and though their provinces may be scarcely distinguishable upon their confines, yet that in their remote extremities, and for practical purposes, they are sufficiently distinct. A competent knowledge of the language in which the covenant is written is, in fact, necessarily supposed to precede or accompany the work of interpretation; and with respect to etymological refinements, they can but rarely have any place in the legitimate construction of a law or contract; the meaning of the words employed by the lawgiver, or by the parties, is to be sought in the common usage and custom, which indicate the consent of those who use them, that they should bear a particular meaning.

* * * * *

The principal rule has been already adverted to, namely, to follow the ordinary and usual acceptation, the plain and obvious meaning of the language employed. This rule is, in fact, inculcated as a cardinal maxim of interpretation equally by civilians and by writers on international law.

Vattel says that it is not allowable to interpret what has no need of interpretation. If the meaning be evident, and the conclusion not absurd, you have no right to look beyond or beneath it, to alter or add to it by conjecture.

* * * * * * *

With respect to difficulties of construction, arising from both foregoing sources of doubt, two general rules are applicable.

1. That the contracting party, who might and ought to have expressed himself clearly and fully, must take the consequences of his carelessness, and can not, as a general rule, introduce subsequent restrictions or extensions of his meaning.

2. That what is sufficiently declared must be taken to be true, and to have been the true intention of the party entering into the engagement.

Mr. BINGHAM. Mr. President, I can not finish what I have to say without remembering that at various times in my own life I have been in foreign countries, on expeditions of one sort or another, where my intentions were misconstrued, where the object of the scientific expedition was entirely misinterpreted, where the good citizens of the country or countries concerned have honestly held to the opinion that the expedition was not a scientific expedition, carried on for altruistic purposes, and in the interest of science alone, but have held that it was either a secret expedition fathered by the United States for the purpose of finding out something about the interior of those countries for the benefit of our Army, or was an expedition for the purpose of stealing some of their ancient treasures, the gold ornaments and the gold treasures of their ancestors. They have believed that the reason why these expeditions were continued from time to time was that we succeeded in finding a large amount of gold which properly belonged in their own museums and to their own countries. I mention those things merely to show how easily misunderstandings arise when our own citizens are in foreign countries.

I recollect at one time I was practically under arrest and that my headquarters in the interior of one of these foreign countries was surrounded by the soldiers of that country because charges had been made by responsible officials of one of the higher institutions of learning against the expedition on the ground that we were engaged in robbing the country of their ancient treasure. There was no evidence whatever, but according to the law of that country it was not necessary that they adduce evidence. Senators will realize that it is only in a few countries in the world where habeas corpus proceedings may be demanded. It is only in a very few countries of the world where a man is considered innocent until he is proven guilty. In a very large number of countries in the world a man is held to be guilty if he is charged with a crime and it is his duty to prove his innocence. It is extremely difficult to prove one's innocence when there is no evidence of one's guilt to contravene. It places one in a very embarrassing position.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. BINGHAM. I should like very much to be permitted to conclude the thought I now have in mind.

Mr. BRUCE. I should like to call the attention of the Senator to the fact that that is the rule of evidence which our friends, the prohibitionists, are advocating at the present time, as they have done for the last year or two. It is a part of the coming prohibition program that there is a presumption of guilt until the contrary is established by the accused.

Mr. NORRIS. Mr. President, if I may interrupt the Senator——

Mr. BINGHAM. I yield.

Mr. NORRIS. I would like to suggest that it is very fortunate for the Senator from Idaho and myself that we were not down in that country just the other day, where we would not have had any right to defend ourselves.

Mr. BINGHAM. It has occurred to me that if a larger number of the Members of this body had to do business in foreign countries, as do those engaged in export trade or those engaged in scientific exploration, they would appreciate the importance of doing nothing to tie our hands in defending our citizens and securing their rights when they are menaced in foreign lands.

I was about to say when I was interrupted by the Senator from Maryland that at the time of which I was speaking, when my own liberty was menaced and I was threatened with imprisonment, so lightly was the United States considered in that country and so unlikely was it regarded as being willing to protect its citizens that the representations of our minister availed nothing with the president-dictator of that country. On the other hand, so well known was the habit of Great Britain in defending British subjects, in whatever part of the world they may be, by sending cruisers and by insisting on legal rights, that when the minister of Great Britain and the head of the British colony went to see the president-dictator it made an impression, and the soldiers were removed and I was no longer in danger of imprisonment.

That happened at a time when there was a Secretary of State who was not as anxious to protect American citizens abroad as is the present distinguished occupant of that office. That happened at a time when we had a Secretary of State, as we may have again in the future, who, when his attention was called to the fact that Americans might suffer abroad and were suffering in foreign countries, said, "Why do they not come home, then? They will be safe at home. Why should they go to any country where they may be in danger?"

Mr. President, that is not my idea of the way to promote the prosperity of our country or the security of our citizens or respect for us abroad. I hope not to live long enough to see another Secretary of State who will take a similar view, but the day might come when we might have a Secretary of State who would believe that American citizens should not be protected abroad. For that reason I hope very sincerely that the Senate will not ratify this treaty without there being more of an official interpretation placed upon the records of the Senate than there is at present.

I hope that before we are asked to vote on the ratification of the treaty the committee will present a report showing that in no way does the treaty interfere with the right of our defending our own territory, nor in the slightest degree interfere with our right to defend the lives and property of our citizens in any part of the world. If the day should come when we can not do that, then we may well be ashamed of being Americans. I hope never to see that day come. I am proud of being an American, although there have been times during my short life when I have seen things happen in foreign countries that made me ashamed of my country.

I want no action of the Senate to be taken that will lead to a situation wherein the citizens of this country will feel ashamed of being Americans. On the contrary, I hope that the Senate will take such action as may make sure in the future that every citizen of our country in everything concerned with our foreign relations and with the lives and property of our citizens abroad may say with pride, "I am an American."

Mr. RANSDELL. Mr. President, the Briand-Kellogg pact, declaring the outlawry of war and binding its signatories never to seek a solution of disputes or conflicts between them except by pacific means, is the most remarkable step toward world peace ever undertaken. I am not visionary enough to believe that this pact means perpetual peace on earth, but I am convinced that it will be of greater assistance in promoting peace and preventing war than any treaty or international agreement heretofore adopted.

This treaty condemns recourse to war for the solution of international controversies in the relations of nations with one

another, and really outlaws war, which heretofore has been one of the most important and highly respected avocations of man, which has received universal sanction, and been practiced throughout all ages by all nations and races of men, savage and civilized. Recorded history is substantially a record of the wars between nations, infinitely more space and prominence being given to the description of battles and the awful destruction of men and cities than to the arts of peace and things which promote human welfare and happiness. Even the Old Testament is largely devoted to accounts of wars, which were so common in the old days that the Scripture refers to certain seasons of the year as the time when kings go out to war.

Prior to the advent of the Prince of Peace, less than 2,000 years ago, war was the principal business of mankind, and all prisoners of war were enslaved. Athens, the center of ancient civilization, art, and science, had only 20,000 free men and 400,000 slaves. During the first 600 years of the Roman Republic the Temple of Janus, open in time of war and closed in time of peace, was closed but for four brief periods. During recent years, however, war has been much less frequent than in the past, and the world seems gradually tending toward peace.

It may truthfully be said that war has ceased to be a probable source of benefit to the conquering state. The victor loses and suffers in many instances no less than the vanquished. War no longer pays; it exhausts and devitilizes both sides. Those who carry the honor of the field find little, if anything, with which to compensate and reward their own losses and contributions.

In addition to being the greatest humanitarian question in the world, modern war has also become our most acute economic problem. The Great War swept away over $300,000,000,000 of accumulated wealth and its indirect loss in the misdirected energies of the peoples of most of the highly civilized nations of the world, and in the curtailing of their productivity would probably double that amount. Therefore, statesmen and business men can not regard war as a problem for pacifists, churchgoers, and women, but one which has now become paramount for themselves as well.

Since the recent World War, fundamental changes have taken place in the very conception of war. That titanic struggle produced many unfortunate results, but it produced some good also. The best result of the World War was that it convinced not only the statesmen of many nations but the peoples thereof that resort to modern science has rendered war so destructive of life and property that unless our civilization shall find some means of making an end of war the next war will make an end of civilization.

Let me recall in a few words the evidence upon which this fateful conclusion was reached. Seven million five hundred thousand of the youth of the world were killed in battle; 5,500,000 more were so desperately wounded that they died within a few days after the battles; so that it is fair to say that the direct deaths of the World War were 13,000,000 men. Twenty million were wounded, not mortally, but so seriously that in many cases death would have been a happy release to them. Never was there such a slaughter of human beings in the history of the world. Consider for a moment the destruction of property. The best authorities estimate the direct losses of property at $186,000,000,000, the indirect losses at $151,000,000,000, or a total of $337,000,000,000. The mind can not grasp such totals, but by comparison let me say that it is as great a destruction of property, aside from the awful losses of human life, as if the United States, with all we possess, had been sunk to the bottom of the sea by an earthquake or other calamity. These are among the facts that have convinced many nations that unless our civilization finds some means of making an end of war modern war will make an end of civilization.

The eminent sociologist, Dr. John A. Ryan, recently said:

> One of the greatest obstacles to peace has always been the lazy assumption that wars must come; that there will always be war while men are men. So long as this pessimism prevails the majority of persons will not assert themselves in the cause of peace. World peace is largely, if not mainly, a matter of human faith. If the majority of people believe that peace can be established and secured, peace will be established and secured. Therefore, we must strive to make people think and talk peace. We must incessantly declare the feasibility of a reign of peace until this idea and faith become a dominating and effective element in the habitual thinking of the average man and woman. No human being knows whether war can be forever banished from the earth. Only God knows. We do know, however, that war may be made more and more remote through human action aided by the grace of God.

In that program Christian principles must find specific and detailed application. As followers of the Prince of Peace, we have the spiritual responsibility of promoting peace not only in our own country but throughout the world. It is not an easy task to apply the moral principles of Christianity to international affairs. There must be both individual instruction and political instruction. Under the first head the religious teacher must declare, expound, interpret, illustrate, and make concrete God's commandment "Thou shalt not kill." This teaching must be imparted to all groups and classes. It is not enough to declare that "every human being is my neighbor." Men must be reminded that "every human being" includes Frenchmen, Germans, Italians, Chinese, Englishmen, Irishmen, Japanese, and all other divisions of the human family. This doctrine should be repeated and reiterated. Effective teaching and adequate assimilation depend largely upon the simple process of repetition.

It is generally conceded that morality is best taught in the church, the home, and the school. Since peace is kindred to morality, let me cite one of the obstacles that must be overcome so far as teaching peace in the schools is concerned:

Not long ago a study was made by three American college professors of 24 history texts and 24 supplementary readers in order to ascertain the extent to which war is emphasized or favored in these school manuals. The investigation showed an excessive amount of space devoted to war; the amount devoted to peace almost negligible; the discussion of war nationalistic, biased, and in many cases flamboyant; the war illustrations reflecting only the glorified imaginings of the artists; very little telling of the real truths about war; and the great military leaders receiving vastly more attention than the conspicuous leaders in the arts of peace.

In taking advantage of every avenue to world peace advocates of that great work should not overlook the schools. Here is one of their greatest opportunities for impression upon the young minds—those who will soon undertake the responsibility of the world's affairs. It is not surprising that our children should receive the impression that war has contributed largely to the development of mankind when so large a part of our histories and so much of the literature studied in our schools is devoted to the details of the battle field, dwelling so emphatically upon the picturesque features of war—the marshaling of soldiers, the stirring music, the brilliant charge of armies—everything to glorify war and its heroes. The other side of the picture should be carefully portrayed—the return of the regiments, reduced to a tenth of their original number, maimed and feeble, carrying torn and blood-stained battle flags, and the terrible losses of life and property, with the consequent sorrow and suffering. The study of history should dwell largely upon the peaceful pursuits of life—agriculture, trade, commerce, science, and so forth.

People of all nationalities and races, of all forms of religious beliefs, and citizens of every government on earth, no matter how much they may differ in other things, can and will unite in efforts for preventing war and promoting peace. This is one thing on which there is no difference of opinion anywhere; and every human being realizes the incalculable benefits that would result if wars should cease forever and peace reign supreme.

How, then, is this end which we all so much desire to be attained? The peace pact makes a fine start by declaring it a crime to engage in war except in national self-defense. But human nature is weak and selfish, and the habits and tendencies of all past generations are hard to overcome. It was extremely difficult to prevent dueling in America; but when the laws of all our States had made it murder to kill a man in a duel that barbarous practice gradually fell into disuse, and men began to settle their differences in peaceful ways, such as arbitration or suits in the courts.

Nations can and will do likewise. Men fought duels when it was considered brave and honorable so to do, but they ceased when dueling became murder under the law and public opinion denounced as criminals those who took life in a duel.

When war has been outlawed by consent of all the world and is no longer respectable except in legitimate national self-defense, nations will not seek excuses for going to war but will resort to peaceful methods for adjusting their disputes.

To bring about world peace we must make a start in our own localities and work on the idea that everyone must be just to his fellow men and promote peace and happiness in his own neighborhood by giving to everyone his due and practicing justice at all times.

If justice be our guide and rule of life in all our private affairs, it will prevail in State, National, and international affairs, with world peace as a result.

We must arouse public opinion in favor of peace and against war. No force is so strong as public opinion when emphatically asserted and supported by sound logic and simple justice. Children must be taught the beauties of peace and the horrors of war at their mother's knee and in the schools. The churches must impress upon their membership that war as a method of settling international differences is a crime, and that disputes between nations can be adjusted by international tribunals in the same way that those between individuals are disposed of by arbitration and courts of justice.

It would be horrible to contemplate a return to savagery among our citizens, when might was right and courts of law were unknown; and what is war but the application of force, of might instead of right? The peace pact provides that right, not might, shall be our guide in the future.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. As in open executive session, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess in open executive session until to-morrow, Friday, January 11, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 10 (legislative day of January 7), 1929

POSTMASTERS

NEW JERSEY

David Tumen, Atlantic Highlands.
John R. Yates, Bivalve.
Earl C. Woodworth, Essex Fells.

NORTH CAROLINA

Roger V. Phillips, Grifton.

NORTH DAKOTA

Myron B. Fallgatter, Kintyre.
Bernice R. Ronning, Kramer.

PENNSYLVANIA

Herald H. Spaide, Ashland.
Mary G. Cann, Stoneboro.

UTAH

Carlos C. Hansen, Midvale.

WYOMING

Charles M. FitzMaurice, Greybull.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 10, 1929*

The House met at 12 o'clock, noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O blessed Teacher of Nazareth, Thou hast said: "Learn of me, for I am meek and lowly of heart." We would sit at Thy footstool; our hunger for knowledge is the sure reality of our divine nature. We wait on Thy altar stairs. Teach us the patience of prayer not answered, and also, they serve Thee who stand and wait; teach us the sanctity of life's quiet moment; teach us the sympathetic meaning of life's checkered pathway and the far-away stretch of life's undying hope. O Lord, teach us the heavenly joy of pure love and the happiness that radiates about the consecrated fireside. And, Father in Heaven, we are thankful for the warmth of fidelity in the hearts of our fellows and for the countless mercies that stream forth from the hidden secrets of this dear old earth. We wait with bared head and beseeching hand. Teach us, O God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 15569) entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. WARREN, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. SIMMONS members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Treasury Department.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 4935. An act to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army;

H. R. 8798. An act for the relief of William Lentz;

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor;

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives;

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street;

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana;*

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.; and

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.

DIVEST GOODS, WARES, AND MERCHANDISE MANUFACTURED, PRODUCED, OR MINED BY CONVICTS OR PRISONERS OF THEIR INTERSTATE CHARACTER IN CERTAIN CASES

Mr. KOPP. Mr. Speaker, I call up the conference report on the bill H. R. 7729, an act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up the conference report on the bill H. R. 7729, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) entitled "An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

W. F. KOPP,
FREDK. N. ZIHLMAN,
WILLIAM P. CONNERY, Jr.,
Managers on the part of the House of Representatives.

JAMES COUZENS,
SIMEON D. FESS,
HARRY B. HAWES,
Managers on the part of the Senate.

STATEMENT

The managers of the House submit the following statement in explanation of the action agreed upon and recommended in the conference report, namely:

The first amendment of the Senate excepts "convicts or prisoners on parole or probation." This amendment in no way conflicts with the purpose or spirit of the bill. It may be unnecessary but it is not prejudicial.

The second amendment of the Senate excepts "commodities manufactured in Federal penal and correctional institutions for use by the Federal Government." The Federal Government manufactures a number of articles in its penal and correctional institutions, but it makes no sale of any of them on the open market. All the products manufactured by the Federal Government are for the use of the Federal Government. As the policy of the Federal Government is entirely in harmony with this bill, we regard the exception as entirely proper. Many thought that the Federal Government under the original bill had all the rights which this amendment undertakes to preserve, but the managers on the part of the House saw no reason for opposing an amendment which simply safeguards the rights of the Federal Government by express language.

The bill as passed by the House provided that the act should take effect three years after its approval. The Senate, by the fourth amendment, extended the time to five years. In view of the difference of opinion on this question, it was thought best to accept the amendment and end the controversy on that point.

The third amendment of the Senate was eliminated, and this action was in harmony with the previous action of this House.

W. F. KOPP,
FREDERICK N. ZIHLMAN,
WILLIAM P. CONNERY, Jr.,
Managers on the part of the House.

Mr. RAMSEYER. Will the gentleman from Iowa yield me three minutes?

Mr. KOPP. I yield to the gentleman three minutes.

Mr. RAMSEYER. Mr. Speaker, when this bill was called up before the holidays and unanimous consent asked to agree to the Senate amendments I was the one who objected. My objection was based on the ground that a very substantial amendment had been adopted to the bill in the Senate, and in case of such Senate amendments I think that we should always refer the bill either to the committee having charge of the bill, so that we can have the committee's judgment on the Senate amendments, or send the bill to conference, where differences between the two Houses can be thrashed out and composed.

The bill went to conference and the amendment that I regarded as objectionable has been eliminated by the conferees. In that respect the bill has been improved and is along the line of action of the House last May, when the bill was before the House of Representatives for consideration and passage.

The bill was also improved in adding two years to the length of time before the bill goes into effect, making it five years instead of three years.

With the elimination of the third amendment it at least makes the bill applicable to all kinds of goods alike and does not discriminate against the farmer. The Senate amendment No. 3 would have discriminated against the farming industry. The position of the House was very clearly against such discrimination and in conference won out on this point. The House conferees carried out the mandate of this body and are to be commended.

My fundamental objection to the bill is that it is unconstitutional, but there is no use in further pressing this objection at this time. I hope the President and the Attorney General will give that phase of the bill most careful consideration, and undoubtedly it will receive careful consideration before the bill is finally passed on by the President.

We realize that the bill is going to impose many hardships on the prison authorities and on the taxpayers of the different States, but that matter has already been decided by the two Houses, and, of course, is water over the dam.

With this brief statement I do not care to delay the House in its approval or disapproval of the conference report.

Mr. CLARKE. The gentleman feels that the fundamental objection to the bill is that it is unconstitutional?

Mr. RAMSEYER. That is the way I think about it.

Mr. SNELL. Will the gentleman from Iowa yield?

Mr. KOPP. I yield.

Mr. SNELL. Will the gentleman explain what happened in conference?

Mr. KOPP. The only change really made in conference was the extension of the time for the bill to go into effect by two years. We conceded that the time might be five years instead of three years. Of the two other amendments agreed upon, one related to the exception of prisoners on probation or parole. We thought that was included in the original bill. The Senate thought not, and we accepted it. The other amendment related to goods manufactured at Federal prisons.

Mr. SNELL. What happened as to the amendment for processed goods?

Mr. KOPP. That was eliminated.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

REFERENDUM ON WAR

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from New York [Mr. FISH] for 10 minutes.

Mr. FISH. Mr. Speaker and gentlemen of the House, I rise to call the attention of the Members of the House to a joint resolution which I have just introduced providing for a constitutional amendment for a referendum on war. I will read the resolution, as it is self-explanatory.

The resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

The Congress shall have power to declare war; but war, except in defense of the United States, shall not be waged by the United States until a declaration of war by the Congress shall have been ratified by a majority of the qualified electors in the several States in the manner provided by the laws of each State for chosing Representatives in the Congress, at a time which the President shall fix immediately following such declaration. But when an actual state of war exists the President shall have power to recognize it and to take appropriate action to terminate it.

The proposed constitutional amendment is the natural and logical step after the ratification of the Kellogg multilateral treaty. There are those who believe that the multilateral treaty is a mere gesture, that it is a frigid kiss among nations, that it is a scrap of paper. There are, on the other hand, an overwhelming majority of the people who believe that the renunciation of war, except for self-defense, is the most forward step taken to do away with, or at least limit, wars since the beginning of all history. When the enlightened countries of the world give their plighted word to renounce wars, except for self-defense, it means far more than a mere gesture. It means that war is put beyond the law, that it is outlawed. It means that it is delegalized and made unlawful for the first time in the history of the world. Until we ratify the Kellogg pact the Emperor of Japan has a perfect right under the present status of war to declare war on the United States or to declare any other war of aggression. He would be just as lawful and legal in doing so as it is for you Members to belong to this House, to send your children to the public schools, or to belong to a church. The multilateral treaty proposes to renounce war and to make it unlawful, to take this ancient institution, recognized and entrenched in every civilized country, and put it beyond the law. I am offering the resolution at this time, when people are thinking in terms of peace and the outlawry of wars between nations, except strictly for self-defense, which in my opinion means invasion or threat of invasion. The resolution that I have proposed gives the power to the people of the country to determine whether we should go to war except in self-defense.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I prefer not to yield until I get through with my statement. The act of war is the highest act of sovereignty, all consuming and all absorbing, involving the lives, the prop-

erty, and the happiness of all the people. It is on a different plane from any other of the constitutional powers, and in these days when a nation goes to war it compels the masses of the people to bear arms by the enactment of arbitrary conscription laws.

It is only right that the people have a say as to whether this country shall declare war or not. Either the democratic principle of submitting this supreme issue to the collective judgment of the people is right or we are afraid to trust the deliberate judgment of the American electorate. I propose this amendment not as a millennium, not as a panacea to forever do away with wars, but as a fundamentally sound proposal that the people be given the right to ratify a declaration of war made by the Congress, except in case of invasion or threat of invasion. It seems to me that the time is ripe for careful and serious consideration of such a proposal. If it is in the interest of the American people and that of world peace, it should be adopted; if not, a discussion of it on its merits or demerits will do no harm.

For example, suppose to-day that we had a President of the United States who was warlike, and he provoked a diplomatic breech with Mexico so that his party in power in Congress followed him, and we declared a war of aggression against Mexico, or a war against Canada, Japan, or any other nation. Is it not right in this great self-governing country that the people should have a voice when they are the ones to carry the rifles and to bear the burdens? Is there any sound reason or insuperable obstacle for not giving the American electorate a direct voice when the Government is confronted with the supreme decision precipitating the country in a war which might affect the very existence of the Constitution, the Government, and the people themselves?

This is no mere gesture. All I am asking at the present time is that the matter be considered carefully; and, if it is a step in the direction of peace, that it be considered by a committee of this House and that the people back home be informed that there is such an amendment before the Congress. Then, if the people want this right, if they want this power, let them make the request to the Congress of the United States. It is merely an extension of the powers given by our forefathers. They did not leave the right, or rather the power, because it is not a right, to declare war to the Senate of the United States. They gave it to the Senate and to the House. They gave to the Senate the power to declare peace, but not to declare war; and, therefore, this proposed constitutional amendment, which may seem revolutionary to some Members at the present time, has the indirect support of the American ambassador to Great Britain, Alanson B. Houghton, who holds the most important foreign post in the gift of our Government. He has made several notable addresses advocating giving the power to the people, by way of a referendum, to declare war. This is along the line, let me say to my Democratic friends, of the Bryan arbitration treaties, postponing a declaration of war to a period of one year after full and free investigation. There are to-day 19 of those treaties in existence. The Congress of the United States is not elected upon the basis of war and peace. It is elected on partisan issues. It is elected on issues of the tariff, on financial issues, on peace-time issues, and may not be representative of the great mass of the American people on the question of war and peace. When you come to consider this resolution, I hope that you will not consider it as something radical or urging peace at any price. We surrender no rights by this resolution. We simply permit the American public to be heard on the question of war and peace in case of a war of aggression. I believe it will be years before such a resolution can be passed, but I believe at the same time that it will be passed and probably in the lifetime of most Members of the present Congress. Why not have faith in the people of the United States and give them an opportunity to vote on this greatest of all issues involving their life, liberty, and pursuit of happiness. Let us bring the question of peace and war out into the open for the inspection and determination of a great self-governing people.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. WOODRUFF. My friend speaks of the possibility of the country engaging in wars of aggression. I do not believe the history of this country is such that it would lead anyone to think that such a thing is imminent.

Mr. FISH. I do not believe it is imminent. There is, however, such a question about the war with Spain, in which the gentleman served. I do not think it was a war of aggression myself, but that is a debatable question. There may be at any time wars which may occur because of the desire of conquest, of some particular island in our sphere of influence that may bring about a war between us and some foreign nation; but I personally can not conceive of a direct war of aggression under the present or incoming administration.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF. Let me ask my friend what he would do if there were an invasion of this country, if such a constitutional amendment had been adopted and that all matters of this kind be referred to the people themselves before any action could be taken.

Mr. FISH. The gentleman evidently did not hear the resolution read. The resolution specifically excepts an invasion, which is a definite question of self-defense.

Mr. WOODRUFF. I am sorry. I came into the Chamber after the gentleman had been talking for some time.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. GARRETT of Tennessee. The latter part of the proposed amendment puts it absolutely in the hands of the President of the United States under the condition such as the gentleman from Michigan inquired about, but is it not a matter of history that every declaration of war that has ever been made by the Congress has been a declaration that war was already in existence?

Mr. FISH. Let me answer the gentleman by saying that such great generals as Grant, who served in the Mexican War, said the Mexican War was an unjust war and an aggressive war. That may or may not be an answer to what the gentleman has in mind.

Mr. GARRETT of Tennessee. I am speaking of a declaration of Congress upon the question. I do not remember the exact verbiage of the declaration in regard to the Mexican War, but it is my very distinct recollection that in every war in which we have participated the declaration has been by Congress setting forth that war was in existence.

Mr. FISH. Our troops had invaded Mexico at the time.

The SPEAKER. The time of the gentleman has expired.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed out of order for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. SCHAFER. I would like to ask the gentleman from New York, who is going to determine whether the war is to be a war of defense?

Mr. FISH. If the gentleman asks me, I believe the Congress is competent to decide that together with the President. I believe, however, public opinion would be decisive.

Mr. SCHAFER. I mean before the matter is submitted to the American people after ratification by Congress who determines whether a war is a war of self-defense? In other words, does the gentleman think that the question of entering the World War would have been submitted to a vote of the American people if the gentleman's amendment was the law of the land?

Mr. FISH. Let me say to the gentleman that if the people of Europe had had a voice in deciding upon war in 1914 there might not have been a world conflict. I think the point by the gentleman from Wisconsin is well taken and that the resolution would be clearer if the words "invasion or threat of invasion" were substituted for the words "self-defense."

The SPEAKER. The time of the gentleman has expired.

SUPPLEMENTAL REPORT ON H. R. 14154

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to be permitted to file a supplemental report on the bill H. R. 14154, Report No. 1941, which is a bill to increase the building accommodations for the Army Medical School. The original report is very brief, and I think it would be desirable to have full information before the House. I was authorized by the committee to make the original report, and I desire to file a supplemental report.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. WINGO. Mr. Speaker, reserving the right to object, I did not hear what the request was.

The SPEAKER. It is to file a supplemental report on the bill mentioned.

Mr. WINGO. There was so much confusion I could not hear.

Mr. McSWAIN. The bill is to authorize an appropriation to increase the building accommodations of the Army Medical School.

Mr. WINGO. Did the gentleman file the original report?
Mr. McSWAIN. Yes.
Mr. WINGO. And this is to file a supplemental report?
Mr. McSWAIN. Yes.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COL. PAUL V. M'NUTT, NATIONAL COMMANDER OF THE AMERICAN LEGION

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed out of order for one minute.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
Mr. TILSON. Mr. Speaker, a few days ago we had the honor of being visited by and having presented to us from the gallery the commander in chief of the Grand Army of the Republic. To-day we have the honor of having as a visitor in the Speaker's gallery the national commander of the American Legion, Col. Paul V. McNutt, and I wish to present him to the House. [Applause.]

APPORTIONMENT OF REPRESENTATIVES

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I present a privileged report, which I send to the Clerk's desk and ask to have read.
Mr. RANKIN. Mr. Speaker, I make the point of order there is no quorum present.
The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-eighty Members are present, not a quorum.
Mr. TILSON. Mr. Speaker, I move a call of the House.
A call of the House was ordered.
The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Adkins	Curry	McMillan	Tillman
Allgood	Dempsey	McSweeney	Timberlake
Anthony	Denison	Milligan	Treadway
Arentz	Doyle	Montague	Tucker
Bell	Estep	Moore, Ky.	Updike
Berger	Evans, Mont.	Moore, N. J.	Vestal
Blanton	Fletcher	O'Brien	Ware
Boies	Fort	O'Connor, N. Y.	Warren
Britten	French	Palmer	Watres
Browne	Garber	Parks	Weaver
Bushong	Gasque	Patterson	White, Colo.
Canfield	Golder	Prall	White, Kans.
Carley	Griest	Pratt	Whitehead
Casey	Hull, Tenn.	Reed, Ark.	Williamson
Celler	Kearns	Sears, Nebr.	Wilson, Miss.
Clancy	Kerr	Somers, N. Y.	Winter
Cole, Md.	Kindred	Speaks	Wolfenden
Collins	King	Stedman	Wolverton
Cooper, Ohio	Kunz	Stobbs	
Crowther	Leatherwood	Taylor, Colo.	
Culkin	Leech	Temple	

The SPEAKER. Three hundred and forty Members are present, a quorum.
Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.
The motion was agreed to.

APPORTIONMENT OF REPRESENTATIVES

Mr. MICHENER. Mr. Speaker, I ask that the resolution be reported.
The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11725, a bill for the apportionment of Representatives in Congress. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, may I inquire of the gentleman from Alabama [Mr. BANKHEAD] if time is desired on his side to debate the rule?
Mr. BANKHEAD. I will say to the gentleman from Michigan that, due to the importance of this subject, we think we shall be justified in asking for a longer time. I would like to have 30 minutes on this side.
Mr. MICHENER. I ask unanimous consent, Mr. Speaker, that the debate on the rule be limited to one hour, one-half of the time to be controlled——
The SPEAKER. The simpler way to do would be for the gentleman from Michigan to yield 30 minutes to the gentleman from Alabama.
Mr. SNELL. Mr. Speaker, we thought we could get unanimous consent to have the previous question ordered if we could get unanimous consent as to the time.
The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate upon the resolution be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Alabama [Mr. BANKHEAD], at the conclusion of which the previous question shall be considered as ordered. Is there objection?
There was no objection.
The SPEAKER. The gentleman from Michigan is recognized.
Mr. MICHENER. Mr. Speaker, this resolution makes in order the bill H. R. 11725, commonly known as the reapportionment bill.
This is not a new matter. The subject has been constantly before the Congress for the last eight years. Congress up to this time has failed to perform its constitutional duty, and when I say "Congress" I use the term in the inclusive sense. There are two branches of Congress—the House and the Senate.
Much criticism, and just criticism, has been aimed at the Congress; but let us not forget that on January 19, 1921, the first Congress following the report to the Congress of the taking of the 1920 census, a reapportionment bill was passed, reapportioning the Members of the House at 435, but that bill failed in the Senate. It was never considered in the Senate. In each Congress since that time, with one exception, we have had before us a reapportionment bill. On several occasions those bills have been considered by the House, and on each occasion the bill has failed of enactment by the House.
I think we are all familiar with the constitutional mandate, and I shall not discuss that. I think every Member of this House is familiar with the terms of this bill. A very comprehensive report has been presented by the committee favoring the enactment of the bill, and a very comprehensive minority report has also been filed, so that there is to-day in the hands of each and every Member here a clear statement of the matter which this resolution brings before the House; a clear analysis of the bill. I am not going to enter upon any particular analysis of the bill at this time, because that will be taken care of when the bill is being considered.
Something has been said about this being the same bill that was before the Congress last spring, to be exact, on the 17th day of May, 1928. In the main, the report tells us that this is the same bill. However, important changes have been made. All the discretionary power lodged in the Secretary of Commerce in the previous bill has been eliminated, so to-day those who opposed the bill a year ago because they said it was delegating discretionary power have lost that ground of complaint. There is no discretion delegated. The things that are to be done by the Secretary of Commerce are entirely ministerial. He works out a mathematical problem according to directions and reports the result to Congress.
We were told when the bill was previously before the House that the Secretary would do the apportioning and that the House would not have the opportunity to pass upon what the Secretary did, because under the bill all that was necessary to be done was for the Secretary of Commerce to report to the Clerk of the House, and automatically it became the duty of the Clerk of the House to proceed to reapportion. That feature has been eliminated, so that to-day, as I understand this bill, the Secretary of Commerce will report to the House as instructed in the bill. After he has so reported no action can be taken by anyone until after the House has been in session at least from the first Monday in December to the 4th day of the following March.
Therefore the Secretary of Commerce is not reapportioning. He is merely presenting to the House some figures prepared according to the direction of the House, and action must be taken by the House either negatively or affirmatively. In other words, if the House, when it convenes in December, 1930, and has before it these figures, then approves of the figures and approves of what has been done by the Secretary of Commerce, it needs to do nothing further. On the other hand, if the House is not satisfied in any particular with what has been done by the Secretary of Commerce in accordance with the directions laid down in this bill or with the action taken by this Congress, then it will be the privilege of that Congress to provide reapportionment in its own way. So we are not laying down any hard and fast rule. We are not doing anything to deprive the Congress next convening after the taking of the census of its constitutional duty. We are simply providing that if future Congresses fail to do their constitutional duty in

reference to reapportionment, then the people of the country shall not be deprived of constitutional representation in Congress. We are providing for an emergency such as has existed since 1921.

As I view the situation, those are the principal changes in this bill, and I am not going to discuss the bill further at this time.

Mr. RANKIN. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. RANKIN. Will the gentleman please show the House where there are any such changes as that in this bill? Please tell us where there are any such changes in the bill.

Mr. MICHENER. If the Members of the House will read the bill they can get that information. This bill is a particularly comprehensive bill, because it embodies a new feature; that is, the bill which was before the House a year ago is included in the print. The parts to be eliminated are stricken out by lines and the new parts are inserted in italics, and if the gentleman will read the bill I am sure he will be able to arrive at the conclusion at which I have arrived.

Mr. RANKIN. That is what led me to believe the gentleman from Michigan had not read it.

Mr. MICHENER. Well, there may be a difference of interpretation, and if the gentleman is still in doubt I would suggest that he read the majority report.

Mr. RANKIN. Will the gentleman yield further?

Mr. MICHENER. I do not care to take any more time at this time, and I ask the gentleman from Alabama to use some of his time.

Mr. LOZIER. Will the gentleman yield for a question, in order to correct a statement he has made?

Mr. MICHENER. I do not yield further at this time.

Mr. BANKHEAD. Mr. Speaker, I yield myself 15 minutes. Mr. Speaker and gentlemen of the House, I should be very much gratified to have the indulgence and attention of the House for the few moments I shall occupy in undertaking to give what appears to me as being some sound reasons why this rule should not be adopted, and if the rule should be adopted, why the so-called reapportionment bill should not pass.

This is, by the very nature of the case, a profoundly important question not only to the people of the country but it is also a profoundly important question to the House of Representatives itself as a part of our Government. In the first place, gentlemen, I desire to call your attention to the fact that the Constitution itself, by the terms affecting this so-called duty of the House to reapportion after each decennial census, does not contain any mandatory duty imposed upon the Congress to perform a reapportionment by legislative act. I must confess that by inductive reasoning, possibly, and by construction, that imputation may be put upon the section of the Constitution covering this question; but conceding that there is a duty imposed upon the Congress of the United States to reapportion after each census, I respectfully submit to your candid judgment that upon a reading of this bill and upon a reading of the majority report supporting the bill this is not a reapportionment bill, although it so states in the title of the bill presented. If there is a duty imposed upon the Congress of the United States under the Constitution, if this mandate does exist, which the gentleman from Michigan says has been so long neglected, and for the neglect of which the Congress of the United States has been so severely criticized in the press and otherwise—if this mandate exists, then, by the very nature of the case the duty is imposed upon the Congress undertaking to act upon the matter of reapportionment to perform those duties itself, and by the very admissions of this report it is not a reapportionment bill but at most it only sets up a so-called mathematical thesis which the committee calls anticipatory legislation to become law in the event of the future contingency of neglect upon the part of a future Congress. There is the whole sum and substance of the purposes of this bill in letter and in spirit, and frankly so admitted by the proponents of this measure.

Now, if the Congress of the United States during the last eight years has legitimately laid itself liable to the earnest criticisms which have been hurled against it in the press, in the forum, and otherwise, then surely by waiting for only a period of two years longer it would not gain much in the condemnation of the country or lose much more of its respect.

I submit that is the thing which this Congress ought to do. We ought to refuse to adopt the pending resolution and let this matter go over until after the 1930 census has been taken; and then, with all the facts before us, as disclosed by that census, delivered to the Congress of the United States for its direction, courageously and intelligently and in a constitutional method, and without surrendering the dignity and the prerogatives and duties of the Congress to some subordinate in the Government, meet that duty at that time. [Applause.]

Mr. MICHENER. Will the gentleman yield?

Mr. BANKHEAD. I will say to the gentleman, I have only a limited time——

Mr. MICHENER. I was just going to ask the gentleman if he supported the reapportionment bill in 1921, immediately following the census, which did not delegate any authority?

Mr. BANKHEAD. If I did support it, I will say to the gentleman, I supported a bill that carried out the evident intention of the framers of the Constitution that the Congress of the United States should reapportion the country and not submit it to some Secretary of Commerce or some subordinate of that department. [Applause.]

Mr. RANKIN. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. RANKIN. The RECORD also shows that the gentleman from Michigan voted to recommit that bill.

Mr. MICHENER. No; it does not show anything of the kind.

Mr. RANKIN. I will read it to the gentleman in a moment.

Mr. BANKHEAD. I will say to the gentleman from Michigan [Mr. MICHENER], if we are to be bound by the legislative records of how we voted in this Congress, and if we are to be consistent in our votes, then there is no hope for the passage of this resolution at this time, because only last May this House, after a full and candid discussion of the question, in its deliberate judgment, referred it back to the Committee on the Census. [Applause.] And if you are appealing on the ground of consistency, if the gentleman thinks that is a conclusive argument, then I submit to all of those gentlemen who agreed with us at that time that this bill ought not to become a law; if you will stand firm to your then conviction and your then vote, we will send this bill back to the committee and wait until the next Congress, whose duty it is to act, to perform its constitutional duty.

Mr. RANKIN. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman for a brief question.

Mr. RANKIN. The CONGRESSIONAL RECORD of October 14, 1921, at page 6348, shows that the reapportionment bill was recommitted by vote of 146 yeas to 142 nays, and it shows that one of the yeas was the gentleman from Michigan [Mr. MICHENER].

Mr. BANKHEAD. Yes. "Oh, that mine adversary had written a book," I believe is an old quotation. [Laughter and applause.]

Now, gentlemen, there is another thing I desire to call to your attention. What is the real substance of this bill? Why, the proponents of it admit it has no binding force or effect whatever upon a subsequent Congress, either in morals or in law or in precedents. They will have to confess that when the Seventy-third Congress assembles for the discharge of its duties, they will have the constitutional, legal, and moral right, as well as the political right, if they see fit, to expunge this bill from the RECORD, to repeal it or to modify it in any way they see fit, to change the basis of representation if they see fit to do so, or in any other wise to meet the constitutional duty imposed upon that Congress to meet this situation.

So in its last anaylsis, by a candid consideration of the very effect of the bill in spirit and in essence, it is nothing more or less than a legislative gesture; that is all.

I now ask you, in all candor, why are you gentlemen here, whose consciences seem to have been so severely aroused by these criticisms that have been laid against you, why have you the right to assume that the Seventy-third Congress will not be as capable of handling this question as the Seventy-first Congress? Are you taking stock in the proposition that because of the fact we have failed to perform our duty, as you say, that we will judge our successors by our own code of morals and of action and anticipate, as the bill says it is anticipating, that they also will not perform their duty, and therefore in order to save our successors, these brethren of ours, in the future, whose reputations we are so anxious to conserve, we will throw around them this cloak of protection and fix up an automatic scheme, by which, if that Congress fails to perform its duties, then by these figures that are presented by this automatic arrangement provided in the bill, the Congress will ipso facto reapportion itself.

Is not that a fair statement of the real crux of this bill? And when any gentleman who proposes to support it comes on the floor to argue its merits, I now ask him to deny that as far as legal effect is concerned, if that is not exactly what is proposed in this bill?

Gentlemen, I am one of those who yet has some faith and some trust in the dignity of the Congress of the United States.

[Applause.] I have been one of those who for the last decade and more has observed with great solicitude the constant dispersion of the power of the House of Representatives, the constant and reiterated abdication of our real constitutional powers and duties to some subordinate function or functionary of the Government. If I had the time, I could call your attention to a great number of the phases of our constitutional duty which we have surrendered, which we have abdicated and passed on to bureaus and divisions.

But here, gentlemen, is a question involving the very essence, the very sacrament, if I may call it that, of the personnel of the House of Representatives, the popular branch of the Government of the United States, and we, the Representatives of the people of this country, by this character of legislation, are abjectly admitting to the people of the country whom we represent that the Congress itself is either too cowardly or too impotent or too incapable to meet its constitutional duty.

I think the time has come, gentlemen—as a matter of fact, has long since passed—when we ought to reflect a little upon this phase of our duty. The founders of this Government looking down the corridors of the future years with that prophetic wisdom of theirs, contemplating no doubt in imagination the character and ability of the people of this generation and the Representatives of the people here, saw no reason to doubt that we would be competent to deal with this question; otherwise, they themselves would have made some specific provision about an automatic reapportionment under the census; but they trusted us; the people of this country trust us, and if we have been negligent, gentlemen, in the performance of that duty for eight years let us candidly confess that omission of duty. Let us to go the people and say, "We have tried every two years to pass a reapportionment bill, but because of some character of opposition, because of some exigency of legislation, because of the real convictions of the Representatives themselves that the bills were not providently or wisely framed, for all these various reasons, although we have recognized either the direct or the imputed mandate of the Constitution, we have failed to perform that duty."

And when this matter comes up after the census, and not before, as contemplated by the Constitution, then let us resolve whatever may be the result, to take some action upon this proposal.

For these reasons, gentlemen, and many others which might be urged if I had time to do so, and which will be presented by others opposing the resolution, I am opposed to the adoption of the rule and shall vote against the pending bill. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, ladies and gentlemen of the House, I am not interested in the rule, but I take it for granted that you are going to adopt the rule and debate the question again. I am not interested in the mechanics of this bill. In fact, I have not had time to read the bill. I do not know what transpired in the Census Committee or the Rules Committee which has deemed it expedient or wise to call up a bill that was up for consideration last May.

However, you are going to consider it. I am opposed to the bill, on fundamental principles. As I told you last May when I spoke on the bill, I am not opposing the bill because I am afraid that it is going to reduce the representation of certain States, including my own.

In the short session of the Sixty-sixth Congress I supported and voted for the bill to fix the membership at 425, and under that bill Iowa would have lost one Member.

I stated last May that when the time comes in the next Congress to reapportion the membership of the House I should oppose a bill to increase the Members above the present representation—and that regardless of how it might affect my own State. [Applause.] I think the House is large enough now, and I think the country would disapprove any action of Congress fixing the size of this House above the present membership.

This bill is nothing more or less than a proposition to enact a law requiring somebody else to do in January, 1931, what will be the plain duty of the Senate and the House of Representatives of the Congress of the United States to do then. [Applause.]

You can not defend this proposition on any grounds except, first, that you are in favor of increasing bureaucracy—that is, let the Secretary of Commerce or somebody else do that which is the constitutional duty of Congress to do.

The second ground on which you can defend the bill is that you have lost faith in the intelligence, the patriotism, and the courage of Members of Congress [applause], to perform their constitutional duty when confronted with it. In order to get the proper perspective of this controversy that has been before Congress more or less intensely since 1921, let us look into the history of this legislation.

A bill during the short session of the Sixty-sixth Congress—January, 1921—passed this House fixing the membership at 435. That bill failed in the Senate. The House performed its full duty in that Congress. If there is any blame it is on the Senate. In the Sixty-seventh Congress when we had an overwhelming Republican majority there was a proposal to put through legislation to empower the governors, together with other State officers who were Republican, in a few States normally Democratic, to redistrict the States in case the legislatures, which were then Democratic, would not perform that duty, and the States being normally Democratic—it was feared that a failure to redistrict would result in electing all Congressmen at large and consequently a solid Democratic delegation from at least one of such States and possibly more. I know that controversy had a great deal to do with defeating the legislation in the Sixty-seventh Congress.

About that time no less a person than the then Secretary of Commerce, the now President elect, in some report—I do not know whether it emanated directly from him—I know it came from his office—made the statement that the census of 1920 was unfair to the rural population of the country. I am not going into the details of that report. That had a tendency to put a damper on this legislation. There was talk that a new census should be taken in 1925. Nothing was done along that line. At any rate, since that time this matter has drifted along until we have the present situation where gentlemen are fearful that Congress will not do its plain constitutional duty in the Seventy-first Congress, because their States are bound to lose in representation on the present basis of 435.

I am not claiming any virtues for myself that I am not willing to accord to my colleagues. I know in other States similar to my own the Members are ready when the time comes to vote for a reapportionment bill on a fair census which will be before us in January, 1931, which will not increase the membership above 435, but who will not vote for this bill to abase Congress in the estimation of the people. Let us face our duties like men when the time comes and not, as this bill proposes, "pass the buck" to somebody else. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield the remainder of my time to the gentleman from Mississippi [Mr. RANKIN]. [Applause.]

The SPEAKER. The gentleman from Mississippi is recognized for 15 minutes.

Mr. RANKIN. Mr. Speaker, there has been a great deal of unjust criticism, inspired by certain Members of the House and the Senate, and directed at those of us who have opposed the bringing out and the passage of this bill.

I announced on this floor in 1921 that I was opposed to the reapportionment of the House of Representatives under the census of 1920. I gave as my reasons that that was not a just census. It was taken at a time when our population was very much disturbed, when America was just emerging from the World War, and when a great many of our soldiers were away from home, in the fields, and in camps. It was taken also at a time when great masses of our people were crowded into the industrial centers, working in the various enterprises that had grown up or expanded as a result of the Great War. It was taken in the wintertime, for the first time in the history of this country, in the dead of winter, when the Northern States were invariably wrapped in a sheet of snow, and during the rainy season in the South, when it was practically impossible to go out into the rural sections and get a just census of the farming population. It was taken while everything was at the peak of the high prices. Men in the fields, in every agricultural State of the Union, found it impossible to secure people to go out in the rural sections and take the census for the small amount of money then allowed for such work.

That census has never been approved by the Congress. Why do these men who criticize us, why do they not bring that census before the Congress and get it approved? They know they could not do it.

They say there is a constitutional mandate to take the census every 10 years. That is true, but it is not mandatory that we reapportion the House after the taking of each census.

We did a great many unusual things during the war. We drafted our young men and sent them to foreign fields; we took over our public utilities; we put on wheatless days and meatless meals and lightless nights; limited the amount of sugar a man could put into his coffee; and changed the time of day, as a result of the World War; and all this without any great hue and cry; but when it comes to failing to reapportion the House on an unjust and incomplete census taken under

those disturbed conditions we are criticized by Members who think that they will gain some political or personal advantage by having us reapportion under that census.

I have said from the beginning, and I say it to-day—I have said it every time this measure has been before the House—that we are attempting to get a just, full, and complete census taken in 1930; and when we do I am in favor, and those on my side of the House are in favor, of reapportioning the Congress under that census regardless of the consequences.

In 1921 we brought in a bill, after we had toiled and worked and tried to iron out our differences, that would have changed the membership of the House from 435 to 460. Personally, I was not in favor of increasing the number in the House, and I am not now. But I supported that measure in order to get the proposition disposed of. After debating it all day it was recommitted to the committee by a majority of four votes. I was one of the men who voted against recommitting it, but the very gentlemen who have criticized us from that day to this voted to recommit and thereby killed the bill.

This bill does not reapportion at all. It is the most ignominious capitulation I have ever seen the House attempt to make, surrendering our prerogative of reapportioning the membership of the House and abdicating it to some clerk down in the Census Bureau. That is what you are doing. Not only that, but you are manifesting a most flagrant lack of confidence in the Hoover administration before it is even sworn into office. You are attempting to pass a bill to reapportion the House elected in 1932. This is not a reapportionment bill. It is an abdication bill. It is a bill to delegate the right to reapportion to the Secretary of Commerce or to the clerks down in the Bureau of the Census.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SIMMONS. Does the gentleman know who that Secretary of Commerce might be who will act under this bill?

Mr. RANKIN. No.

Mr. SIMMONS. We are designating it not only to an executive officer but to an executive officer that is now unknown.

Mr. RANKIN. Certainly; and those clerks down there in the department have already tried the case in advance. If I had no other reason for opposing this bill, this forecast of the population of 1930 which they have made would be sufficient to convince me of the inadvisability of it. To show you that they have tried this case in advance, they have made one of their guesses, and one of the things the country is suffering from to-day is bureaucratic guesses. The Census Bureau now undertakes to guess what the population will be in 1930, and I made them admit—and it is in the hearings—that they took it for granted that the same disturbed conditions that apparently shifted the population between 1910 and 1920 would continue until 1930. They think that this disturbed condition, this drift, will continue in that direction until 1930. They do not seem to know that the war is over.

The gentleman from Michigan attempts to leave the impression that we have eliminated the evils of this bill. They have just denatured it in the mildest way. All of the evils of the bill are still there. If they have done anything, they have made it worse. I want you to read the bill. Gentlemen, do not go home and tell your constituents that you voted for this monstrosity and did not know what was in it. The gentleman from Michigan freely admits by his argument that he does not know what is in it, because the changes he indicated were not made at all, I submit, with all due deference to the gentleman from Michigan [Mr. MICHENER], of whom I am very fond.

Suppose you pass this bill. I want to show you where you forever shut the door in your faces. Suppose that in 1932 the conditions are such that by a small change, either a reduction or an increase or even leaving the House at its present membership, you should attempt to pass a reapportionment bill. All they would have to do at the other end of the Capitol would be to pigeonhole it and you would have no voice whatever in the reapportionment of the House. The President could veto it, or the Senate could pigeonhole it or defeat it, and the House would be absolutely powerless to recover their prerogative of reapportioning the House of Representatives.

Mr. BURTNESS. If the gentleman will yield, further than that might not the situation be even this: That the House committee might recommend a bill, put it on the calendar, and the Rules Committee by a majority of only one might prevent its consideration on the floor of the House?

Mr. RANKIN. Certainly.

Mr. BURTNESS. Are not they yielding the entire power of the House to one man in certain cases?

Mr. JOHNSON of Washington. Can you not say that of any piece of legislation?

Mr. RANKIN. And the gentleman from Washington remembers that Mr. Campbell, of Kansas, chairman of the Rules Committee, carried a rule in his pocket and would not even let it be taken up in the House, thereby killing the bill.

If a majority of the Senate should decide that we did not know what we were doing, they could kill the bill and we would have nothing to do with the reapportioning of the House, but some clerk in the Census Bureau would do it instead. This bill does not propose a reapportionment under the census of 1930.

It is just a legislative manifestation of the lack of confidence in the Hoover administration, and by your vote you will so declare if you support it.

We are demanding that a just, full, and complete census be taken in 1930. We are going to see that it is taken. We are going to do that in order that the agricultural States, composed as a rule of old-line Americans, those men and women whose forebears wrote the Constitution, whose fathers fought the War of the Revolution and the War of 1812, whose fathers and grandfathers fought both sides of the War between the States—we want to see that those old-line Americans are accounted for; that their States shall not be torn asunder; that their representation shall not be reduced by a census that is not full and complete and that does not account for the entire population.

Let me repeat that when the census is properly taken in 1930 we are in favor of reapportioning the House according to that census. But, in the name of common sense, let us retain the few prerogatives we have left, let us show the American people that we have the courage to do the best we can under these unusual conditions, and that we do not propose to surrender the prerogative which they, by their votes, have placed in our hands to control the apportionment of the House of Representatives as handed down to us by the framers of the Constitution. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman yields back two minutes.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN] and also the gentleman from Alabama [Mr. BANKHEAD] made the statement that the proposed bill is not an apportionment bill. I think that is true, speaking generally. It is not a bill undertaking any particular apportionment, even the apportionment following the census of 1930. If the bill is enacted into law we shall have a general statute on the Federal statute books that will make certain an apportionment of the Representatives in the House of Representatives following each decennial census. It in no way abridges the right or the power of Congress, following the announcement of the result of a census as provided by law, from passing any kind of an apportionment bill which the Congress thinks proper. It does provide, however, that if such apportionment is not made by Congress, the second succeeding Congress following the one which convenes on the first Monday of December after the census figures are announced and certified to the House shall be elected on a reapportionment made in the manner provided in the bill; that is, a House of 435 Members, the number of Members from each State being determined by the actual enumeration as certified by the Census Bureau.

I think we all agree that the Constitution contemplates the reapportionment of the House of Representatives in this Chamber following each decennial census. The fact that there was a compromise made by the fathers in writing the Constitution, wherein each of the States, the small as well as the large, was to have equal representation in another body, made it manifestly right and fair that in this, the popular branch of the Government, representation should be based upon the actual population of the various States. It is a matter of supreme importance to the membership of this House and to the people of the country in choosing their Representatives that there should be an equitable and fair apportionment of these Representatives according to population. But the matter goes much farther than that; it goes into the Electoral College; and when any State, under an existing apportionment, is entitled to more votes in the Electoral College if an apportionment were made in conformity with the Constitution, an injustice is being done that State by a failure to make such reapportionment.

Now, what objection can be made to having a general law on the statute books of this country that will guarantee to the people of the country and to the various States of the Union an apportionment each 10 years in case Congress for any reason fails or neglects to make an apportionment as provided by law and the Constitution? If this bill were enacted into law it would apply to the census of 1940 and to the census of 1950

and any succeeding census unless the law was repealed or the Congress, following the taking of such census, performed its constitutional duty and made an apportionment.

I think we all recognize the fact that the sentiment of the American people is overwhelmingly against the proposition that would increase the membership of this House above the 435 that it now has. I have consistently supported the proposition to apportion the House under the census of 1920. I voted for the bill of 1921 and voted to amend that bill by reducing the membership from 483, as provided in the bill, to 435 Members. As stated by the gentleman from Michigan, the House voted on that occasion and passed the bill by a large majority. On the occasion of the next attempt to apportion, when the committee reported a bill for 460 Members, I voted to reduce the number to 435; but when the House failed to adopt that amendment I was one of those who voted against the recommittal of the bill, because I wanted to see a reapportionment.

I do not believe that this House is justly subject to the very severe criticism which it has received throughout the country, because within less than two months after the announcement of the census of 1920 it passed a reapportionment bill and sent it to the Senate. But we must all admit and recognize the situation that exists—that for one cause or another eight years have gone by without action, and we have had two presidential elections on the present apportionment, an apportionment manifestly unfair to many of the States.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. RANKIN. Was the gentleman dissatisfied with the vote of the Electoral College in the last two elections? [Laughter.]

Mr. WILLIAMS of Illinois. I am not dissatisfied, but I think each State should have a vote in the Electoral College according to its population.

Mr. CHINDBLOM. Of course the majority would have been bigger if we had had a reapportionment. [Laughter.]

Mr. WILLIAMS of Illinois. I do not see how you could figure out a reapportionment in this House that would favor the Democratic Party. If the gentleman has such information, he can enlighten the House in the course of the debate.

I voted against a bill similar to this when this matter was before the House previously, because I insisted that we ought to apportion under the census of 1920, so that it would have been in time for the election of 1928. At this time we all know it is not practicable to undertake to apportion under the census of 1920. The enactment of this law simply assures to the country and guarantees to the people of the various States that if Congress for any reason fails to pass a reapportionment act after the census of 1930 the second succeeding Congress elected thereafter will be elected on an automatic ascertainment based on the figures as announced by the Secretary of Commerce. We invest the Secretary of Commerce with no discretion in this matter. The terms of the bill determine what his duties are. They are purely ministerial and can not in any way be declared to affect unfairly the people of any State in the Union.

As I said, I voted against the bill a year ago for the reason that I felt we ought not to apportion under the census of 1920, but that not being possible any longer I am quite strongly convinced that it is the duty of this Congress to enact this legislation and to make certain that in the future we will not have a situation such as we have witnessed in this country during the past eight years. That is all this bill does. It enacts a general law which assures an equitable and fair apportionment following each census. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MICHENER. Mr. Speaker, in concluding let me correct a statement which I possibly made, because if there is one thing I always want to do it is to state things to the House as they are. I did vote on October 14, 1921, to recommit a reapportionment bill, because that bill carried 460 Members. I, together with a majority of the Members of this House, favored keeping the number at 435, and we did send that bill back to the committee, with the understanding that the committee must bring back a bill containing 435. The matter to which I referred a few minutes ago was the roll call on January 19, 1921, before our good friend from Mississippi came to Congress. As previously stated, the House of Representatives did pass a reapportionment bill in 1921 fixing the number of Members at 435, and I voted for that bill, and that was the bill that failed in the Senate.

I have always favored reapportionment and I have always favored reapportionment at 435. I honestly and sincerely believe that it is the judgment, as has heretofore been expressed by a large majority of this House, that the number should not be increased, and I believe further that it is the desire and it is the will of the American people to-day that we should not add to our numbers.

I believe that there would be little opposition to reapportionment to-day if we would provide that no State in the Union should lose any representation which it now has. I want to call the attention of the House to the fact that it makes no difference whether we have 300 or 3,000 Members in Congress, so far as the weight of any vote of any State is concerned, if we are operating under a constitutional apportionment.

The gentleman from Alabama [Mr. BANKHEAD] pictured the old framers of the Constitution looking down through the corridors of time, as he said, and blushing with shame to think of the powers we were surrendering. Ah, Mr. BANKHEAD, what would those old fathers think to-day—those men who were so imbued with the idea of representative government—of a Congress of the United States which would defy the very intent if not the mandate of the Constitution and prevent a reapportionment that gives the very representation which those men thought they were guaranteeing to posterity?

Mr. BANKHEAD. As the gentleman has asked me the question will he permit me to answer it?

Mr. MICHENER. Under the 1920 census there are to-day more than 13,000,000 people in this country denied the representation which those old fathers intended they should have, and if this matter goes along until 1930 and there is no reapportionment, more than 31,000,000 people will be denied the representation which those same old patriotic, farseeing fathers intended they should have.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MICHENER. Not now. It has been further suggested here that we are taking away from the Seventy-first Congress a duty which the Constitution intended they should perform. I say to you, Mr. Speaker, that this bill is so worded that there is no question but that the Seventy-first Congress has the opportunity of passing on the question of reapportionment. They may reapportion in such manner as they see fit, but if they do not reapportion and we find ourselves in the condition in which we have found ourselves for the last eight years, then, Mr. Speaker, there is not any question but that a representative Congress will represent the American people until further action is taken by Congress.

Mr. BANKHEAD. Will the gentleman now yield?

Mr. MICHENER. I will.

Mr. BANKHEAD. The gentleman by his statement in effect admits that if it had not been for the absolutely arbitrary attitude assumed by himself and some other gentlemen who thought like him that we would have had a reapportionment bill in 1921 based upon a representation of 460 Members. Is not that true, and does it not follow that because of that absolutely arbitrary attitude—and I do not find anything sacrosanct in numbers—if it had not been the attitude that 435 was the absolute limit, we would long since have reapportioned the House and then we would have had the constitutional mandate carried into effect?

Mr. MICHENER. I think I stated a while ago that that was the crux of the trouble, call it arbitrary or anything you want. There are those people in the House who will reapportion to-day at any number, regardless of what anyone else wants, if they may save the present representation of their States.

It is hard for Members to vote for reapportionment which will result in some Members losing their seats in this body. It is possibly harder for some Members to vote for reapportionment when the particular seat which he occupies may be the one affected. To reapportion under the 1930 census and save the seats of sitting Members will require a House with a membership of not less than 540—more than 100 additional Members. If our population continues to increase, there must be a stop somewhere, and I think all are agreed that the House is already unwieldy, and the country is more interested in quality than quantity of its Representatives in the lower House.

The rule which we are now considering permits three hours general debate on the bill, with full opportunity to amend under the 5-minute rule, and surely there are none who will oppose even considering the question of reapportionment.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. BANKHEAD. Mr. Speaker, I yield back the remaining two minutes of time.

The SPEAKER. Under the agreement, the previous question is ordered. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FENN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11725) for the apportionment of Representatives in Congress, and pending that motion I ask unanimous consent that the time be equally

divided and controlled, one-half by the gentleman from Mississippi [Mr. RANKIN] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11725, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. FENN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. RANKIN. Mr. Chairman, reserving the right to object, I shall not object if the gentleman will agree for the bill to be inserted in the RECORD at this point.

Mr. FENN. I will agree to that and amend my request accordingly.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the first reading of the bill be dispensed with and that the bill in its amended form be inserted in the RECORD at this point. Is there objection?

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry. Will this show the changes made in the bill?

The CHAIRMAN. Not in the way in which the Chair put the request.

Mr. RANKIN. My understanding was that it should go in with the amendments shown.

The CHAIRMAN. Without objection, the Chair will put the request again. The gentleman from Connecticut asks unanimous consent that the first reading of the bill be dispensed with and that the bill be printed in the RECORD at this point with amendments. Is there objection?

There was no objection.

The bill is as follows:

[Omit the part in black brackets and insert the part printed in italic]

A bill (H. R. 11725) for the apportionment of Representatives in Congress

Be it enacted, etc., That [as soon as practicable after the fifteenth and each subsequent decennial census,] *on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter,* the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under [such census] *the fifteenth and each subsequent decennial census of the population,* and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions.

SEC. 2. (a) If the Congress to which the statement required by section 1 is transmitted, fails to enact a law apportioning the Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the officer who, under section 32 or 33 of the Revised Statutes, is charged with the preparation of the roll of Representatives elect.

(b) This section shall have no force and effect in respect of the apportionment to be made under any decennial census unless the statement required by section 1 in respect of such census is transmitted to the Congress [on or before the first day of the first regular session which begins after the taking of such census has begun] *at the time prescribed in section 1.*

SEC. 3. In each State entitled under this act to more than one Representative, the Representatives to which such State may be entitled in the Seventy-third and each subsequent Congress shall be elected by districts equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. Each such district shall be composed of contiguous and compact territory and contain as nearly as practicable the same number of individuals.

SEC. 4. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives, the additional Representative or Representatives apportioned to such State shall be elected by the State at large, and the other Representatives to which the State is entitled shall be elected as theretofore, until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

SEC. 5. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given a decreased number of Representatives, the whole number of Representatives to which such State is entitled shall be elected by the State at large until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

[SEC. 6. Candidates for Representatives at large shall be nominated, unless the State concerned shall provide otherwise, in the same manner in which candidates for governor in that State are nominated.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. THURSTON].

Mr. THURSTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein two tables, one prepared by the Bureau of the Census and one by the Library.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to revise and extend his remarks in the RECORD by including therein two tables, one prepared by the Bureau of the Census and one by the Congressional Library. Is there objection?

There was no objection.

Mr. THURSTON. Mr. Chairman, I doubt if it will be necessary to go into the consideration of the plans suggested in allocating the Members of the Congress, whether we use major fractions or equal proportion, because it appears to me that there are some insurmountable objections that will preclude us from ever reaching a consideration of either of those plans. I shall direct my remarks principally to two things, first, the relation to the delegation of powers that have from time to time been made by Congress to different executive branches, and doubtless all of the Members are familiar with the long line of decisions that have grown up in relation to the delegation of necessary powers incident to the proper functioning of some branch of the executive part of the Government, and one of the first contests in that respect was in relation to the power the Congress extended when it created the Interstate Commerce Commission, giving that organization control over investigation and later the promulgation of freight and passenger rates. Of course, it is apparent that the Congress would not have the time to enact thousands upon thousands of rates, and the same thought prevailed when the Congress enacted the last tariff measure, vesting certain discretion in the executive branch in relation to the exaction of duties upon imports. But I call attention to this distinction: Thus far the delegation of that power has been confined solely to questions affecting economics or commerce or trade, and the Congress never once delegated a purely political power. This afternoon we are dealing with a measure that proposes to delegate a political power, and when we stop to consider that this body is only called upon once during every five Congresses to devote its attention to the apportionment of the Congress, this act on our part then does not come within the phrase so frequently mentioned by the Supreme Court in interpreting the delegation of powers as being "necessary," and running all through that line of decisions you find the term "necessary" used, because the Congress should not be called upon to deal with minute details, and, therefore, the courts have sustained the delegation of these powers.

But what contention can be made upon the floor of this House that this Congress does not have the time to devote its attention to a determination of this question, seeks to remove a plain constitutional duty by referring it to the executive branch of the Government? The other matter I wish to deal with, and I believe it is one worthy of consideration; I would like to have you all consider section 1 of this bill which purports to set up a rule whereby apportionment shall be made by the executive branch of the Government. If you have the committee report, on page 2 you will there find the fourteenth amendment to the Constitution of the United States, and it will be noted that this bill proposes to take part of the constitutional duties in relation to this subject and vest those powers in the executive branch and makes no mention of the entire or whole constitutional duty in that respect, and I must say this will be of interest when we remember that under section 2 of this amendment a provision is made here in regard to the denial or abridgement of rights of any citizen to vote; and, if this bill passes, can we, the Congress, adopt half or some portion of the method provided here in the Constitution upon this subject and permit the executive branch of the Government to retain a portion, or must all of this measure stand or fall together? I insist that this bill only makes provision for a portion of the constitutional duties that are placed upon the Congress, and if

an amendment were offered upon the floor of this House to include the rest of the necessary matter upon the subject, then what would be the situation? The Secretary of Commerce or some subordinate would then be empowered, according to this bill, with the right to have hearings as to whether the rights of a citizen in some certain State have been abridged or diminished or denied, and then application could be made not only by one or two States but six or eight or a dozen, possibly, and I believe we would find if this power was so delegated or attempted to be delegated, that there would be many demands from different portions of the country claiming that the rights of their citizens had been abridged and they desired to make a showing in support of their contention, and then it would be the plain duty of this administrative official to hear and determine a matter that would be thus submitted, and then where would the contention of our friends stand who say that there would be no discretion whatever vested in the administrative official? Because this official would be obliged to deny or affirm; and if that official would fail to act after an application was made, then a citizen acting for some State would have the right to call upon the third branch of our Government, the judicial branch, so that the courts would determine whether or not this was a ministerial act and therefore it was incumbent upon this official to comply with the plain mandate of the fourteenth amendment.

Mr. STOBBS. The gentleman is assuming in his argument that the Secretary of Commerce would be called upon to exercise discretion in determining the fact of a violation of the provisions of the fourteenth amendment. Is that right?

Mr. THURSTON. Yes, sir.

Mr. STOBBS. Is there any machinery set up now providing for a violation of the fourteenth amendment?

Mr. THURSTON. No, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THURSTON. I ask for one additional minute.

Mr. RANKIN. I yield the gentleman one minute.

Mr. STOBBS. Is not this perfectly true, that if there was any machinery set up by Congress to provide for a violation of the fourteenth amendment and it had been determined that the rights of any citizens had been denied, then after the decision of the department by this machinery set up to provide for a violation of the fourteenth amendment, all the Secretary of Commerce will be called upon to do under this bill is to determine what citizens, excluding Indians, have had their rights denied by such machinery, and in respect to such determination the Secretary of Commerce under this bill will be performing a purely administrative duty?

Mr. THURSTON. The Secretary of Commerce would be obliged to exercise discretionary powers in complying with the provisions of the Constitution.

The bill under consideration provides that if the Seventy-first Congress and each fifth Congress that assembles thereafter fails to enact a reapportionment law this measure will stand as a perpetual delegation of not only the legislative power that is vested in the Congress under the Constitution but also would delegate the constitutional function of determining the membership of the House of Representatives by one of the coordinate branches of the Government; and even if there was warrant for avoiding this duty it is hardly conceivable that the legislative branch of the Government desires to make a further surrender of prerogatives that were plainly intended by the framers of the Constitution that it should exercise.

Following the preamble to the Constitution, section 1, Article I, provides that—

> All legislative powers herein granted shall be vested in a Congress, which shall be composed of a Senate and House of Representatives, thus according first place in that great instrument to the legislative branch of the Government—

And section 2, Article I, of that instrument makes provision for the House of Representatives, thus according first place to the most numerous branch of the National Legislature, thereby indicating that the framers of the Constitution gave the highest regard to the function devolving upon this body, who bear the same name as the form of our Government, so that a Representative in the Congress of the United States holds one of the high offices in this Government, which is representative in form.

Because of the great industrial, agricultural, and financial expansion in our country, it was manifestly apparent that the Congress could not legislate as to every detail that trade, commerce, or industry might require, and that it was necessary for the Congress to pass laws delegating ministerial duties to the executive branch of the Government, so when the interstate commerce act was passed, whereby the Government was to exercise control over the railroads, and in so far as possible require that fair and equitable freight and passenger rates should be made, thus entailing the investigation and promulgation of thousands upon thousands of rates and regulations therefor, the necessity for a broad construction of delegated power became apparent, and economic necessity warranted this broad construction.

Substantially the same situation but in a lesser degree arose when the last tariff act was passed in relation to the flexible provision in that act which authorized the President to change the rate of duty upon imports. And there is a long line of decisions sustaining the right of the Congress in this respect, but all of the decisions coming within the rule mentioned place stress upon the necessary delegation of ministerial functions, because of the manifold and multiplicity of acts that would arise under the rate structure or tariff schedules that administrative officials would be obliged to encounter; however, all of the decisions mentioned delegating power deal with economic, commercial, or trade activities, whereas the delegation proposed in the instant bill is wholly of a political character, and I would urge any Member to submit authority to the House which will point out the justification for the delegation or surrender of a political power that is vested in the Congress.

I submit that the distinction between the delegation of nonpolitical and political power is one that should challenge the sober thought of students of our form of government, which is representative in form, as well as the membership of the Congress of the United States.

Furthermore, when construing the Constitution, we are always admonished to consider the intent the framers had when drafting this great instrument, and when they placed the duty upon each fifth Congress to make an apportionment of the membership of the House of Representatives, it is inconceivable to believe that they felt that this act to be discharged by the Congress but once every 10 years would become so onerous and burdensome that this simple duty should not be exercised after the decennial enumeration of the population had been determined, so the delegation of this duty can hardly come within the necessary class that is so frequently mentioned in the line of cases justifying a delegation of legislative power.

A fair construction of the Constitution upon this subject warrants the assertion that powers, and particularly political powers, which the Congress can readily and expeditiously exercise, does not warrant a delegation of such powers to another branch of the Government.

If a measure of this character is passed, and after the results of the next decennial census are available, and the Congress desires to amend or change the formula set out in the bill, or make any other change, and a measure providing for the change would pass the Congress by a majority, and would not meet with the approval of the Executive, a two-thirds majority of each branch of the Congress would be required to effect the change desired, so by passing an anticipatory measure of this character the Congress would be surrendering that portion of its strength that lies between a majority and a two-thirds majority. But even so the rule sought to be established in this bill in the respect mentioned is not so important as the situation that might arise and be referred to the third coordinate branch of the Government.

The first section of the bill under consideration apparently intends to fix the rule by which the reapportionment shall be made and also provides a certain formula therefor, but it will be noted that in attempting to state the constitutional rule that will prevail in making the reapportionment, no reference is made to the second paragraph of section 2 of the fourteenth amendment to the Constitution, and for purpose of reference I will read all of section 2 of said amendment:

> Amendment 14, section 2:
>
> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the whole number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

A careful reading of this section at once brings out the thought that a discretion is vested in the branch of Government that would deny or affirm the right to reduce the membership in the Congress from a State, on account of a noncompliance with the provisions of the major portion of the section just read, and I invite the Members to compare this bill with the fourteenth amendment, which is set out on page 2 of committee hearings, and is in convenient form to consult here.

Manifestly, it is apparent that the bill fails to include the delegation of an important function to be discharged by the Secretary of Commerce.

After the taking of the census, and a determination of the population has been made, and before the certification by the Secretary of Commerce to the Congress, an action of mandamus was commenced by a citizen against the Secretary of Commerce, to require such official to reduce the membership in the Congress from a certain State, the court would first be obliged to determine if the official mentioned was exercising ministerial powers, and if he was so acting, then his acts would have to be based upon the provisions of the second section of the fourteenth amendment, so a chain of incidents might follow that no one here could anticipate or measure.

For instance, on the other hand, if it should be found that such action upon the part of the Secretary of Commerce would involve discretionary action, then the end sought by this legislation would prove to be a nullity, even though present expediency might be satisfied.

Again, we might consider another aspect of this measure in relation to whether or not a discretion is vested in the Secretary of Commerce. For instance, if the official mentioned allocated the membership of the Congress among the respective States, and subsequently an error in such competition should be disclosed or claimed, or if such official knowingly or otherwise acted in violation of the formula prescribed, what recourse would be available to a State that claimed it had not received the number of Representatives to which it was entitled?

Irrespective of an injustice in the allocation of such membership by design or otherwise, would a State be obliged to accept its representation in the Congress on the basis indicated by the executive branch of the Government? Or would a citizen of that State be entitled to maintain an action of mandamus to correct the act of the administrative official, and if such an action would lie, then in the final analysis, the judicial branch of the Government would be assisting or determining matters in relation to the membership of the legislative branch of the Government.

Such a judicial determination might be more far-reaching in its political effect than an adjudication correcting the application of some rule in relation to freight rates or tariff schedules.

So the question involved here, largely, is whether the Congress either morally or legally has the right to relieve itself of a plain, unquestioned, constitutional duty.

A distinguished Member of this body recently wrote a constitutional treatise entitled "The Vanquishing Rights of the States," so it might not be out of place here and now to refer to the constant surrender of legislative powers by the Congress.

The constant trend of legislation in the Congress is to divest legislative control and vest increasing powers in the executive branch of the Government, and measures like the one under consideration will tend to confirm the opinion of those who feel that a legislative body is an unnecessary adjunct of government, and that, after all, a monarchy serves the people best.

A history of England portrays "a thousand years of strife to win rights for the people from the Crown or the autocracy," and in a sense we inherited that contest; and when our Constitution was adopted we thought we had won a permanent victory; and so we had; but the diminishing powers of the legislative branch of our Government might well challenge the attention of those in favor of maintaining our representative form of government.

It might be well to recall that after a complete draft of the Constitution had been presented to the convention, the presiding officer of that body, General Washington, who had listened to all of the debates leading up to the completion, made only one suggestion or request to the body of men composing the convention, and that was "to change the basis of representation from 1 Representative to each 40,000 persons to 1 Representative for each 30,000 persons," thereby expressing his judgment as to a limitation upon the numbers which a Representative would represent in the House; and the change suggested was made.

Alexander Hamilton, one of the great expounders of and contenders for a strong central government, likewise insisted that the Representatives should be greater in number than proposed in the original draft of the Constitution.

So I am leading up to the question as to the number of Representatives that is proposed in the measure under consideration; and if this measure becomes a law, it might take a two-thirds vote in each branch of the Congress to increase or diminish the membership in the House; and with the contentions made by those who are opposed to a House composed of 435 Members or a greater number, it might be well to submit a statement prepared by the legislative service of the Library of Congress giving the membership in the higher and lower branches of the national legislatures in Great Britain, Canada, France, Germany, Italy, Japan, and the United States; and this table also shows the population, area, and estimated wealth of each of the nations mentioned.

A Member in the United States Congress represents two to six times as many persons, fifteen to twenty times as much territory, and three to twenty times the wealth as a member in the lower house of the other nations mentioned above:

Membership of parliament in certain foreign countries, in relation to population, area, and estimated wealth, compared with the same figures for the United States

Country	Membership of—		Population	Area (square miles)	Estimated national wealth [1]		Ratio represented by each member of lower house in relation to total		
	Higher house	Lower house			Year	Amount	Population	Area	National wealth
Great Britain and Northern Ireland	[2] 730	[3] 815	[4] 42,919,710	89,041	1922	$120,000,000,000	69,788	145	$195,121,951
Canada	[5] 96	[6] 245	[7] 9,364,200	[8] 3,729,665	1921	22,195,000,000	38,221	15,214	90,519,837
France	[9] 314	[10] 580	[11] 39,209,518	212,659	1925	60,000,000,000	67,603	367	103,448,276
Germany	[12] 68	[13] 493	[14] 62,539,098	182,257	1924	[15] 40,000,000,000	126,854	368	81,135,903
Italy	[16] 387	[17] 560	[18] 42,115,606	119,624	1922	35,000,000,000	75,206	214	62,500,000
Japan	[19] 409	[20] 464	[21] 61,081,954	[22] 260,707	1922	22,500,000,000	131,642	562	48,491,379
United States	96	435	[23] 117,136,000	[24] 3,627,557	1922	320,804,000,000	269,278	8,339	737,480,460

[1] None of the data relative to national wealth is official. These estimates are mostly by bankers or statisticians. (World Almanac, 1927, p. 297.)
[2] Average membership. This is the voting strength. The full house would consist of about 740 members.
[3] Including 13 members from Northern Ireland. Number reduced to that figure in 1922. From 1885 to 1917 membership was 670. From 1918 to 1921, under the "Representation of the people act, 1918," membership was 707.
[4] On June 19, 1921.
[5] Total number may not exceed 104.
[6] Fifteenth Parliament, elected on Oct. 29, 1925, under the "Representation act, 1924." (Canadian Parliamentary Guide, 1926, p. 113.)
[7] Estimated population in 1925.
[8] The area of the Dominion, as revised on the basis of the results of recent explorations in the north, is 3,797,123 square miles. (Canada Year Book, 1925, pp. 1, 813.)
[9] Elected Jan. 11, 1924.
[10] Elected May 11, 1924.
[11] Census of 1921.
[12] In 1926.
[13] Elected Dec. 7, 1924.
[14] On June 16, 1925.
[15] According to figures published by Doctor Luther, German Finance Minister. (World Almanac, 1927, p. 297.)
[16] On Jan. 1, 1924. The number of senators is unlimited. Senators are appointed by the King for life.
[17] Elected in April, 1924. Prior to electoral law of Feb. 15, 1925, deputies numbered 535.
[18] Estimated on Jan. 1, 1926. Census of Dec. 1, 1921, returned 38,755,576 inhabitants.
[19] On Dec. 31, 1925. Members of the imperial family are ex officio members of the House of Peers (senate). A large percentage of the membership of the House of Peers consists of members appointed by the Emperor. (Résumé statistique de l'Empire du Japon, 1926, p. 145.)
[20] Elected May 31, 1925; number unchanged from 1924. (Résumé statistique de l'Empire du Japon, 1926, p. 145.)
[21] Estimated Dec. 31, 1924. The census of population of the mainland on Oct. 10, 1925, gave 59,936,000 inhabitants. (Résumé, 1926, p. 5.)
[22] Including Chosen (Korea), Formosa, Pescadores, and Japanese Sakhalin.
[23] Estimated by Census Bureau, July 1, 1926.
[24] Gross area (land and water), Statistical Abstract of the United States, 1925, p. 3.

Sources: Unless otherwise stated, Statesman's Year Book, 1926, and World Almanac, 1927.

As the representation in the Congress is based upon the population rather than citizenship, it might be interesting to submit a statement prepared by the Bureau of the Census showing a table giving the population of each State as returned by the enumeration in 1920 and also the estimated population of each State in the year of 1930, together with an enumeration of the aliens in each State in the Union as of January 1, 1920. So that the failure to reapportion in the year 1920 has not denied citizens the representation claimed, even though the representation for persons was not changed.

I will not make extended reference to the table of population just mentioned, but upon examining the same you will find that the Federal census for 1920 disclosed a population of 105,710,620 in the United States, of which number 7,427,604 were aliens, or one-fifteenth part of the total were not citizens of the United States:

Population of the United States, by States, 1930, 1925, and 1920, with number of aliens in 1920

	Estimated population Jan. 1, 1930 [1]	State census 1925	Federal census Jan. 1, 1920	
			Total population	Aliens
United States	122,537,000		105,710,620	7,427,604
Alabama	2,612,000		2,348,174	8,968
Arizona	499,000		334,162	68,606
Arkansas	1,978,000		1,752,204	6,296
California	4,755,000		3,426,861	453,397
Colorado	1,116,000		939,629	54,400
Connecticut	1,717,000		1,380,631	233,634
Delaware	248,000		223,003	11,496
District of Columbia	572,000		437,571	13,739
Florida	1,489,000	1,263,549	968,470	35,899
Georgia	3,258,000		2,895,832	7,652
Idaho	567,000		431,866	15,765
Illinois	7,555,000		6,485,280	543,528
Indiana	3,220,000		2,930,390	84,977
Iowa	2,433,000	2,419,927	2,404,021	69,401
Kansas	1,847,000	1,812,986	1,769,257	48,509
Kentucky	2,577,000		2,416,630	11,934
Louisiana	1,977,000		1,798,509	30,507
Maine	800,000		768,014	65,046
Maryland	1,645,000		1,449,661	51,163
Massachusetts	4,367,000	4,144,205	3,852,356	629,227
Michigan	4,754,000		3,668,412	383,583
Minnesota	2,781,000		2,387,125	158,374
Mississippi	[3] 1,790,618		1,790,618	4,548
Missouri	3,544,000		3,404,055	78,772
Montana	[3] 548,889		548,889	35,410
Nebraska	1,428,000		1,296,372	58,422
Nevada	[3] 77,407		77,407	9,557
New Hampshire	458,000		443,083	53,250
New Jersey	3,939,000		3,155,900	421,551
New Mexico	402,000		360,350	23,456
New York	11,755,000	11,162,151	10,385,227	1,609,190
North Carolina	3,005,000		2,559,123	3,819
North Dakota	[4] 641,192	641,192	646,872	35,183
Ohio	7,013,000		5,759,394	372,925
Oklahoma	2,496,000		2,028,283	20,287
Oregon	923,000		783,389	49,918
Pennsylvania	10,053,000		8,720,017	795,330
Rhode Island	736,000	679,260	604,397	92,913
South Carolina	1,896,000		1,683,724	3,339
South Dakota	716,000	681,260	636,547	25,544
Tennessee	2,531,000		2,337,885	7,547
Texas	5,633,000		4,663,228	286,297
Utah	545,000		449,396	24,599
Vermont	[3] 352,428		352,428	23,472
Virginia	2,622,000		2,309,187	16,524
Washington	1,628,000		1,356,621	124,866
West Virginia	1,770,000		1,463,701	46,983
Wisconsin	3,009,000		2,632,067	203,888
Wyoming	257,000		194,402	13,913

[1] Revised February, 1928, on 1920–1927 data.
[2] Includes all foreign born, except those reported as naturalized.
[3] Population Jan. 1, 1920; no estimate made.
[4] Population State census 1925; no estimate made.

Population of the 20 largest cities in the United States, 1930, 1925, and 1920, with number of aliens in 1920

	Estimated population Jan. 1, 1930	State census 1925	Federal census Jan. 1, 1920	
			Total population	Aliens [1]
New York, N. Y.	6,087,700	5,873,356	5,620,048	1,218,074
Chicago, Ill.	3,234,700		2,701,705	382,741
Philadelphia, Pa.	2,106,700		1,823,779	210,538
Detroit, Mich.	1,445,500	[2] 1,242,044	993,678	185,969
Cleveland, Ohio	1,046,300		796,841	138,368
St. Louis, Mo.	861,300		772,897	45,018
Boston, Mass.	808,200	779,620	748,060	135,627
Baltimore, Md.	847,400		733,826	42,282
Pittsburgh, Pa.	680,900		588,343	58,268
Los Angeles, Calif.	[3]		576,673	72,024

[1] Includes all foreign born, except those reported as naturalized.
[2] Special census taken under Federal supervision as of May 31, 1925.
[3] Estimate not used; result unsatisfactory.

Population of the 20 largest cities in the United States, 1930, 1925, and 1920, with number of aliens in 1920—Continued

	Estimated population Jan. 1, 1930	State census 1925	Federal census Jan. 1, 1920	
			Total population	Aliens
Buffalo, N. Y.	564,500	538,016	506,775	58,520
San Francisco, Calif.	599,100		506,676	79,024
Milwaukee, Wis.	555,100		457,147	55,134
Washington, D. C.	572,000		437,571	13,739
Newark, N. J.	483,900		414,524	69,108
Cincinnati, Ohio	[3]		401,247	14,598
New Orleans, La.	436,800		387,219	17,132
Minneapolis, Minn.	468,100		380,582	34,099
Kansas City, Mo.	402,700		324,410	12,969
Seattle, Wash.	395,100		315,312	43,231

[3] Estimate not used; result unsatisfactory.

As the citizens of all of the nations mentioned, excepting the United States, are of the same homogeneous origin with no ethnic differences, whereas our population is composed of practically all of the different races of the world, thereby greatly multiplying our problems and manifestly demanding greater diversity in ideas and knowledge of government, even on these grounds it is apparent that the work of a Member of the United States Congress is much broader and calls for more consideration and legislative knowledge than would be required by a member of a like body in any of the nations mentioned.

It might also be asserted that the scope of legislation considered by the Congress of the United States covers a much larger field than that considered by any of the major legislative bodies of the world, so in view of the foregoing the soundness of a limitation of the membership of the House, as is proposed in this bill, which if enacted might become permanent in effect and therefore may be seriously questioned.

In average wealth represented, in average number of constituents, and in area, the table above set forth clearly proves the case of those opposed to a material reduction in the membership in the House of Representatives in the Congress of the United States.

I regret that lack of time will not permit a discussion of the mathematical methods that have been suggested in relation to the apportionment, but other Members will discuss this feature of the bill.

In conclusion, I trust that our action to-day will not set in motion a train of events that will subsequently require the aid or assistance of either of the other coordinate branches of this Government to discharge a duty that is so clearly a legislative one, and I am appealing to the membership of this House to retain the powers that were so plainly assigned to it by the Federal Constitution.

Mr. FENN. I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. It has been argued against this bill that the task contemplated will be put into the hands of somebody in another branch of the Government. That is simply a ministerial duty, and is no more a delegation of power than would be intrusting the adding up of a column of figures to a clerk in the auditing department or of turning over to any other official any other of the mechanical operations of the Government.

It has been argued that a Congress may not bind its successor. That is perfectly true. But if the application of that principle should be carried to extreme, yet logical conclusion, it would be necessary for the first session of the next Congress to reenact the whole code of statute law on the ground that our authority does not extend beyond the period of our life here as a Congress.

It is also objected that this is not, of itself, an apportionment bill. Granting that such a quibble over words should have any attention, nevertheless, the fact is that this bill is a preliminary step, and is part of the performance of a duty we have long neglected.

These three things are pretexts, not reasons. Let no man here salve his conscience with a pretext.

Let him rather ask himself what, in this matter, may be the duty of a Member of Congress sworn to support the Constitution. To understand that, I ask you to turn with me the pages of history for a few minutes.

In September of 1774 the newly assembled Continental Congress, faced with the question of how votes should be taken, decided that each Colony or Province should have one vote. Benjamin Franklin, in the course of the Federal Convention, called attention to what his learned colleague, Mr. Wilson, had said, and indorsed it, to the effect that this method of voting

was submitted to originally under a conviction of its impropriety, its inequality, and its injustice.

For 15 years the country lived under that rule, and that rule was one of the causes of the Federal Convention of 1787, the convention that framed the Constitution. Under that rule it is asserted by Alexander Hamilton in the Federalist, by reason of the absence from the floor of delegates from some of the States, several times a sixtieth part of the Union, about the proportion of Delaware and Rhode Island, was able to impose an entire bar to the operations of the Congress. That the minority would and did thus dominate the majority at times was one of the reasons leading thoughtful, patriotic men to take steps for devising a new Constitution.

At the opening of the Federal Convention Gov. Edmund Randolph, of Virginia, presented a plan in the shape of a series of resolutions. One read:

Resolved, therefore, That the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

This became at once a matter of paramount importance, for Mr. Reed, of Delaware, rose and told the convention that the delegates from his State were restrained by their commission from assenting to any change of the rule of suffrage, and in case a change should be fixed upon it might become their duty to retire from the convention. So right at the outset the threat of disrupting that body, perhaps preventing any useful result from its labors, voiced by the gentleman from Delaware, spread itself over the convention like a pall.

The vital dispute began on the 11th of June. Mr. Sherman proposed that suffrage in the first branch should be allotted according to the number of its free inhabitants and that in the second branch each State should have but one vote and no more. Here is the first hint of what afterwards became the great compromise of the convention. That compromise was the rock upon which our Constitution was founded. Without it the Constitution would never have existed. To the adjustment between the large and the small States we owe our existence as a Nation.

The debate proceeded for days. All the strong men in the convention took part. The first result was a vote in committee of the whole that the rights of suffrage should not be according to the rules established in the Articles of Confederation, but in proportion to the whole number of inhabitants. This but incited the small States to further resistance. They demanded that their rights as in the Congress of the Confederation, each State to have one vote, should be preserved. The end of the month approached. Darker and darker became the situation. It was so ominous that Benjamin Franklin, despairing of bringing his colleagues to an agreement, arose and in the most solemn terms said:

In the situation of this assembly, groping, as it were, in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of our contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard, and they were graciously answered.

He saw the necessity of again turning to divine guidance and moved that thereafter each session should be opened with prayer. For various reasons no vote was taken on his proposal, one of them being the fear that the news of such a resolution at that late day might lead the public to believe that the embarrassments and discussions within the convention had suggested the measure.

It was thought that by referring the matter of representation to a committee perhaps a compromise agreement could be secured. So the convention adjourned over the 4th of July.

In that committee Franklin made the motion which led to agreement. It proposed equality of the States in the upper branch, representation in the lower branch according to numbers, and for the lower branch exclusive power to originate money bills. The committee adopted the proposal, and so reported.

Observe in passing that the new element was the promise that money bills should originate in the lower branch. Mr. Madison could not regard the privilege as any concession on the side of the small States. It has turned out to be as he thought. We now find it of very little importance.

The next day came up the question of one vote for each State in the second branch. Mr. Gerry said:

This is the critical question.

They all knew, every man knew, that the fate of the country depended upon this question. Gerry went on to say that he would rather agree to the proposal than have no accommodation. The spirit of compromise and concession was beginning to show itself.

With parity of States in the Senate agreed upon, there came the question of apportionment of Members of the lower branch, and with it proposal by a committee that in the case of new States or division of old States, Congress should have authority to—

regulate the number of Representatives * * * upon the principles of their wealth and number of inhabitants.

This brought Randolph to the front again. He was apprehensive that, as the number was not to be changed till the National Legislature should please, a pretext would never be wanting to postpone alterations and keep the power in the hands of those possessed of it. Farsighted Randolph! The next day he announced it was in his contemplation—note the precise words as they appear in Madison's notes—

to make it the duty, instead of leaving it to the discretion, of the legislature; to regulate the representation by a periodical census.

Here you have at the very fountainhead the source of what I conceive it to be our duty to-day.

Before adjournment Randolph moved as an amendment what presently was shaped into the article under which it is here proposed to act. Instantly it brought to his feet a typical aristocrat of his time, Gouverneur Morris, who opposed the proposal as fettering the legislature too much. His argument should interest gentlemen from beyond the Alleghenies, for—

he dwelt much on the danger of throwing such a preponderance into the western scale, suggesting that in time the western people would outnumber the Atlantic States.

Mason argued the other way:

If the Western States are to be admitted into the Union as they arise, they must, he would repeat, be treated as equals, and subjected to no degrading discriminations.

Morris, representing the Wall Street of his time, and speaking with a frankness that might not have been expected were not the session held behind closed doors, renewed his argument, saying:

The remarks of Mr. Mason relative to the western country had not changed his opinion on that head. Among other objections, it must be apparent they would not be able to furnish men equally enlightened to share in the administration of our common interests. The busy haunts of men, not the remote wilderness, was the proper school of political talents. If the western people get the power into their hands they will ruin the Atlantic interests. The back Members are always most averse to the best measures.

Randolph prevailed; and so, in defense of the West as well as in behalf of the country as a whole, decision was reached that the census should be taken every 10 years, with the clear intention that apportionment should immediately follow.

There are gentlemen here who consider, however, that this was not the intent, that the provision was merely permissive, not mandatory. See if more proof can be supplied.

After the convention there arose widespread discussion. The arguments for the Constitution, set forth with wonderful ability by Madison, Hamilton, and Jay, appear in what is now known as the Federalist, the greatest book on political science that was ever printed. Here appear the promises made to the people of the United States, the pledges that the agreements of the convention should be carried out. Lest memory might deceive me, let me read to you the very words of the assurance given by statesmen of that convention to all the States, both large and small. They appear in No. 58, believed to have been written by either Hamilton or Madison:

Within every successive term of 10 years a census of inhabitants is to be repeated. The unequivocal objects of these regulations—

Mark you that—

the unequivocal objects of these regulations are, first, to readjust, from time to time, the apportionment of Representatives to the number of inhabitants, under the single exception that each State shall have one Representative at least.

Ah, you may say it was still simply permissive; but go on and see the conclusion of that paragraph, where this appears:

If we review the constitutions of the several States, we shall find that some of them contain no determinate regulations on this subject, that others correspond pretty much on this point with the Federal Constitution, and that the most effectual security in any of them is resolvable into a mere directory provision.

The conclusion is inescapable that the framers of the Federal Constitution meant the provision they framed to be mandatory,

that they meant nothing else whatever than immediate reapportionment after every decennial census. Every line of the discussion in this matter shows that this positive duty was imposed upon us.

Does any man here contemplate a further avoidance of this duty? Let him remember the oath he took to support the Constitution.

Sir, in yonder Hall, now inhabited only by the effigies of the great, is that of a statesman who once represented Massachusetts, Daniel Webster, foremost expounder of the Constitution. I have not his majestic form, his massive head, his marvelously eloquent voice, his unsurpassed power of logic, but the spirit of Massachusetts may still breathe from the lips of a Representative of Massachusetts, and in his words I for one declare—

I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or impaired.

[Applause.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. GREENWOOD]. [Applause.]

Mr. GREENWOOD. Mr. Chairman and gentlemen of the committee, it is true, as my colleague has said, that Daniel Webster was a great expounder of the Constitution, and he and the colleagues of his day, it is equally true, were at all times willing to defend and hold within the control of this House the powers that have been delegated to the House by the Constitution itself.

I am not willing to set up a machinery or a formula that goes to the vital elements and the sanctity of this House. I am not willing to say that 435 Members shall at all times in the future be the sacred number upon which this House shall be organized.

I know that the functions of the Federal Government are growing. I know that the details and duties of every Member of this House are accumulating, and the principal complaint that is raised to the present situation comes from the cities where Members have a constituency sometimes of one-half million. Why? Because they have greater duties than other Members that have the uniform and regular number. So I am not willing to pass a bill here that will, for all time, forestall the increasing of the number of this House unless we go and bow down on our knees to the Senate of the United States or to the President and ask them to increase the size of the House and have them assume no responsibility under their oaths of office by saying, "Oh, we are satisfied with it as it is and there is a basic law that we can fall back on," and it will not be reapportioned if they do not desire it, even though the House may desire an increased membership.

Likewise, if the President of the United States shall conclude that 435 is a sacred number for all time, he can veto a bill without any responsibility as to their being no reapportionment, and throw it back on this basic law which we are now attempting to pass, and then the House, in order to increase its own membership, will have to pass a bill by a two-thirds majority vote over the veto of the President.

I do not believe the fathers who ordained and created this Constitution ever expected that the House of Representatives would delegate this power and put it in the hands of the Senate and of the President to hold a whip over the House of Representatives itself.

Mr. STEVENSON. Will the gentleman yield for a suggestion?

Mr. GREENWOOD. Yes.

Mr. STEVENSON. In addition to having to pass it by two-thirds over the President's veto, you would have to get two-thirds of the Senate to pass it over the President's veto also.

Mr. GREENWOOD. Certainly; if vetoed, the Senate, by two-thirds, must agree to increase the House, or else we fall back on this monstrosity that we are asked to vote upon here to-day.

The Constitution of the United States does not contemplate either in words or in spirit that a reapportionment bill shall be passed before a census is taken, but it does contemplate that that shall be done after a census is taken.

If I had been here in 1920, in the Sixty-sixth Congress, whether that census suited me or not, I would have voted for reapportionment. I am a Member of the next Congress, and I am willing to say here now that I will vote to reapportion the House of Representatives after the census has been taken, and I know how many Representatives under that bill will be assigned to the State of Indiana by the House of Representatives itself, and not by some delegated authority.

The reports of the Census Bureau, at times using one method and at times using another, known as major fractions and equal proportions, has from the same census given different representation to the same State according to a different method used.

I am not willing to commit myself by saying that the method of major fractions is the best method, but this bill says so, and it is put in as a fundamental law for all time, unless we can change it by a two-thirds majority of this House and of the Senate over the President's veto.

Mr. GIBSON. Will the gentleman yield for a suggestion?

Mr. GREENWOOD. Yes.

Mr. GIBSON. This method of major fractions has been discarded, has it not, by the Census Bureau itself?

Mr. GREENWOOD. I think they favor the other method, and they have assigned representation that is different to the same State by using the two different methods.

When a bill comes out of the Census Committee before this House that tells me how many Representatives my State shall have and your State shall have, as they have in the past, without delegating that to some other authority to figure out, I am willing to act upon it.

I am willing to vote in the next Congress for reapportionment, but I am not willing to express a lack of confidence in the next Congress, of which I am to be a Member, and to which most of you have been elected to be Members, by saying that I am not willing to trust that Congress, of which we will be a part, to do its constitutional duty and provide a reapportionment after a census is taken; but that we must provide some means before a census is taken.

I am not willing to stultify myself to this extent. I am not willing to say that I am not willing to trust you, my colleagues, to do your constitutional duty, and I shall vote against this bill. Even though my State shall lose, I would expect it to lose, if the census showed that it should lose; and I say to you that most of the opposition in this House is not based upon the fact that certain States will lose representation, as has been said by one of my colleagues, but is based upon the irregular, the anomalous way, a method that is an innovation, that lacks trust and confidence in the Congress to do its duty, and I am not willing to stultify myself by voting for a bill of that kind, which is something that has never yet been proposed in the annals of the history of our country.

This is not a reapportionment bill. This is simply signing a proxy for somebody else to do your constitutional duty which you will do when the time comes for you to do it.

Mr. PERKINS. Will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. PERKINS. There is some uncertainty among some of us as to what the method of major fractions is; will the gentleman kindly explain that?

Mr. GREENWOOD. I do not pretend to know. I have sat in the committee room and have heard the professors explain this method and the other method. I think I know a little something about it, but I would not undertake to try to explain it; and I doubt if there is anybody in the House, unless it would be my friend JACOBSTEIN who would undertake to explain it. I do not think there is another member of the committee who could explain it or who understands it.

I do know that when they use that method and when they lay alongside of it the other method of equal proportions out of the same census they can give my State one more Member by one method than they can by the other method.

I prefer to see in the printed bill just how many Members your State will have and my State will have. The Constitution provides in the first instance for that, and I think I can read that language with understanding.

Mr. BEEDY. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. BEEDY. Under the tabulations already made, using the methods of equal proportion, the State of New York would lose two Members, and under the major fractions she would lose but one Member. Are there two Members from New York on the committee?

Mr. GREENWOOD. I think so.

A MEMBER. There are three.

Mr. BEEDY. That would account for the adoption of major fractions. [Laughter.]

Mr. GREENWOOD. The formula in this bill ties us up for all time under the law to a method that you can not change unless you have a two-thirds vote of the Senate or a veto by the President and you pass it over the veto. I am not willing to accept that method. The Census Bureau has reported this as not the most equitable formula. We can wait until two years hence, after the census has been taken and the bill which is to be framed stating how many Representatives the State of

Indiana will have and how many we will have from your own State. [Applause.] Then I shall support reapportionment.

Mr. Chairman, I yield back the balance of my time.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I had no intention of speaking, because I feel that probably I am one of the least qualified of the Members to speak on this subject. I have never given it any great thought, because it did not come within the scope of my work or duty. While I have read the bill and have studied the surrounding conditions and the history of the legislation for the last six or seven years, I feel that this piece of legislation comes before the House in the form in which it can be accepted by every Member as the initial step in making an apportionment.

I do not know that it is perfect. I might have some question about it; but, after all, it seems to me that whether you do it by limiting the membership to some method of fractions or by population, it is immaterial. After all, Congress does in that way apportion among the States the representatives who are to represent them. It strikes me that the argument that we are delegating our powers and duties is rather technical and does not have much merit. The Census Bureau gathers all the facts and the statisticians must make up the returns, and they file the certificate with the House and the House can accept or reject it and get other statisticians. There is no delegation of legislative power that I can see.

I was wondering whether the third and fourth paragraphs were really necessary, because the law itself would take care of that. Under the Constitution the power rests with the States to regulate except so far as Congress may enact legislation; the whole power is with the State. It does seem to me, and in a general way I have felt the force of the suggestion, that our duty is to make an apportionment, and when we fail to do it we are not living up to our constitutional duty, and I welcome this report from the committee giving us this formula in which we may take the first step to cure this situation. I am going to give my vote in favor of the adoption of this measure, for I think it is wisely considered and presents the best possible form in which we can now approach this subject. Let us go ahead and have an apportionment made, obeying the Constitution, and cease to be a subject of censure. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and gentlemen, I do not believe during my short experience as a Member of this body so short a bill as this has ever come before Congress with so many invalid, specious, and unconstitutional provisions as has this bill.

Apropos the suggestion of the distinguished gentleman from Pennsylvania [Mr. GRAHAM], I have heretofore called the attention of the House, and the committee that reported the bill, to the provisions of sections 3, 4, and 5. No man familiar with the Constitution, no man that has even a speaking acquaintance with our organic law, will contend for one moment that sections 3, 4, and 5 have any binding force or effect whatever. The gentleman from Pennsylvania, one of the ablest lawyers in this body, nods his head in approval. Every lawyer, every man that knows anything about the Constitution, knows that these three provisions are violative of the letter and spirit of constitutional mandate. The only power that Congress is given by the Constitution with reference to apportionment of Representatives is to apportion the representation among the several States in proportion to the numbers or population. That duty done, the power of Congress ends, and Congress has no power to determine in what manner the several States exercise their sovereign rights in selecting their Representatives in Congress, and I was glad to hear the gentleman from Pennsylvania [Mr. GRAHAM] indorse what I said on this subject at the last session of Congress on this floor. He says that there is no occasion or need for those provisions. I go further and say that no man who has even a speaking acquaintance with the Constitution will get on this floor and defend the provisions of sections 3, 4, and 5.

I recognize the right and the duty of Congress to apportion representation, but that duty is placed primarily upon Congress, and it is a duty and responsibility that Congress can not and should not seek to avoid.

I would rather vote to-day for a reapportionment bill which will allocate the representation among the several States, based upon the census of 1920, than vote for this measure, because while it is not probable a reapportionment measure of that kind could become effective and operative before the next decennial census, yet in doing that we would be carrying out the constitutional mandate, but the bill before us is not a reapportionment bill. It does not seek to correct the abuses and errors of Congress in failing to reapportion representation after the Fourteenth Decennial Census was taken. It is a mere gesture. It furnishes the party in power or the Congress composed of both Democrats and Republicans with an alibi for their failure in 1921 to enact a reapportionment measure.

By this bill, if it becomes a law, you say that you are not vesting the Secretary of Commerce with any arbitrary power. I deny that. I say that by this bill you are placing in the hands of the Secretary of Commerce the absolute power to defeat any reapportionment under the provisions of this act. Section 1 does not provide for reapportionment. It provides that the Secretary of Commerce shall transmit to Congress a statement of the population and the number of Representatives that each State would have on the basis of the membership of 435. But it ends there. What does section 2 provide? Among other things it provides that if the session of Congress to which the population is certified fails to pass a reapportionment bill, then the Clerk of the House shall transmit to the executives of the several States a certificate showing the number of Representatives that each is entitled to under the new census. So far, so good. Then we pass to paragraph (b) of section 2, which provides that section 2 shall have no force and effect unless the statement required by section 1, in respect to such census, is transmitted to Congress at the time prescribed in section 1; and what does section 1 prescribe as the time those reports as to population must be submitted to the Congress? Section 1 provides that this certificate must be sent to Congress on the first day of the first session of the Congress following the taking of the census.

If this bill becomes a law and the census is taken in 1930, the Bureau of the Census and the Secretary of Commerce might have all of the facts and figures as to population, and yet, purposely withhold or delay the certificate, and unless he on that particular day, not a day sooner, not a day later, transmits to Congress the certificate showing the population, then section 2 by the terms of the act itself is not operative, and you get no reapportionment whatever.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. In a moment. Then again what does this bill provide? It gives the Secretary of Commerce the arbitrary power by delaying the completion and promulgation of the census to delay sending in the certificate beyond the first day of the session of the succeeding Congress, and whether he does that from an unworthy or a worthy motive, he is vested with absolute power to emasculate and destroy this law, and at no subsequent day after that can he furnish the certificate to Congress, and this law has no force and effect.

Think of the autocratic power you are giving to the Secretary of Commerce. You are making it possible for a Secretary of Commerce to arbitrarily delay the completion and promulgation of the census. You are placing in his hands the power to play politics and use his high office for partisan purposes. He could have the census in certain cities and States retaken, in an effort to increase or decrease the population of this or that State so as to create a major fraction for a favored State and reduce the major fraction of another State to a minor fraction. You are giving to the Secretary of Commerce the power to manipulate census statistics relating to the population of this or that State, and by omissions or additions to deprive States of one Representative when a slight change will convert a major fraction into a minor fraction or a minor fraction into a major fraction thereby giving a favored State a Representative to which it is not entitled. Think of the Congress of the United States writing into a bill that is supposed to be permanent law a provision that makes it possible for the Secretary of Commerce, from a worthy or an unworthy motive, actuated by partisanship or patriotism, to delay sending this certificate to the Congress, and if this certificate fails to reach Congress on the first day of the short session of Congress after the taking of the census, then by the express terms of the bill, no action can be taken under this law for 10 years, and this act would have no force or effect whatever!

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. LOZIER. I yield to the gentleman from North Dakota.

Mr. BURTNESS. The gentleman emphasizes a situation where the Secretary of Commerce may voluntarily fail to do such a thing. What about it, for example, if he has overlooked it?

Mr. LOZIER. Yes.

Mr. BURTNESS. What would be the situation if he did transmit it by messenger on that day and the messenger either got sick or was waylaid and the message taken away from him by somebody who did not want the law to go into effect?

Mr. LOZIER. The gentleman is quite right. I say that no law has ever been placed on the statute books of this Nation which contained a provision as loosely drawn as this one and

carrying with it so many possibilities of danger and abuse. We can not suppose for one moment that all Secretaries of Commerce are going to be honest or entirely impartial in the exercise of power with which they are entrusted. This bill would furnish a temptation and easy chance for a partisan or corrupt Secretary of Commerce to manipulate census statistics and withhold this certificate where by so doing he could aid his political party. Heretofore the Bureau of the Census has been a nonpartisan body and a very efficient organization. It has been a purely business bureau, free from political bias, and under the wise administration of Director Steuart and Assistant Director Hill and bureau chiefs it has established an enviable reputation for efficiency and nonpartisanship. Under present conditions there is no motive to furnish anything but accurate statistics, but when you give the Secretary of Commerce the power carried by this bill you invest him with prerogatives that would tempt any man who is a partisan and who sees an opportunity to aid his party by the shifting of a few figures under cover, and a designing partisan as Secretary of Commerce could manipulate statistics so as to deny States representation to which they are entitled and you make it possible for him to prevent a reapportionment by not sending his certificate to Congress on the first day of the short session of Congress after the census is taken. In 10 minutes I can not even refer to the many reasons which influence me to oppose this measure. After the 1930 census is taken I will vote for a reapportionment bill. I hope it will be a bill that will not reduce the number of Representatives from Missouri, but whether or not Missouri retains her present number of Representatives, I will vote for a reapportionment bill immediately after the 1930 census is taken. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RANKIN. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman, my esteemed colleague from Pennsylvania [Mr. GRAHAM] has referred to this proposed legislation as being an initial step on the part of the House toward disposing of the question of reapportionment. Now, what a great many of us fear is that this is not the initial step but it may be the final step so far as the House is concerned in having a voice in the apportionment or the representation in this House.

Mr. BURTNESS. Will the gentleman yield?

Mr. WELSH of Pennsylvania. In a moment. I come from one of the large cities of the country. There is no question of the fact that those of us who come from these large cities feel we ought to have a greater representation in the Halls of the Government. But my State, by this mysterious method of computation as shown by the figures, will be deprived of one vote. The district which I have the honor to represent has over a half million population. We voted 150,000 in the last presidential election, and yet the State of Pennsylvania will be deprived of one Representative in Congress if this proposed legislation should be adopted. I am not saying that controls my vote here to-day. I think I can approach this matter as unselfishly as any Member of this House, but it is because I believe this plan will place it beyond the power of Members of this House to decide the constitutional question of apportionment of Representatives that I am so strongly opposed to the proposal. The plan does not seem to me to be wise. It seems to me, my colleagues, that the proponents of this bill are fearful of conditions that might exist in 1931 and 1932. Why in 1929 should we pass legislation having to do with the control of this House in the matter of apportionment when we do not know what may be the facts in 1932? In 1931, when that great question of the shift of population shall have been decided, when we shall have spread before us the urban and suburban population in figures, when we have the figures of the migration East, South, North, and West, we can then understand the situation and act according to the facts before us. Reapportionment I am in favor of, but it should be done by this House and when we are in possession of all the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FENN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I shall support this bill, and I hope it will be adopted, and one reason I intend to support the bill is because I believe it will do what the gentleman from Missouri seems to fear will not be done, and that is that when the results of the 1930 census are declared there will be an apportionment even if the Seventy-first Congress fails to do its duty as Congresses have failed to do their duty since the result of the 1920 census. Now, I do not think that there is a plainer duty imposed upon the Congress of the United States by the Constitution than the duty of apportioning representation among the several States according to their population. During the debate a good deal has been said to the effect that Congress ought to be jealous of its constitutional prerogatives, and I agree to that. I like to see the House of Representatives stand up for its rights and resist any efforts to take away its powers; but while the House of Representatives ought to be jealous of its rights and prerogatives, at the same time it ought to be just as keenly anxious to discharge its duties and responsibilities. One of its most important duties is to apportion the Members of the House following each decennial census, according to population. Now, let us get down to the facts. Why has there not been a reapportionment since the results of the 1920 census were declared? The answer is simple enough. It is because the House of Representatives determined that the membership should not be increased, and that meant that some States would lose some of their Representatives, and those States, by use of first one device and then another, have thus far prevented any apportionment following the 1920 census.

The House of Representatives of the United States Congress is to the American people very much the same as the House of Commons is to the British people. It is the popular branch of our Government, and in the use of that word "popular" I, of course, mean it represents the people of the several States according to population, and is elected every two years by a direct vote of the people. Therefore we more nearly represent the current thought of the people on public questions than any other branch of the Government.

The United States Constitution provides that Representatives and direct taxes shall be apportioned among the several States according to population.

By the sixteenth amendment, commonly known as the income tax amendment, we have done away with that requirement so far as direct taxes are concerned—income taxes—but there has been no change in the rule regarding Representatives in the House, and there will be no change in that rule, because if there were, it would strike at one of the foundations of our Republic. But while there will be no change in the rule so far as the Constitution is concerned, Congress itself, by neglect, could very seriously impair the rule. There is no executive, there is no court, that can compel Congress to discharge this duty. Therefore, because of that very fact, we ought to be more keenly anxious to discharge the responsibility. It is claimed by some of the opponents of this bill that it delegates legislative powers to the Secretary of Commerce. The duties prescribed in the bill for the Secretary of Commerce are so clearly ministerial in character that I do not deem it necessary to discuss that phase of the matter.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Certainly.

Mr. HUDSPETH. I like to hear my colleague, because he is always clear on things he has given thought to. I do not understand why minor fractions have not been used. Why base this matter on equal proportions without fractions?

Mr. BLACK of Texas. I must answer that briefly and then go ahead with my remarks, for I have only 10 minutes. The method of major fractions was used in the apportionment after the census of 1910 and was generally satisfactory to the people. I have never heard any complaint against it. This bill simply follows the method of apportionment which was used in 1910.

Mr. JACOBSTEIN. I may add that no other method has been used.

Mr. BLACK of Texas. I presume the gentleman from New York is correct in that statement. Ever since the taking of the first census in 1790 the size of the House of Representatives has been increased following each decennial census, except two—the census of 1830 and 1920. There has been no apportionment at all following the 1920 census.

Now, I believe that there are many people in this country who are earnestly of the opinion that increasing the size of the House of Representatives to prevent any States from losing representation has gone on longer than it should have gone, and ought to have been stopped, perhaps, at a membership of 300 or 350. I am sure that there are many people who believe that a House of Representatives with 300 Members or 350 would function better and be really more representative of the people than a membership of 435. But whether that is true or not, it is not worth while to argue at this time.

I believe that almost everyone is agreed that the membership ought not to go beyond the present membership of 435. We already have too many offices and too many officers in the United States, municipal, county, State, and Federal, and let us not add to the number by increasing the size of the House of Representatives. The surest way to prevent an increase in the size of the House of Representatives following the census of 1930 is to pass this bill at the present time. It provides a definite method, one that is just and workable. The House

now has an opportunity to perform a duty already too long delayed, and I hope that we will not fail to perform that duty. Let us pass this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. DICKINSON].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. DICKINSON of Iowa. Mr. Chairman and gentlemen of the committee, everybody is trying to fix the responsibility for the lack of apportionment during the last eight years, and you can not fix it upon any one group of people in the House of Representatives. A certain number of people thought the census of 1920 was not fair; that it was taken to the disadvantage of the rural sections of the country, it having been taken following the war. There is another group of people who believe that we should not increase the membership of the House above 435, and in view of all these conditions we have faced a situation here that has prevented a reapportionment.

I want to say to those Members from States which are getting an increase in the number of Congressmen under this new apportionment plan that they are no more loyal to the Constitution than those of us who are against the bill when our States lose 1 or 2 or 3 Members of Congress; and if you would turn the program around the other way they would be occupying very much the same position that those of us occupy who are opposing the bill. In other words, there is a lot of difference whose ox is gored.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. SNELL. I think the State of New York is pretty nearly unanimous for this bill, although they expect to lose two Members.

Mr. DICKINSON of Iowa. Yes; probably New York has had a change of faith, the same as some other delegations.

Mr. SNELL. That has been my position since the beginning. I am speaking of the present Members from New York.

Mr. STOBBS. The State of Massachusetts is content.

Mr. DICKINSON of Iowa. It has been recently converted to a new political faith, and no one can predict what they are going to do in the future.

Mr. LUCE. That has been the position of Massachusetts every time this question has been up.

Mr. DICKINSON of Iowa. Possibly you have had a lot of friends there who are so wrapped up in the provisions of the Constitution that you are more holy-minded than the rest of the Members of the House. But I notice that the Members from Massachusetts are just as human as the rest of us, and when Massachusetts interests are involved they are against a thing when it is adverse to the interests of Massachusetts. [Laughter.]

Mr. RANKIN. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes; I yield.

Mr. RANKIN. In 1921, when we had a bill on the floor of the House that would have adjusted these differences and disposed of this matter, the gentleman from Massachusetts [Mr. LUCE] voted to recommit it to the committee without instructions, thereby killing the bill.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. JACOBSTEIN. For the sake of the RECORD, I would like to have the gentleman know that the Republican Member and the Democratic Member from New York on the committee have always favored apportionment.

Mr. DICKINSON of Iowa. I want to say to the House that it happens that there are two men on the committee from Detroit, Mich. This bill was reported out by a majority of one vote, and tell me of another committee in this House where you have two men from one city or State that is gaining, I think, four or five or six Members—I do not remember the number—on that one committee. What are they on there for? To get this bill through this House and nothing else.

Mr. JOHNSON of Washington. I do not think any Member has the right to impugn the motives of any other Member of the House of Representatives.

Mr. DICKINSON of Iowa. All right.

Mr. RANKIN. That is the order of the day. [Laughter.]

Mr. McLEOD. Will the gentleman yield for a question?

Mr. DICKINSON of Iowa. I yield.

Mr. McLEOD. Does the gentleman know why that condition exists?

Mr. DICKINSON of Iowa. I presume because the Michigan delegation was active in getting those two Members on that committee.

Mr. McLEOD. Does the gentleman know that for six years that committee has failed to report out a bill due to the fact that there were so many members on that committee who would not vote for any bill whatsoever?

Mr. DICKINSON of Iowa. I am glad to have that confession from the gentleman from Michigan, that they went on there for that purpose. Now, let me suggest to you that the trouble with this bill is this: That you are adopting a formula here by which this apportionment in the future is going to become automatic. Ah, what kind of leadership are you going to have? What is the fear of the Members of this House that in the future the Members are not going to be able to carry out the provisions of the Constitution, so that the easiest thing on earth to do would be to say, "Oh, well, we do not want the responsibility of apportioning the House and therefore we are going to fix it by a little formula here that will act automatically, and thereafter, every time a decennial census period runs around, in a period of 10 years, Congress is not going to do its duty, the leadership is going to run to the woods and they are going to sit down and let this formula do the job of apportioning Members of Congress in the various States according to this formula." What a splendid view we must take of the Congresses of the future when we say we have got to fix up a sugar-coated pill by which they can perform their duties and perform them automatically without having any responsibility on themselves. If I were going to be a leader in some of the future Congresses, I would resent any such imputation upon the responsibilities of those Congresses which are to come.

Mr. MICHENER. Does the gentleman contemplate retiring?

Mr. DICKINSON of Iowa. I do not know and I am not going to make any promises. [Laughter.] There are some people here who have made promises on this floor about which they have changed their minds. At the present time I am perfectly satisfied with my job.

Mr. PERKINS. We have heard the Constitution expounded, but some of us are waiting to hear the theory of major fractions expounded. Will the gentleman kindly do that?

Mr. DICKINSON of Iowa. No.

Mr. BEEDY. We will call on New York State for that.

Mr. DICKINSON of Iowa. I will refer you to the gentleman from New York, but I will say to you that I am going to offer an amendment by which I change from major fractions to equal proportions. [Applause.]

Mr. FENN. May I ask the gentleman whether he can explain the theory of equal proportions?

Mr. DICKINSON of Iowa. No; I can not, and I do not think the chairman of the committee, who has been studying this thing for six or eight years, can explain them either, and I have every respect for his splendid ability and believe he is one of the outstanding Members of the House.

Mr. KETCHAM. Will the gentleman yield for a brief question?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. If the gentleman will not undertake to explain major fractions and equal proportions, can he tell us in a word what would be the practical effect of the adoption of either of these two methods?

Mr. DICKINSON of Iowa. Well, the practical effect is just as selfish as some of the other things I have referred to here, that some States will get another man and some States will lose a man, and that is what is behind the motives of most of the Members if we tell the truth about it.

Mr. KETCHAM. In the gentleman's extension of remarks, will he put in exactly what will be the result?

Mr. DICKINSON of Iowa. I think I have that information and I will be pleased to do so.

Mr. LOZIER. Will the gentleman yield for one question in re the major-fractions theory?

Mr. DICKINSON of Iowa. Yes.

Mr. LOZIER. Answering the gentleman as to what the major fractions formula is, I will say that Doctor Willcox, its founder and formulator, says:

> It is a system by which you cut and try to find out a basis by which you can reach a desired end.

Mr. DICKINSON of Iowa. Mr. Chairman, I do not care to yield any further. Somehow I have the habit of stating things so that everybody wants to ask me questions.

Let me suggest this to you: Why make a situation worse by legislation? As a matter of fact, one of the things this bill will do will be to convince the next Congress and the Congresses that are to follow that the Seventieth Congress did not have any business passing this legislation, and therefore they will say, "We are going to show them that we are boss of this job, and we are not going to follow their rule."

Next, if you want information, pass the first section of this bill and strike out the provisions for further reports, other than the 1930 census, and so that the Secretary of Commerce, through the Census Bureau, shall report to the House the information that we need; and when you come to section 2, that ought to be stricken out. Section 3 ought not to be in here, because the States ought to have their own way of making up their apportionment when they know the number of Congressmen they are going to have. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FENN. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I am in favor of the passage of the pending Fenn bill. I think that Congress should declare its purpose now, without any further delay, to perform its constitutional duty with respect to this matter of apportionment. It, of course, has delayed doing so already all too long.

Something was said by the preceding speaker about the membership on the Census Committee of two Representatives from the State of Michigan. It might be interesting in that connection for the House to keep in mind that of the eight members of the Census Committee who signed the minority views on this bill seven of them come from States which would lose representation in this body if the bill should be enacted into law.

I compliment the gentleman from Georgia [Mr. RUTHERFORD] as being the only man who signed the minority views who comes from a State that is not scheduled to lose membership in this body under the bill. Here are the names of the Members who signed the minority report: Mr. RANKIN, of Mississippi, his State loses 2; Mr. GREENWOOD, of Indiana, 2; Mr. LOZIER, of Missouri, 3; Mr. RUTHERFORD, of Georgia, none; Mr. MOORMAN, of Kentucky, 2; Mr. DEROUEN, of Louisiana, 1; Mr. FITZPATRICK, of New York, 1; and Mr. THURSTON, of Iowa, 2.

I believe that it is a plain mandate of the Constitution for Congress to make a reapportionment every 10 years. In the language of Justice Story it is "a duty positively enjoined by the Constitution." How else can the spirit or the letter of the compromise which resulted in one provision being written into the Constitution giving each State two representatives in the Senate, regardless of its size, and the other provision giving each State representation in the House of Representatives according to its population be carried into effect? Failure to pass apportionment legislation destroys the purpose of that compromise and clearly nullifies the provision of the Constitution which promises every State representation in this body according to its population. Failure to pass it is unfair and unjust to States whose population increases more rapidly than the others.

Many Members of the House are in favor of the Fenn bill who come from States that will lose some of their membership if the bill is enacted into law. They are entitled to our admiration and have it. May their number increase. Some of us can not claim any such credit. I come from a State whose delegation in the House of Representatives will be materially increased if the bill becomes a law. The people of Michigan feel very keenly that Congress ought to act upon this matter. However, I believe that it is my deliberate judgment, uninfluenced by these considerations, that it is the plain duty of Congress to act and that its failure to do so can not be defended.

Let me read an extract from an editorial appearing in the Public Ledger of Philadelphia last Sunday referring to this bill:

> Use of the terms "gain" and "lose" should not obscure the fact that all this measure does is to restore the system of equal representation in the House according to the population of the States. The same principle is made fully applicable to the Electoral College. This is a measure for justice to all. By its prompt passage Congress can do something to remove the disgrace it has incurred by its long defiance of the plain mandate of the Constitution.

That is the expression of an unprejudiced editorial writer on a great metropolitan paper representing a State which will undoubtedly lose one Member in this body if the bill is passed, and in my judgment it is the same conclusion which any unprejudiced student of this question will arrive at after giving it mature deliberation.

Let us see what some of the consequences of our failure to pass any reapportionment legislation since the census of 1910 are. For example, the estimated population of the sixth congressional district of Michigan, represented by my colleague, Mr. HUDSON, is over 1,350,000. That of the tenth district of California, represented by the gentleman from California, Mr. CRAIL, is over 1,250,000. The first district of Michigan, represented by my colleague, Mr. CLANCY, and the thirteenth, represented by my colleague, Mr. MCLEOD, are not far behind, and there are districts in other States nearly as large.

Compare the population of these districts which I have mentioned with those in some of the other States and what do we find? In making this comparison I have no desire to pick on any State, and I am calling attention to the different States and the districts in them only to show the inequalities which now exist.

The eighth congressional district of Missouri, for example, has a population according to the census of 1920 of 138,807, only a trifle over one-tenth of the present estimated population of the district represented by my colleague, Mr. HUDSON. Can anyone defend that situation?

The sixth district of Missouri, according to the census of 1920, has a population of 138,931; the twelfth district of Missouri, 141,664; the third district, 151,884. In fact, 10 of the 16 districts in the State of Missouri have a population of less than 180,000. It is a significant fact, too, that every one of the 10 districts of Missouri referred to had a smaller population in 1920 than it did in 1910, the decrease ranging from 3,000 to 13,000 per district. Can Congress justify itself under the Constitution in permitting districts with a diminishing population to have votes in this body equal to those with a rapidly increasing population?

Is there anyone who in his wildest dreams imagines that it is either feasible or practicable to continue to increase the size of this body so that those districts or States with a progressively diminishing population will never lose in membership in this body?

There are four congressional districts in Maine, each one of which has a population of less than 200,000. Vermont has two Congressional districts, one of which has a population of 175,832, the other 176,596. The two Vermont districts also had a smaller population according to the census of 1920 than they had according to that of 1910. The State of Indiana, as a whole, according to the census of 1920, has a population of 2,930,390. The same census gives the State of Michigan a population of 3,668,412, over 700,000 more than the State of Indiana. Yet both States have the same number of Representatives in this body. The estimated population of the two States for 1920 increases the disparity. The estimated population of the State of Indiana for 1930, according to the report of the Census Committee, is 3,200,000; for the State of Michigan it is 4,754,000.

I take it that no one will attempt to justify a condition which permits two States with such differences in population to have the same number of Representatives here.

In my judgment no one can justify a vote against this bill on the ground that its passage may deprive his State of some of its Representatives in this body. If the Constitution is complied with, every State will always have its proportionate representation. Is there a State that desires to have a greater proportionate representation here than it is entitled to under the Constitution; or is there anyone who thinks that his State will long be permitted to cast more votes in this body than it is entitled to cast under the Constitution?

Mr. COLE of Iowa. Will the gentleman yield?

Mr. MAPES. I am sorry. I can not yield. My time is too limited.

It is probably true that no power outside that fundamental one of the people to change the personnel of Congress can compel Congress to perform this duty, this mandate of the Constitution; but that very fact puts an added responsibility upon us to see to it that our duty in this respect is faithfully and scrupulously performed. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, I am opposed to this bill not alone for the reason that under its operation my State would suffer an inequality of representation greater than any other, with one possible exception, but because it is proposed to use a method that discriminates in favor of the large State, because it is proposed to tell a future Congress what it shall do in the matter of reapportionment, because it delegates to an executive department the actual reapportionment, and because at the best this measure is only a protest against the failure to make a reapportionment under the census of 1920.

INEQUALITY OF REPRESENTATION

Under the reapportionment proposed, using the population basis of 1920, the departure from the average constituency of the country would be 110,561. This departure would be exceeded by only two States. Thus it will be seen that Vermont will suffer greatly under the contemplated reapportionment.

The work that falls to a Representative has increased greatly during recent years. The closer relations between the Federal and the State Governments has brought this about. Government activities in the matter of highways, agricultural extension work, and many other things have increased the work

until it would be practically impossible for one Representative to do what would be required of him. Situations might result in the case of death, for instance, where the people of a State with only a single Member would be without representation for months.

In the interest of good government the representation of no State should be reduced to one. I sincerely trust that in the disposition of this bill some way may be found to maintain the representation of the smaller States. Reapportionment must be made under the census of 1930. I am not opposed to that, but some way should be devised in the making of that reapportionment to care for all States situated as is Vermont.

My colleague [Mr. BRIGHAM], when this proposal was last before the House, offered an amendment which provides that where a State whose representation would be reduced to one shall have apportioned to it an additional Representative if its population exceeds by more than 75 per cent the average population per Representative for the United States, and to that extent the whole number of Representatives shall be increased accordingly. This amendment would affect but two States, and therefore add but two to the whole number of Representatives. This amendment would not do violence to the Constitution. My district is one of the largest in geographical area of any east of the Mississippi River, being 200 miles from one end to the other, extending from the Dominion of Canada on the north to Massachusetts on the south, a district of diversified interests and hard to represent efficiently. It would certainly be a calamity to leave the whole State with but one Representative.

THE METHOD OF APPORTIONMENT

It is proposed to use the method of major fractions in apportioning the Representatives under this measure, a method that has been used only twice in the whole history of reapportionment: This method is not approved by the Census Bureau or by the leading mathematicians of the country. The apportionment of Representatives to the population is a mathematical problem. Then why not use a method that will stand the test under a correct mathematical formula?

What is that test? Does it make both the ratio of population to Representatives and the ratio of Representatives to the population as nearly as may be in all the States? There is only one method that puts each State as nearly as possible on a parity with every other State, and that is the method of equal proportions, which is backed by the best mathematicians of the Nation.

It is true that the use of the method would not retain two Representatives for Vermont with the number in the House held at 435, as contemplated, but without regard to its effect we should authorize the use of such a method as will treat all the States on an even basis. The bill adopts what is practically a discarded mathematical formula and makes it part of the law of the land, so far as apportionment is concerned.

LEGISLATES FOR A FUTURE CONGRESS

The bill before us attempts to legislate for a future Congress on the basis of a future census. This bill proposes to provide for reapportionment under the census of 1930 and is anticipatory legislation. It attempts to hold a whip over a future Congress. Of course, the action which it is proposed to take is little more than a gesture, but nevertheless says to the Congress that will sit in 1930 that unless you make a reapportionment the Secretary of Commerce shall in effect make the apportionment. In that provision there is an imputation that Members of the future Congress will not possess as much intelligence and be as devoted to their duty as the Members of this Congress. It is assumed in this proposal that a future Congress will fail to do its duty. So far as this portion of the bill is concerned it is based on assumptions and imputations that are unwarranted and unjustified.

DELEGATION OF AUTHORITY

It proposes to delegate to the Secretary of Commerce the apportioning power if the Congress fails to act during its first session after the taking of the decennial census. It proposes to clothe this executive head with authority to say just how many Representatives may be allocated to each one of the several States under the provisions of the act. It is a conditional taking away from the Members of the Congress of the duty of apportioning the Representatives provided for under the Constitution and set forth as a duty of the Congress. The delegation of such a power as here contemplated is wrong in principle, though it be conditional—conditional, if you please, that a future Congress do its duty as this Congress conceives that duty. This bill practically gives to the Secretary of Commerce the authority to say how many Representatives the ten million or more of the people of the State of New York shall elect to represent them during the 10 years following the census of 1930. It is urged that such a provision is constitutional, but whether constitutional or not it is a step in the wrong direction in a republic where the powers of government are derived solely from the consent of the governed.

We have gone on from session to session delegating powers to bureau chiefs and departments that formerly rested with the representatives of the people. We are departing from the Government as conceived and established by the fathers, and through the operation of which this Nation has become the leader of the world. Bureaucracy is fast becoming the greatest danger to American institutions. If we keep on delegating authority to bureaus and departments, we may as well get along without Congress. This bill, if passed, will mark a long step toward the destruction of liberty in this country. Let us halt this advance into the danger zone before it is too late. We who deal with these bureaus in behalf of the people we represent know how they operate, many times in defiance of the will of Congress expressed in legislative acts. Our recent experience with the interpretation of the so-called Welch pay bill is an example in point. My experience has been such that so long as I may represent the people of my district I shall consistently vote against any further delegation of authority to any department or bureau. "Eternal vigilance is the price of liberty" to-day as much as it was when that statement first found expression.

CONSTITUTIONALITY

We have heard much about the faliure to apportion under the census of 1920 and failure to carry out the provisions of the Constitution. I challenge anyone to show where the Constitution makes an apportionment mandatory. The Members who have been shouting so loudly that we violated the Constitution in failing to apportion after the census of 1920 are the very ones who helped to prevent apportionment in 1921. We were wholly within constitutional rights when the bill was practically killed, for to have followed that census, taken as it was and at the time it was, would have worked a grave injustice.

INCREASED MEMBERSHIP

I am not afraid of an increased membership of this House. Notwithstanding the able argument of the distinguished gentleman from Ohio now a Member of the other legislative body in respect to a larger House when the matter was last before us, I am not convinced that a larger representation of the people would not make for better legislation and be a safeguard for the country. Witness, if you will, the effective work of this body as compared with some bodies of smaller size. But we are told that to increase the membership would make it unwieldy. The few gentlemen who now direct the course of legislation in this body seem to be getting results. Who doubts that their genius for organization and control would be extended over the House, however large its membership?

There is no widespread demand for this legislation at this time. We are not meeting the Constitution when we defer action until 1930. Rather we are giving legislative sanction to the claimed violation of that sacred document by deferring this apportionment until after the next enumeration. There is no rational excuse for this proposed legislation at this time, and we can render the country no better service than to defeat it. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. MOORMAN].

Mr. MOORMAN. Mr. Chairman, ladies and gentlemen of the committee, the Census Committee, of which I became a member in 1927, seems now to get some criticism because there has not been a reapportionment of representation in Congress since the census of 1920. If there was any unjustified failure to follow the spirit or mandate of the Constitution it was a failure of the Congresses immediately following 1920. If politics is any issue, these Congresses were all under Republican administrations. Failure to reapportion at the right time now confronts us with a serious and different situation, one to be dealt with as a matter of common sense and present expediency.

Those of us signing the minority report have even been accused of being obstructionists. We were not. We were convinced that this bill under consideration is unsound, unnecessary, and wrong. This body confirmed our position at the last session when it recommited the reapportionment bill to our committee. The pending bill means the same, in its essentials, as the one the House refused to enact into law. It is open to the same objections. This bill is not to now reapportion representation, but is to compel future Congresses to do so, or if they fail, to delegate the power to the Secretary of Commerce.

I regard this anticipatory legislation, the effort in this bill to bind a future Congress, as a dangerous precedent if fundamentally sound at all. It seeks to meet an emergency situation which might develop in 1930 or thereafter. Why not anticipate

that Congress will fail to perform a hundred other duties and functions and now begin legislating accordingly?

I desire to say that I recognize it to be my duty to vote for a reapportionment bill of the right kind, at the proper time. But any reapportionment based on the census of 1920 would be absurd, for the reason that another census upon which reapportionment can be better based is due in 1930. Also, it would be unfair for certain reasons, namely:

First. That the census of population was taken as of January 1, 1920, which was considered unfair to the rural districts, especially in the years following the close of the World War; and

Second. That the actual enumeration was not efficient.

Further, the census of 1930 is provided for in a bill that our committee recently unanimously reported out. It will have new and perfected features, provides for taking the census May 1, which is the time agreed upon by our committee when the actual population of the cities and rural sections can be most fairly ascertained, and, on the whole, it promises to be the most complete and dependable enumeration and statistical record of people and facts ever made. In this connection I would like to say there is some disposition to have the 1930 census taken as of November 1. Our committee was convinced that this would be another mistake. Road and weather conditions would prevent fair rural enumeration. This census is going to employ about 100,000 people, has many new features, and will cost about $40,000,000. It will reveal many facts that Congress should have before it is to intelligently consider a reapportionment bill, which is a matter of most vital importance to all of the States.

I respectfully invite your attention to the minority report, concurred in by nearly half of the Census Committee, as follows:

MINORITY VIEWS

We desire to submit briefly our reasons for opposing this bill.

In the first place it is practically the same bill that was rejected by this House on May 18, 1928. It has been slightly denatured by a few minor amendments.

This legislation is unnecessary, and is an attempt to bind a future Congress.

It does not propose to reapportion Congress under the census of 1920, but attempts to legislate for a future Congress, relative to a reapportionment on the basis of a census to be taken in 1930.

It also attempts to arbitrarily fix the size of the House at 435 Members without first taking into consideration the iniquities and injustices that might be avoided by adjusting the size of the House under the census of 1930 to take care of all of the States.

It proposes to lay down a formula, which they call major fractions, and which few Members of the House will understand and fewer still can explain.

It is proposed also to delegate the Secretary of Commerce the apportioning power, which is primarily vested in the Congress of the United States.

In case Congress failed to act at the first session after the taking of the decennial census the executive department charged with the duty of taking the census would also have placed in its hands the power of reapportioning the House of Representatives under that census.

The Department of Commerce seems to have tried the case in advance, as they have filed with the Committee of the Census a table showing their estimation of the number of Representatives each State will receive under the census of 1930. This forecast itself shows the inadvisability of delegating the power of reapportionment of Congress to the Department of Commerce.

Under the table prepared they show that, according to their estimation, if the method of major fractions is used to reapportion Congress after the census of 1930 is taken, the following States would lose the number of Representatives indicated:

Indiana, 2; Iowa, 2; Kansas, 1; Kentucky, 2; Louisiana, 1; Maine, 1; Massachusetts, 1; Mississippi, 2; Missouri, 4; Nebraska, 1; New York, 2; North Dakota, 1; Tennessee, 1; Vermont, 1; Virginia, 1.

Thus approximately one-third of the States would have their representation arbitrarily reduced without any opportunity to equitably adjust the size of the House to meet the then existing conditions.

In order to avoid the absurd and ridiculous situation in which the passage of this bill would place the Congress, we respectfully submit that it would be better to wait until after the taking of the census of 1930, and then have the House reapportion its membership according to that census.

Respectfully submitted.

J. E. RANKIN.
ARTHUR H. GREENWOOD.
RALPH LOZIER.
S. RUTHERFORD.
HENRY D. MOORMAN.
RENÉ L. DEROUEN.
JAMES M. FITZPATRICK.
LLOYD THURSTON.

Concerning this subject, I desire to say that I believe it should be the law that no alien shall be counted in the census enumeration of the number of people in each State. This would reduce to a fair basis city representation and have a tendency to check the drift of legislative power to population centers. Further, if a person does not think enough of the country in which he makes a living to become a citizen of it, he certainly should not be counted in determining the number of Congressmen or electoral votes of any State. There is a disposition to attribute to Representatives from States that will lose Congressmen, a desire to indefinitely postpone reapportionment. This idea is, I am impressed, largely without basis. Due to the unusual and unsettled conditions in 1920, following the war, and when many rural people were in the population centers and elsewhere, resulting in an admittedly unfair population enumeration, there has been much opposition to reapportionment on the basis of the 1920 census. However, Kentucky, under this bill, will lose two Members, based on the population estimated for 1930. Even the contemplation of this result arouses and warrants deep concern. The reduction of any State's present representation is disturbing sacred rights. I do not believe the present number of Representatives of any State should be reduced. The result of reapportionment on the remaining districts of a State are sometimes almost as important as the loss of Members. I also believe this anticipatory feature of the proposed legislation is fundamentally unsound and that the bill is altogether unwise. It amounts to a surrender by Congress of more of its powers, and is the unnecessary delegation of its duties and rights.

The imputation that a future Congress, with all the facts of the new and complete 1930 census before it, can not or will not know or do its duty, or that such a Congress will not possess as much intelligence or integrity as this one, I think, is unwarranted. I believe that practically every Member of this House, under the Constitution and his oath, feels largely as the majority indicates, in the following words:

The committee is strongly of the opinion that the failure to reapportion is a violation of the spirit, if not the letter, of the Constitution. It holds the view that no section of the Constitution is more fundamental to our Government than this section. Without its observance, representative government becomes a sham.

As to limiting the number in the House to 435, I understand the corresponding branch of the German Government has 493 members, the French Government 580 members, and the English Government 615 members. By the increase of our membership to a body approximately the size of the smallest of these, all States could be saved the loss of present representation. The House would be but little more unwieldy than it is at present, if any more so at all. The comparison of the legislative records of the United States Senate, with only 96 Members, with that of the House, with 435, would indicate no loss of efficiency by the suggested increase in our numbers. Further, there is a drift of population, and consequently of legislative power, to the cities. The loss of Members under this bill will be greatest to rural sections and the gains largely to the population centers. This tendency is worthy of our careful consideration. [Applause.]

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman and gentlemen, it so happens that I come from a State that in all likelihood will lose one Member from its delegation. My colleagues, who are familiar with my political irregularities, know, and it will require no stretch of the imagination to prophesy, which district will be eliminated. [Laughter.]

Nevertheless, I can not see how anyone believing in the fundamental principles of representative government can vote against any kind of a bill that will remedy the existing conditions. If the State of Michigan and the State of California have so grown in population as to be entitled to a greater proportionate representation in this House, they must be given such representation, and the people of those States and other States should not be deprived of their due proportionate representation in the House of Representatives. [Applause.]

A great deal has been said about tying the hands of future Congresses. Read the debates of the Constitutional Convention and you will find that it was their intention to make reapportionment mandatory every 10 years. They feared that if the matter was left to the discretion of future Congresses that selfish reasons might prevent action. In providing for an enumeration every 10 years the framers of the Constitution intended and believed that they were providing a mandatory reapportionment every 10 years. A reading of the debate of the Constitutional Convention on this very question can leave no doubt as to that intent.

Mr. MOORE of Virginia. May I ask the gentleman a question there?

Mr. LAGUARDIA. I yield.

Mr. MOORE of Virginia. And does the gentleman not think it clearly indicated by the convention proceedings that Congress should delay reapportionment until after it got hold of the census?

Mr. LAGUARDIA. In answer to that, permit me to read what another distinguished gentleman from Virginia said:

> Mr. Randolph was apprehensive that, as the number was not to be changed until the National Legislature should please, a pretext would never be wanting to postpone alterations and keep the power in the hands of those possessed of it.

He, too, was a very distinguished gentleman from Virginia. Again, as to the "tying of hands of future Congresses," Mr. Randolph says:

> If the legislatures are left at liberty, they will never readjust the representatition.

How prophetic!

Mr. Hugh Williamson, of North Carolina, in the Constitutional Convention said:

> It is the duty of the legislature to do what was right and not leaving it at liberty to do or not to do it.

Then, again, Mr. Randolph, quoting Montesquieu—and I have often heard the distinguished gentleman from Virginia [Mr. MOORE] quote him on the floor of this House—says:

> If the danger suggested by Mr. Gouverneur Morris be real, of advantage being taken of the legislatures in pressing moments, it was an additional reason for tying their hands in such a manner that they could *not sacrifice* their trust to momentary consideration.

That is exactly what we are doing in this bill.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield at this point?

Mr. LAGUARDIA. I have only a moment. It is clear that the very trouble that we are now confronted with—that of local conditions, momentary consideration; that of personal interest; that of losing a seat—was before the Constitutional Convention, just as it is before us now, and if past Congresses had performed their duty we would not be vexed to-day with the very objections in the bill that the gentleman from Virginia suggests. It is because of the failure of past Congresses, the unpardonable failures, that we are sitting to-day in a body constituted not in accordance with constitutional requirements. The gentleman from Virginia [Mr. MOORE] believes too much in representative government to want to be a member in any legislative body that is so out of proportion, that is so manifestly unfair by reason of the drift of population as in a body perpetuated in its disproportionate representation by the culpable failure of past Congresses to act in accordance with a clear mandate of the Constitution.

Mr. MOORE of Virginia. I was going to suggest to my friend that while we may have flouted the Constitution in not making an apportionment on the basis of the last census, that is no reason why we should further flout the Constitution by enacting anticipatory legislation now.

Mr. LAGUARDIA. I have read what the founders suggested in taking the necessary steps and safeguards and tying the hands of future legislatures so that we will not leave it at their pleasure, and if future Congresses should be as derelict as past Congresses, then we simply provide automatically for proportionate representation. That is what the Constitution intended. That is what we are doing. Future Congresses are not having their hands tied. Future Congresses are not prevented from acting in accordance with their constitutional prerogatives. Future Congresses are only prevented from flouting the Constitution and destroying real representative government by their failure to act. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. BRIGHAM].

Mr. BRIGHAM. Mr. Chairman, in the Senate committee report on the apportionment bill of 1832 Senator Webster indicated the interesting and delicate nature of the proposed legislation because, as he said, "It is to determine the number of voices which, for 10 years to come, each State is to possess in the popular branch of the legislature." The apportionment bill of 1832, however, assigned to each State, after a careful study of all the facts, a definite number of Representatives. The bill we have before us now does not do this, but provides that the Congress shall delegate to the Department of Commerce the task of apportioning 435 Representatives among the several States according to a formula known as major fractions. If the Congress fails to legislate further in regard to apportionment, then forever after the Department of Commerce will apportion to each State the Representatives to which it is entitled according to the formula set up. In view of the conflict of interests between the several States in this matter, we may confidently predict that the method set up in the bill will in the future be the method of apportionment following each census, and will determine, not for 10 years but for all time, the number of voices each State is to have in this House. It is important then that we examine carefully how such a method of apportionment will stand the test of doing justice to the several States.

We can perhaps agree that an ideal apportionment would result in having each Member of the House represent the same number of constituents and in having each State possess its rightful share of the representative power in this House.

If we divide the number of population of the United States in 1920 by 435, the number of Representatives, we have 241,867 persons as the average constituency for the United States. The test of the fairness and justice of a method of apportionment is the degree which it causes constituencies in the several States to depart from this average. Furthermore, if 435 Members is the total representative power of the House, each State should have apportioned to it that share to which it is entitled by its population.

In the RECORD of January 8 I inserted a table which shows the departure from the average which exists now without reapportionment and the departure which would exist had reappointment been made following the completion of the Census of 1920. If you examine this table you will find the greatest departure from the average does not exist now in the States of California or Michigan but in the case of the State of New Mexico. Each Representative from California now has 69,590 persons more than the average and each Representative from Michigan now has 40,317 persons more than the average, while the single Representative from New Mexico has 111,561 persons more than the average. Compared on the basis of the share in the representative power, California has less than ten times the population of New Mexico, but California now has eleven times the representative power of New Mexico.

The Webster report points out that no number of Representatives will exactly correspond with the precise share of representation which belongs to a State according to its population. Then says the report—

> That which can not be done perfectly must be done in a manner as near perfection as can be.

Well, let us assume this bill we are now considering had been a law in 1922. What would have happened? New Mexico would still have one Representative and that Representative would still have 111,561 persons more than the average for the United States while California would have three more Representatives added to her quota and would have fourteen times the representative power of New Mexico with less than ten times New Mexico's population. Do you think this is fair to New Mexico? Is reapportionment done in that manner "done in a manner as near perfection as can be"?

But with reapportionment made on the basis of this bill and the 1920 census, New Mexico is not the only State similarly affected. My State of Vermont would be left with one Representative who would represent an average constituency and 110,561 persons additional. So many of my Michigan friends have mildly reproached me for not supporting this bill that I will take a moment to compare the situation of Michigan and Vermont. As the situation is now, each Michigan Representative has a surplus of 40,317 persons. With reapportionment, the Representative from Vermont would have a surplus more than two and one-half times that which Michigan now has. Furthermore, on the basis of population, Michigan should have here in this House less than eleven times the representative power of Vermont while this bill would give her fifteen times Vermont's representative power. I would like to ask my friends from Michigan if they think I would be doing my duty as a Representative to support a bill which would do such an injustice to my State?

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BRIGHAM. Yes.

Mr. HUDSON. I suppose the gentleman is using the 1920 census there?

Mr. BRIGHAM. Yes.

Mr. HUDSON. But the gentleman must remember that if the census were taken to-day it would materially change his averages.

Mr. BRIGHAM. I am using this as a basis of illustration; and I will say to the gentleman further that I agree that some reapportionment should be made, but we disagree as to the method of making it.

Mr. RANKIN. And if a thorough census were taken that might not be the case.

Mr. BRIGHAM. Yes; a situation might arise perhaps not with reference to Vermont and New Mexico but with respect to another group of States that had a little larger population.

The question is then, What method of reapportionment can be substituted for the method of major fractions which will come nearer to standing the test of perfection? If the House is held to a membership of 435, the method of equal proportions is one which will better stand the test of fairness and equality of distribution of the representative power than the method of major fractions contained in this bill. This method is approved by the advisory committee to the census and is approved by many of the leading authorities of the country. This method has no bias in favor of larger or smaller States but does as nearly as possible exact justice to each. From the political standpoint, on the basis of the 1920 census, this method has the disadvantage of taking away a Representative from each of three States having among them 64 votes in this House, and gives three votes to three States having a total of 6 votes. This is, of course, a great handicap for any method to carry.

The method of equal proportions applied to the 1920 census population distribution would result in taking from New York one Representative and would give one representative to Vermont. Now, let us test the fairness of such a procedure from the standpoint of number of constituents per Representative and a fair distribution of the representative power. New York had approximately thirty times the population of the State of Vermont in 1920. The method of major fractions provided for in this bill would give New York 43 Representatives and Vermont 1. Therefore New York would have forty-three times the representative power of Vermont, with thirty times the population. The equal-proportions method would give New York 42 and Vermont 2. New York would then have twenty-one times the Representative power of Vermont and would approach nearer her just share of 30 than would be the case if she had forty-three times the representative power of Vermont. Furthermore, the adoption of the major-fractions method would result in assigning to each New York Representative a constituency of 449 persons less than the average for the United States and for the Vermont Representative 110,561 persons more than the average. The equal-proportions method would make the New York constituency 5,299 persons more than the average and the Vermont constituency 65,653 less, which deficiency comes nearer the average than the surplus of over 110,000.

Surely on the ground of fairness and exact justice the method of equal proportions is the preferable one.

This legislation we are asked to pass now is anticipatory. No results will come until the outcome of the 1930 census is known. In my opinion, it would be better to wait and base action upon a definite set of facts and try to do as nearly as possible exact justice to all the States. If you look up the history of apportionment, you will find that one of the major disputes has been over giving Representatives to fractions. President Washington vetoed the apportionment bill in 1792 because Representatives were assigned to some States having the largest fractions of the quota entitling them to a Representative. Mr. Jefferson gave it as his opinion that fractions must be neglected because the Constitution has left them unprovided for. Story in his Commentaries on the Constitution says:

> If a fraction admits of representation in any case, what prohibits the application of the rule to all fractions?

This question he answers by saying:

> The only constitutional limitation seems to be that no State shall have more than one Representative for every 30,000 persons.

A Representative has been assigned for a minor fraction when by so doing more exact justice was done. It seems to me that Senator Collamer, in the debate of 1862, laid down the correct principles. He said:

> Mr. President, by what power and right and principle is it that you give Representatives to fractions at all? I take it, it is because in giving them to the fractions you approximate nearer to the Representative ratio. Then you ought to give representation to each State so long as by giving it they will be nearer to the representative ratio than they will be by withholding it.

This would seem to me to be the fair and just principle.

I am aware that there exists in the country and in this House a feeling that the membership should be kept at 435. There are arguments on both sides of this question. Perhaps any great enlargement is not desirable. But I think it is not so important to hold to this exact number as it is to add a few Members, if by doing so justice can be done to some States that will be found to fall short of having their fair share of the representative power and that will be found to have districts which depart widely from the average. In 1920 two States were so affected. In 1930 the distribution of population may be such that these States will not be affected, but another group will. Reapportionment in my opinion should be made immediately after taking of the 1930 census and should be made by Congress on the basis of the facts disclosed by that census. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, ladies and gentlemen, this bill is no reapportionment bill at all. It presents two proposals, one of them foolish and the other vicious. With all deference and apologies to the able gentlemen who have spoken in favor of it, I submit that they have argued in favor of a proposition that is not before the House and one against which they voted when it was formerly and properly before the House. The first and foolish proposal is that we intrude ourselves into the legislative duties and prerogatives of a future Congress. The second and vicious proposal is that we cowardly surrender our constitutional duties to an executive department. For instance, the gentleman from New York [Mr. LAGUARDIA], and I shall use his sentence as typical of the arguments in favor of the bill, said that he did not see how any Member of the House could refuse to vote for a bill which would remedy the condition existing. This bill does not remedy that condition and is not intended to remedy any condition. In fact, if I were to ask the author of this bill what its purpose is he could not answer the question. It does not attempt to do anything, but merely anticipates that a future Congress will not do its duty, and in that event it provides certain machinery to answer for the neglect. It is termed a "reapportionment bill," but it is not even attempted by the bill to reapportion.

If this is a wise bill then let me submit it would be wise upon its adoption for the Legislature of the State of Texas, for instance, a State that gains two Members by virtue of the reapportionment, to meet and anticipate that the legislature that met after the reapportionment would not subdivide the State into districts as the law provides, and in order that no embarrassment would arise when Texas received its additional representation, the Texas Legislature would provide for the secretary of state of that State to proceed to make a division which would apply in the event that the Legislature of Texas, following the apportionment, failed to make such a division. This is laughable, yet a reasonable sequent. The gentleman from Pennsylvania [Mr. GRAHAM] said he would support the bill as one step in the direction of apportionment. Well, in all sincerity, why not go the whole course if the step is well taken and any duty involves upon us? Why not reapportion in full if not too late, and, if too late, why take any steps? You are fooling the country merely. You neglected to reapportion when you should have. It is ridiculous to do it this late and in the face of another census. So this is merely a face-saving futility. The truth is that following the 1920 census the gentlemen, or most of them, who are here vociferously advocating this procedure were willing to let their views as to the size of this House defeat the constitutional requirement of reapportionment. Rather than permit a larger House they voted to recommit the bill discharging their constitutional obligation. They blocked the constitutional requirement, because, foresooth, the House was to be larger than they in their judgment deemed it wise. The vicious part of the bill is the delegation of authority by this Congress of one of its most important prerogatives to an executive bureau. It may be but a short step, but it is a step in the wrong direction. I have always been in favor of reapportioning this House and favored a smaller House. I favor somewhere about 350 Members, but I was never willing to let my own individual views as to the size of the House defeat a constitutional requirement of reapportionment upon fair percentages, which gentlemen who are so insisting upon the passage of this bill did do.

Mr. FENN. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. FORT]. [Applause.]

Mr. FORT. Mr. Chairman, there are two purposes of making an apportionment of Members of the House. One of those is to determine how many Members there shall be in the House. The other is to determine how many votes shall be cast by each State in the Union in the Electoral College for the selection of a President of the United States. In the determination of that latter fact, it seems to me no Member of the House has the right or the duty to consider the personal equations of friendship which might otherwise largely affect his action on a matter that involved only the reapportionment of the membership of this body.

The rights of the small States under our form of government are entirely and absolutely protected by the membership of two

in the Senate which goes alike to Nevada with 77,000 population and to New York with 12,000,000 population. The smaller States can not be deprived of their full voice and their power in this Government. In the passage of legislation they are as potent in the Senate as the largest State.

But when we come to the Electoral College, what do we now find? We find that the State of Nevada has 3 votes, or 1 vote for the President of the United States for every 25,000 citizens. And we find the State of California on the basis of the estimates as to what will prevail in 1930 has 1 vote for President to every 365,000 inhabitants. I do not personally favor the method which many do of electing the President of the United States by popular vote. I believe in the preservation of the right of the State to express itself as a State in such an election.

But certainly it can not be contended that there shall still be attributed to each State its two votes for its two Senators and then a disproportionate vote for its Members in the House.

Now, if the next Congress does not revise the present apportionment, the next election for President of the United States will be upon the present existing basis. Take, for example, four States of somewhat similar size. If we retain the present apportionment, the State of Massachusetts—to which honor is due for its support of this legislation despite the loss of a Member—will have one vote for each 242,000 of its citizens in the choice of a President; the State of Texas will have one for each 281,000 of its citizens; the State of Michigan will have one for each 317,000 of its citizens; the State of California will have one for each 365,000 of its citizens. If we reapportion on the basis that it is estimated this bill will work, the State of Massachusetts will have one for each 257,000 of its citizens; the State of Texas one for each 256,000; the State of Michigan and the State of California one for each 250,000 of their citizens. Under the present apportionment 123,000 more citizens are required to give California an electoral vote than in Massachusetts. Under the new system the entire range in those four States will be a matter of 7,000 citizens only. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FORT. I could use two additional minutes.

Mr. FENN. Mr. Chairman, I yield to the gentleman from New Jersey two additional minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized for two additional minutes.

Mr. FORT. Now, the difference it makes is this: That proportionately it takes 1,600,000 more people in California to produce the same effect on the election of a President of the United States than it takes in Massachusetts.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. FORT. I regret I can not. I have only two minutes.

Now, what are we really doing in this bill? We are fixing the membership of the House at 435 in case the next Congress does not fix it at some other figure. That is where it stands to-day, exactly as it would stand if we passed no bill, 435 Members; so that there is no change in the existing law.

We are adopting the system of major fractions, the system under which we now hold our seats. We therefore are reannunciating the principle of a House of 435 Members chosen on the major-fractions basis, but we are also saying to the next Congress that "unless you, prior to the election of 1932, certify to the States a different basis for electors and Members of the House of Representatives, then the purely mathematical computation provided for in this act will be the basis for the membership." [Applause.]

Mr. RANKIN. Mr. Chairman, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

The CHAIRMAN. The gentleman from Louisiana is recognized for three minutes.

Mr. O'CONNOR of Louisiana. Mr. Chairman and members of the committee, I come from a State that will lose one Member if this bill is enacted into law. I protest.

Since when has it become unreasonable or unjust or unpatriotic for a Member from a State about to lose a Member to protest against such a proposed act? If I remained silent, it would not be complimentary to this body. And what reason is there for 435? What mystery, what magic, lurks in that charmed number? What voodoo hangs over us by reason of which this House has refused to consider a basis that would do justice to all the States, including those that have increased largely in population? What mystic or occult spell lies in these numerals or their combination which prevents the adoption of a basis that will maintain the representation of proud old American commonwealths and at the same time do justice to those States which have increased in population by giving them additional representation? In other words, why not increase the number from 435 to that number which will meet the desirable situation I have suggested when the proper time arrives to pass such an act? If the Constitution has been flouted by Congress not passing an apportionment subsequent to the census of 1920, its failure is not condoned by passing an apportionment act which is to be based on the 1930 prior to the taking of that census. The argument is made that the House is cumbersome and unwieldy. When did it become cumbersome? Under Cannon? When did it become unwieldy? Under GILLETT? Under LONGWORTH and TILSON? Why, your discipline on that side—the Republican side—was never known in the Roman legions. [Laughter and applause.] Appropriations here running to $700,000,000 have been considered and voted in less than 24 hours, with an expedition that might be termed rapidity; and yet we are told in solemn tones about the unwieldy character of this body. Solemnity of tone always suggests a superior brand of patriotism—maybe. Business is transacted in this House with such a celerity of movement that no parliamentary body in the history of the world can equal its magnificent record, if you can call such a performance magnificent. [Laughter.]

This body has a smaller membership than the Chamber of Deputies, and a smaller membership than the House of Commons, and is less in number than the Reichstag was under an almost autocratic form of government. Why, gentlemen, why should we be bound by what apparently lies in the charmed number 435? What is the occult influence that has hovered over those who stand immovably behind this bill? I can understand "Pikes Peak or Bust," but the impenetrable occultism, mysticism, and magic is far beyond my ken. It is a puzzle I can not get through. Tear the flag if you must, trample the Constitution under foot, but under the peril of losing your immortal soul do not touch 435! That number is the Ark of the Covenant, and if you dare touch it you will share the fate of Uzzah and drop dead, or worse. What baleful influence lies in that number. It has the sinister influence of the jettatore or evil eye upon its blind votaries who are under its power. Here you have a House trained and disciplined to act in accordance with the rules, precedents, and established customs and in obedience to the command of the apostles of this House. [Applause.] No one on the Republican side will get off the reservation. A recent bitter experience on the part of several has taught them obedience and docility. They were made to do penance—wear sackcloth and endure and suffer aches before they were permitted to even come near the cloistered political precincts of a caucus. And the Democrats, free and untrammeled, offer only such opposition as the parliamentary exigencies and requirements demand, as we recognize that the responsibility of reasonable legislation lies upon the majority party. Our duty is to constructively criticize proposed Republican measures and assist in making for orderly and efficient procedure, and this obligation we have discharged in accordance with the ethics and the best traditions. So that at no time has there been evidenced any cumbersomeness or unwieldiness. Again, it is well to remember that Congress has become largely a recognitory body, giving recognition to the findings of committees. It is as true of the House as of the other body.

A few days ago a very important matter was decided in the Committee of the Whole House which had under consideration the War Department appropriation bill by a vote of 24 to 14. Many Members were at committee meetings, many were in their offices. In perfect candor it may be stated also that there were more Members present than those figures express. There may have been a hundred or more, but that vote expressed the majority opinion, for if it were otherwise a point of order would have been made that no quorum was present. And it may also be well to remember that as a result of the enormous increase in our population and the consequent expansion of governmental activities the average Congressman has become not only the representative of the entity known as the congressional district, but also the attorney in fact of the individuals of his constituency and is the medium of communication between the men and women he represents and the various branches of government that Congress has created, many of which threaten the same fate to their creator that the monster created by Frankenstein consummated to the author of its existence.

But as some one has said, Congress has survived all of its critics; and as long as the American people believe and want representative government, just so long will they want adequate representation that will meet the enlarged and growing needs of an expanding country, and will not heed the cry of those who consciously or unconsciously hearken to the voice that comes from the pillared palaces of privilege and wealth rather than turn the ear to the appeal that comes from the cottage, rural and urban. Of course we all believe in equal representation, but we do not all believe in adequate representation. These whispered mutterings and Solomonic expressions, accompanied by sagacious looks and suggestions of a lofty patriotic purpose, corrugating their brows, in good, plain, unadulterated

American, is the bunk. Let us beat this bill, and when it is in order pass a bill that will give full representation to every State without doing violence to the acquired rights of States whose people have written many of its most brilliant pages into the history of our country. Because 12 ounces make a pound, according to the apothecary weight, or 12 eggs make a dozen, or 12 inches make a foot, or 12 men and women make a jury, or the zodiac has 12 signs, is no justification for determining that 435, which makes a combination of 12, should be the Procrustean bed upon which grand old States that were of us from the beginning and sister States that endured the shackles of 1812 and marched arm in arm in 48 should be mangled to fit its monstrous measurement.

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. KOPP].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. KOPP. Mr. Chairman, while there is no direct mandate in the Constitution that the country shall be apportioned every 10 years, I concur in the view that there is an implied duty to do so. I can not agree, however, that the bill now before us is consistent with the Constitution, and I can not support the bill because it does not follow the path marked out by the Constitution. The proponents of this bill seek to perform a constitutional duty in an unconstitutional manner. They profess great veneration for the Constitution but wholly disregard it in this bill.

As it appears to me, the duty of Congress under the Constitution is as follows:

First. To provide for taking the census once every 10 years.

Second. To make an apportionment of the Representatives among the States during each 10-year period, said apportionment to be made as soon after the taking of each census as may be reasonably possible.

The opponents of this bill have been charged with a desire to defeat reapportionment under the 1930 census. This charge is wholly false and groundless. Everybody concedes and agrees that when the 1930 census has been taken a new apportionment shall be made. No Member of this House, as far as I know, has ever suggested the contrary, and I am very sure that none ever will. The opponents of this bill not only want to make an apportionment after the next census, as required by the Constitution, but also want to make that apportionment in the manner pointed out by the Constitution. They do not believe in following the Constitution on one point and at the same time violating the Constitution on another.

Apportionment of the House was not made after taking the census in 1920, but not because anybody questioned the duty of Congress to make such an apportionment after each census. In fact, the RECORD will show that practically every Member of this House voted for a reapportionment. It is well known that the reason a reapportionment bill was not agreed upon after the 1920 census was because that census was believed to be unjust to some of the States. The 1920 census was taken just after the war, while many were still away from their homes and before the population of the country had become stabilized. Men in high positions, whose sincerity and knowledge could not be questioned, stated that said census was not fair to the agricultural States. No such objection can or will be made to the census of 1930. That there will be a reapportionment in 1930, even if this bill does not pass, there is not the slightest doubt. The talk about this being a critical situation and that if this bill is not passed now no reapportionment can be made for years to come is wholly without justification or excuse and an unwarranted reflection upon the integrity of the Members of this House.

The Constitution provides that an apportionment shall be made after the taking of the census, but this bill comes up for consideration before the taking of the census. In answer, it is said that by passing this bill we will not make an apportionment but will simply provide for the Secretary of Commerce to make an apportionment after the results of the 1930 census are known. To the objection that Congress alone is empowered by the Constitution to make the apportionment and that this legislative duty can not be delegated to the Secretary of Commerce or any one else, it is urged that under this bill the duties of the Secretary of Commerce will be simply ministerial. So much has been said upon this point, pro and con, that I shall not dwell upon it at any length, but I do want to make a brief reference to it.

There are different ways of figuring when you endeavor to distribute a certain number of Representatives according to population. The Constitution does not indicate which particular method shall be used. No one, I take it, would contend that if the Secretary of Commerce determined the method of figuring, he would simply be performing a ministerial act, for such would not be the case. Different results are obtained by different methods and if the Secretary of Commerce could choose the method he could affect different States favorably or unfavorably by his choice. It is claimed, however, that this bill fixes the method when it says that the apportionment shall be made "by the method known as the method of major fractions."

That provision in the bill, however, does not fix the method, for there are different methods of major fractions, and the results obtained by using these different methods of major fractions are not the same.

On pages 9 and 10 of the report of the Census Committee on this bill we find the following statement:

METHOD OF MAJOR FRACTIONS

The method known as the method of major fractions is provided for in this bill and prescribed for the Secretary of Commerce in making the apportionment tabulation. This method was used in 1840 and also in 1910.

The learned gentleman from New York [Mr. JACOBSTEIN] is a member of the Census Committee and is an authority for the proponents of this bill. He confirms the report of the committee by his statement in the House. I quote from the RECORD:

Mr. JACOBSTEIN. Major fractions were used in 1840 and in 1910 and recommended in 1920.

We are told in the report of the committee that the method of major fractions was used in 1840. We are also told this by the gentleman from New York. But the method of major fractions used in 1840 was not the same as the method of major fractions used in 1910. In 1910 the method of Prof. Walter F. Willcox was used. But Professor Willcox had not been born when the 1840 apportionment was made. The gentleman from New York [Mr. JACOBSTEIN] concedes that the methods are not the same, although both are methods of major fractions. He says Professor Willcox's method of major fractions was "developed in its present form by Prof. Walter F. Willcox." Professor Willcox himself says that he developed it after 1900.

It is very clear, therefore, that Professor Willcox's method of major fractions is not the same as the method of major fractions used in 1840. I agree, however, that the method used in 1840 was a method of major fractions. It was different, however, from the method of Professor Willcox. Another prominent advocate of this bill, but not a Member of this House, has referred to the Willcox method of major fractions as "a refinement of the 1840 method, as improved under the auspices of Prof. Walter F. Willcox." So no one can claim that the method of major fractions used in 1840 was identical with the method of major fractions favored by Professor Willcox, and all must concede that the results obtained by these two systems are not identical.

Major fractions are not a new thing. In 1832 Daniel Webster made a study of major fractions in connection with reapportionment. He made a lengthy report and outlined a method of major fractions which he favored for reapportionment. He referred to the method outlined by himself as a method of "major fractions," but that method of major fractions is different from the method of Professor Willcox.

So we have different systems of major fractions. The one used in 1840 and the one used in 1910 and the system of major fractions outlined by Daniel Webster. As far as I know, mathematics and figures and fractions have not changed. The method of major fractions used in 1840 is still a method of major fractions. The method of major fractions outlined by Daniel Webster in his report is still a method of major fractions. It will hardly be claimed that Daniel Webster did not understand the use or meaning of the English language and that he referred to his method as one of major fractions when it was in fact not such. Daniel Webster, I believe, is still good authority. So there are at least three methods of major fractions, and there may be others. It is said, indeed, that there are others. In any event, we certainly have three different methods of major fractions, and these methods do not have identical results; and therefore the number of Representatives a State may have under an apportionment may depend upon which system of major fractions is used in working out the apportionment. Under the language of this bill, then, it is left to the Secretary of Commerce to determine which method of major fractions he will use, and his discretion in choosing the method may affect some States favorably and other States unfavorably.

This matter could not be remedied by designating the method as "the Willcox method of major fractions," for the professor might change his mind. He might "refine" and "develop" some more. By 1940 he might have an entirely new method of major fractions.

I do not question the right of Professor Willcox to refer to his method as one of major fractions, but he can not restrict the

use of figures and can not by his fiat obliterate other methods of major fractions. The system used in 1840, which did not have the benefit of the "refining" and "developing" of Professor Willcox, is just as much a method of major fractions to-day as it was then. The method of major fractions outlined by Daniel Webster is just as much a method of major fractions as it was then. These methods will exist during all time. You can no more blot out these methods than you could blot out the multiplication table. To choose the particular method is a legislative duty, and that duty can not be delegated. Under this bill the Secretary of Commerce must choose a method of major fractions, and the exercise of such discretion is certainly not a ministerial act.

But for the time being let us assume that the Willcox method of major fractions is the only known method of major fractions; and that the Secretary of Commerce therefore will not need to exercise discretion and select a method of major fractions. The duties of the Secretary of Commerce being purely ministerial, according to the proponents of this bill, he of course can not change the Willcox method of major fractions in the slightest degree. He can neither add to it nor subtract from it. He must use it just as it was made by Professor Willcox. Let us then ascertain just what the Willcox method is. But before doing that let us look at the bill for a moment. On page 2 of this bill we find the following language:

By apportioning 1 Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions.

The Constitution of the United States contains these provisions, which are pertinent at this point:

(a) Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. * * *

(b) But each State shall have at least one Representative.

It seems to be generally conceded that the language of the bill set out and the language of the Constitution set out are not in harmony, and that the bill is in conflict with the Constitution.

I understand that an amendment will be offered, the effect of which will be to make said clause of the bill read substantially like the constitutional provisions.

While the purpose of the amendment will be to cure the vice pointed out, unfortunately that purpose will not be accomplished, still assuming that the Willcox method is the only known method of major fractions. If the Willcox method of major fractions is the only known method, then the use of the Willcox method will be mandatory upon the Secretary of Commerce, for the bill says that the apportionment must be made by the method known as the method of major fractions. The Willcox method, however, contains the very vice which it is the intention to eliminate by the aforesaid amendment.

In other words, the vice is incorporated in the bill twice; once by express language, which it is the intention to eliminate by amendment, and once by directing the use of the Willcox method. As the Willcox method seems to be very imperfectly understood, I want to insert an accurate and authentic description of it in the CONGRESSIONAL RECORD. First I shall refer to page 10 of the report of the Census Committee, where an explanation is given of the Willcox method of major fractions. I now quote the language of the committee:

The following procedure is used when this method is applied: Each State is assigned 1 Member, as provided for by the Constitution, which makes 48. The remainder, 387 (435 less 48), is then assigned to all the States in the following manner: The population of the several States is divided successivley by 1½, 2½, 3½, etc. These numbers or quotients are then set down in the form of a series, the highest number first, the next highest second, the next highest third, and so on, down to the lower numbers. The number which is first or highest on the list has allocated to it the forty-ninth Representative; the next highest on the list is given the fiftieth Representative, the next the fifty-first, and so on, down until you come to the point at which you desire to stop. In this bill it would be at the number of 435.

I refer to another high authority, Doctor Hill, Assistant Director of the Census Bureau. This is his statement on the Willcox method of major fractions as it appears on page 73 of the hearings of the Census Committee held during the Sixty-ninth Congress:

METHOD OF MAJOR FRACTIONS

Process followed:

(1) Here, as in the method of equal proportions, the first step is to assign 1 Representative to each State, making 48 in all.

(2) The next step is to divide the population of each State by the following quantities in succession: 1½, 2½, 3½, etc.

(3) The quotients thereby obtained are then arranged in order of size, beginning with the largest and continuing the process until the total number of quotients plus 48 is one greater than the number of Representatives to be apportioned.

(4) The next step is to divide the population of the several States by a number midway between the last two quotients in the list.

(5) The last step is to assign to each State a number of Representatives equal to the whole number in the quotient which was obtained for that State by the above division plus one more Representative in case the quotient contains a major fraction.

Thus when we get through we will find ourselves in the peculiar position of having rejected a provision in the bill as unconstitutional and at the same time having approved the same provision, by making it mandatory that the Willcox method of major fractions be used.

We shall find ourselves in this dilemma: If the Willcox method is not the only known method of major fractions, then the Secretary of Commerce under this bill must exercise discretion and must determine which method of major fractions shall be used. The exercise of such discretion would clearly be unconstitutional. If the Willcox method is the only known method of major fractions, then the Secretary of Commerce will be compelled to use a method containing a provision which I am sure this House will hold to be unconstitutional. From this dilemma there is no escape. In either event the Secretary of Commerce must do an unconstitutional act.

I now want to refer briefly to a proposition very ably discussed by my colleague from Iowa [Mr. THURSTON]. Under the Constitution apportionment is more than simply a distribution of Representatives among the States according to population. Apportionment can not be made merely a ministerial function by any anticipatory legislation that Congress may enact. The Constitution of the United States makes that impossible. It has been claimed that a similar act was passed in 1850, and that said act was a precedent and authority for this bill. Without discussing the act of 1850 in any way, it is sufficient to point out that the constitutional provision relating to apportionment in 1850 was entirely different from the provision on that subject now in the Constitution. In 1850 the constitutional provision as to apportionment read as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

That provision was superseded in 1868 by section 2 of the fourteenth amendment, which I also set out:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

It will be noticed that said section 2 consists of two sentences. This bill takes cognizance only of the first sentence and wholly ignores the second sentence. It assumes that nothing is taken into consideration in making an apportionment except population and that the first sentence entirely covers the question of apportionment. If so, why was the original section on apportionment superseded? If section 2 is to be given such a construction, then it was wholly unnecessary to have the amendment. The first sentence of said section 2 is identical in effect with the original provision on apportionment. The wording of the original provision was somewhat different on account of slavery which then existed, but slavery had been abolished before the fourteenth amendment was adopted, and after the abolition of slavery the effect of the original provision on apportionment was exactly the same as the effect of the first sentence of said section 2.

This bill entirely ignores and obliterates the second sentence of section 2. Under such a construction, what a piece of folly it was to go to the trouble of adopting section 2 as an amendment to the Constitution. The fourteenth amendment, of which section 2 is a part, was proposed by the Thirty-ninth Congress. There were great men in that Congress from Michigan, Massachusetts, New York, Ohio, and other States, and all of them

regarded section 2 as a matter of great and abiding importance. The men who represented these States in Congress at that time would be surprised if they could see how lightly their successors now regard their work.

What does the second sentence of said section 2 mean? It means just what it says. It means that every time an apportionment is made the Congress which makes it must determine whether that section is being violated; and if so, the apportionment must be made accordingly. Of course, if power to pass upon that section were entrusted to the Secretary of Commerce, it could not be claimed that anything he did by virtue of such power would be a ministerial act. For that reason no doubt the second sentence of said section 2 was completely ignored.

It would not do to give the power to pass upon that question to the Secretary of Commerce, for that would give him legislative functions. Congress can not pass upon that question in advance, for Congress can not tell in advance what the conditions will be when the time comes to make an apportionment. A grand jury can only indict for past crimes and not for future crimes. Congress can not anticipate at this time whether there will or will not be a violation of said section 2 in 1930. Therefore, the only thing the proponents of this bill could do was to blot out the second sentence of said section 2 and eliminate it from consideration, but a part of the Constitution can not be blotted out so easily. Said section 2 is still in full force and effect, and the second sentence of that section is as much a part of the Constitution to-day as any other sentence in the entire instrument. Suppose some State should pass a law denying the right to vote to all under 25 years of age. I use this simply as an illustration, not because I believe any State will pass such a law. If some State did pass such a law, clearly it would be the duty of Congress in making the apportionment to reduce the basis of representation of such State according to the requirement of said section 2. Under this bill, however, the Secretary of Commerce is authorized to make an apportionment without taking any such situation into account. It may be said that if such a situation should arise, Congress could step in and repeal the law, if this bill should be passed. Of course, Congress could repeal any law, but that is not the test whether a law is constitutional. The test is whether by its terms a law is in harmony with the Constitution and not whether it can be repealed.

Mr. STOBBS. Will the gentleman yield?

Mr. KOPP. Yes; I yield to the gentleman from Massachusetts.

Mr. STOBBS. I want to ask the question once again that I asked of your colleague. Has there been any machinery set up by Congress to provide for a violation of the provisions of the fourteenth amendment?

Mr. KOPP. Certainly.

Mr. STOBBS. What machinery?

Mr. KOPP. The Constitution sets up the machinery.

Mr. STOBBS. Has there been any tribunal set up by Congress to determine whether or not there has been any violation of the provisions of the fourteenth amendment?

Mr. KOPP. Congress itself is that tribunal. Congress itself must decide that question. Certainly not the Secretary of Commerce.

Mr. STOBBS. But it has never been determined here.

Mr. KOPP. Yes. Every time an apportionment bill has been passed Congress by its action has said there was no sufficient reason for reducing the basis of representation in any State under that provision of the Constitution.

Mr. STOBBS. Congress has never decided that, in fact, there has been a violation of this provision of the fourteenth amendment.

Mr. KOPP. No. But that does not repeal or in the slightest degree affect the constitutional provision. If there are no violations of a law that does not repeal the law.

Mr. STOBBS. Let us assume that Congress should at some time determine there had been a violation of the provisions of the fourteenth amendment. Then all you will have to do will be to provide in the bill that the Secretary of Commerce, in a purely ministerial capacity, shall determine the population in the country, excluding Indians not taxed, and excluding such persons as Congress may decide to have been in conflict with the provisions of the fourteenth amendment.

Mr. KOPP. But under this bill the Secretary of Commerce is authorized to proceed, regardless of any violations of this constitutional provision. The test of this bill is what he is authorized to do, and not what laws Congress might pass to head him off. We could do many things to stop him. We could abolish his office, but nothing that Congress could do to prevent a violation of the Constitution in any way contributes in the slightest degree to the constitutionality of this bill. The fact that it authorizes unconstitutional acts, unless restrained by other legislation, clearly shows its unconstitutional character.

Mr. RANKIN. For the satisfaction of the gentleman from Massachusetts, I desire to call attention to the fact that the fifteenth amendment wiped out and nullified that clause of the fourteenth amendment so far as it relates to reducing southern representation on account of the race question.

Mr. STOBBS. Will the gentleman yield further?

Mr. KOPP. Yes.

Mr. STOBBS. I understand there is a difference of opinion as to whether it has been wiped out by the fifteenth amendment.

Mr. RANKIN. But not among those who have seriously considered the matter.

Mr. KOPP. I agree that this constitutional provision in said section 2 has no special application to the colored race. The fifteenth amendment does relate particularly to the colored race, but not so the fourteenth amendment. The latter is universal and applies to all. Said section 2 applies just as much to a State without a single colored person in it, if there be such a State, as to any other State in the Union. What I claim is that Congress must pass upon the questions that may arise under the latter part of said section 2. No other body can do that and certainly the Secretary of Commerce can not do that. No such power could be delegated to him, and if we could legally delegate such power to him, I would strenuously oppose such action. I would not be willing to let any individual pass upon such questions. I would not be willing for any other body to pass upon any question connected with the latter part of said section 2. Congress is the only body that has such authority.

Mr. STOBBS. This bill does not ask him to pass upon it.

Mr. KOPP. That is true. The gentleman who drew this bill certainly knew that such extraordinary power could not be delegated to the Secretary of Commerce, and for that reason such a provision was not put in the bill.

Mr. STOBBS. Because Congress has never decided that there has been any violation of the fourteenth amendment.

Mr. KOPP. Suppose a grand jury should not find any indictment for years, would that in any way affect the indictable offenses in that jurisdiction? Suppose no crime should be committed in a State for a period of many years, would that repeal any laws against crime or annul the Constitution?

Mr. STOBBS. Just put in a clause, if you want to, excluding also such people or persons as Congress has decided have been affected by a violation of the provisions of the fourteenth amendment, and then it would be purely ministerial.

Mr. KOPP. Congress can not decide that in advance. That must be decided at the time the apportionment is made, but this bill passes the making of the apportionment over to the Secretary of Commerce.

Mr. STOBBS. No; there is nothing in the bill that would be passed to him.

Mr. KOPP. The bill takes all out of the hands of Congress, and does not let the Secretary of Commerce consider anything but population. That is the only thing he can consider.

Mr. CRAIL. Will the gentleman yield?

Mr. KOPP. Yes; I yield to the gentleman from California.

Mr. CRAIL. There have been five reapportionments since the fourteenth amendment was made to the Constitution of the United States. In any of the five bills for reapportionment since that time has there been any different language used than is used in this bill in regard to the fourteenth amendment?

Mr. KOPP. When the House passed an apportionment bill that was a finding that there was no occasion to insert other provisions than those contained in the bill. That was the effect of such action.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. KOPP. I yield to the gentleman from New York.

Mr. JACOBSTEIN. I can not imagine a Secretary doing what the gentleman thinks he might do, but suppose he did and suppose he were so arbitrary as not to count certain people and would submit those figures to the House.

Mr. KOPP. Has the gentleman suggested that the Secretary might not count them?

Mr. JACOBSTEIN. Suppose he is going to exempt from the calculation people who have been disfranchised, we will say; he has to submit the figures on the first day of the Seventy-first Congress to the House then convening, and if the House, upon looking at those figures, decides that the Secretary of Commerce had no right to use such discretion, we can go ahead then and do anything we please.

Mr. KOPP. Yes; we could do anything we pleased. As I said before, we could repeal the law, we could abolish the Department of Commerce, and then there would be no Secretary of Commerce, but that is not the test. We can repeal an unconstitutional law, but that fact does not make it constitutional.

If it were otherwise there would be no unconstitutional laws, for all laws can be repealed. Then again, we might get tied up by interested Members, if we may believe the statements of the gentleman from New York.

Mr. JACOBSTEIN. Why should we be tied up?

Mr. KOPP. That is the argument the gentleman from New York makes for this bill. He says that if Congress should try to pass an apportionment bill in the regular way two years hence, interested Members would tie up Congress.

Mr. BANKHEAD. Will the gentleman yield to me to reply to the gentleman?

Mr. KOPP. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Suppose the Committee on the Census refused to bring in any report whatever with reference to reapportionment after they had decided, as a matter of fact, that the census figures were wrong, then would not the hands of Congress be absolutely tied?

Mr. KOPP. They certainly would be.

Mr. HUDSON. Will the gentleman yield there?

Mr. KOPP. Yes. I yield to the gentleman from Michigan.

Mr. HUDSON. Has not the Congress a chance to get the figures if the Secretary fails to bring them in?

Mr. KOPP. No doubt Congress has the power to do this, but by this bill Congress divests itself of its rights, and it is much better for Congress to retain its rights than to regain them afterwards when an emergency arises. It is much better in legislation to do the right thing at the start than to do the wrong thing and then undo it afterwards. We should follow the Constitution in making a reapportionment, and then there will be no trouble or complications.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RANKIN. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Mississippi has 11 minutes remaining, and the gentleman from Connecticut 15 minutes remaining.

Mr. RANKIN. Mr. Chairman, I yield four minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I only wish to take the little time that my friend has allotted me to state my own position. If the Seventy-first Congress were in session, and the results of the census of 1930 had been reported to Congress and it were engaged in passing reapportionment legislation, I should expect to vote to restrain the membership of the House to the present number of 435, and do so despite the fact that my own State in all probability would suffer a loss of one Member. So my vote in opposition to this bill is not determined by the circumstance that the State of Virginia, if it is enacted, may be reduced from a membership of 10 to a membership of 9.

My opposition to the measure is based upon two main considerations. First, I can not find in the Constitution any warrant at all for the belief that it was intended that Congress should provide a reapportionment in advance of the census being actually made and reported, because, as suggested a while ago by the gentleman from Pennsylvania [Mr. WELSH], it is conceivable that conditions might thereby be developed which would affect the judgment of Congress as to what the membership should be. That is one reason why I can not bring myself to support the bill.

The other reason is that I do not believe those who framed the Constitution ever intended that reapportionment should be made the subject of anticipatory legislation; that Congress should set up a system, not only involving a final conclusion in advance as to what should be the basis of membership following the next census, but the number of Members to be elected throughout the future. I do not believe they ever dreamed that Congress would hobble itself by taking any such course. As suggested during the debate, if this legislation is passed it will remain on the statute book through all time unless there is repeal legislation enacted. It may not be found objectionable at once. Four hundred and thirty-five Members may be sufficient now, as the distinguished Speaker of the House thinks, and I agree with him, but 20 years from now, 30 years from now, 40 years from now the conditions in the country may be such that a larger number would be justified, and the number could not be increased without legislation, requiring, of course, the approval of the President, and a presidential veto might make it impossible. [Applause.]

Mr. FENN. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the House, it seems to me there is only one thing to consider, and that is, Do we care to go on record in favor of an apportionment bill? As is usual there is always excuses found for opposing a piece of legislation. At the present time, as we heard in the former session of Congress, the excuse in opposition is that it is not constitutional. And also to-day they have brought in a new excuse that the Secretary of Commerce might not, because he had the "flu," or for some other reason, get the report of the census to us, or his messenger might fall by the wayside or be kidnaped. There are two things in this measure upon which this House is expressing itself. It is not abrogating any power. The House expresses itself as in favor of a membership of 435, and furthermore it is expressing itself as to how that apportionment shall be made.

Now, gentlemen, it seems to me that it is time for us to make up for our dereliction of days gone by and pass this bill, and let the country know that we are standing on the Constitution in this body. It is to be regretted, and I sympathize with the States whose urban population is increasing faster than the rural population.

It is to be regretted, perhaps, that there is this shifting of the population of the country to our great cities like the city which in part I represent, because the shifting in the State of Michigan is toward the metropolitan district of Detroit, at the expense of the other districts, but that is a situation that we can not correct here. It is the situation that is going to exist more and more, and the only question before us is, Do we want to see an effective body of 435 Members, or a body that will become so large that it will not efficiently function? I believe there are enough votes in this House at this time to pass this bill. This may not be perfect, as has been said, but it is a piece of legislation that is a step in the right direction, and each one of us should vote for it. [Applause.]

Mr. FENN. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. MCLEOD].

Mr. MCLEOD. Mr. Chairman, this occasion marks the sixth time a reapportionment bill has been before the House since 1920. In a century and a half of American history the Congress has never before failed to perform its reapportionment duty as laid down in the Constitution.

Now, in the ninth year following the census of 1920 we succeed in getting a reapportionment bill before the House which has a good prospect of passage. But this bill does not operate under the census of 1920. So long has the performance of this duty been delayed and postponed that it is no longer feasible to reapportion under the census of 1920. With a new census only one year away, it would be useless and foolish to reapportion on the basis of a census nine years old, especially when the dates of elections and other considerations make it impossible for any apportionment, whatever the basis, to take effect until after the next census will have been completed.

There is only one consideration, and in principle that is an exceedingly strong one, which would make it desirable to reapportion now under the census of 1920, even at this late date in the decennial period, if such action were not precluded by the aforementioned practical reasons; that consideration is one of precedent.

By providing now for reapportionment on the basis of the 1930 census, we are attempting to retrieve the honor and respectability of the Congresses sitting between the years 1920 and 1928 with regard to the census of 1920. Those Congresses have perpetrated a great wrong, a crime against the Constitution. Those who oppose reapportionment have set themselves up as superior to the Constitution, from which they derived their own authority, by not obeying the mandate to reapportion Congress every 10 years.

I have been a Member of the House throughout most of this period of which I have been speaking. I know that the lapse of duty on the part of Congress was accomplished over the vigorous protests of many individual Members. I will say that individually there is not a finer or more conscientious man living than most of those who guide the public affairs of the Nation here in the Halls of Congress. Yet collectively these same men have succumbed to a condition which has made a large blot on the otherwise shining shield of Congress. I would not say that anyone is particularly culpable, yet, all things considered, there is no denying that Congress has failed to abide by the Constitution.

Such uninvited and unwelcome lassitude in Congress must be the result of new conditions or the operation of new forces in our national life over which up to the present time we have had no control. If these new conditions or forces were capable of forcing the abandonment of the 1920 census, thereby jeopardizing the continued progress of representative government, it is time we analyzed carefully the characteristics of this new monster and learn how to combat it. If it should defeat this bill before us to-day and Congress would be forced to let reapportionment go over until after the census of 1930, there are many sober-minded men who believe that nothing short of revolution could restore representative government to the people. If the fact that 11 States would lose representation under the

census of 1920 can force a delay or abandonment of the reapportionment principle of the Constitution for 10 years, then the taking of a census which shows that 17 States would lose representation, among them some of the most powerful in the Union, can only make matters infinitely worse. The future is dark indeed if we can not overcome self-interest for the sake of the common welfare of our country.

It has been said that reapportionment has been delayed because the census of 1920 was not accurate, because the Congress could not agree whether the size of the House should be further increased or not, because the reapportionment bill offered was an attempt to bind a future Congress, because the bill was anticipatory legislation, because the bill delegated powers.

The reapportionment bill which is offered is not unconstitutional in any particular, and the features of it which are novel in the construction of a reapportionment bill were deliberately made so, because a majority agreed that such innovations were necessary to meet new conditions. If the bill which the committee has reported does not meet the approval of the House in every particular, it can be amended, and the Congress, as well as the country, must abide by the will of the majority. This is in accordance with our plan of government. But the thing which can not be reconciled with American sense of justice and of government by the people is that Congress should be content to go year after year without passing any reapportionment bill.

Whenever these spurious arguments against the constitutionality or the wisdom or the justice or the necessity of any particular bill succeeded temporarily, we have dropped the subject like a hot iron, and Congress has closed its eyes to the greater injustice and the greater unwisdom of ignoring the first principle written into our Constitution. What we should have done and what we must do now is to remain at the task of restoring representation in proportion to population until we accomplish it. Let all else wait. Ordinary legislation is of less importance than the preservation of the foundation of our Government. Just as it was necessary in the beginning to call a constitutional convention and invest a document of fundamental principles with the solemn approval of the sovereign people before a Congress could legislate even for the necessities of national life, so it is necessary to-day to observe fundamentals before attempting to perform the routine duties of the Nation's business.

When the Revolutionary War turned into glorious victory, the Continental Congress sought to raise money to pay the expense of the Government. While the heroic American Army under General Washington, on the verge of riot due to misunderstanding, waited, or rather growled impatiently for their pay, even for food and clothing and the right to go home to their families and their farms, Congress could not legislate for them because it had not the authority. Could there have been any greater necessity than that? Yet the stalwart Americans who founded this country believed in principle above life, above property, above everything else. They had fought a war to establish the truth of the principle of "government only with the consent of the governed." Therefore—come riot, come what might—the Continental Congress steadfastly held to the principle that before governing the people the legislature must first get the consent of the governed through a constitutional convention.

The very first condition upon which the Americans of Revolutionary days consented to be governed by Congress was that they should have Representatives in the governing body in proportion to their numbers in the several States. This condition is evidenced by Article I, section 2, of the Constitution. Have we kept faith with them? Can we justify Congress in the least for setting aside the question of reapportionment to discuss routine legislation? No. Not even for all the appropriation bills necessary to run the Government. Reapportionment is the most fundamental thing in American government. It is entitled to come first and must be kept first.

Many things are important which do not partake of the nature of fundamental law. It is very important that appropriation bills be passed with precision in order to provide in advance for the operation of the governmental agencies in an orderly fashion during the coming year. But is it not of far greater consequence whether we have a representative republican government or an oligarchy? Is it not of far greater consequence that we avoid throwing the country into a system of rotten boroughs and gerrymanders which might bring about destructive civil strife? Is it not of far greater consequence to preserve the ideal of justice and equality in government than it is to gratify some desire for temporary material advantage?

Perhaps in the future the portions of the population whose Representatives have sacrificed everything to their selfish interests in insisting upon keeping every one of their Representatives in the face of population changes may have occasion to call upon the principle of abstract justice. They may not always be on the side of might; they should recognize the right.

The States of California, Michigan, Ohio, Connecticut, New Jersey, North Carolina, Texas, and Washington have not set up their selfish interests against the selfish interests of their opponents. They have called attention rather to the necessity of abiding by the rules laid down in the Constitution to preserve order and promote the common welfare.

Between matters of narrow local interest, general rules of government must necessarily operate to the disadvantage of some and the advantage of others. But such local advantages are short lived and in a few years may be completely reversed. They should not be the means of fomenting permanent discord. So long as we are satisfied that the general rules of government are founded in truth and justice, we should submit to them willingly, even though in a narrow sense it goes against our interests. In a broader sense the best interest of anyone or any group is to preserve the Constitution. If we revert to the law of the jungle, only the strongest will survive, regardless of right and justice. He who is stronger to-day may be weaker to-morrow.

The above-named States, by their Representatives, have repeatedly come to Congress and stated their case with admirable patience and forbearance. They have pointed to the census of their populations taken by an impartial and disinterested enumerator. They have called attention to the fundamental law that Representatives shall be apportioned among the States every 10 years in proportion to their respective numbers. They have asked Congress to reapportion the Representatives accordingly. They have now suffered the discrimination against them to continue for one entire decennial period. They demand that reapportionment be made and that the law also include provisions for doing away with such criminal neglect of duty in the future as Congress has been guilty of since 1920.

Daniel Webster, as early as 1832, stated with characteristic force and aptitude the problem of reapportionment. Speaking on the apportionment bill of that year, he said:

> This bill, like all laws on the same subject, must be regarded as of an interesting and delicate nature. It respects the distribution of political power among the States of the Union. It is to determine the number of voices which, for 10 years to come, each State is to possess in the popular branch of the legislature. In the opinion of the committee, there can be few or no questions which it is more desirable should be settled on just, fair, and satisfactory principles than this; * * *.
>
> Representatives are to be apportioned among the States according to their respective numbers; and direct taxes are to be apportioned by the same rule. The end aimed at, is, that representation and taxation should go hand in hand. But between the apportionment of Representatives and the apportionment of taxes there necessarily exists one essential difference. Representation, founded on numbers, must have some limit; and, being from its nature a thing not capable of indefinite subdivision, it can not be made precisely equal.
>
> The Constitution, therefore, must be understood, not as enjoining an absolute relative equality—because that would be demanding an impossibility—but as requiring of Congress to make the apportionment of Representatives among the several States according to their respective numbers, as near as may be.
>
> Congress is not absolved from all rule, merely because the rule of perfect justice can not be applied.

The foregoing statements of the great Webster are as true in condemnation of failure to pass any apportionment bill as they are in opposition to one at variance with the rule of the Constitution in some particular.

That the time-honored methods of securing apportionments were not satisfactory is amply attested by historical documents. The methods of Government must, like all other branches of human activity, keep pace with the advancement of learning and developments in up-to-date practice, if they are to survive. Modern conditions require that some schemes be devised and adopted by Congress which will insure: First, that Representatives will be apportioned; second, that the apportionment will be equitable and proportionate to numbers, as near as may be; and third, that the House shall be kept within the limits of a reasonable and practicable size.

The bill before the House meets these requirements. By providing for an automatic apportionment according to a fixed rule after each census, prompt apportionment is assured, at the same time affording the House ample opportunity to change the rule by affirmative action after any particular census that it desires. The rule of calculation is the same which has been used in the recent past with satisfaction. Since it has been agreed upon in advance of the census and must be applied

with mathematical exactness in each case, it can not conceivably result in partiality to any State or group of States. Lastly it represents the only practicable scheme for accomplishing apportionment, and at the same time keeping the House from further exceeding the limits of desirable size. The experience of years has proved that once a census is taken and political expediency becomes the ruling force, no reapportionment bill which meets the three aforementioned requirements can be enacted, except upon the principles of this bill.

During the course of debate on this bill, there has been in the House evidence of what John Quincy Adams once called "the instinctive expedient of unsteady minds." That is, we have been treated to the spectable of some Members professing to be for reapportionment, but at the same time against every measure proposed for carrying it out.

We have here a bill which is the best that your committee can devise, presumably. I would say that the committee has given its best efforts to the matter. It is unquestionably a good bill. In comparison with the hit-or-miss methods of selecting a basis for apportionment on past occasions, this bill is a model of scientific accuracy and impartiality. Moreover, it is modern enough to meet the new conditions brought about by the controversy over the size of the House. In my opinion, all the House needs now is the same degree of perseverance and determination to see an apportionment bill passed, that Members of Congress had in the early days of American history.

To illustrate the perseverance to which I allude, I would like to describe briefly the procedure in the House, upon the apportionment bill of 1842. The bill was reported on January 22, 1842, specifying a ratio of 63,000 to each Member. A debate of two hours was started. Representative Johnson moved to recommit the bill to a committee of one Member from each State; but the motion prevailed to refer it to the Committee of the Whole on the state of the Union and make it the special order of the day for the first Tuesday of February, and every succeeding day till the passage of the bill.

When the bill was called up, the committee ratio was stricken out and 59 different substitutes were moved by 82 different Members on the same day; 6 more substitute numbers on the following day. The bill was debated intermittently, as the special order of business until the 3d of May, 1842, when it was taken from the Committee of the Whole on the state of the Union and passed by the House. I might add that this was the occasion when the requirement that the States elect their Representatives by districts was apparently first enacted. It was the first time major fractions were counted as entitling a State to an additional Representative.

How are we to act in the light of such zeal for prompt reapportionment? Certainly we should not be content to vote once upon a bill each session and then dismiss the subject indefinitely. We can justify no action except perseverance at reapportionment until a bill is passed.

The debates upon the question of reapportionment have always been among the most severe and acrimonious. Had it not been for the fact that prior to 1920 the House has always resorted to the unhappy expedient of increasing the number of Representatives to whatever proportions was necessary to overcome the opposition, it is more than likely that an impasse would have been encountered years ago.

As a further commentary upon the importance of reapportionment and the historic methods of accomplishing it, let me quote from the Memoirs of John Quincy Adams, in which Adams gives an account of the debates upon the apportionment bill of 1832, which occurred while he was a Member of the House, subsequent to his term as President of the United States:

January 10, 1832: Polk, of Tennessee, called up the bill for the apportionment of representation under the Fifth Census. It was referred to a Committee of the Whole on the state of the Union, Michael Hoffman in the chair. The bill was reported with the ratio of representation fixed at 48,000. A motion was made by Robert Crain, of Virginia, to strike out 48,000 without proposing to insert any other number. This gave rise to a long debate on a point of order, which grew into a snarl, till near 4 o'clock, when the House adjourned.

January 12, 1832: The apportionment bill was taken up in the Committee of the Whole. Howard made his speech for postponing the operation of the new apportionment bill till after the next presidential and congressional elections. He met no support. Armstrong of Pennsylvania, Kerr, Craig, Polk, Beardsley, spoke successively against it, till at last McDuffie rose and begged that gentlemen would make no more speeches on that side. If there was another Member in the House who thought with the mover of the amendment, he should be happy to hear him; but as it was apparent there would not be 10 votes in the House to sustain the motion, it was to be hoped nothing more would be said against it. Howard was more abashed with this short speech than by all the arguments against him, and withdrew his motion. J. W. Taylor then moved 59,000—lost; then 53,000—lost; Craig moved 51,000—lost; Letcher, of Kentucky, moved 47,000—lost; 46,000 was also lost. The bill was then reported to the House without amendment. Wickliffe moved that it should be recommitted to a select committee of one member from each State, with instructions to strike out 48,000 and to leave the number in blank. The House then adjourned about 4.

January 30, 1832: The apportionment bill was taken up. Wickliffe's proposition to recommit the bill to a committee of 24, 1 from each State, with instructions to strike out 48,000 and leave blank, was rejected by yeas and nays—114 to 76. Mr. Hubbard then moved to strike out 48 and insert 44. This was last and desperate chance. Wickliffe advised him not to specify the inserting number, because, he said, he would certainly lose it. But Hubbard insisted. As the question was about to be taken, Burges moved an adjournment, which was carried. The number 48,000 is so entrenched in the bill that it is obviously impossible to dislodge it.

January 31, 1832: The apportionment bill was taken up. On motion to strike out 48,000, Slade made a long and sensible speech; Arnold, Kerr, Wilde short ones. The yeas and nays were taken—94 for and 99 against striking out. Hubbard then moved to strike out 48,000 and insert 44,500, upon which Wilde moved and carried an adjournment.

February 1, 1832: The hour expired and the apportionment bill was called up. Hubbard replied at some length to the arguments against his motion; Sutherland and McCarty of Indiana spoke against him. I received a note in pencil from the Speaker, urging me to sum up in reply. It was 4 o'clock and great impatience in the House for the question. I made a very short and incoherent speech, saying not half what I intended and omitting several most forcible positions, which occurred to me after it was all over. I recurred to the Constitution and to a calculation showing that the committee which fixed the ratio at 48,000 had taken special care of their own States. It brought up Barstow, of New York, to vindicate himself, and Polk to refute my positions. The question was taken by yeas and nays and carried—98 to 96—to strike out 48,000 and insert 44,000. Polk then told me that he would give up the question. Holland, of Maine, who was on the committee, came to me with a calculation to show that Maine was better off with 44,000 than with 48,000. Evans had been all along with us and spoke this day for 44,000. Wickliffe thanked me for my calculations and said he had intended to present the same himself. Cambrelong congratulated me upon our success. I had despaired of the vote and was overjoyed at the event. The whole bill was to be modified in conformity to the change in the ratio, and the House adjourned at half past 4. I rode home rejoicing, though much dissatisfied with my own performance.

February 2, 1832: The hour expired and the apportionment bill was taken up. Mr. McKennan moved a reconsideration of the vote of yesterday. The vote of reconsideration was taken, and prevailed by 100 to 94. Two or three were absent who voted with us yesterday and there were two or three deserters. The reconsideration placed the bill just where it was before the vote was taken yesterday; that is, it restored the number 48,000, with the motion of Mr. Hubbard to strike it out and insert 44,000. Allan, of Kentucky, moved to recommit the bill with instructions to reduce the ratio so that the number of the House would not exceed 200 Members. He asked the yeas and nays; rejected. The House then adjourned. Mr. Burges told me that the reconsideration of this day was the effect of interference by some of the Senators.

February 8, 1832: The apportionment bill was taken up. The question upon Mr. Kerr's motion to strike out 48,000 and insert 44,000 as the ratio was about to be taken by yeas and nays, and as it appeared to be the last opportunity for pressing the smaller number, I again addressed the House in a very confused and ill-digested speech, presenting, however, some considerations which had not been touched and recurring particularly to the journal of the convention of 1787 to show the principles upon which the representation had been established in the Constitution.

As usual, I omitted half what I had intended to say and blundered in what I did say. I was answered at some length by Coulter, of Pennsylvania; Clay, of Alabama; and Polk, of Tennessee; and sustained by Wayne, of Georgia, and Letcher, of Kentucky, who tried with success the good effect of joking. The question was taken by yeas and nays and resulted in a tie—97 for and 97 against. The Speaker decided in favor of the change, and for the second time we carried our vote. But we could not get the bill engrossed. Taylor moved to recommit the bill, instructions to strike out 44,400 and insert 53,000, and took the yeas and nays. His motion was rejected. McDuffie moved that the bill should be engroseed; but Mitchell, of South Carolina, moved to adjourn, and it was carried. So we shall lose it again to-morrow.

February 9, 1832: The apportionment bill was taken up, and motion upon motion was made to strike out the numbers of 44,400 agreed upon yesterday, and the yeas and nays were taken six or seven times. A call of the House was demanded, and they prevailed upon Clayton, of Georgia, to move a reconsideration of the vote of yesterday, and then the House adjourned.

February 14, 1832: The apportionment bill was then taken up. Mr. Clayton withdrew his motion for a reconsideration of the motion by which 44,400 had been adopted as the ratio. Evans of Maine's motion

to reduce the ratio to 44,300 was then carried by yeas and nays, after which Polk, the chairman of the committee which had reported the bill, moved a recommitment of the bill, with instructions to strike out 44,300 and insert 47,700.

The effect of this was to give an additional Member to each of the three States of Georgia, Kentucky, and New York, and it bought the votes of a sufficient number of the delegations of those States to carry the majority. It had been settled out of doors, like everything else upon this bill. It prevailed by yeas and nays—104 to 91.

February 15, 1832: I passed an entirely sleepless night. The iniquity of the apportionment bill and the disreputable means by which so partial and unjust a distribution of the representation had been effected agitated me so that I could not close my eyes. I was all night meditating in search of some device, if it were possible, to avert the heavy blow from the State of Massachusetts and from New England. I drew up this morning a short paper to show to the Members of the Pennsylvania delegation, appealing to their justice and generosity as umpires upon this question. Walking up to the Capitol I met Mr. Webster and spoke to him upon the subject. He said he would make a dead set against the bill in the Senate.

In the House the bill was taken up * * *. When the report was received an amendment was moved to substitute 45,500 for 47,700. McDuffie moved the previous question upon the plea of saving time and useless debate, but he could not carry it * * *. Many numbers, down to 42,000 and up to 59,000, were moved and rejected; and, lastly, the number reported by the committee, 47,700, was adopted and the bill ordered to be engrossed for a third reading. I hung my harp upon the willow.

Thus former President John Quincy Adams resigns himself to what he believed were the iniquities of an unjust apportionment bill. The thing which is most striking about the early proceedings just described, is that while all the Members felt very keenly on the subject, and although it was customary then to settle the actual ratio of the bill by taking innumerable votes in the House, as well as in the committee, they made reapportionment the special order of business and stayed at it until a bill was agreed upon.

Adams was a contemporary of the men who wrote the Constitution and who started our theories of government in practice in America. The relative importance of apportionment in his mind, and the minds of his contemporaries, is clearly shown in the fullness of his notes. He was a former President of the United States, which gives peculiar significance to his utterance that the inequity of the apportionment laws filled him with dark forebodings for the future of the Republic.

On March 1, 1832, Adams had said:

> I should hope that a great and inveterate defect in the apportionment laws might be remedied. I would not prematurely despair of the Republic, but my forebodings are dark, and the worst of them is in contemplating the precipice before us.

In spite of their strong State loyalties and disagreements, our predecessors of 1832 never delayed the duty of reapportionment more than two years from the date of the census. They would have been horrified indeed, and filled with forebodings even darker than John Quincy Adams's, had they ever contemplated passing one entire decennial census without a reappportionment.

If we are not to confess that the passage of time since 1787 has weakened the American passion for justice and debased our conception of the relative value of things, we must of necessity give some thought to principles of government.

In my opinion, the time is not far distant when a new spirit will be injected into the proceedings of Congress. The lines of thought of men of vision will lead to the necessity of setting up, if not a party, then a group in Congress—a bloc, if you please—which will at all times give first consideration to the fundamental principles of the Constitution.

Such a group might be called a constitutionalist party, because it would have the principal qualification for a great national party, namely, adherence to a set of principles of government. Its duty would be not to seek additional amendments to the Constitution but rather to prevent the enactment of proposed amendments which are foreign to basic principles of government, to keep alive the thoughts and plans embodied in the original covenant, the most promising historic governmental document ever recorded. The duty of such a party would be to prevent the waning away of the Constitution through improper teaching or lack of teaching; to purge the supreme law of matters which are properly only subject matter for mere legislation.

The constantly growing tendency to place everything in the Constitution is evidence of a growing deficiency in moral courage. What we can not do by our own strength we seek to unload upon the shoulders of the Constitution. Such weakness and shortsightedness can result only in disaster. What is the good of having a supreme law of the land if every group and faction succeeds in borrowing its dignity in a vain effort to enforce universal respect for some particular pet rule of social conduct, which by comparison is of trivial importance. Under such conditions there would soon be no respect for any part of the Constitution. As a matter of fact, I think the apathy toward the violation of Article I of the Constitution can largely be attributed to overloading the document with heavy-handed foreign characteristics in the amendments. A supreme law to live and guide a country to a great destiny must be confined to things of supreme importance. [Applause.]

The following information is a complete bibliography of the subject of apportionment of Members of the House of Representatives, prepared at my request by the Library of Congress:

APPORTIONMENT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES

A LIST OF REFERENCES

1. [Adams, Charles Francis.] The papers of James Madison * * * published * * * under the supervision of Henry D. Gilpin. [Review.] North American review, July, 1841, v. 53: 41–75. AP2.N7, v. 53. Pages 57–59 are devoted to representation and apportionment. The necessity of districting a State is touched upon.

2. Adams, John Quincy. Account of the proceedings in the House on resolves of the Massachusetts Legislature of 23d March, 1843, proposing an amendment to the Constitution making the representation of the people in the House proportional to the number of free persons. (In Memoirs of John Quincy Adams, edited by Charles F. Adams. Philadelphia, J. B. Lippincott and co., 1876–77. v. 11, p. 455–458, 462, 464, 472, 473, 480, 481, 482, 499, 503, 509, 511, 512, 532, 533, 539, 540, 541, 542, 543; v. 12, p. 3–7, 12, 13.) E377.A19, v. 11, 12.

3. —— The apportionment bill of 1832. (In Memoirs of John Quincy Adams, edited by Charles F. Adams. Philadelphia, J. B. Lippincott and co., 1876. v. 8, p. 455, 460–461, 463–464, 465–472, 474, 483.) E377.A19, v. 8.

4. —— The apportionment bill of 1842. (In Memoirs of John Quincy Adams. Philadelphia, J. B. Lippincott and co., 1876. v. 11, p. 68, 138, 139, 141–148, 175–179, 189, 194, 199.) E377.A19, v. 11.

5. Alexander, De Alva Stanwood. History and procedure of the House of representatives * * * Boston and New York, Houghton Mifflin company, 1916. 435 p. JK1316.A3. "Apportionment and qualification of members": p. 3–11. Footnote references are given.

6. American statistical association. Report upon the apportionment of representatives. Its Journal, Dec., 1921, v. 17: 1004–1013. HA1.A6. v. 17.

7. Anthony, Henry Bowen. Defense of Rhode Island, her institutions, and her right to her representatives in Congress. Speech * * * in the Senate of the United States, February, 1881. Washington, 1881. 35 p. JK1936.R4A5.

Also in CONGRESSIONAL RECORD, 46th Congress, 3d sess., v. 11, pt. 2, pp. 1490–1499.

8. Apportionment of representatives. Independent, Nov. 8, 1900, v. 52: 2654. AP2.I53, v. 52.

Discusses briefly the influence of various ratios on the apportionment.

9. Boutell, Lewis Henry. Roger Sherman in the Federal convention. (In American historical association. Annual report, 1893, pp. 231–247. Washington, 1894.) E172.A60, 1893.

Describes Sherman's relation to the compromise whereby the states obtained equal representation in the Senate, while the representatives in the House were apportioned according to population.

Substantially the same material is given in the same author's "Life of Roger Sherman," 1896, as chap. 8, "The constitutional convention."

10. Busey, Samuel Clagett. Immigration, its evils and consequences. * * * New York, De Witt and Davenport [1856] 162 p. JV6451.B9.

Chapter XI, "Present political power of foreign votes," contains a discussion of apportionment of representation in Congress.

11. Congress evades reapportionment. Literary digest, v. 92, Feb. 19, 1927: 13. AP2.L58, v. 92.

12. Congress must be reapportioned on basis of 1920 census figures. Brotherhood of locomotive firemen and enginemen's magazine, Oct. 15, 1920, v. 69: 19. HD6350.R35B8, v. 69.

13. Congress refuses to reapportion. American review of reviews, Apr., 1928, v. 77: 339. AP2.R7, v. 77.

14. Congressmen dodge reapportionment. Literary digest, v. 89, Apr. 24, 1926: 12. AP2.L58, v. 89.

15. Congressional reapportionment. Public opinion, Nov. 29, 1900, v. 29: 675. AP2.P9, v. 29.

16. Congressional reapportionment—the arguments against increasing size of House. Commercial and financial chronicle, Oct. 15, 1921, v. 113: 1620–1622. HG1.C7, v. 113.

17. Cox, Samuel S. Union-disunion-reunion. Three decades of federal legislation. 1855 to 1885. Personal and historical memories of events preceding, during, and since the American civil war, involving slavery and secession, emancipation and reconstruction, with sketches of

prominent actors during these periods. * * * Providence, R. I., J. A. and R. A. Reid, 1886. 726 p. E661.C882.

Apportionment under the tenth census, p. 695–697.

18. Crumpacker, Edgar D. Reapportionment of representatives in Congress. Editorial review, Mar. 1911, v. 4: 240–244. AP2.E26, v. 4.

19. Depriving state of representation. Law notes, Feb., 1927, v. 30: 201.

20. Dix, John A. Apportionment of members of Congress. Legislature of New York, 1842. (In his Speeches and occasional addresses. New York, D. Appleton and company, 1864. v. 2, p. 279–317.) E415.6.D6, v. 2.

21. Editorial research reports, Washington, D. C. Apportionment of representation in Congress. Editorial research reports, Washington, D. C. (828 17th St.), Dec. 6, 1927, p. 976–998. Mimeographed.

22. Elliot, Jonathan, ed. The debates, resolutions, and other proceedings, in convention [of the states] on the adoption of the federal Constitution, as recommended by the general convention at Philadelphia, on the 17th of September, 1787; with the yeas and nays on the decision of the main question * * * Washington, The editor, 1827–30. 4 v. JK141 1827.

23. The Federalist. The Federalist, a commentary on the Constitution of the United States; being a collection of essays written in support of the Constitution agreed upon September 17, 1787, by the Federal convention, reprinted from the original text of Alexander Hamilton, John Jay, and James Madison; ed. by Henry Cabot Lodge * * * New York and London, G. P. Putnam's sons, 1902. 586 p. JK154 1902.

No. 54. The apportionment of members among the states, 55–56. The total number of the House of Representatives, 57. The alleged tendency of the new plan to elevate the few at the expense of the many considered in connection with representation, 58. Objection that the number of members will not be augmented as the progress of population demands, considered.

24. Ford, Paul L., ed. Essays on the Constitution of the United States, published during its discussion by the people 1787–1788 * * * Brooklyn, N. Y., Historical printing club, 1892. 424 p. JK171.F72.

The subject of representation is discussed by James Sullivan, Letters of "Cassius," p. 29; James Winthrop, Letters of "Agrippa," pp. 53–54; Oliver Ellsworth, "Letters of a Landholder," p. 151; Roger Sherman, Letters of a "Citizen of New Haven," pp. 236, 240; George Clinton, Letters of "Cato," pp. 268–269; Luther Martin, Letters, pp. 354, 357; Spencer Roane [?], Letter of "a plain dealer," p. 391.

25. Foster, Roger. Commentaries on the Constitution of the United States, historical and juridical, with observations upon the ordinary provisions of state constitutions and a comparison with the constitutions of other countries * * * Boston, The Boston book company, 1895. 713 p. JK241.F75.

Chap. VIII. Apportionment of representatives and direct taxes: Constitutional provisions concerning apportionment of representatives and direct taxes; History of the clause concerning the apportionment of representatives and direct taxes; Manner of apportionment; Revision of apportionment by the Courts; The Census.

Appendix to Chap. VIII: Jefferson's opinion on the apportionment of 1792; Webster's report to the Senate on the apportionment of 1832.

26. Franklin, Benjamin. Speech in a committee of the convention; on the proportion of representation and votes. (In The writings of Benjamin Franklin, edited by A. H. Smyth. New York, The Macmillan company, 1906. v. 9, p. 595–599.) E302.F82, v. 9.

The number of representatives should bear some proportion to the number of the represented. Considers the proposal to have the same number of delegates from each state.

27. From 65 to 435. Searchlight, v. 5, Oct. 1920: 5–7. JK1.S4, v. 5.

Gives a table of representation, and the number of Congressmen from 1800–1910.

28. Gannett, Henry. The new congressional apportionment. Forum, Jan., 1901, v. 30: 568–577. AP2.F8, v. 30.

Discusses the effect of a restricted and unrestricted representation on the number of representatives from the several states.

29. Griffith, Elmer C. Congressional representation in South Dakota. Nation, Oct. 30, 1902, v. 75: 343–344. AP2.N2, v. 75.

Explains why S. Dakota has not conformed to the Federal apportionment law directing the districting of the states, but elects members of Congress at large.

30. —— The rise and development of the gerrymander * * * Chicago, Scott, Foresman and company, 1907. 124 p. JK1341.G85.

31. Hamilton, Alexander. Apportionment of representatives. (In The Works of Alexander Hamilton, edited by Henry Cabot Lodge. New York, The Knickerbocker Press, 1904. v. 8, p. 96–100.) E302.H242, v. 8.

Letter to Washington, April 4, 1792; gives an opinion on the constitutionality of the "act for an apportionment of representatives among the several States according to the first enumeration"; regards the question as being whether the ratio of apportionment ought to have been applied to the aggregate numbers of the United States or to the particular numbers of each state, and holds that either course might have been constitutionally pursued.

32. Hasbrouck, Paul De Witt. Party government in the House of representatives. * * * New York, The Macmillan company, 1927. 265 p. JK1316.H3.

Bibliography: p. 247–253. See chapter 3, "House efficiency."

33. Helm, William P., jr. Congress flaunts the Constitution. Washington, D. C., Current news features, Inc., 1926. Four articles, August 9–14, 1926.

34. History of Congress; exhibiting a classification of the proceedings of the Senate and the House of representatives. Vol. I. From March 4, 1789, to March 3, 1793; embracing the first term of the administration of General Washington. Philadelphia, Cary, Lea and Blanchard, 1834. 736 p. J15.A7.

p. 194–217 contains an account of the proceedings in both Houses on the apportionment of representatives under the first census.

35. Hoar, George F. The Connecticut compromise. Roger Sherman, the author of the plan of equal representation of the states in the Senate, and representation of the people in proportion to numbers in the House. * * * Worcester, Mass., Press of C. Hamilton, 1903. 28 p. JK1071.H67.

36. Huntington, Edward V. The mathematical theory of the apportionment of representatives. National academy of sciences of the United States of America. Proceedings, Apr., 1921, v. 7: 123–127. Q11.N26, v. 7.

37. —— The new method of apportionment of representatives. American statistical association. Journal, Sept., 1921, v. 17: 859–870. HA1.A6, v. 17.

38. —— Reapportionment bill in Congress. Science, May 18, 1928, n. s., v. 67: 509–510. Q1.S35, n. s., v. 67.

39. James, E. J. The first apportionment of federal representatives in the United States. American academy of political and social sciences. Annals, Jan., 1897, v. 9: 1–41. H1.A4, v. 9.

40. Jefferson, Thomas. Draft of President's message vetoing apportionment bill. April 5, 1792. (In the writings of Thomas Jefferson, collected and edited by Paul Leicester Ford. New York, G. P. Putnam's sons, 1904. v. 6, p. 471.) E302.J472, v. 6.

41. —— Letter to Archibald Stuart [opposing the apportionment bill]. Philadelphia, March 14, 1792. (In The writings of Thomas Jefferson, collected and edited by Paul Leicester Ford. New York, G. P. Putnam's sons, 1904. v. 6, p. 405–408.) E302.J472, v. 6.

42. —— Letter to President Washington on the apportionment bill. April 4, 1792. (In The works of Alexander Hamilton, edited by John C. Hamilton. New York, John F. Trow, printer, 1851. v. 4, p. 197–206.) E302.H22, v. 4.

43. —— Opinion on the bill apportioning representation. April 4, 1792. (In The writings of Thomas Jefferson, collected and edited by Paul Leicester Ford. New York, G. P. Putnam's sons, 1904. v. 6, p. 460–470.) E302.J472, v. 6.

44. —— Proposed constitution for Virginia. June, 1776. (In The works of Thomas Jefferson, collected and edited by Paul Leicester Ford. New York, G. P. Putnam's sons, 1904. v. 2, p. 158–183.) Basis of apportionment, p. 167. E302.J472, v. 2.

45. —— Recapitulation [of the opinions of the Secretary of State, Secretary of Treasury, Secretary of War, and the Attorney General of the United States on the representation bill]. (In The works of Alexander Hamilton, edited by John C. Hamilton. New York, John F. Trow, printer, 1851. v. 4, p. 213–215.) E302.H22, v. 4.

46. Knox (Henry). Letter to President Washington on the apportionment bill. April 3, 1792. (In The works of Alexander Hamilton, edited by John C. Hamilton. New York, John F. Trow, printer, 1851. v. 4, p. 196–197.) E302.H22, v. 4.

47. Lincoln, G. Gould. The new apportionment of the House. A difficult problem which must be settled by the present Congress. Munsey's magazine, Dec., 1910, v. 44: 347–351. AP2.M8, v. 44.

48. Lodge, Henry Cabot, and T. V. Powderly. The Federal election bill. North American review, Sept., 1890, v. 151: 257–273. AP2.N7, v. 151.

49. Macy, Jesse. Apportionment. (In Cyclopedia of American government, ed. by Andrew C. McLaughlin and Albert B. Hart. New York, D. Appleton and company, 1914. v. 1, p. 55–57.) JK9.C9, v. 1.

"Reference": p. 57.

50. Madison, James. Letter to Charles Francis Adams. Montpellier, Oct. 12, 1835. (In The writings of James Madison, edited by Gaillard Hunt. New York, G. P. Putnam's sons, 1910. v. 9, p. 559–566.) E302.M18, v. 9.

With reference in part to apportioning representation.

51. Madison, James. Letter to Washington. New York, April 16, 1787. (In The writings of James Madison, edited by Gaillard Hunt. New York, G. P. Putnam's sons, 1901. v. 2, p. 344–352.) E302.M18, v. 2.

With reference in part to apportioning representation.

52. —— Letters and other writings. Pub. by order of Congress. Philadelphia: J. B. Lippincott and Co., 1865. 4 v. E302.M18, v. 1.

"Apportionment," v. 1, p. 544–546, 549, 550, 552, 554.

53. —— The papers of James Madison, purchased by order of Congress; being his correspondence and reports of debates during the Congress of the confederation, and his reports of debates in the Federal convention; now published from the original manuscripts, deposited in the Department of state, by direction of the Joint library committee of Congress, under the superintendence of Henry D. Gilpin. Washington, Langtree, and O'Sullivan, 1840. JK111.M2. 3 v.

See Index, v. 3 under "Apportionment," "Quota," "Proportion," "Representation," "Representatives," "Congress of the Constitution."

54. The new congressional apportionment. Nation, May 29, 1902, v. 74: 419–420. AP2.N2, v. 74.

Analyses the distribution of the gains in apportionment.

55. Ogg, Frederick Austin. The reapportionment of the House. American review of reviews, Feb. 1911, v. 43: 208–211. AP2.R4, v. 43.

56. Owens, F. W. On the apportionment of representatives. American statistical association. Journal, Dec., 1921, v. 17: 958–968. HA1.A6, v. 17.

57. Paxson, Frederic L. Our representatives in Washington: how their number sometimes changes with the growth of the population of the United States, and sometimes doesn't. World review, May 3, 1926, v. 2: 161–162. AP2.W7487, v. 2.

58. Quality not quantity, in the House. Literary digest, v. 68, Feb. 5, 1921: 14. AP2.L58, v. 68.

59. Randolph, Edm. Letter to President Washington on the representation bill. April 4, 1792. (In The works of Alexander Hamilton, edited by John C. Hamilton. New York, John F. Trow, printer, 1851. v. 4, p. 209–213.) E302.H22, v. 4.

60. [The reapportionment bill]. Capitol eye, Jan., 1922, v. 1: 3–7.

Contents.—The Siegel "reapportionment bill": history of the bill.—The House discusses the Siegel "Reapportionment bill": pro and con.—Members of the House discuss "Reapportionment": should the House membership be increased? pro and con.—Wall Street discusses "Reapportionment: should the House membership be increased?" pro and con.

61. Reed, Alfred Z. The Territorial basis of government under the State constitutions, local divisions, and rules for legislative apportionment. * * * New York, Columbia University, Longmans, Green and Co., agents; [etc., etc.] 1911. 250 p. JK2413.R5.

62. Richardson, Hamilton P. The journal of the Federal convention of 1787 analyzed; the acts and proceedings thereof compared; and their precedents cited; in evidence * * * that * * * Congress have general power to provide for the common defense and general welfare of the United States; direct taxes are taxes direct to the several States * * * and the limits of the Union are coextensive with the bounds of America. San Francisco, The Murdock press, 1899. 244 p. JK146.R52.

Rules of representation and direct taxation and the meaning of direct taxation, pp. 59–88, see also p. 120, 198.

63 Root, Elihu. Legislative apportionment. (In Reinsch, Paul S., ed. Readings on American state government. Boston, New York, Ginn and company, 1911. p. 120–126.) JK2408.R5.

From a speech in the New York constitutional convention, 1894.

64. Seavey, Warren A. Unequal representation in Congress. Law notes, Oct., 1920, v. 24: 124–126.

65. Shuman, J. R. The art of gerrymandering. Yale scientific monthly, May, 1911, v. 17: 358–362. Q1.Y17, v. 17.

66. Smith, Robert B. What's the Constitution among friends? Independent, May 8, 1926, v. 116: 542 AP2.153, v. 116.

67. Sumner, Charles. Authorities on right of representation. (In The works of Charles Sumner. Boston, Lee and Shepard, 1880. v. 13, p. 44–46). E415.6.S93, v. 8.

68. —— Hamilton on representation. (In The works of Charles Sumner. Boston, Lee and Shepard, 1876. v. 10, p. 329.) E415.6.S93, v. 10.

69. Thorpe, Francis N. The constitutional history of the United States. * * * 1765–1895. Chicago, Callagghan and co., 1901. 3 v. JK31.T6.

Basis of representation: the Articles of confederation, vol. 1: 221–223; in the first state constitutions, vol. 1, pp. 171–180; discussed in Federal convention, 1787, vol. 1, pp. 315–318, 338, 339, 345–347, 351–356, 373, 382, 405, 408–410, 413, 414, 417, 419, 421–443, 464, 470, 473, 536–539, 592, 593. Fourteenth amendment, v. 3, pp. 261–262, 274. 297.

70. Tucker, John R. The Constitution of the United States. A critical discussion of its genesis, development, and interpretation. * * * Ed. by Henry St. George Tucker. * * * Chicago, Callaghan and co., 1899. 2 v. JK241.T9.

Representation: v. 1, pp. 89–91, 328–337, 395–397, 504. See also "The legislative department," v. 1, chapter 9, and v. 2, chapter 10.

71. Tucker, Ray T. Our delinquent Congress; reapportionment of membership. New Republic, May 26, 1926, v. 47, 11–13. AP2.N624, v. 47.

72. U. S. Bureau of statistics (Dept. of commerce and labor). Apportionment of congressional representation: ratios under the constitution and at each census, 1790–1900, by States. (In its Statistical abstract of the United States, 1905. Washington, 1906. p. 23.) HA202, 1905.

Also in succeeding years.

73. U. S. Bureau of the Census. Apportionment of each number of representatives from 435 up to 483, inclusive, by the method of major fractions. Statistics furnished by S. L. Rogers, director Bureau of census, and confirmed by J. A. Hill, chief statistician. * * * Washington, Govt. print. off., 1920. 21 p. JK1341.A3, 1920. (66th Cong., 3d sess. House. Doc. 918.)

74. U. S. Census office. 10th census, 1880. Apportionment under tenth census of the United States. Tabular statements exhibiting the total population of each state and territory; the apportionment of members of Congress from 293 to 325. * * * Washington, Govt. print. off., 1881. 24 p. JK1341.A3.

75. —— —— 11th census, 1890. Tabular statements exhibiting the population of each state and the apportionment of members of the House of representatives from 332 to 375 under the eleventh census of the United States, 1890. With letter from the superintendent of census to the secretary of the interior, and an appendix relating to the moiety question. Printed at the request of Hon. Mark H. Dunnell, chairman of the House Committee on the eleventh census, for use of committee. Washington, Census printing office, 1890. 32 p. JK1341.A3, 1890.

76. U. S. Congress. House. Committee on the census. Report of hearings on H. J. res. 248 and H. R. 30566 (apportionment bill) before the Committee on the census of the House of representatives, third session, Sixty-first Congress, January 10, 1911. * * * Washington, Govt. print. off., 1911. 20 p. JK1341.A3, 1911.

77. U. S. Congress. House. Committee on the census. Apportionment of representatives. Hearings before the Committee on the census, House of representatives, Sixty-sixth Congress, third session, on H. R. 14498, H. R. 15021, H. R. 15158, and H. R. 15217. December 28–29, Jan. 4–5, 1921. Washington, Govt. print. off., 1921. 222 p. JK1341.A3, 1920b.

78. U. S. Congress. House. Committee on the census. Apportionment of representatives. Hearings before a subcommittee of the Committee on the census * * * June 27–29, 1921. Washington, Govt. print. off., 1921. 94 p. JK1341.A3 1921a.

79. —— —— —— Apportionment of representatives in Congress amongst the several states. Hearings before the Committee on the census, House of representatives, sixty-ninth Congress, first session, on H. R. 111, H. R. 398, H. R. 413, H. R. 3808, February 25, March 4 and 23, 1926. Washington, Govt. print. off., 1926. 62 p. JK1341.A3 1926.

80. —— —— —— Apportionment of representatives in Congress amongst the several states. Hearings before the Committee on the census, House of representatives, Sixty-ninth Congress, second session, on H. R. 13471, January 10, 19, 28–February 2, 9, 16, 1927. Washington, Govt. print. off., 1927. 4 pts. JK1341.A3 1927.

81. —— —— —— Apportionment of representatives. Hearings before the Committee on the census, House of representatives, seventieth Congress, first session, on H. R. 130. February 14, 15, 20, and 21, 1928. Washington, U. S. Govt. print. off., 1928. 94 p. JK1341.A3 1928.

82. —— —— —— Apportionment of representatives. * * * Report. (To accompany H. R. 30566.) [Washington, Govt. print. off., 1911.] 73 p. (61st Cong., 3d sess. House. Rept. 1911.) JK1341.A3 1911a.

83. —— —— —— Apportionment of representatives. * * * Report. (To accompany H. R. 2983.) [Washington, Govt. print. off., 1911.] 108 p. (62d Cong., 1st sess. House. Rept. 12.) JK1341.A3 1911b.

84. —— —— —— Apportionment of representatives. * * * Report. (To accompany H. R. 7882.) * * * [Washington, Govt. print. off., 1921.] 41 p. (67th Cong., 1st sess. House. Rept. 312.) JK1341.A3 1921.

Submitted by Mr. Siegel. "Views of the minority" (p. 35–36), signed: Louis W. Fairfield, Henry E. Barbour, W. W. Larsen, S. M. Brinson, Morgan G. Sanders, John J. McSwain.

"Dissenting views of Representative John J. McSwain": p. 37–41.

85. —— —— —— Apportionment of representatives. * * * Report. (To accompany H. R. 11725.) * * * [Washington, U. S. Govt. print. off., 1928.] 12 p. (70th Cong., 1st sess. House. Rept. 1137.) JK1341.A3 1928b.

Submitted by Mr. Fenn. Referred to the House calendar and ordered printed April 4, 1928.

"Minority views" (p. 12), signed: J. E. Rankin [and others].

86. —— Senate. Committee on the census. Apportionment of representatives. * * * Report. (To accompany H. R. 2983.) [Washington, Govt. print. off., 1911.] 108 p. (62d Cong., 1st sess. Senate. Rept. 94.) JK1341.A3 1911c.

87. U. S. Constitutional convention, 1787. The journal of the debates in the convention which framed the Constitution of the United States, May–September, 1787, as recorded by James Madison; ed. by Gaillard Hunt * * * New York and London, G. P. Putnam's sons, 1908. 2 v. JK141 1908.

Consult index under "Legislature, Representation in."

88. U. S. Library of Congress. Legislative reference service. Apportionment of Representatives in Congress. [Washington, D. C., n. d.] 5 p. Typewritten.

89. ——— Bills proposed for the apportionment of Representatives in Congress among the several states under the fourteenth census—and the legislative history of each measure. [Washington, D. C.] January 10, 1924. 7 p. Typewritten.

90. ——— A brief chronological summary of Congressional activity relative to apportionment of Representatives from March 4, 1789, to March 4, 1925. [Washington, D. C.] May 13, 1925. 12 p. Typewritten.

91. ——— Citations to Congressional debates concerning the apportionment of members of Congress from first to 67th Congress. [Washington, D. C.] June 27, 1923. 3 p. Typewritten.

92. ——— Congress and the right of reapportionment. [Washington, D. C.] March 9, 1928. 6 p. Typewritten.

93. U. S. Library of Congress. Legislative reference service. Legislative history of apportionment bills. [Washington, D. C.] July 12, 1928. Typewritten.

94. ——— Movement for reduction of representation of the Southern States in Congress. [Washington, D. C.] June 12, 1925. 3 p. Typewritten.

95. ——— Proposed legislation relative to the apportionment of Representatives under the fourteenth census. [Washington, D. C.] March 20, 1928. 6 p. Typewritten.

96. ——— Speeches delivered in the United States Congress against limiting the apportionment of Represenatives in Congress (1791–1921). [Washington, D. C.] June 11, 1928. 13 p. Typewritten.

97. Vote against increasing the membership of the House of representatives in Congress. Commercial and financial chronicle, Jan. 22, 1921, v. 112: 301–302. HG1.C7, v. 112.

98. Webster, Daniel. Apportionment of representation. (In The writings and speeches of Daniel Webster. National edition. Boston, Little, Brown and co., 1903. v. 6, p. 102–123.) E337.8.W24 1903.

A reprint of "A report on the subject of the apportionment of Representation, in the House of Representatives of the United States, made in the Senate, on the 5th of April, 1832."

"The object of the following report is to set forth the unjust operation of the rule by which the apportionment of Representatives had hitherto been made among the States, and was proposed to be made under the Fifth Census. * * * In making provision for the apportionment under the census of 1850, the principles of this report prevailed. By the act of the 23d of May, 1850, it is provided that the number of the new House shall be 233. The entire representative population of the United States is to be divided by this sum; and the quotient is the ratio of apportionment among the several States. Their representative population is in turn to be divided by this ratio; and the loss of members arising from the residuary numbers is made up by assigning as many aditional members as are necessary for that purpose to the States having the largest fractional remainders."

99. What's the Constitution between friends? decennial reapportionment. Collier's, v. 77, May 22, 1926: 21. AP2.C65, v. 77.

100. Willcox, Walter F. Apportionment of Representatives. American economic review, Mar., 1916, v. 6, supp.: 3–16. HB1.E26, v. 6, sup.

101. ——— Apportionment of Representatives; reply to Edward V. Huntington. Science, June 8, 1928, n. s., v. 67: 581–582. Q1.S35, n. s., v. 67.

102. [———] Tables for the apportionment of representatives among the several states under the thirteenth decennial census. [Washington, Govt. print. off., 1911.] 38 p. JK1341.W5.

103. Williams, Talcott. Apportionment. (In Lalor, John J., ed. Cyclopaedia of political science. * * * New York, Maynard, Merrill and co., 1899. v. 1, p. 102–111.) H41.L22, v. 1.

SPEECHES IN CONGRESS

(The compilations of the Legislative Reference Service of the Library of Congress will serve as guides to debates on the various apportionment measures. Speeches beginning with those in the Sixty-sixth Congress, third session, are noted here)

66th Congress, 3d session, v. 60 (current file)

104. Aswell, James B. The reapportionment bill. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1689–1691.

105. Barbour, Henry E. Apportionment of representatives. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 current file): 1695–1696. Also printed separately.

106. Bee, Carlos. Reapportionment. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1692–1694.

107. Black, Eugene. The present membership of 435 is large enough. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1704–1705.

108. Blanton, Thomas L. Decrease the membership of the House instead of increasing it. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1697–1698.

109. Brinson, Samuel M. Some of the disadvantages attached to the proposed increase of the membership of the House. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1691–1692.

110. Caraway, Thaddeus H. Why should the House membership be increased? Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1704.

111. Clark, Champ. Proposed reapportionment bill. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1700–1701.

112. Esch, John J. The people of the States are not so much interested in the number of their members as in the efficiency of their members. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1701–1702.

113. Fairfield, Louis W. There is no reason why the size of the House should be increased. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1688–1689.

114. Fess, Simeon D. Representation. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1707.

115. Gard, Warren. Reapportionment. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, part 2 (bound file): 1651.

116. Garrett, Finis J. I shall vote for the proposition to retain the membership at the number as at present fixed. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1706–1707.

117. Glynn, James P. A House of 435 Members is precisely as representative as one of 483. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1702.

117a. Greene, Frank L. Proportionate representation. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1702.

118. Hardy, Rufus. The proposed reapportionment bill. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1698–1699.

119. Hersey, Ira G. Shall the House of Representatives cease to be a representative body? Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 37 (current file): 1845–1847.

119a. Humphreys, Benjamin G. The Constitution apportions Representatives among the several States according to population. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1699–1700.

120. Johnson, Paul B. Is Mississippi representation in the House of Representatives to be reduced on erroneous calculations? Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 42 (current file): 2150–2151.

Also published separately.

121. Kennedy, Ambrose. Apportionment of Representatives. Speech in the House, Jan. 19, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 36 (current file): 1794.

122. Little, Edward C. The probable effect of the proposed apportionment legislation upon the man at home. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1702–1703.

123. Longworth, Nicholas. Reapportionment. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1708.

124. Longworth, Nicholas. Reapportionment bill. Speech in the House, Jan. 19, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 36 (current file): 1796–1797.

125. McArthur, Clifton N. Congressional reapportionment. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1698–1699. Also printed separately.

126. McKenzie, John C. In my judgment the addition of 48 or any other number to the membership of the House would be adding a needless burden to the now heavily taxed people of the country. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1700.

127. McLeod, Clarence J. Increased Representatives and the ex-service man's needs. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1694.

128. Madden, Martin B. I am opposed to an increase in the membership of the House at this time. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1707.

129. Peters, John A. Principles of representation in Congress. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file): 1705–1706. Also published separately.

130. Milligan, Jacob L. Reapportionment bill. Extension of remarks in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, part 5 (bound file) : 4692.

131. Quin, Percy E. I am for the 483 Congressmen to represent the increased population. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file) : 1701.

132. Siegel, Isaac. Apportionment of Representatives. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35 (current file) : 1687–1688.

133. Sims, Thetus W. Increase of the membership of the House of Representatives. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, part 2 (bound file) : 1635–1636.

134. Stephens, Hubert D. Reapportionment bill. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 37 (current file) : 1847–1849.

135. Tincher, J. N. Apportionment. Speech in the House, Jan. 18, 1921, CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, part 2 (bound file) : 1636–1637.

136. Tinkham, George H. Representation. Speech in the House, Jan. 19, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 36 (current file) : 1796–1799.

137. Towner, Horace M. Apportionment of Representatives in Congress. Speech in the House, Jan. 18, 1921. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 42 (current file) : 2149–2150.

138. U. S. Congress. House. Apportionment of Representatives. Debate in the House, Jan. 18 and 19, 1921, on H. R. 14498 for the apportionment of Representatives in Congress amongst the several states under the Fourteenth census. CONGRESSIONAL RECORD, 66th Cong., 3d sess., v. 60, no. 35–36 (current file) : 1687–1709 ; 1788–1807. Record of votes on amendment, p. 1806–1807.

67th Congress, 1st session, v. 61 (current file)

139. Aswell, James B. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7064–7065.

140. Barbour, Henry E. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7063–7064.

141. Beedy, Carroll, L. The reapportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7065–7067. Also printed separately.

142. Black, Eugene. House can not go on increasing its membership indefinitely. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7073–7074.

143. Blanton, Thomas L. Apportionment of Representatives. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7072–7073.

144. Brinson, Samuel M. The reapportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7076–7077.

144a. Burton, Theodore E. The reapportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7070–7071.

145. Cable, John L. Apportionment of Representatives in Congress. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 131 (current file) : 7158–7159.

146. Cockran, W. Bourke. The reapportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7068–7070.

147. Cole, R. Clint. The apportionment bill. Speech in the House Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 131 (current file) : 7157–7158, 7159–7160.

148. Fairchild, Benjamin L. The increase of the membership of the House. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7075–7076.

149. Gillett, Frederick H. Reapportionment. Speech in the House, May 6, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no 22 (current file) : 1078–1079.

150. Goodykoontz, Wells. Apportionment of Representatives in Congress among the several States. Extension of remarks in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 134 (current file) : 7316–7317.

151. Hardy, Rufus. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, part 6 (bound file) : 6334–6335.

152. Jefferis, Albert W. A representative government. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7075.

153. Langley, John W. The reapportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7067.

154. Larsen, William W. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7060–7062.

155. Lineberger, Walter F. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7064.

156. McPherson, Isaac V. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 131 (current file) : 7154–7164.

157. Magee, Walter W. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7072.

158. Mondell, Frank W. The size of the House of representatives. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7077–7078.

159. Nelson, John M. The Constitution evaded to increase the House. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 134 (current file) : 7314–7316.

160. Newton, Cleveland A. Reapportionment of Representatives in Congress. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 131 (current file) : 7162–7164.

161. Rankin, John E. The apportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 134 (current file) : 7313–7314.

162. Sanders, Morgan G. The apportionment bill. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 132 (current file) : 7217–7218.

163. Siegel, Isaac. Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7054–7060.

164. Tinkham, George H. Question of constitutional privilege. Speech in the House, May 6, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 22 (current file) : 1074–1076.

165. —— Reapportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7060.

166. Treadway, Allen T. Increasing the membership of the House. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7074–7075.

167. Vaile, William N. Representation on the basis of population. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7079–7080.

168. White, Hays B. Increase the number of Representatives proposed rather than reduce that number. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 131 (current file) : 7157.

169. Williams, Thomas S. Apportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7072.

170. Wood, William R. Apportionment. Speech in the House, Oct. 14, 1921. CONGRESSIONAL RECORD, 67th Cong., 1st sess., v. 61, no. 129 (current file) : 7067–7068.

67th Congress, 2d session, v. 62 (current file)

171. Larsen, William W. Method of apportioning representation in the House of Representatives. Speech in the House, Dec. 17, 1921. CONGRESSIONAL RECORD, 67th Cong., 2d sess., v. 62, no. 12 (current file) : 569–570.

68th Congress, 1st session, v. 65 (current file)

172. Barbour, Henry E. Apportionment of Representatives in Congress. Speech in the House, Mar. 14, 1924. CONGRESSIONAL RECORD, 68th Cong., 1st sess., v. 65, no. 74 (current file) : 4323–4325.

173. McLeod, Clarence J. Reapportionment. Speech in the House, June 4, 1924. CONGRESSIONAL RECORD, 68th Cong., 1st sess., v. 65, no. 149 (current file) : 10774–10775.

68th Congress, 2d session, v. 66 (current file)

174. Blanton, Thomas L. We have too many Members in the House of Representatives. Speech in the House, Feb. 12, 1925. CONGRESSIONAL RECORD, 68th Cong., 2d sess., v. 66, no. 58 (current file) : 3672–3673.

175. Winter, Charles E. Introduction of H. J. Res. 324 proposing an amendment to the Constitution providing for the apportionment of the Representatives and direct taxes among the several states. Referred to the Committee on the Judiciary. CONGRESSIONAL RECORD, 68th Cong., 2d sess., v. 66, no. 36 (current file) : 2180.

69th Congress, 1st session, v. 67 (current file)

176. Barbour, Henry E. The Constitution and apportionment. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6888–6889.

177. Cannon, Clarence. Reapportionment. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6896.

178. Cooper, Henry A. The privileged status of an apportionment bill. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6894–6895. Also published separately.

179. Garrett, Finis J. Apportionment. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6892–6893.

180. Gibson, Ernest W. Methods of reapportionment. Extension of remarks in the House, Apr. 7, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 95 (current file) : 6840.

181. Griffin, Anthony J. Party promises unfulfilled. Congressional reapportionment—the coal question—farm relief. Speech in the House, June 28, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 172 (current file) : 12846–12848.

182. Kahn, Mrs. Florence P. Reapportionment. Speech in the House, Apr. 29, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 116 (current file) : 3869–3874.

183. Snell, Bertrand H. No mandatory provision in the Constitution which provides for immediate apportionment. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6887–6888.

184. Tilson, John Q. Reapportionment. Speech in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6895.

185. U. S. Congress. House. Apportionment. Debate in the House, Apr. 8, 1926. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 96 (current file) : 6887–6898.

186. U. S. Congress. Senate. Report of the advisory committee to the Director of the Census upon the apportionment of representatives. CONGRESSIONAL RECORD, 69th Cong., 1st sess., v. 67, no. 95 (current file) : 6840–6842.

69th Congress, 2d session, v. 68 (current file)

187. Barbour, Henry E. Reapportionment. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5327–5328.

188. Bulwinkle, A. L. The so-called apportionment bill. Extension of remarks in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5418.

189. Burton, Theodore E. Apportionment of Representatives in Congress. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 70 (current file) : 5597–5598.

190. Greenwood, Arthur H. Membership of the House of Representatives. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5328.

191. Jacobstein, Meyer. Apportionment of members of the House of Representatives. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5329–5330.

192. Lea, Clarence F. Reapportionment. Extension of remarks in the House, Mar. 3, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 72 (current file) : 5815–5816.

193. Linthicum, J. Charles. Apportionment of Representatives in Congress. Extension of remarks in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5412.

194. Lozier, Ralph F. Reapportionment. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5326–5327.

195. McLeod, Clarence J. Reapportionment. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5324–5325.

196. Peery, George C. Apportionment of Representatives in Congress. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 70 (current file) : 5622–5624.

197. Rankin, John E. Reapportionment. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5330.

198. Sosnowski, John B. Reapportionment. Speech in the House, Jan. 14, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 26 (current file) : 1679–1680.

199. Thurston, Lloyd. Reapportionment. Speech in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5328–5329.

200. Tydings, Millard E. Reapportionment. Extension of remarks in the House, Mar. 2, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5412.

201. U. S. Congress. House. Apportionment of Representatives in Congress. Debate in the House, Mar. 2, 1927, on the bill H. R. 17378. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 69 (current file) : 5323–5331.

202. Washington. Legislature. House. [Memorial regarding apportionment.] June 18, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 40 (current file) : 2670–2671.

203. Woodrum, Clifton A. Reapportionment in the House of Representatives. Extension of remarks in the House, Mar. 3, 1927. CONGRESSIONAL RECORD, 69th Cong., 2d sess., v. 68, no. 70 (current file) : 5624.

70th Congress, 1st session, v. 69 (current file)

204. Bankhead, William B. Apportionment of Representatives. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9293.

205. Barbour, Henry E. Apportionment of the Members of the House of Representatives. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9439.

206. Brigham, Elbert S. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9443–9444.

207. Burton, Theodore E. Reapportionment. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9295–9296.

208. Celler, Emanuel. Apportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9432–9433.

209. Chapman, Virgil. Apportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9440–9441.

210. Clancy, Robert H. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9435–9436.

211. Clarke, John D. Apportionment of Representatives. Extension of remarks in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9466.

212. Cochran, Thomas C. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess, v. 69, no. 132 (current file) : 9438–9439.

213. Cole, Cyrenus. Apportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9431–9432.

214. Crail, Joe. Reapportionment among the states. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9307–9308.

215. Evans, W. E. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9433–9434.

216. Free, Arthur M. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9438.

217. Green, R. A. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9442.

218. Hersey, Ira G. Apportionment of members of the House of representatives. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9431.

219. Huntington, Edward V. A simple explanation of the method of equal proportions. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 130 (current file) : 9262–9265.

220. Jacobstein, Meyer. Apportionment. Speech in the House, May 8, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 122 (current file) : 8376–8379.

221. —— Reapportionment. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9300–9304.

222. LaGuardia, Fiorello H. Apportionment of Representatives in Congress. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 133 (current file) : 9590–9592.

223. Linthicum, J. Charles. Apportionment of Representatives. Extension of remarks in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 140 (current file) : 10434.

224. Lozier, Ralph F. Major fractions formula versus equal proportions formula in apportioning representation. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 143 (current file) : 10899–10900.

225. —— Reapportionment. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 143 (current file) : 10875–10884.

226. —— Unconstitutional provisions of pending reapportionment bill. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 143 (current file) : 10902.

227. McLeod, Clarence J. Apportionment. Speech in the House, May 24, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 138 (current file) : 10106–10108.

228. —— Reapportioning the members of the House on the census to be taken in 1930. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9298–9299.

229. Mapes, Carl E. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9444–9445.

230. Michener, Earl C. Reapportionment of Representatives. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9291–9292.

231. Moorman, Henry D. Apportionment of Representatives. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9434.

232. Ramseyer, C. William. Reapportionment. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9292–9293.

234. Rankin, John E. Reapportioning under the census of 1920. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9296–9298.

235. Romjue, Milton A. Apportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9436–9438.

236. Rutherford, Samuel. The Constitution and reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9434–9435.

237. Thurston, Lloyd. Apportionment. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9305–9306.

238. Tilson, John Q. Reapportionment. Speech in the House, May 18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 132 (current file) : 9439–9440.

239. U. S. Congress. House. Reapportionment of Representatives. Debate in the House, May 17–18, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 current file) : 9291–9309 ; no. 132 (current file) : 94330–9447.

240. Vandenberg, Arthur H. Reapportionment. Explanatory statement regarding Senate bill 4554, relating to reapportionment, and an editorial from the Detroit News. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 143 (current file) : 10789–10790.

241. Williams, Thomas S. Reapportionment of the House of Representatives. Speech in the House, May 17, 1928. CONGRESSIONAL RECORD, 70th Cong., 1st sess., v. 69, no. 131 (current file) : 9294.

The CHAIRMAN. The time of the gentleman has expired.

The time for general debate having expired, the Clerk will read the bill under the 5-minute rule.

The Clerk read as follows:

Be it enacted, etc., That as soon as practicable after the fifteenth and each subsequent decennial census the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under such census, and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census by the method known as the method of major fractions.

The committee amendments were read as follows:

Page 1, beginning in line 3, after the word "That," strike out "as soon as practical after the fifteenth and each subsequent decennial census," and insert in lieu thereof "on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter."

Page 2, in line 1, strike out the words "such census" and insert in lieu thereof "the fifteenth and each subsequent decennial census of the population."

Mr. FENN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11725, had come to no resolution thereon.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. ALLGOOD, on request of Mr. HILL of Alabama, on account of illness in his family.

Mr. SUMMERS of Washington, for six days, on account of death in his family.

Mr. DOUGLASS of Massachusetts, for one week, on account of important business.

Mr. TUCKER, on request of Mr. MOORE of Virginia, on account of sickness.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I wish to announce that the bill which has been under consideration in the Committee of the Whole House on the state of the Union will be considered to-morrow.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois.

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

ADJOURNMENT

Mr. FENN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned, to meet to-morrow, Friday, January 11, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 11, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Earths, earthenware, and glassware, January 11.
Metals and manufactures of, January 14, 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m., Caucus Room)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchie River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

For the improvement of the Caloosahatchie River, Fla., for purposes of navigation and flood control (H. R. 15095).

SPECIAL COMMITTEE INVESTIGATING PRISONS

(10 a. m., Room 127 House Office Building)

To consider prison conditions, care of inmates, and labor conditions in United States prisons.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment (H. R. 450).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

A bill to amend sections 116, 118, and 126 of the Judicial Code (H. R. 13567).

EXECUTIVE COMMUNICATIONS, ETC.

736. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., in the files of this department which are not needed in the transaction of public business and have no permanent value, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13857. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended; without amendment (Rept. No. 2056). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 15468. A bill to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.; without amendment (Rept. No. 2057). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15213. A bill to authorize the Secretary of the Interior to develop power and to lease, for power purposes, structures of Indian irrigation projects, and for other purposes; without amendment (Rept. No. 2062). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. J. Res. 343. A joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes; without amendment (Rept. No. 2063). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 15324. A bill authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; with an amendment (Rept. No. 2064). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16034. A bill to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania; without amendment (Rept. No. 2065). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 5932. A bill for the relief of Arthur Moffatt, deceased; with an amendment (Rept. No. 2058). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 13673. A bill for the relief of John Burket; without amendment (Rept. No. 2059). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 14722. A bill for the relief of Jacob Scott; without amendment (Rept. No. 2060). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 14781. A bill for the relief of James D. Poteet; without amendment (Rept. No. 2061). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 3677. A bill for the relief of F. M. Gray, jr. Co.; with an amendment (Rept. No. 2066). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15287) granting an increase of pension to John H. Jackson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14951) granting an increase of pension to Carrie C. Fry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 16126) granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River at a point suitable to the interest of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: A bill (H. R. 16127) to amend the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. ROMJUE: A bill (H. R. 16128) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. HOCH: A bill (H. R. 16129) to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: A bill (H. R. 16130) authorizing an appropriation for the erection of veterinary hospital at Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; to the Committee on the Post Office and Post Roads.

By Mr. WURZBACH: A bill (H. R. 16132) to give military rank to certain officers on the retired list of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. SIROVICH: A bill (H. R. 16133) to amend the national bank act; to the Committee on Banking and Currency.

Also, a bill (H. R. 16134) to amend the classification act of 1923, approved March 4, 1923; to the Committee on the Civil Service.

By Mr. FISH: Joint resolution (H. J. Res. 376) proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

By Mr. CELLER: Joint resolution (H. J. Res. 377) authorizing the erection on public grounds in the District of Columbia of a monument or memorial to Oscar S. Straus; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUF DER HEIDE: A bill (H. R. 16135) granting an increase of pension to James J. Kadien; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 16136) granting a pension to Lydia S. Heiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16137) granting an increase of pension to Rachel A. Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16138) granting an increase of pension to Sarah M. Wilson; to the Committee on Invalid Pensions.

Also, A bill (H. R. 16139) granting an increase of pension to Katharine Wallace; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 16140) for the relief of Peter Christy, jr.; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 16141) granting a pension to Rebecca P. Trester; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16142) granting a pension to John Gagen, jr.; to the Committee on Pensions.

By Mr. FREE: A bill (H. R. 16143) for the examination and survey of southern or lower San Francisco Bay and Guadalupe River, Calif., with a view of securing increased depth and width in the channels in bay and river, establishing a harbor, turning basin, piers, wharves, etc., in lower San Francisco Bay; to the Committee on Rivers and Harbors.

By Mr. GAMBRILL: A bill (H. R. 16144) for the relief of Charlotte Hall School; to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 16145) granting a pension to Martha Jane Misner; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: A bill (H. R. 16146) for the relief of J. N. Lewis; to the Committee on Claims.

By Mr. HALE: A bill (H. R. 16147) granting an increase of pension to Frank G. Nelson; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 16148) granting a pension to Mary R. Proud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16149) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 16150) granting a pension to Joseph Farnandis; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 16151) granting an increase of pension to Belle Adams; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 16152) for the relief of Joseph T. Byrne; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 16153) for the relief of William J. Sachse; to the Committee on the Civil Service.

By Mr. LOZIER: A bill (H. R. 16154) granting a pension to Mary E. Beckner; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 16155) for the relief of the Farmers & Merchants National Bank of Gilmer, Tex.; to the Committee on Claims.

By Mr. STEELE: A bill (H. R. 16156) granting a pension to James Thompson; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16157) granting an increase of pension to Mary A. McCartney; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 16158) granting a pension to Emma W. Rice; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 16159) granting an increase of pension to David B. Todd; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16160) granting an increase of pension to Martha Frances Brown; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 16161) granting a pension to Julia L. Libby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8199. By Mr. BRIGGS: Petition of J. S. Bryce, 3808 Avenue J, Galveston, Tex., and others, opposing reduction of power of all broadcasting stations now using more than 10,000 watts; to the Committee on the Merchant Marine and Fisheries.

8200. By Mr. CULLEN: Petition of the West Point Society of New York, approving and indorsing the bills introduced in the Senate by Senator BLACK (S. 3089), House by Congressman WAINWRIGHT (H. R. 13509), as amended by Congressman McSWAIN; to the Committee on Military Affairs.

8201. By Mr. FITZPATRICK: Petition signed by citizens of the city of Mount Vernon, N. Y., favoring the passage of House Resolution 14676; to the Committee on Pensions.

8202. By Mr. KELLY: Petition of National Beauty and Barbers' Supply Association, asking for enactment of House bill 11, the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8203. By Mr. McCORMACK: Petition of New England Manufacturing Confectioners Association, Olin M. Jacobs, secretary, 40 Court Street, Boston, Mass., recommending a reduction in the tariff on edible gelatin from the present rates of 20 per cent ad valorem and 3½ cents a pound; to the Committee on Ways and Means.

8204. By Mr. MEAD: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States; to the Committee on Pensions.

8205. Also, petition of board of directors of the National Lumber Manufacturers Association; to the Committee on Agriculture.

8206. Also, petition of National Beauty and Barbers Supply Dealers' Association; to the Committee on Interstate and Foreign Commerce.

8207. Also, petition of American Farm Bureau Federation; to Committee on Agriculture.

8208. By Mr. O'CONNELL: Petition of the National Beauty and Barbers Supply Dealers Association of New York, favoring the passage of the Capper-Kelly bill (S. 1418 and H. R. 11), known as the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8209. Also, petition of the Tennessee Association Drainage Districts, Obion, Tenn., favoring the passage of Senate bill 4689, for relief of drainage districts; to the Committee on Irrigation and Reclamation.

SENATE

FRIDAY, *January 11, 1929*

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7729) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 7729. An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

CALL OF THE ROLL

Mr. REED of Missouri. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Shortridge
Barkley	George	Mayfield	Simmons
Bingham	Gerry	Metcalf	Smoot
Black	Glass	Moses	Steck
Blaine	Glenn	Neely	Steiwer
Blease	Goff	Norbeck	Stephens
Borah	Greene	Norris	Swanson
Bratton	Harris	Nye	Thomas, Idaho
Brookhart	Harrison	Oddie	Thomas, Okla.
Broussard	Hastings	Overman	Trammell
Bruce	Hawes	Phipps	Tydings
Burton	Hayden	Pine	Tyson
Capper	Heflin	Pittman	Vandenberg
Caraway	Johnson	Ransdell	Wagner
Copeland	Jones	Reed, Mo.	Walsh, Mass.
Couzens	Kendrick	Reed, Pa.	Warren
Curtis	Keyes	Robinson, Ark.	Waterman
Deneen	King	Robinson, Ind.	Watson
Dill	La Follette	Sackett	Wheeler
Edge	McKellar	Schall	
Fess	McLean	Sheppard	
Fletcher	McMaster	Shipstead	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is ill and detained from the Senate for that reason. I ask that this announcement may stand for the day.

Mr. CURTIS. I wish to announce that the senior Senator from Maine [Mr. HALE] is absent on account of illness. I will let this announcement stand for the day.

Mr. WHEELER. My colleague the senior Senator from Montana [Mr. WALSH] is detained from the Senate by illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. FLETCHER presented the petition of Rabbi Martin Friedmann, of Temple Beth-el, and sundry other citizens of Pensacola, Fla., praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. OVERMAN presented a petition of post-office clerks and letter carriers of High Point, N. C., praying for the passage of legislation in the interest of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented petitions of sundry citizens of Spokane, Tacoma, Chehalis, Longview, Ridgefield, Lynden, and Kelso, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SIMMONS presented a petition of post-office clerks and letter carriers of High Point, N. C., praying for the passage of legislation in the interest of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. COPELAND presented petitions of members of the Peekskill Choral Club, of Peekskill, and sundry citizens of New York City and Brooklyn, in the State of New York, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. As in legislative session, from the Committee on Appropriations I report back favorably with amendments the urgent deficiency bill, being the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 1417) thereon.

I give notice that I shall undertake to secure consideration for the bill on next Monday morning immediately following the routine morning business.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. McKELLAR. Mr. President, I desire to call attention to the fact that on the desk of each Senator will be found a copy of the hearings on the first deficiency appropriation bill. The hearings are of such vast importance to the Senate that I hope every Senator will read them. Every Senator will find a copy on his desk.

REPORTS OF COMMITTEES

As in legislative session,

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, reported it with amendments, and submitted a report (No. 1418) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10157) making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines for the Territory of Alaska, and for other purposes (Rept. No. 1419); and

A bill (H. R. 13744) to provide for the acquisition by Parker I-See-O Post, No. 12, All American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla. (Rept. No. 1420).

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska, reported it with an amendment and submitted a report (No. 1421) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes (Rept. No. 1422);

A bill (H. R. 10550) to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla. (Rept. No. 1423);

A bill (H. R. 11719) to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes (Rept. No. 1424); and

A bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park (Rept. No. 1425).

REPORTS OF NOMINATIONS

Mr. JONES. As in closed executive session, I ask leave to report certain nominations from the Committee on Commerce for the calendar.

The PRESIDING OFFICER. The nominations will be received and placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 5301) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9, in Cocke County, Tenn.; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. FRAZIER (by request):

A bill (S. 5303) for the relief of the Osage Tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. ODDIE:

A bill (S. 5304) granting a pension to Peter Huntsman; to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 5305) granting a pension to Anna M. Barnes; and

A bill (S. 5306) granting a pension to Mary H. Rodgers; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5307) equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Arkansas:

A bill (S. 5308) granting a pension to Alta K. Conley; to the Committee on Pensions.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5309) authorizing the appointment and retirement as a warrant officer, United States Army, of Charles L. Gyger; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5310) granting a pension to Edward S. Grigsby (with accompanying papers); to the Committee on Pensions.

A bill (S. 5311) for the relief of Harry R. Neilson (with accompanying papers); to the Committee on Naval Affairs.

By Mr. WATSON:

A bill (S. 5312) granting a pension to Lottie Lou Hart (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5313) for the relief of Lamar Jamerson; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 5314) for the relief of Jetta G. Moseley; to the Committee on Claims.

A bill (S. 5315) granting a pension to Mary E. Cowell; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5316) providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. REED of Missouri:

A bill (S. 5317) granting an increase of pension to Henry E. D. Patee (with accompanying papers); to the Committee on Pensions.

A bill (S. 5318) to declare a portion of the battle field of Westport, in the State of Missouri, a national military park, and to authorize the Secretary of War to acquire title to same on behalf of the United States; to the Committee on Military Affairs.

Mr. McKELLAR. Mr. President, I desire to reintroduce Senate bill 5223 with certain amendments so as to have a clean copy of the bill.

The PRESIDING OFFICER. The bill will be received.

By Mr. McKELLAR:

A bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 5320) granting a pension to Jessie L. Kilgore; to the Committee on Pensions.

A bill (S. 5321) for the relief of Lester L. Wilson; to the Committee on Claims.

A bill (S. 5322) for the relief of Sargent Brown; to the Committee on Indian Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 5323) granting an increase of pension to Sallie H. Dethample; and

A bill (S. 5324) granting an increase of pension to Nancy Jane Stewart; to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 191) increasing the authorization for appropriations for the International Water Commission, United States and Mexico; to the Committee on Foreign Relations.

MONOPOLY IN MANUFACTURE OF RADIO APPARATUS

Mr. DILL submitted the following concurrent resolution (S. Con. Res. 29), which was referred to the Committee on Interstate Commerce:

Whereas the House of Representatives of the Congress of the United States on March 3, 1923, unanimously passed a resolution requesting the Federal Trade Commission to investigate and to report the facts concerning attempts to monopolize the manufacture of radio apparatus as well as radio communication to "aid the House of Representatives in determining whether * * * the antitrust statutes of the United States have been or now are being violated by any person, company, or corporation subject to the jurisdiction of the United States"; and

Whereas pursuant to said resolution, the Federal Trade Commission did make such investigation and transmitted to the Speaker of the House of Representatives a report of 347 pages embracing various agreements made by and between the General Electric Co., American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse Electric & Manufacturing Co., International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and Radio Corporation of America, contracting to pool the radio patents of these companies, allocating to each other their respective fields of manufacture, sale and use of radio apparatus and facilities, and to restrain their use so as to give to this group what has been alleged to be a monopoly of radio manufacture and communications in the United States as well as between the United States and foreign countries; and reciting various acts and practices of said companies pursuant to said agreements; and

Whereas said Federal Trade Commission, after submitting said report and upon its own motion, did, on January 28, 1924, issue a formal complaint charging that said General Electric Co., American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse Electric & Manufacturing Co., International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and Radio Corporation of America, "have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale in interstate commerce of radio devices and apparatus and other electrical devices and apparatus, and in domestic and transoceanic radio communications and broadcasting"; and

Whereas said Federal Trade Commission, at great expense, has spent five years in hearing evidence to support these charges and has accumulated 10,000 pages of sworn testimony and exhibits; and

Whereas said Federal Trade Commission following a recent decision of the Supreme Court of the United States that said commission has no jurisdiction over violations of the antitrust laws and that the remedy for such violations must be administered by the courts in appropriate proceedings therein instituted has dismissed said complaint; and

Whereas if the charges contained in said complaint are true, it is the duty of the Department of Justice to prosecute such violators and to obtain from the United States courts such injunctions or other orders as may be necessary to dissolve such alleged Radio Trust, and to obtain such other relief as may be proper to assure free competition in radio manufacture, sale, and communications: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Federal Trade Commission be, and it is hereby, requested to immediately transmit to the Attorney General of the United States all such testimony, exhibits, and other information obtained by it in connection with its investigation of the complaint aforesaid and such other pertinent information as it may have in connection with this subject; and be it further

Resolved, That the Attorney General of the United States be, and he is hereby, requested to have immediate consideration given to the evidence so presented and to have the Department of Justice take such action on the charges of violations of the antitrust laws of the United States as such evidence and information may warrant and to report to Congress as soon as convenient his decision and action in the premises.

RESPONSIBILITY FOR THE WORLD WAR

Mr. SHIPSTEAD submitted the following concurrent resolution (S. Con. Res. 30), which was referred to the Committee on Foreign Relations:

Whereas article 231 of the treaty of Versailles declares as follows: "The allied and associated powers affirm, and Germany acknowledges, that Germany and its allies are guilty of having caused all losses and damages which the allied and associated governments and their nations suffered in consequence of the war, which was forced upon them by Germany and its allies; and

"Whereas said article was founded on a judicial opinion of the Entente Commission of Fifteen, appointed by the victors on January 25, 1919, 'to determine the responsibility of the war and punishment therefor'; and

"Whereas the American Government was a party to said judicial opinion, which was approved and signed by its two delegates on the said commission, namely, Robert Lansing, chairman of the commission, and James Brown Scott; and

"Whereas such a judgment to have had any legal or moral authority should have been pronounced by an impartial tribunal after careful study of the evidence and hearing both sides; and

"Whereas since the formation of the treaty of Versailles abundance of testimony has appeared from the archives of the allied as well as the Central Powers, and from other sources, showing that the said article 231 was based on hysteria, hypocrisy, and falsifications 'forged in the fires of war'; and

"Whereas distinguished historians and statesmen of the United States, Great Britain, Canada, Italy, Russia, France, and Serbia, as well as Germany and Austria, have declared that the evidence now available is sufficient to warrant a just and reasonable attitude on the part of the victors and a reconsideration of the judgment, which they allege was manifestly unjust, violative of judicial principles, and legal procedure, and a grave obstacle to international understanding; and

"Whereas the establishment of the facts and the truth as to the origin of war is vital to a reconciliation of the peoples of Europe and to their moral disarmament: Therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Committee on Foreign Relations of the Senate and the Committee of Foreign Affairs of the House of Representatives are hereby authorized and directed (1) to hold an inquiry, either separately or jointly, for the purpose of determining whether in view of the new evidence and other official material the time is appropriate for the American Government, inspired by the sense of justice and fair play, to recommend to the allied powers either to amend article 231 of the treaty of Versailles without further delay or to announce severally their intention to disregard it or to propose to the allied powers that the question of the responsibility for the World War be submitted to a commission of neutrals, and (2) to report to the Congress the result of such inquiry on or before March 4, 1929."

PHONY DISEASE OF THE PEACH (S. DOC. NO. 200)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations, fiscal year 1930, amounting to $100,000, to enable the Secretary of Agriculture to eradicate or control the so-called phony disease of the peach, which was referred to the Committee on Appropriations and ordered to be printed.

MRS. LOIS I. MARSHALL

Mr. STECK. I ask unanimous consent, as in legislative session, to make a favorable report from the Committee on Pensions. I ask to have the bill read and considered, and I call the particular attention of the Senator from Arizona [Mr. ASHURST] to it.

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill (S. 1156) granting a pension to Lois I. Marshall, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lois I. Marshall, widow of Thomas R. Marshall, late Vice President of the United States, and pay her a pension at the rate of $5,000 per year from and after the passage of this act.

Mr. ASHURST. Mr. President, relying upon the fact that the beautiful doctrine of noblesse oblige is not dead in the Senate, I ask the Senate to do the handsome thing, which has already been too long delayed, and pass this bill.

It proposes a pension for Mrs. Thomas R. Marshall during her lifetime of $5,000 a year. During the World War important and expensive duties were cast upon the Vice Presi-

dent and his wife. Mrs. Marshall is living to-day in modest circumstances. I shall say no more than that the Senate of this rich Republic, upon which the Creator has showered His blessings, ought to rise to the spirit of this hour and in the spirit of true Americanism pass this bill without a moment's delay.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF RADIO COMMUNICATIONS

Mr. BLEASE. Mr. President, I ask to have inserted in the RECORD an editorial from the WCFL Radio Magazine, volume 2, winter, 1928–29, No. 1.

There will be found in the CONGRESSIONAL RECORD of July 1, 1926, page 12508, a short statement made by me in reference to this matter; also, on July 2, 1926, page 12614, there will be found a statement from the Senator from Washington [Mr. DILL], in which he said:

The bill does not give the commission the power of censoring programs, but, instead, there is a provision in the bill which specifically prohibits the commission from censoring programs in any way.

It seems, Mr. President, that while I was the only Member of the Senate who opposed and voted against this radio bill, the majority are coming over to my side, and that my predictions as to the results of it are now giving them very serious and grave concern.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT ABOUT THE RADIO TRUST?

Congress is in session at Washington.

The session will expire March 4, 1929.

Congress has much work to do, and it must work fast to do it.

But there is nothing more important for Congress to do than to break the monopoly of the Radio Trust.

Last summer's campaign was a radio campaign.

The election was a radio victory.

It proved how dangerous a radio monopoly could be to the life and safety of the Nation.

It proved that radio must be kept free; that it would menace the Republic if radio were ever to become the tool of private monopoly.

The executive department at Washington does not seem to understand this.

Therefore the legislative department must do the work of the executive department.

Seven years ago Attorney General Daugherty gave the Radio Trust an immunity bath.

That immunity from prosecution has been sanctioned by every one of his successors.

Five years ago the Department of Justice began what it called an "investigation" of the Radio Trust. It has been "investigating" ever since. It has done nothing. And the Radio Trust has escaped prosecution.

In 1924 the Federal Radio Commission issued a formal complaint against the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., and the United Fruit Co. charging that they were a radio trust violating the Sherman and Clayton laws.

The Federal Trade Commission has been "investigating" that complaint ever since. It also has done nothing and the Radio Trust has escaped prosecution.

The Federal Radio Commission was intrusted by Congress with the control of the air.

It has destroyed a large number of independent broadcasters to make more room on the air for the superpower chain stations of the Radio Trust.

It has declined to enforce the antitrust clauses of the radio law.

It is threatening to destroy even more independent broadcasters that the trust stations may have an even greater share of the air.

The United States Government owns a radio patent which the Supreme Court has declared to be the basic patent in a large branch of the radio art—the famous Schloemilch and von Bronk patent. The United States Government has licensed independent radio manufacturers to use this patent. The Canadian supreme court declared invalid the competing patent—the Alexanderson patent—owned by the Radio Trust. The Radio Trust is using this alleged patent to mulct independent radio manufacturers out of millions of dollars in royalties. The Navy Department is custodian of the Government's radio patents, but it has made no move to protect the Government's property against the trust.

Only Congress can force these branches of the executive department to act.

When the Department of Justice comes to Congress for funds the Attorney General should be asked why he has not prosecuted the Radio Trust.

When the Federal Trade Commission comes to Congress for funds the commissioners should be asked why they have not enforced the law against the Radio Trust.

When the Federal Radio Commission comes to Congress for funds the commissioners should be asked why they have destroyed the independent broadcasters to strengthen the monopoly of the Radio Trust.

When the Navy Department comes to Congress for funds Secretary Wilbur should be asked why his department has not protected the Government's radio patent rights against the Radio Trust.

Only Congress can do this.

It is the duty of every Senator and every Member of the House of Representatives to study the evil history of the Radio Trust.

It is the duty of Congress to see that the Radio Trust is dissolved.

It is the duty of Congress to keep the air free.

PROPOSED NICARAGUAN CANAL

Mr. EDGE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the St. Louis Post-Dispatch of January 8 commending the proposed survey of the Nicaraguan canal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NICARAGUA CANAL

It is, of course, improbable that traffic through the Panama Canal will continue indefinitely to double every five years as it has done since the canal was opened in 1914. Nevertheless, as was pointed out by an admirable news story from Washington in the Post-Dispatch of last Sunday, the Panama Canal will in another 12 years have certainly exhausted its capacity and will, in the event the Nicaragua canal is not by that time under construction, have to be enlarged.

This certainly constitutes the true argument for the Nicaragua canal. That is, to make the Panama Canal a sea-level canal, which would have to be done substantially to enlarge it, would cost approximately as much as the Nicaragua canal will cost. The Panama Canal originally cost $445,000,000. It is estimated that either to make it a sea-level canal or to build the Nicaragua canal would cost a billion dollars.

This being so, the advantage lies with the Nicaragua project. Only 21 per cent of the traffic through the Panama Canal is to or from the west coast of South America. The other 79 per cent is to and from other parts of the world, almost all of them lying north of Panama. For this 79 per cent of the traffic the Nicaragua canal, lessening the distance between New York and San Francisco by 434 statute miles, would mean the saving of a day. The cost of operating cargo ships averages $500 a day. The United States Shipping Board estimates that this would represent to ships going through the Nicaragua canal, and bound neither to nor from the west coast of South America, a total annual saving of $3,400,000.

That is the case for the Nicaragua canal. In the growing importance of costs to all sea commerce, it is a good one. There are, as well, the political considerations to which Senator EDGE, of New Jersey, leading sponsor of the Nicaragua canal, has called attention. To be associated as we would be by so great a project with Nicaragua, Costa Rica, Salvador, and Honduras would unquestionably exert upon the upper isthmus the same stabilizing influence which the Panama Canal has had upon the politics and commerce of the lower isthmus. The Nicaragua canal would place all that part of Central America, including Mexico, upon one of the great highways of commerce. It would take their seaports, sleeping in dreams of the golden past, and make them the busy modern communities which the Panama Canal has made of Colon and Panama City.

The Post-Dispatch agrees with Senator EDGE that we should at once busy ourselves with the preliminaries necessary to getting the Nicaragua canal under way. We owe it to Central America, upon which we have thrust ourselves, to make that invasion beneficent. We owe to world commerce the economies which the canal would bring. We owe to posterity that good report of our trusteeship in Central America which history gladly makes for Rome. Says Stanley Baldwin, Premier of England: "We English must never forget the debt we owe to Rome. She gave us our architecture, our law, our civilization." Because we some time mean to build the Nicaragua canal we have destroyed the tribunal built up by the Central American Republics among themselves by refusing to let it have a voice in our plans for the canal. That being so, we owe them the canal itself and what it will connote.

ADDRESS BY REPRESENTATIVE-ELECT LUDLOW ON FUTURE OF DEMOCRACY

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD a speech by Representative-elect Louis Ludlow at the Seventy-fourth annual Jackson Day banquet, Wooster, Ohio, January 8, 1929.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, it is so ordered.

The address is as follows:

THE FUTURE OF DEMOCRACY

Mr. LUDLOW. With the election over and the evidence of the debacle still visible on every hand, there is nothing more meet and proper for Democrats to do at this crisis in our party affairs than to betake ourselves in meekness and lowliness of spirit to Monticello and there reconsecrate ourselves at the feet of Thomas Jefferson. And when we seek to renew communion with the father of democracy let us fervently hope and pray that never again will we wander so far from the old home as we did in the recent campaign, when the fundamentals of our party faith were all but forgotten; when lifetime peaceful neighbors suddenly became virulent enemies; when brother was arrayed against brother and families were torn asunder by bitter and biting recriminations, all on account of issues that were as foreign to the genius of democracy as the brightness of midday is distinguished from the Stygian blackness of midnight.

Grievous as have been our meanderings, it is a mistake to assume that the aberrations of one campaign have in any wise diminished the vital force of democracy. There is no more ludicrous postelection outcropping than the cocksure dictum of hopeless volunteer morticians that the Democratic Party is "dead." A party that polled 15,005,497 votes in spite of the unfortunate and untoward circumstances that divided us in the recent campaign is not exactly a moribund party. Our national ticket polled 1,078,157 more votes than the combined votes cast for three successful Republican presidential candidates of bygone years: Hayes, Garfield, and Harrison. Think of it! It polled 290,853 votes more than were polled by two other successful Republican candidates combined—McKinley in 1896 and Taft in 1908. Think of that! It polled within 719,519 votes of as many as were cast for Coolidge when he swept the country in 1924, and within 1,146,703 of as many as were received by Warren G. Harding in the great landslide of 1920. These figures speak more eloquently than words of the inherent strength and vitality of the Democratic Party and the hold it has on the masses. The foolish persons who speak glibly of the demise of the Democratic Party should remember that democracy, the democracy that wrote the Declaration of Independence and impressed its stamp of righteousness all over the Government of the United States at its beginnings, is composed of those indestructible qualities that go to make up the franchise of freedom. They might as well talk of destroying friendship or of blotting love out of the human heart. It can't be done.

What the Democratic Party needs at the present time is no mourners—there is no corpse—but a revival of Jeffersonianism, a steeping in the ancient party faith, with a determination such as actuated the grim old warrior of the Hermitage when he waged his epochal campaign 100 years ago to make the principles of that faith a living realization. We need to return to elementals, to examine once more the philosophy that makes us Democrats. God gave us a beautiful world to live in, with riches enough to make everybody happy. It is inconceivable that there would ever be a time when the resources of the earth, bending to the genius of man, would not prove adequate to enable all human beings to live in happiness and contentment, if life were guided unerringly and universally by the golden rule of doing unto others whatsoever ye would that others would do unto you. But some men are selfish. They want to crowd their fellow mortals out of the picture and lay up treasures for themselves beyond all human needs. They are always striving, through privileged statutes and executive concessions, to pile up wealth that Midas with his golden touch might envy. Others are born tyrants, cursed by an insatiate desire to lord it over their fellow beings. With such elements at work pursuing their selfish aims, human society becomes warped and the designs of the Creator are frustrated in the same measure that special privilege has its sway.

Thomas Jefferson, the philosopher, and Andrew Jackson, the protagonist in the great battle for equal rights, set themselves with nerves of flint against these perversions of government. Both saw that special privilege has a thousand hands, and each hand has an itching palm to clutch the fruits of honest industry. "We declare it to be self-evident that all men are created equal," wrote Jefferson in the opening sentence of the Declaration of Independence, and there you have not only the cornerstone but the archway and the superstructure of the greatest temple of government ever erected among men. Just as the Nazarene, by his whole life and example, and especially by his inspired utterances on the mount, pointed out that the strong and the rich and the powerful have no corner on heaven, so Jefferson demonstrated in his chart of freedom that glows with living light that the welfare of the individual should be the prime aim and purpose of temporal government. He might have compressed his philosophy into a sentence of seven words: "Keep the lanes of opportunity always open!"

And therein lies the future of the Democratic Party. That is what it should set itself doing now and henceforth. "Keep the lanes of opportunity always open."

Let Democrats buckle on their armor once more to fight not Democrats but special privilege. Let them feel, if they can, the heartbeats of Thomas Jefferson as they kneel at the feet of the great humanitarian and pray for guidance, and then let them breathe into their nostrils some of the fire of "Old Hickory," as they go forth, as he did, to battle, with unfaltering faith and courage that touched the stars, for human freedom and the rights of man.

This is big enough a program for the Democratic Party, not only now but forevermore. For the conflict between special privilege and equal rights is eternal. Men may come and men may go, forms of government may change, the sun himself may grow dim with age, but this conflict goes on forever.

If the Democratic Party of America has learned from the recent catastrophe the lesson that it does not pay to wander among the miasmas of hate; that elections are to be won by it on fundamental issues of opposition to special privilege and bureaucracy instead of on collateral questions of ephemeral importance and sheer expediency; if on sober, sound reflection it has learned these things, as I believe it has, then defeat already has been turned to victory and the party faces a glorious future of service.

I have made it my business since the election to interview most of the leaders of our party in both branches of Congress touching the future of democracy, and I find among them a practically unanimous desire to seek a way out of the wilderness and a practically unanimous opinion that the way leads by the gates of Monticello. I am as confident as I ever was of anything in my life that if we only had an Andrew Jackson to lead us we would soon be started in the direction of the promised land. I do not believe it will be difficult for Democrats to get together, and from my investigation I am convinced the following four points will be the ultimate basis of reunion:

1. A tacit agreement that there shall be no proscriptions on account of religious differences, and that the waning religious issue shall be permitted to fade out of existence.

2. Recognition by the vast majority of Democrats that whether or not, as many believe, the eighteenth amendment is as permanent a part of the Constitution of the United States as the amendment against slavery, it is a subject on which both Republicans and Democrats are divided and should never again enter into political campaigns as a party issue.

3. A grim resolve to fight special privilege and to keep the lanes of opportunity open for all deserving men and women.

4. A solid front against Federal bureaucracy and paternalism, to the end that taxes may be reduced, centralization may be checked, and the priceless boon of local self-government may be restored to the people.

These four points comprise the essential basis of a get-together policy which I am led by the consensus of leaders whom I have interviewed to believe will afford common ground for a reunion of the party during the next three years into a militant, aggressive, forward-looking organization. I have canvassed leaders of all wings of the Democracy that flapped so inharmoniously in the late campaign, and not one leader was irreconcilable. With a touch of sentiment almost bordering on pathos, one remarked, "I want to go home," and when I asked him what he meant by "home" he replied:

"The principles of Jefferson and Jackson are good enough for me."

When the Democratic Party holds true to the course charted by Jefferson and Jackson it wins. When it takes up quarrels and issues of momentary expediency and puts them ahead of "equal rights to all, special privileges to none," it loses. When it wanders after strange gods the people no longer have their former interest in it. They chasten it with defeat, but always there comes a time when the mists clear away, when it returns to the fundamental doctrines of the fathers, which are as sound to-day as a century ago, and then it rides triumphantly to victory. The Democratic Party is always needed to fight the battles of the common man who, though born naked into the world, nevertheless possesses a kingly dignity and certain inalienable rights, including the right to life, liberty, and happiness, which are coexistent with his birth and coextensive with his being. It is needed to checkmate the grasping pirates of privilege, to strike at extravagance and waste, to "keep the lanes of opportunity open." When it is used either as a battle ground to settle grudges or as the vehicle for some passing fad it ceases for the time to be effective, and its return to power depends upon how soon it shakes off the will-o'-the-wisps and returns to fundamentals.

I know that in certain circles it is customary to speak of Jeffersonianism as something archaic and old-fashioned. It is nothing of the sort. There are some things that never grow old. The Sermon on the Mount is the same flood of light now as when the Master delivered it. The principles of Jefferson, adapted to present conditions, are to-day the best solvent of our national problems.

The problems of our time in their broad, general scope are very much the same as the problems that confronted the sage of Monticello and that faced the stern warrior of the Hermitage an even century ago when he led the outraged farmers and toilers in his fierce fight on the minions of special privilege. It is true there is to-day no national bank with a death grip on the country's throat—the Federal reserve

act of Woodrow Wilson's administration marked the end of political control of the banking system—but a thousand Nicholas Biddles are operating in a thousand ways to filch the honest earnings of the poor, and their nefarious occupation is made possible by privileged statutes and moss-grown practices that will some day fall before the artillery of another Andrew Jackson when the roll of the masses is called and the plain people again come into their own.

Governments do not create wealth. No government on earth ever made a dollar of real value. Wealth is created by the brain and brawn of men and women. But governments can, and do, influence the distribution of wealth in ways that do great injustice to the creators of wealth. The government that takes wealth from its creators and turns it into the coffers of favored beneficiaries who have no right or title to it is not an honest government. It fosters a class of Robin Hoods, who toil not, neither do they spin, but who in all that makes for comfort and softness of living are bestowed as happily as Solomon in all his glory.

I verily believe that if Jefferson and Jackson could realize how this country is rushing pell-mell toward centralization; how rampant special privilege has grown to be; how bureaucracy, enthroned in Washington, exercises lethal dominion over the land and the inhabitants thereof, they would turn over in their graves. For there is hardly any conceivable paternalism of which the Government is not now guilty, from running a railroad to instructions in the homely art of putting the swaddling clothes on a baby. Bureaucracy is in full flower at Washington and the bureaucrats are becoming the lords and masters of the Nation. There is no private business that is safe from interference, for a bureaucratic army of 30,000 agents, inspectors, and spies is abroad in the land, tantalizing business interests and stealthily prying into the private concerns of individuals.

While the farmers of our country are begging Congress for relief from intolerable conditions and getting a stone, 9,000 agents and inspectors of the Department of Agriculture, composing a legalized army of spies, are out in the rural districts harassing the men of the soil with inquisitorial rules and regulations hatched in the bureaus at Washington. When the farmer asks for bread the bureaucrats give him a peremptory order to clean up his premises. When he suggests a tariff that will afford him at least half the show in the game of life that is accorded the industrialists he is answered by the crack of rifles killing his livestock. If ever a class of our people had a special grievance, the farmers of America are in that fix now. While inflation of the war period still exists for the benefit of the industrial and commercial classes the farmers have been crucified by deflation. While Congress gives them the husks of empty promises the bureaucrats ride them with regulations, seen and unseen, and they are forced by tariff legislation passed in the interest of the industrialists to pay top prices for all the things of life. Their situation is best described as being nothing it should be and everything it ought not to be, and presently, if they see the facts in their true light, the farmers will be looking for an Andrew Jackson to speak in their behalf to the masters of privilege in the thunderous tones of righteousness that brought the people's oppressors to their knees 100 years ago.

From the vantage point of the press gallery at Washington I have been watching for nearly 30 years the processes of government run. I would be less of a patriot than I think I am if I did not feel a deep concern for my country, having beheld for so many years the deadly growth of centralization and its accompanying evils, bureaucracy and paternalism. Slowly, but surely, the Federal Government has taken on enormous powers by robbing the sovereignty of the States until to-day it rides astride the Nation like a colossus. Even the most uncompromising apologists of Federal power now admit that the Washington Government has become "top-heavy." The States are not blameless. When offered this, that, or the other appropriation as a gift from Washington they have permitted themselves to be insidiously seduced, ignominiously surrendering their power, one after another, to the bureaucrats. Everywhere there has grown up a deplorable tendency to look upon Washington as the Nation's Santa Claus and to yield priceless local freedom as the exchange for appropriations that in the last analysis come out of the pockets of the people who suffer by the exchange. Bureaus once created never die. In my long experience I have never known of a bureau being abolished. Starting very humbly and with barely enough appropriation and personnel to get the camel's nose into the Treasury they soon begin to flourish like the proverbial green bay tree and keep on growing until the camel's entire body is inside the breastworks.

It was the design of the fathers that all of the executive functions of government should be transacted by the great Cabinet departments, of which there are now 10, but as centralization has gone forward with seven-league boots commissions, boards, and other agencies have been created that outnumber the departments 4 to 1. Nothing more vividly illustrates the extent to which extra constitutional powers have been assumed by the bureaucrats than the fact that there are now more than 40 commissions, boards, and independent establishments, reaching out their tentacles in all directions, grabbing powers of the citizens, weakening local self-government everywhere, sapping State sovereignty, and spending every year hardly less than a billion dollars wrung from the earnings of the taxpayers.

Once I thought I had found a Government commission that was not gifted with everlasting life, but I was mistaken. It was the National Screw Thread Commission. I doted on that commission because, of all the commissions I knew, it apparently was one that was mortal. And then it was such a romantic commission! After Congress seemingly had exhausted the whole gamut of possiblities in devising commissions to exercise paternalistic dominion over the people it scratched its collective head, thought long and hard, and then brought forth a commission to standardize screw threads. There is your beau ideal of a commission—one to standardize screw threads! I was in the Press Gallery when the bill passed and I gave three inward cheers because, tucked on at the end of the act, was a clause limiting the life of the commission to six months.

That was back in 1918. Ten long, eventful years have elapsed and the commission is still going strong. It has attained a robust existence and an honored and permanent place in the Congressional Directory, where it may be seen on page 327. Three times its life was extended, and finally Congress got tired of this piecemeal business and made it a "continuing commission," so I suppose we shall have the screw threaders with us forever. And in this land of opportunity what an incentive it is to every honest and ambitious statesman to so live and serve his party that in the mellow evening of life he may approach the lengthening shadows with calm and peaceful dignity as a member of the Screw Thread Commission.

What are the evidences of centralization? He who essays to answer that question will find his task well-nigh interminable. I shall not undertake to do more than glimpse a few examples on the horizon. The Government for some 10 years has been operating a barge service on the Mississippi and Warrior Rivers. It bought and owns the capital stock of the Inland Waterway Corporation, the former owner of the barge line. The Government conducts the river business and it owns and operates terminal railroads. Deficits, when they occur, afford no concern, for they are conveniently paid from the taxpayers' money in the Federal Treasury. It is the same as if the Government, with all its power and resources, should decide to operate an electric railroad from Wooster to Canton in competition with private enterprise or, on a greater scale, should initiate a Federal-owned transcontinental railroad service, using the resources of the Treasury to buck competing lines. Will some one kindly explain to me what business on earth the Government has of operating a barge canal?

I doubt whether even the Bank of the United States in the palmiest sway of Nicholas Biddle, when Andrew Jackson determined to strike it down as a national menace, ever possessed more power over the welfare of our citizens than the power, statutory and assumed, that is to-day possessed by the Interstate Commerce Commission. Please do not construe me as imputing any tyrannical intentions to the Interstate Commerce Commission. I know Ernest I. Lewis, chairman of the commission, intimately, and I say unreservedly that it is fortunate for the country he occupies the position. He is wise, level-headed, and as patriotic a man as there is in America, but I shudder to think what could happen if the commission should fall into the hands of selfish and designing men who would exercise their powers tyrannically. Probably all of the commission's acts to date have been righteously conceived and beneficently executed. I know nothing to the contrary. But in the Lake Cargo decision it unquestionably proved that it has the power by manipulating rates to prosper one community and blight another; to transfer misery and squalor from one section to another section; to make one city blossom as the rose, while another fades and withers. Congress itself has no magic wand to do things like that. Therefore it is difficult for me to conceive how Congress, if it chose, could delegate such powers to its creature, the Interstate Commerce Commission; but somewhere out of the mysterious sky the commission has grabbed these miraculous powers and folded them to its bosom.

Bureaucracy, overmanned, everexpanding, often arrogant, touches with its domineering attitude almost every phase of life. If Andrew Jackson were in the White House, many of these bureaus would subside or, by the eternal, there would be a warfare that would rock the continent. Take, for instance, the Bureau of Indian Affairs. It is weighed down with highly paid officials whose names fill page after page of the Official Register, so that one almost wonders who gets the lion's share of the thirteen and a half million dollars appropriation annually—the bureaucrats or the Indians. As long as poor Lo is regulated and coddled by bureaucracy, he will remain a helpless and pathetic ward of the Nation, but if the bureau were abolished and he were turned over to the States, he would have an opportunity to learn something of the rights and obligations of citizenship. That would be hard on the bureaucrats, but some very good thinkers believe it would be good for the Indian and the taxpayers. In the atmosphere of bureaucratic Washington, the seasoned observer can not escape the conclusion that many bureaus do not exist to serve the people quite so much as to give fat-salaried and high-powered jobs to bureaucrats.

Bureaucracy has produced myriad forms of paternalism which paralyze individual initiative and tend more and more to centralize the Government at Washington. This aggression, so destructive of local self-government, is not resented as it should be because it comes sugar-

coated in the guise of a great boon from the Federal Government. The popular slogan "Let Washington do it" would be more meaningful if it were couched in that other pharse: "Let us surrender our rights and powers to a centralized government." The people who are complacently yielding to this piecemeal dismemberment of local self-government should know that in encouraging the centralization of their affairs in Washington they are digging the grave of the American Government as it was conceived by the fathers. I fear that unless another Andrew Jackson arises to arouse resentment against the trend of government and pilot the ship of state into safer channels, we shall ere long have a republic in name but an absolute bureaucracy in fact, which has been described by no less an authority than Senator BORAH as "the most wasteful, the most extravagant, the most demoralizing and deadly form of government which God has permitted to torture the human family."

Instances of paternalism, big and little, hit us in the face at Washington every time we turn around. The Department of Agriculture has just completed a survey of fibers used in men's clothing and announces its solemn conclusions in Miscellaneous Publication No. 31. The survey discloses the horrendous fact, recorded on page 3, that many men are not wearing union suits, undershirts, or drawers, and the equally stupendous fact that 57 per cent of the men replying reported that they are wearing more silk and rayon socks than they had during the preceding five years. Here paternalism makes some epochal revelations, but it falls short of its duty. It should inform us whether or not it is true that the men are deliberately doing without underwear in order to build up the financial stamina necessary to acquire the silk socks. And if this is found to be true, then paternalism, in order to keep up to date and vigilant, ought to swing into action with a counteracting money-squandering campaign for a better-drawered manhood.

While the paternalistic Department of Agriculture is thus revealing a shocking absence of men's nether garments, the Department of Commerce's frog is jumping into prominence faster than Mark Twain's "jumping frog," which may partially be explained by the fact that it does not have as much lead in its insides. When it comes to shining examples of paternalism the bulletin of the Department of Commerce on the propagation of frogs will always be outstanding. Common sense would suggest that the Federal Government should leave the task of propagating frogs to individuals who are frogistically inclined, but Uncle Sam, standing away up there in his supernal majesty, orders the steady, easy-going frog to multiply and replenish the earth. There is in this book a most romantic chapter on the love affairs of frogs which brings to mind the old nursery rhyme:

"The frog he would a wooing go
Whether his mother would let him, or no."

We learn from this chapter that the gentleman frog sings, or rather croaks, when in love, and that he does not hesitate to die in battle in an effort to win his lady.

It remains for the Cornell savant who wrote this bulletin for the department to furnish clear and specific directions which any boy who aspires to be a frog culturist may readily grasp. For instance, quoting from the bulletin:

"The aquatic salamander, like the newt, frequently pulls off eggs from a frog's egg mass for food. The large forms, like the mud puppy (Necturus) and hellbender (Cryptobranchus), may eat frogs' eggs or larvae if favorably situated. Among frogs there are several species whose adults do not stop at fratricide or cannibalism. In fact, it is one of the factors which has led some frog culturists to abandon bullfrogs, which will feed on anything from frogs to alligators, not even sparing their own progeny."

The freckled Ohio lad who wanders around barefooted in the marshes and herds his frogs will know hereafter—thanks to good old Uncle Sam—that he must be on the look-out for the Necturus and the hellbinder or the Cryptobranchus. However, he may extract some comfort from the reflection that by the time one of his fractious bullfrogs has devoured an alligator it probably will be tired enough to hunt a corner somewhere and rest. I have heard it said that some tight elections have been won by polling the frog vote, and I recommend this bulletin to our politicians who are interested in increasing the number of frogs.

The modest oyster, which takes all kinds of insults without squealing, is the subject of more than 20 Government publications dealing with its habits, its ancestry and its crustaceous kin, and its ultimate gastronomic destination. In one of its absorbing works entitled "The Principles of Window Curtaining," the Government directs housewives how to arrange their window curtains. Numerous bureaucratic publications are devoted to instructing mothers in the duties of motherhood, and in every instance the author of the publication is a confirmed old spinster.

A United States Senator told me the other day that when he was in the Far East he read a survey of the industries of Japan, issued by one of our Government commissions. It was regarded in the Orient as a standard work. It occurred to him that it was very kind of our Government to go to the trouble and expense of performing this service for Japan, but that it probably would be a long time before Japan or any other foreign country surveys our industries for our benefit.

Congress this winter is living up to its usual paternalistic form. For the purpose of enabling the Public Health Service to send out emissaries and teach the people how to kill flies, screen their windows, drink pure water, and otherwise take good care of themselves, after the normal fashion of sane and circumspect beings, Congress passed an appropriation of $250,000 in the Treasury appropriation bill. The Senate tried to add $47,000 to this amount, but that was a little more than even the fatherly house could stand, and the extra amount was stricken out in conference, leaving an exact quarter of a million to be spent for this beneficent education in fly killing, window screening, etc. Be it said, to the credit of Representative WILLIAM R. WOOD, acting chairman of the House Appropriations Committee, an able and consistent foe of paternalism, that he fought this nonsense from start to finish, but he could not get the support necessary to defeat it.

How Thomas Jefferson and Andrew Jackson would shudder if they could see the Government doing all it does to-day, from operating ships and railroads to prescribing castor oil for babies! If the drift toward paternalism continues, we shall have American life standardized according to forms prescribed at Washington; education will be acquired through uniform textbooks and the everlasting sameness will destroy individuality and initiative in the growing youth; the bureaucrats will tell us what to think and how to think it!

The natural accompaniment of this luxuriant paternalism is a perfect maze of laws which confront the citizen at every turn and annoy him with statutory "Thou shalts" and "Thou shalt nots." The dictum enunciated by Jefferson and supported by Jackson of "the least governed, the best governed" has been perverted by the bureaucrats into "The most governed, the best governed." Altogether there are 52,499 statutes, which have been codified into a volume of 2,465 pages and over 5,000,000 words. The purpose of every paternalistic statute is to coddle somebody or some class and the expense of coddling is borne by those who are not coddled. The people pay the freight. The whole network of paternalism is only special privilege in another name, and it is special privilege run wild. The theory underlying all paternalism is that some are to prosper at the expense of all. It is a false theory; it is undemocratic; it is un-American.

As Democrats we should take a stand for economy in Government; for the stoppage of the enormous waste; for a simplification of the forms of government; for the elimination of bureaus and agencies that are pyramided sky-high on the fundamental structure of our fathers until the amazing superstructure entirely obscures the original and grinds our people with needless and oppressive taxes. In Washington we have half a dozen bureaus, each with its own overhead, gathering statistics, when one statistical bureau would suffice for all purposes. We have one department with jurisdiction over the polar bear, another with jurisdiction over the black bear and still another lording it over the cinnamon bear.

We have bureaus vying with each other in spending the people's money without any sense of cooperation or economy, as when the Army and the Navy during the World War and thereafter went out into the markets and insanely competed with each other in the purchase of supplies, each seeking to secure the utmost advantage over the other. In a reorganization of the Government, in the abolishment of paternalistic bureaus and in a systematic coordination of other bureaus to do away with overlapping, all to the end of restoring Jeffersonian simplicity and efficiency in American institutions, democracy faces one of its greatest opportunities. We should not only take a stand against these sinister spawns of paternalism but we should fight them incessantly until the whole country becomes aroused to the danger that confronts us. Oh, for another "Old Hickory" to lead our Nation in these crucial times!

With special privilege corrupting the body politic and breaking out in such hideous splotches as the oil scandals; with centralization all but complete and paternalism everywhere invading fields that should be sacred to private endeavor, the hope of the Nation is in a return to common honesty in government. From out of the background of history come the glory circled figures of Jefferson and Jackson to point the way. In them the image of God shines most brightly. Just as they held true to human rights in the beginning, so will they not fail us now. Let us, one and all, cultivate their love of humanity until it becomes once more a flaming torch to light up the cities and the deserts, the prairies and the granite hills. And as Democrats who believe in Jefferson and Jackson let us not fail to exemplify in our own lives the wonderful philosophy of helpfulness and equality, one toward another.

The beauty of our philosophy is that it fosters comradeship. It makes brothers of you and me, and all of us. It binds men one to another with hoops of steel. It recognizes the eternal truth that a hickory shirt or calico dress may cover a heart as pure and true as any that beats beneath purple and fine linen; that virtue dwells as often in humble cottages and by-ways as in palaces. Unlike a government dominated by bureaucrats and catering to special privilege, it is no close corporation. Into its community of service whosoever will, may come. At its table is always spread a feast of love; it invites the oncoming generations to take their stand for brotherhood and equal rights, and posterity

throngs to the reception. We should manifest an interest in people, not for the purpose of exploiting them but for the purpose of assisting them to higher and happier levels of living. We should love our fellow men for what we can do for them and not, as the exponents of special privilege would have it, for what we can squeeze out of them. The concern of this Nation should be to see that the average citizen prospers; that however hard and drab may be the surroundings of boys and girls, in whose breasts a righteous ambition burns, they shall have their chance to grow into the larger life; that their God-given right to reach the full stature of useful manhood and womanhood and to enjoy the fruits of honest toil shall not be barred or abridged by privileged statutes and practices that rob them of their birthright before they have fairly started on life's journey.

We can do nothing finer, we can do nothing grander than to help our fellow mortals over the rough places of life. That is what Thomas Jefferson did; that is what Andrew Jackson did; that is democracy. And when democracy comes before the people unalloyed nothing can beat it; nothing should beat it, because it is in consonance with the best there is in life.

I once heard a captain of special privilege say sneeringly of one of my fellow Democrats: "Oh, he is just a plain, honest, sincere person; that's all he is." That is all any of us should ever want to be. A nation made up of "plain, honest, sincere persons" would be about as near millennial perfection as any nation I can imagine. The essence of democracy is simplicity. The greatest thing in the whole world is service, and we should not forget that true service has a spiritual quality. If I love you I will serve you devotedly, nor ever count the cost. And so it is with service on the bigger scale, commonly known as the public service. The incentive and the inspiration of all genuine public service is love, and love flows from a sympathetic human understanding.

Let us, therefore, as Democrats, strive to reestablish in this country a public service in which the individual citizen will be the uncrowned king of all; in which selfishness and sordidness will be supplanted by love and equality, as envisioned by the mighty Jefferson. Let us forget all differences and as a party fight as Jackson and his rugged followers fought to bring the Government back to its constitutional moorings. When we do this we not only will put our party in line for certain victory, but we will be rendering the very best service it is possible to render to this great American commonwealth.

LIEN FOR TAXES

Mr. FLETCHER. Mr. President, I present an opinion published in the Internal Revenue Bulletin of January 7, 1929, headed "Section 613—Lien for Taxes," which I ask may be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

SECTION 613.—LIEN FOR TAXES

(VIII–1–4056. G. C. M. 5432)

REVENUE ACT OF 1928 AND PRIOR REVENUE ACTS

"A notice of lien filed by a collector with the proper official covers all the property and rights of property, whether real or personal, belonging to the delinquent taxpayer, and operates as a lien on bank deposits of a taxpayer and on debts due a taxpayer though a specific notice of the lien has not been served on the bank or on the debtors of the delinquent taxpayer."

An opinion is requested as to whether a notice of an income tax lien duly filed and recorded operates as a lien on bank deposits of the taxpayer and on debts due to the taxpayer when specific notice of the lien has not been served on the bank or on the debtors.

Under the provisions of section 3186, Revised Statutes, as amended by section 613 of the revenue act of 1928, an income tax lien covers "all property and rights to property, whether real or personal," belonging to the delinquent taxpayer. This same provision was contained in section 3186 in its original form and also in its amended forms as appearing in the act of March 4, 1913 (37 Stat. 1016), and in the act of February 26, 1925 (43 Stat. 994), so that an outstanding income tax lien, whether notice thereof was filed before or after the enactment of the revenue act of 1928, must be regarded as covering all property and rights to property of the delinquent taxpayer.

The provisions of section 3186, Revised Statutes (in its original and its amended forms), have often received judicial construction, as, for example, in the following cases: Osterberg *v.* United Trust Co. (93 U. S. 424), United States *v.* Snyder (149 U. S. 210), United States *v.* Kaufman (267 U. S. 408), United States *v.* Allen (14 Fed. 263), United States *v.* Curry (201 Fed. 371), In re Wyley Co. (292 Fed. 900), Heyward *v.* United States (2 Fed. (2d) 467), In re Baltimore Pearl Hominy Co. (5 Fed. (2d) 553), and Sherwood *v.* Sherwood (5 Fed. (2d) 991).

The cited cases as a whole fully sustained the validity of the Government's lien for tax upon the property and rights to property of a delinquent taxpayer; and while those cases adjudicated since March 4, 1913 (when section 3186, Revised Statutes, was first amended to require the filing of a notice of the tax lien to make the same valid as against mortgagees, purchasers, and judgment creditors), do not specifically pass upon the question submitted, they recognize, by implication at least, the validity of tax liens, notices of which were filed in the manner prescribed by the statute.

It will be noted from a reading of section 3186, Revised Statutes, as amended by the act of February 26, 1925 (in which amended form the phraseology of the 1913 form was preserved in totidem verbis, there being inserted in appropriate places in the second proviso thereof a designation of certain local officers of the States of Connecticut, Rhode Island, and Vermont as among those with whom notice of tax lien might be filed), that a collector was under no obligation to furnish a copy of the notice of lien to any bank or debtor of the delinquent taxpayer. The collector's duty under the law was performed fully when he filed the notice of the lien in the office of the public official authorized under the statute to receive the same for filing. The identical situation is existent with respect to notices of lien filed since the enactment of the revenue act of 1928. As an administrative policy based on a desire the better to protect the interests of the United States and to enable depositaries (such as banks, trust companies, and other holders of assets or credits of delinquent taxpayers) to become advised of the existence of tax liens, collectors have been permitted to furnish depositaries with copies of the notice in exceptional cases. These copies are not furnished in all cases. Indeed, they could not be, for in a great majority of cases where notices of lien are filed the exact location of the taxpayers' property is unknown to the collector filing the notices.

Neither is the copy, whenever furnished to a private person (whether corporate or individual, as distinguished from the public officer designated by law as the proper recipient of the original notice), furnished because of any legal right to receive the same. It is intended merely as an informative document respecting the claim of the United States upon the property and rights to property of the delinquent taxpayer. The question submitted for opinion must therefore be answered in the affirmative.

In this connection reference is made to another process in the internal-revenue practice which often is confused with the filing of notices of lien. The process of distraint authorized by section 3187, Revised Statutes, et seq., is one of the processes by which an existing lien for taxes may be enforced. Under section 3187, as amended by section 1016 of the revenue act of 1924, a bank account is subject to distraint. Collectors are directed when levying upon a simple contract debt, such as a bank or other deposit, to attach to the original notification form, addressed to the depositary, a copy of the warrant of distraint and of the notice of lien. Whenever distraint of a bank account is sought to be made, the depositor is entitled to a copy of the notice of lien. In connection with the process of distraint, attention is directed to section 1114(e) of the revenue act of 1926, which indicates clearly the duty of all holders of assets belonging to a delinquent taxpayer, or in which he has legal rights, to surrender the same to the collector upon the service of a distraint warrant in order to avoid the liability imposed by this section upon one who declines to honor the collector's levy.

C. M. CHAREST,
General Counsel, Bureau of Internal Revenue.

ENFORCEMENT OF PROHIBITION

Mr. JONES. Mr. President, I have gathered together some data with reference to prohibition and prohibition enforcement that I ask may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

FOR THE BEST AND MOST PRACTICABLE PLAN FOR MAKING THE EIGHTEENTH AMENDMENT EFFECTIVE

DURANT PRIZE CONTEST, 1928

[Progress report by Durant award office, January 5, 1929, New York]

THE DURANT PRIZE OFFERS

1. August 27, 1928, contest announced; $25,000 offered for the "best and most practicable plan for making the eighteenth amendment effective."

2. August 28, $5,000 offered for the best and most practicable plan from any high school or preparatory school.

3. Committee of award announced, as per page — herein.

4. December 1, contest closed, with 23,230 contributors from every State in the Union, every colonial possession, and a score of foreign countries.

5. December 4, committee of award organized.

6. Mr. Durant offered facilities and services for whatever study of plans the committee might direct.

7. December 4–20, all plans and supplementary letters and documents were studied; 64,000 proposals were checked and tallied in proper classifications; helpful comments, facts, or local color were crossed and noted on cards; special features were marked for later study; plans were grouped and regrouped, until 230 were left for intensive comparison, with all identifying marks removed.

8. December 20, the committee of award worked from 10 a. m. to 8.30 p. m., reading, grading, and comparing 20 plans; selected by

number the 2 plans to receive the $25,000 and the $5,000 prizes; notified Mr. Durant that they preferred to adjourn without knowing the names of the two winners; and suggested that a "mosaic" of best suggestions from all plans be published.

9. December 25, the winners were announced and renewed public discussion of law enforcement began.

FOREWORD

By W. C. Durant

JANUARY 1, 1929.

Now that the award of the prize committee has been published in full throughout the country, with its aftermath of comment from Government officials, editorial writers, and others, it may not be amiss to disclose the idea which prompted the offer made by me last summer.

Before sailing for Europe it became necessary for me to renew my passport, and in making application therefor I was required to take the usual oath of allegiance by which I promised to support and defend the Constitution of the United States against all enemies—foreign and domestic.

On my way across my thought reverted to our country's greatest domestic enemy—the bootlegger. I knew that the bootlegger, our country's greatest enemy, was so systematically organized and protected that he could, with perfect confidence and with absolute security, traffic in death-dealing and health-destroying poisons. I knew that the bootlegger, our country's greatest enemy, recognized no law and would stop at nothing to gain his ends.

I knew that Government agents were subsidized and witnesses intimidated by the bootlegger, our country's greatest enemy, and that this great criminal class were being encouraged and supported by honest, decent men and women of America, otherwise law-abiding. I feared that unless something more were done the situation would get beyond control, and while I did not wish to pose as a reformer, I submitted the prize offer in the hope that public interest might be aroused and a great national movement inaugurated that would to some extent correct the distressing and dangerous conditions existing.

On my arrival in Paris I decided to offer a prize for the best and most practicable plan to make the eighteenth amendment effective, and appointed a committee of 15 men and women of prominence and unquestioned integrity to pass upon the plans submitted. The invitation to the several members of the committee reads as follows:

"As an advocate of law observance and for the purpose of attracting the attention of the best minds in our country, I am offering a prize of $25,000 for a practicable plan, if such can be suggested, for the enforcement of the eighteenth amendment. I am desirous of securing the cooperation of men of prominence, competent to deal with a subject of such national importance, and am appointing a committee of 15 to review the plans which are being submitted in response to my offer.

"The committee will organize itself and will have entire control of the work, determining policies and methods of procedure. If, in the judgment of the majority of the committee, no practicable and worthy plan is submitted, the prize will be paid to any charity designated by the committee. I extend a cordial invitation to you to become a member of the committee and will be greatly honored if you will accept. Please understand that I am not inviting a discussion of the merits of the eighteenth amendment, but expect the contest to be confined to the best plan to make the law effective."

Plans were submitted by Federal judges, district attorneys, ex-Cabinet officers, Senators, and Representatives suggesting changes in penalties and improvements in legal procedure. Plans were submitted by prohibition officers, with valuable suggestions for extending the work of prohibition agents and in raising the level of the personnel.

Plans were submitted by ex-governors, mayors, chiefs of police, sheriffs, coroners, and prison wardens based on the illicit-liquor conditions in their own localities and their reflections on the question. Plans were submitted by thousands of other eager men and women contributing their thought and effort to the cause of law observance. A total of 23,230 plans was submitted containing information of great value. Some of these plans will be published in full, others in part. A study of the plans submitted will bring the conviction that earnest and sincere thought and invaluable constructive suggestions have been given to the subject by thousands of people.

In his speech accepting the Republican nomination for President, August 11, Herbert Hoover, referring to the prohibition situation, said:

"Common sense compels us to realize that grave abuses have occurred, abuses which must be remedied. An organized, searching investigation of fact and causes can alone determine the wise method of correcting them."

In line with Candidate Hoover's declaration, why not a congressional fact-finding committee to discover and inform the country, President Coolidge, and President-elect Hoover as to why the eighteenth amendment has not been satisfactorily enforced? This fact-finding committee would gather much information that the President needs and that the people want.

To such a committee I would gladly turn over the rich material in the files of the prize contest, but if such a committee were appointed I would suggest an appropriation sufficient to defray the expenses of many hundreds of men and women who, as evidenced by our files, would be able to give such testimony as would awaken the sleeping conscience of millions of otherwise law-abiding citizens who are now thoughtlessly encouraging and supporting the country's greatest enemy—the bootlegger.

I am convinced more strongly than ever that the people upon whom our country depends for happiness and prosperity are determined that the bootlegger, our country's greatest enemy, must go. Telegrams, telephone messages, and letters from leading business men and other leaders of public thought leave no room for doubt that a nation reared on "Don't give up the ship," "We have just begun to fight," "Millions for defense but not one cent for tribute," will never yield to bootleggers, hijackers, and official lawbreakers.

This résumé of the contest's purpose and first results is a first move toward making available the veritable mine of material contributed to our contest. I hope it will prove helpful in learning what next steps our Government and all our educational forces might profitably take toward making the eighteenth amendment effective.

THE PRIZE OFFERS

NEW YORK, N. Y., *August 27, 1928.*

The first duty of a good citizen is to obey the law. The highest law of the land is the Constitution. Part of the Constitution is the eighteenth amendment. It was put into the Constitution by an overwhelming vote, passed by Congress, and ratified by the legislatures of 46 of the 48 States. Action contrary to the law is a crime and the offender is a criminal.

For the widespread disobedience to the liquor law as embodied in the Constitution the business leaders of the country are very largely responsible. Had our business leaders frowned upon instead of encouraging bootlegging, had they observed the law and encouraged its observance, had they raised their voices in protest of public and private violations, had they used their money and their influence to obtain a fair trial for one of the best measures ever adopted by this or any other country—in other words, if they had supported the Constitution of the United States—our public officials (including our judges), our children, our servants, our employees, and the thinking public generally would without question have caught the spirit of law observance—a very necessary requisite if we are to have a safe and permanent Government.

Bootleg liquor has become the most widely advertised factor in the social life of men whose names are synonymous with success, wealth, and power in their communities. The contagion of their lawlessness spreads through the entire population. This means impairment of the carefully built safeguards of personal and property rights. Business leaders, who have the largest stake in law observance, set the example of law defiance.

It is my belief that the majority of our people do not want the eighteenth amendment abandoned. It was made a part of the Constitution because there was need of it. People want it enforced and obeyed.

In order to give expression to the soundest thought in the country on the subject I offer a prize of $25,000 for the best and most practicable plan to make the eighteenth amendment effective.

The prize will be awarded by a committee of prominent men and women now being selected.

Competitive offerings must be typewritten and not exceed 2,000 words in length and must be submitted prior to December 1 to the prize committee on eighteenth amendment, Room 2401, Fisk Building, New York City.

Prize will be awarded and paid December 25.

W. C. DURANT.

TO PRINCIPALS AND HEADMASTERS OF SECONDARY SCHOOLS

The major issue in our country to-day is the problem of law enforcement and obedience to law. To paraphrase the words of Lincoln, it is a question whether our institutions can endure with a citizenship half lawless and half law-abiding.

It is my belief that the majority of our people do not want the eighteenth amendment abandoned. The legislatures of 46 of the 48 States voted the eighteenth amendment into the Federal Constitution because there was need of it. Naturally the people want it enforced and obeyed.

In order to give expression to the soundest thought of the country upon this subject, I have offered a prize of $25,000 for the best plan to make the eighteenth amendment effective. Herewith a copy of the $25,000 prize announcement.

I have now decided to offer a further prize of $5,000 for the best and most practicable plan submitted by a student in a high school or preparatory school. Of this sum, $1,000 will be awarded to the student submitting the prize-winning plan and $4,000 to the student's school.

Your institution is invited to submit a plan selected from among those prepared by your students, the successful contestant in your school to be chosen by an elimination contest conducted under your direction. Each school is entitled to present only one plan.

The prize award will be made by a committee of prominent men and women now being selected.

Competitive offerings must not exceed 2,000 words in length and must be submitted prior to December 1. Prizes will be awarded and paid December 25.

Plans received in the high school-preparatory school competition, if of sufficient merit, are likewise eligible to compete for the grand prize of $25,000.

Possibly some of your students may be interested. The work of preparation would be an education in the complexities of our greatest national problem which, after all, must be solved by the younger generation.

Plans must be typewritten and forwarded to prize committee on eighteenth amendment, room 2401, Fisk Building, New York City.

Very truly yours,

W. C. DURANT.

WHO CONTRIBUTED?

Answers poured in from every State and Territorial possession and from every type of locality and person. One reader, through whose hands only a small part of the plans passed, jotted down the following vocations:

Ex-Cabinet officers.
United States Senators and Representatives.
Federal judges.
United States district attorneys.
Officers of the Army, Navy, Marine Corps, and Coast Guard.
American consuls.
Bureau chiefs.
Scientists in Government employ.
United States marshals.
Enforcement officers.
Secret-service men.
Postmasters and railway mail clerks.
Governors and ex-governors.
Judges of State supreme courts.
State attorney generals.
Judges of lower courts.
Prosecuting attorneys.
Clerks of courts.
Legislators and other State officials.
Sheriffs.
Coroners.
Mayors of large cities.
Chiefs of police.
Deputies, constables, and policemen.
Justices of the peace.
Wardens of prisons.
Presidents of universities.
Deans of colleges.
Professors.
School superintendents.
Principals of high schools.
Headmasters of private schools.
Instructors and teachers galore.
Bishops.
Clergymen of many denominations.
Officers of the Salvation Army.
Heads of hospitals.
Surgeons, physicians, and research men.
Captains of Infantry.
Bankers.
Manufacturers.
Merchants.
Salesmanagers.
Engineers.
Chemists.
Architects.
Electrical experts.
Lawyers.
Authors.
Editors, correspondents, and reporters.
Advertising men.
Publishers.
Psychologists.
Shipmasters.
Pharmacists.
Trainmasters, dispatchers, conductors.
Certified public accountants.
Bookkeepers.
Court reporters.
Executive secretaries.
Private secretaries and stenographers.
Clerks and floorwalkers.
Janitors.
Cigar makers.
Tailors.
Milliners.
Window dressers.
Trained nurses.
Dieticians.
Lumbermen.
Railroad employees.
Miners.
Farmers and stockmen.
Officers of farmers' organizations.
Officials of labor unions.

Leaders of the Women's Christian Temperance Union, Anti-Saloon League, and other organizations supporting prohibition.

People occupying high places in various secret, fraternal, and benevolent orders.

Officers or members of sororities and women's clubs and societies.

Officers of the Grand Army of the Republic, Veterans of Foreign Wars, American Legion, and other patriotic organizations of ex-soldiers.

To the above list many more sources might be added, including humorists, "colyumists," and contributors to vox populi or readers' forum columns of newspapers.

Over a hundred plans were received from foreign countries, although only citizens were eligible to compete. One was from a general in the Brazilian Army. Another was written by an official in China. A number of Japanese competed. Paris and France were well represented. Other plans came from England, Germany, Italy, Holland, Sweden, Norway, Denmark, Rumania, Australia, Austria, Bermuda, Brazil, Canada, Haiti, India, Mexico, Poland, Persia, and Spain. Many were written in foreign languages. Missionaries in Africa, Asia, and Oceania contributed.

A Cuban would have propaganda to show how foreigners ridicule the United States on account of its lawlessness.

A Bolivian would give rewards to those who tell of lawbreakers; take licenses away from ships and automobiles found to contain illicit liquor; give special prizes to policemen who detect citizen violators; and imprison bootleggers three years.

A Peruvian would recognize that the solution must start with the family; would hold parents responsible for minors' offenses; and have equal penalties for women.

A Frenchman would have citizens recognize that the best way to suppress is to replace and would have wine cultivated to replace liquor.

Two plans from Brazil agreed in recommending that photographs of lawbreakers be publicly displayed. Two agreed that offenders should lose their civil rights. One would treat medical alcohol chemically so as to make it undrinkable, imprison all those found under the influence of drink until they tell where they got it, confiscate all property of those found to manufacture not under the law, confiscate all machinery and accessories of law violation, have employers promise to discharge all drinkers, and deport foreigners found to be violating the law.

Another Brazilian plan would take licenses away from physicians found to violate the law, would send a person to jail for a third offense, take civil rights away from bootleggers, and broadcast posters for public education.

THE COMMITTEE OF AWARD

Fifteen accepted Mr. Durant's invitation to serve on the committee of award. Ten participated in the final reading of 20 plans and selecting two winners. They were:

Chairman, W. O. Thompson, president emeritus Ohio State University and moderator of the Presbyterian General Assembly, Columbus, Ohio.

Secretary, William H. Allen, director of the Institute for Public Service, New York.

George Gordon Battle, attorney, New York.

Dr. S. Parkes Cadman, minister, editor, radio teacher, Brooklyn (by proxy).

Maj. Gen. James G. Harbord, president of the Radio Corporation of America, New York.

Robert L. Owen, former United States Senator from Oklahoma.

Owen Roberts, attorney and special United States counsel, Philadelphia.

Elmer Schlesinger, attorney, New York (by proxy).

G. P. Whaley, president of the Vacuum Oil Co., New York.

The following were unable to attend:

Jane Addams, Hull House Social Settlement, Chicago, because of illness; United States Senators BORAH and GLASS were detained in Washington by legislative duties; Bruce Barton, advertising specialist and author, New York, was unable to return to the city in time; William G. McAdoo, former Secretary of the Treasury, had unavoidable appointments in California, but wrote principles which he felt should be followed; Dr. Stephen S. Wise, rabbi and lecturer, New York, was unexpectedly called to Europe.

HOW CONTRIBUTIONS WERE STUDIED

Every contribution was read by an editorial staff of over 50 editors, governmental researchers, social-science teachers, and school principals at least twice, the more valuable ones from 10 to 20 times or oftener.

Besides being read for the purpose of grouping plans and deciding which should have a more careful study, every contribution was read and

marked for its specific proposals and for its notably useful facts, diagrams, local coloring, or comments. In all, 64,257 proposals were tallied and classified. Moreover, several thousand cards containing material for ready reference are in the permanent file, properly classified under the tally sheet headings.

Thus, besides two winning plans, the contest produced innumerable constructive suggestions that can be wrought into a mosaic or composite best plan for official and citizen use.

Thus plans which were repeatedly placed in group 1 by different readers were finally "denamed," so that future readers should not find the name, address, or any other distinguishing mark upon such a paper. There were 230 of these, which went through several elimination steps, until 20 plans were selected for submission to the committee of award as indubitably the best among 23,230.

On December 20 the committee of award met from 10 a. m. to 8.30 p. m. The plans before them bore no distinguishing marks. The names and addresses of the 20 contributors were in sealed envelopes which the committee never opened. Instead, it adjourned without knowing who the two winners were, preferring to learn, as the public would learn, from the newspapers the day after Christmas.

Many a plan contained so many separate suggestions and so many quotable phrases or otherwise usable data that the checks for suggestions and x's for words to be typed on cards made it look like the mottling of chicken pox.

Although 64,000 suggestions were made, it was difficult, in the hurry with which this work must be done, to convince readers that instructions meant literally what they said, namely, that every single suggestion should be checked. While, therefore, no suggestion appeals in the tally sheet which was not made one or more times, the figure 64,257 is an understatement of the total number of suggestions actually accounted for by the study which Mr. Durant made possible.

WHAT PLANS ARE PROPOSED

In all, 64,257 specific proposals were classified and counted. Many of the weightiest plans urged continuous fact finding as to the actual working of prohibition by all supervisors of enforcement officers; by local, State, and National bodies of citizens; and by the President, as the one individual upon whom final responsibility rests, for defending the Constitution, for enforcing the law, and for learning where, if at all, modification of law is needed in order to make the eighteenth amendment effective.

The prevalence of belief that there must be the "will to enforce" is shown by 16,108 separate suggestions for different phases of basic education and propaganda and 904 proposals for indirect preparedness toward making the eighteenth amendment effective.

Several types of forceful proposals with varying approaches and emphasis are included herewith. They illustrate the many-sided help which leaders of citizen thought and action are prepared to give if Congress, the President, and the President elect will invite it.

MASTER TALLY SHEET OF SPECIFIC PROPOSALS

The 64,257 steps accounted for in the tally related to eight different phases of making the eighteenth amendment effective, as follows:

To organization for enforcement	6,996
To modifying the eighteenth amendment and the Volstead act	7,956
To State or local organization and administration for enforcing	2,569
To international relations	1,392
To education and propaganda	16,108
To procedure for enforcing	12,112
To penalties	15,520
To indirect and general resources for making the eighteenth amendment effective	904

The tally sheet is reproduced in detail with two reminders: It was a working sheet, and its order alphabetical rather than logical for speed's sake in tallying; and it is a photograph of proposals that poured in and carries neither approval nor disapproval by the Durant award office.

Belief in "cave-man" penalties and "hysterical" remedies are reported as forces deserving public study along with 400 proposals for light wines and beer, 1,536 proposals for Government manufacture and sale of liquors, an appeal to put red pants on bootleggers, 1,392 suggestions for winning other nations' cooperation in prohibition enforcement, and 736 for leadership by big business in making prohibition popular, etc.

	Number of persons suggesting
I. Organization for enforcement	6,996
A. Existing organizations	3,388
1. Army, Navy—use	1,171
2. Cabinet	129
3. Civil service—certify	62
4. Courts—more	436
5. Department of Justice, put under	669
6. Governors	116
7. President	337
8. Treasury—retain	134
9. Treasury—remove from	305
10. Other or variations of above: Department of Labor spread information	29
B. New organizations proposed	3,608
1. Bureau in an existing department	114
2. Business men's committee	208
3. Citizens' committee	299
4. Commission for investigation	326
5. Department of prohibition	551
6. Dictator	422
7. Federal commission	486
8. New national society	462
9. Spy system	679
10. Other or variations of above: Enough special Federal courts; dollar-a-year men as enforcers; draft medical profession; research bureau; a West Point for enforcement officers	61
II. United States modification	7,956
A. Eighteenth amendment	774
1. Amend amendment	418
2. Change name of amendment	22
3. Referendum	181
4. Repeal	150
5. Other or variations of above: State option	3
B. Volstead Act	5,340
1. Revise generally	634
2. Light wines and beer	400
3. Government manufacture and sale	1,050
4. Government dispensing centers	486
5. Government control of grain, fruit	460
6. Government control of machinery of manufacture	352
7. Government control of denaturing plants	211
8. No permits—sacramental	259
9. No permits—druggists and doctors	489
10. New padlock law	114
11. Bond alcohol users	115
12. Make home-brewing a crime	240
13. Make violation treason	131
14. Permittees to make reports	135
15. Other or variations of above: Allow home-brew; unlimited prescriptions from doctors and druggists; no injunctions; give profits of Government handling to the poor; make every citizen an enforcement agent; put poison in all industrial alcohol; let churches distribute liquor; require purchaser to register for drug prescriptions; bond hotels; ration families; higher tax on alcohol; prohibit alcohol in patent medicines; examine records of doctors and druggists; require duplicate prescriptions, one for prohibition office; scientifically define intoxication; forbid sale of jugs, glasses, shakers, stills; require search warrants; do not require search warrants; treat Volstead violators as counterfeiters are treated	264
C. Officeholders, employees	1,842
1. Fine the lax	245
2. Hard labor for the lax	109
3. Jail for nonenforcement	717
4. Lose position	743
5. Other or variations of above: Deprive of citizenship; impeach lax judges; do away with elective judges; have more women enforcers; expose heads who do not enforce law; engage only law supporters as enforcers; impeach violating Congressmen	28
III. State or local organization and administration for enforcing	2,569
1. Control dances	69
2. Control clubs and parties	173
3. Control transportation	260
4. Federal money to State	120
5. Federal officers in State	211
6. Police—service reports	91
7. Protect State right	135
8. State director	278
9. State officers—more	231
10. State law like Federal	553
11. State prohibition districts	331
12. Other or variations of above: Disbar attorneys who impede justice; disbar lawyers defending lawbreakers; make violation a felony; punish noninformers; only dry lawyers to try cases; only nondrinkers for jury; other enforcers than sheriffs in rural districts; State's attorney as chief enforcer; State enforcement acts; close night clubs; disarm citizens; uniform State laws; permit wife to testify against husband; impeach lax governors; Federal aid for State enforcement; register drinkers; central police bureaus; nonresidents for judges and jurors; tax towns as cooffenders; a women's committee to appoint and discharge agents	117
IV. Foreign relations	1,392
1. Embassies—no liquor privileges	128
2. Foreign ships—no liquor privileges	86
3. Treaties with other nations	416
4. "Unfriendly act"—smuggling liquor	95
5. Withdraw United States consuls from liquor sources	35
6. Watch boundaries	613
7. Other or variations of above: Extend 3-mile limit to 30 or 100 miles; joint court for international violators; world convention on prohibition; require foreign visitors to obey law	19

	Number of persons suggesting
V. Education and propaganda	16,108
A. Basic education	6,486
1. Church training	1,092
2. General education—constitution	2,629
3. Parents—home training	557
4. Schools—teach civics	586
5. Schools—teach prohibition	1,465
6. Other or variations of above: Americanize; no lady teachers; educate violators; use only drys as teachers; have prize essays; use profits from Government manufacture to educate school children on enforcement; moral suasion; no motion pictures of drinkers; speed up trials; use parent-teacher associations; psychological tests for parents; post office distribute prohibition facts	157
B. Propaganda	9,622
1. Anti-Saloon League	207
2. Big men—lend support	736
3. Federal publicity bureau	363
4. Federation of churches	388
5. Government control—press and speech	392
6. Health and temperance societies	558
7. "Minute men" speeches	264
8. Movies	729
9. National publicity campaign	1,852
10. Newspapers and magazines	1,342
11. Radio	788
12. Scientific research—publish reports	729
13. Woman's Christian Temperance Union	311
14. Slogans	528
15. Posters	130
16. Other or variations of above: Start a prohibition magazine; annual "Antiliquor day"; "Prohibition day"; "National temperance day"; pledge auto drivers; insurance company pamphlets on evils of alcohol; popular songs; omit moral and religious aspects; organize "Old Glory clubs"; cartoon, drama, and novel contests; scholarships; Young Men's Christian Association; Boy Scouts; do away with private dry organizations; good crook stories; tell women that use of liquor impairs their personal appearance; postage stamp with prohibition slogan; national dry workers' council; enlist aid of telegraph companies to refuse rum-runners' messages	305
VI. Procedure for enforcing	12,812
A. Enforcement officers	6,164
1. Larger appropriations and forces	1,004
2. Better type of men	1,646
3. Civil-service appointment	617
4. Drafted by President	124
5. Frequent shifting of fields	184
6. Higher pay	584
7. More raids	169
8. Nondrinkers	507
9. Publish names of personnel	60
10. Rewards for convictions	496
11. Rewards advertised	75
12. Recommended by citizens	56
13. Recommended by clubs	9
14. Recommended by Woman's Christian Temperance Union	18
15. Special training	229
16. Other or variations of above: Use adequate check-up system; only American-born officers; bond all officers; Federal police officers; World War veterans; regular reports by officers; clean up Washington, D. C.; discontinue snooping methods	386
B. Trial	1,230
1. Bondsmen—abolish	100
2. No jury	111
3. Pleading—abolish	65
4. Prohibition cases—precedence	49
5. Search warrants not necessary	385
6. Speedy trial	401
7. Other or variations of above: Only Federal courts; jurors from other counties; more women on juries	119
C. General	5,418
1. Arrest rich as well as poor	623
2. Elect drys to office	623
3. Life record of citizens	113
4. Listing of seizures	33
5. Oath of allegiance	220
6. Pledge officers	297
7. Politics out of prohibition, take	619
8. Police responsible for beats	179
9. Presidential proclamation	162
10. President and Cabinet in favor of law	100
11. Protestant administration	25
12. Recall of judges for nonenforcement	178
13. Reward for informers	1,293
14. Search airports	40
15. Select public officials pledged to law	354
16. Other or variations of above: Let President call governors in conference and governors appoint committees to study enforcement; fingerprint offenders; medal for model commissioner; substitutes for saloons; censor theaters; search automobiles and trucks	430

	Number of persons suggesting
VII. Penalties	15,520
A. Consumer	2,690
1. Equal punishment with seller	1,588
2. Fine	145
3. Intoxicated drivers—revoke license	241
4. Jail sentence	268
5. Jail sentence intoxicated drivers	127
6. Tell source—compel consumer to	299
7. Other or variations of above: Capital punishment for consumer and posterity to fourth generation; who's who consumers and blacklist offenders; flood country with poison liquor to scare people	22
B. Violators in general	12,830
1. Capital punishment	187
2. Convict gangs	87
3. Confiscate property	815
4. Close distributing centers	117
5. Disfranchise	477
6. Deport alien offenders	1,320
7. Fine	568
8. Jail sentence—all convictions	2,122
9. Jail sentence—aiding	326
10. Jail sentence and fine	872
11. Jail sentence and hard labor	505
12. Jail sentence—presence at place	80
13. Life imprisonment	188
14. Moral punishment—ostracize	152
15. Padlock	252
16. Penal farm	191
17. Quarantine	48
18. Publicity for violators	297
19. Reformatory for minors	52
20. Torture	60
21. Whipping	73
22. Women—punish	173
23. More severe penalties	1,856
24. Graduated penalties	1,241
25. No pardon or parole	490
26. Other or variations of above: Brand violators; destroy violators' equipment; extend Baumes law; Federal prisons for bootleggers; no passports for violators; also deport citizens for violation; deport bootleggers; train dogs to catch bootleggers; take children from convict mothers; sink ships carrying bootleg liquor; tatoo violators; if buyer dies, send bootlegger to electric chair; compel bootlegger to go to church every Sunday; fine enough to cover reward; deport those who speak against prohibition; forbid publication of violation; censor wet press; put violators in rogues galleries	272
VIII. Indirect and general	904
1. Abolish poverty	29
2. Christianize the nation	161
3. Deport all aliens	71
4. Pledge all people	300
5. Stricter immigration laws	164
6. Three-quarters jury verdict	24
7. Other or variations of above: Substitutes for drink; cure drinkers; eliminate desire for alcohol; drinking fountains on streets; dismiss students for drinking; no marriage for drinkers; have State referenda; no jokes in newspapers; no ridicule of amendment; compulsory voting; rest rooms for physically tired; pension people living a sober life up to 45 years; round up loiterers; exclude wets from churches; 48-hour week so that workers can enjoy their leisure; public liquor fountain, turned off at night; allow men no trouser pockets, and only one in coat 2 inches deep; destroy capitalism; further restrict immigration; remove curtains from soft-drink places; require every bootlegger to wear red pants and when caught without them to be put in prison	155

THIRTY-TWO SEPARATE ELEMENTS OF THE PRIZE-WINNING PLAN

GENERAL PRINCIPLES

1. Energetically push one plan to a definite conclusion.

2. Strictly observe the individual's personal rights in enforcing the law.

3. Show no leniency to the individual who enriches himself by willful disobedience of law, no matter what his political, social, or financial standing.

4–5. "Let reverence for the laws become the political religion of the Nation"; and expect presidential leadership.

6–7. Recognize that sources of illegal liquor are clearly determinable; fit the treatment of each district to local conditions.

PUBLICITY AND FACT BASES FOR PUBLICITY

8–9. Require agencies of enforcement to keep the public fully informed as to their policies and aims; and to conduct themselves so as to obtain and keep the respect of all classes.

10–15. Secure from each district a detailed account of all sources of its illegal liquor supply; require district officers to formulate a plan for suppressing these sources; require graphic exhibits to show the movement into consumption of all liquids containing alcohol from each source; have these statistics collected monthly to show what has been accomplished; require local publication of local sources for both the local and central authorities; and publish monthly statistics to enable law-

enforcement committees to check their correctness and the accomplishments of enforcing agencies.

NONPOLITICAL INTERFERENCE

16. Expect the President to inform his subordinates, especially prohibition administrators, that patronage and political interference tending to influence the acts of the administrator in controlling the permissive phase must not be tolerated.

CONTROL OF GOVERNMENT PERMITS TO HANDLE ALCOHOL

17. Investigate applications for permits to handle alcohol as banks investigate when extending loan privileges, i. e., go into the business experience of applicants, their moral, social, and financial standing, the probability of a legitimate market for their goods, the soundness of the organization.

18–20. Require permittees to promise to inform the Government in writing as to the time and place of manufacture, so as to permit official supervision; automatically cancel permits where notification is not properly given, and give only temporary permits not longer than six months, until the applicant has proved himself responsible and legitimate.

21–22. Restrict permits solely to legitimate and responsible individuals and eradicate present illegitimate holders.

DECENTRALIZE ADMINISTRATION

23–24. Hold the local administrator responsible for issuing permits and revoking in cases of legitimate handling; and have the Federal Government recognize that in practice it can not become sufficiently familiar with local conditions to allow it to pass intelligently upon applications for permits.

25–28. Require all permittees to keep a strict accounting of their manufacture and distribution of industrial alcohol; strictly supervise manufacturing and distributing; administer or legislate the independent denaturing enterprise out of existence, on the ground that it has no economic place in business; and by administration or new legislation require manufacturers to show the distribution of their products, so that local administrators can trace these products to a legitimate dealer.

LOCATE AND STOP STILLS AND OTHER SOURCES

29. Apply similar principles of investigation, careful planning, supervision, publicity, and rigid enforcement to four other sources—wine, whisky, beer, and stills.

STOP SMUGGLING

30–31. Continue unceasing vigilance and patrol by the Coast Guard against smuggling and require closer cooperation among Coast Guard, customs forces, and prohibition forces.

DESTROY THE DEMAND

32. In a word, so raise the cost of the product that it will exceed the capacity of the consumer to pay, and thus destroy the demand.

THE WINNING PLAN BY MAJ. CHESTER P. MILLS[1]

Any plan logically carried out and energetically pushed to a definite conclusion is better than no plan at all. Unfortunately, except for the Coast Guard, the Federal agencies charged with enforcement have never adopted any one plan and carried it through.

There is no necessity for, nor can there be tolerated any violation of an individual's personal rights in enforcing the law, but there can be no leniency shown the individual regardless of his political, social, or financial standing who enriches himself by willful disobedience of law.

The agencies of enforcement must keep the public fully informed as to their policies and aims and so conduct themselves as to obtain and keep the respect of all classes.

THE VOLSTEAD ACT

The Volstead Act was well conceived and well written. Its provisions are capable of enforcement with few if any legislative changes.

The governmental agencies charged with carrying out the provisions of the act were not well organized originally and had little conception as to the scope of the work necessitated and the responsibility placed upon them. To this failure may be attributed most of the difficulty now being encountered in proper enforcement.

The act authorized a continuation of the use of commercial alcohol, redefining the statutes then in force.

Commercial alcohol was again divided into two classes, (1) completely denatured alcohol considered poisonous and not capable of redistillation, (2) specially denatured alcohol rendered unpalatable and unfit to drink but suitable for manufacture into many articles and capable of redistillation.

Manufacture of grain alcohol and its conversion into completely denatured and specially denatured alcohol; whisky for medicinal purposes and manufactured into tonics; wine for religious use and manufactured into vinegar and tonics; the manufacture of beer—all were to be controlled by permits or privileges issued to reliable persons by the Government.

In the rush to put the provisions of the act into effect these privileges were granted without proper caution; result, there are still large numbers of such permits in the hands of lawbreakers.

There is no necessity for, nor can there be tolerated, any violation of an individual's personal rights in enforcing the law, but there can be no leniency shown the individual regardless of his political, social, or financial standing who enriches himself by willful disobedience of law.

The agencies of enforcement must keep the public fully informed as to their policies and aims and so conduct themselves as to obtain and keep the respect of all classes.

OUTLINE OF PLAN

With the above in mind I submit a plan to make the eighteenth amendment effective and will discuss this plan under four headings: (1) Permissive, (2) enforcement, (3) political, (4) detailed method of controlling the diversion of industrial alcohol.

I. PERMISSIVE

The issuance of permits is a privilege conferred upon individuals or corporations by the Federal Government and it is not only the duty but the right of the Government to inquire thoroughly into the reliability of the individuals or corporations asking this privilege.

This inquiry should be conducted along lines similar to that conducted by a bank when extending loan privileges. Past business experience of the persons, their moral, social, and financial standing, the probability of a legitimate market for their goods, the soundness of their organization, must be thoroughly determined.

In addition, before a permit is issued to any person who desires to manufacture from liquids containing alcohol, there should be obtained a consent from him providing that he will, in writing, inform the Government through its local administrator the time and place where he proposes to manufacture. This notification must be in sufficient time to allow the local Federal administrator to send representatives to supervise the manufacture. Failure on the part of the permittee to give this notification should automatically stop future withdrawals.

Permits when issued should be temporary, not longer than six months' duration, so that local administrators may have further opportunity to determine the legitimacy of the business proposed and the responsibility of the individuals concerned. If such time proves the applicant responsible and legitimate, then a permanent permit may be issued.

The control of the permissive phase is a most important factor. If the issuance of permits is in future restricted solely to legitimate and responsible individuals, gradually the present illegitimate holders of Government permits can be eradicated.

LOCAL ADMINISTRATION

Local conditions make it imperative that the local administrator be responsible for the issuance of permits and for their revocation in case of illegitimate handling. It is impracticable for the central Government to become sufficiently familiar with local conditions to allow it to intelligently pass upon applications for permits.

II. ENFORCEMENT

Enforcement logically divides itself into two groups, (1) imports and (2) domestic supply.

1. After a bad start the Coast Guard has proved that the importation of alcoholic beverages can be suppressed. Statistics show that under 2 per cent of the liquor consumed is imported. I do not mean that this traffic has been eliminated. There are numerous instances along our borders and in the waters of Florida where importation exists. It can be overcome, as the Coast Guard has demonstrated, by unceasing vigilance and patrol.

Closer cooperation between the Coast Guard, customs, and prohibition forces is essential to eradicate this smuggling. The improvement in the last few years has been so marked that the policy of operation now exercised by the Coast Guard has vindicated itself and should be continued.

2. Domestic enforcement resolves itself into the suppression of stills and of diversion under permits. This domestic supply is the source of better than 98 per cent of liquor consumed, and is therefore the essential factor to control.

For control the country is organized into prohibition districts conforming to the judicial districts of the United States. This zoning is satisfactory and creates an organization capable of administration.

LOCAL SOURCES DETERMINABLE

Local conditions in each district vary. In one the supply of illegal liquor may be entirely derived from stills; in another the great source of supply may be diversion under cover of permits. In each district the source of supply of illegal liquor is clearly determinable. The plan of enforcement should recognize this and treat local conditions so as to insure the suppression of local sources.

The central Federal agency charged with enforcement should secure from each district a detailed account of the sources of illegal liquor supply for that district. It should have each district formulate a plan for the suppression of these sources. Statistics should be prepared for each district showing graphically and by figures the move-

[1] Major Mills was prohibition administrator for the metropolitan district of New York from 1925 to 1927, which fact was not known to the committee of award until they read the public announcements December 26.

ment into consumption of all liquids containing alcohol from each of these sources. These statistics corrected monthly should show what has been accomplished toward control of each source.

LOCAL PUBLICITY

An essential is that the sources for each district be publicly made known by the central authorities and by the local administrators; this publicity must be as extensive as possible. In addition, the monthly statistics compiled must be given the same publicity so that various organizations now existing, such as the law enforcement committees, the Anti-Saloon League, and others interested in the law, can check their correctness and the accomplishments of the enforcing agencies.

III. POLITICAL

Lincoln said, "Let reverence for the laws become the political religion of the Nation." Let the President proclaim himself on the subject.

Let him also inform his subordinates, the prohibition administrators, that patronage and political interference tending to influence the acts of the administrator in controlling the permissive phase must not be tolerated. Such political interference is one of the serious handicaps to the effective control of the permissive phase.

IV. DETAILED METHOD OF CONTROLLING DIVERSION OF INDUSTRIAL ALCOHOL

To more clearly define the above plan and to bring out its effectiveness, I will be concrete. The second Federal prohibition district comprises the southern and eastern judicial districts of New York State. The sources for this district are clearly defined as follows: Alcohol, whisky, wine, beer, and stills.

With respect to alcohol, we have to deal with (1) alcohol manufactured by distilleries and denatured at the distillery, (2) alcohol denatured at independent denaturing plants, (3) denatured alcohol diverted by organizations holding permits to use it for manufacture.

Diversions under the first class are comparatively small. The large distilleries which manufacture grain alcohol are, in the main, responsible corporations, highly financed and owning large quantities of valuable real estate. Their business is profitable and clearly defined. Their loss in case they are detected violating the law is so tremendous that it is a great deterrent and nearly insures ligitimacy. Strict supervision should be kept over those distilleries and a strict accounting kept of their manufacture and distribution of the manufactured product.

INDEPENDENT DENATURING PLANTS

The independent denaturing plant has no economic place in business, and here there may be necessity for legislative change in the Volstead Act. If a Treasury Department regulation can not eliminate the independent denaturing plant, then this result should be secured by legislative action.

The independent denaturing plant can secure grain alcohol from one source only and that is the distilleries authorized to manufacture grain alcohol. The independent denaturing plant has only two outlets for its manufactured products.

Completely denatured alcohol that it manufactures may be sold without permit, but is incapable of redistillation and absolutely unfit for human consumption. The present laws requiring this product to be labeled as "poison" are drastic enough to practically insure its legitimate use. The second outlet of the independent plants is supplying permit holders (manufacturers of perfumes, etc.) with specially denatured alcohol.

In both outlets the independent denaturing plant comes into direct competition with the distillery from which it purchases its initial supply of grain alcohol. These distilleries are required to maintain denaturing plants. It is a fact that the distilleries will not as a rule sell grain alcohol to a competitor at a price that will enable the competitor (the independent denaturing plant) to manufacture and compete with them. The independent denaturing plant has no economic reason for existence. Since the independent plant can not usually compete for legitimate business it is often driven to make a living by delivering unlawful supplies to the bootlegger.

DIVERSION VIA "COVER HOUSES"

We now come to the very serious evil of diversion under cover of permits authorizing firms to manufacture from specially denatured alcohol.

The principal method of diversion may be illustrated by an example. A perfume manufacturer as a permit holder receives specially denatured alcohol, for whose use he must account to the Government in records of perfume manufactured and on hand or shipped out.

The crooked permit holder pretends to ship his manufactured product to a wholesaler known as a "cover house." The wholesaler receipts for perfume but actually receives or diverts specially denatured alcohol for the bootlegger.

To disguise the transaction the "cover house" receives from the permit holder invoices and in many cases bills of lading. It acknowledges these invoices and even pays for them as well as acknowledging the bills of lading.

If the courts will not sustain the Government in requiring manufacturers who use industrial alcohol to show such disposition of their products as to enable the local administrator to trace these products to a legitimate dealer, then we need another legislative change.

However, I believe that strict supervision of the manufacturing activities of these permit holders (manufacturers using industrial alcohol) and the requirement that they notify the local administrator in sufficient time to enable him to supervise manufacture, will practically eliminate their opportunities to divert specially denatured alcohol to the bootlegger. The finished manufactured product (perfumes, etc.) is nearly incapable of redistillation and is not extensively used by the bootlegger.

In March, 1926, the withdrawals by such permit holders in the second Federal district were 660,000 gallons of specifically denatured alcohol a month. By unceasing vigilance and supervision of the activities of these permittees their number was materially decreased and this volume was reduced within a year to approximately 351,000 gallons a month, a reduction of 309,000 gallons a month, representing alcohol previously diverted into illegal channels. The remaining 351,000 gallons a month does not represent the legitimate use of this class of alcohol for the district, but it does show what can be accomplished by systematic supervision.

In March, 1926, the cost of this specially denatured alcohol to the bootlegger was approximately $1.10 a gallon. By June, 1927, the cost of this same class of alcohol to the bootlegger had risen to approximately $5.20 a gallon. As the source was suppressed, the cost of the product to the bootlegger rose.

It is not unwarranted to state that as the use of this alcohol approaches legitimate consumption its cost to the bootlegger will rise to such an extent as to make it unprofitable for him to operate, and when this point is reached the solution of alcohol diversion will also be reached.

The conditions of the Durrant prize contest limiting the words to 2,000 forbid further examples. I selected the hardest and most difficult source of diversion to control alcohol, but each of the other sources—wine, whisky, beer, and stills—may be as clearly defined and the method of control similarly illustrated.

This plan is predicated on the sound economic theory that when the cost of the product exceeds the capacity of the consumer to pay, the demand ceases.

Therefore this is the quickest and most economical way of suppressing the bootlegger and speakeasy.

WINNING HIGH-SCHOOL PLAN

By Malcolm D. Almack[1]

Three essentials are necessary to improve the effectiveness of the prohibition act. They are (1) Better knowledge of the law, (2) greater respect for the law, and (3) better administration of the law.

People must know what a law requires before they can obey it. Every day some well-meaning person is taken into court charged with breaking the traffic law. His excuse often is, "I didn't know I was violating the law. I don't want to do it. Why doesn't some one tell me what the law is?"

Many people do not know the exact provisions of the prohibition law. This statement can be tested by asking your neighbor a few simple questions such as—

"Does a citizen have the right, under the law, to make small quantities of liquor at home for his own use?

"Does he have the right to offer such liquor to his friends in his own home?

"How much alcohol must be present in drink to make it prohibitive?

"What is the penalty for violating the State law? The national law?"

Citizens need to know the law to know their own duty in its enforcement. You see some one serving wine. Is he violating the law? Should you report him? How can you tell what your duty is if you do not know the law?

Knowledge of the law keeps many people from violating it. As long as they are ignorant of the law, they keep their consciences quiet by saying, "I don't know whether this is wrong or not." As soon as they know positively that what they are doing is wrong, they usually quit, because they can not bear the idea of knowingly being a criminal.

The remedy for ignorance is education. The first step in this plan is to have the text of the law published in the newspapers, to have it explained over the radio, and to publish a little bulletin which would go to every citizen telling what the law is. These bulletins should be published by the Government, and distributed through churches, schools, service clubs, newspapers, and the patriotic and fraternal societies.

The law should also be taught in the schools. This can be done in classes in history and civics. The topic could be reported on in civic leagues, class meetings, and assemblies. A year's campaign would

[1] Junior, 15 years old, in Palo Alto Union High School, Palo Alto, Calif.

make everyone acquainted with the law. This might be a part of a larger campaign to teach people the new laws which affect their welfare closely.

Knowledge of the law is not enough to insure its obedience. Therefore, the plan includes a method of creating respect for the prohibition measure and for laws in general.

People who do not obey laws seldom think how serious for themselves and for others their attitude is. If everyone took the notion that he would obey a law or not, just as he pleased, this country would soon be destroyed, and there would be no freedom or security for anyone. No man's life or property would be safe, and civilization would perish.

To build up respect for law requires (1) an understanding of the reasons for the law, (2) a spirit of loyalty and good sportsmanship, and (3) strict enforcement.

The second step in the plan is to teach the reasons back of the prohibition act. From the history, they can be led to see that liquor has always been a bad thing. It has been mixed up with the slave trade, with crime, poverty, disease, and everything that is injurious to men, women, and children. They can see that the liquor business has always defied regulation, and that the best thing is to put an end to it altogether.

People should be taught under this plan that prohibition is sound economic policy, because it prevents waste, makes labor more efficient, releases capital for productive enterprise, reduces the cost of government, and adds to savings. Money spent for liquor can not be spent for the necessities of life.

This plan includes teaching that prohibition is good for the health. It makes for longer life, prevents sickness, and insures better nourished and healthier children.

Prohibition is good socially. It reduces the worst kind of crime, decreases poverty, prevents accidents, and improves character.

In order to have facts to teach people, the third step in this plan is to provide a research department as a part of the enforcement bureau.

The means of teaching the facts are the same as are used in teaching the law—publications, radio, school instruction, and speeches.

Every State in the Union has a law requiring that the harmful effects of alcohol be taught in the schools. To carry out the spirit of these laws it is necessary to teach the beneficial effects of prohibition.

The economic values in prohibition should be taught in courses in history, civics, economics, and social problems. The health benefits should be taught in courses in physiology, physical education, biology, chemistry, home economics, business, and general science. The history of the movement should be taught as a part of regular American history.

The fourth step in the plan is to build up such a spirit among the people as will lead them to obey and support the law. This is like good sportsmanship and the spirit of fair play. In our school we have no long list of rules, no jail, no fines, and no punishment, because they are unnecessary. The spirit is to do right, stand by the principal and the teachers, and protect the good name of the school. People will respond to an appeal to loyalty and to honor of the country.

The method is the same as is used by an employer, an Army officer, or a school principal in building up what is called morale.

Particularly should leaders be enlisted. The young men and women in the colleges, normal schools, high schools, and commercial schools favor better conditions. The enforcement of prohibition will further advance America as an example to other nations. Intelligent men and women will join in a great movement for obedience to the laws of the land.

They can be appealed to through schools, newspapers, and magazines, radio, sermons, lectures, moving pictures, and by all means that reach the feelings and awaken the spirit of idealism.

Nothing is better than example in building morale. If the best class of people would band together and agree to observe the law; if they would insist upon others observing the law, their example would bring others into line. People who have any self-respect would refuse to patronize the bootlegger or have anything to do with those who do patronize him. Real law is the sentiment and justice of the people in action. Their awakening is a part of the program.

The fifth step is to be sure the enforcing officers are well organized and capable. The director should be a real leader and a friend of prohibition. The rank and file of the officers should be recruited largely from among young people. Unless unavoidable, no one should be accepted who has ever been connected with the liquor business. The officers should obtain their appointments through the director and not through Congressmen. They should pass a civil-service examination sufficiently strict to guarantee good health, at least average intelligence, and sound character.

Before entering upon their duties, they should take a special training course. This may be for only a month or two, somewhat like the summer camps of the National Guard. At these camps they would be taught the law, how to gather evidence, how to present evidence, and, in general, how to enforce the law.

Another purpose served by this training school would be to build up morale. The best recruits could be selected and given further training for promotion. The supervisors should also watch over the welfare of the men, and the honor of the force should be developed as it has been among the Canadian mounted police and State troops.

The sixth step in this plan is to improve the courts. While little can be done to change the system, an attempt can be made to specialize the duties and increase the number of judges, as was recently done under an amendment to the constitution of California. The people can be urged to cast their votes for judges who will punish violators of the law.

The seventh step in the plan is to try to induce all States to supplement the Federal prohibition act by State enforcement acts. The State bar associations, the American Legion, and all patriotic societies should be requested to lead in this movement.

This program for the improvement of the enforcement of the national prohibition act can be summarized under seven points as follows:

"1. Teach what the law is.

"2. Convince people that it is a good thing and persuade them to support it.

"3. Provide a research division to study the effect and administration of the law.

"4. Lead people to cooperate in the enforcement of the law.

"5. Provide an efficient and well-organized body of enforcement officers.

"6. Improve the courts through specializing duties, adding to the number of judges, and electing capable and honest persons.

"7. Adopt supplementary enforcing legislation in all the States."

The results will not only be better enforcement of prohibition, but greater respect for and obedience to all laws.

A CLOSE COMPETITOR FOR THE HIGH-SCHOOL PRIZE

By Charles Brown, Pawhuska, Okla.

The plan which I have drafted may not prove a panacea for all the evils associated with prohibition and its enforcement, but, if it were followed consistently, I believe that within a few years at the most America would be so dry that only an insignificant number would be able to find fault with the prohibition régime. The plan does not violate any constitutional or traditional rights; it is efficacious and simple with no radical changes from the present method; it will simplify somewhat the intricate order of to-day; and it will meet with the approval of a majority of law-abiding citizens.

As I see it, there are three vantage points from which to start improvement on the existing order of prohibition—(1) with the enforcement service and the activities of that organization by shifting the authority, curtailing the sources, and securing cooperation between State and national agents; (2) with the mode of judicial proceedings; and (3) with the American citizens themselves.

By the provisions of a reorganization law enacted March 3, 1927, many political evils due to corruption in the Prohibition Unit and to interdepartmental friction were noticeably decreased. The most important change inaugurated was the placing of enforcement offices on the civil-service competitive-examination basis. Now that the executive positions have ceased to be "political plunder" much of the graft and inefficiency which characterized the first eight years of prohibition have been eliminated, and the advantages growing out of this will become increasingly evident.

The second important change included the establishment of a Prohibition Unit as an entity, separating it from the Bureau of Internal Revenue and centralizing full authority in the Assistant Secretary of the Treasury. It became his duty to coordinate the activities of the Bureau of Prohibition, the Bureau of Customs, and the Coast Guard, the latter two branches being charged with certain duties in connection with the enforcement of prohibition laws in addition to the work for which they were primarily intended.

With the organization of the 48 States into 22 districts corresponding with the Federal judicial areas and with the changes already mentioned, enforcement was expected to work more effectively. However, though it is a little early to judge accurately the success of the arrangement, the plan apparently has not improved conditions materially. The chief reason for this failure is that the work of prohibition enforcement has been placed in the wrong department. The intrusting to the Treasury Department the problem of enforcing liquor laws is a survival of the former relationship of the Government to the legalized liquor business. Now the Government is interested in suppressing the manufacture and sale of liquors, and the problem is clearly a matter for some other department. Then, too, the Treasury Department has so many bureaus that the departmental heads consider the work of the Prohibition Unit but one of their many duties, and they make no particular effort to crusade vigorously in the interest of any one of these.

The situation in America has reached the stage where disregard and defiance of liquor regulations have led to increased flouting of other criminal laws, and clearly it is time to try stronger measures. Never will prohibition be enforced in the United States by the lackadaisical methods that men who do not believe in it have had adopted in their departments. If the violators ever get such a handling as Hays gave the robbers of post offices, prohibition will be as well enforced and the

principle as thoroughly respected as any other law. The militant mind and soldierly efficiency are needed to curb liquor law violations. Therefore, the best remedy for the evils under prohibition is to transfer the unit bodily to the Department of War, where these attributes flourish in abundance.

To delegate to the War Department the problem of handling the liquor situation is not an impractical suggestion; it is a plausible solution to the problem. On June 19, 1923, President Coolidge signed an Executive order transferring the administration of the national prohibition act in the Virgin Islands from the Secretary of the Treasury to the Secretary of the Navy, and evidently there could be no legitimate opposition to shifting the entire burden of prohibition administration to the War Department, which has an organization well adapted for enforcing the Volstead Act and which could easily work toward such a goal without neglecting its ordinary duties.

If a bill combining the features of the March 3, 1927, enactment and the removal of the Prohibition Unit from the Treasury Department to the War Department were passed, it would not necessitate any addition to the personnel of the enforcement service, but, on the other hand, would subtract from it by utilizing the United States Army. The bill would simply place responsible authority in the hands of those best fitted to have it and would give prohibition execution for the first time the advantages of properly geared machinery.

The second feature of the plan which I have to offer is to shut off the sources of supply. Much of the liquor retailed in the United States is smuggled across the Canadian and Mexican borders, while other contraband is brought to American shores via small boats from Cuba and the Canadian and Mexican coasts.

The first practice could be checked by establishing a border patrol which not only could guard against smuggling liquor but also against bringing in dutiable goods without regard for the tariff law and which could work in conjunction with the Department of Labor to apprehend aliens trying to enter the country in violation of immigration restrictions. Such an organization could be formed easily by the War Department, and the revenue gained would pay in part for the cost of the patrol.

Little can be done to prevent smuggling on the various "rum rows" of the coast except to increase the personnel, equipment, and powers of the Coast Guard. If this organization is to do effective work, it must be given the necessary number of men and boats to place blockades about the areas where smuggling is most rife. Airplanes would prove effective in guarding the coast, and a number of these craft should be added to the equipment of the organization.

In connection with the closing of illegitimate channels, it would be an excellent plan for the dry-law agents to place more emphasis on getting the big bootlegger rather than running from place to place in a futile attempt to nab the thousands of small offenders in America. Hundreds of liquor cases which now crowd the dockets can have little influence or effect on stopping the illicit liquor trade, but if the men who supply the demand were captured and speedily punished, the prohibition trouble would be reduced to a minimum.

My third point under the enforcement program is to get the State and National officers to have better cooperation and understanding of each other. It would be advisable for the national prohibition leaders, or, better still, the President, to call a conference of the heads of State enforcement organizations and the Federal officials to set limits for national and local enforcement and to discuss in general the prohibition situation. They could come to some understanding, and perhaps some one might be able to suggest a policy of cooperation. If no better program could be devised, they might decide that to the national authority would be delegated the task of drying up the sources of supply, and to the local agents would be turned over the work of checking the bootleggers in distributing the liquor. If this were done, the enforcement problem would be simplified somewhat. Also, there would be less duplication of endeavors.

In communities where local sentiment will not sustain a vigorous policy by sheriffs and county attorneys, the Federal enforcement agents should undertake the work of carrying out the dry laws by putting on more agents than in places where the State and municipal authorities are able to handle the situation.

The second phase of my general plan for prohibition enforcement, which is perhaps of even more importance than the reorganization of the machinery for carrying out the purposes of the eighteenth amendment, is the devising of a plan for securing more prompt and effective action in court cases involving violation of the Volstead law. One of the chief troubles with enforcement lies in the slowness and leniency of the courts in the prosecution of liquor cases. Enormous profits are made by violators who are financially able to fight legal proceedings, to secure bonds without the least difficulty, to protract cases unduly, and meanwhile to continue their practices. Bonds should increase in cost; trials should be more speedy; punishment should be more certain. Though the penalty is sufficiently severe, the maximum sentences are so rarely given that it has become necessary to raise the minimum judgment.

The solution of these difficulties is somewhat involved and difficult. To get the big bootlegger rather than the small offender, as I have recommended, would relieve the court congestion somewhat. The best solution to the problem, though it may be rather impractical due to the number of changes required, would be to establish a new class of Federal courts of police-court jurisdiction to relieve the district courts of prohibition enforcement cases.

An excellent way to limit the practice of letting bootleggers out on bond to continue their illicit business would be to do away with the professional bondsman by requiring him to schedule all his assets and liabilities and punishing him criminally if he should make false statements. This method would minimize his opportunities to accept bribes.

The third and final phase of prohibition enforcement, as I see it, is concerned with the American citizens themselves. The difficulty of enforcing an unpopular statute has been shown many times. A mere law-observance program will never make prohibition succeed if the people of the United States regard it as obnoxious. The results of the recent elections seemed to indicate that enforcement has become less distasteful. Therefore, it is an opportune time for the proponents of prohibition to begin anew a program of creating public sentiment or "moral suasion" to make people realize fully the good resulting from prohibition and the evil resulting from the use of alcohol. Law combined with education will stop the liquor traffic.

With the advent of prohibition many of the temperance societies which created popular sentiment against alcohol ceased to be active. When these organizations were most enthusiastic in their efforts, drinking declined, but now that they no longer fight strenuously for their principles, the use of intoxicants is increasing. These organizations should be reestablished and a nation-wide "war on booze" waged. The discoveries of recent research chemists showing irrefutably that alcoholic liquors have no essential medicinal qualities should be broadcast by all advertising agencies available—newspapers, magazines, radio, moving pictures, lectures. It has been shown, for example, that if the laboratory says "more vitamines" the demand for lettuce and cabbages increases. The demand for alcohol will decrease if the people are made acquainted with the fact that the scientist says "no alcohol."

In many schools the physiological results of alcohol are little stressed. The young people of to-day need scientific instruction along this line more than ever before, and the prohibitionists should see that such studies are resumed.

There is one group in particular to which "moral suasion," or perhaps more appropriately "mobilization of conscience," should be applied. It is composed of the wealthy pseudo fashionable who serve bootleg liquor in their homes. When it becomes bad form for the rich to partake of liquors openly and flagrantly, the vast majority of common people will cease to regard serving intoxicants as the correct thing. Education should control the dictates of fashion.

When all the difficulties which retarded the early work of enforcing the Volstead Act are considered, it is remarkable that so much progress has already been made, and if the threefold program which I have outlined were put into action the efficacy of the eighteenth amendment would become increasingly evident. The economic, social, physical, and mental benefits of prohibition would become correspondingly more familiar, and opposition would fall away until eventually most of it would come from the criminal class.

ANOTHER CLOSE COMPETITOR FOR THE HIGH SCHOOL PRIZE

By William Denmark, Senior High School, Springfield, Mo.

William Denmark, of the Senior High School, Springfield, Mo., was accredited by Principal J. D. Hall. His plan survived to the award committee and evoked its praise. Among its telling points were these:

In a large number of cases prohibition agents are men who have secured their appointments through political bosses who happen to be their friends or who are paying them for a political service by "getting them a job" as prohibition enforcement agents. At the present time the Prohibition Department is a dumping ground, as it were, for corrupt and petty politicians, ex-saloon keepers, and actual, if not convicted, criminals. Each prohibition chief, in order to keep his position, must acquiesce to the desired appointments of the political party in power. He is afraid to dismiss an inefficient or corrupt official who is befriended by big politicians. He can not with such a force hope to accomplish to any degree efficient enforcement.

Treaties with foreign nations must compose a part of effective enforcement. The treaty with Great Britain provides, in the main, that the United States will be allowed to board private vessels under the British flag (one hour) outside the limits of territorial waters for the purpose of inquiry and examination of the ship's papers.

Treaties with nations bordering on the United States are also necessary. The treaty with Canada in 1924 providing for the cooperation of both countries in an attempt to stop violation of smuggling laws was a great help, but treaties providing for greater efficiency must be enacted with both neighboring and distant countries.

The Department of Justice is one of the most deficient units in the enforcement of prohibition. At the present time "red tape" delays trials and protects the bootlegger.

The present inadequate punishment must be remedied. The judges must give jail sentences of maximum length instead of fines. It takes

a bootlegger only a short time to repay himself for this fine, but imprisonment will cause him to fear arrest, and so hinder greatly his operations.

Measures must be enacted so that an offender may be brought to trial speedily and his release on technicalities made much less likely. *

The lack of cooperation of State officials with Federal authorities is another evil that can be remedied. The burden of enforcement against the smaller violators must fall to the State and local authorities. Their offices when appointive should be placed under civil-service restrictions. State legislatures should provide in a large measure for State enforcement and cooperation with Federal workers.

Each locality should also demand rigid enforcement from its own authorities. The Federal authorities can not be expected to do all the local enforcement.

State courts should see that the punishments administered are of such proportions as to discourage further violations. Until the State and local officials do their share the Federal authorities are under a great handicap.

Congress must make larger appropriations for the Coast Guard in order for them to maintain a high standard of effectiveness.

The greatest difficulty is, of course, the attitude of the people. There is a nation-wide indifference and many times open opposition to prohibition enforcement. The big business men and community leaders often think nothing of having a "drink" at their public banquet or dinner. They must be made to understand that they are lawbreakers and are influencing many younger men to violate the law. * * *

They denounce the evils of liquor in the open saloon and yet do not hesitate to aid in bringing the same damnable stumbling block where it may cause the downfall of their sons and young acquaintances whom they wish to carry on their businesses.

They must be made to understand that the liberty which they value so highly can be made possible only by strictly obeying and upholding each and every law. The feeling of responsibility and the natural interest in something of their own doing will cause more interest and energetic cooperation than a legion of paid lecturers.

The next step is the changing of the attitude of college and high-school students. Their violations are usually because they want to do something that is forbidden, just as when they were younger they wanted the jam in the pantry. Discussions led by able and respected men in which they may be shown the effect of what they thought were only harmless escapades would have a great influence. If they are made to feel a responsibility because it is pointed out that those younger than they are looking to them to find out what they should and should not do, it will cause a marked effect immediately.

If from the first till the last, from childhood to manhood, constant stress is laid on law obedience, a great work will have been accomplished for the benefit of national prohibition and national integrity.

OTHER STEPS SUGGESTED BY HIGH SCHOOL CONTRIBUTORS

Develop substitutes for the saloon, like recreation centers, gymnasiums, etc.

Cut the "red tape" out of enforcement procedure.

Provide insurance for enforcement officers.

Have the President call a conference to straighten out conflicts between State and Federal enforcement groups.

Prevent bootleggers from receiving tips of raids over telephone and telegraph systems.

Establish psychopathic clinics for treating alcoholics and make treatment compulsory.

Special classes to train immigrants in our laws and the reasons back of them, especially prohibition law.

Have the best people make prohibition fashionable.

Limit the prescriptions druggists may fill for one individual; and provide more careful regulation of restrictions on medicine containing alcohol.

Allow only Government-made liquor for religious and sacramental purposes.

Abolish "bargain day" in courts which grant small fines to offenders pleading guilty.

Use air forces.

Appoint no person as enforcement officer who has a record of conviction under Volstead or State-enforcement acts.

Have offenders put at work while in jail and devote proceeds of their labor to support of their families.

Have schools for all offenders with trades to make them self-sustaining, and send all offenders there, whether rich or poor.

Have artists draw posters favoring prohibition.

Let District police training schools correct the lack of general efficiency in local police departments and have a higher police training school at Washington.

Develop a morale among our police force like that of the Northwest Mounted Police of Canada.

TELLING PHRASES FROM OTHER HIGH-SCHOOL PLANS

There is not enough unity of action between the police forces of State and Nation.

I. ROGERS (Tennessee).

Temperance by force has turned out a poor substitute for temperance by choice.

EVELYN WILSON (California).

Human nature will not allow the majority of people to cooperate in making the eighteenth amendment effective.

R. WILLIAMSON (Massachusetts).

Education is the greatest tool that a foreseeing God has given a starving-for-knowledge mankind.

J. W. GUIMOND (Massachusetts).

In every age there has been something that has stood between the people and true democracy. Rome had its Cæsars, France its Napoleon, and now the United States has the eighteenth amendment.

J. COLLINS (Maryland).

If any considerable number of people so far fail to see the value of a law that they are indifferent to enforcement, those who are in favor of the enactment must take active measures to win a working majority of such opponents to the support of this measure.

PERSIS KRIENBRING (California).

No law can be enforced perfectly.

Liquor traffic submits to no regulation.

Punish the worst offender, the buyer.

The people must want the law in order to have the local officers really try to enforce the law.

The law-breaking agency pays high salaries and the law-enforcing agency must pay high salaries to compete with it.

It has been said that slovenly preparation of cases by prosecutors has been a great factor in perverting justice.

Low salaries encourage organized crime to fight back against the Government by corrupting its trusted servants.

A modification of the prohibition laws would not aid the cause of temperance, but would be a partial surrender to the forces of crime.

A mere law-observance program will never make prohibition succeed if the people of the United States regard it as obnoxious.

In the long space of time allowed between his arrest and trial the accused can find many ways of thwarting justice.

With the advent of prohibition many of the temperance societies which created popular sentiment against alcohol ceased to be active.

Our jury system was undoubtedly an advance step when introduced, and, in spite of the fact that it has been beneficial, it has grown to be an evil.

Another factor that makes justice uncertain is our archaic criminal procedure, which admits of delay. Justice must not delay if it is to be sure.

Money spent for enforcement is an investment that will be richly repaid in the future by a great decrease in crime and by vastly increased prosperity.

One of the greatest mistakes made in the enforcement of prohibition is the appointment of people to offices connected with enforcement who are out of sympathy with the law.

A man who has enough ability, loyalty, bravery, and industry to be a good prohibition agent could get a much larger salary in more pleasant and much less dangerous work.

The present inadequate enforcement of the eighteenth amendment and the Volstead Act is not merely a disgrace to the Nation, it is also causing a growing disrespect for not only the eighteenth amendment but for all law and for the Constitution itself.

External force will never be effective alone.

R. D. WALROTH (New York).

Statistics, however, show a decrease in deaths from alcohol from pre-Volstead days.

F. A. SMITH (Connecticut).

Bootleg whisky can be found at almost all the social events of America's young men and women.

M. ROMAN (Pennsylvania).

The word "enforcement" is an unfortunate one because it arouses a certain amount of antagonism in many people.

BORGHILD BRAAFLAFT.

Justice must be meted out impartially regardless of the social standing of the violator or of any other consideration.

J. L. RANKIN (Louisiana).

If the newspapers praised the work of enforcing the prohibition law enough, the mass of the people would eventually become reconciled to the law.

R. VILLYARD (Texas).

Prohibition is young and like youth, it is weak and must be strengthened. Toward that end these suggestions are offered.

R. HAYES (Michigan).

Young women who would have been mortified to be found in an old-fashioned saloon now frequent the speakeasies and night clubs, flaunting themselves as if they were accomplishing a great feat.

W. MCCARTY (Michigan).

In most crimes the victim and the offender are at odds and the victim assists the police in every possible way, while in liquor violations they are accomplices and try to avoid police intervention.

J. B. HENDERSON (Massachusetts).

It should be remembered that this prohibition act and its origin did not occur in a day, a week, a year, or even a century, but was the culmination of American opinion molded in the mold of American ideals and economic interests.

F. W. ADAMS (Michigan).

Yet one may search and preach, study and investigate, and he will *find that* the cause upon which the ills revolve is the refusal of the people to cooperate with and treat the law of prohibition seriously.

A. ROBINSON (Michigan).

When we spend millions of dollars each year to hire policemen and other officers to enforce the laws, how is it that the laws are so unscrupulously disobeyed? There must be something wrong with our police force and courts.

SOCIOLOGY CLASS, ESCANABA HIGH SCHOOL (Michigan).

The prohibition enforcement problem is a problem of local cooperation. The Federal Government alone can not effectively enforce prohibition.

L. WELCH (Illinois).

The history of our country, and in fact the whole world, teaches us the important fact that when we want improvement in government the best way to secure lasting results is to teach the principles to youth.

B. ATWOOD (California).

In the town in which I live, a town of about 2,000 inhabitants, one can not get good whisky even with a doctor's prescription, and this situation is prevalent throughout the United States.

There are many who would begin making their own "booze" if the bootleggers were put out of business.

Human beings are much more easily led than driven.

Only a complete referendum can answer or tell what the people want done with the eighteenth amendment.

P. REILLY (New York).

Young people grow up without realizing the responsibility of obedience to law.

H. RAINE (Ohio).

Everyone knows who are violating the law in his vicinity and many would report them if they were encouraged to do so.

E. CARTER (Oklahoma).

It is true that dishonesty in a public servant can not be cured on a money basis but the scale of salaries of the prohibition agents, $1,800 to $2,300 a year, is so low as to invite irregularity.

L. GEORGE (Oregon).

It is my opinion that the public press has done more harm than any other agency in opposition to what the eighteenth amendment was supposed to accomplish.

G. U. RAPP (Pennsylvania).

It was the attempt to end the sale of liquor completely in short order that caused these private bootleggers and the breaking of the law.

W. MOLAR (Pennsylvania).

Neither moonshine nor bootlegger would exist commercially were it not for the consumer.

W. COX (Texas).

Finally, it is apparent that there is a shortage of special agents. The force is now inadequate.

H. LONG (Texas).

A plan to make this law effective must be favored by the majority of all the people of this country.

A. W. BRUNNER (Washington).

Pardons in some cases are beneficial, but their use should not become universal.

J. R. POPPE (New York).

Without the drinker there would be no bootlegger. Therefore the real key to the situation lies in convincing the consumer of his error.

H. M. AXTELL (Michigan).

The first known evidence of an effort to control liquor drinking was a law effected by a certain Chinese Emperor about 1116 B. C., who, deploring the evils attendant upon the presence of rum in the empire, decreed that all people partaking of it should be sentenced to instant death.

L. ROWE (New York).

The Chicago regiments of the National Guard were wont to parade with carnations in their guns. They failed utterly to cope with the situation. Scores of people were killed and nothing was accomplished. When, in accordance with President Cleveland's command, the Regular troops appeared on the scene a small boy said, "Them guys hain't got no flowers in their guns." Without a shot being fired the rioting ceased. They meant business, and the rioters knew it.

M. M. MCCULLOCH (Michigan).

There was a joke once which read thus:

"JIM. Our lights burned out on the way going home last night.

"DICK. What did you do?

"JIM. Oh, we just rode like fury, and the cops thought we were bootleggers."

Take that joke the way you will, but it would seem that the "cops" were in favor of the "bootleggers."

MR. DURANT'S TELEGRAMS ON W. R. HEARST'S PRIZE OFFER

January 3 W. R. Hearst telegraphed that he believed prohibition not only un-American but unenforceable and proposed to offer a prize of $25,000 for the "best plan for repealing the eighteenth amendment and substituting temperance for prohibition."

Mr. Durant answered as follows in a telegram to Mr. Hearst at San Simeon, Calif.:

First, let me congratulate you upon your prize offer of $25,000 for the best plan to repeal the eighteenth amendment.

Neither you nor any other giant publisher ever performed a more notable service than this contribution of yours to the question: Are the American people ready to give up and admit the failure of this, the greatest experiment ever undertaken by a free people?

Your prize contest furnishes the rallying point for those whe are ready to admit defeat and want the eighteenth amendment repealed.

My contest furnishes a rallying point for those who are not ready to admit defeat but want an honest attempt made to enforce the law.

You say that in offering a prize on how best to enforce the eighteenth amendment "Mr. Durant is really offering a prize on how best to put the Republican Party out of power."

It will be news to the Republican Party to learn that it will be put out of power by enforcing the highest law of the land—the Constitution.

The Republican Party, as a matter of fact, has just won an unprecedented political victory on a platform whose chief issue was enforcement of the eighteenth amendment.

The principal appeal of the Democratic candidate was his promise to use his high office to urge a relaxation of the liquor laws. Against that appeal millions of votes were massed by men and women determined to suffer no concession to the liquor traffic.

You say that you believe that there is "an enormous middle class, which probably is a majority class, who believe in temperance and believe in personal liberty and realize that temperance can be secured without prohibition, and never can be secured with prohibition."

In a disgraceful situation such as now confronts this great country of ours we have the right to ask of every intelligent citizen an answer to the following: "Are you for the bootlegger, the speakeasy, and law defiance; or are you for the Government, the Constitution, and law observance?" With respect to the above, there can be no "middle class."

It seems to me that the sentiment of the people on this question is expressed by the voting of Representatives they send to Congress, where the liquor laws must be modified, if at all.

Each succeeding Congress is drier than the last. Out of 96 Members of the Senate, 80 are dry. Of the 435 Members of the House, 329 are dry. Among the cities in the last election which turned from the frank liquor appeal of the Democratic candidate and gave their votes to Herbert Hoover, were Chicago, Philadelphia, Detroit, Baltimore, Pittsburgh, Los Angeles, Buffalo, and Cincinnati.

If the Republican Party was swept into power by its promise of law enforcement, how can it be "put out of power" by carrying out its pledge?

I can not believe that, pending repeal, you countenance nullification of part of the Constitution by nonobservance and nonenforcement, turning the country over to the organized bootleggers, hijackers, political corruptionists, and murder gangs now rampant.

I believe that great good will come out of the public interest and public discussion stimulated by your prize offer. In the strict sense of the word, the only possible "plan to repeal the eighteenth amendment" is already in existence, embedded in the Constitution of the United States.

Once an amendment to the Constitution has been solemnly enacted into law, it can only be repealed by a vote of two-thirds of each House of Congress, this vote to be ratified by the legislatures of 36 of the 48 States of the Union.

It is highly important to know what the people think. My contest brought out part of the answer. I am sure yours will bring more of it.

It is a striking fact that the eighteenth amendment was ratified by all but two States. No amendment to the Constitution ever had such a large vote in Congress, was ratified by so many State legislatures, or was ratified in so short a time. We have every reason to think that the American people meant business against the liquor evil and that they mean business still.

For the necessary changes in the enforcement laws we need facts, as President-elect Hoover says. Therefore, I have suggested a congressional committee to find out what is the matter with the working of our enforcement laws. I have offered to that committee the abundant material in our files, contributed by the 23,000 and odd contestants who wrote what they thought should be done. No doubt your contest will contribute a similar mine of material.

I hope that your great influence will be used to secure a congressional investigation.

I am no fanatical dry. I am for law enforcement. If we can't enforce this law, I will be with you for its repeal. But first I want an honest effort to induce the decent people to observe it and force the criminal class to obey it.

W. C. DURANT.

WAS HERBERT HOOVER RIGHT WHEN HE SAID PROHIBITION HAD HELPED MAKE US THE HAPPIEST AND MOST PROSPEROUS PEOPLE IN THE WORLD'S HISTORY?

To Mr. Hearst's lengthy telegraphed and widely published rejoinder that "all we held dear in our political system as well as in our individual independence has been sacrificed to a fetish (prohibition)," Mr. Durant replied by the following telegram January 3:

"The case for the abandonment of the eighteenth amendment will never be more effectively presented than in your message to me of January 2, published in the Hearst papers of January 3 and January 4. I only wish that your powerful pen and the great influence of your newspapers were arrayed, instead, on the side of liquor law enforcement.

"You offer a prize of $25,000 'for the best plan to repeal the eighteenth amendment and substitute in place of prohibition a more liberal and more American measure which will secure for the public more genuine temperance.' If, as a result of your prize contest, a plan having your approval is evolved and made a part of the Constitution and becomes a law you will, of course, expect that your law will be observed. Widespread violation of your law by a large percentage of the people would result in much confusion and disorder—exactly the condition which now concerns every intelligent, thoughtful citizen. I do not believe that a government can exist that does not enforce its laws, consequently, I am for law enforcement.

"Those who are opposed to prohibition have every right to agitate for the repeal of the amendment, just as every citizen has the inescapable obligation to obey that amendment and the laws for its enforcement, so long as it remains a part of the Constitution.

"I believe it is impossible to escape the logic of Herbert Hoover's statement in his acceptance speech:

"'Modification of the enforcement laws, which would permit that which the Constitution forbids, is nullification. This the American people will not countenance. Change in the Constitution can and must be brought about only by the straightforward methods provided in the Constitution itself.

"'There are those who do not believe in the purposes of several provisions of the Constitution. No one denies their right to seek to amend it. They are not subject to criticism for asserting that right. But the Republican Party does deny the right of anyone to seek to destroy the purposes of the Constitution by indirection.' * * *

"'Crime and disobedience of the law can not be permitted to break down the Constitution and laws of the United States.'

"It is idle to deny that, particularly on the part of the 'better classes,' there is to-day widespread disobedience of the liquor law as embodied in the Constitution. For that condition, I am ashamed to say, the business leaders of the country bear a heavy responsibility.

"Bootleg liquor has become the most widely advertised factor in the social life of men whose names are synonymous with success, wealth, and power in their communities. The contagion of their lawlessness spreads through the entire population. This means impairment of the carefully built safeguards of personal and property rights. Citizens who have the largest stake in law observance have taken the lead in law defiance.

"I believe that this is a phase that is already passing. I believe that our business leaders are ready to rally behind the leadership of Herbert Hoover for the law. I believe they are going to stop teaching criminals that the 'best people' obey the law when it suits them, and not otherwise.

"I am confident that Mr. Hoover is going to give this kind of leadership. I believe that, for the first time, we are going to see the Government proceed against the bootleg industry with a wholly honest and effective enforcement service in all departments whose duty it is to deal with the liquor evil. In other words, I think that the law is at last going to have a fair trial.

"I am unable to agree with you that prohibition is a failure as a temperance measure.

"I myself, as a manufacturer, know the vast difference in the efficiency of workmen since the eighteenth amendment. That efficiency has been passed on to them in the rewards of higher money wages. Nobody can measure the increase in happiness in American homes due to the abolition of the saloon and the legalized liquor traffic.

"The mass of the American people, who do not get into newspaper headlines, have become the most sober, contented, and prosperous people on earth. No less an authority than Herbert Hoover says that a good part of the country's prosperity is due to prohibition. In his speech to the Y. M. C. A. in Washington he said:

"'Our country is in the midst of an astonishing increase in wealth and of its wide diffusion among the whole people. The application of the many discoveries in the physical sciences, the increase in efficiency both in workers and executives, the elimination of industrial waste, and the advent of prohibition, have raised our standards of living and material comforts to a height unparalleled in our history and therefore the history of the world.'

"Mr. Hoover has been quoted as saying that 10 per cent of our national efficiency is due to prohibition. We have a national income of $90,000,000,000 a year. If prohibition is responsible for nine billions of this, it is hardly a 'failure.'

"Both of us desire a sober nation, since our prosperity and happiness depend fundamentally upon sobriety. While we differ concerning means of realizing that end, I am quite convinced that out of the discussions of the thousands of plans submitted in the Durant prize contest and the thousands that will unquestionably be entered in the Hearst contest, there will come a volume of information that will do more toward educating the people of the Nation on this great question than any other single campaign of which I have knowledge.

"W. C. DURANT."

CONSIDER EXISTING CONDITIONS

By L. H. Hampton, assistant chief counsel, Bureau of Prohibition

"Practicable: Capable of being put into practice, done, or accomplished—That is practicable which may be accomplished by available means."—(Webster's Collegiate Diction.)

To be practicable, any plan for the enforcement of the eighteenth amendment must consider existing conditions and must contemplate the means available for its execution; legislation proposed must be constitutional and reasonably hopeful of enactment; action and policy suggested must be lawful and reasonably possible of performance. To be effective, it must be practicable and also sufficiently comprehensive to provide the legislation, organization, appropriations, and policies necessary for its successful accomplishment.

On that basis the following suggestions, with their respective supporting reasons, are submitted as a practicable plan for the effective enforcement of the eighteenth amendment:

LEGISLATION

1. Retain existing enforcement legislation, except for certain amendments hereinafter suggested.

Reasons: No legislation could be devised more comprehensively describing and denouncing as crimes the various acts and activities incident to the unlawful manufacture of and traffic in intoxicating liquors, nor establishing a more complete system of control of the legitimate manufacture and use of such liquors, than as now provided by law.

2. Repeal that portion of section 25, Title II, of the national prohibition act, which forbids the issuance of a search warrant for a private dwelling "unless it is being used for the unlawful sale of intoxicating liquors."

Reason: The effect of the present provision has been to afford legal asylum for illicit distilling, manufacture of wine and beer, and storage of stocks of liquors for illegal sale. No similar special protection to criminal activities within a dwelling exists in relation to any other Federal offense. The requirement that "probable cause" be established for the issuance of search warrants in connection with other offenses always has been held a sufficient observance of the constitutional

guaranty against unreasonable searches. Illicit distillers and vendors of liquors have seized the advantage given by this provision and are using "private dwellings" for the operation of small stills and the storage of stocks of liquor, secure from search as long as they abstain from making sales within or directly from the "dwelling." Repeal of the portion of the section above suggested would permit search warrants to be issued for such places upon proof of circumstances, legally constituting "probable cause," coming to the knowledge of the investigating officer by means of his natural senses, as commonly practiced and upheld by the courts as to places other than dwellings.

3. Amend the first paragraph of section 29, Title II, of the national prohibition act to read as follows:

"Any person who manufactures, possesses, transports, or sells liquor in violation of this title shall for a first offense be fined not less than $100 nor more than $5,000 and be imprisoned not less than 60 days nor more than five years, and for a second or subsequent offense shall be fined not less than $250 nor more than $5,000 and be imprisoned not less than six months nor more than five years."

Reasons: (a) Possession and transportation are not as easily veiled in secrecy as manufacture and sale, but are necessary complements to the effectiveness of those offenses and deserve the same penalties. Enforcement has been hindered by the present provision fixing lighter penalties for the more easily detected offenses, which permits a general practice of dismissing charges of manufacture or sale in consideration of pleas of guilty to possession and transportation.

(b) Fixing a maximum penalty of $5,000 fine and five years imprisonment on first and subsequent convictions makes all offenses felonies and enables the courts to impose adequate punishment on first conviction in flagrant cases.

(c) Experience has demonstrated that penalties are not being imposed to adequately punish offenders and deter others from committing violations: Of 58,813 persons convicted for violation of Federal prohibition laws in the fiscal year ended June 30, 1928, only 28.5 per cent were sentenced to imprisonment, the average sentence being 120.7 days; 71.5 per cent were sentenced only to pay fines, averaging $120 each. The relation of penalties to enforcement conditions is easily demonstrated by comparison of known conditions with statistics showing percentage of violators imprisoned or fined, the average imprisonment, and average fine, in various Federal court districts for the last fiscal year:

	Per cent imprisoned	Average term (days)	Per cent fined	Average fine
New York: Southern district (New York City)	1.6	43.3	98.4	$26.03
Pennsylvania:				
Eastern district (Philadelphia)	28.9	88	71.1	124.75
Western district (Pittsburgh)	7.3	109.3	92.7	135.12
Indiana	69.8	77.1	30.2	117.16
Michigan: Eastern district (Detroit)	32.1	175.4	67.9	481.16
Colorado	67.5	159.7	32.5	225.72
Idaho	67.7	152	32.3	295.94
California:				
Northern district (San Francisco)	11.6	89	88.4	304.17
Southern district (Los Angeles)	22.1	104.5	77.9	276.26

Punishment consisting only of a fine, in any amount, does not deter violators; imprisonment does. Provision for minimum sentence and mandatory imprisonment on conviction would lessen the number of violators, relieve the courts of congested dockets, and aid effective enforcement.

ORGANIZATION

"1. Transfer the Bureau of Prohibition from the Treasury Department to the Department of Justice."

Reasons: (a) An error was made in committing the enforcement of national prohibition to an executive department which the public mind does not associate with law enforcement. The American people have traditional respect for established law-enforcing agencies and officers, but very generally have refused to accord that respect to agents of the Treasury; Department of Justice, including in its organization a bureau of investigation, popularly known as the secret service, United States marshals, and United States attorneys in every Federal judicial district, has long been established in the law and in the public mind as the law-enforcing department of the Federal Government. As such, it has the support of a respectful public sentiment. Transferring enforcement of the prohibition law to that department will gain the advantage of that support to efforts for effective enforcement.

(b) The present arrangement divides authority and responsibility for enforcement between two departments, neither being able to require the other to give effective cooperation: Prohibition officers make investigations and report violations to United States attorneys, but can not compel the institution of prosecutions. In several districts where United States attorneys are negative to enforcement this situation results in friction and "buck-passing" instead of coordinated effort. Placing entire authority and responsibility in one department will remedy this condition.

(c) In the enforcement organization of the Treasury Department there has been lack of competent and authoritative legal counsel and direction of enforcement officers. Attorneys there employed are chiefly engaged in permit matters, and in any event can not give authoritative legal direction. The absence of this essential factor in law enforcement resulted in so many violations of the constitutional rights of citizens by unlawful searches and seizures that Congress imposed heavy penalties on agents for such excesses. Innumerable cases reported to United States Attorneys for prosecution are rejected on the ground of insufficient competent evidence. Hundreds of cases have been dismissed upon suppression of evidence illegally obtained. Authoritative legal direction of investigating officers will be provided by committing entire responsibility for enforcement to the Department of Justice.

"2. Separate the enforcement of the criminal provisions of the law from the administration of the permit system."

Reasons: Enforcement of the national prohibition act requires two distinct types of official functions: (a) Enforcement of its criminal provisions, and (b) administration of its permit system. These functions are distinctly different in the service and policy required. A man who has the type of ability and temperament to judiciously administer the permit provisions of the law ordinarily does not possess the genius for investigation and vigor of action essential for successful direction of criminal investigations. Experience has demonstrated that officers having supervision of both functions and who have undertaken vigorous enforcement of the criminal provisions have caused serious complaints of their arbitrary or injudicious actions in connection with matters arising under the "permissive" provisions; but the general public feels little direct concern in the permit system and believes the vigorous, effective enforcement of the law against criminals to be paramount. The result is that where we have administration satisfactory to the business and industrial concerns affected by the permit system conditions are wholly unsatisfactory to the general public. As long as these two incongruous functions are committed to one organization, consideration for legitimate business interests concerned in the administration of the permit system will continue to be a major factor in the selection and removal of supervising officials, to the disadvantage of effective enforcement of the criminal provisions of the law.

There should be separate organizations of personnel engaged in these two distinct functions so as to permit placing at the head of each a man whose past experience and natural ability peculiarly qualify him for his particular responsibility. At the head of the organization for enforcement of the criminal provisions of the law there should be placed a man of thorough experience and demonstrated ability in the investigation and prosecution of crime.

APPROPRIATIONS

"1. Substantial increases in appropriations are essential. Congress should determine by exhaustive inquiry and hearings the amount reasonably needed for effective enforcement."

Reasons: Under policies of economy and retrenchment, effectively applied through the budget system, no annual appropriation so far made by Congress has provided means for an effective effort toward enforcement. For this reason the number of officers actually engaged in the investigation of violations has not exceeded 2,500. Under the eighteenth amendment the Federal Government is having its first experience in the exercise of the police power, yet it has provided for that purpose a force of officers for the entire country that equals only a small percentage of the number of police officers employed by any one of our several large cities. It is just as futile to hope for effective enforcement with appropriations inadequate to maintain a sufficient number of officers to accomplish that purpose as it would be to expect success at arms under like conditions. The "enemy" in this case is well organized, well financed, and directed by shrewd minds; the Government must match him in all three respects if it is to prevail.

POLICY

1. Affirmative action should be taken by the Government, through capable officials of high position, to develop an active and sympathetic cooperation between dry States and the Federal Government in enforcement of the law; thus allowing concentration of Federal officers in wet States refusing cooperation.

2. Faith in the ability of our Government to enforce obedience to its Constitution and laws should be the only spirit, and an earnest purpose to perform its obligation in that respect should be the only policy, of all officers bearing responsibility for law enforcement. None should be commissioned or retained in service who can not prosecute that policy in that spirit.

PRESIDENTIAL SURVEYS PROPOSED

By Irving Fisher and associates

The most practical plan to make the eighteenth amendment effective should be fitted, as nearly as possible, to the policy and methods of the incoming President. That policy, as Mr. Hoover has declared it, is primarily opposed to coercion, bureaucratic extensions, and centralization. Instead, it is a policy of—

(1) Informing the Nation, scientifically and from unbiased sources, of defects and abuses in the application of the eighteenth amendment; and

(2) Invoking the power of informed leadership to remedy the abuses and through organized, voluntary effort to secure general observance of the law.

In his administrative work the President elect has invariably offered cooperation to representative groups of men and women in States and local communities. By employing the principles of decentralized organization, leaving the execution of details to local autonomy, and of cooperation through volunteer committees of leading citizens, Mr. Hoover succeeded largely in regulating the food supply of scores of millions of people in Europe during and after the war; in forming and conducting the United States Food Administration, and in reorganizing the Federal Department of Commerce. He has announced these principles as the heart of his policy during the next four years.

It is inherently improbable, therefore, that any plan to make the amendment effective will be practicable if it fails to embody the principles whereby Mr. Hoover habitually centralizes ideas and decentralizes their execution through organized leadership among States and local communities.

Accordingly, the present plan proposes the establishment of a President's conference on effectuating the eighteenth amendment, composed of a standing committee and subordinate committees of the type of President Harding's Conference on Unemployment, of which Mr. Hoover was appointed chairman.

The proposed conference would organize (1) a survey of defects and abuses in applying the eighteenth amendment, and (2) a concerted appeal for leadership, through all appropriate agencies of the Nation, in correction of abuses and in general observance of the amendment.

PERSONNEL OF CONFERENCE AND SURVEY

For the proposed survey, the conference should create a staff in large part from such organizations as the National Bureau of Economic Research, the Russell Sage Foundation, American Engineering Council, and Government departments. Committees of the conference and collaborating editors under legislative, administrative, and judicial headings should be drawn from bar associations and Government; those under heads of social derelictions and observance, from universities, educational associations, faculties of medical schools and hospitals, federations of women's clubs, social settlements, religious and ethical bodies; and those under business and industrial headings from business men's associations and foundations for economic research.

Organization to effectuate the eighteenth amendment according to this principle should win cooperation of certain leaders in business, education, and law who oppose bureaucratic force in administering the amendment. Appointment of such leaders to conference committees would tend to harmonize all leadership, including that of the press, motion-picture chains, and radio networks, in support of the expressed will of the people and in aid of their elected executives. If by such cooperation the habit of abstinence can be inculcated among the rank and file of the people, the spirit of the amendment will be subserved, and legislative, executive, and judicial problems under it will be vastly simplified.

I. A SOCIAL AND ECONOMIC RECONNAISSANCE SURVEY

METHODS OF PROPOSED SURVEY

Mr. Hoover defines national prohibition under the amendment as a "great social and economic experiment"; he urges, as the first step toward its constructive working out, an "organized, searching investigation of facts and causes" of well-recognized abuses.

His methods in conduct of social and economic investigations, successfully applied in cases enumerated in his speech at St. Louis on November 2, 1928, are not those of political committee hearings; they are methods of engineering management. The methods required for the proposed survey are those described by Edward Eyre Hunt of the Department of Commerce, in the paper and accompanying discussion entitled "Notes on Economic and Social Surveys." Taylor Society Bulletin, February, 1928. Inclusive of raising necessary funds and organizing personnel, they are of the kind embodied in the current Survey of Recent Economic Changes in the United States undertaken by request of Mr. Hoover as continuing head of President Harding's Unemployment Conference, by the National Bureau of Economic Research.

TIME AND SCOPE OF PROPOSED SURVEY

The survey would be designed to bring into sharp focus knowledge about defects and abuses in application of the amendment; to appraise them, and with all reasonable expedition to present the findings as a basis for public and private policy making. The survey should be arranged according to a time schedule as recommended by the conference.

In the interest of dispatch such a survey can not undertake although it will suggest detailed new investigations and research, which should be prolonged under a continuing organization. But this should not be allowed to postpone preparation of the report on the basis of existing knowledge, its publication, and action thereon with all convenient speed.

MAIN SUBDIVISIONS OF PROPOSED SURVEY

Preliminary survey of conditions, 1900–1929; State prohibition, local option, Government dispensaries (South Carolina), and licensed saloon, 1900–1916; war-time restrictions of liquor traffic, 1917–1919; eighteenth amendment and concurrent State laws, 1920–1929. Contrast should be drawn between courses adopted toward liquor traffic in United States and other countries, especially Canada.

1. Legislative, administrative, judicial:

(a) Legislative: Defects in Volstead Act as to minimum and maximum penalties; arrests, search, and seizure; legal rights to seized liquors; "double jeopardy"; injunction and abatement; tenure and removal of enforcement officers; control of industrial alcohol distilleries and warehouses; permits to manufacture articles containing alcohol, forfeiture; use of United States marshals and their deputies as enforcement officers; courts of inquiry respecting violations of law; summoning of witnesses; contempt; evidence relating to sales, manufacture, transportation, possession of intoxicating liquor; evidence of instruments or materials for making same; permits for nonalcoholic malt beverages; alcoholic liquors "fit for use" as a beverage.

Inadequacy of appropriations and salary schedules, State and Federal. Comparison of Volstead Act with body of Federal statutes formerly controlling liquor manufacture, possession, transportation, and sale made inoperative by Volstead Act under section 9, title 3. Regulations "in addition to existing law" under executive discretion of Treasury Department. Relation of Prohibition Unit to Treasury Department; practicability of making unit dependent bureau or placing it under Department of Justice.

Comparison of Volstead Act and existing State enforcement laws. Consequences of repeal or omission to enact State codes—New York, Maryland, Nevada, Montana; lack of sufficient judges, prosecutors, enforcement officials, and agents. Practicability of adopting each State code as Federal law in lieu of Volstead Act within State bounds, leaving Volstead Act to apply only within States and possessions lacking enforcement codes. Possibility of Federal Government cooperating rather than competing with States and assisting them financially, with main reliance on administrative machinery of local government.

Treaties with foreign nations for cooperation; infringement of 12-mile limit.

(b) Administrative: Corruption, crimes of prohibition agents. Wire tapping. "Undercover" agents. Agents provocateurs. Civil-service regulations; examinations. Personnel selection, training, experience among agents and officials. Cooperation of Department of Justice with Prohibition Unit; instructing, training agents. Morale contrasted with that of Secret Service. Concentrating forces in wet districts. Cooperation with local officials.

(c) Judicial: Inadequate courts, State, Federal, handling cases. Jury trials. Lack of verbatim reports of Federal grand juries. Abuses of judicial discretion: Inadequate penalties; overemphasis on technicalities; abuse or insufficient use of injunction clauses. Delays. Insufficient bail bonds. Connivance at perjury and conspiracy by lawyers for defense; tampering with Government witnesses. Lack of rules governing disbarment proceedings for offenses against Federal courts. Election, appointment, impeachment of judges, State and Federal.

2. Social derelictions of habit and observance; health; education:

Attitude of ethical and religious leaders and organizations, social settlements, men's and women's clubs and organizations toward eighteenth amendment; of associations against amendment; of physicians toward restricting prescriptions. Drinking in colleges, high schools, at private tables, social gatherings. Social clubs. Speak-easies. Bootlegging, home brewing, home distilling. Smuggling. Illegal diversion: Sacramental wines, industrial and medicinal alcohol. Public education in light of scientific findings regarding effects of alcohol in (a) wines, (b) malt, and (c) spirituous beverages. Tests of efficiency among drinkers and abstainers in athletic sports and industrial occupations. Accidents from (a) moderate, (b) heavy drinking by motor-car drivers. Effects of moderate drinking in a high-powered age. Findings of insurance companies, other agencies, and individuals on life expectancy of (a) abstainers; (b) moderate drinkers; (c) heavy drinkers. "Bootleg" beverages; toxicity. Diseases and deaths of men, women, and workers as affected by alcoholism (a) before and (b) after adoption of amendment; (c) compared with other countries. Poverty, dependency, crime, industrial accidents.

3. Deficiencies of law observance in business and economic practice as to:

Contract relation between employers and employees regarding abstinence. Concerns requiring abstinence: Transportation, public utilities, manufacturing, mining industries; shops, department, and chain stores. Rules governing personal habits of employers and managers. Moral, material support of amendment by organizations specially benefiting by abolition of liquor traffic—mining, transportation, motor car, radio, motion picture, electric appliances, soft drinks, food and dairy products, confectionery, ice-cream industries; chain and department stores; installment finance companies. Labor unions, company and mutual benefit associations (a) requiring abstinance, (b) supporting amendment. Brewers and distillers; attitude toward companies requiring abstinence; blacklisting. Salvaging of plants of brewers and distillers, and of crops formerly devoted to producing alcoholic beverages.

Conclusion: Chief elements of problem under above headings appraised and interrelated.

II. CONCERTED APPEAL FOR LAW OBSERVANCE AND REMEDY OF ABUSES

The conference recommendations on the survey, as approved, should be carried out by the central committee, its subcommittees, and coordinate committees working through all appropriate existing agencies throughout the States and their subdivisions.

For example, the legislative, executive, and judicial committees should bring the conference recommendations before their respective municipal and State legislatures and Congress for appropriate action; and before municipal, State, and Federal administrations and the local and Federal judiciary. They should cooperate with commercial, industrial, scientific, educational, moral, and religious bodies in organizing public sentiment favorable to needed measures.

Committees on social derelictions, health, and education should employ conference funds in behalf of general abstinence from intoxicants and law observance by means of newspaper and magazine advertisements, posters, motion pictures, speeches, and communications to the press; arranging cooperative meetings with editors and publishers; and by addresses of leaders and experts transmitted over radio networks and by "sound pictures." Educational committees should urge systematic scientific instruction regarding physiological and psychological effects of alcohol in public and private schools and colleges. Committees of women's social organizations should reach their membership by thorough canvasses for pledges or agreements by social leaders (not necessarily personal abstinence pledges) to discontinue serving intoxicants at private tables and social gatherings.

The committees of business and industrial associations, cooperating with labor committees, should urge universal use of employment contracts requiring abstinence by employers and employees alike, and through employees' mutual benefit associations set forth the advantages of increased health and lower insurance rates among abstinent workers.

Such activities will benefit from the experience of emergency organizations during the war—especially of the Liberty loan campaigns and popular canvasses for conserving foodstuffs and materials needed at the front, which through public appeals brought about rapid changes in the habits of the people. Conditions are ripe for such a movement, in which the enthusiasm of organizations of men and women throughout the country awaits the kindling of concerted action and leadership.

In leading this movement the President will have the aid of corps of men and women who under him became veterans in executing plans that have affected the voluntary action of entire peoples, including our own people. The carrying out of the proposed plan would furnish another signal instance in which the cooperation of the Nation's leadership will have "reinforced our individualism" (to use once more the words of Mr. Hoover) "by reducing and not increasing Government interference in business and the life of our citizens"; cooperation that assists "in the cure of abuses by the voluntary establishment of a higher code of ethics and a stricter standard in the conduct of business."

ECONOMIC AND SALESMANSHIP RESEARCH

By Robert W. Davis, advisory editor, McGraw Hill Publishing Co., New York City

The future enforcement of the eighteenth amendment to the Constitution is basically a business problem. As a business problem it must be approached from a practical business standpoint and solved in accordance with the recognized rules of good business procedure. Such has not been the approach to the question up to the present time. It has been treated almost entirely as a "great moral experiment" in a materialistic age where independence of action has dominated all human thought. The amendment was passed as a moral issue against the violent protest of a large minority, a minority sufficient in power, wealth, and strength to render complete enforcement almost impossible. Millions of good Americans feel that the law is a violent intrusion into the sphere of private morals and that it is no crime to disregard it or actively seek to bring about its nullification if repeal can not be obtained. So long as such a conviction abides and increases in this country it is idle to resort to strong-arm methods in the effort to extinguish it. Enforcement can be completely successful only if the normally law-abiding citizenship acknowledge the value of the law. Enforcement through force against the sentiment of a large minority of the law-abiding citizens soon becomes tyranny and can not be permanent in character.

As a business proposition, however, the question enters into an entirely new sphere of human thought and action. To-day even the partially educated readily comprehend the terms "increased efficiency," "increased production," "lower production costs," "larger net profits," "higher wages," "lower cost of living." Such phrases mean "more dollars," "increased purchasing power," "more comforts," "more leisure"—phrases of human well-being which appeal and are readily acceptable to all members of all strata of society. It is as the "great business experiment" and as the "great business asset" that the American people must approach the eighteenth amendment if it is to be ultimately and completely enforced in this Nation. The moral side must be made subservient to the practical business side, and all of the American people must be sold to the fact that in the rigid enforcement of this amendment lie continued future comforts and material pleasures through increased consumer purchasing power.

THE SOLUTION

As a business problem the successful enforcement of the eighteenth amendment falls under four distinct divisions of recognized business procedure:

(Plan 20142)

First. Economic research (practical research into the commodity being sold): A detail and throughly scientific study of the economic assets and liabilities resulting from the enforcement of the eighteenth amendment since its adoption.

Second. Education (an advertising campaign of a superproduct): A nation-wide educational program selling to the American people the economic benefits of prohibition as determined by the economic research studies.

Third. Methods of enforcement (salesmanship research): A study to ascertain the deficiencies of present enforcement methods with a view toward evolving enforcement methods which, if applied, will enforce but not offend.

Fourth. Effective enforcement (sales achievement): Rigid enforcement of the eighteenth amendment among all classes and grades of society in all localities and without partiality.

A NATIONAL PROHIBITION COMMISSION

(Chart 1)

To insure proper coordination as well as to give authority to the economic studies, education and final enforcement, the problem and its solution should be placed under the direction of a special governmental commission. This commission should be designated as the "national prohibition commission," and should consist of the Secretary of the Treasury (under whose direction the eighteenth amendment must be enforced), the Secretary of Commerce (whose function is the upbuilding of American business and industry), and a private citizen appointed by the President of the United States with the approval of the Congress. Such a commission should be established by act of Congress, its functions specifically designated, and appropriations made to carry on its work as outlined in the following paragraphs:

ECONOMIC RESEARCH

The first step in the solution of a business problem is to establish a background, to ascertain the exact situation, and to establish factors which will determine the assets and deficiencies of, as in this case, the product or proposition to be sold to the public. The eighteenth amendment has now been in force for about 10 years. It has been without question an economic asset to the business and industry of the Nation. But what are these assets? How has it affected wages, labor turnover, labor efficiency, production efficiency, production costs, transportation, distribution, retail trade, savings-bank deposits, life insurance sales, financial investments, cost of living, as well as the social side—housing, education, and recreation? These facts are unknown to-day, although they are available and are essential to a convincing sales argument as to the value to be placed by the American people upon the superproduct—the economic advances to be gained by the effective enforcement of the eighteenth amendment.

These miscellaneous economic facts should be ascertained by the national prohibition commission through the operation of especially appointed committees of citizens, expert in the various lines of research. In order that definite and rapid work shall be accomplished by the various committees, such committees should properly come under the immediate direction of the Secretary of Commerce or of the private citizen on the national prohibition commission, dependent upon the type of study to be undertaken by the specific committee. These committees would render a complete report to the member of the national prohibition commission who is directing this work, and these reports would be used by the national prohibition commission as a foundation for the next step—education.

The following committees should be appointed by the national prohibition commission to make these economic studies:

(Chart 2)

Committee of executives, engineers, and economists to study the industrial economic advances resulting from past prohibition enforcement—

(a) Labor efficiency in the factory.
(b) Increased production.
(c) Decreased production costs.
(d) Labor disturbances.
(e) Decreased turnover.
(f) Decreased absenteeism.
(g) Increased cooperation.
(h) Increased wages.
(i) Increased operating suggestions.
(j) Increased interest through stock ownership.
(k) Comparison with foreign labor.

(Chart 3)

Committee of legal minds to study the various sides of the prohibition question—

(a) State enforcement laws.
(b) Relationship between Federal and State enforcement laws.
(c) Eighteenth amendment and Volstead Act relationships.
(d) Canadian prohibition system.
(e) European prohibition systems.
(f) State liquor distribution.
(g) Interstate legal complications.
(h) Federal and State court coordination.

(Chart 4)

Committee of scientists, physicians, etc., to study alcoholic limitation—

(a) Physiological effects of present alcoholic content.
(b) Physiological effects of preprohibition alcoholic content.
(c) Determination of proper alcoholic limit.
(d) Alcoholic limit of foreign countries.
(e) Physiological effects of beer.
(f) Physiological effects of light wines.
(g) Distribution for medical purposes.
(h) Prohibition and general public health.

(Chart 5)

Committee of labor leaders, economists, and social-welfare workers to study the influence of prihibition enforcement upon labor—

(a) Home life.
(b) Recreation.
(c) Education.
(d) Employment.
(e) Strikes and lockouts.
(f) Wages.
(g) Increased efficiency.
(h) Civic responsibilities.
(i) Savings.
(j) Psychological outlook.

(Chart 6)

Committee of ministers of the gospel representing all faiths to study effects of prohibition upon the general religious life of the Nation—

(a) Church attendance.
(b) Membership increases.
(c) Donation increases.
(d) Increased interest.
(e) Increase in number of children in Bible schools.
(f) Increased use of the Bible.

(Chart 7)

Committee of educators to study the effect of prohibition upon the public-school system and upon college education—

(a) Attendance.
(b) Reflection of better home environment.
(c) Increased attention.
(d) Higher marks.
(e) Elevation in general outlook.
(f) Increased interest in colleges in practical subjects.
(g) Increased interest in colleges in cultural subjects.
(h) Influence upon athletics.
(i) Influence on college social life.

(Chart 8)

Committee of welfare workers, economists, sociologists, and psychologists to study social effects of prohibition enforcement upon all classes of the American population—

(a) In the home.
(b) Recreation.
(c) Education.
(d) Civic pride and responsibility.
(e) Savings and investments.
(f) Home ownership.
(g) Comforts.
(h) Freedom from worry.
(i) Elevated marriage relations.
(j) Decreased social evils.
(k) Effect on crime.
(l) Effect on general psychological attitude of the Nation.

(Chart 9)

Committee of economists to study the effect of prohibition upon general economic trends—

(a) Cost of living.
(b) Consumer purchasing power.
(c) Commodity prices.
(d) Cost of living and income, by industrial groups.
(e) Foreign consumer purchasing power.
(f) Cost studies.
(g) General trade.
(h) Foreign commerce.

(Chart 10)

Committee of bankers, executives, and general students of finance to study effect of prohibition enforcement on general finance—

(a) Net corporation profits.
(b) Savings-bank deposits.
(c) Building and real estate.
(d) Security sales.
(e) Stock market transactions.
(f) Corporation investments.
(g) Money rates.
(h) Business failures.
(i) Bank debits.
(j) Taxes.
(k) Federal, State, and city income.

EDUCATIONAL

Having ascertained the facts, having through research established the economic results of prohibition and their place in the present industrial, business, and social structure of the Nation, the next step in the solution of this business problem is to educate the American people to these facts. This phase of the study constitutes the mainspring of the successful enforcement of the eighteenth amendment. The mental attitude of a large minority of the Nation must be changed, not by preaching nor dissertations upon morals but by the presentation of economic facts which will prove to each man and each woman that the enforcement of the prohibition law means increased consumer purchasing power. Adult education based upon the humanly inherent principle of egotism and paternalism is in line with present-day pedagogic thinking. When the American citizen—the business and industrial executive and also the man of the street—realizes that each dollar spent for intoxicating liquor results indirectly in decreased material profits to himself, to his family, to his business, and to his country, then and not until then is he going to back the officers of the law in the enforcement of the eighteenth amendment.

Education is a function of the American Government. The education of the American people by the Federal Government upon this constitutional question, therefore, is not a radical step, but is just as natural a Federal governmental procedure as is the extensive campaign on waste elimination now being waged so successfully by the Department of Commerce. Such education should be in direct charge of the Secretary of Commerce or the presidential appointee as members of the National Prohibition Commission, should be amply financed by congressional appropriations, and should be based upon the following methods of procedure:

1. A weekly publication stating the economic facts of the various surveys.
2. A publicity bureau.
3. Billboards.
4. Radio talks.
5. Lectures in public schools.
6. Discussions before churches, service clubs, etc.
7. Lectures with movie charts.
8. Active indorsement of economic findings by industrial, business, trade, and labor organizations.
9. Cooperation of industrial executives in employee education.

METHODS OF ENFORCEMENT

Having ascertained the true facts relative to the economic benefits of prohibition, having educated the American mind to these facts, and having won the sentiment for the prohibition laws through the weight of economic argument, efficient enforcement becomes the next phase of the problem. This requires first a study of present enforcement methods by committees under the direction of the Secretary of the Treasury:

1. A committee of legal minds to study the present Federal and State enforcement laws with special consideration to revising the laws to make them more effective and more fully coordinated.
2. A mixed committee of legal minds, executives, and welfare workers to study present abuses in the administration of prohibition enforcement.
3. A committee of executives to study enforcement methods best suited to industrial workers.
4. A committee of Government officials to study more efficient methods of prohibiting smuggling and bootlegging.

RIGID ENFORCEMENT

Enforcement agencies:

1. Federal prohibition land force.
2. Federal prohibition water force.
3. State constabulary.
4. County and municipal police force.

As an integral part of the American Constitution the eighteenth amendment should be rigidly enforced. As an economic detriment to the national wellbeing, the importation, manufacture, distribution, and sale of intoxicating liquors should be prohibited as effectively as is the importation and sale of narcotics. If the economic facts are ascertained, the people educated to believe and have faith in these facts,

and the enforcement laws revised to eliminate present existing abuses, the rigid and complete enforcement of the eighteenth amendment should be as easy as is the enforcement of laws against narcotics, general smuggling, and other crimes against the national commonwealth.

JUDGE EWING COCKRELL, CIRCUIT COURT, WARRENSBURG, MO.

(President United States Federation of Justice)

THE PLAN'S FOUNDATIONS

1. The eighteenth amendment is effective—to an extent.

Notwithstanding its failures, it successes have been many, its blessings are great.

The problem essentially is to make it more effective—to multiply these successes and extend these blessings.

The plan here submitted is to utilize all the actual achieved successes of the eighteenth amendment. It presents concrete means of extending the definite methods and practices by which all these successes have been and are being won.

2. Eighteenth amendment effectiveness consists of two halves: (1) Obedience—getting everybody possible to obey it; (2) enforcement—punishing those disobeying it.

This plan covers both halves.

3. Eighteenth amendment enforcement is literally nobody's business. It is *the* business of many independent bodies.

The violator of the amendment fights 19 soldiers of the law. If he whips any one of these 19, he wins the whole battle. These 19 are: (1) Police; (2) prosecutor; (3) trial judge; (4) authority selecting the jury panel; (5 to 16) 12 jurors, any one of whom may block a verdict; (17) appellate court; (18) jailor; (19) pardoning authority.

If the police don't catch a bootlegger, all the other officials are helpless to convict him. If the jailor does not hold him, all the others have been futile in convicting him.

Hence the effective enforcement comes only from all these groups being effective. It requires not one but many "plans."

This plan provides all the "best" enforcement plans for all officials and brings such plans to all officials.

4. Complete obedience must come not from one group of citizens but from all groups.

This plan reaches all groups.

5. The best plans are worthless if not followed.

Officials and people follow their leaders. This plan is, in essence, indorsed by the Nation's leaders—Chief Justice Taft, Vice President Dawes, Speaker LONGWORTH, Majority Leader CURTIS, and Minority Leader ROBINSON, of the United States Senate, and Majority Leader TILSON and Minority Leader GARRETT, of the House of Representatives—and by the greatest force of other leaders ever cooperating in any movement for better law enforcement in this country in this generation.

6. To-day, many officials and individuals are doing finely in part of the work of making the eighteenth amendment effective. But with millions of people interested in making it effective, no official, no organization, no body exists to-day whose job is to get done the parts of the work that are not done.

This plan makes eighteenth amendment effectiveness the definite business of a definite somebody who is able to do effectively the definite things that need to be done.

7. Making the eighteenth amendment effective is a job primarly not of law but of administration.

Our officials normally are taught the principles of what is the law but not the practices of enforcing the law.

There exist no colleges, law schools, or other institutions that systematically teach law administration. And here are our breakdowns.

This plan provides for teaching officials and people the concrete practices that actually are successful in bringing eighteenth amendment enforcement and obedience.

THE MACHINERY AND STEPS OF THE PLAN

Let any individual or organization provide a specific organization (or individual) with the specific job of promoting all the "best and most practicable plans" or parts thereof that are submitted to this award committee or that may hereafter be found.

This organization may work in any State or the whole country.

It can start very simply. For directors, a few leaders of the country (or State). For active staff, one capable executive and a stenographer. Call the organization national (or any State) temperance alliance or other desired name. (Called alliance in this paper.)

Let the alliance through this executive then do any of these things—

1. Investigate all plans submitted in this contest. Outline an investigation through existing literature and among officials, organizations, and others most successful in getting the eighteenth amendment enforced and obeyed of the specific methods and conditions securing such successes and of how they can be established.

2. (a) Notify all enforcement officials and every chief organization of this investigation.

(b) Offer to bring to them free of charge its results in reports, manuals, etc., containing the methods, practices, and principles that have actually proved successful in each department of officials and in each kind of organization, and specifically adapted to use by each department or organization.

(c) Invite leaders of such officials and organizations to approve in advance the plan and steps of this investigation. Offer to modify any proposed steps to meet their approval. Invite them, few or many as desired, to become active or advisory members of the alliance. (Enlist especially "wets" who advocate law obedience.)

This creates an undertaking really by the officials and organizations themselves. This is extremely important.

The national alliance could start quickly with this committee of award as initial directors or members. (Senators BORAH and GLASS would be specially valuable nationally and with officials.) It could quickly be enlarged to the most valuable organization ever formed in this country in this day to support any one law.

3. Make the investigation as planned, approved by the alliance's members.

Compile for each department and each interested organization condensed reports of the successes actually achieved in such department or kind of organization and of the concrete methods, practices, and principles that achieved them. Alliance members first approve these reports.

This could be well done in six months. Striking successes are already known.

4. Get these reports to the officials and organizations through their own committees and meetings, which would explain the reports and urge their use.

This procedure secures the maximum practical use of any plan.

5. Compile and offer to the law schools brief courses and texts that teach the successful principles and practices of eighteenth amendment enforcement.

Compile and offer to the colleges and high schools courses and texts that teach the successful methods and means by which citizens and committees secure both enforcement and obedience.

Assist all schools, organizations, and individuals to establish such courses.

6. Continue and enlarge this work and the "alliances" in every State and community.

7. Offer to organizations and individuals to assist them in any way and to serve as a clearing house on successful methods of making the eighteenth amendment effective.

No such institution now exists. This alone would be an immense, permanent contribution to the country.

8. Publish a small periodical containing accounts of the alliance's work, interesting news, and successes by officials, organization, and communities, short descriptions of methods and plans for enforcement and obedience, and many other helpful things.

Distribute free to all newspapers and interested organizations' heads. Send copies to newspapers in advance with permission to use any material desired.

Secure advertising.

Secure additional paid circulation.

It apparently could be made self-sustaining or better.

It would do a great deal of the work of the alliance already outlined.

No such periodical now exists.

None of the foregoing eight things is now being done.

All of the great results accomplished would be clear gain.

OUTLINE OF PROVED SUCCESSFUL PLANS THAT MAY BE INAUGURATED IMMEDIATELY

I. ENFORCEMENT—OFFICIALS

Police

1. Appointment everywhere of many capable part-time assistant police sheriffs and prohibition agents paid from fines from convictions. This will efficiently multiply police force many times at no cost.

2. Efficient police and agents' schools. Multiplies effectiveness many times. (No new laws or expense.)

Prosecution

1. "Pile-up" (true) charges in number and severity till defendant pleads guilty.

2. File perjury charges where perjury committed.

(No new laws or expense.)

Trial

1. Established "unified" business court organization and procedure. Revolutionizes courts in efficiency and economy.

(By new legislation.)

2. Select only good jurors for all panels.

(No new laws or expense.)

Can revolutionize "jury system."

Judgment

1. Imposition of heavy sentences. Parole after serving part. State control and guidance till reformation proved.

Punishment is a medicine for deterrance and reformation. Don't give it all in one dose.

2. Payments by violators of this law that will pay for all its enforcement.

(No new laws or expense.)

Punishment

Prisons.

1. Employment of prisoners whereby each one earns wages and also supports his family.

2. Training for citizenship.

3. No prisoner released except under State control and guided back to law-abiding life.

Deterrence

Newspaper emphasis lessened on the success of criminals and increased on their convictions, punishments, and miseries.

Personnel

Definite systems of reports and inspection that reveal the honest and corrupt officials and the efficient and inefficient.

(Usually no new laws needed.)

I. SUCCESSFUL PRACTICES BY CITIZENS

1. Organizations asking candidates before election to follow specific effective practices. Much publicity.

2. Citizens' commissions, etc.—

(a) To learn facts.

(b) To assist in criminal law administration.

(c) To promote best legislation.

(d) To educate people on law enforcement.

A citizens' organization is valuable in every county and community.

II. OBEDIENCE

Schools

1. Practical, modern course on evils of liquor drinking.

2. Prizes for best compositions on appropriate topics; sponsored by leaders, especially the rich and "successful."

3. Course on law obedience, advantages, or disadvantages of obedience.

Picture shows

Stories promoting obedience and enforcement.

Newspapers

1. News and other stories of same type as picture shows.

2. Publicity correlating all other steps in enforcement and obedience program.

Organizations, business, social, civic, religious, and other

1. Resolutions that encourage obedience.

2. Joining in appropriate movements, already outlined; furnishing funds where necessary.

3. Organization of special groups, e. g., business houses publicly barring employees who drink—hosts and hostesses not serving liquor, etc.

All the foregoing are established successes; most of those in police, prosecution, trial, and judgment in the writer's own courts. Full reports exist of all.

They show enormous possibilities that can be made realties.

Anybody, the alliance, especially, can promote their establishment everywhere.

This plan put into a specific simple program for the President

An actual part of his job as enforcement official and national leader. Executed with use of but two officials and with little time on his part.

I. ENFORCEMENT

A. Let him have capable officials.

1. Have made this survey of successes of enforcement;

2. Compile manuals of these and of the practices and principles by which secured.

3. Have department (bureau) heads explain the manuals, adapt them to varying conditions and direct their use;

4. Prescribe reports from officials of their use and results;

5. Provide much publicity and encouragement to this successful use; possibly competition and awards.

Above is simply Federal enforcement.

B. 1. Later, or at once, offer these manuals to all State officials;

2. Offer to pay expenses of officials attending conferences where manuals are explained.

In all this, public opinion and officials generally would overwhelmingly follow the President's lead.

Thus, the present achieved, but scattered successes of enforcement would be multiplied enormously over the Nation.

II. OBEDIENCE

A. Let the President have the Commissioner of Education or other official—

1. Investigate the successes of prohibition obedience and means whereby secured.

2. From this investigation compile into reports and manuals—

(a) The best school courses that teach obedience;

(b) The best means for organizations and groups to promote such obedience;

(c) The best family training for such obedience;

(d) How all these are best established.

B. 1. Offer these reports and manuals to all organizations and groups.

2. Offer educational and organization heads capable men to explain and adapt these reports.

Millions of people would gladly follow the President's invitation, and everybody would know what to do.

Now, millions have nobody to follow and know not what to do.

The cost of the essential parts of this presidential program (part A) would be nothing. Existing officials and appropriations would be ample.

Its great extension (part B) would cost only a small sum. Where millions have been spent by the Government to promote the raising of good hogs, thousands would suffice to promote the rearing of obedient children.

Any President can do this, in whole or in part, at any time. Any alliance at any time can help him do it.

OPERATION OF THE PLAN

This plan is for—

1. The suggested "alliance";
2. Any other organization;
3. The President;
4. Any governor;
5. Any group of officials;
6. Any group of people;
7. Any single authority who enforces the law or teaches or promotes obedience to it.

It is usable:

1. In the Nation, any State or group of States;
2. In whole or any part.

We talk much about the failures of this law, but do little about its successes.

Its successes exist and are easy to find.

Let's find them and use them.

ORGANIZE COMMUNITY ACTIVITY

By E. J. Davis, of the Better Government Association of Chicago and Cook County, Chicago

Any practical system to make the eighteenth amendment effective must start with conditions as they are, with the law as it is, and with the men who at present have the power to enforce it.

It also must take into consideration the fact that there can be no thorough enforcement without intelligent local cooperation between the citizens and both Federal and State officials.

Therefore for the best results a system must be adopted which the citizens of any or all communities may use.

The law should be and is comparatively easy to enforce where there is the will to enforce it, because the liquor traffic can not hide itself.

The chief causes for failure in enforcement of the eighteenth amendment in any community are:

First. Lack of accurately informed public opinion.

Second. Lack of reliable information regarding the character and record of public officials.

Third. Lack of organized nonpartisan support for honest public officials.

Fourth. Lack of punishment in the courts and at the polls of dishonest public officials.

With money, the illicit liquor traffic buys political protection and where the traffic flourishes it may be assumed that large sums are used in corrupting public officials and in building a political machine. The corrupting power of such machines, in some States, reaches into influential political quarters.

Organized crime in such communities is powerful because the illicit liquor traffic needs criminals to fraudulently elect public officers who will wink at law enforcement. Officials who will sell protection to the liquor traffic will also sell protection to vice and all forms of organized crime, and will graft upon the public treasury; therefore every law-abiding, patriotic citizen should help enforce the eighteenth amendment.

The present situation will not correct itself. But if there is well-directed, organized community interest and activity the political power of the traffic can be defeated and the traffic destroyed.

Let the community, as a first step to enforcement, form a local group which may be called a better-government association or federation. This may begin with some individual calling a conference of representatives from business, professional, and other nonpolitical groups and organizing under a State charter.

Let such organization begin with the assumption that the officials want to do their duty and that they want the cooperation of the public.

At the very outset have a frank and friendly conference with the officers, assuring them of a desire to cooperate with them.

Study conditions, collect the facts, and if sufficient data is found showing official culpability, invite the officer who seems to be principally responsible to meet with the officers of the association and go

over with him the facts that seem to point to him as the man responsible for the breakdown in law enforcement. Do not gloss things over but fact him with all the facts in a fair and considerate spirit. If the facts are in the nature of court-proof evidence, give them at once to the grand jury. If the evidence is circumstantial only, do not yet go to the grand jury. Sometimes perfectly true and logical explanations may be produced. Give no publicity to your proceedings thus far.

If the official does not respond to this treatment, then the next step is to take the facts to his superior.

Let us assume that the responsibility is located upon a United States deputy marshal; take the facts to the United States marshal, and if he fails to act give no publicity to the proceedings, but file the record for future use and begin on the next case.

If the trouble should be with an assistant United States district attorney, proceed as above, and if necessary take the facts to the United States district attorney. If a prohibition agent is involved, follow the same procedure, finally going to the prohibition director for the district; but still no publicity.

After several cases have been carried through in this way, review the facts in all of them with the United States marshal, the United States district attorney, or the prohibition director and ask what should be done with the facts—shall they be submitted to the United States Senators, or Representatives, to the Attorney General, or to the newspapers? It may be necessary to appeal to the voting constituency of the political sponsor of some of the officers involved, but this should be done only after careful preparation of the field.

The most powerful weapon to secure the enforcement of the law is publicity of the facts, but the publicity needs to be handled carefully or the agency responsible for the publicity soon degenerates, in the public mind, into the status of a common scold and loses its influence.

The more patience used in developing and following the cases through, the more carefully the facts are safeguarded, and the fairer the organization has been in affording opportunity for the officials to buckle down to real law enforcement without exposure, the more convincing the evidence is should it finally be necessary to appeal to the public, and the more destructive it is to the influence of the officeholder who is responsible for the delinquency.

Firm, patient, unprejudiced, considerate, but relentless following of the facts will improve the enforcement of the eighteenth amendment in any community, and will finally triumph in complete enforcement.

In States which have enacted prohibition legislation in harmony with Federal law the same procedure should be followed with the police captains, sheriffs, State's or prosecuting attorneys, and other local officials as outlined in the foregoing procedure with Federal officials, the ultimate recourse resting with the public in both instances.

There should be State and national units formed of representatives from the local organizations. Annual conventions should be held, both State and national, for strengthening State and national administrations when necessary, for the exchange of ideas, and improving the programs of the local units.

In populous communities it is particularly difficult for the public to get accurate, reliable information regarding candidates, and in consequence the voters become discouraged. Unscrupulous politicians know this. They build a machine on the money of the bootleggers—plus the other spoils of corrupt politics, and then set out to deceive the general public. They make fine gestures of interest in social service to the women's clubs and social-service groups—talk soft to the church folks and make fair promises which they laugh about afterwards. The joke must be taken out of such promises.

In any community it is not good public policy to carelessly elect officials and then forget about them until the next election. This is particularly true of communities where underworld leaders are willing and eager to pay for protection. Under such conditions the temptation is doubly severe because the officials think, and too often rightly, that the public is paying no attention, and the bootleggers do not ask them to do anything aggressively dishonest but merely to turn their heads while the law is violated.

It also is not good policy to let honest officials fight their political battles alone—neither is it good policy to let dishonest and crafty ones deceive the public by fair promises and crooked reports of their work.

To feel that an intelligent public eye is upon them all the time is an encouragement to honest officials and a deterrent to the dishonest.

If the better-government organization has functioned properly, it will be in the best position of any civic group to furnish nonpartisan and impartial information to the voters. It should prepare informative bulletins giving the concrete facts regarding officials and candidates as far in advance of primaries and elections as possible. These bulletins should be mailed to the leaders in all nonpolitical groups such as churches, clubs, improvement associations, parent-teacher organizations, etc. It should hold meetings all the time with the leaders to inform them and through them the members and their associates developing an informed public sentiment regarding the worth of the candidates. This builds a clear, discriminating, nonpartisan and powerful public sentiment which becomes irresistible by election time.

Such better-government groups should not degenerate into mere "law and order leagues," hiring detectives and taking the enforcement of law into their own hands. They should work with the duly constituted public officials, holding them to strict accountability.

Coincident with the foregoing, an educational program should be carried on to solidify public sentiment in support of the enforcement of the eighteenth amendment. In such effort it is not necessary for the better-government group to discuss the merits of prohibition itself. Such educational campaigns can and are being carried on by other groups. Possibly the better way is to base the arguments solely upon the duty to enforce any law as long as it is upon the statute books and the damage which nonenforcement inflicts upon the community and particularly upon local government.

The illicit-liquor traffic furnishes most of the money for corrupting local politics. It creats a corrupt tax-wasting political machine. It encourages and protects organized crime. It blights moral standards. It makes the community less desirable for legitimate business. It encourages the organization of gangsters in politics and promotes their success in the control of local offices.

Nonenforcement of the eighteenth amendment in any community creates a condition of lawlessness which tends toward anarchy.

Each community must be educated to see that it must choose between enforcement of the eighteenth amendment and chaos in its local government.

Few, if any, American communities deliberately choose lawless ways. They drift into lawless ways. Most of them want the laws faithfully and honestly enforced, and will so express themselves if compelled to make a choice and if the facts, and nothing but the facts, have been carefully and intelligently placed before them.

The foregoing is largely a record of actual experience in Chicago during the past two years, when in two general elections and one primary election the public defeated overwhelmingly in each election a political machine that was counted unbeatable.

In the struggle to enforce the eighteenth amendment an entire new organization of the political life of America may be brought about.

The home, the business men, all those who want nothing from the Government except that it function honestly, competently, and scientifically, may supersede in any community the political power of the underworld, but they must organize and work intelligently and continuously.

Forces which hitherto have been too largely indifferent to politics and government may now assert themselves with some hope of success, and this new stream of influence in every community as it becomes better educated politically and better organized, will make the eighteenth amendment effective. In the process it will make clean and strong the most inefficient, wasteful, and corrupt of American institutions—municipal government—and thereby strengthen all agencies and departments of governments.

REACH THE STILLS AND EXPECT MORE OF LOCAL OFFICERS

By Mrs. C. P. Mills, New York

To adopt a practical plan to enforce the eighteenth amendment it is necessary to realize how, where, when, and why the law is not now being enforced. There has been no one plan followed for any length of time in all prohibition districts.

There are six sources of supply for the leaks of alcoholic beverages into the market. The proportions of these sources differ in the various prohibition districts; the details of each can be taken care of as separate problems, but there are several fundamental principles that if applied to all will help in enforcing the Volstead Act.

1. Education of communities to the necessity of local cooperation.

Teach respect of the law and awaken the interest and pride of a community in enforcing the law by publishing the results of nonenforcement of the eighteenth amendment, such as moral conditions in speak-easies and general disrespect of all other laws, besides the health and fire risks.

Each community should realize that the Federal Prohibition Department can not be taxed entirely with the closing down of many of the seats of the leaks. Local agencies should be held responsible for enforcing respective laws. The speak-easies can often be closed for breaking the health department laws—physical examination of personnel serving food, the quality and manner of serving and preparing this food, also ventilation of rooms and kitchens. The fire departments can close these speak-easies for improper fire escapes and exits and can close factories for the enormous risk from stills and plants when alcoholic mixtures are manufactured with untrained workers (legally these places are termed nuisances, but a stronger word might be used). The police can often close the speak-easies on moral grounds.

2. There should be more judges appointed and better court facilities for promptly trying prohibition cases. Now, through lack of judges and courts there are innumerable delays and the suspected or accused lawbreaker can continue his business until his case is tried. This delay is often from six months to two years, and his business has not been stopped in any way.

3. Prohibition agents should be honest, but are they? Consider their small pay and great temptations and often risks and the moral contamination surrounding them and the large and frequent bribes offered

and the small material reward for being honest. Remove the chance of temptation coming from a dishonest person within the ranks and try to guard against the chance of bribes being offered from outside by having constantly shifting assignments and seldom the same two inspectors together and require written reports to be sent in to headquarters as soon as an inspection is completed. These reports should, of course, be checked up and the orders given only in the morning of the day the inspection is to be made. Agents often have no knowledge of exactly what kind of evidence would be considered enough to bring a lawbreaker to trial with hopes of having him found guilty. So all agents should be taught in a school the legal requirements, also should have a knowledge of a chemical test for ingredients used to denature alcohol and a test for the articles manufactured from denatured alcohol which they might have to inspect during the course of manufacture, also knowledge of how to use the apparatus for testing beer. If this is too difficult for the average agent, then samples should be taken of each stage of manufacture and sent to Government chemists for analysis. There should be no political appointments to the Prohibition Department. Let the agent detecting and reporting a lawbreaker share in the fine imposed by the Government, as is done in California by counties.

4. All manufacturers should be required to post a bond to a large value of their business assets, and this bond should be forfeited if they are accused by the Government of breaking the law. This bond should be returnable on acquittal. The bond should also be forfeited by a manufacturer if he sells to a customer who uses his product to illegally manufacture into alcohol. There are large and well-known corporations whose earnings have enormously increased by the large price now obtained for their by-products. If they could be required to make their deliveries under high forfeitable bond to customers manufacturing reputable commodities, this evil would cease.

5. Require prohibition administrators to publicly announce and post their reports (monthly or quarterly) of results accomplished in their district so interested individuals or communities can check up and the community know what is being accomplished.

The six sources of supply of illegal alcohol to the market are (A) imports, (B) beer, (C) wine, (D) legally distilled and bonded liquor, (E) alcohol, and (F) stills.

A. Imports: Government analysis of seized bootleg liquor from all over the country show that only about 2 per cent of all illegal beverages are smuggled into the country. So the Coast Guard has a well worked out system and should continue their vigilance as they have done in the recent past. The treaties with foreign countries are a great help toward curtailing this leak, which was probably the greatest when the Volstead Act was first enforced and is now the least.

B. Beer: Frequent and nonperiodical inspection of breweries with written reports of amount of mash on hand, the amount fermenting, and the amount already fermented or the finished product on hand. Again emphasize shifting inspectors and carefully check up written reports of all stages of this supply.

C. Wine is used for the manufacture into vinegar. This wine is withdrawn from bonded warehouses. If acetic acid is added to the wine a certain time before delivery to the manufacturer, the acid can not be neutralized or withdrawn and nothing but vinegar can be made of this product. Wine is also allowed for sacramental uses. (The Christians require only a small amount for this purpose, and, if there is a leak here, it is so small as to be negligible.) Unfortunately much dishonesty was uncovered through persons selling permits to distribute wine to the Jews for sacramental purposes. In one year, in New York City alone, 6,000,000 gallons of sacramental wine were withdrawn and sold through hundreds of wine shops; the persons for whom it was withdrawn often did not receive their allotment or were forced to pay a large profit to the illegal wine dealer.

In the year and a half by a careful check-up of needs, these withdrawals were cut down to 40,000 gallons a year. Sacramental wine for home use should only be issued to an adult member of a congregation, whose signature and needs are approved by the rabbi and the rabbi's synagogue and authority in turn approved by the president and secretary of the congregation. Then the receipt for this wine should be signed and sent to the administrator by the authorized person receiving it. These receipts should be carefully checked up and the president, secretary, and rabbi should be held responsible for the just and legal demands of members of their congregations.

D. Legally distilled and spirituous liquors in Government bonded warehouses: A careful check up should be made as to quantity and chemical purity of bonded liquors now on hand, because it has been proven that some of these bonded liquors have been stolen or diluted or otherwise tampered with. Change the Government guards frequently and again test liquor before it is withdrawn by permits issued for small amounts for the monthly allotments of reputable druggists and hospitals for the needs they can show by previous records of business.

E. The diversion of commercial alcohol is the basis of about 90 per cent of the bootleg liquor. This leak must be dammed. Curtail or revoke as many old permits as possible, as these were issued wholesale without proper investigation when the Volstead Act was a new law. Then issue no new permits for the manufacture of denatured alcohol or the manufacture of denatured alcohol into commodities without a thorough investigation of persons seeking permits. This investigation should go into their integrity and moral character, past and present association with any other alcoholic permittee (and his record); also the business prospects and market for goods to be manufactured. On granting permit have permittee sign agreement to notify local administrator in advance of manufacture, so this process can be witnessed by prohibition agents. Again emphasize the fact that different agents should go for this inspection from time to time and not always the same two together, and immediate written reports of these agents should be carefully checked up and filed by the prohibition administrative department.

This same supervision should apply to the manufacture of bonded whiskies and brandies into tonics. Also a check up should be made of alcohol leaving a large wholesaler and received by a smaller manufacturing plant. Too much care can not be taken by check-ups of all stages of transportation, manufacture, and ultimate disposal of finished product. All commodities having (reasonably large) alcoholic content should be stored in warehouses under Government control and should be withdrawn only on orders from customers. This would entirely eliminate the diversion through cover houses and the possible refining of a manufactured commodity to extract the alcoholic content, as now a dealer can denature alcohol or say he has denatured it and claim shipment to any customer and the Government follows it no further. By careful supervision of the manufacture and disposition of denatured alcohol in one Federal district—i. e., the second—the withdrawals of denatured alcohol per month were reduced in one year from approximately 900,000 gallons a month to 400,000 gallons. This reduction of 500,000 had all been previously diverted to illegal uses. The average price of denatured alcohol to the bootlegger rose from $1.10 a gallon to over $5 a gallon, and with greater control exercised this price would rise much further and become prohibitive to the bootlegger. This close supervision lasted for a year. There was a let down later and the price of denatured alcohol to the bootlegger immediately dropped from $5 to around $2 a gallon, where it is at the present time.

F. The last source of alcohol into the bootleg market is through illegal stills. These are used for two purposes—one, to refine or clean denatured alcohol, and, two, to extract the alcohol by distilling a fermented product. Both of these processes are exceedingly dangerous when done on a large scale, and stills large enough to supply the demands for alcohol when the other illegal sources are cut down would have to be so large (covering thousands of square feet) that their presence could not escape the knowledge of the community, and when the people of a locality and the local authorities are taught their responsibility these stills could not be allowed to run. Some interested person would spot their existence, the fire department for fire risk, the police department for unregistered and illegal stills, and the people for lawlessness in their neighborhood. The Government should watch the disposal of products capable of fermentation and distillation and the large corporations selling their by-products for conversion into alcohol should lose the bond the Government would require them to post.

A plan adopted along these lines and carefully and consistently followed in all prohibition districts would be practical and would succeed in enforcing the prohibition amendment.

The President Can Enforce

By Ex-Governor Gifford Pinchot, Milford, Pa.

I

Because the problem of enforcing the eighteenth amendment is as wide as our system of Government, the head of that system is the man to deal with it. The President of the United States can control all branches of law enforcement by the Nation, and can effectively influence enforcement by all smaller political divisions, such as cities and States. No one else can.

Bootlegging is formidable to-day mainly because most of the law-enforcing agencies in America have had, and still have, no serious intention to enforce the law. The bootleggers know that the will to enforce is lacking. This is the first essential of the situation.

We have laws enough, regulations enough, money enough, and men enough to enforce the law, if they had strong purpose behind them. Only determination is wanting.

There is but one man who can supply the will to enforce on a nation-wide scale. That is the President of the United States.

Enforcement is hamstrung by politics. This is the second essential fact. The President alone is strong enough to break the alliance between corrupt politics and the organized business of bootlegging.

In law enforcement, public sentiment is vital. The detail of machinery is not. Only the President can awaken and lead a nation-wide insistence that the law shall actually be enforced.

Law enforcement involves city, county, State, interstate, national, and international questions. All of these matters can come together only in the President.

Through its permit system, the Government exercises exclusive jurisdiction over the manufacture, storage, and transportation of alco-

hol in any form. Here is the heart of the problem. Only the President can dominate it.

The Constitution is under attack at the point of the eighteenth amendment. The President has taken oath to "preserve, protect, and defend" it. The laws are disregarded. It is his constitutional duty to "take care that the laws be faithfully executed."

II

The President can enforce the eighteenth amendment and the Volstead Act up to the level of other laws by following in substance the course outlined below, every item of which has been tried out in corresponding situations by lesser executives and has been found to work:

First. By declaring publicly his determination to compel respect for the eighteenth amendment.

Second. By announcing that he will refuse to offer an appointment to his Cabinet or to any other office subject to his authority to anyone who has not before the offer given the President his or her word to obey the Constitution of the United States, including the eighteenth amendment and all laws enacted to give it effect.

Third. By giving public notice that, so long as he is President, violation of the eighteenth amendment by any public servant subject to his authority (including officers of the Army and Navy) will carry with it immediate dismissal.

Fourth. By announcing that all Federal enforcement services will hereafter be conducted wholly without regard to politics, on the basis of merit and efficiency alone, and that officials guilty of political manipulation of enforcement agents or of shielding influential lawbreakers will forthwith be dismissed.

III

Having thus notified the people that the Government takes the Constitution seriously, let the President proceed to:

Call together in the White House the heads of the Bureau of Prohibition, Customs Service, Bureau of Internal Revenue, Coast Guard, special intelligence agents, and any other Federal services concerned in law enforcement and notify them in open meeting that they must cooperate instead of acting independently, as at present; that they and their subordinates must be dry (and not only dry but efficient); and that they must begin producing results within three months or make way for better men.

Select as coordinating enforcement officer a man with large executive experience genuinely interested in enforcing the law, set him over these services as representing the President, and direct him to organize them for cooperation among themselves and with State and local enforcing authorities.

Instruct him to attack the flow of illegal drink at the source, and therefore to concentrate on the great producers of illegal drink, which are the alcohol distilleries and denaturing plants, the breweries, and on importation from Canada, and to throw the strength of coordinated forces especially against the largest offenders, many or most of whom have hitherto been protected by politics.

Call together in the White House (with the Attorney General and the Assistant Attorney General in charge of enforcement both present) all United States district attorneys, point out in open meeting that some of them have been active in enforcement and some not, give notice that all of them will be required within 30 days to give proof of activity and within three months to produce results, and make it clear that those who fail will be promptly removed. Direct the Attorney General to report the facts at the end of the 30 days, and thereafter every three months until further orders.

The known failure of enforcement in the city of Washington has immensely encouraged lawlessness throughout the country. Let the President give the Commissioners for the District of Columbia one week within which to report to him the names and addresses of all speakeasies in the District, including hotels, restaurants, and social clubs, all of which are or should be well known to the police. Let him then direct the commissioners, under penalty of dismissal, to clean up, and to report to him weekly in detail the progress made. Reports of conditions in the District should be checked for completeness and reports of results for accuracy by members of the United States Secret Service in whom the President has confidence.

IV

Let the President also—

Invite the governors of the several States to meet him in the White House, lay before them their duty under their oaths of office, remind them that the Volstead Act runs in every State, offer close cooperation from the Nation with the States in enforcing the law, and ask them to join with the President in putting public sentiment behind law enforcement.

Suggest to such of the governors as have it the use of their power to remove from office unfaithful or lawbreaking sheriffs, mayors, and district attorneys, and urge them to exercise their influence over all enforcement officials in their States, whether or not directly subject to their orders.

Invite the mayors of the hundred greatest cities to meet with him and lay before them in detail why the law is violated, how much it is violated, and how and by whom (all of which is already well known to officials of the Federal Bureau of Prohibition). Then call their attention to their individual responsibility under their oaths of office, offer them Federal cooperation in cleaning up, and ask for their cooperation in return.

Call in the leaders of the great professions, industries, and corporations, lay the situation before them, suggest to them, and ask them to suggest, methods by which they could assist not only in enforcing the law but more especially in creating public sentiment for law enforcement.

Call into conference the leaders of the churches, the dry organizations, the service clubs, the nation-wide public, semipublic, and fraternal organizations or associations, and ask for their help in arousing public support for the law.

V

Voluntary assistance of this kind has been, and can be again, extremely valuable in arousing public interest and in combating the growing false assumption that the law can not be enforced. This assumption is damaging. It needs to be destroyed.

The methods above suggested for the President in no case require action by Congress. They add nothing to the cost of enforcement, which, in fact, is far less than is generally supposed. They are legal, practical, appropriate, and within the President's constitutional duty. Part of them derive exceptional efficiency from the very great importance attached under our system to the holding of public office. Every one of them has already in similar situations been shown to be effective by the test of actual trial.

These methods reach Federal enforcement directly and at once. They reach State and local enforcement less directly and less promptly, but effectively nevertheless. Many local governments, it is true, are so corrupt that no immediate transformation is possible. Certain judges encourage lawbreaking by the mildness of their sentences. But even situations like these are affected within a reasonable time by a general awakening of public sentiment such as would follow the course here outlined. That also has been proved by experience.

VI

The eighteenth amendment can be enforced with the statute law we have. Nevertheless certain improvements are desirable. Congress, which is overwhelmingly dry, would eagerly follow the recommendations of a President determined to enforce the law. For example, an amendment to the Volstead Act is needed to make a search warrant issue on proof of manufacture of illegal liquor as well as on proof of sale, to meet the recent practice of bootleggers in putting numerous small stills in private homes instead of fewer and larger one in business buildings easier to enter under the law. Or an amendment to make it a felony to distill liquor in private houses, in which case a search warrant would not be required.

The buyer of bootleg liquor is morally as guilty as the seller. A President determined to enforce would press, when public sentiment permitted, for the passage of a law to apply the same penalties to both. When enacted, he would take care that this law also was vigorously enforced.

The Prohibition Bureau should be taken out of the Treasury Department. Whether it should be made responsible to the President directly or through the Department of Justice is less important than that the President himself should be determined to enforce the law.

If the President were determined to make the eighteenth amendment effective, many changes in the regulations under the Volstead Act would inevitably follow. Among them would be a revision of the formulae for denaturing alcohol to make denaturing less easy, and better control of so-called "completely denatured" alcohol.

The Federal permit is the key to the control of bootleg liquor at its source. About two-thirds of the hundred million gallons of industrial alcohol made under Government permit in 1927 was diverted to bootleggers. A survey to determine how much denatured alcohol is actually necessary for various industrial uses would supply knowledge which, applied by a man with a will to enforce, would go far to dry up the largest source of illegal drink.

Still other ways of reaching the situation are open to the President. For example, the free and unlimited importation of liquors by diplomatic representatives is a chief cause of the wetness of Washington. If the President, following the far stronger precedent set by the British Government years ago in the matter of slaves, should suggest to all foreign governments that he would regard it as a friendly act if they would instruct their representatives to import no more alcoholic liquors, but conform instead to the law of the country to which they are accredited, the atmosphere and attitude of official Washington respecting the eighteenth amendment would change overnight.

VII

It will be objected that the President is already too heavily burdened to undertake new tasks. The answer is that the President has no duty more essential than to defend the Constitution and to enforce the law. If something else must wait, then let it wait.

But in fact nothing need wait. For it is confidently asserted, on the basis of practical experience, that everything here outlined, and much more, can be done without absorbing 5 per cent of the President's

working time. Once it were known that the President was thoroughly determined to enforce the law, the rest would follow almost as a matter of course.

When a President of the United States makes it his personal business to see that the eighteenth amendment is enforced, and sticks to it, it will be enforced. And not before.

PLAN OF JAMES E. DAVIS, CHIEF OF POLICE, LOS ANGELES, CALIF.

All persons engaged in law enforcement activities to-day must of necessity, if they indulge in any serious thought, be deeply disturbed by the spirit of lawlessness everywhere encountered. In no direction is this defiance of law so prevalent or so bold as in the contempt shown for one of our most sacred institutions, the Constitution of the United States. This contempt for the eighteenth amendment to the Constitution is not confined to social outlaws. It extends into all branches of our national, social, and economic structure.

Persons prominent in our social life and holding positions of leadership in our professional, business, and industrial worlds seem to have no conception of the contagiously disastrous effect of their own support of an outlaw "industry." Their money gives it power, their known sympathy and patronage give it prestige in places where it should be shown no quarter.

Human psychology is such that contempt for any law, openly indulged in with impunity, breaks down respect for other laws. Defiance of the liquor statutes is menacing the very foundations of government—destroying respect for law and for the agencies charged, not only with liquor law enforcement, but with the administration of all criminal justice.

To one intimately acquainted with conditions as they now exist, the situation is sufficiently grave to demand drastic action. So long as the eighteenth amendment remains a part of the Constitution, it is imperative that its enforcement be made vastly more effective than it now is. To a practical-minded police executive that can be accomplished through the following reorganization and extension of the Federal machinery, with a consequent branching out into new lines, particularly in the direction of deliberate seeking of cooperation from State, city, and county enforcement agencies, and from the citizens at large, in groups and as individuals. It is, therefore, proposed that the Federal Government organize its activities for enforcement of the eighteenth amendment along the general lines outlined:

I. Centralization of authority in a single head, working under an interdepartmental board or in the Department of Justice.

II. Organization of the field activities by States instead of the present geographical districts, with a Federal prohibition administrator for each State, responsible directly to the general director. This State administrator would be held responsible for enforcement within his territory. One of his most important duties would be to see that cordial, cooperative, practical working arrangements are established with all local law-enforcement agencies in his territory. He would likewise be expected to have established and maintained contact with all men's and women's organizations, church groups, business associations, public-health agencies, and with individuals genuinely interested in liquor-law enforcement—working out with them a program of cooperation whereby they might act as allies by furnishing valuable information, being instructed by the Federal agents as to what is helpful and valuable and what is comparatively unimportant and wasteful of time and energy.

III. Employment of a much larger Federal force, at a higher rate of pay, with higher personnel standards.

IV. General organization: The service should comprise the following general functional divisions, each headed by an assistant director, responsible directly to the general director.

1. DIVISION OF INVESTIGATION—DUTIES

(a) To maintain a force of Federal agents whose whole time would be devoted to the detection and apprehension of persons violating the Federal statutes designed to carry out the provisions of the eighteenth amendment.

(b) To assign these agents to the State directors who would supervise their work while so assigned.

(c) To assign agents to all border and coast States for special coast and border patrols to apprehend persons engaged in importing liquor.

(d) To maintain a special picked group of undercover operators at national headquarters to be used as a highly mobile unit, subject to assignment by the general director to any section of the country.

(e) To cooperate closely with State police, sheriffs' offices, and police departments on liquor-law enforcement.

(f) To conduct training classes for new agents, giving intensive instruction in laws, rules of evidence, court procedure, etc.

(g) To hold regional conferences with local enforcement executives where mutual problems could be discussed and effective cooperative action mapped out.

2. DIVISION OF IDENTIFICATION—DUTIES

(a) To maintain at national and State headquarters record offices, where identifying data (including fingerprints) on all arrested persons shall be received.

(b) To record fingerprints and other identifying data on all persons arrested for violation of liquor laws, copies to be filed in both local and national headquarters.

(c) To exchange records on liquor law cases with State bureaus of identification, with the national bureau, with Federal and State prisons, and with local peace officers.

(d) To search files and make return to arresting officers immediately upon receipt of new records, so that they may have full information for prosecuting attorney and court of all prior arrests. (This is a very vital piece of work, entirely lacking at present, so that the heavy penalties attaching to "priors" are rendered ineffective for lack of identifying evidence.)

3. DIVISION OF PROSECUTION—DUTIES

(a) To exercise general supervision over the prosecution of all liquor law cases in Federal courts, to the end that such prosecution shall be certain, speedy, and uniform throughout the country.

(b) To assist in the prosecution of all Federal liquor law cases when in the opinion of the Attorney General such assistance is necessary.

(c) To make constant observations and report to the general director when Federal court calendars are so crowded as to cause considerable delay in the trial of liquor cases.

(d) To make constant study and analyses of the existing liquor laws and of court decisions based thereon, and to recommend to the director general such new statutes or amendments as may be required to bring about better observance of the eighteenth amendment.

4. DIVISION OF RESEARCH AND PUBLIC RELATIONS—DUTIES

(a) To secure from all State headquarters, United States district attorneys' offices, and the Federal courts statistics relative to the number of arrests for violations of the liquor law, exact disposition of each case, property confiscated, premises padlocked, cases appealed and final decision in each, etc.

(b) To secure from State, county, and city authorities similar statistics relative to arrests and disposition of cases for violations of State enforcement laws.

(c) To tabulate these figures in such a manner as to provide reliable and conclusive information as to the functioning of all parts of the machinery for the enforcement of the eighteenth amendment.

(d) To prepare and print monthly and annual statistical reports making these figures available for all interested groups.

(e) To serve as an information source for organizations and individual citizens desirous of knowing the facts about prohibition enforcement.

(f) To organize speakers' bureaus, national and State, registering persons properly qualified to speak on the subject of prohibition.

(g) To prepare and release items and articles for publication.

(h) To carry on continuously a stimulative, constructive, educational program having as its object the changing of the public attitude toward law observance through revealing the dangers to the Nation inherent in contempt for law, and

(i) To maintain a close liaison with all national organizations working in any phase of social or economic welfare.

To put the above plan into effect requires but two things, considerably increased appropriations, and securing of properly qualified persons to do the work. Both can be brought about, if persons of influence have the Nation's welfare sufficiently at heart to set to work to do so.

PRIMARILY A HEALTH MATTER

By William J. Flynn, deceased, former chief, United States Secret Service

To bring about a better enforcement of the Volstead Act, I suggest the following:

First. Since the manufacturing and dispensing of alcohol is more or less a pathological matter, I suggest that the same be taken from the prohibition department and put under the supervision of the United States Department of Health.

Second. Disband the present enforcement unit of the prohibition department and transfer the duties of the same to the Bureau of Investigation of the United States Department of Justice. This will eliminate a great deal of graft and bring about better efficiency.

Third. Empower the United States commissioners to deal with and dispose of minor infractions of the Volstead Act. This will, to a great extent, prevent the clogging of Federal court with prohibition cases.

In addition, this proposition will bring about a saving of several million dollars to the Government in the enforcement of the prohibition laws.

RESEARCH, EDUCATE, ENFORCE

By Dean C. E. Carpenter and Fowler V. Harper, University of Oregon Law School, Eugene, Oreg.

The plan herein submitted proceeds upon the assumption that no sudden and radical changes in the prohibition law or in its methods of enforcement should be undertaken until after a careful survey of the situation is made and proper foundations for such changes are laid; that a scientific and statesmanlike solution of the problem requires the cultivation of an intelligent and enlightened public opinion and the careful evolution (not the hasty enactment) of laws and of methods of enforce-

ment which will more nearly cope with the actual need. The plan we submit lays emphasis upon three matters, namely, research, education, and enforcement.

RESEARCH

Research should be undertaken by the Federal Government which will determine facts so carefully and scientifically that they will be invulnerable under the attacks of opponents of the prohibition movement.

1. PHYSIOLOGICAL AND ECONOMIC

These facts should embrace—

The physical and moral effects of alcohol.

How far the present prohibition movement in those phases of it where it has been most successful, has proved beneficial to industry.

How it has affected the laboring man and his family and how far it is responsible for the improved general welfare and prosperity of the United States.

Such information is essential as the basis for creating a sincere, widespread, and effective desire and sentiment for a more thorough enforcement of the prohibition law.

2. SOCIOLOGICAL

This research, too, must develop fearlessly the facts with respect to the relation which prohibition has to crime:

Has drunkenness increased or diminished under the prohibition law?

How has the consumption of liquor been affected?

Has there been an increase of drinking among the young?

Has it increased or diminished crime other than those crimes involved in the violation of the prohibition act?

Does it tend or does it not tend to conduce to growing disregard of law generally, especially among young people?

Have habitual criminals drifted into bootlegging as an easier and more profitable occupation?

Is bootlegging used to finance other crimes?

What are the sources of the illegal liquor; how far imported; at what particular points and by what methods is this importation effected?

How far is liquor diverted from legal channels and by what methods?

How far is it illegally manufactured?

Where are the tools and instruments for this manufacturing made?

3. ADMINISTRATIVE

What phases of the enforcement of the prohibition law have been weakest?

At what points is there a lack of sufficient number of enforcement officers?

Which officers have been inefficient?

How far have faulty methods of detection been responsible for inefficiency?

How far and just where have the crowded dockets of the courts been responsible for delays in prosecuting offenders of the liquor law?

How far has there been miscarriage of justice?

How far will an increase in the number of judges be desirable?

Should the jurisdiction of the added judges extend beyond liquor cases?

How far can the elimination of cumbersome procedure help the situation?

4. EXPERIMENTAL

In this connection several courts should be set up, operating under the various procedural reforms which have received the sanction of the more enlightened and progressive members of the bar. These should function alongside other courts having the usual procedure. Conditions in the two courts should in other respects be parallel, so that the result will be that of a controlled experiment. To illustrate, alongside a court with enlarged powers of control over the course of the trial vested in the judge as, for example, the power of examining witnesses, juries, and commenting on the evidence, or alongside a court without a jury, or with a public defender, a court could operate with the ordinary procedure—jury trial and with the usual defense attorney. A number of experiments of this sort could be concocted which would give information when the results in the two courts were carefully compared and tabulated that would be reliable and invaluable to law enforcement generally and be of especial aid in the enforcement of the prohibition law.

Without information which the proposed research would reveal, all changes in the laws and in enforcement methods will be haphazard and merely guesswork. With such information the proper ground is laid for the creation of a desire for law enforcement and a basis established for engineering and enforcement of the law and of adapting the law and enforcement methods more adequately to the actual situation.

Education

The Federal Government should publish these findings in Government bulletins similar to those now issued by the Government in other fields, and this information should be widely disseminated from teachers' journals, popular periodical magazines, the daily press, the movies, the radio, and lectures. The greatest care should be exercised to secure accuracy in all these representations made to the public. It is especially desirable that this information should be available to educational institutions, scholars, and research organizations in every part of the country and disseminated among public men and the leisure class, which class seems so largely responsible for the sentiment against the prohibition act.

Enforcement

While this research is going on and this information is being disseminated greater effort should be made to enforce the prohibition law, particularly with respect to its importation, diversion, manufacture, and distribution.

1. The Federal Government should increase very extensively its forces devoted to the enforcement of the law, both in the police and judicial departments.

2. Greater care should be exercised in the selection of the enforcement officers. It would seem desirable not to select persons merely on the basis that they want the job and can pass the civil-service examination, as is now required, but the Government should go out and get men who are absolutely honest, able, and zealous for the enforcement of the law, although they have to pay larger salaries for such men.

3. These men should be subject to the civil-service examination, and after they have been once selected they should be brought together and given careful and special training for their work of enforcing the law.

4. In States like Montana and New York, where the States have no enforcement act, the Federal Government should increase its force far beyond that which it now has and should pay particular emphasis to enforcement of the law with respect to importation, diversion, manufacture, and distribution, and use every other method which it has found feasible and effective in its experience during the last 10 years.

5. Without waiting for the results of the research outlined above, several methods for avoiding delay in the handling of cases in courts could be adopted. Criminal matters should be given preference in the trial of cases and hearings and appeals should be advanced to the earliest possible moment.

6. It is obvious from the experience of the past 10 years that the Federal Government can not possibly administer criminal laws which affect so great a number of people all over the United States without the earnest and honest cooperation of the enforcement officers of the States. We, therefore, suggest the following machinery of cooperation.

(a) Congress should give concurrent jurisdiction to State courts and authorities to administer the Federal criminal law pertaining to prohibition. It now excludes such jurisdiction. The States, on the other hand, after Congress signifies its willingness to permit such concurrent jurisdiction, should make the same mandatory. The best technical thought is unanimous that there is no "inherent impossibility" involved in establishing such concurrent jurisdiction.

(b) All States should then follow the example of Oregon in making it the duty of local authorities to issue search warrants in liquor cases and warrants for arrest of persons accused to Federal enforcement officers. (Session Laws, 1923, ch. 180.)

(c) The Federal Government should, if the States are endowed with power to enforce Federal laws, render financial assistance to the State in enforcing the Federal (and State) prohibition laws. This might be done by the Federal Government's paying two-thirds of the salary of an assistant State prosecutor in such counties as should provide the balance of the official's salary. This officer would be a State and not a Federal authority. He would be concerned exclusively with prosecuting violators of the prohibition laws, both State and national, for under such a system the States would be charged with the enforcement of the law of the land in the same measure as the Federal Government.

PLAN OF THOMAS H. NOONAN, SUPREME COURT JUSTICE, BUFFALO, N. Y.

In the competition for the prize of $25,000 offered by Mr. C. W. Durant for the best and most practical plan to make the eighteenth amendment effective I submit the following:

By this amendment "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to jurisdiction thereof, for beverage purposes, is hereby prohibtied." The second section provides that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation."

To make this amendment effective Congress passed the national prohibition act (Volstead law), and both the amendment and the enforcement act became effective January 16, 1920. The first section of the amendment is operative throughout the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act—whether by Congress, by a State legislature, or by a Territorial assembly—which authorizes or sanctions what the section prohibits. (National Prohibition Cases, 254 U. S. 350.) By this amendment Congress acquired the same police powers to stamp out the manufacture, sale, and transportation of liquor in both inter-

state and intrastate commerce that the States had before the amendment. (U. S. *v.* Cohen, 268 Fed. 420, 425.) In other words, by the amendment Congress acquired a police power to enforce prohibition by all reasonable laws and regulations which only the States had before the amendment. (Schnitzler *v.* Yellowley, 290 Fed. 855.) Where this amendment conflicts with an older provision of the Constitution the older must yield. So that the eighteenth amendment, in part, supersedes the fifth amendment. (Corneli *v.* Moore, 267 Fed. 456.)

Primarily, two things are necessary for the proper enforcement of any law. First, the law must be so clearly drawn that it can be effectively applied to suppress the crime; and second, it must be enforced by honest and capable officials.

By the clear language of the second section of the eighteenth amendment Congress and the individual State have the same power to make the eighteenth amendment effective, and it is just as much the duty of the one as the other to enact the necessary legislation to make the amendment effective.

Without doubt the most effective means of law enforcement lies within the State itself, because it is already organized to enforce all laws. There exists in every county in every State the machinery for such enforcement, and most localities there are already sufficient police officers to properly secure the necessary evidence for successful prosecution. Furthermore, the law can be enforced in the county where the crime is committed without compelling witnesses and the prosecuting officials to travel great distances, and it enables the public opinion of the county to impress itself upon the enforcement officials; and the State law can prevent double jeopardy by providing that there shall be no State prosecution after a prosecution under the national prohibition act.

To get satisfactory results in the enforcement of any law there must be quick prosecution and sure punishment. The dissatisfaction that has arisen in some parts of the country over the apparent failure of the national prohibition act to produce results is due not to any defects in the statute, which was carefully drawn and is adequate for its purpose, but to the glaring lack of proper machinery for its enforcement.

First. There are not enough Federal enforcement officers to gather the evidence and attend to the prosecution of the offenders arrested.

Second. There are nowhere nearly enough judicial officers to dispose of the business that even the present number of Federal agents are able to bring in.

Third. The United States district attorneys do not have the proper number of assistants to adequately enforce the law, and the salary provided for these assistants is not such as to attract young men of the right caliber.

Fourth. Antiquated methods of procedure are still relied upon. Methods of criminal procedure that were adequate for the days of the oxcart and blazed the trail are being relied upon in the age of the automobile and flying machine. Outgrown rules of evidence that are no longer followed in the States are in effect in the United States courts, and enforcement officers and prosecuting attorneys are forced to travel long distances from the place of the crime to reach a tribunal that can properly dispose of their cases. Other defects could be mentioned, but these are the most important ones.

The remedy is obvious.

First. Provide a sufficient number of enforcement officers to properly cover the territory, especially in States that have large cities, and in those States that have no enforcement act of their own.

Second. Provide a sufficient number of tribunals for the trial of cases so they can be speedily tried and disposed of. This can be done by providing enough judges to hold courts not only in the larger centers of population but in the rural counties, and the United States commissioners might be empowered to try and dispose of all first offenders at the option of the United States district attorney. One or more could be appointed in every county and thus be within easy reach of the enforcement of the officers.

Third. A sufficient number of assistants should be given each United States district attorney to enable him to prosecute effectively the cases arising in his district, and the salary of such assistants should be such as to attract able and ambitious young lawyers.

Fourth, use all competent evidence, no matter how obtained. This is the long-standing rule in New York (Peo. *v.* Chiagles, 207 N. Y. 193, 198) and also in most of the other States, and was once the doctrine in the United States courts (Adams *v.* New York, 192 U. S. 585). As far as possible, make all acts of the defendant prima facie evidence of guilt. Make the enforcement procedure as simple as possible. Grant no bail to second offenders when the previous offense is undisposed of through no fault of the prosecuting attorney. Interpret the Constitution so as to aid in the prosecution of all offenders. It was never intended as a shield behind which evildoers could find protection; in brief, simplify and strengthen procedure for enforcement.

In judging the efficiency of the efforts to enforce the eighteenth amendment, we should bear in mind that there are very many violations of all criminal statutes that remain undetected and unpunished. So perfection can not be had in the prosecution of prohibition cases.

Remember, also, that those who violate certain United States statutes, such as the Dyer Act relating to stolen automobiles, the Cormack Act relating to stealing from interstate freight trains, and the Harrison Act to control the sale of narcotics, can also be prosecuted under State laws and are thus subject to double jeopardy.

To sum it all up: The eighteenth amendment can be made as effective as any other law, when all the States and Congress provide suitable laws and procedure and honest and competent officials to enforce the same.

Pledge All Executives for Observance and Enforcement

By C. O. Sherrill, city manager, Cincinnati, Ohio

THE SITUATION

The eighteenth amendment became effective on January 16, 1920. It provides as follows: "The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited. The Congress and the several States shall have the concurrent power to enforce this article by appropriate legislation."

The national prohibition act (the Volstead Act), passed October 28, 1919, became effective on January 16, 1920. This act defines "liquor" as "alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, or other beverages containing one-half of 1 per cent of alcohol or more." All persons are by this act forbidden to "manufacture, sell, barter, transport, import, export, deliver, furnish, or possess any intoxicating liquor" except as authorized by the act itself. It is made unlawful to ship liquor without notifying the carrier; or for the carrier to accept same for shipment unless certain requirements named in the act are carried out. Nonintoxicating cider and fruit juices may be manufactured for use exclusively in the home. The law also permits denatured alcohol and medicines not fit for beverages purposes using alcohol as a solvent. Since the passage of the Volstead Act all the States, except five—New York, Maryland, New Mexico, Nevada, and Montana—have passed enforcement acts under the concurrent authority of the eighteenth amendment.

The amendment has been operative for almost nine years and notwithstanding the open or veiled opposition to prohibition by a large part of the press and many leaders of public thought, there has been a considerable measure of success in decreasing the drinking of liquors, as indicated by the almost total absence of drunken persons on the streets of our cities, and by the tremendous decrease in withdrawals of liquor from bond since the amendment went into effect. While there is a great deal of surreptitious drinking, particularly by the young of the wealthier classes, it must be conceded even by the enemies of prohibition that on the whole, the drinking habit has been greatly reduced, with a resultant raising of the standard of living of the American laboring classes.

The evil resulting from inefficient enforcement is not so much the amount of drinking being done (except in several large cities where local authorities make no effort to enforce the law) as in the contempt for all the laws of the land by part of the press, by a small percentage of the public, particularly the young of the well-to-do classes, and by bootleggers. It is this contempt of law that must be replaced by enforcement and observance of the prohibition laws and the eighteenth amendment.

THE PLAN

The plan to make the eighteenth amendment effective in order to be practicable must use to the best advantage all existing facilities and suggest such feasible additions and modifications as necessary to carry out the full intent of the amendment.

The plan must include a program centering in the President of the United States (a) of enforcement and (b) of observance.

ENFORCEMENT

This must be a coordination of (a) national and (b) State (including county and municipal) enforcement agencies and methods.

NATIONAL ENFORCEMENT

This must operate under the direct control of the President, using all resources of the Government necessary to make it completely effective. The principal existing agencies are (a) the Bureau of Prohibition Enforcement, Customs Service, United States Coast Guard, United States Coast and Geodetic Survey; United States Secret Service; the Public Health Service (quarantine); and (b) in the Attorney General's Office, the prohibition enforcement branch directing and coordinating the activities of all the United States district attorneys relating to the enforcement of prohibition throughout the United States, so as to present the enforcement cases in harmony with policies of the President.

The major policies of enforcement should be enunciated by the President himself to give the greatest prestige and backing before the courts and before the country, and to make it definitely known that the Government is determined fully to enforce the eighteenth amendment and the laws passed pursuant thereto.

The President should make full use of the Diplomatic and Consular Services in extending agreements with foreign powers in order more

effectively to prevent all smuggling of liquor into the United States over any of its borders. He should also use the resources of the Immigration Service and the Customs Service to aid the Consular Service in detecting all the sources and stopping shipments made from foreign countries with or without the sanction of their respective governments into the United States.

The President should, by negotiation with foreign powers, if possible, and if not by legislative authority, stop the importation of liquors into the United States for use at diplomatic missions and consulates. This is a vitally necessary step not only to stop a serious leak in the preventive measures against smuggling, but absolutely essential to prevent the serving of liquors by diplomatic officials which now sets such a demoralizing example to the American social world.

It is assumed that the President will use the existing organizations and facilities to the fullest extent, and that in view of the results of the recent election he will be given by Congress, on request, such additional means and facilities as he may require effectively to carry out the Government's enforcement program, and to carry out such local, State, and county enforcement as is not in any case being properly handled by these respective authorities.

SCOPE

The national program of prohibition enforcement will be aimed at—

(1) The complete stoppage of smuggling liquors into the United States and its possessions, using all the necessary means and methods and services as outlined above. This work will include a more effective protection of our coasts and will be carried into foreign countries to the source of shipments into the United States.

(2) The second division of the national enforcement program will be devoted to the stoppage of all interstate shipment or carriage of liquors by rail, vehicle, aircraft, water craft, or individuals through the requirement of manifests of all goods transported between the States, by adequate inspection and supervision of all such shipments, and by adequate criminal and civil penalties for violations.

(3) The third division of the national enforcement program will be devoted to the stoppage of intrastate shipments of liquor between cities and towns by train, vehicle, aircraft, or other carriers, where such activity is not effectively controlled by the respective States. The penalties for the violation of the laws relating to smuggling, to interstate shipments, and to intrastate shipments of liquor should include confiscation of equipment used in such traffic and heavy fines and imprisonment of those guilty of such illegal transportation.

(4) The next division of the national enforcement program will be devoted to the prevention of the sale of liquors and the furnishing of "set-ups" in restaurants, hotels, inns, road houses, clubs, and homes, or the carrying of liquors into public places on penalty of having them padlocked, through actions of the United States courts, to enjoin and abate such as nuisances. These actions to be in addition to criminal trials of all offenders against the laws.

(5) The next division of the national enforcement program will be devoted to the more effective control and supervision of the source of supply of liquors and surveillance of permits and permittees, and of all liquors released from bond from the time they leave the Government warehouse or Government licensed manufactory until they are distributed to the ultimate consumer. The failure to keep a record of liquor issued on permit until it reaches the final consumer has been a great cause of abuse. This can be prevented by a complete chain of receipts similar to those used by the Post Office Department for registered letters. The use of doctors' prescriptions has been greatly abused. These should be carefully supervised from doctor to patient.

(6) The next division of the national enforcement program will be directed to a more perfect control and greater restrictions on the use of alcohol in medicinal preparations, under the Volstead Act forbidding these "unless unfit for beverages," and limiting them rigidly to the "minimum required for solution and preservation of the medicinal elements in articles." There are now on the market many medicinal articles supposedly unfit for use as beverages but which have not been rendered so unpalatable or nauseating as to prevent them from being largely used as beverages. These should be rendered practically impossible to drink in such quantity as to be intoxicating, and their sale should be so controlled as to assure that they will not be so used. This division should do extensive research work to discover more perfect methods of making solvents without the necessity of using intoxicating liquors or alcoholic compounds, and to discover more effective methods of making medicinal preparations unfitted and unpalatable for beverage purposes.

(7) The next division of the national enforcement program will be directed to the amendment of the Volstead Act, to prevent the nullification of the eighteenth amendment now caused by the act in allowing "nonintoxicating cider and fruit juices in the home." This provision of the Volstead Act, put in at the demand of the apple and grape growers, allows extensive evasion of the plain intent of the eighteenth amendment. This authority causes abuses by serving as a cloak for traffic in liquor, in and from private homes, and also arouses hostility at the invasion of the home by officials endeavoring to prevent the traffic in liquors which are legally possessed under the act.

The abuse of this right to make cider and fruit juices is so flagrant that manufacturers of these articles are now putting on a widespread campaign of advertising, saying that they sell and deliver the nonalcoholic beverages allowed by the law which, under a simple treatment, will, in a short time, become "fine intoxicating wine and cider."

STATE, MUNICIPAL, AND COUNTY ENFORCEMENT

This branch of the enforcement program should handle all local violations of State, local, and national laws, and conspiracies to violate them, through the manufacture, sale, possession, and transportation of liquors by small groups and individuals. With effective enforcement of the national laws designed to carry out the intent of the eighteenth amendment and with the control of the large organized violations by the Government as outlined above, the State and local enforcement can readily be accomplished, since the local violations will be by the small groups and individuals.

The effective enforcement of State and local laws requires that all executives, beginning with the governor and extending through county and municipal executives, sheriffs, police, judges, particularly municipal judges, shall be pledged in advance of appointment or election to the program of enforcement. As in the national program of enforcement, the President is the center and heart of the plan; so in State and local enforcement, the governor is the head and controlling element. He should be pledged faithfully to enforce the prohibition laws and to see that they are enforced by all executives and courts in his State This power is now in the hands of the governors and only requires the impetus that can be given by the President to secure its general application. The national program is absolutely in the hands of the President through his power of appointment and removal of executive officials and his power of appointing judges pledged to enforcement and observance. Political patronage should have no hand in the appointments of executive officials, judges, or employees engaged in prohibition enforcement in National, State, or local enforcement. Merit and, above all, integrity, should be the sole determining factors.

OBSERVANCE

In this branch of the effort to secure compliance with the eighteenth amendment there has been a deplorable lack of initiative and leadership; in fact, there has been practically no effort made by those in authority within or without the Government to build up a willingness and a desire to observe the amendment on the part of the individual citizen. No appeal to the public has ever been made by the President for all good citizens to join in observing this law.

Every effort put forth has been limited to enforcement that is compulsion. A tremendous mistake has been made in this failure of leadership in not securing the backing of the public at large and the press to make of this experiment in social betterment a complete success. So little attention has been paid to observance by high officials, by leaders of civic business thought in each community, and by the press that it is the exception rather than the rule for individuals to refuse to drink or to serve liquors. Practically no effort has been made by the press to influence public opinion in the vitally important matter of personal observance; in fact, the majority of editors have expressed an open contempt for the enforcement and even more for the observance of the law on this subject. The recognized leaders of the civic and business world, and high Government officials, who have everything to gain by strict enforcement and observance on account of the destructive effect of their failure on the Nation's stability, have done nothing toward observance, but, on the contrary, in most cases, have in private at least flagrantly violated the intent of the law. In this branch, as in enforcement, the leadership must be taken by the President in molding public opinion in favor not only of enforcement but also, and more especially, of observance—that is, personal compliance with the spirit and intent of the law and the eighteenth amendment by refusing to serve or drink intoxicating liquors at any time and by exerting strong personal influence to build up a spirit of law observance. In view of the recent mandate of the people of the United States given in no uncertain terms, that they are determined to have the eighteenth amendment observed, the President is more than ever before called upon to take the aggressive leadership in this vitally important matter.

METHOD OF SECURING OBSERVANCE

To set in operation this movement for nation-wide observance, the President should call together a group of the leaders of the country in business, political, and civic life and initiate through this group a national organization, with branches in every State, pledged to observance and to the securing of observance by the mass of decent citizens of every community, with the same enthusiasm employed by the Anti-Saloon League in supporting enforcement. The governors of each State should be the natural leaders of this organization in their respective States.

Under inspiring leadership for observance and enforcement, the eighteenth amendment can be made complete effective; and the present undermining of the foundations of our American institutions can and will be replaced by an aggressive rebuilding of the damaged bulwarks of our national respect for law and order.

EDUCATE PARTY LEADERS

By Henry O. Evans, Pittsburgh

Abraham Lincoln once said, "No law is stronger than the public sentiment where it is to be enforced." Our entire history since Colonial days is abundant proof of the fundamental correctness of this axiom. Any plan, therefore, to make effective the eighteenth amendment rests upon the sanction of public sentiment and opinion with respect to the amendment.

The prime necessity of sound planning in every aspect of life and as to any problem is, always, accurate knowledge and impartial marshaling of all the facts governing the case. We have had too much opinion and too little fact-finding on both sides of this very controversial question. The reliable evidence—the dry laws of 33 States before the approval of the amendment; the ratification of the amendment by all but two States; the votes upon such State referendums as have been taken; the progressive increases in dry majorities in both Houses of Congress; the results in the recent election of President and Vice President, Members of the Congress, and State offices—all goes to show the existence of considerably more than a majority of our voters in favor of the amendment.

In spite, however, of this weight of the evidence, it is generally said and by many believed that public sentiment is not now favorable to the amendment. Since, as Lincoln also said, "A universal feeling, whether well or ill founded, can not be safely disregarded," positive and unequivocal demonstration of the present existence of public sentiment in the minds and actions of more than a majority of our voters in favor of the amendment is the first step in any practical plan for its effective enforcement. Our first proposal is, therefore, the holding of referendum votes in each of the States, by congressional districts, with ballots sufficiently detailed in the questions submitted to register every shade of public opinion. It goes without saying that the question must be fairly framed, without leaning toward either side, so as not only to answer the doubt already raised as to the conclusiveness of some of the referendums heretofore held but also to elicit the fullest possible participation by the voters.

But more is needed than the more demonstration of the existence of the favorable majority which the evidence before referred to leads us to believe already exists. Those who were active in support of the passage either of State dry laws or of the amendment itself must be brought to realize that their active cooperation is just as necessary now as before. The danger which lies in systematic, widespread, law-breaking must be enforced upon those who, while themselves total abstainers, have been passive and indifferent to the actions of others. No law which alters so radically as this the habit of years is self-enforcing, and its friends must be as positively for it as its opponents are against it.

The practices of those who are still users of intoxicating liquors must be changed to personal observance of the law in spirit and letter. Some of these have been rationalizing their breach of the law by claiming that the amendment does not have that consent of the governed which is necessary in practice under our theory of law. The proof we have before outlined will demolish this defense.

In times past total abstinence was not essential, it was enough if the individual was temperate; but the passage of the amendment has converted failure by any citizen to practice total abstinence into his personal attack upon the foundations of good government. Since the majority of our citizens are, as they must be at heart, law abiding, it follows that they can be awakened to the danger which lies in their failure to observe the law if the proper methods are used. Public sentiment can best and most effectively be aroused by persuasion to general willing cooperation in personal observance of the law as a rule of individual conduct. During and since the great war we have had striking proof of the wisdom and efficacy of persuasion as contrasted with force.

The movement must embrace, to be effective, every sort and condition of our people so that the common reproach that those who have the greatest incentives to law observance are the greatest offenders may be removed. The question must be presented from every angle; on moral grounds, from the standpoint of social and economic welfare, the danger to our form of government. The facts, developed and set forth by agencies so impartial and inclusive as to be divorced, in the public mind, from any suspicion of desire or necessity to bolster up a theory, must be put into the hands of everyone.

The older generation has had personal experience of the gross abuses of free sale of intoxicating liquors and of the failure of regulation. The present and coming generation are less likely to admit the danger of that which they have not seen and experienced and their education is especially necessary both as to the facts of former times and by comparison with present conditions.

The plan, as so far outlined, is directed toward demonstration and mobilization of willing, voluntary, cooperation acting positively for personal, individual support and observance of the law. The methods suggested are those of persuasion and education, based upon fact-finding, addressed to the vast majority who, when the conscience is aroused, desire to do the right. But there remain outside of these two great classes of active opponents, those who prefer the gratification of selfish appetite to the general will and good and those who are willing to pander to these selfish instincts for one or another reason. As to both of these classes force is the only practical method.

As to the first of these classes, the present practice is weak in that it treats the buyer as less guilty than the seller. This is illogical because, as a rule, the majority of buyers, by education, background, and standing in the community, know the right, and because of that fact should be charged with a greater responsibility and treated with greater severity than now obtains. A change, both in legislation and practice, which would make the buyer equally guilty and vulnerable with the seller would automatically bring about elimination of most of the law breaking. After the lapse of eight years, in but few cases is liquor lawfully in the hands of the individual citizen. The burden of showing that his possession is lawful should be cast upon him. Changes in the law and practice on these two points would eliminate one of the greatest hindrances to enforcement of the amendment.

Perhaps the greatest hindrance to enforcement is the alliance widely existing between the local police officials and the bootlegger. It is a common theory of party politics that the party "machine" can not be maintained except by the expenditure of large amounts of money. It is, unfortunately, too common for those in high command of party politics to wink at payment by the bootlegger to those who are doing the routine work of the "machine." No more valuable and effective work can be done by a mobilized and aroused public sentiment than the education of party leaders who believe in or yield to such false premises. They must be convinced that such a price paid for party success is too great and too damaging both to the party and to the general good. Again, education and persuasion are the indicated methods. If education and persuasion, backed by public sentiment, do not succeed in ending this alliance, public sentiment for expulsion from power of those who persist in such a ruinous policy must, finally, be the plan.

With respect to those who make a business of breaking the law for profit, no plan but rigid, unrelenting prosecution is of any use. The demonstration of an active, positive, virile public opinion backing enforcement, as already outlined, will be of great help to those charged with the duty. Since, as Benjamin Franklin said in another connection, "A poor system of government with good administration is preferable to a better system with weaker administration," coordination of all the instrumentalities and agencies dealing with the enforcement of the amendment under the Department of Justice is proposed. Many reasons can be urged for this change. As the department ultimately charged with prosecution, concentration of responsibility is in line with all modern practice. In addition, our whole experience has trained us to yield to law officers. Not the least of these reasons is the fact that lawyers are trained to give no thought to arguments concerning the wisdom, expediency, or merit, in themselves, of the laws which they are called upon to administer, and, therefore, we should have less of a temporizing questioning policy in administration than has been sometimes shown. We should have, also, the advantage of the incentive arising from professional pride in work well done.

Along with this coordination of agencies should go acceleration of the trial of cases. Arousing public opinion favorable to the amendment would lead in most States to renewed activity among the State and municipal officers for fulfilling their concurrent responsibility and greater use of State courts so that increase in the Federal judiciary would, to that extent, not be required. But if required, additional judges and ample funds for all additional necessary, competent personnel should be quickly granted. We have put our hands to the plough and the experience of England with speedy trials leaves no ground for argument as to our necessity for improvement in this regard.

Concretely, it is proposed that the plans herein outlined shall be carried out by and through a national society or organization in support of the amendment, the members to be enrolled from every element of our diversified population without distinction as to race, color, religion, or station in the community. The platform or purpose of this organization should be broad enough to enlist the support of all who favor law observance for any and all reasons, whether moral, social, economic, or governmental. Membership should involve a personal obligation, not only to a strict individual observance of the amendment, but, also, militant support of all dignified methods evolved by the officers of the organization for aiding law enforcement.

As outlined, the primary method should be education and persuasion in all their many forms, since public opinion and sentiment can only be led and not driven—with force, however, as a last resort. Having enlisted the support of those who now contend that the amendment was rushed through without due consideration; of those who were always convinced of its wisdom but indifferent in its support; of those selfishly preferring appetite to observance but now awakened to the damage caused by law breaking, mobilized public sentiment, bringing about or forcing a divorce of politics from bootlegging, will, behind more efficient legal methods and organization, result in making effective that "noble experiment," the eighteenth amendment.

PLAN BY WILLIAM H. SAWTELLE, UNITED STATES DISTRICT JUDGE, TUCSON, ARIZ.

As is well known, the national prohibition act was enacted in pursuance of the eighteenth amendment. Under the provisions of that act the Treasury Department and the Department of Justice are charged with the duty of enforcing the same. It has been suggested that the Treasury Department be relieved of all responsibility for its enforcement and that the entire responsibility be placed upon the Department of Justice. Those who make this suggestion overlook the fact that the act in many respects is a revenue measure, and that that feature of the act, at least, properly belongs under the jurisdiction of the Treasury Department.

Section 2 of the national prohibition act provides: "The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of this act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the directions of the Attorney General."

The best and most practicable plan to make the eighteenth amendment effective would be for all State and municipal officials to cooperate whole-heartedly with the Federal Government in the enforcement of the national prohibition law. The time will come when the law-abiding citizens of the various States will demand of its officials such cooperation. Until such time much can be done to make the amendment effective.

To that end I recommend:

First. That only such State and municipal officials who are concerned with the enforcement of the criminal laws be selected as are whole-heartedly in sympathy with the spirit of the eighteenth amendment.

Second. That the first paragraph of the national prohibition act be amended so as to read as follows: "Any person who manufactures or sells liquor in violation of this title shall be fined not more than $1,000 or imprisoned not exceeding one year, or both, and for a second or subsequent offense shall be fined not less than $200 nor more than $2,000 and be imprisoned not less than one month nor more than five years."

The penalty now prescribed for the first offense of sale and manufacture of liquor is, in many cases, wholly inadequate. The penalty for a second or subsequent offense is ample.

Third. That the second paragraph of said section be amended so as to read as follows: "Any person violating the provisions of any permit, or who makes any false record, report, or affidavit required by this title, or violates any of the provisions of this title, for which offense a special penalty is not prescribed, shall be fined for the first offense not more than $500 or imprisonment not exceeding one year or both; for a second or subsequent offense not less than $200 nor more than $1,000, and be imprisoned not less than one month nor more than five years, or both."

The punishment now prescribed for the first and second offenses of transportation and importation is also inadequate. One may unlawfully import, possess, and transport, as often occurs, truck loads of liquors. For the first offense the maximum penalty is a fine; for the second offense the maximum penalty is a fine or imprisonment for not more than 90 days. Such light penalties do not serve as a deterrent. They are by the lawless element considered as a license to continue in the liquor business. Experience has demonstrated that, if this law is to be enforced, more severe punishment must be meted out to the offenders thereof.

Fourth. That the Attorney General appoint in each judicial district at least two additional assistants to the district attorney, whose sole business shall be to consult with and advise the agents of the Treasury Department and the United States commissioners as to their respective duties, and to prosecute all violations of the national prohibition law. Such special assistants should be able and experienced lawyers and residents of the district for which they are appointed. They should be given absolute control of all such prosecutions, subject only to the Attorney General. The agents should be required to consult such special assistants before obtaining a search warrant, thus guarding against unlawful searches and seizures, which have tended to bring the law into disrepute.

Only those who really believe in the eighteenth amendment should be employed for the purposes mentioned. The fact that they believe in the enforcement of all laws should not suffice. We have too many prosecutors of the latter type. It is impossible for the district attorney himself to prosecute all violations committed and triable within his district, and of necessity he must rely upon his assistants, many of whom are young, inexperienced lawyers who accept the office temporarily merely for the opportunities afforded them of acquiring experience at the bar. With rare exceptions, they are wholly unprepared to cope with experienced lawyers representing the accused, and the result is what might be expected. These inexperienced, poorly paid young men are not capable of properly representing the Government. They do not know when they have a strong case or how to present it in court. It is my opinion, in trying prohibition cases in my own and other districts in the ninth judicial circuit, this failure to have the Government represented by experienced prosecutors, together with the failure of the State and municipal authorities to cooperate with the Federal Government, is the outstanding cause of the failure of the national prohibition act and the eighteenth amendment. With experienced counsel in charge of the prosecution, a greater number of convictions would be secured, and the law-abiding element would learn to respect, and the lawless element to obey, this law.

Competent prosecutors would, of course, command a salary larger than that paid the regular assistants, but the results would more than justify the extra expenditure. Doubtless Congress would willingly make the necessary appropriation to enable the Attorney General to carry out this plan.

Both the amendment and the prohibition act are fundamentally sound. The trouble is they have not been given a fair trial.

Fifth. That while these direct efforts are being made to enforce the eighteenth amendment, a nation-wide campaign, carefully planned and directed, be carried on through the newspapers, periodicals, schools, pulpits, and homes to build up a sentiment for obedience to and respect for the laws of our country. Or, as the immortal Lincoln has expressed it: "Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpits, proclaimed in legislative halls, and enforced in courts of justice and, in short, let it become the political religion of the Nation, and let the old and young, the rich and the poor, the grave and the gay, of all the sexes and tongues and colors and conditions sacrifice unceasingly upon its altars."

FOSTER THE WILL TO ENFORCE

By Orville S. Poland, Counsel New York Anti-Saloon League

The enforcement of prohibition can never be a matter of mere mechanics. It is essentially one of spirit. The morale which is the basis of the efficient, successful handling of any other administrative problem must underlie the enforcement of prohibition. This spiritual impetus will furnish the dynamics and the mechanics will follow as a matter of course. Law is never self-operative. It functions only when translated into human activity. This translation can come only as an expression of human will represented in the courage, devotion, and resourcefulness of those charged with the duty of enforcement, and the loyalty and good citizenship of the citizens to whom the law applies.

The necessity of statutory and regulatory machinery as tools in attaining the principal end of a legislative and administrative policy is undeniable. But, assuming fairly adequate machinery, the prime essential is one of spirit. It might be argued, for example, that, inasmuch as the diversion of denatured alcohol is the chief sources of illicit liquor, all denaturants should be added at the time of distillation instead of facilitating diversion by permitting the transportation of alcohol to a number of denaturing plants with attendant increased difficulty of supervision. The answer is that this is a matter of administrative detail.

This matter of morale is bilateral. It has two phases—the one active, the other passive; the one represented by the officers of the law, the Government; the other by the great mass of our citizenry, the people. These phases in many cases overlap and perhaps can never be completely separated. Their influence is nearly always to some degree reciprocal. When officers fail to enforce the law, it is because they have not the support of public opinion. This support is denied because of a belief that the officers are inefficient or venal. With a due recognition of these reciprocal influences it is possible and desirable to consider the two phases separately in the confidence that an improvement in either phase of the problem produces a corresponding improvement in the other.

The second passive phase relates to the acceptance of the law and is outside the scope of this paper. But before considering the first phase mention should be made of the relation of the responsibility of the Federal Government and the States. The eighteenth amendment did not make the Federal Government solely responsible for enforcement. The amendment reserves enforcing power to the States. Various contentions have been advanced as to whether the States have any obligation—legal or moral—to enforce prohibition. For the purpose of this discussion these distinctions are largely academic. We must not fall into the error of believing prohibition a purely Federal matter. The States did not vacate their power to act in the premises when they delegated power to Congress to pass enforcing legislation. They reserved full power to act, limited only by the provisions of the fifth article. No discussion of this subject which treats of Federal functions to the exclusion or neglect of the power of the States can properly cover the ground. It is impossible here always to differentiate but this discussion is intended to be flexible enough to apply indifferently to Federal and State officials.

Can any one doubt the immediate salutary effect on enforcement if the Executive chiefs—President, governors, mayors—entertained the same attitude of determination toward enforcement that they might as executives in an industrial organization toward their peculiar industrial problems? Imagine the electric effect if the President should

tell the Secretary of the Treasury that his tenure depended on his ability to show results; if the mayor should tell the police commissioner that the continued existence of speakeasies would mean a new commissioner. Such an attitude would be contrary to political traditions and it would probably be necessary to establish the sincerity of the executives by rather drastic and perhaps somewhat sensational means. If a few officials were publicly humiliated by removal for derelictions openly announced and condemned, few of their successors would be guilty of a similar neglect of duty. The inevitable result would be that the executives would require efficiency and honesty from those under them equal to that exacted from them. Concretely, a police commissioner or similar executive would call in those immediately under him and say, "I want you to stop liquor violations and I'll support you. But if my plain-clothes men find a speakeasy or a still in your precinct you will have to have some convincing excuse. If the violation continues no excuse goes but you do." The executive would have to prove his sincerity and determination, but with executive pressure manifested violations would practically cease.

Enforcement officers and policemen are extraordinarily resourceful when it becomes desirable or profitable, and that desirability is generally determined by the attitude of their superiors. Their resourcefulness is such that they solve many problems without making any arrests and without violence. (Disavowal is made of any advocacy of illegal, extralegal, or oppressive methods.) A small city official recently boasted that a gypsy caravan had not stayed an hour in his city. The gypsies had committed no crime; the officer took pride in the fact that he did not let them stay long enough for that. Yet the same man, in the same conversation, petulantly plead that he could do nothing to rid the community of the four speakeasies that had been operating there for three years. The absurdity of it! No officer is in a quandary to know what to do if a hold-up man idles on the street corner about the time a pay roll is due. No officer is perplexed to know what to do about a speakeasy or bootlegger on his beat when he knows his superiors will uphold him. And every officer knows of the existence of every situs of law violation in his immediate jurisdiction. It is idle to argue that minor officers protect law violators for graft. No major or general protection is possible without the collusive acquiescence of superior officers.

Where there is the official will the way treads on its heels. A few years ago the police were protecting 14 houses of ill-fame on one street in a large city. The captain, the sergeant, the officer, each got a share of the graft. There came a disagreement and the order was issued to close the houses. The officer began faithfully to patrol that part of his beat. Intoxicated persons were taken to the station house, vagrants were admonished, loiterers were told to move on. Not a raid nor arrest was made in any of the houses but within 30 days every one was closed. There were no patrons.

But, someone says, this talk about the will to enforce is just an ethereal abstraction. The prohibition law is flagrantly violated. We have the officials, but how can the essential but elusive actuating impulse be attained? There should be some plan to enforce the law. Precisely. A plan that has to do chiefly with matters immaterial and psychological can hardly be submitted with blue prints and working specifications, but it can have some very definite working details.

In the first place, the plan relates to enforcement, not to defeasance. We are not concerned, in this connection, with whether the law is popular or just. We have before us an actual condition which does not here admit of theorizing on substantive matters of law. Ours is the adjective problem of attaining the principle end of the eighteenth amendment.

If this adjective problem may be largely solved by the will to enforce, how, then, is that will to be obtained? Must it be evolved from within or may it be the result of objective stimuli? That the latter is true may be answered with a decided affirmative. Official inanition, laziness, complacence, or even corruption can never long withstand the continued focus of informed public attention. No outlaw business can stand the light. Bootlegging is an outlaw business, and it is an established fact of mass psychology that the great inarticulate majority of any community becomes vocal whenever informed public opinion is directed toward such an object. It is also a fact that those on the fence take a position with the majority and some even climb over from the other side. Call it a phenomenon of the mob mind or ascribe it to the innate righteous feelings of the American citizenry, but the fact remains that this irresistible force operates upon officials to produce the will to enforce.

Whenever an exposé of bootlegging, or gambling, or prostitution is made, the lid goes on and stays on just so long as the agitation keeps up. There is thus raised the question of how to secure a sustained exercise of the will to enforce. This can be secured by an exemplification of the fact that the focus of public attention is not discontinuous and disjunctive but continuous and unbroken. Complacent officials consider reform movements as—like angel visits—"few and far between." They must be made to cry with Macbeth: "What! will the line stretch out to the crack of doom?"

This demands a commission of experts to gather information and make it available to the public. Such a commission could never represent the political minority because partisan considerations must always be excluded. It would have to have a personnel removed from the possibility of any just or fair adverse criticism. These experts might be named, for example, by the American Political Science Association and financed either by subscription or as some of the great foundations. The commission principle is flexible enough to be adaptable to the needs of any political unit as the occasion may arise. This commission must never be maneuvered into a position of assuming the rôle of prosecutor. To take this position is to accept failure in advance and to foredoom the project to the scorn of corrupt or unwilling officials and the ultimate disapproval of the general citizenry. Such an agency ought never to be unfriendly to honest and willing officials. While to the unworthy official the focus of public attention might seem a searchlight upon his embarrassment and the findings a philippic, to the willing and conscientious official they would be a beacon light and an encomium.

How would such an agency operate?

It would obtain exact information about law violations, including names, dates, and places. It would be informed on all matters in which the public has a legitimate interest. That means everything which may serve as an index to the degree of law enforcement obtaining at a given place and time. The essence of this information should be sympathetically presented to the officials. If they are in earnest they will remedy the situation in so far as it needs remedy. If the officials fail to take cognizance of lawless conditions, the information should be given to the public in the same open way, although perhaps more dispassionately than the findings of a Senate investigating committee.

The commission collecting this material need be no obnoxious interloper. It need be offensive only to unworthy and dishonest officials. Its interest in the honest administration of the law should be as unimpeachable as that of an antituberculosis association.

This method of securing enforcement by giving the Executive will to enforce has never failed when it has been consistently applied. No recalcitrant official can withstand it. Thus there may be obtained that essential spirit which is manifest in the will to enforce.

Joint Action by Government and People

By Ernest H. Cherrington, general secretary World League Against Alcohol, Westerville, Ohio

The foundations of the plan

Recognizing conditions: The purpose of the eighteenth amendment is directly to prohibit the traffic in, and indirectly to prohibit the use of, beverage alcohol. This plan proposed for making that amendment effective involves recognizing that constitutions do not enforce themselves; that laws live by action of officials; and that public opinion is the dynamic force back of government.

Facing the facts: This plan requires facing the fact that while American public sentiment has been shown to be emphatically favorable to the eighteenth amendment as a standard of conduct, nevertheless there is as yet no such degree of sanction for enforcement and observance; and that there is widespread and flagrant disregard of that amendment and the laws pursuant thereto.

Fundamentals: This plan, moreover, is constituted upon the assumption that free government can effectuate itself; that the perpetuation of democratic institutions requires observance of laws by the classes as well as by the masses; that the rights of the people of the Nation as a whole are paramount to those of a single individual, community, or State; that time is an essential factor in making effective prohibitions against great social evils, as evidenced by such cases as those of piracy, the slave trade, dueling, the public lottery, and narcotic drugs; that any effective plan must evolve from experience, and that its final test must be, not whether it is expedient but whether it is right.

This plan, therefore, naturally divides itself into two general subdivisions, namely: (1) The functioning of the Government, and (2) the functioning of the people.

I. The functioning of the government

Concurrent and coordinate action: The Government's part of the plan for making the prohibition amendment effective requires not only concurrent action of the States and Congress under the specific concurrent provision of the amendment but also coordinate action of the judicial, legislative, and executive departments of Government and subdepartments thereof.

While there is no limitation on the Federal Government to deal with all classes of violations, nevertheless experience and practical considerations indicate the wisdom of coordinate action whereby the local and State governments will deal with local violations, thus leaving the Federal Government to deal with sources of supply, interstate traffic, diversion, large sales operations, smuggling, and conspiracy cases.

The judiciary

One of the most vital essentials for the success of this plan is that all courts, through which enforcement registers, shall be kept independent and free of undue influence; shall assess penalties commensurate with the crime, within the limitations of the law; shall insure speedy

and sure punishment for violations; and shall see that juries are chosen by such methods as will assist justice.

Nevertheless, the courts should be held strictly to account. There is no department of government where malfeasance or nonfeasance should be dealt with more promptly and definitely, for what happens in the courts will not only affect the eighteenth amendment but will go far toward demonstrating the degree of efficacy and integrity of the American court system.

The executive

Local, State, and Federal action: Under the plan proposed, adequate enforcement of the law involves coordinate action upon the part of Federal, State, and local executive officials, who stand immediately behind the courts.

There is divided responsibility in the States, where the maximum of police power is held. Not only the governor but the attorney general, the sheriffs, the mayors, and the prosecutors, are elected by the people. The only Federal enforcement official elected by the people is the President, who alone is specifically charged under the Constitution with the faithful execution of the laws, together with the preservation, protection, and defense of the Constitution.

Power of the President: By virtue of his appointive power, his relation to the judicial and executive departments of the Government, his influence with Congress, and his connection with foreign treaty making, the Chief Executive of the Nation becomes the most important single factor in the machinery of government for making the eighteenth amendment effective.

Presidential responsibility: The fact that the eighteenth amendment is more seriously challenged than other parts of the Constitution lays upon the President a greater responsibility with regard to it. The success of this plan, therefore, depends very largely upon him. Just as local, community, and State executive officials must be held responsible for local and State enforcement, so the President must be held peculiarly responsible for Federal enforcement.

The legislative department

Character of legislation: Under this plan the legislative requirements are not for a new system of enforcement but rather for ample appropriations, necessary adjustments, and clarifying and remedial provisions to carry out the intent of the present laws.

Specific changes necessary: Experience has demonstrated the need for the following legislative action:

Increase of the annual appropriation for the Federal Prohibition Unit to not less than $25,000,000.

The transfer of the Prohibition Unit to the Department of Justice.

A liaison officer to coordinate the subdepartments of all the general departments of the Government in such a way as the Coast Guard and customs have been correlated with the Prohibition Unit under the Assistant Secretary of the Treasury.

Concentration of all existing warehouse liquor stocks and making the manufacture of all intoxicating liquors for legitimate use a definite and direct responsibility of the Government.

Increasing penalties for the violation of the prohibition laws to equal the penalties provided for similar classes of offenses under the postal laws and codes governing other offenses of the same degree.

Making the purchaser of intoxicating beverages liable under specific penalties as particeps criminis.

Providing for deportation of aliens who persistently violate the prohibition laws.

Providing a sufficient number of judges and ample Federal court machinery to insure prompt care of all cases.

Providing that the Government shall gather data and publish official statements on the various vital phases of beverage alcohol use, law violations, accidents, poison liquors, and various other related social and economic data such as are now collated and published on other important subjects.

Enlarging, extending, bringing down to date, and making imperative the observance of State laws providing for instruction on the alcohol question in the public schools.

II. THE FUNCTIONING OF THE PEOPLE

Where final authority rests: Under our form of government there is a power above the three departments outlined in the Constitution. That power is public opinion.

Public opinion is the final authority whose will legislatures translate into statutes, whose mandates public officials execute, whose judgment courts interpret and decree. Therefore this plan places the greatest emphasis on the obligation of the people.

Organized effort: Public opinion under this plan must function through such organized forces as the churches, social betterment agencies, welfare associations, temperance and reform societies, civic leagues, and citizenship organizations. Such organized forces, representing the people, must constantly make their impact upon educational, industrial, commercial, social, and political groups. The results of their efforts must be shown in the work of the public schools, the Sunday schools, labor organizations, business enterprises, social clubs, and other agencies. They must make their appeal to, and make proper use of the press, the pulpit, the public platform, the movie, and the radio.

Impacts upon government: Such forces may thus exercise a most wholesome and proper influence in the community, the State, and the Nation not only in the election of public officials but in securing proper remedial legislation and assisting law enforcement by the influence thus indirectly brought to bear upon legislative bodies; upon local, State, and Federal enforcement officials; upon State and Federal judiciary departments; and, what is more important than all else, upon the people themselves, as to their vital part in the operation of all the departments of government and by their own obedience to the laws which they have made. Thus only can morale be created.

Limitations and obligations: Organized forces representing the public in educational and promotion work in the interest of the eighteenth amendment must not assume functions which belong to the Government, must not attempt to dictate, but must constantly seek to present "the truth, the whole truth, and nothing but the truth" as it relates to the principle involved in the eighteenth amendment and to its enforcement and observance.

New type of education: Even more vitally important, however, is the obligation upon such forces to inaugurate a new type of educative effort, with new data in harmony with the new age, new methods, and a new appeal, that will meet the most critical intellectual and ethical tests of this new day. That means such a campaign of education as has never before been approached in social reform. It means an effort to persuade the public to consider in this connection the new facts and implications of the rapidly increasing mechanization of industry, where the electric dynamo has substituted for human muscle and has thus transformed the human factor in industry into one, the requirements of which are keen eyes, quick wits, steady nerves, and clear brains.

It means emphasizing the steadily diminishing safety margin in modern transportation, where the fast express, the automobile, and the commercial airship are rapidly making intolerable the contact of beverage alcohol with the nerve centers of the individual, with all the far-reaching social and ethical implications involved therein.

It means placing major emphasis upon the obligation of leaders in industrial, commercial, social, and political realms who, by reason of their example, influence, and leadership, must of necessity carry the largest degree of responsibility.

It means primarily investigation, research, publicity, and other special educative processes with the resultant dissemination of the truth, not simply among adult groups but particularly and more imperatively among those in the public schools, the colleges, and the universities who as citizens and officials of to-morrow will determine the destiny of beverage alcohol and the principle of prohibition.

Such an educational program—with such methods, such limitations, such obligation, and such a purpose—is absolutely essential to an adequate realization of that condition which the eighteenth amendment was intended to promote.

III. THE OPERATION OF THE PLAN

This plan, therefore, will operate, first, in the dissemination of the truth in a tremendous nation-wide educational campaign emphasizing total abstinence for the individual and the elimination of beverage alcohol from social life.

Gradually, by that process and by the action of government which will help to promote that process, there will be created a body of sentiment in villages, counties, cities, and States which will be committed against beverage alcohol and to the vital principal of national prohibition. Slowly but surely that sentiment will be crystallized into public opinion, which in turn will be translated into definite action. That public opinion, guided by the organized forces of the churches, social-welfare agencies, civic organizations, and citizenship groups, will increasingly express itself through intelligent discrimination at the polls, in the election of public officials, and on the sidelines in government, encouraging and upholding the hands of public officials who perform their duty and condemning the action of those who violate their trust.

Finally public officials, certain of that sentiment, eagerly will act and aggressively will press for the realization of the people's will to the end that the laws of Congress and the States may be supplemented as need may require; that the courts may function in the matter of prohibition laws as they do in connection with other laws; that local, State, and Federal officials in the executive departments of the Government may set up a new standard of public conduct in the enforcement of the law; and that the people generally may become committed to total abstinence and prohibition.

Thus only can the eighteenth amendment to the Federal Constitution be made permanently effective.

BUILD UPON SCIENTIFIC FACT

By Dean Alan C. Lennon and faculty, College of Puget Sound, Tacoma, Wash.

The effectiveness of the eighteenth amendment will depend first upon favorable public opinion. This must be founded on scientific fact rather

than propaganda. To this end a Federal commission composed of expert economists and sociologists should be appointed by the President of the United States or the Department of Justice. This commission would proceed in a scientific manner to discover, analyze, and present facts concerning the effects in personal and social life of alcohol and of its prohibition, from such sources as life insurance records, biological investigations already undertaken and not yet completed, and other types of research into the results of intoxication and use of alcohol in general. Such a commission could have public confidence and through dissemination of the actual facts concerning the effect of alcohol on the health, economic success, social welfare, and efficiency of the individual, would be an important factor in forming public opinion.

A national organization of business and professional men and women, with units in all parts of the country, would be established for giving adequate publicity to the findings of the Federal commission. The members would be chosen for their outstanding ability and influence, and would be called upon through lectures and conferences, to appeal to the sentiments, ideals, and patriotism of the citizens. They would use their personal influence to bring social pressure to bear upon the indifferent, and to curb the propaganda of special interests, especially in the press.

Since the ultimate success of legislation and enforcement must come from an enlightened public conscience, a systematic plan of character education should be carried on through the schools and through other cooperative agencies, such as the Boy Scouts, Knighthood of Youth, and Girl Reserves. This would include as a part of the course of study, loyalty to the Constitution as a trait action, correlative with honesty, courage, industry, and other trait actions that make for the good citizen. Loyalty to the Constitution as a subject in the character education curriculum, would be taught by the direct method, just as arithmetic is now taught in the academic curriculum. Information would be given concerning the Constitution and the sanctity of law. In addition, specific situations calling for the development of trait actions in the individual child, involving loyalty to the State and the Constitution, would be presented.

The following situations are offered as examples:

(1) You hear someone make scoffing and derogatory remarks against the Constitution. What would you do?

(2) You hear jokes about the law and the officers of the law. How would you respond?

(3) You are working in a store after school hours. You discover that your employer is selling intoxicants. What would you do?

Many specific situations in addition could be presented, based upon the scientific information given out by the Federal commission of scientists.

The active sympathy and cooperation of leaders in the commercial, industrial, and professional life of our communities must be secured as a major condition of effective operation of the prohibition plan. These leaders have been in the main indifferent, where not actually hostile to the enforcement of the prohibition laws and their lack of cooperation has been in a large measure responsible for the ineffectiveness of enforcement. Business is the dominating force in the social life of the United States, and the thinking of its business and professional leaders is the determining factor in public opinion.

In order to interest the business group in the enforcement of prohibition, since they think in terms of profit or loss, it must be demonstrated that such a course is to their own financial advantage. This can be done through showing that enforcement will bring about increased efficiency and production. Many employers have already been convinced by studies in specific lines of industry that the enforcement of prohibition results in increased efficiency and production among their employees and subordinates. These and similar studies should be given wider publicity, and further research should be undertaken. Exact measure should be made of the relation between the use of intoxicants and fatigue, spoiling of materials, damage to equipment, rate of production by employees, and frequency of accidents; curves should be plotted, charts prepared, and this material made available to all employers.

Although many employers have realized the undesirability of the use of liquor among their employees, they have made no check on the effect of the use of intoxicants on their own efficiency. A system of standards, records, and reports for checking their own efficiency, similar to those used in measuring the efficiency of employees, should be devised.

A general increase in the consumption of goods would be to the advantage of all producers. A study should be undertaken to show how this would result from effective enforcement through increased savings and prosperity of the people.

On the basis of the scientific facts regarding enforcement given to these leaders, they should be definitely committed to a program of constructive cooperation. Through the initiative of the Federal commission and of the national association of business and professional men and women mentioned above, they should be pledged to support prohibition in their personal relations, as exemplified by President-elect Hoover, who, during his visit in Nicaragua, used water in drinking a public toast. Coordinated effort and social cooperation should be initiated by leaders in different lines of business.

Reorganization of political and legal machinery for the enforcement of prohibition must be carried out in order to secure effective operation. Through a survey of enforcement methods in social groups where law is most effectively maintained, a better legal procedure for dealing with violations of prohibition laws should be developed. Since, as noted by the American Bar Association at its annual meeting in San Francisco in 1922, Canadians, as well as other aliens, are more law-abiding in their own country than in the United States, it is particularly suggested that a study be made of court and police practice in such countries as Canada and England, leading to adoption of their desirable features.

There should be immediate use, without waiting for the completion of the above survey, of recommendations for better law enforcement made by the American Bar Association. These include suggestions that parole and probation be permitted for first offenders only, that dockets should be kept clear, and that bail should be carefully supervised.

Efficiency in the enforcement machinery will depend upon proper differentiation of function within the organization. Since the Department of Justice specializes in matters dealing with law enforcement the enforcement of the eighteenth amendment should be placed under its jurisdiction rather than that of the Department of the Treasury. In each judicial area a model police force and a model court, based on the findings of the survey suggested above, should be set up as a special agency for the enforcement of such laws as the eighteenth amendment and the Harrison Narcotic Act. Such a court would have a double advantage, in that it would enforce a difficult law, and, as its efficiency was demonstrated, would serve as a model for other courts.

More exact delimitation of the jurisdiction of Federal, State, and local enforcement officers, eliminating friction and opposition between them, must be worked out. It is suggested that Federal officers concentrate their efforts upon wholesale distributors, and that State and city officials hunt out local and retail dealers. Under such an arrangement the Federal officers would shut off the supply of beverages of high alcoholic content at its source. The principle of elimination at source should be further carried out by arranging treaties with foreign powers whereby these powers would agree to deny clearance papers to such cargoes of alcoholic beverages as may be strongly presumed to be destined for United States ports.

All appointive officers from the Attorney General to the 91 United States marshals should be persons who are friendly to the eighteenth amendment, and who believe that it can be enforced. A program of factual education will guarantee ultimately elective officers who are likewise friendly to the amendment, and who likewise believe in the possibility of its enforcement.

PLAN OF CLARENCE TRUE WILSON, GENERAL SECRETARY BOARD OF TEMPERANCE, PROHIBITION, AND PUBLIC MORALS, WASHINGTON, D. C.

1. If I were President: I would see that the Constitution of the United States did not become a joke during my administration. The White House would not serve intoxicating liquors or patronize bootleggers or set an example of drinking in homes while the Government was committed to the opposite policy. My Cabinet would not contain men who openly flouted the Federal constitutional provisions of the Federal Government. Judges of my appointment would not brazenly, from the bench, denounce the laws of the land which they had taken an oath to enforce without accounting to me and to the Government in the impeachment proceedings provided for by law or through a peremptory demand for their resignation. I would appoint as the chief enforcement officers men of executive ability, standing for character and achievement, and who, in addition, believed in this law that they were expected to spend a lifetime in enforcing, so that in all their work they would be able to work with their conscience and not be asked to work against their own conscience. Other things being equal, men will do better by the task in which they believe; therefore no wets need apply. My message to Congress would hold up the high ideals of citizenship and loyalty and not let down to popular lawlessness in an experimental stage of our "greatest moral experiment" through "that salutary law." As the leader of my party as well as the Executive of my Government my influence would be made to tell for our form of government by showing that when 46 out of 48 States ratify a constitutional amendment, decent and law-abiding citizens would be expected to observe it and the criminally disposed would find it enforced upon them by the strong arm of the Government.

2. If I were Senator or State Representative in Congress and took an oath to enforce, protect, and defend the Federal Constitution and the acts of Congress, I would vote for an adequate appropriation for the enforcement of the law that is most under fire, and until it was changed I would see that it was respected at any possible cost. The budget for prohibition enforcement would, therefore, have my attention and all needed acts of supplementary legislation to adapt the Volstead Act to the growing exigencies of experience. A law should fit the growing sentiment of the people as the bark on the tree grows with and expands with the swelling trunk. I should, therefore, make no apologies for

supplementing a law of Congress, but make a felony of the five outstanding offenses against the eighteenth amendment which are named in the amendment itself—the manufacture, sale, importation, exportation, or transportation of intoxicating liquors. To do any of these five things is not only to violate the Volstead Act of Congress but to trample on the Constitution itself, and Congress should enact laws and compel the honoring and the general observance of our constitutional amendments.

3. If I were an officer of the Federal Government in executive position or in a judicial relation I would feel that an attack on the Volstead Act was an attack on me as an officer of the Government and interpret the flaunting of lawlessness as rebellion against our form of government, and I should not do what Roosevelt called "hitting soft," but would show the lawless element what getting the strenuous life pledged to law-abiding citizens meant.

4. If I were an officer of the United States Army or Navy, wearing the uniform of our Government, I should remember what Abraham Lincoln said during the Civil War when he saw a soldier wearing his blue uniform into one of the notorious saloons of Washington. The great President walked forward, put his hand on the shoulder of the young man, and said, "My boy, I hate to see you carrying that uniform into places like that." And as an officer of our Army or Navy I would hate to see our men wear the uniform of the United States, paid for by the Government and loaned to them for personal use while they represent it, carried so that they openly proclaim that while wearing their uniform they were trampling on the principles of free government and obliterating the influence of the laws which the oath of every soldier and sailor requires him to uphold and protect.

5. If I were governor: I should hold my State to be foremost in the cooperation which it gave to the National Government in its great moral experiment of showing the nations that you can run a government like ours without tainted money, and conduct a civilization without turning boys into drunkards and girls into drunkards' wives. I would make a conscience of appointing the best equipped men to enforce a law of my State and see to it that they cooperated with Federal officers in a joint effort to make the efforts of the United States in suppressing an iniquity like the liquor traffic a success.

6. If I were chief of police: I would remember what the old saloon days meant, when every corner was an organized temptation for youth and a sluiceway for drunkenness, when the red-light district and the gambling hells held high carnival and the saloon gang ran the politics of the city, removed decent judges from their places for fining gamblers or suppressing dens of vice, and when decency could hardly get a breathing spell in any one of our big American cities, where the notorious bad government smelled from ocean to ocean and it was commonly said 15 years ago that our civilization was breaking down through the graft of our city life. And now, as the chief of police of my town, I have the responsibility of making a success of prohibition, which simply means the final evolution of a hundred years of education as to the evils of intemperance and the final culmination in a supreme effort to suppress rum selling, liquor manufacturing, and organizing political corruption by the brewers' association and the German-America alliance. Whatever others may do, my citizens shall go straight.

7. If I were sheriff: The people of my county have chosen me from all their citizens to take responsibility for managing their finances, preserving order, enforcing law, and maintaining the standards of good citizenship in rural as well as city life. I can let down and the whole moral tone will lower, or I can hold high standards to law-abiding citizens and we shall have a decent county to live in and raise our children in. I have a close touch with the city government on the one hand and the Federal Government on the other and with the jails, police courts, circuit courts, and the Federal officers as well. They have a right to expect certain things of me, and while I am sheriff they shall not be disappointed. Prohibition has not had easy sledding with politicians, but it is no longer a question as to whether I believe in it as a policy, the law-making power has settled that, and constitutional government goes up or down in this county with the success or failure of law observance and enforcement. I, therefore, shall without asking questions as to who enacted it and why, personally do my duty in the enforcement of a law as it stands. If it is properly enforced we will know whether it ought to stand or not; if it is not enforced no honest man in America can say it has been given a fair trial yet; and, of course, it must not be changed until it has had a fair trial.

8. If I were constable of my county, or policeman of my city, I should expect people to remove me unless I respected the law of the land which I have taken an oath and am taking a salary to defend, protect, and enforce. When I walk my beat I want it distinctly understood that I am there as the embodiment of the principles of law enforcement, for the benefit of all the people who support me, and that I am not in partnership with the bootleggers and none of their blood money has ever clung to my hand or found its way into my pocket.

9. If I were a captain of industry, I would feel that present day industrial leadership of both capital and labor holds the most potential force for effective realization of prohibition efficiency. See how comparatively few have been the strikes since the decade of prohibition, and what an orderly, law-abiding, and sober affair the strikes have been. In the old days they filled up with booze in the wide open saloon, plotted mischief with intoxicated men and went out to make nights hideous with drunken crimes. Then how well I remember when we were thought to have no labor troubles, how thin the ranks were Monday morning, Tuesday, work still crippled as workmen struggled back late in the week from sleeping off their week-end debauch. Our profits have increased as our workmen have grown sober.

10. If I were an influential leader in modern education, the social heredity our generations pass on to the next by what we call education has seriously fallen down in the advocacy of respect for the ideals, law, and institutions of society. Most of our educational standards are lowered to suit a jazz age of lawless music, loose thinking, bravado acting, and unconcerned relationship to the State. The function of education should be to make students good citizens, who observe the law and help to improve society.

11. If I were the editor or manager of a great newspaper, I would give the news, I would picture the situation. But I would hold myself responsible for making my paper a leader to better things. Nation publicity movements are quite as responsible for the popular attitude of citizens as any political organization; "As a man thinketh so is he," and he thinks what he reads.

12. If I were a leader in the religious world, I should want our highest morality to register for human betterment. A religion that does not make men better is not good for men. Religion and morality are one. Religion is morality toward God. Morality is religion toward men. To imagine that religion has nothing to do with political questions is to restrict it from operating in its own field and make it an impractical idealism with no earthly mission. A religious organization with no rebuke or remedy for such a crushing evil as the liquor traffic or now the lawless bootleg trade, would have no place in a world like this.

13. If I were a law-abiding American citizen, enjoying the protection of the Army and Navy that keep foreign enemies from molesting us, of the police force that keeps the evilly disposed from trespassing, of good enactments which protect my life and property and reputation from the burglar, midnight assassin, the villainous libeler and even the speed fiend, I would consider myself an ingrate to enjoy all these immunities from danger at the hands of a republic as I trampled under my feet the rights of that republic in enforcing its own best laws and in the upward-trend of civilization by which evil has gone down and righteousness has gone up. There has been no enactment in the 1900 years of Christian civilization that has meant more for the protection of women, the safety of children, the building of homes, the establishment of character, the prevailment of sobriety than the best law of them all—the prohibition of the liquor traffic.

PRESIDENTIAL LEADERSHIP FOR ENFORCEMENT AND EDUCATION

By William M. Bennett, former State senator, New York

THE EIGHTEENTH AMENDMENT

1. The manufacture, sale or transportation of intoxicating liquors within, the importation thereof, into, or the exportation thereof from the United States and all the territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

THE PROBLEM

The best and most practicable plan to make the eighteenth amendment effective.

PROPOSED PLAN

This plan consists of two parts:

1. Legislation, enforcement, changes in administration.

2. Educational program to put public opinion back of the amendment.

A constitution is not self-enforcing. It contains no penalties for its violation. It must therefore be followed by legislation to become effective.

PART I.—LEGISLATION, ENFORCEMENT, CHANGES IN ADMINISTRATION

A. LEGISLATION

1. Federal: Federal legislation (a) defines "intoxicating"; (b) declares the crime for violation of the amendment; (c) creates officers to administer the law. Under it there is now partial enforcement, but the amendment is not completely effective.

2. State legislation: The amendment contemplates aid by the States by making jurisdiction of the Congress and the States "concurrent."

The 35 States which were dry before this amendment should not repeal their then existing prohibition laws nor relax their efforts to enforce them. If not already done, the laws in these States should be enlarged so as to include the enforcement also of this eighteenth amendment.

Other States should pass enforcement legislation to make the eighteenth amendment effective within their borders. These laws should be uniform.

B. ENFORCEMENT OF THE LEGISLATION

1. Federal enforcement: There are about 2,000 Federal enforcement officers trying to cover 3,000,000 square miles of territory, about 27,000 miles of coast line, and 4,000 miles of land boundary.

Their number should be increased, their pay increased. They should be men of established character, who believe in the amendment and who personally observe the law.

2. State enforcement: In the States dry prior to 1920, public opinion and State tradition would require that they keep up their police forces to enforce both their own prohibition laws and make the eighteenth amendment effective.

In other States and cities, as for example, New York, with its 12,000,000 and New York City with its 6,000,000 inhabitants, State legislation should place upon the local police forces the enforcement of such laws.

In New York there are 300 Federal prohibition agents. New York City has 17,000 policemen. Such a force can make the eighteenth amendment effective in New York City. Other cities can do the same.

Every policeman knows what is going on in every building on his beat, whether it houses a still, a bootlegger, or a speak-easy.

Every police department should have some official, a deputy commissioner, charged with the duty of keeping a real-estate map showing the location of every such place, a file showing the record of such places and history of the persons running them. Each patrolman should be required to submit to such official a periodical report as to the condition of his beat. Such deputy police commissioner should have the power to examine patrolmen as to the condition of their beats, and also to investigate the complaints of private citizens, the power to subpœna witnesses in connection with such investigations, and jurisdiction to try patrolmen for neglect of duty.

C. CONVICTIONS

Crime must be punished, else the law is not salutary. Local police officers can arrest for violations of the Volstead Act, but State courts can not try the offender for violation of Federal statutes. Hence the crowded condition of our Federal courts.

State legislation will open State and local courts to try offenders against prohibition. Thus speedier trials will result.

D. JUDICIARY

Courts should uphold the enforcement officers. Judges should not be too technical about the evidence. They should impose severer sentences. Failure to do so discourages the officers and prohibition agents.

E. WHAT HAS BEEN ACCOMPLISHED AND WHAT IS STILL TO BE DONE

1. The saloon: The eighteenth amendment has abolished the open saloon. To that very desirable extent the amendment is effective.

2. Moonshiners, rumrunners, bootleggers, speak-easies: The Federal Government is dealing with all of these fairly effectively.

State legislation and local enforcement should aid.

The patrolman knows every building. Vast majority of houses require no watching. The comparatively few that require watching can easily be covered once State and local aid is obtained.

F. VIOLATION OF THE EIGHTEENTH AMENDMENT IS A BUSINESS

No one will manufacture, sell, or transport liquors unless it is profitable. It is a business with tremendous investment.

Make the business unprofitable and those engaged in it will quit.

Dry up the sources: Seek out and destroy the stills. Concentrate on seizures and destruction of cargoes, whether carried on the sea in ships, on land by auto, or on sidewalk by hand.

Destruction of stills, prevention of delivery, and stopping the trade of the speak-easy is simple when the hundred thousands already existing State and local peace officers cooperate.

Landlords know their tenants. Make them get rid of any criminal tenants.

Conviction for crime helps, but make business unprofitable and it will cease.

It takes two people to make a bootlegger—the seller and the buyer. Education to total abstinence will make the business unprofitable by decreasing the number of customers. The former educational program in schools, schoolbooks, churches, Sunday schools, lecture halls, and homes should not be dropped for a mere law-observance plan.

SOME CHANGES IN THE FEDERAL ADMINISTRATIVE SCHEME

1. Administration of this law should be made a separate department of the Government directly responsible to the President: Making the amendment effective is so important that it was made one of the main issues in the recent presidential campaign. Economic saving effected by prohibition runs into several billions of dollars. It is a nation-wide problem. President-elect Hoover has pledged himself to special effort to enforce it.

The administration of this law should be placed in a separate department of government, namely, a commission of outstanding men appointed directly by the President.

Thus the subject will be dignified, have its proper importance, and outstanding men of ability will consider it an honor to be appointed one of the commissioners. We have ample warrant for this in the Interstate Commerce Commission and in the Federal Trade Commission.

To this commission should be transferred from the Treasury Department—

(a) All executitve and administrative functions.

(b) Supervision and conduct of the educational program hereinafter outlined.

2. Department of Justice: Enforcement of the penal provisions of this law should be placed under the Department of Justice, thereby coordinating the work, fixing the responsibility more directly, securing a higher type of personnel and a better morale.

PART II.—EDUCATIONAL PROGRAM TO PUT PUBLIC OPINION BACK OF AMENDMENT

A large percentage of the people oppose this amendment. Public sentiment must be put behind it. This can be done by education. Wet organizations under high-sounding names are active with propaganda. Drys must be equally so. A mere "law observance" program will not suffice.

There must be continuous—

A. EDUCATION

1. As to effects of intoxicating liquors: The temperance organizations should renew and redouble their activities in teaching the effect of alcohol in impairing mental and industrial efficiency, causing crime, misery, poverty, industrial accidents, and economic and spiritual loss. Total abstinence is spreading in England and Scotland. It should be emphasized and encouraged here in every possible manner.

2. As to respect for all laws: There is wholesale violation, not only of prohibition, but of all laws. Employers' Association of Chicago reported that there are 168 "rackets" or organized criminal attacks on business in that city, levying tribute of $100,000,000 a year.

Respect for law and a civic conscience must be restored.

3. To bring about the enactment of State legislation putting the State and local peace officers, courts, and prosecuting officers back of the eighteenth amendment: States must help. State, city, and local courts, magistrates, prosecuting and peace officers must back the amendment. Civic organizations should be formed to bring about speedy enactment of such legislation in every State where it is not now on the statute books.

B. THE PRESIDENT SHOULD BE THE LEADER IN THIS EDUCATIONAL MOVEMENT

Mr. Hoover, at Elizabethton, Tenn., October 7, 1928, said:

"The purpose of the eighteenth amendment is to protect the American home. * * * I wish it to succeed."

All the people must be taught to believe this. The amendment will then become effective.

Most of the protection of the American home is secured from State legislation and local ordinances, enforced by State and local courts and peace officers.

This was true of prohibition before the amendment was adopted. The people must cooperate to make this amendment effective. Public sentiment must be put behind it. The President can do this more effectively than anyone else.

1. A message to the people from Mr. Hoover: Along the lines of education of the people and revivifying the public conscience, it would be very effective, and entirely fitting if President-elect Hoover should start the revival of the educational program by giving a message to the American people setting forth:

(a) The reasons for the adoption of the amendment.

(b) Telling them that their cooperation by personal observance of the law and cooperation in an educational program is necessary to make the amendment effective.

(c) Announcing that he intends to call a national conference on the subject.

2. A national conference should be called by Mr. Hoover: There should be formed in this country a national association to promote total abstinence and make the eighteenth amendment effective.

Mr. Hoover after his inauguration might well follow up the message to the people by calling a conference at Washington of governors, mayors, chiefs of police, judges, prosecuting officials, and a carefully selected list of heads of transportation lines, large industries, life-insurance companies, editors, publicists, and other representative citizens of all professions and walks of life from all sections of the country to consider:

(a) The problems of enforcement.

(b) The successes of enforcement.

(c) The failures of enforcement.

(d) The remedies.

The list of names of those invited and their positions in life should be given out to the press. This would be a coming together of the government, and business, and the citizens. Its proceedings would attract great attention and would be spread broadcast by the press and radio, by the church, schools, and colleges, and would give a new and nation-wide interest in the eighteenth amendment.

The conference would result in valuable information and concrete suggestions.

Out of it should come the formation of a permanent nation-wide organization, nonpartisan, nonsectarian, which any man, woman, or child could join, like the Red Cross, having local chapters, local drives, educational propaganda, tag days, and other activities tending to help the parents teach the children and the children to lead the parents and stir up State, city, and community interest in total abstinence and the support of the amendment.

C. ELECTIONS

1. National: The recent election demonstrated that the amendment is here to stay. We have a President pledged to make the amendment effective, who says "I wish it to succeed."

The Congress is of the same mind.

2. State and local elections: State aid is necessary in enforcement.

If a candidate enters the primary of either party or is nominated for governor, mayor, or other office who is a wet, effective action should be taken to nominate an opposing candidate of equal capacity who is avowedly and actually in favor of making the eighteenth amendment effective.

This is part of the "educational" program.

CONCLUSION

Whoever made this world has infinite patience. Toward prohibition He has given us a starting point in the eighteenth amendment. It can not be made effective in a day. But with State legislation and State and local enforcement added to Federal legislation and enforcement, and a public conscience and respect for law and total abstinence restored by ceaseless education, the amendment can be made effective.

Most important and absolutely essential is education, education, education, and a new national association to spread the economic and spiritual benefits of total abstinence and to bring about a restored public conscience and a restored respect for law both by citizens and by the officials elected by them and the election of officials who will respect the law.

SELL ENFORCEMENT

By William Feather and Edwin L. McFalls, 812 Huron Road, Cleveland, Ohio

The following program for making effective the eighteenth amendment to the Constitution of the United States assumes that the amendment and the Volstead Act are fundamentally sound—legally, sociologically, economically—and that they represent the conclusive will of the American people and will not be altered in any basic way.

It contends, on the other hand, that the effect of this legislation has been destructive rather than constructive, negative instead of positive, and that the methods of enforcement, running exactly counter to American tradition, are psychologically wrong and tend to promote civil war rather than national progress.

This plan suggests a method, modern but not magic, which will eventually enlist the support of the people who are now indifferent or antagonistic and make enforcement easier, less costly, and more pacific. Evidence will be supplied that the plan is practicable, and that its adoption would immediately reduce present costs of attempted enforcement by the police and courts.

Phychologists state that the human mind is incapable of receiving a negative stimulus as readily, or reacting to it as quickly or instinctively, as it does to a positive stimulus or command. This characteristic of human nature is noted daily in common matters.

Direct a person to do something, with the proper show of authority, and he is likely to comply first and consider your reasons and rights afterwards. His curiosity is aroused, not his resistance. Direct him to cease doing whatever he is occupied with, using the same tone of authority, and he instinctively resists the command, often stubbornly refusing. This need not be proved to parents. A "thou shalt not" law, unsupported by wide public opinion, creates antagonism, and can not be enforced. Public support must be obtained, and police clubs are not the way to obtain it.

In the enforcement of prohibition there has been little or no recognition of this fundamental principle.

Whereas prior to the adoption of the eighteenth amendment all of the various "dry" or "temperance" agencies employed persuasion and appeals to reason and moral sense to win converts, and did so with a large degree of success, no such tactics have been used on a large scale since. Police power has replaced reasoning power; we have been compelled, not converted.

The average citizen, his mental equipment reacting in a perfectly normal way, sees himself losing something he formerly had (whether he ever used liquor or not, sees his range of possible activities restricted, feels his rights infringed. He sees himself as a loser—not a gainer, by the enactment. The reaction of some is expressed in the statement, frequently heard, that "He never drank until the law said he couldn't."

You can take a bone from a dog with safety only by giving him a better one.

In other words, the prohibition law has not been "sold" to the American people. It has not been pictured or interpreted to them in terms of tangible, intellectual, material, personal, and immediate benefits. The authors of this plan maintain that it can be. The benefits are so real, of so great value, with so much appeal to the individual's selfish interests that when they are properly presented to him he will demand them.

As we have said, an American can be converted but never compelled. He can be lead but he can not be driven. The lash must be exchanged for the leash, and the leash that will lead him is a picture indelibly impressed on his mind of the profit and benefits he will enjoy under the proper functioning of the prohibition law.

To make the American public as a whole accept the eighteenth amendment and the Volstead Act as a positive benefit, to be eagerly and earnestly embraced, is an educational enterprise. Every instrument and medium for influencing the popular mind must be used; but in the opinion of the authors of this plan, one instrument is of the surest and swiftest efficiency.

It is modern advertising—regarded by most business men as the greatest single instrument of influence in the world to-day. The public school, the pulpit, the platform, the press—none of them can reach so many minds so quickly, so convincingly, so cheaply as does paid advertising. Unless this were true, unless commercial advertising were the most efficient means of influencing men, economic forces would have prevented its rapid development.

This plan recognizes the value of constructive educational work in this campaign in the public schools. It contemplates coordinated effort by pulpit and platform speakers. But these are not part of the plan. These agencies for leading the public mind have always existed, but have not by themselves been sufficient since the passage of the eighteenth amendment to stem the adverse tide. Their range of influence is too limited; their appeal is for the most part to classes who do not need the influence.

MACHINERY OF THE PLAN

Under this plan an agency will be created which will be under the direction of citizens who command the respect of the Nation. They might be appointed by the President of the United States, if this plan won the approval of the President or of Congress. They might be selected by an independent group of citizens, if the development of this plan should be left to private effort.

The agency or group thus created would employ a staff of trained and experienced advertising executives, who would be directed to apply the same intelligence to this problem that is now applied to the sale of radios, automobiles, soap, and other commodities. This group would function in the same way as a commercial advertising agency. It would sell to the American public, through the same media, by the same methods, the benefits, advantages, and blessings of the dry law, just as nearly every other kind of goods under the sun is sold to them—and sold so effectively that the American people work harder, earn more, produce more, and consume more than any other people on earth.

Can these benefits be sold by advertising? Can a man be induced to give up the immediate pleasure, a cocktail, for a further benefit, such as better health? Can a savings bank account be sold at the expense of a bootlegger's bill? Can health be sold? Can happiness be sold? Can better homes be sold? Can better automobiles, better radios, and better food be sold? Can character and reputation be sold by advertising?

These have been and are being sold to-day. By advertsiing. Savings-bank advertising, as an institution less than 20 years old, is held largely responsible for the tremendous growth of savings deposits. Life-insurance advertising, a relatively new member of the group, is enlisting thousands of new policyholders. It is stoutly maintained by the authors that the benefits of the eighteenth amendment and its supporting law can be sold by intelligent advertising, and that through such advertising it can be sold more quickly and cheaply than by any other known means.

Under the direction of the proper leaders, as suggested above, the style of advertising, its psychological basis, its graphic form, its timing, its placing, its entire control will be governed by the utmost practical skill, in order to avoid waste of time and money, but principally to avoid loss of interest in, belief in, influence of, or respect for the campaign. Any effective campaign would necessarily be months in preparation before the first advertisement appeared. The staff would work far in advance of schedules; results would be observed carefully and plans changed as the public reaction indicated.

Every suitable form of media would be used. Newspapers in every locality, in every language. Boards, poster and painted. Motion pictures, possibly radio. Magazines, both weekly and monthly. Full-page insertions would be the rule. One page per week in newspapers and weekly magazines, and one page per month in monthly publications is suggested, subject to control by the agency.

Based on the cost of several well-known national advertising campaigns conducted by commercial or manufacturing companies, the authors estimate the cost of such a program at approximately $20,000,000 annually. The money might conceivably come from funds diverted by the Treasury Department from the present Budget available for enforcement through the police power. The authors have

sufficient confidence in the plan to suggest that the use of this sum in this way would be vastly more effective than police power of the same expense.

There may be delay and difficulties in obtaining funds from Congress. But we are confident that the money could easily be obtained from business men purely on an appeal of self-interest. The liquor traffic is a colossal drain on the purchasing power of the people. Neither radio nor an automobile can be sold to a man whose surplus is taken by bootleggers. In the so-called new competition, industry competes with industry. Why can not all legitimate business unite in self-interest to fight the bootleg liquor industry by altering the habits of the bootleggers' customers? We believe the American business men, moved partly by the desire for an improvement in the well-being of the American people and partly by self-interest, will see merit in our argument and proposal.

This campaign would probably—indeed, almost certainly—have to continue for 20 years. But it would taper off and disappear.

Is there any evidence that the Federal police function, devoted to the attempted enforcement of this now unpopular law, will ever be sufficient, much less become in time unnecessary?

One word more about copy. Copy is to be the key of the success of this campaign. Copy is the product of research, scientific analysis, genius, artistry, understanding of human nature. Do not think of it in terms of temperance lectures in the form of printed advertisements. We want no pictures of drunken men. That is farthest from the authors' conception of the technique needed.

We believe that public opinion can be so deftly cultivated that the liquor flask will cease to be tolerated at clubs and public places, and a bottle in a traveling bag will be disapproved by business associates. Within a year after this campaign is under way we suspect that brazen bootleggers will no longer be smilingly received in the offices of respectable citizens. Leaders of American thought and action are in a mood to give their influence to genuine temperance. An alert business man, knowing the potentialities of advertising, would seize this moment to accomplish any purpose if conditions were as favorable for it as they are for nation-wide effective prohibition.

Before the prohibition law was enacted the field of battle between the dry and wet forces in the country was charted. The "front" was defined. The enemy fought in the open. The dry forces, employing appeal to reason and moral sense, were making great progress.

Almost overnight an amendment and an act were passed outlawing this "war." The front lines disappeared, but the enemy did not disappear. The new enemy flies no flag, fights "out of uniform," recognizes no law, not even the laws of war. It is spreading corruption, poison, and death through secret, uncontrollable, ever-widening channels. Against it the individual is powerless without the united support of his fellow citizens.

There is only one all-compelling motive strong enough to unite the people of this country in active militant support of our dry laws. That motive is self-interest. That can be awakened only by showing in their most attractive forms the benefits that can be enjoyed under the proper functioning of our present laws. Showing all the people quickly, pleasantly, honestly. Leading them by convincing them.

You will receive many plans dealing with the technique of enforcement. Any plan that places the accent on the syllable "force" leaves out of account the fundamental factors of human nature and our American temper. Force alone can never be successful unless the backbone of the average man becomes so weak that he is no longer worth saving.

The successful plan will recognize that one law can lead a people to water but a hundred thousand law-enforcers can not make them drink it.

ORGANIZE CONTINUING EDUCATION

By Richmond P. Hobson, Los Angeles, former Congressman from Alabama

The plan consists in developing agencies to organize, mobilize, and direct the forces of effectiveness and to disintegrate and overcome the forces against effectiveness. The foundation for effectiveness is laid through two education organizations; one to advance alcohol education for the youth and for the public; the other to advance similarly respect for law and authority. A fighting organization is set up with two main departments to organize and apply the power of education and public opinion and the power of law, respectively. A finance organization is organized to provide the sinews of war.

PRELIMINARY SURVEY

Power for effectiveness lies in the attitude and the will of the people and in law mechanism to carry out that will. Power against effectiveness lies in the profits and resources of the legalized liquor traffic of the outside world and of the bootleggers within America, rooted in social drinking customs as old as the race and enmeshed in the revenue policies and politics of the governments of all other lands.

The eighteenth amendment by the Rhode Island decision is an integral part of the Constitution. No amendment to the Constitution has ever been repealed. To the enforcement of the eighteenth amendment, the Constitution itself calls the States as well as Congress. To the enforcement of the other amendments and of the original Constitution, only Congress is called.

THE UNDOING OF AMERICA

Unable to repeal the eighteenth amendment the objective of enemy grand strategy will be to undo America by any means and lay the undoing to the eighteenth amendment as a warning to other nations. The most destructive agent is the alcohol being forced into the Nation in a siege along our coast lines and frontiers.

The next most destructive agent is propaganda that poisons the minds of the people and develops a lawless attitude in good citizens, a feeling of resentment toward the eighteenth amendment and the laws in pursuance thereof, and a general disrespect for all law and authority. Abroad, the enemy will patiently conduct a world-wide propaganda against prohibition, and against America, until all other peoples come to hate us. This is happening. Upon this attitude of hate, sufficiently developed, could be built trade wars, financial and military wars.

The grand strategy for the defense, therefore, is to organize and develop education processes to cause the truth about alcohol to reach our people, and as far as practicable, the people of the world. This is the field for a scientific organization to which all can adhere. Similarly, organized education processes should be developed for advancing respect for law and authority, to which likewise all can adhere. The truth about the liquor traffic and its sinister designs and conscienceless methods in part of the fighting processes. As public sentiment arises under processes of education, more and more the processes of law, Federal, State, municipal, can be coordinated, standardized, and applied with ever rising power to the bootleg outlaws. The same wrath of aroused public opinion is the best agent to take care of those who continue to associate themselves with the liquor outlaws as enemies of their country's constitution.

ETERNAL VIGILANCE

The struggle will not be over until the liquor traffic of the world lies dying. It is said to take as long to cure a disease and recover from its effects as the time the disease has run. Ignorance on the part of any future generation would open the body social to a new outbreak of this alcohol disease. To make the eighteenth amendment effective, the forces of defense must be organized on a permanent basis.

THE PLAN

The following are the logical names:

1. International alcohol education association.
2. The American association to promote respect for law and authority.
3. The eighteenth amendment association.
4. The eighteenth amendment finance corporation.

The four corporations, under the guidance of high counsel, should be incorporated under the laws of a State, say, of New York, as organizations "not for profit." In later stages, one or more of these organizations might well be chartered by Congress. Both the alcohol education association and the law and authority association should be entirely free from affiliations with fighting organizations, and should be pledged in their articles of incorporation to take no part in the prohibition fight or in any other controversial matter of public policy. Thus they will command adherence from good citizens and constructive organizations regardless of their differences on prohibition or other controversial matters.

The eighteenth amendment association is the essential fighting organization and should be incorporated with the broadest powers to organize, develop, stimulate, mobilize, maintain, and operate forces and processes now in existence and new forces and processes found necessary or expedient to effect the purpose of the association, namely, to make the eighteenth amendment effective.

All three operating organizations should have power to raise and expend funds, including endowments and trust funds for their own respective purposes. Mr. Durant, singly or with a group secured by him or appointed by him, should underwrite the organization expenses and the operating expenses for a reasonable time until the financing is placed upon a sound and firm basis.

This organic individual or group should cooperate in choosing the incorporators, and these in turn, the board of directors, who in their turn should select the president, and with them arrange for the selection of other executive officials, taking care to insure that the education organizations have no officers or directors interlocking with the fighting organizations.

In view of the prospect of a long period of siege, the board of directors in each case should appoint a board of trustees and plan for securing and administering trust and endowment funds to insure permanency of support. Foundations and endowments should become practical as the organizations develop, and professional money-raising firms can be engaged to raise same. No one can foretell what the conditions may be centuries hence, so in case of all trust and endowment funds it is well to provide for the eventuality of using principal as well as interest.

THE FINANCE CORPORATION

The key corporation is the eighteenth amendment finance corporation. The success of this corporation will insure the success of the plan. Mr. Durant himself should take this corporation under his especial care and choose its incorporators and board from the foremost leaders in the business world, commanding confidence of the Nation for ability and integrity. The articles of incorporation and the by-laws should be drawn with the greatest care and skill to insure full power to raise funds in all honorable ways and at the same time provide for needed safeguards. The board should promptly build up a finance council with representatives of all important fields, like insurance, banking, steel, oil, motors, radio, screen, etc. This council should prepare a general plan of quotas from the various fields. The councilmen from each field should choose a committee from the field to allot the quota among the firms and appear before the boards of the principal firms. A special committee should be appointed to systematically canvass philanthropy, including foundations. A special committee should be appointed to procure the appropriation of public funds, Federal, State, municipal, and funds from public and semipublic corporations.

The organic person or group, or else the finance council, should underwrite the funds necessary for initial expenses for a professional money-raising firm of high standing to organize the raising of large funds, and leaders already chosen or to be chosen as representing large groups, should arrange for the help needed for the set-up. There is every reason to believe that this campaign or drive, carefully planned, would be successful and solve the major financial problems at the start. Control of large funds will give this organization especial influence in bringing about the affiliation and cooperation of organizations now in existence or to be created.

STRUCTURE OF THE OPERATING ORGANIZATIONS

The international alcohol education association should have two departments, one for the youth in the home and in the school, the other for the public, and should build up four groups of committees, one on organization, one on data, one on documents and methods, one on agencies. The fourth group should organize for disseminating alcohol information throughout society, and should put on alcohol education week once in each year, in which all the great agencies of information should take part, including clubs and constructive organizations of all kinds. In its various committees this association should federate and harmonize existing agencies of alcohol education.

The American association for the promotion of respect for law and authority should be organized along similar lines and should undertake especially to federate, develop, and stimulate the cooperation of existing patriotic organizations, fraternal and other associations, business, industry, professions, and should enlist the cooperation of homes, schools, colleges, Sunday schools, etc. Its two departments should be the same as those of the previous organization, one for the youth, the other for the public. Both of these organizations should commend the ever increasing support and cooperation of Federal, State, and city governments.

THE EIGHTEENTH AMENDMENT ASSOCIATION

The fighting organization should set up with two principal departments, one for processes of education, the other for processes of law. The department of education, through committees or bureaus, should take up and put forth lines of education for fighting purposes, and federate all education agencies now existing and create new ones as needed, to rout all the favorite lines of enemy propaganda, showing that the law is not intended to invade the home or individual liberty, but to exclude from the channels of trade the exploitation of commodities that, instead of giving value received, harm the individual; that our country is under siege by a ruthless foreign foe; that our troubles are not due to the eighteenth amendment, but to this organized, resourceful, and unscrupulous enemy. Especially should this education expose the enemy's supreme defiance that we can not enforce our own Constitution in our own country; that we are not master in our own house.

The law department should set up bureaus or committees for taking up processes of law of the Federal Government, then processes of law of the several States, then those of counties and municipal ordinances, should finally coordinate all processes of law, making a survey of existing laws and the degree of their enforcement, and from these work out plans for developing, standardizing, and applying more and more the full power of the law, driven on by an ever rising imperious public opinion. This department should cultivate intimate relationship with the governments, Federal, State, municipal, and utilize, like the department of education, the power and instrumentality of existing organizations and activities, temperance, prohibition, church organizations, etc.

LIBERALIZE THE VOLSTEAD ACT

By D. J. Brimm, professor of Bible and religion, Presbyterian College of South Carolina, Clinton, S. C.

The eighteenth amendment is all right. Good has resulted from it despite farcical enforcement. The people wanted it; still want it. We know that, properly interpreted, it can be enforced and accomplish its purpose of saving men and women from themselves, saving wives and children from sottish men, saving rising generations from becoming addicts of alcoholism.

The trouble is with the present interpretation of the amendment, called the Volstead law. It is an expression of fanaticism. We showed "a zeal without knowledge." We hit the line too hard, with disastrous recoil. We threw down a challenge that aroused the spirit of adventure fostered by the spirit of greed. Result: Lawlessness, bootlegging, gangsterism, official corruption—the crime wave, purpose overreached. Any kind of liquor can be gotten almost anywhere, from the vile poison stuff of the back-alley bootlegger to champagne and absinthe. Vanished the saloon; arose the cabaret, the club, the roadhouse, the speak-easy—a nest of vipers in place of the serpent.

Many of the "best people" are not in sympathy with the Volstead law because of its fanatical extremism. "One-half of 1 per cent in volume" is practically equivalent to none. Hence the evil of violation and nonenforcement is notoriously and steadily on the increase. Prominent people as well as riffraff are resistant.

Another notorious fact is that many of our lawmakers and public officials in Washington and in all the State capitals—and the capitols as well—are regular and scarcely covert violators. What an example to the young in respect for law! What a tragedy if we do not take a more tenable position before it is too late! Nonenforcement, corruption, and light sentences beget a contempt for law. We have to deal with people as we find them—a situation, not a theory. Americans are peculiarly jealous of their personal liberty; the age is individualistic. Education of the masses up to an ideal is a slow process. Extreme action often results in disastrous reaction and thwarts its purpose.

Another consideration: Great numbers still accept Bible teaching as authoritative. Bible teaching in its entirety is not teetotalism or absolute prohibition, but temperance—temperance in all things. All admit the benefits—social, moral, and economic—inuring from temperance. Hosts who voted for the eighteenth amendment and who would yet refuse to vote for its repeal expected a strong temperance law, but nothing so drastic as we got. For eight years we have tried an experiment, but it has failed because it went too far. When an attack has been made and repulsed, common sense dictates that we fall back to a tenable position and re-form before we attempt further advance; otherwise, we may be routed and vanquished.

The Volstead law could have been better enforced had it been better formulated. We now propose a new law as an interpretation of the eighteenth amendment and for its enforcement, with features that will make it enforceable and will cut the foundations from under the extensively organized bootleg system. We list the provisions and requirements consecutively under certain comments.

I. This country is unique in that sovereign States delegate certain powers to a central Federal Government while reserving all others to themselves. In legislation for the common weal there is need of complete cooperation between the several State governments and the National Government. The second section of the eighteenth amendment provides for this harmonious cooperation, whereas the Volstead law practically ignores the sovereign States, mentioning them incidentally only three times. There must be cooperation for success. The States differ in conditions, type of population, and outlook. In such cases there must be more or less of compromise and flexibility for the best results. Then—

1. Allow the several States to determine by law the alcoholic content of wines and beers to be used in their respective bounds, up to, say, 7 per cent, by weight, which does not produce intoxication. A person can hardly drink enough to become intoxicated or to injure himself by habitual use. Some States would, by popular vote, probably make the limit only 3 or 4 per cent, while others with a different type of population would, perhaps, allow the full 7 per cent. It is understood the Supreme Court would not interpret a 7 per cent beverage as "intoxicating."

2. Beverages to be tested and supplied from a central distributing house at the capital of the State.

3. In each incorporated town, with police force, up to 5,000 population one dealer commissioned to handle these beverages and an additional dealer allowed for each additional 5,000 or considerable fraction thereof, on request of city council.

4. Goods for sale subject to frequent test by certified testers without advance notification.

5. Each State to enforce its own law within its own borders in case of transportation from a State allowing a larger content, and to be assisted on request by national enforcement officers.

6. Sworn and heavily bonded distillers, brewers, and importers licensed and carefully supervised by the National Government.

7. Intrastate violations tried in State courts and punished in State prisons; fines and forfeits to the State. Interstate violations, or violations by national enforcement officers, in Federal courts and prisons; fines and forfeits to United States.

II. In accordance with the spirit of this amendment and the incident laws, it is desirable to discourage the use of alcoholic beverages as

much as possible, even when the alcoholic content is small. To this end—

8. Goods must be sold in an open storeroom, with no bar, in sealed packages, and no drinking allowed on the premises. Clubs, cabarets, and road houses must get their goods from local or nearest adjacent dealers and sell in the same way with exception provided in number 24, and with further exception that packages may be opened on their premises under proper restrictions.

9. A heavy Government tax and an additional State tax on every gallon or part thereof, to cover costs of management and enforcement. The revenue idea should not be emphasized—no urge to promote large sales.

10. No advertisements of any type allowed.

11. Prices of dealers regulated by State law.

III. It is always best to avoid the infringement of personal liberty so far as is compatible with the spirit of a law and with the general welfare. And so—

12. Permission granted, upon sworn avowal, to make beverages of legal content for one's own private use exclusively; samples to be furnished and tested and taxes paid. Unfermented juices not taxed.

13. No restrictions as to quantity of permissible beverages one may buy or make for his own use so long as he keeps within the law, nor to his giving—bona fide giving—to others; but this does not apply to those running public houses. In case of suspicion arising that a party has further fermented or distilled to increase alcoholic content, he may be required to allow further testing, and, if found guilty, treated as a violator.

14. Private stocks in actual homes not subject to raid, search, or seizure, except as specified in No. 13.

15. Sale to minors prohibited or regulated.

IV. A law to be respected must be rigidly and rigorously enforced, without distinction between rich and poor, between white and colored. It must "have teeth." It must have provision for checking and counterchecking. It must have penalties that are deterrent and can not be scouted or circumvented. Hence—

16. State distributors and local dealers to be sworn and bonded officers of the State with police authority to see that the law is enforced and with right to call on local, State, or national enforcement officers for assistance in apprehending violators.

17. State and national enforcement officers to be sworn and heavily bonded and to be changed frequently from one district to another of the State or Nation, respectively.

18. Anyone reporting infractions, with clews and facts, to remain unknown to the public, but to receive $10 for each ordinary case and $50 for each case of infraction by a sworn officer, upon conviction of the offender—to be paid with New York checks from the State capital or from Washington according to jurisdiction.

19. Distributors and dealers sworn to report violations, assisted in finding and apprehending offenders and rewarded in case of conviction.

20. Distinction must be made between obviously intentional and obviously unintentional violations, the presiding judge to decide.

21. Penalty for making, importing, or selling contrary to this law or without authority, a fine of $1,000 and imprisonment for one year at hard labor for each offense, and no concurrent sentences. In case of inability to pay fine, three years imprisonment for each offense. Confiscation of all equipment and appurtenances. For making or selling vile, poisonous, or deleterious stuff, double the other penalty. For subsequent offenses in either case penalty doubled, trebled, etc., according to the number. No pardon, parole, or commutation.

22. Penalty when a sworn officer is convicted of any violation or of conniving at such, five years' imprisonment with confiscation of stock and equipment and with forfeiture of bond. No pardon, parole, or commutation. No subsequent employment as an officer in any capacity.

23. Whisky, brandy, or alcohol for medicinal purposes furnished to doctors of medicine in half-pint sealed packages upon their written statement for whom and for what cause and with restrictions as to frequency. Doctors violating this provision fined $100 for each offense.

V. Other provisions:

24. Along with meals eating houses may furnish, as per menu card, wines and beers of legal content by the glass—size to be specified—not more than three to one individual on one occasion, and to the same person not oftener than at 4-hour intervals. They may charge whatever they choose to assess above cost and must sell under a special license and under pledge.

25. Only sworn, bonded, and licensed dealers may sell, except as in 24, and no officer, dealer, or keeper of an eating house may solicit anyone to buy or use. If he does, discharged or license withdrawn.

26. One charged with offense tried by a jury, but a majority may convict, and a judge convinced of guilt may instruct the jury to return a verdict accordingly and adjudge them in contempt if they fail.

27. States recommended to make intoxication (defined) a public offense punishable with heavy penalty and the intoxicated party kept in jail up to a year's limit till he tells from whom he secured the liquor, so that the offender may be brought to justice.

28. Pure alcohol for the manufacture of extracts, medicine, etc., and for industrial purposes supplied by State distributor on special statement of a competent chemist, and a sworn agreement to use only as represented.

29. Other matters in the Volstead law not replaced by specifications here to be reenacted in this law.

30. The Volstead law and its execution operative till the hour and minute when this law goes into effect.

31. States requested to enact laws pursuant to this, and make all provisions for enforcement at the next meeting of their legislative bodies and the date when this law becomes operative set for a date subsequent to adjournment of the last of these legislative assemblies to meet.

32. In case a State refuses to cooperate in this matter Congress will continue the Volstead law in operation in said State with the machinery for its enforcement by national officers.

33. Each State to publish its law periodically in all newspapers of the State.

CONCLUSION

This law will furnish a system by which everyone is checked and counterchecked, and it is in the interest of everyone to check on others without spying on them or trying to trick them; but it will be to the interest of bonding companies, through their detectives, to see that those they bond keep straight.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations, December 19, 1928.

Mr. REED of Missouri. Mr. President, the pending treaty has been debated at some length. I had hoped to avoid saying anything regarding it, because it was anticipated that either a clarifying report of the committee might be made or that clarifying resolutions might be agreed upon. The negotiations or talks between Senators have not progressed to a fortunate conclusion and I therefore feel impelled to impose myself upon the Senate. I appeal to the Members of the Senate to look well into the treaty before they advise and consent to its ratification.

I am aware, sir, of the embarrassment of the situation. Our Secretary of State invited the chancelleries of the earth to sign this document. He did so without consulting the Senate. He did so without any previous general public demand. He simply evolved this instrument and proceeded to the point where he had asked all of the nations of the world to sign it before he submitted it to the judgment of the Senate, which in the end is the responsible party to such a contract as this.

Now we are told that because those steps have been taken, we must accept the treaty without the dotting of an "i," without the crossing of a "t," without expressing our opinion in any way except forsooth that we may be permitted to stand upon the floor of the Senate and say what we think the treaty means, and there are as many different opinions as to its meaning as there are Senators upon this floor.

Many of the Senators agree upon one proposition, and many may agree upon another proposition, but no two men in the Senate, I undertake to say, have exactly the same views touching this instrument. Yet the general statement has been made that the instrument does not do certain things; and all that has been asked by those of us who have labored here to reach a composition has been that we shall say in some official way the very thing that the Secretary of State says this treaty means; the very thing that the chairman of the Committee on Foreign Relations says it means; the very thing that it is pretended here that it indubitably means. If that be true, then we are not asking to change its terms or to alter it in any respect, and anything we may do that is consistent with the treaty can by no possibility destroy or injure the treaty.

Mr. President, I do not know that I can state this case as plainly as it has been stated, but briefly I should like to run over the various views that seem to be entertained by some people in the United States.

This so-called Kellogg multilateral treaty proposes in about six lines to abolish war—war of every kind. The various signatory nations solemnly agree to renounce war as an instrument of national policy. If the words of the treaty are to be taken at their face value, no nation can in the future levy war for any purpose whatever, offensive or defensive. The treaty has been exploited throughout the country as the outlawry of war. It is proposed to be signed by all of the nations, big and little, civilized and barbarous. Its proponents advance two lines of argument, each contradictory and destructive of the other. There is also a hybrid argument which combines the vices of both and so is devoid of the virtues of either. To a consideration of these various claims I invite your attention.

We are told by one class of treaty advocates that the treaty will usher in the millennium, that the dream of ages is about

to be realized. Swords will be beaten into plowshares and spears into pruning hooks. The roar of cannon will be supplanted by the chime of Christmas bells, and war's grim visage assume the lineaments of the countenance of Christ. These enthusiasts argue that the treaty binds all nations never to make war; that all nations will keep the faith of their promises, and, ergo, never again will the iron chariots of Mars sweep across the earth's peaceful fields. If the syllogism be correct, then he would be a monster who would not acclaim the treaty as the holiest document ever promulgated by man. It would, indeed, be greater than the commandments delivered by God amidst the thunders of Sinai, for it would accomplish the ordinance "Thou shalt love thy neighbor as thyself." It would be greater than the Sermon on the Mount, for it would bring to fruition the peace and good will for which Christ prayed and for which the ages have waited. What the proclamation of Sinai did not accomplish in 4,000 years, what Christ's teachings have not achieved in 20 centuries of time, is to be produced by the magic stroke of Mr. Kellogg's pen.

There is a class of doctrinaires who hold that a law or resolution is a universal solvent of all human ills. At that point, Mr. President, imbecility approaches sublimity. These people conceive that safety is to be found in helplessness, and that the best way to suppress burglary is to leave the doors unlocked and discharge the constabulary. A majority of those outside of the Senate who now clamor for immediate ratification have never read the treaty, short as it is; but few have examined the historic and diplomatic background which must be regarded when treaties are made.

A still smaller number have considered the declarations made by different governments in qualification of their adhesion. Nevertheless, the declarations made by the representatives of foreign governments acting for their signatories must be taken as conditions running with the pact. Read in that light, the treaty assumes an entirely different aspect from that which is reflected by the words of the instrument itself.

Upon its face the treaty proposes a complete abandonment of all war; but the negotiations had scarcely been begun when Mr. Kellogg began to admit exceptions. I want to invite your attention now to those exceptions and let us see what is left of this pact when we shall have subtracted the exceptions from the total of its alleged promises.

First, we except defensive wars. They are not excepted by the terms of the treaty. We read that into the instrument; we say it is inherent in all instruments; but there is more included here in what has been specified and defined as defensive wars than the people of the world understand to be defensive wars. I mean specified and defined by the advocates of this treaty upon the floor.

First. Defensive wars, they say, means the right to defend territory from attack;

Second. To protect trade and commerce everywhere;

Third. To protect nationals on sea and on land; and

Fourth. The invasion by armed forces of the territory of a foreign country for either protective or punitive purposes. The examples of that which have been given are the Boxer invasion, which we are told could take place under this treaty; the Mexican invasion, which we are told could take place under this treaty; the Nicaraguan invasion, which we are told could take place under this treaty; and the recent Chinese invasion, which we are also told could take place under this treaty.

We are further told that it implies the right to make offensive defensive war; that is, to make the initial attack when it is for a defensive purpose;

Further, that it involves the right to defend all national interests;

Further, that it does not interfere with the obligations of something like 50 nations who are parties to the League of Nations covenant;

Further, that it does not interfere with the obligations of the nations under the Locarno pacts—and both the League of Nations and the Locarno pacts are solemn agreements to make war under certain conditions which are not wars of self-defense and never could be so construed under the ordinary meaning of the term "self-defense";

Further, all other treaties and treaty obligations are excepted that have been mentioned—and I think they have nearly all been mentioned—

Further, that each nation is to be the sole judge in its own case as to what constitutes self-defense. That is to say, whenever any nation conceives that it ought to do any one of these things for the purpose of protecting its interests, that that is a war of self-defense. Finally, we are told that there are certain zones of influence where at least one nation claims the right to complete freedom of action, not the complete freedom of action that would ordinarily spring from the terms of the treaty itself and from the ordinary doctrine of self-defense, but something in addition to that, else the condition would not be made; and that freedom of action to defend territory, to defend trade, to defend the rights of nationals, and to continue to exercise influence and dominance over lands that are subject or partially subject is asserted by Great Britain.

Now, Mr. President, let us see what Great Britain has excepted from this pact. Here before us is a map; I wish it were larger, so that everyone could see it; but it embraces the world and every foot of the seven seas. The red is British territory, claimed or held by her absolutely under her domination. The barred portions are conquered countries or countries that are held in subjection by the power of Great Britain.

No one will deny, under the interpretation which has been given to this treaty, that she has the right to defend all of the part that is in red. No one will deny, under the interpretation which has been given to this treaty, that she has the right to take any protective measures she sees fit for the purpose of defending as she may construe it every inch of this territory that is in red; and that means the waters that are adjacent.

Beginning over here is India, with her 350,000,000 of people. There are British fortifications at these points, and no nation can send a vessel to India without substantially passing under the guns of the British fortresses of Bombay, Trincomalee, Rangoon, and Singapore.

At this strategic point in the Indian Ocean is another fortress, Colombo. These small red dots that you see are islands controlled by Great Britain, everyone of which can be used as a naval base or as a base for flying machines.

When we pass to Africa, we find that the entire eastern coast, except a very small portion, is controlled by Great Britain. Over here, at the mouth of the Red Sea, she has her fortresses, Aden, and her claim of land. I am pointing now to Port Said at the entrance to the Red Sea, where an English fortress stands. To the immediate north is Egypt, with its 14,000,000 people, every one of whom protest that Great Britain is there not of right but of wrong, and that she holds them in the thraldom of her iron grip.

We find on the west side of Africa the whole southwest portion under the control and ownership of Great Britain. Going a little farther north, we come to the Suez Canal, which Great Britain controls by her fortifications.

Passing along the north of Africa, we find her fortifications again; so that she can command the Mediterranean Sea and all of the waters of the Mediterranean Sea by her fortifications at Gibraltar and Malta.

Passing farther to the north, we find there the British Islands themselves, and the claimed dominance which she has exercised there for centuries of time.

Let us go over to Australia. Here is not only Australia but the vast archipelagoes, with their thousands of islands. Here again we find British fortresses—King George Sound, Sydney, Aukland—commanding the sea.

Pass a little farther over, we find English possessions asserted in Borneo; and we then come to the great fortresses that she has constructed and is constructing at Hong Kong and Singapore. So England commands the waters in those seas, and there her vessels in time of war can find safety, and there the vessels of her enemy can find nothing but death and destruction.

Let us cross to our own side of the water.

Here in Canada, with her eight or nine million British subjects, and, so far as I know, more loyal to the British flag than the inhabitants of London or of Liverpool. Certain it is that in all the war no people rallied with greater unanimity, none fought with greater courage, than the soldiers of Canada. They cover our line at the north completely. They extend to the Arctic Circle. There is enough land there for fifty or a hundred millions to reside upon; and who shall say that in the course of the next 50 years there will not be 50,000,000 loyal Britishers in Canada?

Let us see how that further affects us.

Here, at this point on the east, lie the harbor and fortress of Halifax. In those waters England can establish, maintain, and protect her entire war fleet, or any part of it, and in one night's time can reach great cities on the American coast and subject them to bombardment and to destruction; and those waters are fortified.

Dropping down a little farther, we find the Bermudas, the key position from which a hostile nation can strike New York or ravish our entire coast; and the Bermudas are fortified. At whose heart are the cannons of Bermuda aimed? What nation's interest is involved there? Would Great Britain permit a fortification of that kind by a distant nation so contiguous to her coasts as Bermuda is to ours?

Let us go a step further.

This dotted line of red is a series of islands owned or controlled by Great Britain. They stretch in a semicircle from the coast of Florida to South America. Within that semicircle is embraced the Panama Canal. At this point lies Jamaica, the key to the canal, the fortress controlling the canal; and it is fortified by British guns. At whose heart are those guns aimed? What nation has Great Britain in mind when she still maintains her fortifications there?

From Jamaica, in five hours' time, a fleet of airplanes can destroy the Panama Canal. If our national fleet is divided, part of it in the Pacific and part of it in the Atlantic, and it becomes necessary to concentrate that fleet, in five hours' time Great Britain can destroy the Panama Canal.

She can prevent the consolidation of our fleet. She can destroy it then by piecemeal; and she reserves all these zones. She does not tell us where they are; but if we ever have difficulty with Great Britain—which, God knows, we all hope will never come—it is certain that the expression of Sir Austen Chamberlain used in the signing of this treaty, "There are certain zones of influence," will mean the West Indies, will mean Jamaica, will mean the Bermudas, will mean every part of the seas where she has a fortress or where she has a landholding.

We may close our eyes, we may smile, but it will be no smiling matter if ever we should come to grips with this nation that has dominated the sea for 500 years and that proposes to dominate it for the next 500 years.

If we try to pass around the Horn to consolidate our fleets, there lies the station of Port Stanley, from which point British ships, having been concentrated, can strike our vessels when their fuel is nearly exhausted.

Going up the west coast, you find that at this point, just at our northwestern border, lies another British fortress, Esquimalt, near Vancouver, and back of it are impregnable waters where the British fleet can lie in safety, and where guns can be planted in a week's time so that no power we possess can ever oust them, unless they are attacked from the land side—waters that are as impregnable as were the waters of the Bosphorus when they were defended by two or three companies of Turks armed with guns taken from the *Emden*, and where the British fleet went to disaster and almost destruction.

This, then, is what Great Britain says is not in the treaty—that she reserves special rights and full liberty of action. When she says she reserves full liberty of action in all of these waters, the mollycoddles of this country are willing to say that we shall not say that we reserve the Monroe doctrine! We shall sit silent; we shall not open our lips; we shall sit silent, because, if we speak, South American countries will not sign!

This country is never going to be destroyed by warriors. This country is going to be destroyed by pacifists and traitors if it is ever destroyed, or destroyed by well-intentioned men who think they are not pacifists, but who play into the hands of every pacifist there is, from the anarchist societies of Russia that deny the duty of any citizen anywhere to defend his country to the mild-mannered and gentle-tongued gentlemen who go about crying "Peace! Peace! Peace!" when there is no peace of the kind they are talking about.

So that is excepted by Great Britain, and specifically excepted. There, it must be understood, we retain full liberty of action. There, we insist that the right of self-defense embraces not only our lands in the ordinary sense but there we insist that we have some other and additional rights, particularly as to these countries lying here.

So you subtract that exception from the general language of the treaty, and you have not, as far as Great Britain is concerned, anything left.

Then they except the Locarno pact, and the Locarno pact is a pact between a number of nations not that they will fight in their own self-defense but that they will fight to maintain a status quo, to compel Germany to continue to submit to the conditions forced upon her. Of course, Germany signed it. Of course, she signed the Versailles treaty. Of course, she signed, as every sensible man knows, with a bayonet pointed at her heart. I am no advocate of Germany; I voted for the war, I voted for every man and every gun we sent there; but I know that this great and proud people, this mighty people, will not forever submit to the fixation of a road that cuts her in two, or to the onerous conditions that have been imposed upon her.

We go further than that. We except from the terms of this treaty all of the conditions of the League of Nations. I am not dragging that in here to rediscuss the League of Nations, but let us see what the exception of the League of Nations pact takes out of this treaty. It leaves 50 nations or more, practically every nation except ourselves, having solemnly agreed to maintain the status quo, having solemnly agreed that any war or threat of war by any nation anywhere shall be justiciable by the league, and that the league may take such action as it sees proper; and leaves to the council of the league, or some of its bodies, the decision as to who is right and who is wrong, just as the Locarno pact leaves to the Council of the League of Nations the decision as to who is right and who is wrong. The decision having been rendered, provision is made for imposing the conditions of the decision on the nation adversely decided against, and those provisions, as we all know, are provisions for war; not war in defense of a country's territory, not war in defense of a country's trade, not war in defense of a country's nationals, but war in defense of the status quo. Take that away from your treaty, and will somebody tell me what you have left? What have you left?

Mr. President, as thus construed, the provision that we will never make war under any circumstances or conditions dwindles to this: Every nation has the right left to make any kind of preparation deemed proper or necessary; two, to match armaments against armament in preparation; three, to match armies against armies in preparation; four, to match navies against navies in preparation; five, to match airplanes against airplanes in preparation; six, to match poison gases against poison gases in preparation; seven, to match alliances against alliances in preparation, and to assert that all of those things are matters of self-defense, and to employ them in self-defense, the nation concerned to be the sole judge of what is self-defense.

It also embraces the right to suppress any nation's activities and sovereign rights, to prevent it from becoming dangerous; for that is embraced in the League of Nations. That is to say, it embraces the right of the nations to preserve the old balance of power, or the balance of power, at least, as it was laid down in the Versailles treaty.

It preserves the right, in case of these wars, to fight with poison gases, to employ all the armaments that have been accumulated, to seize the commerce of neutrals, just as Great Britain has always seized it, and, finally, to match starvation against starvation. All these things are excepted.

If the above process of subtraction be carried out, the residue does not change a single existing condition. It does not even enlarge the protestations of devotion and peace, or the expressions of good will, for England, France, Russia, Germany, Italy, all of the countries that have signed this pact, have solemnly said that war is not an instrument of their national policy, they never had any such diabolical thought as that; they were concerned always and only in wars of self-defense. It has been admitted upon the floor, and it is true, that there has not been a war made in a hundred years where the nation making the war has not alleged it to be in self-defense, and we concede that each nation is to be the judge, in its own case, as to what is self-defense.

More than that, all of these nations have already made treaties of good will and perpetual amity. They have been solemnly written and repeated time after time and time after time. They are filed away in the chancelleries of the earth. They are covered with the dust of ages. They have been brought out and dusted off and refiled period after period, and all of the parties to those treaties have sworn eternal friendship to each other, and all of them have sworn that they will not make war upon each other.

The aggregate of those treaties is the sum total of this treaty. The simple difference is that they are probably of more binding force, for two reasons: One is they were carefully negotiated between nations and took into consideration the peculiar conditions of those nations. The other is that many of them have attached to them already means by which difficulties can be ironed out and amicable adjustments arrived at.

What you are doing here is writing a treaty of words, and you have extracted from the words all the meaning of the English language. You are putting that out now as a sovereign remedy for war; you are not doing one single practical thing to remove the causes of it. But as to that, a little later on in my address.

There is one thing we may say that, having many times and in multitudinous pacts, treaties, and understandings agreed to keep the peace and remain perpetually in amity, we gain nothing by repeating the oft-repeated terms of the pact. There is one inference which might be drawn, and that is that we entertain doubt as to the good faith of the previous pacts, and hence we are going to make another one just like them.

Mr. President, viewed in that light it is no wonder that the distinguished Senator from Virginia [Mr. SWANSON] has described this as a mere gesture; that the distinguished Senator in charge of the measure, my good friend the Senator from Idaho [Mr. BORAH], for whom I entertain the highest regard in every way, as he knows and as everybody knows, practically concedes that there is not much left of this treaty except an expression of good will.

We are told that there is a particular kernel of virtue in this pact, in that the nations renounce war as an instrument of national policy. You could not get a prime minister of any country on this earth to admit that within the last two centuries war had ever been an instrument of his nation's policy. They would all say, "We fight only in defense of our rights. We do it with tear-filled eyes, we do it with aching hearts, we stand to defend ourselves, exercising the God-given right of self-protection, and that is all we have ever done." Then, when Germany begins a war with France, England says, "Our self-defense is involved." Why? "Because if Germany gets too strong, then we will be in danger." So they construe self-defense, and so they say that they have never had war as an instrument of national policy, as was the case in the days of Alexander, and Cambyses, and Julius Cæsar, and some other great conquerors; but no nation has admitted any such impeachment during the last 200 years. So you have a phrase there that means nothing—"as an instrument of national policy."

If it meant that you would not make a law in self-defense, then you would include in your terms something that was not there before. But when you take self-defense out and say that every nation is to be the judge of what constitutes self-defense—and every nation says it always fights in self-defense—what becomes of your phrase "an instrument of national policy"? It vanishes into thin air, just as this treaty will vanish at the first puff of powder, at the first shot of the first gun.

Now, let us go back and see whether my analysis of the treaty is not correct. This is known as a treaty to outlaw war, to make all kinds of war illegal and criminal. That is its language. I think I know where it originated. There is a gentleman in Chicago named Samuel O. Levinson. He is a friend of mine. He is a good man. He is a fine lawyer. He conceived the idea that a law ought to be passed making it a crime for any nation to go to war; that we would outlaw war just as we outlawed dueling where there is a law of superior force which can punish the duelist. He worked out a plan for amending the laws of nations so that they would declare a warring nation to be an outlaw. Then he was finally brought up against the proposition that a treaty to outlaw war would not amount to very much unless there was a constabulary to enforce the decree of law. Nevertheless, he submitted his proposition. He took it over to France. He states unhesitatingly that he spent $200,000 in trying to promote the idea of outlawing war. Later, when M. Briand and our Secretary of State submitted a similar proposition to the sovereign nations of the earth, they said, "We can not waive the right of self-defense," and they began to construe that. "We can not waive the Locarno pacts," and they began to insert that. "We can not waive the League of Nations covenant," and they began to insert that. "We can not waive the multilateral treaties," and they began to insert them. When they got through with their subtraction there was not anything left to subtract from.

Then it is brought here and the distinguished Senator from Virginia [Mr. SWANSON], whom I admire, said, "It is a pleasant gesture. Let us make it." I wanted to discuss that with him, but I saw at once that the dove of peace had not sung its notes with sufficient sweetness so that they had penetrated his heart, and as I had no desire to involve either of us in a controversy, my questions subsided.

Mr. President, the gentlemen who say it is a gesture, a good-natured gesture, a kiss thrown from the tips of the fingers to amorous and waiting nations who will accept the kiss and hold themselves to no responsibility have another theory, and that is that everybody will be compelled to obey the spirit of the treaty and never make war by what they call the "general opinion of mankind." More people have been fooled by phrases than have ever been convinced by logic. We are going to have this treaty enforced by "the general opinion of mankind." One would think that mankind could be gotten into a room, that they were all like we are, that they had a consciousness with regard to war that we may possess, that we could arouse that consciousness, and that there would be no conflicting interests, that we could simply resolve ourselves into a sort of church meeting where brotherly love prevailed and where everything was sweet and serene and nice.

The general opinion of mankind! What is "the general opinion of mankind"? What is meant by the general opinion of mankind? We can not get the peoples of the world to believe in the same God, to worship at the same shrine, to adopt the same philosophy, to live according to the same code of ethics, to treat each other in the same way. What is the general opinion of mankind as applied to this treaty? Let us have a little plain horse sense. They have it on the other side of the waters. We are the only body of dreamers there is. We are the only nation in the world that ever composed such songs as I Did Not Raise My Boy to be a Soldier. [Laughter.]

We are the only Nation on earth where it has ever been advocated in a great legislative body that we ought to teach our boys as they grow up that they never should fight. All other nations teach their boys that it is their duty to lay their lives on their country's altar when their country needs them. Other nations do not teach internationalism. They teach nationalism, and if we fail to teach it, if anything can undermine the courage of American youth, it will be that sort of nefarious doctrine.

"The general opinion of mankind!" If treaties could make public opinion promotive of peace and barring war, if that could be done by treaties it would have been done centuries ago. But the armies of earth have marched across the realms of time over highways carpeted by treaties of amity. Treaties do not create the will for peace. Treaties to possess force must be expressive of a will already formed, already thrilling the hearts of the nations. If that condition existed, then the treaty would be expressive of it and would be obeyed—indeed, a treaty would scarcely be necessary.

If the hearts of mankind could be changed, if differences could be reconciled, if all selfishness could be eliminated, then we would have a public opinion amongst all the nations for peace, because all the peoples, all the races, kindreds, and tongues would be devoted to peace. We would be like the Chinese nation that denied war and, denying war, died for lack of preparedness.

But what is the public opinion as it exists to-day? I appeal to the common sense of men. The public opinion of 320,000,000 people in India is that the thraldom of 40,000,000 Britishers should be broken. The public opinion of 400,000,000 in China is that the knife of Japan should be removed from her throat; that Britain is an invader of her soil and her rights; that the 40,000,000 of French have already invaded her rights; and that until recently we were to some extent involved in this invasion of national sovereignty.

The public opinion of 63,000,000 Germans, 7,000,000 Austrians, and 8,000,000 Hungarians is that the foot of the oppressor is upon their soil and that they have the right to regain complete sovereignty. The public opinion of 150,000,000 Russians is that governments of other nations are upon an unsound basis and that Russia has great national rights of which she has been despoiled. The public opinion of 14,000,000 Egyptians is that England's iron hand is at their throat and that that stranglehold must be some day broken. The public opinion of Poland is that she ought to have the privilege of cutting large slices out of the body of Russia and of enlarging her claims in Germany. The public opinion of Persia is, as broadly hinted in her note of adherence, that England is trespassing upon her national rights—and she is. The public opinion of Algeria is that she has been shorn of her sovereignty, and she protests against the conditions or reservations which imply that that process of oppression shall be continued.

The public opinion of these nations is probably that they would like to live in perpetual peace if they could enjoy what they conceive to be their full natural rights; but it is also that those rights are sacred and that they must defend them where possessed and regain them where lost. Until they are made contented with their lot there will be no concert of public opinion in favor of maintaining a status quo. We might as well ask a man to be content who wears a dagger in his breast, festering in the wound.

"The public opinion of the world under these circumstances will compel obedience." It will compel obedience by Great Britain as long as Great Britain gets what she thinks she is entitled to, and her philosophy is that she is entitled to rule the seven seas and that she is entitled to hold every foot of land over which the Union Jack flies and every inch of ground where she has established her protectorates or her interfering agencies.

The public opinion of Germany will be content when she thinks her wrongs have been righted, and she will then be for a perpetual peace. The public opinion of France will be content when she feels that her destiny has been fulfilled and not until then. The public opinion of Russia will be content when Russia reaches the Dardanelles and has full access to the oceans of the world, and not until then.

All these are the opinions of different nations and they are at variance and when, therefore, it is said that every nation shall decide the question of when it ought to act and how it ought to act in its defense, and that its defense embraces anything that it may see fit to do, that is in good faith intended to defend its interests—when we go further than that and concede these additional rights over conquered territory, when we have done that, then there is no such thing as a public opinion that will compel those nations to relinquish those rights which we have

expressly reserved to them, and which they have reserved to themselves or which every advocate of this treaty says they possess. So let us not make any mistake. The public opinion of the world has always held, at least within the last century, that when a nation simply went out and conquered other countries it was doing an unjust thing. There are in the hearts of many people in this country opinions of that kind that are very strong and firm. There are people in every great nation of similar notion; and there are people all over the civilized world of that kind, but they do not represent a public opinion that will coerce the nations of the earth into surrendering anything they believe to be their rights; and as there is conflict always as to which is right, a conflict will arise, and public opinion of this kind will not stop it.

I still think the public opinion of the world was against Germany in the late World War; it certainly came to be against Germany toward the end; but that did not hinder Germany from fighting when she believed her vital interests were concerned; that did not hinder Great Britain from joining with France in order to preserve the balance of power in Europe; that did not hinder Russia from advancing her armies to the battle front when she believed that Russia's interests were imperiled. So we reduce this matter to the plain proposition that if this treaty means nothing; except that which its advocates say, just as the Senator from Virginia [Mr. SWANSON] said the other day, it would be a mere gesture, meaningless, except as an act of courtesy or friendship. That is not the Senator's language, but that is a rough interpretation of it.

Mr. President, I think that if the treaty is a mere gesture, it is very unfortunate that it is being made; first, because a false remedy always postpones a real remedy. If a patient is sick, if he needs calomel and a doctor gives him dough pellets, he endangers the life of the patient, he prolongs the disease, and he prevents the application of a proper remedy. That is a thousandfold more important in international negotiations. So, if this treaty is only a gesture, it is a foolish thing. It is a foolish thing to call the chancelleries of the earth together and solemnly agree to do nothing; to say once more what we have said in scores and scores of instances; to say once more what is already solemnly registered in the archives of every nation. If that is all, then it would be better not to have been done. If that is all, I put it upon your conscience and upon your sense of fairness, if there is no obligation, express or implied, in this treaty save that we shall not make wars of aggression, then why not write in some formal manner our construction to that effect, so that in the future we can not be accused of bad faith? Why not say on paper what we are willing to say with our mouths?

My experience has been in the practice of law and in life that when a man says to you, "This contract I make, but I will not put it in writing," he does not intend to carry out his contract. If this treaty means what Senators say, then have enough regard for those of us who fear the construction to put something in the treaty which you say is there, but put it in in plain terms. How can any man in fairness deny that? What reason is there for denying it? We have not asked to have put into the treaty anything that would compel it to go back to the other chancelleries; but, if we did that, who could properly object?

Senators say if it goes back the other signatories will begin to add conditions of their own. Then they must have those conditions in their minds. If they have those conditions in their minds, it would be better they put them on paper now, so that we may understand what is being done. If they have those conditions in their minds, and will attach them if we say plainly what we mean, as a matter of fairness we ought to invite them to attach them.

But what, sir, will we gain? If this were a contract to be made by two individuals, and if we could seduce the individual into signing the contract as written, we might take him into a court of justice and say to him, "You did not write it in the bond; you did not nominate it in the instrument; and hence under the rules of law we will make you live up to the instrument"; but there is no such court, there is no such obligation here; the matter rests upon good faith. If it rests upon good faith, and good faith alone, then no nation can be held to stand by it that puts a different construction on it in its heart than somebody else puts on it. If they have reservations in their minds now, in the name of high heaven, let us know what they have in their minds before we put our pen to paper, for in the end they will decide—not a court, not a tribunal, but they alone—and that is admitted everywhere.

I would be ashamed if I represented a private client to hide from him the implications of a contract or to refuse to allow him before the contract had become effective to write into it that which he understood to be its meaning. How much more would I be ashamed in the great tribunal of conscience that may exist somewhere but does not embrace the world, to stand there convicted of having purposely kept back the thought of my own heart and my own construction of this treaty lest they should write theirs into it.

We talk about a treaty resting upon good faith and at the same time we talk about it resting on good faith we are guilty of an act of bad faith; we taint it from the start. We get them to sign in some way, and then we will hold them, but we can not hold them; there is no court to hold them; there is no judge to say, "No matter what you had in your mind, you did not put it in this document," as has been so often and recently unjustly said in cases of contracts—a harsh rule of law that we have to maintain because its evils are not as great as would spring from its abandonment. Why not put these conditions in?

Well, Mr. President, we do not mention our Monroe doctrine. We left it out on purpose; we held that back; if I may use a colloquialism, that was our "ace in the hole." There have been some views expressed here to which I wish to refer. One of them is that the Monroe doctrine is reserved to us because Sir Austen Chamberlain stated that the United States in certain regions had similar interests upon which she would insist. I take it that there can be no dispute among Senators who have thought of this question that when a nation signs a treaty and attaches an express condition that condition runs with the pact. Whether as a strict matter of law it does or not is immaterial here, because there is no court to decide it. The nation decides it for itself, and it is an eternal verity that it will decide that question in favor of its reservation. So Great Britain by attaching her reservation can say to all the world in the future, "We expressly told you that we reserved full liberty of action in these unspecified regions, and this is one of them"; and, there being no court to construe it, England's construction must stand, or else we must go to war or encounter difficulty about it.

Let me say, further, that when England mentioned the fact that we have a Monroe doctrine, not calling it by name but referring to it, I think it can be fairly said that Great Britain by that act recognized our Monroe doctrine, and would be estopped from hereafter declining to recognize it in any manner concerning the interpretation of this treaty; but while England made that concession she made that concession or admission for herself. It does not inure to the other nations. It does not bind the other nations. England said, "You have a Monroe doctrine." That is an admission by England that we do have such a doctrine, but it is not an admission by Germany that we have a Monroe doctrine. It is not an admission by Russia that we have a Monroe doctrine. It is not an admission by France that we have a Monroe doctrine. I mean, when I say we have a Monroe doctrine, that we have a Monroe doctrine that ought to be respected. Indeed, several of these nations, in signing this pact, expressly said they refused to accept any conditions attached by any nation; that they signed the pact upon its face, and without any qualification. So that the Monroe doctrine is not reserved there, except we can say to Great Britain, "You tacitly admitted it," and we can say that to Great Britain alone.

England can say to us when we accept this pact that by ratifying this agreement after she specified an oriental Monroe doctrine, if she proposes to confine it to the Orient—God knows whether she does or not—we have assented to that doctrine. We take her into a general pact of peace, and we grant to her the right to except from the terms of that instrument her dominions as claimed by her in all these quarters of the globe. If England hereafter should exercise her rights in those dominions, we could not resist her without violating the terms of this instrument. We admit the validity of her claim. If we do not want to admit the validity of her claim we ought not to sign this agreement for general world peace, general abandonment of war, and then concede to her the right to take out of the agreement these special territories upon the claim that as of right she is the dominant force there.

In my judgment, there is no escape from that reasoning. I can see no escape from it. I have been in the Senate long enough to know that there is no reasoning from which somebody can not escape; but, then, that is equally true of foreign chancelleries. Moreover, I have also found that there are men who can not be convinced, and perhaps I am one of the worst offenders in that respect; but I am hoping here that we are not going to make any mistake. My opinion is that this thing as now formed is a Trojan horse, because they put inside of it the doctrine of the balance of power in Europe, with the right to make war to maintain the balance of power, and with our assent to such a war by accepting the treaty with that condition in it, because they put in it the right of every nation signing it to be controlled by the obligations of the Locarne pact and the obligations of the League of Nations; and when we

sign this treaty with those exceptions we tacitly agree that anything that is done in good faith in accordance with the procedure there laid down we will not regard as a hostile act or as a breach of the treaty as to us.

Let us see, then, where that leads us.

Let us assume that Germany and Austria hereafter see fit to form themselves into one nation; that their right to do so is protested by France or some other country; that then it is claimed that that is a threat of war; that thereupon the matter is carried to the council of the league, and the council of the league decides that they have no right to form themselves into a single nation, and that it is a hostile act and a breach of treaty; but we, on our side, believe that they have a right, in working out their salvation as a people, to do that very thing. We believe that the use of any armed force against them or the taking of any measures against them is unholy and unjust.

The league then proceed to apply sanctions, as they call them—"sanctions" being the polite name for war in some of its forms—and they declare an embargo of all the ports of Germany. After having admitted that they have the right to proceed in the manner and form laid down in the treaty of Versailles, can we then, without breaking this treaty and without being an aggressor, do anything to aid Germany, which has been solemnly, although in our opinion unjustly, adjudged to be the aggressor?

I do not know what answer will be made to that. It may be said that each nation is its own judge; but if you say that each nation is its own judge, and is not bound in any way by the language of the treaty, then you would better not write the treaty, for the treaty means nothing.

Again, suppose that Germany should say some day, "The French soldiers have no longer any right upon our soil. We have performed the conditions of our surrender"; and suppose the French should say, "We have the right to stay here," and the Germans should say, "You are, therefore, an invader of our soil, and we have the right to put you out." Thereupon the Council of the League of Nations decides that Germany is about to make war, or has actually resorted to violence to get the French soldiers out. We, however, think Germany was right. We think France was wrong. Germany says, "You tried us before a packed court"; and it is a packed court. It is a packed court because the interests of every nation run into it, and any court where interest interferes is a court that is packed. Again we venture to send our goods to Germany, with which we have been at peace; and these other nations seize our goods, and say to us when they seize our goods, "*You agreed* that the League of Nations pact should stand as between these nations, and it is standing, and they are acting under it. Having consented to the validity of the League of Nations, and to these nations that joined with you belonging to it, how, then, can you protest against or do anything in contravention of a decision rendered by that league?"

So, without following it further, or wearying your ears and patience by further illustrations, what I have said here may be extended to the Locarno pact, which is a pact of war, a pact in which nations are bound to fight who are not fighting in their defense at all. One of them may be fighting in its defense, but the others are bound to come in. It is an offensive alliance in that respect, and they are bound to come and fight, although their territory is not invaded and although their rights are not imperiled.

But let us bring it a little closer home. Let us see if the propagandists of this country and the pacifists of this country who have been flooding the Senate are stronger than all appeals to reason.

We except from the terms of this treaty, I repeat, the League of Nations pact. We consent that all nations belonging to the League of Nations by signing this treaty have done nothing to impair the league compact. We thus by implication, if I know the meaning of language or any single rule of logic, consent that these nations shall freely act under the terms of the League of Nations pact. I am not urguing here against the League of Nations; but we are not a member of it and we have nothing to say about it.

Now, let me assume that Japan comes over to South America or Mexico and gains by peaceful negotiation the right to establish a naval base and to build a fortress, and we protest. Why has not Japan the right to say, "This is one of the questions necessarily falling within the jurisdiction of the League of Nations, and we will take their decision." The league meets and decides that Japan is right; that as a sovereign nation she had the right to make a contract with another sovereign nation for the cession of territory. But we say, "We are not members of the league." "Ah, but," Japan says, and Mexico says, "we were members of the league and we had a contract providing for the way to settle our disputes and differences, and following that and in accordance with that we have reached this decision."

It will be said that there is a fault in that argument; that we are not parties to the league, and hence we can say we are not bound.

I am not here to argue that as a strict measure of law we would necessarily be bound, but I am here to say that by implication we have at least said to these nations, "Whatsoever your obligations are under the league, you are at liberty to carry them out."

Let us take another illustration. Two South American countries get into a controversy. They both belong to the league. They submit their controversy, or the league takes jurisdiction and proposes to decide that controversy. When it decides it, it decides it in such a way as to be clearly inimical to our interests. It may involve relations with European governments, or protectorates by European governments, or something offensive to us. We say, "We protest against that"; but they reply, "What right have you to protest? You agreed that this League of Nations covenant should stand unimpaired by this peace agreement. By doing that you recognized the rights of these nations to conform to and act in accordance with the League of Nations' proceeding. They have done it."

At least there is the gravest danger that we may involve ourselves in a charge of bad faith. At least there is the gravest danger that foreign nations will regard our action here as having opened the door to decisions touching acts upon this continent which we believe would be violative of the Monroe doctrine, unless we say, "We reserve the Monroe doctrine," or words to that effect.

Mr. President, I have talked as long as I want to talk to-day, and while I have not covered this question at all, I may have scratched the surface a little with as dull a plow as I possess, but at a later time during the debate I intend to bring forward a resolution, not to be adopted here in connection with this treaty but elsewhere, covering what I believe would do some good in the matter of limiting war.

For 500 years England has asserted the doctrine that she has the right, practically, to dominate the seas, and to place embargoes upon the commerce of every nation whenever she is at war. That right she asserted in the late World War, and it was the secondary reason which produced the immediate reason for our entrance into that war.

England asserts that when she is in a fight, the rights of the innocent bystander cease; that when she is in a fight with a country, she has the right to seize the goods of every country that is at peace with her enemy, and that dares to carry anything to the enemy. She asserts the right to wipe that trade out, to seize the ships.

The controversy has been a long one, and I intend to review it. While she has been driven from it time and again, and has been compelled to qualify it time and again, she returned to it in the last war in the most aggravated form, for formerly the right of seizure and search had been limited to contraband of war, and contraband of war had been limited practically to munitions of war and to soldiers. But in the last war, by her order in council, Great Britain declared substantially everything that men wear and that men eat and that men employ, either in the arts of peace or in war, to be contraband of war.

She seized our ships, she embargoed the North Sea, she planted her mines, and told us the lanes through which we could travel, and told us that when we went outside we would be blown to pieces. She seized our cargoes destined for neutral ports and demanded that the owners prove that they were not going into Germany for transshipment. So, having undertaken to apply starvation to Germany in this way, by interference with our commerce and the commerce of all other neutrals, she compelled Germany to adopt similar measures, and it was because of the adoption of those measures that we finally were compelled to enter the war.

I want to see something done of a practical character. I want to see an agreement forced among the nations of the earth so that when two nations fight they shall fight each other and nobody else, and that they can not seize the goods of a friendly nation. If that were done, wars could be confined; they would not spread all over the world.

Is that chimerical? Perhaps so; but Benjamin Franklin and Thomas Jefferson and John Adams did not think so, and Henry Clay did not think so, when they negotiated with Prussia the treaties for freedom of commerce, those treaties providing expressly that in case Prussia were at war with any country the goods of the United States should go unmolested into ports of Prussia's enemy, and that if we were at war a similar privilege was to be accorded to us. That would limit war, and if such a treaty as that were universally accepted, then when two

nations went to war they would be fighting each other and not injuring the innocent.

Article 12 of the treaty of 1789 provided:

If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, in so much that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Mr. President, if we had had a treaty like that when the last war came on, and if every nation in the world had had similar treaties, then when Great Britain first began seizing the ships and goods of a neutral, she would have violated her pact with that particular nation directly, but it would have been notice to all the other nations that similar treatment would await them. Hence there would have been a natural combination of nations against her which she would have recognized, and we would never have had a vessel seized or sunk by either of the belligerents. If that had been true, then 125,000 American boys who lost their lives in France would still be walking the earth, and the vast debt that is piled upon us would not be here to burden us and those who are to come after us.

Mr. President, what argument can be made against that? The argument of brute force, the argument that England has made because she commands the seas, and has been powerful enough to force her will upon nations. Once in history Catherine of Russia called together the neutral nations and imposed an armed neutrality, and thus protected the commerce of the world.

What is Britain's argument for this employment of brute force? It is that she wants to starve her enemies into submission. Humanitarians there are who sit around in all parts of this country and say that war is a terrible thing. Let us do something to keep it within limits, and without bounds. That is practical.

They tell us that we should not have poison gas, that that is a terrible thing. Poison gas is used against the soldiers upon the field, who have some means of defense, while starvation strikes the women and children at home.

They tell us that humanity demands we should not bombard unfortified cities, because the lives of women and children and peaceful citizens would be imperiled, and that is true; but is it any worse to kill them with shot and shell than by the slow process of starvation?

When we speak of humanity, we would better stop and think of something that will limit war. I say, sir, that I would like to see the nations stand before this imaginary tribunal of the world we talk so much about here and defend the right of starving women and children to death. That has been England's method of warfare.

Close the ports, and where the bullets can not reach, gaunt starvation will place its skeleton hands. Close the ports, and the stout hearts upon the battle fields that are not dismayed by the sound of shot and of shell will break when they know that their loved ones at home are famishing for food. That is the kind of doctrine that has been taught by Great Britain.

Let me say, in conclusion, I have said many things about Great Britain, but I am no enemy of Great Britain or of the British people. I have spoken of her at length because she has spread herself all over the world. All over the map of God's footstool she has placed her marks. Everywhere, in every quarter of the globe, her flag floats, and when she proposes certain policies that have made for war, that still make for her dominance, that will result in fixing her iron grip upon the throats of conquered peoples, and ask us to agree that she has the right to do that, and that nobody has the right to resist because they are resisting their natural, righteous, and conceded right—when she does that, and when she imposes her will upon the seas, it is time to do a little talking.

That is a great nation, a great people, and because she is a great nation and a great people, because her sons possess the iron of courage in every fiber of their being, because they know how to cling to an idea and fight for it and die for it; because her ships sail all the waters of all the oceans; because her guns frown upon every lane of the sea, so that every craft must pass beneath their muzzles; because she has us surrounded, in a large sense, I say that it is time to do a little thinking.

But, indeed, like miserable, sentimental idiots we have sunk $500,000,000 worth of the finest fighting craft on earth, and we did it to the peans of the pacifists and mollycoddles of the Nation, we did it to the delectation of certain statesmen who thought they were going to get some votes from those propagandists. We did it, and when we did it, as soon as the ink was dry, Great Britain began to sing hosannas, France rubbed her hands in congratulations, and they both said, "Now the dominion of the seas can not pass from us or one of us or both of us. America, the great giant, has cut off her right arm, and we have reserved the right to build cruisers that will infest the waters of every ocean and can destroy the commerce of every nation, and so we will continue to build them. We will have peace. We are great friends of peace so long as that doctrine will destroy your ships. We are great friends of ourselves and our governments and of our imperialism when we want to build a swarm of smaller vessels that can destroy all the commerce of the world."

It is time to wake up a little bit here. That nation is safe, that nation can pursue a policy of peace which is strong enough to command peace; and, being strong enough to command peace, it may then pursue policies of peace that make for the welfare of mankind. We have furnished that example. America's example to the world has done more to form opinion in other nations favorable to peaceful means than can be done by all the treaties that have ever been written.

Ah, but America will lose her strength; America's arm will drop palsied; America's influence will shrink whenever America becomes a weakling no longer able to maintain herself. Then they will say, "The weakling begs for quarter." Now they say, "The strong man extends the hand of friendship." But it is not to be accomplished unless we safeguard our interests now; and I make the appeal to the Senate to insist that there shall go into this instrument or into a report of the committee or in some way into an authoritative statement the construction of the treaty which has been put upon it by the chairman of the committee and put upon it by its advocates. If we do less than that we are derelict in our duty to the people who sent us here. If we yield to these propagandists who come down here talking about peace and that there shall be no war instead of talking about our country being safe first and then pursuing the policies of peace, if we surrender nationalism to internationalism, if we accept the doctrine of the Third Internationale, which has been denounced as anarchism, then we shall sow the seed that will raise a crop that will choke out the spirit of patriotism, and this Nation will suffer by our act.

We are the watchmen upon the tower. The solitary watchman is not down in the office of the Secretary of State. He is not the only man charged with the duty. He was once a Member of this body. We respected him, but no man surrendered his judgment to him. Now, for his private opinion, that we may anoint him with the oil of our obsequious approval, we are asked to say nothing, to do nothing, to just accept the treaty, although it is admitted that all the speeches we may make here in the way of construction will not affect the final construction of the treaty, but that a few words plainly spoken would remove all danger from it. Why not write them?

Mr. President, I thank the Senators for their attention.

Mr. BORAH. Mr. President, I want to submit a request for a unanimous-consent agreement to the effect that beginning tomorrow at 3 o'clock each Senator shall be limited to 30 minutes in the discussion of the treaty or any reservation or amendment offered to it.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the unanimous-consent request?

Mr. BROOKHART. Mr. President, I think we should have a quorum before such an agreement is entered into. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Keyes	Ransdell
Barkley	Fess	King	Reed, Mo.
Bingham	Fletcher	La Follette	Reed, Pa.
Black	Frazier	McKellar	Robinson, Ark.
Blaine	George	McLean	Robinson, Ind.
Blease	Gerry	McMaster	Sackett
Borah	Glass	McNary	Schall
Bratton	Glenn	Mayfield	Sheppard
Brookhart	Goff	Metcalf	Shipstead
Broussard	Greene	Moses	Shortridge
Bruce	Harris	Neely	Simmons
Burton	Harrison	Norbeck	Smoot
Capper	Hastings	Norris	Steck
Caraway	Hawes	Nye	Steiwer
Copeland	Hayden	Oddie	Stephens
Couzens	Heflin	Overman	Swanson
Curtis	Johnson	Phipps	Thomas, Idaho
Deneen	Jones	Pine	Thomas, Okla.
Dill	Kendrick	Pittman	Trammell

Tydings	Wagner	Warren	Watson
Tyson	Walsh, Mass.	Waterman	Wheeler
Vandenberg			

Mr. GERRY. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I am going to submit a request for unanimous consent for the purpose of limiting debate. I ask unanimous consent that, beginning to-morrow at 3 o'clock, speeches or discussion on the treaty and all amendments or reservations thereto on the part of each Senator be limited to 30 minutes.

Mr. ROBINSON of Arkansas. Mr. President, does the Senator from Idaho mean that each Senator may speak 30 minutes on the treaty and 30 minutes on any reservation?

Mr. BORAH. No; 30 minutes in all. Each Senator may divide the time to suit himself, but would be limited to 30 minutes on the treaty and reservations.

Mr. MOSES. I should like to ask the Senator if it is not possible to submit a unanimous-consent agreement fixing a time when we shall vote on the treaty?

Mr. BORAH. No; it is not possible unless the Senator from Missouri has changed his mind.

Mr. MOSES. The Senator from Missouri is not in the Chamber. I do not know what his position would be as to the request which the Senator from Idaho now submits.

Mr. BORAH. I talked with the Senator from Missouri about that proposition.

Mr. McLEAN. Is the Senator from Idaho willing that it shall be understood that there shall be no vote to-morrow?

Mr. BORAH. No; not if we get to a vote. I would want a vote to-morrow if we should get through with the debate.

Mr. JOHNSON. If the Senator will permit me, the suggestion I am about to make is solely because of the usual course of events. To-morrow will be Saturday, and if the Senator's request shall be agreed to we shall begin to limit debate at 3 o'clock on Saturday afternoon.

Mr. BORAH. Yes.

Mr. JOHNSON. Ordinarily we would not be in session very late on Saturday. Why not make it 12 o'clock on Monday?

Mr. BORAH. Very well, if the Senate prefers that.

Mr. JOHNSON. It is a mere suggestion which I make, because of to-morrow being the end of the week.

Mr. BORAH. I thought we might get through with the debate to-morrow, perhaps, and then have Monday to begin other matters, but if there is objection to my first request I will resubmit the proposition.

Mr. WATSON. Mr. President, can the Senator from Idaho state how many Senators would like to be heard on the treaty?

Mr. BORAH. No; I am unable to do so. There are, however, several Senators who desire yet to be heard, but they are not going to speak long. I am making this request largely because Senators want to get some idea about when we are going to vote on the treaty, as some of them have other matters that call them away.

Mr. McLEAN. That was my idea in suggesting that it be understood that there would be no vote to-morrow, because even though we should begin to limit debate at 12 o'clock on Monday we might still finish the discussion and reach a vote to-morrow. I think it should be understood that there should be no vote to-morrow. Otherwise it would be rather embarrassing for a good many Senators.

Mr. BORAH. I do not want any understanding that we shall not have a vote when we get through with the debate. When we get through with the debate on the treaty I want a vote.

Mr. MOSES. Mr. President, I will ask the Senator from Idaho did the Senator from Missouri [Mr. REED] indicate why he would object to fixing a time for a vote if he was willing that debate should be limited?

Mr. BORAH. The Senator from Missouri said he did not want a time certain fixed to vote, and I told him that I would not make that request. I am not speaking for the Senator from Missouri on the question of limiting debate, but he said he did not want a time certain fixed for a vote, and therefore I am not asking for that.

Mr. MOSES. For the time being, Mr. President, and until I can consult with the Senator from Missouri, I feel constrained to object to the unanimous-consent agreement proposed by the Senator from Idaho. I should like to talk to the Senator from Missouri this afternoon, and possibly the Senator from Idaho may then subsequently renew his request.

Mr. BORAH. Objection having been made, that ends the matter for the present, I suppose.

Mr. WALSH of Massachusetts. Mr. President, I send to the desk a letter from Jeremiah Smith, jr., a leading attorney of Boston, Mass., and request that the letter be read for the information of the Senate.

Mr. Smith's views are of public interest and importance because of his extraordinary public service and intimate knowledge of European questions, since he was attached, after his services in the American Expeditionary Forces, to the American mission to negotiate peace, as council to the Treasury Department and adviser on financial questions.

When the council of the League of Nations in 1923 sought a commissioner general providing for control of a draft scheme for an international reconstruction loan to stabilize the currency of Hungary and balance its budget, Mr. Smith was selected.

He served in this capacity from May 1, 1924, until June 29, 1926, when the need for his services terminated owing to the decision of the League of Nations to relinquish its control of the financial reconstruction of Hungary. Mr. Smith was entitled to compensation for his services, but at the termination of his functions he presented his entire salary for his two years of work in the amount of $100,000 to the Hungarian people, stating that the friendship and appreciation of the Hungarian people were all that he desired. His administration was pronounced eminently successful both by the league and by the Hungarian Government, and he was publicly offered the thanks of the Hungarian people, and probably no American is more affectionately regarded by them.

I particularly call attention, in view of Mr. Smith's well-recognized conservatism of thought and speech and his intimate knowledge of European affairs, to one sentence in his letter which is the one which indicates that, in his opinion, it is only a question of time until there will be another general war if foreign affairs are conducted in other parts of the world in the future as they have been in the past.

The letter is brief, and I ask that the clerk read it.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

HERRICK, SMITH, DONALD & FARLEY,
Boston, January 9, 1929.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: * * * I am writing to tell you that I hope very earnestly that you will vote in favor of the Kellogg-Briand peace treaty, as I expect you probably will.

I am neither a pacifist nor an internationalist, but I think the preservation of peace is one of the most important questions in the world to-day, and everything that promotes it is valuable.

During the last 12 years I have had some opportunity to observe how foreign affairs are conducted in other parts of the world. I am convinced that if they are conducted in the future as they have been in the past, it is only a question of time until there will be another general war, though I do not think the people in the different countries are anxious for it. After very careful thought I am convinced that there has never been any international standard of morality in international dealings, and that the only remedy for this situation is to be found in the creation of international public opinion which will insist on the same standards of morality being observed in international dealings as are observed between individuals of good character in conducting their own personal affairs. Creating such an international public opinion is a very difficult piece of work, but I think it is progressing steadily though slowly. I consider this new treaty one more step in building up an international public opinion of the right sort, and I think it will be very valuable to that end. I realize that it contains no penalties, but I do not agree with the technical criticisms that it is of no value because it does not contain binding obligations to enforce it against anybody else. I think it is a most valuable step forward and may become a very important instrument in maintaining peace. I sincerely hope you will vote for it, and I think it would be very unfortunate if the Senate undertook to modify this treaty, which was initiated by this country. I think it is quite plain that other countries must understand our position and could make no claim of bad faith against us if we insisted on maintaining the position which they have already been informed is that of our State Department.

I may add that this letter is entirely voluntary on my part. I know that you must have received a great many communications on this question, so please do not take the trouble to acknowledge the receipt of this.

Sincerely yours, JEREMIAH SMITH, Jr.

SPURIOUS DOCUMENTS AFFECTING SENATORS

Mr. BROOKHART obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Iowa yield to me?

Mr. BROOKHART. I yield.

Mr. REED of Pennsylvania. As in legislative session, I send to the desk and ask to have read a telegram from Mr. Ivy Lee.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

NEW YORK, N. Y., *January 10, 1929.*

Hon. DAVID REED,

United States Senate, Washington, D. C.:

One of the newspapers advises me that they have story to the effect that it was revealed to-day that the Senate was in possession of document stating that the Soviet Government had paid to me a certain sum of money for some undescribed expenses. The fact is that I have never received one penny of money from the Soviet Government, directly or indirectly. I should appreciate the privilege of appearing before your committee and making this statement under oath and should also be very happy to place at the disposal of your committee the books and files of my office. The whole suggestion is a complete fabrication and utterly without basis in fact.

IVY LEE.

Mr. REED of Pennsylvania. Mr. President, I call the attention of Senators to the fact that there has been laid on the desk of each Senator a transcript of the proceedings of the last hearing of the special committee investigating this matter, which includes facsimile reprints of the various documents that were submitted to the committee.

I also send to the desk and ask to have printed in the RECORD a letter from the Secretary of State to the Senator from Idaho [Mr. BORAH].

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

THE SECRETARY OF STATE,
Washington, January 11, 1929.

Hon. WILLIAM E. BORAH,

United States Senate, Washington, D. C.

DEAR SENATOR BORAH: I learned yesterday that Senator REED'S special investigating committee had been informed that there was in the State Department at one time a copy of what purported to be a receipt signed by you acknowledging the payment of a considerable sum of money by the Mexican Government and that Mr. Lane, chief of the division of Mexican affairs, had been called before the committee to testify on this point.

Until this information came to me yesterday I had had no intimation of any kind that anyone believed that such a document had ever been in the possession of the department, and I caused an investigation to be made at once. I find that no such document and nothing resembling such a document has ever been in the department, and I can not understand the basis for the report which reached the committee unless there has been some confusion between the above-mentioned "receipt" and the alleged copy of a ledger sheet from the Mexican Treasury Department's records, a facsimile of which was published in the Washington Herald of Friday, December 9, 1927. That document, you will recall, purported to show the payment of a large sum of money to three persons whose names were obliterated from the published facsimile. A typewritten sheet (with translation) similar to that reproduced in the Washington Herald came into the possession of the State Department and was destroyed as unworthy of acceptance by the department for incorporation in its official files.

In order to make certain that I covered the matter completely, I have not only made inquiry of Mr. Phenix but also have asked Mr. Olds this morning by telephone whether he recalled any paper purporting to be a receipt by you for money paid by the Mexican Government. Mr. Olds stated unequivocally that he knew of no such paper; the only paper of which he was aware that associated your name with payments by the Mexican Government was the alleged extract from the Mexican Government ledger referred to above, the original of which, as you know, was given to Senator REED'S special committee, together with the other so-called Hearst documents.

I hope that this letter disposes of the matter to your satisfaction and that there will be no further revival of the subject.

Very sincerely yours,

FRANK B. KELLOGG.

Mr. CARAWAY. Mr. President, before the Senator from Pennsylvania takes his seat, I should like to ask him a question.

Mr. REED of Pennsylvania. I will be glad to answer any questions.

Mr. CARAWAY. Reading yesterday's proceedings, I see that a man by the name of Baker was presumed to have the papers to which reference is now being made. Has he been examined by the committee?

Mr. REED of Pennsylvania. He has not been examined, because the papers with which he was connected contain, so far as we know, no reflection upon any Senator. I am given to understand since the hearing was finished that the papers with which Mr. Baker was concerned were about 600 in number. They were papers which had been sold, or delivered at least, to the Mexican Government by some person who pretended that they showed hostile intention on the part of this Government toward Mexico. About 200 of them were genuine papers stolen from the American Embassy in Mexico. They in themselves did not show any such hostile intention. There were about 200 or 300 fraudulent documents wholly spurious. All these were turned over to the Mexican Government, and that Government, in a spirit of intelligence and amity for which we can have nothing but praise, was quick to send to our own Government for examination. They did not send them through in a formal way, but I understand that Mr. Baker was at the time in Mexico City and that some Mexican official told him about these papers and said that they would be glad to have them examined by our State Department. They were actually brought to this country, I am told, by some Mexican messenger.

Mr. CARAWAY. The question propounded to Mr. Lane and his answer left an entirely different impression on my mind. I thought that these were the papers bearing upon the reputations of the Senators accused, and I inferred from Mr. Lane's reply that it was with difficulty that they got the papers away from Mr. Baker.

Mr. REED of Pennsylvania. No, Mr. President. So far as I can learn—and I have made diligent inquiry since the hearing—Baker's papers bore not at all on the reputation of any Senators.

Mr. CARAWAY. At least, then, Mr. Lane puts him in rather a bad attitude, because I remember the Senator from California asked him some questions, and the impression I gained both from the questions and the answers was that Baker had some documents and was likely to make an improper use of them, and that it was with great difficulty that they were gotten away from him. I think he is put in a very unfortunate attitude if he is entirely innocent of any wrongdoing.

Mr. REED of Pennsylvania. Yes.

Mr. CARAWAY. I think everybody, at least all those with whom I have talked derived the impression that Baker's connection with the papers was entirely improper and his attitude subject to the gravest criticism.

Mr. REED of Pennsylvania. I can see that that is a natural misunderstanding. On page 345 of the testimony, however, appears the question of Senator JOHNSON, which was:

Let me ask you about some other spurious documents, inasmuch as the inquiry has been opened up in that regard.

I do not think that any of our committee understood that the documents with which Mr. Baker was associated had anything to do with Senators.

Mr. CARAWAY. Did not the committee understand that he was trying to make an improper use of the documents that he had?

Mr. REED of Pennsylvania. No, Mr. President.

Mr. CARAWAY. And was unwilling to surrender them to the proper parties?

Mr. REED of Pennsylvania. No, Mr. President.

Mr. CARAWAY. Then, I think he ought to be given a chance to testify, because that was the impression I obtained from reading the testimony; and I have heard quite a number of people state that they had similar impressions.

Mr. REED of Pennsylvania. So far as I can discover, Mr. Baker's only connection with the papers was in his anxiety that they should be shown to our State Department; and if Mr. Lane's testimony gives any other impression, it was unfair to Mr. Baker.

Mr. CARAWAY. I have not the testimony before me now. I read it in the paper—I think this morning's paper.

Mr. REED of Pennsylvania. The Senator will find the testimony on his desk.

Mr. CARAWAY. I shall read it again, because the impression I have is that Mr. Lane at least left the impression that Baker had them; and I think he was asked the question if it did not take rather extraordinary means to get them from him.

Mr. REED of Pennsylvania. The question was (p. 346):

Senator JOHNSON. They obtained those documents from Mr. Baker in a rather drastic fashion.

Mr. LANE. Well, I think they obtained them in a roundabout way.

As a matter of fact, I now understand that they were delivered by the Mexican consulate to some representative of the Navy Department in New York; the Navy Department had nothing to do with them, but this representative happened to be convenient, and they were brought by him to Washington. In that sense it was a roundabout way.

Mr. CARAWAY. Well, let us take this: Mr. Lane says, speaking of Mr. Baker:

I do not know how they came into his hands. I know that Mr. Baker went to Mexico and arranged to have them come into his hands, but he denied having brought them into this country.

Senator JOHNSON. But he had them, did he not?

Mr. LANE. Yes, sir.

Senator JOHNSON. And it required a considerable effort on the part of the State Department to obtain them, did it not?

Mr. LANE. I was not here at the time, but I understand that was the case.

Mr. REED of Pennsylvania. Mr. President, in fairness to Mr. Baker, I think I ought to make a fuller statement about it.

Mr. CARAWAY. I think so, too.

Mr. REED of Pennsylvania. I had been hoping that I would not need to take up too much of the time of the Senate.

During the war Mr. Baker was a reserve officer in the Navy and, I think, had something to do with the Naval Intelligence Bureau. He happened to be in Mexico, and some friend—I think a Mexican Government official—told him about these papers having been shown to the Mexican Government and about their willingness to have them inspected by our State Department. Mr. Baker said he was not going to bring them to the United States, but suggested that the Mexican Government send them to their consulate in New York and have it turn them over to some naval intelligence officer in New York, somebody that he knew. That was done. I do not know what individual brought them from New York to Washington. It may have been Baker.

Mr. CARAWAY. Why is there any mystery about it? That is what I am curious to know.

Mr. REED of Pennsylvania. The only mystery comes from the fact that Mr. Lane was asked about this without expecting to be asked about it, and he said right at the beginning that he had no personal knowledge of it. He was embarrassed by trying to tell about an incident that he had heard of only scantily.

Mr. CARAWAY. Does not the Senator think Mr. Baker ought to explain where he got the papers, and how he got them, and why he was reluctant to bring them?

Mr. REED of Pennsylvania. Surely. I have no doubt he will if we ask him. I am trying to tell what I learned yesterday about this matter on making inquiry. All this came to me yesterday. I did not know it before.

Then either Baker or somebody from the Navy Department brought these papers to Washington and showed them to the State Department. They instantly knew that they were forgeries. They include a lot of preposterous yarns about military steps that our Government was preparing to take, or had taken, against Mexico. It was a whole cock-and-bull story, just like these soviet papers.

Mr. CARAWAY. At least there were 200 of them that were genuine, that somebody had stolen from the American Embassy.

Mr. REED of Pennsylvania. I have the impression—I do not want to charge anybody unjustly—that a stenographer in the American Embassy was disloyal and peddled these copies of papers that were genuine. There was nothing in them of any importance, nothing to arouse the Mexican Government; but they sufficed to furnish a background of genuineness against which they could plant their sensational forgeries.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. BROOKHART. Mr. President, the Senate has just listened to a great discussion of a great subject by a great man. I shall not refer to the Senator from Missouri as a distinguished Senator, because that description is unfair. I think the Senator is the greatest objector who has ever appeared on the floor of the Senate. He had distinguished predecessors of that type from his own State, but I think he outranks even the famous name of Thomas H. Benton.

I am not criticizing objectors. I am about 50 per cent an objector myself, although I think the Senator from Missouri is about 100 per cent, and measures up to the percentage all the time. I do not mean this afternoon to reply to his argument. With much of it I agree. I may, though, in the course of my discussion, correct with the actual facts some of the impressions left in reference to the Union of Socialist Soviet Republics.

We have heard much of the fictions of Russia and of Russian institutions; but I mean in the discussion of this treaty to point out its relation to Russia, and to point out some of the facts of that country as they exist now.

I agreed with the Senator from Missouri [Mr. REED] in opposition to the League of Nations and in opposition to the World Court. I did not oppose those things upon the ground of mere opposition, but I did not feel that the new institutions of government which they created were not based upon the economic principle of world peace, and that is the principle of cooperative economics which I recently discussed on the floor of the Senate.

The outlawry of war is the beginning of cooperation. The outlawry of war in business is the beginning of cooperation. Therefore, from my standpoint, this treaty of world peace is a different proposition from the institutions of the League of Nations and of the World Court.

This afternoon I shall not go further into the subject of this treaty being a basis of cooperation. Perhaps later in the debate I shall give some little time to an explanation of that idea; but this afternoon I want to make the claim that this treaty is a recognition of the Soviet Government. I do not mean that it is a recognition by sending an ambassador and diplomats. Those are minor matters. Those are things that may follow; but it is a recognition of the Soviet Government as a government, of its right to make treaties, and it is even joining with that government in the execution of this treaty.

Upon that basis I want to discuss the proposition of whether or not it is desirable that we should recognize the Soviet Government as a government among the civilized peoples of the world.

I visited Russia in 1923. I had read the accounts of it in the newspapers, and the published statements; and when I went into the country itself I found the story so vastly different that I think the people of this country are entitled to know the real facts. I said, when I came back, that Russia ought to be recognized as a government. I said that it was about the most stable government in Europe. This was in 1923, and every event since that time has sustained the conclusion which I presented, although at that time I was denounced as a Bolshevist and an anarchist myself, and perhaps my argument to-day will not be pleasing to my standpatter colleagues in the Senate of the United States. Perhaps they will not enjoy ratifying a treaty that is a recognition of the Soviet Government; but such is the fact.

I saw Russia. It was not a camouflaged country that I saw. You read in the papers that they show you what they want you to see, and they keep you from seeing everything that you ought not to see. That is ridiculous when you are on the ground itself. I was shown Russia by Herbert Hoover. He was in charge of the American relief administration, and he had his personal representative with me in other countries of Europe investigating cooperatives; and when I decided to go into Russia I asked permission for this representative to go with me. He desired very much to go. That was Dr. Alfred P. Dennis, now vice chairman of the Tariff Commission. The permission was denied, but Mr. Hoover at once cabled to Col. William G. Haskell, who was in charge of the American relief administration under his direction, and directed Colonel Haskell to look after me in Russia. Haskell was closing the relief administration, but he had automobiles and he had interpreters, and those interpreters were nearly all czarists; they were not friendly to the Soviet régime. Haskell, with his equipment and his interpreters, is the man who showed me Russia under Mr. Hoover's order.

That was in 1923. Since then the firm of Col. Hugh L. Cooper, who built the Keokuk Dam, who was the consulting engineer in the construction of the Wilson Dam at Muscle Shoals, who has constructed more water-power plants than any man in all the world, has become the consulting engineer of the Soviet Government. In June, 1927, Colonel Cooper delivered a speech to the 150 American delegates on the steamer *George Washington* en route for the Fourth Congress of the International Chamber of Commerce, at Stockholm, Sweden. That speech is so able, so fair, so full and complete, that I mean to quote it very largely in my description of the Russian situation. Colonel Cooper said:

You will receive a better dividend from listening to an engineer's views about some present economic conditions in Russia if I frankly tell you at the outset:

First. That your speaker has no financial interest to gain or lose by any action you may later take as a result of what he is to tell you.

Second. That you will not be asked to make any subscriptions or extend any credit to the soviets.

Third. That your speaker does not believe in Bolshevism or Communism or any other "ism" that seeks to lead mankind away from the normalism exemplified in our best American life to-day.

Fourth. That your speaker believes the future peace of Europe depends almost entirely upon the early establishment of new and properly balanced economic conditions for the whole and not a part of its people.

This new economic theory must give Europe a substantial increase in its purchasing power, coupled with the possibility of saving something for old age. This rise in purchasing power can be produced only by increasing constantly the efficiency in the use of available natural resources and raw materials. European peace, to be worth while, must be founded upon a population happily and hopefully employed. Such employment is the only agency which can wipe out the accumulated hatreds of centuries still flowing in the blood of these 340,000,000 of people.

I think it will be conceded that the statement of those principles is of a high order and of a high value in determining the relations of the nations of the world to Soviet Russia. He continues:

The views I am to state to you have been fully expressed by me to various high officials in the Soviet Government. As we proceed you may well say to one another, and to me, "Who are you who is so bold as to propose a formula for the peace of Europe, and why should we listen to you?" I can only reply, in defense of my audacity, that history seems to record numerous instances where good has come from inconspicuous sources.

But Colonel Cooper was more modest in describing himself as an inconspicuous source than he should have been. He is really the most conspicuous power engineer in all the world. He said further:

As we travel over Europe these days and try to visualize the horrors of the Great War and its senseless destruction of lives and property and the resulting permanent punishment to industry the American observer finds it difficult to look with complacency upon what he sees; it is all so different from the happy prosperous picture he left at home. I believe our continued possession of what we now cherish may be threatened some day if the balance of the world is denied a substantial increase in its purchasing power. We must admit that modern transportation and means of communication have collectively destroyed a great many old plans of life and have given birth to a multitude of new demands as to what a man must have in order to enjoy himself, and these demands we can not ignore.

In the final analysis man's material comforts depend almost entirely on the efficiency with which his natural resources are employed. Natural resources are the foundation of all private and national wealth. The successful use of natural resources depends, first, upon the engineering profession; second, upon the proper commercial direction of the engineering; and finally, upon "live and let live" laws among neighboring nations—laws, by the way, which seem very difficult of enactment. I can see you smile when an engineer stands before you boldly declaring that the peace of the world depends not upon treaties and diplomacy, not upon congresses and conferences, but primarily upon the engineering profession in all its numerous branches. This declaration is not born of conceit or thrown out with the idea that the profession is seeking belated recognition of the value of its work to humanity; this thought is submitted for constructive criticism. I should now, perhaps, better than later, tell you I am here of my own volition and, that I do not represent any person or group of persons in Europe or America. I am devoting all my spare time, and some that I can not spare, to an attempt to enlighten the American mind about present-day Russia, and the expenses of this devotion are borne solely by me. I have just completed my third round trip to Russia in the last 10 months, and my firm is employed by the Soviet Government for the design and construction of the Dnieper River power and navigation project in southern Ukraine, near the Black Sea. This development is being financed by the Government, will cost about $75,000,000, and will produce about 1,500,000,000 kilowatt-hours of hydroelectric energy at a cost that should compare favorably with similar American power costs when the values to navigation are charged to proper amounts. The installed capacity of the plant will ultimately be 650,000 horsepower and the granite-faced dam will be of gravity overfall type, raising the natural levels of the river 120 feet for its width of about 2,300 feet. The structures to be built collectively represent the largest and most difficult engineering proposal yet actually undertaken by man. The development of this splendid natural resource is an important step forward in the engineering program that should be adopted for the whole of Europe. A careful study of Europe shows it to be sadly deficient in natural resources as compared to America. On our side of the Atlantic our 120,000,000 people have their prosperity guaranteed by natural resources of at least two and one-half times the asset value of the natural resources now available for 340,000,000 people in Europe—a per capita ratio of 7 to 1 in favor of America.

In all comparisons of Europe with America it is important that this fact be known. The great disparity of natural resources in favor of the American people is an item that must be considered and given the greatest weight in determining the relative standing in material progress of the countries of Europe and the United States.

A per capita ratio of 7 to 1 in favor of America.

That is, the American has natural resources at his command seven times as great as those of the average citizen of the countries of Europe.

In my studies of European natural resources I have found that in Russia, representing about one-seventh the landed area of the earth, there are probably more unused natural resources than in all the balance of Europe.

If, then, our premises are correct, it is immediately evident that the highest attainable efficiency in the development of Russia's resources is of first importance, not only to Russia but to all of Europe, if these countries are to carry on peacefully in the future.

In the United States to-day we consume annually about $310 worth of the things man produces. In Russia to-day this consumption is about $32. In the United States we consume about 600 kilowatt-hours of electricity per capita per annum. In Russia this rate is about 60 kilowatt-hours.

I will say that since this was written I have received charts showing a wonderful development in electrical power, and that that ratio is very greatly increased in Russia since that time. That was in June, 1927. I quote further from Colonel Cooper:

In the spread between 1 unit of life's good things for them and 10 units of life's good things for us their exists a vast potential field for a highly useful industrial expansion. The necessary natural resources and the necessary people are there. All that is needed to complete the inauguration of this new era is an industrial leadership in which these people can safely place their confidence. People are never successfully led without confidence in their leaders. You may properly inquire, "Are these people capable of doing their part in the development of a new industrial program?" If you had been with me in Moscow last month, when I studied for four hours on two different occasions, the faces of 1,500 delegates representing the entire soviet union in annual convention, you would have seen a strong, virile, determined, poorly but cleanly clad, intelligent looking in the main, body of men and women between the ages of 30 and 50. You would have been impressed with the orderliness of their ways, and no one looking at such a composite photograph could avoid the conclusion that these people are capable of producing under proper guidance a standard of living much higher than they now have. The direction they must have can not be found in Europe with its multitude of wars and resulting hatreds, extending back over many centuries. This history is full of envy and suspicion, and who would look for confidence and leadership to such a record where the life of a great nation was concerned? A parallel reliance would be found in handing over a flock of lambs to a pack of hungry wolves, expecting the lambs would grow and multiply. Outside the historical objections to finding Russia's necessary leadership in Europe, it should be noted that the Great War has compelled Europe to lag in efficiency and understanding in many lines of work, and she must first prepare her own industrial machinery very carefully or be lost in the world competition that confronts her. The leadership Russia requires can be found only in the United States.

If that statement be true, it is the most powerful argument for the recognition of Russia diplomatically as well as through the methods of this treaty.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator by whom that statement was made?

Mr. BROOKHART. It was made by Col. Hugh L. Cooper, who built the Keokuk Dam and who was the Government's consulting engineer in the construction of the Wilson Dam at Muscle Shoals, and who has constructed more water-power projects than any man in this world.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. I do not know Mr. Cooper nor do I wish to qualify the eulogies bestowed upon him by the Senator from Iowa, but when Mr. Cooper says there is no industrial leadership available to Russia except in the United States and that Russia must look to this country for such leadership, I express dissent. I was in Russia shortly after the Senator was there, and in company with Senator Ladd, Congressman FREAR, Professor Johnson, and several others traveled nearly 10,000 miles through that rather dark and mysterious land. We met thousands and tens of thousands of people in all parts of Russia and made a close study of industrial and economic conditions. Russia, it is true, at that time lacked industrial leadership for the reason that most of the industrial leaders had either been killed or driven from Russia. But the communist leaders who precipitated the revolution and set up the Bolshevik régime discovered that their policy would prevent economic rehabilitation; that it was necessary to have technical men and competent economic leaders if industry was to revive and Russia be res-

cued from the pit into which it had been thrown by communism. Accordingly some of the owners and operators of business enterprises were being permitted to return to Russia.

Mr. BROOKHART. I think the Senator did not understand the idea that Colonel Cooper intended to express. He was not criticizing Russian leadership. In fact, as I read a little earlier from his speech, he praised them and said it was true that the outside leadership must come from the United States.

Mr. KING. If I may trespass further upon the Senator's time; when I was there not only had a considerable number of Russian industrial leaders returned but a number of foreigners, technical men and others who were competent to operate plants and develop important enterprises, were to be found in various parts of Russia. Germany and Sweden had furnished a number of men of the character referred to. Indeed, business and scientific persons were being employed in a number of the business enterprises there found. But the Bolshevist officials imposed such restriction and interposed so many obstacles that men of ability and skill and technical qualifications could not accomplish what they desired. The result was that some who had gone to Russia to help develop her industries were constrained to leave. On the same boat that carried former Senator Ladd, Congressman FREAR, and myself across the Atlantic were a number of technical oil men en route to the Baku oil fields on the Caspian Sea. Several months later we found them at Baku. They went there for the purpose of trying to reclaim oil wells which had been destroyed by the Bolsheviks and to apply modern technical methods to the development of other oil wells.

Mr. BROOKHART. Destroyed by the Bolsheviks? I would say they were destroyed by counter-revolutionists. Most of the destruction occurred in those counter-revolutions.

Mr. KING. I shall not stop to enter into a discussion with the Senator as to who destroyed hundreds of oil wells. I will say, however, that the Bolsheviks did injure many wells and discharge bombs in some. It is quite likely that some of the forces under Kolchak, who was seeking to preserve Russia from Bolshevik rule, contributed to the ruin which was wrought in the Baku oil fields.

But to return, the Americans, to whom I have referred and who were in Russia to aid in reviving the oil industry, were unable to accomplish the purpose for which they went. Some of them told me that it was practically impossible for them to work under the restrictions and regulations that were interposed and enforced by the Bolshevik régime.

Mr. BROOKHART. Will the Senator let me interrupt him at that point? I shall present charts before I finish showing that they did work under the Bolshevik Government, and showing the most wonderful development, almost beyond belief, that has occurred since them. My charts were prepared by Prof. A. A. Johnson, who was with the Senator.

Mr. KING. Let me complete my thought. Upon the same boat which carried me back to the United States were some of the men who had gone to Russia to help her, but they were forced to depart because of the obstacles interposed by the Bolshevists, which made their mission impossible. They threw up their contract and returned to the United States. They were technical men and competent to develop the oil fields of Russia, but soviet stupidity and arrogance made it impossible for them to remain.

It is quite likely that during the five years that have intervened since then progress has been made in Russia. The Bolshevists have profited by the mistakes which they made. They have gained experience and have secured from European countries a number of competent men to aid in their efforts to revive industry. Moreover, there has been improvement in the business methods employed, and many Russians have qualified themselves for excellent services in the various enterprises that have received attention.

In the Baku oil district there were more than 5,000 producing oil wells in 1914 and 1915. When I was there scarcely 1,200 were in operation, and the yield was far below normal. But the point I am trying to make is that there are technical experts and competent business men that can be obtained in Europe who are willing to accept employment and give the benefit of their technical skill and knowledge to the development of the resources of Russia. That is particularly true of the Germans. But the impediments offered by the Russians when I was there were so great as to prevent such aid being furnished.

Mr. BROOKHART. Does the Senator mean by that statement that he is opposed to the American experts and American leaders availing themselves of this greatest opportunity in all the world?

Mr. KING. I do not concede it is the greatest opportunity in all the world. The same opportunity has been offered to Germany and other European countries, but has proven disappointing. Russia wants capital—whether from America or elsewhere, and any country that will supply capital can find in Russia an eager market. I do not speak of the security that will be offered. However, I am glad to see Americans, as well as nationals from other countries, visit Russia. They will aid in developing Russia and in bringing greater liberty to the Russian people. When I returned from Russia I recommended that under certain conditions trade relations be entered into with the Soviet Government, although there were no obstacles to trade, except such as Russia imposed. The trouble was that the Bolshevist Government controls all foreign trade, and at that time Russia had limited exports and could purchase but a limited volume of commodities. When I saw Chicherin and the other leaders of the Communists—and I saw them all except Lenin, who was then dying—I stated that the only conditions that I would insist upon as a sine qua non to the recognition of the Bolshevik régime were, first, that the Bolshevik Government should dissociate itself from the Third Internationale, and no longer subsidize it and employ it to spread revolution and disorder in other countries and particularly the United States; and, secondly, that it should observe its international obligations as other governments observed their obligations. I said that so far as the debts owing the United States, amounting to approximately $300,000,000, I was willing to forego them.

I wanted to help Russia. I sympathized with her people and was desirous of seeing them develop and obtain liberty and justice.

I could see that one of the instrumentalities to effectuate reforms was contact with the outside world. I wanted Americans and Europeans to go into Russia, believing that it would tend to break down barriers and liberate the people from the tyranny of Bolshevism. I believe that trade between Russia and the outside world would do much to destroy Bolshevism and advance the cause of freedom among the Russian people. However, the leaders refused to dissociate themselves from the Third Internationale and continued to maintain that sinister organization to disturb the peace of other nations and to promote a proletarian revolution. I may add, however, that I have no fears as to the results of their efforts. Communism is discredited, and it will fail in Russia and will exercise diminishing influence in other countries.

If the Soviet Government will cease its efforts to destroy the peace of the world and its efforts to injure the United States and will meet its international commitments, I should look with favor upon changing our policy toward that Government.

Mr. BROOKHART. Willing to forget the so-called debts?

Mr. KING. Oh, I stated that. That would not be, in my mind, an obstacle to recognizing the Soviet Government. I agree with the Senator. The Bolshevik Government is a stable government; those who believed that it would gradually fall were mistaken. The Bolshevik régime may exist for 25 years or for a longer period. It may be many years before the autocracy of Bolshevism will be overcome. But democracy is gaining in Russia; it will come gradually through education and development and contacts with the world and because progress is inevitable. Little by little the dark wall of Bolshevism will be forced back and ultimately Russia will become a constitutional democratic government and take high rank among the nations of the earth.

Mr. BROOKHART. A cooperative republic is my prophecy. The Senator mentioned the Third Internationale. That is a propagandist institution. That is something like the Power Trust in the United States as disclosed by the investigation of the Federal Trade Commission. Probably it may be half as dangerous as our propaganda of that kind in this country.

So far as I am concerned, I am not one of these Americans who believe that my Government is so weak or flimsy that it can be overthrown by propaganda from anybody, Third Internationale or fourth or sixteenth or any other internationale. I believe American institutions can take care of themselves against propaganda from anywhere and everywhere and everybody. This talk of putting a lid on all kinds of open discussion of questions is un-American to me. But the species of secret propaganda, such as we have had disclosed by the Power Trust investigation, I think needs some serious attention in our country probably before the Soviet Government recognizes us.

Mr. KING. Mr. President, will the Senator yield again? The Senator is very generous.

Mr. BROOKHART. I yield to the Senator from Utah.

Mr. KING. I do not believe that the Senator is quite right historically, and he will pardon me for so saying, in his allusion to the Third Internationale. It is more than a propaganda organization. The Senator must know that the Third Internationale is a creation of the Communist Party; that it is an instrumentality set up by the communist organization which dominates Russia; that the communist organization, which was con-

trolled by nine men when I was there and is controlled now by seven or nine men, determines who shall be the leaders of the Bolshevik government and who shall be officers in the Third Internationale. When I was there Trotski was a member of the Third Internationale, Zinovieff was president, and Radak was one of the leaders. Lenin was vice president. I visited their headquarters, which were maintained by the Bolshevik government and the Communist Party. They were subsidized and maintained by it. The printing press, which was operated by the Bolshevik government under the control of the Communist Party, printed the propaganda of the Third Internationale, and the Bolshevik leaders frankly confessed that the Third Internationale was the agency by which the propaganda, to use the Senator's expression, of the communist organization was being carried throughout the world.

They admitted that the mission of the Communist Party and the Third Internationale, its agent, was to bring all nations under the control of a proletariat dictatorship, and they declared that the Third Internationale would continue its activities in all countries and seek to undermine governments and dislocate their economic and industrial life, with a view to bringing about social and political revolution.

Mr. BROOKHART. Mr. President, I shall have to take some of the time myself, and I want to say a few words there.

Mr. KING. I shall not further trespass on the Senator's time.

Mr. BROOKHART. The Third Internationale, of course, is a political party. It may be a bad one. It is, however, not a grafting party. Grafting is not in existence in high places in Russia. The Russian Government is honest; its officers are not selling out. Czarists themselves told me that if an ordinary man got caught grafting he was given about three months in jail; if he were a member of the Communist Party—that is, an ordinary member of the Labor Party or the Peasant Party—they would tell him that he ought to know better, and they would give him about six months in jail; but if he were a member of the Third Internationale or the dictatorship, which the Senator from Utah has described, they took him out and shot him. In our country it appears that the higher up such an offender may be the freer he goes from punishment.

Now, about the propaganda as to overthrowing the world. That has an American sound to me. I can remember in the history of the American Revolution statements were made that we were going to overthrow the kings and potentates of all the earth. In every Fourth of July speech we still declare for that idea. No doubt the Senator from Utah has done so himself. I stopped in England on my way home and talked to the undersecretary of foreign affairs on the Fourth of July. He said, "Great Britain had not as yet recognized Russia, and the serious objection they had was the propaganda for revolution." He said, "This propaganda is a bar to any recognition of the Soviet government." "Well," I said to him, "We Americans can not say very much about that, because it was 147 years ago to-day that we promulgated the greatest revolutionary document in all the history of the world—and," I said, "We triumphed in that revolution." Then later, when Maximillian had conquered Mexico, we supported a revolution of the people, sent an army to the Rio Grande under General Sheridan, and Maximillian was driven from the throne and killed. Still later we supported a revolution in Cuba to drive a king from the American continent and we prevailed and succeeded in that revolution.

Then finally, at the end of the World War, the President of the United States, from the White House, called upon the German people to rise in revolution, drive out their Kaiser, and create a government with which we could treat, the greatest act of the life of Woodrow Wilson. I said, "Now, after we Americans have backed so much revolution as all of that, we can not criticize these poor Bolshevists for being mere revolutionists."

Mr. President, Colonel Cooper, after stating that the leadership Russia requires can be found only in the United States, says:

> No other country is so highly qualified for this job as we are.

I think that is quite an accurate statement.

> Our practical experience, geographical location, and historical record fit Russia's needs perfectly. Then why don't we take on this great opportunity? Before such a question can be properly understood or answered, we must devote time to some review of past history and its imprint on the minds of the heterogeneous multitude we are considering.
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> For about 1,000 years prior to 1917 around 95 per cent of the population of Russia was undoubtedly exploited without mercy by the remaining 5 per cent. The terrors of those centuries need not be recounted here. Even the enemies of the present Government now resident in Russia tell you freely that the revolution in 1917 was as inevitable as the rising of the sun. From 1917 to 1921 there were more revolutions and famines from within. During these four years one hundred and thirty to one hundred and forty million war-worn, starving, deluded, sick people went mad, ripped off all restraint of law they had previously known. The pendulum of frenzy swung out to the limit of possibility. The French Revolution was enacted over again on a much larger scale. We know that people from time immemorial have had leaders. They have never been able to do much without leaders.
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> Even the wild geese of the air have a leader, and when this tremendous body of people had torn loose their fetters and were at last free, the only voice that rang out, "Follow me," was the voice of Lenin proclaiming his Marxism and communism. Among other ideas preached in effect by Lenin, was the belief that everything that was in vogue in the discarded régime was wrong and therefore its opposite must be right. Very simple and seductive reasoning this. Every listener's mind had been well fertilized for the sprouting of such seed.

At this point I want to digress to describe some of the characteristics of Lenin as I discovered them to be and as they were told me by Czarists still remaining in Russia.

The last day I was in Moscow, Colonel Haskell brought in a large number of Czarists, who had been working for him. They had been aristocrats, and one of them had been editor of one of the great newspapers during the Czarist régime. I asked them about Lenin and about the Soviet Government. Every one of them said to me that it was an honest government and that Lenin was really a great humanitarian and a great intellectual genius. They said that the revolution originally was a peaceful enough revolution; that there was not a great amount of bloodshed; that it went on in that way for a considerable length of time, and that the bloodshed which Colonel Cooper described started when the counterrevolutionists began operations with our assistance and encouragement. We were directly responsible for a large part of that by sending two armies into Russia with Kolchak in Siberia and with Yudenitch at Archangel.

The testimony of Raymond Robins, who was representing the American Red Cross in Russia at that time, before the Senate corroborates every word of the statements made to me. I talked with our military attachés who were there at that time, and they corroborate every word of it. About six months after the revolution was organized before the counter-revolutions began Colonel Robins decided to come home. He obtained a letter from Lenin—a passport, if you want to call it that—and started through Siberia. That letter carried him 11,000 miles through Russia, and was recognized as authoritative everywhere, showing the condition of security and peacefulness in the country at that time.

Then the counter-revolutions were organized and we sent an army to Archangel to encourage and help Denekin, and another went with Kolchak into Siberia. No more bloodthirsty outfits ever went forth in any country than those of Kolchak, Denekin, and Yudenitch. They were the ones who brought on the famines and the conditions that ruined Russia, and we were assisting them.

Perhaps at this time I might mention in this connection something about the debt that Russia owes other countries of the world. The Senator from Utah [Mr. KING] is willing to forgive that debt so far as the American Government is concerned, because in international law the Soviet Government had a valid counterclaim against all of it. We were aiding and abetting in all of that Great War damage.

Let me suppose that we were in trouble with England and that Russia sent an army into Canada and down and across our country, assisting an English army in the destruction of our country, and then we triumphed in the end and drove them out, as the soviet did the foreign armies which invaded the soil of Russia. In international law would we have no claim against them for the damage they wrought against us? They have a valid claim, but no one will ever hear of that claim when the various chancelleries of the world discuss the idea of the recognition of the debts of Russia. They forget that the Russian Government has a counterclaim against France and against England and against us, perhaps, several times greater than the claims we have against Russia. There will be no trouble to settle this debt problem when that principle is recognized by both countries. The Senator from Utah has recognized the principle so far as the United States is concerned, and I hope he will be able to convince the State Department of its validity.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. Mr. President, I hope the Senator from Iowa does not assume that my willingness to forgive the obligations of Russia to the United States rests upon the assumptions

which he has suggested. My willingness to forego that debt rests upon other grounds. I may say, broadly speaking, it rests upon my desire to help the Russian people; to aid them in the tragic struggle which is before them before they are emancipated from communist rule.

I saw, I may say to the Senator, when I was there, hundreds of thousands of people who were starving or suffering from malnutrition. I saw mothers who had, it was alleged, eaten their own children. If one's heart could be wrung, it would have been wrung in going into the Volga region and witnessing the sorrow, the tragedy, the suffering, the starvation, and death there in evidence. I came home sick at heart because of the inhumanity of man and the great suffering which, like the irresistible tide, had everwhelmed the Russian people.

I offered the first bill in the Senate to give them succor and relief, because I knew of the awful situation then existing. I recognize in the Russian people a capacity for mighty development; and sooner or later they will carry high, in my opinion, the banner of civilization, progress, and liberty.

Mr. BROOKHART. Mr. President, it took 2,000 years to make an Anglo-Saxon after he had reached about the present stage of civilization of many of the Russian people, but it will not take that long to bring Russia up as the Senator has predicted.

Since he has mentioned their suffering and the famines, I want to discuss the causes of those conditions a little more in detail. In south Russia there is as fine land as there is anywhere in the world. I rode across six or seven hundred miles of that country. It looked like my own State of Iowa, which I have always described as the best agricultural spot on earth. I saw thousands and tens of thousands of acres of corn. Planting was carried on much as it is in Iowa. I did not know they raised corn until I saw it there. Colonel Haskell told me that he had furnished some seed even from Iowa to plant some of that corn. I observed all of that; but I learned also that occasionally they have what they call a famine year in Russia. That is, they have a year in which they get no rain and no crops; and in order to meet that year they lay by a surplus to feed their stock and upon which to live during what they call the famine year; and that occurs even in this best part of Russia.

The peasants know of this condition. It has been a thousand years of history, for that matter. They had their surplus; and then Denekin came in there with his counterrevolutionary army; and Kolchak went into Siberia, and went far, even into western Russia, with his counterrevolutionary army, and we had an American army along with him, not fighting much, but aiding and abetting him just the same; and Yudenitch went in at Archangel with his counterrevolutionary army, and we had an American army there aiding and abetting him. The stories of bloodshed and torture that these counterrevolutionists perpetrated upon those innocent people are as bad as anything in the Soviet Revolution. They destroyed this surplus; and before the surplus could be replaced the famine year was upon Russia, and those people did die of starvation.

I was in villages where 60 per cent of the people died of starvation. The survivors showed me their tombs. They probably would have nearly all died if Colonel Haskell and Mr. Hoover had not gone in there with their great relief administration. Haskell went in under suspicion. The people believed he was there for the purpose of starting another counterrevolution. They thought it was a ruse on the part of the American Government to get inside and then make them trouble. They set their spies upon Haskell; and everything we have heard in the spying system of the Cheka, of that invisible institution that spies out people in Russia, was used upon Haskell and his force there. But within about three months Haskell convinced them that he was on the square. Haskell is a big American. He is now major general of the New York National Guard. Haskell, after he convinced them, became their friend; and I will say to you that in Russia, from Trotsky down to the lowest peasant, I found no one hostile to America, due to the great work of this great American in an American way.

That is the inside history of this famine and this great calamity. We were a large part of the cause of even that, and we owed them the $24,000,000 that we appropriated. We were not doing any more than we ought to have done to relieve them. Now prosperity has come to them; and we will see, as we go along from that low level, how they have risen since 1923 up to the present day. My authority is Professor Johnson, who accompanied Senator Ladd and Senator KING on their Russian trip.

But, Mr. President, I am anxious that this statement of our own great American expert be heard and be in the RECORD, and I therefore desire to proceed with the description as given by Colonel Cooper.

In the old days the people suffered from official and private graft and greed to a frightful extent.

Everybody knows that Russia was the worst country on earth for graft and corruption in the days of the Czar, and it is my belief that it is the freest of graft of any country in the world to-day. I think graft is absolutely eliminated; and that is a good deal to be said for the advancement of that people.

Colonel Cooper continues:

The whole world knows this to be a fact. The churches came in for a lot of just criticism. Marriage, home, capital, private ownership of property, vast landed estates, whose royal owners never even knew the boundaries of the same, were all viewed from afar by a peasantry treated like slaves, and all these conditions and institutions were thrown overnight into the frenzied fires of hatred without any calm reflection as to what the effects would be. The new order under Lenin decided to do away with everything that went on in the old days, and boldly substituted an entirely new plan of life and government never before tried out. The cold revelations of actual experience soon told Lenin of many errors in his plan and since 1921–22 Lenin and his successors have been compelled to modify to a radical degree many of the ideas with which they started.

Mr. President, they have modified just one idea. It is a great idea. The one they have adopted is the greatest economic idea in the world. When the Soviet Government first took over the government of Russia they confiscated the cooperatives and turned them into governmental institutions. As this statement of Colonel Cooper points out, that did not work so well so they turned them back; and in 1923, when I was there, they were just publishing the last message of Lenin to the Soviet Congress. That message called upon the government and the people to develop and to encourage cooperative economic organization in every direction.

Mr. Kinchuk, manager of the Centrasoyous, the great cooperative institution, the wholesale and foreign export corporation of the cooperatives, told me that under the help of the Soviet Government in the last year or two their volume of business had increased to six times what it was under the Czar; and I will show you a chart of an increase almost unbelievable since that date. The change to cooperation is the great change in the economic policy of the Soviet Government.

The Government has not relinquished the title to real property in that country. The title to all the real property of Russia is in the government, and it is held firmly there. They allot it to the peasants and to the dwellers in the cities for use for life. They can will away their use, but not the title. They can not speculate in it; they can not sell or dispose of it, and it remains a government property. Upon the question of cooperative or governmental industries, however, the government has yielded to the cooperatives; and I think that is largely the cause of the great success that has occurred in Russia since that date.

I have been called a Bolshevist; and if believing in cooperative economics is Bolshevism, I am the most guilty person in the world.

Returning to Colonel Cooper's statement:

Nevertheless, when you add all the pluses and minuses algebraically, you must admit that a marvelous work has been accomplished by these hard-working idealists or plead guilty to prejudice and blindness.

That is what is the matter in this country—prejudice and blindness. Why, big business in the United States has been afraid to have the plain truth told about the situation. It fears that some of these cooperative ideas are going to spread to our country. It has no fear of communism, but it is afraid of the cooperative movement. This big business institution in America is the most cowardly thing in all the world. It will not stand in the face of the facts. It runs away from them, hides them, covers them up with propaganda, as was shown in the Power Trust investigation of the Federal Trade Commission.

The sincerity of these idealists is no more to be questioned than is the sincerity of Christ's apostles.

That is Colonel Cooper's statement, and that statement is true.

We may well have sound differences as to the wisdom of what is being done, but we can not honestly accuse them of hypocrisy. In judging these people we must remember that their present-day views of life were formed through centuries of oppression and outlooks through prison bars. When the revolution ended in 1917 over 40,000 political prisoners were turned loose to add their pent-up energies to the new era they erroneously thought was the road to human happiness.

It is important that we get a general idea of what has been accomplished by the soviets up to date, for from such a picture we may learn

much that has a definite bearing on what can be done by these people in the future along industrial lines. What have they accomplished since 1921–22?

First. They have produced a stable government throughout their entire boundaries. They have less crime of all kinds than we have in New York City, Chicago, Herrin, Ill., and several other nauseous American crime centers that might be mentioned.

Second. Their financial system is on a gold basis and their State bank holds about $135,000,000 in gold and its equivalent in foreign securities as a basis for its note issue.

Third. They are successfully operating a good railway system over 50,000 miles long, and even British travelers tell you the difficult trans-Siberian service is surprisingly good.

Fourth. They have abolished graft in high places, and for the most part in low places.

Fifth. Their city streets are clean and well lighted by electricity, although the cost of electricity is too great to permit of its general use.

Mind, I read to you that the average Russian had an income of only $32 a year.

Sixth. They are spending about $90,000,000 a year on education and about $27,000,000 a year on social-welfare work.

Seventh. Since 1922–23 they have purchased in the markets of the outside world raw materials and manufactured goods of a total of more than $1,100,000,000, of which the United States supplied about $235,000,000.

This financial crowd that is not willing to recognize Russia politically is willing to recognize them when it can sell them $235,000,000 worth of goods.

No graft and no default of even a kopek stands out in this record—

You can not say that even for the record of the United States, after what the Senate has disclosed in the last few years—

it has been carefully searched in more ways than one.

Eighth. In the last three years the soviets bought raw cotton in the United States of a total value of $130,000,000 at a purchasing cost of one-twentieth of 1 per cent.

There is your cooperative purchasing cost. There is the elimination of the combination of middlemen's profits that are oppressing our people in the United States. They are eliminated in this system. One-twentieth of 1 per cent is their purchasing cost of this $130,000,000 of American cotton.

Ninth. Their government-operated Textile Syndicate manufactured and sold to Russian consumers in the fiscal year ending September 30, 1926, goods of a gross value of $750,000,000. For the fiscal year that will end September 30, 1927, the estimated business of the Textile Syndicate is $1,150,000,000.

There is no comparison like this in all the world for growth and development. Russia is at work, and Russia under this government, however much you may condemn it, is coming back; and this property and this wealth as it is produced in Russia belongs to the people of Russia, and not to a few individuals who have acquired it through corporation organization, or through economic combinations, or through special favors of laws of their country.

Tenth. The Government revenue of all kinds for the year ending September 30, 1926, was $1,927,700,000 and the expenses for the same period are $1,732,400,000.

They had a surplus of nearly $200,000,000.

The estimated same figures for the year that will end September 30, 1927, are: Receipts, $2,485,000,000; expenses, $2,229,973,000.

Again they will have a surplus of over $200,000,000.

Eleventh. In the year ending September 30, 1926, the Russian exports amounted to $334,000,000. This amount was made up in part as follows:

Cereals, all kinds, $79,000,000.
Eggs, $11,800,000.
Butter, $15,400,000.
Petroleum, $38,000,000.
Timber, $28,800,000.

In considering the foregoing statistics, you quite naturally ask at least two important questions. One, "How sure are you of your Govment-quoted figures?" My answer is, that all my data has been given me by Mr. Yazikoff, the chief statistician of the government and a very able, experienced man in this line of work. His records are continuously under the active scrutiny of internal party criticism, also the scrutiny of a bureau especially created to hunt out error. By the time government records are given out they are accepted as correct even by the opposition. Next you will say, "How efficiently do they perform all this extensive work?" My answer is as follows: The testimony of various governmental officials in high places, as recorded in many official reports and speeches printed in full in the newspapers, is all to the effect that "Up to now these achievements of ours have been accomplished with much waste."

That is their own judgment upon themselves.

"In the future we must be more efficient, because the cost of living is still far too high in Russia." In the foregoing we see only a part of what has been accomplished for and by these 140,000,000 people in about six years. When we consider that the heads of the Government are without previous experience in government and that nearly every one of them has been for years in Czardom's Siberian prisons I am willing this audience shall make up its own mind as to whether or not we have been considering something we should think some more about. In what I have hastily sketched you get an outline of what produced the present conditions, what the general industrial condition is, and what room there is for economic progress, and how this economic advancement can best be assured. Having in mind all that has been said to you, I ask you, What are we Americans going to do about this extraordinary situation in Russia? That it is extraordinary you will not question. The men at the heads of the Government and all the successive strata down to and including 120,000,000 peasants are, all over Russia, crying for American help, not so much financial help as technical help, aided by American machinery of every description. These people have a great confidence in anything that is made in America.

I will say that confidence was given to those people by this same Col. William N. Haskell. I want to give the Senate a little description of how he operated the relief administration. He looked over the situation and said "Down around Odessa you need a new road." Their wagon roads in that country are horrible. "You put these starving people to work building that road, and I will pay them in these relief supplies." They did that, and they built those roads. The only good roads I saw in Russia were the "Haskell's." They call them "Haskell's." Colonel Haskell's name has gone into the language, and it means a good road.

He said to them, "You need a hospital, and you need a children's home for these war orphans, and a children's school, and here are these old czarist buildings, occupied by the aristocrats in their day. They can be refitted and rebuilt into the best of hospitals, schools, and homes. If you will put these starving workmen to work, I will pay them with these supplies."

I saw a hospital at Kiev, down in the Ukraine, that was just being finished, part of it already being occupied, which was in as fine shape as any hospital in the city of Washington. It was one of the "Haskell's" built in that way, and paid for by the relief administration that we sent over there. There are many like stories of children's homes and schools.

The big mind of that man, Colonel Haskell, did as much to revive and restore prosperity in Russia as anything that happened. I asked Mr. Hoover if he was the author of that himself and he said "No," that it was Haskell's own plan when he went over there.

Colonel Cooper continued:

Last September I talked with three Russian chauffeurs, one of whom talked English and thought I was an Englishman, who all insisted that Buick cars are superior to Rolls-Royces. These people, with an abundant reason, believe in America as the one place in the world where they can expect help, free from envy and free from intrigue. As concrete proof of the existence of this belief, I can tell you that in the last eight months, after spirited competition with European engineering firms, the soviets have made three contracts—

I am sorry the Senator from Utah is not here now. I would like to have him know what has been going on in regard to contracts in Russia lately—

the soviets have made three contracts with three different American engineering concerns for the design and supervision of new construction in Russia, to cost in excess of $200,000,000. The fees paid these firms will not be affected by American recognition. The values of these contracts to Russia and American machinery manufacturers will be greatly enhanced by American recognition. In my opinion, no opportunity for world service of commensurate magnitude will ever knock at our door again. They need, in addition to our technical services, our machinery, tools, and equipment, and general supplies incident thereto, of an aggregate cost that simply staggers our comprehension. Without these aids Russia can never take her place as a good neighbor in the family of nations.

I will say that I can not agree with Colonel Cooper in that particular conclusion, because the development he has already shown proves that they will continue to develop, and I think the only difference is that their progress will be slower and they will be required to rely more particularly upon their own resources. But this whole account proves the success of the future.

I don't like many things I see in Russia. At home we have always fought polygamy, and yet for years we have recognized governments where polygamy was practiced.

For my part I am in complete accord with the insistence in Washington that the Third Internationale propaganda in America must cease; that payment of the Kerensky debt must be agreed upon; and that American owners must be compensated for property seized by the soviets before the United States acknowledges the Moscow Government.

I have already discussed that proposition to some extent. In the United States our Government seized all the property of the German nationals and held it against damage that was done to our nationals in Germany and until a settlement was had. The Russians have the same right to hold that property until the damages of our armies, assisting those counter-revolutionists, are settled and accounted for, and in that case I fear the balance would be against us rather than in favor of us.

What I want to know is why the representatives of 250,000,000 people with hundreds of good reasons for being on a most friendly working basis, and with, in reality, only the one question of propaganda to be thrashed out, can not find a way to sit down somewhere with all the facts on the table and agree. I believe the time has arrived when Washington should initiate a strong effort to convince Moscow of the folly of the world revolution idea represented by their Third Internationale, and some other ideas that need smoothing out. Unless some powerful disinterested national influence, such as America only can exert, comes along at an early date Europe will, in my opinion, again drift toward certain chaos.

That statement is in line with the reasons Colonel Cooper set out in the beginning. He points out that, man for man, our resources are seven times as great in the United States as are those in Europe, and then he points out that the great resources of Europe are in Russia and that more than half of them unused are in that country. Therefore, he is working to the logical conclusion of his first premise in this statement.

Europe can never have peace with 40 per cent of its population and more than half of its natural resources fenced out of economic consideration by a mass of century-old wranglings. America is the only nation with the background and ability that can give Russia successfully the counsel she needs at this critical time. We can perform this great service to the world without entangling alliances and without the sacrifice of our dignity or honor. Notes, accusations, and policies of letting them "stew in their own juice" have failed and should be abandoned. Constructive common sense should be given a chance to prove its value to suffering European humanity. For some time I have believed the major difficulty in this, as in practically all matters, is ignorance.

In that Colonel Cooper has spoken wisely again. Ignorance is what has turned the sentiment of the American people against recognition of Russia. If the facts were actually known among all our people there would be no division of sentiment, except among some of that financial group who fear cooperative development in America.

Sleeping-car window observations, newspaper stories, sporadic individual, official, and private reports will never get us anywhere with this great task. I think the United States Chamber of Commerce should be persuaded to send to Russia at once a nonpolitical investigating committee of at least 25 high-grade men, and keep them over there for at least six months.

I do not think they accepted that advice.

At the conclusion of such an investigation lots of present-day delusions in America and in Russia would be removed. To get the United States Chamber of Commerce to undertake such a work will require the help of many good men.

Why does it require the help of good men to get the United States Chamber of Commerce to go out and even find out the facts, the truth of the matter? What is the matter with the United States Chamber if that is its attitude toward truth?

It has occurred to me that if a few of your delegates to Stockholm could return via Leningrad for a 10 or 15 day trip through Russia they would thus get at least some additional knowledge above what they now have. Let these visitors talk informally with Premier Ryckoff and Foreign Minister Chicherin and weigh their views. When such a visit was completed the visitors could make up their minds as to whether they would approach the United States Chamber of Commerce in favor of the large committee.

Before I left Moscow three weeks ago I talked over with Premier Ryckoff both of these visits in a very tentative way without, of course, making any commitment, except that I might later talk to you in advocacy of these plans. "Tell them," said Mr. Ryckoff, "they will be very welcome. Tell them also, first, about all the bad you see in us, and then, if you know of any good we do, tell them about this also." If some of you later decide to go to Russia on this trip, you can do so piloted from Stockholm for the entire route by an official representative of the American-Russian Chamber of Commerce of New York, who will be at the Stockholm meeting and be able to provide you, in Stockholm, with soviet entrance and exist visas for the soviet union.

I think perhaps the balance of this is formal matter, so I ask that the remainder of the address be inserted in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

The Soviet Government will provide free special transportation for you all the time you are in their country. Hotel expenses must be paid by the visitors. I profoundly hope that a much better plan than I have here proposed will be found to start getting these two countries together. My ideas may be, and probably are, crude, but if their presentation to your attention results in a beginning of something besides long-distance talk, I shall be amply rewarded and correspondingly happy. Recognition of Russia is absolutely essential at once, if America is to do anything worth while for Russia and America. A failure to seize this great opportunity will create a just cause for perpetual humiliation at home and will result in an everlasting hurt to this people who now so anxiously plead with us to come over and help them build a new Russia. If we fail, Germany will try to take our rightful place. She can't do the work as it should be done for many reasons. Germany at best can only extend credits to Russia at a high cost to the soviets, which credits, of course, are only possible via America. All that has gone before boils down to this: Do you consider the Russian situation of sufficient importance to let it win from you some personal effort along indicated lines, or is the job too far from home?

Mr. BROOKHART. Mr. President, I want now to review the facts and figures relating to some of the conditions and developments in Russia since 1913. I very recently received a chart of the developments in Russia up to November, 1928. This is published by A. A. Johnson and associates, Springfield, Mass., United States of America. Professor Johnson, former dean of an agricultural college in one of the Western States and a noted economist, was one of the experts with the Senator from Utah [Mr. KING] and former Senator Ladd when they visited Russia. Since then he has been back many times and has made a study and charted the situation so we can see at once what has developed in that country. I want to develop some of the figures and then I shall ask that the charts on the pages which I have numbered may be inserted in the RECORD. I am informed that my request to have the charts inserted in the RECORD will have to go to the Committee on Printing, and that, of course, may be done. I shall call attention to the numbers of the charts as I proceed.

Chart No. 30 shows the large industries of the Union of the Socialist Soviet Republics. This chart starts with 1913 and ends with 1928. The figures are given in million rubles in pre-war values or prices. In 1913 the production was 5,621,000,000 rubles. In 1914 it was 5,691,000,000. In 1915 it was 6,391,000,000. This shows a considerable stimulation because of the war. In 1916 it was 6,830,000,000, which is the highest peak that Russian industrial development reached. Then came the soviet revolution in 1917, in the latter part of the year, when it dropped down to 4,344,000,000. In 1918, with counterrevolutions going on, it dropped away down to 1,941,000,000. It continued to drop in 1919 to 1,448,000,000. In 1920 it reached the bottom with 1,000,000,000. From that date began its recovery. In 1921 it increased to 1,162,000,000; in 1922 to 1,527,000,000; in 1923 to 1,981,000,000; in 1924 to 2,530,000,000; in 1925 to 3,958,000,000; in 1926 to 5,745,000,000; in 1927 to 6,723,000,000; and in 1928 to 7,588,000,000, a part of this last latter figure being estimated. I doubt if any other country in Europe shows such a recovery as that.

On Chart No. 31 is shown the yearly output per worker. This illustrates the efficiency of the workers during the various years. In 1913 the output per worker was 2,162 rubles; in 1914, 2,133 rubles; in 1915, 2,418 rubles; in 1916, 2,334 rubles. These are the highest peaks reached. Then came the revolution and it dropped to 1,436 rubles in 1917, down to 769 rubles in 1918, to 712 rubles in 1919, and reached the bottom at 629 rubles in 1920. Then began the recovery in 1921, when it reached 663 rubles; in 1922, 1,201 rubles; in 1923, 1,342 rubles; in 1924, 1,624 rubles; in 1925, 2,112 rubles; in 1926, 2,448 rubles; in 1927, 2,678 rubles; and in 1928, a small part of that being estimated, 2,993 rubles, which is nearly 200 rubles higher than the highest point in war development.

No. 32 is a chart of the cotton industry of the Soviet Republic. The production of cotton goods is given in millions of poods. I have forgotten just how much a pood weighs, but it is their standard over there. The reporter informs me it is 36.113 pounds. In 1913 they produced 25,900,000 poods of cotton; in 1914, 26,400,000; in 1915, 26,300,000; in 1916, 21,400,000; in 1917, 17,900,000. Then following the revolution it

CHART 30

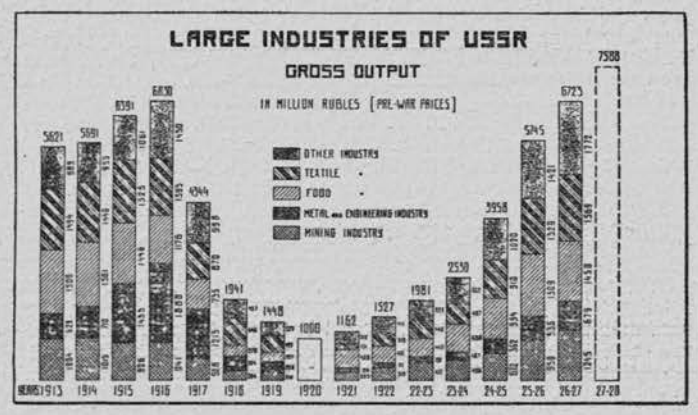


CHART 31

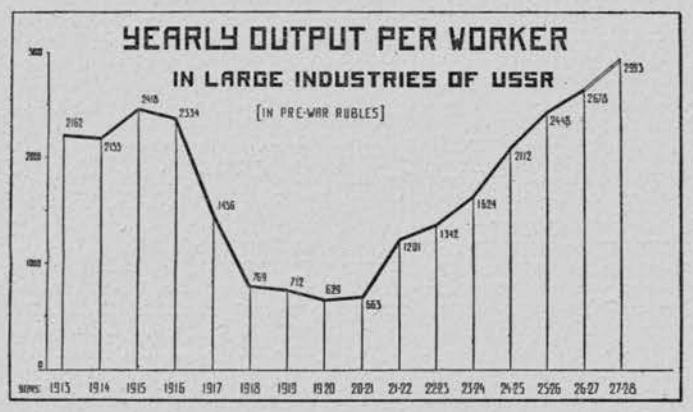


CHART 32

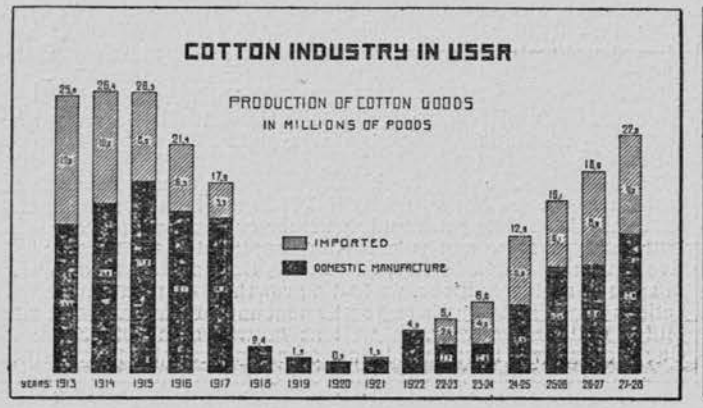


CHART 36

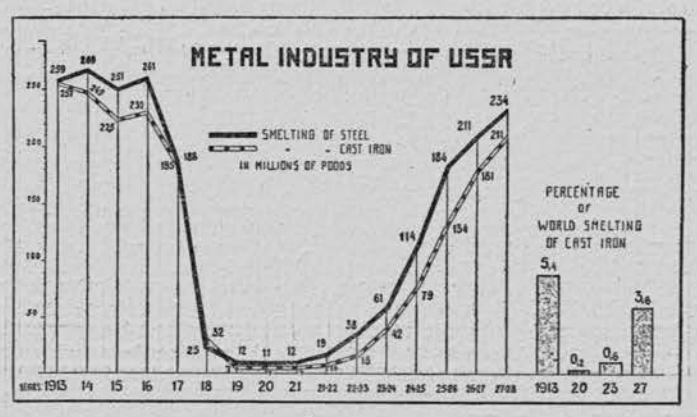


CHART 37

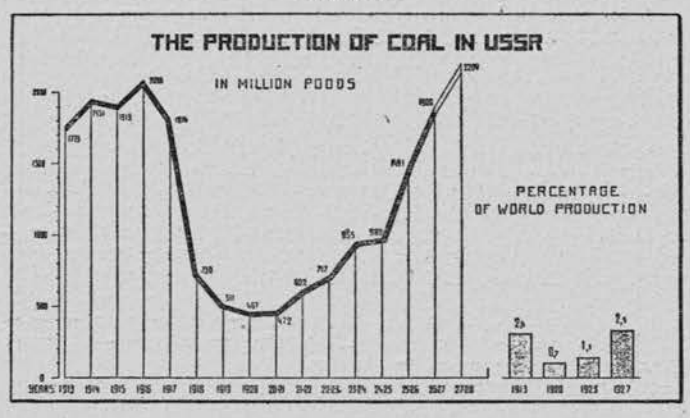
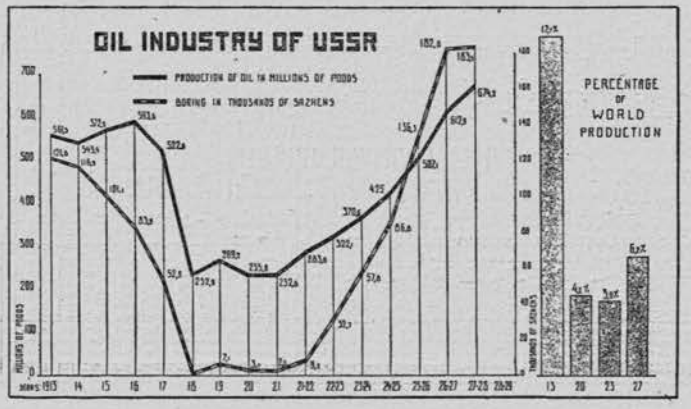


CHART 38



dropped to 2,400,000 in 1918, 1,300,000 in 1919, and 900,000 in 1920. In 1921 it came back to 1,300,000, in 1922 it was up to 4,000,000, in 1923 it was up to 5,100,000; in 1924, 6,600,000; 1925, 12,900,000; 1926, 16,100,000; in 1927, 18,900,000; and in 1928, 22,000,000. It will be noted that the highest peak was 26,400,000, so that the cotton industry has almost recovered and is almost back to its pre-war status.

No. 36 is a chart of the metal industry. This shows the smelting of steel and the smelting of cast iron in millions of poods. In the smelting of steel the highest peak was reached in 1914, being 269,000,000 poods. In 1928 it is back to 234,000,000, very close again to the pre-war level, after dropping in 1920 to 11,000,000 poods. It also shows the smelting of cast iron reached its highest peak in 1913 at 257,000,000 and in 1928 was back to 211,000,000. Of course, these industries were very largely destroyed in the war and in the counter-revolution, and yet they have made a recovery nearly back to normal pre-war times.

Chart No. 37 relates to the production of coal. This chart shows that the production of coal reached 2,096,000,000 poods in 1916. That was the highest peak reached. In 1928 it had reached 2,204,000,000 poods, that figure surpassing the pre-war production. Compare that with England and it will be seen that there is a vast difference in the recovery of Russia as compared to the great empire of the world.

Now, on Chart No. 38 I come to the oil industry, and I am sorry the Senator from Utah [Mr. KING] is not here, because in the beginning he mentioned something about oil contracts and about some men who went over there and could not get contracts good enough to satisfy them and came back. But here is what the oil industry has done: This is the production of oil in millions of poods and the borings are shown in thousands of sazhens. The oil production before the war in 1913 was 561,300,000 poods. It raised under war stimulation to only 593,600,000 poods, but in 1928 it had reached 674,200,000 poods, so that it has already surpassed the pre-war production.

The boring of oil wells was 121,800 sazhens in 1913, and it has now reached 183,300 sazhens, a considerable gain over the pre-war level, showing that the oil industry of Russia has not only recovered, but has made a very substantial advance already.

On Chart No. 40 are found statistics as to electric-power stations in Russia. This is one of the most interesting charts. The power production, in millions of kilowatt-hours—that sounds American, all right—before the war in 1913 was 1,255. In

CHART 40

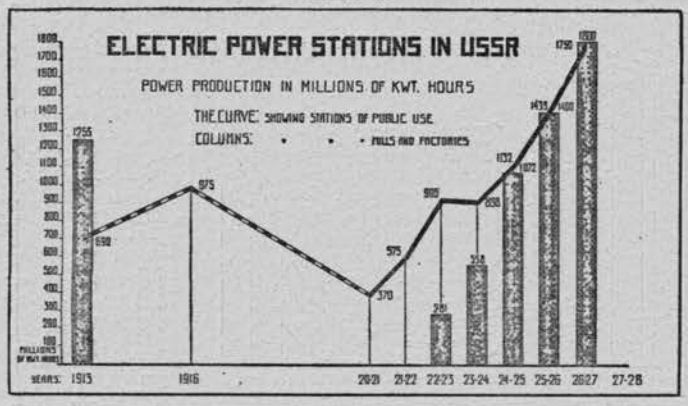


CHART 49

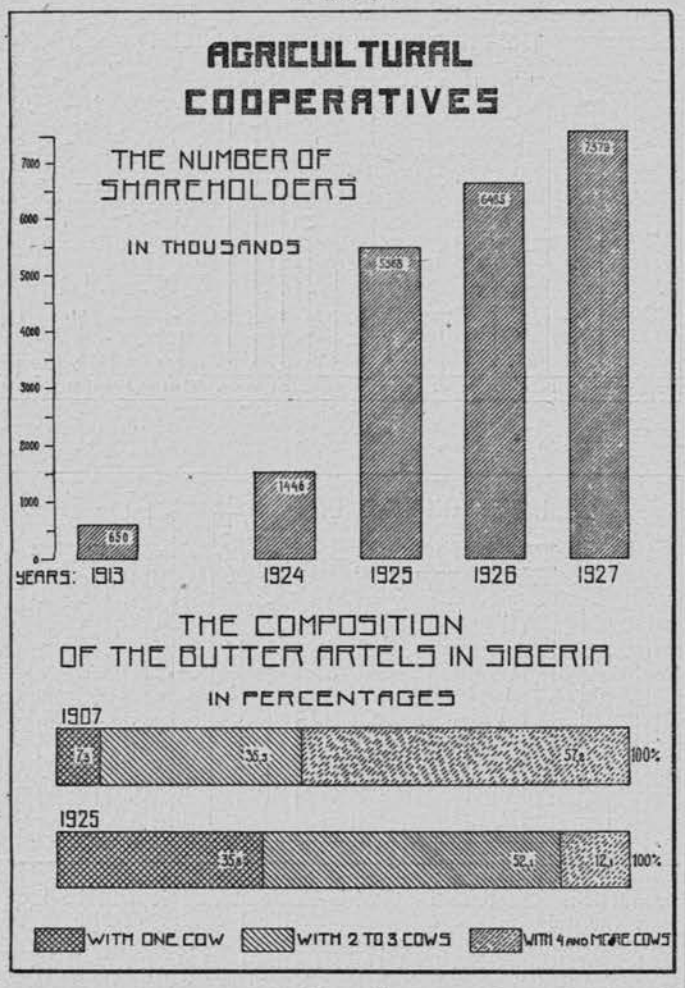
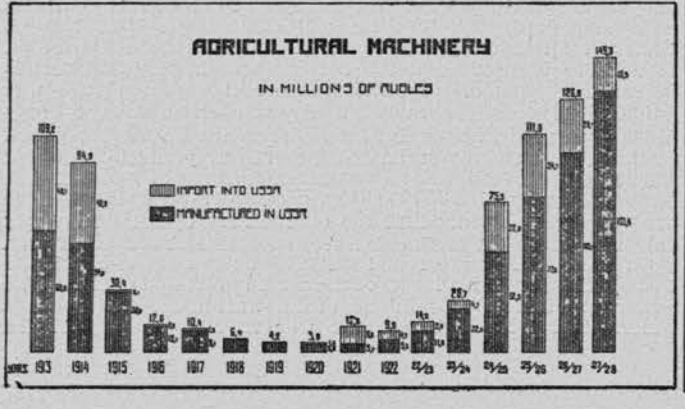


CHART 54



1923 that dropped down as low on this chart as 281, the lowest point shown, and from that low point of 281 it climbed in 1927—1928 not being given—to 1,800, or nearly 50 per cent greater than the pre-war production.

Figures as to railway transportation are shown in Chart No. 41 of this book, but will not be reproduced. This chart shows the movement of goods in billion pood versts, which compares to our ton-miles in the United States. The highest point reached before the war was 4,753, while in 1927–28 it had reached 5,239, a considerable advance or increase over the pre-war rate.

There are many other interesting charts here showing working days in the industries and the wages of the workers, and there is a showing of great improvement in all these lines. The working day in Russia in 1913, as stated in the chart on page 43, was 10 hours; in 1927 it was 7.4 hours.

The wages of the worker are given in pre-war rubles, or pre-war prices. We hear a great deal to the effect that while the worker gets a big wage in money, it will not buy anything, but this comparison has to do with what the laborer's wages buy. The highest they reached in 1913 was 25 rubles, while in 1928 they reached 29.2 rubles, on the pre-war basis. That is in the manufacturing industries.

Chart No. 49 relates to agricultural cooperatives. They are, perhaps, the most interesting organizations in Russia; so I refer to the figures. The number of shareholders, in thousands, in 1913 was 650,000. That was the membership of the agricultural cooperatives; but in 1927 there were 7,379,000, showing a tremendous growth in cooperative organizations. In fact, I think the one economic idea in Russia and everywhere else that has survived the war has been the cooperative idea. There is no other development in the world to compare with the cooperative growth in foreign countries. It has also been very great in the United States, but in the United States we have no efficient cooperative laws. Our cooperative laws are all formulated by the financial crowd, with a view in the end to destroying cooperation. We created a Federal land bank, a cooperative institution, started, of course, as a Government institution and to be turned into a cooperative. Then we tied to it a joint-stock profiteering land bank, to destroy the cooperative bank. That has been our procedure all the way through. We knew about the railway engineers organizing a cooperative bank at Cleveland, Ohio. I helped organize that bank. Warren S. Stone, the founder of it, is from my home town in Iowa. I have known him always. I was in his first convention where the bank was decided upon. It was not a cooperative bank at all, because we have no national law in the United States that will permit the organization of a cooperative bank. That is prohibited by law in every State of the Union except two. The Iowa Legislature recently, in the second session back, passed a cooperative banking law, but that does not authorize the organization of a reserve bank.

The State of Nebraska has a law in general terms authorizing cooperative banks, but authority is left in the hands of the bank examiner so that he can decide whether or not a proposed bank will be cooperative and rule out any application for a cooperative bank that might be offered. In the United States, however, in spite of such conditions, we had a growth in cooperative transactions among the farmers to the amount of two and a half billion dollars last year, as well as growth along other lines. Our cooperatives have failed, just as competitive business fails, because they do not have a federated central organization such as the laws of other countries give to them, and especially a cooperative credit system.

Mr. President, this chart which shows the cooperative growth in Russia is the best prophecy of the future of Russia. An increase in membership in that short time from 650,000 up to 7,379,000 indicates a very great growth. The cooperatives, as I have said, were confiscated at first by the Soviet Government, but they were finally turned back, and in the very last message of Lenin to the Russian Congress he said that they should be encouraged, and they have been encouraged from that date. Hence their enormous growth.

Of course, the Government should not assist a cooperative by starting it and then withdrawing its support at a time and in a way that would destroy it. That is what is so often done.

We had a War Finance Corporation to assist cooperatives in this country. It made loans to them and then called them when the cooperatives were not able to pay, and thus destroyed some of the cooperative associations. So the attitude of our law has been one of covered hostility. Why should not the farmers and the laboring people of the United States have the same right under the laws of the country to organize cooperative banking systems, with reserve banks, and all from top to bottom, under their own control just as fully developed and as fully encouraged by the Government as the commercial interests have to a competitive banking system with a competitive reserve bank under Government control?

Agriculture, of course, sustained the greatest damage in Russia during the war. In 1913 the area under cultivation in millions of dessiatins was 109; in 1927 it had climbed back to 105.5, almost equal to the pre-war figure.

Harvests in 1913 amounted in billions of poods to 5.9, while in 1927 to 4.7.

The livestock industry has shown very great improvement.

I next come to agricultural machinery. I think Chart No. 54 should go in the RECORD. It has to do with agricultural machinery and shows the importations and domestic manufacture. The value in millions of rubles before the war in 1913 was 109.2, while in 1920 it had reached 149.9, showing considerably more than a complete recovery.

Mr. President, I have here many more charts showing economic and other conditions relating to nearly everything in Russia. They really ought all to be put in the RECORD, but at this time I will content myself with those I have already offered, but I do ask that the charts on the pages whose numbers I have given may be inserted in the RECORD.

The PRESIDING OFFICER. The request will no doubt receive the immediate consideration of the Joint Committee on Printing, to whom such requests must be submitted, as provided by law.

Mr. BROOKHART. Mr. President, what I have said affords something like a picture of the present Russian situation. It is a different story from what we have been reading in all our newspapers; it is a different story even from the conclusions which have been announced by the Senator from Utah, although he concedes most of the facts which I have set forth. It is not a different story from what the late Senator Ladd, of North Dakota, told after he made his trip to Russia. I talked to him many times about what he saw and found, and in every way his report would tally with the speech of Colonel Cooper and with the charts which I have presented. It is one of the regrets of the country and of the Senate of the United States that Senator Ladd did not live to put his account of his trip and observations in the RECORD, because his able and scientific mind sized up every phase of the situation in a way that would have made it of great value in letting the American people know the real truth about this situation.

Mr. President, if we shall ratify the pending treaty—and I think we are going to ratify it—it will mean the recognition of the Russian Government; it will mean that we have become a party to a treaty contract with the Russian Government, because under its terms they have a right to adhere to it and be a party to it upon the same terms as the Government of the United States. Perhaps that will give an excuse for some of our statesmen who are considering this question to accord full recognition to Russia and open up diplomatic relations with that Government. I should like to see some American like Haskell over there as minister or ambassador from the United States. I should like to see that good feeling which he developed among all branches of the Russian Government and among all the Russian people carried to its full extent. That kind of an idea can do no harm to world peace.

In addition to that, the Russian Government has gone further than any other toward disarmament. As for myself, I think the ratification of this treaty will be a starting point toward disarmament. The Russian Government is willing now to undergo complete disarmament, and there is more sense in such a proposal than in any other of the kind. When the Russian suggestion was rejected by those who were fearful of the situation the Russian Government was willing to cut down armaments by half. They are going further in the effort to bring about world peace than is any other country in the world. They are not at the same time trying to put through a treaty and then enact a law to increase the number of their cruisers and increase other preparations for war. Therefore, I welcome the ratification of this treaty, because it will recognize the Soviet Government, as should have been done years ago.

Mr. NORRIS. Mr. President, I ask to have read at the desk a short letter written by Alice Stone Blackwell and printed in the Christian Science Monitor of January 7.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, it is so ordered.

The Chief Clerk read as follows:

[From the Christian Science Monitor of January 7, 1929]

THE CHRIST OF THE ANDES

To the CHRISTIAN SCIENCE MONITOR:

President-elect Hoover, while in Chile, was invited to see one of the world's most remarkable monuments.

In 1902 Chile and Argentina were making great preparations to go to war over a boundary dispute. Chiefly through the efforts of the women and the clergy they were persuaded to settle the question by arbitration instead. The money thus saved was used for better roads and harbors. Part of it built the great trans-Andean railway that connects Santiago with Buenos Aires.

The women of the two countries, led by Señora Angela de Oliveira Cesar de Costa, of Argentina, raised the money for a colossal statue of Jesus Christ, made of bronze obtained by melting down old cannon taken from Spain in the War of Independence. It was set up at the highest accessible point on the disputed boundary.

The day before its dedication hundreds of persons from both countries toiled up the mountains to be on hand for the unveiling. They fraternized joyously; the Chileans camped overnight on the Argentine side of the boundary, the Argentines on the Chilean side. In the morning, after hymns and prayers, the statue was unveiled amid a burst of music, with salvos of cannon and great rejoicings.

It is 26 feet high and stands on a tall granite column surmounted by a globe on which a map of the world is outlined. A tablet at the base reads: "Sooner shall these mountains crumble into dust than Argentines and Chileans break the peace to which they have pledged themselves at the feet of Christ the Redeemer."

The great statue stands near the old trail leading over the mountains from Chile to Argentina, a trail now almost disused, since a tunnel has been made through the mountain. It would have taken Mr. Hoover five hours to climb up to it, and the shortness of his stay made it impracticable for him to do so. But it is good to recall the story at this time and to remember that Argentina and Chile were the first two nations in the world to conclude a general treaty of arbitration. It is to be wished that Bolivia and Paraguay would follow the example.

ALICE STONE BLACKWELL.

DORCHESTER, MASS.

EXECUTIVE SESSION BEHIND CLOSED DOORS

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business behind closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. As in open executive session, I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate took a recess in open executive session until to-morrow, Saturday, January 12, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 11 (legislative day of January 7), 1929

REGISTER OF THE LAND OFFICE

Walter Spencer, of Colorado, to be register of the land office at Denver, Colo., effective February 23, 1929. (Reappointment.)

APPOINTMENTS IN THE REGULAR ARMY

CHAPLAIN

Capt. Louis Curtis Tiernan, Chaplains Reserve, to be chaplain with the rank of first lieutenant, with rank from date of appointment.

[NOTE: This message is submitted for the purpose of correcting an error in date of rank.]

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. Shelby Cyrus Newman, Cavalry (detailed in Quartermaster Corps), with rank from July 1, 1920.

Capt. Robert Joseph Kennedy, Finance Department, with rank from June 21, 1925.

First Lieut. Wesley Karlson, Field Artillery, with rank from July 1, 1920.

FIELD ARTILLERY

First Lieut. Alfred Percy Kitson, Infantry, with rank from July 1, 1920.

AIR CORPS

First Lieut. Joseph Smith, Cavalry (detailed in Air Corps), with rank from March 31, 1928.

Second Lieut. John Caswell Crosthwaite, Cavalry (detailed in Air Corps), with rank from June 30, 1926.

Second Lieut. Marvin Marion Burnside, Coast Artillery Corps (detailed in Air Corps), with rank from June 30, 1926.

Second Lieut. George Woodburne McGregor, Field Artillery (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Charles Albert Harrington, Corps of Engineers (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Maurice Francis Daly, Field Artillery (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. James Douglas Curtis, Coast Artillery Corps (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Orrin Leigh Grover, Coast Artillery Corps (detailed in Air Corps), with rank from June 14, 1927.

Second Lieut. Milton Merrill Towner, Field Artillery (detailed in Air Corps), with rank from June 14, 1927.
Second Lieut. Fay Roscoe Upthegrove, Infantry (detailed in Air Corps), with rank from June 14, 1927.
Second Lieut. Ernest Godfrey Schmidt, Infantry (detailed in Air Corps), with rank from June 14, 1927.
Second Lieut. David Morgan Hackman, Infantry (detailed in Air Corps), with rank from June 14, 1927.
Second Lieut. Marion Huggins, Infantry (detailed in Air Corps), with rank from June 14, 1927.
Second Lieut. Neil Bosworth Harding, Infantry (detailed in Air Corps), with rank from June 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Francis Amory Pope, Corps of Engineers, from December 21, 1928.
Lieut. Col. Paul Stanley Bond, Corps of Engineers, from December 31, 1928.
Lieut. Col. Joseph Augustus Baer, Cavalry, from January 5, 1929.
Lieut. Col. Charles Fletcher Martin, Cavalry, from January 6, 1929.
Lieut. Col. Willis Virlin Morris, Cavalry, from January 7, 1929.

To be lieutenant colonels

Maj. James Hatch Van Horn, Signal Corps, from December 21, 1928.
Maj. Cassius McClellan Dowell, Infantry, subject to examination required by law, from December 29, 1928.
Maj. Albert Benjamin Kaempfer, Infantry, from December 31, 1928.
Maj. Forrest Elmer Overholser, Infantry, from January 3, 1929.
Maj. Charles Winder Mason, Infantry, from January 5, 1929.
Maj. Jacob Arthur Mack, Coast Artillery Corps, from January 6, 1929.
Maj. Archie Wright Barry, Air Corps, from January 7, 1929.
Maj. Edmund Louis Gruber, Field Artillery, from January 7, 1929.

To be majors

Capt. Samuel Victor Constant, Cavalry, from December 21, 1928.
Capt. William Curtis Chase, Cavalry, from December 29, 1928.
Capt. John Dunham Townsend, Infantry, from December 31, 1928.
Capt. Norman Edgar Fiske, Cavalry, subject to examination required by law, from January 3, 1929.
Capt. Wilson Tarlton Bals, Cavalry, from January 4, 1929.
Capt. Cyrus Jenness Wilder, Cavalry, from January 5, 1929.
Capt. Harold Charles Fellows, Cavalry, from January 6, 1929.
Capt. George Lester Kraft, Infantry, from January 7, 1929.
Capt. John Singleton Switzer, jr., Infantry, from January 7, 1929.

To be captains

First Lieut. Joseph Leonard Stromme, Air Corps, from December 21, 1928.
First Lieut. Robal Alphonzo Johnson, Infantry, from December 23, 1928.
First Lieut. James Palmer Blakeney, Infantry, from December 29, 1928.
First Lieut. Glen Ray Townsend, Infantry, from December 31, 1928.
First Lieut. Woodburn Edwin Remington, Infantry, from January 2, 1929.
First Lieut. Maxwell Gordon Oliver, Infantry, from January 3, 1929.
First Lieut. John Edward Nolan, Infantry, from January 4, 1929.
First Lieut. Frederick Harrison Koerbel, Coast Artillery Corps, from January 5, 1929.
First Lieut. Linton Yates Hartman, Coast Artillery Corps, from January 6, 1929.
First Lieut. Charles Richard Sargent, Infantry, from January 7, 1929.
First Lieut. Thomas Martin Tiernan, Field Artillery, from January 7, 1929.

To be first lieutenants

Second Lieut. Raymond Morralles Arthur, Coast Artillery Corps, from November 30, 1928.
Second Lieut. Thomas Thrower Mayo, Infantry, from December 3, 1928.
Second Lieut. Carroll Norton Pearce, Infantry, from December 6, 1928.
Second Lieut. Philip Mapes Shockley, Quartermaster Corps, from December 7, 1928.
Second Lieut. Ernest Tuttle Owen, Field Artillery, from December 12, 1928.
Second Lieut. Martin Hamlin Burckes, Field Artillery, from December 13, 1928.
Second Lieut. Arthur Cecil Ramsey, Infantry, from December 13, 1928.
Second Lieut. Wallace Howard Hastings, Corps of Engineers, from December 13, 1928.
Second Lieut. Albert Fox Glenn, Air Corps, from December 13, 1928.
Second Lieut. Emerson Leroy Cummings, Corps of Engineers, subject to examination required by law, from December 14, 1928.
Second Lieut. Earle Everard Partridge, Air Corps, from December 15, 1928.
Second Lieut. Fisher Shinholt Blinn, Corps of Engineers, from December 15, 1928.
Second Lieut. Donald Charles Hill, Corps of Engineers, from December 17, 1928.
Second Lieut. Benjamin Schultz Mesick, jr., Coast Artillery Corps, from December 21, 1928.
Second Lieut. Reginald Langworthy Dean, Corps of Engineers, from December 23, 1928.
Second Lieut. Merrow Egerton Sorley, Corps of Engineers, December 27, 1928.
Second Lieut. Philip Robison Garges, Corps of Engineers, subject to examination required by law, from December 27, 1928.
Second Lieut. Gerald Joseph Sullivan, Corps of Engineers, from December 29, 1928.
Second Lieut. George Dakin Crosby, Field Artillery, from December 31, 1928.
Second Lieut. Arthur Gilbert Trudeau, Corps of Engineers, from January 1, 1929.
Second Lieut. John Henry Brewer, Signal Corps, from January 2, 1929.
Second Lieut. John Held Riepe, Cavalry, from January 3, 1929.
Second Lieut. Emerson Charles Itschner, Corps of Engineers, subject to examination required by law, from January 3, 1929.
Second Lieut. Ernest Orrin Lee, Field Artillery, from January 4, 1929.
Second Lieut. Howard Ker, Corps of Engineers, from January 5, 1929.
Second Lieut. Charles Day Palmer, Field Artillery, from January 6, 1929.
Second Lieut. Herbert Davis Vogel, Corps of Engineers, subject to examination required by law, from January 7, 1929.
Second Lieut. Fremont Swift Tandy, Corps of Engineers, from January 7, 1929.

MEDICAL CORPS

To be captain

First Lieut. Stanton Knowlton Livingston, Medical Corps, from December 21, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. William Francis Coleman, Medical Administrative Corps, from January 5, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 11 (legislative day of January 7), 1929

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Frank M. Surface to be assistant director.

COAST GUARD

To be lieutenant commanders

Noble G. Ricketts.
Harold G. Bradbury.
Irving W. Buckalew.
Rae B. Hall.
Arthur G. Hall.
Ephraim Zoole.
Paul K. Perry.

To be lieutenants

Alfred C. Richmond.
Walter R. Richards.
Thomas Y. Awalt.
Roy L. Raney.
George B. Gelly.
Russell E. Wood.
Clarence H. Peterson.
James A. Hirshfield.
Joseph D. Conway.
Charles W. Lawson.
Frank T. Kenner.
George C. Carlstedt.
John Rountree.
William W. Kenner.
Stephen P. Swicegood, jr.
Henry C. Perkins.
Paul W. Collins.
Charles W. Thomas.

Frank A. Leamy.
John H. Byrd.
Beckwith Jordan.
John McCann.
Charles Etzweiler.

To be ensign

Dwight H. Dexter.

To be lieutenants (junior grade)

Henry T. Jewell.
Donald F. A. De Otte.
Irving E. Baker.
Gordon A. Littlefield.
Frank Tomkiel.
Kenneth A. Coler.
Henry J. Betzmer.
George C. Whittlesey.
Beverly E. Moodey.
John A. Fletcher.
Walter S. Anderson.

To be captain (engineering)

Christopher G. Porcher.

To be commander (engineering)

Frederick H. Young.

POSTMASTERS

ILLINOIS

Eugene L. Hiser, Bloomington.
Ralph Redding, Fisher.
Edward J. Briswalter, jr., Grayville.
Peter J. Aimone, Toluca.

MINNESOTA

Arthur F. Johnson, Dent.
Ernie L. Emmons, Emmons.
Frederick A. Cooley, Heron Lake.
Joseph L. Gilson, Ivanhoe.
Jennie L. Dowling, Olivia.
Mary A. Mogren, Ortonville.
Niels F. Petersen, Tyler.

NORTH CAROLINA

Keiffer L. Long, Thomasville.

PENNSYLVANIA

Anna Postupack, McAdoo.
Claude S. Yeager, Orwigsburg.

TENNESSEE

Grosvenor M. Steele, Bemis.
Jesse W. Alexander, Carthage.
Emma R. Kilgore, Cottagegrove.
Roe Austin, Dover.
Stephen Hixson, Dunlap.
Benjamin Ford, Hartford.
Link Monday, Kimberlin Heights.
Parks L. Hayes, Lynchburg.
Ollie F. Minton, Nashville.
Carrie S. Honeycutt, Wartburg.

VIRGINIA

Peter L. Cooper, Clarksville.
Edgar B. Elliott, Gate City.

WISCONSIN

Redmond F. English, Arcadia.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 11, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious Lord, Thou who hast the power to penetrate the profound mystery of being with unerring love and sympathy, Thy mercy transcends all human affection. Thou dost not dwell in the dense haze of sullen skies to fill us with apprehension; but Thy everyday blessing is a wonderful cause for thanksgiving. Let Thy guidance be realized in the issues of our daily lives. In purpose and exalted idealism lead us to the heights of our powers and make us well worthy of a place in the councils of the Nation. By awakening intellects and spiritual emotions may we be all that we were born to be and to do. Now, Father, breathe into our souls the essence of Thy Spirit, and never allow evil to win its ministry nor permit it to claim us as its own. In the holy name of the world's Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7729. An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

SWEARING IN OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

LITTLE ROCK, ARK., *January 10.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

This is to certify that at a special election held in the various counties of the second congressional district of the State of Arkansas to fill a vacancy caused by the death of the Hon. William A. Oldfield, MRS. PEARL PEDEN OLDFIELD was the nominee of the Democratic Party without opposition and was elected for the remainder of the term expiring March 4, 1929.

JIM B. HIGGINS, *Secretary of State.*

The SPEAKER. The Chair will be pleased to administer the oath to the lady from Arkansas.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the lady from Arkansas, Mrs. OLDFIELD, be given the oath of office and enter without further formality upon the duties of her position.

The SPEAKER. Is there objection?

There was no objection.

Thereupon Mrs. OLDFIELD, attended by Mr. GARRETT of Tennessee, appeared before the Speaker's rostrum and took the oath of office.

LEAVE TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I have unanimous consent to address the House to-day for 30 minutes after the disposal of the Army appropriation bill. I ask unanimous consent that the consent be vacated. I make this request after conference with the gentleman from New York [Mr. SNELL], and our floor leader, and I will renew that request some day next week.

The SPEAKER. Without objection, the order will be vacated.

There was no objection.

FISCAL RELATIONS BETWEEN THE FEDERAL GOVERNMENT AND THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, after the passage of the District of Columbia appropriation bill last year Mr. Madden, the chairman of the Committee on Appropriations, requested the Bureau of Efficiency to make a study of the question of the fiscal relations between the United States and the District of Columbia. The result of that study has been submitted in a report to the present chairman of the committee, Mr. ANTHONY; and I ask unanimous consent that the report, with the accompanying tables and letter, be printed as a House document.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the report of the Bureau of Efficiency upon the fiscal relations between the United States and the District of Columbia be printed as public document. Is there objection?

There was no objection.

Mr. SIMMONS. The tables are rather large, and if there is any action by the House in the way of instruction to the Printing Office it should be to direct that the tables be kept complete in sheets.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the tables be printed so as to be complete by themselves. Is there objection?

Mr. CHINDBLOM. The gentleman may have to get some order from the Joint Committee on Printing. The order of the House may not be sufficient.

Mr. SIMMONS. We can dispose of that later if any difficulty is encountered, but I would like to have the permission of the House at this time.

The SPEAKER. Is there objection?

There was no objection.

REREFERENCE OF TWO RESOLUTIONS

Mr. GRAHAM. Mr. Speaker, I ask for a change of reference in the case of Senate Joint Resolution 28 and House Joint Resolution 166 from the Committee on Ways and Means to the Committee on the Judiciary. Both of those resolutions were referred to the Committee on Ways and Means, I think, under a misapprehension, owing to some unanimous-consent arrangement about having all tax-refund matters referred to the Committee on Ways and Means.

This involves the jurisdiction of the Supreme Court, and involves a change of the statute of limitations to revive some claims 60 or 70 years old. These resolutions were referred to our committee in the last Congress, and we had hearings upon them, and they were properly before the Committee on the Judiciary.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to rerefer Senate Joint Resolution 28 and House Joint Resolution 166 from the Committee on Ways and Means to the Committee on the Judiciary. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, what is the attitude of the other committee? Has it been consulted?

Mr. GRAHAM. I consulted with the chairman of the Committee on Ways and Means this morning, and had authority from him to say that he consented unless there was some parliamentary objection.

Mr. ALDRICH. Mr. Speaker, I object.

Mr. RANKIN. Mr. Speaker, we can not hear what is going on in the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] says he has consulted with the chairman of the Committee on Ways and Means and the latter had consented that he ask unanimous consent that Senate Joint Resolution 28 and House Joint Resolution 166 be rereferred to the Committee on the Judiciary from the Committee on Ways and Means.

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, is it the action of the Committee on Ways and Means or merely that of the chairman of the committee?

Mr. GRAHAM. I make the request after a conference with the chairman.

Mr. GARRETT of Tennessee. I hope the gentleman will defer his request until I can confer with the gentleman from Texas [Mr. GARNER], if he has not yet been conferred with.

Mr. GRAHAM. I am willing to have it go over.

Mr. VESTAL. Mr. Speaker, I shall object unless the gentleman from Pennsylvania withdraws his request at this time.

Mr. RANKIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Allgood	Culkin	Leatherwood	Speaks
Anthony	Curry	Leech	Stedman
Arentz	Denison	McMillan	Summers, Wash.
Bachmann	Dickstein	McSweeney	Sumners, Tex.
Bacon	Douglass, Mass.	Michaelson	Taylor, Colo.
Beck, Pa.	Doyle	Milligan	Taylor, Tenn.
Bell	Evans, Mont.	Monast	Temple
Berger	Fletcher	Moore, Ky.	Tillman
Blanton	Gasque	Morin	Updike
Boies	Golder	O'Brien	Ware
Brand, Ga.	Goldsborough	O'Connor, N. Y.	Warren
Britten	Griest	Oliver, N. Y.	Weller
Browne	Hope	Palmer	White, Colo.
Buckbee	Kendall	Patterson	White, Kans.
Canfield	Kerr	Prall	Williamson
Casey	Kindred	Pratt	Wilson, Miss.
Clancy	King	Quayle	Winter
Crowther	Kunz	Robsion, Ky.	Wolfenden

The SPEAKER. Three hundred and fifty-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

INVESTIGATION OF EXPENDITURES TO INFLUENCE CONGRESS REGARDING FOREIGN POLICIES

Mr. TINKHAM. Mr. Speaker, with unanimous consent I desire to have a resolution printed as an extension of remarks, and certain statements in relation to the resolution made by myself.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks by printing a resolution, and a statement made by himself with relation to the resolution. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, may I ask if the resolution has been introduced?

Mr. TINKHAM. It has been introduced.

Mr. BANKHEAD. What is the resolution?

Mr. RANKIN. The gentleman is asking permission to insert some kind of a resolution which he has written on the race problem. Mr. Speaker, I object.

Mr. TINKHAM. This has nothing to do with the race problem in any way. It refers to the multilateral treaty.

Mr. RANKIN. That is all right.

The SPEAKER. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, under the leave the extend my remarks in the RECORD I include the following resolution and statement:

RESOLUTION

Whereas the United States was established as a free and independent country with no foreign entanglements, and by strict adherence to this traditional policy has become a great and powerful Nation; and

Whereas the American people have shown repeatedly by the defeat of parties and individuals who have advocated or supported a policy favoring foreign entanglements that they firmly believe that the United States should continue to devote itself to its own affairs, the welfare of its own people, and the maintenance of its independence, and not attempt to regulate the affairs of other peoples; and

Whereas the covenant of the League of Nations was rejected by the United States in 1919 because it was a military and political alliance for the domination of the world; and

Whereas adherence of the United States to the protocol of the Permanent Court of International Justice of the League of Nations was revealed to be an indirect entry into the League of Nations, the court being exposed as an organ and political instrumentality of the league; and

Whereas the adherence of the United States to the Permanent Court of International Justice of the League of Nations, with reservations, adopted by the Senate in 1926, was not accepted by the League of Nations because one of the reservations would curtail its political activities; and

Whereas the present multilateral treaty now before the Senate is a dangerous and indirect advance toward entry into the Permanent Court of International Justice and into the League of Nations and is another attempt to entangle the United States in the policies and affairs of other nations; and

Whereas immense sums of money were spent to create a public opinion in the United States favorable to the United States joining the League of Nations and subsequently adhering to the Permanent Court of International Justice of the League of Nations and are now being spent for the acceptance of the multilateral treaty by the United States contrary to its best interest; and

Whereas it is alleged that international bankers, United States international business organizations and their legal representatives, and foreign interests are systematically engaged in this expenditure; and

Whereas the amount of money so spent and the sources from which it comes should be known to the American people: Therefore be it

Resolved, That a select committee is hereby created, to consist of five members, to be appointed by the Speaker of the House of Representatives, to investigate the payment and expenditure of any money by international bankers, United States international business organizations and their legal representatives, and foreign interests, and from any other source, to create a public opinion in the United States favorable to the United States joining the League of Nations, adhering to the Permanent Court of International Justice of the League of Nations, and to the acceptance of the multilateral treaty by the United States; and said committee is authorized to send for persons and papers, to compel the attendance of and to administer oaths to witnesses, to conduct such inquiries at such times and places as the committee may deem necessary, and to report its findings and recommendations to the House of Representatives at the earliest practicable date.

STATEMENT

For nearly a century the international bankers and great business interests in Europe have directed and controlled in large measure the foreign policies of their respective countries. It has not been uncommon in Europe for foreign interests to spend large sums of money to effect their political purposes in alien states. These nefarious practices now obtain in the United States and should be exposed. A network of expensive organized propaganda and intrigue to influence the foreign policies of the United States would be revealed by an investigation.

Vast sums of money were expended from such sources to influence the United States to join the League of Nations, and when that proposal was defeated, to adhere to the Permanent Court of International Justice of the League of Nations as a first step toward entry into the league itself. This attempt not having yet succeeded, immense sums of money are now being expended to influence the United States to accept the multilateral treaty, first to implicate the United States in international and particularly European affairs, and then to lead the United States to membership in the Permanent Court of International Justice of the League of Nations and finally in the league itself. Back of these attempts have been the vital interests of the international bankers, the United States international business organizations and European interests to maintain the status quo in Europe for their own purposes.

It has been the traditional policy of the United States—and a sound one—that investments in foreign countries by private citizens of the United States are made at the risk of the investor. An attempt is now being made to safeguard such investments by international commitments on the part of the Government of the United States. The United States should not be entangled for all time in a position so fraught with uncertainty and peril for the welfare and safety of its people and its independence to maintain the status quo for the purpose

of safeguarding public or private investments, large as these now are in Europe.

The proposal of the multilateral treaty by the United States was hailed at once at Geneva and in Europe generally as bringing the United States into closest contact with world and particularly European politics. It was declared that through this treaty the United States would be called upon to speak its mind, to express its opinion, and to take sides in the disputes of Europe and in defense of its treaty—even more than this, it was said to mean United States support of the policies of the League of Nations and the maintenance of the status quo in Europe.

This is the understanding of Europe, and if it is not the understanding of the United States another dangerous difference is added to those already existing.

The multilateral treaty so far as the renunciation of war as a national policy is concerned has been practically nullified by the exceptions made by the various governments before signing the treaty. These exceptions are (1) the right to make war in self-defense, each country to determine for itself the question of self-defense; (2) the right to make wars authorized under the League of Nations; (3) the right to make wars authorized under the Locarno treaty; (4) the right to make wars arising under the French treaties of alliance; and (5) the right claimed by Great Britain to use war as an instrument of national policy in certain undefined "regions of the world" any "interference" with which by anybody, including the United States, would be regarded by Great Britain as a cause of war.

In the last hundred years no nation has declared a war that was not alleged to be a war of self-defense.

The exception made by Great Britain allows her to make war anywhere in the world since the zones in which she claims the right to make war are wholly undetermined except that they shall be of "special and vital interest" for her "peace and safety" as she may determine. There are no geographical limitations.

The multilateral treaty as qualified by these exceptions not only constitutes no renunciation of war but in fact and in law is a solemn sanction for all wars mentioned in the exceptions—the most solemn sanction for specific wars that has ever been given to the world. But much more than this if we recognize as we do the legality of league wars and Locarno wars; once this treaty is signed we are bound by league decisions as to aggressors and league policy generally, but without opportunity to take part in the deliberations leading to league conclusions. Unless we make clear our understanding of this treaty, as have other nations, we alone are bound by its explicit terms and we alone are subject to the will of other nations, in addition to losing our right to trade as a neutral nation in time of war.

But of even more peril to us is the fact that the treaty, if ratified, will inevitably lead to the destruction of our Navy while other nations are armed or arming. If we should maintain an adequate Navy for defense, we should be charged with bad faith. Already these charges are being made. Deprived of an adequate Navy, one of the great auxiliaries to diplomacy, we should be impotent in world affairs and should have no decisive influence in an international crisis.

In addition to renouncing war as a national policy, the multilateral treaty provides that the settlement of disputes "shall never be sought except by pacific means," and for the settlement of disputes it is already again being urged that we enter the Permanent Court of International Justice, although this court is not an independent court representing nations directly, but the instrumentality, agent, and servant of the League of Nations, and notwithstanding, furthermore, that the statute setting up the court provides that nations not members of it may have recourse to it.

The President's statement on November 11, 1926, at Kansas City (uttered after the Council of the League of Nations had indicated its unwillingness to accept the Senate reservation curtailing the political power of the court) that: "The situation has been sufficiently developed so that I feel warranted in saying that I do not intend to ask the Senate to modify its position," was universally accepted as terminating the attempt of the United States to enter the court. Notwithstanding this statement, a dispatch published in American newspapers on November 24 last reported that the administration "appears to be inclined to make another effort to bring the United States into membership of the League of Nations' Permanent Court of International Justice."

The acceptance of the multilateral treaty means that the United States is subject to league policies without participating in league decisions; it means membership in the league's court, which means eventual full membership in the League of Nations itself.

Statesmanship should deal with the real and vital international issue for the United States, the freedom of the seas. Until it is settled by a formulation of international law that neutral commerce shall not be interfered with in time of war, there can be no final harmony between the United States and foreign nations. It was because there was no such formulation that the United States was forced into war in 1812 and in 1917, and she will be forced into war again unless the seas are freed. It has been repeatedly suggested that a conference be held for the codification of international law, including maritime law in time of war. But because this proposal was not spectacular enough and held no domestic political advantage, it has been repeatedly rejected.

APPORTIONMENT OF REPRESENTATIVES

Mr. FENN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11725) for the apportionment of Representatives in Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11725, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11725, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose last evening, the first section had been read, with committee amendments. The question before the committee is on the first committee amendment.

Mr. DICKINSON of Iowa. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. DICKINSON of Iowa. Mr. Chairman, I offer an amendment as a substitute for the first section of the bill.

The CHAIRMAN. The question now is on the first committee amendment.

Mr. DICKINSON of Iowa. If this is offered as a substitute for this section, it takes with it all subsequent amendments to strike out the remaining sections.

The CHAIRMAN. It can be pending.

Mr. DICKINSON of Iowa. I want to offer it at this time. I ask that it be reported as pending, for further consideration when the perfecting amendments are completed. I want to say that if this is adopted, I shall make a further motion, as time goes on, to strike out the remaining sections of the bill.

Mr. TREADWAY rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words of the committee amendment.

Mr. SNELL. Mr. Chairman, may we understand just what the parliamentary situation is now?

The CHAIRMAN. The gentleman from Massachusetts was on his feet and the gentleman from Iowa was before the Chair. The Chair inquired for what purpose the gentleman from Iowa rose and he stated his purpose. The Chair will recognize the gentleman from Iowa later, but he feels he should recognize the gentleman from Massachusetts, who has made a pro forma motion on the first committee amendment and who desires to speak for five minutes.

Mr. DICKINSON of Iowa. Mr. Chairman, I am offering a substitute and I would like to have it reported at this time before we consider the committee amendment. It might have a bearing on whether the committee will approve or reject the perfecting amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts [Mr. TREADWAY], who was on his feet, on his pro forma amendment.

Mr. TREADWAY. Mr. Chairman, continuous committee service, such as the Ways and Means Committee is called upon to perform at the present time, has its drawbacks so far as presence of Members on the floor is concerned. In connection with this bill, I therefore will simply express a very brief personal view on the general subject.

My thought is that the present number of Members of the House of Representatives—435—is as large as can be properly cared for and handled under our method of procedure. Any greater number would make an unwieldy body. I am opposed to any move that would increase the membership beyond the present number.

I have the honor of representing in part a State that is perhaps likely to lose a Member if we do not increase the membership beyond the number of 435. Irrespective of its effect on the State of Massachusetts, irrespective of its effect upon the district I represent, and irrespective of the possible political effect on me personally, I approve of the Fenn bill. [Applause.]

I think it would be a very unfortunate argument for Representatives of a State to say that their State would lose under any particular form of representation or reapportionment. We, as Members of this House, owe it to the American people to reapportion Congress in accordance with the Constitution of this country. [Applause.] The effect of this action for one

State or one district is absolutely immaterial to me. I shall vote most heartily for the Fenn bill. [Applause.]

Now, what object is there in saying that because our population increases we should likewise increase the representation in the House of Representatives? Are we not comparable with the States? In the 48 States of the Union, or in nearly all of them, the constitutions of the States or Commonwealths provide arbitrarily for the number of Members who serve in the legislatures. The population has nothing to do with the membership of the Legislature of New York or of Massachusetts or perhaps of any other State. If it is not directly provided for in the State constitution, it is provided for in some permanent record of the State.

We have in Massachusetts 40 members of the State senate and 240 members of the house. It makes no difference whether the population in that States goes up or down, the legislative representation is the same.

Mr. STEVENSON. Will the gentleman yield?

Mr. TREADWAY. I am sorry, but I have such brief time——

Mr. STEVENSON. I was just going to ask if your State does not apportion them among the counties according to population?

Mr. TREADWAY. We apportion them equitably in the State and that is exactly what the Congress will do. If we keep our membership at 435 we will apportion that number equitably to the States and that is what the Fenn bill is intended to accomplish.

I think we have been very derelict in our duty as Congressmen in not pushing this legislation sooner. As I see it, we have disobeyed, no matter what the reason therefor, the Constitution of this country in that we are now living under an apportionment based on the 1910 census, whereas a reapportionment should have promptly followed the census of 1920.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TREADWAY. I want to see this legislation enacted now in order to prepare for the census of 1930, and it seems to me the only way we can do this is to be unselfish in our way of proceeding. Whether we are representing a State that is going to gain or one that is going to lose in the reapportionment, let us be men and do our job as it is here for us to do, and be prepared for whatever results may come from the census of 1930 to our individual interests or to our respective States. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. CRAIL. There is objection. I want to speak on the amendment.

Mr. BANKHEAD. Mr. Chairman, I make the point of order that the proper parliamentary procedure is for the Chair to insist that the committee amendments be acted upon unless unanimous consent is given otherwise.

Mr. RANKIN. Then, Mr. Chairman, I ask unanimous consent that we postpone disposing of the committee amendments until we finish the section.

Mr. BLACK of Texas. Mr. Chairman, I object to that.

The CHAIRMAN. The gentleman from Texas objects to the unanimous-consent request of the gentleman from Mississippi, and the gentleman from California objects to the withdrawal of the pro forma amendment. The question is on agreeing to the pro forma amendment.

The pro forma amendment was rejected.

The CHAIRMAN. The gentleman from Iowa [Mr. DICKINSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa as a substitute for the bill: Strike out section 1 and insert in lieu thereof the following:

"*Be it enacted, etc.*, That on the first day of the second regular session of the Seventy-first Congress the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the 1930 census of the population, and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census by the method known as the method of equal proportions, and that the House of Representatives shall be reapportioned on that basis.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order that the amendment is not in order until the committee amendment is acted upon. This amendment is offered to strike out the section and substitute another. I have no objection to the gentleman from Iowa discussing his amendment, but the committee amendment should be voted on prior to his amendment.

Mr. GARRETT of Tennessee. Only the committee amendment to this section.

Mr. BLACK of Texas. That is right.

The CHAIRMAN. Does the gentleman from Iowa offer this as a substitute for the first section or for the entire bill?

Mr. DICKINSON of Iowa. I offer it at this point as a substitute for the first section, with the notice that if adopted I shall move to strike out the balance of the sections of the bill. It is a substitute for section 1, and also a substitute for the entire bill.

Mr. GARRETT of Tennessee. The only question is as to the point of order made by the gentleman from Texas; that is that the committee amendment to the first paragraph be perfected.

The CHAIRMAN. All committee amendments will be disposed of before the substitute is voted upon. The Chair will recognize the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, I am offering this as a substitute for the first section of the bill, with notice that if the amendment to the first section is adopted I shall move to strike out the subsequent sections. I do that for the following reasons: First, it is a statement by the House that the sentiment of this Congress is for a House of 435 Members, and recommends that an apportionment be made on that basis in the future. It does not assume to try to control the next Congress as to what shall be done; it does not delegate any authority to any bureau that shall recommend to the House what to do; it does not put in anybody's hands the machinery by which they can automatically take away from one State a Member of Congress or give to another State a Member of Congress.

I, for one, am in favor of keeping the House at a membership of 435. I want to say to those who have opposed the apportionment that they have contributed as much to the defeat of the apportionment bill as those of us who said that the apportionment would not be fair by reason of the fact that the census was taken following the war when there was a great decrease in the number of people. Do not try to place all the blame on those States which have had a decrease since the last census, because these two things were contributive factors to the defeat of the last apportionment bill.

Mr. TUCKER. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield.

Mr. TUCKER. I want to say to the gentleman that at the proper time I expect to offer an amendment to strike out sections 3, 4, and 5 of the bill. I want to ask the gentleman whether his substitute carries those sections?

Mr. DICKINSON of Iowa. It does not, but I shall move to strike them out. I would be glad to have the gentleman from Virginia move to strike them out. But I think the most vicious section in the bill is section 2.

Mr. RANKIN. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield to the gentleman from Mississippi.

Mr. RANKIN. If the gentleman was present yesterday and heard my remarks, he is aware of the fact that I am in favor of reapportioning the House after we get the census of 1930.

Mr. DICKINSON of Iowa. I so understand.

Mr. RANKIN. Does the gentleman's substitute contain the solemn declaration that the reapportionment shall be on the basis of the 1930 census?

Mr. DICKINSON of Iowa. Absolutely.

Mr. RANKIN. Do you propose by your substitute to delegate the power of making a reapportionment to the Secretary of Commerce or to some one else?

Mr. DICKINSON of Iowa. I do not; I am against any such delegation of power, and that is why I am so bitterly opposed to this bill.

When you say that you are not delegating any authority, you must admit that you are setting up machinery by which somebody else is going to make an apportionment rather than the Congress itself. You are providing whereby and how and how many, and then you say that it is practically going to be automatic because if Congress does not do what you say is the solemn pledge of the Constitution, then it becomes automatic and the House is reapportioned by a certain certificate from the Census Bureau as to the number of representatives there should be and the number which each State should have.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. MAPES. As I understand the gentleman's proposal, it only declares that it is the judgment of this Congress that the membership of the House should remain at 435, but it does not in any way provide for a reapportionment after the 1930 census. It merely recommends that such reapportionment shall be made by the Congress at that time.

Mr. DICKINSON of Iowa. Yes. In other words, any assumption at reapportionment on the part of this Congress for the 1930 census is simply trying to usurp the powers and functions of the next Congress.

Mr. MAPES. If that is all that the gentleman's amendment proposes to do, will the gentleman explain to the House how it in any way creates any different situation than we are in now, without the passage of the amendment?

Mr. DICKINSON of Iowa. It simply does this: It expresses to the next Congress what the desire of this Congress is, and it would be in a way the commitment of a great many Members of the House that are Members of this Congress who will be Members of the next Congress, such as the gentleman from Mississippi [Mr. RANKIN] and myself, that we are not going to stand in the way of a proper reapportionment after that census is taken, because we believe in reapportionment, and we also believe in 435 Members of the House.

Mr. RANKIN. And, if the gentleman will permit, it also answers the charge that we are opposed to a reapportionment under any circumstances. It answers that charge by a solemn declaration stating that we are in favor of reapportioning the House as soon as you give us the census of 1930.

Mr. MAPES. As a matter of fact, the amendment means nothing.

Mr. DICKINSON of Iowa. Oh, it means just as much as this does here, providing the next Congress assumed the authority that it ought to assume, and it will tell you that it is not any of your business what they want to do when it comes to reapportionment in the Seventy-first Congress.

Mr. TILSON. Does it not mean this also, that if the next Congress acts in accordance with the recommendation of the Secretary of Commerce it will accomplish exactly the same results that we are accomplishing by this bill, so what is the gain? It does exactly the thing this bill proposes to do, and why should not we do it now?

Mr. DICKINSON of Iowa. Let me suggest to the gentleman why we could not do it. In your bill you say that it is not going to be just for the Seventy-first Congress but for every Congress following for 10 years, and it also says that in case Congress does not do that, it is going to be automatically done, and if the gentleman is the leader of the House at that time, I shall be ashamed of the leadership unless he assumes the authority of his position and says that it is the duty of Congress to do this, and that it shall not be done by any Government bureau chief down here. [Applause.]

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. JACOBSTEIN. Just for information, does not the gentleman's amendment merely ask the Secretary of Commerce to submit to the districts as to what the apportionment would be for 435? It does not even express the hope that it will be limited to 435.

Mr. DICKINSON of Iowa. Oh, yes, it does. It says that there shall be a reapportionment on that basis.

Mr. JACOBSTEIN. And he is merely to submit the figure to us?

Mr. DICKINSON of Iowa. Submit the figure to us, and it recommends that there shall be reapportionment on that basis. It is a commitment of this House to 435 Members. I have talked with the gentleman from New York [Mr. SNELL], who has told me time and time again that one of the things that he was most anxious about in this whole fight is the fact that he wants only 435 Members in the House. This gives him that. It gives a recommendation and the commitment of the Members of this House along that line. I say to you that I do not believe that we are making any idle gesture here, but we are preserving to the House the prerogatives that we ought to preserve, and we are not delegating any power to somebody down at the other end of the Avenue to say that Massachusetts shall only have so many Representatives in the new Congress, and that New York and the rest of them shall only have so many in the following Congress.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Several Members rose.

The CHAIRMAN. The Chair will recognize some one in opposition to the amendment.

Mr. JACOBSTEIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. JACOBSTEIN. Mr. Chairman and members of the committee, so far as the amendment offered by the gentleman from Iowa [Mr. DICKINSON] is concerned, as affecting the very first section of this bill, it is absolutely meaningless. It simply calls upon the Secretary of Commerce to give us some statistics. They gave us those statistics in 1920, and we did nothing with them. His substitute is absolutely valueless to those of us who desire reapportionment. There is nothing in his proposal to assure us of reapportionment.

Mr. DICKINSON of Iowa. Does the gentleman contend that you can bind future Congresses? They can reapportion themselves and increase the House to 460 or any other number, and the gentleman admitted that in his speech yesterday.

Mr. JACOBSTEIN. I say that the passage of the Fenn bill before us does something which your amendment does not do. If we enact the Fenn bill, reapportionment statistics based on the 1930 census are then submitted, which you yourself have called for, but with this difference: If the Seventy-first Congress is derelict and does not do its duty, then we will automatically get reapportionment, whether that Congress acts or not. Your innocuous substitute simply calls for statistical data which we would get, anyway. I hope, therefore, that this House will vote down the Dickinson substitute, which, if enacted, would destroy the vital parts and vital principle of the Fenn bill, namely, the automatic feature.

I would like to explain to the House the fundamental difference in the two methods most seriously considered for reapportionment, namely, the one provided for in the bill, the method of major fractions, and the one which has been suggested as a substitute, namely, the method of equal proportions.

A preliminary statement is in order.

The method of major fractions was used in 1840, was used in 1910, and in the tables reported in 1920. The method of equal proportions has never been used or seriously considered at any time.

Mr. FENN. Does not every Member of this House hold his seat by this method of major fractions?

Mr. JACOBSTEIN. Yes; that is true.

The method of major fractions proceeds on the assumption that every individual in the United States should have the same weight so far as representation in Congress is concerned, regardless of the size of the population of the State in which he happens to live. Under the method of major fractions, a person in Nevada has the same weight as a person in New York, no more, no less.

As against this, the method of equal proportions would attach a weight and importance to the individual depending upon the size of the State. An individual living in Nevada, with approximately 75,000 people, would have greater weight than an individual living in New York, with 11,000,000.

Let me illustrate how these two methods would operate. Suppose Congress should have wanted to make the House 436 instead of 435 in 1910. Which State would have gotten the four hundred and thirty-sixth district? According to major fractions, that State would have gotten the four hundred and thirty-sixth district which had the highest absolute number of unrepresented people. That is to say, people in excess of the districts already apportioned in the various States. Under equal proportions, the four hundred and thirty-sixth district would go to that State in which the unrepresented portion bears the highest ratio to the total population of the State.

So, for instance, if Representatives are to be apportioned only for every 250,000, a State with a population of 370,000, or one Representative and a remainder of 120,000, compared with a State of 4,122,000, entitling it to 16 Representatives and 122,000 remainder, which State should get the additional Representative—the State with 120,000 excess, or the State with 122,000 excess?

The proponents of the major fractions method say the State with 122,000 excess, because they say that representation in Congress should be based on the absolute number; whereas the equal proportions proponents say the State with the 120,000 excess should get the extra Representative, because 120,000 is a higher percentage of a population of 370,000 than is 122,000 of a population of 4,122,000.

Under major fractions, the traditional method, as against equal proportions, the untried method, it always happens, and always must happen, that any State that has a major fraction—that is to say, 50 per cent or more of the population which each district is supposed to have—gets the Representative. A State having less than one-half never gets the Representative. A State having more than one-half always gets it. Under equal

proportions the excess might be less than one-half the size of the average district and still get the additional Representative.

Now, having explained the difference in the two methods, you will readily understand why it is that the smaller States favor the method of equal proportions and the larger States favor major fractions. In the small State each individual has a greater weight when compared with the population of his State than he does in the larger State. Representative THURSTON living in Iowa and Representative BRIGHAM living in Vermont have a greater weight under equal proportions than I have living in New York State with a population of 10,000,000. I am only one of 10,000,000, while Representative THURSTON, say, is one of 350,000. The practical result in the use of the two methods is illustrated by the chart that I now present to you. It will be seen from this table that if you use the method of equal proportions, on the estimated population of 1920, the smaller States would secure three seats in the House, which by the method of major fractions would have gone to the larger States. The three small States which would have gained are Vermont, Rhode Island, and New Mexico, and the three large States that would have lost are North Carolina, Virginia, and New York.

Mr. BEEDY. For the information of the House, the gentleman stated his State loses by both methods, but less by the method of equal proportions.

Mr. JACOBSTEIN. Yes; that is true. Of course, we can not say with certainty what the results will be until the 1930 census has been taken. It is true that under the method of major fractions New York is likely to lose one seat, and possibly two under equal proportions.

Mr. BEEDY. Is it not true, under the statistics already submitted by the Census Bureau respecting the census of 1930, that by major fractions my State loses one and New York State loses two? In other words, that method favors the small State and is adverse to the large State?

Mr. JACOBSTEIN. We should not be unduly frightened by these estimates for 1930. No one knows what the population will be in 1930. I agree with the gentleman from Mississippi [Mr. RANKIN] that the estimates of 1930 are based on the estimates of 1920, which were faulty, it is claimed. We do not know what it will actually be in 1930, but in certain cases the big States like New York will lose two, and under the other method it would lose one.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JACOBSTEIN. May I have an additional five minutes?

The CHAIRMAN. The gentleman from New York asks leave to proceed for five minutes longer. Is there objection?

Mr. KETCHAM. Reserving the right to object, Mr. Chairman—I shall not object, but I want to take this minute to announce that, after this, all further extensions will be objected to which are calculated to filibuster against the bill. Of course, the gentleman from New York is not in this filibustering class. He favors the bill.

Mr. EDWARDS. You can object right now. If that is to be the policy, we will object right now.

Mr. KETCHAM. If the gentleman will permit, I want to make just a brief statement.

Mr. EDWARDS. I object to the statement, Mr. Chairman; it is out of order.

Mr. KETCHAM. Then I will withdraw my objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JACOBSTEIN. I will take five minutes to explain what is meant by these two methods. Under the major-fraction method every individual in the United States, as I said, whether he lives in Nevada, or in Vermont, or in New Hampshire, or New York, has the same weight. No more importance is attached to an inhabitant of New York than to an inhabitant of Nevada or Vermont or New Hampshire under the major-fraction method. That will not be contradicted by anyone who knows the facts about these two methods. But under the method of equal proportions an individual living in Vermont or New Hampshire or Nevada has more weight than a man living in New York, because the man living in Nevada or Vermont or New Hampshire has a higher ratio than you, Mr. BLACK of New York, living in New York.

You are one of eleven million, while an inhabitant of Nevada is one of a hundred thousand. Therefore if a man lives in Nevada he will have more representation than if he lived in New York, and that was never intended by the fathers of this Republic. The framers of the Constitution definitely intended that every individual, regardless of where he lived, should have the same weight in representation in this Congress.

The difference between the two methods is simple. One provides for an apportionment for membership in this House on the basis of population absolutely and the other on the basis of a ratio between the individual in that State to the whole population of the State.

In 1930, on the estimated population given out by the Census Bureau, a shift would have taken place as between the smaller and the larger States.

The contests, therefore, as to methods is one involving a shift of approximately three seats in the House as between the smaller and the larger States.

My reading of the debates from 1790 down to the present time has led me to the conclusion that major fractions is the method intended by the makers of the Constitution. I say this not because I come from a larger State, because my State is going to lose under any reapportionment. It will probably lose one under major fractions, and maybe two under equal proportions. No one can tell this until the absolute figures are secured.

I believe the Constitution intended that we should apportion seats in the House so that each State will receive representation in the Congress as nearly as possible according to the population of these respective States. If we adhere to this principle, then major fractions is the method that carries out most effectively that principle. I do not believe that it was ever intended to assign seats in the House on the basis of the ratio which the individual bears to the total population of his State.

However, the question of method is secondary. The question of definitely assuring reapportionment in 1930 is paramount. I think you will find that a number of these gentlemen who are advocating the method of equal proportions will not vote for the bill, whereas I am sure that there are others like myself in the House who would vote for equal proportions if that would save the bill. But I think the method of major fractions is the fairer of the two and the one that conforms to the principle laid down in the Constitution.

But there is another reason for preferring the method of major fractions in this bill. Since we are assigning a ministerial function to the Secretary of Commerce, we ought to be careful not to assign to him the application of a method which has never hitherto been used. For ministerial purposes the method of major fractions should be used, that being the better known and the one that has been tried. When it comes to the merits of the question, that can be decided by the Congress in 1930, which will have the power to reapportion.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. HUDSON. Have we never apportioned on the equal proportion basis?

Mr. JACOBSTEIN. Never. No one will contradict that. Major fractions were used in 1840 and in 1910 and recommended in 1920.

Mr. REED of New York. Is it not a fact that Daniel Webster was a member of a committee to investigate the question of major fractions, and that he made an exhaustive report showing that the use of major fractions was the most fair?

Mr. JACOBSTEIN. He did; but he did not actually develop the method of major fractions. The method he suggested came to be known as the Vinton method, which broke down in certain situations. That is what led to the method of major fractions, developed in its present form by Prof. Walter F. Willcox, of Cornell University.

Mr. YATES. Will the gentleman give us an illustration?

Mr. JACOBSTEIN. Yes; I will give you an illustration. We have now a membership of 435. Suppose we fixed it at 436. Who would get the four hundred and thirty-sixth Member? Who would get the additional Member?

Mr. EDWARDS. The State of New York. [Laughter.]

Mr. JACOBSTEIN. I think you will agree with me that that State ought to get the four hundred and thirty-sixth Member which has the largest block of unrepresented votes. A State that has 110,000 ought to get the seat rather than the State having 100,000. But under the method of equal proportions the State having 100,000 might get the additional vote instead of the State having 110,000.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. JACOBSTEIN. Mr. Chairman, I ask permission to proceed for another five minutes, because this method is going to be discussed and I shall not talk upon it again.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for another five minutes. Is there objection?

There was no objection.

Mr. BEEDY. If the gentleman will permit——

Mr. JACOBSTEIN. Allow me to proceed for two minutes and then I will yield to the gentleman.

Mr. BEEDY. But the gentleman has unintentionally misled the House. If the Hoch amendment were adopted the gentleman's statement would be correct, namely, that it would be the largest unrepresented block of American voters, but now it is the people in the State.

Mr. JACOBSTEIN. I do not know what the Hoch amendment is. I shall be glad to talk about it later, but let me come back to my illustration. I say that if you want a House of 436 you naturally and fairly should give the four hundred and thirty-sixth Member to the State that has the largest excess, but you would not necessarily do that under equal proportions; you would give it to the State whose excess is the highest ratio to the whole population of that State. For 100,000 in a State of 300,000 is a higher ratio than 110,000 in a State of 11,000,000. Is not that so? It is clear, therefore, that under equal proportions the next seat would be assigned to the State, not that has the largest fraction but has the largest ratio of excess, and that is manifestly unfair.

Mr. PEERY. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. PEERY. Did not the majority of the expert mathematicians who appeared before the committee favor the method of equal proportions as being the best method?

Mr. JACOBSTEIN. It is true that there are some mathematicians in the United States who favor the method of equal proportions.

Mr. PEERY. Did not the majority of the expert mathematicians who appeared before the committee favor the method of equal proportions?

Mr. JACOBSTEIN. I think it is a fair statement to say that many of the mathematical scholars, who for one reason or another have advocated the equal proportions method on the merits of the method, would favor the method of major fractions in the assignment of the ministerial function. Congress itself has used the major-fraction method. We are sitting in this House to-day by virtue of the use of this method. Is it not logical, therefore, in a bill which directs the Secretary of Commerce to submit to us a table of reapportionment that he be directed to use the method which we have used?

Mr. PEERY. Were not two of those expert mathematicians from Yale University?

Mr. JACOBSTEIN. From Harvard. As I have said, I am not here arguing the relative merits of the two methods, but I do say that in the assignment of a ministerial function we should assign a function which everybody knows, a method which has been used in the past, and a method which has never been found wanting. Now, the method of equal proportions is an untried method, and its proponents will admit it.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. MOORE of Virginia. Suppose the designation of a method were stricken out of this substitute and the substitute left as committing Congress, so far as this House can commit it, to a membership of 435, what would the gentleman say about that?

Mr. JACOBSTEIN. I will say to the gentleman from Virginia that if we asked the Secretary of Commerce to give us figures on reapportionment, he would say, "Under what method do you want me to allocate these 435 Members?"

Mr. MOORE of Virginia. The Secretary of Commerce could allocate them under both methods and then leave it to the Congress.

Mr. JACOBSTEIN. There are a half dozen methods. Therefore, I say to the gentleman from Virginia that as we want to make sure of reapportionment in 1930, it is wise to tell the Secretary of Commerce explicitly what to do; we give him a definite formula, and that formula includes a definite method, without any discretion left to the Secretary of Commerce.

A document which throws a great deal of light on this intricate and important question is one prepared and submitted to the Members of Congress by Prof. Walter F. Willcox, of Cornell University. Professor Willcox was chief statistician for the Bureau of the Census, in charge of the division of methods and results, at the time of the taking of the census of 1900, and as such prepared the apportionment tables used by Congress at that time. In 1910, while teaching at Cornell University, he submitted tables embodying his improvements in the major-fraction method, which were accepted by the Census Committee and by Congress.

The letter was addressed originally to the chairman of the Census Committee and follows herewith:

Hon. E. HART FENN,

Chairman Committee on the Census,

House of Representatives, Washington, D. C.

DEAR MR. FENN: As you know, I prepared the tables on which the apportionments of 1900 and 1910 were based and have appeared before your committee more than once while it was considering the forerunners of the bill just reported. I am interested especially in the method of apportionment and have urged your committee to prescribe in its bill the method last used by Congress rather than a novel and untried one.

While attending the hearings of 1927 and 1928 and listening last May from the gallery to the debate in the House of Representatives I formed the impression that some committee members and Members of the House are still puzzled by the complicated mathematical questions and arguments about apportionment. I am writing this letter to you, therefore, in a last-minute effort to make the different methods somewhat clearer, and am venturing to mail a copy to each Member of Congress. I do not, of course, touch on the main question of the desirable size of the House, but deal almost entirely with questions of method.

Your committee has had to choose between the method used in 1911, which then gave complete satisfaction to Congress and the country, and a novel, untried method. In the present bill, merely providing for a future apportionment by the Secretary of Commerce under specified conditions, it seems to me wise to prescribe the method used in the most recent congressional apportionment; every student of the subject with whom I have talked recently shares that opinion. If there be a better method, as some claim, let it be considered by your committee, and perhaps by Congress, when the figures of the next census are published and the ways in which the alternative methods deal with the specific situation can be compared. I do not think they can be compared intelligently until that evidence is available.

The essential differences, not merely between these two methods, but between four methods which perhaps deserve attention, may be brought out by an example. In the following table the population of each State in 1920 has been divided by 245,000, assuming for a moment that this round number had been chosen as the average population of a congressional district. The results of the division are stated for convenience as whole numbers and decimal fractions. The differences between the methods turn essentially upon differences in the meaning given to these fractions.

Table showing results of dividing the population of each State in 1920 by 245,000

State	Population in 1920	Result of division
New York	10,380,589	42.37
Pennsylvania	8,720,017	35.59
Illinois	6,485,280	26.47
Ohio	5,759,394	23.51
Texas	4,663,228	19.03
Massachusetts	3,852,356	15.72
Michigan	3,668,412	14.97
California	3,426,031	13.98
Missouri	3,404,055	13.89
New Jersey	3,155,900	12.88
Indiana	2,930,390	11.96
Georgia	2,895,832	11.82
Wisconsin	2,631,305	10.74
North Carolina	2,559,123	10.45
Kentucky	2,416,630	9.86
Iowa	2,404,021	9.81
Minnesota	2,385,656	9.74
Alabama	2,348,174	9.58
Tennessee	2,337,885	9.54
Virginia	2,309,187	9.43
Oklahoma	2,028,283	8.28
Louisiana	1,798,509	7.34
Mississippi	1,790,618	7.31
Kansas	1,769,257	7.22
Arkansas	1,752,204	7.15
South Carolina	1,683,724	6.87
West Virginia	1,463,701	5.97
Maryland	1,449,661	5.92
Connecticut	1,380,631	5.64
Washington	1,354,596	5.53
Nebraska	1,296,372	5.29
Florida	968,470	3.95
Colorado	939,161	3.83
Oregon	783,389	3.20
Maine	768,014	3.13
North Dakota	643,953	2.63
South Dakota	631,239	2.58
Rhode Island	604,397	2.47
Montana	541,511	2.21
Utah	448,388	1.83
New Hampshire	443,083	1.81
Idaho	430,442	1.76
New Mexico	353,428	1.44
Vermont	352,428	1.44
Arizona	309,495	1.26
Delaware	223,003	.91
Wyoming	193,487	.79
Nevada	75,820	.31
Sum of the whole numbers		404.00
Sum of the whole numbers and decimals		429.41

1. When Congress first attacked the problem in 1790 it decided after long debate involving not merely House and Senate but also all four members of the Cabinet and President Washington himself that fractional remainders, no matter how large, should be disregarded. That method, the method of rejected fractions, was regularly used until and

including 1830. By it the preceding table would provide for apportioning a House of 404 Members.

2. In the lengthy debates over apportionment a century ago the question was referred to a special committee of the Senate, of which Daniel Webster was chairman. The report of that committee argued that a fraction larger than one-half entitled a State under the Constitution to an additional Representative. This view was rejected at the time but it prevailed in 1840 and has dominated congressional action ever since. The Vinton method introduced in 1850 and followed for half a century was thought at first to be merely another way of applying Webster's new principle. When this was shown to be an error Congress returned, in 1910, to the method of 1840.

In the preceding table, ignoring the last three States, there are 27 fractions larger than one-half, and by adding that number to the 404 Representatives apportioned for whole numbers the table under this Webster method or major-fraction method would provide for a House of 431 Members.

3. The advocates of the novel method of equal proportions hold in substance, although they do not state it in this way, that a fraction larger than the geometric mean between any two consecutive numbers entities a State to an additional Representative.

The geometric mean is found by multiplying the two numbers of Representatives under consideration together and finding the square root of the product. I do not need to state the intricate arguments by which this conclusion is defended; for present purposes we may consider only the results. The preceding table shows in the cases of Rhode Island, New Mexico, and Vermont minor fractions which are larger than the geometric means between one and two or two and three, and accordingly by this method the preceding table would provide for apportioning a House of 434 Members.

4. Another novel method whereby an additional Representative is allotted for every fraction, no matter how small, completes the list. The preceding table by this method would give a House of 449 Members.

My contribution to the analysis has been to show how any one of these four methods can be employed to yield a House of any desired size. Thus, if your committee wished to apportion 435 Members under the population figures of 1920 by any one of these four methods the divisors yielding that result would be:

Method	Divisor	Result (Members)
1	230,000	435
2	242,000	435
3	244,523	435
4	256,700	435

So far as their results are concerned, these methods differ from one another mainly in the distribution of Members between the large and the small States. Out of 435 Members the five States each having a population of over 4,000,000 by method No. 1 receive 155 Members and by method No. 4 only 143. On the other hand, the 14 States each having a population of between 300,000 and 1,000,000 by method No. 1 receive 28 Members and by method No. 4 receive 39 Members. The results of the other two methods lie between these two extremes.

May I add a paragraph of a more general sort? In the debate of last May objections of two kinds were raised to the bill. On the one hand, it was said to be a meaningless gesture, because no Congress could bind its successor; on the other hand, it was said to hand over to an administrative officer a congressional duty most important and delicate. These objections might be said to neutralize each other, for both can not be true; in my opinion neither is.

Under the Constitution Congress is expected to adjust after each census the distribution of Representatives among the States to the population shifts of the preceding decade. It has discretionary power also to change the number of Representatives. These two functions are now entangled; the object of the present bill is to disentangle them. It provides that if or when Congress can not agree to change the number of Representatives, then and only then the existing number shall be reapportioned among the States by a member of the Cabinet. In doing it he is to act under instructions from Congress so specific as to deprive him of all discretion and make his act purely ministerial.

I trust that the importance of the present question will be held to justify me in appealing in this way through you to Congress and the public on behalf of the pending bill.

Yours respectfully,

WALTER F. WILLCOX.

CORNELL UNIVERSITY,
Ithaca, N. Y., January 7, 1929.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RUTHERFORD. Mr. Chairman, I move to strike out the last word of the substitute, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. RUTHERFORD. Mr. Chairman, the Committee on the Census can not be charged with derelict of duty, as four bills have been favorably reported since the census of 1920. It is needless to call to the attention of the House why none of the former bills have been enacted into law.

The present membership of this committee has struggled with the existing situation but did not arrive at a solution that was satisfactory to the full membership.

Since I became a member of this committee no effort has been made to reapportion under the census of 1920, as it is generally conceded that the enumeration was improperly made, largely on account of the lack of sufficient funds and the time of the year in which the census was taken.

It is generally known that at the time the census was taken there had been an abnormal shift of population, growing out of the exigencies of the World War. I know personally that a correct enumeration of the farm population of my section was not made.

The Committee on the Census reported out a bill authorizing a correct census to be made in the spring of 1930, and this bill is now pending before the Senate. While my State will not be affected by the passage of the present bill, it can not be charged that my vote is cast for selfish reasons.

I have listened with much interest to the argument on both sides of this question, and I think it is very unfortunate that the vote of any Member should be questioned in arriving at an honest conclusion. While I do not believe the Constitution is mandatory that we should have a reapportionment every 10 years, I stand ready to vote for a reapportionment bill after the proper census is taken in 1930.

If I am not mistaken, this is the first time an attempt has been made to reapportion the House in advance of the taking of the census, and I am not going to cast my vote for a precedent of this kind. [Applause.]

While I have confidence in many of the departments of this Government, I think the Congress has gone far afield in surrendering its constitutional rights and prerogatives, and the time has come for us to call a halt.

I believe that we should wait until after the Census Bureau makes its report to the Congress and then pass a reapportionment bill specifically allotting to each State the number of Representatives, as shown by the enumeration. It is not a question that should be settled along political lines. I am frank to state that I am not afraid to vote for a larger membership, as I believe a large House is more democratic.

While the method of major fractions was used in taking the census in 1920, Doctor Hill, of the Census Bureau, recommended the method of equal proportions, which he contended was more favorable to the smaller States. I feel safe in saying there is not a member of the committee who could satisfactorily explain these formulas.

My prediction is that if this bill passes it will be a long time before a successful effort is made to change its provisions. It could not become operative before 1932 and two sessions of the Congress will be convened between the time the census is actually taken and before the bill becomes operative; therefore, the States that were estimated to gain one or more Representatives have nothing to gain by abdicating our rights.

I would like to warn the Members as to the serious consequences that may follow the passage of this bill. We are magnifying its importance by thinking that the average voter is clamoring for its passage. The guide that we should follow in legislation of this kind should be our own conscience. Personally I would rather have no reapportionment than to establish in this House what I consider a most dangerous precedent. [Applause.]

Mr. LOZIER, Mr. BEGG, and Mr. HOCH rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. LOZIER. Mr. Chairman, I am a member of the committee and I rise in support of the substitute.

The CHAIRMAN. The pending motion is to strike out the last word.

Mr. LOZIER. Then I move to strike out the last two words.

The CHAIRMAN. That would be an amendment in the second degree and can not be done. The Chair will recognize some one in opposition to the pro forma amendment, preferably a member of the committee and preferably one on the Republican side; otherwise the Chair will recognize the gentleman from Missouri.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. BEGG. Mr. Chairman, I can not qualify under one of your requirements. I am a Republican, but I am not on the committee.

The CHAIRMAN. The Chair understands that, and until the members of the committee have had an opportunity to be recognized the Chair thinks preference should be given to the members of the committee.

Mr. LOZIER. Mr. Chairman, I rise in opposition to some provisions of the pending substitute.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. LOZIER. Mr. Chairman, on June 4, 1928, when a bill similar to this one was being considered in the House I expressed in detail my conviction that the membership of the House should be increased if we are to have representative government in the true sense of the term. I think I demonstrated beyond a doubt that the House is not now too large or unwieldy and that the magnitude of our governmental activities made inevitable an increase from time to time in the membership of this House, which, after all, is the one branch of our Congress that must be relied on to interpret, speak, and work the will of the masses. I have given additional thought to this subject since I made the remarks to which I have referred, and I am more than ever persuaded that the views I then expressed on reapportionment are bottomed on reason, common sense, and sound public policy. I am convinced the pending bill is vicious and should not be enacted into law. I favor the substitute offered by the gentleman from Iowa [Mr. DICKINSON], with a modification that will be suggested.

There are at least four distinct formulas for apportioning representation among the several States according to population. The first is what is known as the rejected fraction formula. This plan was advocated by Thomas Jefferson, and President Washington vetoed the first census bill because it recognized the policy or principle of major fractions. The rejected fraction formula was used in all apportionments under every census down to and including the census of 1830. Then we have what is known as the minimum range formula, which has never been used. In 1843 the major fraction formula was used. Between 1850 and 1900, both dates inclusive, what was known as the Vinton method prevailed, and in 1910 the major fraction formula was again used, but some of the calculations were arbitrarily made and some major fractions ignored. Another formula is what is known as the equal proportions. It has never been used at any time in our national history.

Statisticians and economists are not agreed as to which is the better, most just, and most scientific. It is generally conceded that the minimum range formula is most favorable to the small States, the major fraction plan more favorable to the large States, while the equal proportions formula reduces to the lowest minimum these objectionable features of the other two plans. In other words, it is claimed by its proponents that the equal proportions formula is fair to the small States without being unfair to the large States.

Now, the pending bill seeks to perpetuate the major fraction formula for all time.

I insist, gentlemen, it is folly for this House or the Congress to commit itself definitely, positively, and permanently to the major-fraction formula, or any other formula. The economists and the statisticians in the United States are not agreed as to which of these four plans is best and fairest to all States. The great majority of them favor the equal-proportions formula as the most scientific and just method of apportioning representation, but after listening to the learned statisticians and economists for several years I am rather of the opinion that the equal-proportion formula is the most scientific and equitable plan.

We ought not to commit ourselves to any definite formula or plan in view of the great diversity of opinion as to merit of the several systems. May I call your attention to the fact that from 1850 to 1900, both dates inclusive, we were following what is known as the Vinton method? It was used for many years before its weaknesses were discovered. When Congress attempted in 1870 to apply this method what is known as the Alabama paradox developed. We found that if the House was to consist of 299 Members, Alabama would be given 8 Representatives; but if you add 1 to the total membership of the House, making the total membership 300, Alabama would have 1 less, or only 7 Representatives. This ridiculous situation demonstrated the unreliability of the Vinton method, and, in fact, the folly of adopting for all time any particular formula. But sound judgment and common sense dictate that Congress be in a position to use any plan that reason suggests when Congress faces this problem after each decennial census.

Mr. SNELL. Will the gentleman yield for a question?

Mr. LOZIER. Not just now.

Then again, in 1900, we had what was known as the Maine paradox and the Colorado paradox. When Congress attempted to apply the Vinton method in 1900, it found that with a membership of 383 Maine would have 4 Representatives, with 384 Members Maine would have 4, with 385 Members of the House Maine would have 4, but with 386 Members Maine would only have 3. Then if you jumped to 387 or 388 Maine would have 4, but if you increased the membership to 389 Maine's quota would drop down again to 3, and with 390 Maine would still have only 3, and then if you brought the membership up to 391 Maine would be entitled to 4.

In 1900 the Vinton method when applied to Colorado worked just as paradoxically, with a House membership of 356 or 358 Colorado would have been entitled to 3 Representatives, while with a membership of 357 Colorado's quota would be reduced to 2.

So when you write into the permanent law of the land the major-fraction formula, or any other hard-and-fast plan, you are making it possible, yes probable for injustice and abuses to be perpetrated in apportionments. All of these formulas are so elastic and uncertain in their operation that no definite or absolutely accurate or satisfactory result can under all circumstances be expected.

Mr. SNELL. Will the gentleman yield now?

Mr. LOZIER. I yield to the gentleman.

Mr. SNELL. I do not know anything about these paradoxes, but would the gentleman vote for the bill if we struck out the provision providing that the method shall be by the major fraction formula?

Mr. LOZIER. Oh, no. This is not an apportionment bill. It is merely an alibi framed by the Republican majority to excuse its failure to pass an apportionment bill in 1920 or 1921. In the limited time allowed for debate I can not state the many reasons which influence me to withhold my approval from this bill. I have heretofore at very great length set forth the reasons which justify me in opposing this measure and in an extension of remarks I may restate these reasons and make some other observations in relation to the pending bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Gentlemen, quite a number of States now have fewer Representatives than in former years, as the following statement will illustrate:

STATES THAT HAVE FEWER REPRESENTATIVES NOW THAN FORMERLY

Connecticut, under the 1790, 1800, and 1810 apportionments, had 7 Representatives; and under the 1820 and 1830 apportionments, it had 6. It now has 5.

Delaware, under the 1810 apportionment, had 2 Representatives. It now has 1.

Kentucky, under the 1820 apportionment, had 12 Representatives, and under the 1830 apportionment it had 13 Representatives. It now has 11, and under the pending bill will be reduced to 9.

Maine had 7 Representatives under the 1810 and 1820 apportionments, 8 under the 1830 apportionment, 7 under 1840 apportionment, 6 under 1850 apportionment, 5 under 1860 and 1870 apportionments. It now has 4, and the pending bill will deprive it of 1 of these.

Maryland, under the 1800, 1810, and 1820 apportionments, had 9 Representatives, and 8 Representatives under the 1830 apportionment. It now has 6.

Massachusetts had 17 Representatives under the 1800 apportionment. It now has 16, and under the pending bill will lose 1 of these.

New Hampshire had 3 Representatives when our Constitution was adopted. It had 6 under the apportionments of 1810 and 1820. It now has 2.

North Carolina had 12 Representatives under the 1800 apportionment and 13 Representatives under the apportionments of 1810, 1820, and 1830. It now has 10.

South Carolina had 8 Representatives under the 1800 apportionment and 9 Representatives under the apportionments of 1810, 1820, and 1830. It now has 7.

Tennessee had 13 Representatives under the 1830 apportionment, 11 under the 1840 apportionment, and only 10 now.

Vermont had 4 Representatives in 1800, 6 in 1810, 5 in 1820, 5 in 1830, 4 in 1840, 3 from 1850 to 1880, and it now has 2, what it had in 1790.

Virginia has now the same number of Representatives it had when our Constitution was adopted, 10. In 1790 it had 19, in 1800 it had 22, in 1810 it had 23, in 1820 it had 22, in 1830 it had 21, in 1840 it had 15, in 1850 it had 13, and in 1860 it had 11.

While the fact that a State may get a decreased representation under a reapportionment is no argument against an apportionment that is otherwise just; still, from a historical standpoint, the following statement is interesting and instructive:

STATES THAT HAVE LOST REPRESENTATIVES

Alabama lost 1 in 1860.
Connecticut lost 1 in 1820 and 2 in 1840.
Georgia lost 1 in 1790, 1 in 1840, and 1 in 1860.
Kentucky lost 3 in 1840 and 1 in 1860.
Maryland lost 1 in 1830, 2 in 1840, and 1 in 1860.
Delaware lost 1 in 1820.
Maine lost 1 in 1840, 1 in 1850, 1 in 1860, and 1 in 1880.
Massachusetts lost 4 in 1810, 1 in 1830, 2 in 1840, and 1 in 1860.
New Hampshire lost 1 in 1830, 1 in 1840, 1 in 1850, and 1 in 1880.
New Jersey lost 1 in 1840.
New York lost 6 in 1840, 1 in 1850, and 2 in 1860.
North Carolina lost 4 in 1840, 1 in 1850, and 1 in 1860.
Ohio lost 2 in 1860.
Pennsylvania lost 4 in 1840 and 1 in 1860.
South Carolina lost 2 in 1840, 1 in 1850, and 2 in 1860.
Tennessee lost 2 in 1840 and 2 in 1860.
Vermont lost 1 in 1820, 1 in 1840, 1 in 1850, and 1 in 1880.
Virginia lost 1 in 1820, 1 in 1830, 6 in 1840, 2 in 1850, 2 in 1860, and 2 in 1870.

I want to say I am opposed to a formula which limits the size of this House to a membership of 435. What charm or what magic is there in the number 435? Why is that number sacred? Why should 435 be selected as the exact membership of the House?

In 1789 we had one Congressman for every 30,000 population, and this provision was written into the Constitution of the United States, that the membership of the House should be at least one for every 30,000 population. As the population increased and our Government grew in territorial extent, wealth, population, and business the number of Representatives was increased and properly so. This was contemplated and provided for by our constitutional fathers. They did not put the American people in a strait-jacket as this bill seeks to do. They knew that with an expanding nation a larger Congress would be necessary from time to time.

I have prepared a table showing the basis on which apportionments were made since 1789, the membership of the House and population for each decade, and the plan used to apportion representation. It conclusively demonstrates that the House is not too large and that if we are to have popular or representative government it will be necessary to further increase the size of the House from time to time.

Basis of apportioning representation, 1789–1910

	One Representative for each—	Membership	Population
1789 (constitutional provision)	30,000	65	
1790 (rejected fractions)	33,000	105	3,929,214
1800 (rejected fractions)	33,000	141	5,308,483
1810 (rejected fractions)	35,000	181	7,239,881
1820 (rejected fractions)	40,000	213	9,638,453
1830 (rejected fractions)	47,700	240	12,866,020
1840 (major fractions)	70,680	233	17,069,453
1850 (Vinton method)	93,423	234	23,191,876
1860 (Vinton method)	127,381	243	31,443,321
1870 (Vinton method)	131,425	293	38,558,371
1880 (Vinton method)	151,911	325	50,155,783
1890 (Vinton method)	173,901	356	62,947,714
1900 (Vinton method)	194,182	386	75,994,575
1910 (major fractions)	211,877	433	91,972,266
1920			105,710,620
If apportionment had been made by major fractions formula, for a membership of 435	241,663		
If apportioned by rejected fractions formula	230,000		
If apportioned by Vinton method	241,864		
If apportioned by equal proportions formula	244,523		
1930	(1)	(1)	(1)

[1] According to estimate of Bureau of Census Jan. 19, 1927, p. 41 of hearings, population was estimated at 123,288,000, which, under major fractions formula would b 1 Representative for each 283,420 population for a House of 435, and according to estimate, p. 11 of report, the population is fixed at 122,537,000, which would make a basis of 281,694.

I direct your attention to the following table showing members of parliament in certain foreign countries, in relation to population, area, and estimated wealth, compared with the same figures for the United States:

Country	Membership of—		Population	Area (square miles)	Estimated national wealth	Ratio represented by each member of lower house in relation to total		
	Higher house	Lower house				Population	Area	National wealth
Great Britain and Northern Ireland	730	515	42,919,710	89,041	$120,000,000,000	69,788	145	$195,121,951
Canada	96	245	9,364,200	3,729,665	22,195,000,000	38,221	15,214	90,519,837
France	314	580	39,209,518	212,659	60,000,000,000	67,603	367	103,448,276
Germany	68	493	62,539,098	181,257	40,000,000,000	126,854	368	81,135,903
Italy	387	560	42,115,606	119,624	35,000,000,000	75,206	214	62,500,000
Japan	409	464	61,081,954	260,707	22,500,000,000	131,642	562	48,491,379
United States	96	435	122,537,000	3,627,557	355,000,000,000	281,649	8,339	816,091,954

The foregoing data in reference to our present national wealth and the probable population of the United States in 1930 are taken from official sources.

I call attention to the fact that we have a smaller representation in the House than any other similar representative body in the world. Great Britain has a membership of 515 in the House of Commons and 730 in the upper house.

Mr. CELLER. Will the gentleman yield? Does the gentleman know that the members of the House of Commons are sprawled all over the hall, and in the galleries—that they have not sufficient space?

Mr. LOZIER. That is beside the question. Great Britain has 42,000,000 people, and the House of Commons has 515 members. Her national wealth is only about one hundred and twenty billions; the national wealth of the United States is $355,000,000,000, and we have only 435 Representatives. The membership of the Chamber of Deputies in France is 580. The German Reichstag has a membership of 493. Italy's popular Assembly has a membership of 560, and the United States only 435. Considering our national wealth, population, area, and stupendous resources a House of 500 or even 600 would not be too large or inefficient.

I have prepared the following statement, which conclusively demonstrates that when area, population, and national wealth are considered, the American people have fewer Representatives in Congress than any other first-class power; and there is more national wealth and probably more business transacted in the United States than in all of these other six nations combined. The statement follows:

(a) Great Britain and Northern Ireland, with a population of 42 million and a national wealth of 120 billion, have 1,245 lawmakers.

(b) France, with a population of 39 million and a national wealth of 60 billion, has 894 lawmakers.

(c) Germany, with 62 million population and 40 billion national wealth, has 561 lawmakers.

(d) Italy, with 42 million population and 35 billion national wealth, has 947 lawmakers.

(e) Japan, with 61 million population and 22½ billion national wealth, has 873 lawmakers.

(f) While the United States, with 123 million population and 355 billion national wealth, has only 531 lawmakers.

There is nothing in the argument that the House is too large now. We know that this House does function. It functions more perfectly than any legislative body in the world. It functions more efficiently than the Senate with only 96 Members. As a matter of fact the House can and does work its will quickly whenever a majority makes up its mind what it wants to do.

The reactionary forces in the United States would like to see the membership in the House reduced one-half or even more because they realize the fewer the Members the easier it is to control legislation. They do not want popular government in

the true sense of the term. They are always looking forward to the time when bureaucratic government will supplant representative government, and when Congress will be composed of only a few Members, who would supinely register the will of the President, bureau chiefs, and special privilege classes. They would make Congress a close corporation controlled by the rich, high born, special privilege, and influential classes.

On the contrary, I would have Congress a great popular forum with a membership sufficiently large to give every great vocational group ample representation, to the end that outstanding national problems could be debated and deliberately considered, and wise national policies formulated by men fresh from the districts they represent and well informed as to the interests of their constituents.

The fewer Members of Congress the greater the power of committees to strangle and pigeonhole legislation. With a relatively small House of Representatives the power of a few blocs or groups to control legislation is increased. Practically all benign, progressive, and constructive legislation in the last 50 years has originated in the House of Representatives, and has been sponsored in most instances by newly elected Representatives coming fresh from the people and reflecting the popular will long before the Senate with its small membership awakened to a realization that there were any such public problems.

Every just government must reflect the public will and execute the public mandate. The smaller the legislative body the less responsive it is to public sentiment, less inclined to reflect the will of the masses, and more disposed to yield to pressure and influence from those whose chief purpose is to exploit the people and plunder the government. A comparatively small House of Representatives is more liable to come under venal influences and more eager to legislate for the benefit of a few favored classes and to the detriment of the great army of so-called common people.

The multiplication of departments, bureaus, and commissions has tremendously increased the work of Representatives in Congress.

Every mail brings to me communications from my constituents requesting information or my assistance in matters in which they are interested and which are pending in the various departments, bureaus, and commissions. A custom has grown up under which Members of Congress are expected and required to perform these services, and I am glad to serve my constituents in this or any other right way. You will realize the amount of time a Congressman must give to matters of this kind when I tell you that all of my time when I am not on the floor of the House is employed in rendering my constituents this character of service. In view of this situation, I insist that no Member of the House can represent more than 250,000 people in an efficient and satisfactory manner, and a congressional district should not be so large or contain so many people that a Congressman is unable to familiarize himself as to the needs of his constituents. An increase in the House membership is absolutely inevitable if the masses are to have adequate representation and if the different vocational groups are to have an opportunity of expressing their will through their Representatives.

We know that the special, sordid, and sinister interests of this country when they want to work their purpose and defeat just legislation do not come to the House of Representatives. Where do they go? They "hotfoot" it over to another branch of the Congress of the United States, because they know they can more easily control legislation at the other end of the Capitol. They realize that in order to defeat legislation they only have to control—not necessarily by improper motives—49 Senators, while if they attempted to control the House they would have to control at least 218 Representatives. When you reduce the size of the House you reduce the size of the committees, and you make it easy for the selfish, sordid, and sinister interests of the Nation to control legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. DICKINSON of Iowa. I rise to ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify his amendment.

Mr. DICKINSON of Iowa. In the following way: By striking out in line 13 on page 2, "by the method of equal proportion," and substituting "by such method as Congress may determine." I do not care which method it is.

The CHAIRMAN. Does the Chair understand that the gentleman offers a substitute for the section instead of to the whole bill?

Mr. DICKINSON of Iowa. Yes.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment in the manner suggested, and make it a substitute for the first section instead of the bill itself. Is there objection?

Mr. SNELL. Reserving the right to object, I would like to add to the gentleman's amendment, "by the equalization fee." [Laughter.]

Mr. DICKINSON of Iowa. Any method that will make it more equal. [Laughter.]

The CHAIRMAN. The question is, Is there objection?

Mr. CELLER. Reserving the right to object, I would like to ask the gentleman whether he is in favor of this bill?

Mr. DICKINSON of Iowa. I am in favor of my substitute.

Mr. CELLER. I would like to ask the gentleman if he does not think there might be another deadlock if we leave the method to another Congress?

Mr. DICKINSON of Iowa. The gentleman from Mississippi has stated, and I have said, that we are in favor of a reapportionment by Congress after the Census of 1930 is completed, but we are in favor of Congress doing it.

Mr. CELLER. That is just the difficulty. Everybody seems to be in favor of reapportionment, but nobody wants to do anything.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none. The question is on the first committee amendment.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to address the committee for five minutes on the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Chairman, ladies, and gentlemen of the House, I listened to my distinguished colleague Mr. TREADWAY in his argument in favor of this, the Fenn bill, and it brought to my mind the fact that if this bill passes, with the State of Massachusetts politically situated as it is, there is a strong probability that there will be a Republican legislature at the time of reapportionment of these congressional districts. I wish to call the attention of the House to the fact that there are two Democratic Congressmen from the city of Boston and always will be—Boston being a great Democratic city—and that I am the only Democrat in Congress from Massachusetts who comes from outside of the city of Boston, my home being in Lynn, so you can readily see that when the question of redistricting comes up before the Republican Legislature of Massachusetts it is almost a certainty that with one congressional district seat taken from Massachusetts, as this bill provides, the aim of that Republican legislature will be to eliminate the present Member of Congress from the seventh congressional district, and I refer to Mr. CONNERY, of Lynn. [Laughter.] Nevertheless, Mr. Chairman, I wish to say to the House that I am for the Constitution of the United States. [Applause.] And I am going to support this bill. In speaking of Massachusetts, I might also add that while the Legislature of Massachusetts is Republican, and while the people of Massachusetts always elect a Republican legislature, nevertheless the State of Massachusetts showed a remarkable discernment of the character of a wonderful man and chose to cast its electoral vote in the last election for that great Democratic candidate for President, Gov. Alfred E. Smith, of New York. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. JOHNSON of Washington. Merely to suggest a method by which the gentleman could make more sure of representing the seventh district of Massachusetts, and that is to get over into the party which he says will control the legislature.

Mr. CONNERY. Oh, let me say to the gentleman that gratuitously the Republicans of the seventh district of Massachusetts did me the honor of giving me the Republican nomination in that district at the last election, and I was elected on both the Democratic and Republican tickets. [Laughter and applause.] Incidentally I might also add that the Republicans voted on stickers and gave me 5,000 stickers in my district without any solicitation upon my part. I am grateful for and appreciate the honor which they paid me.

I believe that the provisions of the Constitution of the United States should be enforced. I do not believe it is mandatory upon Congress to reapportion every 10 years, but it is mandatory under the Constitution that an enumeration must be taken every 10 years. Nevertheless, I believe it was the intention of the framers of the Constitution that we should have this reapportionment every 10 years in order that we might have real representation of the people according to population.

Mr. BURTNESS. If the gentleman will yield, is it the intention to have it before or after the enumeration is made?

Mr. CONNERY. It is after the enumeration is made, and, of course, this should have been done after the 1920 census.

Mr. JACOBSTEIN. Under this bill will not the reapportionment take place after?

Mr. CONNERY. Yes. I wish to say in conclusion that I am for the Constitution. I believe in it. I want to see it strictly enforced, and I am going to vote for this bill even if it means my elimination from Congress. [Applause.]

The CHAIRMAN. The question before the committee is on the first committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, beginning in line 3, after the word "That," strike out "as soon as practical after the fifteenth and each subsequent decennial census," and insert in lieu thereof "on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter."

Mr. HOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOCH. I have a perfecting amendment which I desire to offer. Would it be in order after the committee amendment and before the amendment of the gentleman from Iowa?

The CHAIRMAN. The gentleman is correct. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, in line 1, strike out the words "such census" and insert in lieu thereof "the fifteenth and each subsequent decennial census of the population."

Mr. BANKHEAD. Mr. Chairman, is it in order to oppose the adoption of the committee amendment?

The CHAIRMAN. It is.

Mr. BANKHEAD. Mr. Chairman, I propose to say only a few words in reference to this proposition. It seems to me that whatever might be the position of gentlemen upon the pending bill in reference to the present apportionment of the House, certainly it is not the part of wisdom to bind succeeding Congresses which should desire to act upon this every 10 years thereafter indefinitely. Now, four Congresses failed to perform in reference to the census taken in 1920, and it seems to me certainly we ought to leave to succeeding Congresses the right to legislate upon this question under their constitutional warrant, and for that reason for one I propose to vote against the committee amendments.

Mr. LEHLBACH. If the gentleman will yield, is there anything in this bill to prevent the succeeding Congresses from doing that?

Mr. BANKHEAD. No; nor nothing to prevent the next Congress from repealing this act. I think it is one of the main arguments against this bill. It is merely a gesture; it is no affirmative legislation in a constitutional sense. That is my view, but the point I insist upon, it seems to me the part of wisdom, to leave the question of apportionment to a Congress whose duty it shall be to deal with that matter hereafter, and I hope the committee amendment will be voted down.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Chairman and members of the committee, I voted for the last apportionment bill and will vote for the pending bill. This Congress will be derelict in its constitutional duty if it fails to enact such legislation. [Applause.]

While, under the estimates of the Department of Commerce, the State of Wisconsin will not lose or gain a Member, we can not foresee what the next census will reveal. There may be a different set-up after the actual census is taken than that set-up which has been submitted to the Congress by the department. The enactment of an apportionment bill is a matter of principle, and it makes no difference whether any State loses or gains in membership.

Newspapers throughout the State of Wisconsin, of all political varieties, have editorially condemned Congress, and I believe rightfully so, for not passing apportionment legislation. I think it is the duty of this Congress to serve notice on the next Congress that the constitutional provision shall be obeyed, or else there will be a reapportionment as provided in this bill. [Applause.]

I say to my friends who talk much about the sacred provisions of the eighteenth amendment to the Constitution that there are other provisions of the Constitution just as sacred, and those gentlemen who continually talk about enforcing the provisions of the Constitution, particularly the eighteenth amendment, should be on the floor of the House advocating the passage of this bill and not opposing it. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 2, line 5, after the word "made," strike out the remainder of the line and all of lines 6, 7, 8, and 9 down to and including the word "numbers," and insert the following: "in accordance with the provisions of the Constitution of the United States."

Mr. HOCH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman and members of the committee, I regret to ask for any extension of time, but my own view is that ample time ought to be allowed to all Members who wish to discuss substantive propositions on a bill of this importance.

May I say just a personal word to express my own attitude? Many of us have had personal embarrassment in connection with this proposition. I have always voted for apportionment bills in this House, in face of the fact that my State would apparently be one of those to lose, because I believe we have the duty to perform under the Constitution. I have opposed an increase in membership. I shall vote for this bill, although I do not like all its provisions and would prefer to vote for a direct apportionment bill. But I have not the time to discuss those general views.

As the House is aware, I have offered an amendment to the Constitution of the United States to exclude aliens from the count in determining the representation in Congress, and thereby also determine the vote in the Electoral College. I have been importuned by many of the Members to offer that proposition to this bill. Firmly as I believe in the soundness of the proposition, I have not been able to bring myself to offer that amendment to this bill, because in my own view it requires an amendment to the Constitution of the United States, and I can not subject myself to the charge of insincerity in the support of this bill by offering an amendment which in my own view is unconstitutional. I may, however, if I have the time, discuss the amendment very briefly.

I now submit that the language of this bill which I have proposed to strike out is contrary to the Constitution, and I invite your careful attention to the consideration of this question which has not been raised thus far in this debate. All I ask is to strike out certain words and insert "in accordance with the provisions of the Constitution of the United States," leaving in the provision as to the method of major fractions.

Now, listen to the language of this bill. I begin to read on line 2, page 2:

And the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning 1 Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers, as shown by such census, by the method known as the method of major fractions.

Now, I submit that that is not in accordance with the Constitution of the United States; that nowhere in the Constitution is there a provision calling for the apportionment of one Member to each State before you start the reapportionment.

What does the Constitution provide? It provides that the representation shall be proportionate to the number.

Then it says in another place no State shall have less than one Member of Congress, but that is an entirely different proposition from saying that you shall first apportion one Representative to every State and then shall subsequently apportion according to their numbers. To illustrate that, suppose it were provided in this bill that we should take half of the proposed Representatives and apportion them equally among all the States regardless of population, and then should apportion the remainder according to numbers. Obviously, that would be unconstitutional.

Mr. MOORE of Virginia. What is the alternative which the gentleman presents?

Mr. HOCH. The language is—

in accordance with the provisions of the Constitution of the United States.

For instance, let me put it this way: Suppose after we have apportioned all of the Representatives according to the numbers of the respective States we then find that no State has less than one Representative. I submit that we have fulfilled all of the constitutional requirements, and there would be no necessity of apportioning one to every State. In other words, you have taken 48 Members of the 435 and apportioned them, not on the basis of the Constitution, which is according to numbers, but you have apportioned them equally, 48 of them, among all of the States of the Union, and you only provide that the remainder, namely, 435 less 48, shall be apportioned according to the Constitution.

I am familiar with the fact that the last apportionment made followed this system; but because somebody in the Census Office followed this system does not make it constitutional, and I yield to any man who will show me any place in the Constitution where it says that it shall be done, to quote this bill—

by apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. JOHNSON of Washington. The gentleman understands that if one Member is given to each State it does not affect the total given to any State?

Mr. HOCH. No; I do not understand any such thing.

Mr. JOHNSON of Washington. A State has 1 Member—for instance, Arizona—and another State has 21 Members. When 1 Member is assigned to each State, that Member is not guaranteed his one place; the 1 takes his place in the 21, and such a scheme is necessary in any computation if you are going to do anything along the line of computation according to population.

Mr. HOCH. Not at all; and I believe it can be demonstrated mathematically and that just as far as possible all of the Members must be apportioned according to numbers if the Constitution is followed. Now, it might be true that by the time you got down to the last State you would find you had apportioned, we will say, all but one Member. Suppose we had apportioned 434 according to numbers and we found there was one State that did not have any Member and yet we found there was some other State which had a larger remainder unrepresented than this one State; then the Constitution would require that instead of giving that last Member to that State, so that the State would have two, we would give that Member to the State which had none, and that is as the Constitution requires. When you take 48 Members and apportion them regardless of numbers, it can not be that it would come out the same as if you apportioned them according to numbers.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. JACOBSTEIN. I think the gentleman from Kansas is correct; but I think this is true, and I think the gentleman will agree with me, that that method really favors the small States.

Mr. HOCH. I am not discussing the question as to which State is favored, and I am not interested in that. I am merely proposing a method here which I think meets with constitutional sanction, and I submit to the friends of this bill that all I have done is to say that the apportionment shall be made in accordance with the provisions of the Constitution of the United States.

Mr. JOHNSON of Washington. The gentleman would seem to think that we would willy-nilly give one Member to New York State and that he would hold his place as a sort of bonus, which is not the proposition at all.

Mr. HOCH. No; not that. Let me read the provision to the gentleman. It provides that the apportionment shall be in the following manner: Apportion one Representative to each State, and then—

apportion the remainder of the 435 Representatives among the several States according to their respective numbers.

In other words, you do not apportion 435 according to numbers but apportion 435 less 48; that is, 387, according to numbers.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. SUMNERS of Texas. As I understand the gentleman's position, which seems to me to be reasonable, it is that under this arrangement each State would get two Congressmen.

Mr. HOCH. Not necessarily. I must hasten because I have only 10 minutes. I am sorry I can not yield further, but my time is too limited.

Suppose we have given one to every State, and we then find under the apportionment of the balance that at least one goes to every State. What would be the result if this happened, and it might easily happen? We would then have a State having two Members instead of having only one Member, according to population. That is very plain.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BEEDY and Mr. CRAMTON rose.

Mr. BEEDY. Now that the committee has been generous, will the gentleman yield?

Mr. HOCH. I yield.

Mr. BEEDY. It appears to me that technically the gentleman is absolutely correct, but this question comes to my mind. If we write in the amendment that is proposed by the gentleman from Kansas, who would then determine what is the constitutional method?

Mr. HOCH. I take it, in the last analysis, perhaps, the court will have to do that, and if we write this committee language in the bill I would undertake to make a guess as to what the courts would say as to whether this is constitutional.

Mr. CRAMTON. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. CRAMTON. I am quite in sympathy with the gentleman's view. I think he is correct. As I understand his view, it is this, applying it, that a State with a population of 250,000, under the language of this bill, would be given two Representatives.

Mr. HOCH. It might easily happen. I do not say that in all cases it would happen, but clearly it might happen, mathematically, and if it did happen it would violate the Constitution.

Mr. CRAMTON. I do not see how it could help happening.

Mr. STOBBS. Will the gentleman yield?

Mr. HOCH. I yield to the gentleman.

Mr. STOBBS. I agree that the gentleman's contention is sound. It seems to me it is absolutely sound, but I am wondering, to clear up the ambiguity suggested by the gentleman from Maine [Mr. BEEDY], if the gentleman's amendment should not read:

The 435 Representatives shall be apportioned among the several States according to their respective numbers: *Provided*, That each State shall have at least one Representative.

Then you have the exact language of the Constitution taken from the 14th amendment and from the provision in the original Constitution.

Mr. HOCH. If we were going to do that I think we should incorporate all the language of the fourteenth amendment that applies to this proposition.

Mr. STOBBS. No; because you are simply apportioning among the States with respect to their respective numbers.

Mr. HOCH. But there is the rest of it with respect to counting the whole number of persons in each State, excluding Indians not taxed.

Mr. STOBBS. That is in the bill.

Mr. HOCH. I can not yield further for the moment.

I realize the temper of the House, but let me add this further reason, and I wish I had time to discuss the merits of the alien proposition.

I have this further purpose, and I will frankly state it. If we should be able to secure ratification of an amendment of the Constitution excluding aliens from the count, then the law, as I read it, would be adaptable to that situation—"according to the provisions of the Constitution of the United States."

So if we should adopt the amendment it would be all right, but if we incorporate the full language of the fourteenth amendment and then there should be an amendment of the Constitution, we would have the anomalous situation of the Constitution providing for the apportionment one way and the statute providing for the apportionment in another way, whereas if you simply say it shall be done in accordance with the provisions of the Constitution of the United States, certainly, nobody can object to that, and that provides for any eventuality in connection with the matter. Of course, this statute would fall if the Constitution were changed.

Mr. STOBBS. If the gentleman will yield just a minute, the difficulty is that while you are conferring a ministerial power

upon the Secretary of Commerce in this bill yet the minute you put in the words "in accordance with the Constitution of the United States," you are leaving to him the construction of the Constitution of the United States, whereas it seems to me you ought to specify, when you are conferring a ministerial power, exactly what you want that man to do and specify the provisions of the Constitution under which he shall act.

Mr. HOCH. And I suggest that if you specify, you ought to be very careful to specify a constitutional method.

Mr. JACOBSTEIN. Will the gentleman yield for another question?

Mr. HOCH. Yes.

Mr. JACOBSTEIN. Has the gentleman taken figures of any census or of any method to see whether you actually come to any different conclusion?

Mr. HOCH. I worked out a simple illustration or two which was enough to satisfy me. But I think it can be determined plainly as a matter of logic.

Mr. JACOBSTEIN. I think the gentleman will find that even if you take your method you will come to no different conclusion from that which is provided for in this bill. Even if you do not assign 48 Members, but simply apportion all the Members according to population, you will come to the same result.

Mr. HOCH. Does the gentleman know of any provision in the Constitution that provides that 48 Members shall be apportioned regardless of numbers?

Mr. JACOBSTEIN. No.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. HOCH. Yes.

Mr. BURTNESS. On the very face of the language you are going to strike out under your amendment, are we not confronted with the anomalous situation that the statute itself seems to concede that just part of the proposal is required by the Constitution, and is there not the inference that the balance set out is not required by the Constitution and is possibly outside of constitutional requirements?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I simply rise to take some exception to the observations of the gentleman from Kansas [Mr. HOCH] concerning the exclusion of aliens in the count for the purpose of reapportionment. I ask the gentleman from Kansas if he is aware—as I am informed—that in his own State of Kansas an alien who has declared his intention of becoming a citizen shall have the right to vote? I understand that in several other States—the States of Arkansas, Missouri, Nebraska, South Dakota, and Texas—by their constitutions aliens vote if they have declared their intention to become citizens.

Mr. HOCH. Will the gentleman yield?

Mr. CELLER. I will.

Mr. HOCH. The gentleman from New York is about nine years, if I recollect right, behind the times. As far as our State of Kansas is concerned, that was repealed in 1920, and I apologize for the State prior to 1920.

Mr. CELLER. I was then misinformed about Kansas. However that may be, there are some States, nevertheless, where they allow aliens to vote as declarants. You have, then, in some States the anomalous situation of a man who has a right to vote but is not counted in for the purpose of apportionment. And regardless of that, when it comes to taxation, surely, when it comes to the draft act, you do not discriminate against the aliens and say that they shall not be included.

Article I of the Constitution provides that Representatives and direct taxes shall be apportioned among the several States according to population. Thus, as far as taxes are concerned, income taxes for example, all must pay, alien and citizen alike. There is no discrimination when the country's bills are to be paid. Why should there be discrimination when representation in Congress is concerned? We fought a war in part because we, as colonists, were taxed without representation. Shall the aliens now cry, "Taxation without representation"? There are 7,000,000 aliens amongst us. They are generally law-abiding and useful and productive. Why slap them in the face, make them sullen and resentful?

Amendment 14, section 2, of the Constitution provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

You note that the amendment speaks of "persons." Maybe the gentleman from Kansas says the aliens are not persons and therefore need not be counted. Are aliens persons? Let the gentleman from Kansas answer.

Of course, all this discussion on this bill is malapropos. It would take a constitutional amendment to exclude aliens. Yet one can not help dilate upon the injustice of the proposal. In the selective draft act thousands and thousands of aliens were taken from the bosom of their families, placed in training, and catapulted abroad. Under treaty we have no right to treat them thus. We rode roughshod over the complaints of foreign governments that treaties were being trampled upon, which treaties guaranteed the rights of nationals of the complaining governments who were resident here. But most of the drafted aliens willingly entered our Army. Many of them made the supreme sacrifice. Go into any town, hamlet, or city. Examine their gold-star honor rolls. You will find many of the names gloriously written there were possessed by aliens.

Why place another bar sinister upon the alien? You have adopted restrictive legislation; some even want to register them. Why put more burdens on them? Leave them alone. I think it is wrong from every standpoint to exclude the aliens in this count.

I would remind gentlemen who are in favor of such propositions that something like 14 members of the Cabinets of Presidents during the course of our history at one time or another were aliens. I will put in the RECORD such names as Alexander Hamilton, Albert Gallatin, Carl Schurz, and our own present Secretary of Labor, Mr. Davis, who at one time were aliens. If you are going to exclude and hunt and hound aliens this way, do you not discourage them? Do you not make them lose heart? Do you not dampen an ardor to aspire, even, to Cabinet office?

It is interesting to note here and now the members of the Presidents' Cabinets who were born on foreign soil:

Alexander Hamilton, Secretary of the Treasury from September 11, 1789, to January 31, 1795. Born on the island of Nevis, January 11, 1757.

Albert Gallatin, Secretary of the Treasury from May 14, 1801, to February 9, 1814. Born in Geneva, Switzerland, January 25, 1761.

George Washington Campbell, Secretary of the Treasury from February 9, 1814, to September 26, 1814. Born in the shire of Sutherland, Scotland, in 1768.

Alexander James Dallas, Secretary of the Treasury from October 14, 1814, to October 21, 1816. Born on the island of Jamaica, June 21, 1759.

William Jones Duane, Secretary of the Treasury from June 1, 1833, to September 23, 1833. Born in Clanrood, Ireland, in 1780.

James McHenry, Secretary of War from February 6, 1796, to May 31, 1800. Born in county Antrim, Ireland, November 16, 1753.

Henry Dilwood Gilpin, Attorney General from January 11, 1840, to March 3, 1841. Born in Lancaster, England, April 14, 1801.

Jacob Dolson Cox, Secretary of the Interior from March 9, 1869, to October 31, 1870. Born in Montreal, Canada, October 27, 1828.

Carl Schurz, Secretary of the Interior from March 12, 1877, to March 7, 1881. Born near Cologne, Prussia, March 2, 1829.

Franklin Knight Lane, Secretary of the Interior from March 5, 1913, to February 29, 1920. Born near Charlottestown, Prince Edward Island, Canada, July 15, 1864.

James Wilson, Secretary of Agriculture from March 5, 1897, to March 5, 1913. Born in Ayrshire, Scotland, August 16, 1835.

Oscar Solomon Straus, Secretary of Commerce and Labor from December 17, 1906, to March 4, 1909. Born in Ottenberg, Bavaria, December 23, 1850.

William Bauchop Wilson, Secretary of Labor from March 5, 1913, to March 5, 1921. Born in Blantyre, Scotland, April 2, 1862.

John James Davis, Secretary of Labor from March 5, 1921, to date. Born in Tredegar, Wales, October 27, 1873.

Mr. HOCH. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HOCH. Since the gentleman has referred to Kansas, is the gentleman aware that in New York by the State constitution they exclude aliens in the apportionment of representatives to the State legislature?

Mr. CELLER. I am well aware of the fact. I am not proud of that. It is wrong. But that wrong will soon be righted. There is great agitation in New York now to do away with the State census and to rely upon the Federal census. Such exclusion will not long remain upon New York statute books. Incidentally it was placed in the constitution for fear that the city would have greater power than the country. It is as inequitable as it is barbarous.

Now, I want to remind the gentlemen also that in the very beginning we were not so fearful about the alien. Everyone in the country at the time of the adoption of the Constitution became a charter member of this great United States. They did not worry about the situation then.

Let me read a brief passage from Americans by Choice, by John Palmer Gavit:

OUR "CHARTER MEMBERS"

As in the case of other new organizations, we had at the beginning what might be called "charter members." We were not fussy about it. There was no prejudice then against the newcomer—we "needed him in our business!" The Constitution of the United States in its inception took in as a matter of course everybody then resident here who by any color of law could be construed to be entitled to membership. Even the provision requiring native birth for the Presidency limited it only to one natural born, "or a citizen of the United States at the time of the adoption of this Constitution." Martin Van Buren was actually the first President born an American citizen. The seven who preceded him all were born subjects of the British Crown.

I favor a reapportionment of Representatives. Everyone here seems to favor a reapportionment.

Mark Twain said everyone talks about the weather but nobody wants to do anything about it. So the opponents of this bill also want reapportionment but will do nothing about it. Their pious declarations are meaningless.

The Constitution means something or it does not. It contains a solemn command that a census be taken each decade and reapportionment shall be based upon such census. Congress has been remiss in its duty since the 1920 census was announced. Unsuccessful efforts to reapportion have been made in the Sixty-sixth and Sixty-seventh Congresses. There has been no apportionment since 1911. Due to vast changes and shifting in population, we are fast developing a "rotten borough" system. There are many inequalities. Some Representatives represent 200,000 people, others close to a million. The more we delay the worse the situation becomes and the less grows the likelihood of legislation with each succeeding Congress. The delegation of each State that loses one or more Representatives will always vote against a reapportionment. One remedy would be to increase the size of the membership of this House above 435. Then no State would lose a Representative. That would be wrong, since the House is already unwieldy because of the number of Representatives. The number should not be increased.

This bill provides that if Congress fails to reapportion in 1930–31, then automatically the House is reapportioned in accordance with the tabulation transmitted by the Secretary of Commerce in his ministerial capacity as provided for in this bill; the tabulations transmitted to Congress are on the basis of the 1930 census, with the House membership remaining at 435.

An analysis of the bill will show that Congress always reserves to itself the right to make the reapportionment at any time it sees fit to do so. It is only in the event that Congress fails to do this that the provision for the automatic reapportionment goes into effect, and then only remains in effect until action is taken by Congress.

This is the only way to break the present deadlock. New York may lose one Representative by the 1930 census. What of it? The Constitution is more important than the loss of one Representative for New York. The Constitution must be obeyed. It is very strange that those who are loudest in complaining about violations of the eighteenth amendment are the most active in opposing this bill and in nullifying the other part of the Constitution, which is just as important as the eighteenth amendment, to wit, the first article and the fourteenth amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STOBBS. Mr. Chairman, I move to strike out the last word. I think the contention of the gentleman from Kansas is absolutely sound in that the phraseology of the present bill is not in conformity with the provisions of the Constitution, but I am not so sure that the amendment suggested by him is going to take us out of the difficulty. By his amendment he prescribes that the Secretary of Commerce shall apportion in accordance with the provisions of the Constitution of the United States. The difficulty of that position is that we may be conferring by that language upon the Secretary of Commerce something more than purely a ministerial function, and the minute we do that we are adding an unconstitutional provision to this bill. There is one other objection to the amendment, and it is this: This matter has not been carefully worked out as far as it is going to affect the other provisions of this bill, and it is uncertain just how much of the phraseology ought to be inserted here from the particular clauses of the Constitution.

Mr. HOCH. I leave in the last part of the section which provides for the method of major fractions.

Mr. STOBBS. That is all right.

Mr. HOCH. Unless the argument of the proponents of this bill is wrong, and this is something more than a ministerial duty, and I agree with those who say that it is only a ministerial duty, there is no question at all about the Secretary following the provisions of the Constitution of the United States. The only uncertainty is as to the method, and when I have left in the method, there is nothing for the Secretary of Commerce to do except certify the numbers as he finds them under the provisions of the Constitution of the United States, which are admitted by all, and have been exercised time and again before, according to the system of major fractions.

Mr. STOBBS. Why not specify under what provisions of the Constitution he wants the Secretary of Commerce to perform?

Mr. HOCH. I have stated to the gentleman that it would have been proper to use the first sentence of the second section of the fourteenth amendment, but the difficulty about that, from my viewpoint, believing in the exclusion of aliens, is that if we could get an amendment to the Constitution to exclude aliens, then we would have the statute reading differently from the Constitution, whereas if we say "according to the Constitution of the United States," then if the Constitution should be changed and aliens should be excluded, this statute would still be there for all time and be adaptable.

Mr. STOBBS. But the gentleman forgets that you can change a statute just as well as you can amend the Constitution of the United States. You may be running into a situation of asking the Secretary of Commerce to construe the Constitution of the United States, an act judicial rather and ministerial, and thus make your whole bill bad.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. DEMPSEY. Would not the object of the gentleman from Kansas [Mr. HOCH] and that of the gentleman from Massachusetts [Mr. STOBBS] be both met by striking out all of line 6 and all of line 7 except the last two words, "the four," change the period to a comma after "fractions," in line 11, and add these words:

Subject to the provision, however, that one Representative shall be assigned to each State.

In other words, you simply apportion the 435 Members among the States according to the census, subject to the provision that there shall be one Representative to each State.

Mr. STOBBS. I think that is sound, though I think you ought to use the phraseology of the Constitution by saying "*Provided*, That there shall be at least one Representative from each State."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, while I do not expect to vote for this bill as it stands, nor shall I vote for it even if the idea which is in the mind of the gentleman from Kansas [Mr. HOCH] is put into the bill, because that will not meet my objections to the measure, nevertheless I think the question which has been raised here by the gentleman from Kansas deserves the very serious consideration of its proponents and supporters. It seems pretty clear to my mind that under the provisions of this bill there are only 387 Members who will be apportioned on the major fraction basis and that there is no requirement that the Secretary of Commerce in sending his report to the Congress shall in those States that have more than one Member take the first one into consideration in making the calculation. In other words, there are 48 Members distributed here who will be wholly independent of the calculation and there will be only 387 calculated for under the terms of the language as it stands in the bill.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. NEWTON. I agree with the gentleman, but as a practical effect do not we have that case under the constitutional provision? There are 48 States; at least a portion of the 48 States that will not be chosen on the basis of major fractions.

Mr. GARRETT of Tennessee. Of course, this thing is complicated to my mind, and it is impossible for me to follow through in my own mind just what this result is going to be, but when we use the word "remainder" in connection with the major fraction idea, necessarily it does exclude one for each State before you begin the calculation.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JACOBSTEIN. Of course, the gentleman understands that in 1910, the last reapportionment, it was actually worked in this way, and that we are now proposing a method which actually was used in 1910.

Mr. GARRETT of Tennessee. In that case the Congress itself worked the proposition out and named the number in the bill itself that each State was to have, and that is what it ought to do now. [Applause.]

But my friend from New York stands for a proposition to delegate this to the Secretary of Commerce.

Mr. JACOBSTEIN. There is an argument as to the delegation of power there. I say the power we now give is the power we exercised in 1910. We apportioned 48 Representatives first and then took the 387 and allocated them according to population. We are not doing any different with this bill than we did in 1910 and then in 1920.

Mr. GARRETT of Tennessee. Oh, absolutely. We knew what the population was then. We worked it out, and worked it out ourselves, in accordance with the statistics; but this does not propose to do that. It is to turn it over to an executive officer. I think the gentleman from Kansas deserves the thanks of the House for calling attention to the situation which manifestly will be created by the language of the bill if unchanged. [Applause.]

Mr. LOZIER. Apropos of the suggestion as to the 1910 apportionment, is it not true that Congress, with the statistics before it, did exercise the power arbitrarily as between some of the States when there was controversy as to which State had the major fraction? Now, this bill delegates to the Secretary of Commerce the same arbitrary power that Congress exercised in 1910.

Mr. GARRETT of Tennessee. I think that is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. I do not know that I ought to do so, but I will ask for about three additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for three additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. I do not know that one who occupies the position I do upon this question ought to be trespassing too much in the matter of amendments; but I think the expression in the amendment offered by the gentleman from Kansas will leave the situation very hazy, very uncertain, and I think the matter could be reached better, if anyone cares to do this, by striking out, beginning in line 5, page 2, all after the word "made" down to the end of the section, in line 11, and inserting "by apportioning this number among the several States—each State to have at least one Member—according to their respective numbers as shown by such census by the method known as the method of major fractions."

I offer that suggestion——

Mr. HOCH. The word "respective" refers back to the language of the fourteenth amendment. If put in at all you ought to put in the provision which follows in the fourteenth amendment, and I thought it best simply to say, "according to the Constitution of the United States."

Mr. GARRETT of Tennessee. May I direct the attention of the gentleman from Kansas to the fact that by putting in these words, "according to the Constitution of the United States," you are calling upon the Secretary of Commerce to determine what the Constitution of the United States is, and that I am not willing to do. I do not know who the Secretary of Commerce is going to be yet, and it is not proper to leave such a question to him in any event.

Mr. HOCH. May I interrupt the gentleman there?

Mr. GARRETT of Tennessee. Let me read to the gentleman the language as it would read if the language I have suggested would be agreeable: Beginning on line 2, page 2, "and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made by apportioning this number among the several States (each State to have at least one Member) according to their respective numbers as shown by such census." It is almost the language of the bill.

Mr. JOHNSON of Washington. In other words, the gentleman thinks his language would perfect and carry out the intent of the bill.

Mr. TINKHAM and Mr. CRAMTON rose.

Mr. CRAMTON. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. There is a pro forma amendment pending. The time has been exhausted under the pro forma amendment. If there is no objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. CRAMTON. Mr. Chairman, this matter, raised by the gentleman from Kansas [Mr. HOCH], impresses me as of some importance, and I entirely agree with the gentleman from Tennessee [Mr. GARRETT] that the amendment suggested by the gentleman from Kansas does not reach the situation. The gentleman from Kansas will note that this section of the bill provides that the Secretary of Commerce shall send to the Congress a statement showing the whole number of persons in each State excluding Indians not taxed. Then Congress has before it a certain tabulation of States, with the respective population ascertained in a certain way. Then the amendment suggested by the gentleman from Tennessee, when he refers to the Members of the House, refers to the numbers set forth in the statement of the Secretary of Commerce, so that I prefer the language of the gentleman from Tennessee. I understand under the existing language there is this situation: There would be under the bill first, one apportioned to each State. Let us say that the ratio was one to 300,000. Then if the State had a population of 290,000, it would first receive one, set aside for each State, and then having received that, the bill proposes that the remainder of the number shall be divided in proportion to their respective numbers; that is, the State receives a second representative, which I think, is not the purpose of the committee and ought not to be permitted. Therefore, I think it is desirable that the amendment suggested by the gentleman from Tennessee be accepted.

Mr. HOCH. I do not see how this leaves the amendment which I proposed any more uncertain than it was before. The report of the Secretary of Commerce is to include the whole number of persons in each State, and that might include visitors that might be in a State. If not, I understand that he has the discretion to exclude visitors, although they are persons within the State.

Mr. CRAMTON. If there is a weakness existing in that part of the bill that the gentleman does not propose to amend, it is in the first part of the section where the duty is imposed on the Secretary to report the whole number of persons in each State, excluding Indians not taxed. If that leads to ambiguity, the gentleman might offer another amendment.

Mr. HOCH. I do not think there is any question at all about what the Secretary will certify.

Mr. CRAMTON. He certifies the number of persons in each State on some basis or other. The language here requires the apportionment to be on the basis of the respective numbers.

Mr. HOCH. The gentleman is interpreting it.

Mr. CRAMTON. I think the method of the gentleman from Tennessee is the better one.

Mr. BURTNESS. Does not the gentleman think that the ambiguities of language now disclosed in this bill are of such a nature that the committee ought to vote to recommit the bill? [Laughter.]

Mr. CRAMTON. Certainly not. This is a deliberative body. If we could never pass a bill without amending it on the floor, we would be a set of dumb-bells.

Mr. BURTNESS. Does the gentleman think it is possible to perfect the language?

Mr. CRAMTON. Yes. I have an amendment to offer, and I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The gentleman from Michigan offers a substitute amendment for the Hoch amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the amendment offered by Mr. HOCH: Page 2, line 6, strike out the words "one Representative from each State" and the language in parenthesis "as required by the Constitution," "and by apportioning the remainder of," and, at the end of line 11, strike out the period and insert a comma and add the following: "No State to receive less than one Member," so that the paragraph will read "by apportioning the 435 Representatives among the several States according to their respective numbers as shown by such census by the method known as the method of major fractions, no State to receive less than one Member."

Mr. HOCH. Mr. Chairman, I rise in opposition to the amendment. My view is that if you are going to attempt to set out the language in the Constitution you ought to set out all of it and not a part of it. But I again urge this other matter. It may be a very idle hope that the Constitution of the United States will be changed as I have suggested, namely, the exclusion of aliens from the count, although I am beginning to believe, from the widespread interest the suggestion has aroused all over the country, that it is not entirely an idle hope.

Why should we here fix in a statute for all time, unless we do amend the Constitution, a provision which will be incon-

sistent with the exclusion of aliens? You say, "according to the respective numbers." Now, if you say "according to the Constitution" you have done that, and if the Constitution should be changed, as, of course, I think it ought to be in this particular, that language would still cover the situation.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan to the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. HOCH) there were—ayes 168, noes 50.

So the substitute was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Kansas as amended by the substitute offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. HOCH) there were—ayes 219, noes 1.

So the amendment was agreed to.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TILSON. What amendment is now pending?

The CHAIRMAN. There is no amendment pending now except the substitute offered by the gentleman from Iowa.

Mr. TILSON. Have the committee amendments been adopted?

The CHAIRMAN. The committee amendments have been agreed to. The gentleman from Kansas [Mr. HOCH] offered a perfecting amendment. That has been disposed of, and there is nothing pending except the substitute motion of the gentleman from Iowa.

Mr. TINKHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers a perfecting amendment to the section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINKHAM: On page 1, line 8, after the word "taxed," insert the following: "and inhabitants in each State, being 21 years of age and citizens of the United States, whose right to vote at an election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, has been denied or abridged except for rebellion or other crime."

Mr. FENN. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. BEEDY. Mr. Chairman, I call the attention of the Chair to the fact that the amendment purports to amend line 8, which has been stricken from the bill.

The CHAIRMAN. The Chair will state that the amendment is offered after the word "taxed," in line 8, on page 1. Line 8 on page 1 has not been stricken from the bill. The Chair will be glad to hear the gentleman from Massachusetts on the point of order.

Mr. TINKHAM. Mr. Chairman, the question has been raised that this amendment is not germane. Whether it is germane or not is determined, it seems to me, by the wording of the fourteenth amendment itself—that is, section 2 of it. Let us read what section 2 of the fourteenth amendment says:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The bill provides that Representatives shall be apportioned among the several States "according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed," in accordance with the provisions of section 2 of the fourteenth amendment.

The amendment I propose is to carry out the rest of that section in order that the apportionment among the several States shall be equal, in accordance with the Constitution, lawful, and equitable to the different States. I can not see how it is possible to say that that is not germane; it is a part of the very amendment to the Constitution in question. What is more, it is the mandatory part of section 2 of that amendment, as the word "shall" is used. How can an apportionment of Representatives be constitutional unless the constitutional requirements are observed?

Mr. RANKIN. Mr. Chairman, of course, we know what the amendment means. By this amendment the Member from Massachusetts [Mr. TINKHAM] attempts to cut down Southern representation because of the fourteenth amendment. I call the Chair's attention to the fact that this question has long since been settled by the Supreme Court, the highest tribunal in the land. The Congress of the United States has no power whatever under the fourteenth and fifteenth amendments to the Constitution to disturb Southern representation because of the fact that negroes do not vote.

The fourteenth amendment when adopted provided that if the male inhabitants of any State were denied the right to vote that State's representation should be proportionately cut down. Shortly afterwards the fifteenth amendment was adopted.

Under the fourteenth amendment, if any State had passed a law—and I will quote the authority in a moment to show you that that is what is meant—if any State had passed a law to deprive these people of the right to vote, under the fourteenth amendment the Congress would have had the power to reduce the representation of that State accordingly; but by the adoption of the fifteenth amendment, it is provided that no State shall pass such a law, thereby nullifying and rendering nugatory that clause of the fourteenth amendment.

Mr. Bryant, of Wisconsin, in his treatise on the Constitution of the United States, at page 333, says:

The fourteenth amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress is not direct legislation on the matter respecting which the States are prohibited from making or enforcing certain laws or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting or redressing such laws.

Also a notation of the Eleventh Federal Statutes Annotated, 1096, says:

The prohibitions of the fourteenth amendment are directed to the States and they are to a degree restrictive of State power.

The Supreme Court of the United States in passing on this question about which we have heard so much from certain sections, in Third United States, page 109, says:

Until some State law has been passed or some State action through its officers or agents has been taken adverse to the rights of the citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority.

The Hon. James G. Blaine, who was Speaker of the House at the time, I believe, that the fifteenth amendment was adopted, and was a Member of the House at the time the fourteenth amendment was adopted, in his Twenty Years of Congress, which I trust some of you will take the time to read before you continue to go out and slander certain States by charges that are false and unfounded about their laws and their conduct toward the people living within their borders, says:

Its prime object—

Speaking of the fourteenth amendment—

was to correct the wrongs which might be enacted in the South, and the correction proposed was direct and unmistakable; namely, that the Nation would exclude the negro from the basis of apportionment whenever the States should exclude him from the right of suffrage.

When, therefore—

Says Mr. Blaine—

the Nation by subsequent change in its Constitution declared that the State shall not exclude the Negro from the right of suffrage, it neutralized and surrendered the contingent right before held to exclude him from the basis of apportionment.

Congress is thus—

Mr. Blaine continues—

plainly deprived, by the fifteenth amendment, of certain powers over the representation in the South which it previously possessed under the provisions of the fourteenth amendment. Before the adoption of the fifteenth amendment if a State should exclude the Negro from suffrage, the next step would be for Congress to exclude the Negro from the basis of apportionment. After the adoption of the fifteenth amendment if a State should exclude the negro from suffrage, the next step would be for the Supreme Court to declare that the act was unconstitutional and therefore null and void.

Absolutely taking from Congress any right to interfere with this proposition.

Recently this matter came up in the Senate, and Senator BORAH, perhaps one of the best lawyers in the country, stated

that he had heard that charge against the Southern States made time and again in the last few years, and that he had taken it on himself to examine the constitutions and the statutes of all the Southern States, and not one of them had he found to violate either the fourteenth or the fifteenth amendment.

Why, we have no more right to adopt this amendment than we would to adopt an amendment regulating the election laws of the State of Massachusetts or the school laws of the State of Indiana.

I submit, Mr. Chairman, that the point of order should be sustained.

Mr. SNELL. Mr. Chairman, I am not particularly interested in the amendment, but I am interested in the parliamentary situation.

As I understand, the bill before the House deals with apportionment of Members of Congress among the various States of the Union. If I understood the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM] it gives instructions to the Director of the Census as to the manner in which he should take the census and as to certain matters to be considered, thus giving additional instructions to that official and imposing new duties concerning the taking of the census. As the question of the census is not referred to in this bill, except that the apportionment shall be made as a result of the census, the gentleman is bringing a new question before the committee that is not being considered in the original bill or in fact is presenting a new proposition and is not in order at this time and, in my judgment, it is not germane for that reason, and the point of order should be sustained.

Mr. TINKHAM. Mr. Chairman, I think the honorable Representative from New York is wrong. We are to apportion Members of this House among the several States. It will be done either constitutionally or unconstitutionally. If it is to be done constitutionally then the directions of the Constitution must be observed, and they are plain.

In the bill now before us it is provided that Indians not taxed shall not be included in fixing the number of Representatives from the respective States. Why? Because the Constitution says that they should not be included. But the Constitution provides also, where there is disfranchisement, there shall be a reduction in representation, that the basis of representation shall be reduced in each State in proportion to the number of inhabitants who are disfranchised. How is it possible to comply with the Constitution unless this is done? If this is not done, not only is the House of Representatives not constitutionally organized but representation among the States is not equal.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Massachusetts [Mr. TINKHAM] on yesterday was good enough to advise the Chair of the amendment which he was to offer and the Chair has had some time to consider it.

The first section of the bill as now amended reads as follows:

> That on the first day of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives made in the following manner: By apportioning the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions, no State to receive less than one Member.

This legislation is for the purpose of securing a reapportionment of the membership of the House among the States. It does not itself directly reapportion the membership but provides the machinery by which such reapportionment may be made through the agency of the Secretary of Commerce, in the event that the Congress itself in such a contingency does not make the apportionment.

The question now before the committee came up on January 19, 1921, when this House actually did pass an apportionment bill based on the 1920 census. The Committee on the Census had reported a bill for 483 Members. The gentleman from California [Mr. BARBOUR] offered an amendment changing the reapportionment, and reducing the membership to 435. The gentleman from Massachusetts [Mr. TINKHAM], following a statement as to the number of Representatives from each State, the last State being the State of Wyoming, in alphabetical order, offered this amendment:

> Insert on page 3, between lines 17 and 18, after the words "Wyoming 1," the following: "*Provided further,* That if any State deny or abridge the right of any inhabitants thereof, being 21 years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 22, except for participation in rebellion or other crime, the number of Representatives apportioned to that State shall be reduced in proportion to the number which such citizens shall bear to the whole number of citizens 21 years of age in such States."

To this amendment the present distinguished Speaker of this House, Mr. LONGWORTH, of Ohio, made a point of order, and argued his point of order in language which I think is not only persuasive but decisive of this question. He said, and I shall only read a portion of what he said (CONGRESSIONAL RECORD, 66th Cong., 2d sess., p. 1682):

> Mr. LONGWORTH. The merits or demerits of the amendment offered by the gentleman from Massachusetts have nothing at all to do with the point of order I am making, which is only as to the question whether it infringes the rules of the House or not.
>
> It seems to me, Mr. Chairman, that the amendment offered by the gentleman from Massachusetts (Mr. TINKHAM) is not germane to this bill, because it introduces an entirely new element.
>
> This bill fixes the representation of the various States, based on population and population alone. The amendment of the gentleman from Massachusetts (Mr. TINKHAM) would provide a test by which that representation might be diminished, notwithstanding the fact that the population would remain the same.
>
> The gentleman cites Article XIV of the Constitution which provides, among other things—
>
> "When the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States"—
>
> And so forth, that the representation shall be correspondingly reduced. In other words, it introduces into this bill an entirely new and separate proposition, to wit, the question as to whether the inhabitants of certain States do or do not do certain things when participating in elections, not only for Members of Congress but for local and State officers and members of the legislature.
>
> Within the very limited time that I have had to look up any precedents I do not know that I can cite the Chair to any large number of them, but I do cite the Chair to the decision on March 26, 1897, when a tariff bill was under consideration in the Committee of the Whole House on the state of the Union.
>
> This decision is referred to in the decision of Mr. Alexander, and is found on page 518 of the Manual.
>
> In that case an amendment was offered to a tariff bill, which provided that when it is shown to the satisfaction of the Secretary of the Treasury that articles are manufactured, controlled, or produced in the United States by a trust or trusts, the importation of such articles from foreign countries shall be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.
>
> It seems to me that the precedent comes very close to the proposition now before the committee. There they were considering the general subject of a tariff bill. The amendment offered related to the tariff, just as this amendment relates to representation, but it introduced a new element and provided a test under which certain articles should go on the free list if, in the opinion of the Secretary of the Treasury, their production was controlled by a trust.
>
> In that case the amendment was held not to be germane to the bill and the point of order against it was sustained.
>
> This case provides a new test, under which certain States, regardless of their population, would not have the same representation that other States with the same population would have. If the Chair should hold this amendment of the gentleman from Massachusetts to be in order, why might it not be in order to offer an amendment to provide that where a State, for instance, interfered with the nineteenth amendment, giving the right of suffrage to women, the representation of that State should be reduced; or where any State fails to follow the constitutional provision as to the enforcement of any other amendment why might it not be reduced?

In the very exhaustive, and it seems to the present occupant of the chair, conclusive argument at that time, on January 19, 1921, the gentleman from Ohio [Mr. LONGWORTH] was supported by Mr. Mondell, then the Republican floor leader, and by Mr. GARRETT of Tennessee, the present Democratic floor leader, than whom there are no abler parliamentarians in the history of recent Congresses. The gentleman from Wyoming, Mr. Mondell, very strongly and pertinently argued in support of the point of order, in this language:

> The committee [on the census] might, in reporting the bill, have gone into the matter of the fourteenth amendment to the Constitution, in my opinion; it might have made an effort to enforce the provisions of the fourteenth amendment, or to place them in the position, or on the road, or in the way of enforcement. The committee did not see fit to do that, and no amendment is germane to this bill, first, which treats of a subject matter different from that contained in the bill; second, that treats of a matter in the bill, but not in the manner provided for

in the bill as reported by the committee. The committee did not invoke the provisions of the fourteenth amendment. The committee specifically provided for an apportionment based on the census. It injected no further question into its legislation; and it certainly is not in order on a bill providing simply for an apportionment of Representatives among the States based upon the census to present an amendment, the purpose of which may be assumed to be an attempt to enforce an amendment to the Constitution dealing with an entirely different matter or dealing with the same matter in an entirely different way from that in which the bill deals with it.

In the same discussion the gentleman from Tennessee [Mr. GARRETT] called attention to the various phases of the rule on germaneness, calling attention to what was then, and is yet, section 778 of the House Manual, which lays down the principles that—

(a) One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

And—

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And further—

(d) Two subjects are not necessarily germane because they are related.

The Chairman of the Committee of the Whole, Mr. Campbell of Kansas, sustained the point of order against the Tinkham amendment, and in his decision said:

The question as to whether or not this amendment is germane to section 1 of the bill demands an inquiry into the purpose of that section and, as far as can be ascertained, the purpose of this amendment. That section fixes a definite number of Members from the several States according to the census returns. The amendment does not fix or relate to a definite number of Members; on the contrary, it leaves the number of Members apportioned to any State to a contingency that may arise in the future. It has been held by well-considered decisions that even though a subject relates to the same matter, yet if it introduces a new element or an element of uncertainty, or if it provides a future action upon the happening of something indefinite, the matter so offered is not then germane as an amendment.

It seems to the present occupant of the chair that this precedent of January 19, 1921, is in point. It is true that we are not now directly apportioning the number of Representatives to and among the States, but we are providing for an apportionment. We are appointing an agency who shall make the apportionment of a fixed number of Representatives among the States in the manner, and according to the rules laid down in the bill, upon certain and definite facts and figures to be established by the Bureau of the Census, under the Secretary of Commerce, acting under authority of various laws other than the pending bill, for the taking of the decennial census. The amendment of the gentleman from Massachusetts [Mr. TINKHAM] introduces a new element, a new standard, a new basis for the apportionment other than population, other than the enumeration provided by existing law, and requires an inquiry, an investigation, and a conclusion, not ministerial or administrative, but judicial and discretionary, as to whether the voting rights of citizens have been abridged not only generally through legislation and general practices but within restricted groups of citizens who have not participated in rebellion or other crime. While the bill imposes only ministerial duties upon the Secretary of Commerce, the proposed amendment compels him and his subordinates, acting in his behalf, to exercise judicial functions of the highest order and importance. The amendment seems clearly not to be germane to section 1 or to the bill.

The gentleman from New York [Mr. SNELL] suggested another question and another angle which seems to the chairman also entirely decisive of this question. The chairman has examined the law upon the census. There are numerous laws relating to the census, all of them providing various things that the Department of Commerce and the Bureau of the Census shall ascertain in the taking of the decennial census and the enumeration therein provided for. There is no provision in any law in regard to the taking of the census or making the enumeration for ascertaining any facts relative to matters which are contained in the amendment offered by the gentleman from Massachusetts.

Nothing in the census laws anywhere requires or permits the superintendent of the census or the enumerators under the census law to secure any information in regard to the abridgment of the right to vote in the several States. When the present occupant of the chair presided in the Committee of the Whole House on the state of the Union for the consideration of a measure entirely similar to this—in fact, the same one practically—in the last session, on May 18, 1928, the gentleman from New York [Mr. CELLER] offered an amendment which read as follows:

All special agents, supervisors, clerks, enumerators, interpreters, and all other employees taking the census shall be appointed from the civil-service list after examinations conducted under rules and regulations promulgated by the Civil Service Commission.

The present occupant of the chair held at that time that that amendment was out of order upon the ground that it was an amendment to the census law, relating to a subject not germane to the subject matter of the bill then before the House. The present bill is practically the same bill as the House considered last May.

Without any reference, of course, to the merits of the amendment, but entirely upon the parliamentary ground that the subject matter of the amendment differs from that of section 1 and of the bill, and that the amendment introduces an entirely new element so far as the purposes of the bill are concerned, and that it in fact amends the census law, which is not before the committee in the consideration of this bill, the Chair holds that the amendment is not germane and sustains the point of order.

Mr. BRIGHAM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BRIGHAM: Page 2, line 11, strike out the period, add a comma and the following: "*Provided*, That any State whose representation would be reduced to the one Representative to which such a State is entitled under the Constitution shall have apportioned to it an additional Representative if its population shall exceed by more than 25 per cent the average population per Representative for the United States, and to that extent the whole number of Representatives shall be increased accordingly.

Mr. BRIGHAM. Mr. Chairman, when the representation of a State is reduced to one, that one Representative has to represent all the people of the State. The population of the State may be such that the one Representative may have a constituency equal to the average for the United States and in addition thereto a number of persons nearly large enough to give the State an additional number. For instance, New Mexico and Vermont have remainders of 46 per cent, which are nearly major fractions, and which are, therefore, nearly large enough to entitle each of them to an additional Representative under this bill. If the method of equal proportions had been adopted they would be entitled to two Representatives each. These States will more nearly have average constituencies and more nearly have their fair share of representative power if Representatives are given them than if they are withheld. This is what the amendment will do under the conditions of 1920. In future years, if the bill passes, other States will likewise be affected. If we fix the membership of the House at 435 and our population continues to grow, the quota of population which entitles a State to a Representative must also continue to increase. In a few decades it may require 400,000 for a full quota, so that a State with 400,000 population will have one Representative and a State will not be entitled to two Representatives until it has a population of more than 600,000.

I believe this situation should be taken care of and I have offered this amendment for that purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

The amendment was rejected.

Mr. LEAVITT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Page 1, line 8, after the word "State," strike out the words "excluding Indians not taxed," and insert in lieu thereof the following: "excluding those persons whose exclusion is required by the Constitution."

Mr. RANKIN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Montana care to be heard upon the amendment?

Mr. LEAVITT. I would like to hear the grounds of the point of order.

Mr. RANKIN. I shall reserve the point of order if the gentleman desires.

The CHAIRMAN. The gentleman from Mississippi reserves the point of order.

Mr. LEAVITT. Mr. Chairman and Members of the House, this amendment strikes from the bill the words "excluding

Indians not taxed" and substitutes for those words the words "excluding those persons whose exclusion is required by the Constitution."

At the time the Constitution was written the situation of the Indian population of this country was entirely different from that which exists among them now. This Congress, in 1926, without a dissenting vote, granted to the Indian population, without regard to whether or not they were taxpayers, the right to vote and to be citizens to that extent throughout the United States. That took place in the Sixty-eighth Congress. The nontaxpaying Indians in many of the States to-day are voting for Members of Congress, and as the Constitution now stands they can not be enumerated in determining how many Members of Congress there shall be from the States in which they reside.

There has also been presented by the gentleman from Kansas [Mr. HOCH] an amendment to the Constitution which will exclude another class of people, the noncitizen aliens, from enumeration when we are considering the apportionment of Members of Congress to a State, and considering that proposal as likely to become the Constitution, when that proposal comes before the House for consideration it is my intention to have removed, if I can, the exclusion of Indians not taxed. This law we are now considering should be so written that nontaxed Indians can then be counted when in the future we take out of the Constitution the words requiring them to be excluded.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. LAGUARDIA. Of course, the gentleman understands that if the Constitution is not amended his amendment will not remedy the situation of which he speaks?

Mr. LEAVITT. My amendment will not affect the situation in regard to Indians not taxed until the Constitution is changed.

Mr. TILSON. If the gentleman will yield, after the Constitution is changed will it not be perfectly easy to change this law if it shall remain on the statute books until that time?

Mr. LEAVITT. Theoretically so, but perhaps not.

Mr. STEVENSON. After the Constitution is changed such parts of this law as are in conflict with the changed Constitution would fall. Is not that true?

Mr. LEAVITT. Yes.

Mr. STOBBS. The phraseology not only excluded Indians but any person whose right to vote had been abridged by any particular State.

Mr. LEAVITT. No. If the Constitution intends the exclusion of any class of individuals, it will so read specifically.

Mr. STOBBS. Are not you passing the census made to the Secretary of Commerce for him to function?

Mr. LEAVITT. I think not.

Mr. STOBBS. Do you direct him to exempt those persons from exclusion as required by the Constitution? How is he to determine?

Mr. LEAVITT. There will be no necessity to use personal judgment in regard to it at all. It will be written plainly.

Mr. LAGUARDIA. Is it not a very artistic way of doing what the gentleman from Massachusetts sought to do?

Mr. LEAVITT. Not intentionally; and it is not.

Mr. SNELL. Did the gentleman from Mississippi make the point of order or reserve the point of order?

Mr. RANKIN. I make it.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair this amendment is subject to the same objections as was the amendment offered by the gentleman from Massachusetts. It brings in entirely new subjects not within the contemplation and the purpose of the pending bill, and is not germane. In addition, it is within the well-known rule that a specific subject can not be amended by a general provision of the same nature. The Chair sustains the point of order.

The question now recurs upon the amendment offered by the gentleman from Iowa to which the gentleman from Georgia offered a pro forma amendment. Is there objection to the pro forma amendment being withdrawn?

Mr. SNELL. May we have the amendment presented to the House again? It has been so long since it was read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again reported.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RANKIN. Mr. Chairman, this amendment does exactly what the proponents of this bill say they propose to do under the bill, without delegating our authority to anybody. Several men who are not going to be in the next Congress have spoken against it. I am sorry they will not be here. They may be apprehensive that we will be remiss in carrying out our duty. But there are 365 Members now in the House who will be Members of the next Congress, and by this resolution we solemnly declare that after the taking of the census of 1930 we will reapportion the House on the basis of that census. In that way we will not be delegating our authority to somebody else. We will be passing a resolution that will go through the Senate and at the same time not raise the question as to whether or not we have the right to delegate our authority. By this amendment you are not delegating your authority under the Constitution. I hope it will be adopted. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 118, noes 122.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered; and the Chairman appointed Mr. FENN and Mr. DICKINSON of Iowa to act as tellers.

The committee again divided; and the tellers reported—ayes 136, noes 144.

So the amendment was rejected.

Mr. CRAIL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAIL. Mr. Chairman and my colleagues, Representatives in the United States Congress, in his discussion of this bill the gentleman from Mississippi [Mr. RANKIN] stated that it had been fostered and was being urged upon Congress by Members who were seeking personal political advantage from it. I do not think that this accusation should be allowed to go unchallenged. Speaking for myself individually, I repudiate the assertion. I do not resent the statement. It was made in the heat of argument and I have too much respect and admiration for the gentleman from Mississippi to believe that he meant to be unkind or harmful. I have been trying to think over what personal political advantage any Member of this House could get out of the passage of this bill and I can conceive of none. Under the circumstances personal political advantage would mean either that the Members because of this bill would have less difficulty in reelection to Congress or, because of the passage of the bill, would have more prestige at home or on this floor. Making the district of a Member smaller would not make it easier for his reelection. On the contrary, after a man is once in Congress the larger his district is and the more people there are in it the more difficult and the more expensive it is for an opposing candidate to defeat him. On the matter of prestige I ask you, Would it not be a greater honor and distinction at home to be the sole Representative in Congress of a large city like Seattle or Portland or Oakland or Los Angeles than it would be to be one of several or many Representatives from such a city? Much has been said about the city of Detroit and its two Members in Congress who are on the Committee of the Census, which favorably reported this bill. I ask you, Would it not give a Member greater prestige at home and on this floor to be one of the two Representatives from a great city like Detroit than it would to be one of many representing such an energetic and thriving metropolis?

The conclusion must be, and is, that those who are urging the passage of this bill are doing so from honest and patriotic motives, that they are doing their constitutional duty as they see it.

In the county of Los Angeles, in the State of California, there are more than 2,000,000 people who are not represented on this floor. Thirty days before the last general election, November 6, 1928, there were 925,292 registered voters in Los Angeles County. If you would multiply this number by three you would have approximately the number of inhabitants there are in Los Angeles County. In the tenth congressional district of California, which it is my honor to represent, there were, at the last election, 503,677 registered voters, indicating a population of approximately 1,500,000 people in one congressional district. The last reapportionment for Members of Congress was made on a basis of 211,000 population for each congressional district. This means not only that the tenth congressional district of California has a million and a quarter people who do not have constitutional representation in this House but it means more as I shall try to explain.

Presidents of the United States are elected not by popular vote but by presidential electors which are apportioned among the States according to the number of Members of Congress each State has. Each State is entitled to as many presidential electors as it has Members of Congress. Nearly all of the Members of this House took an active part in the presidential election which was had last November. It did not seem right to me, and during the campaign when I was required to make mention of the fact it was with deep humiliation that I had to tell my constituents, when I was urging them to go to the polls and vote, to say in the same speech that six of their votes would not be equivalent to one vote in scarcely any other State in the Union. I will say, because it is the truth, though I want to say it without being offensive, that the States in which the vote of one elector counted for much more in the presidential election than six votes of my constituents amounted to, are the States in which the opponents of this bill reside.

Considerable has been said about this being a dignified assembly, composed of intelligent and able men, and that the Congress was not yet ready to allocate its constitutional prerogatives to a clerk in the Census Bureau. The men who make this argument also contend that the membership of the House should be enlarged so that no State would lose representation because of reapportionment, which would require an increase of the membership of the House from 435 Members to 534 Members. The membership of the House is already too large. It should be reduced to 200 or 240 Members. In the First Congress there was an average of five Representatives to each State. On that basis there would be 240 Members at the present time. A larger membership than we now have would be intolerable. The House could scarcely function. As it is the work of the House is cumbersome, inefficient, and difficult. Rules which do not exist in any other parliamentary assembly have been adopted in this House in order that such a large group of Representatives may function at all. Surely the number of Representatives should not be increased.

I sympathize with the Members from States which will lose representation in Congress under a constitutional reapportionment. I realize that for them there may be real personal political disadvantage. It has often been said that self-preservation is the first law of nature and I think I realize just how some of these Members feel who think that the passage of this bill might eliminate their congressional districts and possibly their political careers. They can have this consolation that reapportionment under this bill can not become operative for at least four years, giving them plenty of time to readjust themselves to changed conditions. If they vote for this bill they will have the satisfaction of knowing that they are doing their solemn sworn duty in keeping this branch of Congress representative of the people of the Nation and in carrying out the mandate of the Constitution that reapportionment shall be had every 10 years.

The reapportionment under this bill will not be the first reapportionment which has caused loss in representation to States. In 1840, 15 States out of a total of 26 States lost Representatives by reason of reapportionment. Virginia has been cut from a total of 23 Representatives until it now has but 10. During one period the State of New York lost nine Representatives in Congress. Practically all of the older States have lost Representatives at some reapportionment or another. It has not hurt the States any and it has not worked any great evil to the fortunes of the Representatives from those States. The losses in representation which have been suffered by States in other reapportionments conclusively demonstrate that in spite of considerations of personal disadvantages the Representatives in Congress have been willing to do their duty because it was their duty. I appeal to my colleagues of this Congress to do their duty for the same high considerations. I have an abiding confidence that you are honest and patriotic and fearless and that you will do your duty nobly and that this bill will be passed by a large majority.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) If the Congress to which the statement required by section 1 is transmitted, fails to enact a law apportioning the Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it shall be the duty of the Clerk of the last House of Representatives forthwith to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the officer who, under section 32 or 33 of the Revised Statutes, is charged with the preparation of the roll of Representatives-elect.

(b) This section shall have no force and effect in respect of the apportionment to be made under any decennial census unless the statement required by section 1 in respect of such census is transmitted to the Congress on or before the first day of the first regular session which begins after the taking of such census has begun.

With a committee amendment as follows:

Page 3, line 6, after the word "Congress," strike of the words "on or before the first day of the first regular session which begins after the taking of such census has begun" and insert in lieu thereof the words "at the time prescribed in section 1."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. WINGO rose.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. Mr. Chairman and members of the committee, I do not feel like letting this bill pass—I presume it will pass—without submitting a few observations. I think it will be conceded, in view of the fact that my State, Arkansas, is not affected and will neither lose nor gain a Member under this proposition, that my judgment is not beclouded by any personal interest either of my State or of myself.

First, I want to say this: We have had a great deal of criticism of Congress because it has been charged that we have not discharged our constitutional duty by reapportioning this House after the last decennial census. I think it is a fair statement of the provisions of the Constitution that it is the constitutional duty of the Congress that is in session after the census is completed to make that reapportionment. I doubt very seriously if it is the constitutional duty of a succeeding Congress if a preceding Congress fails to perform its duty; but, whatever may be the right interpretation of the Constitution on that question, I think this is true: That at no time since the last decennial census has any proposition been presented to this House to reapportion this House on the same basis as that on which the 12 preceding reapportionments were made.

I repeat it: This House has not had an opportunity to vote—no Congress since 1920 has had an opportunity to vote—yes or no upon an apportionment bill that was based upon the theory and the manner and the method of reapportionment which characterized the 12 preceding reapportionments.

Now, the rank and file of the Members of the House are not responsible for that. Those who control the program of this House and determine what may be brought up and what may not be brought up are responsible for the failure of this House to discharge its constitutional duty.

Now, so much for that, except to say this: Every one of these proposals which have been submitted to me since the 1920 census has contained a proposal that I could not accept under my oath to support the Constitution. I think it is conceded by everybody that every one of these proposals, with possibly one exception, had a provision in it that was new and unusual, and that was conceded to give a partisan advantage to one party if enacted into law. The other bill carried with it a proposal which a great many able lawyers in this House were convinced was unconstitutional. I respected their opinion and I accepted their judgment, and for that reason I would not vote for that.

Now, what does this bill do? It is very ingeniously drawn. It may get around the charge that we are delegating the legislative authority of Congress to an executive bureau. Perhaps, though I doubt it, you may get around that charge, so far as the letter of the Constitution is concerned, but you do violate the spirit of the Constitution. When I took an oath to support the Constitution I meant the spirit of the Constitution as well as the letter.

Now, do not deceive yourselves. You are not going to deceive any other lawyer outside of this body that you are not mainly passing this bill for two reasons. One of them is that those of you who will be benefited by it think it is your best chance to get an increase for your States.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WINGO. Then the rest of you say—as you have expressed it in private conversation—that you have gotten a little bit sore over being rawhided by a lot of cheap demagogues—most of whom would not know the Constitution from a vinegar recipe—abusing Congress because they think we have not discharged our constitutional duty. In other words, you are

going to be whipped into doing something which you are bound to admit violates the spirit of the Constitution.

What is going to be done when this becomes a law? The Constitution provides that the reapportionment of this House shall be by the positive, affirmative action of Congress, does it not? Under this bill the reapportionment of this House depends not upon the affirmative but the negative action of the Congress. It provides that unless the next Congress, after the 1930 census, shall undertake to discharge its constitutional function by affirmative action then a bureau chief shall take its place and discharge the constitutional duty of that Congress. In such event, will reapportionment come by the affirmative action of Congress? No. It will come by the negative action of Congress and, worse of all, by the affirmative action of a bureau chief, from whose decision there can be no appeal, save the judgment of the body that refuses to act. You may go off in that way if you want to and yield the prerogatives which affect the composition of this House itself to a bureau, but under my oath I can not do it.

Now, let us see what else. You take the amendment you have here, section b. If you will read section b you will find it makes possible for this House to have this reapportionment determined by the negative action not of Congress—I have discussed that—but the negative action of a bureau chief. If he fails to file a certain statement on the first day of the Congress, then the reapportionment will be one way; if he files it. it will be another way, and yet you tell me this does not violate the spirit of the Constitution? Well, I should hate to have my constitutional liberties depend upon the befuddled brain of a man who makes that kind of a distinction. [Applause.]

Gentlemen, chickens have a way of coming home to roost. I watched North Carolina; I watched some gentlemen from Texas and I watched some Members from Tammany Hall to-day go through the tellers. I am going to make the prediction that some of you gentlemen who voted that way from Texas, North Carolina, and New York City are going to have your chickens come home to roost during your lifetime and that you will see the day when this very bill will plague you instead of being a blessing to you. You can not trifle with the spirit of the Constitution without paying the price, and you are trifling with the spirit of the Constitution.

In conclusion let me give you my chief objection to the bill. It is an abject plea of cowardice and inefficiency upon the part of Congress. You by this bill say that Congressmen are either inefficient and incapable of discharging their constitutional duty or else they are too cowardly to do it. That is your confession, spread upon the record, when you vote for this bill. That is my judgment. You may differ with me and I am not going to abuse you, but remember what I say: Your chickens will come home to roost; they will come home to those of you who are voting for what you think is the selfish present interest of your State. You had better vote upon a question of this kind solely in the light of the Constitution and not permit your judgment to be swayed or your vote determined by the fact that a few Members may be gained for your States. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I call the membership of this House to witness that during the last three years there have been three opportunities, including this one to-day, to vote on the question of reapportionment, so that there has been no dereliction on the part of anyone during this period or at any time, so far as I know, in attempting to bring this matter to a settlement.

What are the dangers we are now facing relating to reapportionment and how can these dangers be avoided? In the first place, I believe that we face the danger of having this House unduly enlarged in its membership and I think this danger should be obviated, if it can be done. We all recall the farewell statement of our beloved colleague from Ohio, Senator BURTON, when he stood on this floor and called the attention of the House to the danger of increased numbers in this chamber. He stated that in every decade since he had been a Member of this House the membership had been increased, and that each time it was increased it was with the promise that it should not be increased thereafter. By the perfectly fair and equitable method proposed in this bill we can obviate that danger.

What is another danger? We are in danger, if this bill be not passed by this Congress, of going on indefinitely without a reapportionment just as we have done for the last eight years. As we go on decade after decade the differences in the proportionate increase in population of the several States will become more and more exaggerated, and by reason of having no reapportionment at all we shall find ourselves drifting into a form of government which is not in any true respect a representative government.

What does this bill do? It simply provides that in case the next Congress shall fail to reapportion the membership of this House, by any method it may choose, upon the census taken in 1930, then the method provided in this bill shall be used automatically, the membership of the House shall continue to be 435, the same number the House now has, and with this number as a basis, the 435 members shall be allocated to the several States according to the population as found in the 1930 census.

What could be fairer even as a purely sporting proposition? Each Member ought to say, "I am willing to take the chance with my State and if we have not grown proportionately with the others, then we must abide the consequences." This is all that we say or do in this bill. We are not usurping the authority of any future Congress. We are not delegating to anyone any power except a purely ministerial one. We are not putting this matter beyond the recall of the next Congress; in fact, we are inviting that Congress to perform its duty under the Constitution as the members composing it may see fit; but if they fail to do it—and Congresses have failed to do their duty in this respect—if the next Congress shall fail to do its duty, then by this act we have provided a guaranty against the consequences that could otherwise flow from the failure of that Congress to do its duty. It seems to me that there could be no fairer proposition.

We are not only not attempting to usurp the power of a future Congress, we are not in any wise reflecting upon the patriotism or good judgment of those who may make up that Congress. In fact, we are relying upon them, in case what we do here to-day should prove to be wrong, to correct it, and by the very language of this bill we are inviting them to do so. However, if they for any cause should fail to perform this function, as previous Congresses have done, then what we may do here becomes a matter of great importance which will save future Congresses from the stigma of having failed to perform a perfectly plain constitutional duty. And there are difficulties in the way of performing this function, as we all know, so that we should not be too hard upon any past or subsequent Congress for quailing before these difficulties. It is not an easy matter to legislate one's self out of office or to deprive one's State of representation it has had hitherto. Sometimes, however, this must be done, unpleasant though it may be, and we in this bill provide as painless a method as it is possible to devise, in case there should be a failure to do it directly at the proper time. We have the satisfaction, too, that in providing this method we have furnished a guaranty that a fair apportionment will be made under the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

The question is on the committee amendment.

The committee amendment was agreed to.

Mr. FENN. Mr. Chairman, I wish to announce to the membership of the committee that as soon as sections 3, 4, 5, and 6 are read, section 6 being eliminated under the committee amendment, I propose to move that sections 3, 4, and 5, the remaining sections, be stricken from the bill.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 2, line 13, after the word "transmitted," insert the words "and also the succeeding Congress," so that as amended the lines will read:

"SEC. 2 (a). If the Congress to which the statement required by section 1 is transmitted, and also the succeeding Congress, fails to enact a law apportioning the Representatives among the several States"—

And so forth.

Mr. DAVIS. Mr. Chairman and members of the committee, to my mind, and I think to the minds of a great many Members of the House, one of the objectionable features of the pending bill is that it ties the hands of the next Congress and only allows the next Congress the short session within which to untie its hands.

I think this is undoubtedly unfair, certainly to the next Congress, and whatever may be the will of that Congress, we know the very great difficulties of enacting any kind of controversial legislation or new legislation during the brief period of three months of the short session of Congress, and the report of the Secretary of Commerce with respect to the census is not to be made to the Congress until the first day of the second session of the Seventy-first Congress and each subsequent fifth Congress.

There are many things which may occur to prevent legislation from being enacted into law, no matter how diligent the House may be to perform its duty and to exercise its constitutional function, if its opportunity to legislate is restricted to this brief period. For instance, after the 1920 census, at the first opportunity the House of Representatives passed a reapportionment bill fixing the number of Members at 435, but this bill died in the Senate. The House had done its full constitutional duty, as much as it was possible for it to do, and yet the bill failed of passage because of a situation over which the House had no control. This same thing may occur again. It might even be passed by the House and pigeonholed in a committee at the other end of the Capitol; even the other branch of Congress might not have an opportunity to vote upon it.

A rule might not be obtained for the consideration of a bill in the House. The Rules Committee or the chairman of the Rules Committee of the House might prefer for the reapportionment to be made by the Secretary of Commerce rather than the next Congress which, under the Constitution, has the right and ought to have the right to pass a reapportionment bill.

We know how easy it is—we have witnessed so often how easy it is—to smother or to defeat legislation during the short session. Why, the committee could not even begin hearings; they could not prepare a bill; they could take no action whatever until after the report of the census. Then they would hold hearings, and there might be filibustering in the committee. It might be that the committee was so formed that a majority of them would be opposed to action, although if they had the opportunity the membership of the House might, by an overwhelming vote, perform their duty if given an opportunity.

Mr. BURTNESS. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. BURTNESS. Does the gentleman really believe it was ever contemplated by this measure that the Congress which gets this information is to take any action? Is not the legislation rather for the purpose of preventing action by that Congress?

Mr. DAVIS. That may be the purpose of it; but if it is, it is an improper purpose. I have no patience with this continual surrender of its authority by Congress.

I think we should certainly give the next Congress and future Congresses a reasonable opportunity to act, and that is all this amendment does. It does not change the other provisions of the bill. It would still mean that if the second session of the Seventy-first Congress or the ensuing Congress does not pass a reapportionment bill, the provisions of this bill will go into effect, and the Secretary of Commerce will make the apportionment. To delay it a few months or even a year or two longer would be no more than has been done during many istances in the past, and I think this is an amendment to which any Member, in the interest of fairness, in the interest of courtesy to succeeding Congresses, out of consideration for the Constitution, can well afford to agree, regardless of how he may feel on the subject of reapportionment. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FENN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

Mr. BURTNESS. Oh, no; I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that debate on this section and all amendments thereto be now closed. Is there objection?

Mr. LETTS. I object.

Mr. BLACK of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Chief Justice Taft has been forced by prevailing social conditions to call for a war on crime. Yet in this paramount lawmaking body we find Members insisting on breaking the Constitution in self-interest. Congress should set a better example. We do not want a congressional underworld made up of parliamentary racketeers. Congress has repeatedly refused to reapportion, and in fact we are fourth offenders, subject to life imprisonment under the Baumes laws. [Laughter.]

The logic of dry nullifiers of the apportionment section is baffling. Here is a plain constitutional mandate easy and inexpensive of enforcement. Also, it is popular. But they refuse to follow it. But to them the unpopular, costly, and impossible eighteenth amendment is sacrosanct. They do not want to delegate nondiscretionary power to a Secretary of Commerce. Yet he is an oath-bound public official. But time and again they have surrendered all their official powers to the unofficial scavenger, the Anti-Saloon League. [Laughter.] Some of the farm bloc oppose redistricting, but there is a certain amount of farm relief in cutting down the surplus of farm orators here who send canned speeches back to the sticks that are not even good for fertilizer. Probably we could put an equalization fee in it, and it would pass unanimously if amended to provide that any Congressman who loses his job as a result of the bill would get a life pension of $10,000 per annum. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAVIS) there were 88 ayes and 117 noes.

So the amendment was rejected.

Mr. BURTNESS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, line 12, strike out all of section 2.

Mr. BURTNESS. Mr. Chairman, the purpose of the amendment is very plain. If adopted, section 1 will remain, still leaving a complete bill so far as furnishing the information is concerned that would be sent to the second session of the next Congress, so that it might do its constitutional duty in providing for an apportionment after they have got the information disclosed by the 1930 census.

The point I want to emphasize to you this afternoon—and I do not think it has been emphasized sufficiently in the course of the debate—is that the theory of the makers of our Constitution was not that one Congress should provide a method of apportionment for all Congresses in the future, but on the other hand the theory was that every 10 years there should be an enumeration to be followed by apportionment. The first step to be taken was an enumeration and following that, in the light of facts disclosed thereby, the theory was that the next Congress would pass an apportionment measure in accordance with the facts disclosed by such enumeration.

Now, as has been stated so often here to-day and yesterday, this bill is not an apportionment on the information we have, or an apportionment to go into effect now upon the last census. It is an apportionment to take effect after the next census to be conducted in 1930. In other words, it is the most perfect case of putting the cart before the horse that could ever be suggested. [Applause.]

The theory in all legislation is, or ought to be, that we should first determine the facts and then in the light of the facts enact a proper law to do justice to all concerned.

But here you attempt to pass the law first, not knowing what the facts are about to be disclosed, and then you hope that the bill will do justice in the light of the facts.

The proponents say, "Oh, yes, but the Seventy-first Congress in its short session will have an opportunity to rewrite the law if it is not then shown to be right, if it does not prove to be what the majority of the membership of the House and the Senate want. The gentleman from Tennessee pointed out the unfairness of that argument for action is limited to the short session, and I think the Members who support the bill ought to be frank enough to say to the House that it is the intent of the bill, not to give an opportunity to pass a new law in the second session of the Seventy-first Congress, but to use this bill, if it becomes a law, to prevent action.

Mr. STEVENSON. Will the gentleman yield?

Mr. BURTNESS. Yes; I yield.

Mr. STEVENSON. I direct the gentleman's attention to the fact that that will be a lame duck session, the same as this.

Mr. BURTNESS. Yes; it will be a lame duck session lasting only three months, just as this is into which this legislation has been injected in spite of the fact that the very question has been turned down by this same Congress by a fair majority in last session. In any event from a viewpoint of time alone it is an unfair proposal that the committees can do the required work and hope to get a controversial law through both Houses under conditions always existing in the short session.

The greatest objection of all that I have to it is the power that it puts into the hands of a few men to prevent action in the short session of the Seventy-first Congress. We all know that even now under the best conditions a minority can block legislation. That is the case now, it is true, but when you take away the tremendous impetus there would be in this country in favor of an apportionment in the absence of legislation—for if you had no such law on the statute books there would be an impetus for those who are here to pass legislation in the Seventy-first Congress—if you put this sort of an automatic law on the statute books, what situation will you have? There will be a lot of people who will say, "Oh, well, there is no use of bothering about it or of seeing what the census shows now, because we can get along all right under this automatic law; let us not bother about a new law"

The Census Committee by a unanimous vote might even report out a bill satisfactory to a large majority of the Members of the House and satisfactory to the country; yet, if you have this automatic law on the statute books you will find that it would

be possible for a majority of 1 on the Committee on Rules to prevent consideration of that bill, falling back on the argument to let the automatic apportionment take effect. Not only is that power given, if you please, to what might be a majority of 1 upon the Rules Committee of this House under circumstances of that sort—and the illustration I have given is not a remote one—but, of course, a similar power is given to just two or three Members in the body at the other end of the Capitol, if they should desire to filibuster against such a bill in the short session. I think we have in recent years had enough experience to know what the powers of two or three filibustering Senators are in the Congress of the United States under the present rules of the Senate, so that we here at this end of the Capitol ought not to be willing by our votes to increase those powers to prevent enactment of legislation we pass, and we should be willing to undertake at the proper time the duties that the founders of the Constitution intended should evolve upon the first Congress following each separate enumeration that is made. How ridiculous it must seem to anyone who pays any attention to the Constitution to realize that we are trying to legislate apportionment measures not only for the Seventy-first Congress but for the Congress which will be the first one after the 1940 census, and the first one after 1950, 1960, and so on down through the decades and through the years, for, if the political situation should be such that a change can not be made, or if a few men insist upon wielding the tremendous power this automatic law gives them, then such will be the result.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment offered by the gentleman from North Dakota to strike out the section.

The question was taken; and on a division (demanded by Mr. BURTNESS) there were—ayes 99, noes 125.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. In each State entitled under this act to more than one Representative, the Representatives to which such State may be entitled in the Seventy-third and each subsequent Congress shall be elected by districts equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. Each such district shall be composed of contiguous and compact territory and contain as nearly as practicable the same number of individuals.

Mr. FENN. Mr. Chairman, I move to strike out the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given an increased number of Representatives, the additional Representative or Representatives apportioned to such State shall be elected by the State at large, and the other Representatives to which the State is entitled shall be elected as theretofore, until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

Mr. FENN. Mr. Chairman, I move to strike out the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. In the election of Representatives to the Seventy-third or any subsequent Congress in any State which under the apportionment provided for in section 2 of this act is given a decreased number of Representatives, the whole number of Representatives to which such State is entitled shall be elected by the State at large until such State is redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act.

Mr. FENN. Mr. Chairman, I move to strike out the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. Candidates for Representatives at large shall be nominated, unless the State concerned shall provide otherwise, in the same manner in which candidates for governor in that State are nominated.

With the following committee amendment: Strike out all of section 6.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. Under the rule the committee automatically rises at the conclusion of the consideration of the bill.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11725) for the apportionment of Representatives in Congress and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered on the amendments and bill to final passage. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RANKIN. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. RANKIN moves to recommit the bill (H. R. 11725) to the Committee on the Census with instructions to report the same back forthwith with the following amendments: Strike out all after the enacting clause and insert the following:

"That on the first day of the second regular session of the Seventy-first Congress, the Secretary of Commerce shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the 1930 census of the population and the number of Representatives to which each State would be entitled under an apportionment of 435 Representatives, made in the following manner: By apportioning the 435 Representatives among the several States according to their respective numbers as shown by such census, no State to receive less than one Member.

Mr. FENN. Mr. Chairman, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

Mr. RANKIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 227, answered "present" 1, not voting 65, as follows:

[Roll No. 11]

YEAS—135

Adkins	Elliott	Knutson	Rankin
Almon	Eslick	Kopp	Rayburn
Arnold	Fisher	Kurtz	Reed, Ark.
Aswell	Fitzpatrick	Langley	Robinson, Iowa
Ayres	Fulbright	Lankford	Robsion, Ky.
Bankhead	Fulmer	Letts	Romjue
Bland	Gambrill	Lowrey	Rowbottom
Brand, Ohio.	Gardner, Ind.	Lozier	Rutherford
Brigham	Garrett, Tenn.	McDuffie	Sandlin
Browning	Gibson	McReynolds	Sears, Nebr.
Burtness	Gilbert	McSwain	Shallenberger
Busby	Gregory	Major, Mo.	Sinclair
Byrns	Greenwood	Manlove	Spearing
Cannon	Griffin	Mansfield	Sproul, Kans.
Chapman	Guyer	Martin, La.	Steagall
Christopherson	Hall, Ill.	Menges	Steele
Cochran, Mo.	Hall, Ind.	Milligan	Stevenson
Cole, Iowa	Hall, N. Dak.	Montague	Strong, Kans.
Collier	Hare	Moore, Va.	Taber
Collins	Harrison	Moorman	Tarver
Combs	Haugen	Morehead	Thatcher
Connally, Tex.	Hill, Ala.	Morin	Thurston
Cox	Hogg	Morrow	Updike
Crisp	Hope	Nelson, Mo.	Vincent, Iowa
Davis	Houston, Del.	Norton, Nebr.	Vinson, Ga.
Deal	Howard, Nebr.	O'Connor, La.	Vinson, Ky.
DeRouen	Huddleston	Oldfield	Welsh, Pa.
Dickinson, Iowa	Hudspeth	Oliver, Ala.	Whitehead
Dickinson, Mo.	Hull, Tenn.	Palmisano	Whittington
Dominick	Jeffers	Parks	Williams, Mo.
Dowell	Johnson, Ind.	Peery	Wilson, La.
Drewry	Kemp	Quin	Wingo
Driver	Kent	Ragon	Wright
Edwards	Kincheloe	Ramseyer	

NAYS—227

Abernethy	Briggs	Cooper, Wis.	Fitzgerald, Roy G.
Ackerman	Britten	Corning	Fitzgerald, W. T.
Aldrich	Buchanan	Crail	Fort
Allen	Buckbee	Cramton	Foss
Andresen	Bulwinkle	Crosser	Frear
Andrew	Burdick	Crowther	Free
Auf der Heide	Butler	Cullen	Freeman
Bacharach	Campbell	Dallinger	French
Bacon	Carew	Darrow	Furlow
Barbour	Carley	Davenport	Garber
Beck, Pa.	Carss	Davey	Garrett, Tex.
Beck, Wis.	Carter	Dempsey	Gifford
Beedy	Cartwright	Doughton	Glynn
Beers	Chalmers	Douglas, Ariz.	Goodwin
Begg	Chase	Doutrich	Graham
Berger	Chindblom	Drane	Green
Black, N. Y.	Clague	Dyer	Hadley
Black, Tex.	Clarke	Eaton	Hale
Bloom	Cochran, Pa.	England	Hammer
Bohn	Cohen	Englebright	Hancock
Bowles	Cole, Md.	Estep	Hardy
Bowman	Colton	Evans, Calif.	Hastings
Box	Connery	Fenn	Hersey
Boylan	Connolly, Pa.	Fish	Hickey

Hill, Wash.	Lea	O'Connell	Sullivan
Hoch	Leavitt	Oliver, N. Y.	Sumners, Tex.
Hoffman	Lehlbach	Parker	Swank
Holaday	Lindsay	Peavey	Swick
Hooper	Linthicum	Perkins	Swing
Hudson	Luce	Porter	Tatgenhorst
Hughes	Lyon	Pou	Thompson
Hull, Morton D.	McClintic	Prall	Tilson
Hull, William E.	McCormack	Purnell	Timberlake
Igoe	McFadden	Rainey	Tinkham
Irwin	McKeown	Ransley	Treadway
Jacobstein	McLaughlin	Reece	Underhill
James	McLeod	Reed, N. Y.	Underwood
Jenkins	Maas	Reid, Ill.	Vestal
Johnson, Ill.	Magrady	Rogers	Vincent, Mich.
Johnson, Okla.	Major, Ill.	Sabath	Wainwright
Johnson, S. Dak.	Mapes	Sanders, N. Y.	Wason
Johnson, Tex.	Martin, Mass.	Sanders, Tex.	Watres
Johnson, Wash.	Mead	Schafer	Watson
Jones	Merritt	Schneider	Weaver
Kading	Michaelson	Sears, Fla.	Welch, Calif.
Kahn	Michener	Seger	White, Me.
Kearns	Miller	Selvig	Wigglesworth
Kelly	Mooney	Shreve	Williams, Ill.
Kendall	Moore, N. J.	Sirovich	Williams, Tex.
Ketcham	Moore, Ohio	Smith	Wolverton
Kiess	Morgan	Snell	Woodruff
Korell	Murphy	Somers, N. Y.	Wurzbach
Kvale	Nelson, Me.	Sproul, Ill.	Wyant
LaGuardia	Nelson, Wis.	Stalker	Yates
Lampert	Newton	Stedman	Yon
Lanham	Niedringhaus	Stobbs	Zihlman
Larsen	Norton, N. J.	Strong, Pa.	

ANSWERED "PRESENT"—1

Simmons

NOT VOTING—65

Allgood	Denison	Leatherwood	Temple
Anthony	Dickstein	Leech	Tillman
Arentz	Douglass, Mass.	McMillan	Tucker
Bachmann	Doyle	McSweeney	Ware
Bell	Evans, Mont.	Monast	Warren
Blanton	Fletcher	Moore, Ky.	Weller
Boies	Garner, Tex.	O'Brien	White, Colo.
Brand, Ga.	Gasque	O'Connor, N. Y.	White, Kans.
Browne	Golder	Palmer	Williamson
Bushong	Goldsborough	Patterson	Wilson, Miss.
Canfield	Griest	Pratt	Winter
Casey	Hawley	Quayle	Wolfenden
Celler	Howard, Okla.	Speaks	Wood
Clancy	Kerr	Strother	Woodrum
Cooper, Ohio	Kindred	Summers, Wash.	
Culkin	King	Taylor, Colo.	
Curry	Kunz	Taylor, Tenn.	

So the motion to recommit was rejected.

Mr. CONNERY. Mr. Speaker, my colleague Mr. DOUGLASS is unable to be present and asked me to state that if he were here he would vote "no."

Mr. SIMMONS. Mr. Speaker, the wife of the gentleman from Pennsylvania, Mr. LEECH, is seriously ill in the hospital, and he wanted to go home and still be recorded as voting for this bill. I agreed to pair with him in the event that he could not come back. Accordingly I desire to withdraw my vote of "aye" and answer "present" in order that his vote in favor of the bill may be recorded.

The Clerk announced the following pairs:

To recommit:

Mr. Ware (for) with Mr. Wolfenden (against).
Mr. Moore of Kentucky (for) with Mr. Howard of Oklahoma (against).
Mr. Kindred (for) with Mr. Casey (against).
Mr. Adkins (for) with Mr. Kerr (against).
Mr. Simmons (for) with Mr. Leech (against).
Mr. Brand of Georgia (for) with Mr. Clancy (against).
Mr. Goldsborough (for) with Mr. Denison (against).
Mr. Patterson (for) with Mr. Warren (against).
Mr. White of Kansas (for) with Mr. Curry (against).
Mr. Woodrum (for) with Mr. Celler (against).
Mr. Gasque (for) with Mr. Dickstein (against).
Mr. Leatherwood (for) with Mr. Bachmann (against).
Mr. Allgood (for) with Mr. Weller (against).
Mr. Canfield (for with Mr. Quayle (against).
Mr. McMillan (for) with Mr. Doyle (against).
Mr. Tillman (for) with Mr. Kunz (against).
Mr. Tucker (for) with Mr. Temple (against).

General pairs:

Mr. Hawley with Mr. Garner of Texas.
Mr. Wood with Mr. O'Connor of New York.
Mr. Browne with Mr. Bell.
Mr. Cooper of Ohio with Mr. Douglass of Massachusetts.
Mr. Griest with Mr. Lankford.
Mr. Speaks with Mr. Taylor of Colorado.
Mr. Williamson with Mr. Evans of Montana.
Mr. King with Mr. Blanton.
Mr. Golder with Mr. Fletcher.
Mr. Arentz with Mr. Wilson of Mississippi.
Mr. Pratt with Mr. McSweeney.
Mr. Summers of Washington with Mr. White of Colorado.
Mr. Taylor of Tennessee with Mr. O'Brien.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the bill was passed.

On motion of Mr. FENN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT UNTIL MONDAY

Mr. TILSON. Mr. Speaker, the last two days have been somewhat strenuous for most of us. Almost the entire membership of the House has been on the floor constantly. I am sure that the correspondence of Members and other necessary business has accumulated during this time, sorely needing attention. I therefore ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection? [After a pause.] The Chair hears none.

REAPPORTIONMENT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ZIHLMAN. Mr. Speaker, I realize that many Members have given generously of their time to bring the reapportionment issue to a successful termination, and I am sure we are all grateful to them. However, there is one Member whom I know particularly well, and I know that he has contributed more than anyone else by his untiring efforts, his indomitable spirit in the face of continuous and successive setbacks, his uniform courtesy, his bulldog tenacity to carry through what is perhaps the most delicate and difficult bill to handle in a legislative body, and I therefore think that the gentleman from Michigan [Mr. MCLEOD] is entitled to the thanks of the House and the country.

WITHDRAWAL OF PAPERS

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House the bill and papers in the case of H. R. 9303.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw from the files of the House the bill and papers in the case of H. R. 9303. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, do I understand it was to withdraw the bill and papers?

Mr. CROWTHER. Yes, sir. I mean such papers that are connected with the legislation. I do not want to withdraw the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to withdraw the papers in connection with the bill H. R. 9303.

Mr. CHINDBLOM. The bill never having been reported?

Mr. CROWTHER. And no adverse action thereon.

REAPPORTIONMENT

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Mr. Speaker, the bill just passed has been acclaimed as an act of contrition for past sins and omissions. That might have been the intent, but it is a futile gesture.

No reapportionment was made after the 1920 census, and four Congresses have allowed their plain duty under the Constitution to remain unfulfilled and disregarded.

The general idea now seems to be that if the action of the House is confirmed by the Senate and approved by the President we are going to have an immediate reapportionment, thereby remedying the grievous underrepresentation of many of the States.

This is, of course, a false hope, a misleading mirage. A reapportionment made to-day on the 1920 census—the only census on which the present Congress has the constitutional right to legislate—would be no more equitable than the apportionment on the 1910 census, on which the present representation is based, and would be absolutely valueless. It could only affect the 1930 elections and would have to be predicated on guesswork as to the probable population of the States in that year.

The fact is that Congress has neglected its duty too long and it is now too late to make amends.

This bill is not only a futile gesture, but those who are responsible for it are guilty of arrogant effrontery, inasmuch as they undertake to instruct and bind the next Congress as to duties which they themselves have so long and so flagrantly neglected.

The census of 1930 will determine the population of the States. Under the Constitution, interpreted by every known rule of legal construction, the duty falls on the Congress then in session to make a reapportionment so as to be effective in the 1932 congressional elections.

It is not our place to tell future Congresses what to do or how to do it. The law we have just passed is not worth the paper

it is written on. It can have no effect on the next Congress except to spur them, perhaps, to repeal it as a piece of meddlesome impertinence.

Nor is it necessary to bring into action the instrumentality of a Cabinet officer to make a simple arithmetical calculation. Everyone knows that when the population of the States is known it is a very simple matter to ascertain the number of Representatives to which each shall be entitled, whether the House stands at 435 or any other number.

And here, again, the meddlesomeness of this measure is made even more manifest. Although I believe that a House of 435 Members is ample, I assert that we of this Congress have no more right to bind the next Congress in that regard than we have to force them to accept our notion as to how the apportionment shall be made.

The sum total, then, of our work on this bill is to tell the next Congress what we think about the subject, an opinion which is utterly gratuitous and impertinent and of no more binding force than the expression of our opinion as to what ought to be the size of the appropriation for the Army in 1932.

The bill as reported from committee was a legislative monstrosity. It gave the small States two Representatives where their population only entitled them to one. Owing to the discernment of the gentleman from Kansas [Mr. HOCH], supported by the gentleman from Massachusetts [Mr. STOBBS], by the gentleman from New York [Mr. DEMPSEY], and by the gentleman from Tennessee [Mr. GARRETT], this preposterous situation was discovered in time and was corrected by an amendment of the gentleman from Michigan [Mr. CRAMTON].

The committee itself consented to the striking out of sections 3, 4, 5, and 6 containing other arrogant usurpations, among which was the provision which would have required Congressmen to be elected "at large" in three-fourths of the States in the elections of 1932, thus making the representation dependent largely on the political results in particular States—a cheap political device which would have wiped out all minority representation.

By the amputation on the floor of these obnoxious features the monstrosity was made less odious, but it nevertheless goes over to the Senate a hopeless cripple.

In conclusion, I feel constrained to express the regret that I was prevented, owing to the peculiar parliamentary situation, from having the opportunity to record my vote in opposition to the bill in toto. I voted at first against the motion to recommit, but when I learned that a gentlemen's agreement had been entered into—by the leaders among the proponents and the opponents of the bill—not to have a roll call on the final passage—an arrangement which precluded the ascertainment of the real sentiments of the House on the bill itself—I changed my vote to the affirmative in order to express, even though thus indirectly, my opposition to the entire proposal.

If the final roll call had been taken, I would have allowed my negative vote on the motion to recommit to stand, and I would have likewise voted "no" on the bill itself. I am satisfied that many Members of the House, who, like myself, were opposed to the bill, would have done likewise in order to express their opposition to the extension of the dangerous innovation of Congress delegating its powers of apportionment to a Cabinet officer, and in order to emphasize as well their hostility to the novel theory that any one Congress has the right to usurp the constitutional obligations of future Congresses.

ROSTER OF ARMIES OF CIVIL WAR

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter received by me from The Adjutant General of the War Department giving certain information relative to the compilation of records of both the Federal and Confederate soldiers engaged in the Civil War.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS. Mr. Speaker, under the leave granted, I herewith extend my remarks in the RECORD by inserting a letter received by me from The Adjutant General of the War Department giving information in regard to the compilation of the records of both the Federal and Confederate soldiers engaged in the war between the States, and the matter of the publication of such records, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 8, 1929.

Hon. EWIN L. DAVIS,
House of Representatives.

MY DEAR MR. DAVIS: I have your letter of December 22, 1928, referring to the matter of compilation by the War Department of all Confederate records. You ask whether this work has been completed, and if not, when it may be expected that it will be completed, and also whether any steps have been taken toward the publication of these records, and, if not, what would be the probable cost of such publication.

Prior to the World War considerable progress had been made in carding by the index-record-card system the Confederate records in my office, but at about the time of the beginning of the World War it was found necessary to temporarily discontinue the work, and partly on account of the exigencies of the war, and partly by reason of the inadequate clerical force allowed my office by law, it had not been found possible to resume it until Congress in April, 1926, saw fit to make an appropriation of $70,000 for that purpose.

This appropriation, which became available July 1, 1926, was sufficient for the compilation as originally contemplated and estimated for but about January 4, 1927, it was deemed advisable to investigate some Confederate records which were in storage for a number of years and which had been previously considered of no value for compilation. These additional records caused such an added burden that the work could not be completed by June 30, 1927, as intended, and the original plan had to be modified to insure that each name should be carded and arranged alphabetically so as to be searchable. Since that time the various refinements of the work have been carried on as routine under the regular appropriation, and at the present time all the information on file relative to the records of Confederate soldiers is readily available.

It has been taken for granted that a published roster of the armies of the Civil War would include both Union and Confederate soldiers and no estimate has ever been made of the cost of publishing a roster of the Confederate forces alone.

However, at a hearing before the Subcommittee of House Committee on Appropriations, Seventieth Congress, first session, in connection with publication of the Union and Confederate records it was brought out that—

"By printing the data straight across the page, arranged under regimental heading, without boxes, using abreviations, and eliminating all but the most essential data, as—'One Hundred and Second New York Volunteer Infty.'"

* * * * * * *

Appler, L. V., pvt., Co. F, enl. Sep. 3, '62, at New York, m. i. Oct. 18, '62, wounded Port Hudson, La., June 14, '63, m. o. Oct. 12, '65.

Ninety-eight volumes of approximately 1,000 pages each would be required for both the Union and Confederate rosters.

The initial cost of composing, printing, and binding is estimated at $16 a page, or $1,568,000 for the 98 volumes. The additional printing cost would depend upon the number of volumes distributed free and the binding used. Based on the selling price by the Superintendent of Documents of similar publications, each paper-bound volume would cost about $1.50, or $147 for the set.

If the names were arranged by regiments and States, an index would be required. The index would require about two-fifths of the space of the roster itself, increasing the printing cost about $627,200.

The cost of preparing the copy for the printer, checking and making adjustments when discrepancies in original records are found, and compiling the index would cost not less than $2,000,000.

The total cost would be not less than $4,500,000.

However, for a fuller discussion of the subject, attention is invited to pages 99 to 102, inclusive, of part 1 of "Hearings before the subcommittee of House Committee on Appropriations" containing testimony on title 1 of the bill comprising the military activities of the War Department, published at the United States Government Printing Office in 1928.

Very respectfully,

C. H. BRIDGES,
Brigadier General,
Acting The Adjutant General.

LEAVE TO PRINT ON THE APPORTIONMENT BILL

Mr. TILSON. Mr. Speaker, a number of Members have spoken to me in reference to extending their remarks in the RECORD on the bill just passed. It is an important measure, and during the debate there was not opportunity for everyone to speak who wished to speak. I therefore ask unanimous consent that for three legislative days Members may extend their own remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that for three legislative days Members may extend their remarks in the RECORD on the apportionment bill. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker, that would be counting three days from Monday?

Mr. TILSON. Three legislative days from Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REAPPORTIONMENT

Mr. COCHRAN of Missouri. Mr. Speaker, in opposing this bill I am following the same course I took in the last session. My opposition is based solely upon the provision which delegates to an executive department, the Secretary of Commerce, the head of the department being a political appointee, power vested in the Congress under the Constitution. I am unwilling to leave this important question in the hands of any one man, but stand ready now to vote for reapportionment on the basis of the 1920 census and pledge my vote in the Seventy-first Congress to reapportionment based on the 1930 census. This should be evidence I am not in opposition to reapportionment, even though my State will lose three or four members.

By 1930 we will find 23,000,000 people are without proper representation in this body. On the basis of the census of 1920 it is estimated 13,000,000 have been deprived of proper representation due to the failure of Congress to carry out its constitutional duty.

The rural communities have at present a representation in the Congress to which they are not entitled. If the Congress will not reapportion now, I am sure the country will demand immediately after the 1930 census is taken that a reapportionment bill be passed, and although, as I stated in the last session, it means not only my retirement as a Member of this House but also the loss of three or four Members to my State my vote will be cast for the bill.

I further agree to vote to retain the present membership, 435, and will so vote whenever an opportunity presents itself, but I will not approve of the transfer of authority vested solely in Congress by the Constitution to an executive official, no matter who the official might be.

Mr. SINCLAIR. Mr. Speaker, the measure now under consideration purports to be an apportionment bill for the House of Representatives. As a matter of fact, however, it is not an apportionment bill at all. Briefly, it is a bill which, if enacted into law, will limit the size of the House of Representatives to 435 Members for all future time.

The occasion for this legislation lies in the fact that Congress is expected, under the Constitution, to make an apportionment of its Members after each decennial census. This was not done after the 1920 census, although several attempts were made, and several votes taken on the question by the House. I think I may say the reason no definite action was taken lay in the fact that Members generally felt that the 1920 census followed too closely upon the conclusion of the World War, and that the population was not in a normal state as to location. It was thought that an apportionment under these conditions would be unfair to certain States. This was especially true of regions largely agricultural.

Certain industrial cities, whose population had grown greatly during the war, were disappointed by the failure of Congress to reapportion under the 1920 census. They saw an opportunity to gain in congressional representation. Their newspapers started a hue and cry of criticism of Congress, and this measure now under consideration is the direct response to that agitation. But since the measure before us does not even assume to apportion on the population as disclosed by the 1920 census, it does not meet the constitutional requirements, and in my judgment is but an empty gesture to deceive the people.

The one branch of the Federal Government directly responsible to the people, and receiving its authority from them every two years, is the House of Representatives. It is the people's legislative forum. Its rights and authority should be kept inviolate in a democracy. It is answerable to the people for its actions every two years. It is truly representative. Now, this measure not only is not a true apportionment bill but is an effort to curtail representative self-government in the future. Briefly, the only important provision of the bill is that the Secretary of Commerce shall apportion the membership of the House among the several States after the 1930 census, basing it upon a total of 435 Representatives, provided that the Congress fails to do so in the next succeeding session. This failure to apportion may be no fault of the House; it may result from many causes over which it has no control. The House may pass a bill in good faith only to see it fail in the Senate, due to a congested calendar or a filibuster. That most likely would be the result. It has recently happened with other important legislation. The proponents of this measure, aware of the difficulties in passing all such legislation, no doubt purposely provided that the apportionment following the 1930 census shall be made by Congress in the second session—the short session, when legislation is always in a jam. Very probably no legislation on apportionment will result. Then that function will be performed by the Secretary of Commerce, a branch of the executive.

Mr. Speaker, a bill of this nature goes to the very heart of popular government. It gives to an executive bureau the right to determine how many Members a State shall have to represent it in the House of Representatives. It is a curtailment of the rights and powers of a future House that inherently belongs to it under the Constitution. It strengthens the power of the executive branch of our Government at the expense of the legislative. It gives to an executive officer, answerable to no one, authority and power that might even threaten and destroy the life of the legislative body. Under its provisions there is nothing to hinder a dishonest officer from not only manipulating the census returns but also from allocating illegally the just representation to which each States is entitled under that result. It might be done and would not be subject to review by this House.

Further, the Seventy-first Congress might pass an apportionment bill that the President would veto. It might attempt to repeal the law now proposed only to meet with the same action. The power to perform this function of apportioning the Members of the House would still legally rest with a department bureau unless a two-thirds majority were obtained in both House and Senate to pass it over the President's veto. We are, therefore, in passing this measure imposing upon a future House an added burden in performing its constitutional duty. We are robbing it of a part of its authority upon the question of apportioning its own Members. Instead of a majority performing that function we are imposing a condition that may require a vote of two-thirds. Therefore in actual legislative practice we are passing a law that will for all future time do away with all apportionment legislation by the Congress and delegate that function to a bureau chief. In other words, we are repealing the Constitution upon that question.

Mr. Speaker, this measure is a delegation of an inherent political right of this House to an executive department. It is a loss to the legislative, and an encroachment by the executive, branch.

Many Members are supporting this bill in the belief that the Constitution calls for reapportionment. The Constitution does provide for reapportionment, but not for reapportionment on the basis of a census which has not yet been taken. Quite aside from the arguments against the enactment of this legislation already set forth, I am wondering whether these Members, and particularly those from the agricultural sections, have considered fully what the effects are going to be as regards the just representation of agriculture in this body. It is well known that there is a large floating population in the large cities. There are also many aliens, and literally hundreds of thousands who are either not eligible to vote or who take no interest in their Government. All of these can, and no doubt will, be counted in the taking of the census. It does not require a great deal of foresight to understand that this will work to the disadvantage of the agricultural States with their population of home owners and others of practically permanent residence. We all know that since the World War agriculture has been struggling for its very existence. Its economic standing and population have suffered the greatest losses in its history. It is now proposed, before it has had a chance to recover, to permanently limit its representation in Congress. In other words, the sturdy pioneers and home builders of the food-producing areas are, by the passage of this legislation, to be penalized in favor of the voteless aliens, tourists, and other transients of industrial centers and winter-resort States. I am opposed to this usurpation of authority over a future Congress and to this unjust discrimination against the farmers of the country.

Mr. HASTINGS. Mr. Speaker, this is a bill for the apportionment of Representatives in Congress. I am in favor of it for a number of reasons:

First. I think that the Constitution of the United States clearly intended that such a bill should be enacted immediately after the taking of each decennial census. The pertinent parts of the Constitution are as follows:

CONSTITUTIONAL PROVISIONS AFFECTING REAPPORTIONMENT

Article I, section 2, clause 3:

"The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct."

Article I, section 4, clause 1:

"The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Article I, section 8, clause 18:

"The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in department or officer thereof."

Notwithstanding the constitutional provision for the taking of a census every tenth year, no apportionment has been made thereon since the act of Congress of August 8, 1911, under which the House of Representatives is composed of 435 Members. Since the taking of the 1920 census the Congress has failed to comply with this constitutional requirement.

Second. This bill provides for retaining the membership of the House of Representatives at 435 Members. I do not favor an increase in the membership of the House and therefore favor this provision of the pending bill.

Third. I do not fear the delegation of a purely ministerial power to the Secretary of Commerce.

The bill provides, as required by the Constitution, for one Member from each State, and then for apportionment according to the method of majority fractions of the remaining Members among the several States, but retaining the membership at 435. No discretion is vested in the Secretary of Commerce and his action is purely ministerial.

In my judgment, if Congress fails to enact this legislation, after the 1930 census we will be met with the same delays and obstructions which we have encountered since the taking of the census of 1920. Unfortunately, a number of the States will lose one or more Representatives. It is natural for the Representatives from those States to oppose the enactment of such legislation by every parliamentary tactic which is known to them. They have been successful in this since 1920. They will either oppose the enactment of apportionment legislation or succeed in enlarging the membership of the House of Representatives so that none of the States will lose a Member. That has been the policy of those opposing such legislation since the foundation of the Government. The first House of Representatives was composed of 30 Members, while the present House has 435 Members. I am not in favor of increasing this number, and for that reason, and because in my judgment, the spirit of the Constitution requires Congress to pass an apportionment bill every 10 years, and for fear of further delay after the taking of the 1930 census, I favor the enactment of this bill.

I do not fear the conferring of the authority, which is purely ministerial, upon the Secretary of Commerce.

This bill gives to Oklahoma one additional Member of the House of Representatives. My State is entitled to its proportionate representation, but whether the State of Oklahoma secures an additional Member or not, Congress should comply with the Constitution and enact apportionment legislation every 10 years.

This legislation does not go into effect until the Seventy-third Congress, plenty of time being given to Congress to enact apportionment legislation, but in the event that Congress fails to do so, as it has for the past nine years, then the membership of the House of Representatives is apportioned by giving each State one Member, as required by the Constitution, and the remaining membership is apportioned according to population as shown by the census, among the several States by the method of majority fractions by a purely ministerial act on the part of the Secretary of Commerce.

Mr. ROY G. FITZGERALD. Mr. Speaker, the foundation of our republican form of government, the basis of representative government in the United States, is the fair apportionment of the Representatives in Congress among the States in accordance with population. The Senate represents arbitrary, accidental, and disproportional areas of land. The more than 10,000,000 of people of the State of New York have but the same representation in the Senate as the less than 90,000 people of the State of Nevada. In the House of Representatives alone under our Constitution is there a chance for a fair expression of the popular will. The House alone can mirror the thought and register the will of our people in their development and advance in civilization.

Article I of the Constitution orders that a census of the inhabitants of the United States be taken every 10 years. And for what purpose? For the sole purpose of making a correct reapportionment of the Members of the House of Representatives, so that our right of self-government may be preserved. The census has been enlarged to serve other useful purposes, but the reason for the provision for it in the Constitution is still all compelling. Each of us Members of this House has taken a solemn oath to support and defend this Constitution. We are the trustees of the people of this country, charged by them with a special duty under the Constitution to protect and preserve our free institutions.

Those wise men who drafted the Constitution foresaw the shifting of population and the changes in concentration. They foresaw the necessity for a periodical reapportionment of the membership of the House in order to insure a government of, by, and for the people. Apparently they did not realize the great temptation to which Members of the House would be subjected to cling to unjust and unlawful power. When the result of the 1920 census was announced it was realized that 11 States were to lose one or more Representatives and but 8 States would gain. Heretofore the resistance to reapportionment has been overcome by increasing the total number of Representatives until the original number of 65 by increases every 10 years has risen to the present total of 435. Many think that these increases have tended to decrease the efficiency and responsibility of the House and its ability to legislate fairly in the public interest. It seems to be the prevailing sentiment, both in and out of Congress, that it would be harmful to further increase the total number.

The House passed a reapportionment bill in the Sixty-sixth Congress in the spring of 1921, but it was not acted upon in the Senate. Patriotic Members have tried continuously since then to fulfill the constitutional duty, but in vain.

To-day we approach a crisis. Shall we continue to betray our trust? Shall we be foresworn? Is it treasonable to fail to obey the constitutional mandate when the fundamental of popular government is involved? Or can anything be treasonable if not subject to criminal punishment? Can the Supreme Court always be relied upon to uphold laws enacted by a Congress illegally constituted? Will people deprived of their constitutional rights be justified in resorting to arms when they come to realize their subject condition after some particularly atrocious act of misrepresentation by some future Congress?

All these questions present themselves to the thoughtful mind when it contemplates the improbability of a reapportionment after the 1930 census if 17 States are, as estimated, to lose one or more of their Representatives. A tremendous strain is put upon the membership of this House. It seems less dishonest, and possibly it is, to withhold property of another which has by chance come into one's possession than to, by act of ours, seize that which is another's. I trust that there may prevail to-day an aggressive honesty in this matter of reapportionment; an honesty such as is told of Lincoln in his youth going miles on foot without delay to pay a sum of money belonging to another that by chance had come into his possession and which he could not honorably retain.

That my own State of Ohio has for years been deprived of her full representation in this House and consequently the Ohio people of their proper influence in the election of the President and of their quota of young men at the Military and Naval Academies may help me to realize the importance of this bill, but I doubt if it has affected my reason or warped my judgment.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 7729. An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

ADJOURNMENT

Mr. FENN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned, pursuant to the order, until Monday, January 14, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 12, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m., Caucus Room)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

SPECIAL COMMITTEE INVESTIGATING PRISONS

(10 a. m., room 127, House Office Building)

To consider prison conditions, care of inmates, and labor conditions in United States prisons.

COMMITTEE ON MILITARY AFFAIRS

(9.30 a. m.)

To amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment (H. R. 450).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON THE COAST GUARD

(10 a. m.)

To provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River, in the State of Washington (H. R. 14121, 14151).

Authorizing the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear* (H. R. 14452).

To provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy (H. R. 16129).

EXECUTIVE COMMUNICATIONS, ETC.

737. Under clause 2 of Rule XXIV a letter from the Secretary of the Navy, transmitting draft of a bill for the relief of Benjamin Gonzales, was taken from the Speaker's table and referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 13935. A bill to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory, with amendment (Rept. No. 2067). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 350. A joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution; without amendment (Rept. No. 2068). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. S. 4039. An act to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; without amendment (Rept. No. 2069). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. S. J. Res. 142. A joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; without amendment (Rept. No. 2070). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 9972. A bill for the relief of Charles Silverman; without amendment (Rept. No. 2071). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. S. 1633. An act for the relief of Edward A. Blair; without amendment (Rept. No. 2072). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15356) granting a pension to Anna Udell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPEARING: A bill (H. R. 16162) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 16163) to amend paragraph 10, section 202, of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 16164) to amend section 200 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. PARKS: A bill (H. R. 16165) for the purchase of a site and the erection of a public building thereon at Magnolia, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 16166) to provide for the classification of certain public lands, the development, protection, and utilization of grazing thereon, to stabilize the range stock-raising industry, and for other purposes; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 16167) to amend an act entitled "An act creating the United States Court for China and prescribing the jurisdiction thereof" (Public, No. 403, 59th Cong.), and an act entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921" (Public, No. 238, 66th Cong.); to the Committee on the Judiciary.

By Mr. SIROVICH: A bill (H. R. 16168) to amend the classification act of 1923, approved March 4, 1923; to the Committee on the Civil Service.

By Mr. WOOD: A bill (H. R. 16169) to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.; to the Committee on Military Affairs.

By Mr. GAMBRILL: A bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River between Charles County, Md., and Calvert County, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: Joint resolution (H. J. Res. 378) proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

By Mr. DAVIS: Concurrent resolution (H. Con. Res. 47) requesting the Federal Trade Commission to transmit to the Attorney General evidence taken under complaint charging monopoly in radio, and requesting the Attorney General to consider and take such action as may be warranted; to the Committee on the Merchant Marine and Fisheries.

By Mr. SOMERS of New York: Resolution (H. Res. 286) directing the chairman of the Committee on the Judiciary of the House to appoint from the membership of the Judiciary Committee a select committee of three members to confer with the United States attorney for the southern district of New York for the purpose of obtaining his recommendations concerning certain bankruptcy laws, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 16171) granting an increase of pension to Annie E. Showalter; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16172) for the relief of Edwin G. Blanchard; to the Committee on Military Affairs.

By Mr. DALLINGER: A bill (H. R. 16173) granting a pension to Harriet M. Nickerson; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16174) granting an increase of pension to Lucy Maguire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16175) granting an increase of pension to Mary E. Opdycke; to the Committee on Invalid Pensions.

By Mr. ESLICK: A bill (H. R. 16176) granting a pension to John W. McGee; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 16177) granting a pension to Harriet A. Clarke; to the Committee on Pensions.

By Mr. GREGORY: A bill (H. R. 16178) for the relief of W. A. Anderson and Mellie M. Anderson; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 16179) for the relief of Bruce Welch; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 16180) for the relief of Frank C. Hartman; to the Committee on Military Affairs.

Also, a bill (H. R. 16181) for the relief of Petro Melazzo; to the Committee on Appropriations.

By Mr. KIESS: A bill (H. R. 16182) granting an increase of pension to Sarah L. Colegrove; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16183) granting a pension to Mary A. Baker; to the Committee on Pensions.

Also, a bill (H. R. 16184) granting an increase of pension to James D. Silman; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 16185) granting a pension to Neva Stapleton; to the Committee on Pensions.

Also, a bill (H. R. 16186) granting a pension to Daniel Wilson; to the Committee on Pensions.

Also, a bill (H. R. 16187) granting an increase of pension to Dury M. Craft; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 16188) granting a pension to Old Coyote; to the Committee on Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 16189) granting a pension to Jane Hartley; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 16190) granting a pension to Thomas B. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16191) granting a pension to Elizabeth Schaper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16192) granting a pension to Mary A. Hodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16193) granting a pension to Hugh Creach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16194) granting an increase of pension to Mary E. Kitchell; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 16195) granting an increase of pension to Harry Elkins; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 16196) granting a pension to Polly Melton; to the Committee on Pensions.

By Mr. SCHAFER: A bill (H. R. 16197) for the relief of Morris Rosen; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 16198) granting a pension to Ola Baker; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16199) granting an increase of pension to Elizabeth A. McConahy; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 16200) granting a pension to Fred Henry; to the Committee on Pensions.

Also, a bill (H. R. 16201) granting an increase of pension to Clarissa M. Heaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16202) granting an increase of pension to Frances A. Rhea; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16203) granting an increase of pension to Zereldia A. Robinson; to the Committee on Pensions.

By Mr. ARNOLD: A bill (H. R. 16204) granting a pension to Oscar Fields; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8210. By Mr. CULLEN: Petition of the New York Zoological Society, heartily approving the objects intended to be accomplished in Senate bill 1271, and believe that when bill is suitably modified and amended this bill should become law; to the Committee on Agriculture.

8211. By Mr. GARBER: Petition of the board of governors of the New York Zoological Society, indorsing Senate bill 1271; to the Committee on Agriculture.

8212. Also, petition of Nordic Seafood Co., Tulsa, Okla., urging support of House Joint Resolution 303, to amend the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

8213. Also, petition of the Institute of Margarine Manufacturers, Washington, D. C., urging support of House bill 10958; to the Committee on Interstate and Foreign Commerce.

8214. Also, petition of organized labor of America, by the Chicago Federation of Labor, in regard to the radio situation; to the Committee on Interstate and Foreign Commerce.

8215. Also, petition of the National Beauty and Barbers' Supply Dealers' Association, indorsing the Capper-Kelly bill, H. R. 11 and S. 1418, known as the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8216. Also, petition of Texas Cement Plaster Co., urging adequate protection in the new tariff on gypsum and gypsum products; to the Committee on Ways and Means.

8217. By Mr. HUDSPETH: Petition of the El Paso County Farm Bureau, making recommendations as to needed farm relief; to the Committee on Agriculture.

8218. By Mr. O'CONNELL: Petition of Institute of Margarine Manufactures, Washington, D. C., favoring the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8219. Also, petition of Ed. S. Vail Butterine Co., Chicago, Ill., opposing a special rule for the consideration of House bill 10958, the Haugen bill; to the Committee on Rules.

8220. Also, petition of The New York Zoological Society, New York City, favoring the passage of Senate bill 1271; to the Committee on Agriculture.

8221. By Mr. SWICK: Petition of V. O. Rhodes and 58 citizens of Beaver Falls, indorsing the immigration act of 1924 and urging more adequate legislation for the deportation of undesirables; to the Committee on Immigration and Naturalization.

8222. My Mr. WELCH of California: Communication from the Mates, Masters, and Pilots of the Pacific, complaining of the conditions in reference to shipping in San Francisco Bay area; to the Committee on Labor.

SENATE

SATURDAY, *January 12, 1929*

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sheppard
Barkley	Fletcher	McMaster	Shipstead
Bayard	Frazier	McNary	Shortridge
Bingham	George	Mayfield	Simmons
Black	Gerry	Metcalf	Smoot
Blaine	Gillett	Moses	Steck
Blease	Glass	Neely	Steiwer
Borah	Goff	Norbeck	Stephens
Bratton	Greene	Norris	Swanson
Brookhart	Harris	Nye	Thomas, Idaho
Broussard	Harrison	Oddie	Thomas, Okla.
Bruce	Hawes	Overman	Trammell
Burton	Hayden	Pine	Tydings
Capper	Heflin	Pittman	Tyson
Caraway	Johnson	Ransdell	Vandenberg
Copeland	Jones	Reed, Mo.	Wagner
Couzens	Kendrick	Reed, Pa.	Walsh, Mass.
Curtis	Keyes	Robinson, Ark.	Warren
Deneen	King	Robinson, Ind.	Waterman
Dill	La Follette	Sackett	Wheeler
Edge	Larrazolo	Schall	

Mr. NORRIS. I desire to announce the absence of the junior Senator from Nebraska [Mr. HOWELL] on account of illness. This announcement may stand for the day.

Mr. WHEELER. My colleague the senior Senator from Montana [Mr. WALSH] is detained by illness. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is unavoidably detained from the Senate by illness in his family. I will let this announcement stand for the day.

Mr. CURTIS. I wish to announce that the senior Senator from Maine [Mr. HALE] is detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 11725) for the apportionment of Representatives in Congress, in which it requested the concurrence of the Senate.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the annual report of

that company for the year 1928 (the month of December being estimated only), which was referred to the Committee on the District of Columbia.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a list of papers on the files of the Department of Commerce, which are not needed nor useful in the transaction of business and appear to have no historic value, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. JONES and Mr. FLETCHER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. BRATTON. I present sundry petitions relative to the peace treaty, and I ask that they may be printed in the RECORD and lie on the table.

There being no objection, the petitions were ordered to lie on the table and be printed in the RECORD, as follows:

ALBUQUERQUE, N. MEX.

To the Hon. Senator S. G. BRATTON,
Senate Office Building, Washington, D. C.

SIR: On December 13, 1928, the Woman's Foreign Missionary Society, composed of 56 members, adopted a resolution expressing the hope that the Senate of the United States would speedily ratify the multilateral treaty to outlaw war, without reservations or interpretations which would nullify its meaning. They look to you as their representative to cast your vote for ratification.

Mrs. S. A. KAY, *President.*
Mrs. A. A. HEFLIN, *Secretary.*

PETITION TO THE SENATE

We, the undersigned citizens of Espanola, N. Mex., believing that the conclusion of the general pact for the renunciation of war will constitute a long step toward the elimination of the war method of settling international differences, do hereby request of the Senate of the United States the prompt ratification of the treaty without qualification or reservation, and of the Senators from the State of New Mexico that they use all their influence to that end. (Signatures omitted.)

As in legislative session,

Mr. BLAINE presented resolutions adopted by the Menomonee Falls Advancement Association, of Menomonee Falls, Wis., indorsing the action of the Farm Bureau Federation in its effort to secure adequate protection for domestic sugar and to limit the free entry of Porto Rican and Philippine sugar into the United States, which were referred to the Committee on Finance.

Mr. SHIPSTEAD presented a petition of sundry citizens of the State of Minnesota, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, without reservation, which was ordered to lie on the table.

He also presented a petition of sundry citizens of the State of Minnesota, praying that the provision in the Army appropriation bill, fiscal year 1930, reducing the number of private mounts of officers from two to one be eliminated from the bill, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the State of Minnesota, praying for the adoption of the so-called Shipstead resolution, being the resolution (S. Res. 242) of inquiry as to the appropriateness of amending article 231 of the treaty of Versailles for the purpose of establishing the World War guilt, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

As in legislative session,

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4691) to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes, reported it without amendment and submitted a report (No. 1426) thereon.

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 12775) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes, reported it without amendment and submitted a report (No. 1427) thereon.

Mr. TYDINGS, from the Committee on Claims, to which was referred the bill (S. 1640) for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md., reported it without amendment.

INVESTIGATION OF FEDERAL FARM LOAN BUREAU AND SUBSIDIARIES

Mr. DENEEN. Mr. President, as in legislative session, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably the resolution (S. Res. 167) submitted by the Senator from South Carolina [Mr. BLEASE] March 13, 1928, providing for the appointment of a committee of five Members of the Senate to investigate the affairs of the Federal Farm Loan Bureau, the Federal Farm Loan Board, the Federal land and intermediate credit banks and branches thereof, and I ask that the resolution be referred to the Committee on Banking and Currency.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Banking and Currency.

EXPENSES OF INVESTIGATION OF PENNSYLVANIA SENATORIAL ELECTION

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably, without amendment, the resolution (S. Res. 285) submitted by Mr. SHORTRIDGE on the 3d instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections, authorized by resolution of December 17, 1927, to hear and determine the pending contest between William S. Vare and William R. Wilson, involving the right to membership in the United States Senate as a Senator from the State of Pennsylvania, hereby is authorized to expend from the contingent fund of the Senate $20,000 in addition to the amounts heretofore authorized for said purpose.

PRESIDENTIAL OFFICES AND CARRIERS

Mr. DENEEN, from the Commtitee to Audit and Control the Contingent Expenses of the Senate, reported back favorably, without amendment, the resolution (S. Res. 288) submitted by Mr. GEORGE on the 3d instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the amount authorized to be expended by the Committee on Post Offices and Post Roads in their investigation of the choice of postmasters in presidential offices and carriers, with particular reference to the circumstances and influences surrounding such choice, in Senate Resolution 193, agreed to May 3, 1928, hereby is increased from $5,000 to $8,000, to be paid from the contingent fund of the Senate upon vouchers properly approved.

LANDS CEDED TO THE UNITED STATES BY MEXICO

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably, with an amendment, the resolution (S. Res. 291) submitted by Mr. GEORGE on the 7th instant, which was read and considered by unanimous consent.

The amendment was, on page 2, line 24, after the word "investigation," to insert "shall not exceed $1,500, which," so as to make the resolution read:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee it may designate for the purpose, be, and it hereby is, authorized and directed to make a thorough investigation of and report to the Senate its findings and recommendations regarding charges that have frequently been made and continue to persist, and reports that have long been current and now prevail that vast tracts of lands within the area of the lands ceded to the United States by the Government of Mexico were corruptly and fraudulently turned over to and delivered into the possession of private interests, and have been held and are now held by said interests without color of title; that qualified citizens seeking to exercise constitutional rights relative to said lands, and parts thereof, have been maliciously threatened, intimidated, slandered, libeled, and arrested, and have been corruptly indicted and held under outrageous bonds for long periods of time, and then released without a hearing or a trial; that private interests continue in the unlawful possession of the public lands by reason of their exerted influence over those whose duty it is to enforce the law.

That said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper, and to require the attendance of witnesses by subpœna or otherwise; to require the production of books, papers, surveys, maps, grants, patents, and any and all other documents pertaining thereto; and to employ stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee or any member thereof may administer oaths to witnesses and sign subpœnas for witnesses and records; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or refuses to answer the questions pertaining to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall not exceed $1,500, which shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the committee who audit and control the contingent expenses of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

MATTIE B. WILLIAMS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably, without amendment, the resolution (S. Res. 293) submitted by Mr. BRUCE on the 9th instant, which was read and considered by unanimous consent, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mattie B. Williams, widow of John R. Williams, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. WARREN. Mr. President, I would like to ask the Senator whether the amount provided does not exceed the usual and customary amount allowed in such cases?

Mr. DENEEN. I may say to the Senator from Wyoming that Mr. Williams was in the service of the Sergeant at Arms of the Senate for 35 years, and it is customary in such cases to give the equivalent of one year's salary.

Mr. WARREN. Very well.

The resolution was agreed to.

PRINTING OF BRIEFS IN RAILROAD VALUATION CASE

Mr. SHIPSTEAD, from the Committee on Printing, to which were referred the briefs in the so-called O'Fallon Railway Valuation case, reported the following concurrent resolution (S. Con. Res. 31):

Resolved by the Senate (the House of Representatives concurring), That the briefs of counsel and the transcript of record filed with the Supreme Court of the United States in the case of The St. Louis & O'Fallon Railway Co., and Manufacturers' Railway Co., appellants *v.* The United States of America and the Interstate Commerce Commission, be printed as a Senate document, and that 700 additional copies shall be printed and bound, of which 100 shall be for the use of the Committee on Interstate Commerce of the Senate, 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives, and 500 copies for the use of the Joint Committee on Printing.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKHART:

A bill (S. 5325) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa; to the Committee on Commerce.

By Mr. NYE:

A bill (S. 5326) for the relief of Jessie L. Kinsey; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5327) for the relief of Loretta Kallweit (with an accompanying paper);

A bill (S. 5328) for the relief of William F. Kallweit (with an accompanying paper);

A bill (S. 5329) for the relief of Etta C. Sanborn (with an accompanying paper); and

A bill (S. 5330) for the relief of J. H. Sanborn (with an accompanying paper); to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 5331) for the relief of Edwina R. Munchhof; to the Committee on Finance.

(By request.) A bill (S. 5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5333) granting a pension to John A. Ritter; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5334) granting an increase of pension to Susan H. Parker; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5335) granting an increase of pension to Rosella F. Mason (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 5336) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River between Charles County, Md., and Calvert County, Md.; to the Committee on Commerce.

By Mr. SACKETT:

A bill (S. 5337) to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Commerce.

AMENDMENT OF THE IMMIGRATION ACT

Mr. NYE. I ask at this time, as in legislative session, permission to introduce a joint resolution. It is brief, and for the information of the Senate I desire that it may be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 192) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, was read the first time by its title, the second time at length, and referred to the Committee on Immigration, as follows:

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1928" and inserting in lieu thereof the figures "1930."

HOUSE BILL REFERRED

The bill (H. R. 11725) for the apportionment of Representatives in Congress was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO SECOND DEFICIENCY BILL

Mr. KING submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, 1929, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"That there is hereby appropriated, from the special fund in the Treasury known as the "reclamation fund," the sum of $50,000 for continuing the cooperative investigations and preparation of plans by the Department of the Interior and the State of Utah in connection with the Salt Lake Basin reclamation project in the State of Utah."

CIVIL WAR ACCOUNTS OF NEVADA

Mr. PITTMAN. Mr. President, as in legislative session I present a Senate resolution and ask unanimous consent for its present consideration. I will say that this resolution is identical with Senate Joint Resolution 41, which heretofore has unanimously passed the Senate.

Mr. CURTIS. As I understand, the resolution merely calls for information.

Mr. PITTMAN. That is all.

Mr. SMOOT. Let the resolution be read.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 295) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Comptroller General of the United States be directed to reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on $8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct $12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada.

COMMISSIONER OF INDIAN AFFAIRS

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "It Needs Explaining," appearing in the Washington Daily News of Friday, January 11, 1929.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT NEEDS EXPLAINING

Testimony of Attorney General Sargent and former Secretary of the Interior Work regarding their part in stopping prosecution of Indian Commissioner Burke falls far short of clearing up a serious matter. Fair-minded citizens will withhold judgment until all the facts are known, but will insist that those facts be uncovered as quickly as possible.

Sargent and Work told the Senate Committee on Indian Affairs yesterday they had interfered with grand jury action in order to protect Burke from alleged persecution by Assistant Attorney General Par-

menter. Sargent added that he had not intended to drop the Burke prosecution if investigation substantiated charges against the Indian Commissioner in the Jackson Barnett case.

But what reason had Sargent and Work to think that the grand jury proceedings, which they halted, would not properly sift the charges?

An uncomfortable public feeling has been produced by the apparent ease with which two Cabinet officers, behind the scenes, can manipulate legal proceedings.

"Indictment Indian Commissioner Burke threatened," Work wired Sargent. "Please have it stayed. Mrs. Burke critically ill." Whereupon Sargent, who was in New Hampshire, immediately telephoned Solicitor General Mitchell in Washington to stop the case. That was done. Mitchell then was to investigate the case, but he testified to the Senate committee that he has been too busy.

Now that these charges and countercharges have been forced into the open, it probably will occur to Work and Sargent that they were incurring grave responsibility in sidetracking normal, legal proceedings, and that having done so they were morally obligated to proceed at once with the private investigation of the charges.

Again the country has to thank a Senate committee for throwing the light of inquiry on dealings of the Federal executive departments.

This investigation of the activities of the two Cabinet officials is important in itself. It seems likely also to assure a thorough examination into the treatment of our Indian wards.

THE BAD LANDS OF NORTH DAKOTA

Mr. NYE. Mr. President, as in legislative session, I ask unanimous consent to have printed in the RECORD an article entitled "Shall the Bad Lands Be Made a National Park?" written by former Gov. Joseph N. Devine, of North Dakota.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Ward County (N. Dak.) Independent]

SHALL THE BAD LANDS BE MADE A NATIONAL PARK?

The Bad Lands are truly a real wonderful, wild, weird, and as yet unspoiled land of rude, alluring, barbaric yet sweet, fresh, and clean. Once seen, the memory of their beauty, mystery, and majesty will remain forever. Many men of national note and authority have pronounced them to be the greatest naturally formed wild-game preserve in this country and second only to the Yellowstone National Park in point of interests and awe-inspiring beauty. The Little Missouri winds and twists its way through the entire length of this strange, unique stretch of territory. Its deeply wooded banks afford many clean, restful camp sites for tourists, while ranch homes scattered here and there along its course extend hearty welcome and open hospitality to all.

There is but one Bad Lands area as there is but one Yellowstone Park. It is a country rich in romance and thrilling history. Here the student, writer, scientist, and historian can commune with nature to the full and vision that far-away, dim, distant past when God said, "Let there be light, and there was light."

North Dakota, as well as the National Government, must wake up to the far-reaching importance and priceless value of these so-called Bad Lands in the extreme western section of this State. They extend north and south 91 miles with an average width of 14. They should be made a national park and wild-game preserve. A few more years and it will be forever too late. Let them be kept free, clean, and sweet as now from the marring touch of modern civilization in its ever onward resistless march westward. The experience of the past and the constantly growing need of the future abundantly serve to emphasize this plea.

Let the Bad Lands, therefore, be set aside promptly by national legislation to the end and purpose that they be made, while in their primal majesty and beauty, a playground, recreational park, for this and all succeeding generations. God is not making any more Bad Lands.

FIRST INTERNATIONAL CONGRESS ON SANITARY AVIATION (S. DOC. NO. 201)

The PRESIDING OFFICER (Mr. THOMAS of Idaho in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending that Congress be requested to authorize an appropriation of $1,000 for the payment of expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France, in 1929.

The recommendation has my approval, and I request of Congress legislation authorizing an appropriation of $1,000 for the purpose of participation by the United States by official delegates in the First International Congress on Sanitary Aviation, to be held in Paris in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE.

MAP OF THE WORLD ON THE MILLIONTH SCALE (S. DOC. NO. 202)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

With reference to my communication of December 30, 1924, regarding legislation to be enacted by the United States in connection with the map of the world on the millionth scale, I transmit herewith a report by the Secretary of State recommending a request to Congress providing for an annual appropriation of $50 for the payment of a contribution by the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale. The recent developments in the matter are explained in the report of the Secretary of State, which has the indorsement of the Secretary of the Interior, and I trust that this small annual appropriation will be granted.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 12, 1929.*

CONSTRUCTION OF CRUISERS

Mr. BINGHAM. Mr. President, at the particular request of the senior Senator from Maine [Mr. HALE], who is detained at home on account of illness, I ask to have printed in the RECORD an article from the Washington Star in regard to the cruiser measure.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

BISHOP MCDOWELL BACKS SHIP BILL—CHURCHMAN DECLINES TO JOIN MOVEMENT IN PROTEST TO CRUISER MEASURE

By Frederic William Wile

Bishop William F. McDowell, senior bishop of the Methodist Episcopal Church of the United States, has declined to associate himself with the protest against the cruiser bill now being made by distinguished churchmen, educators, and other prominent citizens. Bishop McDowell favors the passage of the measure providing for 15 additional cruisers. His attitude is designed to attract the widest possible attention in Washington and the country at large following its disclosure, for the first time, through this writer.

It will arouse interest because Bishop McDowell, on February 27, 1928, headed the impressive delegation of churchmen who protested to President Coolidge at the White House against the projected, and eventually shipwrecked, program to add 71 vessels to the Navy. The delegation appeared on behalf of the Federal Council of the Churches of Christ in America, of whose Washington office Bishop McDowell is chairman.

HELD NOT UNREASONABLE

The present proposal—to construct 15 cruisers and 1 aircraft carrier—is held by Bishop McDowell not to be unreasonable. It is described on his behalf as "certainly not of a nature to call for protest or opposition from him." Overtures to join the "citizens' conference against the cruiser bill" failed to enlist Bishop McDowell's support, even though the call for the conference is mainly sponsored by his coreligionist, Bishop Francis J. McConnell, of the Methodist Episcopal Diocese of Pittsburgh, chairman of the conference, who was recently elected president of the Federal Council of the Churches of Christ in America. The Federal Council and the National Council for Prevention of War form the principal antipreparedness groups in the country and are jointly conspicuous in this week's anticruiser drive on the Senate.

Bishop McDowell's first interest is represented to be in the prompt ratification of the Kellogg pact for renunciation of war. He joins President Coolidge and Secretary Kellogg in the belief that there is no conflict between the multilateral treaty and the program to bring the United States Navy, by the addition of 15 cruisers, nearer to the general strength contemplated by the 5–5–3 ratio of the treaty of Washington.

BOARD NOT CONCERNED

The only reason why the senior Methodist bishop has refrained from an earlier and more public statement of his views about the pending cruiser measure is that Doctor McDowell did not wish to seem to come into opposition to the group assembled in Washington to protest against the Senate bill. The Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church at Washington, of which Bishop McDowell is president, is not concerned as an organization with the cruiser bill pro or con.

Senator HALE, Republican, of Maine, chairman of the Naval Affairs Committee and in charge of the cruiser bill, is being deluged with letters and telegrams from all over the country advocating passage of the measure. Women are predominant among his correspondents. Senator HALE is particularly interested in a letter from Salt Lake City, the home bailiwick of Senator KING, Democrat, of Utah, leader of the Senate opposition to the cruiser bill. The letter comes from Mrs. Stephen Abbot, a prominent Utah woman, and reads as follows:

"If the indorsement of the administration's Navy bill by the women of the country does not equal in volume and in force of rhetoric the protest against it which is addressed to Senators, it is not because of a lesser intensity of feeling on the part of the approving women. We average, right-minded, home-loving Americans take certain things for granted, the right of self-defense among them.

"It would be the most flagrant and cruel miscarriage of justice if the organized activities of professional propagandists and their facile converts were permitted to obscure the fact that the less vocal majority of America's wives and mothers are back of the cruiser bill, heart and soul.

"We, in this city of the intermountain region, have been in a position to observe the way in which the machinery works in at least one city—and we know. We count on you men of intelligence and power to secure for us the defense that is necessary if we as a Nation are to fulfill our destiny." (Copyright, 1929.)

CONTROL OF AIRCRAFT FOR COAST DEFENSE

Mr. BINGHAM. Mr. President, last May the Senate passed Senate Concurrent Resolution No. 11, providing for the appointment of a joint committee of Congress, to consist of five Senators and five Members of the House of Representatives, to make a full investigation of the problem of the control of aircraft for sea-coast defense. The resolution was reported favorably from both the Committee on Military Affairs and the Committee on Naval Affairs and passed the Senate. The House of Representatives has had it since then, but the resolution has not been reported from the committee and appears to be lying dormant in the committee of the House to which it was referred.

In view of existing evidences of incomplete reconciliation of the views of the Army and Navy on coast defense, and especially of the application of aircraft thereto, which are numerous, it seems to me that something ought to be done in this important matter.

The authorities of the Army and Navy differ as to whether it is necessary or not, but as a matter of fact Ford Island, in Pearl Harbor, is an outstanding example of the fact that the Army and Navy can not agree on matters of this nature. It has been a live question for eight years, and I do not see that we are one bit nearer to a solution of it now than we were 30 months ago, or, for that matter, than we were four years before that. Neither service manifests the slightest intention of withdrawing from Ford Island, and a congestion already distinctly embarrassing is bound to become intolerable and dangerous.

What would happen in the event of war in the Pacific fairly baffles the imagination. I will not argue at this moment the point of which service has the strongest claim to Ford Island, but it does seem to me that there acts upon both parties a sentiment, whether conscious or subconscious, that to withdraw would be a confession of weakness and a surrender to the other service of certain functions in coast defense not now distinctly allocated.

A somewhat similar condition exists at North Island, San Diego, where the overcrowding is already so bad that the Navy has had to lease two outside fields for flying purposes, even though it has been unable to erect any buildings on them.

The pamphlet entitled "Joint Action of the Army and Navy," which is the official text on the subject, prepared by the joint board and approved by the Secretary of War and by the Secretary of the Navy, sets it forth that a function of the air component of the Army is—

air operations in connection with the local defense of cities, important harbors, or other fixed installations in United States territory.

A function of the air component of the Navy correspondingly is—

air operations in support of local naval defense forces operating for the protection * * * of coastal zones against attacks by hostile submarines and surface raiders.

Who, Mr. President, is to draw the specific and sharp line between those two functions as applied, for example, to the particular case of Hawaii or the Panama Canal Zone?

At another point in the same pamphlet it is stated that "In operations against enemy forces approaching the coast on, under, or over the sea paramount interest will be initially vested in the Navy," while "when an attack upon a specific part of the coast becomes actually threatened, Army interests assume the greater importance." It is a matter of interest to speculate upon the precise point in the approach of either a raiding battle cruiser or a raiding aircraft carrier to the Hawaiian coast or to the Canal Zone, at which it would cease to be an "enemy force approaching the coast" and would "actually threaten an attack upon a specific part of the coast," and at which the command of the joint air components engaged in repelling the onslaught would pass from the Navy to the Army. Things happen too rapidly in the air to permit any misunderstanding on such a vital point as the manner of coordination or the location of the command in the middle of a battle.

It is very true that differences of opinion over the nature of the aircraft to be purchased in the immediate future have been reconciled. The Army members of the aeronautical board registered strong objection a couple of years ago to the purchase by the Navy of torpedo planes for Hawaii or the Canal Zone on the ground that their functions duplicated those of the Army bombers. I understand that the Army members of the joint board have withdrawn that objection. It is, of course, always possible to secure an agreement on the line that neither service will object to the other getting anything that it wants. Agreement on that general principle might avoid any open break or manifestation of difference of opinion, but I can not consider it as a satisfactory means of avoiding overlapping and duplication or as conducive in the highest degree to economy in the national defense organization. I understand that an exhaustive study of coast defense in detail has recently been prepared by the joint board as a confidential supplement to the pamphlet to which I have referred, but it gives only very limited attention to the employment of aircraft, and I have been assured that it does nothing to clarify the means of coordination or the line of division between the two services. I can not but feel that much more progress should be made in that direction and that it will be made to the limit only if some neutral party—either the President himself or the joint committee which the Senate has asked for but as to which the House of Representatives has taken no action as yet—should take a hand. I very sincerely hope that the House will act and that a joint committee of the two Houses may decide where authority over the aerial coast defense shall lie and who shall be responsible for it.

Mr. KING. Mr. President, relative to the matter to which the Senator from Connecticut has just called the attention of the Senate, I wish to say that upon numerous occasions the attention of Congress has been called to the conflict between the Navy and the Army and the coastal defense organization. General Mitchell has repeatedly, in arguments which I think have not been answered, urged the establishment of one department of national defense, with assistant secretaries—one for the Army, one for the Navy, and one for aeronautics.

I have introduced a bill in several Congresses providing for a department of national defense. With these quarrels and contentions, these overlappings, and this uncertainty as to jurisdiction in these departments, it is obvious that there should be one department of national defense, which could and would coordinate all activities essential to and imperative for the defense of our country. I hope that the committee which has the bill before it will take into consideration the measure, particularly in view of the statement made by the Senator from Connecticut.

MONOPOLY IN MANUFACTURE OF RADIO APPARATUS

Mr. COPELAND. Mr. President, yesterday a resolution was offered in the Senate calling on the Federal Trade Commission to transmit to the Attorney General the evidence taken in the recent complaint charging an existing trust in the manufacture and sale of radio devices. There is a brief article in the New York Times of to-day, containing a statement made by the vice president of the Radio Corporation, which I think is so important that it should be included in the RECORD. I ask that, in connection with these brief remarks, that this article may be printed in the RECORD for the information of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

ATTEMPT TO REOPEN "RADIO TRUST" CASE—SENATOR DILL AND REPRESENTATIVE DAVIS OFFER RESOLUTIONS CALLING ON THE ATTORNEY GENERAL—SEEK TRADE BOARD RECORD—RADIO CORPORATION COUNSEL STATES DISMISSAL OF COMPLAINT WAS FOR LACK OF EVIDENCE ONLY

WASHINGTON, January 11.—Senator DILL, Democrat, of Washington, and Representative DAVIS, Democrat, of Tennessee, to-day introduced concurrent resolutions calling on the Federal Trade Commission to transmit to the Attorney General the evidence it took under the recent complaint charging the existence of a monopoly in radio, and requesting the Attorney General "to consider and take such action as may be warranted."

The commission made the investigation and on January 28, 1924, issued a formal complaint against the Radio Corporation of America, the General Electric Co., and others, but under a recent decision of the United States Supreme Court, according to the resolution, decided that it had no jurisdiction over the alleged violations of the antitrust laws.

The resolution requests the Attorney General "to have immediate consideration given to the evidence so presented and to have the Department of Justice take such action on the charges of violation of the

antitrust laws of the United States as such evidence and information may warrant and to report to Congress as soon as convenient his decision and action in the premises."

DISPUTES RESOLUTION IN FACTS

Manton Davis, vice president and general counsel of the Radio Corporation of America, when informed to-night of the introduction of the resolutions, made the following statement:

"An implication of the fact entirely erroneous is the foundation and the basis of the resolution introduced to-day by Senator DILL in the Senate and by Representative DAVIS in the House.

"The resolution implies that the Federal Trade Commission on December 19, 1928, dismissed the proceeding then pending against the General Electric Co., the American Telephone & Telegraph Co., the Westinghouse Electric & Manufacturing Co., the Radio Corporation of America, and others, on the ground that the Federal Trade Commission had no jurisdiction of the matters complained of.

"The proceedings before the Federal Trade Commission and the order of dismissal entered by it support no such conclusion. The proceeding was dismissed by the concurrence of four of the commissioners, one of whom announced that he concurred 'for the reason that the commission was without jurisdiction to enter an effective order.'

"The fact that the three other commissioners concurring found no occasion to qualify the basis for their concurrence conclusively indicates that the respondents' motion to dismiss 'because of lack of sufficient proof,' as well as for lack of jurisdiction, had been sustained.

COMPANIES GAVE NO TESTIMONY

"The complaint was filed January 24, 1924, and thereafter the commission for four years took testimony all over the United States. The testimony covered 16,967 pages, and was finally concluded in 1928.

"Shortly after the commission had concluded its voluminous testimony, the corporations concerned, on the record which the commission itself had made, and without taking any testimony on their own behalf, set the case down for a hearing on the ground that the evidence taken did not support the complaint and on the further ground that the commission was without jurisdiction.

"Voluminous briefs were filed, and a full argument was had. More than five-sixths of the briefs and arguments were directed at the issue of the failure of the commission's proof.

"After a deliberate consideration of briefs and argument, the commission dismissed the complaint without calling on the corporations concerned to produce any testimony.

"The record can not support any other conclusion than that after four years of earnest effort and 17,000 pages of testimony the Federal Trade Commission could not find sufficient evidence to justify conclusions that the corporations concerned had violated the laws of the United States relating to trusts, monopolies, and unfair competition."

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. SHORTRIDGE. Mr. President, with unfeigned respect for the abilities and patriotic motives of Senators who have expressed their views in opposition to the ratification of the pending treaty, I venture my opinion that they have not answered effectively or satisfactorily the masterly presentation of the treaty made by the Senator from Idaho [Mr. BORAH]. Having said that, perhaps I ought to remain silent; but I have certain views, I have reached certain conclusions which, by permission of the Senate, I beg briefly to state, and, to the end that I may not unduly trespass upon the attention of the Senate, I shall be under additional obligations if I am not drawn into colloquy with different Senators.

Mr. President, before expressing my own I digress to acknowledge the masterly presentation of his views by the eloquent Senator from Missouri [Mr. REED]. I fear his great love for America has caused him to see danger where none exists; that in his solicitude for the future of our country he momentarily forgets certain ineradicable rights of an independent sovereign nation which no treaty can forfeit or destroy. His great love, I think, has misled his judgment.

It is to be regretted, Mr. President, that he is so soon to retire from the Chamber where he has stood for so many years the brave and unafraid champion of his country, ever jealous of her honor, ever watchful over her safety. Differed we have, differ we may, but I do myself the pleasure now and here of saying that he will retire with my highest regard and the admiration of his countrymen.

In submitting this proposed treaty for our consideration the President of the United States said:

With a view to receiving the advice and consent of the Senate to ratification of the treaty, I transmit herewith a certified copy of the multilateral treaty for the renunciation of war which was signed in Paris on August 27, 1928, by the United States, Germany, Belgium, France, Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, the Irish Free State, India, Italy, Japan, Poland, and Czechoslovakia. Since the date of signature 44 other powers have formally communicated to the Government of the United States the information that they have taken the necessary steps to adhere to the treaty or that they intend so to do.

At the present time, therefore, this new movement for world peace has been indorsed by no fewer than 59 of the 64 independent nations of the world entitled to participate in the present treaty. The proposal is receiving consideration in each of the five states whose formal approval has not yet been received. I have every reason to believe that they are in sympathy with this effort to promote peace, and no reason to believe that any of them will refuse in due course to become a party to the treaty.

And the President further took the liberty, within his constitutional duty, to add:

The fact that I approve of the treaty is well known. I hope that it may come into force with the least possible delay, and I should be pleased if the Senate would take such action during the present session as to enable the United States to ratify the treaty before the expiration of my term of office.

Accompanying the treaty as it was submitted to us was a communication from our Secretary of State, a part of which I wish to read, to go into the RECORD of this day's proceedings:

The treaty for the renunciation of war is brief and simple; its terms are practically identical with the terms of the treaty originally proposed by M. Briand. It contains no reservations or exceptions, and there are no collateral understandings which detract from its effectiveness or qualify its high purpose. It records the determination of the participating powers to abolish war as an instrument of national policy in their relations with one another, and to seek only by pacific means the settlement of any disputes that may arise among them. It will come into force among the 15 original signatories as soon as all their ratifications have been deposited in Washington, and thereafter it will take effect immediately in respect of each adhering power.

Then follow the names of the several many separate independent countries referred to by the President, which I will ask to have carried into the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

ORIGINAL SIGNATORIES

Germany.	New Zealand.
The United States of America.	The Union of South Africa.
Belgium.	The Irish Free State.
France.	India.
Great Britain and Northern Ireland.	Italy.
	Japan
Canada.	Poland
Australia.	Czechoslovakia.

NATIONS ADHERING OR INTENDING TO ADHERE

Afghanistan.	Luxemburg.
Albania.	Mexico.
Austria.	The Netherlands.
Bolivia.	Nicaragua.
Bulgaria.	Norway.
China.	Panama.
Costa Rica.	Paraguay.
Cuba.	Persia.
Denmark.	Peru.
Dominican Republic.	Portugal.
Egypt.	Rumania.
Estonia.	Russia.
Ethiopia.	Salvador.
Finland.	Serbs, Croats, and Slovenes, Kingdom of the.
Greece.	
Guatemala.	Siam.
Haiti.	Spain.
Honduras.	Sweden.
Hungary.	Switzerland.
Iceland.	Turkey.
Latvia.	Uruguay.
Liberia.	Venezuela.
Lithuania.	

Mr. SHORTRIDGE. Mr. President, to the end that I may express my views within a limited time, and permit others to address the Senate if so disposed, I shall state conclusions which may appear somewhat dogmatic. I have adopted that method of expressing my views in order to save the time of the Senate and my own.

We are called upon to advise and consent to entering into a treaty, not with one but with many nations—indeed, with all of the sovereign nations of the world.

The proposed treaty comes to us with the approval of the calm President and the scholarly Secretary of State. Mindful of our constitutional duty to give or to withhold our advice and consent to entering into this multilateral treaty we should thoughtfully, without pride of opinion perhaps hastily formed, consider the legal meaning and the probable and possible effect of this treaty on our country; not, of course, failing to consider its probable and possible effect on other nations and the cause of enlightened civilization.

First, what is a treaty, and what are the rules for its interpretation?

A treaty is an agreement, between two or more nations, to do or to refrain from doing specified things. If written, it is to be construed and interpreted as written agreements between individual persons are construed and interpreted. In the one case as in the other, in the treaty or the individual agreement, the duties and obligations of the parties signatory are stated, and presumed to be stated. Neither party may look beyond the written agreement for duties or obligations not found therein. In other words, the written agreement sets forth the duties and obligations of the contracting parties.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from California yield to the Senator from Maryland?

Mr. SHORTRIDGE. I yield.

Mr. BRUCE. I ask the Senator how, if that is so, the wording of this pact could be construed otherwise than as including defensive as well as offensive war?

Mr. SHORTRIDGE. I shall endeavor to answer that question, Mr. President, before I shall have finished. I have made a statement to the effect that a treaty is to be construed or interpreted by the same rules that obtain and control in the interpretation or the construction of agreements.

Mr. BRUCE. That is to say, words must be construed according to their natural import.

Mr. SHORTRIDGE. I fully agree; if in the case of a private or individual contract it be permissible to go outside the four corners of the instrument for the purpose of determining the meaning of words and to get at the true intent and meaning of the parties signatory to the agreement, under certain conditions that excursion may be made in the case of a treaty.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Georgia?

Mr. SHORTRIDGE. I yield.

Mr. GEORGE. The Senator is referring now to the ordinary rule of construction of ambiguous terms, is he not? Is that what he has in mind?

Mr. SHORTRIDGE. Certainly. If the language is plain, understandable, clear, and distinct, there is no occasion to go outside the terms of the agreement.

Mr. GEORGE. Does not the Senator recognize this rule, equally as well established as the rule applicable in this case—that where one party to the agreement has in mind a specific meaning of his own language known to the other party, and the other party acquiesces in the meaning which he places upon his language, that does become the rule of construction?

Mr. SHORTRIDGE. As between those two parties, I make no doubt that we would be held to have understood, but not necessarily to have acquiesced in, the meaning attributed to the language.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California further yield to the Senator from Maryland?

Mr. SHORTRIDGE. Yes.

Mr. BRUCE. Then, as I understand the Senator, he thinks—to use our technical professional phrase—that there is latent ambiguity in this pact?

Mr. SHORTRIDGE. No, indeed; I do not.

Mr. BRUCE. Then how does the Senator justify the idea that we can depart from the wording?

Mr. SHORTRIDGE. I answered a question put to me touching the proper interpretation of a written instrument.

Mr. BRUCE. I will not press the question at this time.

Mr. SHORTRIDGE. I have not by any means admitted that there is any necessity to go outside of the treaty as written; but, to pursue that thought for just a moment, and then to recur to the line of argument that I desire to follow, if it be permissible to go outside the four corners of this treaty, we may go outside of it; and when I come to that point I shall maintain, as I do immediately now, that we may go outside of it for the purpose of holding, should the question ever arise, that the Monroe doctrine is in our minds, and that we have not by any means renounced it or agreed that it shall not be invoked should we think it threatened.

I was about to say that I assume that Senators are familiar with these general rules for the interpretation of written contracts, and hence that it is not necessary to cite authorities to sustain them. But it has been suggested that treaties are to be given "liberal interpretations," and by that suggestion it appears to be thought that it is permissible to read into a treaty moral and legal obligations concerning which the minds of the signatory powers never met; in a word, to add to or take from the obligations of the treaty as expressed by plain, unambiguous, and intelligible written words or language.

Misled by this erroneous notion, it seems to be feared that by entering into this proposed agreement, this treaty, we shall be held or bound to do, or to refrain from doing, something not specifically set out in the written agreement.

With proper respect, I repeat myself when I say that to entertain such a notion, or to be misled by such a fear, is utterly without authority or foundation. But lest my statement, more or less dogmatic, be considered unsupported, it may be well to cite a few of the authoritative cases, wherein the true and universally recognized rule for interpreting treaties is stated, and stated so plainly that I think we can all understand.

In the case of the United States *v.* Arredondo (6 Peters 689) the Supreme Court of the United States, speaking through Mr. Justice Baldwin, we find the following language:

> The laws under which we now adjudicate on the rights embraced in the treaty and its instructions authorize and direct us to do it judicially and give its judicial meaning and interpretation as a contract, on the principles of justice and the rules of equity.

The case of the United States *v.* Reynes (9 Howard 127) involved the construction of the treaty of St. Ildefonso between Spain and France in connection with the treaty of Paris between France and the United States. The Supreme Court, speaking through Mr. Justice Daniel, said:

> In the construction of treaties the same rules which govern other compacts properly apply.

In the case of the United States *v.* D'Auterive et al. (10 Howard 609), involving the construction of the treaties of St. Ildefonso and of Paris, mentioned in the preceding case, the Supreme Court says:

> The compacts between governments or nations, like those between individuals, should be interpreted according to the natural, fair, and received acceptation of the terms in which they are expressed.

The case of Tucker *v.* Alexandroff (183 U. S. 424) involved a construction of a treaty with Russia as it affected deserting seamen.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. BAYARD. When the Senator quotes these several decisions is he not going on the theory that all cases which he supposes are going to arise will be brought about between American citizens among themselves or American citizens against their own Government, so that the ultimate decision will land in the Supreme Court of the United States?

Mr. SHORTRIDGE. No, Senator; far from it. Assume a controversy with another nation, and assume arbitration, and assume that the question should arise as to the proper interpretation of this treaty. I am assuming that our representative in presenting our case would urge the rules which our Supreme Court has stated are the proper rules for the interpretation of a contract or a treaty.

Mr. BAYARD. In other words, the cases would be cited as authorities before whatever tribunal we might get, individually, or as a nation?

Mr. SHORTRIDGE. Precisely.

Mr. BAYARD. How does the Senator reconcile that statement with the deliberate reservation, made by the English through Sir Austen Chamberlain, to this very treaty? In other words, would not the English people set up a different doctrine than the doctrine now being set up by the Senator from California?

Mr. SHORTRIDGE. It is conceivable that they might.

Mr. BAYARD. Inasmuch as they made the reservation in the note of May 19, 1928, and the further note of July 18, 1928, where Sir Austen Chamberlain insisted upon the repetition of the reservation, why would not England then be justified in going before the tribunal before which it may be seeking redress and setting up this reservation, which would be totally different and totally distinct from the general line of law laid down by the Senator from California?

Mr. SHORTRIDGE. Undoubtedly the representative of Great Britain in such a supposed case would urge that they might depart from the language of the treaty and consider the reservation referred to. I have never doubted that. And at this point I want to say that Sir Austen Chamberlain has, in language perfectly well understood, conceded that we have made a like reservation in respect of the one great doctrine which seems to concern some Members of the Senate, lest we have abandoned it or lest we shall abandon it.

Mr. BAYARD. Is it not a matter of fact that Secretary Kellogg, during all these negotiations, at least the written ones, denies explicitly that he has ever set up the Monroe doctrine in reply to the intimation of Sir Austen Chamberlain?

Mr. SHORTRIDGE. I do not know that he has in terms said he has not set up that doctrine, and at this moment, in expressing my views, I am not concerned with whether he did or not. I am now suggesting that, in the first instance, a treaty is to be interpreted, is to be considered, as a written agreement between two individuals. If there be rules which permit departure from the language of an agreement between private individuals, if there be rules which permit a departure from the language of a treaty, be it so; I will approach that proposition in a moment. But while I may not be able to satisfy the Senator, I think I am sound in my view.

Mr. BAYARD. Up to this time in the development of the Senator's argument the position he has taken is that the treaty must be interpreted within its four corners.

Mr. SHORTRIDGE. Yes.

Mr. BAYARD. This may be an unfair question, but after having developed that argument and satisfied himself as to its soundness, does the Senator thereafter intend to go upon the record as published and put forth by Secretary Kellogg, and on that record insist that the United States is inhibited by Secretary Kellogg's record from going into any anterior operations to interpret the treaty.

Mr. SHORTRIDGE. I do not take that position.

Mr. BAYARD. And will not take it?

Mr. SHORTRIDGE. If alive, I shall not take it.

Mr. BAYARD. That is what I wanted to find out.

Mr. SHORTRIDGE. I shall speak of what I think is an inherent right of a sovereign nation, which right is the right of self-defense, and that the Monroe doctrine is an integral part of that right. I shall go further, and I say now that there is not an intelligent public man in the world who does not know of that doctrine, does not know our views concerning it, who does not know that we have many times invoked it, and I imagine that all are well satisfied that we shall again invoke it if necessity for so doing ever arises.

In the case I just mentioned—Tucker against Alexandroff—the opinion of the Supreme Court was rendered by Mr. Justice Brown. Among other things he said:

> Where the signatory powers have themselves fixed the terms upon which deserting seamen shall be surrendered, we have no right to enlarge those powers upon the principles of comity so as to embrace cases not contemplated by the treaty. Upon general principles applicable to the construction of written instruments, the enumeration of certain powers with respect to a particular subject matter is a negation of all other analogous powers with respect to the same subject matter. (Ex parte McCardle, 7 Wall. 506; Endlich on Stats., secs. 397, 400.) As observed by Lord Denham in Aspdin *v.* Austin (5 Ad. & El. (N. S.) 671, 684), "Where parties have entered into written engagements with express stipulations, it is manifestly not desirable to extend them by any implications; the presumption is that, having expressed some, they have expressed all the conditions by which they intend to be bound under that instrument." The rule is curtly stated in the familiar legal maxim, expressio unius est exclusio alterius.

And the learned jurist proceeds:

> As treaties are solemn engagements entered into between independent nations for the common advancement of their interests and the interests of civilization, and as their main object is not only to avoid war and secure a lasting and perpetual peace, but to promote a friendly feeling between the people of the two countries, they should be interpreted in that broad and liberal spirit which is calculated to make for the existence of a perpetual amity, so far as it can be done without the sacrifice of individual rights of those principles of personal liberty which lie at the foundation of our jurisprudence. It is said by Chancellor Kent in his Commentaries (vol. 1, p. 174): "Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties, and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

Does anyone in the Senate or elsewhere question the profound learning of Chancellor Kent? Let me read again what this distinguished American jurist said, pausing to remark that I prefer to take the views of Chancellor Kent than even the views of Grotius, the Dutch jurist, dead over a quarter of a century ago, or Vattel, the Swiss jurist, dead, I think, over 160 years ago. Great men as they were, I need not turn to their musty tomes in order to learn how to interpret a treaty in view of the expressions given to me by the great American jurist, Chancellor Kent. I repeat, he said:

> Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

In 38 Cyclopedia of Law, at pages 969 and 970, Mr. Justice Day, of our Supreme Court, stated the rule in these words:

> If the terms of the treaty are clear and unambiguous the courts must recognize and enforce it as written, notwithstanding the language of the treaty is inconsistent with the correspondence which preceded it; but if the treaty is open to construction they should endeavor to ascertain and give effect to the intention of the parties, and in so doing will adopt the same general rules which are applicable in the construction of statutes, contracts, and written instruments generally, and particularly those applicable in the construction of contracts between individuals.

These are but a few of the great number of well-considered cases in which the rule for the interpretation or construction of treaties is clearly stated. And, permit me to add, no court in all Christendom stands higher in the opinion of jurists and statesmen than the Supreme Court of the United States.

I respectfully submit to the Senate that this rule for the interpretation of a treaty should be kept steadily in mind as we turn to consider the proposed treaty now before us. Turning to that instrument, we see that high contracting parties—sovereign nations—propose to enter into the following agreement with one another and with us, the United States of America:

> ARTICLE 1
>
> The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

I may be repeating myself, but it appears to me, and has appeared from the beginning of the discussion, that not enough emphasis has been placed upon the words or the language of article 1. It is a condemnation of war for the solution of "international controversies." It is a renunciation of war as "an instrument of national policy" in the relations of nations with one another.

> ARTICLE 2
>
> The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them shall never be sought except by pacific means.

I digress to remark that I agree with the Senator from Idaho that article 2 is perhaps the more vital of these two articles; but it should be added that by article 1 the powers are mutually bound by their most solemn declarations, to ignore or violate which by any of them would brand it with eternal infamy.

What are the reasons, what the hopes, that induce these high contracting parties, including the United States of America, to propose this agreement, this multilateral treaty?

These reasons, these hopes, are thus plainly and clearly expressed in the preamble to the treaty, in a sense forming a part of it. Listen:

> Deeply sensible of their solemn duty to promote the welfare of mankind.
>
> Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated.
>
> Convinced—

Note the strong and perfect language in our tongue—first "deeply sensible," then "persuaded," then "convinced"—

> Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty.
>
> Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within

the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy.

That is the preamble.

Mr. President, an English statesman not partial to America paid this eloquent encomium on our Declaration of Independence:

It should be hung up in the nursery of every king and emblazoned on the portico of every royal palace.

I venture to add that the preamble to this treaty is worthy of as high a tribute as Macaulay paid to our charter of freedom. This preamble should be hung up in the nursery of every king and emblazoned on the portico of every royal palace. Nay, more, it should be hung up in every legislative body and executive mansion of every nation of the earth. It should be impressed upon the heart and conscience of the world, and if, as I hope it will be, it is so impressed, then the peace now existing among the nations of the earth may be perpetuated.

And, rapping on the breast of every Senator, why should we hesitate to enter into this agreement? Does any sane man think that the United States would be injured by such an instrument or such agreement? Note the question I put:

Does anyone think we would be injured by entering into this agreement?

Should we not "condemn recourse to war for the solution of international controversies"?

Should we not renounce war "as an instrument of national policy in our relations" with all other nations?

Should we not seek through or by pacific means the "solution or settlement of all disputes or conflicts" which may arise between us and other nations?

Do we imperil our independence or jeopardize our sovereignty by entering into this treaty? I answer "No."

Do we surrender any inherent right as a sovereign nation? I answer "No."

Do we ignore—and I respectfully claim the attention of Senators to this question—the injunction of Washington, who in 1793 warned America to keep out of Europe? I answer "No." Against the unwise clamor of the hour Washington stood as firm as the monument to his memory and warned America to keep out of Europe, out of enangling alliances with European powers. And thus far, thank God, we have heeded the advice of the Father of our Country.

Does anybody think, I repeat, that by entering into this agreement we are abandoning or forgetting the injunction of Washington? I respectfully say we are not, and I add that if I thought we were I should not vote for the ratification of this treaty.

Do we abandon the doctrine of Monroe, who in 1823, warned Europe to keep out of America—for that was the sum and substance of that famous message to the Congress? I answer "No."

In the hope that these two thoughts, as I express them, may live beyond the hour of their utterance I repeat that in 1793 George Washington warned America to keep out of Europe and in 1823 James Monroe warned Europe to keep out of America. Does anybody think that we are abandoning the doctrine of Monroe? Apparently some have a fear that we are. The Senator from Idaho [Mr. BORAH] has pointed out, I think in manner unanswerable, that we are not abandoning that American doctrine. I venture to add that there is not a statesman or a public man in the world in any of the continents who does not understand our views in respect of the Monroe doctrine.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SHORTRIDGE. Yes.

Mr. KING. I think that the Senator ought to qualify his last statement, if he will pardon the suggestion. I think if the Senator means that the Monroe doctrine is as it was interpreted by the able Senator from Idaho [Mr. BORAH], perhaps it is true that the statesmen of the world understand that to be the Monroe doctrine. That is a very sound exposition of that doctrine; but the Senator must know that since the days of Mr. Roosevelt, under his régime, under Mr. McKinley's interpretation of the Monroe doctrine, and under the interpretation of others, there has been a very radical departure from that early safe and sound doctrine.

Now, many claim that under the Monroe doctrine the United States may go into Latin America, into any of the Republics there, when their government does not quite suit our esthetic taste, and reform and change it, control elections, and send marines there; that if debts are not paid—that is to say, if it is determined that some particular country in Latin America has not paid its debts to some American citizen or some European citizen—the United States may go in and take charge of the government or coerce it into the payment of the obligation. In other words, the Monroe doctrine has been so perverted by the jingoists in the United States that a majority of the people of the United States do not know what the Monroe doctrine is, and the overwhelming majority of the people of the world do not know what the Monroe doctrine is.

Mr. SHORTRIDGE. Replying in a word, the going into Nicaragua, or into any other American state to enforce supposed rights of ours is not to be defended by invoking the doctrine of Monroe; such suggested action on our part would rest upon altogether different principles. We might or we might not be justified; but such action does not fall within the principle of the Monroe doctrine, the cardinal essence of which was a warning to European nations to keep out of America.

Do we become entangled by alliances that may imperil our peace and safety by entering into this treaty? No, Mr. President. If, then, we are not ignoring the injunction of Washington, if we are not abandoning the doctrine of Monroe, if we are not entangling ourselves with any nation on earth, imperiling, as it might, our peace or our safety, why do we hesitate; why do we fear to enter into such an agreement?

Why should any nation hesitate to lay aside the sword and take up the pen? Are we afraid to sit at the council table and endeavor to settle disputes that may arise between us and another nation?

Already we have made progress toward the solution and settlement of international disputes by pacific means, by arbitration treaties. We have sought and found solution and settlement of international disputes that threaten war by conciliation treaties. We shall seek to find solution and settlement of all national disputes that may arise between us and other nations which, if not settled by pacific means, may ultimately lead to war.

Many arbitration treaties and conciliation treaties have been entered into by us. Does anyone think that by so doing we have renounced or abandoned the doctrine of Washington, the doctrine of Monroe? Does anybody think that we have entangled ourselves or imperiled our safety by entering into such treaties, whether they be arbitration or conciliation treaties? Their design is to settle disputes by or through peaceful means rather than by the sword.

Does anyone think that we have entered into any entangling alliances by agreeing to submit justiciable questions to an agreed impartial tribunal? Is there a nation on earth to-day—a civilized nation, and I, of course, am happy to believe that all the parties signatory to the treaty are severally civilized nations—does any one of them, does any nation, prefer a trial by battle to a trial by law? Does any one of the nations of the earth to-day think that the council chamber is less safe than is the battle field? Does any nation think that justice is more secure in the arena than in the forum?

But the fear is expressed that by entering into this treaty we shall surrender a vital right of an independent and sovereign nation—the right of self-defense. Such a fear is utterly groundless, as a moment's reflection will make manifest. If this treaty shall be observed, there will be no occasion or necessity to invoke the right of self-defense. If one or more signatory nations breaks this treaty, we are eo instanti released from all its obligations; as to that or those nations the treaty is at an end and we are at liberty to resort to such means and adopt such policy, according to the exigencies of the time, as we shall deem necessary for our safety and happiness.

It has appeared to me that learned Senators in the zeal of debate, in gladiatorial contest, have lost sight of the proposition that if this treaty shall be observed, as we hope it will be, there will be no occasion to invoke the right of self-defense, and that if it be broken, then we are released from it and may adopt such means as we may deem necessary for our safety and for our protection. If one of the signatory nations should have a dispute with us, and, declining to seek its solution by pacific means, should invade our territory or seize our property or violate the rights of our citizens at home or abroad, that would be a flagrant breach of the treaty and would relieve us from all its obligations; we would be free to repel the invader and punish the violator and pursue such military or naval course within our power as seemed to us necessary. In a word, in resorting to force to redress the wrong done to our Nation or its citizens, we would be exercising an inherent inalienable right—the universal right of self-defense. It requires no exchange of notes between us and other nations; it requires no reservation by us to give such interpretation to this written instrument.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. BLAINE. If that position of the Senator is correct, then his opinion differs from that of Sir Austen Chamberlain,

for he did give interpretations and reservations in the note prepared by him. Does the Senator take the position that it is his judgment that is going to prevail or is it the judgment of Sir Austen Chamberlain or other statesmen of the British Empire in the future that is going to prevail in connection with the interpretation of the British note?

Mr. SHORTRIDGE. I made brief reference to that proposition a moment ago. Whatever moved Secretary Chamberlain, whatever idea he had, I gather from the language; but I am for the moment not particularly concerned with his reservations, if they are reservations; I am concerned as to whether it is necessary for us to make a reservation; and I am attempting to point out why I think that without express reservation added to this instrument or by way of correspondence it is not necessary for us to reserve the right of self-defense, including an assertion of the Monroe doctrine. That is my thought and my contention.

Mr. BLAINE. Mr. President, will the Senator yield for another question?

Mr. SHORTRIDGE. Certainly.

Mr. BLAINE. But the fact is that the opinion of Sir Austen Chamberlain and the opinion of the distinguished Senator from California differ. Sir Austen Chamberlain thought it was necessary to reserve such rights as he conceived to be the rights of the British Empire. Does the Senator from California place his most valuable opinion over and above that of Sir Austen Chamberlain as against the conception that Sir Austen Chamberlain had of the treaty?

Mr. SHORTRIDGE. I am not required to place my opinion over and above or against his; not at all. His view as expressed does not affect my interpretation of this agreement. If he deemed it necessary, be it so. I am not saying that it was necessary for him to do so; but he appeared to think it was, and let it go at that. I am not, however, bowing to or crawling on my hands and knees before Sir Austen Chamberlain, nor am I taking his view as conclusive of the interpretation of this instrument.

Mr. BLAINE. If the Senator will permit me, I should like to ask just another question. Then, I assume the Senator's position to be that Sir Austen Chamberlain had a perfect right to initiate the note of May 19, to which reference has been made, containing paragraph 10 and paragraph 4; that he had a right to initiate that note and make adherence to the treaty conditioned upon that note. Does the Senator now contend that Sir Austen Chamberlain was in error? If he does so contend, whose opinion will prevail when the contingency shall arise, when the conflict is brought to issue, as to what Great Britain meant? If he contends that America will determine that——

Mr. SHORTRIDGE. That is a very complex question; but proceed, Senator.

Mr. BLAINE. Well, I will divide my question.

Mr. SHORTRIDGE. I answer, mine will prevail, then, if you wish to put it up between me and Sir Austen Chamberlain. Mine will prevail. I think that is an answer, because mine is the American people's.

Mr. BLAINE. Then the Senator's position is that Sir Austen Chamberlain did not know what he was talking about?

Mr. SHORTRIDGE. Oh, yes; he was fairly well aware of what he was talking about.

Mr. BLAINE. Then, I ask the Senator, does he now admit that Sir Austen Chamberlain was correct in making an interpretation or reservation of this treaty?

Mr. SHORTRIDGE. I am making no admissions. It is not necessary to make admissions. I am trying to speak for this treaty and for our country. Let Sir Austen speak for his own.

Mr. BLAINE. Then, will the Senator support a reservation to put into effect the very conclusion to which he has come, that there shall be no implication of any admission as to what is contained in any of the notes that are not in the text of the treaty?

Mr. SHORTRIDGE. It is not necessary to put any reservation or interpretation into a treaty which is so plain on its very face. I see no necessity for it.

Mr. BLAINE. But France saw necessity. Great Britain saw necessity. Some 8 or 10 nations saw necessity.

Mr. SHORTRIDGE. Let us not pursue this colloquy forever. I am aware of what other nations have said.

Mr. BLAINE. That necessity may prevail with them; and the opinion of the Senator from California, valuable as it is, can not prevail against that which we admit by way of estoppel in ratifying this treaty without some reference to those notes.

Mr. SHORTRIDGE. I asked Senators not to draw me into colloquy. I can stand here all day and answer, but I know the Senator does not mean to divert me from the main line of my thoughts.

Mr. BLAINE. I beg the pardon of the Senator, and would not have engaged in the colloquy had he not permitted me to do so.

Mr. SHORTRIDGE. I understand that, but I merely want to say this:

Every so-called reservation referred to as attempted to be placed on this treaty by the several nations really amounted to a reservation of the right of self-defense. I do not now pause to read these several so-called reservations; but, when analyzed, it will be seen that they involve or refer to the inherent right of self-defense. Now, it has been pointed out that that thought was running through the mind of Sir Austen Chamberlain. It probably was running through the minds of others. We are saying, I am venturing to say, that it is not at all necessary under this treaty to say specifically that we have and that we reserve the inherent right of self-defense. No law gave man the right of self-defense. It is spoken of as a natural right, an inherent right. In a reverent spirit I say, it is a right bestowed upon man by God Himself—the inherent right, the natural right of self-defense.

I am contending that a nation has the natural right of self-defense. In this case, if this treaty is observed, there never will be necessity for the assertion of the right of self-defense, because controversies will be settled by pacific means. It will not be necessary for us to draw the sword. That is my view, perhaps poorly expressed.

Mr. BLAINE. I will not interrupt the Senator if he will not permit a question.

Mr. SHORTRIDGE. I yield to the Senator for a question, if it throws any light upon the discussion.

Mr. BLAINE. One is, the right of self-defense can be suspended, can it not, by the individual or the nation?

Mr. SHORTRIDGE. No, Mr. President; I do not think that any legislative body can surrender the right of self-defense inherent in a people.

Mr. BLAINE. An individual may suspend that right as to himself, may he not?

Mr. SHORTRIDGE. I do not think he can.

Mr. BLAINE. An individual can not do it? The inherent thing, the God-given thing within him, then, impels him to take life?

Mr. SHORTRIDGE. Oh, no, no, no!

Mr. BLAINE. The Senator knows from his experience that many a man has held a six-shooter pointed at some one he thought was his assailant, and finally decided that he would retreat to the wall. He retreated to the wall and was still assailed. He permitted that assailant to shoot him down. He suspended the right of self-defense. A nation may suspend its right of self-defense through the inaction of its elected officials, may it not?

Mr. SHORTRIDGE. But could this body, could we, surrender the right of this Nation to defend itself? Answer me that.

Mr. BLAINE. Could not this body refuse to make any appropriation whatever for the operation of a single implement of death and thereby suspend the right of self-defense?

Mr. SHORTRIDGE. No, no, no!

Mr. BLAINE. What are you going to do, then? Could the President go out and fight the assailant with clubs and sticks and stones such as he might gather upon the roadside?

Mr. SHORTRIDGE. The Senator ought not to be disturbed by those passing questions. We propose, I hope, to enter into this treaty committing our Nation to the settlement of her controversies by peaceful means; but I am also hopeful that we shall be in a position to defend ourselves should any of these signatory nations violate this treaty. That is so simple that I am sure the Senator grasps my meaning.

Mr. BLAINE. Has not that been the attitude of America and all countries, or, at least, they assert it in their notes that they have always adhered to the doctrine that war is not a part of their national policy?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. BLAINE. That they have always resorted to pacific means to settle their controversies; but whenever there has been a great world cataclysm they have clothed their offensive in the holy terms of self-defense.

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. BLAINE. That is admitted, and must be admitted, I think.

Mr. SHORTRIDGE. I think I made that admission the other day; but I hastened to add, as I now say, that I think many nations have waged war as an instrument of national policy even though they may have claimed that it was in self-defense. But why should we be disturbed here, in this year of our Lord, with bloody records of the past? Why should not

we—if not first at least in the forefront rank and file of time—why should not America be willing to look to the future, not forgetting, of course, the lessons of the past?

Mr. BLAINE. Will the Senator permit another question?

Mr. SHORTRIDGE. Another.

Mr. BLAINE. Will the Senator take those views when the cruiser bill is before the Senate?

Mr. SHORTRIDGE. Indeed I shall.

Mr. BLAINE. And vote for the cruiser bill?

Mr. SHORTRIDGE. Indeed I shall.

Mr. BLAINE. A pledge of peace on the tongue, and the threat of a well-filled belt of ammunition about the waist.

Mr. SHORTRIDGE. Mr. President, let me say right here, if it be of any consequence, that this Nation is committed to a policy of peace. I do not think I overstate it when I say that we are smitten with a love of peace. We are meditating no attack upon any nation. We are not conspiring against any nation. We do not covet the possessions of any nation. We are not in secret, in darkness, lying in wait to attack, invade, or overrun any nation on this earth; and I have in mind that our interests are as far-flung as those of Great Britain.

We listened yesterday to our eloquent colleague from Missouri [Mr. REED] as he drew a picture of the far-extended possessions of the British Empire. Ours are far extended. Yonder is Alaska. Beyond the Pacific lie the Philippines. Yonder is the paradise of the Pacific, the Hawaiian group. Yonder is Samoa, where we have interests; and there is the great Panama Canal Zone, over which we have jurisdiction. Yonder is Porto Rico, yonder the Virgin Islands, and trade and interest encompassing the earth.

We have great, far-extended interests. I favor this treaty, but I favor a navy. Why? Not lying in wait, not to attack, but as a deterrent, perhaps, to speak mildly, against any nation, great or small, European or Asiatic, that shall violate the treaty and resort to force as against the United States.

Mr. BLAINE. Then, if the Senator will yield, I will ask him this question: From the suggestion the Senator has made we are, then, to construe that this treaty may be treated as a mere scrap of paper?

Mr. SHORTRIDGE. Oh, no, no, no!

Mr. BLAINE. And, in fear of that, we must arm ourselves to the teeth.

Mr. SHORTRIDGE. I am far from thinking it will be considered as a mere scrap of paper and hoping that it will not be so considered by any nation.

Mr. BLAINE. Just a noble gesture?

Mr. SHORTRIDGE. Well, it is a noble gesture, yes; a very noble gesture; but because treaties have been broken because treaties of peace have been broken, shall we never enter into more treaties of peace?

Mr. BLAINE. Does the Senator ask me that question?

Mr. SHORTRIDGE. No; permit me to go ahead now a little while.

Mr. BLAINE. Certainly.

Mr. SHORTRIDGE. Having wandered or been wooed far away from the path I intended to tread, by the permission of the Senator from Wisconsin, I will return to the Monroe doctrine just for a moment.

Mr. BLAINE. I might suggest that the Senator is extremely enlightening.

Mr. SHORTRIDGE. I have said—and the Senator from Wisconsin may think I am very dogmatic—that we do not abandon the Monroe doctrine by joining in this treaty. I repeat, that doctrine is embraced within and forms an integral part of the inherent right of self-defense; and I add that it is as much alive to-day as it was in 1823, when James Monroe announced it.

Mr. VANDENBERG. Mr. President, what is the Senator's objection to saying so specifically?

Mr. SHORTRIDGE. If I deemed it at all necessary I would have no objection; but I do not think it at all necessary, and I do not want to defer entering into this treaty. I do not wish to have it necessary to engage in further correspondence as between us and other countries. I believe it is reserved, and hence unnecessary to reserve it specifically.

For over a hundred years we have maintained that doctrine as we understood it, by insisting on its observance whenever we had cause to think it was threatened. Did we not assert and maintain it when England threatened to use force in settling her controversy with Venezuela?

I hold in my hand, Mr. President, an address delivered by a great American, a former President of the United States. You may not have walked under his political banner—I did not—but American history will bear witness that Grover Cleveland was a man who loved his country well, and was alert and unafraid to assert the rights of the United States. This address was delivered by former President Grover Cleveland after he had become a teacher in a great university. I will not do more than refer to it.

I assume that Senators are familiar with the controversy we had with Great Britain when Great Britain threatened by force to take certain territory from Venezuela. Grover Cleveland here gives us a résumé of the correspondence and the ending of that controversy, and Great Britain yielded to the doctrine of Monroe as bravely insisted upon by Grover Cleveland.

Does the Senator from Michigan, or does any Senator, forget how we enforced the Monroe doctrine when Germany undertook by force to coerce the same little, weak South American country, Venezuela, when the immortal Theodore Roosevelt was President of the United States? Did we assert the doctrine then; and what was the controversy? I assume that Senators are familiar with that controversy and hence I need not here take up the time of the Senate in going into the details.

We asserted that doctrine when it was thought, and there was evidence, that Germany, then powerful, was by force or threat to take rights away from Venezuela. I do not quote him, but it was in the press of the Nation that President Roosevelt said that if a German man-of-war went into those waters to enforce demands of Germany against Venezuela Admiral Dewey would be there to meet it—and Germany seemed to recall the Monroe doctrine; she sent no man-of-war to overcome and coerce our neighboring Republic.

Is there any Senator who forgets the resolution introduced by Senator Lodge, then chairman of the Foreign Relations Committee, and passed by the Senate in 1912? It may be said that the Lodge resolution was an enlargement, an expansion it might be termed, of the Monroe doctrine, although, as he pointed out, and as the Senate then understood—and I assume now understands—that resolution was supported by a different but recognized principle of government. When it was thought that an Asiatic country was seeking a naval base at Magdalena Bay, yonder on the west coast of the peninsula of California, Senator Lodge's resolution, which I may ask to have inserted in the RECORD, set forth that the establishment of that naval base by the foreign nation, if permitted by the Republic of Mexico, would be regarded, in effect, as an unfriendly act toward the United States.

While the Monroe doctrine, originally put forth by Monroe, had reference, of course, to European nations, the resolution of Senator Lodge, which the Senate passed, in a sense expanded that doctrine to apply to Asiatic nations. In any event, we have never at any time hesitated to invoke that doctrine, and every nation on earth is familiar with that doctrine.

Whatever may be said or thought to the contrary, while we were a little slow in moving because of our then unhappy domestic troubles—I refer, of course, to our unhappy Civil War—we were preparing to assert and maintain the Monroe doctrine as it was being violated in Mexico, when necessity for action on our part was averted by the overthrow of Maximilian.

Mr. VANDENBERG. Mr. President, would it interrupt the Senator if I asked him a question?

Mr. SHORTRIDGE. Not at all.

Mr. VANDENBERG. It is the Senator's contention that we would still have full freedom of action in kindred circumstances, if such a condition again existed, in spite of this treaty?

Mr. SHORTRIDGE. It certainly is.

Mr. VANDENBERG. Although the Secretary of State, in defining our right of self-defense, delimited it to a territorial right and neglected to add that we had the right also to protect our vital interests?

Mr. SHORTRIDGE. I think that was perhaps in a sense an unfortunate omission—failing to add the words suggested, but I do not think that the letter of the Secretary of State binds the Senate; I do not think it binds this Nation for all time.

Mr. VANDENBERG. If the Senator thinks it was unfortunate for the Secretary of State to omit that phrase, why would he think it unfortunate, then, for the Senate to add it?

Mr. SHORTRIDGE. I do not say that it was a fatal omission, and therefore I say that it is not necessary now to insert it. When I say it was unfortunate I must be understood as meaning that if he had said that, then perhaps the Senator would have been satisfied.

Mr. VANDENBERG. He would have been.

Mr. SHORTRIDGE. And in that sense it is unfortunate. He might have added other phrases which would have quieted the fears of many other thoughtful men. But I do not think that his saying it or omitting to say it in any wise affects the true intent and meaning and binding force of this proposed treaty.

While the Monroe doctrine was and is designed primarily to safeguard our own country I hope it will not be regarded offensive to any nation now upon earth for me to say it made us self-appointed guardians of the then struggling peoples of the New World, by notifying Europe that the United States would not tolerate the interference of Europe, the extension of its political system, to the New World, to oppress the American Republics, to colonize, or control in any way their destiny.

Without any blush we may admit that we were not altogether altruistic when over a century ago we announced this American doctrine. We were indeed thinking first of our own infant Nation, but we were not unaware of the avowed designs of the Holy Alliance, falsely so called, when we declared, in effect, that we would not suffer the autocracies of the Old World to gain a foothold in the new.

Let no one think that our fathers were coldly indifferent to the fate of the heroic peoples of Central and South America, who, inspired by our example, had declared and achieved their independence. Let no one stand by the grave of James Monroe yonder in Richmond and defame his memory by saying or thinking that he was deaf or blind to the danger that threatened liberty in the New World.

By permission of the Senate I wish to incorporate here the words of James Monroe. Much has been said about the Monroe doctrine. Perhaps it might be well for us once more to listen to what President Monroe said in his seventh annual message, which came to the Senate December 2, 1823:

> The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic.

Referring, of course, to Europe.

> In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense.
>
> With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole Nation is devoted.
>
> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

Out of that message sprang what we know as the Monroe doctrine, and on every occasion when this Nation has had reasons to think that any European power was preparing to violate or threatening to violate that doctrine, whether it be as to Venezuela or as to Mexico or as to Chile or as to any other nation in this hemisphere, we have been ready to invoke the doctrine and assert it, and we expanded it, so to speak, by the Lodge resolution, which I will ask to print without reading.

The PRESIDING OFFICER (Mr. THOMAS of Idaho in the chair). Without objection, it is so ordered.

The Lodge resolution is as follows:

> *Resolved*, That when any harbor or other place in the American Continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another government, not American, as to give that Government practical power of control for naval or military purposes.

Mr. SHORTRIDGE. Many of the once small and weak republics of the New World, guarded in their infancy by this doctrine, have become great and strong, and some may not think they further need its protection; but whether or not they need or think they need its protection, we may need its protection and will not hesitate to invoke it.

Mr. President, from what I have said I reached the conclusion that this American doctrine is not impaired or taken away by omission to mention or specifically, in express words, reserve it in this treaty. Whether the proposed treaty is signed by us or not, if any power violates or threatens to violate that doctrine, we hold ourselves at liberty to resort to such means as may be in our power to assert and defend it.

It has been suggested that by entering into the treaty we obligate ourselves to go to war as an ally or associate with other signatory power or powers that may be in war brought on by violation of the treaty. Sympathy or common interests might cause us to join in such a war, but it is enough to say that there is no such express or implied legal or moral obligation to do so found in the treaty.

I have in my mind the view of the Senator from Missouri [Mr. REED], expressed here and elsewhere. With great respect for his legal ability, and certainly with respect for the motive which caused him to express the view, I venture to say two things: First, that there is no moral or legal obligation on our part to become the associate or the ally of any nation engaged in war in violation of this treaty; and, second, if violated and war comes on, we are relieved entirely from all obligations under the treaty.

It may not be necessary for me to say so, Mr. President, but, listening to the discussion and bearing in mind the language of the treaty which condemns war as an instrument of national policy, which renounces it as an instrument of national policy, some days ago I bethought me, does this treaty in anywise affect the right to carry on a revolution? It may be asked: What of the right of revolution, even though the assertion of that right leads to war? Is such war condemned or the right to engage in it renounced by this treaty?

Assuredly not. This treaty does not relate to that kind or character of war. It deals with and condemns "recourse to war for the solution of international controversies" and renounces it as "an instrument of national policy in their relations with one another." No one will claim or assert that a revolutionary war is a war for the solution of international controversies or that it is an instrument of national policy as against another nation. As in our own glorious revolution, for example, war may be an heroic effort of men "to alter or to abolish" an oppressive government and "to institute a new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem likely to effect their safety and happiness."

No; this treaty does not undertake to curb or deny, to condemn or renounce, the inherent, inalienable, right of a people to overthrow the oppressor, be that oppressor tyrannic king or tyrannic government. On the contrary, this treaty seeks to curb the tyrannic king and the tyrannic government from making use of war as an instrument of national policy—a national policy, it might be, which, if carried out successfully, would mean seizing the territory belonging, by right, to other nations, the overthrow of their governments, the deprivation of the rights and the enslavement of their people.

The preamble to this treaty recites that—

> Any signatory power which shall hereafter seek to promote its national interest by resort to war should be denied the benefits furnished by this treaty.

Here is a recital that expresses a moral as well as a legal truth—that a nation which breaks a contract freely and voluntarily entered into is not entitled to any of the benefits thereof. Thus it is sought to impress on nations the sanctity of treaties and, by anticipation, to place a brand of infamy on the brow of that nation which shall fail to observe this treaty according to its true intent and meaning.

I do not doubt or question the good faith of any of the signatory powers, present or prospective. I believe they are animated by the same motives and inspired by the same hopes that animate and inspire us; that they, as we, are highly resolved that all disputes or conflicts, of whatever nature or of whatever origin they may be, which arise among them shall be settled by pacific means rather than by war.

But it is said—and my friend from Wisconsin [Mr. BLAINE] by questions brought up the thought—that treaties have been broken and that this treaty will be broken; wherefore, why enter into it? This is the counsel of despair. This is the doctrine of the fatalist. That such suggestions should be made is not strange, for, sad to admit, solemn treaties have been broken. But that such a suggestion should have weight to me is surprising, for we should not weary of well-doing even though our labor be unavailing. Let broken treaties lie in their dishonored graves along with the dishonored men who broke them, and let nations learn from the bitter experience of treaty breakers that it is not only right but wise to keep the plighted faith and walk in the path of honor, which is the path of safety.

There is a very thoughtful book entitled "Is Mankind Advancing?" written by a scholarly woman, Mrs. John Martin. It may be that Alexander has never been outranked as a military genius. It may be that no sculptor has ever excelled Phideas. It may be that no orator has ever surpassed Demosthenes, unless it be our own god-like Webster. It may be that no dramatic poet has ever risen above Sophocles, unless it be the "myriad-minded" Shakespeare. It may be that no painters have ever more glorified the canvas than Raphael or Michelangelo. But I do not concede that mankind is not advancing.

True, man's upward journey is wet by his tears and his blood. Greed and avarice, envy and ambition, have robbed the honest and trod upon the weak. Lust for power has arrayed nation against nation, filled countless graves with the young and brave, and transformed man, created in God's image for noble purposes, into a beast of prey. But have the nations learned nothing by recent world-wide disaster, the tears and the blood of which are scarcely dry? Do countless hospitals, do unnumbered graves, do broken hearts, do the heavy financial burdens of the world born of battle teach mankind nothing?

Let America, first to propose, be not the last to approve this world-wide treaty designed to prevent war; it might be another world war.

Mr. President, it is not proposed to coerce any nation into signing this solemn agreement. It is to be voluntarily, freely entered into or not at all. This treaty is not to be imposed on a prostrate foe in an hour of battle victory, but is to be signed in a time of peace, when passion is asleep and fear does not inspire. No one will intimate that we are inspired by fear to enter into this treaty. We are moved by a desire to contribute to the cause of peace, believing that cause to be the cause of civilization. Looking back over the wreck and ruin caused by war employed as an instrument of national policy, war commenced and carried on to gratify national avarice and ambition and in wicked disregard of the rights of the peoples attacked, what civilized nation should now hesitate or decline to condemn that barbaric crime and to enter into a treaty pledging its honor never to be guilty of like conduct? Thus freely entered into, for of loss of national honor will restrain unholy ambition and join with prudence in obedience to this covenant.

What is true of individual man is true of nations. A good name is "the immediate jewel" of their souls, and when good name is lost all is lost. The signing of this treaty, I want to repeat in the hope that my view may prevail with Senators—and I am speaking to them and, though I know that many of them are necessarily absent, I hope they will note my words—the signing of this treaty does not legally or morally, expressly or impliedly, bind or obligate us to go to war or to join as an ally or associate with any signatory nation that may be at war, brought on in violation of this treaty.

There is no rule for the interpretation of treaties that would so construe this treaty as to require us as a legal or moral duty to go to war with any nation. Every word in the preamble, which may be referred to for light as to the true intent and purpose of the parties and as to their respective duties and obligations, negatives any such supposed legal or moral duty. To hold or to argue otherwise is to ignore the outstanding and controlling purpose of the parties as expressed in plain, certain, unambiguous English words, and that outstanding and controlling purpose is to condemn recourse to war for the solution of international controversies, not to approve recourse to war for the solution of such controversies.

Of course, if this treaty should be broken and war should ensue between other nations we would be at perfect liberty to shape our conduct according to the exigencies of the time; but we would be under no legal or moral duty to espouse the cause of either of the warring nations.

Mr. President, our policy is peace, peace with all nations of the New World and of the Old World. Will we be advancing the cause of peace among the nations by joining in this treaty? Will we imperil our safety by agreeing to seek a peaceful settlement or solution of international disputes?

First, in our hearts, America must be first in our thoughts. However much we may love humanity, however much we may strive by word and deed to assist mankind, our first and last duty as citizens and as Senators is to safeguard this Republic, and, if possible, add to its glory. Will we not be safeguarding this Republic and adding to its glory by entering into a treaty to furl battle flags and to walk beneath the blessed banner of the Prince of Peace? By entering into this treaty we surrender, we abandon, no American right, no American policy. All the nations of the earth understand our national policies.

Mr. President, I apologize to the Senate for having detained it so long. If the request I made at the opening of my remarks had been respected literally by Senators I should have finished in a half or three quarters of an hour, but diverted—and I make no complaint of the interruptions—I have consumed all together more time than I had anticipated doing. I wish, however, very earnestly to submit to the Senate that as matters stand it is our duty to consent to and approve the entering into of this multilateral peace treaty. Let us have faith; let us join gladly and unreservedly in laying—

a new and living stone in the grand temple of universal peace, whose dome shall be lofty as the firmament of heaven, broad and comprehensive as earth itself.

And if, as we fondly hope, this nobly conceived treaty, this condemnation of war for the solution of international controversies, this renunciation of war as an instrument of national policy, shall be sacredly observed, then, Mr. President, for a second time the morning stars shall sing together and all the sons of God shout for joy.

Mr. REED of Missouri. Mr. President, before the Senator from California takes his seat, I wish to apologize to him for not being here during his remarks. I was compelled to be away, but, in order to get a categorical statement before the Senate, I should like to ask the Senator three or four questions.

Does the Senator agree to the construction that by entering into this treaty we in no manner impair or imperil what is known as the Monroe doctrine?

Mr. SHORTRIDGE. That is my position.

Mr. REED of Missouri. Does the Senator believe that in entering into this treaty we do not in any manner entangle ourselves in the obligations of the World Court or the Locarno treaty even to the extent of recognizing them as obligations that in any way bind us?

Mr. SHORTRIDGE. I think that we are not entangled or obligated by any other treaty—that by this treaty we are not bound by treaties entered into by others.

Mr. REED of Missouri. Does the Senator think that by entering into this treaty we have assented in any way to the reservation and qualification that Mr. Chamberlain put upon the treaty to the effect that Great Britain reserved full liberty of action in certain undefined regions of the world, or are we still free to contend against that doctrine if it be hereafter asserted?

Mr. SHORTRIDGE. I can answer the question in this way, although I have covered it: Assuming for the moment that he can import into this treaty provisions or obligations not contained therein, I contend that we are not here affirmatively acceding to his view.

Mr. REED of Missouri. I am glad that is the Senator's view.

Mr. SHORTRIDGE. That is my view.

Mr. REED of Missouri. If that were my view I would make no contention. I am asking the Senator the questions because of his prominence in the Senate and the interest he has taken in this debate. If that view could be authoritatively recorded I would have no further opposition to this pact. I have not opposed the pact as a pact, but I have opposed it unless we may have a clear understanding. I wanted to get the Senator's views, and I thank him for his frank expression.

Mr. SHORTRIDGE. Mr. President, while I am on my feet, let me add that I had something to say touching the attitude of my friend from Missouri at the beginning of my remarks, which perhaps I need not repeat. I do, however, beg leave to say, Mr. President, turning away from the discussion, that I have a very lively and high regard for the Senator from Missouri and a very deep sympathy with the view he has so often expressed that we as a nation should not become entangled in any of the controversies of Europe or of Asia; and, second, his view, as I understand it, that we should never by silence or by word abandon that doctrine which bears the name of James Monroe; that we should follow, as I intend to try to follow, the advice of Washington given in 1793, that America should keep out of Europe, and to follow the advice of Monroe when he told Europe to keep out of America.

Mr. REED of Missouri. Mr. President, now that we have been diverted in part, will the Senator from California permit a further interruption?

Mr. SHORTRIDGE. Certainly.

Mr. REED of Missouri. I notice in the Washington Times of this afternoon the following statement:

HOOVER WANTS UNITED STATES IN COURT

President-elect Hoover has passed the word to authoritative diplomatic circles that he is favorably disposed toward a new effort to bring about American adherence to the World Court.

This was the assurance carried back to New York to-day by Elihu Root, former Secretary of State, following his breakfast conference Friday at Hoover's S Street home.

How does that strike the Senator?

Mr. SHORTRIDGE. If the question is germane to this discussion, I answer that I sat here in the Senate and listened to the debate when that subject was up, namely, our entrance to the so-called World Court, and I am not now disposed to go further than I went then.

Mr. REED of Missouri. I thank the Senator.

Mr. BINGHAM subsequently said:

Mr. President, I ask unanimous consent that there may be printed in the RECORD at the end of the remarks of the Senator from California [Mr. SHORTRIDGE], as a part of the discussion of the treaty, a resolution in regard to the national defense and the treaty, unanimously adopted at the annual meeting of the chapter regents and treasurers of the Connecticut Society of the Daughters of the American Revolution.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

National defense resolutions in support of cruiser bill and the Kellogg peace treaty unanimously adopted at annual meeting of chapter regents and treasurers, Connecticut Daughters of the American Revolution, January 8, 1929

Whereas the Connecticut Daughters of the American Revolution have continually signified their belief in the inherent right of self-defense for nations as well as individuals, and realize that it is the sacred duty of every citizen under the United States Constitution to defend the country in time of need against outside aggression or internal disorder; and

Whereas they believe that one method of securing that peace universal which all desire is for all peace-loving nations like ourselves to be strong enough to maintain peace, law, and order throughout the world against all subversive influences: Therefore be it

Resolved, That we, the chapter regents and treasurers of the Connecticut Daughters of the American Revolution, in annual meeting assembled, this 8th day of January, 1929, do reaffirm our society's support of the principle of national defense through an army and navy adequate to the needs of the Nation; and

Resolved, That we urge our Senators to support the cruiser bill (so called) now pending before the Senate, providing for 15 cruisers and 1 airplane carrier, to the end that peace may be preserved and our national interests protected by a navy powerful enough to command respect; and be it further

Resolved, That we likewise urge our Senators to support the Kellogg-Briand treaty with such safeguards as the inherent principles of self-defense may demand for the protection of the territory and vital interests of the United States of America, at the same time strongly affirming our belief that there can be no inconsistency or conflict between ratification of this noble effort to create the will to peace throughout the world and the maintenance of a navy strong enough to stand back of it, since treaties, like laws, depend on the power behind them to render them effective; and

Resolved, That copies of these resolutions be sent to Senators BINGHAM and MCLEAN, to our president general, Mrs. Brosseau, and to the press.

CALLING OF THE ROLL

Mr. EDGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS of Idaho in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	McMaster	Sackett
Barkley	Dill	McNary	Schall
Bingham	Edge	Mayfield	Sheppard
Black	Frazier	Metcalf	Shipstead
Blaine	George	Moses	Shortridge
Blease	Gillett	Neely	Simmons
Borah	Goff	Norbeck	Steck
Bratton	Harris	Norris	Steiwer
Brookhart	Hayden	Nye	Swanson
Broussard	Heflin	Oddie	Thomas, Idaho
Bruce	Johnson	Overman	Thomas, Okla.
Burton	Jones	Pine	Trammell
Capper	Kendrick	Ransdell	Tyson
Caraway	Keyes	Reed, Mo.	Vandenberg
Copeland	King	Reed, Pa.	Wagner
Couzens	La Follette	Robinson, Ark.	Waterman
Curtis	McKellar	Robinson, Ind.	Wheeler

Mr. BURTON. I desire to state that my colleague [Mr. FESS] is absent to-day on important business. I wish this announcement to stand for the day.

Mr. ROBINSON of Indiana. I should like to state that my colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate by illness.

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names, a quorum is present.

PANAMA AND NICARAGUA CANALS

Mr. EDGE. Mr. President, I propose to ask unanimous consent of the Senate to take up at this time, as in legislative session, Senate Joint Resolution 117——

Mr. MOSES. The form in which the Senator makes the proposal would displace the cruiser bill.

Mr. EDGE. I was about to explain that—the cruiser bill to be temporarily laid aside in order that the Senate might take up Senate Joint Resolution 117; and, if I may be permitted a moment, I will explain the necessity for action as quickly as possible.

Mr. MOSES. May I suggest to the Senator that he first ask that the Senate go into legislative session, and then lay it aside temporarily.

Mr. EDGE. I assumed that unanimous consent would carry all that privilege, without going through the various stages. Then, I ask unanimous consent that the Senate go into legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed its legislative session.

Mr. EDGE. Now, I ask unanimous consent that the cruiser bill be temporarily laid aside.

Mr. SWANSON. The cruiser bill must be put before the Senate before it can be laid aside.

Mr. ROBINSON of Arkansas. Mr. President, I submit that that is becoming pretty technical.

Mr. SWANSON. It is not technical at all. It must be laid before the Senate.

Mr. ROBINSON of Arkansas. The unfinished business is the cruiser bill.

Mr. SWANSON. The unfinished business is usually laid before the Senate if we go from one measure to another. I do not want any question about it.

Mr. ROBINSON of Arkansas. What is the purpose of all this technicality?

The PRESIDING OFFICER. The Chair will hold that it automatically comes before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. EDGE. I renew my request that the unfinished business known as the cruiser bill be temporarily laid aside, and that the Senate consider Senate Joint Resolution 117, now on the calendar, and that at the conclusion of that consideration, not longer than this afternoon, the unfinished business known as the cruiser bill be brought back as unfinished business. With that understanding I can not think that there will be any possible question about the matter.

Mr. BRATTON. Mr. President, may I inquire of the Senator from New Jersey what is the subject matter of the joint resolution to which he refers?

Mr. EDGE. The subject matter of the joint resolution, briefly, is to provide that the Board of Engineers of the War Department shall furnish to the Congress of the United States certain very necessary information as to suggested improvements to the Panama Canal and as to the practicability and feasibility, from a survey, of the Nicaraguan canal. It in no way, shape, form, or manner commits Congress to any policy at all. It simply is in the nature of an information-seeking resolution, and I suggest that without this information Congress would not be properly equipped to decide these great questions. There is absolutely nothing provided in the joint resolution but the securing of this essential information.

Mr. DILL. Does the joint resolution require an additional appropriation?

Mr. EDGE. It provides for an appropriation of $150,000 that has been estimated for by the Budget and approved by the Budget. When we have $3,000,000 invested in a right of way in Nicaragua, and something like $400,000,000 invested in the Panama Canal, and when we face a situation that no one questions, as evidenced by the report of the Governor of the Panama Canal Zone, that within from 12 to 20 years the absolute maximum capacity of the Panama Canal will have been reached, we must recognize that it is essential that we secure the information necessary to enable us to adopt a future policy. So that this resolution carries, I repeat, nothing with it except the request from Congress that the Board of Engineers secure and transmit to Congress that information.

Mr. HEFLIN. Mr. President, does it provide any definite time when they shall report back to Congress?

Mr. EDGE. No; it does not provide a definite time, because it is rather a large responsibility. If we do not start it, I might say to the Senator from Alabama, we will never receive this information. I presume it will take at least two years to get the information. As chairman of the committee having this legislation in charge, I am endeavoring to provide for Congress the information essential to the final adoption of a canal policy.

Mr. SWANSON. We simply are to make an authorization for an appropriation?

Mr. EDGE. An authorization for an appropriation.

Mr. SWANSON. Is there to be an annual appropriation to keep this thing going, or is this to be the total appropriation?

Mr. EDGE. This is for one specific appropriation of $150,000.

Mr. SWANSON. Does it say "annually"? If this is to be passed in order to parcel jobs out for 10 years for people who will be loafing down there on the job, a request coming in every year for $150,000, I shall be opposed to it.

Mr. EDGE. It does not authorize anything of the kind.

Mr. SWANSON. Will the Senator read what it says about an authorization?

Mr. McKELLAR. May I suggest to the Senator from Alabama, and also to the Senator from Virginia, if the Senator will permit me, that section 7 of the joint resolution provides that—

> The President is requested to report to the Congress, as soon as practicable, the results of the investigation and survey, together with such recommendations in connection therewith as he deems advisable.

Mr. REED of Missouri. How much is to be appropriated?

Mr. McKELLAR. There is an authorizaiton for $150,000.

Mr. SWANSON. The term "as soon as practicable" is indefinite, providing for continuous jobs for about five or six engineers for 15 years and $150,000 every year. In cases where we have employed that phrase "as soon as practicable" I have never seen such officials make a report as long as they can keep their jobs going. I do not object to the appropriation of $150,000 to provide for this survey if the report is to be made in a given time, and it will not cost any more money.

Mr. McKELLAR. That is all that is provided for.

Mr. SWANSON. Read it and see.

Mr. EDGE. Mr. President, if I may interject there, the first appropriation suggested in the original resolution was, I think, for $300,000, and the Secretary of War, in the report which accompanies the bill, makes this statement:

> The resolution would, however, be in accordance with the fiscal policy of the Government if amended so as to contain an authorization of $250,000.
>
> It is considered that, when the matter of appropriations comes up, $150,000 will be sufficient.

Mr. SWANSON. Sufficient for what?

Mr. EDGE. Sufficient to carry on the work of the survey.

Mr. SWANSON. For one year, or to the completion of it? I have seen these ventures started, and they generally run for 10 years, with five or six engineers taking care of it.

Mr. McKELLAR. If the Senator will excuse me, he is not referring to the bridge across the Potomac, is he?

Mr. SWANSON. No; the time of 10 years was fixed in that case.

Mr. EDGE. In further reply to the Senator from Virginia, it appeals to me that even though it might cost more than $150,000, we simply must have this information. I hope it will cost less, but whether it costs $150,000 or $500,000, after the investment of $3,000,000 for the right of way, to secure the necessary information to enable Congress to reach some conclusion as to further Panama improvements, we must have this information.

Mr. SWANSON. The Senator says we will need it in 10 or 12 years. If we start a commission now, with $150,000 appropriated this year, next year the commission will continue, and it will continue the next year, and the next. Limit it to report in two years.

Mr. EDGE. I have no objection to limiting it to report in two years because I think they can very readily complete the survey and report in two years.

Mr. REED of Missouri. I think the report ought to be made sooner. I am afraid that if two years is put in the measure we will encourage a delay.

I am not going to object; I want to suggest, however, that we ought to be very careful about appropriating money for the national defense or for new canals. We may not have enough left to increase the appropriation for the enforcement of prohibition.

Mr. KING. Mr. President, may I say to the Senator that this is not a proposition de novo. Surveys were made beginning away back in 1900—prior to that, indeed—and repeated surveys have been made and data brought down to within a very few years. So that when the Senator indicates—as I, at least, interpreted his remarks to indicate—that we had no information, I want to say that surveys have been made over and over again by the Navy Department, and Mr. Wilbur, the Secretary of the Navy, in a report upon this measure, has indicated that a large number of surveys have been made and that the data are available. There is a sort of insinuation in his letter—I do not use that word offensively—that the Navy Department, because of the vast amount of data which it has accumulated and the number of surveys which it has made, ought to be the one, if any further data are to be obtained, to secure it.

Mr. EDGE. Mr. President, I do not want to consume the time of the Senate, as I spoke at some length on this resolution a few weeks ago; but as a matter of fact the report on the last survey was made in 1901, 27 years ago. During the intervening time, as every Senator must be well aware, methods of construction, with the development of sea-level canals, have been revolutionized as compared with the information which a board of engineers would have turned in 27 years ago. This resolution provides only that the additional information necessary because of changed methods of construction shall be transmitted to Congress. The topography of the country has not changed, it is true.

Mr. ROBINSON of Arkansas. Mr. President, section 4 seems to expressly commit the Government to the construction of the Nicaraguan canal. It authorizes the President to notify the Government of Nicaragua of the desire and intention of this Government to construct such a canal and to agree upon "the details of the terms under which such canal shall be constructed, operated, and maintained." It seems to me that that language clearly implies something more than mere surveys. It contemplates foreclosing all question as to whether a Nicaraguan canal shall be constructed by the United States, and, in effect, directs the President to negotiate the details and terms of construction and proceed with the construction.

Mr. BINGHAM. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BINGHAM. Has the unanimous consent been granted?

Mr. EDGE. I presumed the Chair had put my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. KING. For consideration?

The PRESIDING OFFICER. For consideration of the resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. ROBINSON of Arkansas. Mr. President, the Senator has made every effort to get consideration of this joint resolution, and I do not wish to be in the attitude of objecting to its consideration, or of further postponing consideration of it, but I would like to understand the true effect of the resolution.

My interpretation of section 4 is as I have just stated, that it has no relation to surveys, that it forecloses the national policy on the subject of a Nicaraguan canal.

Mr. EDGE. The Senator from Tennessee [Mr. McKELLAR] offered the amendment to which the Senator from Arkansas has referred. It does not direct; it only authorizes.

Mr. McKELLAR. The Senator will see that under section 4 as originally drawn the President was directed to notify the Government of Nicaragua that he would enter into negotiations for the construction of the canal. It was thought, after more careful consideration, that he should simply be empowered and not instructed to do it; and he is empowered to do it anyway, I imagine.

Mr. ROBINSON of Arkansas. I do not think that is an accurate statement.

Mr. McKELLAR. Certainly he is not directed.

Mr. ROBINSON of Arkansas. It is certainly a fact that we have negotiated a treaty with Nicaragua giving the Government of the United States, under conditions, rights of way for a canal.

Mr. McKELLAR. No.

Mr. ROBINSON of Arkansas. As far as Nicaragua is concerned, giving general permission for the construction of the canal. But the United States Government has not determined whether and when such canal shall be constructed. This, I think, leaves it to the President to proceed with the matter.

Mr. McKELLAR. No; just to proceed to agree upon the details and recommend.

Mr. SWANSON. If the Senator will permit me, under the treaty with Nicaragua we were given the exclusive right to construct a canal, the details of it, as I understand it, to be subsequently arranged by a treaty between the two Governments.

Mr. McKELLAR. Absolutely.

Mr. SWANSON. I understand the purpose is to see what the President can do about that negotiation.

Mr. McKELLAR. That is all.

Mr. SWANSON. But the Senator's language goes further than that.

Mr. McKELLAR. That is true.

Mr. SWANSON. The President ought to be directed, if we are going to draw it properly, to see what concessions can be obtained and, if negotiations are to be conducted, to reach some conclusion as to the plans under which a treaty will be drawn.

Mr. McKELLAR. This authorizes him to do that.

Mr. ROBINSON of Arkansas. The negotiation of a treaty being exclusively an Executive function, I think the language "authorized and empowered" is proper, unless the Senate also should choose to use the term "request." I do not think the Senate can direct the President to negotiate a treaty. Certainly this contemplates a foreclosure of the question as to whether a Nicaraguan canal shall be constructed.

Mr. McKELLAR. No, Mr. President; I think not, for this reason, if the Senator will permit me: All that the President could do under this authorization would be to take the steps provided in the Nicaragua treaty; and if he saw fit to recommend it, then he could do it or not, just as he saw fit, and it must be recommended to the Senate.

Mr. SWANSON. Of course, this means just what the Senator from Arkansas has said. The language is "notify the Government of Nicaragua of its desire or intention to construct such canal." What can be more explicit than that?

Mr. McKELLAR. That is all right. Just read further.

Mr. SWANSON (reading):

> And to agree upon the details of the terms upon which such canal is to be constructed, operated, and maintained.

Mr. McKELLAR. That is true.

Mr. SWANSON. It ought to authorize him, if the language is properly drawn, to conduct the negotiations authorized under the treaty between Nicaragua and the United States, and submit it to the Senate.

Mr. McKELLAR. That is exactly what this does. The words used here are the same words that are used in the treaty with Nicaragua. It is just taking the initial step by which this Government, if it sees fit, may carry out its action, first, by having the President enter the negotiations, or agree upon the details, and then refer it back here for action. We can not take the step until we follow out the plan that was agreed upon between Nicaragua and the United States in the original treaty.

Mr. SWANSON. All right; put the language in this way, and I have no objection, "notify the Government of Nicaragua of his willingness to conduct negotiations in order to reach an agreement upon the details of the terms upon which a canal shall be constructed, operated, and maintained."

Mr. McKELLAR. We will accept that.

Mr. NORRIS. Mr. President, before that is accepted I want to say a word. I have listened with a great deal of interest to this colloquy. As I understand, the object of this resolution is to ascertain how much the canal is going to cost. Am I right about that?

Mr. EDGE. That was my original object in introducing the resolution providing for the two surveys. The Senator from Tennessee, as I have already indicated, added the suggested amendment that has just been discussed.

May I suggest this, in addition to what the Senator from Tennessee has said, that the language be corrected so that there could be no question that we are not directing it. It would seem to me very essential that the details be discussed, not alone with Nicaragua, but with Costa Rica, Salvador, and Honduras, all of which countries have some rights, at the same time the survey is being made, because after all is said and done that information is essential.

Mr. NORRIS. I do not think the Senator quite gets my idea. I have not had time yet to state what I wanted to state. We are going to try to find out what a canal will cost. What is the object of having that information? If we are going to build the canal anyway, what do we care about what it does cost? We have two things here. We are going to find out what it will cost, and at the same time we are going to enter into negotiations which, in a moral way, at least, will bind Congress to go ahead with it regardless of what we may think about it.

Mr. McKELLAR. Mr. President——

Mr. NORRIS. Just a moment. I have not any objection to the resolution if it is confined to ascertain what such a canal would cost, and I anticipate that if things go on as it seems now they might, we will follow that up with negotiations for the construction of the canal. But we do not know that that is true. We do not know whether these conditions of increased traffic down in Panama are going to continue or not. It may be that by the time we get this information, conditions there will have changed, and that it will appear that there is no immediate necessity for going ahead. It may be that we will be greatly surprised at what it is going to cost. In fact, the joint resolution apparently is offered for the purpose of trying to find out what it is going to cost, which it seems to me presupposes that before we decide what we are going to do we are going to find out what it may cost, and that, it seems to me, is a good business proposition. Let us find out what it is going to cost.

Mr. McKELLAR. Mr. President, will the Senator yield now?

Mr. NORRIS. Yes; after a little while. We are going to be here all afternoon, so the Senator will have plenty of time.

When we have once found out what it will cost, then we will decide whether we want to go ahead. If we are going ahead anyway, if we are going to adopt a resolution that will bind us to build it whether we want to or not, regardless of cost, then let us save this $150,000 that we are asked to pay for the purpose of finding out how much it will cost. Why not do what seems to me is the businesslike way to do—pass the joint resolution without anything in it about the negotiations and the construction of the canal, but merely providing that we shall ascertain how much it will cost; and when we get that information, then we can take whatever step we think at that time is the proper step to take.

Now I yield to the Senator from Tennessee.

Mr. McKELLAR. The reason why that course can not be pursued is because we can not find out what the cost of the canal will be until we do enter into these negotiations, because of this fact: While we have a treaty with Nicaragua for the route so far as Nicaragua is concerned, and we have already paid the money over for that route, and while we know what it will cost or rather what the additional cost will be, though as to the additional cost to the Government of Nicaragua it will depend upon negotiations——

Mr. NORRIS. Nicaragua is not going to pay anything toward the construction of the canal.

Mr. McKELLAR. No; not at all; but we have to pay something under the treaty. In addition to that we have no treaty with Costa Rica, and this canal for many miles will be constructed, if at all, along the river that divides Costa Rica from Nicaragua. Unless we know what Nicaragua will charge for her interest in the canal or for furnishing the right of way for the canal we can not tell what the canal will cost. In addition to that, Honduras and San Salvador have made statements to our Government that they have some interest in it.

Mr. NORRIS. There is nothing in the pending joint resolution providing for negotiations to be entered into with Costa Rica and San Salvador.

Mr. McKELLAR. Indeed there is, in section 5. Therefore we can not tell what the cost will be until we have the investigation.

Mr. NORRIS. The copy of the joint resolution I have before me does not have any such paragraph in it. Evidently I have the wrong resolution.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. NORRIS. With pleasure.

Mr. ROBINSON of Arkansas. Before the Senator discusses that proposition I wish to invite the consideration of both the Senator from Nebraska and the Senator from Tennessee to this suggestion:

We have in Panama a canal that has been adequate for the service required. The indications are that with the increase of commerce the facilities now existing there will not be sufficient for the future. But the question naturally arises, and ought to receive some consideration, whether we desire to construct a Nicaraguan canal or to enlarge the capacity of the Panama Canal. The joint resolution, as I construe it, determines that question and commits the Government to the construction of a Nicaraguan canal rather than to any inquiry as to whether the present canal at Panama can be enlarged to meet the reasonable requirements of commerce as we may anticipate them.

Mr. NORRIS. It seems to me it does that, as I understand the resolution. I think that is objectionable and that we ought not to do it.

Mr. ROBINSON of Arkansas. Originally there was a very prolonged and bitter controversy over the question as to whether the interoceanic canal should be constructed at Panama or in Nicaragua. We recall that that controversy lasted for several decades, and we recall that it was finally decided to make the connection between the two oceans at Panama. I am wondering if the joint resolution does not necessarily revive that old controversy. Are we to construct canals across all the Central American Republics as the conditions of commerce seem to require additional facilities for the transportation of commerce from ocean to ocean, or is it the logical policy to make some inquiry into the question of concentrating the transportation at the present canal and carrying it through the present canal?

There are a good many strategical reasons that lie behind that suggestion. We have to negotiate treaties. We have controversies that grow out of the maintenance and operation of the canal. We have large forces employed in the operation of the canal. It seems to me that is a question which, if it has not been considered by a committee of the Senate, ought to be thought out very carefully.

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I will.

Mr. McKELLAR. I thank the Senator. I call the attention of the Senator from Arkansas to section 3 of the joint resolution, which provides for the very thing the Senator so well suggested. I will read it:

SEC. 3. The Chief of Engineers, under the direction of the Secretary of War, shall also make an engineering survey and an investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

Mr. NORRIS. Now, let me say to the Senator from Tennessee that I see no possible objection to section 3.

Mr. ROBINSON of Arkansas. No.

Mr. NORRIS. The objection is, and I think the Senator from Arkansas pointed it out, that we are going further than that. It is proposed to take a step under the joint resolution from which at least it can be implied that we will have a moral obligation to build the Nicaraguan canal. Until all these investigations are made, I take it that the Senate does not want to bind itself or bind the country to construct such a canal. Why ask the President to give any notice to the Nicaraguan Government? Why ask the President to enter into any negotiation?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURTON in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. With pleasure.

Mr. ROBINSON of Arkansas. The President is expressly empowered to notify the Government of Nicaragua of the desire and intention of the United States to construct such a canal.

Mr. NORRIS. Yes. Why do that now?

Mr. ROBINSON of Arkansas. That holds out to Nicaragua the intention to construct it. If the terms of the treaty which we might negotiate, and return here, are satisfactory, no matter what the survey at Panama might show, we would be morally obligated to ratify that treaty.

Mr. NORRIS. I think we would.

Mr. EDGE. Mr. President, will the Senator yield to me to suggest an amendment to that passage in the joint resolution?

Mr. NORRIS. If the Senator wants to take the floor to explain it I will yield the floor.

Mr. EDGE. I do not care to take the floor away from the Senator from Nebraska.

Mr. NORRIS. I do not care to retain the floor. I am merely trying to get some information.

Mr. EDGE. Mr. President, the Senator from Virginia [Mr. SWANSON] in quoting the same section that has been quoted by the Senator from Arkansas, section 4, has suggested the following amendment: At the top of page where it reads, "to be agreed to by the two governments," insert a period after the word "governments," and strike out all of the language thereafter to and including line 9, as follows:

Whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal, the President of the United States is hereby authorized and empowered to notify the Government of Nicaragua of its desire and intention to construct such canal and to agree upon the details of the terms under which such canal shall be constructed, operated, and maintained.

That is all to be stricken out and there is to be inserted in lieu thereof, following the word "governments" and the period, the following:

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal shall be constructed, operated, and maintained.

In other words, the language, as I interpret it, simply gives the President of the United States the power to find out, in addition to the engineering costs, what will be entailed in the way of settling the negotiations with Nicaragua on the one hand and with Costa Rica, San Salvador, and Honduras, as contained in section 5 of the joint resolution.

Mr. McKELLAR. In order to remove entirely the objections that have been offered, I would suggest that on page 5, line 8, we strike out the word "shall" and insert the word "may," so that it would read "to agree upon the details of the terms under which such canal may be constructed, operated, and maintained."

Mr. EDGE. Yes.

Mr. KING. Mr. President, it seems to me we are rather getting the cart before the horse. The joint resolution as it is before us really obligates the President of the United States to enter upon negotiations not only with the Government of Nicaragua but with the Governments of Honduras, Costa Rica, and San Salvador. The moment the President begins negotiations with Nicaragua and the other Governments to which I have referred with reference to the details of a canal to be constructed, with reference to the lands that are to be occupied, immediately there will arise in their minds the view—and it will be perfectly legitimate and inevitable—that the United States is committed to the construction of the canal regardless of the physical facts which may be found by the survey which is to be made. It seems to me that we ought not to lead those countries, by negotiations of the character indicated in the joint resolution, into the belief that we are about to construct a great canal across Nicaragua.

It seems to me, Mr. President, that we ought to determine, first, whether the Panama Canal can be enlarged for the purpose of taking care of our trade and commerce. Secondly, if it is possible and practical and economical, that may conclude the investigation that is proposed here to be made in the other countries. If the Panama Canal may not be enlarged for the purposes indicated, then we should determine whether or not a parallel canal can be constructed which, in conjunction with the Panama Canal, will meet for an indefinite period the demands of our Government and of our trade and commerce.

Finally, if it shall be determined that the Panama Canal can not be enlarged so as to answer all the demands of our trade and commerce and if it shall be determined that a parallel canal will not answer the purpose or is not feasible and practicable, then let a survey be made, if one shall be necessary, across Nicaragua.

But to commit ourselves in advance morally to the proposition that we are going to construct a canal across Nicaragua, I think, would be unwise and unfortunate. I recall that a year ago or thereabouts, perhaps not so long ago, some discussion in the Senate revealed the fact of some report, or at least some information, from Government officials that the Panama Canal was adequate for an indefinite—perhaps for 50 years; that it can be enlarged and another system of locks installed that would enable the canal to answer the demands of our Government and our trade and commerce for a very long period of time.

I am not averse, Mr. President, to a survey of the Nicaraguan route, notwithstanding the fact that such surveys have been made beginning many years ago. Senators will recall that when the great John T. Morgan was in the Senate of the United States he spent years in investigating the Nicaraguan route. Elaborate and detailed surveys were then made, and I think the consensus of opinion among engineers and among many others who gave attention to the matter was that the Nicaraguan route was better than the Panama route, but, for reasons which I shall not at this time attempt to explain, the Nicaraguan route was abandoned and the Panama Canal was constructed. The arguments made by former Senator Morgan, which were irrefutable, were not heeded by the legislative authority and the executive authority at that time. Those surveys, however, have been made, and additional surveys have supplemented those surveys. We have before us a letter from the Secretary of the Navy, Mr. Wilbur, calling attention to the numerous surveys which have been made, to the activities of the naval authorities, and the information and data which have been acquired by the Navy Department.

I would be in favor of a resolution—and if the pending joint resolution shall be so amended I shall vote for it—which would require, first, an investigation of the feasibility of enlarging the Panama Canal; and, secondly, the feasibility of constructing a parallel canal; and, thirdly, if those reports indicate that neither is satisfactory and that a canal other than the one in Panama is required, that the commission shall proceed to complete any surveys that may be needed in Nicaragua in order to determine whether a canal shall be constructed in Nicaragua. It seems to me that would be the sensible and the orderly course to pursue. I shall vote against the pending joint resolution because it proceeds in the inverse order, and seeks now to commit the Government morally, if not legally, to the construction of a Nicaraguan canal.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield to the Senator from Tennessee.

Mr. McKELLAR. I think we could easily meet the objection which the Senator from Utah and other Senators have suggested to the pending joint resolution by adding, after the word "maintained," at the end of line 9 on page 5, the following:

Provided, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaragua canal.

I offer that proviso as an amendment to the resolution, Mr. President.

Mr. KING. I yielded merely for a question.

Mr. McKELLAR. If the Senator will permit me——

Mr. KING. Certainly; I merely wished to say that I did not want to yield the floor.

Mr. McKELLAR. Oh, no.

Mr. KING. I am very happy to yield to the Senator.

Mr. President, I can not see any reason for putting any provision in this joint resolution committing us in any way to the construction of the Nicaraguan canal. I see nothing to be gained by providing for negotiations to be conducted with Nicaragua or with Honduras or Costa Rica or any of the other Latin-American States. Why excite their cupidity or their apprehensions or their desires by opening up negotiations now looking toward the construction of a canal through Nicaragua? Why not, if we have not sufficient data, obtain sufficient data?

The Senator from New Jersey [Mr. EDGE] has said we know something about the topography of the country. Yes; we not only know something about the topography of the country but, as I have stated, elaborate surveys were made which revealed the physical conditions and the feasibility of the construction of a canal there. If additional data are required in order for us to determine whether or not it can be constructed or should be constructed, let us obtain the additional data.

When we have them before us, then it will be time to inaugurate negotiations with the countries referred to with a view to securing additional consent, if we have not now sufficient consent; but, of course, under the treaty which we have with Nicaragua, and in view of the fact that we have made payments and have acquired an indefeasible right to occupy Nicaraguan territory and to construct a canal there, there is no hurry and nothing to be gained by further negotiations at this time.

Let us determine whether we need a canal through Nicaragua. Let us determine when we ought to begin constructing it—shall it be 20 years, 30 years, 40 years, or 50 years hence—when we get the report. By that time we shall know something further in regard to the Panama Canal, its capacity and suitableness for our needs. We can then determine what course to pursue.

It may be that further negotiations will be required with Costa Rica and Honduras; it may be that the route originally selected should be modified, calling for concessions from Costa Rica or Honduras; but until a further survey shall have been made, if one is found to be necessary, and full data obtained, it seems to me it would be an act of futility and unwisdom to begin negotiations with Nicaragua or with any other Latin-American country.

A few days ago I offered a joint resolution, merely for the purpose of presenting my views in regard to this matter. I will call attention to the first section of that resolution, which reads:

That the President is authorized to appoint a commission of three members, to be known as the Interoceanic Canal Commission. The commission shall make an investigation for the purpose of determining whether the present Panama Canal is adequate for the traffic which may reasonably be anticipated, and, if additional interoceanic canal facilities are required, whether such facilities can be provided by enlarging or paralleling the Panama Canal. If the commission is of the opinion that it is not practicable so to enlarge or parallel the Panama Canal it shall make a further investigation to determine whether the most feasible location for another interoceanic canal is the proposed Nicaraguan canal route or some other route. The commission shall make a report to the Congress, with its recommendations, upon the completion of such investigations.

That was the authority to be given the proposed commission.

I submit, with all due deference to my friends who are the sponsors for the other joint resolution, that that is as far as we should go, and that it proposes the proper course to be pursued. We should ascertain what the necessity is for enlarging the Panama Canal, whether it can be enlarged, whether it can be paralleled, whether we need another canal in Nicaragua or elsewhere, and, if so, a survey should be made and a report submitted. When such report shall have been submitted, then we will know with whom to deal. If we have not a sufficient concession from Nicaragua we can obtain it. If concessions are needed from Costa Rica or Honduras or other Latin-American States we can obtain them; but I submit that it would be unwise and unfortunate at this time to initiate negotiations with those countries until we know whether we need another canal, where it should be constructed, and the conditions under which its construction should be begun.

Mr. EDGE. Mr. President, though I followed the Senator from Utah very closely, I can not see any material difference between the views he has expressed and the object sought to be attained by the pending joint resolution. Neither can I see any material difference, excepting as to the formation of the tribunal to secure the information, between the joint resolution which he has introduced and to which he has just referred and the joint resolution which is now pending. His joint resolution provides for the setting up of a new commission of three members, at a compensation not stated, who shall investigate as to the possibility of enlarging the Panama Canal, and likewise the cost and feasibility of the proposed Nicaraguan canal. That is precisely the object of Senate Joint Resolution 117, the difference being—and I think it a practical difference—that under the pending joint resolution we would depend upon the Board of Engineers already employed by the Government rather than upon a new commission.

As has been frequently referred to, a survey was made 27 years ago, or at least a report was transmitted at that time. All of the data in connection with that survey, of course, are now in the custody of the Board of Engineers. There are to-day engineers in the department, with whom I have had the privilege of discussing the subject, who were there during the time of the former investigation or survey. It is a matter of continuity of business that any further survey necessary should be conducted by the engineers of the Government rather than by three new men who have, perhaps, had not particular experience in this work and who, assuming that they have had such experience, would necessarily be compelled to use the material and information now in the custody of the Board of Engineers.

The pending joint resolution very clearly, so far as the survey is concerned, provides for these two responsibilities, namely, a careful investigation as to whether the suggestion that has been made by the Governor of the Panama Canal Zone for enlarging the facilities of the Panama Canal shall be authorized by Congress or shall be adopted. That includes a consideration of the question of providing three locks where there are now two locks. Some time ago I spoke in the Senate at length as to the additional facilities which such an enlargement would provide should it be authorized by Congress; but we have not the slightest idea of the cost of such an improvement; we have no real direct knowledge as to whether it is mechanically wise to make it because the question of sufficient water enters into the operation of three locks to an extent one-third greater than it would in the case of the operation of the two locks. So it is absolutely essential, if Congress is to act intelligently, to have this information so far as the Panama Canal is concerned.

The same argument applies to the proposed Nicaraguan canal. Some thirteen or fourteen years ago, under the Bryan-Chamorro treaty, we paid Nicaragua $3,000,000, but we have done nothing since to ascertain whether it is practicable or feasible to take advantage of the right of way we thus purchased.

The report submitted in 1901, which I have studied with considerable attention, discusses the possibilities from the standpoint necessarily of 1901. Since that time engineers in this country and abroad have been discussing the possibility and the practicability of sea-level canals. A sea-level canal, of course, as the name implies, eliminates all locks, with their great expense and danger of destruction in time of war. All this information, which was not touched upon at all in the report of 1901, or, if so, in a very small way, Congress should have before they even give consideration to the expenditure of millions and hundreds of millions of dollars in improving canal facilities.

Mr. KING. Mr. President, will the Senator yield?

Mr. EDGE. I yield to the Senator.

Mr. KING. If I interpret his remarks accurately, I think the Senator is not quite correct. Senator Morgan discussed the question of a sea-level canal and its superiority over a lock system. There was spread before the Senate at that time and before Congress a vast amount of information in regard to sea-level canals and lock canals. Some of the surveys went into that subject very fully, and I think that the engineers who examined the situation at that time away back in 1896, 1897, 1898, and 1899, reached the conclusion that a sea-level canal was better than a lock canal. So, if the Senator meant to convey the idea that the sea-level system was not given consideration, I think he is in error, because it was fully considered, and the consensus of opinion was that it was superior to the lock system.

Mr. EDGE. Mr. President, I did not intend to convey the idea that the construction of a sea-level canal was not considered at all.

Mr. McMASTER. Mr. President, I am going to ask the Senator from New Jersey if he would not be willing to let this joint resolution go over for consideration until Monday or some other time next week. I am sure there are a number of Senators absent from the Chamber this afternoon who at least are very much interested in this matter.

I think everyone knows that the passage of this joint resolution means that it is the beginning of the first steps in the construction of a new canal or in the enlarging of the Panama Canal. When the Panama Canal was built everyone, of course, concedes that it did confer great benefits upon the country as a whole; but it also imposed very serious burdens upon the people of the interior. I observe that the junior Senator from Ohio [Mr. BURTON] is now occupying the chair. A manufacturer in Columbus told me not long ago that he absolutely had to move his factory from the city of Columbus so that he could get out on the waterways in order to compete with his rivals; and in the interior there are many industries that have been curtailed and their markets have been partially destroyed because of the advantages their competitors have had.

We have no objection to that, provided this policy of developing the interior waterways of the country shall be carried forward to completion. The incoming administration promises that there will be a great forward movement along this line; but certainly the people from the Middle West ought strenuously to object to any further enlargement of the Panama Canal, or to the building of another canal down there, until the waterway program of the Middle West keeps pace with your southern program.

There are a large number of Senators absent this afternoon who are interested in this measure and who ought to be heard upon it. I think that in the end they probably will vote for this joint resolution; but I feel that they want some assurance that there is going to be a great forward element of this interior program before we begin to enlarge our program in the South.

Mr. EDGE. Mr. President, in answer to the Senator from South Dakota, I will state that I have no desire to press unduly any measure; but I draw attention to the fact that this joint resolution was reported unanimously by the Committee on Interoceanic Canals on April 9. It has been before the Senate on different occasions many times; and at this time it seems to me there is quite a free opportunity for full discussion. But, beyond that, we are not asking Congress to establish a policy of enlarging the present canal or building a new canal. We are simply asking for information. I disagree with the Senator when he gives the impression that the passage of this measure would in any way commit the Government either to build a Nicaraguan canal or to spend one additional dollar on the Panama Canal. It does not in the slightest degree do either. It secures for us information that we must have sooner or later before we can even discuss it intelligently from the standpoint of policy.

Mr. McMASTER. But everyone knows that the starting of the construction of a new canal or the development of interior waterways always begins with a resolution, and that is followed up very quickly by a bill. Possibly there is no one who has any serious objection to the passage of this resolution, providing it comes a little later on. Let us know what the new administration is going to do in regard to giving encouragement to this other program; but it is absolutely impossible for the Middle West to continue, or for their industries to develop, if you go on constructing more Panama canals without carrying forward this waterway movement in the Middle West.

Mr. EDGE. I will say to the Senator from South Dakota, from the standpoint of an individual Senator, that I join with him absolutely in a complete accord as to the necessity of an all-American or some other type of northern canal.

Mr. McMASTER. Oh, I have not reference only to the northern canal but to the whole system of waterway development and of the interior; and that absolutely has to keep pace with this policy that you have inaugurated for the South.

Mr. SWANSON. Mr. President, let me ask the Senator whether I am mistaken in thinking that a commission has been appointed to report on the St. Lawrence waterway scheme?

Mr. McMASTER. I think not. Of course, that is only one part of that development.

Mr. SWANSON. All that this measure does is to have the engineers examine and make a report; and it seems to me that a commission was appointed for the St. Lawrence River project.

Mr. EDGE. A joint commission.

Mr. SWANSON. It was directed to make a report; and I do not see why we should not go along with southern development at the same time. I do not see why you should insist that one be investigated and reported on, and the other not.

Mr. McMASTER. But, Mr. President, the Panama Canal has been constructed, and the great interior part of the country has been paying very expensively for the construction of that canal. There is no question about that.

Mr. SWANSON. I think the returns from the canal have not only paid the interest on the bonds——

Mr. EDGE. As a matter of fact, the returns from the Panama Canal to-day pay 7½ per cent interest on the investment.

Mr. McMASTER. I did not intend to make any reference to the income of the Panama Canal. I made the statement that there were industries in the interior part of this country that were forced to change their location and go out on the great waterways of the country in order to continue their existence, and that there were such industries in the State of Ohio as well as in Indiana, Illinois, and all through that section of the country. That is the point I am making.

Mr. SWANSON. Were they not benefited so far as they got cheaper transportation to other parts of the world?

Mr. McMASTER. Does the Senator think it is perfectly proper, then, for all the industries of the Middle West to go out on the coast because they can get cheaper transportation?

Mr. SWANSON. No; but I say that if the railroads are charging them such rates that they can not get to a port and ship out to the markets of the world it is your duty to go before the Interstate Commerce Commission and get reasonable rates.

Mr. McMASTER. But you can not get rates that will confiscate a railroad property.

Mr. SWANSON. I do not say "confiscate."

Mr. McMASTER. Of course, that is an involved subject and I do not propose this afternoon to go into a discussion of those interior rates; but I do think the consideration of this joint resolution ought to go over until next week, until more of the Senators are here and have an opportunity to be heard.

Mr. McKELLAR. Mr. President, will the Senator from New Jersey yield just a moment?

Mr. EDGE. Yes.

Mr. McKELLAR. Is not every objection that the Senator might possibly make done away with by the proviso that has been offered here, which reads:

Provided, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaragua Canal.

We are just getting information.

Mr. McMASTER. The passage of the joint resolution, if it contains simply instructions to survey and to ascertain the cost, is the stepping-stone, the starting point of the building of a new canal; and every one knows that, and knows that that is just exactly what it means. It is always sugar-coated, of course, with a resolution. A resolution always starts a project of that kind.

Mr. EDGE. We have river and harbor bills, and, of course, there are many surveys asked in different parts of the country. To the best of my recollection there is seldom, if ever, an objection made to such surveys. I differ with the Senator. If this resolution in the slighest degree committed the Government to any policy, he would be entirely justified; but we are simply asking for information that sooner or later we must have, and why put it off? We do not in the slightest degree put forward a determination of policy.

Mr. McMASTER. I think, by putting off a resolution like this we can emphasize the needs of some other parts of the country in such a forceful manner that it will accomplish a great good.

Mr. EDGE. Then, as I understand the Senator's last remark, he simply wishes to hang this joint resolution up in the air in order to force something else? I hardly think that is a fair way to deal with legislation.

Mr. McMASTER. I simply say that there is no use of the interior part of the country continually supporting the building of Panama canals until they develop their own interior waterways, because every time you build a Panama canal you work irreparable injury to the Middle West; and that program can not go on until the development of the interior part of the country corresponds with the development through the Panama Canal.

Mr. SACKETT. Mr. President, I should like to ask the Senator whether the fact that more canals are built will not increase the markets for those parts of the country that are upon the seaboard and remove part of the competition of the interior factories? It only tends to send the products of those that live upon the seaboard farther afield and removes that competition from the interior points.

Mr. McMASTER. Why, we had industries in the Middle West that had markets on the Pacific coast and that had markets nearly to the Atlantic coast. Now your industries on the Pacific coast and the Atlantic coast have competed with those through their cheaper rates, with the consequence that we have lost industries in the Middle West. Was the Senator on the floor when I stated the example from Columbus?

Mr. SACKETT. I was here.

Mr. McMASTER. That is a city in Ohio with 300,000 people.

Mr. SACKETT. Yet there are lots of new industries in Columbus, Ohio.

Mr. McMASTER. They could not compete with any industry that has water transportation.

Mr. SACKETT. But the industries there are increasing by leaps and bounds. Take the statistics of Columbus, Ohio, and the Senator will find that that is so.

Mr. McMASTER. If there is any industry in Columbus, Ohio, that is increasing by leaps and bounds, it is because of the local market; and it does not attempt to compete in the markets where other factories have water transportation.

Mr. SACKETT. No; and the factories that have the water transportation——

The PRESIDING OFFICER. The Chair would suggest that some confusion has arisen here.

Mr. SACKETT. Mr. President——

Mr. EDGE. I yield to the Senator from Kentucky.

Mr. SACKETT. The Senator from Kentucky believes that the wider the markets that can be made for the products of American factories, the better the business will be for all the factories, interior and exterior.

Mr. McMASTER. Providing you develop your interior waterways at the same time, so as to give to each section of the country the same opportunities that other sections enjoy.

Mr. SACKETT. They are being developed right straight along. We are getting them now. The interior development is going on rapidly.

Mr. SWANSON. Mr. President, do I understand that the St. Lawrence River scheme is being advocated, not as a great national issue to help the entire country, but to develop enterprises in certain inland States so as to enable them to compete with coast cities? I had an idea it was for the entire Nation.

Mr. McMASTER. It is for the general commercial development.

Mr. SWANSON. If it is simply designed to build up manufactories and enterprises in the interior to compete with the coast cities, I should like to know it.

Mr. McMASTER. We have an idea that it is perfectly proper to have an industry occasionally in the interior. We do not feel that the coast cities have a mortgage upon all the industries, so far as that is concerned.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. EDGE. I do not want to stop the colloquy, but I should like to proceed in order if I can.

Mr. McMASTER. I am going to ask the chairman of the committee to let this bill go over until Monday, until there are more Senators in the Chamber.

Mr. EDGE. I will answer the Senator in a few minutes, if I can at least have the attention of the Senate to perfect the joint resolution by offering and endeavoring to have adopted the three or four amendments that have been more or less generally agreed to on the floor.

On page 5, the first amendment, after the word "Governments," strike out the language "whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal, the President of the United States is," and insert in its place:

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained: *Provided*, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaraguan canal.

The PRESIDING OFFICER. After what line does that amendment begin?

Mr. EDGE. Line 1, page 5, after the word "Governments." I have read the entire amendment.

The PRESIDING OFFICER. The Secretary will please state the amendment.

The LEGISLATIVE CLERK. On page 5, line 1, after the word "Governments," it is proposed to insert a period and to strike out down to and including the word "agree," in line 7, and insert the following:

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement—

So as to read:

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained.

The PRESIDING OFFICER. The Chair thinks it would be well if the clerk read the rest of that paragraph.

Mr. EDGE. I have made it all one amendment, if the Secretary will read the balance of the amendment, because it is all one:

Provided, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaraguan canal.

Mr. KING. Mr. President, if I may have the attention of the Senator from South Dakota [Mr. McMASTER], I understand that he has made a reasonable request that this joint resolution may go over until next week. If that course shall be pursued, I shall not debate the amendment which the Senator from New Jersey now offers, but will have no objection to its being accepted pro forma, with the understanding that opportunity to amend it or to strike it out be afforded when the resolution shall be finally under consideration.

Mr. EDGE. Mr. President, if the Senator will permit me, I had intended, after perfecting the joint resolution so that it could be reprinted and thoroughly understood, to accept the suggestion of the Senator from South Dakota that the final consideration of it go over, with the understanding that I may have on Monday, if time and opportunity permit, a chance to continue the discussion.

Mr. CURTIS. I hope no agreement will be made for Monday. We want to take up on Monday the appropriation bill that is ready for consideration.

Mr. EDGE. I do not want to interfere with the appropriation bill, but if we can have a gentleman's agreement—I shall not ask for unanimous consent—that time will be given for further consideration of this joint resolution early next week I shall be satisfied.

Mr. CURTIS. That will be all right.

Mr. KING. I have no objection to that, and I think it is a very wise conclusion to be reached. But I desire to have the Senator agree with me, so far as he can, that opportunity will not be denied to amend the joint resolution by reason of his raising the point of order that an amendment is in the third degree.

Mr. EDGE. Certainly not.

The PRESIDING OFFICER. The Chair will suggest that when the resolution reaches the Senate opportunity for amendment will still be open.

Mr. KING. Of course; but I prefer to offer my amendment as in Committee of the Whole.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment proposed by the Senator from New Jersey and reported by the clerk.

The amendment to the amendment was agreed to.

Mr. EDGE. Now, I ask the clerk to read section 5 for the amendments already printed.

The LEGISLATIVE CLERK. In the proposed amendment, section 5, on page 5, line 10, it is proposed, after the word "having," to strike out the comma and to insert the word "incorporated"; on line 11, after the word "its," to insert the words "resolution advising and consenting to"; on line 13, after the word "aforesaid" and the comma, to insert the words "a declaration"; on the same line, to strike out the words "inserted the words, 'it is declared by the Senate'"; on line 21, after the word "and," to strike out the word "directed" and to insert in lieu thereof the word "empowered"; on page 6, line 3, to strike out "$250,000" and insert in lieu thereof "$150,000," so as to read:

SEC. 5. The Senate of the United States having incorporated in its resolution advising and consenting to ratification of the treaty with Nicaragua, as aforesaid, a declaration "that in advising and consenting to the ratification of the said convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States," namely, Costa Rica, Salvador, and Honduras, the President is authorized and empowered to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

SEC. 6. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be expended by the Secretary of War for the purposes of this resolution and to

remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary for such purposes.

SEC. 7. The President is requested to report to the Congress, as soon as practicable, the results of the investigation and survey, together with such recommendations in connection therewith as he deems advisable.

The amendments to the amendment were agreed to.

Mr. EDGE. I propose another amendment—in section 7, page 2, line 9, after the word "practicable," to insert the words "not later than two years."

The amendment to the amendment was agreed to.

Mr. EDGE. A parliamentary inquiry. Has the amendment on page 4, section 4, line 14, been agreed to?

The PRESIDING OFFICER. It has not been considered, and the clerk will report the amendment.

The LEGISLATIVE CLERK. On page 4, line 14, at the beginning of the sentence, to strike out the word "That."

The amendment to the amendment was agreed to.

Mr. EDGE. I now request that the joint resolution be reprinted in its amended form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the joint resolution will be reprinted in its amended form.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 3 o'clock and 55 minutes p. m.) adjourned until Monday, January 14, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 12, (legislative day of January 7), 1929

COMMISSIONER OF EDUCATION

William John Cooper, of California, to be commissioner of education, vice John J. Tigert, resigned.

UNITED STATES ATTORNEY

Levi H. Bancroft, of Wisconsin, to be United States attorney, eastern district of Wisconsin, vice Roy L. Morse, deceased. (Mr. Bancroft is now serving under a recess appointment.)

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. Alexander MacKenzie Tuthill to be brigadier general, Reserve, Arizona National Guard, from January 9, 1929.

POSTMASTERS

ALABAMA

Charles W. Horn to be postmaster at Brantley, Ala., in place of C. W. Horn. Incumbent's commission expires January 12, 1929.

CALIFORNIA

Floyd M. Filson to be postmaster at Tennant, Calif., in place of F. M. Filson. Incumbent's commission expired January 5, 1929.

COLORADO

Ira B. Richardson to be postmaster at La Jara, Colo., in place of C. M. Mount, resigned.

CONNECTICUT

Albert N. Colgrove to be postmaster at Waterbury, Conn., in place of A. N. Colgrove. Incumbent's commission expired January 10, 1929.

FLORIDA

Blanche B. Perry to be postmaster at Jennings, Fla., in place of W. W. Zipperer, removed.

GEORGIA

Albert N. Tumlin to be postmaster at Cave Spring, Ga., in place of A. N. Tumlin. Incumbent's commission expired January 10, 1929.

Annie H. Thomas to be postmaster at Dawson, Ga., in place of A. H. Thomas. Incumbent's commission expires January 14, 1929.

Hugh T. Cline to be postmaster at Milledgeville, Ga., in place of H. T. Cline. Incumbent's commission expired January 8, 1929.

IDAHO

Homer W. Woodall to be postmaster at Soda Springs, Idaho, in place of H. W. Woodall. Incumbent's commission expires January 12, 1929.

ILLINOIS

Paul B. Cousley to be postmaster at Alton, Ill., in place of P. B. Cousley. Incumbent's commission expired January 8, 1929.

Lem Neville to be postmaster at Catlin, Ill., in place of Lem Neville. Incumbent's commissioned expired January 8, 1929.

John H. Bayless to be postmaster at Colchester, Ill., in place of J. H. Bayless. Incumbent's commission expired December 9, 1928.

Clyde L. Flynn to be postmaster at Elizabethtown, Ill., in place of C. L. Flynn. Incumbent's commission expired January 8, 1929.

Leonard C. McMullen to be postmaster at Hume, Ill., in place of L. C. McMullen. Incumbent's commission expired January 8, 1929.

Robert R. McCreight to be postmaster at Marissa, Ill., in place of R. R. McCreight. Incumbent's commission expired January 8, 1929.

Arthur H. Simmons to be postmaster at Marseilles, Ill., in place of A. H. Simmons. Incumbent's commission expired January 7, 1928.

Ruby D. Gibson to be postmaster at Mason, Ill., in place of R. D. Gibson. Incumbent's commission expired January 10, 1929.

INDIANA

Alleary A. Anderson to be postmaster at Churubusco, Ind., in place of A. A. Anderson. Incumbent's commission expired December 29, 1928.

Walter M. Skinner to be postmaster at Fulton, Ind., in place of W. M. Skinner. Incumbent's commission expires January 12, 1929.

Harry D. Bodenhafer to be postmaster at Kendallville, Ind., in place of H. D. Bodenhafer. Incumbent's commission expired December 12, 1928.

Fred H. Maddox to be postmaster at Lyons, Ind., in place of F. H. Maddox. Incumbent's commission expires January 12, 1929.

LeRoy H. McAllister to be postmaster at New Carlisle, Ind., in place of L. H. McAllister. Incumbent's commission expires January 12, 1929.

Allie Bybee to be postmaster at Universal, Ind., in place of Allie Bybee. Incumbent's commission expired December 12, 1928.

Floyd E. Sears to be postmaster at Wolcottville, Ind., in place of F. E. Sears. Incumbent's commission expired December 12, 1928.

IOWA

Lester F. Friar to be postmaster at Grimes, Iowa, in place of L. F. Friar. Incumbent's commission expires January 14, 1929.

Ida Kelly to be postmaster at Harpers Ferry, Iowa, in place of Ida Kelly. Incumbent's commission expired December 17, 1928.

George M. Woodruff to be postmaster at Mason City, Iowa, in place of G. M. Woodruff. Incumbent's commission expires January 14, 1929.

Herman W. Tank to be postmaster at New Hampton, Iowa, in place of A. C. Schmurr, removed.

Ithamer J. Baldwin to be postmaster at Oelwein, Iowa, in place of I. J. Baldwin. Incumbent's commission expires January 14, 1929.

Robert E. Sitz to be postmaster at Peterson, Iowa, in place of J. J. Merwin. Incumbent's commission expired June 6, 1928.

Claus H. Jacobsen to be postmaster at Wilton Junction, Iowa, in place of C. H. Jacobsen. Incumbent's commission expires January 14, 1929.

KANSAS

Ella W. Mendenhall to be postmaster at Ashland, Kans., in place of E. W. Mendenhall. Incumbent's commission expired January 6, 1929.

KENTUCKY

Katie B. King to be postmaster at Adairville, Ky., in place of Ola Barbee. Incumbent's commission expired February 1, 1928.

George W. VanArsdall to be postmaster at Burgin, Ky., in place of J. H. Stone, deceased.

Maud McClure to be postmaster at Eubank, Ky., in place of Arta Henderson. Incumbent's commission expired March 11, 1928.

John A. Wisner to be postmaster at Kingswood, Ky., in place of L. R. Meador. Incumbent's commission expired May 29, 1928.

John E. Perkins to be postmaster at Whitley City, Ky. Office made presidential July 1, 1928.

MAINE

Charles E. Sherman to be postmaster at Boothbay Harbor, Me., in place of C. E. Sherman. Incumbent's commission expired January 8, 1929.

Ernest A. Fogg to be postmaster at Livermore Falls, Me., in place of E. A. Fogg. Incumbent's commission expired January 8, 1929.

Virgil A. Linnell to be postmaster at Rumford, Me., in place of V. A. Linnell. Incumbent's commission expired January 8, 1929.

George G. Winters to be postmaster at Strong, Me., in place of G. G. Winters. Incumbent's commission expired January 8, 1929.

MARYLAND

Grace Rowe to be postmaster at Emmitsburg, Md., in place of Grace Rowe. Incumbent's commission expired January 10, 1929.

George C. Eichelberger to be postmaster at Union Bridge, Md., in place of G. C. Eichelberger. Incumbent's commission expired January 10, 1929.

William B. Cutshall to be postmaster in Woodsboro, Md., in place of W. B. Cutshall. Incumbent's commission expired January 10, 1929.

MASSACHUSETTS

Elsa L. Downing to be postmaster in Harding, Mass., in place of E. L. Downing. Incumbent's commission expires January 12, 1929.

Frank H. Hackett to be postmaster at Wakefield, Mass., in place of F. H. Hackett. Incumbent's commission expires January 12, 1929.

MICHIGAN

Myrtle G. Lewis to be postmaster at Burr Oak, Mich., in place of M. G. Lewis. Incumbent's commission expires January 12, 1929.

Harry G. Buck to be postmaster at Carleton, Mich., in place of C. J. Williams, removed.

Frank A. Cole to be postmaster at Grass Lake, Mich., in place of F. A. Cole. Incumbent's commission expired January 5, 1929.

Edgar Rashleigh to be postmaster at Houghton, Mich., in place of Edgar Rashleigh. Incumbent's commission expires January 14, 1929.

Peter Trudell, jr., to be postmaster at Negaunee, Mich., in place of Peter Trudell, jr. Incumbent's commission expires January 13, 1929.

Hattie G. Jones to be postmaster at Oxford, Mich., in place of H. G. Jones. Incumbent's commission expires January 12, 1929.

MINNESOTA

Lafayette R. Willis to be postmaster at Hitterdal, Minn., in place of Olga Oss, removed.

Oswald H. Jacobson to be postmaster at Rothsay, Minn., in place of O. H. Jacobson. Incumbent's commission expires January 14, 1929.

Arnold C. Klug to be postmaster at Zumbrota, Minn., in place of A. C. Klug. Incumbent's commission expired December 9, 1928.

MISSISSIPPI

Annie D. McLelland to be postmaster at Newton, Miss., in place of G. F. McLelland, resigned.

MISSOURI

Frank B. Veatch, jr., to be postmaster at Braymer, Mo., in place of F. B. Veatch, jr. Incumbent's commission expired January 10, 1929.

Margaret M. Enis to be postmaster at Clyde, Mo., in place of M. M. Enis. Incumbent's commission expired January 10, 1929.

William E. Morton to be postmaster at Kansas City, Mo., in place of W. E. Morton. Incumbent's commission expires January 17, 1929.

Samuel A. Shelton to be postmaster at Marshfield, Mo., in place of T. H. Watters, deceased.

Horace E. Sherwood to be postmaster at Wyaconda, Mo., in place of E. A. Crandell. Incumbent's commission expired May 26, 1928.

MONTANA

Albert M. Stevenson to be postmaster at Lodge Grass, Mont., in place of A. M. Stevenson. Incumbent's commission expires January 13, 1929.

NEBRASKA

Clifton C. Brittell to be postmaster at Gresham, Nebr., in place of C. C. Brittell. Incumbent's commission expired January 10, 1929.

Elizabeth Rucker to be postmaster at Steele City, Nebr., in place of Elizabeth Rucker. Incumbent's commission expired January 6, 1929.

NEVADA

Arthur H. Keenan to be postmaster at Tonopah, Nev., in place of A. H. Keenan. Incumbent's commission expires January 14, 1929.

NEW JERSEY

Edna Rhen to be postmaster at Alpha, N. J., in place of Edna Rhen. Incumbent's commission expired December 18, 1928.

Arthur W. Van Zee to be postmaster at Livingston, N. J. Office became presidential January 1, 1929.

NEW YORK

John J. Kiely to be postmaster at New York, N. Y., in place of J. J. Kiely. Incumbent's commission expires January 22, 1929.

James McD. Reid to be postmaster at Amsterdam, N. Y., in place of J. McD. Reid. Incumbent's commission expires January 13, 1929.

John Sparks to be postmaster at Eldred, N. Y., in place of John Sparks. Incumbent's commission expired January 2, 1929.

Harry C. Rosekrans to be postmaster at Gardiner, N. Y., in place of H. F. Fleming, resigned.

David W. Smith to be postmaster at Genoa, N. Y., in place of M. H. Smith, deceased.

Catherine Jamieson to be postmaster at New York Mills, N. Y., in place of Henry Munday. Incumbents commission expired January 8, 1928.

James Carpenter to be postmaster at Northville, N. Y., in place of James Carpenter. Incumbent's commission expires January 13, 1929.

Belle M. Clark to be postmaster at Silver Springs, N. Y., in place of B. M. Clark. Incumbent's commission expired December 19, 1928.

Emma Frey to be postmaster at Vestal, N. Y., in place of Emma Frey. Incumbent's commission expires January 13, 1929.

NORTH DAKOTA

John W. Jeffery to be postmaster as Wales, N. Dak., in place of C. S. Laidlaw, resigned.

Byron W. Graham to be postmaster at Wing, N. Dak., in place of L. M. Collins. Incumbent's commission expired June 3, 1928.

OHIO

Clyde A. Wilcox to be postmaster at Bethesda, Ohio, in place of C. A. Wilcox. Incumbent's commission expires January 12, 1929.

Alice Hastings to be postmaster at Lagrange, Ohio, in place of Alice Hastings. Incumbent's commission expires January 12, 1929.

Russell C. Niles to be postmaster at West Milton, Ohio, in place of R. C. Niles. Incumbent's commission expires January 13, 1929.

OKLAHOMA

Charles H. Wilson to be postmaster at Eufaula, Okla., in place of R. E. Robertson, removed.

Jessie P. Hurst to be postmaster at Grove, Okla., in place of J. P. Hurst. Incumbent's commission expired January 8, 1929.

OREGON

Alice Hoefs to be postmaster at Jacksonville, Oreg., in place of F. E. Robbins, resigned.

PENNSYLVANIA

William G. Minster to be postmaster at Buck Hill Falls, Pa., in place of C. N. Thompson, resigned.

Grace Baker to be postmaster at Claysburg, Pa., in place of Grace Baker. Incumbent's commission expires January 14, 1929.

George L. Goodhart to be postmaster at Dayton, Pa., in place of G. L. Goodhart. Incumbent's commission expired January 8, 1929.

Ralph B. McCord to be postmaster at North East, Pa., in place of R. B. McCord. Incumbent's commission expired January 8, 1929.

George A. Needle to be postmaster at Parkers Landing, Pa., in place of G. A. Needle. Incumbent's commission expired January 10, 1929.

Warren R. Schanley to be postmaster at Pennsburg, Pa., in place of W. R. Schanley. Incumbent's commission expires January 13, 1929.

Byron E. Smith to be postmaster at St. Marys, Pa., in place of A. S. Grosh. Incumbent's commission expires January 22, 1928.

RHODE ISLAND

Alice W. Bartlett to be postmaster at North Scituate, R. I., in place of H. A. Bartlett, deceased.

Elmer Lother to be postmaster at Warren, R. I., in place of Elmer Lother. Incumbent's commission expired January 8, 1929.

SOUTH CAROLINA

Gilbert G. Hiers to be postmaster at Ehrhardt, S. C., in place of G. G. Hiers. Incumbent's commission expired January 8, 1929.

SOUTH DAKOTA

Nettie B. Hammer to be postmaster at Alpena, S. Dak., in place of J. D. Evans, resigned.

Alice M. Lane to be postmaster at Hecla, S. Dak., in place of A. M. Lane. Incumbent's commission expired December 9, 1926.

Ambrose B. Blake to be postmaster at Huron, S. Dak., in place of A. B. Blake. Incumbent's commission expires January 14, 1929.

TENNESSEE

Edward V. Sheely to be postmaster at Memphis, Tenn., in place of Solomon Seches. Incumbent's commission expired March 29, 1926.

John G. Holmes to be postmaster at Trezevant, Tenn., in place of J. G. Holmes. Incumbent's commission expires January 13, 1929.

TEXAS

Gertrude E. Berger to be postmaster at Boling, Tex. Office became presidential July 1, 1928.

John T. White to be postmaster at Kirkland, Tex., in place of J. T. White. Incumbent's commission expires January 12, 1929.

Amanda M. Kenney to be postmaster at Nash, Tex., in place of A. M. Kenney. Incumbent's commission expired December 10, 1928.

Charles A. Young to be postmaster at Pecos, Tex., in place of R. E. Johnson, resigned.

Ernest H. Duerr to be postmaster at Runge, Tex., in place of E. H. Duerr. Incumbent's commission expires January 12, 1929.

Lynn E. Slate to be postmaster at Sudan, Tex., in place of L. E. Slate. Incumbent's commission expires January 12, 1929.

Lewis Kiser to be postmaster at Sylvester, Tex., in place of Lewis Kiser. Incumbent's commission expired December 10, 1928.

Aaron H. Russell to be postmaster at Willis, Tex., in place of A. H. Russell. Incumbent's commission expired December 10, 1928.

UTAH

Cora E. Paxton to be postmaster at Lynndyl, Utah, in place of C. E. Paxton. Incumbent's commission expires January 12, 1929.

VERMONT

William A. Heywood to be postmaster at Wilder, Vt., in place of G. E. Trempe, resigned.

WASHINGTON

Frieda A. Iffland to be postmaster at Port Townsend, Wash., in place of W. M. McCurdy, deceased.

WEST VIRGINIA

James H. Latham to be postmaster at Ravenswood, W. Va., in place of J. H. Latham. Incumbent's commission expired April 2, 1928.

WISCONSIN

Anthony H. Otten to be postmaster at Barton, Wis. Office became presidential July 1, 1928.

Andrew Crahen to be postmaster at Brooklyn, Wis., in place of Andrew Crahen. Incumbent's commission expired January 10, 1929.

Herman F. Barth to be postmaster at Cashton, Wis., in place of H. F. Barth. Incumbent's commission expired January 10, 1929.

Hilda Wick to be postmaster at Catawba, Wis., in place of Hilda Wick. Incumbent's commission expired January 10, 1929.

John W. Bell to be postmaster at Chetek, Wis., in place of J. W. Bell. Incumbent's commission expired January 10, 1929.

Selmer J. Tilleson to be postmaster at Clintonville, Wis., in place of S. J. Tilleson. Incumbent's commission expired January 10, 1929.

Bertha S. Wild to be postmaster at De Soto, Wis., in place of B. S. Wild. Incumbent's commission expired January 10, 1929.

Maude Adams to be postmaster at Eagle River, Wis., in place of Maude Adams. Incumbent's commission expired January 10, 1929.

Jerome F. Franklin to be postmaster at Eland, Wis., in place of J. F. Franklin. Incumbent's commission expired January 10, 1929.

Henry E. Steinbring to be postmaster at Fall Creek, Wis., in place of H. E. Steinbring. Incumbent's commission expired January 10, 1929.

Ellen Hains to be postmaster at Fall River, Wis., in place of Ellen Hains. Incumbent's commission expired January 10, 1929.

John W. Kane to be postmaster at Fredonia, Wis., in place of J. W. Kane. Incumbent's commission expired January 10, 1929.

Frank Tate to be postmaster at Glenhaven, Wis., in place of F. D. Wood, not commissioned.

Charles H. Roser to be postmaster at Glidden, Wis., in place of C. H. Roser. Incumbent's commissioned expired January 10, 1929.

Raynold G. Lidbom to be postmaster at Grantsburg, Wis., in place of R. G. Lidbom. Incumbent's commission expired January 10, 1929.

Wellen G. Hartson to be postmaster at Greenwood, Wis., in place of W. G. Hartson. Incumbent's commission expired January 10, 1929.

Rudolph Zimmer to be postmaster at Hilbert, Wis., in place of Rudolph Zimmer. Incumbent's commission expired January 10, 1929.

Oscar E. Hoyt to be postmaster at Iron Ridge, Wis., in place of O. E. Hoyt. Incumbent's commission expired January 10, 1929.

Emy M. Mollenhoff to be postmaster at Iron River, Wis., in place of E. M. Mollenhoff. Incumbent's commission expired January 10, 1929.

Albert H. Fries to be postmaster at Lone Rock, Wis., in place of A. H. Fries. Incumbent's commission expired January 10, 1929.

John H. McNown to be postmaster at Mauston, Wis., in place of J. H. McNown. Incumbent's commission expired January 10, 1929.

Frank Wachter to be postmaster at Melrose, Wis., in place of Frank Wachter. Incumbent's commission expired January 10, 1929.

Walter H. Smith to be postmaster at Mondovi, Wis., in place of W. H. Smith. Incumbent's commission expired January 10, 1929.

Joseph G. Miller to be postmaster at Muscoda, Wis., in place of J. G. Miller. Incumbent's commission expired January 10, 1929.

Fred M. Neumann to be postmaster at Norwalk, Wis., in place of F. M. Neumann. Incumbent's commission expired January 10, 1929.

William F. Sommerfield to be postmaster at Oakfield, Wis., in place of W. F. Summerfield. Incumbent's commission expired January 10, 1929.

Jessie S. Hammond to be postmaster at Onalaska, Wis., in place of J. S. Hammond. Incumbent's commission expired January 10, 1929.

Wilber E. Hoelz to be postmaster at Random Lake, Wis., in place of W. E. Hoelz. Incumbent's commission expired January 10, 1929.

James R. Stone to be postmaster at Reedsburg, Wis., in place of J. R. Stone. Incumbent's commission expired January 10, 1929.

Harry W. Field to be postmaster at Rice Lake, Wis., in place of H. W. Field. Incumbent's commission expired January 10, 1929.

Eugene D. Recob to be postmaster at Richland Center, Wis., in place of E. D. Recob. Incumbent's commission expired January 10, 1929.

Alfred H. Fischer to be postmaster at Ripon, Wis., in place of A. H. Fischer. Incumbent's commission expired January 10, 1929.

Mamie Auger to be postmaster at Saxon, Wis., in place of Mamie Auger. Incumbent's commission expired January 10, 1929.

Robert M. Nichols to be postmaster at Sheboygan Falls, Wis., in place of R. M. Nichols. Incumbent's commission expired January 10, 1929.

Russell D. Stouffer to be postmaster at Shell Lake, Wis., in place of R. D. Stouffer. Incumbent's commission expired January 10, 1929.

Leo Joerg to be postmaster at South Milwaukee, Wis., in place of Leo Joerg. Incumbent's commission expired January 10, 1929.

William N. White to be postmaster at Waterloo, Wis., in place of W. N. White. Incumbent's commission expired January 10, 1929.

Martin F. Walter to be postmaster at West Bend, Wis., in place of M. F. Walter. Incumbent's commission expired January 10, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 12 (legislative day of January 7), 1929

MEMBERS OF MISSISSIPPI RIVER COMMISSION

Thomas H. Jackson to be member and president.
Ernest Graves to be member.

SUPERVISING INSPECTOR OF STEAMBOAT INSPECTION SERVICE

Alvah O. Day to be supervising inspector, fourth district.

POSTMASTERS

GEORGIA

Harry P. Womelsdorf, Cartersville.

IOWA

Clyde W. Edwards, Adair.
Frank C. Bentley, Rhodes.

PENNSYLVANIA

Walter C. Alcorn, Avonmore.
William Irey, Glenmoore.
John M. Kurtz, Honey Brook.
Nellie R. Walton, Pomeroy.

VIRGINIA

Peery B. Linkous, West Graham.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 12 (legislative day of January 7), 1929

POSTMASTER

FLORIDA

Carrie C. Avriett to be postmaster at Jennings in the State of Florida.

SENATE

MONDAY, *January 14, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Merciful Father, whose love passeth knowledge and whose peace passeth understanding, to whom all sons of men are dear, help us to realize that we are members one of another, for Thou hast made of one blood all nations of mankind. Purge away the vanity, intolerance, and unforgiving spirit which keep us far apart; and since man's need is one, grant that the spirit of the Christ may break down all barriers and answer the desire of all nations. May we never be content with aught that excludes another from the fullness of Thy grace or the welcome of Thy heart, and do Thou make us faithful and true followers of Thy Son, Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 7, 1929, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers on the files of the Post Office Department not needed in the transaction of public business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. MOSES and Mr. MCKELLAR members of the committee on the part of the Senate.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, lists of papers on the files of the Navy Department no longer needed in the transaction of public business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. HALE and Mr. SWANSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. VANDENBERG. In the nature of a memorial, I present a concurrent resolution passed by the Legislature of the State of Michigan on the question of reapportionment. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
HOUSE OF REPRESENTATIVES.

A concurrent resolution relative to reapportionment of the National House of Representatives

Whereas the Constitution of the United States requires Congress to reapportion the seats in the House of Representatives to the various States, according to their respective numbers, following each decennial census; and

Whereas the Congress, prior to 1920, has invariably complied with the constitutional provisions covering this subject, so that the next succeeding Congress might be rightfully represented in numbers, based upon the population of the several States; and

Whereas each succeeding Congress has, since 1920, failed to make such reapportionment of districts, which failure has resulted in the disfranchisement of a large number of citizens in many of the States, among which is the State of Michigan, and has brought about a condition of disproportionate representation in the House of Representatives; and

Whereas this condition has resulted in accumulative discontent among the citizens of the States so discriminated against: Now therefore be it

Resolved by the house of representatives (the senate concurring), That we, the representatives of the people of the State of Michigan, assembled in regular session, do most earnestly urge the immediate performance of this duty; and be it further

Resolved, That a copy of this resolution be forwarded to the Hon. Calvin Coolidge, President of the United States; to the Hon. NICHOLAS LONGWORTH, Speaker of the House of Representatives; to the Hon. ARTHUR H. VANDENBERG, United States Senator from Michigan; to the Hon. JAMES COUZENS, United States Senator from Michigan; the Hon. JOHN Q. TILSON, Member of Congress, and all of the Michigan Members of the lower House of Congress; and be it further

Resolved, That copies of this resolution shall be forwarded to the members of the several legislatures now in session, urging them to take similar action: California, Ohio, New Jersey, Connecticut, North Carolina, and Texas.

Mr. BLAINE presented a resolution adopted by the Woman's Foreign Missionary Society, of La Crosse, Wis., favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

SABINE RIVER BRIDGE, TEXAS

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15067) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45, and I submit a report (No. 1428) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Louisiana Highway Commission and the State Highway Commission of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Vernon Parish, La., and Newton County, Tex., at a point suitable to the interests of navigation, where Louisiana Highway No. 21 meets Texas Highway No. 45, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the Louisiana Highway Commission and the State Highway Commission of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 4. The act of Congress approved May 29, 1928, authorizing the State of Louisiana and the State of Texas to construct a bridge across the Sabine River at or near Burr Ferry, La., is hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 5240) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., reported it with amendments and submitted a report (No. 1429) thereon.

Mr. STEIWER, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 1338) for the relief of James E. Jenkins (Rept. No. 1430); and

A bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926 (Rept. No. 1440).

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States, reported it with amendments and submitted a report (No. 1431) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, reported it with an amendment in the nature of a substitute and submitted a report (No. 1432) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5953) for the relief of E. L. F. Auffurth and others (Rept. No. 1433); and

A bill (H. R. 9509) for the relief of Ray Ernest Smith (Rept. No. 1434).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 10974) for the relief of Carl Holm, reported it without amendment and submitted a report (No. 1435) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (H. R. 6704) for the relief of Harry Pincus, reported it without amendment and submitted a report (No. 1436) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes, reported it without amendment and submitted a report (No. 1439) thereon.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 4125) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 1437) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., reported it without amendment and submitted a report (No. 1438) thereon.

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 6350) for the relief of Bertram Lehman (Rept. No. 1441);

A bill (H. R. 7411) for the relief of Gilbert Faustina and John Alexander (Rept. No. 1442);

A bill (H. R. 10125) for the relief of Leo Scheuren (Rept. No. 1443); and

A bill (H. R. 10126) for the relief of Loretta Pepper (Rept. No. 1444).

Mr. SHIPSTEAD, from the Committee on Printing, submitted a report (No. 1445) to accompany the concurrent resolution (S. Con. Res. 31) to print the briefs of counsel and transcript of record filed with the Supreme Court of the United States in the St. Louis & O'Fallon Railway case as a Senate document and for extra copies thereof, heretofore reported from that committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5338) for the relief of the widow and minor children of Raymond C. Hanford; to the Committee on Claims.

A bill (S. 5339) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project; to the Committee on Public Buildings and Grounds.

By Mr. DENEEN:

A bill (S. 5340) authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 5341) granting an increase of pension to Nellie A. Getchell; to the Committee on Pensions.

A bill (S. 5342) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay Wagon Road lands; to the Committee on Agriculture and Forestry.

By Mr. BRATTON:

A bill (S. 5343) granting an increase of pension to Emilio DuBois; to the Committee on Pensions.

A bill (S. 5344) authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Cimarron River system and its tributaries in southwestern Colfax County, N. Mex.; to the Committee on Irrigation and Reclamation.

By Mr. ODDIE:

A bill (S. 5345) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; and

A bill (S. 5346) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 5347) for the relief of Alice Smith Tapley (with an accompanying paper); to the Committee on Claims.

By Mr. NORBECK:

A bill (S. 5348) to amend the mining laws applicable to national forests; to the Committee on Public Lands and Surveys.

A bill (S. 5349) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. WALSH of Massachusetts:

A bill (S. 5351) for the relief of the stockholders of the First National Bank of Newton, Mass.; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 5352) granting a pension to Martha Owens; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5353) granting a pension to Elvira Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 5354) granting a pension to Hosea M. Jones; and

A bill (S. 5355) granting an increase of pension to Jennie B. McLaughlin; to the Committee on Pensions.

A bill (S. 5356) to authorize reimbursement to certain levee districts for expenditures made for construction and repair of levees damaged by flood of 1927;

A bill (S. 5357) to provide for construction and repair of levees threatened or destroyed by caving banks of the Red River in the State of Arkansas; and

A bill (S. 5358) to provide for construction and repair of levees threatened or destroyed by caving banks of the Arkansas River in the State of Arkansas; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 5359) granting a pension to William M. Sherman; to the Committee on Pensions.

By Mr. BRATTON:

A joint resolution (S. J. Res. 193) providing for the designation and maintenance of a national cemetery at Fort Bayard, N. Mex.; to the Committee on Military Affairs.

By Mr. PHIPPS:

A joint resolution (S. J. Res. 194) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Roy Von Lewinski, citizen of Germany; to the Committee on Military Affairs.

By Mr. ASHURST:

A joint resolution (S. J. Res. 195) providing for the designation and maintenance of a national cemetery at Tucson, Ariz.; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 196) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38) and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; to the Committee on the Judiciary.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 197) providing for the placement of ex-service women in the new barracks at Sawtelle, Calif.; to the Committee on Military Affairs.

EXAMINATION AND RATING OF FLYING SCHOOLS

Mr. BINGHAM. Mr. President, I desire to introduce a bill which is very brief. I ask to have the clerk read it, and then I shall ask to explain it for about a minute.

The bill (S. 5350) to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 3 (d) of the air commerce act of 1926 is amended by striking out the period at the end thereof and adding a semicolon and the following: "and provide for the annual examination and rating of civilian schools giving instruction in flying as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors."

Mr. BINGHAM. Mr. President, I should like to have the bill referred to the Committee on Commerce, and I should like to request the chairman of the committee to secure action on it at the earliest possible moment, for this reason: Within the last 12 months the number of flying schools all over the country has increased by leaps and bounds. I am sure that practically every Senator receives frequent requests from his constituents to know what are the good schools to which they can send their sons and daughters who desire to learn to fly. There is at the present time no way of telling, except by the use of some well-known name in connection therewith, whether a school is reputable or not. Many of the smaller schools have very fine equipment, the best pilots, and an excellent course of instruction, but they are overshadowed by schools that have more money with which to advertise.

The amendment to the air commerce act which the bill proposes provides that the Secretary of Commerce may upon request rate a school so that we may know what are the schools of the highest rating and what are those of lesser rating. It is not obligatory any more than the rating of airports is obligatory. It puts the flying schools in the same position we now put, so far as the law is concerned, air navigation facilities, pilots, and planes. I hope that the bill may be passed at an early date, for this is the one lack in our legislation which is most seriously felt at the present time.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill will be referred to the Committee on Commerce.

GRAND TETON NATIONAL PARK

Mr. THOMAS of Idaho submitted an amendment intended to be proposed by him to the bill (S. 4674) to establish the Grand Teton National Park in the State of Wyoming, to revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho, and for other purposes, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

ABRAHAM LINCOLN NATIONAL PARK OR RESERVATION

Mr. KEYES. There was recently referred to the Committee on Public Buildings and Grounds the bill (S. 5228) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation. By the act creating this park or reservation it is placed under the jurisdiction of the Secretary of War, and, after consulting the author of the bill, we agreed that it should have been referred to the Committee on Military Affairs. I now ask that it be so referred.

The VICE PRESIDENT. Without objection, the Committee on Public Buildings and Grounds will be discharged from the further consideration of the bill and it will be referred to the Committee on Military Affairs.

CASUALTIES IN ARMY AND NAVY AVIATION

Mr. COPELAND. Mr. President, I send to the desk a resolution which I should like to have read.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 296), as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be requested to transmit to the Senate a list of fatalities in the aviation service of the Army and Navy during the past five years, the causes for each accident, and what, if anything, is needed in the way of legislation or appropriation to make safe and more efficient this important arm of the naval and military service.

Mr. COPELAND. Mr. President, I ask for the immediate consideration of the resolution. I desire to say to the Senate that I am not intending to be critical or to seek in any way to reflect upon the Air Service of the Army or Navy. It must be admitted, however, that there have been a good many fatal accidents recently.

The statement has been made that there are more accidents proportionately in the Army and Navy aviation than in commercial aviation. I do not believe that to be true, but in order that the country may be at rest regarding the matter I think that we should have the facts and present them to the country. Certainly the Senate is entitled to have the information. I have therefore asked unanimous consent for the immediate consideration of the resolution.

Mr. JONES. Mr. President, as I gather from hearing the resolution read it calls for more than the facts; it calls for the opinion, and so forth, of the Secretary of War and Secretary of Navy. I am in hearty sympathy with the general purpose of the resolution, but it rather seems to me that it goes beyond calling for the facts.

Mr. COPELAND. I sympathize with what the Senator from Washington said, but I think the Senate is entitled to have the opinion of each Secretary as to what we should do, if anything, to make the aviation service safer. I can not see any reason at all why we should hesitate about it. We are not asking for an appropriation. We are simply asking that the Secretary of War and the Secretary of the Navy shall inform us about the accidents, what conclusions they have reached as to the causes of the accidents, and what recommendations they have in the way of legislation or appropriation to make safer this important service.

Mr. JONES. I suggest to the Senator that the committee might want to call for more than the resolution specifies, if it is going to call for recommendations from the Secretaries. I shall have to ask that the resolution may go over for the day.

Mr. COPELAND. May I ask the Senator to what committee he thinks the resolution should be referred?

Mr. JONES. The Committee on Military Affairs.

Mr. COPELAND. I have asked both the Secretary of War and the Secretary of the Navy to report.

Mr. JONES. It ought to go to one or the other of those committees. If we are to ask the Secretary of the Navy to report, it ought to be in a separate resolution.

Mr. COPELAND. I can not see why the Senator should hesitate a moment.

Mr. JONES. If the Senator would confine his resolution to inquiring for the facts, there would be no objection whatever, but practically all resolutions calling for the opinion of a Secretary, going beyond asking for the facts, should go to the table for a day or else go to a committee.

Mr. COPELAND. Mr. President, may I make this suggestion? I am asking that each Secretary send us a list of the fatal accidents——

Mr. JONES. That is all right.

Mr. COPELAND. And why those accidents occurred.

Mr. JONES. That is all right, too.

Mr. COPELAND. The third point is what suggestions they have to offer in the way of legislation or appropriation to make the Air Service safer.

Mr. JONES. It has been the general rule of the Senate to confine resolutions that are to be passed without reference to a committee to an inquiry as to the facts.

Mr. COPELAND. Very well; if it will facilitate the end I have in mind, I shall be glad to omit from my resolution the advice asked as to what should be done, and to ask merely for a list of the fatalities and the reasons.

Mr. JONES. I would have no objection to the immediate consideration of such a resolution.

Mr. HEFLIN. Mr. President, let us have the resolution read again as it is now proposed to amend it.

The VICE PRESIDENT. The clerk will read the proposed amended resolution.

The CHIEF CLERK. As modified the resolution reads:

Resolved, That the Secretary of War and the Secretary of the Navy be requested to transmit to the Senate a list of the fatalities in the Aviation Service of the Army and the Navy during the past five years, and the causes for each accident.

As originally submitted the following words appeared in the resolution after the word "accident":

And what, if anything, is needed in the way of legislation or appropriation to make safe and more efficient this important arm of the naval and military service.

Mr. HEFLIN. Mr. President, it seems to me that latter language is the most important part of the resolution, because I think if there is anything the Congress needs to do now it is to protect the lives of the fine fighting boys in the aviation service. They are being killed at terrific rate. Eight of them were killed the other day in the same machine. What is the matter with the machines in which they are flying, or is it the fault of the engine? What is the trouble?

I dare say such a thing as that never would have occurred in the air service of Germany. Eight fine young men would not have been permitted to go up in a plane about which there was any question whatsoever. It is a terrible thing, a shocking thing, a tragic thing in the life of our country.

The Senator from New York is entirely right in his position. He wants a list given of the casualties; he wants to have the Senate and the country told something about why these boys have been killed; and he wants the judgment of the Secretary of War and the Secretary of the Navy as to why they were killed and to know whether they have any suggestions to make as to how to prevent the killing of other boys in the service.

We want to get action. Why should not the Secretary of War be permitted to say, "In my judgment, if such-and-such a thing were done, we would not have these accidents." What harm can come if the Secretary of the Army or the Secretary of the Navy expresses his opinion about it? We have them in those positions for the purpose of studying conditions of this sort and making recommendations to us. They certainly ought to be informed, and they ought to have opinions. Why should not they give those opinions to us?

I would like to see the resolution passed just as it was introduced. This, it seems to me, is an emergency matter. The killing of these fine American boys is no small matter. Eight of the best-equipped men, probably, in the whole service were killed in one accident. Mr. President, I do not think we can act too quickly in a positive way to put down this awful slaughter of our boys in the aviation service.

Mr. COPELAND. Mr. President, I would not have the Senate feel that my purpose is a critical one. It is not. I have had the feeling, in view of my conversation with many men in aviation outside of the Army and Navy, that there are devices which could be used and that expenditures are required which would make this very important service a safer and more efficient one. It was my purpose in presenting the resolution to find out from those in authority whether or not there is any legislation and whether or not additional appropriations may be needed for this specific purpose. The officers of the Government are embarrassed about making recommendations directly to Congress because of our relation to the Budget; and yet here is a thing that has to do with the protection of human life.

It is not right to let these young men go out in airplanes unless the airplanes are safe and efficient and up to date in a mechanical way and in perfect condition. If the Congress should enact proper legislation or should make sufficient appropriations for this service, we should be told so in set terms. It is not right at all that these young men should be endangered in life and limb by reason of our failure to act. That was my purpose in presenting the resolution.

Mr. JONES. Mr. President, I wish to make this suggestion: A resolution calling on the Secretary of the Navy and the Secretary of War for opinions, and so forth, I have no doubt, if referred to the committee to-day, would probably be reported to-morrow; but it has not heretofore been the practice of the Senate immediately to adopt resolutions calling for opinions and recommendations, though it has been the practice to adopt resolutions calling for facts. I have no objection to the adoption of such a resolution as this, and am in hearty sympathy with the suggestions of the Senator. There is nothing now to prevent the Secretary from sending recommendations to Congress for legislation; but to adopt this resolution immediately calling for recommendations and so on is so contrary to the practice of the Senate that I do not think it ought to be done.

As I have suggested, I think the Committee on Military Affairs or the Naval Affairs Committee would have no hesitation in recommending this resolution, either in the form in which the Senator presents it or with amendments.

Mr. COPELAND. I know the fair-mindedness of the Senator from Washington, and I have no objection to the resolution taking the course he suggests, provided there shall not be delay. I know how busy the committees now are. If there is reasonable hope or expectation that we may have the resolution reported back speedily, I have no objection to the Senator's suggestion.

Mr. JONES. Let me suggest that the Senator modify his resolution by striking out the latter part of it. We could then adopt the first part of the resolution calling for information, and the Senator could present another resolution calling on the Secretary for recommendations, and so forth. I can see no reason why the committee should not act promptly on such a resolution.

Mr. HEFLIN. Mr. President, I wish to suggest to the Senator from New York that in view of the fact that the Senator from Washington wishes the resolution referred to a committee, I think merely a day's delay will not be material. I should like to see the resolution passed just as it is. I think the Senator could have the resolution reported by the committee to-morrow, should it be referred, and that we could then get action on it.

Mr. COPELAND. Is it the idea of the Senator from Alabama that the resolution should go to the committee, expecting a report on it?

Mr. HEFLIN. I should think so.

Mr. COPELAND. To what committee does the Senator think it should be referred?

Mr. HEFLIN. To the Committee on Military Affairs.

Mr. JONES. As the resolution is framed, I think it could be appropriately referred either to the Naval or the Military Committee. The resolution calls upon both departments for information, and I think it might just as well be referred to one committee as the other. It would really be better if the Senator wants a report both from the Secretary of War and the Secretary of the Navy to offer two separate resolutions. Then one would go to the Military Affairs Committee and the other to the Committee on Naval Affairs.

Mr. COPELAND. Then I assume that the Senator entertains the hope that from either one committee or the other we would get an immediate report.

Mr. JONES. I think that the Senator would get a prompt report from both those committees.

Mr. COPELAND. In that event I have no objection, and, with the consent of the Senate, will divide my resolution into two, and ask that in each instance it be referred to the proper committee.

Mr. HALE. I should like to suggest to the Senator that he leave the resolution as it is now and have it referred to the Committee on Military Affairs. That is very commonly done in a bill affecting both services.

Mr. COPELAND. Is the Committee on Military Affairs more competent than is the Naval Affairs Committee?

Mr. HALE. No; but I have been suffering from an attack of grippe and I shall not be able to be here this afternoon to hold a meeting of the Naval Committee. I am sure that such a course would be entirely satisfactory. I have no objection whatever to the Senator's resolution.

Mr. BINGHAM. Mr. President, may I say that it does not seem to me that the Senator from Washington is quite correct in stating that this resolution ought to go to a committee. If the Senator from New York will let the resolution lie over one day we could pass it to-morrow without its even going to a committee.

Personally, I can see no objection whatever to the request for facts and for information. My faith in what the Army and the Navy have recently been doing in the way of military and naval aeronautics is such that I know that there is nothing to conceal. The record of both departments with regard to the loss of life and the number of fatal accidents from flying is better than that of any other service in the world. There is nothing to be gained by having the committee pass upon the matter. I suggest to the Senator from New York, if the Senator from Washington still feels that the resolution ought not to be acted on immediately, that he permit the resolution to lie over a day, and that we consider it to-morrow.

Mr. HALE. I suggest that the Senator from Washington withdraw his objection and that we act on the resolution to-day.

Mr. JONES. No; I can not do that. Let me suggest to the Senator from Connecticut [Mr. BINGHAM] that this resolution

as originally introduced goes further than he has suggested. It does not call alone for the facts regarding accidents and the causes of them, but it calls for such recommendations for legislation as the respective Secretaries might desire to recommend. The Secretaries can submit recommendations now without the passage of a resolution. I think if it should be desired to adopt this resolution calling for recommendations the committee might ask for additional information, and so on.

Mr. BINGHAM. May I say to the Senator from Washington that while it is true that the Secretaries of War and the Navy may make recommendations, if the recommendations call for appropriations of which the Budget Bureau does not approve, then the Secretaries can not make the recommendations.

Mr. JONES. The Secretary of War and the Secretary of the Navy can recommend legislation without consulting the Budget Bureau or anybody else. For legislative action we are under no obligation to call on the Budget Bureau, and they are under no obligation to ask the Budget Bureau whether or not legislation shall be passed.

Mr. BINGHAM. But the resolution also calls, does it not, for a suggestion as to whether appropriations are needed? The Senator will remember that there have been several occasions in recent years when appropriations for new engines to take the place of the old Liberty motors were made before the committee as a result of questions asked by members of the committee; that the committee recommended and the Senate provided for such appropriations, but my recollection is that the House conferees would not agree to the appropriations which were needed in order to provide entirely new motors.

Mr. JONES. That was not a case of an authorization but an appropriation. The Secretary can recommend authorizations without conferring with the Budget if he desires to do so.

Mr. BINGHAM. Certainly. I understood that this resolution also called for the Secretaries to report on the necessity of appropriations.

Mr. JONES. They can report on the necessity of appropriations, but it is up to Congress to authorize them.

Mr. WARREN. Mr. President, it seems to me, if the Senator submitting the resolution is willing to have it lie over, that we should take that action, and proceed, as I wish to do, to the consideration of the urgent deficiency appropriation bill. I wish to say that we are now half way through the session and have passed only two appropriation bills. They have been somewhat more active on the House side, and such bills are coming now to the Senate almost four or five at once, but are clogged in the Senate. We can not afford to spend time on the smaller matters, it seems to me, until we get further along with some of the appropriation bills.

Mr. JONES. The Senator from New York is perfectly willing to let the resolution go to the committee.

Mr. BRUCE. Mr. President, I rise to a point of order. This discussion does not seem to be getting anywhere. Senators seem to be just about as far apart, if not farther apart, than when they began, and I feel bound, under the circumstances, to object, unless some agreement can be reached regarding the disposition of the resolution.

The VICE PRESIDENT. Objection being made, the resolution will lie over under the rule.

MULTILATERAL PEACE TREATY

Mr. REED of Missouri. As in open executive session, I ask leave to submit a resolution. I do not ask to have it acted upon at this time, but I simply want to have it in form and before the Senate.

Mr. WARREN. Is it likely to create debate?

Mr. REED of Missouri. There will be no debate at all. I merely wish to submit it as in open executive session, so that it will be in order and so that it may be in the RECORD this morning.

The VICE PRESIDENT. Without objection, the Senator from Missouri submits a resolution as in open executive session.

Mr. REED of Missouri. I ask that the resolution may be read.

The Chief Clerk read the resolution, as follows:

Resolved, That in view of the importance of the pending treaty (the so-called Kellogg-Briand treaty) and in view of the many different interpretations which have been placed upon said treaty by Members of the Senate, and also in view of the fact that the Committee on Foreign Relations has not made any report giving its reasons for recommending ratification, the committee is respectfully requested to report to the Senate as soon as possible its views as to the proper interpretation of the treaty.

LEASING OF CUMBERLAND FALLS FOR POWER PURPOSES

Mr. NYE. I send to the desk a Senate resolution which I ask to have read, and then I shall ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FESS in the chair). The resolution will be read.

The resolution (S. Res. 297) was read, as follows:

Whereas application, now pending before the Federal Power Commission, has been filed by the Cumberland Hydroelectric Power Co. for a lease of the Great Falls of the Cumberland River for the purpose of constructing a storage reservoir and power development; and

Whereas the Cumberland Hydroelectric Power Co. is controlled by the Insull power interests, which, through various subsidiaries, have filed applications with the Federal Power Commission for 19 additional power sites on the Cumberland and Kentucky Rivers and their tributaries, which the report of the executive secretary declares "cover the greater part of the power possibilities of the two chief streams of Kentucky"; and

Whereas the 20 power sites thus sought are estimated by the commission's engineers to be capable of producing from 1,700,000,000 to 2,000,000,000 kilowatt-hours of electricity per year, and their lease to this closely affiliated group of corporations would give the Insull power interests a practical monopoly of the hydroelectric power of the State of Kentucky; and

Whereas the Great Falls of the Cumberland are stated by responsible authorities to be of exceptional beauty and scenic value, second only to Niagara among the water falls of the East; and

Whereas the Director of the National Park Service has declared, after personal investigation, that the Cumberland Falls should be preserved, and the national conference on the State parks has repeatedly adopted resolutions urging their preservation; and

Whereas the American Civic Association, the National Audubon Society, the Izaak Walton League, the Camp Fire Club of America, and other national organizations, with hundreds of thousands of members, have taken official action directed to the same end; and

Whereas leading newspapers of Kentucky and Ohio, including the Louisville Courier-Journal, Louisville Times, Cleveland Press, Cincinnati Post, Cincinnati Enquirer, and Cincinnati Times-Star, have as a result of their independent investigations editorially denounced the proposed lease and urged the preservation of the natural scenic beauty of the falls; and

Whereas at a meeting of the various organizations of Ohio and Kentucky held at Cincinnati on November 27, 1928, resolutions were adopted and filed with the Federal Power Commission, embodying substantially the facts set forth above and respectfully requesting that the Hon. Roy O. West should not sit as a member of the Federal Power Commission in view of his former interest in and close association with the Insull power corporations; and

Whereas in spite of these and other protests the Hon. Roy O. West did participate in the hearings upon the Cumberland Falls and other Kentucky projects held at Washington upon December 5, 1928: Therefore be it

Resolved, That the Federal Power Commission be, and it is hereby, directed to transmit to the Senate all protests of individuals, organizations, and public officials which it may have received in opposition to the leasing of Cumberland Falls for power development or to the participation of the Hon. Roy O. West in the consideration of this and other leases.

Mr. NYE. Mr. President, I hope there will be no objection to the immediate passage of this resolution.

Mr. WARREN. The matter is out of order. Unless it can be passed immediately, without debate, I shall have to object to it.

Mr. NYE. I so understand.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. JONES. Mr. President, I suggest that the resolution lie over. It is a very long resolution.

Mr. NYE. The resolution itself is embodied in one paragraph, and simply calls for the transmission to the Senate of all protests which have been filed with the Federal Power Commission.

Mr. JONES. Yes, I know; but the "whereases" upon which the resolution are based are rather long, and I will say to the Senator that I have heard a couple of Senators say they did not catch them from the reading. I suggest that the Senator allow the resolution to lie over for a day. There may not be any objection to it then.

The PRESIDING OFFICER. The resolution will go over, under the rule.

CONTINUING SPECIAL INVESTIGATIONS BY SENATE COMMITTEES

Mr. FRAZIER submitted the following resolution (S. Res. 298), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolutions heretofore agreed to during the present Congress authorizing special investigations by the Committee on Indian Affairs, the Committee on Public Lands and Surveys, the Committee on Privileges and Elections, the Committee on Post Offices and

Post Roads, and the special committee investigating expenditures in senatorial primary and general elections, hereby are continued in full force and effect until the end of the first regular session of the Seventy-first Congress, unless final report of their proceedings be made to the Senate before such time.

JOHN W. CLEAVENGER, DECEASED

Mr. BLACK. Mr. President, I desire to ask unanimous consent to restore to its place on the calendar House bill 4280, which was indefinitely postponed on a report made by me. The bill had been before the Committee on Military Affairs. New evidence has developed; the request which I am now making was presented to the Military Affairs Committee, and they unanimously gave me authority to ask that the bill be restored to the calendar in order that action might be taken. I ask unanimous consent, therefore, that the bill to which I have referred may be restored to its place on the calendar.

Mr. WARREN. I did not understand the Senator's request. I should like to know what it is; I could not hear the Senator.

Mr. BLACK. I ask unanimous consent to restore to its place on the calendar the bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased, which was indefinitely postponed several months ago. This is a matter which I took up before the Military Affairs Committee on the new evidence which has been presented, and the Military Affairs Committee authorized me to submit the request which I have now made.

Mr. WARREN. The Senator does not propose to discuss it or to ask for the passage of the bill this morning?

Mr. BLACK. Not at the present time; I merely desire to have the bill restored to its place on the calendar.

Mr. WARREN. Very well.

The PRESIDING OFFICER. Without objection, the bill will be restored to the calendar.

FIRST DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER. The morning business is closed.

Mr. WARREN. I ask unanimous consent to take up H. R. 15848, the first deficiency appropriation bill, and I ask that the formal reading of the bill may be dispensed with and that the Senate may proceed to the consideration of committee amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McKELLAR. Mr. President, reserving the right to object, I desire to make a statement. There is an appropriation provided for in the bill of $75,000,000 for tax refunds.

Mr. WARREN. Mr. President, had we not better get the bill up before we debate it?

Mr. McKELLAR. I object to its coming up if the Senator is not willing to have me make the statement.

Mr. WARREN. Then I move to take it up.

Mr. McKELLAR. I am reserving the right to object. I think I have a right to be heard and I expect to be heard.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. WARREN. The Senator can be heard after the bill is up, certainly.

Mr. McKELLAR. I think I have a right to be heard now, and I desire to make a statement about the bill.

Mr. WARREN. I make the point that the Senator is out of order.

The PRESIDING OFFICER. The Chair will have to state to the Senator from Wyoming that on Monday, which is calendar day, his motion would be out of order. The Senator from Tennessee is recognized.

Mr. McKELLAR. Now, Mr. President, I desire to make a statement, if I may.

The principal provision in the bill is a provision of $75,000,000 for additional tax refunds for this year. The Committee on the Judiciary has reported favorably a bill introduced by me putting in the hands of the Board of Tax Appeals all tax refunds in excess of $10,000. I propose to offer this bill, favorably reported by the Judiciary Committee, as an amendment to the appropriation bill. Under the rules I have a right to do that. That bill has just been reported this morning. The report has not been printed. The amended bill as reported by the committee has not been printed.

Mr. WARREN. The report has been printed.

Mr. McKELLAR. No; neither the bill nor the report has been printed.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. Surely.

Mr. NORRIS. Both of the Senators are right in one sense; and if the Senator will permit me, I should like to state the correct parliamentary situation.

Mr. McKELLAR. I yield; certainly.

Mr. LA FOLLETTE. Mr. President, I ask that business be suspended until the Senate is in order.

The PRESIDING OFFICER. The Senate will please be in order, and this applies to the occupants of the galleries the same as to Members of the body.

Mr. McKELLAR. This is a very important matter, and I hope Senators will listen to it.

The PRESIDING OFFICER. The Senate will be in order.

Mr. NORRIS. The Senator from Tennessee introduced his bill first several days ago. The Judiciary Committee acted on it. They directed that the bill be reported to the Senate, and the Senator from Wisconsin [Mr. BLAINE] was designated by the chairman of the committee to make the report, with several amendments. That report was made day before yesterday. This morning the committee again had the matter up for consideration at their meeting, and the committee were convinced that some amendments ought to be made to the bill that were not made. We found on examining the records of the committee that after the bill had been reported from the committee and put on the calendar the Senator from Tennessee reintroduced the bill in the form the committee had recommended.

Mr. McKELLAR. In the form the committee had first recommended.

Mr. NORRIS. Yes. In order to get the further amendments that the Judiciary Committee thought ought to be put on the bill we reported this morning the second bill that the Senator introduced on the same subject.

Mr. McKELLAR. Yes.

Mr. NORRIS. So on that particular bill the report has not been printed, and will not be until to-morrow. The first report has been printed.

Mr. McKELLAR. Nor has the bill as amended by the committee yet been printed, because there are a considerable number of amendments, and a clean bill has to be reported in order to have it accurately before the Senate.

Under those circumstances it seems to me the deficiency bill should be considered to-morrow. I say that for the reason that there is already before the Senate the Interior Department appropriation bill, which has not yet been acted upon. We could act on the Interior Department appropriation bill to-day during the morning hour, in the time that we have between now and 2 o'clock. I want to say, however, that the question involved in these refunds is such an important question and the hearings which have been had are so very important that it seems to me the Senate ought to have the bill and the report of the committee before it before action is taken on it.

If the Senator from Wyoming desires to go as far as agreeing to all of the bill except the proposed amendments to the refund section I am perfectly willing to go that far and let that matter go over until to-morrow; but unless the Senator is willing to accept the amendments as reported out by the Judiciary Committee I am not willing to have the matter voted on during the morning hour to-day, and in that I think I am acting reasonably and with due consideration.

Mr. NORRIS. Mr. President, may I interrupt the Senator on that point?

Mr. McKELLAR. Certainly.

Mr. NORRIS. The final amendments of the Judiciary Committee have not yet been printed. I do not think this bill ought to be taken up with the understanding that they will be agreed to, because that is hardly fair to those who have not had an opportunity even to read the amendments we have reported this morning.

Mr. McKELLAR. Of course. That is what I am asking—that the matter may go over until to-morrow.

Mr. NORRIS. The Senator has said that he would be willing to take it up for action on the unobjected amendments.

Mr. McKELLAR. I would. I am a member of the Appropriations Committee, and I want to do everything possible to expedite the consideration of the appropriation bills.

Mr. NORRIS. As far as I am concerned, I am a member of the Judiciary Committee, and I am favorable to the amendments that we reported this morning; but I should hardly like to ask other Senators here to adopt them before they have been printed.

Mr. McKELLAR. I can understand that.

Mr. NORRIS. I think that would hardly be fair, and I do not think we ought to take up the matter to-day.

Mr. McKELLAR. I want to ask the chairman of the committee again to let us take up the appropriation bill for the

Interior Department and pass upon that to-day, and let this bill go over until to-morrow.

The PRESIDING OFFICER. Does the Senator object to the request for unanimous consent to consider the deficiency appropriation bill at this time?

Mr. McKELLAR. I object.

Mr. WARREN. Mr. President, of course I can not consent to put a bill over until it is first before us. I understood the Presiding Officer to rule that this was calendar day, and that I was out of order in moving to proceed to the consideration of the appropriation bill. I beg to differ with the Presiding Officer, because our rules provide for the taking up of appropriation bills before any other matter whenever they are so moved; but I do not care to make any point of that.

As to the statement of the Senator from Tennessee, of course the reports are here, all made out last Friday and Saturday. The Senator was provided with one hundred and odd copies, and I understood that he put them on the desks of different Senators. I hope he has done so. As I remarked a few moments ago, while it is possible that the Interior Department bill, in charge of the senior Senator from Utah [Mr. SMOOT], is not finished and can be taken up, yet there is no reason why every other bill should lie over when we have only two appropriation bills completed at this session, and we have nine more still here, very important ones. So these moves to delay simply mean that we do not pass the supply bills, all of which we are supposed to pass before the end of the session.

I want to cooperate with the Senator from Tennessee; but his motion to delay seems to me hardly to bear out the proposition of intention to finish the appropriation bills before the close of this session. I do not think it is necessary to delay from day to day, because the Senator never lacks words and arguments, and is very forceful and enthusiastic in his advocacy of the matters which he presents. I shall have a great deal of pleasure in listening to whatever he may have to say; but I do not feel like agreeing to lay the bill over. I should be glad to proceed at once with the consideration of the bill and take up the unobjected matters. Two matters are objected to, I understand, one of which is the amendments, some five in number, of the Senator from Tennessee; the other is the matter of my friend the Senator from Georgia [Mr. HARRIS]. I should be glad to take up the others. It will take only a few minutes, probably.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent to take up the deficiency appropriation bill for the purpose of acting on the unobjected amendments. Is there objection?

Mr. MOSES. Mr. President, a parliamentary inquiry. What is the regular order?

The PRESIDING OFFICER. The calendar, under Rule VIII.

Mr. MOSES. We shall have very few Mondays between now and the 4th of March, and there are many pieces of business on the calendar in which a great many Senators are interested. I do not see why the Senators who are interested in this bill can not let us go on with the calendar for an hour and a quarter.

Mr. McKELLAR. I think we ought to do that, because we are well up on our appropriation bills—better than usual.

Mr. WARREN. The Senator knows that at 2 o'clock we shall have to lay it aside. Of course, if it is the intention of my friend from New Hampshire, as was done in the case of the Senator from New Hampshire two years ago, to delay these bills and not pass them at all——

Mr. MOSES. Mr. President, I can not be put in that position.

Mr. WARREN. The Senator will probably remember what happened two years ago to the deficiency appropriation bill.

Mr. MOSES. Indeed, I do; but I am on an entirely different footing.

Mr. WARREN. I hope the Senator does not want that to happen again.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. McKELLAR. In view of what the Senator from Nebraska said, I feel compelled to object.

THE CALENDAR

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order. The clerk will report the first bill on the calendar.

The first business on the calendar was the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, which had been reported adversely from the Committee on the Judiciary.

Mr. JONES. The Senator from North Dakota [Mr. FRAZIER], who introduced the joint resolution, is not present, and I ask that it may go over.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on futures exchanges, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. KING. Mr. President, the Senator from Delaware [Mr. BAYARD], I know, would like to be present when this bill is taken up. In his absence, I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. SACKETT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

ROLL CALL

Mr. BINGHAM. Mr. President, in view of the fact that we are on the calendar, and that a number of Senators are not present who do not know that the calendar is now being taken up, it seems to me that we ought to have a quorum call. Unless the leaders object, I should like to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Schall
Barkley	Fletcher	Larrazolo	Sheppard
Bayard	Frazier	McKellar	Shipstead
Bingham	George	McMaster	Shortridge
Black	Gillett	McNary	Simmons
Blaine	Glass	Metcalf	Smoot
Blease	Goff	Moses	Steck
Borah	Gould	Neely	Steiwer
Bratton	Greene	Norbeck	Stephens
Brookhart	Hale	Norris	Swanson
Broussard	Harris	Nye	Thomas, Idaho
Bruce	Harrison	Oddie	Thomas, Okla.
Burton	Hastings	Overman	Trammell
Capper	Hawes	Phipps	Tydings
Caraway	Hayden	Pine	Vandenberg
Copeland	Heflin	Pittman	Wagner
Couzens	Johnson	Ransdell	Walsh, Mass.
Deneen	Jones	Reed, Mo.	Walsh, Mont.
Dill	Kendrick	Robinson, Ark.	Warren
Edge	Keyes	Robinson, Ind.	Waterman
Edwards	King	Sackett	Wheeler

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate owing to illness in his family.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of illness. I would like to have this announcement stand for the day.

Mr. JONES. I desire to announce that the Senator from Pennsylvania [Mr. REED] is necessarily absent on account of illness.

I also wish to announce that the Senator from Kansas [Mr. CURTIS] is necessarily absent on account of threatened illness.

Mr. McKELLAR. I desire to announce that my colleague [Mr. TYSON] is absent because of illness. I ask that this announcement may stand for the day.

Mr. ROBINSON of Indiana. I wish to announce that my colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. I ask that this announcement stand for the day.

Mr. DENEEN. I desire to announce that my colleague is absent from the city, and will not return until Wednesday. I ask that this statement stand for the day.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, there is a quorum present.

THE CALENDAR

Mr. BROOKHART. Mr. President, Senate bill 1728, Order of Business 325, was passed over a moment ago. It is a bill to place service postmasters in the classified service. That means civil-service postmasters, not military postmasters. I desire to move to proceed to the consideration of that bill.

The PRESIDING OFFICER. That bill was passed over, and the clerk is about to call Order of Business 507.

Mr. BROOKHART. Is not a motion to proceed to the consideration of the bill in order?

The PRESIDING OFFICER. No; the only thing the Senator could do would be to ask unanimous consent to return to it.

Mr. BROOKHART. I ask unanimous consent that we may return to the consideration of that bill.

Mr. BLEASE. I object.

The PRESIDING OFFICER. Objection is made, and the clerk will report the next bill on the calendar.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order. The joint resolution had been reported from the Committee on Foreign Relations adversely.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed by and with the advice and consent of the Senate may hold over his term shall have expired was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The resolution will go over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order. The joint resolution had been reported from the Committee on the Judiciary adversely.

The PRESIDING OFFICER. The joint resolution will go over.

Mr. SMOOT. Did anyone object to the consideration of the joint resolution?

The PRESIDING OFFICER. The Chair thought he heard some one object, but does not know who it was.

Mr. SMOOT. I did not hear any objection to it.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. JOHNSON. What is the measure?

Mr. SMOOT. It is to create another national holiday.

The PRESIDING OFFICER. The joint resolution was adversely reported.

Mr. JOHNSON. Does the Senator from Utah want to have it passed?

Mr. SMOOT. It was reported adversely.

Mr. BLEASE. I object.

The PRESIDING OFFICER. The joint resolution goes over, under objection.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FOREIGN-TRADE ZONES

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, I would like to ask the Senator from Washington if at some time during the session he will not attempt to get action on this bill?

Mr. JONES. I will say to the Senator, frankly, that I do not see what possibility there is of getting action on it during this session.

Mr. COPELAND. It is a very important bill.

Mr. JONES. I know it is, and I think it ought to pass, but I have hopes that it will be incorporated, at least substantially, in the tariff legislation that will come up during the extra session. I see no possibility of getting it up during this session.

The PRESIDING OFFICER. The bill will be passed over.

BUREAU OF PROHIBITION

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified service, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HELEN F. GRIFFIN

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order. The bill had been reported from the Committee on Claims adversely.

Mr. KING. I ask that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

Mr. LA FOLLETTE. Mr. President, that is a bill which was introduced by the senior Senator from Oregon [Mr. MCNARY], and at each call of the calendar he has asked that it go over instead of being indefinitely postponed. Therefore, in his behalf, I now ask that it be restored to its place on the calendar, and go over.

The PRESIDING OFFICER. Without objection, the bill will be restored to its place on the calendar and will go over.

PROHIBITION ENFORCEMENT

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will go over.

NICARAGUA CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. EDGE. Mr. President, in view of the request of the Senator from South Dakota [Mr. MCMASTER], repeated this morning, I am not going to make the motion I would otherwise have made, to take this measure up during the morning hour, with the hope, and tacit understanding, at least, that on Wednesday the parliamentary situation will be such that we can consider the joint resolution. I shall not call it up to-day.

The PRESIDING OFFICER. The joint resolution will be passed over.

MUNICIPAL WATERSHEDS IN THE NATIONAL FORESTS

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES. With respect to that bill, I have had several inquiries from my State. I have looked it over very hurriedly and I can see no possible objection to it. It seems to be a very desirable and very necessary bill to be passed. I do not know who made the objection.

The PRESIDING OFFICER. The bill went over on the objection of the Senator from New Mexico [Mr. BRATTON].

Mr. BRATTON. I desire to investigate the measure further before the bill is passed.

Mr. JONES. I hope the Senator will do so soon.

Mr. BRATTON. I shall do that at once.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916," and for other purposes, was announced as next in order.

Mr. KING. The bill provides for the expenditure of only $50,000,000. Of course, that is not very much, but I think we had better let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American Republics in highway matters was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. I have an understanding with the Senator from Idaho [Mr. BORAH] regarding this bill, and it will be entirely agreeable to him if it goes over to-day.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. KING. The junior Senator from Washington [Mr. DILL] is absent, and at his request I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. KING. Mr. President, I confess I did not anticipate that we would proceed with the calendar this morning. I have several amendments to the bill, which I have not had time to perfect. I thought we would proceed with consideration of the treaty this morning. I shall prepare the amendments and submit them to the Senator from Washington [Mr. JONES] within the next day or two.

Mr. JONES. I hope the Senator will do so.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. BLACK. I ask that the bill may go over in the absence of the Senator from Pennsylvania [Mr. REED].

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2274) for the relief of William H. Chambliss was announced as next in order.

Mr. EDGE. I request that the bill be recommitted to the Committee on Claims for the purpose of having further hearings.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Claims.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1749) for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8988) for the relief of Milton Longsdorf was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. That being the unfinished business, it will go over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. METCALF. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

Mr. SMOOT. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank, of Columbia, S. C., was announced as next in order.

Mr. BLEASE. Mr. President, I would like to have the resolution taken up at this time.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. METCALF. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING. Over.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah if he thinks it is possible that we might have consideration of the bill at this time? There is pressure being brought to bear upon me by various Federal judges with reference to this measure, and I wish it might be possible to have it considered.

Mr. KING. I will confer with the Senator from New York.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States

Patent Office, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. BINGHAM. At the request of the Senator from Pennsylvania [Mr. REED], who is detained at home on account of illness, I ask that the bill may go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of diseases affecting human beings, and for other purposes, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale, was announced as next in order.

Mr. KEYES. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. SMOOT. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States," etc., approved February 8, 1928, was announced as next in order.

Mr. METCALF. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. KING. We will have the cruiser bill up within a few days and we shall then have an opportunity to discuss, at least, in an indirect way, this bill. I therefore suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. PHIPPS. Mr. President, it will take some little time to discuss the bill. For that reason I ask that it may go over at this time. At a convenient opportunity in the near future I shall hope to ask for action on the measure.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES W. PRINGLE

The bill (H. R. 1320) for the relief of James W. Pringle was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "days," to insert the following proviso:

Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James W. Pringle shall hereafter be held and considered to have been mustered in and mustered out of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to have been honorably discharged as a member of said company and regiment after having served therein more than 90 days: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 2192) for the relief of Lemuel Simpson was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

B. C. MILLER

The bill (H. R. 11859) for the relief of B. C. Miller was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, lines 7, 8, and 9, to strike out the words "the acts of Congress of March 4, 1921 (41 Stat. L. 1413), and June 16, 1921 (42 Stat. L. 41), notwithstanding," and insert in lieu thereof "without suffering any penalty prescribed by the act of Congress of March 4, 1921 (41 Stat. L. 1413), and June 16, 1921 (42 Stat. L. 41)," so as to make the bill read:

Be it enacted, etc., That B. C. Miller, of Cleveland, Ohio, who was duly appointed a special master by the District Court of the United States for the Northern District of Ohio, on June 17, 1919, in the cases of Meurer Steel Barrel Co. (Inc.) *v.* The Cleveland Steel Barrel Co., No. 464 in equity, and Meurer Steel Barrel Co. (Inc.) *v.* The Ohio Corrugating Co., No. 465 in equity, then pending in said court, be permitted to withdraw the sum of $525, with accrued interest, now on deposit in the Central National Bank of Cleveland, Ohio, in an official savings account, to the credit of the clerk of said court, said sum being the compensation allowed to B. C. Miller as special master in said cases by the court, with the consent of the parties, and paid into court by the parties pursuant to such order of allowance, without suffering any penalty prescribed by the acts of Congress of March 4, 1921 (41 Stat. L. 1413), and June 16, 1921 (42 Stat. L. 41).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT TOQUOTHTY

The bill (S. 2362) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla., was announced as next in order.

Mr. BRUCE. Over.

Mr. FRAZIER. Mr. President, will the Senator withhold his objection for a moment?

Mr. BRUCE. I objected, but I withdraw my objection. I thought the Senator from Utah [Mr. KING] also objected.

Mr. KING. Mr. President, I would like to know the reason why the claim of the beneficiary of the proposed legislation was not referred to the Court of Claims? I am not insisting that that should be done, but my understanding is that large claims of this character against the Government should be so referred.

Mr. FRAZIER. Mr. President, as I recall, all claims of this sort against the Government have usually been settled in court; but under the provisions in relation to oil lands 12½ per cent of the amount of oil and gas taken from the wells on Indian lands was to go to the Indians. On this particular tract of land, which was right along the Red River, that river formed one of the boundaries. A change in the center of the Red River because of a flood took this particular well off the Indian reservation or allotment, but up to the time when the court decided that the allotment boundary was changed due to the flood there had been $130,717.45 worth of oil taken from the well, and the royalty on that would amount at that time to the sum of $16,339.69. The department believes that the Indian is entitled to that amount and recommends that it should be paid. Both the Senators from Oklahoma are in favor of the bill, and I think it should be passed.

Mr. BRUCE. Mr. President, am I to understand that this well was in the bed of a navigable stream?

Mr. FRAZIER. At that time it was just at the edge of the river. A flood which occurred down there changed the bed of the river, and the court held that after the flood this well was not on the Indian allotment, but there was no question about its being on the Indian allotment before the flood came. Prior to the time of the flood the amount of oil taken from the well would entitle this Indian to a royalty of more than $16,000, as provided in the bill.

Mr. BRUCE. The oil was discovered before this diversion took place?

Mr. FRAZIER. Oh, yes; the well was in operation before the flood.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, under such terms and conditions as he may prescribe, to pay to Robert Toquothty, Comanche allottee No. 3413, the sum of $16,339.69 from the moneys now on deposit in the United States Treasury to the credit of the Kiowa, Comanche, and Apache Tribes of Indians under joint resolution of June 12, 1926 (44 Stat. L. 704).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN SANTA FE COUNTY, N. MEX.

The bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all the vacant, unappropriated, and undisposed of lands within the unsurveyed area in township 19 north, range 7 east, New Mexico principal meridian, New Mexico, identified as a narrow strip, a little more than 1½ miles wide and 4 miles long, running north and south, lying between the western boundary of the San Ildefonso Pueblo grant on the east and the eastern boundary of a portion of the Santa Fe National Forest on the west, be, and they are hereby, reserved for the sole use and benefit of the Indians of the San Ildefonso Pueblo: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to July 27, 1928, the date of withdrawal of the lands from all forms of entry, shall not be affected by this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KANOSH INDIAN RESERVATION

The bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That 920 acres of land described as the east half west half, west half southwest quarter section 1; east half southwest quarter section 10; northeast quarter section 11; southeast quarter northwest quarter section 12; southwest quarter section 23; east half east half, west half southwest quarter section 27; all in township 23 south, range 5 west, Salt Lake meridian, Utah, be, and the same is hereby, reserved for the sole use and occupancy of the Kanosh Band of Indians in Utah: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to October 27, 1928, the date of withdrawal of lands from all form of entry, shall not be affected by this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTEREST ON INDIAN TRUST FUNDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes, which was read, as follows:

Be it enacted, etc., That all money in excess of $500 held by the United States in a trust fund account, and carried on the books of the Treasury Department to the credit of an Indian tribe, if the payment of interest thereon is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum from the date of the passage of this act. The amount held in any such trust fund account, which in the judgment of the Secretary of the Interior may not be required for payment in accordance with law, shall be covered into the surplus fund of the Treasury; but so much thereof as may be necessary for making any such payment may, at any time thereafter, be restored to such account without reappropriation by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES GILFILLAN

The bill (S. 88) for the relief of James Gilfillan, which had been reported adversely from the Committee on Claims, was announced as next in order.

Mr. KING. I move that that bill be indefinitely postponed.

The motion was agreed to.

EDNA E. SNABLY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8859) for the relief of Edna E. Snably, which was read, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Edna E. Snably, postmaster at Hollsopple, Pa., in the sum of $1,000, being an amount charged in the postal account due to the cashing of war savings stamps in year 1924, which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account; for which amount the postmaster was in no way responsible, the loss having occurred without fault or negligence on her part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE P. SMITH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13498) for the relief of Clarence P. Smith. It proposes to pay in full settlement against the Government to Clarence P. Smith, postmaster, Eden, Idaho, $140 to reimburse him for damage to the post-office safe by burglars July 1, 1927, and ruination of the safe by burglars September 5, 1927.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

L. PICKERT FISH CO. (INC.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10908) for the relief of L. Pickert Fish Co. (Inc.), which was read, as follows:

Be it enacted, etc., That the claim of L. Pickert Fish Co., a corporation created by and existing under the laws of the State of Maine, the legal owner of a wharf and factory thereon, at Provincetown, Mass., which was damaged and practically destroyed on or about November 15, 1926, through collision therewith by the United States Coast Guard cutter *Morrill*, for damages caused by said collision may be sued for in the District Court of Massachusetts, and that said court shall have jurisdiction to hear and determine such suit according to the principles of law and rules of practice obtaining in like cases between private parties at common law and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said L. Pickert Fish Co. upon the same principles and measures of liability and damage as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in said district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within six months of the date of the passage of this act.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered by the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED AMENDMENT OF SECTION 284 OF THE JUDICIAL CODE

The bill (S. 2204) to amend section 284 of the Judicial Code of the United States was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

APPOINTMENT OF ELECTRICIANS TO GRADE OF ENSIGN

The bill (H. R. 5528) to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That electricians, radio electricians, chief electricians, and chief radio electricians shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, machinists, chief boatswains, chief gunners, and chief machinists to that grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FILING OF CLAIMS FOR RETAINER PAY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5617) to limit the date of filing claims for retainer pay, which was read, as follows:

Be it enacted, etc., That no claim for retainer pay which accrued to enrolled members of the Naval Reserve Force or Marine Corps Reserve prior to July 1, 1925, shall be allowed unless such claim shall have been filed with the General Accounting Office within one year from the date of this act.

SEC. 2. No advance payment to assigned members of the Fleet Naval Reserve or Marine Corps Reserve, no payment of compensation for the performance of drills, equivalent instruction or duty, appropriate duty or for administrative functions, nor any payment for uniform gratuity accruing to members of the Naval Reserve or Marine Corps Reserve subsequent to July 1, 1925, shall be made upon any claim unless such claim shall have been filed with the General Accounting Office within three years from the expiration of the quarter in which the right to such payment accrued: *Provided*, That no claim shall be debarred if submitted within one year from the date of the passage of this act.

SEC. 3. The provisions of this act shall not apply to members of the Fleet Naval Reserve or Fleet Marine Corps Reserve, transferred thereto, after 16, 20, or more years' service in the regular Navy or Marine Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATMENT OF NAVAL PATIENTS IN GOVERNMENT HOSPITALS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7209) to provide for the care and treatment of naval patients on the active or retired list in other Government hospitals when naval hospital facilities are not available, which was read, as follows:

Be it enacted, etc., That hereafter the Secretary of the Navy may provide for the care and treatment of naval patients on the active or retired list and members of the Naval Reserve or Marine Corps Reserve entitled to treatment in naval hospitals in other Government hospitals when appropriate naval hospital facilities are not available and the Government agencies having control of such other hospitals consent thereto. All expenses incident to such care and treatment received by naval patients in other Government hospitals, excepting St. Elizabeths Hospital, shall be chargeable to the same appropriation or fund as would be chargeable with the care and treatment of such patients in a naval hospital: *Provided*, That the deductions authorized by sections 4812 and 4813, Revised Statutes, shall apply to such care and treatment in other Government hospitals, except St. Elizabeths Hospital, and shall be credited to said appropriation or fund.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISCHARGED MEMBERS OF NAVY AND MARINE CORPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8327) for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the military or naval forces of the United States, their widows and dependent children, a member of the Navy or Marine Corps who was enlisted between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been honorably discharged from the Navy or Marine Corps on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to a discharge under honorable conditions. No back pay or allowances shall accrue by reason of the passage of this act. In any such case the Secretary of the Navy shall, upon request, grant to such individual or his widow or next of kin a discharge certificate showing that such former member of the Navy or Marine Corps is held and considered to have been honorably discharged under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMBERS OF NAVAL RESERVE FORCE AND OTHERS

The bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF NAVAL OFFICERS

The bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States was announced as next in order.

Mr. KING. I should like an explanation of that bill.

Mr. HALE. Mr. President, this bill seeks to clarify existing law relative to the retirement of naval officers at the age of 64 years and to provide for the retirement of a few dental officers who under existing law are not eligible for retirement until they shall have reached the age of 70, placing them on a parity with other officers in the naval service.

Under the old law officers of the Navy were retired at 62 years of age. When that law was in effect a provision was adopted that it should not apply to certain officers, such as dentists, who kept on until retired for physical disability. When the law was changed providing that all officers should retire at the age of 64 it was meant that it should apply to all officers of the Navy of whatever class or description, but the comptroller has held that the clause of the old law relating to dental surgeons still is in effect. That means that these men can not retire until the age of 70. This bill merely clears that situation up and makes the retirement law apply to all officers so that they will retire at the age of 64.

Mr. JONES. Mr. President, will the Senator advise me what section 1445 of the Revised Statutes is?

Mr. HALE. I will read it, as well as the two sections which precede it. Section 1443 of the Revised Statutes reads:

When any officer of the Navy has been 40 years in the service of the United States he may be retired from active service by the President upon his own application.

Section 1444 reads:

When any officer below the rank of vice admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service.

Section 1445 reads:

The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Mr. SMOOT. What was the date of the enactment of that provision?

Mr. HALE. That was prior to the act of August, 1917, when the law was changed providing for retirement at the age of 64.

Mr. JONES. According to its title the bill seems to be an absolute repeal of section 1445.

Mr. HALE. It was intended to repeal that section. The comptroller held that it had not been repealed by the act of 1917, and, as a result of that ruling, the men whom it is now sought to cover have to stay in the service until they are 70 years of age. It is not desirable that officers should remain in the service after they are 64.

Mr. SMOOT. I shall have to ask that the bill go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

REPAIRS TO CERTAIN NAVAL VESSELS

The bill (H. R. 13249) to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels was announced as next in order.

Mr. KING. Mr. President, we will consider that bill when we take up the cruiser bill.

Mr. HALE. Mr. President, if the Senator will allow me to make a brief statement, let me say that this bill refers to two ships that are under reconstruction at the present time—the

Oklahoma and the *Nevada*. The appropriations provided will not complete the reconstruction, and the ships, therefore, can not go out until an additional appropriation is provided and that appropriation can not be made until there is an authorization. This bill merely authorizes an additional appropriation of $450,000, which, of course, will have to be appropriated in some bill reported by the Committee on Appropriations.

Mr. WALSH of Massachusetts. Will the Senator from Maine yield to me?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I yield.

Mr. WALSH of Massachusetts. Where are the ships being repaired—in private yards or in Government navy yards?

Mr. HALE. The work is being done in the navy yards. It is purely a matter of economy. Work can not be done on these ships until further provision is made. In the meanwhile the work is held up and the ship can not be used. Considerable additional expense to the Government is involved while that situation remains.

Mr. KING. Mr. President, I shall not object to a consideration of the bill, but I should like——

Mr. WALSH of Massachusetts. Mr. President, I will say to the Senator from Utah that I think it would be a saving to the Government if the bill were allowed to pass without delay.

Mr. KING. I stated to the Senate that I would not object to the consideration of the bill. I notice, however, that the original estimate for repairs is being increased. How many times has the estimate been increased, I will ask the Senator from Maine? He knows that the Navy has the happy, or unhappy, faculty of representing that certain work will cost a certain amount; that the construction of certain ships will not exceed a certain amount, or their estimated cost will be a certain amount, but from time to time we are called upon for additional appropriations, so that in the aggregate in the case of many of the vessels the cost is nearly double what it was originally estimated to be.

The Senator will recall that in the act of 1916, which authorized the construction of a large number of vessels, the estimated cost was less than $500,000,000. We spent toward the construction of those vessels nearly that amount, and when we ceased the construction we ascertained that it would cost for their completion more than the amount which we had expended; all of which evidences the lack of—shall I say frankness?—at any rate, the lack of information furnished to the Senate when we are called upon to make appropriations for construction of naval craft and for their repair.

I should like to ask the Senator now what repairs are called for upon these two vessels, what the original estimates were, what the reasons for this additional appropriation is, where the vessels are being repaired, and if there has been any delay the reason for it. I hope the Senator will pardon me for asking a number of questions at one time, but I have done so to save interrupting him.

Mr. HALE. I have a table here giving the estimates for the modernization of the *Oklahoma* and the *Nevada*. Previous to this time no changes in those vessels have been undertaken. I will put the table in the RECORD if the Senator would like to have it there.

Mr. KING. I did not hear the Senator.

Mr. HALE. I will put this table in the RECORD if the Senator would like to have it there. It sets forth what work is proposed to be done on each of the ships.

Mr. KING. I should be very glad to have the Senator state briefly the facts.

Mr. HALE. The battleships in question are two——

Mr. KING. I am familiar with them.

Mr. HALE. Which have been modernized by putting on blister protection, putting on armored decks against aircraft, changing the boilers, and making other changes. As I have said, this is the first increase that has been made in the original estimate.

Mr. KING. Will this appropriation complete the repairs?

Mr. HALE. It will more than complete them.

Mr. KING. If we are appropriating more than is required, why should we do it?

Mr. HALE. The repairs can not be completed with the amount now available. The amount now proposed to be appropriated will undoubtedly take care of all of the work with perfect safety, and, of course, if there should be anything left over it will be turned back to the Treasury.

Mr. KING. Do the contemplated repairs call for the elevation of the guns of these two vessels?

Mr. HALE. Oh, yes; the guns are elevated on these ships.

Mr. KING. And is this for the purpose of transforming them from coal to oil burners?

Mr. HALE. No; the appropriations heretofore made for that purpose had to do with six older ships of the Navy.

Mr. KING. These vessels are oil burners now?

Mr. HALE. They are both oil burners.

Mr. KING. The repairs, of course, will add to the efficiency of these vessels as fighting craft.

Mr. HALE. They will add to the efficiency of the ships, and these vessels will be given sufficient protection against submarines and aircraft.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the limit of cost for the alterations and repairs to the U. S. S. *Oklahoma* and *Nevada*, authorized to be modernized by the act of March 2, 1927 (44 Stat. L. 1343), in accordance with the limitations prescribed in the treaty limiting naval armaments ratified August 17, 1923, is hereby increased from $13,150,000 to $13,600,000 in all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy was announced as next in order.

Mr. BAYARD. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

REPAIRS TO THE BATTLESHIP "CALIFORNIA"

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 14660) to authorize alterations and repairs to the U. S. S. *California*, which was read, as follows:

Be it enacted, etc., That alterations and repairs are hereby authorized to the U. S. S. *California* at a total cost not to exceed $350,000 in addition to the sum of $300,000 authorized to be expended under existing law. The alterations herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armament ratified August 17, 1923.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. HALE. Mr. President, the *California* will shortly go into dry dock for her usual annual repairs. Under existing law not more than $300,000 may be expended for any repairs to be made to a naval vessel. The department is very anxious to put on her a 5-inch antiaircraft gun battery and also a flag battle station, and they have informed the committee that this can be done economically at the same time that the vessel's annual overhaul is being made. Therefore, this bill increases the limit that may be expended from $300,000 to $650,000.

Mr. KING. And how much has been expended up to date in transforming, rearranging, and improving this ship?

Mr. HALE. This is one of the later ships of the Navy, and nothing has been expended on her for such purposes.

Mr. KING. Exactly. I am wondering why now so quickly money is needed for improvements.

Mr. HALE. The last three ships of the Navy, the *Colorado*, the *West Virginia*, and the *Maryland*, have antiaircraft batteries of 5-inch guns, which are very much more effective than the old-fashioned 3-inch antiaircraft batteries. Two of the latest ships, the *California* and the *Tennessee*, have the old 3-inch gun batteries, and the Navy Department is very anxious to install as quickly as possible effective 5-inch gun batteries. That is the reason for this bill. The improvements can be made at this time more economically when the vessel is undergoing her regular overhaul.

Mr. KING. Mr. President, I can sympathize with the position of my friend. We are discussing a treaty here—and I hope we will soon ratify it—which we hope will provide for world peace. I think it is quite important to indicate our desire for world peace by increasing our appropriations for war. This is in harmony with the paradox——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. The Senator has given a good deal of study to the question of building naval craft. I should like to ask him if he has known of any case where a naval vessel has been built within the estimates?

Mr. KING. Never.

Mr. WALSH of Massachusetts. Is it of frequent occurrence to have bills introduced authorizing further expenditures on these craft?

Mr. KING. Mr. President, when I was on the Naval Affairs Committee I was more familiar with those proceedings than I am now, although I have tried to follow, with the best care I could bestow upon the subject, the question of these recurring estimates and demands for appropriations ever since.

I recall that when Mr. Wilbur, the Secretary of the Navy, submitted, last December, with the approval of the President of the United States, his bill calling for seven hundred and odd million dollars—$746,000,000 or $764,000,000—they said that it was an estimate. It is certain that the construction of the 71 naval craft asked for by the administration then, and denounced by the people of the United States almost universally, would have cost considerably more than a billion dollars. That, however, is one of the methods employed in securing appropriations for naval craft. The department submit what they call an estimate. That is followed, later on, by an authorization for a larger appropriation, and that is followed by an authorization for a still larger appropriation; and when you have authorized the construction of a naval vessel neither the Navy itself nor anyone else knows just what the cost will be.

I will not say that there is a deliberate failure to present full data; but it would seem that with the multitude of vessels that we have built, and the knowledge we have of the technique of naval construction, there ought to be a reasonable approximation of the cost of these vessels.

I submit that the Navy Department ought to furnish more information when they ask for these appropriations. I think the Senate should call now for a report from the Navy Department as to whether the appropriation which we have authorized in the preceding bill and that which we are about to authorize in this bill will be all that will be asked for, or whether these are only estimates, to be followed by subsequent demands for additional appropriations.

Mr. HALE. Mr. President, both the Committee on Naval Affairs of the Senate and the Committee on Naval Affairs of the House of Representatives have taken up these matters many times with the Secretary of the Navy. We have made the same objection that the Senator makes, that we ought to be given accurate information when an appropriation is asked for; but they tell us it is impossible in all cases to do it, because, after they have started fixing up a vessel, some change in plan comes along that utilizes some modern idea, possibly, or something that will be for the benefit of the Navy, and so the department runs over what it expected to spend. That has happened in the case of a number of ships and it has happened in the case of the next bill on the calendar; and I will explain that, if the Senator desires.

Mr. McKELLAR. Mr. President, may I ask the Senator a question? This appropriation is not for elevating the guns on our battleships, is it?

Mr. HALE. No. The guns on the *Tennessee* and *California* are already elevated.

Mr. McKELLAR. Will the Senator tell us how many of the ships have had their guns elevated—how many of the 13 battleships?

Mr. KING. We have 18 battleships.

Mr. McKELLAR. I know that.

Mr. HALE. The *Colorado*, the *Maryland*, the *West Virginia*, the *Tennessee*, and the *California* all were given a gun elevation of 30° when built.

Mr. McKELLAR. That would leave eight more of our great battleships on which the guns are not elevated?

Mr. HALE. That leaves 13; but the *Oklahoma* and the *Nevada*, which are in process of refitting, are having their guns elevated. That will give us seven that will have an elevation of 30°, and then the proposition is to fix up the others as they go along.

Mr. McKELLAR. Then we have, as I understand, 18, while Great Britain has 22. Of the 18, we will then have 7 with guns that can shoot as far as the British guns?

Mr. HALE. No; they shoot rather farther than the British guns except in the case of the *Rodney*, the *Nelson*, and possibly the *Hood*.

Mr. McKELLAR. When is it contemplated that the remaining 11 will have their guns elevated?

Mr. HALE. We are fixing up two battleships every year. The older battleships, the coal-burning battleships, which we converted into oil burners, did not have this elevation provided for for their guns when they were converted, so it is probable that these six ships will not be touched. They are the older vessels of the Battle Fleet, some of them mounting 12-inch guns.

Mr. McKELLAR. So that we will have 12 real battleships and the 6 old ones will not be reconditioned?

Mr. HALE. That has not been decided definitely. It may possibly at some future conference be decided to extend the life of battleships beyond 20 years, and then it may be found advisable to elevate the guns of these older ships.

Mr. McKELLAR. I have no objection to the Senator's bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE IN LIMIT OF COST OF TWO FLEET SUBMARINES

The bill (H. R. 14922) to authorize an increase in the limit of cost of two fleet submarines was considered as in Committee of the Whole.

Mr. KING. Mr. President, the original appropriation for these two boats was $5,300,000. We are now asked to make an additional appropriation of $1,250,000.

Mr. HALE. One million three hundred and fifty thousand dollars for each of the vessels. These vessels are now under process of construction, and, as in the other case, the department has found that it can not complete them under the existing appropriation.

Mr. KING. I will ask the Senator whether they are being constructed under the cost-plus system?

Mr. HALE. No, indeed; there are no cost-plus contracts now.

Mr. KING. Was there any contract for their construction?

Mr. HALE. They are being built in the navy yards.

Mr. KING. Did not the department know within more than 25 per cent of the cost when it authorized the laying down of these boats?

Mr. HALE. These ships, Mr. President, are the latest thing that we have in the way of fleet submarines. We are using all sorts of experimental ideas in them, and when they were originally provided for it was impossible to tell exactly what would go in them. The ships are under process of construction now. If this request for an authorization for the additional appropriation is refused, the ships will simply have to stay on the ways, and nothing further will be done on them.

Mr. KING. Are these fleet submarines?

Mr. HALE. These are the latest fleet submarines; yes.

Mr. KING. What is their displacement—1,200 or 1,400 tons?

Mr. HALE. Oh, no; they are larger ships—over 2,000 tons.

Mr. KING. What is their cruising radius?

Mr. HALE. Very large. It is not entirely settled what speed they will make. The *V–1*, *V–2*, and *V–3* were supposed to make 21 knots. I think it has been found that submarines of such great speed are not altogether successful. I think the speed of these submarines will probably be somewhere in the vicinity of 17 or 18 knots.

Mr. KING. Mr. President, away back in 1914—in fact, for a number of years prior to that time—Germany was constructing submarines that were able to cross the Atlantic and to cruise for thousands of miles. We, apparently, were unable to construct submarines, and apparently now are unable to construct submarines, that are comparable to those that were constructed then.

Mr. HALE. No; I think not, Mr. President. The cruising radius of these vessels is very great; but it has been found not feasible to build submarines with such high speed as I have stated. I recall that the British six or eight years ago had a submarine that made 23 knots; but they have never built any more, and they are dropping down, the Japanese are dropping down, and the French are dropping down to submarines of lesser speed.

Mr. KING. I am not so much concerned about the speed as about other qualities which are necessary in naval fighting craft; but I am just a little curious to know why, with the experience we have had—we have built considerably more than a hundred submarines, perhaps between 124 and 148 submarines——

Mr. HALE. We have 112 now. We had others that went out; yes.

Mr. KING. We have constructed, I think, more than the number I stated; and one would suppose that the Navy by this time could come a little nearer the estimate of cost than that which they have furnished in respect of these boats.

Mr. HALE. I wish it could. As I have said to the committee, we are trying as a committee to get them to do it.

Mr. McKELLAR. Mr. President, may I ask the Senator about the safety of these latest models? Is it believed that they are absolutely safe?

Mr. HALE. No, sir; no submarine can be absolutely safe.

Mr. McKELLAR. No submarine can be built that is absolutely safe?

Mr. HALE. No, sir.

Mr. McKELLAR. Well, they have all the newest and most up-to-date appliances, then?

Mr. HALE. I can assure the Senator that they will have on them all of the latest safety appliances that it is possible to put on.

Mr. McKELLAR. Of course, as I understand, in the case of nearly every ship that is built, whether by contract or in the yards of the Government, it usually requires more money to complete it than is first estimated for.

Mr. HALE. Very often that is the case.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRAND ARMY OF THE REPUBLIC—MEMORIAL DAY

The bill (S. 5060) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929, was announced as next in order.

Mr. BLEASE. Mr. President, I should like to ask a question of the Senator from Nebraska [Mr. NORRIS], the chairman of the Judiciary Committee.

I do not care to object to the consideration of this bill; but I am very much afraid it is going to open up the floodgates in the future. Many States may come here later and ask for appropriations along this very line. I should like to ask the Senator from Nebraska, the chairman of the Judiciary Committee, if he knows, just offhand, whether it is constitutional to appropriate money in this manner for such purpose?

Mr. NORRIS. Mr. President, the Senator will observe that this bill does not come from the Judiciary Committee.

Mr. BLEASE. I understand that. That is the reason why I asked the question. If it had come from that committee I would have known that the committee considered its constitutionality.

Mr. NORRIS. The Judiciary Committee has not had the bill before it for consideration.

Mr. BLEASE. Then I move to refer the bill to that committee.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. BLEASE. Certainly.

Mr. FRAZIER. This bill was first referred to the Committee on Military Affairs, and then to the Pensions Committee. I am a member of the latter committee. It seems that it has been the custom for years for the Grand Army post of the city of Washington to decorate the graves of all the soldiers in the National Cemetery here on Memorial Day. Owing to the fact that the Grand Army men are getting so few in number and so advanced in years, it is practically impossible for them to raise the money necessary to do this decorating.

There are some 38,000 soldiers' graves in the national cemetery here at Arlington. This bill provides $2,500 for their decoration on the coming Memorial Day. It would amount to 6½ cents for each grave. It seems to me we can well afford to pass a small appropriation of that kind in order that the members of the Grand Army here in the District may be relieved of the necessity of raising the funds themselves, personally and from their friends, and allow them to show this little act of respect on the next Decoration Day, the 30th of next May.

Mr. BLEASE. Mr. President, I am not objecting to the bill. So far as that part of it is concerned, it is a small amount of money. The question I should like to have answered is, If we do this for the District of Columbia, then later suppose the various States find themselves in the same position in reference to their soldiers: Do we not open the flood gates for making appropriations for every State in the Union, possibly, to do this very work?

In my State we have two of these cemeteries; and very often the sons and daughters of Confederate soldiers go down freely and voluntarily on Memorial Day and place flowers on the graves of Union soldiers in the national cemeteries at Florence, S. C., and Beaufort, S. C. We ask no pay, nor would we accept any.

I do not object to the amount of money. I simply want to call the attention of the Senate to the fact that if this bill is passed I believe we are going to have trouble; and I think the question should be settled before we go any further in the passage of the bill. I do not want anybody to say that I am objecting simply because I am from the South or because I am the son of a Confederate soldier. I am inquiring because I believe the bill will open the floodgates in a way that will be dangerous to the country.

Mr. REED of Missouri. Mr. President, I have the greatest respect for the opinion of the Senator from South Carolina, and I do not pose as an authority on constitutional law, but I respectfully call his attention to the fact that the Supreme Court has held that the Government had the right to take by condemnation proceedings the lands on which one or two of the great battles of the Civil War had been fought, and while I have not read the decision in many years, as I recall it, the reasoning was that the Government had an interest in preserving and beautifying the places that had been made historic and sacred by the sacrifice of American lives. If they could take the ground of a battle field and expend many thousands of dollars beautifying it and in marking it, it seems to me that the appropriation of money to pay respect to the dead who sleep in a national cemetery would certainly come within the rule.

I would like to see this measure passed, and I will go further; I would not object, I would insist, if there were buried here in the District Confederate soldiers, that their graves should be decorated in like manner, because I think we have all passed the time, and I know the Senator from South Carolina has passed the time, when we desire to preserve any longer any sectional feeling in the country. I hope the bill may pass; and I assure the Senator, as far as my judgment is concerned, as far as it is of any value, there is nothing unconstitutional in the measure.

Mr. BRUCE. Mr. President, I regret to say that the fact was brought to my attention only recently that all of the feelings engendered by the Civil War have not passed away, because among the most painful letters I have ever received in my life is a considerable number of letters I have received only recently from members of posts of the Grand Army of the Republic protesting against the loan of a little material by the Government to the next encampment of the Confederate veterans. The letters all came from the State of Maryland, and I felt it my duty to write back to those individuals and to say to them that my breast was simply filled with sorrow at the thought that any bosom, North or South, after such a long lapse of time, could harbor such sentiments of bitterness.

Now, I trust that they will be impressed with the spectacle of a Senator, who is the son of an old Confederate captain, and who yet rejoices that the Civil War resulted exactly as it did, voting and voting cheerfully, without any reservations of any kind, for this bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of $2,500 be, and the same is hereby, appropriated to aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1929, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia.

SEC. 2. That said fund shall be paid to the treasurer of the Grand Army of the Republic Memorial Day Corporation and shall be disbursed by him for said memorial service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF GOVERNMENT CLERKS

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was announced as next in order.

Mr. BLEASE. Mr. President, I would like to ask the Senator from Iowa if this is to amend what is known as the Welch bill?

Mr. BROOKHART. It is.

Mr. BLEASE. Then, I would like to ask to have an article printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. KING. Mr. President, this is a very important bill. We had a classification bill passed a few years ago which was supposed to do justice to the employees of the Government. Much time was devoted to that bill. No sooner was it passed, than we began the stepladder process, which more or less changed it and devitalized it. We had the Welch bill to correct the existing inequalities, and now we have another bill. Whether it will correct inequalities or not I can not say.

I have had no opportunity to examine this bill. I think it ought to go over so that we can have a chance to examine it and compare it with the Welch law, and what its effect would be. I am prompted to do this because I have received some six or

seven letters suggesting that the bill was not yet fair. I ask that the bill go over.

Mr. BLEASE. Mr. President, in connection with this matter, I ask to have printed in the RECORD a clipping from a paper in reference to an interview supposed to have been given out by the Senator from Vermont [Mr. DALE]. I would like to request the Senator from Vermont, when this bill comes up, to state whether or not he gave out the interview as it is reported.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Washington Times, November 22, 1928]

PURPOSELY CONFUSED, SENATOR DALE CLAIMS

Congress was misled by the personnel experts of the executive branch of the Government in the drafting of the Welch bill to increase the pay of Federal employees, Senator PORTER H. DALE, of Vermont, chairman of the Senate Civil Service Committee, declared to-day.

Senator DALE charged that the Government departments had purposely confused Congress on the pay situation and established a complicated system of salary schedules in order to keep control of the pay situation and prevent Congress from enforcing its will.

TO BACK LAW CHANGE

He said the raises granted under the Welch law were not in accordance with the intentions of Congress, and announced that he will sponsor a move to correct and amend the law.

The Welch law, as it finally passed Congress, was very crude, Senator DALE said. It was necessarily so because of the hurry in which at was written, he said.

"I believe, however, that there was a deliberate attempt on the part of the departments to keep us confused and prevent us from understanding the pay schedules.

NOT THIS SESSION

"They told us that if we wrote the law in such a way it would have certain results, but when we wrote the law and passed it that way they interpreted it in another way and, as a result, the raises that Congress intended to give were not granted."

Senator DALE was not very optimistic about the chances of amending the Welch bill in the coming short session because of the pressure of national legislation. He said, however, that there is a strong sentiment on the committee to correct the bill and that it will undoubtedly be done sooner or later.

The PRESIDING OFFICER. On objection, the bill will be passed over.

REFUNDS OF TAXES

The bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claim for refunds of taxes, was announced as next in order.

Mr. JONES. Mr. President, the Senator from Pennsylvania [Mr. REED] is interested in this bill, and he is necessarily absent on account of illness. At his request I ask that it may go over.

Mr. McKELLAR. Mr. President, a substitute for this bill is going to be offered as an amendment to the deficiency appropriation bill; so it is all right to have it go over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL COLLEGE AND SCHOOL OF MINES, ALASKA

The bill (H. R. 10157) making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALL-AMERICAN INDIAN LEGION

The bill (H. R. 13744) to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NIOBRARA ISLAND

The bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 5, to strike out "of" and to insert in lieu thereof "to," so as to make the bill read:

Be it enacted, etc., That the consent of the United States is hereby granted to the city of Niobrara, Nebr., to transfer to the State of Nebraska all the rights, title, and interest of such city in and to Niobrara Island, an island in the Niobrara River, if the State of Nebraska, before the expiration of five years from the date of the enactment of this act, formally accepts such island subject to the same conditions (except the condition as to time of acceptance) as are imposed by section 21 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, in respect of the donation to the city of Niobrara of such island.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENTRIES ON PUBLIC LANDS

The bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof compliance with law has been filed, upon the payment of all moneys due thereon:

Desert-land entry, Evanston, Wyo., No. 07863, made by Charles G. Jewett on January 5, 1922, for the east half of the southwest quarter and north half of the southeast quarter, section 26, township 34 north, range 114 west, sixth principal meridian.

Stock-raising homestead entries, Cheyenne, Wyo., Nos. 035367, 039066, and 042059, made by Edwin T. Pfister for the northeast quarter of the southeast quarter, section 34, and north half and north half of the south half, section 35, township 38 north, and lot 4, southwest quarter of the northwest quarter, and northwest quarter of the southwest quarter, section 1, township 37 north, range 62 west, sixth principal meridian.

Stock-raising homestead entries, Buffalo, Wyo., Nos. 024570 and 024571, made by James R. Rice on February 21, 1923, for the southwest quarter of the northeast quarter and the southeast quarter, section 30, and lots 1, 2, and 3, east half of the northwest quarter, southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter, section 31, township 52 north, range 70 west, sixth principal meridian.

SEC. 2. That stock-raising homestead entry, Billings, Mont, No. 029013, made by Vera M. Diers (now Vera M. Watts), on December 5, 1927, for the southeast quarter of the northeast quarter and east half of the southeast quarter, section 31, north half of the southwest quarter, section 32, township 7 south, range 58 east, lots 3 and 4, section 5, and lot 1, section 6, township 8 south, range 58 east, Montana principal meridian, be, and the same is hereby validated.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to James C. Willox, of LaBonte, Wyo., for the north half of the northwest quarter, section 23, township 29 north, range 73 west, sixth principal meridian.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Lillian Badger, of Hollywood, Calif., a patent for lot 5 and the southwest quarter of the southwest quarter, section 26, and lots 1 and 2, section 35, township 15 south, range 35 east, Mount Diablo meridian, California, such patent to contain the terms and conditions of section 24 of the Federal water power act: *Provided*, That Lillian Badger make payment for the land within 90 days after notice of the approval of this act at the rate of $1.25 per acre.

SEC. 5. That the Commissioner of the General Land Office be, and he is hereby, authorized to quitclaim to Paris M. McPhetridge the south half of the southeast quarter, section 24, township 5 north, range 13 west, San Bernardino meridian, California.

SEC. 6. That homestead entry, Santa Fe, N. Mex., No. 044344, made by Carolina Salazar on February 14, 1923, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. 862), embracing the south half of the south half, section 12, and the west half of the east half, section 13, township 7 north, range 16 east, New Mexico meridian, be, and the same is hereby validated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEYER SHIELD POST, AMERICAN LEGION

The bill (H. R. 10550) to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LASSEN VOLCANIC NATIONAL PARK

The bill (H. R. 11719) to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAFAYETTE NATIONAL PARK

The bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park, in the State of Maine, and for change of name of said park to the Acadia National Park, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I have not objected to these bills, but I would like to ask those who are familiar with them whether a considerable amount of public domain is brought under the jurisdiction of the park system, and whether it is deemed necessary that such action should be taken. As a matter of fact, I rather dislike to withdraw public domain from public entry, because the more of the public domain that can be acquired by private persons the more homes will be built and the more property there will be within the States subject to taxation. The Senator knows that in some of our Western States 65 to 70 per cent of the land is held by the Government, and the States can not tax it. I am anxious to have Government land get into private ownership as much as possible.

Mr. NORBECK. Mr. President, the pending bill only changes the name of the Lafayette National Park.

Mr. KING. I was speaking, generally, of all these bills.

Mr. NORBECK. Replying to the Senator's inquiry, I will state that most of the lands are lands without great value for any purpose, which have been added to the national parks in recent years.

Mr. KING. None of these bills add to the forest reserves?

Mr. NORBECK. I think not; certainly this bill does not.

Mr. KING. I know this one does not.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF MINING LAWS

The bill (S. 4691) to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the period of 12 months from and after the approval of this act, the provisions of section 18a of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided*, That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the act approved February 25, 1920 (41 Stat. 437).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAN JUAN COUNTY, WASH.

The bill (H. R. 12775) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS BY CITIZENS OF MARYLAND

The bill (S. 1640) for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md., was considered as in Committee of the Whole and was read, as follows:

Whereas pursuant to an act of the Congress of the United States, approved October 6, 1917, the President of the United States, by proclamation, did declare that certain lands lying in Baltimore and Harford Counties, in the State of Maryland, were needed for military purposes, and did acquire said lands under the provisions of said act; and

Whereas the lands so taken constituted a large tract, including about 50 square miles of territory, and were located in the heart of a community which has been thickly settled and closely cultivated for more than a century; and

Whereas the taking of said lands resulted in totally disrupting and destroying the life of an entire community which had been for many years self-sustaining and caused the destruction of and damage to lands, rights, businesses, employments, and the like, of many persons, frequently amounting to a total destruction of all means of livelihood; and

Whereas said taking gave rise among the residents of said communities to much opposition to said taking, and it was represented by agents of the Government of the Unted States that upon such taking compensation would be made for all damages of every kind, direct and indirect, immediate and consequential, arising therefrom; and

Whereas said act made appropriations under the head of "Proving ground" to provide for "the necessary buildings, construction, equipment, lands, and damages, and losses to persons, firms, and corporations, resulting from the procuring of the land for this purpose"; and

Whereas it was the intention of the Congress that all actual damages growing out of said taking should be paid without regard to whether they were direct or indirect, immediate, or consequental; and

Whereas the Court of Claims and the Supreme Court of the United States have construed said act of Congress as allowing only such damages as were direct and immediate and excluding all such as were indirect and consequential; and

Whereas as a result of said action many persons have never been compensated for damages suffered by them as the result of said taking; and

Whereas it is important that the intention of the Congress to make just compensation for said losses shall be carried out and the said courts should be authorized and empowered to determine and allow all actual damages resulting from said taking, whether direct and immediate or consequential and indirect: Now therefore

Be it enacted, etc., That the Court of Claims of the United States is hereby authorized and empowered to hear and determine the claims of all persons formerly residing or having interests in Harford and Baltimore Counties, in the State of Maryland, and suffering any losses arising out of the taking of said lands, whether such losses have been direct or indirect, immediate or consequential, including losses arising from decrease or destruction of the value of real estate not taken; destruction or injury to an established business, professional practice, or other means of livelihood by loss of custom or otherwise; loss of employment; injury or destruction of property rights, including water rights and fishing rights; and losses of like character; and to award such damages as shall fully compensate such persons for all losses for which full compensation has not heretofore been paid. All claims for damages based on this act shall be made by petition filed in the Court of Claims within one year from the passage of this act, and in case any of said claimants have heretofore brought suits and the same have been determined against them, the judgments in said respective causes shall be reopened, the findings therein set aside, and the court shall then proceed to determine the damage claimed by the rule hereinbefore by this act established, or in the discretion of the Court of Claims a new suit in said court may be brought, heard, and determined as though the said previous suit had not been brought and judgment had not been entered therein: *Provided*, That the Supreme Court shall have the same power to review judgments of the Court of Claims under this act as now exists in other cases arising in the Court of Claims.

Mr. JONES. Mr. President, we ought to have a brief explanation of the purpose of this bill.

Mr. TYDINGS. The bill carries no appropriation, and it has the approval of the War Department. It simply provides that certain citizens shall have the right to bring their claims in the Court of Claims. Before any of the cases can be finally disposed of, even after the Court of Claims has taken action, Congress will have to appropriate the money.

Mr. JONES. Has the bill a favorable report from the department?

Mr. TYDINGS. It has.

Mr. JONES. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

O'FALLON RAILWAY VALUATION CASE

The concurrent resolution (S. Con. Res. 31) to provide for the printing of briefs of counsel and transcript of record filed with the Supreme Court of the United States in the St. Louis & O'Fallon Railway case was announced as next in order.

Mr. KING. Mr. President, may I have the attention of the Senator from North Dakota? I notice this resolution calls not only for the printing but for the binding of a large number of these records. I think the printing is quite necessary. I was wondering if the Senator deemed it necessary to have this large number of copies bound.

Mr. NYE. The Senator should make his inquiry of the Senator from Minnesota [Mr. SHIPSTEAD], the chairman of the Committee on Printing.

Mr. SMOOT. Mr. President, I ask that the concurrent resolution may go over, because in ordering documents printed the Senate has never provided that they shall be bound.

The PRESIDING OFFICER. The concurrent resolution will go over, under objection.

JOHN W. CLEAVENGER

Mr. BLACK. Mr. President, this morning there was restored to the calendar House bill 4280, to correct the military record of John W. Cleavenger, deceased. I desire to have the bill brought up for consideration at this time.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Let it be reported.

The bill was read by title.

Mr. KING. Mr. President, I do not object to this bill being restored.

Mr. BLACK. I would like to explain it, and I think the Senator will agree to its passage.

Mr. KING. Is it a case of desertion?

The PRESIDING OFFICER. The Chair will state that the bill has already been restored.

Mr. BLACK. I would like to explain the bill and ask for its passage.

It is a bill which was introduced in the House for the correction of the military record of a man from Kansas. It has passed the House twice. It was referred to the Military Affairs Committee of the Senate, and the committee turned the bill over to me for investigation. On the evidence at that time I reported the bill unfavorably, and the bill was indefinitely postponed.

Since that time there has been additional evidence, and the matter was taken up before the entire Military Affairs Committee by me, with an explanation of the evidence, and the committee authorized me to ask to have it restored and passed. I can explain the facts in about two minutes.

This man volunteered and served during the Civil War in a company from the State of Illinois. After being in the service for six or eight months he became ill and was sent to the hospital. He stayed in the hospital for several months and then went home. He stated that he was sent home. The records show that he was away on account of illness.

Some time thereafter he was marked up as a deserter from his company. He stayed away from the company, as he stated, with authority, and in 1864, the first part of the year, he reenlisted in the same company. He served until after the war had ended in the identical company on the rolls of which it is now stated he was carried as a deserter. He was promoted from a private to a sergeant. The man is now dead.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. BLACK. Mr. President, I ask unanimous consent to continue for not more than two minutes on the bill which I have been discussing. If there is objection, of course, it will go over.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. BLACK. The widow is now very old, and, according to information which I have received to-day, will likely not live many months. It will cost the Government very little. The man was restored to his own company, was promoted to a sergeantcy, and in my judgment and in the judgment of the committee there is no reason why the bill should not pass. I ask for its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Cleavenger, who was a member of Company B, Ninth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of April, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MULTILATERAL PEACE TREATY

Mr. BORAH. Mr. President, I move that the Senate proceed, in open executive session, to the consideration of the multilateral peace treaty.

The motion was agreed to; and the Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States, December 4, 1928, and reported from the Committee on Foreign Relations, December 19, 1928.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Schall
Barkley	Edwards	La Follette	Sheppard
Bayard	Fess	Larrazolo	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Black	Frazier	McMaster	Simmons
Blaine	George	McNary	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Gillett	Moses	Steiwer
Bratton	Glass	Neely	Stephens
Brookhart	Hale	Norbeck	Swanson
Broussard	Harris	Norris	Thomas, Idaho
Bruce	Harrison	Nye	Trammell
Burton	Hastings	Oddie	Tydings
Capper	Hawes	Overman	Vandenberg
Caraway	Hayden	Pittman	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Johnson	Reed, Mo.	Walsh, Mont.
Dale	Jones	Robinson, Ark.	Warren
Deneen	Kendrick	Robinson, Ind.	Waterman
Dill	Keyes	Sackett	Wheeler

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I wish to submit a unanimous-consent request.

Mr. BINGHAM. Mr. President, in view of the illness of the senior Senator from Connecticut [Mr. MCLEAN] and the absence from the Chamber of the senior Senator from New Hampshire [Mr. MOSES], I ask the Senator if he will refrain from submitting his request for a few moments?

Mr. EDGE. Why not have it stated, but not actually put the question for a few minutes?

Mr. BINGHAM. Very well.

Mr. BORAH. I desire to submit a unanimous-consent request to the effect that beginning to-morrow at 3 o'clock all debate on the treaty shall be limited to 20 minutes for each Senator.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, I do not want to be put in the position of delaying action on the treaty. At the same time the opinion has been expressed in high quarters that we must vote on the treaty without having an expression of opinion from the Committee on Foreign Relations as to what the treaty means. The Senator from Missouri [Mr. REED] introduced this morning and had laid on the table a resolution requesting the Committee on Foreign Relations, in view of the different interpretations and the fact that that committee made no explanatory report when they submitted the treaty, to give us a written statement as to what they believe to be the scope and meaning of the treaty and that they do it at the earliest possible moment.

In view of the fact that that resolution has not been acted upon and that if it is adopted it may lead to a report from that committee, and in view of the fact that we do not know, officially at least, what the committee has in mind to report, it does not seem to me that it is quite fair for the advocates of the treaty to ask at the present time a limitation of debate, although I will say to the Senator from Idaho that there is no desire on my part, or of those who are joining with me in the earnest request for a report, to delay a vote at all.

Mr. BORAH. This is simply a proposition to limit debate. It is not asking for a vote at any particular time. If any such program as the Senator indicates should be carried out, the limitation would not interfere with it at all, because it does not go into effect until to-morrow at 3 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. ROBINSON of Arkansas. Mr. President, it seems to me that the time has arrived when some forward step should be taken for the disposition of the business before the Senate, particularly the unfinished business, which is the cruiser bill and the renunciation-of-war treaty. For my part, I can see no reason why the Senate, affording ample time for full discussion by all Senators who desire to be heard, should not enter into an arrangement now to vote both on the treaty and the cruiser bill.

I am fully aware of the fact, sir, that some who favor the treaty are against the cruiser bill and some who favor the cruiser bill have little sympathy for the treaty. We all know what the treaty means. The course of the debate, having proceeded for 10 days, has disclosed that there are practically no important differences as to the true meaning and effect of the treaty. I have no objection to making a report if anyone has reasonable doubt as to the correct interpretation of the treaty. I have no objection to the committee filing its report. I made that suggestion.

It has seemed to me that a part of the insistence for an expression on the part of the committee has been entirely unnecessary. That is the way it has appeared to me. We have been

proceeding now for a week or 10 days or perhaps 2 weeks with the cruiser bill as the unfinished business and with the treaty actually before the Senate in open executive session. It is not my desire or my suggestion that anyone who thinks he can further illuminate the subject shall be deprived of an opportunity of doing so. But the adoption of the treaty—and I say it as a sponsor for the treaty—does not mean or imply the rejection of a measure providing for the construction of cruisers within reasonable limitations, such a measure as is now before the Senate.

During the period that I have served here every proposal designed or intended to promote the peaceful settlement of international disputes has had my support. If I could have had my way, if my desire could have been recognized, the pending treaty would have been accepted without serious opposition, not on the theory that it means the complete outlawry of war or the prevention of future military conflicts, but on the theory that it is promotive of good will, calculated to stimulate public sentiment throughout the various countries signing it in favor of peaceful arrangements for the settlement of controversies, and in that sense—and in that sense chiefly—important and desirable.

Those who have held out to the United States that an agreement not to enter into warfare under the terms of this treaty means the outlawry of war, the end of strife, and consequently the prompt disbandment of armies and navies, are rendering little service to the cause to which they have attached themselves. If this treaty were ratified immediately without report and without reservation, the cruiser bill or some comparable measure would still be demanded, in my judgment. I realize that sharp issues arise touching that subject. If that bill were passed promptly, following the advice and consent of the Senate to this treaty, the passage of the bill would constitute all the explanation that anyone could desire.

It has seemed to me far-fetched to say that an agreement not to make war constitutes an abandonment of the right of self-defense. It is unnecessary to declare that as a part of the right of self-defense, the proper application of the Monroe doctrine is preserved in this undertaking. I have not the slightest objection to joining in a report to that effect, but let no one proceed here or elsewhere on the theory that the signing and ratification of this treaty heralds the beginning of the millennium. The armaments of the principal civilized nations are greater now than they were when the thunder of the first gun alarmed Europe in 1914. As a practical proposition, neither the United States, Great Britain, France, nor any other great power signing this treaty will disarm; not one of them contemplates it, until, as a great statesman said, the peace has been organized and arrangements have been made for the effectual observance and execution of the agreement not to make war.

As has been said, we have wrangled much over trivial matters. We are all interested in the progress and consummation of legislation. We understand these questions and are about ready to decide them. For my part, I am ready to vote on the treaty and ready to vote on the cruiser bill, admitting the right of any Senator to exercise the privilege that I am now enjoying of expressing his views on the subject.

Mr. BORAH. Mr. President, I understand the request for unanimous consent to limit debate is the matter before the Senate.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. BINGHAM. Mr. President, reserving the right to object, I should like to ask the Senator from Idaho whether he would be willing to couple with that request an understanding that before we have the limitation on debate we may have a vote on the resolution submitted by the Senator from Missouri [Mr. REED] requesting the Foreign Relations Committee to make a report on the treaty to-morrow?

Mr. BORAH. No, Mr. President; I have submitted a request for a unanimous-consent agreement for the limitation of debate, and that, to my mind, is wholly dissociated from the other proposition. The limitation of debate will not take place until 3 o'clock, and any arrangement which might be made with reference to other matters would either be made or not be made before that time. I do not desire to include anything more at this time in the request than I have done.

Mr. MOSES. Mr. President, may I ask the Senator from Idaho, as he is the Senator in charge of the treaty, if he will consent to an adjournment of the Senate this afternoon, which would automatically afford us a chance to-morrow to consider the resolution offered by the Senator from Missouri?

Mr. BORAH. No; I am going to move a recess.

Mr. REED of Missouri. Mr. President, I did not understand the statement of the Senator from Idaho.

Mr. BORAH. I have stated that I am going to ask for a recess, but the Senate may determine for itself what it desires to do.

Mr. REED of Missouri. When is the Senator from Idaho going to ask for the recess?

Mr. BORAH. When we finish the business of the day.

Mr. BINGHAM. Mr. President, obviously the Senator in charge of the treaty is unwilling for us to have an opportunity to vote on the resolution submitted by the Senator from Missouri, as he is unwilling for the Senate to adjourn to-night in order that we may have the privilege of voting on the resolution to-morrow.

Mr. BORAH. Mr. President, I am not disposed to change the parliamentary situation under the unanimous-consent agreement under which we are proceeding.

Mr. BINGHAM. But, Mr. President, does the parliamentary situation involve a continual daily recess?

Mr. BORAH. I have been very severely taken to task to-day by the Senator from Maine [Mr. HALE], because I am not making sufficient progress; he desires night sessions; and I feel under obligations, in view of the talk we had when the discussion of the treaty began, to do the best I can to keep the treaty before the Senate. In addition I feel myself we should make progress.

Mr. MOSES. I can assure the Senator that there will be no resistance to an effort to go into executive session at 2 o'clock to-morrow if he will consent to an adjournment. Then, the Reed resolution will come automatically before the Senate and we can vote upon it.

Mr. BORAH. Let us take up the question of adjournment when we come to it.

Mr. REED of Missouri. Mr. President, I desire to make a parliamentary inquiry. The resolution, which I offered this morning, is as follows:

Resolved, That in view of the importance of the pending treaty (the so-called Kellogg-Briand treaty) and in view of the many different interpretations which have been placed upon said treaty by Members of the Senate, and also in view of the fact that the Committee on Foreign Relations has not made any report giving its reasons for recommending ratification, the committee is respectfully requested to report to the Senate as soon as possible its views as to the proper interpretation of the treaty.

The inquiry I desire to submit is whether the resolution is not privileged in the sense that it can be considered at any time while the treaty is pending.

Mr. BORAH. Mr. President, perhaps I can simplify this matter to some extent. I will say this, that, so far as I am individually concerned, I will not raise the question when we come to consider the resolution that one day has not intervened since its introduction.

Mr. REED of Missouri. Very well. I ask unanimous consent then to proceed to the consideration of the resolution without displacing the treaty.

Mr. BORAH. I object to that at this time, Mr. President.

Mr. REED of Missouri. Then, Mr. President, I ask the parliamentary question whether I have not the right under the rules of the Senate to offer the resolution at this time. It is not formally a demand that the treaty shall be sent back to the committee, which would be a privileged motion and undoubtedly parliamentary, but it is in substance of the same nature; it leaves the treaty, however, here before the Senate subject to consideration, even though the committee may be engaged in preparing a report. I wanted to leave it in that situation, I will say to the Senate, because it is not my purpose to delay a vote upon the treaty a moment longer than is necessary in order to get the sense of the Senate upon that which I think it ought to express itself.

Mr. BORAH. Mr. President, I have stated to the Senator that when the resolution comes up to-morrow, I shall not interpose an objection because of the fact that the Senate did not adjourn; so that the Senator will lose nothing at all by reason of the failure to adjourn.

Mr. REED of Missouri. Very well.

Mr. BORAH. But I am not prepared at this time to go further. I am perfectly willing, however, in order that we may have a recess instead of an adjournment, to waive the benefit that I might have to object by reason of their being no adjournment.

Mr. REED of Missouri. Of course, the Senator's statement would have very great weight with the Senate, but there might be objection. So I ask unanimous consent now that the resolution which I have offered may be considered on the calendar day of to-morrow, unless sooner considered and disposed of, notwith-

standing the fact that the Senate may be in the same legislative day as at present.

Mr. BORAH. Mr. President, in the way the Senator puts the request it would amount, if granted, to unanimous consent to consider it.

Mr. REED of Missouri. Yes.

Mr. BORAH. To that I am not consenting, but I am perfectly willing to have the Senator submit a request for unanimous consent that there shall be no objection by reason of the fact that the Senate did not adjourn to-day.

Mr. REED of Missouri. I ask the view of the Vice President upon the question I have propounded.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. BORAH. What was the request, Mr. President?

The VICE PRESIDENT. The Chair will ask the Senator from Missouri to restate it.

Mr. REED of Missouri. I ask unanimous consent that if the Senate shall this evening recess instead of adjourning the resolution I have offered shall have the same standing before the Senate as it would have, had the Senate adjourned.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. I have no objection to that.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. I was going to ask that the request I made be submitted to the Senate.

The VICE PRESIDENT. The Senator from Idaho requests unanimous consent that debate be limited to 20 minutes after 3 o'clock to-morrow. Is there objection?

Mr. GLASS. Mr. President, may I ask the Senator from Idaho if he would not be willing to make it 30 minutes?

Mr. BORAH. Yes; I am perfectly willing to make it 30 minutes.

Mr. REED of Missouri. What is the request? Let us understand it.

The VICE PRESIDENT. That debate on the treaty be limited to 30 minutes after 3 o'clock to-morrow afternoon.

Mr. BORAH. The treaty and any amendments.

Mr. REED of Missouri. And that the treaty shall remain the unfinished business and not be displaced until disposed of.

Mr. BORAH. The Senator need not be uneasy about that. We have the votes. It is not going to be displaced.

Mr. REED of Missouri. Very well. My reason for making the suggestion is that so often when we make agreements of this kind other business is thrust into the Senate and other matters are taken up, and I just want to know that between now and 3 o'clock to-morrow the treaty will be kept before the Senate during the time the Senate is in session.

Mr. BORAH. It will be kept before the Senate at any time there is anyone to speak upon it or consider it.

Mr. FLETCHER. Mr. President, could not the Senator make that 12 o'clock instead of 3?

Mr. BORAH. No; I can not.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the proposal is that after the agreement goes into effect, if it does go into effect, no Senator shall speak more than once nor longer than 30 minutes on the treaty or any proposal submitted in reference thereto. The limitation is general and not confined to the pending question.

Mr. BORAH. Yes; that is my understanding.

Mr. MOSES. Let it be reduced to writing.

Mr. DILL. Mr. President, the request did not say "only once." It said that no Senator should speak longer than 30 minutes. A Senator might want to speak 10 or 15 minutes at a time.

Mr. ROBINSON of Arkansas. That is what I wanted to make clear.

Mr. DILL. The request of the Senator from Idaho did not say "only once."

Mr. ROBINSON of Arkansas. Oh, I understand the Senator's point.

Mr. BORAH. Let us have the understanding, then, that each Senator is allotted 30 minutes, and that he can utilize it on the treaty or on a reservation or on any other subject which may come up.

Mr. ROBINSON of Arkansas. Or on the cruiser bill.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, a parliamentary inquiry: Am I correct in thinking that this limitation applies to the resolution offered by the Senator from Missouri as well as to the treaty?

The VICE PRESIDENT. The unanimous-consent agreement did not so state.

Mr. MOSES. The unanimous-consent agreement has to be reduced to writing and read before it can be agreed to, and anything that the Senator from Connecticut does not like in it can then be changed or he can object.

Mr. ROBINSON of Arkansas. The purpose of my question was to make clear the object of the Senator from Idaho. I take it that it was the intention to limit each Senator to 30 minutes on the treaty and all proposals in relation thereto.

Mr. BORAH. Yes; that was my intention—to cover all subjects relative to the treaty.

Mr. BINGHAM. Does the Chair rule that the resolution offered by the Senator from Missouri is included within the unanimous-consent agreement asked by the Senator from Idaho?

The VICE PRESIDENT. That is for the proposer of the unanimous-consent request to decide.

Mr. BINGHAM. Then may I ask the Senator from Idaho if it is his understanding that debate may be had on the resolution offered by the Senator from Missouri and the debate limited on that resolution?

Mr. BORAH. My understanding was that each Senator should be given 30 minutes, and that he could utilize that 30 minutes to suit himself upon the treaty or any subject relative to the treaty. That would include the motion of the Senator from Missouri.

The VICE PRESIDENT. After 3 o'clock to-morrow afternoon. Is there objection?

Mr. BINGHAM. Before that agreement is definitely entered into I should like to ask the Chair whether there is any agreement that we may be permitted to vote on the resolution offered by the Senator from Missouri before we vote on the treaty?

Mr. BORAH. There is no agreement to that effect.

Mr. REED of Missouri. Mr. President, before I give my consent to this request I should like to have the ruling of the Chair as to whether or not the resolution which is offered will be in order to-morrow morning upon the convening of the Senate?

The VICE PRESIDENT. The Chair will rule that unless a legislative day intervened the resolution would not be in order, unless in connection with some unanimous-consent agreement reached to-day.

Mr. MOSES. Mr. President, a parliamentary inquiry. Has not one already been reached to that effect?

Mr. REED of Missouri. I understood that the unanimous consent had been granted.

The VICE PRESIDENT. The Secretary will state the unanimous-consent agreement in reference to the Reed resolution.

Mr. BORAH. The effect of the unanimous-consent agreement was simply to waive the fact that we do not adjourn. It does not effectuate anything else.

Mr. ROBINSON of Arkansas. That simply means, then, that when the Senate convenes to-morrow that portion of the morning business which relates to resolutions coming over from the previous day would be in order, and until 2 o'clock it would be in order to discuss the resolution.

Mr. LA FOLLETTE. But, Mr. President, if the Senator will permit me, the Senator from Idaho has just stated that he intends to move a recess. There will be no morning hour.

Mr. ROBINSON of Arkansas. But the agreement was that the resolution should not be prejudiced by the fact that the Senate recesses to-day; in other words, that it should have the identical status that it would have if the Senate adjourned.

Mr. REED of Missouri. That is right.

Mr. ROBINSON of Arkansas. Now, suppose the Senate adjourned. What would happen? When we convened to-morrow we would proceed with the morning business, and when the morning business was about to end the Chair would announce that feature of it that relates to resolutions coming over from the previous day; and the discussion of the resolution then would be in order until the close of the morning hour at 2 o'clock, assuming that we recess until 12 o'clock.

Mr. LA FOLLETTE. Mr. President, I do not understand that, because, as the Senator knows, this resolution was introduced as in open executive session.

Mr. BORAH. Yes; it did not go under legislative business.

Mr. LA FOLLETTE. And how it could come over from a previous legislative morning hour I do not understand.

Mr. ROBINSON of Arkansas. Yes; but if we recess we meet again in open executive session, unless some other order be made; and the effect of this agreement, fairly construed, is to put that phase of the morning business on the open executive calendar. Otherwise it could have no effect.

Mr. REED of Missouri. Mr. President, I think there is some misunderstanding about this matter.

I introduced this resolution to-day. I introduced it as in open executive session. If the Senate were to proceed in the ordinary way, and run through to-day, and then adjourn, to-morrow morning the morning business would come up; and when the treaty came up—the unfinished business—it seemed to me that I would then have the right, the resolution having lain over one day, to call it up for action, because it is in the nature of furthering the business that is before the Senate and is really in the nature of a return of the measure to the Senate.

I should like to get the opinion of the Chair on that point, because it is going to determine my action as to giving consent or not.

Mr. BORAH. Mr. President, the Senator introduced his resolution as in open executive session. I am not clear at this time as to what status that would give it with reference to the morning hour; but I am perfectly willing, whatever the status may be, that it shall not be prejudiced by the failure to adjourn. I do not want to agree what the status is; but, whatever it may be and whatever it is determined to be under parliamentary rules, the Senator is entitled to enjoy it, and I will not object by reason of the fact that we do not adjourn.

Mr. REED of Missouri. I want it understood that this matter can be brought up for consideration and voted upon.

The VICE PRESIDENT. The Chair would hold that the Reed resolution would be in order only in open executive session. A motion to take it up at any time, however, would be in order.

Mr. REED of Missouri. Very well. Then, with that understanding—to put it in my own words, so that I am sure I do not misunderstand—if we give the unanimous-consent request to-morrow when the Senate convenes for the consideration of this treaty, the resolution I have offered will be in order.

Mr. BORAH. No.

The VICE PRESIDENT. A motion to consider the resolution will be in order.

Mr. REED of Missouri. A motion to consider it will be in order; very well; and if that motion should be defeated, of course it would defeat the resolution; but if it should prevail, then the resolution would come before the Senate.

Mr. BORAH. Mr. President, let me ask a question before this matter is decided.

Under the unanimous-consent agreement under which we are proceeding, how would a motion to make a report from a committee be in order?

The VICE PRESIDENT. Will the Senator restate his inquiry?

Mr. BORAH. We are proceeding under a unanimous-consent agreement with reference to the treaty. That being true, under what parliamentary rule would a motion for a report from a committee be in order? I do not think it is in order.

The VICE PRESIDENT. If the resolution is agreed to, it directs a report of the committee.

Mr. HEFLIN. Mr. President, I desire to suggest to the Senator from Missouri that if the Senator from Idaho insists on that construction of this agreement, it will leave the resolution to be considered after the peace treaty has been considered, and the cruiser bill, too.

The VICE PRESIDENT. The Reed resolution directs the committee to report as soon as possible its views as to the proper interpretation of the treaty. If a motion is made to proceed to the consideration of that resolution to-morrow in open session, and it is carried, the committee, under the resolution itself, would make the report.

Mr. BORAH. But the question I desire to submit is, in view of the fact that we are proceeding under a unanimous-consent agreement for the consideration of the treaty, would a motion directing the committee to report be in order prior to the time that we dispose of the treaty?

The VICE PRESIDENT. The resolution itself directs the committee to report; not the unanimous-consent agreement. The resolution is an order.

Mr. BORAH. Very well.

Mr. BINGHAM. Mr. President, a parliamentary inquiry: Do I understand the position to be, then, that if we recess to-day and meet to-morrow in open executive session, the resolution offered by the Senator from Missouri is the first order of business?

The VICE PRESIDENT. No. A motion to proceed to the consideration of the resolution of the Senator from Missouri is the first order of business that comes before the Senate at that time.

Mr. BRATTON. Mr. President, a parliamentary inquiry: Under what rule would that kind of a motion be in order, in view of the unanimous-consent agreement under which we are now considering the treaty?

The VICE PRESIDENT. Anything can be done by unanimous consent.

Mr. BRATTON. But the inquiry propounded to the Chair is: Under what rule would a motion to take up the resolution of the Senator from Missouri be in order while we are considering the treaty?

The VICE PRESIDENT. That would temporarily displace the discussion on the treaty. It does not interfere with the status of the unfinished business—the treaty—in open executive session, but by unanimous consent it will be in order upon motion to proceed to the consideration of the Reed resolution.

Mr. BORAH. Mr. President, there has been no unanimous consent that the motion shall be made. The only unanimous consent was that there would be no objection by reason of the fact that we did not adjourn.

Mr. BINGHAM. Well, Mr. President——

Mr. REED of Missouri. Mr. President, if there are going to be any sharp practices here, or fine technicalities, let us know them now, and there will be no unanimous-consent agreement.

Mr. BORAH. Now, Mr. President, the Senator should not say "sharp practices," because that is precisely what was agreed to, that I would not interpose an objection because we did not adjourn.

Mr. REED of Missouri. I do not mean to say the Senator has been guilty of sharp practices. If my words were susceptible of that construction, I withdraw them. I do not mean to impugn his motives at all, but I do mean to say that if there is going to be any question about the right to introduce this resolution to-morrow, or at any other time when this treaty is before the Senate, I want to know it now, before I give my consent to anything.

Mr. BRATTON. Let me say to the Senator from Missouri that I raised the question in the interest of clarity.

Mr. REED of Missouri. I know the Senator did.

Mr. BRATTON. Not to confuse.

Mr. REED of Missouri. I hope nothing I said will be taken by any Senator as intending to say anything of an offensive character.

Mr. HEFLIN. I suggest to the Senator from Missouri that he ask unanimous consent that when the Senate convenes to-morrow he may make his motion.

Mr. BORAH. Mr. President, there is no need to make that unanimous-consent request, because I would not agree to it.

Mr. ROBINSON of Arkansas. Mr. President, this discussion has become somewhat technical, but——

The VICE PRESIDENT. The Chair would rule——

Mr. ROBINSON of Arkansas. Just a moment. I insist that my interpretation of this agreement, if accepted by the Senate, will enable us to escape just such results as have been witnessed here in the discussion that has immediately proceeded.

The proposal was and the agreement was that the resolution should not be prejudiced; that is, that it should have the same status it would have if the Senate adjourned to-day. Assuming that the resolution, as I said a while ago, had been offered and the Senate had adjourned, on reassembling the morning business would have been in order. General morning business would not be in order under such an agreement, but it would in so far as it relates to this resolution, and the Chair, under this agreement, if it gives the resolution the status that it would have had if the Senate had adjourned, would call that phase of the morning business, "Resolutions coming over from a previous day," and discussion of it would be in order during the morning hour, and only in order during that time, unless a motion were made, which prevailed, to proceed to its consideration.

Mr. BORAH. Mr. President, as I understand, there is no morning hour in executive session.

Mr. ROBINSON of Arkansas. Oh, no; but the agreement is that so far as this resolution is concerned it shall have the same status it would have if we adjourn, and, therefore, had a morning hour. You can not give effect to the agreement in any other way. It does not mean anything unless it means that.

Mr. BORAH. If the Senator from Missouri had introduced his resolution in legislative session, as a legislative matter, that would be absolutely correct; but he introduced it as in open executive session.

Mr. ROBINSON of Arkansas. That makes no difference.

Mr. BORAH. And it went to the executive calendar.

Mr. ROBINSON of Arkansas. That makes no difference. In order to give any effect to the agreement you have to recognize it as having the same status that it would have had if presented in legislative session and carried over from the previous day by the Senate adjourning.

Mr. JONES. I want to suggest, Mr. President, that the rules with reference to morning business do not apply to executive sessions, whether open or closed. This is executive business, in open executive session. It is not a regular legislative resolution, and there is no such thing as a morning hour in executive session.

Mr. ROBINSON of Arkansas. That does not make the slightest difference. We have entered into an agreement that the resolution should have the same status it would have if we adjourned.

Mr. JONES. I do not know what the agreement was, because I was out of the Chamber at the time it was submitted.

Mr. ROBINSON of Arkansas. That was the agreement.

The VICE PRESIDENT. The Chair will hold that a motion made in open executive session to proceed to the consideration of the Reed resolution is in order at any time in open executive session. If adjournment should be taken to-night, under the regular morning business this resolution, being one made in open executive session, would not be taken up, and a unanimous consent agreement should be entered into at this time if this Reed resolution is to be considered in the morning hour to-morrow after adjournment to-night.

Mr. MOSES. Mr. President, does the Chair then hold that in the open executive session the discussion on the Reed resolution can not operate beyond 2 o'clock?

The VICE PRESIDENT. The Chair holds that if we adjourn as in open executive session there will be no morning hour to-morrow.

Mr. MOSES. In other words, coming into open executive session in recess to-morrow morning, it will be in order to move to proceed to the consideration of the Reed resolution.

The VICE PRESIDENT. A motion to proceed to the consideration of the resolution will be in order.

Mr. MOSES. Without limitation of time on it?

The VICE PRESIDENT. Unless by unanimous consent it is arranged that there shall be a limitation of 30 minutes in debate upon the resolution, as well as on the treaty, there will be no limitation of time.

Mr. MOSES. The status just declared by the Chair now exists?

The VICE PRESIDENT. The status declared by the Chair now exists, except that the limitation upon time has not yet been agreed to.

Mr. BORAH. Mr. President, I desire that the request which I submitted include the treaty and all things relative to the treaty, including the motion of the Senator from Missouri.

Mr. REED of Missouri. No; I shall not, in view of the ruling of the Chair, object to the request which the Senator made before he just now amended it, and I will say to the Senator that all that I want is a fair chance to present this resolution. I shall not unreasonably delay it or try to hold up the business of the Senate.

The Senator knows that I have appealed to him and other members of the committee time and again to bring in a clarifying report so that something authoritative shall be here presented which shall embrace the very views the Senator has expressed upon the floor of the Senate. We thought that an arrangement of this kind had been substantially agreed to on two or three occasions. Unfortunately, that did not go through. Now it appears that the Senator wants to limit debate. I want time to present this resolution. There will be plenty of time between 12 o'clock to-morrow and 3 o'clock to-morrow afternoon, if we can devote it to the discussion of the resolution, but there are others here who will want to speak upon the treaty, and perhaps at some length, so that we will probably be placed in the position where the resolution can only be considered under the limit of time the Senator has named, if we assent to his modified request.

I do not want to do that. I can not to save my life understand why this committee should not bring in a report saying just what it means; why there should be any opposition to that.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. I thought the Senator from Missouri was through.

Mr. REED of Missouri. I will stop.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. MOSES. Let us have it stated again, please?

Mr. BORAH. Just a word before the matter is submitted. There is no need of submitting a proposition for a limitation upon debate if it is not going to include this resolution, because we would make nothing by that program whatever, in my judgment. Therefore, I must include the resolution, because in my opinion the resolution would not be here if it were not for the fact that it has relation to the treaty, and it is a part of the treaty program. I therefore include it, and do not wish to submit any request without it.

Mr. LA FOLLETTE. Mr. President——

Mr. BORAH. I yield.

Mr. LA FOLLETTE. I was merely going to suggest, in view of all the confusion concerning the previous unanimous consent request that was entered into, that the Senator's request be reduced to writing, so that it will be at the desk and can be reported to the Senate, and then all may understand just what it includes.

Mr. BORAH. The request is that, beginning to-morrow at 3 o'clock, all debate be limited to 30 minutes for each Senator upon the treaty and upon all matters relating to the treaty, including the motion of the Senator from Missouri.

Mr. REED of Missouri. Mr. President, I suggest as an amendment that upon the convening of the Senate on the calendar day of to-morrow the resolution I have offered shall be laid before the Senate, and that it shall be open to debate without limitation until the hour of 3 o'clock.

Mr. BORAH. Mr. President, I desire to have my request for unanimous consent submitted first.

The VICE PRESIDENT. A unanimous-consent agreement can not be amended.

Mr. REED of Missouri. I am stating that amendment to the Senator because otherwise I am going to object.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. I object.

The VICE PRESIDENT. Objection is made.

Mr. GLASS. As I understand the unanimous-consent agreement suggested by the Senator from Idaho, no limitation would go into effect until 3 o'clock.

Mr. BORAH. That is quite right.

Mr. GLASS. Therefore he and the Senator from Missouri are not disagreeing.

The VICE PRESIDENT. Objection is made.

Mr. BORAH. If I can have my unanimous-consent agreement submitted, I think it will cover the matter.

Mr. REED of Missouri. Then please let it go in in words; I do not want any more implications. We are having trouble over this treaty now because nobody will authoritatively define it.

Mr. GLASS. In words, the Senator from Idaho proposes that after 3 o'clock to-morrow the limitation be applied. Therefore it does not apply to the Senator's resolution.

Mr. REED of Missouri. But he does not agree that the resolution shall be taken up.

Mr. GLASS. The Chair has decided that it may be.

The VICE PRESIDENT. The Chair has decided that a motion to proceed to the consideration of the resolution is in order.

Mr. REED of Missouri. That is very different from agreeing to take it up and discuss it.

Mr. ROBINSON of Arkansas. That could be debated until judgment day.

Mr. BORAH. Mr. President, whether it is actually taken up or not, the Senator can debate it, and we can proceed with the debate. I can not agree at this time that it shall be taken up, because that would put us in a parliamentary situation which I am not willing at this time to concede. But we will be here at 12 o'clock, and for three hours he could talk upon his resolution.

Mr. REED of Missouri. If there is going to be any dispute about it, we might just as well——

Mr. BORAH. There is no dispute.

Mr. REED of Missouri. Let us go on with the business before the Senate.

The VICE PRESIDENT. The treaty is in Committee of the Whole, and amendments to Article I are in order.

Mr. REED of Missouri and Mr. BORAH rose.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED of Missouri. Does the Senator from Idaho desire to speak?

Mr. BORAH. If we could have a vote, I would like a vote, but I understand the Senator is not ready to vote.

Mr. REED of Missouri. Not until this resolution is disposed of. Now I will ask the Senator if he is willing to waive the parliamentary point that a day has not intervened since the offering of the resolution, so that I may make the motion now to proceed to its consideration.

Mr. BORAH. Mr. President, I have already stated my position on that. The unanimous-consent agreement which the Senate made and to which I agree, was that on to-morrow there would not be objection.

Mr. REED of Missouri. I am asking the Senator if he will agree to it now?

Mr. BORAH. No; I do not wish to change the unanimous-consent agreement.

Mr. REED of Missouri. Mr. President, just to test the feeling of the Senate, I move that we proceed to the consideration of the resolution I have read, without prejudice.

Mr. BORAH. Mr. President——

Mr. REED of Missouri. Senators around me say that perhaps it would be offensive to put it in that way, so I shall not do so. I am ready to go on with the treaty.

The VICE PRESIDENT. The treaty is in Committee of the Whole, and Article I is open to amendment.

Mr. BORAH. Mr. President, I was going to ask the Senators who are in opposition to the treaty if they would be willing for us to proceed with the treaty up to the time that the resolution of ratification comes before the Senate. We must first adopt the separate articles, and the only real question between us is what we shall do prior to the actual adoption of the resolution of ratification. We can adopt the articles and then proceed to the ratification of the resolution later.

Mr. REED of Missouri. I do not think we would gain anything by that.

Mr. BINGHAM. Does the Senator want us to adopt the articles before the committee has told us what the articles mean?

Mr. KING. We know.

Mr. BORAH. I do not know anybody who is in doubt, unless it is the Senator from Connecticut.

Mr. REED of Missouri. Mr. President, I think there is very serious doubt about what they mean. If the Senator is going to address the Senate I will yield the floor; otherwise I am going to say something about the matter.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield to me in connection with the observation made by the Senator from Idaho that there is no doubt in the mind of anybody, except perhaps the mind of the Senator from Connecticut, as to what the treaty means?

Mr. REED of Missouri. I yield the floor to the Senator from Indiana.

Mr. ROBINSON of Indiana. I would like to read to the Senate a part of an editorial from the Manchester Guardian showing the interpretation that is placed upon the treaty by that British newspaper.

Mr. President, the editorial appeared in the Manchester Guardian a few days ago. It is entitled "The Peace Campaign." I shall not read it all.

Mr. BORAH. The Senator said "a few days ago." He is mistaken about that, is he not? Has he the date?

Mr. ROBINSON of Indiana. I have not the date, but it comes, I think, in the form of a clipping from the Chicago Tribune.

Mr. BORAH. It is not material, but it appeared about two months ago.

Mr. ROBINSON of Indiana. I do not think the date is material. What is stated about the subject matter is material.

I shall not read the whole editorial, but only that part which seems pertinent to the discussion at the moment. After concluding what I have to say now I shall ask that the entire editorial be printed in the RECORD. I read from the editorial as follows:

> The first point in the Liberal policy is "the complete suppression of war as a means of settling disputes between nations." To this the Government would no doubt formally agree. Indeed, the statement amounts to no more than has been said in the Kellogg pact, which the Government has signed. But it is noteworthy that when it came to the point of signing Sir Austen Chamberlain put in a reservation which would allow this country to fight not merely in self-defense but even when it was not attacked, on the plea that territory not ours but important to us was in danger. It is too soon to judge of the effect the Kellogg pact will ultimately have upon international relations; but if it is to be judged by the spirit of such reservations as this, its influence will be not toward the suppression of war but toward the legitimatizing of war—that is, toward enabling any government to declare war on its own responsibility, without consent of the league, as judge in its own cause and in defense of certain purely strategic objects which, even if remote, it chooses to call vital.

Mr. President, I submit that is at least one English interpretation of the treaty, and from a rather reliable source.

That there is much difference of opinion as to what the treaty means is evidenced by this editorial from the Manchester Guardian. There seems to be no doubt in the minds of the English people, if their views are reflected by the editorial, that the Chamberlain correspondence represents a reservation to the treaty itself. There seems to be no doubt but that much the same view as has been expressed by those opposed to the ratification in this body without interpretative statement, is held in England.

All of which, Mr. President, makes it seem of the utmost importance, while there is yet time, that the Senate of the United States in ratifying the treaty should make a definite statement of just what it conceives the treaty to mean. So I submit to the Senator from Idaho that there is apparently considerable difference of opinion not only among the Members of this body but of other countries as well with reference to the meaning of the pact.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. ROBINSON of Indiana. I yield.

Mr. KING. I ask the Senator if he believes the treaty will be construed to deny the right of the United States to defend itself or to defend the Monroe doctrine from any foreign aggression?

Mr. ROBINSON of Indiana. I certainly think, as long as other countries have found it necessary to reiterate their right of self-defense, that there can be no harm in our country's making that statement itself.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. ROBINSON of Indiana. I yield.

Mr. BORAH. Does the Senator regard a report of the committee as a reservation?

Mr. ROBINSON of Indiana. I do not know that such a report would be a reservation.

Mr. BORAH. How does the Senator regard it?

Mr. ROBINSON of Indiana. But it would be such an interpretation as could be considered when later this very question might come up for decision. In any event, it certainly would serve notice to the world of our notion of what the treaty means and what is the interpretation of the Senate. Yes; I think it ought to be put in there.

Mr. BORAH. Does the Senator regard it in the nature of a reservation?

Mr. ROBINSON of Indiana. I regard it certainly as in the nature of a reservation, but not such a reservation as would necessarily need be submitted to the other signatories.

Mr. BORAH. Would it have the effect of a reservation as a legal proposition?

Mr. ROBINSON of Indiana. I think it might. I think it would certainly be considered as the meaning placed on the treaty by the Senate.

Mr. BINGHAM. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Indiana. I yield.

Mr. BINGHAM. The Senator from Indiana has just stated that he considers a report of the committee as being of the same effect as a reservation. That opinion has not been expressed heretofore, although I understand that it is the view taken by the highest officials of the administration—that a report of the committee would be a reservation.

In order that I might have the best possible opinion on that subject, unbiased from anything connected with the various streams of opinion and of influence on this floor, I sent a telegram Saturday night to two or three of the most distinguished authorities on international law in this country asking them what was the difference between a treaty reservation, an interpretative resolution, and an explanatory report from the Foreign Relations Committee, and what difference these various forms of declaration would have upon the peace pact.

In answer to that telegram I received this morning a letter from Professor Borchard, professor of international law in the school of law of Yale University and one of the highest authorities on international law in this country, in which he states:

> The three forms of declaration in question are all designed to express the Senate and, therefore, the United States understanding of the obligations incurred by the ratification of the treaty. Unless, therefore, the declaration in question, whatever its form, is communicated to foreign governments signatory to the treaty, and accepted by them—at least by silent acquiescence—it would not, in my opinion, be effective to safeguard the rights of the United States.

Professor Borchard is interested in having reservations but he does not believe that a report from the committee not communicated to and accepted by foreign governments would have the same value as a reservation. He goes on to say:

> A reservation is the most formal method in which the Senate could express an exception to or interpretation of the treaty. It becomes in effect a counteroffer, must necessarily be communicated to the foreign government before or at the time of ratification, and usually, though not always, requires express assent from the other party signatory. Ratification after notice of the reservation would, however, I believe, be construed as assent.

With regard to an interpretative resolution Professor Borchard says that it—

would not, unless specifically so stated by the Senate, necessarily be communicated to foreign governments by the Secretary of State, and would therefore, unless so communicated, be merely a unilateral expression by the Senate of its understanding of the obligations the United States was undertaking.

In that event—

And please note what this authority says—

In that event the resolution would have no legal effect, I believe, as a limitation of the obligations of the United States, though it would undoubtedly have a strong moral and political effect and might serve as a defense later to a charge of bad faith.

May I say to the Senator, while he so graciously yields, that that is the view of a large number of those who are interested in securing an interpretation either by the committee or by resolution, in that, although not of legal effect, it would have undoubtedly a strong moral and political effect and might serve as a defense later to a charge of bad faith?

But without communication and acquiescence—

Said Professor Borchard—

no foreign government has official notice of our understanding or is legally bound by it.

His interpretation of an explanatory report from the Foreign Relations Committee is that it—

is the most informal of the three methods suggested. If not independently voted by the Senate, then any Senate resolution advising the President that the Senate consents to the ratification of the treaty should, I think, refer to the terms of the suggested report and state that it embodies the Senate's understanding of the obligations incurred by the United States. Unless the Senate were to take some official notice of the report, it might (a) not be sent to the President, or (b) not be sent to any foreign powers. The legal position would then be the same as in the case of an uncommunicated interpretative resolution. It might have a moral and political effect and serve a useful purpose in the event of later dispute, but it would not be legally binding on anybody.

A formal reservation would involve a changed treaty and would necessitate either new negotiations or, as a rule, formal assent of foreign governments to the change. Being a multilateral treaty, this might cause difficulty, because some might accept and others might not. An interpretative resolution or a committee report communicated to foreign powers would not require foreign powers to do anything more than ratify—their assent being implied by ratification—and reference to it would not appear in the instrument of ratification. Nevertheless, I think the acquiescence implied in ratification would protect the interests of the United States.

The other principal governments have carefully reserved their rights and understanding in advance of signature. By securing Secretary Kellogg's assent to their views and now by obtaining a Senate acquiescence in their views—the result of not protesting or excepting—they would seem to have world-treaty support for their reservations, qualifications, exceptions, and understandings. The least we can do is to ask the same world support for our understanding of the obligations now incurred.

So, Mr. President, it would seem that there is in the minds of the highest legal authorities—and when I have the floor I shall refer to one or two other opinions which I have received—a very great difference between a reservation and an interpretative resolution and a report from the Foreign Relations Committee.

Mr. ROBINSON of Indiana. Mr. President——

Mr. BORAH. Mr. President, before the Senator from Connecticut sits down will he permit me to ask him a question?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Indiana yield to the Senator from Idaho?

Mr. ROBINSON of Indiana. I do.

Mr. BORAH. What does the Senator from Connecticut understand Professor Borchard to understand by the "political and moral effect" of the report of a committee? What does he understand by "political effect"? What is the meaning of the term in the letter the Senator has read?

Mr. BINGHAM. I am not so much interested in its "political effect" as in its "moral effect"; and I have not given any particular thought to what the professor meant by a "political effect."

Mr. BORAH. That is exceedingly important. I wish the Senator from Connecticut would telegraph the professor again.

Mr. BINGHAM. Will the Senator from Idaho state before he sits down why he regards its "political effect" as exceedingly important?

Mr. BORAH. The professor says its "political effect" might be precisely the same as a reservation in full. I do not know what he means by "political effect." He does not confine it to "moral effect." He does not say that it is simply our interpretation, but that it may have "political effects" on other governments. That is precisely what I object to.

Mr. ROBINSON of Indiana. I assume that the "political effect" referred to would be with reference to the political relationship between this country and other nations with whom we are bound together in the treaty. A simple interpretative statement from the Committee on Foreign Relations might have conceivably the same practical "political effect" or "moral effect" between nations as would a formal technical reservation, excepting that it would not necessitate the exchange again of notes and a meeting of minds again all over the world.

Mr. BORAH. That is one reason why the question of a report has become a difficult and very important one. Men like Professor Borchard and others are construing it, in my judgment, out of all relationship to its real effect; and what effect that might have on other countries it is very difficult to know. I do not want to do that which may be misconstrued abroad.

Mr. ROBINSON of Indiana. In any event, Mr. President——

Mr. WALSH of Montana. Will the Senator from Indiana yield to me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. I yield.

Mr. WALSH of Montana. I should like to inquire of the Senator from Connecticut [Mr. BINGHAM] who the other authorities are to whom he submitted this inquiry.

Mr. BINGHAM. I have in my hand a telegram from Prof. Philip Marshall Brown, professor of international law at Princeton University, and also one of the well-recognized authorities on international law in the world. With the Senator's permission, I should like to read his answer.

Mr. WALSH of Montana. Will the Senator first give us the name of the third authority? I recognize that both of the gentlemen whom he has named have already expressed themselves in various ways as against this treaty, and I want to know whether the third occupies the same position?

Mr. BINGHAM. I will say to the Senator from Montana that I am not at liberty to divulge the name of the third at present, because his reply begins with the words, "This reply not to be published." I have sent him a telegram asking if I might not give the substance of the reply but have received no answer.

Mr. WALSH of Montana. The Senator from Connecticut is aware that both Professor Brown and Professor Borchard have heretofore expressed their convictions against this treaty?

Mr. BINGHAM. I am aware that those gentlemen are international lawyers of the very highest repute. When the Senator from Montana was not in the Chamber I referred to the fact that it seemed significant to me that the chief persons objecting to this treaty were not militarists or manufacturers of arms and ammunition but international lawyers of the highest standing. However, in asking them this question I did not intend to bring any reflection on the treaty, for I myself am in favor of the treaty, provided we know exactly what it means; but these are the only professors of international law whom I know personally and whom I thought that I had a right to ask what was the difference in their opinion between a reservation and a report of the Foreign Relations Committee.

Mr. WALSH of Montana. But the Senator from Connecticut did submit the question at least to two out of three professors whom he knew were adverse to the treaty?

Mr. BINGHAM. It happens that of the three professors of international law with whom I am acquainted, those two are adverse to the treaty in its present form; that is true.

Mr. GLASS. Mr. President, why does the Senator from Connecticut say he is in favor of the treaty provided he knows what it means? If he does not know what it means, why should he be in favor of it? [Laughter.]

Mr. NORRIS. The Senator from Connecticut did not say that. He said he was in favor of the treaty, but he did not know what it meant.

Mr. BARKLEY. How can the Senator be either for or against a document the meaning of which he says he does not understand?

Mr. ROBINSON of Indiana. Mr. President, the only purpose I have——

Mr. BINGHAM. Will the Senator from Indiana permit me to answer the Senator from Virginia?

Mr. ROBINSON of Indiana. I will yield the floor in a very few moments, if the Senator will permit me to proceed now.

The purpose I had chiefly in mind in reading this editorial was to show the Senate that there is much difference of opinion as to what the treaty means and that the opinion held by many of those in this body who oppose ratification of the treaty without an interpretative statement is the same as that held, at any rate, by some important sections of British opinion. Therefore, at this point, I ask that the editorial in full be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Manchester Guardian]

THE PEACE CAMPAIGN

The world peace campaign which is being conducted by the Liberal Party this week, and in which Mr. Lloyd George led off, coincides with the meeting of the council of the League of Nations at Lugano. This contrast between the ideal and the real is likely to be striking. An examination of it would reveal the deep divergence between Liberal and Conservative policy better than could a comparison of rival programs. Of the eight cardinal points which make the substance of the Liberal policy all but two have received some sort of official Conservative backing. Even the encouragement of international free trade was once tepidly indicated as a legitimate item of Conservative activity. That, of course, was not taken very seriously, and nobody supposes that international free trade will, in fact, receive encouragement at the hands of Mr. Baldwin's government. But what of the five points for which Conservative support might be claimed on the strength of official pledges and declarations? There is, unhappily, not one of the five causes which has not been betrayed by the present Government within the last two years. One or two of them, notably the "fair and impartial administration" of the treaty of Versailles, will be discussed at Lugano. Unless Sir Austen Chamberlain's attitude undergoes a considerable change in this and other respects the proceedings at Lugano are likely to emphasize once more the need for caution in accepting at their face value Conservative professions of faith in the league, in disarmament, and in the possibility of creating an effective machinery of peace.

The first point in the Liberal policy is "the complete suppression of war as a means of settling disputes between nations." To this the Government would no doubt formally agree. Indeed, the statement amounts to no more than has been said in the Kellogg pact, which the Government has signed. But it is noteworthy that when it came to the point of signing Sir Austen Chamberlain put in a reservation which would allow this country to fight not merely in self-defense but even when it was not attacked, on the plea that territory not ours but important to us was in danger. It is too soon to judge of the effect the Kellogg pact will ultimately have upon international relations, but if it is to be judged by the spirit of such reservations as this its influence will be not toward the suppression of war but toward the legitimizing of war—that is, toward enabling any government to declare war on its own responsibility without the sanction of the league, as judge in its own cause and in defense of certain purely strategic objects which, even if remote, it chooses to call vital.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. ROBINSON of Indiana. I yield.

Mr. SHORTRIDGE. Does the Senator from Indiana think that a report from the committee would be authoritative or binding upon any other nation?

Mr. ROBINSON of Indiana. I think so; sufficiently so, at any rate, to protect our reputation for good faith, for when ultimately it comes to construing the treaty according to our notion of it, we would have a senatorial interpretation.

Mr. SHORTRIDGE. Our reputation for good faith will never be drawn in question.

Mr. ROBINSON of Indiana. That is another question on which there is a wide difference of opinion.

I now yield the floor.

Mr. BINGHAM. Mr. President, the Senator from Virginia [Mr. GLASS] in one of his most playful moments took advantage a moment ago of a slip of the tongue on my part to bring ridicule on the effort which I am making to secure an efficient interpretation of the treaty from the only body in the Senate which has been recognized as competent to give such an interpretation, namely, the Foreign Relations Committee. I am not denying to the Senator that I said what he said I said at the moment; but what I thought I had said was that I was in favor of the treaty, provided it meant what the Senator from Idaho, the chairman of the committee, said it meant in a draft of a report of the committee which he showed me and which was entirely satisfactory. If it means what the majority of the committee believe it to mean and they will so state, then I will cheerfully vote for the treaty.

Mr. GLASS. Mr. President, I hope the Senator will not think that I had any desire in the world to bring ridicule upon his attempt to disclose the real meaning of the treaty. I wish him success in that effort. But what he said was that he was for the treaty, although he did not know what the treaty meant. I could not resist calling his attention to that faux pas which a scholar in politics should never perpetrate anywhere.

Mr. BINGHAM. I admit the soft impeachment; but what I meant to say was that I was in favor of the treaty, provided the rights of the United States as to self-defense and as to the protection of the lives and property of our citizens abroad were absolutely protected.

Mr. GLASS. To that I subscribe.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. Do I understand the Senator to mean that he is willing to abdicate his judgment as to what the treaty means, textually or otherwise, and submit his judgment and interpretation to some statement which may be made by the Senator from Idaho and other members of the committee furnished in writing?

Mr. BINGHAM. It is my practice, Mr. President, usually to submit my own judgment to the judgment of any of the major standing committees of the Senate as to what is meant by a bill, treaty, or other measure which they may have considered and reported, and not to assume that I know more about what it means than they do.

Mr. KING. Does not the Senator feel that the responsibility rests upon him, as well as upon every other Senator, to determine for himself as best he can, availing himself of all sources of information, exactly what the treaty means, and having so determined, to vote according to his own judgment?

Mr. BINGHAM. No, Mr. President; for the reason that not being a member of the committee and most of the Senators present not being members of the committee, it can hardly be held that they are in any position to know exactly what it means.

Mr. President, if I may, I should like to read the telegram from Doctor Brown, professor of international law at Princeton University, who, as was pointed out by the Senator from Montana, is an opponent of the treaty, but I am sure that that does not influence his view with regard to the difference between a reservation and an interpretation by some other means. He replies:

PRINCETON, N. J., *January 13, 1929.*

Hon. HIRAM BINGHAM,

United States Senator, Washington, D. C.:

A clear distinction must be made between an amendment modifying text of treaty and a simple reservation expressing interpretations of limitations placed on it by one of the signatories. Such reservations do not require formal action by other signatories, witness Hague conventions and recent Pan American Arbitration Convention. An interpretative resolution or accompanying report from Senate Committee on Foreign Relations would have only an attenuated legal significance unless officially conveyed to other signatories. But given the unusual moral character of the Kellogg treaty any indication whatever of the intent of the contracting parties, whether in the preliminary correspondence in statements by officials, by legislative declarations, or formal reservations, all have great moral significance. President Wilson acknowledged this respecting the interpretative reservation to the Versailles treaty. In view of conflicting interpretations concerning the actual commitments of the United States some kind of clarification now seems essential to prevent charges of bad faith and recriminations which would vitiate the fundamental idealism of Kellogg treaty.

PHILIP MARSHALL BROWN.

Mr. President, it seems to me, in view of the high standing of Professor Brown, his views in the matter ought to be given weight. He refers to President Wilson's views respecting interpretative reservations, and it may be of interest in that connection to quote the words used by President Wilson at the time the League of Nations was before the Senate as compiled, with his approval, by Hamilton Foley, in a volume entitled "Woodrow Wilson's Case for the League of Nations." On page 126 President Wilson is quoted as saying:

It has been suggested in public debate and in private conference that interpretations of the sense in which the United States accepts the engagements of the covenant should be embodied in the instrument of ratification. There can be no reasonable objection to such interpretations accompanying the act of ratification, provided they do not form a part of the formal ratification itself. Speaking now of those which some men of high conscience and of high public purpose are seriously pressing in order that there may be no misunderstanding. It is perfectly feasible, if we put interpretations upon that treaty which its language clearly warrants, to notify the other governments of the world that we do understand the treaty in that sense.

A little later he says:

You can avoid a misunderstanding without qualifying the terms of the document, because, as I have said and shall say again and again, America is at liberty as one of the voting members of the partnership to state how she understands the articles of partnership.

In view of the fact that it has been maintained on behalf of certain high officials that a reservation is undesirable and that a report from the committee would be the same thing as a reservation, it seems to me proper at this time, Mr. President, to point out that some of the highest authorities on international law in this country, including a recent President of the United States, do not take that view.

Mr. FESS obtained the floor.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. REED of Missouri. Will the Senator give me about three minutes to make a statement in connection with this controversy that has come up? I promise him I shall not take over five minutes. I think the statement ought to be made now, if the Senator will grant me that courtesy.

Mr. FESS. I yield.

Mr. REED of Missouri. I ask it because the Senator evidently is going to make an extended speech.

Mr. FESS. No, Mr. President; the address I shall attempt to deliver will be very brief.

Mr. REED of Missouri. Mr. President, the statement has been made that those who are opposed to the treaty desire this report of the committee, and the inference is left that the request for a report is made by those who want to kill the treaty.

I do not want that statement to stand in that way. Speaking for myself, I think it would have been better if we had never undertaken to make this particular treaty in the manner and form in which it is now laid before us. I appreciate the fact, however, that when our prime minister takes it upon himself to enter into negotiations of this character, and goes to the various chancelleries of the earth with this proposition, and finally secures the assent of many of them, or the promise of assent, to repudiate the treaty utterly might have an unfortunate effect.

In the hope that we could escape all controversy, and that certain dangers could be avoided which we believe lurk in the treaty, particularly in view of the constructions placed upon it by other governments, some of us first suggested a reservation clarifying the meaning of the treaty, and specifically asserting that we did not waive the right of self-defense; that we did not *waive the* Monroe doctrine; that we did not, by signing the treaty, agree either expressly or impliedly, morally or otherwise, to apply sanctions or force against any nation violating the treaty; and that, by accepting the treaty with the reservations that have been made to it, we did not, by implication consent to the binding force of the treaties and agreements which have been mentioned in the notes that have been exchanged.

That was all that was asked; and it was said that that would render it necessary to send the treaties back to these chancelleries, and that there might be some difficulties encountered if that course were followed.

Then it was suggested that a simple resolution of the Senate be passed, not as a reservation but as a declaration of the understanding of the Senate; and when that was objected to, it was then suggested that a simple report of the committee might be made which would declare the interpretation of the committee touching the matters to which I have just referred, and it was hoped that that could be carried through; but apparently we have come to an impasse so far as the self-constituted negotiators are concerned.

Mr. President, it is true that the only way in which we could absolutely place a legal obligation in this treaty in the sense that a contract is modified would be to attach a reservation, and send that reservation to all of the nations that had signed the treaty or that may hereafter sign the treaty; and that is the course that ought to be followed under ordinary circumstances. Under the conditions to which I have just referred, however, it seemed that we ought to go to the extreme limit to avoid doing anything that would place an obstacle in the way of acceptance of our suggestions; so the suggestion now, at least, being pressed is that the committee shall make an interpretative report, and that there the matter shall rest.

There is not much use in talking about the legal obligations of this treaty. There is no court that can construe it as far as we are concerned without our consent hereafter given. The treaty, if it stands so far as we are concerned and so far as all nations are concerned except as they are bound by the Locarno pact or the League of Nations, is nothing but a pledge of honor, a moral obligation. Viewed in that light, if we have authoritatively stated our position before signing the treaty, then, if ever our good faith is challenged, we can point to that construction and say to all the world, "That was our understanding then; it is our understanding now," and we will be relieved from any charge of mala fides. So that is what has been asked. While I am not going to debate it now, I repeat that I can not understand why a request of that kind should not be granted.

In the first place, we violated all precedents when we brought in a treaty of this importance without any report. I think we violated all precedents. At least, it was unusual. In the second place, we have had debate here now for 10 days, and there have been as many different opinions expressed upon this floor as there are Senators who have spoken. In the third place, the publicists of foreign countries have placed constructions upon the treaty very different from that placed upon it by the chairman of the committee. The publicists of this country have placed different constructions upon it. The high authorities that have been cited by the Senator from Connecticut [Mr. BINGHAM] have placed different constructions upon it.

If, at the close of the speech of the chairman of the committee, we could have passed a resolution saying that "It is the sense of the Senate that the construction placed upon this treaty by the chairman of the committee is correct," I should have been perfectly content; but, unfortunately, all these opinions have been expressed. All that we are asking now is that something shall be brought in here which expresses the same views that were expressed by the Senator who is in charge of this treaty, so that in the future we can point to that action and say, "That was the sense of the Senate at that time."

That is all we are asking—that you shall say formally what is said informally; that a committee shall say what its chairman has said, so that we will stand before the world in the future with a clean bill of health, and in the court of conscience and of honor we can demonstrate that we have not changed our position or shifted our purpose in view of some exigency of the future. That is all that we have asked; and when it is denied there must be a reason for the denial. It ought to be a very serious reason.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED of Missouri. I do.

Mr. BRUCE. May I remind the Senator from Missouri that we are simply claiming the right to do what everybody else connected with this treaty has claimed the right to do. England, France, even Afghanistan and Persia have chosen to place their interpretations on the treaty, and Mr. Kellogg has placed his on it. Is the Senate of the United States to be the only agency or individual connected with this treaty that is not to be accorded the right to place an interpretation upon it in the form of an interpretative resolution or otherwise?

Mr. REED of Missouri. I thank the Senator. I was about to refer to that fact.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I promised not to take the time of the Senator from Ohio, but with the permission of the Senator from Ohio I will yield to the Senator from Idaho; but I want to wind up what I have to say in a very few words.

Mr. BORAH. I do not wish to take the time of the Senator from Ohio either; but at the proper time I desire to say something with reference to this proposed report and the controversy which has arisen over it. I shall not do it now; but there was a time when there could have been no objection to a report and was no objection to it. Other circumstances have arisen, however, which I shall discuss later.

Mr. REED of Missouri. Very well, I shall be very glad to hear the Senator. The Senator from Maryland [Mr. BRUCE]—who is a great lawyer and a great student—calls attention to the fact, however, that all the other nations have placed their interpretations upon this treaty; and, sir, those interpretations do not agree. They are in conflict, and some of them are in radical conflict. The representative of Great Britain, Mr. Chamberlain, was not content to take the language of this treaty as it stood. He wanted to have it understood by the world where his nation stood. Mr. Kellogg did not think the treaty was so plain that it did not need any explanation. Accordingly, he wrote many notes and letters, and finally delivered himself of a speech that he sent to all the chancelleries of the earth as his interpretation. Other nations came in and accepted or qualified the interpretations given by both Mr. Kellogg and Great Britain. France came in with an interpretation in which she broadened out the so-called right of self-defense to an extent to which I think very few people who were originally for

this treaty ever dreamed it would be extended. All these other nations do this; but when we take up the matter with Mr. Kellogg his attitude is—and I desire to say nothing unkind of him—"I have spoken. I have interpreted it. What I have said is binding"; and he went so far in his testimony before the committee that has been printed as substantially to assert that the interpretations placed on the treaty by other countries were innocuous, and really meant nothing.

If other countries can construe this treaty and explain it, if Mr. Kellogg can construe this treaty and explain it, and if, at the end of all the explanations, there is a world-wide dispute over it, and if upon the floor of the Senate we are not in agreement, why should not the committee bring in a report? We are not asking it to bring in a single word or a single principle the chairman of the committee has not declared it now embraces.

If we remain silent, then the construction will be that we have accepted all of the interpretations placed upon this treaty by Great Britain, by France, and by the other countries which have qualified the meaning of the language, and it will also be said that after a debate upon the floor of the Senate, the Senate declined to say a word about the Monroe doctrine, declined to say a word limiting the liability of the United States to be called upon to place restrictive measures upon other countries, declined to say that it was not in any manner bound, and that it had in any manner recognized in a binding way any of the treaties or pacts that have been mentioned by other governments. That is the situation we are in.

Let me say that that is unavoidable, if there is no vote taken upon the resolution I have had the honor to offer. If there is no report made, there will be a vote in the Senate upon the resolution offered by the Senator from New Hampshire, and if the Senate votes it down, it will have condemned it, and by condemning it, will have negatived it.

A little judgment, a little forbearance, a little disposition to have regard for the opinions of others, ought to lead those who are the advocates of world peace, and who assert that all international difficulties can be carried through without rancor, by means of peaceful negotiations, to indulge a little of that Christian spirit here and a little of that modesty of judgment which accords to others who doubt the right to have their doubts resolved, when all they ask is to have them resolved in the language which the Senator in charge of this bill employed upon this floor.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Mr. President, when the treaty was before the committee there was no suggestion of a report by anybody. The chairman of the committee, in charge of the treaty, pursued the same course he has pursued with reference to every treaty he has brought before the Senate; he reported the treaty with a resolution, and as there were no reservations and no interpretative resolutions to incorporate in the ratification resolution, of course there were none incorporated.

Those opposing the treaty had four interpretative reservations or resolutions. All they asked was that they be reported to the Senate; and they were reported to the Senate. All that was asked of the committee was done. All that was suggested was carried out. No one suggested any different course. The opponents of the treaty then had a different program.

Those in favor of the treaty felt no necessity for interpretations or resolutions or reports.

Those opposed to the treaty had their own program, which they proposed to the committee; and the committee reported, according to their request, a resolution which is here. That is the reason why it is here as it is, and that is the reason no further report was made.

I doubt not there would have been no difficulty whatever in filing a report of the committee had there been the suggestion made that has been made upon the floor, because there was nothing to go into the report which the movers of the treaty and the supporters of the treaty do not admit is in the treaty itself and what they contend is in the treaty itself.

After the matter had proceeded here for some time those friendly to the treaty, as well as some of those who were not, suggested that a report be made embodying, briefly but fundamentally, the views I had expressed in my opening remarks, to wit, the question of defense, the question of the Monroe doctrine, the question of sanctions, and also the question of whether the treaty affected our relationships to the treaties of other governments. I had no objection to that whatever. I so stated.

There was no reason why I should not put into a report, so far as I was concerned, exactly what I conceived to be in the treaty, and I drew a report embodying the views which I had expressed in my opening remarks. I think I am not proceeding outside of the proprieties when I say that I submitted that report to the Secretary of State, and the Secretary of State said, "There is nothing in this report that is not in the treaty already. I have no objection to this report." It was, of course, then understood that it was to be nothing more than a report according to the usual practice and serving the function of an ordinary report.

Had the matter stopped there the report would have been in and there would have been no controversy about it at all, in my judgment. There was no objection upon the part of the administration; there was certainly no objection upon my part, and as the suggestion came to me from friendly sources I had no idea that anyone desired in any way to affect the treaty injuriously.

Then the proposal was made that the report which was to have been made be taken up and adopted by the Senate—acted upon by the Senate. I felt at once that that would result in what would practically be a reservation, and even if it was not technically so, the foreign governments would all regard it as a reservation. I felt, furthermore, that in fact it would be a reservation, and therefore I said I could not agree to it. I so stated at once. That is where the first difference of view came. I may say I then reported that to the Secretary of State, and he said, "I could not agree to anything further than the Senate putting its own interpretation upon the treaty, because I am satisfied that beyond that it would affect very injuriously the treaty in other countries." He would not approve of it if it was proposed to go further than originally proposed.

It was proposed later that the report be filed, that it be read in the open Senate, and that an oral motion be made transmitting it to the foreign governments. To that I was compelled to object, not because at any time I have had the slightest objection to putting into a report of the committee the interpretation which I had myself placed upon the treaty in my opening remarks, but because I felt sure that taking the report and drawing it away from the ordinary functions of a report and transmitting a report of the Senate to foreign powers would have the same effect in their minds precisely as a reservation would have. There was no reason for transmitting it to foreign governments unless it had some business there. There was no reason for throwing it into their hands unless we proposed that they should take it into consideration. So I was compelled to object to that.

I have never been willing at any time to do anything that could be construed into a change of the treaty or constitute a reservation. Neither was I at any time willing to do that which could be represented abroad as a change or reservation. That has been my position from the time the treaty was sent to the Senate, and it is my position now and will continue to be.

I am willing to take my full share of the responsibility with regard to this. Let me say that the Secretary of State never objected in the slightest to a report until it was proposed to transmit the report to foreign governments or to adopt it so that it would be in effect a reservation. He would not have assumed and did not assume—and while I did not talk to the President, I assume he did not—that there was any objection to the Senate itself taking such action as it saw fit with reference to its own business. But when it came to putting it in the form of a reservation or in effect a reservation, either popularly or legally, they, of course, felt that they had to consult the situation abroad, because no government has ratified this treaty save the Government of Russia. None of the original 15 signatories to the treaty have acted upon the treaty.

The only one Government in the world which is now bound by it is the Government of Russia. The treaty has to be considered by all the foreign governments, all the parliaments which may pass upon the question, and it was thought that it was not wise to put into the hands of the foreign governments a report which could not be placed with them except for some logical purpose, and for that reason the Secretary of State felt that he could not do it. I was fully of the same opinion. I am not going to consent to anything which can be misconstrued to the injury of the treaty abroad.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. REED of Missouri. The Senator has made a statement which, so far as he has covered the facts, with one exception which is not material to the discussion at this moment, I think is accurate, as far as I am acquainted with the facts. But there is one fact the Senator has not stated; that is, that when the question was raised of transmitting the report of the committee to foreign governments, or by formal motion in the Senate approving and accepting the report, an objection was raised,

and within a very few hours after that we had another conference, and it was agreed at that conference that none of those present would make any motion of that character.

Then the statement was made that some one who was not present in the conference might from the floor of the Senate make a motion of that kind. Thereupon I undertook to canvass the Democratic side, and the Senator from New Hampshire [Mr. MOSES] the Republican side, to see if we could arrive at an understanding that nobody would make that kind of a motion. I have here the checked list that I made.

Mr. BORAH. I do not challenge that at all.

Mr. REED of Missouri. I saw every Democrat in the Senate, except three, who were absent, and secured the pledge of every one of them that he would not make such a motion. I have, first and last, a checked list of all of them, except the three who were absent. The Senator from New Hampshire [Mr. MOSES] was quite as fortunate, I think, on the Republican side of the Chamber.

When we came back to make that statement, my understanding was that the Senator in charge of the treaty felt that he was not then in a position, even with that pledge, to go forward and bring in a report.

Mr. BORAH. Mr. President, the Senator from Idaho was not free to do so, but not for reasons which I think are in the mind of the Senator from Missouri. I was not free, because I felt it might be used to the injury of the treaty abroad.

Members of the Senate have said to me that, while they were not going to make the objection themselves, they thought it was a very serious mistake to go ahead with it under the circumstances which then obtained, and one of them—yes, two of them—I know are on the other side of the Chamber; some of them are on this side of the Chamber. We all feel that the proposal to adopt the report and to transmit it had wholly changed the situation.

In view of the fact that the question had been up for discussion as to the making of a motion, and that that fact had gone to the public, and had not only gone to the public here, but had gone abroad, a wholly different situation was created. I am perfectly aware that the Senator finally withdrew the suggestion that there should be an adoption of the report. I am perfectly aware that he did what he could to prevent a motion being made to that effect, and it may be possible that no such motion would have been made.

Mr. REED of Missouri. It was practically certain.

Mr. BORAH. But, following the proposition for the adoption of it came a second proposition that it should be read in open session and then a motion made and adopted to transmit to the foreign governments. That thing alone has been used to our detriment abroad.

Mr. REED of Missouri. But it was after all that that I took this poll and the Senator from New Hampshire [Mr. MOSES] took the poll on the other side of the Chamber. There may be a misunderstanding between the Senator and me about this, but there is no question in my mind. It was after we had discussed the question of the ratification or approval of the report, and after the Senator had expressed the thought that some one aside from those in the conference might make the motion, that I took the poll on this side of the Chamber and the Senator from New Hampshire upon the other side, so far as we could reach Senators, and we obtained the pledge from all who were seen that they would make no such motion, that if the report came in and was filed that would be the end of it so far as they were concerned.

So that we had then and have now a practical assurance that if a report is brought in embodying in substance the construction placed by the Senator in his speech, which was a very good one, that will be satisfactory to all of us, and he can have the treaty ratified immediately so far as I am concerned, and I see the Senator from New Hampshire [Mr. MOSES] and the Senator from Connecticut [Mr. BINGHAM] looking at me, so I will say so far as they are concerned.

Mr. MOSES. Mr. President, I merely desire to point out that we went further than that and said we did not insist on having the report transmitted.

Mr. BINGHAM. And, if I may be permitted at that point, in order to protect the Senator from Idaho and ourselves against any possibility of a motion being made in regard to the report or in regard to sending it to foreign governments, it was agreed among us that one of us would make a motion to lay such a motion on the table, and as there would be no question about the adoption of a motion to lay on the table, so there was no chance of a motion to adopt the report being carried.

Mr. REED of Missouri. Completing my sentence, I do not want anything of an offensive nature or any feeling to be aroused in this debate, particularly between myself and the Senator from Idaho. We have been friends too many years——

Mr. BORAH. And will be for many years yet.

Mr. REED of Missouri. Yes; and will be many years yet; and if we can not settle this little matter in the Senate between ourselves as friends, God knows how the world is going to settle its difficulties.

I want to repeat, if the Senator will bring in a report embodying the substance of his speech covering the questions that we have heretofore discussed, then in five minutes time, as far as the three Senators, including myself, that I have just named are concerned, he can have a vote on the treaty, and we will vote for it with those explanatory matters.

Mr. BORAH. Mr. President, I do not think there is any misunderstanding either as to the facts or the legitimate inferences to be drawn from the facts in regard to this matter. As I said a moment ago, when a report was first proposed to be made, it was simply to be filed. Had we stopped there, the matter would have been over by this time and no evil consequences to follow. But it was proposed to go further and adopt the report. It is true that that proposal was afterwards abandoned. It was proposed then to have it read in the Senate and transmitted to the foreign governments. It is true that that proposal was afterwards abandoned. But it is also true that before any of this happened, the matter had gone to the public both here and in Europe and the situation was such that it was being construed as effectuating reservations through a report, and that is what caused the embarrassment. It has produced a serious situation.

Mr. REED of Missouri. If they are not really reservations, the fact that that impression has been given out—I presume by the press, for I know of no other way for it to get out—does not change the situation. I am not dealing with this matter, so far as I am concerned, with reference to to-day. I am thinking about a year, 10 years, 20 years from now when some dispute arises and when our Government can turn to the record of our proceedings and say "That was the construction placed upon this treaty at the time by the Foreign Relations Committee. It was our construction then and we are not changing that construction now."

It seems to me, and I say this to the Senator with—I was about to say with as much seriousness as I ever said anything—it seems to me that this treaty, for the purposes the Senator seems to have in mind, will have a much better effect with an expression of that kind as the final views of the Senate than it will have if we continue here in this debate.

The Senator knows that I refrained from making any remarks about the treaty in the hope that the conferences might come to fruition. If the debate is to go on, if the spirit of no compromise and no concession whatever is to obtain, then, so far as I am concerned, I shall be obliged to make some other observations in regard to the treaty that I do not want to make—and I do not say that by way of threat. I say it because it is a fact. I have said just about one-tenth of what I think may be wrapped up in the treaty.

Mr. BORAH. I know that the Senator in all probability will express himself fully in regard to it before the debate is over.

I agreed to the report in the first instance solely for the purpose of saving time and getting it out of the way. I never have conceded the proposition that there was any necessity for a construction of the treaty, but as the Senator who brought the proposition to me knows, I said it was agreeable to me, because it contained nothing that was not already in the treaty, and which the friends of the treaty contended was in the treaty. If it had stopped there the matter would have been ended and there would have been no question about it at all. But now I am in the position, as representing the treaty upon the floor, of considering what the effect will be since the debate has gone on—and debate in connection with this report being treated by many people as a reservation legally affecting the treaty—and what effect that will have on the 15 Governments which have to deal with it abroad and the 43 Governments which have to deal with it also. For this reason I am no longer free to go back to the original proposition.

Mr. REED of Missouri. I do not think there has been a Senator who has said a resolution of the committee would have the same effect as a reservation. I think there is a general consensus of opinion that it simply makes a record here that we can employ in the future for the purposes I have already indicated. I think it very unwise to indefinitely continue the discussion.

I think that consideration for at least 25 or 30 Senators who have expressed themselves and their view that they are not satisfied with the naked words of the treaty and the reservations made in the notes of foreign governments ought to lead the committee to take the matter up and bring in a report.

If the Senator would bring in the report and say in that report exactly what the distinguished Senator has said is what the treaty means, then it has not been changed one jot or one tittle. We have only said what the Senator has said it means. We have altered nothing. But if, peradventure, he might be mistaken in his construction or if foreign nations are putting a different construction upon the treaty, then the fact ought to be known now and not when the tragedy occurs that makes the employment of the treaty necessary. That seems to me to be the plain logic of the situation.

Mr. BORAH. If the Senator from Missouri and I were debating the matter five days ago we would have ended it in two minutes. It is the situation which has arisen since by reason of the discussion and by reason of the construction which has been placed upon a report which makes it a very serious proposition which I can not take the responsibility of accepting. If the treaty is wrecked in foreign countries I do not feel that I can take a position here that will connive at that wrecking. I know that this report, if made after all this debate, will lead to misunderstanding and confusion, hence I can not agree to it.

Mr. MOSES. Will the Senator call his committee together to consider the question?

Mr. BORAH. The Senator had an opportunity to present his proposition for 10 days before the committee and never suggested it

Mr. MOSES. It was from the wisdom of the Senator from Idaho that the suggestion arose.

Mr. BORAH. It was not. The Senator from Idaho never suggested it.

Mr. MOSES. Was it the Senator from Connecticut?

Mr. BORAH. No. The proposition was brought to me by other parties. It was never suggested by me.

Mr. MOSES. In a colloquy with the Senator from Connecticut?

Mr. BORAH. No. I stated the legal proposition relative to a report but I did not suggest making a report. I never suggested making a report. That suggestion was brought to me.

Mr. MOSES. No; I did not think the Senator suggested making a report, but I felt sure that the Senator had clearly stated what such a report would portend.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I am glad to yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, the discussion that has just taken place between the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH] reveals a very peculiar situation. At the point where we find ourselves now, it appears that there is no material discord among Senators so far expressed as to the true intent and meaning of the treaty. Realizing that unless some amicable arrangement was made in the Senate "not to resort to war, but to seek only peaceful means for the settlement of the disputes" that have grown out of this renunciation of the war pact, it was I who first suggested to the Senator from Idaho, having information that such a suggestion would promote prompt action, that if a report should be filed in the Senate embodying a synopsis of the interpretation which he had made in his address on the treaty, the debate would terminate and the Senate could proceed with other business.

That proposal was entirely acceptable to the Senator from Idaho; but I later learned that some Senators wished to qualify it and have a contest in the Senate upon a motion to adopt the report, which, of course, raised an entirely different issue, and which would of itself prolong the discussion indefinitely. Subsequently the matter took the course which has been stated by the Senator from Missouri and the Senator from Idaho.

No lawyer will assert, after an examination into this subject, that the submission of a report by a committee of the Senate expressing an interpretation or defining or explaining the provisions of the treaty constitutes reservations or in any sense modifies the treaty. When the Senator from Idaho announced his willingness to accept the proposal, he stated that the report would embody what is already in the treaty and would in no sense qualify it from his standpoint. The mere fact that a newspaper—or some garrulous Senator, for that matter, if there be such a Senator [laughter], desiring to save his face and make it appear that he had won a gallant fight with odds against him—should circulate a story or give publicity to the declaration that the submission of a committee report constitutes reservations or qualifications of the treaty does not justify this body in wasting day after day in a debate over a subject matter about which there is no substantial difference. Pride of opinion, wherever found, is not a sufficient basis or justification for the continuance of a controversy the substance of which has disappeared, as it has disappeared here.

No one has contended that this treaty constitutes an abandonment of the right of self-defense. No one has contended here or elsewhere in connection with the proposed advice and consent to this treaty by the Senate that it contemplates the abrogation of the Monroe doctrine. Questions of policy and of strategy always arise in relation to the presentation of measures, and particularly respecting treaties.

For my part, as a member of the committee and as a Member of the Senate, I am willing to give to the Senator who feels that a report from the committee is needed to make clear the meaning of the treaty, that gratification, particularly when every Senator admits that when the report shall be made, if it shall be made, it will embody only such views as the friends of the treaty entertain respecting its correct interpretation.

It is almost a pathetic spectacle to witness 96 Senators prolonging indefinitely a controversy which has no substance. There are many matters that the Senate can devote its attention to that are of the utmost importance about which we do differ. If any one has misconstrued the legal or moral effect of a simple statement by the Committee on Foreign Relations as to the true definition of this treaty or the effect of such report, such a misconstruction can not long continue. This debate has been public from the beginning. Those who advocate the treaty have placed no different construction on it in any particular from that which the committee report would embody. The only practical difference is that the Senator from Idaho, the Senator from Virginia, the Senator from Arkansas and other Senators say individually what they would say collectively if they agreed to a report.

So far as I am concerned, I do not believe that the submission of a report from a committee of the Senate can in any fair mind work harm to this treaty in the long run. We can go on until the end of the regular session of Congress, for it is pretty well known now that the last eight years of the administration of national affairs has been so inefficient respecting legislative measures that it is absolutely necessary to have an immediate extra session to deal with the real legislative problems before the country.

We have heard of "farm relief" for eight years and had none, and now as one sun passes to his setting and another approaches the rising, we are told that we must have a spring and summer session of the Congress to do what a Republican Congress has been neglecting to do, to accomplish what it has been unable or incompetent to accomplish during eight years of continued power.

Now, in order to make certain that there shall be an extra session we must go on indefinitely debating questions pertaining to this treaty.

Practically every Senator here will vote for the treaty when the final vote shall be reached. Those who have stood in the way of its immediate ratification now say, "If you will just do what you offered to do two weeks ago, and what we were not prompt enough in accepting; if you will just tell us in a committee report what you say on the floor of the Senate this treaty means, we will vote for it, and all will be amicable and harmonious." For one, I am willing to do that.

Mr. FESS. Mr. President, I should like to ask the chairman of the Committee on Foreign Relations whether he wishes to continue the session this afternoon? It is pretty late.

Mr. BORAH. I should not want to take the Senator off the floor to move a recess.

Mr. FESS. I should prefer to resume my speech to-morrow.

Mr. HEFLIN. Mr. President, I wish to make a suggestion to the Senator from Idaho. He said a moment ago that he would not like to take the responsibility of agreeing to a course here that might injure the treaty in other parts of the world.

Mr. FESS. I yield to the Senator from Alabama.

Mr. HEFLIN. I thank the Senator from Ohio. I thought he had already yielded.

The Senator from Idaho did not seem to want to take that responsibility. I suggest that we might recess until to-morrow and give the Senator from Idaho an opportunity to talk to the President and Secretary of State to see if we can not agree in the morning to dispose of this question at a reasonable hour to-morrow.

I am for the treaty; I want to vote for it; but I want some interpretive statement by this body. I will say individually that I understand this treaty to mean that it does not interfere with our right of self-defense; that it does not interfere with the Monroe doctrine; that it does not bind us to go into foreign countries and take our soldiers there to help carry out the decrees of any nation or set of nations in case of war. That is my idea about it. I am willing that my country should wield her influence with other countries in promoting peace and doing everything in the world to that end. This is the greatest Nation

in the world, and it means a great deal for us to be associated with other nations in the cause of peace; but I do think that we ought to make it plain that we who are called upon to ratify this treaty understand that the fundamental rights to which I have referred remain intact and undisturbed.

Mr. FESS. Mr. President, I wish to observe that if anybody hopes that any statement can be made in language sufficiently clear so that 96 Senators will agree to it, I think it is a vain hope.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Washington?

Mr. FESS. I yield to the Senator.

Mr. DILL. The suggestion is made that we take a recess now, and clamoring is heard in the Chamber continuously that we do not get anywhere with the debate. I took a little trouble to look up the hour of adjournment since this treaty came before the Senate, and I want to call the attention of the Senate to how little time we have actually spent on the treaty.

Since we began to consider the treaty on January 4, we adjourned on that day at 4 o'clock p. m.; on January 5 we adjourned at 3 o'clock p. m.; on January 7 we adjourned at 5 o'clock p. m.; on January 8 we adjourned at 3.45 p. m.; on January 9 we adjourned at 5.05 p. m.; on January 10 we adjourned at 4.40 p. m.; on January 11 we adjourned at 4.37 p. m.; and on January 12 we adjourned at 3.55 p. m.

It seems to me that we are not working very hard to get the treaty actually brought to the point of action. If we really mean business and desire to get a vote on it, we ought to stay here and let those who want to talk on the treaty talk on it, and then we should come to a vote.

Mr. HEFLIN. If the Senator will pardon me just a moment, I made the suggestion that I did because of what the Senator from Idaho said. The Senator from Idaho, I believe, is willing, so far as he is concerned, to make a statement here from the committee that will satisfy the Senators. I appreciate the position of the Senator from Idaho. He does not feel that he wants to assume the responsibility of saying something that the administration does not indorse or that the people abroad might construe into bad faith, and so on; but if we could take a recess until to-morrow, and the Senator could confer with those in charge of the Government—which is all right and proper—why should he not have an opportunity to do it? We might save time, and I think we would.

Mr. BORAH. Mr. President, I can say to the Senator in all sincerity that it is not necessary to adjourn to enable me to confer with the Secretary of State and the President on this matter. My position for the last four days by reason of this changed situation has been very clear, and it is not necessary for me to see them at all. I am prepared to do whatever I shall do without seeing them. Whatever the Senate does will be binding on me, whether I like it or not. But I can not agree to it.

Mr. HEFLIN. Then, so far as I am concerned, unless this language is filed by the committee, I am going to favor a resolution to-morrow that it is the sense of the Senate that the pending peace treaty does not in any way interfere with the right of self-defense or the Monroe doctrine, or in any way bind this Nation to send its Army and its Navy abroad to execute the decrees that may be made by any combination of nations. I think the Senate will vote for a resolution like that, apart from this peace treaty. If we can act on that before we act on the treaty it will not be a reservation to it; it will be the action of the Senate. It will be the same as if each Senator should rise in his place and make that statement.

Senators, the people of this Nation have rights in this matter. When we get through with it and go home, and they begin to discuss with us reservations as to what we said about what it meant and all that, if we said we were afraid we would offend somebody in a foreign country by announcing that we are wedded to the doctrine of self-defense or the Monroe doctrine and that we do not understand this thing to mean that we are going to be bound to send troops and navies abroad to be fighting about the nations of the earth, they will want to know why we did not assert that. England has made it clear, in her interpretation of the treaty, that she reserves the right to protect her interests wherever they are, and perhaps interfere with countries about there if her interests are involved.

Mr. DILL. Mr. President——

Mr. HEFLIN. I yield to the Senator—or, rather, I would if I had the floor. The Senator from Ohio [Mr. FESS] has the floor.

Mr. DILL. Has the English Parliament had any report filed by any committee or any reservation made?

Mr. HEFLIN. The English Parliament has not. I am not undertaking to suggest what the British Parliament shall do. I am suggesting what the Senate of the United States should do.

The Senate is a part of the treaty-making power of this Nation, and we have a responsibility to ourselves and to those who sent us here. We are here as the guardians for a time of the rights and liberties that are committed to our hands, and we certainly ought to safeguard them to the very best of our ability.

I do not see why we should be ashamed or too timid to tell these nations that we propose to proclaim the Monroe doctrine every time we make a treaty where it is concerned.

Mr. FESS. Mr. President, will the Senator yield to me for a moment? [Laughter.]

Mr. HEFLIN. I will. I beg the Senator's pardon for taking up his time; but I have not consumed much time, and I knew the Senator was not very anxious to make his speech this afternoon, anyhow. I was really trying to help him out.

Mr. FESS. The suggestion made by the Senator from Alabama, I think, has some significance that ought to be a little further discussed. When he refers to the strength of the Monroe doctrine as dependent upon the assent of any country, secured by our making a statement as to what it means, he goes further than we are apt to think.

The Monroe doctrine does not get its strength from agreement. It is not the result of any negotiations. It never has been in the form of a contract between this and any other country. The Monroe doctrine is simply the announcement of a national policy. We never have asked the consent of any nation anywhere in order to make it effective.

Mr. HEFLIN. The Senator and I are in hearty agreement on that.

Mr. FESS. I wanted to say that I fear that if we go to the extent of placing in the form of a reservation a statement that this treaty we are making does not interfere with the Monroe doctrine we shall thereby suggest that the strength of force of the Monroe doctrine must come through the assent of other nations with which we are now attempting to make a treaty. I think it would be rather serious for this Nation to make that statement; and that is really why I would urge against placing in the treaty any form of reservation touching the Monroe doctrine.

Mr. ROBINSON of Indiana and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and, if so, to whom?

Mr. FESS. I yield first to the Senator from Indiana.

Mr. ROBINSON of Indiana. We considered it necessary at the First Hague Conference in 1899 to assert the Monroe doctrine as a reservation. We considered it necessary again in 1907, at the Second Hague Conference, to assert it as a reservation. The Senate considered it necessary, as I understand, to insist on its being included in the treaty of Versailles; and so in every international conference until this time we have always asserted the Monroe doctrine.

Mr. BORAH. No, Mr. President.

Mr. ROBINSON of Indiana. Well, in practically all of them since it was announced.

Mr. BORAH. Oh, no.

Mr. ROBINSON of Indiana. Whenever the question was discussed we have always asserted it.

Mr. BORAH. No, Mr. President; we have 30 or 40 treaties in which it never has been mentioned.

Mr. ROBINSON of Indiana. We have treaties where it was not appropriate to be mentioned; it was not necessarily part of the subject.

Mr. BORAH. I refer to our old arbitration treaties, Root treaties, and conciliation treaties.

Mr. ROBINSON of Indiana. Those were with individual nations. Some of them would not have anything to do with it.

Mr. BORAH. But some of them did—South American countries.

Mr. ROBINSON of Indiana. But not a multilateral treaty with all the nations of the earth. This is the first time a treaty of that kind has been up.

Mr. BORAH. Yes.

Mr. ROBINSON of Indiana. We did mention it in all of the cases I have suggested.

Mr. HEFLIN. If the Senator from Ohio will permit me——

Mr. FESS. Mr. President, I wish to reply to the Senator from Indiana. Please allow me to have just one moment.

The PRESIDING OFFICER. The Senator from Ohio declines to yield further at this time.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. The Senator declines to yield at this time.

Mr. FESS. The mention of the Monroe doctrine in the league covenant came not with the original construction of the league covenant. It was not in the original instrument at all. When the discussion arose in the press of the United States between the first time the President was there and the second time, after he had come back to consult with some of the leaders here, when it was represented to him that one of the objectionable points on the part of certain people in the United States was that the Monroe doctrine might be involved, then it was that the Monroe doctrine was suggested as an amendment, largely in order to appease the fear on the part of a great many people here that the league covenant, without mentioning it, would involve it. That is the basis upon which it was mentioned.

As for the Hague conference of 1899, our representative there was Andrew D. White. The only thing that was done there in reference to the Monroe doctrine was to exempt it as a subject of agreement in the convention; and the same thing happened in 1907. The First Hague Conference went no further than to set up an arbitral court of justice and then make provision for a second conference. The second conference enlarged upon the arbitral court of justice by the recommendation of a really judicial body, the World Court. The only thing omitted in the completion of it was a provision for the manner of selecting the judges. Before that provision had been outlined the Balkan War broke out and prevented the third conference. The second conference made provision for a third conference; but the third conference was not called, and then the World War came. Then, as the result of the World War, a supplemental effort was made on behalf of peace that took the form of a league of nations; and that really is the reason for not having the third conference known as the Hague conference.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FESS. In just a moment.

So I should like to reiterate that the Monroe doctrine must not be considered as the result of agreement. It never has been international law. Nobody ever has insisted that it was international law. When Salisbury, Prime Minister of England, replied to Mr. Olney, under Cleveland's administration, his reply was to the effect that the Monroe doctrine was not international law, that it had never been, and then he used what I think was rather offensive language, in which he said that it mattered not how brilliant the statesman that announced it or how powerful the nation that backed it. That, I think, was the basis of the request of the President for the appointment of a commission to investigate the disputed boundary line.

So whenever we put the Monroe doctrine into a treaty which must be agreed upon I think we are dangerously approaching the place where we are giving it its force by agreement rather than by announcement.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FESS. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does the Senator think that when we excepted the Monroe doctrine in all of the previous treaties to which he has just referred we thereby endangered the Monroe doctrine?

Mr. FESS. No.

Mr. REED of Missouri. Does the Senator, then, think that we would endanger it now if we again asserted it in a resolution of the Senate?

Mr. FESS. I fear we would in this form, I will say to my friend. In all of the preceding cases the United States, standing for the principle of arbitration, insisted persistently that we never would include the Monroe doctrine as a subject of arbitration; and that was because it is not the result of agreement between nations——

Mr. REED of Missouri. Exactly.

Mr. FESS. But it is our policy.

Mr. REED of Missouri. If it is our policy, and not the result of any agreement between nations, and not international law, if it is simply the policy of America, is it not all the more necessary to assert it than if it were already written in international law?

Mr. FESS. Mr. President, I will ask my friend, if we put this in as a condition of ratification, does not that carry the inference that the Monroe doctrine is to be given its strength by other nations agreeing with us on its force?

Mr. REED of Missouri. The Senator will pardon me, but he argues in a circle. A moment ago he said that when we excepted the Monroe doctrine from the terms of these previous treaties we had not weakened the Monroe doctrine. Now he says that if we say it again here on the floor of the Senate we weaken the Monroe doctrine.

Mr. FESS. Mr. President, I repeat that if in the ratification of this treaty we make it a condition that it does not cover the Monroe doctrine we are stating what is already in the treaty, because we have always regarded the Monroe doctrine as our own policy.

Mr. REED of Missouri. If it is already in the treaty, then saying what is in the treaty will not detract from the treaty.

Mr. FESS. It may not detract from the treaty, but it might involve complications with the other countries as to its meaning.

Mr. REED of Missouri. If we simply except it in a Senate resolution?

Mr. BORAH. It is not proposed to accept it.

Mr. REED of Missouri. "Except" it. That is what we propose to say in the Senate resolution, that the treaty does not affect it. If it is contended that weakens the force of the language of the treaty, which the Senator says does not embrace it, then he has a kind of logic I can not understand.

I want to ask the Senator from Ohio, does he think that if we sign this treaty the Monroe doctrine will be in any sense affected by it?

Mr. FESS. It might be.

Mr. REED of Missouri. It might be, the Senator says. Then the Senator is willing to have the Monroe doctrine changed or altered in some respect by virtue of this treaty.

Mr. FESS. That is exactly what I am contending against.

Mr. REED of Missouri. The Senator did not understand me.

Mr. FESS. Why is it that the Senator insists upon putting into the treaty the reservation of the Monroe doctrine when it is already reserved if we include it as an element of self-defense?

Mr. REED of Missouri. Does the Senator think that saying you do not do a thing amounts to an affirmation that you do do it?

Mr. FESS. No.

Mr. REED of Missouri. The Senator certainly did not understand my question a moment ago. I asked him then if he thought that by signing this treaty we would in any way modify or affect the Monroe doctrine.

Mr. FESS. Not at all.

Mr. REED of Missouri. If that is true, and we say that we have not modified it or affected it, how can it then impair the doctrine?

Mr. FESS. In this degree only, if we put any qualifying condition in our ratification, that qualifying condition will in a sense make it more difficult to make it effective, because other nations might not accept it.

Mr. REED of Missouri. But we do not propose to put it in our acceptance.

Mr. FESS. That is a point of dispute.

Mr. REED of Missouri. All that is being asked here to-day—and the Senator, I think, could not have listened to all that was said, and I do not blame him, there is so much said——

Mr. FESS. I have listened to everything that has been said.

Mr. REED of Missouri. All that is asked is that the committee shall make a report, so that there shall be a formal statement upon the records of this body that at the time of ratifying the treaty we had this authoritative construction for our own benefit. That would not go to the foreign nations. But if there is any doubt about what the treaty means it ought to go to the foreign nations; and if it is already in the treaty, then it does go to the foreign nations, because it is in it. I can not see the point.

Mr. FESS. Mr. President, the Senator is in just the same position I am in. I can not see the basis of the contention that the committee should make a report in order that this treaty, which seems to be unambiguous, may be understood. I am wondering how much light upon the language of the treaty will be thrown by making a report from the Committee on Foreign Relations. I am wondering what effect such a report would have in interpreting the treaty. I am wondering whether anybody who reads the treaty can have his mind or judgment changed by a report of the Committee on Foreign Relations, and especially I am concerned on that point when the report is not to do more than give the interpretation of the treaty, widely reported, read the world over, as it was presented to the Senate by the chairman of the committee, when he explained the treaty in detail and spoke in extenso on all of these subjects.

If the chairman of the committee, speaking the language of the treaty, is not clear enough, how can his statement be reinforced by a committee voting that the chairman stated the facts correctly, especially when we, as a Senate, will vote on his interpretation as a body?

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. REED of Missouri. The trouble with the Senator is that he is not in agreement with the Supreme Court of the United States. The Supreme Court of the United States has said that very little, if any, attention is to be given to the individual statements of legislators, because there is no showing that they in any way represent the body of which they are members, and because the opinions expressed are more or less in conflict; but that great consideration will be given to the reports that are filed by committees before a vote is taken. They do not say that a report is absolutely binding, but they give it great probative force. That is the reason we want a committee report.

Mr. FESS. Mr. President, I wish to avoid anything that might seem offensive, and I shall do so, but there are two sides to this matter represented by different views. I mean two views on foreign relations. One view is supporting this treaty, the other view is opposing it. One way to accomplish the defeat of the treaty is to get votes enough directly against it to outvote those who are in favor of it. Another way to defeat it would be to attach to it some condition that might be adopted here and carried to foreign countries, but which would be rejected in the foreign countries. That would be as legitimate a way to defeat the treaty as to vote it down here.

Mr. REED of Missouri. Mr. President, does the Senator mean to say that the Senator from New Hampshire [Mr. MOSES], the Senator from Connecticut [Mr. BINGHAM], and myself, and all of these other Senators who have requested that a report be made, are acting in bad faith when we stand here on the floor and say that with these explanatory statements we are prepared to support the treaty? Does he mean to charge bad faith?

Mr. FESS. No, Mr. President——

Mr. REED of Missouri. Then what does he mean?

Mr. FESS. What I mean to say is that the people who are arguing for reservations here are the people who have been opposed to the treaty. That I say, and that I repeat.

Mr. REED of Missouri. Who has been opposed to it?

Mr. FESS. If I could take the language of the Senator from Missouri——

Mr. REED of Missouri. What language? When was it employed, and where?

Mr. FESS. The discussion in the committee meetings.

Mr. REED of Missouri. The discussion in the committee meetings happily is printed, and it shows absolutely nothing to warrant the statement of the Senator.

Mr. FESS. If the Senator is in favor of the treaty, I shall humbly beg his pardon, but it is the first suggestion that I have had that Senator REED of Missouri is in favor of this treaty.

Mr. REED of Missouri. I say, and have said from the first, that I would rather we had not entered upon these negotiations, but since they have proceeded to this point I am in favor of ratifying the treaty, provided we can have stated in some authoritative way just what the chairman of the committee has said. I have said that at all times and on all occasions. I have said it to the chairman of the committee numerous times. So that I do not want the Senator to stand here and charge bad faith, or any kind of trickery, on the part of Senators who have taken this position unless he means to make that charge. If he does not mean to make it, he ought to withdraw what he has said. If he does mean to make it, then we will take care of that later.

Mr. FESS. Perhaps I do not know what the words "bad faith" mean in the mind of the Senator from Missouri. I do not contend that the attempt to defeat the treaty by writing in some reservation is acting in bad faith. I concede to anybody the right to do that sort of thing, and I do not think anybody has any right to say that that is bad faith. If they can defeat it directly, well and good. If they can defeat it by having reservations adopted, that is just as honorable as to defeat it directly, and I do not mean to charge anything like bad faith.

Mr. REED of Missouri and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the Senator from Missouri.

Mr. REED of Missouri. That is not the point. The Senator makes that statement, and says that is honorable. What does he say with reference to the repeated assertions which have been made on this floor that we do not desire to defeat the treaty and have no such diabolic notion in our heads? That is the charge of bad faith he made.

Mr. FESS. What people say is one thing and what they do is another. What I am interpreting here is the attitude of certain Senators against this treaty. Their efforts in attempting to defeat it are peculiar, if they are in favor of the treaty.

Mr. SWANSON and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield first to the Senator from Virginia.

Mr. SWANSON. Let me see if I understand what the issue is. As I understand, the Senator from Missouri and the other Senators will agree to vote for the treaty and withdraw all opposition if the Senator from Idaho will make a report carrying out his interpretation of the treaty as contained in his opening address.

Mr. REED of Missouri. Yes.

Mr. SWANSON. If that report be made to the Senate and filed before a vote be taken, for what it is worth, then they will all vote for the treaty and will abandon all fight against it. Do I state that correctly?

Mr. REED of Missouri. We have not made any fight. We only wanted that report.

Mr. SWANSON. I think we might as well have an adjournment and consider that.

Mr. BRUCE. Mr. President——

Mr. FESS. I yield.

Mr. BRUCE. I wanted to ask the Senator——

Mr. FESS. I yield merely for a question, not a speech

Mr. BRUCE. I just want to ask the Senator to take me out of the scope of his sweeping statement, too, because I have several times announced that I intended to vote for the ratification of this pact, and to vote for it without reservations. Yet I, too, feel most strongly that there ought to be some sort of interpretative report issued from the committee, or some interpretative resolution adopted by the Senate concurrently with the ratification of the pact. I think the Senator will find that a good many other Members of the Senate occupy the same position that I do.

Mr. FESS. I would like to have the Senator from Maryland take heed to this:

> The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Where is the ambiguity in that statement?

Mr. BRUCE. Will not the Senator read the second article?

Mr. FESS. Is there anything ambiguous in that first article?

Mr. BRUCE. I think the language of that article is quite broad enough, considered independently of these interpretations that have been placed on the pact by foreign countries, to include defensive as well as offensive warfare.

Mr. FESS. Would the Senator offer a reservation interpreting that article?

Mr. BRUCE. No; no reservation. I do not want any reservations annexed to this pact, because then——

Mr. FESS. Mr. President, I have the floor. The difficulty is that, after this debate, where there are those contending for interpretations, there has grown up in the public mind, not only here but elsewhere, the idea that interpretations are the same as reservations; and reservations will require the assent of other nations. This debate has gone on along that line, and any agreement to accept these interpretations to-day would almost certainly be interpreted in Europe as the making of reservations, and I do not think the friends of the treaty would agree to that.

Mr. BRUCE. Will the Senator yield further?

Mr. FESS. I yield.

Mr. BRUCE. There is no reasonable prospect that the different interpretations which have been placed on the pact by other countries are going to deter us from ratifying the pact. Is it not reasonable to suppose that any interpretations the Senate may place upon it, being practically the same interpretations as those Mr. Kellogg has already placed upon the pact, will not deter those foreign countries from ratifying the pact?

Mr. FESS. If this language is not sufficiently clear, would an interpretation by the Senator from Maryland be sufficiently clear to everybody?

Mr. BRUCE. I will not say an interpretation by the Senator from Maryland.

Mr. FESS. I say the Senator from Maryland because he is a scholar and he chooses his language with great clarity and speaks with tremendous expressiveness.

Mr. BRUCE. I thank the Senator.

Mr. FESS. I use him as an example that I might call the acme of illustration. If the Senator had the privilege of writing the interpretation as to the meaning of that paragraph,

could he make it any clearer than it is and would his interpretation be accepted by everybody?

Mr. BRUCE. I would not say the Senator from Maryland, but I would say any Senator who has any gift of clear statement. I am speaking from the point of view of the lawyer, and the Senator from Ohio, notwithstanding all his accomplishments, which we all know are quite conspicuous, is not, as I understand it, a professional lawyer.

Mr. FESS. The Senator from Ohio is not a lawyer, but he was admitted to the bar and practiced for 10 years.

Mr. BRUCE. Of course, I know the Senator is as thoroughly familiar with the law as I am or as any other Senator is. Speaking as a lawyer, I think the language of article 1 and article 2 of the pact, independently of any interpretations that have been placed on the pact by foreign countries or by Mr. Kellogg, is broad enough to include both defensive and offensive warfare. The Senator knows there is now pending in this body a proposed amendment to the Federal Constitution which in very clear and explicit language comprehends within the scope of its denunciation not only offensive war but defensive warfare. I do not want any reservations to the pact or annexed to the pact.

Mr. FESS. In view of the discussion that has proceeded here since January 3, is there any interpretation that might be made that would not be construed in Europe on a parity with a reservation?

Mr. BRUCE. Certainly.

Mr. FESS. I doubt it.

Mr. BRUCE. I do not contemplate any interpretation except what Mr. Kellogg has placed on the pact. But Mr. Kellogg is not the United States Senate. He has no right to say "I am Sir Oracle. When I open my mouth let no dog bark, whether a senatorial dog or otherwise." We have a function to perform just as well as Mr. Kellogg, and if we do not do anything more, I think we ought to adopt the interpretation which he has placed on the pact so that foreign countries will realize that not simply the State Department of this country, but the Senate itself has ratified the pact and interpreted it.

Mr. FESS. Mr. President, I intend to vote for the ratification of the treaty. I had hoped that it might be done without any reservation and without any interpretation that might be construed in Europe to be a reservation. I have never believed that the Kellogg treaty is a guaranty against war. I do not think any of the friends of the treaty have gone that far. I have always felt that the real security against war would be a reduction of armies below the point of aggression, and that would open the way, it would seem to me, for permanent peace. But when France suggested to outlaw war by resolution, while I confess it did not have much effect on me, yet it seemed to me it was a step in the right direction; and not only that, but that it would ultimately promulgate such a public opinion as might lead ultimately to the prevention of war; at least it would reduce or lessen the chances of war.

The one thing that we ought to strive to accomplish is to build into the convictions of men the will against war or the will for peace. Some people call it the "international mind." That term has come more or less into disrepute, although I think wrongly so. When I say an international mind I do not mean internationalism—furthest from it, for I am not a believer in internationalism as against nationalism. I do not believe in a dead level or uniformity where all nations are alike. That is not possible and it is not desirable. But I do mean that sort of harmony among nations whereby, while each nation maintains its own sui generis spirit, they might all be one in harmonizing one another's differences. I think that while we study rights of a nation we must also study duties of a nation, and it is my judgment that we can produce in the world such public opinion backed with the ideas of peace that it will at least go as far as lessening the chances of war and in time we might reach the place where war will be made impossible.

For the last 50 years that promulgation has been going on. We have had many world conferences that were purely matters of voluntary acts on the part of public-spirited citizens where the Government had no part in it at all. Such conferences were inaugurated before the Civil War and led all countries into conferences on behalf of peace. When the Civil War came on they were discontinued, and began again in the eighties and continued until some time in 1900. One of the world conferences was held at Boston and our Government was represented in it. President McKinley asked his Secretary of State, John Hay, to represent the Government in that conference.

Then, aside from those, were The Hague conferences, which were the most ambitious and comprehensive of any effort of that sort in our history. The first one had 26 nations represented. The second one had 45 nations represented. It was hoped that those conferences were but a part of a series of conferences that might be held from time to time.

We have seen the same thing in the American countries. Away back of the time when Garfield was President and James G. Blaine was Secretary of State the first Pan American conference outside of the Panama conference of 1826 was held here in Washington. There were three specific recommendations that came out of that conference. One of them was the establishment of the Pan American Union, with its splendid domicile on the Mall here in Washington. Another of the conferences was called by President Wilson, and it was extended even beyond the Americas. Following that was a new series, the seventh annual conference of which adjourned this month. I think that those conferences, on the one hand representing every American country outside of Canada and on the other hand conferences representing all the nations, are the agencies for producing a public opinion that will translate itself in opposition to war. I feel that they are tremendously important.

Out of the League of Nations and through that organization we have had various conferences, like the sanitary conference, the opium conference, and the health conference. There are a great number of conferences being held now as a result of that organization, and I think every one of them is cultivating a spirit of comity, and as they increase that spirit we are bound to lessen the chances of war.

Mr. McKELLAR. Mr. President——

Mr. FESS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I agree entirely with the Senator about those matters, but as I recall, when the subject of the covenant of the League of Nations was before the Senate the Senator was very much in favor of a reservation, commonly known as one of the Lodge reservations, which excluded the Monroe doctrine from that treaty. Is not that so?

Mr. FESS. I was in the other House when that subject was before the Senate.

Mr. McKELLAR. Yes; but the Senator favored those reservations, as I recall his public utterances.

Mr. FESS. No, Mr. President; I opposed our Government going into the League of Nations. Therefore, I had nothing to do with the reservations. I still oppose our Government going into the League of Nations.

Mr. McKELLAR. Is it not true though that the Senator made a number of speeches—I am quite sure I have read them—saying that if we did go into the League of Nations, by all means it should be with the Lodge reservations?

Mr. FESS. I never used the expression "Lodge reservations." The Senator from Tennessee was a Member of the House at the time and that is what he is referring to. The League of Nations covenant was published for the first time in the afternoon papers of February 14, 1919. On that afternoon I was making a trip to a university near here, the occasion being founders' day. I read that covenant on the way down as carefully as I ever read any document. I read it through and through. The next morning on my way back to the Capitol I wrote a certain criticism of it and gave it to the press on my return here, in which I stated that the covenant of the League of Nations must not be accepted unless amended. I stated seven specific items that must be amended. I did not speak of any reservations. I was not in this body. I was opposing the covenant as it was written, and made the statement then that anyone who would subscribe to the covenant to the extent of putting our Nation into it without an amendment would in time be regarded unfriendly to the interests of this Nation.

Mr. McKELLAR. Was the Monroe doctrine one of the items suggested?

Mr. FESS. No; it was not even mentioned at any time. Now, simply because I would not want this Nation to enter the quarrels of Europe and have always stood against it, does not mean for a moment that I am condemning the League of Nations as an organization of peace in Europe. I think it has done a tremendous amount of work in Europe which is valuable.

Our Government ought not to withhold its cooperation from the many agencies which the League of Nations has established and which are creating better conditions in the world. I cite these aspects of the work of the League of Nations with congratulation and with approval; and I think our country ought to cooperate in that good work. I refer, for example, to efforts to better sanitary conditions, to improve conditions in trade, and to prevent, as far as possible, illicit forms of trade, and to better conditions for the children and the women of the world. I think the work which the league is doing is most creditable, and that the United States is doing well to cooperate in that work. In saying that, however, I do not mean that we ought to become an organic part of the League of Nations. That I should oppose. I mention these things only as being incidental to the creation of a public opinion that ultimately may prevent war.

Much criticism has been offered of the Washington Disarmament Conference. Mr. President, I regard that conference as tremendous in the results that flowed from it. It lessened the chances of war; it ended rivalry on the seas; it reduced the burdens of taxation; it canceled the Anglo-Japanese alliance; it set up the machinery on the Pafiic Ocean for the settlement of disputes between our Nation and other nations.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Yes; it resulted in the destruction of a large number of first-class battleships, and now we are proposing to build a considerable number of second-class battleships.

Mr. FESS. Mr. President, that situation arises out of the fact that we can not get Great Britain to reduce the number of her second-class battleships to our ratio; and if she will not agree to reduce them, there is nothing for us to do except to increase the number of our battleships; and that is what we shall do. However, there is no inconsistency at all in such action on our part.

Mr. ROBINSON of Arkansas. And then destroy those battleships later?

Mr. FESS. No; we shall merely maintain the ratio.

Mr. SWANSON. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. FESS. I yield.

Mr. SWANSON. I agree that it is the duty of Congress to correct the mistakes made by the Republican Party, such as in destroying battleships, and I am going to vote that way.

Mr. ROBINSON of Arkansas. I think that is true.

Mr. FESS. I was not joking. I was trying to talk sense.

Mr. ROBINSON of Arkansas. The Senator was having great difficulty. [Laughter.]

Mr. FESS. Mr. President, the greatest result that is to be hoped from the ratification of the treaty is the augmentation of the spirit of peace as against that of war. When we consider the history of the past we witness our participation in the effort to create a sentiment against war and to build up a devotion to peace and to make it possible that the people of all nations may will peace. Why should we not pursue that effort now?

All in the world this treaty does is, first, to renounce war as an instrument of national policy. Why do we hesitate to do that? It is possible that by refusing to renounce war it can be interpreted that we are in favor of war. It seems to me that from every standpoint of common honesty, in the light of our past history, we should let the world know that war is not to be tolerated, if it can be avoided. Therefore we ought not to hesitate to renounce it as an instrument of national policy. That is the purpose of the first article of the treaty.

The second article is merely a solemn pledge that the signatory powers will not resort to warlike methods. That is not the exact language; the language is:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

It is rather in the negative. The first article is a denunciation and renunciation of war, and the second is a pledge not to resort to war. When all the nations of the world will join in a denunciation of war and every nation of the world individually signs a solemn pledge not to resort to war and we are asked to do likewise, why should we withhold our assent? It seems to me in the interest of producing a public sentiment which will command peace that this is the longest step that has yet been taken.

I hope the treaty will be ratified and that any complicated or embarrassing interpretations that might cause its defeat or result in a charge of bad faith on our part in Europe will be avoided. That is my honest judgment, expressed as one who does not believe that the treaty is a guaranty against war, but that it surely is a step in the right direction.

Mr. BINGHAM. Mr. President, in view of the remarks made by the Senator from Ohio [Mr. FESS] some time ago, and in view of the fact that it has been mentioned on the floor that some 25 Senators have signed a statement of their belief and wishes in the matter, it seems to me only fair that the Senate be informed as to exactly what it is that those 25 Senators believe. Therefore I desire to read the statement which has been agreed to and signed by the 25 Senators and adhered to by others who did not care to affix their signatures.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator if he is going to put in the RECORD the names of those who signed the document?

Mr. BINGHAM. I have no authority to put in the RECORD their names. Reference has been made to the fact that those who want a report from the committee are opposed to the treaty, and my desire is to show that that is not correct. The statement is as follows:

> We believe in the purposes and objectives of the Kellogg multilateral treaty. We believe that clarity of understanding regarding its inherent and declared functions is vital to its usefulness at home and abroad. To avoid reservations we believe the Foreign Relations Committee should report its official interpretation.

REFUND OF TAXES

Mr. McKELLAR. Mr. President, as in legislative session I desire to give a notice. Pursuant to the provisions of Rule XL of the Standing Rules of the Senate I hereby give notice in writing that I shall hereafter move to suspend paragraph 3 of Rule XVI for the purpose of proposing to the bill H. R. 15848, the first deficiency appropriation bill, an amendment striking out the proviso beginning on page 16, line 9, down to and including line 15, and inserting in lieu thereof a substitute which I now offer and which I ask to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The proposed substitute is as follows:

> Amendment intended to be proposed by Mr. McKELLAR to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, viz, on page 16, line 9, strike out the proviso contained in lines 9 to 15 and insert the following:
>
> "*Provided*, That section 3220 of the Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended by act of Congress on May 29, 1928, be, and the same is hereby, amended to read as follows:
>
> "'SEC. 3220. In case of any claim filed with the Commissioner of Internal Revenue before the approval of this amendatory act for refund, credit, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes (whether such claim arises from illegality of assessment, of collection, of penalties, or of unjust or excessive taxation) the commissioner, under rules prescribed by the United States Board of Tax Appeals, shall, upon final action by him upon the claim, certify the claim to the board where the commissioner recommends a refund, credit, or abatement, and where the amount claimed or recommended for allowance is more than $10,000. The commissioner, under rules prescribed by the board, shall also certify with such claim all papers and proof in reference to such claim, with his recommendation and reasons therefor, in such form and manner as to the board may by rule require. Where the amount claimed is more than $10,000, should the commissioner not recommend the refund, credit, or abatement in the amount claimed, the taxpayer shall have the right to institute by petition to the board, within such time as the board shall by rule prescribe, a proceeding for the determination of the claim; and in such cases the commissioner shall, upon order of the board, certify to the board the papers, proof, and recommendation and reasons therefor as above specified. The board shall have jurisdiction to hear and determine on the merits any claim certified to the board by the commissioner or instituted before the board by the taxpayer under this paragraph, in the same manner as is provided for in cases of deficiencies, with the right of either the commissioner or the taxpayer to submit additional proof.
>
> "'Any such claim made after the approval of this amendatory act shall, where the amount claimed is more than $10,000, be instituted, within the period of limitation provided by law, only by petition for refund and/or credit or abatement filed by the taxpayer with the board. The board shall have jurisdiction to hear and determine the claim on the merits in the same manner as is provided for in cases of deficiencies; and in such cases the commissioner shall, upon order of the board, certify to the board all papers and proof in reference to the claim in such form and manner as the board may by rule require.
>
> "'The jurisdiction of the board under this section shall be concurrent with the Federal courts, and any judgment of the board determining any claim under this section shall be final unless within six months the taxpayer or the commissioner has filed a petition for a review of such judgment of the board in such manner as is provided for in cases of definciencies.
>
> "'All judgments or decrees of a court or of the board for the refund of internal-revenue taxes, and all judgments of any court against any collector or deputy collector for any internal-revenue tax collected by him and the costs and expense of the suit, and all judgments for damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector in any suit against him by reason of anything done in the due performance of his official duty, shall be certified to the Congress for payment.
>
> "'All claims, whether filed before or after the approval of this amendatory act, for credit and/or refund, or abatement of income, war-profits,

excess-profits, estate, or gift taxes, or other internal-revenue taxes, or penalties in connection therewith, illegally assessed or collected, or for refund of such taxes unjustly assessed, or excessive, or wrongfully collected, shall, where the amount claimed is not more than $10,000, be determined by the commissioner, and any refund, credit, or abatement therein shall be made by him, under regulations prescribed by the board.

"'At the beginning of each regular session of Congress the commissioner shall make a report to the Congress, by internal-revenue districts and alphabetically arranged, of all refunds and credits authorized by him in excess of $500, and the board shall make a like report, with its findings and orders, of all refunds and credits or abatements authorized by it.'"

Mr. McKELLAR. Mr. President, while I am on my feet I also ask unanimous consent that there may be printed in the RECORD a copy of the report submitted on behalf of the Judiciary Committee this morning on Senate bill 5319, and also a letter and accompanying memorandum from the Assistant Secretary of the Treasury, Mr. Bond, which have been received by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

The Committee on the Judiciary, to which was referred the bill S. 5319, after consideration reports the same favorably to the Senate and recommends that the bill do pass with the following amendments: Strike out all after the enacting clause and insert in lieu thereof the following:

"*Be it enacted, etc.*, That section 3220 of the Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended by act of Congress on May 29, 1928, be, and the same is hereby, amended to read as follows:

"'SEC. 3220. In case of any claim filed with the Commissioner of Internal Revenue before the approval of this amendatory act for refund, credit, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes (whether such claim arises from illegality of assessment, of collection, of penalties, or of unjust or excessive taxation), the commissioner, under rules prescribed by the United States Board of Tax Appeals, shall, upon final action by him upon the claim, certify the claim to the board, where the commissioner recommends a refund, credit, or abatement, and where the amount claimed or recommended for allowance is more than $10,000. The commissioner, under rules prescribed by the board, shall also certify with such claim all papers and proof in reference to such claim, with his recommendation and reasons therefor, in such form and manner as the board may by rule require. Where the amount claimed is more than $10,000, should the commissioner not recommend the refund, credit, or abatement in the amount claimed, the taxpayer shall have the right to institute, by petition to the board, within such time as the board shall by rule prescribe, a proceeding for the determination of the claim; and in such cases the commissioner shall, upon order of the board, certify to the board the papers, proof, and recommendation and reasons therefor as above specified. The board shall have jurisdiction to hear and determine on the merits any claim certified to the board by the commissioner or instituted before the board by the taxpayer under this paragraph in the same manner as is provided for in cases of deficiencies, with the right of either the commissioner or the taxpayer to submit additional proof.

"'Any such claim made after the approval of this amendatory act shall, where the amount claimed is more than $10,000, be instituted, within the period of limitation provided by law, only by petition for refund and/or credit filed by the taxpayer with the board. The board shall have jurisdiction to hear and determine the claim on the merits in the same manner as is provided for in cases of deficiencies; and in such cases the commissioner shall, upon order of the board, certify to the board all papers and proof in reference to the claim in such form and manner as the board may by rule require.

"'The jurisdiction of the board under this section shall be concurrent with the Federal courts, and any judgment of the board determining any claim under this section shall be final unless within six months the taxpayer or the commissioner has filed a petition for a review of such judgment of the board in such manner as is provided for in cases of deficiencies.

"'All judgments or decrees of a court or of the board for the refund of internal-revenue taxes, and all judgments of any court against any collector or deputy collector for any internal-revenue tax collected by him and the costs and expense of the suit, and all judgments for damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector in any suit against him by reason of anything done in the due performance of his official duty, shall be certified to the Congress for payment.

"'All claims, whether filed before or after the approval of this amendatory act, for credit and/or refund of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes, or penalties in connection therewith, illegally assessed or collected, or for refund of such taxes unjustly assessed, or excessive, or wrongfully collected, shall, where the amount claimed is not more than $10,000, be determined by the commissioner, and any refund, credit, or abatement therein shall be made by him, under regulations prescribed by the board.

"'At the beginning of each regular session of Congress the commissioner shall make a report to the Congress, by internal-revenue districts and alphabetically arranged, of all refunds and credits authorized by him in excess of $500, and the board shall make a like report, with its findings and orders, of all refunds and credits authorized by it.'"

[Report to accompany S. 5319]

The reasons actuating your committee in reporting this bill favorably are as follows:

From the hearings on the first deficiency bill in the House and the Senate it appears, first, that the Secretary of the Treasury has submitted a request approved by the Director of the Budget and the President for $75,000,000 to be appropriated as a deficiency to pay tax refunds that will probably be made before June 30. It will be remembered that the Congress has already appropriated $130,000,000 for this year.

The Assistant Secretary, Mr. Bond, states as follows:

"Mr. BOND. One hundred and thirty million dollars has been appropriated and we are asking $75,000,000 more" (p. 10).

And again, Mr. Bond testified:

"Senator McKELLAR. How much have you left?

"Mr. BOND. My recollection is that before the steel payment we had about $52,000,000; $26,000,000 was paid to the Steel Co., and there is still something like $21,000,000 or $22,000,00 available now. Of course, there are payments being made every day in the week" (p. 11).

And, again:

"Senator McKELLAR. In other words, you get the money appropriated by Congress before you pass on the cases?

"Mr. BOND. We have to make our estimates based on what has happened in the last year or the last six months, and then we ask for an appropriation; otherwise you would allow a refund and then the Government would have to pay interest at 6 per cent on many millions of dollars until the appropriation could be made, which would be a very considerable item" (p. 3).

Let us examine these two contentions. In the first place, the claim that the money should be appropriated in advance in order to save interest is not material, because the bureau is now allowing interest from the date of payment and the question of interest would amount to an exceedingly small sum. Again, the allowance of interest is only provided for in the revenue act of 1928, and it is exceedingly doubtful as a legal proposition whether the allowance of refunds on these old claims is permissible under that law. Manifestly, as it seems to us, the allowance of interest provided for in the act of 1928 should not be retroactive.

That so large an amount is not necessary is apparent from the following:

"Senator McKELLAR. How many claims have you passed on during the last eight years?

"Mr. BOND. There were 168,501 refunds allowed in 1928, the fiscal year of 1928.

"Senator McKELLAR. If you allowed 168,000 claims in 1928 and have only 12,740 now, if $130,000,000 is already appropriated for next year and you have $18,000,000 now on hand, how can you conclude that your refunds are going to be so large in another year, with 168,000 allowed this year, and when you only have 12,740 cases on hand?

"Mr. BOND. Senator, during the quarter ending in September we adjusted 11,705 claims, and during the previous quarter we adjusted 11,818 claims, and during the September quarter we received 11,690 claims. You see, claims are coming in at the same time that we are disposing of claims.

"Senator McKELLAR. I understand; but in order to get the facts correct, I notice that on page 97 you say the number of claims now pending on account of earlier years is 12,740. How many claims of earlier years have you already settled?

"Mr. BOND. Previous to that date?

"Senator McKELLAR. Well, you here make a distinction of 12,740 in earlier years. I do not know exactly what you mean by that. I do not know where your division is, unless they were war claims or growing out of the war.

"Mr. BOND. The question that was asked me, which led to that answer was: 'Would you say that the greater portion of it is for claims for 1923 and back of that time?'

"I answered that I did not know, but would put in the best statement I could, and then this statement was inserted in the record. I presume it applies to 1923 and prior" (p. 20).

So that it seems that the number of claims is less and there ought not to be as much money paid out in the future as there has been in the past, and the $130,000,000 already appropriated should be sufficient for all claims yet to be made this year. But in any event there will be $130,000,000 available July 1, and they now have at least $22,000,000.

SECOND

A second reason for the passage of this bill, in the opinion of your committee, is based on the facts concerning the United States Steel Corporation case recently decided by the bureau, in which a $26,000,000 refund to the United States Steel Corporation was made for the year 1917. Apparently, the facts in that case were that in 1919, 1920, 1921 four reassessments of the United States Steel Corporation were made, aggregating about $17,000,000. The first of these was made on December 29, 1919, for $7,190,165.71; the second on December 3, 1920, for $6,369,497.75; the third on February 14, 1921, for $167,073.30; and the fourth on August 29, 1921, for $4,000,000. These aggregate something over $17,000,000. (Testimony of Mr. Bond, p. 28.)

It further appears that cases like the Steel Corporation case are passed on by a committee in the office of the Solicitor of the Treasury, now called the general counsel's office. (Testimony of Commissioner Blair, p. 2.)

This particular case was tried by three men of the general counsel's office or the solicitor's office—Mr. Service, Mr. Cardwell, and Mr. King.

"Mr. BOND. Mr. Service has been in the bureau since November 6, 1919, Mr. Cardwell since June 8, 1920, and Mr. King since October 11, 1920 (p. 29).

It will thus be seen that Mr. Service was in the solicitor's office when all the reassessments for 1917, amounting to $17,000,000 were made; that Mr. King and Mr. Cardwell were in the office when all these reassessments were made except the first one. (Record, p. 29.)

Thus it is seen that while it does not actually appear that these three gentlemen took part in assessing the United States Steel Corporation in 1917 they were present in the office and no doubt were familiar with it, or should have been familiar with it, if they did not actually take part in it.

There were also in the department at that time Mr. Wayne Johnson and a Mr. Alverson (p. 26).

On March 1, 1920, before three of these assessments were imposed, Wayne Johnson became the solicitor of the department, and he served as such solicitor until September 15, 1920 (p. 26).

He was admitted to practice in the Treasury Department on February 25, 1921.

I quote from the testimony of Mr. Bond:

"Mr. BOND. Mr. Wayne Johnson was employed as a special attorney in the office of the solicitor for the Bureau of Internal Revenue (now general counsel's office) from April 10, 1919, to March 1, 1920. On this latter date he became solicitor for the bureau and served as such until September 15, 1920. He was admitted to practice before the Treasury Department on February 25, 1921. As far as can be ascertained from the bureau's records, Mr. Johnson had no contact with the tax case of the United States Steel Corporation during the entire period of his employment with the bureau.

"Senator PHIPPS. May I interpose a question, Mr. Secretary?

"Mr. BOND. Surely.

"Senator PHIPPS. At the time of the additional assessment of $17,000,000, was that payment made under protest?

"Mr. BOND. Of course, it is immaterial under the law now.

"Senator PHIPPS. That is true.

"Senator MCKELLAR. But it was material then.

"Mr. BOND. I have no personal knowledge as to that" (p. 26).

Mr. Alverson resigned September 30, 1920. He was an attorney in the general counsel's office (p. 28).

So that year we have this United States Steel Corporation case settled in the solicitor's office. We find that after the reassessments, or some of them, had been made, then the solicitor and one of his assistants resigned and were admitted to the practice of law before the bureau, and that soon after they filed a proceeding before the bureau to obtain a refund of taxes which had been assessed in part while they were connected with the bureau. We find that they tried the case before three employees of the bureau, who were employees of the bureau when these three assessments were made—one of them when all of the assessments were made and the other two when all of them but one were made. We find that this case was tried in secret, passed upon in secret, and virtually paid in secret. We find that while the solicitor's office reassessed the Steel Corporation in 1917 in the sum of $17,000,000, yet some 10 years afterwards a committee from the same office where it was assessed and who were members of the office while it was assessed were paying back $15,000,000 of the sum then assessed against the steel company. In addition to that there were $11,000,000 of interest.

CREDITS OF $31,000,000

But even that is not all. They allowed a much bigger judgment than the $17,000,000. Mr. Bond was good enough to give the entire picture.

"Senator MCKELLAR. I do want it, but what I want to know first is this: Is not the net result of the litigation that the Government made a reassessment or reassessments against this company in 1917 and collected $17,000,000, and since that time they paid back the principal sum of $15,000,000, together with $11,000,000 interest? Is that right?

"Mr. BOND. That is right as far as you have gone.

"Senator MCKELLAR. All right. Now go ahead and give me the information you spoke of.

"Mr. BOND. Here is the information that I think you want——

"Senator MCKELLAR. I shall be delighted to have it.

"Mr. BOND. In addition there was a credit of about $28,000,000, with interest, making about $31,000,000 altogether, which, having been certified as overpaid on the 1917 tax, was credited against some pending deficiencies for later years.

"I was afraid you did not know that, and I wanted to be frank and give you the full picture.

"Senator MCKELLAR. That is fine. I am much obliged" (p. 27).

So that instead of only the trifling sum of $26,000,000 repaid to the United States Steel Corporation, there was this sum with the additional sum of $31,000,000, making a total of $57,000,000 that was paid back to the Steel Corporation for this one year 1917, 10 years after the assessments were made. In other words, they not only got back substantially all of the special assessments but they got back refunds on the original assessments necessarily.

Your committee is of the opinion that this indicates such a loose method of procedure, not to speak of it more harshly, that their method of refunding taxes erroneously or improperly made should be changed to a system less objectionable.

THIRD

In other words, the Steel Corporation for 1917 made its own returns and then was later on assessed with $17,000,000 additional. It then afterwards in the manner heretofore pointed out secured not only a repayment of $17,000,000 but some $40,000,000, counting the interest, back from its original report of taxes which it had voluntarily made. But that is not all. This appears to be the only case that the Joint Committee on Internal Revenue Taxation has taken up. There was a hearing before that committee on the matter of this refund on December 17 last.

Mr. Parker, the administrative agent of the committee, testified as follows:

"Senator MCKELLAR. Mr. Parker, from your examination of it, what was this dilemma about the computation that you spoke of, and how much money did it involve?

"Mr. PARKER. The amount of money in taxes is a little hard to say. The computation that was required was for invested capital. The invested capital is an amount that is very large. In the steel case it ran up, in the year 1917, to over $1,000,000,000.

"Now, then, the amount that was in dispute was between a determination on the regulations of the bureau and a determination made on the Court of Claims decision, and the difference between those figures was about $69,000,000.

"Senator MCKELLAR. $69,000,000 difference?

"Mr. PARKER. But that does not mean that much in taxes. That probably means about one-tenth of that, you see, in taxes.

"Senator MCKELLAR. In other words, it would be about $6,900,000?

"Mr. PARKER. About 11 per cent; it would be a little bit more than that.

"Senator MCKELLAR. About $7,000,000?

"Mr. PARKER. Yes.

"Senator MCKELLAR. What conclusion did they reach, according to their own regulations, about this $7,000,000——

"Mr. PARKER. No; they made an adjustment in this amount.

"Senator MCKELLAR. And that was in violation——

"The CHAIRMAN. Give the witness a chance to answer.

"Senator MCKELLAR. Yes; I will. Was that in violation of their regulations?

"Mr. PARKER. Well, it was against their regulations.

"Senator MCKELLAR. Against their regulations" (p. 39)?

So that we find the remarkable situation that in determining what amount should be refunded, this bureau, as constituted as above set out, returned $7,000,000 and, of course, this carried interest, which amounted to some $5,000,000 more—in all, perhaps, $12,000,000—in direct violation of the regulations by which this refund was supposed to have been made.

Again, it was said:

"Senator MCKELLAR. We are not passing on that question now. But I simply want to ask you to state certain facts, whether in this decision in this case the bureau disregarded its own regulations to the extent that you mentioned on this $69,000,000 difference; is that correct?

"Mr. PARKER. They disregarded their regulations on certain points, because the Court of Claims had already decided on that particular point that they were wrong" (p. 40).

FOURTH—THE X TOBACCO CASE

The facts in the X Tobacco Case were somewhat different. The X Tobacco Case was thus stated by Mr. Parker as follows:

"Senator MCKELLAR. Suppose that they had followed your suggestions made there, would it have made any difference in the amount paid to the tobacco company?

"Mr. PARKER. Well, this case is one where the refund was almost entirely due to the allowance of what is known as special assessment. That is the relief provision under the revenue act.

"Senator MCKELLAR. Yes.

"Mr. PARKER. The courts have since held that it is a discretionary provision within the power of the commissioner, and the commissioner evidently in this case thought that this was a right determination.

"Senator MCKELLAR. In other words, the tobacco case was settled primarily upon a matter of discretion?

"Mr. PARKER. I do not think the taxpayer would have had any rights in this case in courts.

"Senator MCKELLAR. Would not?

"Mr. PARKER. He would not have now; at that time this other decision had not been rendered. He probably could not have enforced the collection in the courts.

"Senator MCKELLAR. And about $6,000,000 was paid out by the Secretary of the Treasury, or by the Internal Revenue Bureau, to the American Tobacco Co.—or, was it the American Tobacco Co.?

"Mr. PARKER. Let us call it the X Tobacco Co.

"Senator MCKELLAR. To the tobacco company, in order to conform with your idea of secrecy, about $6,000,000 was paid out for which that company had no legal right to recover, according to your judgment?

"Mr. PARKER. They had a legal right. The commissioner had legal authority.

"Senator MCKELLAR. I am talking about this: They could not have recovered under order of the courts, if the commissioner had asked them to go into the courts, they could not have recovered?

"Mr. PARKER. That is my opinion now" (p. 49).

Your committee feels that this method of repaying funds is such a slipshod method that it ought to be corrected, and cases of this importance should be settled in the open by an impartial tribunal.

FIFTH

Your committee feels that the secrecy surrounding these refunds of taxes should be removed. This question of secrecy must not be confused with publicity of tax refunds generally. The secrecy here referred to is that secrecy which surrounds the hearing and granting of refunds in the revenue department. All these gentlemen were questioned about this.

"Senator MCKELLAR. You, yourself, do not actually review these cases?

"Commissioner BLAIR. No; I can not possibly do it" (p. 2).

Again:

"Senator MCKELLAR. At any rate, Mr. Commissioner, these cases are tried in an absolutely secret way in so far as the outside public is concerned?

"Commissioner BLAIR. We are required to do that by law." (P. 5.)

Again:

"Senator MCKELLAR. Will you state, Mr. Commissioner, a single case that any part of this $75,000,000 is urgently necessary to settle?

"Commissioner BLAIR. Well, I do not know. This $75,000,000, as I understand it, is appropriated to take care of such refunds as will be made during the remainder of this fiscal year" (p. 8).

"Mr. BOND. I can not give you the names, Senator.

"Senator MCKELLAR. Why?

"Mr. BOND. For the same reason that I have explained before.

"Senator MCKELLAR. In other words, the law governing the Bureau of Internal Revenue provides for absolutely hermetically sealed information, does it, and you are not permitted to go beyond that?

"Mr. BOND. That statute, Senator, that you enacted——

"Senator MCKELLAR. Do not say 'I,' because I voted against it. You might say the statute that my associates enacted.

"The CHAIRMAN. But you are responsible for it.

"Senator MCKELLAR. I want to get rid of it if I can.

"Senator PHIPPS. Senator, let me ask you a question: Would you not resent any man at this table going to the department and demanding to see your personal income-tax return?

"Senator MCKELLAR. Not at all. I should be perfectly delighted to have anybody see it" (p. 33).

"Senator MCKELLAR. As a matter of fact, you can not disclose the names because of the law that provides for throwing secrecy about the tax returns. Is not that so?

"Mr. BOND. That is correct, Senator.

"Senator MCKELLAR. You are not doing it because of any desire on your part not to be open and frank about it?

"Mr. BOND. Not a bit.

"Senator MCKELLAR. But simply because of your construction of the law which provides for secrecy in all these matters. Is not that right?

"Mr. BOND. That is correct" (p. 34).

Again:

"Senator MCKELLAR. What cases are there now amounting to over $75,000—refunds of over $75,000—that are before the committee or that have been transmitted to your committee by the bureau?

"Mr. PARKER. I am under the same limitations about naming those cases.

"Senator MCKELLAR. Well, can you give me how many there are? Can you give me the number of them? If the name is so sacred, let us have the number.

"Mr. PARKER. After all, they are coming up while I am sitting here. I can give you the number as of a certain date, or how many we have received up to a certain date" (pp. 50 and 51).

"Senator MCKELLAR. Now, how in the name of Heaven has the United States Steel Corporation's name been given—how did it leak out; how did the people get hold of its name with regard to this matter, when the other names are so carefully preserved, except as to the tobacco company? How in the world did you gentlemen ever let those two names of those two concerns get out?

"Mr. BOND. Because Mr. GARNER got up on the floor and described the whole case. I do not say that in criticism, but because you ask the question.

"Senator MCKELLAR. Well, that is awful on Mr. GARNER'S part, I should imagine. I think that he ought to be dealt with. I am speaking ironically, of course. I want the record to show that.

"So it was due to Mr. GARNER that those two names got out. It was over your protest, I suppose?

"Mr. PARKER. No, sir; but Mr. GARNER is a member of this committee. Mr. GARNER has a right to see our records. He has a different standing from all others, except members of our committee, so far as our records are concerned.

"Senator MCKELLAR. He had a right to see any of these records?

"Mr. PARKER. Yes.

"Senator MCKELLAR. Then it was not such a heinous offense to Mr. GARNER to disclose the names of those two concerns?" (pp. 42 and 43).

"Senator MCKELLAR. Are hearings on these tremendous sums held and are they open to the public?

"Commissioner BLAIR. No, sir; they are not open to the public.

"Senator MCKELLAR. Are they open to anyone except those who are interested?

"Commissioner BLAIR. They are open to all the members of the bureau, all the people in the bureau, and the taxpayer.

"Senator MCKELLAR. As a matter of fact, no one else in the bureau would be interested in them except the officers handling a particular case and the taxpayers and their representatives; is not that true?

"Commissioner BLAIR. Yes; that is true" (p. 4).

"Senator MCKELLAR. I would like to know whether these gentlemen are going to refuse to disclose this information?

"Commissioner BLAIR. If I find I am prevented by law, I am going to refuse; but if I find I am not, I will cheerfully give it to you.

"Senator MCKELLAR. I think we are entitled to it before this committee when a request is made here for this enormous sum of money. Now, there is no immediate necessity for this appropriation, is there? There is no urgent claim that is now about to be settled?

"Commissioner BLAIR. There are claims and overassessments being allowed every day.

"Senator MCKELLAR. Will you be good enough to have filed the claims which you are going to pay out of this $75,000,000?

"Commissioner BLAIR. It is to be applied to the payment of claims as they are determined.

"Senator MCKELLAR. I understand that, but I would like to know something about the cases and something about the claims which you are going to pay out of this $75,000,000.

"Commissioner BLAIR. There is no way by which I can tell until a case is passed upon finally" (pp. 9 and 10).

Thus we see that in so far as the allowance of these claims is concerned, if in the one of the United States Steel Co., where $57,000,000 was refunded, no information is given out by the bureau, it is already hermetically sealed. Your committee is of opinion that this is not to the best interest of the Government; it is not to the best interest of the honest administration of the bureau that under such a system the grossest kind of injuries might happen, and the committee thinks it ought to be done away with.

Your committee further reports that there is no question of publicity of tax returns. This bill does not provide for publicity of tax returns in any way, but it does provide that where a taxpayer disputes the validity of his own voluntary tax returns or disputes the validity of any reassessments that have been made upon him, then the case shall be tried openly before the Bureau of Tax Appeals, which has been created for that purpose.

METHODS—EXCUSES

We desire to call particular attention to the evidence of Assistant Secretary Bond in reference to the method used. In speaking of the payment of the taxes by the Steel Co. for 1917 and the additional assessments made against that company for that year and in 1919, 1920, and 1921, Mr. Bond said that it was understood that *the payments of these taxes was only provisional.*

In this connection is to be found the evidence:

"Senator MCKELLAR. Well, now, you say that both sides understood that that was not to be a final determination. Were you a member of the department at that time and was there any agreement to that effect?

"Mr. BOND. I happened to be in the department, Senator, for the first six months of 1918, but I do not recall that I had anything to do with the Steel case.

"Senator McKELLAR. Then how do you make the statement now, 10 years afterwards, that there was an agreement on the part of the Government and the Steel Co., that this was to be a provisional assessment and an additional collection? Who made the agreement for the Government that this taxation of the Steel Corporation in 1917 was to be merely provisional?

"Mr. BOND. It was not any agreement, Senator, but it was always customary—and I am reasonably certain you will find that the letters so indicate it in this case—that that was merely an office examination of the returns, and that that was to be followed later by an audit in the field, and the final determination reached at a later date.

"Senator McKELLAR. Did you treat all other taxpayers that way?

"Mr. BOND. Yes.

"Senator McKELLAR. Did everybody understand that their assessments and collections during the war were merely provisional and that after the war was over they could come back and adjust their cases and either receive refunds or pay the Government more money?

"Mr. BOND. *Every large corporation knew that before its tax matters were finally closed its books would be audited with the greatest care and the work reviewed and their tax finally determined on the basis of those facts*" (pp. 23 and 24).

(The italics are ours.)

Your committee, while having the highest respect for Mr. Bond, is of the opinion that making these assessments during the war was provisional, he is wholly mistaken. They are of the opinion that any official who made an agreement that a tax paid voluntarily by a taxpayer and that an assessment paid by a taxpayer afterwards with the understanding that the Government should later make an audit and refund was without authority and void, if any such agreement was made.

Your committee further believes that if such was the practice of the department, it was a wrong practice; if such was the method of the department, it was a wrong method; and, that if only the large corporations took advantage of it, that it was a discrimination in favor of the large corporations that should not have been made.

Again:

"Senator McKELLAR. And upon that audit you felt that this company had not paid enough money and required it to pay $17,000,000 additional?

"Mr. BOND. That was knowing there would be a readjustment later on.

"Senator McKELLAR. Was the 1918 case included in this refund?

"Mr. BOND. No.

"Senator McKELLAR. Is that still pending?

"Mr. BOND. That is being studied in the bureau.

"Senator McKELLAR. I would like to know in that connection, what is the amount of the claim of the Steel Co. in that case?

"Mr. BOND. It is for $50,000,000 and interest.

"Senator McKELLAR. They have that claim now, and that involves the year 1918?

"Mr. BOND. Yes, sir" (pp. 24 and 25).

Now, your committee is of the opinion that these methods of settling were wholly unfair and unjust not only to the Government but to the smaller taxpayers who were not put on the same basis.

THE JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

It has been suggested that instead of conferring jurisdiction upon the Board of Tax Appeals to review these cases it would be better to confer that jurisdiction on the Joint Committee on Internal Revenue Taxation.

In the opinion of your committee there are several reasons why this is not advisable.

First, because under the practice of that committee its proceedings are all in secret, and this your committee believes is incorrect.

Second, the joint committee has never functioned on but one tax case and that was the Steel Co. case on December 17, 1928. (Record, p. 44.)

"Senator McKELLAR. On internal-revenue taxation. All that has ever been done in so far as tax refunds were concerned was this sole and only meeting you held on December 17, 1928, when the only result of that meeting was the letter that was written by Mr. HAWLEY to the department?

"Mr. PARKER. That is the only formal meeting we have had on an individual case. As I say, I have reported to members of the committee, and they have advised as to what should be done in those cases" (p. 44).

Third, the joint committee is composed of very busy Congressmen and Senators, and necessarily this matter must be left to their administrative agent, Mr. Parker. He does not have the machinery for examining these cases. If this machinery were turned over to him, he could, no doubt, do it, but we would have the anomalous situation of some tax cases being passed on by the Board of Tax Appeals and others by this joint committee, which, in the opinion of your committee, would not be advisable.

PURPOSE

The purpose of this bill is to confer concurrent jurisdiction upon the Board of Tax Appeals to reexamine the papers and the files of the Internal Revenue Commissioner in all cases where the claim involves more than $10,000. The taxpayer is not deprived of any right to go into court in reference to a claim for taxes, but if he elects to take it up before the Board of Tax Appeals, he may do so. These cases are publicly heard and its reasons are public documents. It only has jurisdiction over claims appealed by taxpayers, and it should be given this additional jurisdiction over all claims involving more than $10,000.

JANUARY 11, 1929.

Hon. H. H. BOND,

Assistant Secretary of the Treasury, Washington, D. C.

MY DEAR MR. BOND: I will be greatly obliged if you will send me down by special messenger in the morning a list of all those who have been allowed credits or abatements of taxes during the years from 1920 to date. I have been reliably informed that there is such a list already compiled in your department, and I know it will not be much trouble. Of course, I want the amounts. If, under your interpretation of the law, you are unwilling to give me the names of the taxpayers to whom abatements, credits, or depletions have been allowed, I will be glad if you will give me the amounts of these credits, abatements, or depletions by year; in other words, the total amount from 1920 up to date.

I am sure from what I have been informed and from what I know about the necessity of the department for having such information for the Director of the Budget that the figures are available.

Your immediate attention to this will greatly oblige.

Very sincerely yours,

KENNETH McKELLAR.

JANUARY 14, 1929.

MY DEAR SENATOR McKELLAR: I inclose a memorandum from Mr. Mires, assistant to the Commissioner of Internal Revenue, which gives you most of the information which you requested in your letter of January 11. I regret that in the limited time it has not been possible to furnish more complete information. For the reasons that I explained at the hearing before the Senate Appropriations Committee the law does not permit me to give you the names of these taxpayers, even if it were possible to prepare the list within the time available.

I must point out to you in connection with this information that it is my opinion it is very misleading to submit a total of abatements and credits. The reasons are several.

1. Many taxpayers included questionable items in their returns under the 1917 and 1918 acts and filed claims for abatement at the same time to protect their interests. As soon as these claims had been passed on many were promptly allowed and the tax abated.

2. Many abatements have been made by reason of court decisions and in conformity thereto.

3. In the earlier years of the bureau when the work was congested it was often necessary to make many jeopardy assessments to protect the interests of the Government against the running of the statute of limitations and in these cases an amount sufficiently large to protect the Government was necessarily named, the excess being abated after the correct figure had been later determined.

4. Many abatements are made on the recommendation of collectors because assessments have proven to be uncollectible and this is the only way in which the collector can be relieved of his responsibility under his bond.

5. Many abatements are made because it is found that the tax should be assessed to a different person or corporation after the case has been carefully examined and the abatement is in effect a transfer of the assessment to another name.

6. At certain times it has been necessary to make assessments of the same tax to all of the corporations of a consolidated group or to a large number of transferees under section 280 of the 1926 act, and in these cases when the tax has been paid in full by one of the parties the assessment against the others are abated.

7. With respect to the year 1923 the revenue act of 1924 contained a retroactive provision which reduced the assessments by 25 per cent for the year 1923 and this excess had to be abated on all outstanding assessments.

These are the principal reasons why these figures on abatements and credits seem to me to have no real significance and would be misleading. I trust that if the figures are used this statement of their lack of value may be read at the same time.

If I can furnish you further information, will you please advise me.

Very truly yours,

HENRY HERRICK BOND,
Assistant Secretary.

TREASURY DEPARTMENT,
Washington, January 14, 1929.

Memorandum for Assistant Secretary Bond:

Following is a statement showing the amount of income-tax assessments abated and credited during the fiscal years 1923 to 1929, inclusive:

Fiscal year:	
1923	$306, 583, 881. 95
1924	355, 628, 775. 65
1925	226, 155, 508. 74
1926	339, 237, 700. 53
1927	262, 292, 604. 21
1928	199, 194, 252. 14

It will be noted that in the latter years there has been a substantial reduction in the abatements and credits reflected in the above tabulation. In explanation of the large amounts abated and credited during the older years, attention is invited to the procedure then in vogue, which was permitted under the laws then in effect, and which seemed at that time the most practicable way of handling the difficult situation.

The revenue laws of 1917 and 1918 contained many features that were difficult of interpretation. In many instances the bureau advised taxpayers to file their returns, including questionable items, and at the same time to file claims for abatement in order to protect their interests. Thus many original returns were filed showing excessive tax. As the laws were later interpreted by Treasury and court decisions it became necessary to reduce these excessive assessments by means of abatements and credits. Furthermore, the work of the bureau was congested during the early years of the income tax and it was necessary to make numerous jeopardy assessments for the purpose of protecting the interests of the Government against the running of the statute of limitations and for other purposes. Many of these jeopardy assessments were excessive but it was deemed advisable to place on the records a certain amount of tax to thoroughly protect the interests of the Government. At later dates when the true liability was determined, these liabilities were reduced by means of abatements and credits.

Furthermore, when the revenue act of 1924 was enacted, it contained retroactive provisions which necessitated the reduction of assessed liabilities for the taxable year 1923 by 25 per cent. All of the aforementioned reasons have resulted in large amounts of abatements and credits. The revenue act of 1924 practically abolished claims for abatement. A new procedure based upon the later revenue acts is now in effect, which, except in cases of jeopardy, requires a correct determination to be made of a taxpayer's liability before an additional assessment is made. The effect of the new procedure is already evident and is reflected in the statement of abatements and credits shown herein. As the pending cases are disposed of, the number of abatements and credits should be further reduced year by year.

The following is the number of refunds made to income-tax payers during the fiscal years 1923 to 1928, inclusive, based not only on claims filed but overpayments discovered as the result of audits and the retroactive provisions of the revenue act of 1924:

Fiscal year	Number of refunds	Total amounts
1923	175,217	$97,487,781.02
1924	146,617	124,854,302.08
1925	[1] 2,742,062	136,686,092.73
1926	[2] 305,159	157,507,038.45
1927	236,569	90,439,298.27
1928	155,560	121,683,283.52

[1] Includes 2,612,735 refund items under provisions of section 1200 of revenue act of 1924.
[2] Includes 16,523 items refunded under above section and act.

The following statement shows the number of refund claims received by the Income Tax Unit for overpayment of income taxes during the fiscal years 1923 to 1928, inclusive. This does not include the claims received and adjusted or other adjustments made as the result of audits in the offices of the several collectors of internal revenue:

Fiscal year:	
1923	66,926
1924	88,514
1925	65,613
1926	72,195
1927	47,808
1928	43,981

It will be impossible to comply with the request of Senator McKELLAR relative to a list of all those who have been allowed credits or abatements. You will note that the items for refund alone amount to in excess of 3,000,000, and no doubt the items abated and credited would exceed that number.

H. F. MUIR.

EXECUTIVE SESSION WITH CLOSED DOORS

Mr. JONES. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in closed executive session the doors were reopened; and (at 5 o'clock and 30 minutes p. m.) the Senate, in open executive session, took a recess until to-morrow, Tuesday, January 15, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 14, 1929

UNITED STATES ATTORNEY

Grady Reynolds, of Alabama, to be United States attorney, middle district of Alabama. (A reappointment, his term having expired.)

UNITED STATES MARSHAL

Charles H. Rawlinson, of Wisconsin, to be United States marshal, western district of Wisconsin, vice Will Touton, appointed by court.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 14, 1929

UNITED STATES ATTORNEY

Leo A. Rover to be United States attorney, District of Columbia.

UNITED STATES MARSHAL

W. Vosco Call to be United States marshal, district of Utah.

POSTMASTERS

PENNSYLVANIA

Samuel M. Rathman, Adamstown.
John B. Kean, Alexandria.
H. George Marburger, Denver.
Samuel Y. Wissler, Ephrata.
Park C. Shank, jr., Peach Bottom.
Mary M. Kite, Pocono Manor.
Adah E. Pettis, Saegerstown.

HOUSE OF REPRESENTATIVES

MONDAY, *January 14, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou who art and evermore shall be, earnestly may we seek Thee because of Thy loving-kindness and mercy which have followed us all our days. With silent tread Thou dost walk to and fro among men to quiet and soothe the scenes of sin and strife; also to lift the curtains of hope before their waiting eyes. Do Thou clothe our weakness with power, that we may deserve a name from which spring the great and beneficent movements of to-day. How we desire to thank Thee for sweet and unfailing friendship, for the ones we trust and love and from whom we get the sunshine of existence. If in our homes there are those in darkened chambers, with the light shut out and where silence palls, oh, be a voice there, a consoling voice. Tell them the things of the immortal soul and bestow those blessings of priceless worth, namely, peace and rest. Amen.

The Journal of the proceedings of Friday, January 11, 1929, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1156. An act granting a pension to Lois 1. Marshall.

The message also announced that the Vice President had appointed Mr. JONES and Mr. FLETCHER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 5, 1929:

H. R. 10093. An act for the relief of Ferdinand Young, alias James Williams.

On January 9, 1929:

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

On January 10, 1929:

H. R. 12897. An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives.

On January 11, 1929:

H. R. 3041. An act for the relief of Alfred St. Dennis;

H. R. 8798. An act for the relief of William Lentz; and

H. R. 13404. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum of the city of New Orleans, La., the silver service set in use on the battleship *Louisiana*.

On January 12, 1929:

H. R. 4935. An act to authorize the appointment of First Lieutenant Clarence E. Burt, retired, to the grade of captain, retired, in the United States Army;

H. R. 11071. An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor; and

H. R. 13033. An act authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street.

On January 14, 1929:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 13503. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 13540. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at a point between the mouth of Saline River and the Louisiana and Arkansas line;

H. R. 13826. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr.;

H. R. 13848. An act to legalize a bridge across the Potomac River at or near Paw Paw, W. Va.;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; and

H. R. 15333. An act granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, to construct, maintain, and operate a free highway bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park to construct, maintain, and operate a free highway bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

STANDING COMMITTEE ON MEMORIALS

Mr. TILSON. Mr. Speaker, I send a resolution to the Clerk's desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Connecticut offers a resolution (H. Res. 287), which the Clerk will report.

The Clerk read as follows:

Resolved, That the following Members be, and they are hereby, elected members of the standing Committee on Memorials, to wit: BURTON L. FRENCH, of Idaho, chairman; FRANK CROWTHER, of New York.

Mr. GARNER of Texas. Mr. Speaker, as the minority representative of the Ways and Means Committee, I have not a resolution prepared at the moment for the election of the minority member of this committee. With the permission of the gentleman from Connecticut I would like to amend his resolution by adding the name of the lady from New Jersey, Mrs. MARY T. NORTON.

Mr. TILSON. Mr. Speaker, that is acceptable to me.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The resolution was agreed to.

THE INFLUENZA EPIDEMIC

Mr. BANKHEAD. Mr. Speaker, I submit a unanimous-consent request. For two or three days of the last week a very important conference was held in the city of Washington, called by the Surgeon General of the United States Public Health Service, with reference to the present epidemic of influenza. Among the actions taken by that conference was a report of the committee on the extension of public-health organization memoralizing Congress to take certain action to extend the field of their work. I ask unanimous consent that the resolutions may be incorporated in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BANKHEAD. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following report of the committee on extension of public health organizations to the conference called by the Surgeon General of the Public Health Service with reference to the present epidemic of influenza:

Whereas the reports submitted to the conference of State and municipal health officers called by the Surgeon General of the Public Health Service to consider the present national epidemic of influenzal conditions brings anew to our attention the fact that in many parts of the Nation, especially in the rural section, the organized administrative health machinery, both national, State, and civic, is utterly inadequate to properly conserve and protect the public health not only in ordinary times, but also and more especially in times of health emergency: Therefore be it

Resolved, That it is the sense of this conference that the present epidemic conditions have demonstrated the necessity for additional personnel attached to the Public Health Service to assist in the organization and development of effective health administration in such localities of the country as are not properly cared for, acting in cooperation with the official State health authorities to the end that the public health of the Nation may be properly conserved; and be it

Resolved, by this conference, That Congress be requested to thoroughly consider this important question and provide sufficient appropriation to properly organize a system of national public health defense.

Dr. A. T. B. APPEL (Pennsylvania),
Dr. C. W. GARRISON (Arkansas),
Dr. EARLE G. BROWN (Kansas),
Dr. STANLEY H. OSBORN (Connecticut),
Committee.
Dr. A. T. MCCORMICK (Kentucky),
Chairman.

[NOTE.—Resolution adopted unanimously by conference of State municipal health officers, research workers, and clinicians called by the Surgeon General of the United States Public Health Service.]

EXTRA SESSION—FARM RELIEF—TARIFF

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the subject of farm relief, revision of the tariff, and the extra session of Congress.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of farm relief, revision of the tariff, and the extra session of Congress. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, the State of Pennsylvania is vitally interested in this proposed revision of the tariff and a solution of the farmer's problems, and as one of Pennsylvania's Representatives in Congress I am decidedly in favor of this extra session of Congress, and I am opposed to the consideration of either one of these measures at the present session of Congress.

Last week the Pennsylvania delegation in Congress went on record in favor of the calling of an extra session of Congress as early as feasible after the inauguration of Herbert Hoover as President of the United States to consider an upward revision of certain schedules of the present tariff law, and to consider what steps, if any, should be taken looking toward the solution of the farmer's problems.

One of many reasons why the enactment of farm-relief legislation may not now take place at this short term of the Congress arises from the multiplicity and scope of the suggestions made by the farmers themselves. A careful consideration of these suggested remedial plans leads to the conclusion that to date each involves the reweighing and attempted adjustment of many related factors, so connected with the well-being of our citizenry that no legislator acknowledging his trusteeship to the people may conscientiously act hurriedly. In order the better to illustrate this position let us briefly partially analyze some of the questions raised and issues involved in just one of the suggested remedial plans—tariff revision. It is to the revision of the present tariff that a large number of American farmers look for prompt relief, and yet how many are there among us who can completely and conclusively answer any one of the many initial and basic queries involved, such as: (a) Does tariff in any form handicap instead of help the American farmer? (b) Is the present tariff helpful to him generally and to all parts of his industry or as to certain products only? What additional products should be protected by tariffs and to what extent? (c) If present tariff is not effective, can it be changed and amplified so as to produce substantial advantages without out-of-proportion disadvantages to others? And so forth.

As to tariff, there are several so-called schools or groups among the farmers; one advocating high tariffs on all agricultural imports; another advocating no tariff or free trade; another between these two schools, advocating a tariff on particular classifications only; another advocating tariff for revenue only—that is, a tariff under which the total of the import

duties will be an appreciable item of income to the United States Treasury, but under which import collections will be so sufficiently low as not to interfere with a practically free international interplay or exchange of products of all classes, whether agricultural or industrial. Within the high-tariff group there are a goodly number of farmers now advocating completely prohibitive tariff schedules.

The members of the "no tariff group" scoff at the idea that lack of tariff would eventually reduce the American farmer or American workman to the social or living level of the farmers and workmen of other nations. They point out that our wealth of available natural resources, plus economic leadership, which is to be retained through American efficiency, will continue more than to offset competition from any source. For example, in manufacturing they claim that American manufacturers are prosperous primarily because of the cheapness of basic raw materials, and secondarily because of mass production through proper use of machinery and power under efficient management, and cite as present results such examples as $4,000,000,000 per year in automobile production, and a like sum in iron and steel products, and so forth, and at the same time point out the fact that the cheapest automobile in the world is manufactured by workers paid the highest wages in the world. They state that by improvement in methods, production has been increased more quickly than number of workers; that because of efficient use of power, labor, and ever-improving machinery and equipment, a given processed or manufactured article can now be produced more quickly and with fewer operatives than ever before; that we have just entered upon the field of standardization, and that as we approach the ideal in standardization, there will be still greater reduction in mass-production costs; that the studies of the National Industrial Conference Board as to increase of individual output showed that taking the year 1899 at 100 as the base, production per worker arose to 156 in 1914, to 198 in 1919 and 285 in 1923; that as to number of workmen, taking as index base 100 for 1899, the increase was to 134 in 1914, 161 in 1919, and 190 in 1923, thus clearly establishing that in the race between quantity production and labor employment the former is steadily but rapidly outdistancing the latter. This is one of the conditions, so the group insists, which insures continuance of high wage per American worker; that no similar mass-production condition can be set up in Europe or elsewhere to compete with us for the reason, inter alia, that basic raw materials are not available at low living and low wage scale of European and other producing countries which will permit competitive manufacturing as against our low cost of basic materials and high wage efficient operatives.

As to natural resources available in farming, this group points out that the per capita acreage in the United States is approximately 16 acres as against 3.1 in France, 2 in Germany, 1.9 in India, 1.7 in Italy and in Japan, 1.4 in Great Britain, 0.9 acre in Belgium, and so forth, and that the relative comparative labor output (all activities of labor considered, among which agricultural production is an important one) per inhabitant in the various countries is as follows: 30 for the United States as against 20 for Canada, 18 for Great Britain, 16 for Belgium, 12 for Germany, 8¼ for France, 7 for Holland, 3½ for Japan, 2¾ for Italy, 1¼ for British India, 1 for China.

This group sees that in availability of our great natural resources, plus individual initiative under our free Government and free schools, is vested our safeguard for and insurance of prosperity under free trade; that while we have approximately 6 per cent only of the world's population, yet we possess and enjoy the use of not less than 50 per cent of the world's basic resources of iron, copper, timber, coal, cotton, and oil; and could produce agriculturally, if called upon to do so, the whole world's necessary staple food supply; that so far as can be foreseen, all these conditions will continue to obtain; that we are now producing approximately two-thirds of the world's steel and approximately 50 per cent of the world's pig iron; over 50 per cent of the world's copper; over 70 per cent of the world's petroleum; over 50 per cent of the world's timber output; about 40 per cent of the world's coal; about 50 per cent of the world's lead and zinc; about 80 per cent of the world's sulphur; about 55 per cent of the world's cotton; about 40 per cent of the world's electric power; 75 per cent of the world's corn; about 30 per cent of the world's cereals; about 35 per cent of the world's tobacco, and so forth; that we possess and enjoy 50 per cent of the world's railroad mileage and nearly 70 per cent of the world's telegraph and telephones, and 90 per cent of the world's automobiles; that our manual labor in factory and field is more intelligent than any other in the world, and is better instructed in the use of tools, machinery, and power; that the resulting increased output per worker will continue to justify higher wages per man only so long as and to the extent that a market can be and is found for the surplus thus created and to be created, and that as domestic consumption can not be increased to consume the surpluses accruing and to accrue, the world's markets must be opened to receive it; but this can take place only when volume of trade or interchange of goods shall have been established through free trading.

This group stresses also that in large-volume consumptions there is quick turnover; i. e., rapid use of money. It insists that in any event so long as high tariffs are sustained on manufactured products, little or nothing can be gained for agriculture by sustaining low or no tariffs on its products; that large volume of international trade and quick turnover can be had, not through an endeavor to compel international exchange of products in kind, but by free exchange of products of all kinds—raw, manufactured, and semimanufactured, both agricultural and industrial. This group of farmers have never been able to understand why with all the great available mineral and other resources, including timber, and with up-to-date machinery and mass production, and skilled labor under efficient management, the manufacturers of the United States have continued to insist upon high tariffs for their products. This group of farmers feels it is such insistence for these high tariffs on manufactured articles that causes other nations to produce agricultural products which the American farmers are better fitted more economically to produce; that in fact it is these high tariffs on manufactured articles which cause other nations to begin production of agricultural items which have never been included in any United States import tariff, e. g., cotton; and they cite such organizations as the British Cotton Growers Association, formed in 1902 to stimulate growing of the staple within the Empire, and which is financed and sustained by funds secured under a tax of 6d. per 500-pound bale on all cotton used by British spinners. They argue it thus comes about that the cotton growers of the United States are in trade practice called upon to pay such tax per bale on American cotton used by British spinners; and that thus, in effect, the cotton growers of the United States are compelled to continue to pay for this British propaganda and resultant colonization and the competition which follows. The Empire Cotton Growing Committee in its report to Parliament in 1920 stated that the Empire's cotton output had been so increased that at that date the Empire was furnishing approximately 6,000,000 bales of the world's cotton output of approximately 25,000,000 bales, and that a large increase in production was to be expected in the Sudan, northern Nigeria, and Uganda.

This group of farmers believe that while cotton has remained on our free list, presumably because we have always been large surplus exporters of cotton, nevertheless it is because of the inability of the British and other large consumers of our exports to trade freely with us, on account of our high tariff on manufactured and other imports, that necessary retaliation has taken place through use of capital in creating competition by methods similar to the one above mentioned, resulting in increased output abroad even of the agricultural products we have always kept on our free list because of our always raising exportable surpluses thereof. This group of farmers maintain that at last the whole false economic idea of low wages being necessary for low per unit production costs in the United States has been thoroughly exploded in domestic industry, i. e., that such false economic theory has been destroyed by mass production under high wage per worker, establishing low cost per unit in United States production; that unwontedly capital has now firmly created this economic basis of procedure in industry in this country and thus undesignedly capital has itself removed a club which it so long wielded over labor to influence its judgment in all tariff discussions; that now the farmer and the laborer may and should logically and bravely stand together to compel the removal of tariffs so as to insure volume of trade and consumption of the surpluses which the American farmer and the American laborer can and will produce if given the opportunity at per unit costs so low as to make successful foreign competition impossible, even while sustaining the present high wage rate for labor, and thus, they argue, will be brought about a similar wage rate to the farmer for his labor. Moreover, this group of farmers points out that under the present high tariff there were imported into this country last year less than $1,000,000,000 worth of agricultural commodities which from any viewpoint could be deemed competitive in character in relation to our agricultural production. They hold it is unfair economics, having in mind the general welfare of all our people, to include in the list of imported agriculture commodities of competitive character, such items as the $83,000,000 worth of wool imported in 1927, needed here for manufacturers' wants, since value on the manufactured article is so much greater than the value on the raw material used. They maintain that as farmers they should be willing to consider such items to the extent they are now imported as "noncompetitive," having in mind

"the greatest good for the greatest number." This school of farm economists insist that the unbalancing of trade and so-called "spotted favoritism" in tariffs have been the result of political action induced through favored industrial lobbies.

They maintain that in any event it must be conceded approximately one-third of the importation of agricultural products, which may be classified as competitive, consists of wool and sugar, and that these products are grown by about 8 per cent only of our farmers, and that although we have had high tariffs on both these products for many years, there has not resulted increased supply sufficient for domestic consumption; that to raise the sugar tariffs high enough to shut out importation would mean at least 10-cent sugar to American users and that such a raise would cost the American consumers not less than a half billion dollars per year additional to their present sugar bill; that a tariff which would shut out all wool importations would likewise be extremely costly to the American public; that the average rate of protection on manufactured goods under the present tariffs, ranges around 40 per cent, and that the present tariff of 31 per cent on scoured wool is an extremely high tariff, under which in any event not more than 8 per cent of the farmers are benefited; that a tariff of around 40 per cent on sugar would mean an additional $15 per year, approximately. per farmer's family, in living cost, and that in any event not more than 4 per cent of the American farmers could be benefited, because not more than 4 per cent would in any event be engaged in sugar farming; that at least 96 per cent of the farmers who would buy high-priced sugar would not be producers of sugar. This group of farmers see no value whatever in cereal tariffs. They state we have always raised a surplus and are always exporters, and that import tariffs on cereals never can be other than a hindrance or handicap to the grower in the United States of cereal products; that we export from 25 to 30 per cent of our wheat, 20 per cent of our rye, a large part of our barley and oats, and some corn in the form of pork. This group points out that our agricultural exports play a large part in our foreign trade, and emphasize that even if import tariffs on agricultural products were to increase domestic prices, as argued by their opponents, it would only result in such stimulus increasing domestic output, and thus again place before us all the problems involved in surplus production, including all the problems of selling such surplus by export; and that there is no gainsaying exportation can only be sustained in exchange for commodities.

In brief, this group maintains that the farmers of the United States have long suffered because of the lack of free trade, not because of too much of it; that a great foreign trade may be had only under freer conditions of exchange; that under such freer conditions of exchange the countries of Europe, Asia, Africa, and South America would take more of our farm products and at a higher price because of the freedom of exchange of commodities; that what we lack is a greater demand for farm goods; and that under the present tariff system we are endeavoring to trade with foreign peoples who can not advantageously offer their goods to us in payment because of our tariffs.

The other great group, which probably contains less economists but undoubtedly more dirt farmers, if we concede that the issue of tariff has at all been dominant in recent American elections, holds that increase in tariff duties on agricultural imports has of itself never reduced our foreign sales, either of farm products or manufactured commodities. Senator REED SMOOT is the political leader of this group. He points out that while there was a slight gain in agricultural exports in 1892–1896 under a so-called low tariff, yet between 1897 and 1901, a period usually designated as one of adequate protection, there was an increase of more than $200,000,000 over the 4-year low-tariff period of 1892–1896; that between 1902 and 1911, with protective import duties on foreign products, our agricultural exports averaged nearly $900,000,000 per year, as against an average of approximately $639,000,000 per year in the low-tariff period of 1892–1896; that between 1911 and 1913, also a protective period for agriculture, exports for domestic agricultural products averaged around a billion dollars per year; that under an increased import duty on agricultural products after 1922 agricultural exports increased rapidly, reaching over $2,500,000,000 in 1925; that an increased scale of import duties on foreign agricultural products was followed not by a decrease but by an increase in exports of domestic agricultural production; that, judging by the past, it is reasonable to assume an increase now in duties on foreign products would not retard exports of domestic products; that there is nothing in obtainable data to indicate that in the past protection of domestic farm products has ever retarded the export of such products; that a high tariff would decrease imports and thus increase the domestic market for the American farmer, while, judging by all past data available, at the same time increase his export trade; that, in any event, the American farmer will profit far more by obtaining full control of the domestic market than in putting his goods in the foreign market in competition with the producers of the world; that it is conceded on all sides the tariff has sustained domestic manufacturing and the export trade we enjoy in manufactured articles, and that this makes for a state of prosperity in the cities and centers of population, where the greatest quantity of the farmers' production is consumed; and lastly, that the customs revenues obtained under high protective tariffs is an important item in the Government's income, which is reflected to the advantage of the farmers as well as to every class of our citizens.

There is within this group of high protectionists a smaller group which frankly demands "prohibitive tariffs," and this small group has lately flooded the country with printed data intended to show that we must have prohibitive tariffs. The Chamber of Commerce of the United States, which not a few farm leaders insist is an organization representing manufacturing industry and so-called capitalism, but not farming, has printed and distributed a tract wherein it is set forth approximately 75,000,000 acres of United States land acreage is displaced by these agricultural imports. Included in the total were such items as these: 17,000,000 acres for hides, 20,000,000 acres for wool, 16,200,000 acres for sugar, and so forth.

Whether free trader or protectionist, the American farmer has long been insisting that American manufacturing has been disproportionately favored in the tariff schedules in comparison with protection given farming. It was thought this objection had been overcome by the 1922 tariff, but it is now increasingly evident such tariff has not proven satisfactory in practice in many particulars. It would seem, therefore, that in this crisis of farm depression the issue of readjustment of tariff may not properly be avoided, although releasing anew problems involving complexities upon which there can be obtained no unanimous opinion. The immediate object of any legislative action now taken should be prompt relief. Hence, even if it could be shown that in theory (or in actual practice were it to be tried out), the free trader has substance in his position, nevertheless, because it is so evident this free-trade group is at present made up of a minority, any adoption of their position and consequent reversal of Government policy could not possibly be quickly had.

What, then, shall be done? There are only two replies—either nothing or that which can be done. As to the solution of the farm problem our citizens are divided into two camps—the "do nothings" and the "try somethings." The big majority, including nearly all farmers, belong to the "try somethings." The "try somethings" would now do that which can be done. They approve a trial over a reasonable period for higher importation protection on all agricultural products produced in the United States by a reasonably large number of farmers and which can be produced domestically at prices which will not seriously affect the living costs of the United States consuming public. Experience under such a tariff should and can begin within the year. If the export results of the past under high tariffs, as pointed out by Senator SMOOT, obtain over a period of years under such new tariff, and, moreover, at same time a greater part of the domestic market (even to the extent of a half billion dollars or more per year) is likewise vouchsafed to the American farmer, then, indeed, will this remedy have proven its value.

It is under such reasoning, and having particularly in mind the urgency and necessity for prompt relief, that many legislators, willing to concede there is food for thought in the arguments for the free-trade group, are now standing ready to vote for increase in import duties on such agricultural items as we can produce in the United States at reasonable prices for domestic consumption.

But if we agree on this tariff plan for relief of farm depression there remains to study and classify the items of production which will meet the economic limitations mentioned, and which limitations must in any event obtain if relief is to be confined within the boundaries of "the greatest good for the greatest number." Simple as such problem of classification might be, those experienced in "tariffs under operation" know that the whole field of economics must be measured and weighed not only as to each item involved but also as to the relation of that item in its group of direct competitors, including substitutes; and then the relation of such group to the whole must be properly weighed and adjusted. And, again, it is to be considered whether or not there would result much labor lost if all this weighing and adjusting were done wholly within the agricultural classifications.

If there is to be taken any favorable congressional action in response to the farmers' demands for complete adjustment of what they have long called "the inequalities in protection between farmers' and manufacturers' products," not a few con-

tend that so interwoven are the factors comprising the whole that any general horizontal or other advance of protection on all items comprised within the field of farming activity or production would only result in again unbalancing the whole in an unfair economic way, unless the whole field of all enterprises are simultaneously considered. However, this may be, is it not evident from this necessarily limited discussion that if the Congress is to provide any prompt effectual relief for the American farmer at this crisis of a farm-depression period, justice to all, and especially the farmer, demands we now see to it that again haste does not make waste; that so broad and involved is this subject that there can be no due consideration given it at this session. Whether right or wrong, the farmers are demanding there shall be general debate on the floor of these issues affecting their future welfare. During the last decade demands upon the time of Congressmen have been so great the tendency has been more and more to divide work by committee assignments. This has tended to limit debate on the floor. Whether or not this has resulted in more laws but less fully thought out and really less effective reformatory and remedial legislation is an issue probably not germane to my present discussion, except that attention is now called to it because the farmers' publications are asserting the agricultural crisis demands our giving the best there is in each of us to its consideration, whether or not we are serving on any committee having directly to do with it. So, if this is to be done, and if general debate is to be had on even only the more important of the remedial plans, there can be no hope for action at this session of the Congress. Nor is the farmers' demand for general debate without promise of developing some milk in the coconut. Who can say that with all participating in the debate new light might not shine on the true weight of many tariff comparisons and relations. For example, what valuable advantages, if any, will result to cotton producers if cotton is left on the free list, but a high tariff is placed on some of its substitutes—say, flax, hemp, and jute? How about wool? Do these cotton-plantation owners want high tariff on wool—a great substitute for their product? Again, if import duty were to be placed on all classes of cotton our manufacturers import, and irrespective of other items or schedules the maximum of such tariff were agreed upon, how much off-set from such maximum should in fairness be made for increase in tariff on substitutes?

If the "try somethings" are to agree (and as we have seen, it is probably necessary that in considering this problem of quick farm relief, the "try somethings" must at least agree on an amplification and further extension and trial of so-called high protective tariff), then nevertheless it is evident there will arise in the consideration of these amplifications and extensions not only competition for favor as between manufacturers and industrialists on the one hand and agriculturalists on the other, but also as between the various classes composing these separate groups; and that necessarily time is involved and must be consumed in the due weighing and adjustment of all these economic factors, until the resulting law is a reflection of the greatest good for the greatest number. The problem is so great as to call for the intense thought of every legislator who conceives of his position as being a trusteeship for the promotion of the welfare of the people.

I hope I have demonstrated that, if the farmers of the group demanding tariff revision are correct in their analysis of the importance of their demand, then they have reason underlying their request that there be no hurried and briefly considered legislation enacted for farm relief at this session, but that a special session of the Congress be had in the immediate future, devoting itself solely to consideration of farm relief.

In conclusion I assert that my study of the demands of the farmers and of the many remedial plans suggested gives me knowledge that not a few are at least as complicated and demand as much time for proper consideration as the proposed tariff revision which, for purposes of illustration, I have hurriedly partially analyzed. Mr. Speaker, it can not be that the Congress would be so insincere as to undertake enactment of farm-relief legislation in the brief remaining period of this session.

EXPENSES OF THE SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. UNDERHILL. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Massachusetts presents a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House Resolution 267

Resolved, That the subcommittee of the Committee on the District of Columbia now engaged, pursuant to a committee resolution, in an investigation of the government of the District of Columbia be allowed expenses of the same not to exceed $1,500, which shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of the House Committee on the District of Columbia.

The resolution was agreed to.

SONS OF UNION VETERANS OF THE CIVIL WAR

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

House Resolution 240

Resolved, That there shall be printed as a House document the proceedings of the forty-seventh annual encampment of the Commandery in Chief, Sons of Union Veterans of the Civil War, for the year 1928, with accompanying illustrations.

The resolution was agreed to.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. BEERS. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from Pennsylvania offers another resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 263

Resolved, That there shall be printed as a House document the proceedings of the thirtieth national encampment of the Veterans of Foreign Wars of the United States for the year 1929, with accompanying illustrations.

The resolution was agreed to.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, which the Clerk will report by title.

The Clerk read the title of the bill.

The Clerk read as follows:

For compensation of help for care of materials, animals, and equipment, $2,328,553.

Mr. FURLOW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FURLOW: On page 50, line 20, strike out the sign and figures "$2,328,553" and insert in lieu thereof the sign and figures "$2,453,375."

Mr. FURLOW. Mr. Chairman, I hope I may have the attention of the committee for this very important amendment. This is one of two amendments which I am offering for the purpose of raising the appropriation for the National Guard. These amendments would have been offered by the gentleman from Ohio [Mr. SPEAKS] if he were present, but illness makes it impossible for him to be here.

The purpose of the first amendment, which is an amendment in line 20, page 50, is to increase the compensation of caretakers. These are the animal caretakers, motor mechanics, and Air Corps caretakers. At the present time these caretakers receive pay for 11½ months each year, and they work 12 months during the year.

Most of our Federal employees, as you know, receive 30 days' vacation, 30 days' sick leave, and if they are in a military establishment they receive 15 days with camp pay.

These caretakers do not get even 15 days' leave with pay. During the 15 days they are in camp, it is true, they get $1, or whatever they receive as enlisted men at the camp.

I do not think the attitude of the Congress should be a niggardly one with regard to these employees. I have gone through the hearings, and I see no argument against giving these men pay for the 12 months' work that they do. I see no argument for not treating them substantially as we do other

employees of the Government. The National Guard Association is simply asking that these caretakers be given pay for the work they do, and that is pay for 12 months' employment, which they are not receiving to-day.

I might say that last year the National Guard cut the pay of these caretakers 6 per cent to come within the appropriation.

This item raises the appropriation approximately $124,000.

There are three other items that will be submitted at the proper time which will deal with the construction program of the National Guard—maintenance and rations for the National Guard. The four items in reality go together.

These are the items that your National Guard officials have been writing to you about. These are the items that the American Legion has been wiring you about, and I hope they are made a part of this appropriation bill.

Mr. HUDSON. Will the gentleman yield?

Mr. FURLOW. Yes.

Mr. HUDSON. Why does the gentleman from Minnesota suggest that these two amendments really ought to be considered as having one bearing. Your last amendment, if I understand correctly, has to do with construction, has it not?

Mr. FURLOW. Yes.

Mr. HUDSON. Have they not funds enough to make the construction during the period of years as planned?

Mr. FURLOW. I want to explain the construction program and the maintenance and rations amendments at the time I introduce the amendments.

Mr. TABER. Mr. Chairman and gentlemen of the committee, this appropriation provides for caretakers enough to take care of the horses, and mechanics enough to take care of the automobiles and trucks that are used in connection with the National Guard.

The only question about the appropriation is this. There is a request on the part of some of the National Guard officers that we provide money enough to give them, in addition to the regular leave which they get, 15 days additional leave pay so they can be paid the leave pay in addition to their National Guard service pay while they are attending the National Guard camps.

This expenditure for caretakers is very liberal. There is a provision so liberal in the bill that they are permitted the way they operate to have one caretaker for each eight horses, and in some cases they are paid by the number of horses they take care of, and my information on the subject is that some of these hostlers draw as much as a couple of hundred dollars a month.

Having all these things in mind and having in mind the fact that we have dealt so liberally with the Guard, it seems to me it is absolutely improper that this appropriation be increased for the caretakers.

Mr. FURLOW. Will the gentleman yield?

Mr. TABER. Yes.

Mr. FURLOW. The gentleman will admit that these caretakers now work 12 months during the year and receive pay for 11½ months, will he not?

Mr. TABER. That is not the case.

Mr. FURLOW. What is the case?

Mr. TABER. Every one of these caretakers is allowed now 15 days' leave.

Mr. FURLOW. Fifteen days' leave at the time he goes to camp, for which he receives the pay of an enlisted man.

Mr. TABER. He is allowed 15 days' leave for which he receives pay.

Mr. FURLOW. My information from the National Guard Association is this——

Mr. TABER. The gentleman is misinformed, because the committee has been into this particular question very carefully, and that is not the situation.

Mr. FURLOW. I want to say to the gentleman that I have taken this matter up very carefully with officers in the Militia Bureau, with the president of the National Guard Association, and the statement made to me by these gentlemen is that these caretakers work 12 months during the year and receive pay for 11½ months, and for the 15 days that they go to camp they receive the pay of an enlisted man, which is probably $1 or $1.15 a day, and that they have no leave with pay.

Mr. TABER. That is not the situation.

Mr. FURLOW. I think the record will show that.

Mr. TABER. The committee has been into the situation and found out that while some of the National Guard officers stated that that was their understanding of the situation, the committee has found it is not the fact.

Mr. BARBOUR. Will the gentleman yield to me?

Mr. TABER. Yes.

Mr. BARBOUR. As I understand the situation it is this: A certain number of these caretakers are enlisted men in the National Guard and a certain number are civilians.

Mr. TABER. That is true.

Mr. BARBOUR. There is a period of two weeks during which all the National Guard animals and matériel go to the summer camp.

Mr. TABER. That is true.

Mr. BARBOUR. During that period of two weeks the enlisted caretakers go on a basis of pay graded according to their rank in the enlisted personnel of the National Guard. A sergeant will draw a sergeant's pay at the camp, and a private a private's pay; but the civilians do not draw any pay for that two weeks' period, because they are not employed. The matériel and the animals and all the supplies which they are charged with the care of are at the camps. The civilian caretakers are not there and are not working during this period of time and therefore draw no pay for it; but the enlisted men get their pay according to their grade while they are at the camp.

Mr. FURLOW. Will the gentleman yield?

Mr. TABER. I yield.

Mr. FURLOW. I think the gentleman will agree with me in this statement. There are Federal employees to-day outside of the caretakers who receive 30 days' leave, 30 days' sick leave, and if they are part of the Military Establishment, if they are members of the National Guard, they receive 15 days' military leave; is not that true?

Mr. TABER. I think the gentleman is correct as to the employees in Washington departments.

Mr. FURLOW. Why would the gentleman distinguish between these employees and the caretakers——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NEWTON. Mr. Chairman, I ask that the gentleman have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TABER. Because the caretakers have been dealt with exceedingly liberally already. I think it is a bad practice for us to go on and extend it beyond reason and beyond what in private life the employees are receiving.

Mr. NEWTON. I am not clear in my own mind about it. Federal employees do not generally get 30 days' leave. That is the situation in Washington, but not throughout the field. So there is a misunderstanding right there. Now, the point I am trying to get at is this: Here are the caretakers, and those who are civilian employees go to camp and do not work and do not get paid for work. They get 15 days' leave in the 11½-months' period.

Mr. TABER. They do.

Mr. NEWTON. Do they get 15 days' sick leave during the same period?

Mr. TABER. They do.

Mr. NEWTON. So the only employees that are out during the 15 days are the civilians who do not act in a military capacity.

Mr. TABER. That is correct.

Mr. NEWTON. Can they take the leave during the 15-day period?

Mr. TABER. They can.

Mr. FURLOW. Will the gentleman yield?

Mr. TABER. Yes.

Mr. FURLOW. I want to read from the hearings.

Mr. TABER. I will say that the statement of some of the National Guard officers would bear out the gentleman's position, but the committee has found out the facts as I have stated.

Mr. FURLOW. Does the gentleman claim that the statements of the Chief of the Militia Bureau and the president of the National Guard Association and statement made by the executive officers who appeared before the committee are all wrong?

Mr. TABER. We have found that these gentlemen are mistaken, that they did not understand the situation.

Mr. FURLOW. Where did the gentleman and his committee receive the information?

Mr. TABER. It is all stated on page 1047 of the hearings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TABER. I ask for three minutes more. This is a statement by Colonel McAdams of the Militia Bureau:

The effect of the lack of sufficient funds to pay caretakers on the basis of 12 months' pay, including 15 days' leave with pay, is as follows:

Enlisted caretakers: They may take 15 days' leave with pay at any time during the year except while their organization is undergoing field training, during which period they do not receive any pay as caretakers

but receive their military pay as enlisted men, approximately $1 per day. They receive pay as caretakers for only 11½ months.

Mr. FURLOW. That is in line with the statement I have made.

Mr. TABER (reading):

Civilian caretakers: They may take their 15 days' leave with pay at any time during the year except during the 15 days their organization is undergoing field training, during which period they are laid off without pay regardless of whether they have taken their 15 days' leave with pay as funds are provided for payment of only 11½ months. They do not receive any pay during the 15 days their organization is in camp.

The crux of the whole matter is the amount of funds provided for the pay of caretakers—if on the basis of 12 months' pay, caretakers will be permitted to draw 12 months' pay, including 15 days' leave with pay; if on the basis of 11½ months, caretakers must lose one-half a month's pay contrary to the intent and purpose of the regulations granting 15 days' leave with pay.

My understanding of the situation is that in spite of their statements these enlisted caretakers can and do largely take their 15 days' leave while the organization is in camp.

Mr. FURLOW. The gentleman is supporting my argument. If the gentleman has any other information the committee ought to have the benefit of it. I have quoted from the highest source in the National Guard—the Militia Bureau and the president of the National Guard Association. If there is anything which the committee has which will show that I have said anything that is wrong we ought to have the benefit of it.

Mr. NEWTON. Will the gentleman yield?

Mr. TABER. Yes.

Mr. NEWTON. I notice, beginning on page 1047, a question by the gentleman from California [Mr. BARBOUR] as follows:

Then the civilian caretakers would probably all take their vacations while their units are in camp?

And Colonel McAdams says:

Yes, sir; they are doing that now; but they draw no pay while on their vacation as all other Federal employees do.

There seems to be some contradiction in the hearings.

Mr. TABER. The enlisted men and the civilians each receive pay for 11½ months. They are given out of that 15 days' leave with pay and can take it whenever they choose—at camp time or otherwise.

The other 15 days in the year the animals are in camp, and there is no work for them as caretakers and therefore they receive no pay.

Mr. COLLINS. Mr. Chairman, it seems that the chief purpose of Government at the present time is the raising of the salaries of Government employees. There seems to be very little else that the Congress these days is concerned with.

There are scattered throughout the United States, 1,719 of these caretakers, practically all of them enlisted men in the Regular Army. There are perhaps a dozen farmers among them. They receive an annual average salary as caretakers of $1,275. In addition to this they receive their drill allowances, 48 in number, and they also receive their pay at camp for the 15 days that they are there. For the work done they receive more for it than is paid by any private concern for similar work. They have three sources of income, their salary as caretakers, their pay for 48 drills a year, and their pay while at camp. There is one purpose and only one purpose in this amendment and that is to permit these men while at camp to receive double pay. That is all there is to it.

Mr. FURLOW. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. FURLOW. That is nothing unusual in the Military Establishment, is it? Is not that the procedure at the present time with the Federal employee who is detailed with the National Guard?

Mr. COLLINS. I do not care anything about that; that is beside the question. I hope it is not the disposition of the Congress to put every person who performs a day's work for the Government on leave, sick leave, and all other leaves. These men have a vacation of 15 days at camp, and they are paid for it, and while these animals or tanks or guns are at camp these men are not in charge of them but others are in charge of them there.

We are going to extreme lengths already in providing the National Guard with almost everything given to the Regular Army. Mr. Weeks, when he was Secretary of War, was asked about the expensive program of the National Guard. He stated then that its growth was going to be exceedingly expensive. It is now costing us around $55,000,000 a year. Is not that enough? Many of the activities that he thought unnecessary are provided for the guard. He thought it should be an infantry organization only.

Mr. ADKINS. How does the total expense this year compare with that of last year?

Mr. COLLINS. It is growing all of the time.

Mr. ADKINS. Increasing materially?

Mr. COLLINS. Increasing all of the time. It will not be very long before the guard will be asking an expensive dress uniform. I asked General Hammond if the new dress uniform was a part of their program. He said that it was not a part of their program at that time, but intimated that it would be a part of their program at a later date.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLLINS. This is not all of the amendment. The amendment likewise provides for additional camp facilities.

Mr. FURLOW. Not this amendment. That will be introduced later.

Mr. COLLINS. Oh, I beg the gentleman's pardon. I shall not discuss it then.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. KETCHAM. In addition to the items of pay to which the gentleman made reference, that these men receive, in any instance do they receive quarters in connection with their camp duties? They are there in charge of material, and naturally there are, of course, houses I suppose.

Mr. COLLINS. I dare say that is true.

Mr. KETCHAM. Does the gentleman happen to know whether any of them receive any such allowance?

Mr. COLLINS. No; but knowing the way such things are usually run, I will venture to assert that they do receive housing facilities furnished either by the Government or the States.

Mr. KETCHAM. The record shows nothing of the sort.

Mr. COLLINS. No; the record does not.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. TABER. I call the attention of the committee to the fact that I have just called General Gulick, of the Militia Bureau, up, and he advises me that these caretakers are entitled to take their leave under the regulations at any time in the year that they please, 15 days' leave with pay. They can take those 15 days' leave during the National Guard camp, if they so desire.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word of the gentleman's amendment. I am opposed to the amendment offered by my distinguished friend from Minnesota [Mr. FURLOW]. I want to point out that the National Guard, the great American institution is rapidly getting away from its original purpose and the principle of its organization. It is being rapidly absorbed by the Regular Army. If we continue to increase these appropriations, there will be nothing left of the National Guard but the name, and it will be part of the Regular Army.

To get to this question of caretakers, I do not know how it is in other States, but we in New York City provide in addition to these caretakers what we call armorers. They were getting $8 a day nine years ago when I was president of the board of aldermen. The city provides sufficient of these caretakers to take care of all the armories and all of the matériel in every armory building. They are the politicians of the organization. You come along now and you have created more jobs. The gentleman from Minnesota, who is a very good soldier, is surprised that the caretaker is required to go to camp.

It was always my understanding that anyone connected with a military organization had to go to camp once in a while to drill and get some instructions; but, gentlemen, instead of the typical volunteer citizen soldier of the National Guard, we are now creating a body of men, semiprofessional soldiers, who refuse to drill unless you pay them a dollar every time they drill. When the Army bill was under consideration two or three years ago I charged on the floor of the House that the pay rolls were being padded. I believe my distinguished colleague from New York [Mr. WAINWRIGHT] took exception to such a charge, but four months later a whole batch of them were indicted for padding the pay rolls.

Mr. WAINWRIGHT. No one was indicted in the State of New York, I will say to the gentleman.

Mr. LAGUARDIA. I will say this to the gentleman from New York, that they suddenly changed their methods in New York.

Mr. WAINWRIGHT. My suggestion at that time referred only to the guard that I was familiar with.

Mr. LaGUARDIA. The gentleman surely would not approve of the methods that were followed and the abuses that were going on.

Mrs. ROGERS. I do not think anyone in Massachusetts was indicted at that time.

Mr. LaGUARDIA. Very lucky.

Mr. WAINWRIGHT. Naturally the gentleman from New York knows that any gentleman would take exception to such practices if they came under his observation. At that time, so far as I am aware, those practices did not prevail in the National Guard in New York and do not prevail now.

Mr. LaGUARDIA. I now make the statement, assuming full responsibility for what I say, that these methods did exist in the National Guard of New York at the time I made the charge. The practice and methods, I am informed, have changed.

Mr. WAINWRIGHT. If the gentleman had knowledge of that at that time it was his duty to make it known to the officials and authorities of the National Guard in order that the guard might be purged of any such thing.

Mr. LaGUARDIA. The gentleman took means to cause a change. The methods have been changed since them.

Mr. SCHAFER. No member of the Wisconsin National Guard was indicted.

Mr. LaGUARDIA. They were lucky. On page 1012 of the hearings you will find a table showing that the various States appropriated over $16,000,000 for the National Guard. I do not believe that the RECORD should show that this appropriation bill in any way is neglecting the National Guard. The appropriations are most generous to the guard. It is my understanding that all that should be required of the Federal Government in connection with the maintenance of the National Guard should be the assignment of proper officers and instructors to each regiment and the turning over to the National Guard of such surplus material as is no longer necessary for the Regular Army. Of course, the building up of a large organization creates these military jobs within the organization, and it is not fair for one State to come in and obtain increased appropriations because other States do not do as is done by the State of New York, where $2,000,000 annually is appropriated for our National Guard. I do not know what the State of Minnesota is doing, but I do not believe these caretakers are overworked. I do not think any of them would quit the job to-morrow if the amendment were not approved. As soon as we get the National Guard of this country back to its original idea of being a purely volunteer citizen army the young men in the community will be willing to obtain a little military training in their own time instead of making it a professional military organization.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FURLOW. Mr. Chairman, I want to clear up a few statements that have been made in reference to these caretakers. In the first place, we are not receiving more money in this bill for the National Guard than we had for 1929. In fact, when we take into consideration the deficiency appropriations which will be coming through, we are receiving over $150,000 less for the National Guard for 1930 than the National Guard received for 1929; and then there is the question of unexpended balances. If the National Guard could have received this unexpended balance for 1927–28, amounting to $274,000, there probably would not have been any request for this increase.

Mr. BARBOUR. Under this 10 per cent interchangeability clause why could not the National Guard take care of this? They are getting more money every year.

Mr. FURLOW. They are receiving less this year than they received last year.

Mr. TABER. But more than they expended last year.

Mr. FURLOW. There is to be a deficiency appropriation this year of $734,200. The National Guard is receiving $578,000 more than the current bill for 1929 contained. But obviously the difference between $734,200 and $578,000 is the amount that the National Guard does not receive this year which it did receive last year. And so your appropriation this year, the recommendation of your committee, is actually less than it was last year.

Mr. BARBOUR. There is over $500,000 more in this bill than in that of the last year.

Mr. FURLOW. I admit that there is $578,197 more in this bill than carried in the last bill, but the gentleman will admit that there is a deficiency in the National Guard of $734,200, which represents money spent.

Mr. BARBOUR. There may be another deficiency appropriation, so far as we can tell now. That would come along later.

Mr. FURLOW. But if you deduct $578,197 from $734,200 you will find a difference of over $150,000, and it follows that this is the difference between this bill and last year's bill.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. FURLOW. I will.

Mr. TABER. The $200,000 deficiency practically is confined to one item of forage for animals, where it has been found that they can get along with less money and take care of the same number of animals.

Mr. FURLOW. Now, to clear up the question that the caretakers are politicians. These caretakers are animal caretakers and they are not politicians or semipoliticians. There are 157 animal caretakers; there are 359 motor mechanics and 125 Air Corps men. Now, then, I insist we must depend on the hearings.

Mr. LaGUARDIA. The gentleman concedes that it requires a higher grade of intelligence to be an animal caretaker than it requires to be an ordinary politician.

Mr. FURLOW. I can not follow the gentleman in that line of thought. I still stand on the statement that these caretakers are working 12 months during the year, are receiving pay for 11½ months, and receive 15 days' camp pay when they are in camp. I still maintain that the average Federal employee, as shown by the hearings, receives 30 days' leave, 30 days' sick leave, and if he is assigned to military duty, such as the National Guard, he receives 15 days' pay as a National Guard men while on that duty, besides his other pay going on at the same time. Why should there be this distinction between employees of the Federal Government? We are not asking for the 30 days' sick leave or the 30 days' regular leave, but we are simply asking that they be paid for 12 months in the year and not for 11½ months, as they are paid to-day.

Mr. BARBOUR. Mr. Chairman, I want to say that the committee went into this item quite fully at the hearings and did not feel justified in including this money in the bill for the 15-day leave for caretakers. There are 1,719 of these caretakers looking after the property in the hands of the National Guard. Now, 1,641 of those men are enlisted in the National Guard and only 78 are civilians. When these enlisted caretakers go to camp in the summer time for two weeks they cease to be caretakers during that time and draw the pay of their grade in the enlisted personnel of the National Guard during the period of time they are in camp.

Mr. FURLOW. Will the gentleman yield?

Mr. BARBOUR. Permit me to make my statement. They draw the pay of their grade during the time they are in camp. If they are sergeants they get the pay of sergeants; if they are corporals they get the pay of corporals, and if they are privates they get the pay of privates. During that time the 78 civilians are not employed. In other words, their employment only contemplates that they shall work for 11½ months, because all of the horses, animals, and material go to the National Guard camps for two weeks, during which time there is nothing for the civilians to do.

Now, it was stated at the hearings that those men can take their leave, with pay, during the 11½ months that they are employed. The period of employment is for only 11½ months, but the proposal of the gentleman from Minnesota would give the civilians regular pay for those two weeks, during which time they are not working. It would give the enlisted men not only their service pay at the camps but it would give them their caretaker pay besides. The committee felt that these men were not in the same category with employees in the departments.

These animal caretakers, on an average, care for about eight horses. The average pay of caretakers is $1,285 a year. Of course, an animal caretaker draws less pay than an airplane caretaker or a motor caretaker. But they are not poorly paid, and the committee, in considering this matter, felt that in view of the pay they are getting and in view of the numerous requirements of the National Guard and other branches of the service it would not be justified in including this item in the bill.

Mr. FURLOW. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. FURLOW. The gentleman will admit——

Mr. BARBOUR. I do not know whether I will admit or not. Let me make my own admissions.

Mr. FURLOW. Then will the gentleman admit that they care for $115,000,000 worth of property?

Mr. BARBOUR. One hundred and fifteen million dollars' worth of property is in the hands of the National Guard. I am not advised as to whether these caretakers take care of all of it or not.

Mr. TABER. They care for only a small proportion of it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. HOWARD of Nebraska. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. To talk a little about this matter.

The CHAIRMAN. The time for debate has been fixed and has expired.

Mr. HOWARD of Nebraska. I have been looking at the clock.

The CHAIRMAN. Does the gentleman think there is some time remaining? The timekeeper informs the Chair that there is one minute remaining. Does the gentleman wish to use that one minute?

Mr. HOWARD of Nebraska. I think I can use it. I am greatly distressed, Mr. Chairman, lest in our haste this morning we may establish here a record which is an entire change from that which I have observed during all the years I have been here.

This is the first instance where I have ever heard seriously considered the denial of increased pay to anybody connected with the United States Army, and I fear if we vote this amendment down we will be establishing a record of a very wicked change in that direction. I think this consumes about my minute. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. FURLOW].

The question was taken; and on a division (demanded by Mr. FURLOW) there were—ayes 29, noes 40.

So the amendment was rejected.

The Clerk read as follows:

For expenses, camps of instruction, field and supplemental training, including medical and hospital treatment authorized by law, and the hire (at a rate not to exceed $1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, $9,501,800.

Mr. FURLOW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FURLOW: On page 50, line 25, strike out "$9,501,800" and insert in lieu thereof "$9,871,780."

Mr. FURLOW. Mr. Chairman, this is another amendment that would increase the appropriation for the National Guard. It includes three items. One item is the permanent construction item, another item is maintenance of existing structures, and the third item deals with rations. I want to briefly go into the necessity for these increases.

I trust the committee will be in favor of giving the National Guard an adequate sum for rations. At the present time the enlisted men in the Regular Army are receiving a ration that costs approximately 50 cents. In the National Guard they are receiving the same amount. We are asking for 5 cents more for the National Guard than is given to the enlisted men in the Regular Army. Our ground for asking this increase is because the National Guard camps are simply in being for 15 days during the year. They can not purchase supplies as cheaply at distant points for 15 days as the Army can purchase these supplies over the period of an entire year.

The condition is such in the National Guard that we find the boys taking out of their own funds money to make their rations equal to what they should have at these camps. The Congress has recognized the fact that in these temporary camps, which are really temporary, the men are entitled to more than the men receive in the Regular Army. At the present time we pay the Reserve Officers' Training Corps and the citizens military training camps an allowance of 70 cents a day for each man, 60 cents of which amount is available for food. There we recognize the fact that at these temporary camps of 15 days the men are entitled to more for their rations than the men in the Regular Army.

I know that in various States they appropriate funds to supplement the National Guard subsistence allowance. The State of New York is a good example, and I believe in the State of Maryland they are appropriating State money for the National Guard subsistence allowance.

Mr. BARBOUR. Will the gentleman yield?

Mr. FURLOW. I yield to the gentleman.

Mr. BARBOUR. I did not understand the gentleman's amendment clearly. How much does the gentleman ask for on account of rations?

Mr. FURLOW. One hundred and nineteen thousand nine hundred and eighty dollars.

Mr. BARBOUR. And how much for other things?

Mr. FURLOW. I am asking for an additional $50,000 for camp maintenance and $200,000 more for camp construction, a total of $369,980.

Mr. BARBOUR. And on what does the gentleman base this division of the total amount?

Mr. FURLOW. I base the division for the 15-day camp ration on an increase of 5 cents per man in the National Guard.

Mr. BARBOUR. Would the gentleman mind my asking him another question in his time? The gentleman can get more time if necessary.

Mr. FURLOW. I yield to the gentleman.

Mr. BARBOUR. Who recommended this increase?

Mr. FURLOW. This increase is recommended by the National Guard Association, and the figures which I have before me now were given to me by the president of the National Guard Association. The National Guard Association, as you know, is made up of the adjutants general of all the States in the Union.

Mr. BARBOUR. But a representative of the National Guard Association appeared before the committee, and my recollection is that while he mentioned the ration, he did not in his statement give that first priority.

Mr. FURLOW. I may say to the gentleman that the four items which I am dealing with to-day are of equal priority in the opinion of the National Guard Association and given to me as such.

Mr. BARBOUR. The difficulty seems to be that the gentleman gets his information from the National Guard Association, while we look to the Militia Bureau and the War Department for our information, and it does not always coincide.

Mr. FURLOW. I want to say to the gentleman, I believe the National Guard Association is nearer to the enlisted man back home than the War Department or the Militia Bureau can hope to be, and knows the needs of the enlisted man better.

Mr. BARBOUR. The difficulty with the National Guard Association is that it is not in any way controlled by the Budget act. The Budget act applies in certain ways to public officials but the National Guard Association is not affected in that way at all.

Mr. FURLOW. That is true.

Mr. BARBOUR. There are no restrictions whatever and no limits as to what the association can urge the Members of Congress to vote for.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FURLOW. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONNERY. Will the gentleman yield?

Mr. FURLOW. Yes.

Mr. CONNERY. Do I understand that the National Guard issue on rations is much less than the citizens' military training camps and the Reserve Officers' Training Corps?

Mr. FURLOW. Oh, yes; the National Guard ration is 50 cents a man, while the Reserve Officers' Training Corps and the citizens' military training camps are allotted 70 cents a man while they are in camp, 60 cents of which is used for rations.

Mr. CONNERY. What is the idea in making that distinction when they are in camp the same length of time exactly?

Mr. FURLOW. That is exactly what I can not understand and is one of the reasons I am offering the amendment.

Mr. CONNERY. That is what the gentleman is trying to accomplish?

Mr. FURLOW. I am trying to get 5 cents more for the men of the National Guard to bring the allowance up somewhere near the allotment to the Reserve Officers' Training Corps and the citizens' military training camps and bring it to a point where we can give these men adequate rations during the 15-day camp.

Last year we increased the rations of the enlisted men of the Army to compare with that of the Navy by raising it to 50 cents. The rations in the Army are furnished for a period of one year, and there they need 50 cents for each man, and in the National Guard they have a 15-day period where food must be purchased in smaller quantities with the resultant higher cost.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FURLOW. I will.

Mr. LINTHICUM. Is there not a fund of about $300,000 which, if reappropriated, would cover this?

Mr. FURLOW. Absolutely—there was an unexpended balance of $274,000 for 1927 and 1928. The National Guard has turned this back into the Treasury. If reappropriated, this sum would nearly take care of the three items in my amendment.

Mr. BARBOUR. Will the gentleman yield?

Mr. FURLOW. Yes.

Mr. BARBOUR. The National Guard has a right to use 10 per cent of these funds, transferring from one to the other. If they have the money and need the extra rations, which was not strongly urged before our committee, they have a right to transfer 10 per cent from other funds for that purpose. There was more than $200,000 last year which they saved from various items. They have the power to make this transfer. The money is there, and we have been appropriating more than they have been spending. They have the right to transfer from one fund to another 10 per cent, and that ought to take care of a matter like this.

Mr. LINTHICUM. Does the gentleman from California think it makes any difference whether the military authorities recommend this, or the National Guard? If the men are entitled to the extra five cents that ought to solve the question.

Mr. BARBOUR. It does not make any difference who recommends it if they are entitled to it. But this matter was not urged before the committee; it was mentioned, as I recall it, and that is all. Now the gentleman is offering an amendment to appropriate for a matter that was not urged before the committee.

Mr. LINTHICUM. I will say to the gentleman that it has been urged very much——

Mr. BARBOUR. By the gentleman from Maryland——

Mr. LINTHICUM. And by the people all over the country.

Mr. FURLOW. If the National Guard is forced to take 10 per cent from other funds and use it for rations, that is not fair to the National Guard, and it is not fair to the gentleman's committee. If this committee recognizes the fact that the National Guard, the enlisted personnel, is entitled to 55 cents rations, it is the duty of this committee to give the additional appropriation. If the ration question was not called to the attention of the gentleman's committee, perhaps it was due to the fact that such an increase would exceed the Budget; but the National Guard Association now comes in, having no fear of the Budget, and recommends that each enlisted man in the guard be given 5 cents more a day for subsistence.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FURLOW. Certainly.

Mr. LAGUARDIA. These rations are for 15 days only?

Mr. FURLOW. Yes.

Mr. LAGUARDIA. The part of the military training would seem to be to give the boys a taste of what field food really is. The gentleman does not want to give them pâté de foie gras.

Mr. FURLOW. Now, the next item that is included in this amendment is an increase of $200,000 for camp construction. The hearings and the records show that approximately $1,000,000 is required to complete the camp-construction program and that during the fiscal year 1929, $333,532 will be expended for this purpose. At this rate the camp-construction program could be completed within three years. In addition, new camps, not included in the program, are urgently needed. Camps under construction are approximately 83 per cent complete. The rate of completion of the program, taking the amount appropriated in the present bill, will be not less than five years for exclusive National Guard camps. The list of exclusive National Guard camps, the percentage of completion on June 30, 1928, of estimated expenditures in 1929 and 1930 under available and prospective appropriations, and the estimated amounts to complete each camp, will be found on pages 1007, 1008, and 1009, hearings, War Department appropriation bill, 1930. The increase in this item is essential in view of the fact that it will probably be necessary to use a portion of the camp-construction appropriation for 1929, together with the increased cost of field training during the calendar year 1929. This camp construction is a very important part of our National Guard activities. The third and last item included in this amendment is an increase of $50,000 for the maintenance of these National Guard camps. Obviously, as camp construction goes on, and as the present buildings grow older, they need a greater amount for maintenance, and the National Guard Association recommends an additional $50,000 for this purpose.

These three items then make up a total of $369,980.

As the gentleman from Maryland [Mr. LINTHICUM] has said, if the committee had but reappropriated the unexpended balances for 1927 and 1928 the situation would have been relieved. In reality we are not asking for money that belongs to anybody except the National Guard. You have defeated the amendment that would aid the caretakers, so the total we originally asked for has been reduced $124,000; so I hope the committee will follow the National Guard Association now and give them this additional amount.

There can be no argument against carrying on the program of construction that will complete this construction within a period of three years, and I can see no legitimate argument against keeping these buildings in repair. If the committee is going to cut down at all, I would say, give the men the ration, increase and take care of your construction work. You know better than I do what is going on back in your own respective States.

Mrs. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FURLOW. I am very pleased to yield.

Mrs. ROGERS. At Ayer, a city in my own district, there is a concurrent camp called Camp Devens. Camp Devens is about the only place in the New England or Northeastern Atlantic States capable of taking care of, comfortably, as large a body of troops as a peace-time Infantry division. Ohio can not do it at Camp Perry, as they have no permanent installations such as there are at Niantic and Quonset Point, and Ohio has never had her division together. Pennsylvania has a place at Mount Gretna, where she has land enough, but there are no permanent utilities to take care of more than a brigade. New York has never put her division together and Peekskill will only hold a brigade, so that Camp Devens to-day presents the only available place for assembling a peace-time Infantry division.

There are probably in this corps area not more than 2,000 Regulars who go to Camp Devens; the citizens' military training camp this year was 800, that makes 2,800, the Officers Reserve Corps was about 300, making 3,100, the Reserve Officers' Training Corps does not go beyond 125, we will call it 200, that makes 3,300; and odds and ends 200, gives 3,500 as a total, exclusive of the National Guard, who use Camp Devens. In order that 2,000 or less Regulars may be trained at Fort Ethan Allen, our 7,000 National Guard troops are restricted in their summer training.

I understand that in order to carry out the militia building program of the Militia Bureau of the War Department, they wish to expend about $300,000 during three years. They want very much, at least $75,000 next year and approximately $75,000 the year after, $75,000 to spend this year on the rehabilitation of the buildings. That does not come from the National Guard, that comes from the War Department. That information has been given to me by the Militia Bureau of the War Department, and they feel that they need this money in order to carry out their program. The buildings at Camp Devens are a disgrace to any country. I am very much mortified when I take visitors there, to have them see what our country does or rather does not do, in the way of buildings. The permanent construction is going on for the military permanent part of the camp and the rehabilitation of the buildings for the National Guard is necessary and a vital part of the War Department's building program for concurrent camps.

I received the following information from the War Department:

As is shown in Table No. 3, page 1009, hearings before the subcommittee of House Committee on Appropriations in charge of the War Department appropriation bill for 1930, the estimated amount to complete the rehabilitation project for Camp Devens, Mass., is $300,000, and the estimated expenditure for 1930 is given as $28,853. This is the estimated amount it is proposed to expend under allotments made for concurrent camps in conjunction with other components of the Army, such as the Regular Army, the Organized Reserves, Reserve Officers' Training Corps, citizens' military training camps, etc. However, as indicated in the footnote at the bottom of Table No. 2, page 1008 of the same hearings, the Militia Bureau expects to expend in the fiscal year 1930, $75,000 in the National Guard area at Camp Devens, provided that sufficient funds are made available in the appropriation bill now under consideration by the Congress. It is hoped to duplicate this expenditure in 1931. It is highly desirable that this project be completed not later than 1931.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. LINTHICUM. Mr. Chairman, we are asking by this amendment for the National Guard $119,000 plus for additional subsistence of 5 cents a day; $200,000 plus toward completing the building program, and $50,000 for repairs, a total of $369,000 plus, which is not any vast sum of money. There is $274,000 standing to the credit of the National Guard in the Treasury for 1927 and 1928, and we are only asking for around $400,000 altogether, and since the first amendment has been defeated, we are asking for $369,000 plus. It is not a ques-

tion as to whether the military authorities recommend 50 cents a day for rations or whether the National Guard Association asks 55 cents a day. The question that confronts us is whether or not the men should have 55 cents a day on which to live. I do not think there is anybody here who will contend that 55 cents a day is too much for a man to live upon. I remember when the war started, or just before we entered the war, we had a military dinner up at the old Ebbitt House. I think prices at that time were about 50 per cent less than they are now. They made a special effort to show how low it could be provided and that was 37½ cents a meal for rations, and it was not very much that we received in food. Now, after this long time of nearly 12 years we are asking you for 55 cents. It seems to me that that is not too much.

The gentleman from New York [Mr. LAGUARDIA] contends that as the Army receives only 50 cents per day that is sufficient for the National Guard. I think it is a very different question. The Army purchases in large amounts for both the Army and canteen. It has experts for this purpose as well as experts for the preparation of meals and for economy. For instance, the Army has its own cooks, makes its own bread, and it can make this bread at less than 2 cents per loaf, and many other things are in about the same proportion, whereas the National Guard is compelled to buy at retail, paying 8 cents for bread, and a proportionate price for other things.

The Army is an institution, set up for the whole year, and permanently, whereas the National Guard is set up for two weeks only. It does seem to me very clear why it should cost the National Guard more as subsistence than the Army. Then again, why should the citizens' military training camp and the Reserve Officers' Training Corps each receive more for subsistence than the National Guard. They should all receive an adequate sum.

On the question of buildings, the chairman of this committee knows that he is appropriating hundreds of thousands of dollars to construct and to rehabilitate the barracks of the soldiers of this country. At Fort Leonard Wood you are spending somewhere around $800,000 and making a fine encampment. Had you appropriated sufficient for repair of the old buildings, many of them would have lasted longer and been of great benefit, but you allowed them to run down. I went through the buildings at Honolulu; I went through the hospital, and the condition of those buildings was a disgrace to the country, especially the hospital, which was a tinder box. You are spending thousands of dollars to construct new buildings, largely because the others were not repaired. Now, why let the guard buildings run down and then build new buildings?

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BARBOUR. The gentleman has referred to certain buildings that he says are a disgrace to the country. Ought he not to go further and say that those buildings are being replaced by fine, modern structures?

Mr. LINTHICUM. That is what I meant to say. I meant to say that you have let those buildings go to pieces and now you are reconstructing old and building new and magnificent ones, at tremendous expense to the country, and you could have saved many of those buildings. New ones must be constructed, of course, but the old buildings would have served many purposes.

Mr. TABER. Does the gentleman mean that the wooden rookery that was used as a hospital in Hawaii could have been saved by repairs?

Mr. LINTHICUM. It could have been kept in better shape than it was, adding greatly to the comfort and safety of patients. We are asking you for a certain sum to keep our buildings in repair and to complete the program, and the sooner you complete the program the sooner you will give these men living quarters in which they may stay. I do not wish to criticize the committee. It is doing splendid work. Add to your prestige by helping the National Guard in these matters.

Mr. BARBOUR. Go ahead.

Mr. LINTHICUM. Because I know they do the best that they can, but I think they are on the wrong track this time. I would like to see you give these boys 55 cents a day on which to live. I would like to see you give them enough to complete their buildings and keep those other buildings in repair, and to do that you should pass these amendments. I am deeply interested in this matter, and I say to the chairman that I congratulate him on the splendid work that he is doing at Fort Leonard Wood and the fine buildings being constructed there. I hope that sooner or later you will provide officers' quarters likewise at that splendid fort.

Mr. COLLINS. Mr. Chairman, the first item in this amendment, the one with respect to subsistence allowance, provides 50 cents a day, the same as that appropriated for the Regular Army for subsistence of Regular Army troops. I take it that this amount will buy more food and a larger variety for the National Guard than the same amount would buy for the Regular Army, because the National Guard camps are held in the summer time, when fruits and vegetables and all sorts of produce are cheaper than at any other time of the year. These men go to camp usually during the month of July.

Mr. CONNERY. Mr. Chairman, will the gentleman yield? The gentleman would not contend that for the short period the camp is held you could get fruits and vegetables any cheaper than the Army with an all-year-round contract?

Mr. COLLINS. As a matter of fact, I believe 50 cents a day will buy more for the National Guard than it does for the Regular Army.

Let me bring also this thought to the minds of Members: There is a 10 per cent interchangeability in this bill. In other words, any item can be increased 10 per cent without further congressional action by the War Department. The National Guard can add 5 cents a day to its ration allowance out of this 10 per cent interchangeability. They have the authority now to add the 5 cents additional ration allowance that the gentleman says ought to be added. So there is no use in adopting this amendment, because the guard can do this now out of funds provided in this bill.

Mr. LINTHICUM. But that would lessen the fund for other purposes, would it not, to that extent?

Mr. COLLINS. Well, let me call the gentleman's attention to horses alone. In last year's bill we provided for 500 horses for the National Guard. They bought 875 horses with money appropriated, and, in addition to that, out of the 10 per cent interchangeability they bought a sufficient number of horses to raise the total number purchased to 1,200, showing the freedom that these National Guard officers have in expending these appropriations.

Mr. LINTHICUM. Showing also their good business ability.

Mr. COLLINS. Well, I have not heard of many officers who are famed for their business ability.

In regard to completing the camps: National Guard camps number 57, and in addition to these, there are 25 concurrent camps, the concurrent camps being those where other organizations are likewise trained. Those camps will be 90 per cent completed in 1930. The Regular Army camps are not 90 per cent complete, not by one-half. In two more years, however, National Guard camps will be entirely completed. This amendment, as I understand it, proposes to complete them immediately.

With reference to the third item in the amendment: It pertains to upkeep. One of the National Guard officers testified that a certain percentage was necessary for maintenance, and it was a high figure. Mind you, there are 25 of these camps that are concurrent camps, and appropriations are made elsewhere for the upkeep also of those 25 concurrent camps.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. COLLINS. Just one minute more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. So the total of percentage for the upkeep of camps that is appropriated will amount to more than the percentage that this National Guard officer testified was the proper amount to be appropriated. In other words, the committee has provided more money for the upkeep of camps than was asked for by National Guard's representative, who testified on this particular subject.

Taking it as a whole, the committee has already done those things which have been asked for in this amendment, and certainly the Congress does not want to do more for the National Guard than their representative has asked for. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. The discussions of the National Guard ration and the necessity for improving the housing camps are based, it would seem, on a misunderstanding of the real purpose of the two weeks' training for the National Guard. Now, in the first place, it costs more proportionately to feed troops if you have to feed them the whole year around than if you simply have to feed them for two weeks, for the reason that you require a greater variety of food when the troops draw their rations regularly throughout a year. The purpose of the two weeks' training of the guard is to give the guard summer training, to give them a faint idea of military service and life in time of war. It is very easy to arrange a two weeks' diet program, a two weeks' menu, comparable to field rations, and it does not require any degree of variety. When you are talking

about permanent buildings, gentlemen, you will remember that we are dealing with camps, and not fashionable summer resorts. During the two weeks' training in the camps the men should live under canvas. The officers, too, ought to be living under tents. All you require are certain sanitary conditions and proper drainage. If you want to have an ideal camp for the National Guard for getting training, you do not require a permanent building on the camp site. You should simply have proper drainage in order to make your sanitary conditions wholesome and safe.

The distinguished gentleman from Minnesota [Mr. FURLOW] talks about rations. When he was in the service I fed him on 50 cents a day, and he got good food, did he not?

Mr. FURLOW. He got principally spaghetti. But we thrived on it. [Laughter.]

Mr. LAGUARDIA. Yes; we thrived on it. The preparation of rations and field food is part of the military training. You are not going to train these boys to be good soldiers in any other way. If you are going to coddle them and pamper them, you should send them to Newport. In that case why not change our whole system, and instead of having our training in the summer, let it be in the winter, and then send the boys down to Miami and Palm Beach, where they will enjoy the mild climate, the exclusive society, and the delights of southern bathing?

Mr. THURSTON. Speaking of the supply of rations for the Regular Army by the year and the supply of rations for these training camps, does the gentleman contend that they could not buy the rations more cheaply for the Regular Army by the year than for the camp for only a few weeks? Would it not involve a greater cost?

Mr. LAGUARDIA. No; because you have a number of regiments coming in for two weeks at a time. You repeat your two weeks' menu every two weeks.

Mr. THURSTON. But you can not get a small quantity of any commodity at as a low a rate as when you contract for a greater quantity. The Regular Establishment uses a more substantial and nonperishable character of food, which can be purchased more cheaply in large quantities.

Mr. LAGUARDIA. Oh, the allowance will. It will not provide some of the relishes and delicacies that you think they ought to have pâté de foie gras and chocolate eclairs and cream puffs and such things, but it will provide good, wholesome, nutritious food, better than many working men are able to provide for their families. It would not give them some of the relishes we like to have, but this is a military camp.

Mr. THURSTON. Manifestly, however, it would be apparent to the Member from New York that you can not purchase supplies for a 2-week period as cheaply in price as you could for 52 weeks.

Mr. LAGUARDIA. But conditions are entirely different.

Mrs. ROGERS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mrs. ROGERS. I am sorry to interrupt this housekeeping discussion, but I understand you can take care of men, in the long run, in permanent buildings more cheaply than you can in tents.

Mr. LAGUARDIA. But then they are not getting the proper training—living under canvas is good training of itself.

Mrs. ROGERS. Why can they not get the proper training? They do not train inside the tents, do they?

Mr. LAGUARDIA. They do not need permanent buildings for their training because in war time they do not always have permanent buildings or quarters de luxe.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last three words. I make this pro forma motion largely for the purpose of asking the chairman of the subcommittee what it costs the Government to support the Regular Army per capita and how much it costs the Government to support the National Guard per capita?

Mr. BARBOUR. It is something in the neighborhood of $1,000 a year—I think more than $1,000 a year—for the Regular Army per capita. For the National Guard——

Mr. COLLINS. About $500, Mr. Chairman.

Mr. BARBOUR. For the National Guard?

Mr. COLLINS. Yes.

Mr. BARBOUR. It does not run that high.

Mr. COLLINS. That is the way I figure it.

Mr. BARBOUR. For the National Guard it costs $309.86.

Mr. COLLINS. Will the gentleman from Louisiana yield to me?

Mr. O'CONNOR of Louisiana. Yes; but I will want a little more time.

Mr. COLLINS. In addition there are other items that are not taken into consideration?

Mr. BARBOUR. Yes; I was including cash and free issues, and then there are other items that can be counted in.

Mr. LINTHICUM. You asked the question in the hearings as to how much it costs.

Mr. O'CONNOR of Louisiana. I am not yielding to these gentlemen who are trying to make speeches in my time. They ought to make them in their own time.

Mr. LINTHICUM. I beg the gentleman's pardon. I wanted to have the correct information according to the testimony.

Mr. O'CONNOR of Louisiana. I suggest that the gentleman get that in his own time. The answer to the interrogatory I have propounded, members of the committee, in my judgment, makes for the adoption of the amendment offered by the gentleman from Minnesota.

Mr. BARBOUR. Why?

Mr. O'CONNOR of Louisiana. The Regular Army is composed of 118,000 men, 100,000 of whom, in this great, magnificent, rich, and opulent country, receive the splendid pay of $24 per month.

Mr. BARBOUR. That is the minimum.

Mr. O'CONNOR of Louisiana. That is the minimum, and that is for about 100,000 out of your 118,000. The others are fellows in the upper ten.

Mr. BARBOUR. I think the gentleman is mistaken.

Mr. O'CONNOR of Louisiana. One of the most distinguished Members of this House, formerly occupying the position of Assistant Secretary of War, estimated that for me, and it is upon his statement I am predicating the expression I just made that 100,000 men in the Regular Army get $24 per month. Does that, in the judgment of anyone in this House, mean that the Regular Army is going to furnish any invitation for the young men of this country, who are anxious to serve it, to join the Regular Army, with no great hope for promotion? Does anyone believe that the Army under those circumstances will be composed of the same splendid, fine, upstanding material that is found in the State National Guard? Far be it from me to reflect upon the young men and the old men, if you please, who are in the Regular Army, but it does look to me as though under the unfavorable circumstances and conditions that is the last refuge for the hopeless. I do not believe that under those circumstances $24 a month furnishes the suggestion to anyone's mind that the Army is composed of that upstanding material which has represented that splendid symbol of our power in the past and means a proper military force in the event that force is ever needed. On the other hand, the State National Guard is composed of the finest young men in every State in the Union. They require assistance; they deserve our succor and they should have our support, because they are after all in accordance with the story written in your own appropriation bill, the reliance of this country. From the standpoint of the Army, it is upon those splendid fellows that we would have to depend, in the event we ever declared war, to as large an extent at least as upon the hapless and hopeless men who form the Regular Army under this absurd pay.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for five additional minutes. Is the objection?

There was no objection.

Mr. SCHAFER. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. SCHAFER. I do not think the Regular Army men in the late war, at Chateau Thierry and other important battles, proved their worthlessness, as the gentleman would indicate.

Mr. O'CONNOR of Louisiana. Oh, the gentleman is entirely mistaken as to what I was saying. I made no such indication as he suggests. That was the war-time army called in by the draft and the gentleman knows that. What is the use of trying to misstate what I am saying. I am talking about the Regular Army in peace time, the 100,000 men who compose this establishment, not about the men that went out upon probably the same basis that furnishes the suggestion for men to join the State National Guard in peace time.

In my judgment, gentlemen, you ought to vote approvingly on this amendment. These are the fellows, the men who compose the National Guard, who will have to go out with the Regular Army, heel to heel, shoulder to shoulder, and arm in arm, in the event war is declared, at one and the same time; and after all, look at your appropriation bill from the standpoint of the fellows that get the $24 a month, apparently friendless, apparently hopeless, plodding along—no Welch bill for them, no Bacharach bill for that crowd. They are the hapless,

the unknown, the friendless, the obscure, with few men in or out of Congress to plead their cause or fight their battles.

It is time this House rose and showed it meant something by making an appropriation for the Army, and to do that effectively you have got to provide better pay for the enlisted men in the Regular Army and provide better encouragement for the National Guard.

Mr. BARBOUR and Mr. WAINWRIGHT rose.

Mr. O'CONNOR of Louisiana. I yield first to the gentleman from California.

Mr. BARBOUR. I want to say that the pay of the enlisted man is fixed by law. Has the gentleman from Louisiana introduced any bill in this Congress or in any other Congress in which he has served, to increase the pay of the enlisted men.

Mr. O'CONNOR of Louisiana. That is not even an adroit reply. It is not even a camouflage worthy of a reply. You are charged with the responsibility, not I. I am upon the Rivers and Harbors Committee, charged with the responsibility that lies with that committee, and not upon the important subcommittee of the Appropriations Committee, which is all powerful, and which could, if it wished, fix the policy of the House, because, after all, this is a recognitory body and responds to the Appropriations Committee in most matters. The power to appropriate is the power to make or destroy.

Mr. COLLINS. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Oh, I know the gentleman is coming to the rescue. You are all brothers in arms on the Appropriations Committee and keep your full strength here on the floor at all times, but I will yield to the gentleman after I yield to the gentleman from New York.

Mr. WAINWRIGHT. I am simply asking the gentleman to yield for the purpose of saying that in view of some of the reflections that have been made on the National Guard on the floor here to-day, in the scheme of national defense, it should be borne in mind that within four months after the declaration of war the National Guard furnished over one-half million trained men to the Armies of the United States, before the draft went into operation, and there were more men actually in combat in the front areas and on the battle lines in Europe in the National Guard element than there were in the other components of the Army.

Mr. LAGUARDIA. And that was before we began pampering them under the provisions of the national defense act. That is just my point.

Mr. O'CONNOR of Louisiana. And the gentleman believes the National Guard is as important a factor in the national defense as the Regular Army, constituted as it is?

Mr. WAINWRIGHT. Absolutely; and if the gentleman will yield for a very brief statement, I will say that if the Regular Army soldier at an investment of $1,000 a year or an expense of $1,000 a year is a good investment, that the National Guard soldier at an investment, as the gentleman from California has told us, of about $309, is probably a better investment.

Mr. O'CONNOR of Louisiana. I thank the gentleman, because he has emphasized and accentuated admirably what I have been endeavoring and struggling to say.

I now yield to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. The gentleman has stated it is the duty of this committee to do this. I suppose the gentleman knows that this is an appropriating committee and has no power to enact legislation.

Mr. O'CONNOR of Louisiana. Oh, if you would exercise the power that belongs to you and would not surrender pusillanimously to the Bureau of the Budget, you would be able to do a great many things here that you have not, apparently, the courage to do. The gentleman knows that and I know it. You are permitting a creature of Congress to play the part of the monster, created by Frankenstein, and destroy the usefulness of this body. Assert your privileges and your prerogatives and do for the Army what should be done.

Mind you, I am not reflecting upon the poor fellow that serves in the Regular Army. I am for him and I would like to see you do more for him, but I also want you to do something for the National Guard. [Applause.] The young man who enlists in the Regular Army under present circumstances in peace time is either a paragon of courage and patriotism whose song should be sung by some divine bard lest his memory and self-abnegation be forgotten, or he is some young fellow who has not been able to make good in any other avenue of life. That is cold common sense. I have heard the lamented McKinley say that a cheap coat made a cheap man, and as a corollary to that thought I say cheap pay makes for cheap service. Pay our soldiers on land and sea in peace time and in war, for if the servant is worthy of his hire so is the soldier who, however, hapless and hopeless he may be is still blood of our blood and bone of our bone.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 12 minutes.

Mr. LINTHICUM. Mr. Chairman, I object.

Mr. BARBOUR. Then I move, Mr. Chairman, that all debate on this paragraph and all amendments thereto close in 12 minutes.

Mr. LINTHICUM. Mr. Chairman, I move to amend that by making it 20 minutes.

The CHAIRMAN (Mr. KETCHAM). The question is on the motion of the gentleman from California [Mr. BARBOUR] as amended by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 25, noes 19.

So the amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from California as amended.

The question was taken, and the motion was rejected.

Mr. TABER. Mr. Chairman, in view of the statement by the gentleman from Louisiana [Mr. O'CONNOR], I desire to call the attention of the committee and the House to the fact that the average pay of the enlisted man in our Army will reach somewhere around $50 or $60 per month. It is not $24 a month; that is the pay given to the first recruit before he has had any training or experience; and in addition all enlisted men get their keep and a place to live, medical care, and all that sort of thing?

Mr. HUDSON. Will the gentleman yield?

Mr. TABER. Yes.

Mr. HUDSON. If this Congress should increase the pay, does the gentleman anticipate that we would get a different class of men in the Regular Army?

Mr. TABER. No; the class of the men in the Regular Army is not the riffraff of the country. [Applause.]

They are mostly young men of high character who go into the Army because of patriotic ideas and impulses, because they want to get the training which the Regular Army gives them, and get an education which they can not get because of their limited means at home. Our rate of pay is high enough, so that it is drawing to the Regular Army first-class men, the very best of any regular army in any country, notwithstanding other countries have compulsory service.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LINTHICUM. I agree that we have a fine class of young men in the Army, but does not the gentleman think for that reason we ought to pay them better than we do?

Mr. TABER. I think that we are paying them fairly. I think if the gentleman would go into the analysis of the cost he would find that we are paying them fairly, and the fact that we are able to get first-class enlisted men indicates that we are paying them fairly. Sixty per cent of those whose terms expire reenlist at the expiration of their term. They would not do that if we were not paying them fairly. Then, again, after they have served a number of years they are entitled to retire on part pay for life, and that is a substantial asset to men in the Regular Army.

Now this committee, as much as any Member of the House, desires to keep up the National Guard, to maintain it, to build it up, to its true efficiency. It has not in any bill that has been brought before the House attempted to cut it down, but has treated them liberally always.

The surest way to find out just what the situation is is between sessions, to go out in the National Guard camps and see what the situation is. I went to my own camp last summer and spent a day looking around and inquiring of the members in the camp in which there were several thousand at that time. I asked them what they had to complain about, and they told me some things, many of which have been corrected in this bill. I asked them how the food was, and they told me it was fine; that they had nothing to complain about. I asked them about the bill of fare, and I saw that it contained good, substantial food—good meat, good vegetables, bread, pies, and all that sort of thing. They said they had nothing to complain about in the rations.

Much to my surprise when the bill was under consideration I was told that the New York State National Guard had passed a resolution asking for an increase in rations. We do not try to keep them down, we try to treat them fairly and give them what they need.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TABER. I yield.

Mr. WAINWRIGHT. I ask this not in any controversial sense, but does not the company funds of the National Guard contribute toward the food?

Mr. TABER. Nothing of that kind was said to me.

Mr. WAINWRIGHT. One other brief question: Does the gentleman say that he found the National Guard in his State subsisting on any great luxury?

Mr. TABER. No; but good, substantial, wholesome food, the kind of food I would like myself if I were there.

Mr. WAINWRIGHT. I am speaking of the conditions under which they were living—they were living in tents; were they not?

Mr. TABER. A good many of them were, as they should be under the circumstances.

The total amount required to build all of the camps is $923,000. That includes $300,000 to fix up the Devens Camp in Massachusetts. They want to complete it in three years. It is not going to be hard to complete it in three years the way the thing stands now, and it seems to me, taking all these things into consideration and treating the bill fairly, we should not increase this item.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. DALLINGER. Will the gentleman tell the House what the total amount carried in the bill is?

Mr. TABER. Four hundred and thirty-five million dollars.

Mr. DALLINGER. How much does the bill carry for the National Guard?

Mr. TABER. Thirty-two million three hundred and nineteen thousand dollars.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word. My colleague the gentleman from Mississippi [Mr. COLLINS] inferred, when I was asking him to yield, that I was questioning him for the purpose of propaganda. What I wanted to ask the gentleman at that time was whether he wanted seriously to tell the House that you could buy supplies more cheaply for the 15-day period that the National Guard serves in the summer time than you could under an all-year-round contract under which the Regular Army buys its supplies.

I am in favor of these amendments. I will say to the gentleman from Mississippi that I do not have to use any propaganda in reference to the National Guard. I was in the National Guard during the war, and I know all about it. I know what they did, how they fought, and I say that the National Guard is the best national defense for the United States. [Applause.] If we are going to hold our National Guard down on appropriations and tell them that we are only going to give them just a picayune appropriation, just enough to pull them along, and just food enough to keep them alive during a camp period, we are not going to help their morale or their patriotic resolves. The gentleman from New York said that they feed well on their rations. If the same thing exists in the State of New York that does in the State of Massachusetts, the gentleman knows that when he goes to visit those camps, the food that he gets on visitors' days is made up out of the company fund money, and is not coming to him out of the largess of the United States Government.

In respect to the buildings at Camp Devens, the gentlewoman from Massachusetts [Mrs. ROGERS] ably described them when she said that she is ashamed to have anybody see the buildings at that camp. They are old ramshackle things, with the rain coming through the roof, officers' quarters and men's quarters just the same, the very worst conditions that men could live under. No soldier expects to have steam heat and all of the luxuries of his own home life, but the United States Government running a camp for the purpose of instructing the youth of America in national defense should at least see to it that the men are properly housed while there, and do not live in old barns.

During the war the men who replaced the Regular Army divisions were not Regular Army men, but were taken from the National Army, and as fast as the Regular Army divisions were depleted they were filled up from the National Army and from the National Guard, so that those divisions popularly known as Pershing's pets were replenished from the National Army all over the United States. It was from the National Guard and from the National Army of the United States that your real fighters came, and I am giving due credit to those wonderful divisions, the First and Second, and other Regular Army divisions when I speak that way, but I bow to no man in proclaiming the fighting qualities and all-around efficiency of my own Twenty-sixth Division, the Yankee Division, and the other National Guard divisions, for I repeat the National Guard is the backbone of national defense. [Applause.]

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I heard the gentleman from New York [Mr. TABER] talking about the menu card he saw somewhere at a National Guard encampment. I have never seen one of those menu cards, but I have taken dinner there, and I say to the gentleman that I had a very fine plate of soup and some pork and beans and a frankfurter, and that constituted the dinner for visitors' day. That is all right for one meal and I enjoyed it, I believe, more than I would a Waldorf-Astoria meal with pâté de foie gras, which the gentleman from New York speaks of, but I would not like that as a steady meal for 15 days.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. If the gentleman will get me more time.

Mr. TABER. What about roast beef and green corn?

Mr. LINTHICUM. I never eat roast beef and seldom green corn, though I have had two summers in 1928 in which to do it. One in North America and one in South America. I do wish to impress upon the gentlemen of the House that this is an important matter, that we are asking only 5 cents a day additional for each man and funds to construct buildings and put others in repair. The gentleman from Mississippi says that it will be done in two years. Why wait two years, unless the United States Treasury has not the funds; and when you think that we have $274,000 to the credit of the National Guard in the Treasury of the United States and that we are asking for only $369,000 for the rations and for the completion and repair of the buildings, making a difference of less than a hundred thousand dollars, it does not seem to me very much. I feel very much interested in this matter. We have a splendid National Guard in Maryland, and we make adequate appropriations in our State to help them.

Mr. FURLOW. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. FURLOW. Mr. Chairman and gentlemen, there are Members here now who were not in the Chamber when this debate started, and for their information I want to roughly outline what this amendment would do. It takes in three features of the National Guard appropriation; $200,000 additional for camp construction, $50,000 for camp maintenance, and $119,980 for rations.

The gentleman from New York [Mr. LAGUARDIA] has made the statement that the ration fund is sufficient to take care of the men.

The gentleman from New York [Mr. TABER] has made the statement to the effect that he attended a camp last year in his district and found no complaint made by the men in reference to the ration. Probably the reason for that is this: These men are contributing in a great many camps throughout the United States from their own pockets and from their camp fund for their rations. Many States supplement the fund by appropriations. That statement was made to me by officials of the National Guard, who have been investigating this ration question for about three years. They have found that the Reserve Officers' Training Corps receives 70 cents a day for rations, and that the citizens' military training camps receive 70 cents, 60 per cent of the 70 cents being for ration purposes. The statement is made by the gentleman from New York [Mr. LAGUARDIA] that they can provide their rations for a 15-day period more cheaply than for the entire year. Obviously that argument is faulty. They can buy large quantities in the Regular Army at a cheaper rate than the guard can purchase smaller quantities for the training camp. There is not the same waste in the Regular Army that there is in the National Guard. We are asking simply 5 cents more to be added to the ration.

Mr. LAGUARDIA. In the Regular Army they buy in larger units.

Mr. FURLOW. Now as to the question of camp construction, the hearings showed that $1,000,000 is required to complete the camp construction. The percentage of completion on June 30, 1928, and estimated expenditures in 1929 and 1930, under available and prospective appropriations is such that it is shown in the record that they can not be completed within three years unless the appropriations carried in this bill shall equal last year's appropriations.

The amount set out for maintenance is an increase of $50,000. I urge the Congress to increase this National Guard appropriation. I am sure Congress wants the enlisted men in the National Guard to have the proper rations, and I am equally certain that the Congress wants this building program carried out as originally intended; and I am confident that Congress wants these buildings maintained and kept in a proper state of repair. That is all these amendments do. [Applause.]

Mr. BARBOUR. Mr. Chairman, I ask that I may have the remainder of the time.

The CHAIRMAN. The gentleman is recognized for seven minutes.

Mr. LAGUARDIA. Under the rules the gentleman may be recognized for five minutes.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. BARBOUR. Mr. Chairman, the amendment of the gentleman from Minnesota is divided into three parts. The first part is to increase the ration at National Guard camps by 5 cents a day. That matter was not brought formally to the attention of the committee. However, it was mentioned, as I remember, and it was suggested that 50 cents was probably not quite enough. The fact is that the National Guard ration is prescribed by law. The gentleman who proposes this amendment is a member of the Committee on Military Affairs, and in order to increase the ration of the National Guard we would have to have legislation. The Committee on Appropriations, preparing the War Department appropriation bill, has no power whatever to put it into this bill.

Mr. FURLOW. It is not established by law.

Mr. BARBOUR. Let me read it to the gentleman. He can draw his own conclusions, as can other Members of the House. I read from the national defense act, section 111:

> Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

The National Guard ration is fixed at the same as that of the Regular Army and unless the Regular Army ration is changed, I do not see how you can change the National Guard ration without amending the law. So far as I have heard, there has been no serious complaint about the National Guard ration. It was not urged before our committee that the men were not being properly fed. I have never heard a National Guard man of my State complain about the ration the Guard was receiving at camp.

It is proposed to do all these things simply because somebody wants to do something more for the National Guard, and the thing that I do not like about an amendment of this kind is that it puts this committee and it puts other friends of the National Guard, who are not willing to vote for this amendment, in the position of being opposed to the National Guard when they are not. We have heard speeches here to-day by men who have praised the National Guard, and I subscribe to every word that has been said. I believe that in time of emergency our greatest reliance is going to be on the National Guard. [Applause.]

I believe there will be no better soldiers in the Army in case of emergency than those who come from the National Guard, and there have been none better in the past. I want to go on record here as not being opposed to the National Guard, but I can not indorse these amendments to this bill. I think the ration item is disposed of by the provision in the national defense act, and if you put this additional 5 cents on the National Guard ration the Militia Bureau officers under that act would hold that they did not have the power to spend it. So if you are going to increase the ration of the National Guard, do it in the right way and bring in legislation from the committee of which the gentleman from Minnesota is a member and do not try to ride this appropriation bill with legislation.

Now, as to the maintenance, the amount urged in the amendment was not allowed in the bill for this reason: The Militia Bureau officers base their maintenance on from 2 to 5 per cent of the original cost of the buildings. The Regular Army maintenance of its buildings, including those old war-time buildings that they are compelled to keep up until we can get the new construction program completed, is on a basis of 2 per cent. If the Regular Army can maintain its buildings for 2 per cent, I do not see why the Militia Bureau can not maintain its buildings for less than 5 per cent. That is all I have to say about that.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. LINTHICUM. Mr. Chairman, I do not wish to object, but the gentleman asked that he might be the last speaker; and he takes the opportunity as the last speaker to inject into this argument what he states is a law—section 111, national defense act—which would prevent the increase for subsistence, a question which has not been mentioned on the floor of the House and which he had an abundance of time to state and which to my mind he should have done. I therefore ask unanimous consent that the gentleman be allowed the time he has asked, and that the gentleman from Minnesota be allowed five minutes to answer the new question.

Mr. TABER. Mr. Chairman, I object.

The CHAIRMAN. The committee has fixed the time.

Mr. LINTHICUM. The gentleman asked unanimous consent to proceed for two additional minutes. I am perfectly willing that he should proceed if the gentleman from Minnesota is given time to answer the question which the gentleman from California has just mentioned on the floor of this House.

The CHAIRMAN. The question is, Is there objection?

Mr. LINTHICUM. I am perfectly willing to have the gentleman proceed provided the gentleman from Minnesota has additional time.

The CHAIRMAN. The question is, Is there objection?

Mr. LINTHICUM. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 34, noes 40

So the amendment was rejected

Mr LINTHICUM. Mr. Chairman, I demand tellers.

The CHAIRMAN The gentleman from Maryland demands tellers Those in favor of ordering tellers will rise and stand until counted. [After counting.] Fourteen gentlemen have risen, not a sufficient number, so tellers are refused. The Clerk will read.

The Clerk read as follows:

> For expenses, selected officers and enlisted men, military service schools, including medical and hospital treatment authorized by law, $317,500.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I do this for the sole purpose of correcting the attempt—unintentionally, I am sure—of the gentleman from New York [Mr. WAINWRIGHT] to construe my attitude as a reflection on the National Guard. I can only reiterate what I said before, which the gentleman from New York did not grasp, or perhaps I failed to convey my thoughts properly, and that is that the National Guard is the backbone of our national defense; that they did render distinguished service in the late war; that they did respond immediately and did more than their share of fighting. However, I say they did all of this of their own volition, without the pampering, without the frills, without the trimmings, and without the enormous appropriations you are now giving them under the national defense act of 1920. On my right sits the gentleman from Ohio [Mr. FITZGERALD], who was an old member of the National Guard. When he was a member of the National Guard they went to camp voluntarily, marched miles to get to camp, and carried their own food with them. They were not demanding chefs and maitre de hotel in those days. It is only recently that we are appropriating millions for the National Guard. As the gentleman from New York points out, they were right there when they were called; they were organized and they were efficient, but they were ready without all of these appropriations.

That was the time when the National Guard, a real American institution, was made up of men who were citizen soldiers in the finest sense of the value of the National Guard in the scheme of national defense. I would like to say to the members of the committee that I have been familiar with the conditions under which the National Guard trained and subsisted for a period extending over 40 years. I am familiar with the conditions in their camps to-day. I entered the National Guard in the year 1889, over 40 years ago, and I simply want to make this very positive statement: That the National Guard to-day is not living in conditions of greater luxury and is not subsisted any more luxuriously than they were 40 years ago.

Mr. LAGUARDIA. Except at the expense of the National Government.

The Clerk read as follows:

> Enlisted Reserve Corps: For pay, transportation, subsistence, clothing, and medical and hospital treatment, $100.

Mr. SCHAFER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. SCHAFER: At page 54, line 11, strike out "$100" and insert in lieu thereof "$100,000."

Mr. SCHAFER. Mr. Chairman, although the committee a few moments ago, by a substantial majority, rejected an amendment proposing to increase the rations for the National Guard, I feel compelled to offer this amendment, although the prior votes would seem to indicate that it will be rejected.

The district which I have the honor to represent contains a small city of about 25,000 inhabitants—South Milwaukee, Wis. In this city is located the Bucyrus-Erie plant, the greatest steam shovel and excavating machinery manufacturers in the world.

The Five hundred and thirty-second Ordnance Company, Enlisted Reserve, organized at the Bucyrus-Erie plant, has a peacetime strength of 9 officers and 25 enlisted men, and a wartime strength of 11 officers and 250 enlisted men. Last summer orders were received by the officers of this ordnance outfit which were interpreted as directing the enlisted personnel to go to camp for training.

Every member of the Five hundred and thirty-second Ordnance Company is an expert engineer or machinist, a war veteran, and employee of the Bucyrus-Erie Co. Colonel Coleman, the president of the company, is to be commended for the encouragement he has always given to this army activity. The men were overjoyed to learn that their outfit had been called to camp for active duty from July 8 to 22, 1928, at Rock Island Arsenal, and Colonel Coleman and the management of the Bucyrus-Erie Co. agreed to make up the difference between Army pay and Bucyrus pay for any who preferred to attend camp on Bucyrus time rather than to take their vacation for this purpose. Upon consulting the War Department it was found that the order merely provided for the sending of the officer personnel to camp for training purposes.

I wrote Major General Summerall, Chief of Staff, at that time, and received a reply from him dated April 2, 1928, which reads in part as follows:

> I am in receipt of your letter of March 31, relative to sending enlisted men of the Five hundred and thirty-second Ordnance Company to camp, as originally planned.
>
> I am sorry that I shall be unable to comply with your request, but due to the fact that no funds were appropriated by Congress for the training of enlisted reservists, I fear that it will not be possible.
>
> I need not tell you how I appreciate the splendid showing and high morale of the enlisted reservists of this organization, which compares so favorably to other reserve organizations. I feel sure that the high technical training and knowledge which these men possess will be of the greatest benefit to the Nation in case of any future emergency.

Upon carefully reading the hearings on the appropriation bill now before the House I find that the War Department only asked for $100 for the enlisted reserves.

I believe in case of a future war it is just as essential to our national defense to have properly trained noncommissioned officers as it is to have trained commissioned officers. We must have trained corporals, sergeants, master engineers, and other noncommissioned officers in order to have an effective military organization in time of war. I am rising at this time to ask the Appropriations Committee if they have at any time taken up with the War Department the question of providing some appropriation so that the enlisted reserve, particularly the noncommissioned officers, can receive a little training. Does not the committee think there may be some merit in appropriating more than $100 for the enlisted reserve?

Mr. BARBOUR. I will state to the gentleman from Wisconsin that the officer of the War Department who appeared before the committee said that this $100 was merely a nominal amount in order to retain the language in the bill; that it never has been contemplated that the enlisted reserve be trained.

Our Organized Reserves are composed of regiments of officers who take certain courses of study during the year and then a considerable number of them go to camps for 15 days in the summer time. Some of them are taken into the Army schools and trained for various periods and some go in training with the Army Air Corps as reserve fliers. When they go to the camp for two weeks in the summer time, Regular Army troops are there for them to train with, and part of the training, I understand, is that these reserve officers will take command of these Regular Army regiments that are there, and really there is no other enlisted personnel needed.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Chairman, the chairman of the subcommittee apparently misunderstood me, or perhaps I was not clear in my statement. I did not propose to send these enlisted reserve noncommissioned officers to the camps so that the commissioned reserve officers would have some one to practice on.

My question is: Why is it not necessary to send these noncommissioned officers to the camps to receive training so that in case of a future emergency we will have these men in the line with some training? It is just as necessary to have trained noncommissioned officers as it is to have trained first and second lieutenants.

I think our whole plan of national defense falls if we are only going to provide training for commissioned reserve officers. Let us train the noncommissioned officers. In time of war the noncommissioned officers do good and effective work and it is essential that they be properly trained.

Mr. BULWINKLE. Will the gentleman yield?

Mr. SCHAFER. I yield to the gentleman.

Mr. BULWINKLE. Does not the gentleman know that we have hostesses now to help train these men?

Mr. SCHAFER. I am not taking part in that "hostess" argument. I have not had time to look into the merits of that question.

I am taking the floor at this time to call attention to my views on this important matter. I think the War Department should see to it that some of their attention is diverted to the training of the enlisted reserve noncommissioned officers, even if we have to somewhat curtail our expenditures for training the reserve commissioned officer personnel. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

CITIZENS' MILITARY TRAINING

RESERVE OFFICERS' TRAINING CORPS

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or in lieu of transporting them to and from such camps and subsisting them while en route to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for reimbursement for the use, including upkeep and depreciation costs of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C., p. 184, sec. 387); for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps injured in line of duty while at camps of instruction under the provisions of section 47a of the national defense act approved June 3, 1916, as amended (U. S. C., p. 185, sec. 441); and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in section 4 of the act approved June 3, 1924 (U. S. C., p. 186, sec. 455); and for the cost of maintenance, repair, and operation of passenger-carrying vehicles, $2,667,917: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated

in this act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps: *Provided further*, That none of the funds appropriated elsewhere in this act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Mr. COLLINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 59, line 9, after the colon, strike out the figures "2,667,917" and insert in lieu thereof the figures "2,145,900."

Mr. COLLINS. Mr. Chairman, and gentlemen, the purpose of this amendment is twofold: First it is to keep the number of young men of the Reserve Officers' Training Corps at the same figure it was last year, or at the same figure carried in the 1929 bill. Second, it eliminates the dress uniform that is to be provided to those in the Reserve Officers' Training Corps known as basic students.

Let me direct your attention in discussing this amendment to the number of young men in the Reserve Officers' Training Corps. There are at the present time 127,453 of these boys now in the Reserve Officers' Training Corps. In addition to these there are 14,807 young men in 55–C schools. There are 30 other schools which are known as below 55–C schools. These are schools where the average number of students range from 40 to 100. This makes in all these schools scattered throughout the United States where training is given, over 145,000 students who take toll out of this bill and that part of them that want to will ultimately be officers in the Reserve Officers' Training Corps.

Now I call the attention of the House to the fact that the committee has added 2,000 additional—all to high-school units—making the total number to be trained around 147,000 in 1930.

We have over 40,000 more officers in the Reserve Officers' Training Corps now than is estimated as needed to command three and a half million men. So what is the sense in training so many additional officers?

This training is not voluntary in many of the schools. We claim we do not have compulsory military training in this country, but in many of our schools and colleges and high schools compulsory military training is practiced now.

The purpose of this amendment is to eliminate 2,000 of these trainees in the high schools and to keep this activity from growing this year.

The cost to the Government of keeping these young men in this work amounts to $88.50 per year, and the cost at camp is $132 per year per student. And this is just a part of the expense. The young man at school is given his subsistence allowance or his ration allowance. If he is in a high grade, like a junior or senior year in college, he is given a uniform costing $30, and the second year an additional allowance of $6.

I call the attention of the House to this fact, that in some colleges the uniforms cost as much as $377.25 a year. Do you not know that the time is going to approach soon when this uniform allowance for the senior units will be increased and the uniform allowance of the Federal Government will greatly exceed $36? This bill carries an item of $507,759 to take care of the uniform allowance to the basic students and this is just the beginning of the program. This will pay just a part of the cost of uniforming the freshmen and sophomores. They are the basic students. The juniors and seniors are taken care of elsewhere in the bill. They are called the advanced trainees.

The CHAIRMAN. The time of the gentleman frim Mississippi has expired.

Mr. COLLINS. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLLINS. The uniform allowance for the basic students up to now has been small. This is the beginning of a more dressy garb. The uniform allowance for the 55–C schools will probably come on next year and those schools below 55–C will follow. Ultimately will come more extensive and more expensive programs. The universities and colleges of the country are not satisfied now. They will want larger appropriations and will get them as they will this. We are giving the young men at these colleges this uniform allowance and we are denying the soldier in the Army a new uniform. If anyone is entitled to a better uniform, it is the real soldier.

They will wear the same old uniform. Of course, these young men in the colleges want a nice uniform, and they want a subsistence allowance, and the college professors want these allowances; so do the professors in the high schools, and those young men attending them. We can not blame them for asking. If it were worth-while training, there could be no objection. Certainly that in the high schools can not be defended. It is wholly without value.

Is it the idea of this Congress to provide compulsory military training in all of the schools and colleges? Many here had no idea it was practiced. Is it the idea of the Congress to train as soldiers young men 14 years of age? This is what we are doing. Germany never did it in her palmiest days. We pretend we want to keep the Federal Government out of the schools of the country, but we do not. If a proposal made to establish a department of education and have the Federal Government go into the schools for the purpose of assisting the schools of the country in general educational work, I dare say that there would not be 25 men on this floor who would be in favor of it; and right now we are in the schools and colleges and the high schools and the schools below the high schools and are appropriating great sums of money out of the Treasury, all because Army officers tell us that it is in aid of national defense.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. Is not all that is being done in regard to training of the youth in the colleges and schools, the Reserve Officers' Training Corps, simply carrying out the provisions of the national defense act in that respect?

Mr. COLLINS. I answered the same question for the gentleman the other day. Of course it is provided for in the national defense act, but there are many things in the national defense act that would not be put into it now if it was being considered by the Congress at the present time.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. HUDSON. Does the gentleman's amendment reduce the money that is necessary or available for training in the high schools?

Mr. COLLINS. It only touches the high schools. My amendment seeks to keep the high-school trainees at the number now being trained.

Mr. HUDSON. I am in sympathy with the gentleman's amendment. I am willing to see training in colleges, and I believe in citizens' military training camps, and in the National Guard. I am an honorary member and pay annual dues, but I do not believe in military training in the high schools of the country.

Mr. COLLINS. In many high schools in this country military training is made compulsory.

Mr. JAMES. There is no compulsory training in the high schools.

Mr. COLLINS. Yes.

Mr. JAMES. Where? They are training them in my district, but it is not compulsory. The boys can take it or leave it alone.

Mr. COLLINS. The testimony states that in high schools military training is compulsory. Not all of them but in many. If the gentleman will look at the tables in the hearings he will see the letter "A" after the name of many colleges or universities. Wherever the "A" appears, military training is not compulsory, and where military training is compulsory, there is no "A."

Mr. LAGUARDIA. The gentleman ought to make it clear that it is not the national law that makes it compulsory but the regulations of the particular school.

Mr. COLLINS. The gentleman is partly correct. It is really compulsory in all of them, because the War Department makes them enlist for a given period and makes them agree in writing to take this training for a given time.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. WAINWRIGHT. There is a very large element in this Congress, a very great element in the country—perhaps a preponderating element—who really believes in all these things the gentleman is speaking about.

Mr. COLLINS. I do not know about the number. I do know there are a great many people in this country who believe in compulsory military training; but I do not believe a majority of the membership of this House believes in compulsory military training. If they do, they are successfully hiding their convictions from their people back home. My amendment proposes

to keep down the number of these high-school boys to be trained and to eliminate the increased appropriation for uniforms and allowances to the basic students.

Let me enumerate the methods employed in going after these young men: First, the compulsory feature; second, the horses, the boys like to ride; third, the uniform, the dressy uniform; and fourth, the young ladies who act as chaperons, who inspect them, who shoot at rifle practice with them, who play soldiers with them. I thought I had some newspaper pictures of many of these young ladies, dressed in snappy uniforms, which I wanted the House to see. I am sorry I failed to bring them.

Anyway, these are the four main ways of getting these young men into the game. They are to be officers—all of them. They like it; and their tribe is on the increase.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. MORIN. Mr. Chairman, I move to strike out the last word. There is considerable misunderstanding among the Members of the House on the progress of the building program at West Point, and there have been some unmerited criticisms directed at the executive officers and those who have the building program in charge. I am sure these statements would not have been made if the Members understood the conditions under which the program has had to be carried out. There is no set of officers anywhere in the Army to my knowledge who make a more conscientious or sincere effort to do their work efficiently and economically, and, at the same time, to carry out the wishes of Congress than the officers stationed at West Point.

Two hundred and ninety-seven thousand dollars is needed to complete the construction of what is referred to as the new mess hall at West Point. As a matter of fact, this building, when completed, will contain not only a mess hall to accommodate the entire corps of cadets of more than 1,300 members in one dining room, with all the necessary kitchens, bakeries, refrigeration, and storehouses incident to the operation of such a mess, but it also will contain the dormitories where the cooks, waiters, and other personnel employed in the mess will be housed; the cadet store which furnishes all supplies that cadets use, where all the uniforms which the cadets wear are made and all repairs done; a drawing department which accommodates two classes at one time; dormitories, bath rooms, and so forth, to accommodate visiting athletic teams at West Point; and also the offices of the treasurer of the United States Military Academy. This building, when completed, will be unquestionably one of the finest and best built structures in America.

In view of the fact that $297,000 is needed now, in addition to the estimates which have heretofore been submitted, it is important and essential that the Members of the House should understand just how the original estimates were made and how the money which has already been appropriated has been expended in the construction of this building. When the building was first contemplated, the superintendent of the academy called in the constructing quartermaster and gave to him a rough sketch showing the approximate and tentative floor plan of a building which was to contain the cadet mess, the cadet store, and the drawing department. With the heights of the buildings in the immediate vicinity as a guide and the tentative floor plan of the building as shown on the sketch, a total of 2,961,290 cubic feet was estimated as the capacity of the building.

With an estimated cost of 62 cents per cubic foot, the total cost of the building was arrived at by multiplying the number of cubic feet in the building by 62 cents. This gave a total cost of $1,836,000. This figure, it must be remembered, was arrived at before any plans whatsoever had been drawn, no money having yet been appropriated for the preparation of plans and specifications. This estimate was based on what the then superintendent thought the floor arrangement and the height of the building should be and upon what the constructing quartermaster estimated the cost per cubic foot would be. This $1,836,000 did not include the cost of any equipment for the building.

With this rough estimate as a basis, the Congress for the fiscal year 1925, without previously enacting authorizing legislation, appropriated $83,000 to be expended in drawing the plans of the mess hall, cadet store, drawing department, and dormitories. This was the first legislation of any kind that was passed by Congress for this building. No limit was placed on the cost of the building in this or any other legislation.

When these funds became available Arnold W. Brunner, of New York City, was appointed architect to draw the plans and specifications of the building.

When the architect arrived on the ground to study the situation, needs, and so forth, the Superintendent of the Military Academy appointed a board of officers to study the requirements of the various units that were to be housed in the building and to assign space to each of these units. As the result of this study, the superintendent decided to increase the size of the building in order to incorporate in the building the cadet armory. This armory was, and is now, housed in cadet barracks and occupies space which should be used by cadets for living quarters. The superintendent also decided to enlarge the space originally allotted for the lecture room of the drawing academy. He also decided to put in the building the cadet photographic studio and to provide dormitory accommodations for visiting athletic teams. These modifications which were made after the first $83,000 had been appropriated, increased the cubic contents of the building, which in turn, of course, increased the total cost of the building on the basis of the original estimates. In addition to these modifications, it was also decided to enlarge the space for the kitchen and to include in this new mess hall a bakery shop which would serve all of the needs of the garrison at West Point; that is, the enlisted men as well as the cadets.

After this report of the board was approved by the superintendent, there was still an effort made to reduce the total cost of the building and especially to avoid excessive rock excavation, and therefore, the sketch plans of the architects were cut down about 10 feet on one end. However, when the plans were drawn up, the changes that had to be made in order to incorporate within the limits of the building all the activities which these studies showed should be housed therein increased the cubic contents of the building by 438,710 cubic feet. Applying the original estimate of 62 cents per cubic foot to this increased cubic contents, the estimated cost was increased by $272,000.

About this same time a letter was received by the officials at West Point from the budget officer for the War Department, dated April 22, 1924, which directed that labor rates of pay should be equal to those of civilian labor in the vicinity, which made it necessary to increase the wages of the personnel working on this building.

The original estimate was based on $3 a day for common labor and $6 a day for skilled mechanics. In order to comply with the aforementioned instructions from the War Department, it was necessary to increase these figures to $4 and $8 per day, respectively. This additional expenditure above the original estimate up to September 1, 1928, has amounted to $362,948.14, to which must be added about $40,000 to cover the time up to the completion of the building.

Due to these increases in the size of the building and to these increases in the cost of labor over which the officers at West Point who were making the estimates had, of course, no control, the increased cost of the building will be $674,950 more than the original estimates. Of course, had these facts been known at the time the original estimate was submitted on the basis of the rough sketch, the original estimate would have included these factors and would have called for $2,510,948 exclusive of equipment, instead of $1,836,000. Now, when the $297,000 now needed to complete the building is appropriated, the total appropriations for this building, exclusive of equipment, will be $2,359,334; that is, the total cost of the building, including this $297,000 will be $151,614 less than the initial estimates would have been had the two conditions—that is, the increased size and the increased wages—been foreseen in the beginning and taken into the original estimates.

There is also another important factor in this matter. When the initial estimate was made it was thought that the work of construction would require not more than two years. This was believed at that time to be the most economical method of building. On this basis, the first year's estimate which came from West Point was for an appropriation of $800,000; that is, in order to complete the building in two years, it was necessary to have $800,000 the first year. This estimate was cut, and the appropriation actually made was for $350,000 only. It appears that the attention of the Appropriations Committee of Congress was called to the fact that by making appropriations in such amounts as was indicated by the $350,000, thereby requiring a period of five years in which to complete the building, it would require about a quarter of a million dollars more than it would require if the building were completed in two years. This statement was made by Colonel Timberlake, the constructing quartermaster. I am informed that Colonel Timberlake, after having made this statement to the committee, consulted a contracting firm on this point and was told by them that in their opinion it would add 25 per cent to the cost of the building if it were continued over a period of five years instead of being completed in two years.

This building has been constructed by the system of purchase and hire; that is, it was not let out to a contractor, but the quartermaster himself has done the work. This method of construction, which is unquestionably much more economical

than the method of contracting, made it necessary, however, to spend about $25,000 of the appropriation for the procurement of the necessary construction machinery.

Another point that should be noted in regard to this matter is this: The stone for building this building is quarried from the hills at West Point. From these quarries a great deal of stone has been obtained, and up to within the last year this stone has been of an excellent quality. However, about a year ago it developed that the good stone was running short, and due to many seams and flaws in the stone it became necessary to put on a double force—that is, two gangs, one night and one day—in order to get out sufficient stone to keep the stonecutters busy, and at least 70 per cent of the stone gotten out had to be discarded, as it was unsuitable for cutting. This made a considerable increase in the cost of the procurement of the stone itself.

It may be interesting to call attention to how the 62 cents per cubic foot was arrived at as the basis for making the initial estimate. I am informed that contractors generally estimate the cost of a building by fixing some figure as the cost per cubic foot. This is the most general system used by contractors and builders. The cost per cubic foot, I am informed, is determined by considering the type of building, whether it is to be stone, brick, or frame; how it is divided up into rooms; the plumbing, heating, sewerage, and so forth. These things are all taken into consideration in fixing the price per cubic foot. At West Point the price of 62 cents per cubic foot was adopted because the last contractor working at West Point on similar construction used 62 cents per cubic foot as the basis. Also, the constructing quartermaster there had done work of a similar nature at approximately this same cost.

So much for the building itself, the original estimates, and its total cost. It is now necessary to direct attention to the specific item of $297,000 which is under consideration.

In October, 1927, the constructing quartermaster at West Point who was putting up the building came to the conclusion that there was not sufficient funds appropriated to complete the building. He called into consultation the superintendent of construction on the building and also the general superintendent of construction at West Point, who has been there for 30 years and has supervised all of the modern construction at West Point. These two men estimated that it would require a total of $680,031 to complete the building. The balance of the appropriation on hand at that time was $553,697. It was therefore necessary to ask for an additional appropriation of $126,334. This matter was called to the attention of the House Committee on Military Affairs, and a bill authorizing the appropriation of this additional $126,334 was passed. Under the authority of this authorization act Congress later appropriated $126,334.

It was later discovered by the constructing quartermaster at West Point that this amount was not correct because of two mistakes which had been made. First, the $553,697, which was the balance on hand at the time the estimate was made, included the $161,000 that had been appropriated, not for the construction of the building but for the equipment that was to be purchased and placed in the building. It was also discovered that the estimate of the superintendent of construction on the post and the general superintendent of construction of $680,031, which had been approved by the constructing quartermaster, was too low. I think there can be no doubt that the two superintendents of construction estimated on the basis of their best judgment, and that judgment was based on a long experience in this kind of work. At the time the estimate was made there were about 300 men employed on the post, and the constructing quartermaster frankly states that the estimate which was made at that time, and which he approved, was too low.

I might say here, for the information of the Members of this House, that in my experience of many years as a member of the Military Affairs Committee and as one who has followed closely every detail of the building program at West Point, that it has been the policy of the officials at West Point to underestimate rather than to overestimate. I think this mistake was an honest error, and, so far as I know, no one has endeavored to excuse it on any grounds other than that it was an error of judgment. In fact, I might call the attention of the Members of the House to the fact that contractors who have worked at West Point on any basis other than a percentage basis have lost large amounts of money. It is a fact that the last contractor who built the addition to the cadet barracks is now suing the Government for over $300,000 which he claims to have lost on his contract, which amounts to $404,000. Another example of incorrect estimates at West Point is found in the construction of the Thayer Hotel. I am informed that the contractor who built that hotel started in with an estimate for the building of $850,000, but only recently he testified before the Court of Claims that the building actually cost $1,219,000. This is an error in judgment of about 40 per cent.

A Board of Visitors recently visited West Point. The question of this $297,000 was brought to their attention, and the fact that the matter had been investigated by two disinterested officers, one appointed by the superintendent of the academy and the other by the Secretary of War, and that both had come to the conclusion that all money for the construction of this building had been economically spent and the Government had gotten full value for every dollar expended. The Board of Visitors were impressed with the character of construction and came away with the opinion that there is probably not a better constructed building in this country. The board was especially impressed with the fact that the construction has been done in such a manner as to make necessary a minimum of expenditure in future years in maintaining the building. I am informed that architects who have seen this building state that the cost per cubic foot should be not 65 cents but 75 cents or 80 cents, yet when the $297,000 now under consideration is appropriated, this building will have cost less than 70 cents per cubic foot.

Just a word about Colonel Timberlake, the constructing quartermaster. In the presence of the Board of Visitors, the superintendent at West Point remarked:

> Timberlake gets more for a dollar than any man I ever knew. He makes a dollar do the work of two.

This is the judgment of the officer who, after all, is responsible for the development of the Military Academy and who is constantly in touch with the work. Colonel Timberlake was sent to West Point to complete the building program there because he was considered to be preeminently qualified for this work. He had been at West Point before the World War. Immediately upon the conclusion of the World War he was brought back there to complete the work. The act of Congress which authorizes him to remain there until this program is completed was based on a desire by Congress to see that the construction program there was carried out in accordance with the original plans by one who thoroughly understood what those plans were and in a manner that would be most economical to the Government. That he was not sent there because of any sentimental reason is indicated by the character of the personnel of the Committee on Military Affairs which recommended to the Congress the passage of that act. I have but to refer to some of them to demonstrate the truth of this statement. It was passed when the late Hon. Julius Kahn, Hon. D. R. Anthony, John C. McKenzie, Frank L. Greene, Thomas S. Crago, S. Hubert Dent, William J. Fields, and Percy E. Quin were members of the committee. I think any Member of this House who knows the character of those men will realize that Colonel Timberlake's retention at West Point was intended for no other purpose than that the interests of the United States Government might be best conserved.

The committee report on this bill, filed by Mr. Dent, contains the following statement:

> The committee incorporated in this bill a provision authorizing the Secretary of War to detail Col. E. J. Timberlake as quartermaster, disbursing, and construction officer at the academy. It is the opinion of the committee that Colonel Timberlake has rendered valuable and efficient services at the academy in this capacity, and his familiarity with the duties and responsibilities, combined with his business methods, make it desirable that he be detailed there.

I will add, however, that at the time the building program was resumed after the war, it was the belief of the members of the Committee on Military Affairs that the construction program there would be completed within a period of five or six years. That it has been drawn out over a much longer period is no fault of the constructing quartermaster or any of the officials at West Point. They have urged in every proper way the early completion of this building program. The reason it could not be completed within the time originally expected is because the Congress itself has been reluctant from time to time to make the necessary appropriations. In other words, the Military Academy at West Point, along with many other activities of the Government, has been a factor in carrying out the program of economy to which the administration and the Congress has been, and still is, committed.

In conclusion I wish to call the attention of the House to the urgent necessity of appropriating at this time the $297,000 which is required to complete this building. When completed it will meet the needs of 1,374 cadets, the number now authorized by law. The storage and refrigerator rooms are large enough so that all supplies can be purchased in carload lots, which means a decided saving in the operation of the cadet mess. I am adding here a letter received from Mr. Gehron, of the firm of Gehron, Ross & Alley, architects, who are the successors to

Arnold Brunner, who made the original plans, as well as other letters in further explanation of this matter.

Mr. LAGUARDIA. Mr. Chairman, does the gentleman intend to put in his remarks the statement received from Colonel Timberlake?

Mr. MORIN. What statement?

Mr. LAGUARDIA. The statement as to Colonel Timberlake's view on the prevailing rate of wages.

Mr. MORIN. I shall not touch on the wage question at all, because I do not think that is necessary.

The letters referred to follow:

NEW YORK, *December 24, 1928.*

Hon. J. M. MORIN,
Chairman of Military Affairs Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We have found out recently that inspectors have been sent to West Point to investigate the expenditure of moneys on the mess hall, which is being built under the direction of Col. E. J. Timberlake from our drawings.

We were sorry to learn that the Government has taken this attitude, as we know from experience in working with Colonel Timberlake that he has made the utmost effort in every direction to procure the best results in subletting the work for this building, and further that he takes great pride and care in keeping the cost of the buildings which are built under his direction down to the very minimum.

In designing the mess hall he requested that it be a simple, dignified building with as little ornamentation as possible and still harmonize with the style and character of the buildings at West Point, but he did insist on having the best materials and quality where maintenance was concerned.

We have been the architects for a number of large buildings of a similar type of construction, among them the new State Capitol group at Harrisburg, Pa., the Mount Sinai Hospital in New York City, and the Theological Seminary in New York City, and we have never seen a building that was as well built and had as much thought put to it for low maintenance as the cadet mess hall.

The exterior stonework is backed up with solid concrete, and the large Gothic windows in the mess hall are all cut from Indiana limestone, and the design of Gothic tracery is of necessity an expensive operation. Supporting the second and third floors above the large mess hall was expensive due to the need of large trusses in order to eliminate all columns in this room. The building throughout is of modern fireproof construction.

The interior has such a varied use and required unusual and necessarily costly materials in some of this work, such as a number of large refrigerating rooms, kitchen, and pantries, etc., that required mechanical equipment, including refrigerating machines and kitchen equipment, which adds considerable to the cost of the building. There is also, as you know, a large lecture room on the top floor, which required mechanical ventilation.

We understand that the actual cost of this building is about 69 cents per cubic foot, which is unusually low; the reason being the elimination of the usual contractor's commission, which would not be less than 10 per cent, and allowance for contingencies; also the fact that Colonel Timberlake can operate with nonunion labor; and we have found that his overhead in his organization must be smaller than the usual contractor's office overhead, as he carries on his work with a small number of men. We assume that the cost of a building of a similar type would be at least 85 cents per cubic foot if built by outside contractors.

We will be glad to give you any further information that may be required or useful to you in correcting any impression that may have arisen as to the excessive cost of this work, as we are particularly anxious to be of any service, as we feel it is an injustice to Colonel Timberlake after all of the strenuous efforts he has made to keep the cost of this building down to the minimum.

Very truly yours,

GEHRON, ROSS & ALLEY.
By WILLIAM GEHRON.

OFFICE OF THE QUARTERMASTER,
West Point, N. Y., December 18, 1928.

Hon. JOHN M. MORIN,
House of Representatives, Washington, D. C.

MY DEAR MR. MORIN: Replying to yours of December 17, in going about the erection of the new hospital, advertisements were let twice. The first time the low bid was $666,600 and the high bid $741,226. Conditions as to labor and material became easier shortly after this and this building was readvertised. On the readvertisement, the low bid was $539,539 and the high bid was $672,000.

After these second bids were received, I thought maybe I could do better by getting away from the New York contractors, and I got a big firm, Cuthbert Bros., of Pittsburgh, to make me an estimate on the building. This estimate was $539,000.

I then decided it was impossible to get this building erected anywhere near the appropriation, which was $390,000, so I undertook the erection of the building by the method of purchase and hire. The appropriations for the new hospital were as follows: Fiscal year 1920, $390,000; 1924, $52,000; 1925, $13,500; a total of $455,500.

The building as built is larger and better than was specified or bid upon. For instance, the specifications called for only two-thirds of the basement to be excavated, whereas I excavated the entire basement and gave them that much more storage room. The result of the few years' use has shown that this was a wise move. Again, the specifications called for galvanized iron pipe throughout the building, and in the construction of the building I put in brass pipe. If the firm who bid low—$539,000—had bid on this increase in the basement and brass pipe their bid would probably have been $30,000 to $40,000 larger.

Now, as to the second part of your letter. I was detailed in the Quartermaster Department and arrived at West Point June 20, 1914. I remained on duty at this post until October 29, 1918, when I was relieved and expected to go to France. During the time I was away, I was stationed at Camp Eustis and Fort Monroe, Va.

When the visiting committee came to West Point on December 13, 1918, I was ordered up to West Point to go over the estimates with the committee. While here on that temporary duty, the committee asked me to come back here and take up the duties again, which I reluctantly did. However, as the committee expressed such confidence in me, and so stated, I cast aside my own desires and came back, arriving here March 31, 1919, as a result of the proviso in the Military Academy bill, and have been on this duty ever since, giving the best I have to the work.

With kindest regards, I am

Sincerely yours,

E. J. TIMBERLAKE.

SEPTEMBER 17, 1928.

THE ADJUTANT GENERAL,
War Department, Washington, D. C.

1. It is requested that the estimate for public works (construction funds) for the United States Military Academy be increased $297,540 to complete the cadet mess hall building, drawing academy, and cadet store. In order to understand fully the reasons prompting this demand it is desirable to review briefly the conditions which attended the original estimates together with the subsequent events that have had an important influence on the latter. It is proposed, therefore, first to state the case; second, and to show the reasons for the present demand.

2. The original estimates for this building were initiated in 1916 by the then superintendent, but when these estimates were made there were no funds available for the preparation of plans. Contrary, therefore, to the normal procedure of making estimates after the plans had been drawn, it was necessary to make the estimates without such essential directives. By direction of the superintendent, acting within his proper powers, the approximate area of the floor plan was laid out and an appropriate but tentative height determined upon. From this data the quartermaster arrived at the approximate cubical contents of 2,961,290 cubic feet. A request was then made on Congress for money based on the above cubical content, and the project was approved for $1,836,000, exclusive of equipment.

3. In the appropriations for fiscal year 1924 there was an additional item of $83,000 granted for the drawing of plans, and while they were in progress the superintendent appointed a board of officers to study the requirements of the units that were to occupy the building and to assign space for their various activities. The result of this study decided the superintendent to increase the designs in order to incorporate in the building the cadet armory (thereby releasing much-needed space in cadet barracks for living quarters) and to enlarge the lecture-room space of the drawing academy. Furthermore, it was decided to concentrate in the building the cadet photographic studio and to provide accommodations for visiting athletic teams. These modifications, made after the building had been authorized by Congress at an ultimate cost of $1,836,000, increased the cubical contents, which in turn logically increased the total cost, although that figure was allowed to remain as set by Congress. Hence, right from the beginning there was forecast a deficiency before the building could be finally completed. It could only have been avoided in the case that the original estimate of the quartermaster of 62 cents per cubic foot for construction had been too high, but as will be shown that estimate was quite accurate.

4. Excavation for the building began July 1, 1924. It was the original intention to complete the building in two years, provided, of course, that the funds were made available. For the excavation work, Congress authorized the amount of $93,000, a sum in addition to the original amount authorized for the entire building. For the fiscal year 1926, the quartermaster requested that $800,000 be made available, but he was allowed by the Budget only $350,000. The following year he requested the sum of $700,000, which he received, and the third year of construction he asked for $700,000 plus the $161,000, or a total of $861,000, which sum was granted. It is important to note this total, for it was on account of carrying these two items as a lump sum that a clerical error occurred, which is one of the causes for the increase now requested. This will be referred to later. Hence we see that to date there has been appropriated for the construction of this building the following sums:

For drawing of plans	$83,000
For excavation	93,000
First year	350,000
Second year	700,000
Third year	700,000
Third year (equipment)	161,000
Increase fiscal year 1928	126,334
Total	2,213,334

Of this amount there remains a balance of approximately $50,000. In other words, the building is incomplete and the money intended for equipment has been for the greater part spent upon construction.

5. So much for a statement of the case. It is now essential to set forth the circumstances that have influenced the construction over a period of years and that have been responsible, in part, for the need of additional funds.

6. The lack of funds is apparently due to a number of cumulative costs necessary in overcoming unforeseen difficulties ever since the beginning of the excavation on July 1, 1924.

Specifically they are:

(a) The increase in the cubical contents of the building as calculated from the final working drawings of the architects in comparison with the cubical contents of the original and necessarily general sketches of the mess hall, cadet store, and drawing academy upon which the appropriation for the construction ($1,836,000) was based. The original 2,961,200 cubic feet contents were increased to 3,400,000 cubic feet, or an increase of 438,710 cubic feet contents, which calculated at the original figure of 62 cents per cubic foot gives an increase in cost of $272,000.

(b) The total cost of construction was increased by the increase in wages of 33⅓ per cent by direction of the War Department on January 1, 1925. The latter directed that this increase apply to civilian employees employed for maintenance purposes, and when the quartermaster very justly requested that the appropriations for construction be increased to meet this unforeseen additional labor cost, he was told that he must meet the increase from general construction funds. This was easier said than done, for the original estimate had been made on the basis of paying $3 per day for pick and shovel men, and $6 per day for skilled mechanics. The compulsory raise of wages increased these figures to $4 and $8 per day, respectively. The additional labor expenditure above the original estimate to this second unforeseen cause up to September 1, 1928, has been $362,948.14.

(c) The cost of production for exterior wall facings was increased by unfavorable quarry developments during the later stages of stone cutting. Much stone was quarried that was useless, as it was found to have seams in it that caused it to fall apart. Much more stone than was originally estimated had therefore to be quarried, necessitating night operations and extra cost in the splitting of stone of proper quality. All of this in turn brought about increased cost in the disposal of waste and the incidentals, such as extra cost of gasoline and the repair of transportation equipment, to mention only a few.

(d) The extension of the construction over a longer period of time than contemplated has resulted in additional overhead executive costs.

(e) Increase in the underlying labor costs for certain classes of mechanics. As civil-service mechanics were not always available, it was often necessary to fill out their quota by the employment of men less skillful, who had to be instructed in the proper way to build exterior walls, fireproof partitions, and other interior construction, thereby causing additional costs. Exact figures for the increased cost under (c), (d), and (e), supra, are not at hand, but the increases mentioned under (a) and (b) are sufficient in themselves to show that the deficiency could not have been avoided by the quartermaster, as he was the victim of circumstances over which he had no control.

7. But the increase requested now would have been smaller had it not been for two other causes, to wit: A clerical error that occurred in the estimates made in October, 1927, as well as an error in the estimates themselves.

This was unfortunate but understandable. Last year the quartermaster realized that the amount of $1,836,000 granted originally for the cost of the building would be insufficient, and hence he caused to be prepared a careful estimate of the amount that would be necessary to complete the building. The engineers in charge made a detailed estimate of the needs and reported that a total of $680,031 was necessary. A reference to the books showed a total to the credit of the quartermaster of $553,697, but it was not noticed that this sum included the item of $161,000, which had been appropriated for equipment and which, had it been noticed, should have been deducted from the total before arriving at the conclusions that the whole amount was available for construction, and that it would be necessary to ask for only the difference between that sum and the estimate of the engineers. In other words, only $126,334 was requested, whereas $126,334, plus $161,000, should have been asked for, or $287,334.

8. Assuming that no error had been made, the quartermaster would have probably received $287,334, yet to-day he would still be short of funds. He has spent the $161,000, or most of it, as if it had been appropriated and now has a balance of $50,000. His shortage in any case would have been the difference between $297,540, the increase now requested, and $211,000 ($161,000 and $50,000), or $86,540. In other words, detailed estimate of October, 1927, was too little by $86,540. These two factors—namely, the clerical error of not deducting the amount already appropriated for equipment and the error shortage made in October, 1927, in calculating the estimates of funds to complete the building—are responsible for the present demand for an increase of appropriation.

9. But if we offset against the increase appropriation requested the inroads made into the original estimate by circumstances over which the quartermaster had no control and which worked to his disadvantage in a financial showing, we find the following should be credited to his account:

(a) Increase cost through increased cubical contents		$272,000.00
(b) Increase cost due to increase of 33⅓ per cent wages (discussed above)		362,948.14
		534,948.14
If we now subtract the increase asked for	$297,540	
The increase given, fiscal year 1928	126,334	
		423,874.00
Balance		110,074.14

This amount, $110,074.14, really should be interpreted as the economy that would have been effected in the building of this mess hall, cadet store, and drawing academy had no circumstances beyond his control intervened to increase the original estimates. The request for the increase seems, therefore, just and reasonable.

10. It is consequently requested that the sum of $297,540 urgently needed to complete the cadet mess hall, drawing academy, and cadet store be added to the estimate for public works (construction funds), United States Military Academy, now under consideration by the War Department; and it is furthermore requested that representation be made to Congress to incorporate a proviso of law making the appropriation immediately available.

WM. R. SMITH,
Major General, Superintendent.

Mr. BARBOUR. Mr. Chairman, I do not want to take very long to reply to the gentleman from Mississippi [Mr. COLLINS]. At the present time I do not feel that I can go along with my colleague on the committee on his amendment. He proposes to reduce the appropriation for the Reserve Officers' Training Corps by something more than $500,000.

It would, I understand, cut out a certain amount which would otherwise go toward providing uniforms for those in the higher branches of the Reserve Officers' Training Corps, and it would prevent the adding of 2,000 additional students in the junior grades in the high schools. As the gentleman from Mississippi [Mr. COLLINS] pointed out, there are certain units provided for in the national defense act which are not Reserve Officers' Training Corps units, but which receive certain allowances from the Government. I understand the high-school cadets in Washington are in this group. They do not draw uniforms from the Government. For a long time there have been requests from schools all over the country for Reserve Officers' Training Corps units, and there has been no provision for establishing additional units in these high schools.

This bill contemplates that there shall be 2,000 additional Reserve Officers' Training Corps students in certain high schools and preparatory schools. So far as I am concerned, I believe that this is one of the best activities in the way of training that the Government engages in.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. HUDSON. I do not think I can turn to the page now in the hearings, but somewhere in the hearings the question was asked if the uniforms would be made up now, and the answer was "No," but they would buy the cloth. Now that the inequalities in the uniform are done away with, are they going to buy the moth balls, too?

Mr. BARBOUR. Well, the Army has a way of storing cloths and things of that kind that is very effective. They have on hand now a large amount of material that has been left over since the war. Part of that is not in good condition and some of it needs renovation. I understand the rest of it is good.

Mr. LAGUARDIA. That is not the fact, is it, in regard to the uniform?

Mr. BARBOUR. In the rush of war-time activities some of the material was not as good as it should have been. We got all kinds of cloth.

Mr. LAGUARDIA. I see by the hearing that it is intended to give a new uniform every two years to the boys. Is that a fact?

Mr. BARBOUR. Yes. That is part of the allowance. We are allowing the advanced students $36 over a period of two years if they do not take the issue uniforms. Two years ago this committee brought in a provision cutting that down to $7 and a fraction, which was the value of the free-issue uniform. The committee was criticized by Members of this House for re-

ducing that uniform allowance. It has been restored for the benefit of the advanced students. This proposes to go further and provide for all students, advance and basic, in the colleges and universities. It is proposed now to allow them a uniform once every two years.

Mr. HUDSON. Mr. Chairman, will the gentleman yield again?

Mr. BARBOUR. Yes.

Mr. HUDSON. I find the reference to the hearings I tried to locate is on page 877. I compliment the gentleman and his committee on the work they have been doing. I read:

Mr. BARBOUR. When will you begin the issue of these new uniforms? Will it be in 1930?

General BRIDGES. No, sir; we will buy the cloth and put it on the shelf, and then we will begin to cut it up when we get the money in future years to carry out entire project. We can not cut up the cloth that we will get with the funds appropriated this year, because then we would give a portion of the students in the institutions good uniforms, while others would not get them. That would cause dissatisfaction and would kill morale at once. We want to make a fair showing and give everybody a fair whack at it. The only way we can do that, according to the method we are following, is to buy the cloth, put it on the shelf, and when we get sufficient funds in future years, make it into clothing. We do that after we have done what we are required to do by the law.

On the next page the general says:

Finally, we will have enough money, or $1,000,000 or more, with which to uniform these students properly. By September, 1932, with the same appropriations, we expect that the Reserve Officers' Training Corps units will be properly uniformed.

So to-day we are starting on a million-dollar expenditure to put this cloth on the shelves?

Mr. BARBOUR. Yes; we are starting a million-dollar expenditure, and will put this cloth on the shelves, but instead of doing it all at once we are proposing to do it over a period of three years.

Mr. HUDSON. I do not see the wisdom of buying the cloth and laying it on the shelf.

Mr. BARBOUR. Of course they will not buy it and put it up on the shelves where the moths will get it. If they do buy it, they will keep it and store it in such a way that it will not be damaged.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HARRISON rose.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. HARRISON. Mr. Chairman, I regret very much to disagree with my colleague from Mississippi [Mr. COLLINS] on this proposition. His views are entitled to great weight. But, everybody is opposed to anything like compulsory military training in time of peace and this country is fully committed to the draft system in time of war. I think it is only fair to extend to the young men whom we are likely to call into the service in time of emergency every possible opportunity to be prepared for that service. We will call our young men into the service if there is ever an emergency; we ought not to find ourselves in the same position we were in when the great war broke out, when our young men were utterly unprepared to enter the service. We do not intend to compel them to render any military service in time of peace but we ought to extend to them every invitation to take military training if they think it advisable, and that is due to them. We ought not to do anything that will in any wise abridge the opportunity for the young men to obtain the military training they ought to have.

Our Constitution declares against great standing armies as inimical to liberty, and it suggests as a substitute therefor a well-trained militia. It is to secure a well-trained militia that such an appropriation as this is made.

As interfering with these views, I am opposed to the amendment of the gentleman from Mississippi. [Applause.]

Mr. GIBSON. Mr. Chairman, I heartily concur with what the gentleman from Virginia has said. I had some experience during the late war. Our regiment received on the 12th day of September, 1918, 2,500 men from the valleys and hills of Tennessee. Some of those men had never been away from home before. On the 23d day of September, 12 days after they came into the regiment, we were on our way to France. We had a regiment of young men who knew absolutely nothing about the art of war or taking care of themselves. I sincerely hope we may never have a condition like that—in respect to the use of young men wholly unprepared for service—arise in the future.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 19, noes 32.

So the amendment was rejected.

The Clerk read as follows:

CITIZENS' MILITARY TRAINING CAMPS

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920 (U. S. C. 185, sec. 442), uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence for travel to and from camps travel allowances at 5 cents per mile, as prescribed in said section 47d; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding $15,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment, subsistence until furnished transportation, and when fit for travel, travel allowances at 5 cents per mile to their homes of members of the citizens' military training camps injured in line of duty while attending camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916 (U. S. C. 185, secs. 441, 442), as amended, and for the cost of preparation and transportation to their homes and burial expenses of the remains of civilians who die while attending camps of instruction, as provided in section 4 of the act approved June 3, 1924 (43 Stat. 365); in all, $2,742,158: *Provided*, That the funds herein appropriated shall not be used for the training of any person in the first year, or lowest course, who shall have reached his twenty-fourth birthday before the date of enrollment: *Provided further*, That none of the funds appropriated elsewhere in this act except for printing and binding and for pay and allowances of officers and enlisted men of the Regular Army shall be used for expenses in connection with citizens' military training camps: *Provided further*, That uniforms and other equipment or matériel furnished in accordance with law for use at citizens' military training camps shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or matériel furnished in accordance with law for use at citizens' military training camps from stocks under control of the War Department be in excess of the price current at the time the issue is made.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 62, line 20, strike out the period, insert a colon, and add the following: "*Providing further*, That none of the funds appropriated in this act shall be used for the purpose of employment of hostesses for the citizens' military training camps."

Mr. LAGUARDIA. Mr. Chairman, if the chairman of the committee will accept my amendment, I will not take any time in explaining it. This is a bill to provide appropriations for the Military Establishment of the United States. A great deal has been said by the sponsors of the military training camps and the Reserve Officers' Training Corps about the good work they are doing in giving these young men military training. A great deal has been said about the rations, the accommodations, travel, and mileage, but I have yet to hear any justification for the employment of hostesses. I regret exceedingly that the gentleman from New York is not here now, because in the old days we did not have hostesses at military training camps. My distinguished colleague from New York [Mr. TABER], who spent one day in camp, perhaps is in a position to tell us something about the services rendered by these charming hostesses.

Mr. COLLINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLLINS. I suggested before the committee that instead of employing hostesses we use military intelligence officers, these military attachés, as hostesses.

Mr. LAGUARDIA. Well, perhaps they could not stand the rigor and severity of a military camp. This provision for

hostesses, I believe, has been somewhat overdone. I suppose when we go through the streets of our large cities we will see recruiting posters featuring hostesses as one of the advantages and attractions of military service.

Why, the distinguished gentleman from Connecticut [Mr. TILSON] who now occupies the chair is an old National Guard man, and I am sure he did not have hostesses in his camp when he was in the service. I do not believe this bill ought to be burdened with such a provision and have the whole purpose of military training put in a position of ridicule by the establishment of the so-called social atmosphere at camps. Gentlemen, there is nothing like social atmosphere in war time. It is a grim, nasty piece of business.

We have organizations of women—the Red Cross, the Salvation Army, and the Young Women's Christian Association—who do good and necessary work in war time, and you do not find any of these women seeking to encourage this system of hostesses, 5 o'clock teas, cotillions, and the establishment of social atmosphere at military training camps. The whole proposition is preposterous and simply ridiculous, and it should not be continued.

Last year we had a discussion of this subject, and the committee said they would look into it, and yet we find there is something like $3,750 carried here for the purpose of giving these boys a proper social atmosphere. Social atmosphere and bayonet drills do not intermingle at all.

I am sure that the distinguished gentleman from New York, who is one of the greatest authorities on military affairs in this House, will not approve of hostesses at military camps.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. WAINWRIGHT. I think that hostesses have had a very salutary effect both in the Regular Army camps and in the other camps. There have been some very noble and devoted women in that work and they have contributed very much to improve the morale and to keep up the spirits of these young men serving in the uttermost parts of the world, in China and in the Philippines.

Mr. LAGUARDIA. We are not talking about that. We are talking about the military training camps.

Mr. WAINWRIGHT. But the gentleman was making a reflection generally upon the hostess service of the Army.

Mr. LAGUARDIA. No; I was talking about the social atmosphere.

Mr. WAINWRIGHT. That I know nothing about.

Mr. LAGUARDIA. I knew the gentleman would not agree with that.

Mr. WAINWRIGHT. I took the gentleman's remarks as a reflection upon the hostess service of the Regular Army generally.

Mr. LAGUARDIA. No; I was talking about the hostesses at the two weeks' vacation training camps.

Mr. BARBOUR. Mr. Chairman, the gentleman from New York gives a rather exaggerated picture of the duties of hostesses at the citizens' military training camps. They are not there for the purpose of lending social atmosphere to the camps or anything of that kind. There are only 30 of them all together at these citizens' military training camps. They are employed for one month, and they receive, I believe, an average of $125 a month, so that the total carried in this bill for hostesses is only $3,750.

These hostesses serve a very useful purpose at the citizens' military training camps. The boys who go to the camps range in age from about 17 up to 22 or 23, and in the advanced courses higher. Many of them are very young men, and while they are at camp their mothers and families like to go there and visit them. If you have ever attended one of these camps you have seen many parents visiting their boys. If a mother should come to a camp for the purpose of visiting her boy, it would be the duty of a hostess to get in contact with the mother, help find the boy, bring them together, and in other ways serve a useful purpose. There are many duties that the hostesses perform.

Mr. Chairman, I think the amendment ought to be voted down.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. LAGUARDIA].

The amendment was rejected.

The Clerk read as follows:

Under the authorizations contained in this act no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word for the purpose of saying something that is not apropos of the particular matter under discussion here, but for the purpose of calling the attention of the Congress and the War Department and particularly the country, to the fact that the desertion condition in the Regular Army is something appalling.

I asked The Adjutant General to compile the statistics. Commencing with July 1, 1919, which was the conclusion of the war period, up to date, covering nine years, the aggregate was 111,756. Of this number 43,975 were returned to military service; that is, they were apprehended, returned, and were tried, either by summary or general court-martial, and were returned to military authority. This leaves about 67,781 men in the United States who now have placed opposite their names the stigma of desertion, and it will remain there forever unless removed by a special act of Congress.

Gentlemen, the situation is fundamentally wrong, when an average of 12,000 men a year out of a total enlisted personnel of a little over 100,000 on the average, leaves the service under conditions that constitute desertion.

Mr. TABER. Will the gentleman yield there?

M. McSWAIN. Certainly.

Mr. TABER. Last year the desertions were 5.87 per cent, and on an army of 118,500 that would figure approximately 6,000.

Mr. LAGUARDIA. Which is only about two regiments.

Mr. McSWAIN. Yes; for the year ending June 30, 1928, the last figures available, the desertions were 10,467 in number, according to the letter of The Adjutant General dated January 9, 1929, which I have before me. This is the total number. There were returned to the service out of that number, 5,282, so that the net desertions of men still at large, who will perhaps remain forever at large, is something like 5,000 men.

Now, here is the point I make. I call this to the attention of the authorities of the War Department in the hope they might devise some system whereby such a condition may be discontinued.

The causes are manifold. I have no time or disposition now to go into a discussion of these causes. The ordinary military mind assumes that the prevention of this condition is more extreme rigor in apprehending and punishing. I submit this is not true, from the point of view of the American citizen.

In general, I submit that the regular Army establishment with regard to its personnel ought to be so worked out that men would seek the service as an honor, and being in the service would regard leaving it under any circumstances, other than honorable circumstances as worse than death itself, because in time of war the right-minded man would much rather be a corpse than a deserter.

This is a psychological condition; it is a condition of mind and of heart; of motive in entering the service or lack of motive to continue in the service which explains this condition, and I think those in authority are due the manhood of America to come in here with some program of solution.

It can largely be regulated, in my judgment, by orders without legislation, but unless something is done it is going to be up to this Congress to legislate, if possible, such a system and ideal into the service that this condition will not continue.

I get an average of one letter a week from some young man wanting a commission in the Army as a second lieutenant, and you could hardly kick out of the service any of the officers now in the service; but here is an average of 12,000 men a year from the enlisted personnel leaving under disgraceful conditions, with about one-half of them caught and tried under conditions that of themselves constitute a stigma upon their names, and the other one-half at large to-day, practically 68,000 men, who for the rest of their lives if they go upon the witness stand can have the finger of scorn pointed at them as being deserters from the United States Army.

This is a condition which I think discloses a situation that ought to be corrected. [Applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. GIFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 65, after line 4, insert a new paragraph, as follows:

"No appropriation contained in this act shall be available for the purchase of materials or supplies manufactured or assembled without the territorial limits of the United States, its Territories or possessions, except (1) supplies or materials purchased in foreign countries for use locally; (2) patented articles or models and devices purchased in foreign countries for experimental and research purposes; (3) foreign aircraft, parts, and accessories as authorized by the act of July 2, 1926 (U. S. C. 1904–1905, sec. 310–k); and (4) supplies and materials not produced or manufactured within the United States, its Territories and possessions; or such supplies and materials as are not produced therein in sufficient quantity to meet domestic requirements."

Mr. BARBOUR. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation on an appropriation bill.

Mr. GIFFORD. Will not the gentleman reserve his point of order?

Mr. BARBOUR. I will.

Mr. GIFFORD. Mr. Chairman, I gave notice about a week ago that I would offer an amendment to the end that our Government should purchase its supplies within the defense of our guns.

At a meeting held in New England recently there was a strong, favorable sentiment expressed in response to a speaker who criticized Congress in the matter. I have looked over the bills offered by others—one by the gentleman from Massachusetts [Mr. TREADWAY]—giving preference of 10 per cent to home manufacturers, and the argument of the War Department that this would be tariff revision in an unusual form. The gentleman from Michigan [Mr. CRAMTON] has a bill in which be attempts to assist only by adding to present law the words "including duty." But these do not accomplish the end desired.

These two suggestions may be of some value. I am explaining this amendment to give the Chair time to decide whether or not the point of order holds against my amendment. From those whom we depend upon to give information as to parliamentary matters I learn that it is not subject to a point of order in the form now offered. Certainly, I hope there are others besides myself who will conclude to favor this proposition and let our people know that we do believe that these goods ought to be bought within the defense of our guns. Some items we do not ask to have included. First, supply of materials purchased in foreign countries for use locally.

We do not ask for foreign aircraft parts and the like as now expressly mentioned in the law. We do not ask for materials purchased or manufactured in the United States or its Territories or possessions. For instance, rope made in the Philippines to be used in the United States. All attempts to get a law of this kind have met with evasive answers from the War Department, suggesting that somewhere at some time it might cost the Government more and denying that there is need for legislation, as they claim they bought but little of foreign-made goods.

I quoted a case wherein I got the information from the Department of Commerce, where a little saving in a large order affecting my section of the country ended in a ridiculously small amount as compared to benefits of wages and other things to our own people, and I think it is time that the War Department and the Navy Department are willing to conform to some legislation. Let me quote from the Cramton bill; it is very short:

In the making of contracts to be performed in the United States, its Territories and possessions, preference shall be given to articles or materials of domestic production, conditions of quality and price, including duty, being equal. The term "articles" means that which is assembled or manufactured.

That is all that is. It is the same old provision that has formerly been in military appropriation bills, up to last year. Are there not others here who believe that materials ought to be purchased within the boundaries of our country or its possessions?

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. BEGG. Can the gentleman give the House any estimate at all of how much foreign-purchased materials there are that would fall without these exceptions?

Mr. GIFFORD. I have tried to get it from the War Department and they simply say very little is purchased abroad. The Department of Commerce is trying to get it for me and did get for me in one instance the particular thing that I spoke of recently, but if they do not make such purchases what is the harm of having this amendment?

The CHAIRMAN. Will the gentleman from California state to the chair what the offending portions of the amendment are?

Mr. BARBOUR. I think all of it is offending.

The CHAIRMAN. The Chair will observe that it is in the form of a limitation.

Mr. BARBOUR. It is in the form of a limitation, and yet I understand that the whole purpose of it is to change existing law. There is a bill pending before Congress at the present time, a legislative measure, that will do the very thing that this amendment proposes to do. It does come in, it is true, in the guise of a limitation. As I understand the rule in regard to a limitation it must not change existing law, simply in the guise of a limitation, and that is exactly what this amendment proposes to do.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. BEGG. Is not the gentleman in error on the limitation matter? Isn't it almost essential that if you change existing law it must reduce the expenses?

Mr. BARBOUR. It is suggested that there is nothing on the face of this amendment which shows that it will reduce expenses.

The CHAIRMAN. It is not offered, as the Chair understands it, under the Holman rule; but it is offered as a limitation, it being well understood that Congress may appropriate for anything authorized by law and that Congress may refuse to appropriate for many things that are authorized by law.

Mr. COLLINS. Mr. Chairman, in addition to the objection raised by the gentleman from California, I suggest that under existing law an officer can purchase anywhere he sees fit; but this amendment provides a change in that rule and the discretion of an officer is done away with.

Mr. BEGG. Mr. Chairman, I suggest this thought. I do not believe anybody opposes the proposition that Congress can restrict the expenditure of its money to any particular place or item that it wants to in an appropriation bill. Is not that all that it does in this amendment? It merely says that it can not be expended outside the territory of the United States. There is nothing in that that violates the rule. It seems to clearly fall within the rule.

Mr. BLACK of Texas. Mr. Chairman, I have this observation to make to the Chair. I realize that this is a close point: Congress, of course, has the power to limit the application of an appropriation bill. On the other hand, it has been held by numerous occupants of the chair that that limitation must not go further than a limitation and changes a discretion that was vested in an executive officer by law. It occurs to me that this amendment which is now offered would interfere with the discretion; the Secretary of War now has to purchase these articles wherever he can get the most appropriate articles at the most appropriate price, and I doubt if it is within the rule on that account.

The CHAIRMAN. Would not Congress have a right to refuse to appropriate for any purpose that is authorized by law?

Mr. BLACK of Texas. Undoubtedly Congress has the right; but having appropriated, then it is the duty under the law of the Secretary of War to spend that money as now provided by law, to wit, wherever he can get the most appropriate article at the most appropriate price. This limitation undertakes to tell him that he must confine himself to continental United States in the purchase of that article, and it seems to me that it would be limiting his discretion, putting definite limitations around it.

The CHAIRMAN. Would not Congress have the right to refuse to appropriate for any foreign-made goods?

Mr. BLACK of Texas. There is nothing in the language of the bill that says that it shall be purchased either here or abroad. Of course Congress would have the right to refuse to appropriate for any purpose that the law has designated. The Committee on Appropriations, which is an appropriating committee only and not a legislative committee, has brought in an appropriation in which the Secretary of War is directed under the general law to expend in a certain way, to wit, wherever you can get those articles at the most appropriate price and of the most appropriate quality.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. GARRETT of Tennessee. I am asking purely for information, but is it not the present law that the Secretary of War or whoever does this must purchase in the market where he can get the best price, all other things being equal?

Mr. BLACK of Texas. I think that is the law. I think he is compelled to do it.

Mr. GARRETT of Tennessee. If it is the law that he must do it—and he must go into the world markets, if the world market offers a better price—then it is a limitation of discretion and an actual change of existing law.

Mr. BLACK of Texas. Let me say to the gentleman from Tennessee, the law, as I understand it, as to most purchases compels an advertisement and, of course, anyone who can deliver the goods, whether he be a foreign producer or a domestic producer, can submit his offer, and if that offer is the best offer, if it is a foreign producer, under the law the Secretary would have to accept his bid.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Certainly.

Mr. BEGG. Under the law the Secretary must pay the members of the Infantry of the Regular Army, must he not?

Mr. BLACK of Texas. Certainly.

Mr. BEGG. Does the gentleman contend that under the rule we could put a proviso on this appropriation to the effect that no part of it should be used to pay the Infantry?

Mr. BLACK of Texas. Here is the point I make: Under the present law, if the Secretary of War, for example, is to buy a certain number of uniforms, he must advertise and set out the specifications and invite bids.

Mr. BEGG. I would like to ask the gentleman from Tennessee this. I can not recall the exact wording clearly enough to state it, but what is the law regarding repairs of ships in a foreign port?

Mr. BLACK of Texas. I am not able to answer that.

Mr. BEGG. Is there not a decided limitation as to how much they can repair in a foreign port? I understand that is the law now. That partially answers the question that the gentleman raises.

Mr. GARRETT of Tennessee. Will the gentleman from Texas yield to me a moment?

Mr. BLACK of Texas. Certainly.

Mr. GARRETT of Tennessee. In the Manual, section 825–A, I find this:

> An amendment to an appropriation bill, providing that in the purchase of materials for public purposes preference shall be given to domestic products, was held out of order as being a change of law, and not a mere limitation of the expenditure of the funds appropriated.

That is found in the CONGRESSIONAL RECORD, volume 2, Fifty-second Congress, page 1020. That seems to be exactly in point.

Mr. MAPES. Mr. Chairman, I would like to submit just this thought to the Chair: This amendment, instead of showing on its face that it will reduce expenditures, seems to me to imply that expenditure may be increased by preventing purchasing officials from going out into the open market and buying wherever they can buy cheapest, and compelling them to buy only domestic goods.

The CHAIRMAN. If the gentleman from Michigan will permit, the Holman rule is not involved in the point of order. Whether or not under the guise of limitation it is in fact legislation is the question. The question raised by the gentleman from Tennessee is whether the purposes stated in the amendment are authorized by law. The Chair asked the chairman of the subcommittee whether all the purposes specified in this amendment are now authorized by law, but the Chair has not been shown what the law is on these several points. Therefore it is difficult to determine whether the proposed amendment under the guise of a limitation changes the law. The amendment in regard to foreign aircraft recites the law, that after July 2, 1926, and so forth. Reference is made to the United States Code, 1904–5.

Mr. GIFFORD. Mr. Chairman, that is simply referring to one of the exceptions. I will read a section of the law.

> Section 3716, Revised Statutes:
>
> "The Quartermaster (Corps) of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there."

Mr. Chairman, this is simply another limitation as to the discretion to be used by the War Department and the Army. It is perfectly in line with the others, and I am informed by those with whom I have talked that it does not, of course, come under the Holman rule, but it is a limitation on the discretion of the Quartermaster General of the Army.

Mr. HOCH. Mr. Chairman, this question occurs to me as bearing on the point of order, whether this imposes an additional duty or burden on the administrative officer. It provides, if I heard the reading of it correctly, that he shall not purchase articles manufactured or assembled outside of the United States. Of course, that would impose on the Secretary the duty of determining whether they were so manufactured outside of the United States. A question to be determined is, Would that be such a duty or new burden as would take it outside the rule? To that I have not given any thought.

Mr. HILL of Alabama. Mr. Chairman, on page 365 of the House Manual we find this proposition laid down:

> Propositions to establish affirmative direction for executive officers (IV, 3854–3859), even in cases where they may have discretion under the law so to do (IV, 3853), or to take away an authority or discretion conferred by law (IV, 3862, 3863), are subject to the point of order.

It seems that the proposed amendment would clearly take from the Secretary of War the authority to buy a product overseas, and therefore it seems it would clearly be subject to a point of order.

Mr. BLACK of Texas. Mr. Chairman, I desire to submit this further thought. The gentleman from Massachusetts read the general law. Now, let us say that the Army is in need of 100 machine guns of a certain specification. Under the law the Secretary of War would be required to give preference to an American manufacturer who submitted an offer of an equal price and equal quality. He is required to do that by law. If we adopt this amendment, other than as to the exceptions set out in the amendment, he would have no authority to make any foreign purchases at all, which would change the existing law that now governs the quartermaster.

Mr. GIFFORD. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. GIFFORD. The amendment provides for patented articles, or models and devices purchased in foreign countries for experimental and research purposes. The gentleman thinks that is not sufficient?

Mr. BLACK of Texas. I just make this point, that under the present law Congress has deemed it right to require the Secretary of War to give preference to American manufacturers where they are fair in their prices and have the necessary quality, but if the amendment of the gentleman from Massachusetts is adopted, aside from the exceptions enumerated in his amendment, the Secretary of War would have no right to make any purchases at all from foreign countries, regardless of price or quality.

Mr. STEVENSON. If the Chair will permit, I would like to make one suggestion in connection with the statement made by the gentleman from Texas. If the quartermaster advertised for a certain number of rifles, he would be compelled under this amendment to purchase those rifles from an American manufacturer who might bid 10 per cent higher than the price asked by a foreign manufacturer, whereas the present law provides that an American manufacturer shall be given preference provided his prices are the same and the quality is the same, but under this amendment he would be required to give the order to the American manufacturer, notwithstanding the fact that his bid might be 10 per cent higher than the foreign bid. It seems to me that is the logical conclusion to come to.

The CHAIRMAN. Will the gentleman from South Carolina refer to the law which this amendment will violate?

Mr. STEVENSON. Well, I was just citing the law as it was stated here without challenge, that he is required to give preference to American-manufactured goods wherever they are not of higher price than others and are of equal quality—the two bids being equal, the American manufacturer is given preference. But if this amendment is adopted he can not purchase from a foreign manufacturer, but the preference must be given to the American manufacturer, even though his price may be 10 per cent higher than the foreign price. I may have misunderstood the law, but that is the law as I understood them to read it.

Mr. BARBOUR. Mr. Chairman, I think the act of March 2, 1901, is possibly the act the chairman has been asking for.

The CHAIRMAN. Will the gentleman give the citation?

Mr. BARBOUR. It is the act of March 2, 1901, chapter 803, Thirty-first Statutes, 905, and it is page 214 of the code, section 1201. This act provides:

> That hereafter, except in cases of emergency or where it is impracticable to secure competition, the purchase of all supplies for the use of the various departments, and posts of the Army, and of the branches of the Army service, shall only be made after advertising, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered.

There is nothing in this amendment which says anything about quality or cost to the Government.

Mr. STEVENSON. Nor emergency either.

The CHAIRMAN. The gentleman's contention is that under the provisions of this amendment, the quartermaster would be compelled to purchase domestic goods regardless of the price or the quality, which of itself would be a violation of the statute already in existence.

Mr. BARBOUR. And as pointed out by the gentleman from Michigan [Mr. MAPES] nothing appears on the face of this amendment to indicate that it is a limitation or that it will limit this appropriation or the expenditure of it. The fact of the matter is, the indication is that it will cost more.

The CHAIRMAN. It is clearly a limitation in form.

Mr. BARBOUR. In form only.

The CHAIRMAN. The amendment provides that:

No appropriation contained in this act shall be available for the purchase of materials or supplies manufactured or assembled without the territorial limits of the United States, its Territories, or possessions.

It is in form a limitation. The Chair has been asking gentlemen to cite the law that this would change, and the gentleman from California has just cited one instance where it is provided that the quality, price, and so forth, of the goods shall be taken into account.

Mr. DOWELL. Mr. Chairman, may I read from the House Manual, at the bottom of page 503?

The CHAIRMAN. Is that the section or the page?

Mr. DOWELL. It is section 958.

A limitation must not give affirmative directions, must not impose new duties, and must not be accompanied by language not directly limiting the appropriation.

In this instance, it seems to me, this amendment clearly goes beyond that. I am in sympathy with this amendment, but I think we ought to keep within the rules and have the matter brought before the House in a different form. This is clearly a change in the law and as it is written would be in conflict with the rules of the House.

Mr. HILL of Alabama. Will the Chair hear me further on the ruling?

The CHAIRMAN. Yes; the Chair is having some citations looked up.

Mr. HILL of Alabama. In this connection I want to say to the Chair that the chairman who made the ruling which the gentleman from Iowa [Mr. DOWELL] has called to the attention of the present occupant of the chair said in his opinion:

The Chair at the outset thanks the gentleman from Connecticut [Mr. TILSON], an authority on parliamentary procedure, for his able argument and clear presentation of the case, both of which fortify the conclusions reached by the Chair.

This was stated by the Chair in connection with the decision which the gentleman from Iowa has called to the attention of the present occupant of the chair.

The CHAIRMAN. The gentleman from Tennessee cited paragraph 825–a of the Manual:

An amendment to an appropriation bill providing that in the purchase of materials for public purposes preference should be given to domestic products, was held out of order as being a change of law and not a mere limitation of the expenditure of the fund appropriated.

This was ruled out of order, and as the Chair understands that was later made the law in a legislative bill, so that it is now required to give the domestic manufacturers the preference.

Mr. GARRETT of Tennessee. Of course, where quality and price are the same.

The CHAIRMAN. When that provision was offered as an amendment to an appropriation bill it was held out of order.

Mr. GARRETT of Tennessee. It was not then the law.

The CHAIRMAN. It was not then the law; and it was later made the law on a legislative bill. The Chair is more influenced by the argument made by the gentleman from California that this imposes new obligations or duties upon an executive officer.

Mr. GIFFORD. Will the Chair permit me to make just one further remark? I agree with all that; but in my amendment we take off or subtract from his duties. He does not have to determine quality or price. There is less for him to determine than before, and it does not add anything.

Mr. GARRETT of Tennessee. That is why it changes existing law.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GIFFORD] has given away the strongest point in his case. The gentleman makes the very point the Chair has been diligently searching for.

As a matter of fact, the amendment does seem to liberalize the law and, as the Chair sees it, the effect of the amendment offered in the form of a limitation would be to require on the part of executives of the Government something which would not be required of them if this were not passed. It therefore changes their duties and the law to that extent, and therefore, in the opinion of the Chair, is a change of existing law.

The Chair sustains the point of order.

The Clerk read as follows:

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: Page 66, line 22, add as a separate paragraph the following:

"That there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $137,000, or as much thereof as may be necessary for the construction of a hard-surfaced road through the Fort Sill (Okla.) Military Reservation beginning at the site of the fort and running to the reservation limit on the north, being a part of one of the public thoroughfares of the States running from Fort Sill to Apache, Okla., to be expended under the direction of the Secretary of War, and in accordance with such regulations as he may prescribe."

Mr. JAMES. Mr. Chairman, I make a point of order on the amendment.

Mr. JOHNSON of Oklahoma. Will the gentleman reserve his point of order?

Mr. JAMES. I will reserve it.

Mr. JOHNSON of Oklahoma. Mr. Chairman and gentlemen of the committee, I have asked my friend the distinguished chairman to reserve the point of order against my amendment, in order to explain to the members of the committee the vital importance and the pressing need of this item.

The committee is probably aware of the fact that in the Sixty-ninth Congress the Senate passed this very item in a special bill authorizing $137,000 for the purpose of paving this road through the Fort Sill Military Reservation. The Senate passed this bill, gentlemen, after a favorable report from the War Department had been made, and with your permission I should like to read into the RECORD at this time the report of the Senate Military Affairs Committee. It was made by Mr. TYSON, chairman of the committee, or possibly acting chairman.

Mr. JAMES. What year was that?

Mr. JOHNSON of Oklahoma. That was in the Sixty-ninth Congress, two years ago.

Mr. JAMES. Senator Wadsworth was chairman of the committee in that Congress.

Mr. JOHNSON of Oklahoma. I am not sure about that, but here is the record of the report of the Military Affairs Committee, which I should like to read [reading]:

The Committee on Military Affairs, to which was referred the bill (S. 3614) authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation, having considered the same reports thereon favorably with the recommendation that it pass.

Appended hereto and made a part of this report is a letter from the War Department over the signature of Hon. Dwight F. Davis, the Secretary of War, under date of December 13, 1926, addressed to Hon. James W. Wadsworth, jr., chairman of the United States Senate Military Affairs Committee.

WAR DEPARTMENT,
Washington, D. C., December 13, 1926.

Hon. JAMES W. WADSWORTH, Jr.,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR WADSWORTH: In compliance with your request of March 23, 1926, I am pleased to submit the following report on bill S. 3614, Sixty-ninth Congress, first session, dated March 15 (calendar day March 18), 1926.

This bill, which authorizes an appropriation of $137,000 for the construction of a hard-surfaced road across the Fort Sill Military Reservation, has been carefully studied, and is satisfactory to the War Department.

There is no existing law relating to this matter.

This road connects at each end with one of the most traveled north and south highways of the country, and is necessary to give a safe and satisfactory route across the reservation for the use of the general public.

The Director of the Bureau of the Budget has been consulted and advises that this proposed legislation is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

I now want to call the attention of the committee to the fact that the War Department, over the signature of Hon. Dwight F. Davis, Secretary of War, states that the bill has been "carefully studied and satisfactory to the War Department." The report also states that it connects at each end with "one of the most traveled north and south highways of the country, and is necessary to give a safe and satisfactory road across the reservation for the use of the general public. Two years ago this proposed legislation was not in conflict with the financial program of the President.

The report might have added also that this is the only road across this military reservation.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. I would like to impress, if I can, upon members of the committee that this road is of extreme military value and that it is the only road across this reservation.

The present temporary road was laid out by the State and local authorities with the approval of the military officers at Fort Sill. I am advised that those officials in charge at Fort Sill feel that the immediate building of this road is of vital importance from a military standpoint. The temporary road recently built across the reservation, to which I have referred, is across lowlands, making is extremely difficult to travel through the Fort Sill Military Reservation during rainy weather when the roads are muddy. I have personally been over the road and know it to be almost impassable during the rainy seasons.

The road in question parallels the Rock Island Railroad, and is the only outlet north from the military reservation.

May I say further that the State of Oklahoma is spending millions of dollars on this and other highways; that this is a Federal highway and connects the north and the south highways of the entire country. Several counties on each side of the reservation north and south, east and west, have voted bonds and are building this highway up to the Fort Sill Reservation on either side. If the Federal Government does not make sufficient appropriations to pave this road across the military reservation, then in a comparatively short while it will be the only gap in this great highway. Such a condition will seriously impair the usefulness of this Federal highway and greatly discommode the traveling public on one of our great arteries of traffic.

I believe it is the duty of this Government to build a substantial road through our military reservations. I have received many telegrams and letters urging that this item be included as a real necessity. I realize full well that a recent report of the War Department states that the road is of little or no military value. Except for that report my special bill making the authorization would have been passed before now. But might I again remind you that the report on this identical measure only a little over two years ago by the War Department was favorable. Nowhere have I read a more favorable report. The Secretary of War goes further and says, over his signature, that this appropriation is a necessity. I submit that there has been no change in the situation at this military reservation since this report of Secretary Davis, who declares he studied the bill. If it was necessary two years ago, it is even more necessary today. May I call attention to the further fact that in case of armed conflict or hostilities, which we hope and pray may not soon occur, that it would be extremely difficult for Army trucks or other vehicles to get out of Fort Sill, especially in rainy seasons, because of the low and somewhat swampy land through which the road traverses. In addition to all the foregoing reasons I might say that this road when hard surfaced will add from 1,200 to 1,500 acres to the range for firing of the Field Artillery School at Fort Sill. This I am sure you will agree is of great importance so far as the military value of the road is concerned.

I thank the gentleman from Michigan for reserving the point of order, and may I express the hope the gentleman will now withdraw it and permit this item for the construction of a road through the Fort Sill Military Reservation to be adopted.

Under the permission granted me I desire to place in the CONGRESSIONAL RECORD at this time a letter received by me from Hon. Henry W. Leininger, chairman of the State Highway Commission of Oklahoma. Mr. Leininger's letter is to the point and points out clearly, I think, the necessity for the passage of this item.

Hon. JED JOHNSON,
Congressman, Washington, D. C.

DEAR SIR: The State Highway Commission of Oklahoma respectfully requests your earnest support in having an appropriation made for the construction of a hard-surface road north and south through the Fort Sill Military Reservation.

You are probably aware of the deplorable condition this road has been in for the past two years, and also the fact that on account of the game and forest reserve being connected on the west to the military reservation, that all traffic for 30 miles east and west has to pass over this road.

In order to relieve the situation to some extent the highway commission and the Comanche County Commissioners donated during the past year machinery, labor, etc., to open a new route designated by the officers of Fort Sill so that traffic could cross temporarily.

While Fort Sill officers express a desire to help in any way possible they say that they have no funds to aid in any road work on the reservation.

We understand that steel for a bridge across Medicine Creek is on the reservation. Why not get this placed and the road constructed during next summer?

The county commissioners and the highway commission are both building their roads on each side of the reservation and it certainly looks bad for the United States Government to have these roads in almost impassable condition.

Trusting that you will be able to grant us relief, I beg to remain,

Yours very truly,

STATE HIGHWAY COMMISSION,
H. W. LEININGER, *Chairman.*

Mr. JAMES. Mr. Chairman, I make the point of order.

The CHAIRMAN. The amendment is clearly legislation, and the Chair therefore sustains the point of order.

The Clerk will read.

The Clerk read as follows:

NATIONAL MILITARY PARKS

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

For continuing the establishment of the park; compensation and expenses of the superintendent, maps, surveys, clerical and other assistance; maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle; maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle; office and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; roads and their maintenance, including posts and guard rails on highways, $54,000.

Mr. McREYNOLDS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 69, line 13, after the word "ways" strike out the figures "$54,000" and insert "$59,500."

Mr. McREYNOLDS. Mr. Chairman, this appropriation has been carried for $60,000, but during the last session of Congress there was a bill passed providing for the taking over of certain roads of this park under certain conditions by the States of Tennessee and Georgia, and for that reason a deduction was made. Since that time it has become manifest that the roads in Georgia are not going to be taken over, and so the Secretary of War and the President has recommended $5,500 additional, which makes $59,500, the amount of my amendment.

Mr. TARVER. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. TARVER. The gentleman says the roads will not be taken over. It is hoped by everyone that the roads will be taken over, but there is no assurance that they will be taken over during the next fiscal year. On the supposition that the roads would be taken over, the estimates and appropriations were reduced; but, as they have not been taken over, an additional estimate was submitted, which has the approval of the Budget and has been transmitted to the House by special message and has the approval of the President, and I suppose will receive the approval of gentlemen in charge of the bill.

Mr. McREYNOLDS. I did not mean that the roads would not be taken over eventually, but I meant during the next fiscal year.

Mr. BARBOUR. Will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. BARBOUR. Can the gentleman give the House any information as to whether the roads will be taken over, and if so, when?

Mr. McREYNOLDS. I do not know.

Mr. BARBOUR. My understanding is that the State of Tennessee has agreed to take over its part.

Mr. McREYNOLDS. That is true. And $500 has been taken off for its upkeep.

Mr. BARBOUR. But the State of Georgia has not agreed to take over its part.

Mr. TARVER. The State of Georgia is not in a position to take over the roads lying in Georgia on account of a decision of the supreme court of that State recently rendered, to the effect that the highway commission of the State had already taken over on the part of the State highway system all the mileage it was authorized to do by law. Therefore in the absence of additional legislation on the part of the State of Georgia the State can not take over its part of the road.

Mr. BARBOUR. It will take an act of the legislature to authorize it?

Mr. TARVER. It will.

Mr. BARBOUR. When does the gentleman expect the legislation will be had?

Mr. TARVER. The next session of the legislature is on the fourth Wednesday in June of the present year, but whether or not the legislation can be had then is a problem.

Mr. BARBOUR. There will be an opportunity for legislation before the next fiscal year 1931?

Mr. TARVER. Yes; there will be an opportunity for securing legislation.

Mr. BARBOUR. The War Department stated that the reason it did not ask for this amount of money was that the roads were to be taken over by Tennessee and Georgia.

Mr. TARVER. Yes; they were under that impression, but they have been informed to the contrary.

Mr. McREYNOLDS. We now have the recommendation of the Secretary of War, the Budget Department, and a message from the President, recommending this addition of $5,500.

Mr. BARBOUR. Mr. Chairman, this amendment is supported by a Budget estimate, and the committee has no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FISH. Mr. Chairman, I move to strike out the last word in order to make an inquiry about a paragraph on the page which has just been read, the disposition of the remains of officers, soldiers, and civilian employees. I make the inquiry for information. Does that apply entirely to the Regular Army and the members of the Regular Army, and could the chairman of the committee inform me whether there is any appropriation to take care of the bodies of former soldiers in the World War, for instance, who died in poverty? Let me explain myself a little more clearly, and I think it will be of interest to the Members of the House. Here is a heading in the Washington paper of a few days ago: Lost Battalion Hero Buried in Potter's Field. It is inconceivable to us to think that a man who belonged to the lost battalion should be taken off and buried practically as an unknown in potter's field in New York City.

Mr. BARBOUR. Mr. Chairman, this provision in the bill would not include a case of that kind, but there is a provision of law that enables the payment of $100 for the funeral expenses of a veteran of the World War though I can not just now cite the gentleman to it definitely.

Mr. FISH. I hope the gentleman is correct. I know that the bodies of the veterans who are in hospitals and who die in veterans' hospitals are provided with a casket and certain clothing up to $100, but whether this applies to those out of hospitals I do not know.

Mr. BARBOUR. Yes; I have had cases of that kind with the Veterans' Bureau where a veteran of the World War had died, and I believe it applies also to the soldiers of the Civil and Spanish-American Wars.

Mr. MICHENER. The soldiers of any war.

Mr. FISH. Then this is a matter for the American Legion of New York City to take up and investigate.

Mr. COLE of Iowa. The amount is $107.

Mr. MICHENER. It is $100 for the burial, if he does not leave sufficient funds, and $7 for the flag.

Mr. FISH. And that is for the veterans of all wars?

Mr. MICHENER. Yes.

Mr. BARBOUR. And there is another provision providing for headstones for the veterans of all wars.

Mr. FISH. Then it is not a matter for the Congress, but for the American Legion in New York City.

The Clerk read as follows:

MOORES CREEK NATIONAL MILITARY PARK

For continuing the establishment of a national military park at the battle field of Moores Creek, N. C., in accordance with the act entitled "An act to establish a national military park at the battle field of Moores Creek, N. C.," approved June 2, 1926 (U. S. C. 1937, sec. 422), $3,980.

Mr. ABERNETHY. Mr. Chairman, this appropriation for the continuing the establishment of a national military park at the battle field of Moores Creek, N. C., while not very large, gives the War Department the opportunity to make further study for the permanent needs of this park.

It was the purpose and intention to have had the past year quite a celebration at this park and to have had appropriate exercises with Maj. Gen. B. F. Cheatham and others to have made addresses. The Daughters of the American Revolution would have taken part.

At that time it was the purpose to have removed the bodies of Mary Slocumb and her husband Col. Ezekiel Slocumb under military escort to be reinterred at the battle field. Mary Slocumb made an immortal ride horseback to the battle front and her husband took an important part in the battle.

It is the hope to have this celebration during the present year.

The Clerk read as follows:

Tomb of the Unknown Soldier: For payment of the cost of the accepted design, including all working drawings, for completing the Tomb of the Unknown Soldier in the Arlington National Cemetery, as authorized by the public resolution approved July 3, 1926 (44 Stat. 914–915), $3,500.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 73, after the figures in line 12, add the following:

", and when an appropriation shall have been made therefor, there may be constructed, in accordance with detailed plans and estimates to be prepared under the direction of the Secretary of War, approaches and surroundings, approximately 480 feet by 220 feet, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier, in the Arlington National Cemetery, Va., all to be in harmony with design for the Tomb of the Unknown Soldier accepted by the Secretary of War and approved by the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission."

Mr. BARBOUR. Mr. Chairman, this amendment is subject to a point of order if anyone should care to make it. The purpose of the amendment is this: An act has been passed by the Congress authorizing the expenditure of $50,000 for finishing the Tomb of the Unknown Soldier. Two thousand five hundred dollars of that has been appropriated, and $3,500 more is carried in this bill, to pay certain preliminary expenses, the cost of preparing the design, and the supervision of the work. We are told that the balance of $44,000 of the amount authorized will be sufficient to complete the tomb itself, but the plan worked out provides for a rather elaborate approach to the Tomb of the Unknown Soldier, and there is nothing yet authorized in regard to that part of the plan. The Quartermaster Corps, in discussing the matter with our committee, stated that they would like to have authority to go ahead with the whole plan at one time, and rather than appropriate just $44,000 to complete the tomb itself we thought it would meet with the approval of Congress if we asked for this authorization so that the whole plan for the improvement and completion of the Tomb of the Unknown Soldier would be authorized and the money could then follow along in the necessary amounts. That is the purpose of this amendment which, strictly speaking, is legislation and subject to a point of order if anyone desires to make it.

Mr. FISH. Mr. Chairman, may I ask the chairman how much is authorized by his amendment?

Mr. BARBOUR. No amount is authorized. The Quartermaster General has stated to the committee that the best estimate that he could make would be about $350,000 additional; but he stated that he did not want the committee to take that as a definite estimate, because it might amount to more than that. That would be in the neighborhood of $400,000 all together, and possibly more.

Mr. FISH. Mr. Chairman, I do not rise to oppose the amendment for beautifying the grounds and approaches to the Tomb of the Unknown American Soldier or to oppose the small appropriation for the proposed design for a new tomb. Personally, I am frank to state that I would have preferred a more simple design even than that which the committee is bringing before the House. I think if they had simply provided for a marble top on the existing tomb instead of the present concrete slab it might have been more dignified and suited the purpose better; but I do not want to place my judgment against that of the various commissions and committees that have passed on the

proposed design for the tomb, a picture of which has been shown before the House. I understand the purpose of the amendment of the gentleman will involve $350,000, but, in my judgment, a mere matter of money should not be considered in this particular case.

The real reason why I rose here is to put on record—and I hope I shall be permitted sufficient time to do so—a statement in regard to the origin of the legislation that provided for bringing back the body of the unknown American soldier. A prominent member of the legion recently called my attention to the fact that the American Legion Monthly Magazine of November contained an article by John Thomas Taylor, who is the national legislative representative of the legion here in Washington, in which he wrote as follows:

> At this same session of Congress we had the necessary legislation enacted to bring back to America and bury at Arlington the body of the unknown soldier.

I wish to say there is practically no foundation for any such statement. The national convention of the American Legion never indorsed the proposition to bring back the unknown soldier. The bill was introduced by me when I first came to Congress in December, 1920. It was the only bill introduced in either branch of Congress providing for the return of a body of an unknown American soldier. The bill was signed by President Wilson; the last bill, I think, that he signed while he was in office. It was signed by him in the President's room adjoining the United States Senate on the morning of March 4, 1921.

It is unfortunate that such articles should be published and extravagant and reckless statements should be made by high officials of the American Legion, and for the sake of historical accuracy I rise to state that no national Legion convention had ever indorsed the proposal, and that Mr. Taylor's only contribution was a 2-minute speech at the hearings before the Committee on Military Affairs upon my request. The main witnesses were Gen. John J. Pershing as the commander of the American Expeditionary Forces, and Maj. Gen. John A. Lejeune, representing the Marine Corps, and Maj. Gen. P. C. Harris, The Adjutant General of the Army.

Mr. SCHAFER. Does not this official take credit for a lot of other things that he does not do?

Mr. FISH. Yes. He takes credit for practically every piece of legislation that is adopted for the welfare of the veterans. The fact is that Members of the House who are also members of the American Legion introduce legislation and arrange for hearings thereon and secure the enactment of bills by both the House and Senate, whereupon Mr. Taylor assumes the credit. In many cases it is true that the Legion convention has indorsed certain propositions and might be justified in claiming some degree of credit, but even then the sponsor in the House or Senate should not be ignored.

In this case, however, the Legion never indorsed it because they had no opportunity. I think such reckless and exaggerated statements ought to be denied on the floor of the House for sake of historical accuracy.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. LAGUARDIA. The gentleman from New York is a member of the Legion, and so is the gentleman from Wisconsin. Would it not be proper to state for the RECORD that the American Legion has sufficient sponsors in this House without requiring outside sponsors?

Mr. FISH. Yes; my colleague from New York reflects the general opinion of most of the Members of the House who happen to be veterans. I think it might be interesting to the Members of the House if I should place in the RECORD at this time a statement as to how the body of the unknown American soldier was chosen. A good many Members have asked me how the particular body of the unknown American was selected from the battle fields of France. He was chosen in this manner: Four bodies were taken from four separate American cemeteries in Europe and brought together at Chalons, France, where, under guard of general officers, a sergeant designated from the American army of occupation at Coblentz, walked into the room where the four identical caskets were and selected one by placing a few roses on it, which was closely guarded until interred in front of the Memorial Amphitheater at Arlington. That was pretty much the way in which the French chose their unknown soldier, except that they brought nine different bodies from nine sections of the battle front and conveyed them to a room in the citadel at Verdun, where they were guarded by general officers, in whose presence a noncommissioned officer, representing the rank and file of the French Army, came in and chose one of the caskets by putting roses on it. That casket was again put under special guard and was eventually buried under the Arc de Triomphe. The other eight caskets were buried in the citadel at Verdun. It is claimed that Gen. Maurice Maunoury, of the French Army, originated the idea of a memorial for the unknown dead of the World War.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FISH. May I have two additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. It may also be interesting to know how some of the other unknown soldiers were chosen. In Italy they took bodies from a graveyard near the Adriatic Sea and after a night spent in prayer an Italian gold-star mother selected the casket by placing a white rose on it. The splendid sepulcher of Victor Emanuel in Rome was opened to receive the body of the unknown Italian warrior.

In choosing the unknown Belgian soldier a blind veteran was assigned the honor, while four veterans who had lost their left arms and four who had lost their right arms acted as pallbearers.

So much for the history regarding the selection of the bodies of the unknown soldiers in different nations. The French unknown soldier who is buried under the Arc de Triomphe in Paris has no other monument except the old arch that has been there for a hundred years or more. The unknown Englishman has no monument except Westminster Abbey, in which the tomb is located.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. COLE of Iowa. I understand there is a cenotaph to the unknown soldier in one of the principal streets of London.

Mr. FISH. Yes; but a cenotaph is different; it means a monument without a grave. I am not opposing the official design that has been chosen. If that design, however, had been some great big column, as was originally proposed in this House, I think I and the rest of the Members would have opposed it. But in this case they propose a beautiful tomb. My colleague from New York [Mr. WAINWRIGHT] asked me if I spoke to-day to mention the figures on the proposed tomb, one representing Victory, one representing Peace, and the other a soldier, and he claims, I think with some justice, that the figure supposed to be a soldier does not resemble a soldier, and he hoped that some improvement can be made on that particular design before it is finally erected. In conclusion, I want the RECORD to show that Mr. JOHNSON of South Dakota was the sponsor of the legislation granting the medal of honor to the American unknown soldier and to those of our allies during the World War. It is evidently necessary after eight years to place the facts in the CONGRESSIONAL RECORD for safekeeping from crass exaggeration and from ambitious or lurid imaginations.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARBOUR. Mr. Chairman, the model of the proposed tomb was before the House during general debate on this bill. When the matter was under discussion at that time the gentleman from New York [Mr. WAINWRIGHT] suggested that possibly a person would have to draw somewhat on his imagination in regard to the figure of the American soldier. It had been stated to the committee by the representatives of the War Department that the three figures represented Peace, Victory, and the American soldier, but since that time we have received a communication from the Quartermaster Corps in which this statement is made—

> At the end of the tomb is a relief commemorative of the spirit of the Allies in the war. In the center of this panel Victory spreads her wings. On one side a male figure symbolizes Valor. On the other stands Peace, with her wreath to crown the devotion and sacrifice that went with courage to make the cause of righteousness triumphant.

So we are now informed that the figure which we were at first told represents the American soldier really represents Valor. I think with that statement some of the criticism of the gentleman from New York and others might not be so well taken.

Mr. GARRETT of Tennessee. If the gentleman will permit, I have to confess that although I happen to be a member of one of the commissions that passed upon this matter I was not in a position at the time it was under discussion on the floor the other day to make a statement in regard to the one figure referred to. I may say that the Battle Monuments Commission, in passing upon this matter, passed upon it quite informally, but nevertheless very positively. It was the opinion of that commission, after comparing it with all the others, that this was so superior to all others that it ought to be the plan adopted. But, as I say, this action was taken informally.

The information which the gentleman has given to the House I have myself ascertained, and understand that to be the fact in regard to that figure. Of course, the House will understand that the exact lines of any of these figures on the model will not necessarily be followed in the preparation of the finished monument, the sculptor having the usual leeway in that matter.

Mr. BARBOUR. I am very glad to have that statement from the gentleman from Tennessee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

Monument to William Rufus King: For every expenditure requisite for or incident to the payment of the cost of erecting at Clinton, Sampson County, N. C., a tablet or marker in commemoration of William Rufus King, former Vice President of the United States, in accordance with the provisions of the act approved May 23, 1928 (45 Stat. 719), $2,500.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, I desire to thank the committee and the Congress for passing this item. This commemorates a very great man, a former Member of Congress from my district, a man who has a long line of public service, and he was Vice President in Franklin Pierce's administration.

William Rufus King, lawyer, diplomat, Senator, and Vice President of the United States, was born April 7, 1786, in Sampson County, N. C., and is buried in Selma, Ala.; son of William and Margaret DeVane King, the former of Sampson County, N. C., who rendered important services to his country during the Revolutionary War; was a member of the convention which was called to adopt the Federal Constitution and was often a delegate from his county to the general assembly; grandson of (Woodson) King, of North Carolina; grandson of Drury and Lucy (Christian) Woodson. His early King ancestors came from the north of Ireland and settled on the James River in the colony of Virginia. He was educated in private schools, and graduated from the University of North Carolina in 1803. Afterwards he studied law in the office of William Duffy, of Fayetteville, N. C., and was admitted to the bar in 1805. Locating at Clinton, N. C., in his native county, he opened an office, and in 1808 was elected a member of the State legislature; was reelected, but resigned after his election as solicitor of the Wilmington district.

At the age of 24, in 1810, he was chosen to the United States Congress from North Carolina, continuing as a Member and supporting the measures of the Madison administration until 1816, when he was offered the position of secretary of legation to the American Embassy of St. Petersburg. He remained abroad for two years, traveling a great deal and being closely associated with William Pinkney, the envoy extraordinary and minister plenipotentiary to Russia. When he returned from abroad the Territory of Alabama was being organized, and he soon determined to locate in this section of the country.

He secured a residence and plantation near Cahaba, in Dallas County, Ala., and in 1819 was elected from this county as a delegate to the convention which formed the first constitution of that State. He was a member of the subcommittee which drafted that instrument.

When the first general assembly met he was chosen to the United States Senate and served from December 14, 1819, until April 15, 1844. During the latter year the relations of the United States with foreign powers had become very sensitive in consequence of the proposed annexation of Texas, and he was prevailed upon to accept the mission as minister to France, where he rendered extraordinary services to his country, and where he remained until 1846, when he was appointed by Governor Chapman to the seat in the United States Senate from Alabama left vacant by the resignation of Arthur P. Bagby. He was reelected, serving from July 1, 1848, to January, 1853, when he resigned, and was elected President pro tempore of the Senate May 5 and July 11, 1850, resigning as President pro tempore December 11, 1850.

He was nominated for the Vice Presidency on the ticket with Franklin Pierce in 1852, and was elected to this office by a large majority. While serving in the Senate he contracted tuberculosis, and in 1853 was forced to spend the winter in Cuba. By a privilege extended by special act of Congress he took the oath of office in Habana, Cuba, on March 4, 1853. As there was no improvement in his health, he returned to Alabama, arriving in Cahaba the day before his death. He was unmarried. His last residence, Cahaba.

When he died President Franklin Pierce said of him:

Since the adjournment of Congress the Vice President of the United States has passed from the scenes of earth without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied, almost continuously, for more than 30 years, a seat in one or the other of the two Houses of Congress, and by his singular purity and wisdom secured unbounded confidence and universal respect. His failing health was watched by the Nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

The Clerk read as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending printing, binding, and issuing charts and bulletins and of investigating lake levels with a view to their regulation; for examinations, surveys, and contingencies of rivers and harbors, provided that no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, $50,000,000.

Mr. CLAGUE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

For the purchase of the capital stock of the Inland Waterways Corporation, authorized by section 2 of the act entitled "An act to amend the act entitled 'An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act, and for other purposes,'" approved May 29, 1928, $10,000,000, to remain available until expended': *Provided*, That of the amount herein appropriated $2,500,000 shall be available immediately, and of the balance not more than $1,500,000 shall be withdrawn from the Treasury during the fiscal year 1930, not more than $3,000,000 during the fiscal year 1931, and not more than $3,000,000 during the fiscal year 1932.

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order against the amendment. I want to get some information about this item.

Mr. CLAGUE. Mr. Chairman and gentlemen of the committee, this amendment is in compliance with a Budget estimate that has been approved by the President and the Budget officer and sent to the Committee on Appropriations under date of January 9, 1929. This amendment provides for an appropriation of $10,000,000 in accordance with the act of Congress creating the Inland Waterways Corporation passed June 3, 1924, as amended by the act approved May 29, 1928, to purchase additional capital stock for the corporation. This money is to be used for the purchase of necessary new additional equipment and additional terminal developments for the Inland Waterways Corporation. Of this amount, two and a half million dollars is to be immediately available, and the further sum of one and a half million dollars available during the fiscal year 1930, which makes a total of $4,000,000 available during the coming year.

The necessity for this money being appropriated at this time is to provide the necessary additional equipment and additional terminal improvements for the corporation. The present facilities of the corporation are not sufficient to take care of the demand of the transportation offered at the present time. During the past operating season the facilities of the corporation were not able to handle the grain and other commodities that were offered for shipment. There is great need of some new terminal facilities at various points, and of more towboats and barges to take care of the transportation now being offered.

The operations of this corporation are now divided into three divisions of which the main artery of the system is the lower Mississippi. The upper Mississippi division extends from Minneapolis to St. Louis; the lower division extends from St. Louis to New Orleans; the third division, known as the Warrior, runs from New Orleans, via Mobile, to Birmingham. Owing to the different depths of water in the various divisions it has been necessary for the corporation to have boats built to meet conditions on each division. General Ashburn, who has charge of the Inland Waterways Corporation, has submitted tentative

estimates for the necessary immediate appropriations, which are as follows:

Purchase of one additional towboat for the upper Mississippi division, with complete equipment	$200,000
Purchase of a shifting boat between Minneapolis and St. Paul, and a shuttle boat to run from St. Croix to Stillwater	100,000
Additional grain transfer facilities at St. Louis	50,000
Improvements at St. Louis terminal	75,000
Betterments at East St. Louis terminal	75,000
Conversion of a Shipping Board steamer to a wharf boat for Cairo	75,000
Purchase of thirty 2,000-ton or fifty 1,000-ton barges for the Mississippi River	2,500,000
Terminal developments at Mobile, Ala	50,000
Terminal developments at Holt, Ala	50,000
Terminal developments at Birmingport, Ala	50,000
Quarters for employees at Birmingport, Ala	50,000
For installation of a grain transfer at Helena, Ark., similar to installation at Cairo, Ill	75,000
Two modern towboats for the lower Mississippi	650,000
Total	4,000,000

During the calendar year 1928 the tonnage transported by the corporation was 1,871,843 tons. With this additional equipment it will be increased at least 50 per cent. There is now on the lower Mississippi a 9-foot channel extending from the mouth of the Illinois River to New Orleans, and there is being developed a 6-foot channel from the mouth of the Illinois River to Minneapolis and St. Paul. If this amendment is adopted, new towboats and additional barges will be constructed and ready for use as early as September, 1929, and in time to take care of increased grain shipments. If increased transportation facilities are made, it will be a great saving in freight rates to the people. The approximate saving in freight last year made by this corporation is estimated between two and three million dollars, and it is estimated that the saving made by the corporation to our people of the United States from the time it started up to the present year is between eight and nine million dollars. The average all-river rate is 80 per cent of the rail rate. With all its handicaps the corporation during the past year made a profit, and after deducting an allowance for depreciation of about $400,000 there was a net profit of over $384,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. CRAMTON. As I understand, the amendment of the gentleman is in accord with the Budget estimate?

Mr. CLAGUE. Absolutely.

Mr. CRAMTON. And it provides an appropriation to be available in 1931 and 1932, which is intended particularly for the Illinois and the Missouri Rivers.

Mr. CLAGUE. Yes.

Mr. CRAMTON. It is a little unusual to make specific appropriations so far in advance; but as I understand, this is justified on the ground that communities to be affected directly by this transportation on the Missouri and the Illinois are in the meantime to provide certain facilities, and the reason for this advance appropriation is that they may have a definite understanding of what the Government proposes to do and may accordingly provide these facilities.

Mr. CLAGUE. That is correct.

Mr. CRAMTON. Now, suppose they do not provide the facilities that it is now contemplated they will provide, may we understand here definitely that the money, then, will not be used?

Mr. CLAGUE. That is correct; it will not be used.

Mr. CRAMTON. This money will be only used in 1931 and 1932, if the facilities now contemplated are provided by these communities?

Mr. CLAGUE. That is correct.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. CLAGUE. Just a minute more and then I will yield. I have stated that $4,000,000 will be available this coming year. This leaves a balance of $6,000,000. Three million dollars of this amount, as provided by the amendment, is to be available during the fiscal year 1931, and the balance of $3,000,000 is to be available during the fiscal year 1932. The $3,000,000 available during the fiscal year 1931 is to provide for necessary equipment for transportation on the Missouri River. It is expected that about December 1, 1931, the Missouri River project will be completed with a 6-foot channel from Kansas City to the mouth of the Missouri. It will be necessary to provide for additional new equipment on the Missouri to Kansas City; it will be necessary to provide for at least four new towboats at a total cost of about $1,200,000, and to build forty-five 1,000-ton barges at $40,000 each, making $1,800,000; a total in all of $3,000,000. The $3,000,000 available during the fiscal year 1932 is to provide for new and necessary equipment for use on the Illinois River, which would require at least four towboats to cost about $1,600,000, and at least thirty-five 1,000-ton barges at $40,000 each, making a total of $1,400,000; in all a total of $3,000,000. The reason for a higher cost of towboats on the Illinois than on the Missouri or upper Mississippi is due to the fact that the Illinois will have a 9-foot channel.

The terminal facilities on the Missouri River and on the Illinois River will be constructed by the various cities, and, as the work of completing the channels of these rivers is now being rapidly done by the Government, the cities along these rivers are now making provisions to start early work on their terminal facilities, and they wish to be assured that the Government will provide the necessary barge equipment to handle the freight as soon as these rivers are opened for navigation. As soon as these new channels are completed on the Missouri and the Illinois, and a 6-foot channel completed to Minneapolis and St. Paul, the new barges will be constructed of at least 1,000 tons, and some 2,000-ton barges will be completed for use on the Illinois and lower Mississippi.

Until the 6-foot channel is fully completed to the Twin Cities on the upper Mississippi it will be necessary to use 500-ton barges. This necessitates the freight being transferred at St. Louis to the larger barges at a cost of 25 cents to $1 per ton. As soon as the 6-foot channel is completed on the upper Mississippi and Missouri and the 9-foot channel on the Illinois, 1,000-ton barges can be used on the Missouri and upper Mississippi, and 1,000 or 2,000-ton barges used on the Illinois, and when these barges are loaded and arrive at St. Louis they can be towed by fast towboats direct to New Orleans. This will give much faster transportation and a lower freight rate.

In order to bring this corporation to a high state of efficiency it is the plan of the managing officers to standardize the equipment, make it, so far as possible, interchangeable, and while each division will be fully equipped, if the same is interchangeable it will make the system unified and be to the great advantage of the whole system, particularly so when there is a rush transportation on any particular part of the system. When the inland waterway system is complete goods will be shipped in and out of 42 States of the Union and the reduction in freight rates will be reflected in a saving to every shipper. The act creating the corporation provides that the Interstate Commerce Commission may make joint rates with railroad companies, and the managing officer of the corporation now believes that all railroad companies will cooperate without any order from the commission in making satisfactory joint rates.

Secretary of War Davis and General Ashburn, chairman of the Inland Waterways Corporation, have shown that a success can be made of inland waterway transportation. At this time I wish to express my appreciation of their work.

The adoption of this amendment providing for this increased appropriation will, in my opinion, within the next five years place the corporation on a satisfactory financial basis, and I am of the further opinion that within five years this corporation will mean a saving of at least $5,000,000 a year in freight charges.

INLAND WATERWAYS CORPORATION,
Washington, D. C., January 10, 1929.

HON. FRANK CLAGUE,
House of Representatives, Washington, D. C.

MY DEAR MR. CLAGUE: The request for the appropriation of $10,000,000 to purchase stock of the Inland Waterways Corporation, to be made available as provided for in the letter of the Director of the Budget and of the President, is designed to accomplish several objectives.

Four million dollars will become available during the present calendar year, which is designed to be distributed throughout the various divisions of the Inland Waterways Corporation to meet the immediate necessities of operating at our highest efficiency and realizing upon the money invested.

Six million dollars is to be set aside and not made available until it is necessary to begin operations upon the Missouri River and the Illinois River. We design at present to expend $3,000,000 upon the Missouri River and $3,000,000 upon the Illinois River when they are opened for navigation.

This would allow us to purchase approximately four large towboats and about thirty-five 1,000-ton barges for the Illinois and four large towboats for operation upon the Missouri River with between forty and forty-five 1,000-ton barges.

The towboats to be designed for the Illinois River will be capable of going through directly from Chicago to the Gulf and the towboats to be designed for the Missouri River will be capable of carrying 1,000-ton cargo barges as far south as Cairo, where they will be turned over to the high-powered towboats, which we now have, for further transportation to the South.

The present intention of the corporation in designing its boats, is to standardize the barges so that they may be susceptible of interchange with the main stem of the Mississippi directly to the Twin Cities of the North, and to Kansas City or to Chicago, as their services may be desired. We are working toward an interchange fleet which we have

not been able to do before, because of the varying depths of the river upon which we have had to operate.

The statement submitted by me to the Director of the Budget, approved by the Secretary of War, called for the immediate expenditure of $3,350,000, as follows:

Purchase of 1 additional towboat for the upper Mississippi division, with complete equipment	$200,000
Purchase of a shifting boat between Minneapolis and St. Paul, and a shuttle boat to run from St. Croix to Stillwater	100,000
Additional grain transfer facilities at St. Louis	50,000
Improvements at St. Louis Terminal	75,000
Betterments at East St. Louis Terminal	75,000
Conversion of a Shipping Board steamer to a wharf boat for Cairo	75,000
Purchase of thirty 2,000-ton or fifty 1,000-ton barges for the Mississippi River	2,500,000
Terminal developments at Mobile, Ala	50,000
Terminal developments at Holt, Ala	50,000
Terminal developments at Birmingport, Ala	50,000
Quarters for employees at Birmingport, Ala	50,000
For installation of a grain transfer at Helena, Ark., similar to installation at Cairo, Ill	75,000
Total	3,350,000

The remaining $6,650,000 was originally intended by me to set aside $5,000,000 for the Illinois and Missouri Rivers and $1,650,000 for additional equipment of the present facilities as urgent demands necessitated. Later developments through conferences with the Secretary of War, the Budget, and representatives of the public led to the modification of the original plan so as to set aside a tentative total of $6,000,000 for the Missouri and Illinois Rivers and the utilization of $4,000,000 for expanding the present facilities, to be distributed throughout the three present divisions, upper Mississippi, lower Mississippi, and Warrior, to the best advantage of the operations as a whole. Studies are under way which indicate the possibility of designing and constructing barges which may hereafter be a standard type, capable of utilization on the main artery, the lower river, and the upper river, the Missouri, and the Illinois. If this can be developed—and it seems entirely probable that it can be—it will obviate the present necessity of transfer of cargo from the upper river fleet to the lower, an expensive but at present a necessary movement.

One of the prime reasons for asking that $3,000,000 should be made available during 1930, and an additional $3,000,000 during 1931, was to be sure that there would be sufficient funds left to inaugurate service upon the Missouri River in the early part of 1931 and service upon the Illinois River in 1932.

In order that communities along these rivers may be interested to sufficiently develop interchange terminal facilities, the Inland Waterways Corporation must be able to assure the people living along these streams that the service will be inaugurated and maintained. Another reason for asking for the money to be divided in this manner is because it will offer a protection to the Secretary of War and to his executive officer to resist any demands to expend the total $10,000,000 upon the development of existing facilities if the total were made immediately available.

These demands would become more and more exigent, every sort of pressure brought to assure the expenditure of the entire amount as soon as it became available for the further development of existing facilities. If the total should be expended in this manner, it would inevitably lead to further demands upon Congress for more money to be appropriated and spent in the inauguration of the new services contemplated on the Missouri and Illinois, which would be entirely natural if the total $10,000,000 authorized to be appropriated were spent upon the present existing facilities, and no provision made for the inauguration of facilities upon the Missouri or Illinois Rivers.

It is the desire of the Secretary of War and of the corporation to keep faith with Congress in this matter and to do what was contemplated at the time of the passage of the act authorizing the appropriation of $10,000,000, i. e., carrying on existing facilities and inaugurate services upon the Missouri River and the Illinois River with a total of $10,000,000 appropriation.

I especially invite your attention to the results for last year for the entire corporation. During the year there was transported 1,871,843 tons at an average revenue of $3.71 per ton, on which the expense of operation aggregated $3.51 a ton, or a total net income per ton during the year of 20 cents per ton.

The net operating income during the year was $375,608.97, and this after absorbing a loss of $233,361.66 on the upper Mississippi division, and a loss of $95,410.96 on the Warrior division, and setting aside $450,000 for depreciation. The total coming into the hands of the corporation, including depreciation, was $868,218.41, over and above money necessary to operate the fleet.

The total funds coming into the hands of the corporation during the calendar year 1928 are $11,729,851.77. The total disbursements for the fiscal year 1928 were $11,345,804.58, leaving a balance on June 30, 1928, of $384,027.19.

Especial attention is invited to the fact that the losses on the Warrior division during 1927 were $208,822.55, which were reduced during the year to $95,410.96, and there was an actual net operating income on the Warrior River, including the Warrior River Terminal Co., for November of approximately $6,000. The expense per ton of the consolidated waterway movement for 1927 was $3.83 per ton, which was, however, reduced to $3.51 per ton for 1928, or a reduction in the cost of operation of 32 cents per ton. The operations can be summarized as follows:

The corporation carried more tonnage during the year 1928 than ever before in its existence at a less average revenue per ton, and at such a greatly reduced operating expense per ton that the net operating income per ton increased 22 cents.

The pressing and immediate necessities are the creation of more floating equipment upon the Mississippi and the Warrior Rivers and the development or improvement of terminal facilities which will enable us to reduce the operating costs. The $2,500,000 to be made immediately available will probably all go into new floating equipment and the $1,500,000 to be made available the 1st of July, 1929, will also go to making available new equipment for the three existing divisions, in addition to terminal developments which experience has proven to be necessary.

Yours very truly,

T. Q. ASHBURN,
Major General, United States Army,
Chairman and Executive.

INLAND WATERWAYS CORPORATION,
Washington, D. C., January 12, 1929.

Hon. DWIGHT F. DAVIS,
Secretary of War,
Governor, Inland Waterways Corporation,
Washington, D. C.

SIR: It is with keen personal pleasure that I transmit to you the following resolution unanimously adopted by the advisory board of the Inland Waterways Corporation at its annual meeting in Washington, D. C., January 11, 1929:

"*Resolved*, That the advisory board of the Inland Waterways Corporation does hereby express its appreciation of the sympathetic interest and deep appreciation of the problems confronting the Inland Waterways Corporation by the Secretary of War, the Hon. Dwight F. Davis; that the board does hereby express its confidence in him, and it congratulates him upon the results achieved by the Inland Waterways Corporation during his administration."

Respectfully,

T. Q. ASHBURN,
Major General, United States Army,
Chairman and Executive.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the point of order and ask for recognition.

Mr. SCHAFER. Mr. Chairman, I renew the point of order.

Mr. NEWTON. Mr. Chairman, I think it is about time we had some statement as to what the point of order is.

Mr. LAGUARDIA. I have withdrawn the point of order, so I am out from under.

Mr. SCHAFER. I think the point of order is that we should have a quorum here on a question that is putting the Government into business to the tune of $10,000,000.

Mr. LAGUARDIA. Mr. Chairman, I do not object to this appropriation, nor do I object to the undertaking itself. My objection to the project is that which I voiced at the time of the consideration of the bill. Here is a bill sponsored by the most conservative men in this House, who are always quick to oppose and criticize any suggestion of Government operation of any kind, and yet they admit that private interests have not the courage nor the initiative nor the desire to assume any risk to develop this business. It may be profitable, as it has turned out to be under Government operation; but the bill provides that as soon as it is certain that it can be operated at a profit, the entire corporation, its property and business, must be turned over to some favorite who will be around looking for this great juicy plum.

That is not fair. If it is a failure, the gentleman from Minnesota [Mr. NEWTON] would say that Government operation is a failure and that it can not be done. But let the Government operate until it becomes profitable, and then it will go into the hands of a private corporation; and then the gentleman from Minnesota will say, "Oh, yes; look at the profits under private operation." [Laughter.]

It is necessary to develop our inland waterways and to have this service, and it should have been done years ago, but the railroads would not permit it. The railroads so control the system of transportation of this country that we can appropriate millions and millions for rivers and harbors and yet never have a chance to utilize our waterways as long as the railroads control the transportation policy of the country.

I insist that the situation has compelled Congress to act. You say that the private enterprise can not do it, therefore let the Government do it, but only until it is sufficiently profitable for private capital to take it over. Let the Government take

the loss during the pioneer stage, and then let a group of individuals enjoy the profits.

I am in favor of not only having the Government initiate and pioneer this project, but in keeping and operating it after it is on a paying basis. If the Government can put it on a profit-producing basis, it should keep it.

Mr. ABERNETHY. Mr. Chairman and Members of the House, I am heartily in favor of the appropriation. My good friends from the Mississippi Valley and my friends from the Missouri Valley and the Chicago section convinced me of the merits of the barge line. I think the bill establishing this service is a good thing for the country. I want to help with what influence I have to put this great project across.

In this connection, however, I desire to speak to you gentlemen back of this legislation, and I hope you will all give me your kindly attention because it is at a time like this that we can get your attention. I want the attention of men who control the legislation of the House.

I think the most effective and best thing about this inland water transportation act, known as the Denison Act, is the fact that under that act we can have connecting water and rail rates from the streams where this barge line operates. When we passed the act at the last session I thought the provision applied to all inland waterways of the country and was so told by Mr. DENISON that was the intent of the act; but as a matter of fact, that was stricken out in this body or in the other—I do not know which. The Government of the United States is spending large sums of money upon an inland waterway from Boston to my section and finally to the Gulf. In my district there is at the present time being constructed a link of this waterway which will cost something like $6,000,000, and yet we are unable to get connecting water-and-rail rates into the interior. I think the most salutary and best thing about the Denison Act establishing the Government barge line is that you can not only have water transportation but have through connecting water-and-rail rates from the points where the barge line operates into the interior.

I am supporting this appropriation heartily and doing all I can to help you gentlemen. I hope that when we make the clarion call and the Macedonian cry you will come down and help us.

I am very sorry that the present leadership of the House is not going to give us a river and harbor bill this session, but we have in this present appropriation bill $50,000,000 for rivers and harbors, and the State of North Carolina has been reasonably taken care of. The following items are the proposed allotments for river and harbor projects in the State of North Carolina for the fiscal year 1930:

Proposed allotments for river and harbor projects in the State of North Carolina for the fiscal year 1930, based on an appropriation of $50,000,000

Beaufort Harbor, N. C	$12,500
Beaufort Inlet, N. C	33,000
Cape Fear River, N. C., at and below Wilmington	200,000
Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C	518,000
Meherrin River, N. C	2,000
Roanoke River, N. C	3,000
Scuppernong River, N. C	2,500
Pamlico and Tar Rivers, N. C	18,000
Neuse River, N. C	12,500
Contentnea Creek, N. C	1,000
Trent River, N. C	1,500
Channel connecting Thoroughfare Bay with Cedar Bay, N. C	5,000
Waterway conecting Core Sound and Beaufort Harbor, N. C	5,000
Inland waterway, Beaufort-Cape Fear River, N. C	1,000,000
Cape Fear River above Wilmington, N. C	13,000
Northeast (Cape Fear) River, N. C	3,000
Black River, N. C	3,000
Waccamaw River, N. C. and S. C	4,000
Total	1,837,000

Mr. COCHRAN of Missouri. Only, Mr. Chairman, I desire to speak in support of the amendment appropriating $10,000,000 to purchase equipment for the barge line just offered by a member of the Appropriations Committee. As has been said, this item has the approval of the War Department, the Bureau of the Budget, and was submitted to the House by the President in a special message.

The barge line, or, at least, that part of the line on the Mississippi River below St. Louis, is self-sustaining. Without the additional equipment, for which this appropriation provides, the line can not function properly. It can not increase its activities. The upper river line from St. Louis to St. Paul and Minneapolis is now in operation. This money will enable the corporation to provide equipment to move the grain from the great Wheat Belt this summer. The activities of the line have been curtailed due to lack of equipment.

General Ashburn, chairman of the Board of the Inland Waterways Corporation, is authority for the statement 16,000 tons have been carried on one tow. One of the large steel barges has a capacity equal to about 70 freight cars.

The volume of freight handled by the barge line continues to increase, but the maximum has about been reached with the present equipment.

The barge line was started by the Government during the war because the railroads were unable to move all the freight offered. It was an experiment, but is no longer classed as an experiment. We are spending millions of dollars annually improving our rivers and harbors and it is to put the rivers to work that this appropriation is requested.

Personally, I hope the day is not far distant when this corporation will be taken over by private capital. I am willing to vote for the sale of the barge line, but before doing so I want to see an agreement signed providing a penalty of forfeiture in the event the purchaser does not operate the line on a schedule to be agreed upon before sale.

With this appropriation I feel confident the Inland Waterways Corporation will demonstrate to private capital it would be advisable to engage in transportation by water. Some of the great steel companies along the Ohio River have already provided private lines while others are having equipment built to start operations in the very near future.

To decline to pass this appropriation would simply mean a waste of the money already spent by the Government on this service. I sincerely hope the amendment will be adopted.

Mr. NEWTON. Mr. Chairman, I rise in opposition to the pro forma amendment offered by the gentleman from North Carolina. When we adopt the amendment just presented by my colleague Judge CLAGUE we will make available for this present calendar year the expenditure of $4,000,000 for much-needed equipment in the form of additional tow boats and barges for the Government barge line. That is about all that can reasonably be spent this calendar year for that purpose. Furthermore, as I pointed out to the House a week or so ago, time is most important in this matter. What we need is an appropriation of substantial size that will be available now so that arrangements can immediately be entered into for the building of additional towboats and barges. When the crop movement began last August in my section of the country, we were unable from that time on to the close of navigation to begin to take care of the grain that was offered the barge line. That was even more true of the lower Mississippi River. Hence the occasion for expediting action in every possible way so as to make a substantial appropriation immediately available and thereby enable the Inland Waterways Corporation officials to immediately make plans and execute contracts for the immediate building and expeditious delivery of this equipment. This entire appropriation of $10,000,000 furnishes the additional capital required throughout the system. That is what Congress determined last May. It is my understanding that the Inland Waterways Corporation officials expect to act immediately so that this equipment so much needed can be made available for the moving of next fall's crop.

The original capital of the Inland Waterways Corporation was $5,000,000. The original appropriation in that act was $3,000,000. It was two years ago that we appropriated $2,000,000, a portion of which was used for the putting of equipment on the upper river and the balance was used on the Warrior and the lower river. The success of the operation on the lower river was such and the progress made upon the Warrior and the upper Mississippi River was such that it was perfectly apparent that if we were going to carry on this demonstration the way it should be carried on more capital was needed. As a result of that, Congress last May increased the capital to $15,000,000. In addition to that, Congress authorized the extension of this service to the lower Missouri and the Illinois River. The lower Missouri will be ready in about a year, in a state of practical navagability, and I think the Illinois in about two years. Of course, it is obvious that if the work was to be carried on additional capital was needed upon the rivers then being used and also for the rivers to which the work was to be extended. Not only is this appropriation at the present time with its limitations going to be helpful to the municipalities on these rivers but it is also going to be helpful to the Inland Waterways Corporation management in making their plans. For example, in the making of contracts for equipment and in the making of terminal arrangements they know that all of this money will be eventually available.

Mr. Chairman, in view of the interest of the House, I want to say something about the other features of the authorization bill in reference to the joint-rate arrangements with the railroads. We put in there a rather drastic provision; at least the carriers thought so. It was contested before the Interstate Commerce Commission last fall. Our colleague Mr. DENISON appeared before the commission in connection with the argument. The commission sustained the provision. That was followed by a conference between the officers of the Inland Water-

ways Corporation and the railroads. That was followed by two more conferences, one of which has been held, and the other will be held the latter part of this month, and it looks very much as if the Inland Waterways Corporation and the railroads were going to be able to get together and to amicably agree upon a plan for a joint-rate arrangement, and if that can be done it will mean a great deal toward advancing the work that Congress started in to do when it passed the transportation act eight years ago.

Mr. COLE of Iowa. And is it not true that the Illinois Central Railroad from its territory makes a through rate to the Gulf and thence by water to the western coast to compete with the all-water rates from New York to San Francisco?

Mr. NEWTON. I think that is the case.

Mr. COLE of Iowa. I think those rates are now being made up by the Illinois Central, so that a shipper in the Chicago area can send his goods to San Francisco just as cheaply as a New York firm can by water.

Mr. NEWTON. I know it was contemplated that that would be done. I know that some talk has been had, and I am glad to know that that is the case.

Mr. COLE of Iowa. I heard the other day that system had practically been agreed upon.

Mr. ABERNETHY. The gentleman was a Member of Congress when the transportation act was passed?

Mr. NEWTON. Yes.

Mr. ABERNETHY. And I suppose he favored it?

Mr. NEWTON. Yes.

Mr. ABERNETHY. There is a provision in that act which provides for water and rail transportation interchangeably and through water and rail rates.

Mr. NEWTON. Yes.

Mr. ABERNETHY. I assume that is going to be the policy of the Interstate and Foreign Commerce Committee, of which the gentleman is a member. I do not want to commit the gentleman too far, but I hope while we are all in a good frame of mind that the gentleman will look with favor in the future upon that particular provision.

Mr. NEWTON. The gentleman appreciates very much the interest that the gentleman from North Carolina has always taken in this important subject.

In conclusion, Mr. Chairman, let me express the hope for most expeditious action by the executive branch of the Government, to the end that this additional equipment will be available on upper and lower rivers this early fall.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15712, the War Department appropriation bill, and had come to no resolution thereon.

INTERNATIONAL MAP OF THE WORLD (S. DOC. NO. 202)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

With reference to my communication of December 30, 1924, regarding legislation to be enacted by the United States in connection with the Map of the World on the Millionth Scale, I transmit herewith a report by the Secretary of State recommending a request to Congress providing for an annual appropriation of $50 for the payment of a contribution by the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale. The recent developments in the matter are explained in the report of the Secretary of State, which has the indorsement of the Secretary of the Interior, and I trust that this small annual appropriation will be granted.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 12, 1929.*

PRESIDENT'S MESSAGE—FIRST INTERNATIONAL CONGRESS ON SANITARY AVIATION (S. DOC. NO. 201)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending that Congress be requested to authorize an appropriation of $1,000 for the payment of expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France, in 1929.

The recommendation has my approval and I request of Congress legislation authorizing an appropriation of $1,000 for the purpose of participation by the United States by official delegates in the First International Congress on Sanitary Aviation, to be held in Paris in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 12, 1929.*

ADDRESS OF HON. R. A. GREEN, OF FLORIDA

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made by Congressman R. A. GREEN over the radio.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing a speech over the radio by the gentleman from Florida [Mr. GREEN]. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech of Hon. R. A. GREEN, of Florida, from radio station WJSV, Washington, D. C., January 12, at 8 o'clock p. m.

FARM RELIEF

Friends of my radio audience, it is quite fitting that in this time of great agricultural distress in our Nation as a whole that we should devote some time and thought to the problem nationally and as it pertains to the individual States.

After all, the problem of agriculture is a matter of distribution. Surpluses in fruits, vegetables, meats, and staple crops occur largely through the lack of proper distribution by means of adequate market facilities. We find thousands of bushels of peaches decaying under the trees in Georgia, Virginia, and the Carolinas, and at the same time millions of people in the various parts of our country desiring and demanding fresh peaches. We find carloads of luscious red strawberries and watermelons perishing in the fields of Bradford County or rotting in an overglutted market in a few of our larger cities, while persons in other sections of the country—in fact, nine-tenths of the country—are desiring and demanding fresh strawberries and are willing to pay for them the highest market price. The citrus crops of Florida this year may run to 18,000,000 bushels and that of California possibly more, but, even so, this amount of fruit would give only a few oranges and grapefruit to each individual in the United States if they were properly distributed. In like manner the problem of distribution applies to almost all of the other crops of our Nation. Our country makes the supply and in our country is the demand, but there is no effective medium by which the supply of our various crops may reach immediate and the remote demand. What is most needed in our United States for the relief of agriculture is a large, effective marketing system controlled by honest officials of our Government; but I shall not dwell upon agriculture as a national problem, but will confine myself more to farming and farm products of my own great State, Florida.

It will be very strange to my hearers, perhaps, to learn of the great diversity of soil conditions and of agricultural products of the State of Florida, but, my friends, I would have you bear in mind that the State of Florida is some 400 miles wide at its northern boundary and reaches on down between the Gulf of Mexico and the Atlantic Ocean for a distance of some 500 miles, embracing a total area of well over 35,000,000 acres, or 9,000 square miles more than the State of New York. I would have you bear in mind that in the western portion of Florida we have there the end of the Appalachian chain of mountains, and here where the hills meet the Gulf of Mexico are to be found soil conditions similar to that of the foothills of the other Appalachian States. Passing then on eastward and southward through the State almost every type of soil is to be found, including that rich and productive humus soil in the Everglades near the great Lake Okeechobee. The fertility and productiveness of this Everglades soil is probably not surpassed by even that of the Nile Valley. It is in many places several feet in depth and produces most luxuriantly practically all staple and vegetable crops, including sugar cane.

In the portion of Florida east of the Perdido River and west of the Suwannee River are to be found vast acreage of grapes, Satsuma oranges, watermelons, sugar cane, extensive corn and cotton acreage, and last, but by no means least, great fields of tobacco catch the aroma from the rain. Different kinds and varieties of tobacco are here grown. That of probably greatest interest, however, is the tobacco which is grown under shades and particularly valuable for wrappers of high-grade cigars. Probably 25 per cent of American-grown wrapper tobacco is produced in these fields. Millions of yards of cheap cotton cloth are

used to shade the young and old plants from the rays of a semitropical sun. Some grades of this tobacco, when it is ready for use on the cigar, sell for as high as $4 per pound, and it is not unusual for 1 acre to produce from 1,200 to 1,500 pounds. This is a growing industry and with adequate tariff protection on Sumatra wrapper tobacco, the industry will experience great strides in the future.

From this section and well on down into central Florida thousands of carloads of watermelons are shipped from the State annually. These melons go on the market at a season when competition is not so great and owing to the favorable soil and climatic conditions to be found in Florida the quality of the melon is superior. East of the Suwannee River to the Atlantic and on well down through central Florida for some 200 miles is known as the great central section of the State. The products of this section are in a large measure similar to those of the western portion of the State as far as staple crops are concerned. In this section at Hastings, in St. Johns County, are some of the most productive Irish potato fields in the world, and also throughout central and west Florida are large and lucrative paper-shell pecan groves. In this section also, stock raising, dairying, and poultry industries are carried on quite extensively. It is not at all unusual for a farmer, operating on a very small scale, however, to produce sufficient surplus poultry products to purchase him a new automobile each year, or to, as a side line, sell sufficient hogs to buy a new automobile or build him a new home in one year. Dairy farms are now springing up throughout this entire section. I would have my listeners bear in mind, however, that in spite of the growth of the poultry, dairying, and livestock industries of the State of Florida, she still imports some $50,000,000 worth of these products annually; in fact, she imports about as much as is produced at home, thus showing the bright future for these industries within the State. The underproduction of these products is caused largely by the abnormally rapid growth of the State's population and also by the lucrative inducements along other lines of agricultural production.

In this section of the State, particularly at Starke, Fla., and Plant City, Fla., are to be found large acreage of strawberries. This luscious red fruit usually is ready for the market beginning in December and the shipping season may last as late as the middle of April, and it is not at all unusual for the grower to receive at Starke, Fla., $20 to $25 for one crate of 32 quarts of this product. It is not at all unusual for him to realize $1,000 net profit per acre per season. This, however, is a perishable product and great care must be exercised in its marketing, but when judiciously marketed the grower never fails to receive an unusually large profit.

This central section is also a great vegetable section, however, not as great as is the production further south in the State. The great cabbage, bean, cucumber, and celery fields are here found and this section is now shipping cabbage to the northern market.

Beginning in upper central Florida and going on to the end of the peninsula is the great Citrus Belt of our State. Florida has 287 carlot packing houses, and this number, of course, will increase because she has approximately 75,000 acres planted to grapefruit trees, 55,000 of which are bearing. She has approximately 170,000 acres planted to orange trees with about 100,000 of these trees bearing, different varieties producing grapefruit and oranges for the market at different times of the year. For example, the early varieties of oranges placed on the market from November to January are such as Parsons, Temples, and Enterprise; midseason varieties from January to March, seedlings and pineapple; later varieties from March to January, Valencias, Lue Gim Gongs, and other varieties. The citrus industry will always be one of Florida's most important, owing to the growth in popularity of this fruit and also owing to the peculiar soil and climatic conditions necessary for its profitable production. Florida has both.

I have noted with considerable interest recently the importance of citrus fruit as a diet for the sick and particularly its use as a preventive against influenza. I am reliably informed that recently 1,100 children of a New York State community, and hundreds of others in and about New York City, are being safely carried through the influenza epidemic through the means of grapefruit juice. Authority for this is Dr. Daniel Hodgdon, former president of Hahneman Hospital in Chicago. Doctor Hodgdon is of the opinion that the annual winter increases of cold might be completely controlled in the future by the use of citrus fruits. He says the time is near when every person in the United States will take the juice of at least two grapefruits a day during the winter months. While the humanitarian benefits of this use of grapefruit should be uppermost, Florida has a special primary interest in that the State is the main producer of the grapefruit and orange. Doctor Hodgdon has the 1,100 children under his care and all are free from influenza, which he attributes to the careful feeding of citrus-fruit juices. Not only among children is this cure and preventive to be noticed, Doctor Hodgdon says, but older people are using it to advantage as well. And if I might take a look into the future, I would say that every member of the average American family in the future will increase their use of grapefruit juice until they take each day during the cold winter months the juice of at least two grapefruits. Doctor Hodgdon further recommends the use of a glass of orange juice after meals to facilitate digestion. It will be interesting to my listeners to know that recently the Florida Citrus Growers' Clearing House Association, which is a new and splendid organization for the orderly and effective marketing of citrus fruits, has donated 20 carloads of grapefruit to be used throughout the country as a preventive of influenza. My friends, the citrus industry in Florida is safe and will grow.

In the central and southern portion of the State is to be found vast acreages of eggplants, table cucumbers, snap beans, peppers, celery, tomatoes, early Irish potatoes, avocado pears, and in fact practically any and all table vegetables. During the last few days Florida peppers produced in this district have been selling as high as $15 per crate on the New York market—the highest price ever obtained. A standard carload at these prices would sell for more than $5,000. Avocado pears produced in this section have recently sold as high as $25 per crate. This, my friends, is a high price to be paid for vegetables, but the American consuming public will pay for the things which it desires, and during this season of the year these products are produced almost solely in the State of Florida; therefore the vegetable-growing industry in south Florida will increase. I would have you bear in mind that in the rich lands of the Everglades and other portions of south Florida many of the vegetable crops are placed on the market in New York, Washington, Chicago, and other cities 10 to 12 weeks after the seed is put in the ground, and on these lands it is not at all unusual for three crops to be produced on the same land in one year. In this Everglades land it is not unusual for two corn crops of 75 bushels per acre each to be produced in one year; and this, by the way, is in the region which the Congress is now laboring so hard to carry Federal aid for flood control. Our efforts in the Congress for flood control in these rich lands, we believe, will be successful.

In the Everglades to-day some of the largest and most productive sugar-cane plantations in the world are to be found. D. H. Dahlberg and others have just finished a 1,500-ton sugar mill which began grinding sugar cane January 10. This is the first unit of a 7,500-ton mill to be built. There are several others of these gigantic mills now grinding sugar cane in this vicinity. This enterprise will succeed and it will be only a few years until in Florida will be found the Nation's sugar bowl.

It will be of interest to you to learn that the United States Weather Bureau has established branch stations in Florida at Jacksonville, Tampa, Miami, Apalachicola, and Pensacola, and from these stations weather information is broadcast to approximately 150 points for the information and guidance of Florida's farmers, fruit and truck growers. The United States Department of Agriculture is also cooperating with our State in furnishing market news to several places in the State. Some of these places are Jacksonville, a general farming center; Tampa, fruit and trucking center; Winter Haven, citrus-fruit center; Sanford, celery center; Hastings, Irish-potato center; Leesburg, watermelon center; Pahoka and Canal Point, in the Everglades, vegetable center.

My friends, there are many additional agricultural industries and products in Florida of which I would tell you if time permitted. Of particular interest to you would be the tung-oil industry in the vicinity of Gainesville. This plant is growing successfully and its nuts produce varnish oil, but I must hasten to this conclusion: According to the last statistics which I have, Florida stood at the top of the list of crop value per acre with $107, while the next highest was $79 for California; Massachusetts and New Jersey, $73; Connecticut, $66; Colorado, $62; and on down the line until the lowest State, and I will not mention its name, was only $11 per acre. I am sure that the new statistics will give Florida even a better lead over all States than this.

Of Florida's more than 35,000,000 acres less than 3,000,000 are farmed, thus showing that millions of acres are still to be had, offering wealth and industries, as well as edible products, to other millions of our Nation. Florida's agricultural products for the 1927–28 shipping season were valued at $140,000,000, which occurs to me is a large amount to be produced from less than 3,000,000 acres. It furnishes about 80 per cent of the Nation's grapefruit, 60 per cent of the Nation's eggplants, 40 per cent of the table cucumbers, 40 per cent of the snap beans, 65 per cent of the peppers, 32 per cent of the celery, 25 per cent of the tomatoes, 10 per cent of the early Irish potatoes, and a large percentage of the other vegetable products consumed by the Nation.

And, my friends, Florida has no bonded or other State indebtedness, no inheritance tax, no income tax, no corporation tax, no corporation stock-transfer tax, no severance tax, no franchise tax, and no tax on intangibles. But her real hope and future rest is her productive soil and unparalleled climate. Her rural homes are rapidly becoming modern, attractive, and comfortable. Her rural life is encouraged by hard-surfaced roads everywhere, and here are built modern schools and churches. Her rural communities are developed. Her more than 30,000 lakes are still clear, placid, and surrounded by gigantic forest trees, draped with Spanish mosses. Her thousands of springs still gush forth an overabundance of transparent and God-given fluid, sparkling with purity and virtue. Her rivers still meander "here and yon" and give vent to the sweet perfume of the magnolia in the moonlight. The flaming poinsettia, the hibiscus, the bougainvillea, and the rose are still there, and the mocking birds sing at dawn. My friends, Florida's rural life is rich.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. McSWEENEY (at the request of Mr. UNDERWOOD), indefinitely, on account of illness in his family;

To Mr. HAMMER (at the request of Mr. ABERNETHY), indefinitely, on account of illness; and

To Mr. TATGENHORST, for six days, on account of important business.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, January 15, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 15, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m., caucus room)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

SPECIAL COMMITTEE INVESTIGATING PRISONS

(10 a. m., room 127, House Office Building)

To consider prison conditions, care of inmates, and labor conditions in United States prisons.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 15, 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Favoring the ratification by the United States Senate of the Kellogg peace pact (H. Res. 264).

COMMITTEE ON AGRICULTURE

(10 a. m.)

Authorization of the appropriation of $15,000,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States (H. R. 14936).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(11 a. m.)

To revise, amend, and reenact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States (H. R. 12416).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the general legislation before the committee.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

738. A letter from the Postmaster General, transmitting schedule of papers and documents which are not needed in the transaction of public business and which have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

739. A letter from the Secretary of Commerce, transmitting description of papers on file in the various bureaus of the Department of Commerce which are not needed or useful in the transaction of current business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

740. A letter from the Secretary of the Navy, transmitting copies of the following communications in which authority is requested for the disposition of certain useless papers pertaining to the Navy Department; to the Committee on Disposition of Useless Executive Papers.

741. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of entrance to Willoughby Channel, Va. (H. Doc. No. 507); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

742. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Clearwater Harbor, Fla.; to the Committee on Rivers and Harbors.

743. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of channel from Clearwater Harbor through Boca Ciega Bay to Tampa Bay, Fla.; to the Committee on Rivers and Harbors.

744. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, Library of Congress, for the fiscal year 1930, in the sum of $7,220 (H. Doc. No. 508); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 267. A resolution to allow expenses in the investigation of the government of the District of Columbia (Rept. No. 2075). Ordered printed.

Mr. REED of New York: Committee on Education. H. R. 15211. A bill to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, as amended; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 12986. A bill to amend section 12 of the act approved May 18, 1920; without amendment (Rept. No. 2077). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15732. A bill making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes; without amendment (Rept. No. 2087). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 10238. A bill for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy; with amendment (Rept. No. 2073). Referred to the Committee on the Whole House.

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 15279. A bill for the relief of the family of Wang Erh-Ko; with amendment (Rept. No. 2074). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4770. A bill for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy; without amendment (Rept. No. 2078). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 12390. A bill for the relief of Frank C. Messenger; without amendment (Rept. No. 2079). Referred to the Committee of the Whole House.

Mr. SANDERS of Texas: Committee on Naval Affairs. H. R. 13573. A bill for the relief of Pedro P. Alvarez; without amendment (Rept. No. 2080). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 13658. A bill for the relief of Hugh Anthony McGuigan; with amendment (Rept. No. 2081). Referred to the Committee of the Whole House.

Mr. LEECH: Committee on Naval Affairs. S. 4338. An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes; without amendment (Rept. No. 2082). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 14572. A bill for the relief of William D. Ghrist; without amendment (Rept. No. 2083). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 15004. A bill for the relief of Florence P. Hampton; without amendment (Rept. No. 2084). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15039. A bill for the relief of Winston W. Davis; without amendment (Rept. No. 2085). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15700. A bill for the relief of the heirs of William W. Head, deceased; with amendment (Rept. No. 2086). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15110) granting a pension to Reuben R. Sanchez; Committee on Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 15111) granting a pension to George W. Ross; Committee on Pensions discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 15543) for the relief of W. Fred Lightsey; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 15932) for the relief of Raymond W. Still; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 15942) for the relief of the University of Kansas; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16196) granting a pension to Polly Melton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16106) for the relief of Paul C. Christian; Committee on the Judiciary discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENDALL: A bill (H. R. 16205) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16206) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: A bill (H. R. 16207) granting the consent of Congress to Frank A. Augsbury, his successors and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Morristown, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEGG: A bill (H. R. 16208) authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. LUCE: A bill (H. R. 16209) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: A bill (H. R. 16210) authorizing amendment of the existing contract between the United States and the Northport irrigation district; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 16211) to authorize appropriation for buildings, sites, and other facilities for the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DICKINSON of Iowa: A bill (H. R. 16212) to provide for research work in connection with the utilization of agriculture products other than forest products, and for other purposes; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 16213) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay Wagon Road lands; to the Committee on Agriculture.

By Mr. ESLICK: A bill (H. R. 16214) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress; to the Committee on Military Affairs.

By Mr. SPEARING: A bill (H. R. 16215) to amend section 171, subdivision or paragraph (a), of the act of May 26, 1922, chapter 202, section 1, Forty-second Statutes at Large, page 598 (U. S. C., title 21, ch. 6, p. 635); to the Committee on Ways and Means.

By Mr. ZIHLMAN: A bill (H. R. 16216) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplemental thereto; to the Committee on the District of Columbia.

By Mr. MORIN: A bill (H. R. 16217) to authorize the appointment of Quartermaster Corps clerks as warrant officers, and for other purposes; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 16218) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the French Broad River on Highway No. 9, in Cocke County, Tenn.; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the House of Representatives of the State of Michigan, relative to the reapportionment of the National House of Representatives; to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 16219) for the relief of the Federal Construction Co. (Inc.); to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 16220) for the relief of Harry Solomon; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 16221) granting an increase of pension to Sarah E. Ellis; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 16222) for the relief of Benjamin Gonzalez; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 16223) granting a pension to Viola Ferguson; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 16224) granting a pension to Maude G. Davis; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 16225) for the relief of Rinald Bros.; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 16226) for the relief of Sylvester J. Easlick; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 16227) granting an increase of pension to Alfred L. Gross; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 16228) granting a pension to John T. Dismukes; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16229) authorizing the President to appoint Franklin G. Krehbiel a second lieutenant in the Air Corps of the Army of the United States; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 16230) granting an increase of pension to Emma J. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16231) granting an increase of pension to Elizabeth S. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting an increase of pension to Jane D. Chapman; to the Committee on Invalid Pensions.

Also a bill (H. R. 16233) granting an increase of pension to Miriam Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16234) granting an increase of pension to Nora B. Rathbun; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16235) granting a pension to Mary Stout; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 16236) granting a pension to Nettie B. Protzman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16237) granting a pension to Julia Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16238) granting an increase of pension to Elizabeth Teel; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 16239) for the relief of J. W. Nix; to the Committee on Claims.

By Mr. HOPE: A bill (H. R. 16240) granting a pension to Orlenia Millsap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16241) granting an increase of pension to Brother Buis; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 16242) to authorize the appointment of Sergt. Henry Lateur, retired, United States Army, to master sergeant, retired, United States Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 16243) granting a pension to Cynthia A. Emmons; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 16244) granting an increase of pension to John G. Jackson; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16245) granting a pension to Emanuel Kline; to the Committee on Pensions.

By Mr. KURTZ: A bill (H. R. 16246) granting a pension to Susanna Brubaker; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 16247) for the relief of the widow and minor children of Raymond C. Hanford; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT (by departmental request): A bill (H. R. 16248) for the relief of the Osage Tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. LINTHICUM: A bill (H. R. 16249) for the relief of estate of John Klopheim (Clopein); to the Committee on War Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 16250) granting an increase of pension to Mary N. Henry; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 16251) granting a pension to Marcus W. Moore; to the Committee on Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 16252) granting a pension to Mollie Everson; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 16253) granting an increase of pension to Mary E. Lewis; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 16254) granting an increase of pension to John Hutcheson; to the Committee on Pensions.

By Mr. PARKS: A bill (H. R. 16255) granting an annuity to Rose Wallace; to the Committee on the Civil Service.

By Mr. ROBINSON of Iowa: A bill (H. R. 16256) granting a pension to Marguaret Dolson; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 16257) granting an increase of pension to Fannie Maclain; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 16258) for the relief of Homer D. Neimeister; to the Committee on Military Affairs.

By Mr. STEVENSON: A bill (H. R. 16259) granting an increase of pension to Belle McCaw Alston; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 16260) granting a pension to Thomas Waters; to the Committee on Pensions.

Also, a bill (H. R. 16261) granting a pension to Minnie Yearout; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 16262) granting a pension to James Deaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16263) granting a pension to John Hensley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16264) granting a pension to Jacob S. Flinchum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16265) granting a pension to Joseph Little; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 16266) for the relief of Frank P. Church; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 16267) granting a pension to Harriet I. Van Camp; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 16268) granting a pension to Josephine M. Buck; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 16269) granting a pension to Mary E. Rebsamen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8223. By Mr. ABERNETHY: Petition of Zeno Hallowell, city manager of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8224. Also, petition of Mary Michaux, director of Girl Scouts, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8225. Also, petition of Mrs. Henry Weil, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8226. Also, petition of P. C. Jordan, sanitary inspector of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8227. By Mr. EVANS of California: Petition signed by P. G. Pedersen and 39 others, in support of the restrictive immigration legislation known as the Box bill; to the Committee on Immigration and Naturalization.

8228. By Mr. GARBER: Petition of Federal Motion Picture Council in America (Inc.) urging support of House bills 13686 and 10761; to the Committee on Interstate and Foreign Commerce.

8229. Also, petition of United Restaurant Owners' Association, New York City, protesting against certain methods of cigarette interests in advertising their products on the air; to the Committee on the Merchant Marine and Fisheries.

8230. Also, petition of the Tennessee Association of Drainage Districts, urging support of Senate bill 4689, providing relief for the drainage districts of the country by granting them long time loans without interest; to the Committee on Irrigation and Reclamation.

8231. By Mr. KVALE: Petition of Capt. D. H. Gilchrist and officers, Olivia, Minn., urging increased appropriations to provide adequately for caretakers and camps of instruction, National Guard; to the Committee on Appropriations.

8232. Also, petition of B. R. Lewis, Montevideo, Minn., urging adequate appropriations for caretakers and camps of instruction for National Guard units; to the Committee on Appropriations.

8233. Also, petition of Auxiliary to William Erickson Post, No. 186, American Legion, Olivia, Minn., urging enactment of the cruiser bill, so called, in advance of consideration of the peace treaty and favorable action thereon; to the Committee on Naval Affairs.

8234. Also, petition of Capt. L. A. Hancock and officers, Appleton, Minn., urging amendment to War Department appropriation bill adequately providing for caretakers and National Guard camps of instruction; to the Committee on Appropriations.

8235. Also, petition of Capt. Otto I. Ronningen and other citizens of Madison, Minn., urging amendment to War Department appropriation bill to provide for caretakers and camps of instruction for National Guard; to the Committee on Appropriations.

8236. By Mr. O'CONNELL: Petition of Chamber of Commerce of the State of New York, favoring that Governors Island should be maintained as a military post; to the Committee on Military Affairs.

SENATE

TUESDAY, *January 15, 1929*

(Legislative day of Monday, January 14, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Gould	Larrazolo
Barkley	Couzens	Greene	McKellar
Bayard	Curtis	Hale	McMaster
Bingham	Dale	Harris	McNary
Black	Deneen	Harrison	Mayfield
Blaine	Dill	Hastings	Metcalf
Blease	Edwards	Hawes	Moses
Borah	Fess	Hayden	Neely
Bratton	Fletcher	Heflin	Norbeck
Brookhart	Frazier	Johnson	Norris
Broussard	George	Jones	Nye
Bruce	Gerry	Kendrick	Oddie
Burton	Gillett	Keyes	Overman
Capper	Glass	King	Phipps
Caraway	Glenn	La Follette	Pine

Ransdell	Shipstead	Swanson	Walsh, Mass.
Reed, Mo.	Shortridge	Thomas, Idaho	Walsh, Mont.
Reed, Pa.	Simmons	Thomas, Okla.	Warren
Robinson, Ind.	Smoot	Trammell	Waterman
Sackett	Steck	Tydings	Wheeler
Schall	Steiwer	Vandenberg	
Sheppard	Stephens	Wagner	

Mr. GERRY. I wish to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate owing to illness in his family.

Mr. NORRIS. I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness.

Mr. McKELLAR. My colleague [Mr. TYSON] is detained on account of illness. I will let this announcement stand for the day.

Mr. ROBINSON of Indiana. I desire to announce that my colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. EDWARDS. The senior Senator from New Jersey [Mr. EDGE] is absent on the rather rare occasion of the inauguration of a Republican Governor of the State of New Jersey. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

MRS. THOMAS R. MARSHALL

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a telegram from Mrs. Thomas R. Marshall addressed to Senator ASHURST, which the clerk will read.

The telegram was read and ordered to lie on the table, as follows:

PHOENIX, ARIZ., *January 12, 1929.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

Please extend my thanks to the Senate for their action in my behalf. I have not words to express my thanks for their interest in my welfare. A case of "flu" has put me in the hospital for a week.

Mrs. THOMAS R. MARSHALL.

COMPILING FOREIGN TRADE STATISTICS (S. DOC. NO. 203)

The VICE PRESIDENT, as in legislative session, laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation for the fiscal year 1929, to remain available until June 30, 1930, for compiling foreign trade statistics, Department of Commerce, amounting to $10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT, as in legislative session, laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certificates of the final ascertainment of electors for President and Vice President from the States of Colorado and New Hampshire, at the election held November 6, 1928, which were ordered to lie on the table.

PETITIONS AND MEMORIALS

In open executive session,

Mr. JONES presented petitions of sundry citizens of Cosmopolis, Manette, Spokane, Wiley City, Winslow, Kelso, Castlerock, and Ryderwood, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. VANDENBERG presented petitions of 70,000 citizens and 896 organizations in the State of Michigan, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. DALE presented 440 resolutions adopted by civic, fraternal, and religious organizations in the State of Vermont, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. GREENE presented 440 resolutions adopted by civic, fraternal, and religious organizations in the State of Vermont, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FRAZIER presented 20 resolutions adopted by women's clubs and civic and religious organizations in the State of North Dakota, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHIPSTEAD presented numerous resolutions adopted by women's clubs and civic and religious organizations in the State of Minnesota, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. THOMAS of Idaho presented petitions of women's clubs and other organizations submitted by Mrs. F. A. Pettinger, of Boise, Idaho, representing a membership of over 9,000 citizens of Idaho, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. TYDINGS presented numerous resolutions adopted by women's clubs and civic organizations in the State of Maryland, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented resolutions adopted by the Young Women's Christian Association of San Antonio; the Young Women's Christian Association of El Paso; the board of directors, Young Women's Christian Association of El Paso; the Committee of Management International Institute, Young Women's Christian Association of San Antonio; the Business and Professional Women's Club of Fort Worth; the Asbury Missionary Society, of El Paso; the board of directors, Young Women's Christian Association of San Antonio; the Business and Professional Women's Club of Borger; the Temple Emanuel Sisterhood of Dallas; the Young Women's Christian Association and Church Women's Societies of Galveston; the Federated Missionary Societies of the Methodist Churches of El Paso; the National Council of Jewish Women (Texas) of Austin; the Council of Jewish Women of Dallas; the Ingleside Club, of Farmersville; the Business and Professional Women's Club of Commerce; the Business and Professional Women's Club of Temple; the Council of Jewish Women of Waco; the Young Women's Business Club of San Antonio; The World Fellowship Banquet, Young Women's Christian Association of San Antonio; the Fort Boulevard Missionary Society, of El Paso; the Trinity Methodist Women's Missionary Society, of El Paso; the Council of Jewish Women of Sherman; the Women's Federated Society of Perryton; the Business and Professional Women's Club of Austin; the Business and Professional Women's Club of Harlingen; the Business and Professional Women's Club of Abilene; the Council of Church Women of Dallas; the Business and Professional Women's Club of Beaumont; the Council of Jewish Women, San Antonio section, of San Antonio; the Women of Methodist Federation of Fort Worth; the annual meeting, Epworth League, Methodist Episcopal Church South, Central Texas, of Fort Worth; the Council of Jewish Women of Fort Worth; the Texas Federation of Women's Clubs, of Denton; the week of prayer luncheon, Young Women's Christian Association of El Paso; the International Relations Department, Texas Federation of Women's Clubs, of Denton; the Federated Missionary Union of the Methodist Churches of El Paso; the Texas Conference, National Council of Jewish Women, of Austin; the Council of Jewish Women of Dallas; the Council of Jewish Women of Fort Worth; the board of directors, Young Women's Christian Association of El Paso; and the Council for Cause and Cure of War (Texas delegation), all in the State of Texas; and the Young Women's Christian Association and the Business and Professional Women's Club of Texarkana, Ark.-Tex.; and the Mother's Club, John B. Ransom School, of Nashville, Tenn., favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BAYARD. Mr. President, I present resolutions of some 74 women's organizations of the State of Delaware indorsing the Kellogg peace pact. I ask that the resolutions themselves may lie on the table and that the names of the organizations be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and the list of organizations to be printed in the RECORD, as follows:

DELAWARE LIST OF INDORSERS FOR KELLOGG PEACE PACT

Delaware Branch, National Council Jewish Women; Blue Rock Community Club; Wilmington New Century Club; Wilmington Child Conservation League; High School (Claymont) Girl Reserves; International Sunshine Society (Pollyanna branch); Delaware State Graduate Nurses; Middletown New Century Club; The Gardens Century Club; Women's College Alumnæ (Wilmington branch); Girl Reserves (Young Women's Christion Association); Houston New Century Club; Waverly Club (Rural New Castle County); Women's Retail Druggists; State Conference, Cause and Cure of War (attending); Rising Sun Community Club; Consumers' League of Delaware; Young Women's Christian Association (maintenance committee); Delaware City Century Club; Delaware International Sunshine Society (quota); Washington Heights Century Club; Missionary Society, Hanover Church; Harrington New Century Club; Young Women's Christian Association (Friend-

ship Industrial Girls' Club); Young Women's Christian Association (board of directors); Columbus Italian-American Beneficial Society; Young Women's Christian Association (residence girls); Young Women's Christian Association (industrial committee); New Castle County League of Women Voters; Wilmington Society of Friends; Young Women's Christian Association (business and professional women's department); Young Women's Christian Association (staff meeting); Hockessin Community Club; Milford New Century Club; Woman's Christian Temperance Union (Hilles Union); Quota Club of Wilmington; Young Women's Christian Association International Forum; Mothers' Pension Commission; Wilmington Branch, Catholic Daughters of America; Young Women's Christian Association (Business Girls' Club); Mount Salem Missionary Society; Lewes Women's Christian Temperance Union; Women's Christian Temperance Union, Young People's Branch; Woman's Christian Temperance Union, City Federation; Young Women's Christian Association, Student Industrial Club; Hanover Church Bible Class; Woman's Christian Temperance Union State Convention; Young Women's Christian Association, Young Girls' Industrial Club; Woman's Christian Temperance Union, Thatcher Union; Young Women's Christian Association (business and professional women's committee); Young Women's Christian Association (religious education committee); Woman's Christian Temperance Union, Young People's Branch, Cheswold; Young Women's Christian Association (forum international affairs); Woman's Christian Temperance Union, Cheswold Union; Woman's Christian Temperance Union, Wilmington; World Guild, Second Baptist Church; Woman's Christian Temperance Union, Port Penn; Home Missionary Society, East Lake Methodist Church; Woman's Christian Temperance Union, Farmington; Woman's Christian Temperance Union, Silverbrook; Dover Century Club; Women's Missionary Society, Second Baptist Church; Monthly Meeting of Friends; Woman's Christian Temperance Union (Republican dry committee); Woman's Christian Temperance Union, Townsend; Woman's Christian Temperance Union, New Castle County convention; Woman's Christian Temperance Union, Wilmington Christian Citizens' Committee; Young People's Society, Olivet Presbyterian Church; Wilmington Woman's Christian Temperance Union; Baptist Church, Cook Sunday School class; Hilles Union, Woman's Christian Temperance Union; Wilmington Council of Church; Wilmington Section, Council of Jewish Women.

Mr. PHIPPS. Mr. President, I present certain resolutions and petitions from some 60,000 citizens of the State of Colorado relating to the multilateral peace treaty, which I ask may lie on the table and that the RECORD show the number of signatures.

There being no objection, the resolutions and petitions were ordered to lie on the table and an accompanying memorandum to be printed in the RECORD, as follows:

YOUNG WOMEN'S CHRISTIAN ASSOCIATION BUILDING,
Denver, Colo.

(Final report December 31, 1928)

Resolutions:	
Number indorsed by individual groups	593
Number of people indorsing	41,294
Petitions:	
Signatures of Denver citizens	9,260
Signatures of other Colorado citizens	9,263
Total signatures from Colorado	18,523

Mr. NEELY presented 118 resolutions of women's clubs and civic and religious organizations in the State of West Virginia, favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BLAINE presented a resolution of the Woman's Foreign Missionary Society of North Freedom, Wis., favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. HAWES presented petitions and papers in the nature of petitions from sundry citizens and civic and religious organizations in the State of Missouri, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BINGHAM presented numerous resolutions adopted by women's clubs and civic and religious organizations in the State of Connecticut, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. CARAWAY presented sundry resolutions adopted by women's clubs and civic organizations in the State of Arkansas, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. BURTON presented petitions of members of Hiram College and sundry citizens of Hiram, in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WALSH of Montana presented petitions numerously signed of sundry citizens of the State of Montana, praying for ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. COPELAND. Mr. President, it was my pleasure this morning to receive a delegation of 80 ladies from my State, and they gave to me for presentation to the Senate this very numerously signed petition in favor of the peace pact. I move that it lie on the table.

The motion was agreed to.

Mr. SIMMONS. I present petitions from sundry organizations and citizens in various towns and communities in North Carolina. They are numerously signed and in favor of the ratification of the peace pact.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. McKELLAR. I present petitions from a large number of women's organizations of Tennessee in favor of the Kellogg peace pact. These petitions were presented to me by Mrs. Perry, Mrs. Parker, and Miss Williams, three splendid and distinguished ladies of my State. I move that the petitions lie on the table.

The motion was agreed to.

Mr. GLASS. I present numerous resolutions adopted by women's clubs and other organizations in the State of Virginia, favoring the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war. I ask that the resolutions may lie on the table and that the sheet accompanying them be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and the matter referred to to be printed in the RECORD, as follows:

THE GREAT NATIONS MAKE A PROPOSAL—DO YOU KNOW ABOUT IT?—THEY PROPOSE TO ABOLISH WAR BETWEEN THEMSELVES—CAN THEY DO IT?—A BIG QUESTION FOR THE PEOPLE OF THE UNITED STATES—WILL YOU HELP?

If this generation fails to devise means for preventing war, it will deserve the disaster which surely will be visited upon it. Later generations will not be likely to act if we fail. (Calvin Coolidge, President of the United States.)

Everywhere and always France will remain in the front ranks of the nations to maintain peace. (Aristide Briand, French Minister of Foreign Affairs.)

Who in Europe does not know that one more war in the west and the civilization of the ages will fall with as great a shock as that of Rome? (Stanley Baldwin, British Prime Minister, 1926.)

National Committee on the Cause and Cure of War, a federation composed of American Association of University Women, Council of Women for Home Missions, Federation of Woman's Boards of Foreign Missions of North America, General Federation of Women's Clubs, National Board of the Young Women's Christian Associations, National Council of Jewish Women, National League of Women Voters, National Woman's Christian Temperance Union, National Women's Trade Union League. (National office, 1010 Grand Central Terminal Building, New York, N. Y.)

Mr. BRUCE. There was placed in my hands by a lady a copy of a number of resolutions, in the nature of petitions, favoring the peace pact, but she made no request of me to have them filed. I should like to have permission of the Senate to file the petitions if upon examination I shall so desire.

The VICE PRESIDENT. The petitions will be received later.

Mr. HEFLIN. I ask that all Senators may have permission to file such petitions.

Mr. SMOOT. Every Senator has that right now. It is not necessary to ask permission to file them.

Mr. SACKETT presented numerous petitions and letters, telegrams, and papers, in the nature of petitions, from sundry women's clubs, civic and religious organizations, and citizens in the State of Kentucky, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SMOOT presented sundry resolutions adopted by women's clubs and civic organizations in the State of Utah, favoring the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

As in legislative session,

Mr. TYDINGS presented the memorial of Mrs. Joseph B. Seth and sundry other citizens of Baltimore, Md., remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

Mr. ASHURST presented a communication from the city clerk of Prescott, Ariz., embodying a resolution adopted by the mayor

and common council, which was ordered to lie on the table and to be printed in the RECORD, as follows:

PRESCOTT, ARIZ., *January 11, 1929.*

Hon. HENRY F. ASHURST,

Senator from Arizona, Washington, D. C.

DEAR SENATOR ASHURST: At a regular meeting of the mayor and common council of the city of Prescott, Ariz., the following resolution was adopted:

"That whereas the use of national forests as recreational areas has developed to a degree of great intensity; and

"Whereas such is bound to result in contamination of watersheds and streams within the national forests; and

"Whereas many cities and towns throughout the country obtain their water supply for domestic and municipal purposes from watersheds and streams contained within national forests; and

"Whereas Senate bill No. 2097, introduced by Mr. NORBECK, provides for regulation in such national forests as will reduce to a minimum the contamination of water supplies of said cities and towns: Now therefore be it

"*Resolved by the mayor and common council of the city of Prescott, Ariz.*, That this body does favor the passage of said Senate bill No. 2097, and does urge the Congress of the United States to pass such bill, and that copies of this resolution be forwarded to Senators ASHURST and HAYDEN and to Representative DOUGLAS, also to the district Forest Service office at Albuquerque, N. Mex., and to the local forest service office."

I am directed by the mayor and common council to ask that you use your best endeavors on this proposed legislation so that the water supply of the city of Prescott may be protected.

Yours very truly,

ARTHUR A. FOSTER, *City Clerk.*

FEDERAL LAND BANK SYSTEM

Mr. BLEASE. I ask to have printed in the RECORD a letter in reference to the Federal land bank system and that it be referred to the Committee on Banking and Currency.

There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

DEAR SENATOR BLEASE: You are probing right; keep going. Meyer's man Polzer was head of the War Finance Corporation until he broke it and lost the Government two and one-half million; his headquarters were in Atlanta until the corporation broke. Now he's big man with farm loan board and put most of old field men in the land bank field. Look out for this N. W. Yanky. He's cussed you out all over Georgia and South Carolina.

Second. Scott Farley, that Arnold engineered in as acting vice president to succeed him. Farley broke two banks at Opelika, Ala. Alabama not being Columbia division. He was sent to Florida to take up citizenship so he could be eligible to get a big job at Columbia. Arnold had him put in as secretary of the Orlanda association and he got crooked down there. Ask the association examiner. Then Polzer and Arnold got him as vice president. Now this crook wants to be president at Columbia.

Write this off on your typewriter and tear this up and I will send you more information. They would cancel my loan if they knew me, so hit them. They are breaking all the farmers. That intermediate credit bank will run a farmer, say, 500, charge him 10 per cent for stock, $50 that he never gets back, and take 8 per cent and give him $410 out of the $500 and take mortgage on his crop and mules and break him up; and then the Republican Party says they are helping the farmer. They should say they are helping rob him.

I believe Senator HARRIS will help you, as he won't stand for this, and an Alabama man holding big job that belongs to Georgia or South Carolina, North Carolina, or Florida man. Get Farley's record. He has one that don't belong to bank that poor farmers depend on. That gang has took our money and homes and give us h——.

You will hear some more. Work on this and old War Finance Corporation Polzer.

SHINGLE AND LUMBER INDUSTRY

Mr. DILL. I ask unanimous consent, as in legislative session, to present and have read at the desk a memorial by the Legislature of the State of Washington.

There being no objection, the memorial was read, as follows:

OLYMPIA, WASH., *January 14, 1929.*

Hon. C. C. DILL,

United States Senator, Washington, D. C.:

I herewith transmit copy of a house joint memorial adopted by the Legislature of the State of Washington January 14, 1929:

"To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

"We, your memorialists, the House of Representatives and the Senate of the State of Washington, most respectfully represent and petition your honorable body as follows:

"Whereas since the removal of the tariff on the importation of shingles and lumber into the United States the shingle and lumber industry in the State of Washington has suffered extreme and heavy losses to labor, manufacturing, incident operations, and business receiving a direct benefit from the industry of more than $200,000,000, which is not only a loss to the State of Washington but to the Nation as a whole; and

"Whereas the Republican Party in its platform adopted at its last national convention reaffirmed its belief in a protective tariff, and did assert:

"'We realize there are certain industries which can not now successfully compete with foreign producers because of lower foreign wages and lower costs of living abroad, and we pledge the next Republican Congress to an examination and, where necessary, a revision of these schedules to the end that American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field'; and

"Whereas the Democratic Party in its platform adopted at its last national convention did declare itself in favor of a sufficient tariff which would afford—

"'the maintenance of legitimate business and a high standard of wages for American labor'; and

"Whereas the present United States tariff act actually discriminates against American production of shingles and lumber in favor of foreign production of such products, forces approximately 125,000 American workmen into direct competition with foreign oriental labor, thereby effectually annuling the United States exclusion act so far as it affects American shingle and lumber workers, and is fast destroying the American shingle and lumber industry: Therefore

"Your memorialists do most earnestly pray that your honorable body place a duty upon the importation of shingles and lumber into the United States sufficient to cover differences in cost of production in the United States and in foreign countries, and permit American shingle and lumber manufacturers to pay fair compensatory wages to their workmen, give them full-time employment, and perpetuate the American shingle and lumber industry, its incident and dependent operations, and prevent stagnation and distress to American business; be it further

"*Resolved*, That this memorial be immediately telegraphed to the President of the United States and to the State of Washington's Senators and Representatives in Congress, and to the chairman of the Ways and Means Committee of the House of Representatives of the United States."

ARTHUR W. CALDER,
Clerk of the House of Representatives.

Mr. JONES. Mr. President, I received a similar telegram. I am delighted that my colleague has placed it in the RECORD. I trust when the tariff bill comes over here from the House we will have splendid support from the other side of the Chamber for an adequate tariff along the lines suggested.

Mr. HARRISON. Mr. President, may I ask the Senator if what we read in the morning paper is correct, namely, that the new President and the new administration are to pick out certain schedules upon which we are to consider tariff reductions or tariff increases, and this particular item should not be included, would the Senator then fight his administration on that proposition?

Mr. JONES. The Senator from Washington would do everything he possibly could for a tariff along the line suggested and hopes to have the support of his friend from Mississippi.

Mr. HARRISON. So the Senator is going to break with his party in the very beginning?

Mr. JONES. I am not crossing that bridge until I come to it; but I am telling the Senator what I propose to do with reference to the tariff suggested in the telegram.

The VICE PRESIDENT. The memorial will be referred to the Committee on Finance.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. VANDENBERG. I report back from the Committee on Commerce favorably without amendment the bill (H. R. 11725) for the apportionment of Representatives in Congress, and I submit a report (No. 1446) thereon. This is the bill to reapportion the House of Representatives pursuant to constitutional mandates which have been ignored for a decade. Because it ought to be a matter of highest constitutional privilege I shall give notice later in the week of my desire to address the Senate on this subject.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEES

Mr. WATERMAN, from the Committee on Patents, to which was referred the bill (H. R. 12695) to authorize the licensing of patents owned by the United States, reported it without amendment and submitted a report (No. 1447) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 180) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes, reported it with an amendment and submitted a report (No. 1448) thereon.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIPSTEAD:

A bill (S. 5360) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital; to the Committee on Public Buildings and Grounds.

By Mr. KING:

A bill (S. 5361) for the relief of Bertha Hanson; to the Committee on Appropriations.

By Mr. SHEPPARD:

A bill (S. 5362) for the relief of St. Claire Livingston Dodd; to the Committee on Military Affairs.

By Mr. TRAMMELL:

A bill (S. 5363) providing for flood control and improvement of navigation of Lake Okeechobee, Fla., and the Caloosahatchie River, Fla.; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 5364) for the relief of Samuel H. McAlexander; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 5365) granting the consent of Congress to the State of Oregon and the Haynes Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg.; to the Committee on Commerce.

A bill (S. 5366) granting a pension to Mary Ellen Clark; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5367) granting an increase of pension to Lydia E. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5368) granting an increase of pension to Carrie A. Kirtland; to the Committee on Pensions.

A bill (S. 5369) for the relief of William D. Ghrist (with an accompanying paper); and

A bill (S. 5370) for the relief of Winston W. Davis (with an accompanying paper); to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 5371) granting a pension to Sarah B. Quigley; to the Committee on Pensions.

A bill (S. 5372) for the relief of John W. Fisher; to the Committee on Military Affairs.

By Mr. BLAINE:

A bill (S. 5373) granting a pension to Inez L. Hoxsie; to the Committee on Pensions.

By Mr. LARRAZOLO:

A bill (S. 5374) to provide for a military and industrial school for boys and girls in the State of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. McMASTER:

A bill (S. 5375) to authorize an examination and survey of the Missouri River in the State of South Dakota for the purpose of selecting a suitable location for a dam to be used for generating electric power for certain manufacturing purposes; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 5376) to provide for the inspection of poultry and poultry products; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 5377) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River; and

A bill (S. 5378) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; to the Committee on Commerce.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. TYDINGS, as in legislative session, submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill, fiscal year 1930, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert the following in its proper place:

"For acquiring the necessary land and constructing roadways, in order to extend Rock Creek Park into Montgomery County, Md., from the District line to the Garrett Park culvert, $400,000."

AMENDMENT TO THE FIRST DEFICIENCY APPROPRIATION BILL

Mr. KING, as in legislative session, submitted an amendment intended to be proposed by him to House bill 15848, the first deficiency appropriation bill, which was ordered to lie on the table and to be printed, as follows:

At the proper place in the bill insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bertha Hanson, widow of George M. Hanson, late American consul at Colon, Panama, the sum of $4,500, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act."

PRESIDENTIAL APPROVALS

As in legislative session,

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On January 11, 1929:

S. 3127. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and

S. J. Res. 139. Joint resolution for the relief of the Iowa Tribe of Indians.

On January 14, 1929:

S. 3779. An act to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; and

S. 4616. An act to legalize the existing railroad bridge across the Ohio River at Steubenville, Ohio.

FOURTH WORLD'S POULTRY CONGRESS (H. DOC. NO. 509)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending that Congress be requested to authorize an appropriation of $40,000 for the participation of the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England in 1930.

The recommendation has my approval and I request of Congress legislation authorizing an appropriation of $40,000 for the purpose of participation by the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England, probably in the second half of the month of July, 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 15, 1929.*

MESSAGE FROM THE HOUSE

As in legislative session,

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. McSWAIN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5944) for the relief of Walter D. Lovell.

"BOTHERING A BUSY MAN"

Mr. WHEELER. Mr. President, I present an editorial from the Washington Daily News of January 12, 1929, entitled "Bothering a Busy Man," which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOTHERING A BUSY MAN

"Sir, I'd rather be right than be President," said Henry Clay.

As Herbert Hoover closes his door on his last visitor these long winter evenings he may sometimes think of the disillusioned Kentuckian's

remark. If he does he must bow to that gallant ghost and reply, "Sir, you said a mouthful!"

For Hoover is now forming his Cabinet. He is determining who shall head the various executive departments of the Government during his term of office. It is not an easy task at best. He must find 10 big men for 10 big jobs, 10 men of ascertained ability and proved integrity, each by intelligence, training, and temperament suited to the particular job to be filled.

Not an easy job, for big men do not come from every cradle. A task to make one seek the best advice obtainable and Hoover apparently is seeking just such advice. Undoubtedly he is getting it. But it appears he is likewise getting much advice that is not so good. If one may judge from the delegations crowding his hotel quarters and the names they are reported to be offering the President elect he is getting some advice that is distinctly bad.

He is being urged to select this man and that for political reasons. This man because he comes from a certain State, that man because he helped carry another State; this man to please one element in the party; that man to please another.

Bad business, choosing a Cabinet for such reasons. And nobody can know this better than Herbert Hoover.

For the greater part of two terms Hoover himself served as a Cabinet member. If he bears in mind the unhappy history of those two Cabinets he is unlikely to be moved by the importunities of the politicians now beseiging him. He is likely to keep in mind the fundamental need—10 completely qualified men for the 10 important positions.

Hoover has seen a weak Secretary of the Navy relinquish his control of the priceless naval reserve oil lands, turning them over to a cunning Secretary of the Interior to be bartered away for cash. He has seen those two colleagues retired from public life in disgrace, leaving the stigma of that disgrace on the administration of which they were members.

Hoover has seen an unscrupulous Attorney General fill the United States Department of Justice with crooks and incompetents and seen the latter busily turning their opportunities into personal profit. He has seen that colleague retired in disgrace, leaving his mark on the President who appointed him and the President who failed to remove him until forced by the public's demand.

Hoover has seen lesser presidential appointees sent to prison—an Alien Property Custodian, a Director of the Veteran's Bureau—for following the example set by bad Cabinet officials.

Hoover sees to-day two former Cabinet colleagues endeavoring to explain why the one, at the request of the other, prevented the criminal indictment of an important bureau chief.

Is it anybody's idea that Herbert Hoover has failed to understand why these things could happen? Does any hopeful politician believe that the man soon to be President is willing, for momentary political considerations, to risk making the mistake his predecessors made, that he will take a chance on a single incompetent appointee?

Surely not. We don't believe that any of the politicians now gravely advancing the merits of their political friends are as stupid as some of them seem. We believe they are only playing the game the way they are accustomed to play it. As they see it no harm can come from promoting the hopes of a friend, while some good may come to themselves thereby.

Of course, some harm does result. A busy man, with tremendously important work to do, is given a lot of unnecessary bother.

DEFINITION OF CERTAIN TERMS

As in legislative session,

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

MULTILATERAL PEACE TREATY

The Senate, in open executive session, resumed the consideration of the treaty for the renunciation of war transmitted to the Senate for ratification by the President of the United States December 4, 1928, and reported from the Committee on Foreign Relations December 19, 1928.

Mr. WALSH of Montana. Mr. President, I rise to make some comment on criticisms which have been expressed touching the treaty under consideration. By way of introduction I take occasion to signify my dissent from the view which has been expressed within and without this Chamber, reluctantly by some who favor the treaty and exultantly by some who oppose it, that it is a mere gesture, a futile gesture, or a meaningless gesture. To my mind it is vastly more than a gesture. It is, in my estimation, a revolutionary pronouncement reversing the position that war has hitherto occupied in the domain of international law. Heretofore war has been regarded in international law as a perfectly legitimate means by which a nation might advance its interests or its policies. Whatever might be thought of the nation that precipitated hostilities and however unprovoked might be its attack upon another country, it violated no law. It acted entirely within its sovereign right in doing so. It offended against no nation except the one assailed. If the treaty should be in force, it would be an outlaw in pursuing such a course. It would offend against every nation signatory to the treaty comprising, as it is expected, practically every civilized nation. It would become a lawbreaker and guilty of an international crime.

I do not overlook wars of self-defense, so called. They all contemplate an antecedent violation of the treaty by the nation against which the defensive measures are directed. At the worst, the treaty would cast upon a nation resorting to arms the burden of vindicating its course or losing the respect of the world.

The frantic efforts of the belligerents in the great World War to convince of the rectitude of their course and cause leave no room for doubt of the importance that is attached, and very rightly attached, to world opinion in such a crisis. The puny Republics of Bolivia and Paraguay are even at this moment employing the press in order each to justify its course, not alone to free itself from the odium of being regarded as the aggressor but also in order to make more certain the sympathy of other nations from whom it might expect such aid as neutrals may extend.

Furthermore, there can be no doubt that a treaty such as this will act as a powerful deterrent upon any nation that might otherwise be bent on war. Treaties have been violated in the past, it is true; but whatever may be said concerning the fragile nature of treaties, no nation is entirely devoid of honor in some degree; no nation lightly violates its plighted word.

Much has been said in this debate and in connection with the discussion aroused by the cruiser legislation about the ruthlessness with which Germany disregarded her treaty with Belgium and about the incontinency of Italy in abandoning the cause of the Central Powers; but does anyone believe that either of those nations thus proved perfidious with a light heart and without misgivings? The task of inducing Italy to side with the Allies would have been a comparatively simple one if she had not already been bound by a solemn compact with their enemies. Those two instances of treaty violations, so recent and so gross, are believed by some to give support to the theory that treaties are entirely useless. Sight is lost of the innumerable treaties that have been scrupulously kept. It has never been seriously charged. I believe that there has not been the most meticulous observance of the treaties entered into here in the city of Washington in 1922, limiting the number of capital ships of war that certain nations might maintain, and limiting the size of cruisers becoming units of their naval establishments. No one really doubts that if the late conference at Geneva upon the same subject had resulted in an agreement limiting the number of such cruisers it would have been religiously kept.

Two gentlemen enter into an agreement not to pursue a certain course of conduct, and, of course, there is less likelihood that they will follow it than if they had not so undertaken.

If the plighted word of individuals exercises a restraining influence over them, or incites them to action, why not that of a nation?

It is not alone in the domain of international law that the treaty will effect a radical change. I believe it will exercise a powerful influence over the attitude of the people of the world with relation to war. Among savages every man is a warrior and is esteemed in proportion to his prowess and the success that he achieves. Every rude speech is a recital of the triumphs of the tribe and the valor of individuals. The necessary effect, if not the purpose, is to imbue every youth in the tribe with the hope that opportunity will come to him to join in some foray that he may emulate the example of his brave ancestors in battle. How much different is what has been fed to the generations as history? A succession of butcheries, the story of which always exalts the victors and sanctifies the unyielding victims. The tale is always a tale of the "pride, pomp, and circumstance of glorious war"; rarely, if ever, of the devastation wrought by conquering armies, of the miseries endured by the combatants or the populace within the range of their operations, or the train of evils that has invariably attended wholesale slaughter and that are visited upon the victors and the vanquished alike.

The successes are by the writers of the nation achieving them magnified and emphasized and the reverses are minimized or entirely ignored.

I scanned with horror the huge canvases on the walls of the foreign office in Berlin, all depicting battles in which the German armies triumphed. Never a one was there of an engagement in which they suffered defeat. The situation in the Pantheon in Paris is not essentially different. Religion—at least what sometimes passes for religion—and poetry have combined to emphasize the glamor of war. Art has contributed not a little to the development of the war spirit. These considerations and many others have all operated to break down the resistance to the war spirit whenever provocation arises or the passions prompt resort to war.

The treaty before us contemplates war as an essentially evil thing, and the nations signatory agree to abjure it because it is an evil thing. I regard this treaty as important, furthermore, because I look to see it followed by other agreements between the powers intended to attain, or at least to promote, the end aimed at by it. If the nations of the earth agree to renounce war as an instrument of national policy and not to resort to it for the solution of international controversies, it seems to me necessarily to follow that they must set up some other kind of machinery for the solution of such controversies, at least as to those that are capable of solution by the application of legal principles, those that are justiciable in character. It would seem as though some arrangement of that kind is not only desirable but indispensable.

I said, Mr. President, that I rose for the purpose of submitting some observations upon criticisms of this treaty which have been heard within and without this Chamber. They are summarized in an address delivered by Professor Borchard, of Yale, at Williamstown during the summer, and therein appears to my mind practically everything that has been said against this treaty on this floor, of course, with more or less elaboration and repetition. I refer to it particularly because the instrument was introduced in the RECORD some time ago by one of the Senators holding views, I take it, quite in conformity with those expressed in the address, and because the name of the author came before the Senate yesterday in connection with remarks submitted by the Senator from Connecticut [Mr. BINGHAM]. It is understood likewise that the author inspired, if he did not dictate, the resolution of "understandings" offered by the Senator from New Hampshire [Mr. MOSES].

For the purpose of illustrating the utter recklessness with which the writer uses the English language, I read first a sentence from the address as follows:

When the United States at the First Hague Conference secured recognition by our cosignatories for the Monroe doctrine, it was regarded as an achievement of American diplomacy.

It will be news to every Member of this Chamber, I am sure, that our representatives at the First Hague Conference obtained recognition of the Monroe doctrine, and it would be startling intelligence, I am very sure, to most of the nations of the earth, some of which, as we were told by the Senator from Missouri the other day, have expressed themselves in contemptuous language concerning it.

What happened at the First Hague Conference? The agreement setting up The Hague tribunal having been entered into the American plenipotentiaries attached the following to their signatures:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

It was not in the body of the instrument at all; it was not above the signature of any other signer of the treaty; it was a mere declaration upon the part of the American representatives to that conference. I am not a little amazed that a teacher of international law should put out a statement to the world that the Monroe doctrine was recognized through the diplomacy of American representatives at the First Hague Conference. I should be glad to hear from any gentleman who thinks that the Monroe doctrine was recognized by any nation by the action taken at the First Hague Conference.

But to refer to the criticisms of the treaty by the writer. After having recited in brief the notes exchanged in relation to the treaty, the writer continues:

The original proposition of Mr. Kellogg was an unconditional renunciation of war.

Then, in italics:

The treaty now qualified by the French and British reservations constitutes no renunciation or outlawry of war, but in fact and in law a solemn sanction—

A solemn sanction—

for all wars mentioned in the exceptions and qualifications.

The word "sanction" is there as inappropriately used as is the word "recognition" in the sentence to which I have heretofore adverted.

I find the Century Dictionary defining "sanction" as—

the act of ordaining or decreeing as sacred or inviolable a decree, ordinance, sanction. The action of making sacred; the act of rendering authoritative as law; the act of decreeing or ratifying; the act of making binding, as by an oath.

I continue:

When we look at the exceptions we observe that they include wars of self-defense, each party being free to make its own interpretation as to when self-defense is involved, wars under the league covenant, under the Locarno treaties, and under the French treaties of alliance.

I first call your attention to his complaint that under the treaty wars of self-defense are tolerated. Is there anyone here opposing the treaty who would like to include wars of self-defense in those which are interdicted? Would Mr. Borchard be in favor of a treaty which prohibited or interdicted wars of self-defense? If he is not, why advert to the matter? Why urge it as a matter of criticism of the treaty?

Even the Society for the Outlawry of War, whose views have been expressed upon this floor from time to time, in their program expressly exclude wars waged in self-defense.

We go on:

Considering these reservations, it would be difficult to conceive of any wars that nations have fought within the past century, or are likely to fight in the future, that can not be accommodated under these exceptions. Far from constituting an outlawry of war, they constitute the most solemn sanction of specific wars that has ever been given to the world.

Now, observe:

Considering these reservations, it would be difficult to conceive of any wars that nations have fought within the past century, or are likely to fight in the future, that can not be accommodated under these exceptions.

These exceptions are self-defense, Locarno, and the covenant of the League of Nations. No wars during the past century have been fought under either the Locarno agreements or the covenant of the League of Nations; so we reduce this statement to the fact that all wars which have been fought within the last century have been fought as wars of self-defense. Thus, the writer argues that the treaty is valueless, because it does not include wars of self-defense; and yet we are perfectly safe in saying that if it had declared against wars of self-defense it would have invited even more irrational criticism from the author of this article.

He goes on:

Again it will be noticed that we recognize a British claim to use war as an instrument of national policy in certain undefined "regions of the world," any "interference" with which by anybody, including the United States, will be regarded by Great Britain as a cause of war.

Before I go to that, however, I want to advert to these so-called wars under the league covenant and the Locarno treaties.

When it was suggested in the correspondence between our Secretary of State and the French Government that perhaps the French Government would be unable to enter into a treaty of this character, because it was already bound to the Locarno treaties and the covenant of the League of Nations, Mr. Kellogg expressed the view that there would be nothing inconsistent at all in their doing so; in other words, that there was nothing whatever that was contradictory between those agreements and the treaty proposed. He elaborated this idea in his address, referred to in the notes, and said that if a nation should violate one of those agreements it likewise violates the multilateral treaty, and all other nations are released from their obligations under the multilateral treaty, and are at liberty to proceed against the offending nation as they see fit.

I read from Secretary Kellogg's note——

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON. Will the Senator yield for a mere question of information?

Mr. WALSH of Montana. I yield.

Mr. JOHNSON. The Senator will observe that excepted, too, are what the French designate as their treaties of neutrality.

Mr. WALSH of Montana. Yes.

Mr. JOHNSON. Will the Senator state what those treaties of neutrality are?

Mr. WALSH of Montana. Those treaties, as I understand the matter, are to the effect that if any of the nations with which France has these neutrality treaties shall be attacked by another nation, France will come to their aid; but if those nations are attacked by another one, that other one must violate this multilateral treaty, and that releases France to go to their aid.

I read:

I am reluctant to believe, however—

Mr. Kellogg says in his letter to Ambassador Claudel—

that the provisions of the covenant of the League of Nations really stand in the way of the cooperation of the United States and members of the League of Nations in a common effort to abolish the institution of war. Of no little interest in this connection is the recent adoption of a resolution by the Sixth International Conference of American States expressing in the name of the American Republics unqualified condemnation of war as an instrument of national policy in their mutual relations. It is significant to note that of the 21 states represented at the conference 17 are members of the League of Nations.

That is to say, 17 American Republics that are bound by the covenant of the League of Nations have asserted that they see no inconsistency whatever between that covenant and this treaty, and they freely sign this treaty.

But he goes on:

I trust, therefore, that neither France nor any other member of the League of Nations will finally decide that an unequivocal and unqualified renunciation of war as an instrument of national policy either violates the specific obligations imposed by the covenant or conflicts with the fundamental idea and purpose of the League of Nations.

That is to say, Mr. Kellogg said to them, "In my judgment there is no conflict at all between these things, and therefore it is unnecessary to make any exceptions with reference to that matter."

Let me be a little more specific about this matter.

Under the Locarno agreement Great Britain agrees to come to the aid of France if Germany should again invade her territory. Of course, if Germany should invade the territory of France she would be in violation of this multilateral treaty, and that would release all nations so far as Germany is concerned from their obligations, and they could proceed against her as they saw fit.

There are other nations that are interested in the covenant of the League of Nations that have taken exactly the same view with respect to it.

Germany, in her note, the first which came in response to the invitation to join in this treaty, said as follows:

Respect for the obligations arising from the covenant of the League of Nations and the Rhine pact must, in the opinion of the German Government, remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for in the draft treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy could only serve to strengthen the fundamental idea of the covenant of the League of Nations and of the Rhine pact.

Japan is interested in maintaining the integrity of the covenant of the League of Nations. She does not desire to enter into any kind of an agreement that will in any wise embarrass her in her obligations under the covenant of the league. She said:

The proposal of the United States is understood to contain nothing that would refuse to independent states the right of self-defense, and nothing which is incompatible with the obligations of agreements guaranteeing the public peace, such as are embodied in the covenant of the League of Nations and the treaties of Locarno.

Ireland is intensely interested in the preservation in its entire integrity of the covenant of the League of Nations, and she does not want to enter into any agreement that would in any wise run counter to that instrument. The Irish Free State said, in its note:

Sharing the view expressed by the Secretary of State of the United States in his speech before the American Society of International Law that nothing in the draft treaty is inconsistent with the covenant of the League of Nations, the Government of the Irish Free State accept unreservedly the invitation of the United States Government to become a party to the treaty jointly with the other states similarly invited.

Canada is likewise a staunch supporter of the League of Nations; and one of her distinguished statesmen only a few years ago was elected the president of the assembly, serving in that capacity with marked distinction, speaking English and French with equal facility. Mackenzie King, in his letter, said:

The question whether the obligations of the covenant of the league would conflict in any way with the obligations of the proposed pact has been given careful consideration. His Majesty's Government in Canada regards the league, with all its limitations, as an indispensable and continuing agency of international understanding, and would not desire to enter upon any course which would prejudice its effectiveness. It is, however, convinced that there is no conflict either in the letter or in the spirit between the covenant and the multilateral pact, or between the obligations assumed under each.

Great Britain, having expressed in the first place some misgivings as to whether there might not be some inconsistency, and as to whether she could or could not with an easy conscience sign the multilateral pact in view of her obligations under the covenant, said as follows in the note of July 18, 1928:

His Majesty's Government in Great Britain do not consider, after mature reflection, that the fulfillment of the obligations which they have undertaken in the covenant of the League of Nations and in the treaty of Locarno is precluded by their acceptance of the proposed treaty. They concur in the view enunciated by the German Government in their note of the 27th April that those obligations do not contain anything which could conflict with the treaty proposed by the United States Government.

The letter of the British secretary for Australia contains the following:

They have also particularly examined the draft treaty from the point of view of its relationship to the covenant of the League of Nations, and in this connexion have come to the conclusion that it is not inconsistent with the latter instrument.

Mr. President, no nation has expressed any contrary view; and all of these have concurred in the view that there is nothing inconsistent in these instruments at all. Therefore the statement that there is reserved from this treaty wars waged under the Locarno agreement or the covenant of the League of Nations implies an entire misapprehension or is a misrepresentation of the whole situation. There is not any such reservation at all.

Let us go on. I read further from the article which I have used as a text:

But the most extraordinary feature of this treaty still remains to be mentioned. It will have been noticed that we recognize the legality of league wars and Locarno wars.

"We recognize the legality of League wars and Locarno wars." I dare say enough has been said upon that subject, but I want to add this: The Covenant may be used as an excuse for perpetrating wrongs against another nation; it may be used as an excuse for a war of aggression, as may the Locarno treaty. It is absurd to say that we have approved in advance, or given any sanction whatever to any of these wars. All that has been said on our behalf is that a war legitimately waged under those agreements does not subject a nation joining in it to the charge of having violated this treaty, since the offending nation against which they proceed has by its acts released them from the multilateral treaty.

I continue:

As Europe correctly seems to assume—

Observe—

As Europe correctly seems to assume, we are now bound by league decisions as to "aggressors" and league policy generally, but without any opportunity to take part in the deliberations leading to league conclusions.

I submit that that statement borders upon the absurd. Let us suppose that the council of the League should determine, and determine erroneously, that some nation has been guilty of a violation of the covenant and a violation of this treaty, and they proceed to make war on it. How can it be said that we are bound in any sense whatever by any decision that is thus made? But even if they reach a just decision, in what sense is the United States "bound"? By what course of reasoning are we denied a right to reach a contrary conclusion, and what must we do or refrain from doing, whatever decision is thus arrived at?

To continue:

We indeed recognize by this treaty the legal right of the League to make war even against us.

I ask if absurdity can go any further?

Whether the further European claim that we are bound to *support* league conclusions as to "aggressor" nations, and other political conclusions, either by joining with the league or by refusing to trade with the league-declared pariah, is sustainable or not; at the very best it places us in the uncomfortable position either of being bound by decisions in the making of which we had no part or of having recriminations leveled against us for refusing to support our treaty.

The writer does not undertake to say that such a contention is even reasonably made, and yet it has been advanced in the course of this debate that when we agree that we will not go to war, we obligate ourselves to go to war against a nation which violates the treaty. Again:

We are now about to sign a treaty in which we expressly recognize the right of the other signatories to make war upon anybody, including ourselves, for the purpose of enforcing, even against us, their mutual obligations under the covenant of the League of Nations, not to mention individual undefined national interests in any part of the world. They alone will determine the occasion of such action, without our participation.

In justice to Europe, it can not be said they have left us in doubt as to their conception of our obligations. Indeed, these obligations are expressly or implicitly contained in the very reservations which the United States has excepted.

I have tried at least to make it clear that we have accepted no reservations of any kind. Those things that are called reservations are implicit in the treaty, necessarily implied.

Now, I want to advert to the much-commented-on note of Mr. Chamberlain. I read paragraph 10 of his note of May 19, 1928:

The language of article 1, as to the renunciation of war as an instrument of national policy, renders it desirable that I should remind your excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety.

"For our peace and safety."

His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect.

In the article to which I have just referred emphasis is given to the use of the word "interference" in this note, and much has been made of it in the course of the discussion here. It will be borne in mind that it must be read in connection with the sentence, which immediately follows:

His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense.

That is to say, if any nation should attack Egypt, for instance, Great Britain, the note says in effect, would be obliged to go to the defense of Egypt, regarding that as essential to the defense of her rights. They declare in effect—and there is no reservation at all—that "In acting in self-defense we are obliged to protect these nations against attack from the outside." But that was scarcely necessary, because if Egypt, for instance, were attacked from the outside, the attacking nation would find itself in violation of this multilateral treaty, and all nations—Great Britain as well as every other nation—would be free to proceed against it at will.

Mr. President, let me suppose, now, that Great Britain has expanded beyond any legitimate extent her claim of the right of self-defense. What difference does it make to us? Why should we hesitate to sign a treaty because, forsooth, Great Britain is claiming more than in decency she ought to claim?

It has been practically suggested in this article to which I have so frequently referred that by this we sanction and approve any wars Great Britain may care to engage in. Let us illustrate. France has for centuries been in control of Martinique in the Caribbean Sea. If relations between Great Britain and France should become strained and there were really cause for apprehension that a war between them was imminent, and France should immediately proceed to construct and establish there a great naval base which might be used against Jamaica, for instance, Great Britain might or might not be justified in regarding those acts upon the part of France as in the nature of a preparation for attack upon her, and possibly she would be justified, under the doctrine of self-defense, in taking steps to obliterate the works thus constructed by her ancient foe, now her ally.

Let us suppose on the other hand, however, that nothing of the kind exists; that these two nations that have thus enjoyed these two strategic points—France in Martinique and Great Britain in Jamaica—in a friendly way throughout the last century and a half at least continue their present relations and that there is no change whatever. If Great Britain would then seize Martinique, of course it would not be acting in self-defense, and who can assert that we have in advance given our approval or our sanction to any such aggressive conduct upon the part of Great Britain?

Mr. SACKETT. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. I yield.

Mr. SACKETT. I would like to ask the Senator if he knows of any war of self-defense that does not presuppose an aggression by some nation?

Mr. WALSH of Montana. I have stated that a war of self-defense presupposes that the nation against which defensive operations are directed has already taken the offensive.

Mr. SACKETT. Then the nation that acts in self-defense is no longer under the treaty.

Mr. WALSH of Montana. No longer under any obligation.

Mr. SACKETT. Under no obligation at all. For that reason there can be no reservation of wars of self-defense.

Mr. WALSH of Montana. I did not catch the Senator's remark.

Mr. SACKETT. For that reason there can be no reservation in these statements of wars of self-defense.

Mr. WALSH of Montana. Exactly.

Mr. SACKETT. It is not a reservation.

Mr. WALSH of Montana. Mr. President, as I said, these so-called reservations, which I insist are no reservations at all, which other nations may have made, ought to give us no concern. All we are interested in is what harm would come to us from ratifying this treaty.

The Senator from Missouri [Mr. REED] yesterday placed us under obligations by giving us the particulars in which he thinks that, in the interest of the United States, this treaty should be clarified, as it is expressed. In the first place, it ought to be clarified, he said, to indicate that the right of self-defense is reserved. I would like to ask the Senator from Missouri, in perfect candor and good nature, I hope, whether he thinks that the right of self-defense would be prejudiced unless specifically reserved?

Mr. REED of Missouri. The Senator is in error as to the position I took. I said that since the right of self-defense, it is specifically admitted by Mr. Kellogg, is reserved, I do not see that the treaty needs clarification in that respect.

Mr. WALSH of Montana. I took down the four points upon which the Senator said he felt the treaty ought to be clarified, as the Senator yesterday gave them to us, first, self-defense; second, Monroe doctrine; third, no obligation to apply sanctions; and, fourth, no recognition of the binding force of the treaties mentioned in the notes.

Mr. REED of Missouri. I do not remember the exact statement, but whatever I said is in the RECORD. I was speaking of the matter in a general way, but I had said, and it has been my position from the first, that since Mr. Kellogg made the statement that the right of self-defense was specifically reserved, and since England had accepted it, and France had accepted it, and every other nation, as far as I know, had accepted it, there is no doubt about that proposition.

Mr. WALSH of Montana. It would seem, then, with respect to the first particular in which it was said there is a necessity for clarification, it is withdrawn, so nothing further need be said about it.

Mr. REED of Missouri. I say it is not necessary; but if we were going to bring in a report, I think it would be well to mention it.

Mr. WALSH of Montana. In the next place, the clarification ought to be made, it is claimed, so as to reserve to the United States the Monroe doctrine. That is the second point. Why should anything of the kind be done? There is no one here who has any hesitancy whatever in his support of the Monroe doctrine in its entirety. But why should we make a specific reservation of the Monroe doctrine when the right of self-defense is reserved as implicit in the treaty? Does anyone know of any justification for the Monroe doctrine except under the right of self-defense? Does anyone know of any ground that it may occupy except within the field of self-defense? When we reserve self-defense, or when self-defense is reserved, we reserve all rights that we have ever asserted or claimed under

the Monroe doctrine. The original language of this doctrine by President Monroe is so well remembered that I need not advert to it.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. WALSH of Montana. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator and I do not care to engage in debate about it. I hope we have about reached the point where we can get through this matter without further discussion. But since the Senator asks what is the use of reserving the Monroe doctrine, it has been admitted to be desirable to reserve the Monroe doctrine in many treaties.

I have in my hand the treaty of arbitration between the United States and the French Republic, from which I read:

> The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which—

And then follow (a) and (b), and then—

> (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine.

Mr. WALSH of Montana. From what does the Senator read?

Mr. REED of Missouri. I am reading from the arbitration treaty of 1928 between the United States and France. Similar treaties were negotiated during the year 1928 with Albania, Austria, Czechoslovakia, Denmark, Finland, France, Germany, Italy, Lithuania, Poland, Sweden, all containing similar language.

Mr. WALSH of Montana. All arbitration treaties?

Mr. REED of Missouri. Yes. There are pending, we are advised by the State Department, negotiations for similar arbitration treaties with the following: Belgium, Bulgaria, China, Egypt, Estonia, Ethiopia, Great Britain, Greece, Hungary, Japan, Latvia, Luxemburg, the Netherlands, Norway, Persia, Portugal, Rumania, Serbs, Croats, and Slovenes, Siam, Spain, Switzerland, and Turkey. In all these treaties of arbitration we have upheld this doctrine. In The Hague tribunal we made reservations.

So I simply say it has been deemed advisable in the past to make express reservations. That being true, I think it would be wise to do it here. Of course, we can assert that this is the doctrine of self-defense. It has always been so stated, although we have sometimes extended it beyond what I think is strictly self-defense. I simply say that for the sake of clarity, and I do not care to discuss it. I hope I am through discussing this treaty.

Mr. WALSH of Montana. I am very glad the Senator has called attention to those treaties in which the Monroe doctrine has been reserved. Those are arbitration treaties. Those are treaties under which we agree to submit to arbitration certain questions. We do not agree in the pending treaty to submit anything to arbitration.

Mr. REED of Missouri. I think we agree to submit everything to arbitration.

Mr. WALSH of Montana. No; we do not; and that is the difference between a "no war" treaty and an arbitration treaty. We agree that we will not go to war and that we will not seek settlement of controversies except by peaceful means.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. It seems to me that we could very well point out a difference, that in the treaties referred to by the Senator from Missouri unless the Monroe doctrine were excepted it would be included.

Mr. REED of Missouri. Why, if it is a matter of self-defense?

Mr. NORRIS. Those who favor the treaty, and I think everybody practically agrees to it, maintain that the Monroe doctrine is already excluded.

Mr. REED of Missouri. That is the point exactly. Everybody does not agree to it. It is a question whether the world would so construe it and hence, if everybody agreed to it here, why not say it? I think it is important to be said and I think we need not discuss it. But if the Monroe doctrine is a doctrine of self-defense, then these treaties of arbitration would exclude it as a part of the doctrine of self-defense. If we are not satisfied with that, we want it specifically mentioned. Of course, it is true no nation can ever waive its right of self-defense and retain its sovereignty, although the original language of these treaties was a waiver of every kind of defense. It was afterwards put in by implication, and it was stated that it was always there, but that we could not see it. The original intent of this treaty when it started off was undoubtedly to outlaw war.

Mr. WALSH of Montana. I can not yield to the Senator to make his own speech. I want to take issue with his statement that the language was changed so as to include it.

Mr. REED of Missouri. I did not say it was changed. I said the original intent was that, and afterwards the construction was given to the language.

Mr. WALSH of Montana. The Senator said that the language had been changed in order to exclude self-defense. There has been no change of the language at all.

It will be noted that not only the Monroe doctrine but some other questions are reserved from these arbitration treaties.

> The provisions of this treaty—

According to article 3—

> shall not be invoked in respect of any dispute the subject matter of which
>
> (a) is within the domestic jurisdiction of either of the high contracting parties,
>
> (b) involves the interests of third parties,
>
> (c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine,
>
> (d) depends upon or involves the observance of the obligations of France in accordance with the covenant of the League of Nations.

Those questions we will not arbitrate, but that is an entirely different thing from the treaty before us. The first article of this treaty provides:

> The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

That is to say, they agree not to go to war.

Article 2 provides:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

That does not say we will submit all our controversies to adjustment by pacific means, but it says that we will not seek the solution for them by any other than by pacific means; namely, we will not go to war about them. If we are going specially to exclude the Monroe doctrine from the operation of the treaty by reason of the considerations now advanced by the Senator from Missouri, we should exclude the other subjects mentioned in the arbitration treaties also. But they are not in here because we do not agree to submit them to arbitration.

Is it the contention of the Senator from Delaware [Mr. BAYARD] or the Senator from Missouri [Mr. REED] that under this treaty we have to submit domestic questions to arbitration? Is that the understanding of the Senator from Delaware?

Mr. BAYARD. May I make this suggestion to the Senator——

Mr. WALSH of Montana. I would rather the Senator would answer my question first. Is it the opinion of the Senator that under the treaty before us we are obliged to submit to arbitration questions that are within the domestic jurisdiction of this country?

Mr. BAYARD. No; I do not think we are obliged to do it; but the point is——

Mr. WALSH of Montana. Is it the opinion of the Senator that we are obliged to submit to arbitration under this treaty a controversy that involves the interests of third parties?

Mr. BAYARD. No; I have not taken that position at all. The position I take is that, having that arbitration treaty, that treaty being in existence, if we adopt the present Kellogg peace pact then we revert to that arbitration treaty in good honor and fair honor as a means of conciliation between the two countries between whom the treaty of arbitration has been negotiated.

Mr. WALSH of Montana. I am trying to point out that there is a perfectly good reason for excluding the Monroe doctrine from a treaty by which all questions are submitted to arbitration except those specifically named and referred to in the treaty, while it is wholly unnecessary to do so in this treaty, which is not a treaty of arbitration at all, but simply a treaty of no war.

Mr. BAYARD. May I make this suggestion to the Senator? We still have in contemplation, according to the report sent me from the State Department, some 23 other nations with whom we will set up these arbitration treaties excluding the Monroe doctrine and other matters excluded in the French arbitration treaty from which the Senator just read.

Mr. WALSH of Montana. Exactly; we will not arbitrate those questions.

Mr. BAYARD. But under section 2 of the present treaty now pending before the Senate we say:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

I suppose that "pacific means" must mean some channel of a friendly nation. We have established that channel or are trying to establish that channel, and when we establish that channel we set up certain conditions precedent.

Mr. WALSH of Montana. It simply means we will not endeavor to solve them by war; we will try to solve them in some other way.

Mr. BAYARD. But we decline to discuss those under these arbitration treaties.

Mr. WALSH of Montana. Discuss what?

Mr. BAYARD. The four reservations made in the arbitration treaties. We say they are not subjects of arbitration.

Mr. WALSH of Montana. We would decline to discuss them here. We will not seek a solution of them by war. That is all we say.

Mr. BAYARD. The point I am making is that we have in contemplation some 23 other arbitration treaties similar in form to those negotiated in 1928. Assuming we ratify the Kellogg treaty, or peace pact, and that thereafter we go ahead and complete the ratification and exchange of the other pending arbitration treaties, do we not in all conscience and in all morals bind ourselves under those new arbitration treaties to keep off of the four questions which are excepted?

Mr. WALSH of Montana. Of course we do.

Mr. BAYARD. That is my contention exactly.

Mr. WALSH of Montana. Exactly; with respect to everything except the four questions; we have already set up machinery for the adjustment of them.

Mr. BAYARD. And they are not susceptible of arbitration or any other conciliation between our country and other countries.

Mr. WALSH of Montana. Exactly; and that is why they are reserved in the treaty.

Mr. BAYARD. Why can they not be expressed by some form of reservation here?

Mr. WALSH of Montana. There is no occasion to exclude them here, because we do not agree by this treaty to submit anything to arbitration.

Mr. SACKETT. Mr. President, will the Senator yield to me for a moment? I want to be sure as to one thing in my own *mind*.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. SACKETT. There can not be any breach of the Monroe doctrine, as I understand the Monroe doctrine, to be expounded by every Senator upon the floor without an attack of some kind.

Mr. WALSH of Montana. Exactly.

Mr. SACKETT. And if there should be an attack, then we would no longer be obligated under the treaty.

Mr. WALSH of Montana. We would be released.

Mr. SACKETT. And that is the reason why no mention of the Monroe doctrine is going to help this treaty one way or the other.

Mr. WALSH of Montana. Exactly. The Monroe doctrine presupposes an attack by some nation upon one of the American Republics, which necessarily releases the United States, and that, as well as the fact that the Monroe doctrine is based upon self-defense, safeguards it completely, in my estimation.

In addition to what was put in the RECORD a few days ago, Mr. President, concerning the basis of the Monroe doctrine, I desire to submit some observations from some of our statesmen. I read first from a speech delivered by Mr. Webster in 1826. I am very glad that the Senator from Missouri [Mr. REED] has come into the Chamber, because he seemed to think the other day that we had no sort of support anywhere in the world now or at any time in the past for the Monroe doctrine. I will read what Mr. Webster said——

Mr. REED of Missouri. Mr. President, I did not make any such statement as that. The Senator has been cavilling here about accuracy this morning. When did I say that we had no support for the Monroe doctrine anywhere?

Mr. WALSH of Montana. No; the Senator did not say so, but the Senator did say that a certain English statesman had made some sneering remark about the Monroe doctrine.

Mr. REED of Missouri. I said that the minister of Great Britain during the controversy over the Venezuelan matter had made certain characterizations of the Monroe doctrine. I said that I did not know whether he had done so in his official correspondence or not, but that he did make the statement that it was not international law, but a bit of American impudence or insolence.

Mr. WALSH of Montana. Of course, it is a matter of very little concern what he did or what he did not say or what the quotation I am about to read says; it is merely by way of introduction to some other remark of Mr. Webster. He said:

* * * the sentiment which this declaration inspired was not confined to ourselves. Its force was felt everywhere, by all those who could understand its object and foresee its effect. In that very House of Commons of which the gentleman from South Carolina has spoken with such commendation, how was it received? Not only, sir, with approbation, but, I may say, with no little enthusiasm. While the leading minister, Mr. Canning, expressed his entire concurrence in the sentiments and opinions of the American President, his distinguished competitor, Mr. Brougham, in that popular body, less restrained by official decorum, and more at liberty to give utterance to all the feeling of the occasion, declared that no event had ever created greater joy, exultation, and gratitude among all the free men in Europe; that he felt pride in being connected by blood and language with the people of the United States; that the policy disclosed by the message became a great, a free, and an independent nation; and that he hoped his own country would be prevented by no mean pride or paltry jealousy from following so noble and glorious an example.

I merely desire to quote the following paragraph to show what Mr. Webster thought was the foundation of the Monroe doctrine. He says:

It is doubtless true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights and to spring mainly from a regard to their preservation. It did not commit us, at all events, to take up arms on any indication of hostile feeling by the powers of Europe toward South America. If, for example, all the states of Europe had refused to trade with South America until her states should return to their former allegiance, that would have furnished no cause of interference to us. Or if an armament had been furnished by the Allies to act against Provinces the most remote from us, as Chile or Buenos Aires, the distance of the scene of action diminishing our apprehension of danger and diminishing also our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen if an army, equipped and maintained by these powers, had been landed on the shores of the Gulf of Mexico and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves and, on that ground, call for decided and immediate interference by us.

I will now read from the letter of Mr. Olney in the famous Venezuelan controversy.

Mr. SHORTRIDGE. Mr. President, will the Senator be good enough to add——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. My recollection is, however, quite agreeing with all that the Senator has just said, that Daniel Webster does not fail to point out that, while the Monroe doctrine is grounded upon self-defense, we were not indifferent to its effect upon the struggling people of Central and South America.

Mr. WALSH of Montana. Of course he does, and, of course, also does Mr. Clay.

I read from the Olney letter, as follows:

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify or require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way.

Mr. Cleveland, in making his report of the transaction to the Congress, said:

Without attempting extended argument in reply to these positions—

referring to the position of the English Government in the controversy—

it may not be amiss to suggest that the doctrine upon which we stand is strong and sound, because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of Government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the Old World, and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.

I think the world understands that the Monroe doctrine is a part of our system of self-defense. I do not think there can be any question about that; at least we so understand it.

The next reason why this treaty should be clarified, according to the Senator from Missouri, is to get rid of anyone imagining that there is an obligation to apply sanctions; that is to say, we should provide by declaration of this body that when we agree not to go to war we do not mean that we will go to war. The contention that by this treaty we obligate ourselves to go to war against every nation violating it originates in a disordered mind. I care not who may have said in Europe that there is an implied obligation on the part of every nation to assail that nation which violates the treaty, I insist that it goes against common sense. Greece invades Bulgaria in violation of the treaty. Of course we would deplore anything of the kind, but under what kind of reasoning can it be argued that we have obligated ourselves by this treaty to go to the aid of Bulgaria? It would not clarify this treaty to say we were under no such obligation. It would introduce confusion worse confounded.

Then we ought to have some clarification, it is advanced, so that it will be understood that there is no recognition of the binding force of the treaties named in the notes. The treaties named in the notes are the covenant of the League of Nations, the Locarno treaties, and the neutrality treaties. Why should we undertake to say that there is or there is not any binding force in the covenant of the League of Nations among those who entered into it? Why should we undertake to say that France's neutrality treaty with Poland and France's neutrality treaty with Czechoslovakia are binding or are not binding upon either Czechoslovakia or Poland? I do not think the Senator from Missouri could possibly have made that suggestion reflectingly.

Mr. REED of Missouri. Perhaps, Mr. President, in view of the Senator's polite characterization, I possess a disordered brain; that was the charge the Senator made here; and he made it against a good many other Senators, because there are nearly 30 Senators who have expressed the same view. Our brains may all be disordered.

Mr. WALSH of Montana. However that may be, I desire merely to add that no such suggestion has been made in any of the correspondence between any of the nations with respect to this treaty. No intimation of that kind is carried in any of the correspondence. Why should we pay any attention to what some newspaper in some country of Europe may say about this matter or what some individual may say about it? What is said in this Chamber in debate, it is said, can not be resorted to for the purpose of interpreting this treaty. How much more is that true of what has been said by some newspaper in Belgrade, for instance, or in Prague, or by some member of the Swedish Storthing as to what he or it thinks would be the obligation of a nation under this treaty; and why should we take note of such things officially in our action here?

The treaty needs no clarification. It is in no sense ambiguous. The notion that peril to our Nation lurks in it is "wrought of such stuff as dreams are and as baseless as the fantastic visions of the morning."

Mr. JONES. A Senator asked me to call for a quorum at the conclusion of the address of the Senator from Montana; so I suggest the absence of a quorum.

Mr. KING. Mr. President, I desire to submit some observations, and I would just as soon submit them now as later.

Mr. JONES. Very well. I rather think that would be satisfactory to the Senator who asked me to call for a quorum at the conclusion of the address of the Senator from Montana. I think he thought something else was coming up. So I withdraw the suggestion.

Mr. KING. Mr. President, it is regrettable that the advocates of the treaty under consideration were compelled to engage in a struggle of no mean proportions to secure its consideration. A naval bill is on the calendar which calls for an expenditure of hundreds of millions of dollars for the construction of war vessels. It was insisted by some Senators that that measure should have precedence over the peace treaty, and only after a bitter contest did the multilateral treaty secure a superior place upon the calendar. But the naval bill is pressing upon the heels of this measure and to-morrow it is quite likely the Senate will proceed to the consideration of the cruiser bill, which embarks our country upon an era of naval construction the ultimate cost of which no one can predict. To many it is inexplicable that there should be so much apparent eagerness for world peace and so strong a desire for preparations for war. There has been a nation-wide propaganda, particularly during the past year, for what has been denominated "national preparedness." Scores of citizens have gone through the land declaring that our country was not safe and was menaced by foes; that its security was imperiled; that only by enormous appropriations could our Nation be placed in a position where its vital interests were protected and its integrity assured.

And the administration has pursued this irreconcilable and inconsistent course. It has loudly declared that the United States is for world peace; that it renounces war and solemnly promises to settle all controversies by pacific means. It would seem that it believes that there is some virtue in the renunciation of war and the pledge to settle disputes of every kind by pacific means. If it does not so believe then it is insincere in attempting to secure the ratification of this treaty. If the Secretary of State had no belief in the efficacy of this treaty, in solemn obligations entered into by the United States and other nations, under which war was renounced, then this treaty should not have been negotiated and its ratification should not be urged.

The President of the United States, as well as the Secretary of State, have proclaimed that the ratification of this treaty would constitute a notable contribution to world peace. The influence of the administration has been employed to secure its ratification, but while engaged in negotiating the treaty and attempting to secure its ratification both the President of the United States and the Secretary of State have lent strength to the movement in favor of appropriations amounting to hundreds of millions of dollars to build additional naval craft and to carry out a policy of "preparedness."

Mr. President, there are many people who can not reconcile these positions of the President and the Secretary of State. They will not only regard their conduct as inconsistent but many do not hesitate to say that the United States is insincere, if not hypocritical, in demanding the ratification of the multilateral treaty and at the same time insisting that hundreds of millions shall be expended in military preparations. Speaking for myself, I can not reconcile these divergent positions of the administration. In my opinion, many people of the world will charge the United States with insincerity when they learn that the United States ratified a peace treaty—a treaty renouncing war and sacredly and solemnly promising to settle all disputes of every kind and character by pacific means, and synchronizing with the ratification of the treaty, it appropriated hundreds of millions of dollars for military preparations. Such conduct will not inspire confidence among the nations of the world in the good faith of this Nation. It will tend to arouse suspicions among millions who will regard the military preparations as a revelation of the true mind of America and the true purpose of this Government. Yesterday the Senator from Maine [Mr. HALE] pushed through the Senate three or four bills calling for millions of dollars to strengthen the Navy; to elevate guns, and to make our fighting ships more powerful. To-morrow he will demand the passage of the cruiser bill, and with the sentiment manifest in the Senate it seems hardly possible to prevent its passage. With the passage of the cruiser bill additional appropriations will be required for naval and other military purposes. No one can foretell what the direct and indirect cost of the cruiser bill will be. The naval personnel will be largely increased; various forms of auxiliary craft will be required; naval bases will be strengthened; the ordinary expenses of the Navy will be augmented, so that it can be safely predicted that the effects of the bill directly and indirectly will add perhaps a billion dollars to the burdens of the American people.

So in the consideration of the treaty we are met with the thesis that a solemn renunciation of war and a pledge to settle all international disputes by pacific means, call for naval armaments and military preparations. In other words, we solemnly abjure war and pledge the honor of the Nation to settle every controversy by peaceable means, and then proceed with increased zeal to strengthen our Navy and carry forward additional military preparations. It would seem to me that if the administration had confidence in the efficacy and virtue of the multilateral treaty which they profess it possesses, they would manifest that faith by seeking to exorcise from the world the spirit of war and earnestly strive to create an international will for peace.

There is much psychology in a treaty of this character. If it is effective as an instrumentality for the promotion of peace, it will be largely because it acts upon the minds of the people and develops or creates a sentiment against war with all its horrors, and an unconquerable faith that peace can be realized. This treaty should aid in the mobilization of the moral forces of the world; but it will be deprived of its potency and strength if the nations signing it confess its impotency by increasing their military forces, and talk of the imminence of war. German writers said much about the "will to conquer" and the "glory of war," and the necessity for Germany to take her "place in the sun" and be prepared as a military nation to impose her will upon others. Thus a war psychology was developed. The talk of war in Germany produced reactions in

other countries, and Europe for years lived in fear of military conflicts. Mothers retired at night not knowing but that with the morning sun a bugle call would be heard summoning their loved ones to military duty.

Apparently we have not learned the lesson that most wars are the product of fear and that fear is too often inspired by the clamorous voices of militarists. Civic and other organizations in our country are being appealed to by military officers and by others to give their support to what is denominated "preparedness." They are told our country is in danger and that it is necessary for its protection that we should spend more for military purposes than was ever expended in peace times by our country. Appropriations for the current fiscal year for the ordinary expenses of the Army and Navy alone, exceeded $700,000,000. The appropriations for the next fiscal year will exceed this stupendous amount. We hold out by this treaty a hand of friendship, but in the other hand we carry a sword.

I regret that the President of the United States employed language in his recent Armistice Day speech which some will construe as provocative of war and evidence of a disbelief in the efficacy and virtue of the Kellogg-Briand treaty. The President has been regarded as a man of peace, and many of his addresses have proclaimed the importance of peace and the evils of war. In the address referred to he declares:

> The whole essence of war is destruction. It is the negation and the antithesis of human progress. No good thing ever came out of war that could not better have been secured by reason and conscience.

In the face of this declaration the President supported the naval bill offered by Secretary Wilbur in December last which called for over a billion dollars for new naval construction.

The President, in the address referred to, further says:

> We do not know of any nation which has ever been able to provide arms enough so as always to be at peace. Fifteen years ago the most thoroughly equipped people of Europe were Germany and France.

In view of this declaration it was to be expected that the President would give enthusiastic support to the multilateral treaty, and it seems to me that the expectation would be strengthened if he would as earnestly seek to relieve the people from the heavy burdens involved in our military and naval expenditures and oppose programs and policies which would result in enormous additions to our Navy. While declaring in effect that no nation has been able to devise sufficient arms to always be at peace, he has, nevertheless, given his support to a naval program that when completed will exceed a billion dollars. The President has seen the evils of militarism. He has pointed out that with the military preparations of Germany and other nations, war was not avoided; and yet he has, as I have stated, approved of a program which will impose upon the United States enormous burdens.

The President further said that—

> The eternal question before the nations is how to prevent war and how to defend themselves if it comes.

He then states that—

> There are those who see no answer except military preparation.

I submit, Mr. President, that the military and naval measures which have been offered in the House and in the Senate during the past year, and which have received the approval of the executive department, give color to the charge that the United States supports militaristic policies, and instead of promoting peace, as it should, it devotes too great a portion of its revenues to military preparations. Is it not military preparation upon the part of the United States when it expends more than $700,000,000 annually for the ordinary expenses of the Army and Navy and projects a naval program of 71 war vessels, with ancillary naval auxiliaries and instrumentalities the aggregate cost of which will be a billion and a half dollars? Already our military and naval leaders are preparing a program for the replacement of battleships which, if carried into execution, will greatly increase our annual naval expenditures.

Mr. President, the loud clamors for preparedness are inconsistent with our appeals for world peace. They add to the fears of the world and contribute to the development of military and war psychology.

I can not understand the President's position when he refers to the extensive military preparations of Germany and France and the resulting war, and then states—

> If the European countries had neglected their defenses it is probable that war would have come much sooner.

So-called preparedness by a few nations, as many believe, provoked the war, and the nations which were not militaristic were drawn into the vortex. Those nations which spent enormous sums in preparing for war did not "neglect their defenses." Consequently it may not be said when they had not neglected their defenses and war ensued, that it resulted from failure to prepare for war. The nations which did not concern themselves so much in military preparedness were not the occasion of the war. It seems to me inconsistent to contend, in the face of the fact that the military nations that had not neglected their defenses were responsible for the war, "that it is probable that the war would have come sooner had they made less military preparations."

The President states:

> To be ready for defense is not to be guilty of aggression. We can have military preparation without assuming a military spirit.

Mr. President, when nations make preparations for war, they have in mind other nations against whom they are preparing, and when they talk of military preparations or "preparedness" they create in the minds of the people fears or resentment and even malice and hatred. These situations finally culminate in military explosions and devastating wars. Military preparations presuppose national dangers and insecurity, and national insecurity postulates national foes and dangerous enemies. It might be interesting to inquire what military nation can be found that did not develop a military spirit. The development of a military spirit is concomitant with military preparations. Lord Grey, in his Memoirs, speaks of armaments as one of the greatest causes of war. The President, in his address, says it is our duty to "maintain an adequate Army and Navy." No one disputes that, but the question arises, What is an adequate army and an adequate navy? Denmark has practically abolished her army, which consists of a small patrol force. She has no foes and entertains no fears. What nation menaces the United States? Whom have we to fear?

In 1920 our naval officers contended that an adequate Navy for the United States required the carrying out of the 1916 program at a cost directly and indirectly of more than a billion and a half dollars. We had, in 1920, a Navy superior to any in the world, and I may say in passing that our Navy to-day is not equaled by that of Great Britain or any other power.

Returning to the question of what is an adequate army and navy, Germany insisted that when her military forces were greater than any other country in the world they were not adequate. The most militant nations have always contended that their military forces, whether on land or sea, were necessary for their protection and came within the requirements or formula of an adequate army and navy. Naval authorities in the United States declared in 1920 and 1921 that an adequate navy in the United States required the construction of nearly 100 naval vessels, the cost of which would be at least one and a half billion dollars.

The President further declares—

> That all human experience demonstrates that a country which makes reasonable preparation for defense is less likely to be subject to hostile attack and less likely to suffer a violation of its rights which might lead to war.

Mr. President, this sentence, fairly construed, is unobjectionable, but the question always arises when the problem of national defense or reasonable preparation for defense is under consideration. What are reasonable preparations and what is reasonably necessary for defense? I repeat that those nations which have taken the lead in preparations for defense and have made what they call reasonable preparations for defense have produced or inspired war or have been the most active participants in war. I am not contending that nations should not take reasonable steps for the protection of themselves and their citizens. Indeed, I take the opposite position. That is an obligation and a duty which must be met; but too often nations under the pretext of national defense prepared for war and made it the excuse for letting loose the thunderbolts of destruction. When Bismarck had prepared Germany for war he sought, by subtle and reprehensible means, to involve France in war.

I am challenging attention to these statements of the President which are being used to support demands for stupendous appropriations for our Army and Navy, to show at least their apparent inconsistency with the position of the Chief Executive and the administration in urging the ratification of the pending treaty. They insist that this treaty is one of the epochal events in the history of mankind, and many supporters of the administration declare that it presages an era of universal peace and leads to the abolition of war. My position is that our Government should show its faith in this treaty by promoting international conferences for the reduction of armaments and the setting up of instrumentalities supplemental to this treaty. Machinery will be needed and agencies required to settle international disputes. It is not sufficient to renounce war and solemnly agree to settle all disputes by pacific means;

there must be organizations and agencies, judicial tribunals, and arbitration boards in order to realize the objective. But the President is preaching preparedness for war, and supports huge military appropriations. We would exhibit greater faith in this treaty if we were to bend every effort to secure international disarmament.

The President in the address to which I have referred gives expression to a genuine peace policy when he declares:

> The whole scheme of human progress and civilization requires that we should have faith in men and in nations. * * *

In these words the President states the basis of the multilateral treaty—faith in the honor of men and nations; faith in their solemn promises to renounce war and to follow the paths of peace. Mr. President, I have listened with interest to the discussions of the multilateral treaty before us and have been amazed at some of the views expressed. The treaty is free from ambiguity and should not have provoked the protracted debate which has occurred. The Senator from Montana [Mr. WALSH] has just delivered an able address which, in my view, disposes of some of the objections which have been urged to the treaty.

In my opinion there is no reason for reservations or amendments to the treaty. So far as I am concerned, I shall be glad to vote for it without any change in its phraseology or any explanatory notes or reservations. The Senator from Connecticut [Mr. BINGHAM] has insisted that the Committee on Foreign Relations submit a report in the nature of an interpretation of the treaty, or at any rate as an explanation of their views as to what the treaty means. Mr. President, I have respect for the members of that committee, but their interpretation of the treaty, I submit, should not be controlling upon Senators. If the treaty is ambiguous and uncertain, then it should perhaps be amended or, at any rate, ambiguities should be removed by explanatory reservations. Where an instrument is clear and unambiguous, then interpretations are not needed. The duty rests upon Senators to determine as best they can the meaning of measures presented for their consideration. The responsibility rests upon them for their action. It might not be regarded as a valid excuse if a Senator were to say, "I relied upon the statements of some other Senator as to the meaning of a measure or a treaty, and finding the interpretation to be wrong I seek immunity from criticism." Of course, the Senate should be advised with respect to an important document such as this treaty is in regard to all matters pertinent and germane. Whatever information that bears upon the treaty they are entitled to possess. Indeed, it is their duty to secure all available information, and having secured it and acquainted themselves with the treaty, the responsibility rests upon them when they vote upon the question of its ratification.

Mr. President, I desire to answer in a general way some of the attacks which have been made upon the treaty. Many of them turn upon the exceptions stated in the interpretative notes of the various signatories, as well as certain statements by Secretary Kellogg. One listening to the debates could not be otherwise than impressed with the view that the League of Nations and the Locarno pact and the treaties referred to in the various notes constituted serious objections to the Kellogg treaty; in other words, that the League of Nations and the obligations resulting from the various treaties referred to are obstacles to world peace and valid reasons for not ratifying the treaty under consideration. Undoubtedly those nations which are members of the League of Nations, and those which are parties to the Locarno pact and the treaties referred to, are unwilling to weaken the effect of these treaties or to destroy whatever organizations have resulted therefrom. There has been no evasion by the principal signatories to the treaty in regard to this matter. They have definitely indicated that they were unwilling to enter into any treaty that would be inconsistent with their obligations under the Versailles treaty or the other treaties referred to. It is manifest that they believe a renunciation of war and the settlement of international disputes by pacific means, are not incompatible with their obligations under the important treaties mentioned.

It is true that sanctions have been provided in the covenant of the league and that obligations have been assumed which may authorize the obligors to engage in military activities; but the covenant as interpreted and the obligations as understood do not compel or require war, aggressive or otherwise, upon the part of signatories to this treaty, or any conduct inconsistent with the renunciation of war or the pacific settlement of international disputes. I think no criticism can be justly leveled against Mr. Kellogg or representatives of some of the signatories to the treaty before us because of their frank statements of fact, nor because they do not seek to absolve the members of the league and the signatories to the Locarno pact and the treaties of neutrality from obligations which they have assumed thereunder.

Mr. President, I should not vote for this treaty, much as I desire to, if it could be construed to mean that the members of the league would be compelled to abjure their solemn obligations under the Versailles treaty. I should not want my country to enter into a treaty that would compel a nation to be guilty of Punic faith.

I have wondered, in listening to the debate, whether there was a desire by some Senators to destroy the league and to make odious the treaties under the Locarno pact, and to supersede them by the pending treaty. If there is such a purpose, in my opinion it should be abandoned. The league has served an important purpose in preserving peace among the nations of Europe, and in directing world affairs amidst storms and tempests that threatened military repercussions, not only in Europe but in many other parts of the world.

It must be remembered that the treaty before us relies upon no sanctions; there is no element of force behind it. It does not outlaw war in a technical and proper sense. In any effective plan to outlaw war there must be agencies and instrumentalities defining war and providing for the determination of who are offenders; and, finally, there must be machinery and authority for the punishment of offending and recalcitrant nations. There may be renunciation of war, and at the same time organizations among nations which have renounced war as a national policy, armed with authority to repress lawless nations and thus prevent or terminate military activities.

Undoubtedly there are many people in this and other countries who misconceive the scope of the pending treaty, and who will be disappointed in its accomplishments. I have no doubt that there are millions who believe that this treaty will prevent all future wars; that when the nations of the world declare that they renounce war as a national policy, and pledge themselves to a pacific settlement of all controversies, that war, with all its horror and evils, will no longer affright the nations and fill the world with woe and sorrow. It is to be regretted that these results will not follow the signing of this treaty.

The signatories to this treaty undoubtedly believe in the right of various nations to decline to abandon the agencies now in existence, which they regard as important for the present at least, in aiding in the preservation of world peace.

The Briand-Kellogg treaty, as I have stated, sets up no machinery for interpreting the treaty or punishing or restraining its violation. It rests upon good will and upon the conscience and national honor of peoples and nations. Perhaps it is a weakness of the treaty that it contains no provisions for its interpretation and no agencies to settle in a pacific way disputes which may arise among the nations adhering to the treaty. Obviously this treaty will call for additional international agreements. When nations renounce war and solemnly declare that all international disputes shall be settled by pacific means, they will supplement such declaration by further treaties to aid in discharging the obligations contained in this treaty.

Who shall say that a solemn obligation to renounce war is meaningless and will make no contribution to world peace? It is true that nations have violated treaties and doubtless in the future will be untrue to international pledges; but it is equally true that such violations will result in condemnation proportioned to the development of international morality and conceptions of national responsibility.

The world is not devoid of honor. It exists among men and it is found in nations. The world has made advancement; there is a higher standard of individual, national, and international morality to-day than ever before. Humanity is slowly and painfully, but with certainty, marching to higher levels; there is less of provincialism and racial and national prejudice than ever before. The world is growing smaller. All parts are being brought into close association, and the prejudices of the past are yielding to ethical and spiritual influences which seek international friendship if not world solidarity.

Some people scoff at the "public opinion" of the world and the good faith and conscience of the world.

The Senator from Missouri [Mr. REED] grew dramatic and eloquent when he discussed the question of "public opinion." Yet I venture the assertion that it constitutes the most powerful influence in all the world to-day. It is an imponderable force, the effect of which may not be easily determined or measured, the effect of which will persist, and the influences of which will persist, as the agencies which it has influenced multiply in the world.

It is a fact, Mr. President, that public opinion, imperfect as it is, oftentimes unreasoning, and too often resting upon faulty foundations and lack of information, does influence if not control national and international conduct; and it is equally true that as the means of communication increase and international

contacts become more numerous public opinion will take on additional force and virtue and become more powerful in determining individual, community, national, and international conduct.

The settlement of international disputes can be brought about by two means, and two means only, war or law; and when I use the word "law," of course, I mean its corollaries—conferences, agreements, international law that may be developed through agreements and treaties, and usages among the nations of the world.

If war is renounced measures must and will be devised to settle pacifically all disputes arising. There is an equivalent for war. Disputes arise between neighbors and friends and communities, but civilization has pointed the way to settle them, not as they were settled in past ages but by legal and pacific means. And so nations will devise methods to observe peace and settle controversies.

I advert to the question heretofore alluded to, namely, that the claim is made that this treaty contains exceptions which, in the aggregate, devitalize the treaty and render it wholly worthless as an agency for preventing war and establishing peace. The treaty is criticized because as interpreted it excepts defensive wars, and yet we have not so far advanced in international morality and Christian sentiment as to agree to abolish the right of self-defense. We all know that a solemn agreement for its abolition would not always be observed. If, however, international agencies were set up with the consent and approval of the world, with positive authority and jurisdiction over all controversies, I believe there would be few occasions when a nation would rebel against the decisions of such agencies.

Is it just to criticize nations, as has been done during the debate, which have entered into solemn engagements for the preservation of peace, because when they adhere to the Kellogg treaty they declare their purpose to carry out existing obligations? The members of the League of Nations believe that sanctions may be necessary to enforce peace, or, at any rate, to prevent war. Do we desire to have members of the league repudiate their obligations and undermine the integrity and authority of the league?

In my opinion the League of Nations is the greatest organization in the world to-day for the promotion of world peace. I am not in accord with those who denounce the league and declare that the terms of the provisions of the Versailles treaty are so unjust that the treaty must be scrapped and destroyed. It is conceded that the Versailles treaty contains some unfair and perhaps unjust provisions. What treaty ever written did not? The situation following the World War finds no parallel in the history of the world. The problems confronting those who had the responsibility of drafting a treaty exceeded the burdens resting upon any treaty makers. Most of the world had been in the war. Peoples for centuries had been submerged; nations had been destroyed and their territory partitioned. Peoples had been conquered and brought under sovereignties and governments not of their own choice. Alsace-Lorraine had been taken from France. Poland had been dismembered. Millions of the Serb race had been incorporated into the Austrian Empire. The Turk had superimposed his cruel authority upon Christian peoples whose territories had been ravished and whose people had been slaughtered. Geographical and ethnic lines had been disregarded and cruel wrongs and injustices had been perpetrated by autocratic governments upon many races within many European nations.

Declarations had been made by the allied nations during the war that the peace terms should embody provisions rectifying some of the wrongs and injustices under which the people suffered. The populations of central Europe were so intermixed that it was humanly impossible to prepare a treaty that would meet every situation and do exact justice to all. It was certain that no treaty, no matter by whom prepared, would contain provisions satisfactory to all. I may add that the paramount reason which led Woodrow Wilson to so tenaciously cling to the idea of a League of Nations was the knowledge that any treaty, prepared when the atmosphere of war had not been cleared and when the fears and animosities resulting from the war were still in the hearts and minds of the people, would contain some injustices which in time must be removed. He believed that such rectification should come through councils of the nations and through agencies set up by them rather than by the sword.

Who is there bold enough to say that he could have written a better treaty and could have met the situation in a better manner? The league is accepted by the peoples of Europe, and they would regard its impairment or destruction with the gravest apprehension. It is to them a tower of strength, a protecting agency, a rock, and a fortress under the walls of which they seek and find refuge.

The members of the League of Nations have covenanted to maintain peace and to avoid aggression. To accomplish these ends they have created machinery and set up instrumentalities. We can not hope, indeed we should not desire, that this beneficent organization should disband. The Locarno pact and the treaty as interpreted by those who are parties to the same are in harmony with the terms of the treaty before us. The obligations under those treaties are promotive of peace and tend to prevent war.

While it is true the Kellogg treaty provides for no sanctions and the League of Nations does, it is believed by those who are members of the league and are parties to the Kellogg treaty, that the provisions for sanctions and the obligations under the treaties referred to, will make more certain that the renunciation of war will be effective in promoting peace and that the settlement of controversies by pacific means will, with more certainty, be realized. Germany is a member of the league and is a party to the Locarno pact. Her interest in the league is great, and her association with members of the league is adding to her prestige and power. All members of the league regard it as an active and powerful force for the happiness and security of the world.

Much time has been devoted to the interpretative notes of the British Government. The purpose of the notes is to advise the signatories to the treaty, that the British Government has obligations under the league and the Locarno pact which it may not avoid, and that for the protection of the Empire and in its defense, it has vital interests in various parts of the world. Whether the United States signs the treaty or not, Great Britain regards herself as having these obligations.

This treaty does not require that the United States recognize the various interpretations placed by the members of the League of Nations upon the Versailles treaty, nor does it make any commitments, as to what if any obligations Great Britain has with respect to various possessions and territories in different parts of the world. We are not interpreting the Versailles treaty or the Locarno pact or the treaties of neutrality. This treaty does not interpret the treaties or define obligations thereunder any more than it attempts to define what is self-defense or what steps must be taken by a nation in order to protect itself. This treaty rests upon the good faith, upon the honor and integrity of nations. Treaties which require that upon the happening of certain contingencies one or more of the signatories shall engage in military operations must, in the final analysis, rest upon the good faith of the nations signing the treaties. Treaties calling for punitive action and for the application of sanctions, fundamentally rest, as I have stated, upon the good faith and honor of the nations signing them. If Great Britain conceives that she has duties under the Locarno pact or the Versailles treaty, the performance of which is not in conflict with her obligations under this treaty, we can not insist that she abandon what she conceives to be her obligations under those treaties. Perhaps there are persons in the United States who desire that Great Britain withdraw from India or from South Africa or Australia or, for that matter, from Canada; and yet we know that such a course is not probable and that if adopted the results might be injurious. It might not be conducive to the peace and welfare of the world.

Certain it is that for the present no treaty is possible which in terms denies the right of the signatories thereto to defend their vital interests in their respective countries. Would it be wise for Great Britain to abandon India? Do the people of Australia, New Zealand, or Canada, or, for that matter, the people of the world, desire Great Britain to renounce all connection with these countries? It is believed that if some of the British dominions were to set up independent governments and renounce their allegiance to the King, it might result in an international situation harmful to the world.

Is there any desire in the United States that Germany withdraw from the treaty guaranteeing the neutrality of Belgium? These treaties, as well as the covenant of the League of Nations, are believed to be in the interest of security; and, imperfect as they are, they are conducive to world peace.

Why then object to these "exceptions" stated in the interpretative notes? Most of the arguments against the treaty are arguments against the league, and the other treaties which have been referred to.

Certainly the American people do not desire, as a condition precedent to becoming parties to the Kellogg treaty, that all other treaties should be scrapped. This treaty will strengthen the other treaties, and they add to the strength of this treaty. They seek the security of the peoples of the world and tend to prevent the lighting of the fires of war and the devastation wrought by international conflicts. If the sanctions of the league deter nations from war, then such sanctions are factors

contributing to the fulfillment of the terms of the Kellogg treaty.

It is no objection to this treaty that the league and the Locarno pact tend to preserve the status quo. The nations within the league and within the pacts referred to desire the maintenance of the status quo until by peaceful means rectification can be made and injustices removed. If boundaries fixed in the Versailles treaty should be changed, it were better that the change come through negotiation and the employment of the agencies set up by the nations than by the sword upon bloody battle fields. One only has to examine conditions in Europe to see the progress which has been made toward European peace since the Versailles treaty was signed.

MONROE DOCTRINE

It has been insisted that before the Senate ratifies the treaty there should be an exception in favor of the Monroe doctrine. I agree entirely with Secretary Kellogg and Mr. BORAH that the right of self-defense is inherent in nations and that the treaty does not invalidate or vitiate that right. I agree with them that the right of self-defense comprehends all legitimate and honest measures necessary for the protection of the United States and its vital interests. The Monroe doctrine, as properly interpreted, has been regarded by many as an essential feature or part of the necessary program of self-defense. But our Government can not, under the guise of self-defense, so interpret the Monroe doctrine as to constitute it an engine of offense or oppression.

In the interest of accuracy I might add that the right of self-defense may be limited. A nation may limit by treaty many of its sovereign rights. It may limit its military establishment and the number of its battleships. It may limit rights which come within the category of self-defense. So that the statement that the right of self-defense is inherent and inalienable, and can not be waived, needs some qualification. To what extent the right of self-defense or protection can be limited, I do not pretend to say.

Under the Monroe doctrine the United States can not carry out imperialistic policies or impose upon Latin America unjust measures. That it has been perverted and misinterpreted and misapplied no one can deny.

I agree with statements of Mr. Kirby Page, editor of the World Tomorrow in his excellent article on "The Monroe Doctrine and World Peace" that the use of marines and gunboats to the extent that they have been employed by the United States in Nicaragua and Haiti would be a violation of the terms of the treaty, which calls for the settlement of all disputes or conflicts through pacific means. In my opinion, the United States was not acting under the Monroe doctrine in carrying on military operations in those countries, nor can its conduct be justified.

There have been too many cases of intervention under the pretext of enforcing the Monroe doctrine, and this has prevented the growth and development of that spirit of amity and friendship which should bind Latin America and the United States together. In view of the contradictory interpretations of the Monroe doctrine and the evils which have resulted therefrom, and by reason of various acts under these interpretations, it is not to be wondered at that in some Latin-American States there is no enthusiasm for the Monroe doctrine. The fact is that the Monroe doctrine is differently interpreted by the people of the United States and by those holding positions in various departments of the Government.

I submit that there is no agreement among Americans as to what the Monroe doctrine is. Recently communications were sent to hundreds of leading citizens of the United States asking their views upon the Monroe doctrine. The contrariety of views was somewhat astonishing, and yet it is not to be wondered at when there have been so many misinterpretations and so many political and partisan interpretations in the United States of a doctrine or principle which, as originally announced, was clear and definite.

The conditions existing throughout the world immediately before and prior to the announcement of the Monroe doctrine are different from those obtaining now. The doctrine of legitimacy prevailed in Europe; autocratic governments ruled the people. A political system existed which opposed democratic institutions and the spirit of liberty throughout the world. The Holy Alliance sought to place an oppressive system, not only upon the peoples of Europe but the inhabitants of most of the Western Hemisphere.

I do not assent to the position taken by the Senator from California [Mr. SHORTRIDGE] this morning that we were motivated in the announcement of the Monroe doctrine by altruism, by a desire to protect the South American Republics. We were moved by a desire to protect the United States, because we feared that if the machinations of the Holy Alliance were executed the safety of this Republic would be jeopardized and the liberty of the American people imperiled.

The European system of government was regarded by Monroe and the American people as dangerous to free institutions and republican forms of government. They believed that if the principles of the Holy Alliance were carried out in Latin America the security of this Republic would be endangered. They believed that this Republic stood as a great sentinel guarding the way of liberty and democracy and that the fastening upon Latin America of an autocratic system regnant in Europe would jeopardize the existence of this Republic and menace the freedom of American citizens. The Monroe doctrine as conceived was to safeguard the United States from the machinations of the Holy Alliance and from the encroachments of European powers in the Western Hemisphere.

As stated by Prof. W. R. Shepherd—

> Throughout the message of Monroe * * * there runs like a red thread one connecting idea and purpose—the defense of the United States against aggression from overseas. No strain of altruism is there; no trace of a desire to do more than to defend what was justly ours; no thought of doing anything other than protect the national interests of the United States and them alone. * * *

Mr. John W. Foster, one of America's statesmen, stated that the primary object of the Monroe doctrine was—

> * * * to prevent the permanent occupation by European nations of any territory of the American States or the overthrow of their political institutions. * * *

He also stated that various administrations have declared that—

> * * * European governments are free to make war upon the American States or to resort to force to support their complaints, provided they observe the two conditions stated as to territory and political institutions. * * *

Mr. President, I have heard the statement upon a number of occasions in the Senate that intervention by any foreign country in Latin America would be a violation of the Monroe doctrine. In my opinion, that view is erroneous and if persisted in will lead to unfortunate complications.

Mr. Foster, in one of his statements, referred to the act of Spain in 1864 in declaring war against Peru and Chile, and adds that—

> * * * after having received assurances from Spain that it had no intention to reannex those Republics or to subvert their political system, Secretary Seward * * * instructed our ministers that "we concede to every nation the right to make peace or war, for such causes other than political or ambitious, as it thinks right and wise." * * *

Mr. Foster states that in 1860 Secretary Cass informed the French representative in Washington—

> * * * that the United States did not call in question the right of France to compel the Government of Mexico, by force if necessary, to do it justice. * * *

Mr. Foster also refers to the incident of the Governments of Great Britain, France, and Spain approaching the United States—

> * * * with a view to securing its joint action with them in a military expedition to compel Mexico to satisfy their complaints for the murder of their subjects and the destruction of their property. * * *

However, this proposition was declined, but Secretary Seward said that the President—

> did not question that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for redress, and have a right also to levy war severally or jointly. * * *

Mr. Foster also states that a similar attitude was assumed by the United States when, in 1902, the British, German, and Italian Governments sent a naval expedition to Venezuela to enforce the claims of their subjects, and he adds:

> * * * that many other instances may be cited for the forcible interference of European governments with American countries to redress the complaints of their subjects.

France in 1838 blockaded the ports of Mexico as an act of redress for unsatisfied demands. In 1842 and 1844 Great Britain blockaded the ports of Nicaragua. In 1851 she blockaded the whole coast of Salvador; in 1862 and 1863 seized Brazilian vessels in Brazilian waters as acts of reprisal; and in 1895 resorted to force to bring about a settlement of certain demands against Nicaragua.

Prof. John Bassett Moore has tabulated a list of armed interventions in Central and South America by European powers and states (Political Science Quarterly, Vol. II, p. 26):

We have not assumed to forbid European powers to settle their quarrels with American States by the use of force any more than we have hesitated to do so ourselves.

He refers to the letter to Secretary Cass to our minister in Spain October 21, 1858, as follows:

* * * with respect to the causes of war between Spain and Mexico, the United States have no concern and do not undertake to judge them. Nor do they claim to interpose in any hostilities which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the territory of Mexico or of another American State to any European power whatever.

Yet, Mr. President, in the face of these clear declarations of the limitations of the Monroe doctrine, some Americans, with an arrogance not to be justified, have so expanded the Monroe doctrine as to make the United States a sort of protector of all Latin-American countries. Those countries have not asked us to protect them. We have solemnly affirmed over and over again that they are independent states, and that small states have the same rights in the forum of international relations and international law as have the large and powerful states. When we gather around the table with the Pan American States to discuss Pan American problems, each of the states of Costa Rica, San Salvador, and Haiti has the same rights and the same number of votes in the determination of Pan American problems and questions as has the United States. Unfortunately there are Americans who disregard the rights of these sovereign nations and pervert the Monroe doctrine, the result of which has been the creation of resentments and animosities which militate against the peace and friendship which should exist between South and Central America and the United States.

Mr. President, I have here, apropos of the statement just made, some articles from the Chicago Daily News. I read just a sentence or two from an article written from Buenos Aires, by Mr. John W. White, who has been making a study of the economic and political conditions of South America, and particularly with reference to the relations between South American States and the United States. In one of his articles Mr. White says:

American prestige in South America has been lessened almost to the vanishing point as a result of the lack of centralized control in the direction of our foreign relations. Most of the bitterness that exists in South America to-day against the United States and its people arises from the entrance into the foreign field of several organs of the American Government which share none of the responsibility of the State Department for maintaining international good will.

* * * * * * *

To observers in South America it is apparent that the United States is proceeding with the development of a system which threatens to break down the effective control of America's foreign relations, with serious effect upon American business. A frequent question asked by American business men at their lunch tables in Buenos Aires, Rio, Santiago, and other South American Republics, is "Who's running our Government, anyway?"

If I may pause to reply to this question, I would say that many persons believe that trusts and monopolies and business interests exercise great influence in our domestic and foreign policies, and powerfully affect our industrial and economic life.

Is it Secretary Jardine with his prohibitions against South American meat and agricultural products? Is it Hoover with his pronouncements against rubber and coffee monopolies while he is supporting a cotton monopoly? Is it Davis, demanding that South American emigration to the United States be put on a quota basis?

* * * Or is it the Department of State?

Then, the writer proceeds to say:

This is not an academic question.

Then, he adds:

It requires only American marines in Nicaragua or some other political action by the United States to fan this ill will into a flame of hostility. Street meetings are held every day in some part of Buenos Aires to denounce the United States, and on more than one occasion attempts have been made to organize hostile demonstrations against the American Embassy.

I shall not consume the time of the Senate to read further from these interesting articles, and from many others which I have, appearing in Latin-American papers, as well as in books and papers published in the United States. These publications are criticisms of the United States in its treatment of Latin-American States and its recent perverted interpretation of the Monroe doctrine.

Secretary Seward, in a letter to our minister in Austria on September 11, 1863, said:

* * * when France made war against Mexico we asked of France explanations of her objects and purpose. She answered that it was a war for the redress of grievances; that she did not intend to permanently occupy or dominate Mexico; and that she should leave to the people of Mexico a free choice of institutions of government. Under these circumstances the United States adopted and they have since maintained entire neutrality between the belligerents in harmony with the traditional policy in regard to foreign wars.

Under the Monroe doctrine as properly interpreted by Mr. Seward in Mr. Lincoln's administration we stood by and saw Mexico invaded, as other South American countries were invaded, for the purpose not of permanently annexing territory but of redressing grievances which the European nations believed they had sustained because of the improper policy and conduct of some of the South American States.

Secretary Fish, in a report to the President dated July 14, 1870, pointed out that the policy of the United States—

* * * does not contemplate forcible intervention in any legitimate contest, but it protests against permitting such a contest to result in the increase of European power or influence. * * *

That is, on the Western Hemisphere.

Secretary John Sherman in 1897 declined to intervene in the conflict between Germany and Haiti when German warships were sent to the ports of Haiti. Secretary Sherman wrote to our minister in Haiti that—

* * * This Government is not under any obligation to become involved in the constantly recurring quarrels of the Republics of this hemisphere with other States. The Monroe doctrine, to which you refer, is wholly inapplicable to the case, and the relations and interests of this Government with its neighbors are not benefited by erroneous conceptions of the scope of the policy announced by President Monroe and since strictly followed.

Later, Secretary Sherman wrote to our minister in Haiti:

* * * You certainly should not proceed on the hypothesis that it is the duty of the United States to protect its American neighbors from the responsibility which attend the exercise of independent sovereignty.

I believe that President Roosevelt's message to Congress in 1901 contained a statement which was within the Monroe doctrine:

We do not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power.

I should have added, Mr. President, when I was quoting from Secretary Foster that he said:

The other misconceptions as to the functions of the Monroe doctrine, which were based upon the false conception that the United States does not permit force to be used by European governments and that we must undertake the enforcement of their just claims against Mexico or other disorderly American Republics.

He stated that—

* * * from the language of that doctrine as announced by President Monroe we can draw no such mandate, and history of our relations with the American States shows that such a procedure on our part would be unjust if not impracticable.

He further added that—

* * * it is likewise a misconception of the doctrine to assert that it is our duty to interfere by force with the administration of the affairs of other American Republics, when they fall into anarchy through their oft-recurring revolutions.

Yet we have done that repeatedly. We went into Nicaragua quite recently without justification and carried on military operations and by force superimposed the will of the United States upon that Republic.

Mr. President, notwithstanding Mr. Roosevelt's earlier attitude toward the Monroe doctrine, I regret to say he later changed his position and misinterpreted the Monroe doctrine. In his annual message in 1904 he uses this language:

* * * Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power.

Why, Mr. President, under that broad statement the United States could take possession of any of the South American Republics when, according to our standards of justice and of

the duties of governments, the ties that should bind peoples were loosened and those countries did not approximate the standard of national and international morality which we think should be observed.

This was in fact a declaration that the United States assumed a protectorate over Latin America and would exercise a police power for the preservation of order, the United States being the authority to determine what standard of order was to be maintained. This erroneous position and this extended view of the Monroe doctrine unfortunately has been followed more or less since then. We have prevented even temporary intervention by European and other powers, and where foreign lives and property have been endangered the United States has felt obliged to intervene. Mr. Page says there have been 30 armed interventions in Latin-American countries since the Spanish-American War.

Prof. J. W. Garner, in his American Foreign Policies, states that—

> * * * if Monroe were alive to-day he would be quite unable to recognize the policy which still bears his honored name but which is not in fact his offspring.

This perversion of the Monroe doctrine is resented by Latin-American countries. Mr. Page quotes one editor, who states that it is—

> * * * the shield and buckler of the United States aggression; it is a sword suspended by a hair over the Latin continent.

A writer in Foreign Affairs stated that—

> * * * an overlordship on the part of their great northern sister is to-day infinitely more feared by the Latin Republics than is any danger from European imperialism.

Writers have pointed to the fact that it was a danger to the United States to assume a position of guardianship over Latin-American Republics, and that its assertion of the right to supervise their internal and police force would lead to reckless financial undertakings with European investors and, indeed, American investors, based upon the assumption that the United States would protect them in their defaults when pressed for settlement by European creditors. There should be more and more a collective responsibility for preserving the freedom and encouragement of American countries. Many years ago a writer in the Forum stated that the current interpretation of the Monroe doctrine frequently left the citizens of this country "inebriated with superabundant patriotism."

Doctor Rowe 14 years ago stated that the words "Monroe doctrine" have cast a kind of spell over the American people, and that this fact has precluded and still precludes a calm, dispassionate consideration of our international relations.

We must abandon the interpretation accepted quite recently which connotes new policies, including the so-called police power in the Caribbean Sea.

Prof. Filipe Barreda, of the University of San Marcos, Lima, Peru, in an article in Current History for March, 1927, declares that he found among Latin-American writers on the Monroe doctrine a startling misinterpretation of the facts. He states that it is a common mistake among the people of the United States to appeal to the Monroe doctrine as a ready excuse to justify armed intervention and political interference in Latin-American countries in behalf of commercial and industrial enterprises.

Mr. President, the United States by force went into Haiti because Americans had made investments there which they sought to protect and consolidate—through the interposition of the United States. We went into Nicaragua because American investors and capitalists were there. We have used our marines, our Army, and our Navy in Latin-American Republics because of economic penetration and American investments.

These erroneous conceptions lead to misunderstanding and the growth of suspicion and animosity between the United States and Latin America. Professor Barreda declares that the Monroe doctrine was a declaration for the protection of the United States and its commerce and industries against European intrigues at a particular moment of American history, and that in that sense it was interpreted from 1823 until the McKinley administration, at which period the doctrine was distorted and given a new meaning. He further states that during the first period the Monroe doctrine referred to the protection of the two Americas against European interference or threatened invasions, and that under this interpretation South American Republics regarded it at this period as a system of Pan American protection of the highest moral value. He proceeds:

> * * * but by the time President McKinley had been elected the Colossus of the North had grown in statute and was rich, strong, and abounding in vitality. The American people rejoiced in their increasing prosperity, and when the Spanish-American War came, and ended in victory, they were strengthened in national spirit and the feeling of national unity.

He refers to the surplus capital seeking foreign markets and the extent of investments in the Southern Continent. He claims that during the last 20 years the people of the United States have invested in Latin America more than $4,210,000,000. During this period Professor Barreda states that the Monroe doctrine has been corrupted and distorted in such an extraordinary manner that both its interpretation and its application have no connection at all with the policy originally stated by President Monroe. He states that a study of the various cases of the modern interpretation and application of the doctrine during the last 20 years makes it clear that it has been employed in the following ways:

> (1) In cases of internal political strife or revolution in Latin-American countries, the Government of the United States assumes the right to declare which is the constitutional party to be supported by the military and naval power of the United States.
>
> (2) When the conclusion is reached that a Latin-American country is not able to maintain an independent and competent government to keep order and discharge its international obligations the United States assumes the right to take political and economic control of such country.
>
> (3) The United States assumes the right to intervene in the political government and economic administration of a debtor nation in Latin America to enforce and secure the cancellation of public debts.
>
> (4) The United States Government assumes the right to intervene in the internal affairs of Latin-American countries when, in its opinion, political or economic ideas may endanger the private interests of American citizens.
>
> (5) The fixed attitude of the United States that the definition, interpretation, and application of the Monroe doctrine are its exclusive concern.

He declares that the deformations of the Monroe doctrine lack the essential character of Monroeism; that is, defense against European intervention with a view to aggression and to the subjugation of American countries and the annexation of American soil by European nations.

Mr. President, he further states that this interpretation sets the South against the North. All these interpretations are contradictory to the advice not only of Monroe but of such statesmen as Washington and John Quincy Adams. Monroe's message he quotes as follows:

> Every people have a right to institute for themselves the government which, in their judgment, may suit them best.

That was Monroe's view. Unfortunately that view has not always been adhered to by the United States in its dealings with Latin America.

Every international conflict between two or more American States, according to the view of Professor Barreda, should be settled by arbitration or by the World Court or by suitable instrumentalities that may be set up for that purpose.

Mr. President, I felt constrained to give more attention, perhaps, than I should have done to a discussion of the Monroe doctrine because of the constant assertions made here and elsewhere that the Monroe doctrine gives to the United States the right to interfere in Latin-American affairs, to collect debts which may be due to American citizens—and, for that matter, to citizens of European nations—and to assume a protectorate over these Republics. That such a doctrine would prove offensive to independent nations and to spirited and patriotic peoples must be obvious to everyone. We have declared, through the mouth of a great President, that the right of self-determination belongs to nations and to peoples. May I say that the right of self-determination is essentially and fundamentally the right of humanity. People have the right to set up governments giving to them such form as to them seems best.

Mr. President, I am for the peace treaty that is before us. I shall vote for it believing that it will contribute to world peace.

Mr. President, I wish we would think more of peace and less of war. I wish we would remember that this is a Christian Nation, that its mission is to promote peace and world unity. We recently commemorated the birth of the Prince of Peace, and millions proclaimed their fealty to His Divine authority. This treaty is in consonance with the spirit of the Master. It is an avowal of the desire of this Nation to contribute to that coming day when there will be peace on earth and good will toward men. Let us promptly ratify this treaty.

Mr. HEFLIN. Mr. President, I think we are about to reach a vote on the peace treaty. I sincerely trust that we will vote upon it to-day. I think that this is a very auspicious occasion for the United States, the greatest Government in all the world,

to join with the other nations in an effort to promote peace and prevent war.

The time was when war was the sport and plaything of kings, an instrument of greed and conquest. We are told that once upon a time two kings fell out at a banquet, both of them intoxicated, and in a few days their armies were fighting in the field to settle what one considered was an insult offered by the other. It would have been infinitely better for the two drunken kings if they could have shot it out between themselves and spared the lives of the innocent boys whom they had murdered on the field of battle.

I rejoice that the time has come in the history of the world when war is being outlawed, when the intelligent, upstanding nations are frowning upon war, when they are all turning their attention to the halls of peace and seeking to have their difficulties and their disagreements settled there and not upon the fields of carnage.

Mr. President, I rejoice that the time has come when two nations having a dispute, one with the other, are willing to submit their cause to arbitration, that their differences may be settled and their difficulties adjusted without the shedding of blood and the killing of human beings.

John Ruskin, one of the brightest minds ever produced in England, drew a picture of 30 young men selected in England and 30 in France. They had been trained in many lines of useful work—teachers, mechanics, and farmers. They were taken away from home and loved ones, away from useful occupations and were sent to a given point and fed until a certain day when they were arrayed against the other 30 men, and the command given to fire. In a moment's time 60 strong and useful men were dead—60 corpses, for friends and loved ones to weep over, and then to be buried in the ground.

Mr. President, I rejoice that the time has come when the life of the boy who might be killed in war is of great concern to thoughtful statesmen. We are no longer willing for an ambitious ruler to marshal his hosts and go out to war with another power in order to increase his power and territorial possessions or to bring military glory to himself. We are tired and sick of those things. If this Nation is not ready now to join in a movement for the promotion of peace in the world, pray tell me what would it take to bring it to that state of mind? When the World War ended it was costing this Nation a million dollars an hour. When that war was finally ended it had cost the nations of the earth $250,000,000,000, half the wealth of all the world. When that war ended it had murdered 10,000,000 young men. It had killed more men than all the wars of all the world. It had cost more money than all the wars of the world.

War is so costly and the implements of war are so dangerous and deadly now that something has got to be done to prevent another war like the one through which we passed from 1914 to 1918, because it would destroy civilization and consume the wealth of the world. War is a cruel, brutal, barbarous, and murderous thing. In its wake are broken hearts, and ruined homes. Its path is drenched with human blood and paved with dead men's bones. We ought, Mr. President, to join heartily with other nations in an effort to put war down and to promote peace, blessed peace, in the world. I want to close with a petition uttered by another:

Sow thou the seeds of happy peace,
All evils drive from us afar,
And bid the rage and tumult cease
Of hateful war.

Mr. DILL. Mr. President, I favor the ratification of the treaty without reservations or interpretations. When the prime ministers of the signatory nations exchanged their diplomatic notes regarding the treaty they fixed its status as an international document so far as anything outside the language of the treaty can affect it. The Senate can not change the meaning of the treaty now. The Senate may make reservations and interpretations that will serve to weaken it or to narrow its application to this country or to limit or restrict our Government's use of it. But to all such proposals I am unalterably opposed.

This treaty is the first international peace arrangement between the great world powers given to mankind that does not depend upon force or have force in the background. It is true the Scandinavian countries have signed treaties between themselves that absolutely outlaw and abolish war between themselves. I wish those treaties could be extended and made to include the world powers that have immense armies and navies that dominate the earth. Such an arrangement seems impossible at present. This treaty will not prevent war unless those in control of the governments signatories to it are determined to maintain peace. If it be the desire of those in control of the Government when this treaty is in effect, it can be made a most powerful instrument to enable them to prevent the outbreak of war.

But no treaty, no league, no organization of any kind can insure world peace unless it does two things: First, abolishes great navies and compulsory military service, and second, pledges every nation to a war referendum, except in cases of attack or invasion. I recognize that this ideal can not be attained at once, but I hope that this treaty may be the first step in the program that will ultimately lead to the adoption of such measures by the great nations of the world that will make war impossible.

I favor this treaty because I believe it may be used ultimately to bring about the condition I have mentioned. When a treaty renounces war and pledges nations to seek settlement of disputes by pacific means, it voices the sentiment of the masses of the plain people of all the civilized nations of the earth. They demand peace as never before. They want peace that is based not on force and fear, but upon reason and justice, and, most of all, public opinion.

The greatest challenge to the statesmanship of the world today is the formulation of a plan whereby nations may settle their disputes honorably without resorting to the organized assassination and murder known as war. The peace movement is in politics in this world as it has never been previously in history. The League of Nations, the Locarno agreement, the Paris pact are all the imperfect results of the efforts of statesmen of our time to act in harmony with a world-wide demand for permanent peace. Nations can no longer afford war. It destroys the victor as well as the vanquished. Vast international investments and the development of trade and commerce make peace more profitable than war.

For the first time in history the millions of common men and women who toil are able to think for themselves. The ever-increasing number of scientific inventions and scientific devices are freeing men and women from backbreaking toil and giving them time and energy to think. The intelligent people of all civilized nations are demanding that peace shall be maintained, and unless it is maintained there are large numbers of people in the world who think that those who lead their country into war are more deserving of being shot than those placed in the armies which they are supposed to fight. Make no mistake about it; we live in a different time and a different age. Scientific inventions, scientific methods, chemistry, have all combined to bring the nations of the world into the relationship of neighbors and make war both contagious and noncontrollable. When once it is started it almost surely will become world wide. Wise man fear it. Airplanes, radios, and other modern devices are continually making the people of all parts of the earth more closely associated and better known to each other. Statesmen of the world must recognize this condition and meet it by the adoption of methods by which nations can settle their disputes peacefully.

I have listened to many of the speeches made here expressing the fear of the results that would follow the ratification of the treaty.

For my part I have but little sympathy with the labored language of diplomats who technically split hairs, who endeavor to prove that an agreement designed to settle our disputes peacefully binds us to go to war with some nation. I believe that when the statesmen of the world in the future read this treaty they will place upon its terms the natural interpretation of the words it contains.

For my part I can conceive of no act more recreant to the trust of a people who long for peace than to do anything that would even tend to prevent the ratification and publication to the world of this Nation's purpose and desire to join with any other nation which is willing to join in the working out of methods and plans that will maintain peace. I rejoice in the purpose of those who wrote the treaty and shall support it wholeheartedly and enthusiastically.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Glenn	La Follette
Barkley	Copeland	Greene	Larrazolo
Bayard	Couzens	Hale	McKellar
Bingham	Curtis	Harris	McMaster
Black	Deneen	Harrison	McNary
Blaine	Dill	Hastings	Mayfield
Blease	Edwards	Hawes	Metcalf
Borah	Fess	Hayden	Moses
Bratton	Fletcher	Heflin	Neely
Brookhart	Frazier	Johnson	Norbeck
Broussard	George	Jones	Norris
Bruce	Gerry	Kendrick	Nye
Burton	Gillett	Keyes	Oddie
Capper	Glass	King	Overman

Phipps	Sheppard	Stephens	Wagner
Ransdell	Shipstead	Swanson	Walsh, Mass.
Reed, Mo.	Shortridge	Thomas, Idaho	Walsh, Mont.
Reed, Pa.	Simmons	Thomas, Okla.	Warren
Robinson, Ind.	Smoot	Trammell	Waterman
Sackett	Steck	Tydings	
Schall	Steiwer	Vandenberg	

Mr. LA FOLLETTE. Mr. President, I have been requested to announce that the Senator from Montana [Mr. WHEELER] and the Senator from Oklahoma [Mr. PINE] are detained in a meeting of the Committee on Indian Affairs.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I presume I should have stated before calling for a quorum that I was asking for the call for the purpose of submitting a proposed unanimous-consent agreement. I now ask that we may not have to call a quorum again under the rule; that this calling of a quorum may be regarded as a compliance with the rule for the purpose of submitting a unanimous-consent agreement.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLAINE. Mr. President, after consultation with the Senator from Idaho [Mr. BORAH] for the purpose of expediting a vote upon the pending treaty, it has been suggested that the resolution that I offered a few days ago and debated might well be disposed of before a unanimous-consent agreement for a vote shall be entered into. Therefore having no desire to be an obstructionist, having been ready and willing to vote upon this treaty many days ago, I do not want at this time to reiterate what I said in the debate on the treaty last week. I now desire formally to offer another resolution, in the nature of a reservation, to be subjoined to the treaty following Article II.

The resolution which I am about to offer differs from the resolution which I offered last week, which resolution is upon the Secretary's desk and has been printed. That resolution referred to paragraph 10 of the British note of May 19, 1928. The purpose of that resolution was to make it clear to the world that America does not propose to admit by inference, by implication or by silence that the British Empire has the inherent right to rule over one-quarter of the area of the habitable globe and to dominate one-quarter of the people of the world without their consent. I am not going to discuss that question now. I covered it fully in the debate the other day. I have not been convinced by any argument I have heard in this Chamber that my conclusions then were in error. I endeavored to arrive at the conclusions set forth in that debate after what I believed to be a thorough study of the problem. It was my conclusion then and it is my conclusion now that paragraph 10 of the British note of May 19, 1928, is, in effect, a reservation to the pending treaty and that the British Government joins in this treaty only upon the express understanding that her alleged claims shall be recognized.

I know it has been contended that Great Britain has the right to do what she expresses in her note quite regardless of anything the Senate may do. I do not propose to recognize, however, this new-found British doctrine of imperialism. I am convinced that in future years if the situation ever arises where Great Britain may find it to her benefit, may find it to her interest, to invoke this new doctrine of imperialism, America will be in honor bound to recognize that doctrine.

We are about to join in this treaty. We shall do so with our eyes wide open. We know the notice that Great Britain has served upon the world. We can not, in my opinion, adhere to this treaty without by the same token admitting the full effect of the British note. Moreover, Mr. President, we can not in the future, unless we strip ourselves of honor, deny all that the British note implies. Therefore America proposes to tie her future course to that of Great Britain in the acknowledgment of an imperialism that challenges not only America but challenges as well the right of independence of subjected people. The guns at Bermuda and in the Caribbean Sea, under the direction of the British Government, then will continue to point at America more menacingly than they do to-day.

So, Mr. President, I shall offer this resolution, not limiting it to paragraph 10 of the British note alone but rather broadening the effect by applying it to all conditions or reservations contained in the diplomatic notes exchanged during negotiations for the treaty.

I have broadened the resolution for this reason: I do not want to be charged with having any specific antagonism toward any nation. If this peace treaty means what it says; if the diplomats who exchanged the notes during the negotiation of this treaty intended to speak as the treaty purports to speak for the outlawry of war, in the determination to settle international disputes by pacific means; then, sir, I propose by this resolution to make this treaty more than a mere scrap of paper. I propose to make this treaty something more than a mere gesture, something more than transcendental in words only. I propose to test the sincerity of statesmen and diplomats. If the text of this treaty implies nothing excepting the plain language of the treaty, if there are no conditions or reservations subjoined to the treaty, if the treaty is a renouncement of war, then let us say so in plain language. If the treaty does not renounce war, then why make a pious pretense?

Therefore, Mr. President, I submit the resolution that when the Senate of the United States shall advise and consent to the multilateral treaty now pending in the Senate, it is done with and in consideration of the understanding that any condition or reservation contained in the diplomatic notes exchanged during negotiations for the treaty shall not imply any admission of any reserve made in connection therewith and not a part of the text of the treaty; and I move the adoption of that resolution.

Mr. BORAH. Mr. President, I hope this resolution will not be adopted. It is, in my judgment at least, an attempt to effectuate a reservation—a reservation in a note by the British Government.

I have stated before what I understand to be the purport of the note to which the Senator from Wisconsin refers. It is a statement upon the part of the British Government of that which the British Government have understood to be explicitly in the treaty. I am not going to discuss it; but I desire to put in the RECORD in connection with this resolution the statement of the Secretary for Foreign Affairs of the British Government in the House of Commons when discussing this specific matter. He says:

> The honorable gentleman found fault with the wording of my note with respect to the passage dealing with self-defense. He appeared to think that there was something which I had added, and that it had no parallel in the American note. Let me call his attention to Command Paper 3153, Document No. 1, in page 2. At the bottom of the page there is a paragraph in which Mr. Atherton is instructed to call attention to a speech which Mr. Kellogg had made before the American Society of International Law. He quotes from it:
>
> "Self-defense: * * * The right is inherent in every sovereign state and is implicit in every treaty. Every nation is free at all times, and regardless of treaty provisions, to defend its territories from attack or invasion, and it alone is competent to decide whether circumstances require recourse to war in self-defense. If it has a good case, the world will applaud and not condemn its action."

The Secretary for Foreign Affairs further states:

> The honorable member will see that everything that was in my note is not merely implicit but explicit in the note which was handed to me by the American chargé d'affaires. * * * I venture to think that it does no good to put about those exaggerated suspicions, and that it will be much more helpful to say what is the fact, that our doctrine is exactly comparable to that of the American Government, that it is not a doctrine of aggression, that it is not a desire for territorial expansion, but a pure measure in self-defense necessitated by the geographical position of the empire.

It is my contention, and I think now conceded, that the right of self-defense is fully retained in the treaty, and that each nation must determine for itself what constitutes its right of self-defense and the extent of it. That is what the British note undertook to do. In my judgment it was wholly unnecessary, but it neither adds anything to nor takes anything from the treaty.

The VICE PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Wisconsin [Mr. BLAINE], which will be read.

The Chief Clerk read the resolution, as follows:

> *Resolved*, That when the Senate of the United States shall advise and consent to the multilateral treaty, now pending in the Senate, it is done with and in consideration of the understanding that any condition or reservation contained in the diplomatic notes exchanged during negotiations for the treaty shall not imply any admission of any reserve made in connection therewith and not a part of the text of the treaty.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was rejected.

Mr. BORAH. Mr. President, your Committee on Foreign Relations has unanimously agreed upon a report which will be drafted and ready for final action in a few moments.

Mr. MOSES. Mr. President, before the Senator goes forward with that, may I say that I have upon the table a resolution dealing with the pending treaty, and I desire to withdraw it.

Mr. HARRISON. What about the reservations that the Senator had filed? Are they withdrawn?

Mr. MOSES. The resolution.

Mr. HARRISON. The resolution embodying the reservations?

Mr. MOSES. No; embodying the understandings. There are no reservations any more.

Mr. BORAH. After the report is filed it is hoped that we may have a vote, and I therefore submit a unanimous-consent agreement that we begin voting upon the treaty and any reservations or resolutions relating thereto at 4 o'clock this afternoon.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I ask that the proposed unanimous-consent agreement be transcribed at the desk in order that there may be no mistake about it.

Mr. GLASS. Mr. President, meanwhile will the Senator yield to me to present petitions by various women's organizations, church, and other societies in favor of the Kellogg peace pact?

Mr. BORAH. Certainly.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. GLASS. Mr. President, while I am on my feet, and in connection with this particular matter, I may say that I intend to vote for the peace pact; but I am not willing that anybody in Virginia shall think that I am simple enough to suppose that it is worth a postage stamp in the direction of accomplishing permanent international peace.

I think we are about to renounce something as a national policy which no nation on earth for 150 years has ever proclaimed as a national policy. Those who are familiar with the period must know that not even Napoleon was ever willing to concede that war was the national policy of his empire. In fact he rarely ever, if ever—except at Waterloo, when time with him was the deciding factor—went into a great battle without first importuning the adversary monarch against hostilities and begging him to avoid the inevitable sacrifice of life which would be involved in joining battle.

I had purposed speaking on the pact, but when I sat here and reflected that in the 28 years that I have been a Member of one or the other branches of Congress I have never known a speech to change a vote, I decided that I would not encroach upon the time of the Senate or delay the consummation of this great peace pact; yet I am not willing merely to vote and not go into the RECORD as having no confidence whatsoever in the accomplishment of any good by this alleged pact.

I am going to vote for the treaty for the simple reason that I think its defeat will psychologically be a bad thing. I have come to the considered judgment that Mr. Lincoln's most popular aphorism needs amending, wherein he said that "you can not fool all the people all the time." If the word "time" may be applied to an epoch or a period rather than to eternity, I say that all the people all the time for nearly the last 10 years have been fooled. They are going to be fooled now by a so-called peace pact that, in the last analysis, is one of the many devices that have been contrived to solace the awakened conscience of some people who kept the United States out of the League of Nations; and, whether it was so intended or not, it is going to confuse the minds of many good and pious people who think that peace may be secured by polite professions of neighborly and brotherly love.

That did not fool Theodore Roosevelt; it did not fool Henry Cabot Lodge, who for a long period was chairman of the Committee on Foreign Relations; it did not fool great men like Taft, the present Chief Justice; it did not in any respect or degree fool the President elect of the United States. Every one of those men is over and over again on the record in saying that no peace pact between nations will ever amount to a thrip that has not behind it the potential use of the military power of these nations combined.

I agree with that. But I am going to be simple enough, along with the balance of you, to vote for the ratification of this worthless, but perfectly harmless peace treaty.

Mr. JOHNSON. Mr. President, it is not my intention in the slightest degree to take up the time of the Senate now, and I congratulate those who have discussed this question upon reaching finally an accord. I do wish, however, before the vote is taken, to say that I vote for this pact—and I have been for it since its inception—under no delusions at all. I vote for it upon practically the ground that has been suggested in the earlier remarks of the Senator from Virginia [Mr. GLASS] who has just taken his seat.

Mr. President, I remember a critic of the great novelist Henry James who once accused the author of analyzing his characters practically into disintegration, and I believe that this treaty has been analyzed by its proponents practically into disintegration.

Not only that, sir, but when I see, too, that we rely ultimately upon the opinion of mankind when war shall occur, I remember only 12 years ago during the time of the Great War. The first casualty when war comes is truth, and whenever there is a war, and whenever an individual nation seeks to coerce by force of arms another, it always acts, and always insists that it acts, in self-defense.

That being so, it begins what we were so familiar with only a brief period ago, war-time propaganda, whereby its people become war hungry in their patriotism and are lied into a desire to fight. We have seen it in the past; it will happen again in the future. Those in power, governments and statesmen, indeed, through propaganda, will not only fashion, but absolutely control public opinion, and the propaganda will always demonstrate the justice of the cause of the government and the infamy of the nation opposed. I will vote for this pact with a hope, only a hope. I am willing to indulge in any hope that peace may come on earth.

I remember long ago reading Justin McCarthy's If I Were King and seeing Sothern in his inimitable fashion portraying the character of François Villon. I remember certain words that were attributed by Mr. McCarthy to Villon. I dedicate those words to this treaty. Villon said:

> To Messire Noel, named the neat
> By those who love him, I bequeath
> A helmless ship, a houseless street,
> A wordless book, a swordless sheath,
> An hourless clock, a leafless wreath,
> A bed sans sheet, a board sans meat,
> A bell sans tongue, a saw sans teeth,
> To make his nothingness complete.

Mr. BORAH. Mr. President, in view of the discussion which has just taken place I want to say a word. I should like to express my sincere views in a very brief way as to what I think of the treaty.

When we come to analyze this treaty, and to consider what the treaty is and what is behind it, and compare it with what is in other treaties for peace and what is behind other treaties, why should this treaty be considered as impractical or as an ideal beyond the power of men and women to attain? Why should a treaty renouncing war and pledging nations to the settlement of their controversies through pacific means be regarded as without value? Is the obligation in this treaty any less binding than the obligation in any other treaty? Is the honor or the good faith of the nations signatory to this treaty any less binding than the honor and the good faith of the nations signatory to any other treaty? If I understand international affairs, there is nothing behind any treaty save the honor and the good faith of the nations signing the treaty. They all rest upon the honor and the faith of the nations, and nothing more.

Sir Austen Chamberlain said at Geneva a few months ago, at a time when he was discussing a treaty which provided for the use of force, "Do what we will, we must depend at last upon the plighted word."

We may talk about treaties providing for war, and providing for the use of armies and navies, and for economic boycotts, but there is at last nothing behind any of those treaties except the honor and the good faith of the nations signing them.

There is just the same honor, the same binding obligation, and the same good faith behind an agreement not to go to war under any circumstances that there is behind an agreement to go to war under certain circumstances. Let us take an illustration. Suppose we have a treaty which provides for an economic boycott, and suppose the conditions upon which the boycott is to be laid have arisen, and suppose the time has come when we are to lay the economic boycott, and the nations refuse to go along. What is to be done about it? How is the treaty to be enforced? There is nothing behind it except that which is behind this treaty; that is, the honor of the nations signing the treaty.

Suppose there is a treaty providing for the use of an army or a navy, for the use of force, for the purpose of punishing another nation, and the time comes when those parties to the treaty are to punish the other nation, but the nations having signed refuse to go along, do not deem it to their welfare to go along. What is to be done about it? There is nothing, in the last analysis, except what there is behind this treaty; that is, the honor and good faith of the nations signing the treaty.

It has been intimated that it is easier to mobilize the passions for war, and is easier to direct the passions for conflict, than it is to mobilize the passions for peace or the passions for adjustment. I challenge the proposition. I say that the most searching, universal, and profound passion in the human breast to-day is the passion for peace, and if it is organized and directed as we organize and direct the passion for war, it will dominate and control in international affairs, and the great object and pur-

pose of this treaty is to organize the peace forces, to organize the moral influences, in behalf of adjustment of difficulties without conflict. Its great purpose is to let the peace machinery of all peace plans work—to utilize the everlasting real aspiration of the human family.

Mr. President, it is said there is no security in this treaty, that there is no safety in it, that people are signing with their tongues in their cheeks. For decades and decades nations and people have been persistently and pathetically pleading for security, for safety, for some kind of understanding which would give them security; and they are entitled to it. Particularly has that been the problem since the World War. Fear and distrust and suspicion and hatred have tortured and tormented the human family long enough. They are entitled to the security for which they plead. But how are they to get security? How are they to get protection?

I do not hesitate to say that a scheme which undertakes to build security upon international force is a mad delusion. Any such scheme carries within itself the seeds of its own destruction. Nothing could better illustrate this than the happenings of a few months ago at the Geneva assembly. The Premier of the British Government, speaking on behalf of his Government, declared that the British Government could not and would not undertake to go further in extending that kind of security to foreign governments, that it would not undertake to go further in furnishing an army or a navy or giving the protection of its strong and mighty arm, and in effect he declared that to do so would imperil the existence of the British Empire itself.

To those who believe that security can be based upon international force I say, here is the fatal weakness. No responsible government will undertake to give an unlimited promise for the use of its fortunes and its people, no responsible government will undertake to pledge its army and its navy to another power, except upon the theory that it is necessary to its own immediate protection and defense.

When we pass outside of a certain range, a certain territory, or a certain latitude, no government will undertake to pledge security beyond that limitation. The result is that when we are building security upon force, we break the world up into groups and alliances and balances of power which in themselves breed distrust and suspicion, and, at last, hatred and war. This scheme brings into existence the very conditions which inevitably breed war.

Mr. President, that has been the history of Europe for these thousand years, and what is happening in Europe to-day? They are seeking security, based upon international force, by building up new groups and new alliances and new balances of power, and a whole continent is again being saturated with suspicion and distrust.

It is one thing to pledge the nations of the earth to peaceable adjustment, but it is a wholly different thing to pledge the lives and the fortunes of the people of a nation on the other side of the world.

Mr. GLASS. Mr. President, does not the Senator know—I assume that he has forgotten, however—that this Nation right now, without limitation, has made that very pledge to Japan, to maintain its territorial integrity and to enforce its rights in the Pacific? I refer to the 4-power pact.

Mr. BRUCE. Mr. President, may I remind the Senator from Virginia also of the Locarno-Rhine pact, in which England has pledged her entire power to guarantee France and Germany from invasion?

Mr. BORAH. Exactly; a fine illustration, a beautiful illustration. Great Britain was perfectly willing to pledge security against the western frontier and upon the western problems, but when they undertook to extend it to a controversy upon the eastern side, Great Britain in effect said, No, that is beyond what we think is necessary to our protection and our security. We will not extend our guarantee beyond our own immediate interests. That is a beautiful illustration. That is a complete example that such a scheme breaks the world up into groups and groups deluge the world with distrust and finally engender war.

Mr. GLASS. But the Senator knows that England is in honor bound to maintain the territorial integrity of all Japanese possessions in the Pacific Ocean and to enforce its rights, and so is the United States.

Mr. BORAH. Precisely, Mr. President. England is bound because her possessions and her interests in China are equal to those of Japan. She is simply entering into a combination for the purpose, I say again, of protecting her interests. But these nations will not go beyond what they conceive to be the immediate protection of their own interests. The last 10 years proves that beyond peradventure. As to the United States, it has not guaranteed any territory for Japan.

Mr. BRUCE. Have not Great Britain and Italy guaranteed Germany against invasion and France against invasion, the two powers in the world that are most likely to come into conflict?

Mr. BORAH. Precisely; and because they have limited it to a controversy that may arise upon the western side of Germany or the western frontier. Great Britain refused to incorporate the eastern frontier in her pledge.

Mr. GLASS. I am not talking about Great Britain.

Mr. BORAH. The Senator from Maryland was.

Mr. GLASS. I am talking about this Government of ours. I say that under the 4-power pact the United States has pledged its honor, its Army, its navies, and every power that it may exert to guarantee the territorial integrity and to maintain the rights of Japan in the Pacific Ocean.

Mr. BORAH. No; the Senator is mistaken.

Mr. GLASS. No; I am not. I have the treaty right here now.

Mr. BORAH. Has the Senator the reservation? The reservation says that this treaty does not bind us to use force or commit us to the use of force in the carrying out of the 4-power pact.

Mr. GLASS. I do not note any reservation whatsoever. There may be a reservation, but it is a reservation somewhat like the Senator's report from the Foreign Relations Committee, that will have no application to the treaty itself. Here is the plain text of the treaty, and I will read it to the Senator.

Mr. BORAH. I am perfectly familiar with it.

Mr. GLASS. The Senator seems to have forgotten it.

Mr. BORAH. No; I have not forgotten it at all. If the Senator will read the reservation, he will find it is exactly in accord with what I have stated.

Mr. GLASS. I do not discover any reservation here. My recollection is there was no reservation.

Mr. BORAH. Yes; there was a reservation. The Senator has overlooked it.

Mr. SHIPSTEAD. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. Certainly.

Mr. SHIPSTEAD. Was the reservation in the form of an interpretative note?

Mr. BORAH. No; it was adopted here by the Senate.

Mr. SHIPSTEAD. As a resolution of the Senate?

Mr. BORAH. Yes; as a resolution of the Senate.

Mr. President, it has been suggested that we close debate and vote. I feel that by reason of an understanding I must not go further with this debate.

Mr. HEFLIN. Mr. President, let me suggest to the Senator that the hour of 4 o'clock was suggested in his unanimous-consent request, but it is now 4.05, so he had better make it 4.10. [Laughter.]

Mr. BORAH. Mr. President, I now file the report of the committee. I ask to have read the first article in the treaty.

Mr. HARRISON. Mr. President, may I ask the Senator from Idaho whether it was a part of the agreement that the report was not to be read?

Mr. BORAH. Oh, no.

Mr. HARRISON. Or was to be read?

Mr. BORAH. Oh, no.

Mr. HARRISON. There was no understanding about that?

Mr. BORAH. No. It can be read if anyone desires to have it read.

Mr. McKELLAR. Mr. President, let the report be read.

Mr. SWANSON. Mr. President, have we reached an agreement as to the time we shall vote?

The VICE PRESIDENT. No agreement has been reached.

Mr. HEFLIN. I think that ought to be done.

Mr. BORAH. I ask that we vote not later than 20 minutes after 4 o'clock upon the ratification resolution and any reservation connected therewith.

Mr. REED of Missouri. Mr. President, I take it there will be no question that the report of the committee would be printed in the ordinary way. I would like to have it printed in the RECORD.

Mr. McKELLAR. I would like to have it read.

Mr. HEFLIN. Let us have a time fixed to vote.

Mr. BORAH. I was going to ask that we agree upon a time to vote.

Mr. REED of Missouri. I want to say that I have seen the substance of what will be presented in the report. I presume it will be read, of course, to the Senate. So far as I am concerned I am content with the suggestion made by the Senator from Idaho.

Mr. BORAH. Mr. President, I ask unanimous consent that we may vote at not later than 4 o'clock and 20 minutes p. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so agreed. The clerk will read the report.

The Chief Clerk read as follows:

[Ex. Rept. No. 1, 70th Cong., 2d sess.]

Mr. BORAH, from the Committee on Foreign Relations, submitted the following report:

"Your Committee on Foreign Relations reports favorably the treaty signed at Paris, August 27, 1928, popularly called the multilateral or Kellogg-Briand treaty. The two articles in this treaty are as follows:

"'ARTICLE I. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"'ART. II. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.'

"The treaty in brief pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in bona fide self-defense and never to seek settlement of such controversies except through pacific means. It is hoped and believed that the treaty will serve to bring about a sincere effort upon the part of the nations to put aside war and to employ peaceful methods in their dealing with each other.

"The committee reports the above treaty with the understanding that the right of self-defense is in no way curtailed or impaired by the terms or conditions of the treaty. Each nation is free at all times and regardless of the treaty provisions to defend itself, and is the sole judge of what constitutes the right of self-defense and the necessity and extent of the same.

"The United States regards the Monroe doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe doctrine which is a part of our system of national defense. Bearing upon this question and as to the true interpretation of the Monroe doctrine as it has always been maintained and interpreted by the United States, we incorporate the following:

"'We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.' (President Monroe's message, December 2, 1823.)

"'The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.' (Message of President Cleveland, December 17, 1895.)

"'The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. * * * Since the Monroe doctrine is a declaration based upon this Nation's right of self-protection it can not be transmuted into a joint or common declaration by American States, or any number of them.

"'It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers "without endangering our peace and happiness"; that "the United States can not behold such interposition in any form with indifference."' (Hon. Elihu Root, July 1914.)

"'There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being; therefore, whenever it oversteps the principle of self-defense, reasonably interpreted, the right disappears and the policy is questionable, because it then violates the rights of others. * * * The Monroe doctrine is based upon the right of self-defense. This is the first law of nations, as of individuals.' (Prof. Theodore Woolsey, June, 1914.)

"The committee further understands that the treaty does not provide sanctions, express or implied. Should any signatory to the treaty or any nation adhering to the treaty violate the terms of the same, there is no obligation or commitment, express or implied, upon the part of any of the other signers of the treaty to engage in punitive or coercive measures as against the nation violating the treaty. The effect of the violation of the treaty is to relieve the other signers of the treaty from any obligation under it with the nation thus violating the same.

"In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it. It is a voluntary pledge upon the part of each nation that it will not have recourse to war except in self-defense, and that it will not seek settlement of its international controversies except through pacific means. And if a nation sees proper to disregard the treaty and violate the same, the effect of such action is to take it from under the benefits of the treaty and to relieve the other nations from any treaty relationship with the said power.

"This treaty in no respect changes or qualifies our present position or relation to any pact or treaty existing between other nations or governments.

"This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty, and not in any sense for the purpose or with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same."

Mr. BORAH. Mr. President, I ask that we now proceed with the consideration of the first article of the treaty.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. HARRISON. Mr. President, may I ask the Senator from Idaho [Mr. BORAH], while he is on his feet, now that all elements have reconciled their differences and everybody is for the treaty, has the State Department any objection to the report of the committee being adopted? I judge from what the Senator from Idaho said in his speech the other day that the State Department had no objection to the filing of the report, but would object to its adoption.

Mr. BORAH. Mr. President, I am proceeding on my own responsibility.

Mr. HARRISON. Then the Senator from Idaho does not know how the State Department feels about it?

Mr. BORAH. I repeat, I am proceeding on my own responsibility.

Mr. HARRISON. I find myself trying to follow the Senator from Idaho and the State Department, but with one going one way and the other going the other way, I am lost.

Mr. BORAH. If the Senator from Mississippi will follow me, he will be all right. [Laughter.]

Mr. HARRISON. I shall do that.

The VICE PRESIDENT. The treaty is before the Senate as in Committee of the Whole. The clerk will read the first article of the treaty.

The Chief Clerk read the first article of the treaty, as follows:

ARTICLE I

The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Mr. BORAH. A parliamentary inquiry, Mr. President. Is it necessary to take a yea-and-nay vote upon the separate articles of the treaty?

The VICE PRESIDENT. It is not necessary to have a yea-and-nay vote until the question comes on the ratification of the treaty. The question now is on agreeing to Article I of the treaty. Without objection, it is agreed to.

Article 2 of the treaty will now be read.

The Chief Clerk read article 2 of the treaty, as follows:

ARTICLE II

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

The VICE PRESIDENT. The question is on agreeing to article 2 of the treaty. Without objection, it is agreed to. The Chief Clerk will now read article 3 of the treaty.

The Chief Clerk read article 3 of the treaty, as follows:

ARTICLE III

The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other powers of the world. Every instrument evidencing the adherence of a power shall be deposited at Washington and the treaty shall immediately upon such deposit become effective

as between the power thus adhering and the other powers parties hereto.

It shall be the duty of the Government of the United States to furnish each government named in the preamble and every government subsequently adhering to this treaty with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such governments immediately upon the deposit with it of each instrument of ratification or adherence.

The VICE PRESIDENT. Without objection, article 3 of the treaty is agreed to. If there are no amendments to be offered, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The Chief Clerk will read the resolution of ratification.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, Seventieth Congress, second session, a multilateral treaty for renunciation of war, signed in Paris August 27, 1928.

Mr. BORAH. I ask for the yeas and nays on the adoption of the resolution of ratification.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. JONES (when Mr. EDGE's name was called). The senior Senator from New Jersey [Mr. EDGE] is necessarily absent. If present, he would vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Chamber on account of illness. If he were present, he would vote "yea."

Mr. BINGHAM (when Mr. MCLEAN's name was called). If the senior Senator from Connecticut [Mr. MCLEAN] were present, he would vote "yea." He is detained at home on account of illness.

Mr. McKELLAR (when Mr. TYSON's name was called). My colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably detained at home on account of illness. If he were present, he would vote "yea."

Mr. ROBINSON of Indiana (when Mr. WATSON's name was called). My colleague the senior Senator from Indiana is detained from the Senate on account of illness. If he were present, he would vote "yea."

The roll call was concluded.

Mr. SWANSON. I desire to state that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Nevada [Mr. PITTMAN] are unavoidably detained from the Senate, and the Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. If these Senators were present, they would vote "yea."

The roll call resulted—yeas 85, nays 1, as follows:

YEAS—85

Ashurst	Fletcher	Larrazolo	Shipstead
Barkley	Frazier	McKellar	Shortridge
Bayard	George	McMaster	Simmons
Bingham	Gerry	McNary	Smoot
Black	Gillett	Mayfield	Steck
Blease	Glass	Metcalf	Steiwer
Borah	Glenn	Moses	Stephens
Bratton	Gould	Neely	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Broussard	Hale	Norris	Thomas, Okla.
Bruce	Harris	Nye	Trammell
Burton	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Mo.	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ind.	Wheeler
Dill	Keyes	Sackett	
Edwards	King	Schall	
Fess	La Follette	Sheppard	

NAYS—1

Blaine

NOT VOTING—9

Edge	McLean	Robinson, Ark.	Tyson
Goff	Pittman	Smith	Watson
Howell			

The VICE PRESIDENT. The yeas are 85, the nays are 1. Two-thirds of the Senators present having voted in the affirmative, the resolution is agreed to and the treaty is ratified.

Mr. BROOKHART. Mr. President, at this moment I desire to call attention to the fact that the Union of Soviet Socialist Republics and the United States of America are the only two nations that have ratified this treaty and are parties to it, and I hope these two great revolutionary countries will now proceed to outlaw war throughout the world.

CONSTRUCTION OF CRUISERS

Mr. CURTIS. I now move that the Senate resume the consideration of legislative business.

The motion was agreed to.

Mr. HALE. Mr. President, a parliamentary inquiry. May I inquire what is the business now before the Senate?

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The CHIEF CLERK. The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SWANSON. Mr. President, I give notice that to-morrow morning when the unfinished business shall be laid before the Senate I will address the Senate in behalf of the pending measure, known as the cruiser bill.

O'FALLON RAILWAY VALUATION CASE

Mr. SHIPSTEAD. Mr. President, on yesterday the Senate, while considering the calendar, Senate Concurrent Resolution 31, being Calendar No. 1457, was passed over on account of objection made to it by the Senator from Utah [Mr. SMOOT]. The Senator from Utah has now expressed a desire to withdraw his objection, provided certain amendments shall be made. In view of the numerous requests which have been made for printed copies of the record and of the briefs filed in the so-called O'Fallon Railway case, which is now before the Supreme Court, I ask unanimous consent that Senate Concurrent Resolution 31 be given immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I understand that the Senator from Minnesota asks unanimous consent for the consideration of the resolution to which he has referred with the distinct understanding that the words "and binding" shall be stricken out.

Mr. SHIPSTEAD. Certainly.

Mr. BRUCE. Mr. President, I, too, want to have an understanding, and I wish to ask the Senator a question. As I understand, I have the right to object if I choose. Is the consideration of the concurrent resolution going to lead to any discussion? If it does, I am going to object.

Mr. SHIPSTEAD. I do not think it will lead to any discussion.

Mr. BRUCE. If we are going to take it up and pass it without debate, very well.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Maryland that on a previous occasion we had the question up and obtained unanimous consent to print the briefs and record in the O'Fallon Railway case. It was found, however, that under the rules of the Senate the cost of the printing would be greater than was allowed, and so it became necessary to provide for the printing by a concurrent resolution instead of a Senate resolution.

Mr. BRUCE. I have no objection to having the concurrent resolution considered and adopted if there is no objection and it will not lead to debate.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Maryland will not object. It is a very important case, and there are many demands for copies of the document proposed to be printed.

Mr. BRUCE. I withdraw my objection.

Mr. BLEASE. Mr. President, I object to the consideration of the concurrent resolution.

The VICE PRESIDENT. Objection is made to the consideration of the resolution.

Mr. NORRIS. Mr. President, the Senator from Maryland withdrew his objection.

The VICE PRESIDENT. Objection is made by the Senator from South Carolina [Mr. BLEASE].

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 16, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by Senate January 15 (legislative day of January 14), 1929

TREASURER OF THE UNITED STATES

Walter O. Woods, of Kansas, to be Treasurer of the United States in place of H. Theodore Tate now serving under temporary commission.

POSTMASTERS

CONNECTICUT

Walter H. DeForest to be postmaster at Derby, Conn., in place of W. H. DeForest. Incumbent's commission expires January 22, 1929.

John F. Egan to be postmaster at Lakeville, Conn., in place of J. F. Egan. Incumbent's commission expires January 22, 1929.

Anna T. Harding to be postmaster as Rockyhill, Conn., in place of A. T. Harding. Incumbent's commission expires January 22, 1929.

Frank H. Northrop to be postmaster at Saugatuck, Conn., in place of J. V. Serena, removed.

Erle Rogers to be postmaster at Windsor, Conn., in place of Erle Rogers. Incumbent's commission expires January 22, 1929.

GEORGIA

Charles P. Graddick to be postmaster at Barnesville, Ga., in place of C. P. Graddick. Incumbent's commission expires January 22, 1929.

Floyd P. Jones to be postmaster at Leslie, Ga., in place of F. P. Jones. Incumbent's commission expired December 20, 1928.

HAWAII

Thomas E. Longstreth to be postmaster at Lihue, Hawaii, in place of T. E. Longstreth. Incumbent's commission expires January 22, 1929.

ILLINOIS

William Hayes to be postmaster at Ogden, Ill., in place of William McKinley, resigned.

Daniel Reeder to be postmaster at Payson, Ill., in place of E. K. Maher, removed.

Paul A. Witte to be postmaster at St. Peter, Ill., in place of P. A. Witte. Incumbent's commission expires January 21, 1929.

INDIANA

James J. Speck to be postmaster at Greentown, Ind., in place of J. J. Speck. Incumbent's commission expires January 22, 1929.

Elmer E. Eggemeyer to be postmaster at Richmond, Ind., in place of R. H. Weisbrod, resigned.

IOWA

Leslie E. Kislingbury to be postmaster at Alta, Iowa, in place of L. E. Kislingbury. Incumbent's commission expires January 22, 1929.

George H. Falb to be postmaster at Elgin, Iowa, in place of G. H. Falb. Incumbent's commission expires January 22, 1929.

KANSAS

August Bernasky to be postmaster at Ingalls, Kans., in place of August Bernasky. Incumbent's commission expires January 22, 1929.

Ulysses E. Van Dyke to be postmaster at Woodston, Kans., in place of U. E. Van Dyke. Incumbent's commission expires January 22, 1929.

LOUISIANA

Norris F. Jones to be postmaster at Good Pine, La., in place of H. S. Adams, resigned.

MAINE

Edna McGuire to be postmaster at Lucerne in Maine, Me. Office became presidential July 1, 1928.

MARYLAND

Daniel W. Babcock to be postmaster at Berlin, Md., in place of D. W. Babcock. Incumbent's commission expires January 22, 1929.

Helen G. Rawlings to be postmaster at Rising Sun, Md., in place of H. G. Rawlings. Incumbent's commission expires January 22, 1929.

Victor R. Mumma to be postmaster at Sharpsburg, Md., in place of V. R. Mumma. Incumbent's commission expires January 22, 1929.

Luther B. Miller to be postmaster at Williamsport, Md., in place of L. B. Miller. Incumbent's commission expires January 22, 1929.

MISSOURI

Dorsey F. Waggoner to be postmaster at Brownington, Mo., in place of D. F. Waggoner. Incumbent's commission expires January 21, 1929.

Ray Streeter to be postmaster at Sturgeon, Mo., in place of Ray Streeter. Incumbent's commission expires January 21, 1929.

NEBRASKA

Henry C. Blome to be postmaster at Dalton, Nebr., in place of H. C. Blome. Incumbent's commission expired December 19, 1927.

Willis I. Stebbins to be postmaster at Gothenburg, Nebr., in place of W. I. Stebbins. Incumbent's commission expires January 21, 1929.

Charles H. Kuhns to be postmaster at Maxwell, Nebr., in place of C. H. Kuhns. Incumbent's commission expires January 22, 1929.

John A. Gibson to be postmaster at Mullen, Nebr., in place of J. A. Gibson. Incumbent's commission expires January 22, 1929.

NEVADA

Katie O'Connor to be postmaster at Virginia City, Nev., in place of Katie O'Connor. Incumbent's commission expired January 14, 1929.

NEW JERSEY

Preston Pedrick to be postmaster at Pedricktown, N. J., in place of Preston Pedrick. Incumbent's commission expires January 22, 1929.

OKLAHOMA

Ella M. Harding to be postmaster at Pryor, Okla., in place of E. M. Harding. Incumbent's commission expired January 10, 1929.

PENNSYLVANIA

Lillian K. Strong to be postmaster at Columbia Cross Roads, Pa., in place of L. K. Strong. Incumbent's commission expired January 13, 1929.

Paul J. Kessler to be postmaster at Gilberton, Pa., in place of P. J. Kessler. Incumbent's commission expires January 21, 1929.

Charles J. Levegood to be postmaster at Jersey Shore, Pa., in place of C. J. Levegood. Incumbent's commission expires January 22, 1929.

Louis S. Bisky to be postmaster at Meshoppen, Pa., in place of L. S. Bisky. Incumbent's commission expires January 22, 1929.

William S. Livengood to be postmaster at Meyersdale, Pa., in place of W. S. Livengood. Incumbent's commission expires January 22, 1929.

Ross A. Harclerode to be postmaster at Windber, Pa., in place of D. J. Moore. Incumbent's commission expired April 3, 1928.

SOUTH CAROLINA

Richard B. Poore to be postmaster at Belton, S. C., in place of R. B. Poore. Incumbent's commission expires January 22, 1929.

VIRGINIA

Benjamin T. Culbertson to be postmaster at Dungannon, Va., in place of B. T. Culbertson. Incumbent's commission expires January 23, 1929.

Charles E. Black to be postmaster at Fordwick, Va., in place of C. E. Black. Incumbent's commission expires January 23, 1929.

Wilbert D. R. Proffitt to be postmaster at Highland Springs, Va., in place of W. D. R. Proffitt. Incumbent's commission expires January 22, 1929.

John W. Taliaferro to be postmaster at Mount Solon, Va., in place of J. W. Taliaferro. Incumbent's commission expires January 22, 1929.

John A. Johnston to be postmaster at Petersburg, Va., in place of J. A. Johnston. Incumbent's commission expires January 22, 1929.

George W. Robinson to be postmaster at Raven, Va., in place of G. W. Robinson. Incumbent's commission expires January 23, 1929.

Helen T. Munt to be postmaster at Surry, Va., in place of H. T. Munt. Incumbent's commission expires January 22, 1929.

Fannie Moore to be postmaster at Vinton, Va., in place of Fannie Moore. Incumbent's commission expires January 22, 1929.

WISCONSIN

Eugene S. Tradewell to be postmaster at Antigo, Wis., in place of E. S. Tradewell. Incumbent's commission expires January 22, 1929.

James A. Watson to be postmaster at Chippewa Falls, Wis., in place of E. R. Nickel, removed.

Miles M. Shepard to be postmaster at De Pere, Wis., in place of M. M. Shepard. Incumbent's commission expires January 22, 1929.

Herbert B. Linde to be postmaster at East Troy, Wis., in place of H. B. Linde. Incumbent's commission expires January 22, 1929.

Thomas A. Watson to be postmaster at Fond du Lac, Wis., in place of E. C. Kraemer, deceased.

Marie D. Host to be postmaster at Lake Geneva, Wis., in place of M. D. Host. Incumbent's commission expires January 22, 1929.

Edward W. LeRoy to be postmaster at Marinette, Wis., in place of E. W. LeRoy. Incumbent's commission expires January 22, 1929.

James J. Stoveken to be postmaster at Pembine, Wis., in place of J. J. Stoveken. Incumbent's commission expires January 22, 1929.

George F. Fiedler to be postmaster at Seymour, Wis., in place of G. F. Fiedler. Incumbent's commission expires January 22, 1929.

Magnus Magnusson to be postmaster at Washington Island, Wis., in place of Magnus Magnusson. Incumbent's commission expires January 22, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 15 (legislative day of January 14), 1929

TREASURER OF THE UNITED STATES

Walter O. Woods to be Treasurer of the United States.

UNITED STATES JUDGE, DISTRICT OF ALASKA, DIVISION No. 1

Justin W. Harding to be United States judge, District of Alaska, division No. 1.

UNITED STATES ATTORNEY

Levi H. Bancroft to be United States attorney, eastern district of Wisconsin.

UNITED STATES MARSHALS

Howard C. Arnold to be United States marshal, district of Rhode Island.

Charles A. Smith to be United States marshal, northern district of Indiana.

POSTMASTERS

ALABAMA

Charles W. Horn, Brantley.

CONNECTICUT

Albert N. Colgrove, Waterbury.

FLORIDA

Blanche B. Perry, Jennings.

GEORGIA

Charles P. Graddick, Barnesville.

IDAHO

Homer W. Woodall, Soda Springs.

MAINE

Charles E. Sherman, Boothbay Harbor.
Ernest A. Fogg, Livermore Falls.
Virgil A. Linnell, Rumford.
George G. Winters, Strong.

MICHIGAN

Myrtle G. Lewis, Burr Oak.
Harry G. Buck, Carleton.
Frank A. Cole, Grass Lake.
Edgar Rashleigh, Houghton.
Peter Trudell, jr., Negaunee.
Hattie G. Jones, Oxford.

MISSISSIPPI

Annie D. McLelland, Newton.

NORTH DAKOTA

John W. Jeffery, Wales.

OHIO

Clyde A. Wilcox, Bethesda.
Alice Hastings, Lagrange.
Russell C. Niles, West Milton.

PENNSYLVANIA

Norman H. Koch, Weatherly.
Boies M. Boyer, Weissport.

UTAH

Cora E. Paxton, Lynndyl.

WITHDRAWALS

Executive nominations withdrawn January 15 (legislative day of January 14), 1929

TREASURER OF THE UNITED STATES

H. Theodore Tate, of Tennessee, to be Treasurer of the United States.

POSTMASTER

Robert Kirkpatrick, to be postmaster at Folcroft, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 15, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Because of human frailty, our loving Father, we speak Thy name with faltering lips. All about us are the myriad forms of life and power. We no longer tremble before these mysteries of the material world. All in vain shall we find Thee here. Do Thou enable us to see more than matter. There is nothing greater in all the world than the soul of man! Oh, deal with us according to Thy will and wisdom. Give what is best; still the sigh and awaken the song. Among the shadows of the transient may we most reverently realize the permanent, to which we are eternally allied. We thank Thee for the imperishable certainties that sing on forever. Thy holy name, which is forever chanted through the heavenly spheres; may its voice continue to foretell the morning of earth's fairest day. Through Jesus Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age.

H. R. 8859. An act for the relief of Edna E. Snably.

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1640. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.;

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska;

S. 5060. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929;

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1320. An act for the relief of James W. Pringle; and

H. R. 11859. An act for the relief of B. C. Miller.

The message also announced that the Vice President had appointed Mr. MOSES and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

The message also announced that the Vice President had appointed Mr. HALE and Mr. SWANSON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments" for the disposition of useless papers in the Navy Department.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. BANKHEAD. Mr. Speaker, there is a very important matter coming up from the Committee on Rules, and I think we ought to have a quorum present. Therefore I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Ackerman	Dickstein	Kunz	Reed, Ark.
Aldrich	Douglass, Mass.	Kurtz	Schafer
Allgood	Doutrich	Lehlbach	Sears, Fla.
Anthony	Doyle	Lindsay	Seger
Auf der Heide	Drewry	Linthicum	Sirovich
Bell	Eaton	Lozier	Speaks
Black, N. Y.	Fitzgerald, Roy G.	Lyon	Stedman
Blanton	Fletcher	McClintic	Strother
Boies	Fort	McCormack	Sullivan
Bowles	Free	McFadden	Summers, Wash.
Brigham	Fulmer	McSwain	Sumners, Tex.
Britten	Gasque	McSweeney	Tatgenhorst
Burtness	Gibson	Maas	Taylor, Tenn.
Bushong	Golder	Michaelson	Temple
Canfield	Griest	Moore, Ky.	Thompson
Carley	Hammer	Moore, N. J.	Tillman
Chase	Hoffman	O'Connor, N. Y.	Underwood
Cochran, Pa.	Houston	Palmer	Updike
Cole, Md.	Hull, William E.	Palmisano	Weaver
Combs	Igoe	Peavey	Welch, Calif.
Connolly, Pa.	Jacobstein	Prall	White, Colo.
Crail	Jenkins	Pratt	White, Kans.
Curry	Kent	Purnell	Wilson, Miss.
Davenport	Kiess	Quayle	Wolverton
Davey	Kindred	Rainey	Yates
Dempsey	King	Ransley	

The SPEAKER. Three hundred and twenty-five Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan is recognized for five minutes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend that 5 minutes to 10 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

STEPHEN T. MATHER AND THE NATIONAL PARKS

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, word has been carried to the country that Stephen T. Mather, the first Director of the National Park Service, has, by reason of serious ill health, been obliged to resign that position, and his successor has been appointed and taken office. That word has caused the greatest of regret on the part of every Member of this House, just as it has in the hearts of nature lovers throughout this country.

My contact with him through my committee work has been of the closest nature in the last eight or nine years, and I have felt that expression should be given here, even in my humble way, in recognition of his outstanding services to the country as the head and the inspiration of the National Park Service. [Applause.]

For many years the national parks that had been set apart for the preservation of outstanding scenic areas were administered in a most desultory way. In 1915 Franklin K. Lane, a great Secretary of the Interior, demonstrated that capacity, greatness, and breadth of view when he disregarded party lines and appointed Stephen T. Mather, not of his party, as the head of the newly created Park Service. Disregarding party considerations and party lines, Secretary Lane selected wisely the head of the newly created National Park Service.

In 1915 Secretary Lane had brought Mr. Mather to Washington by appointment as assistant to the Secretary. At that time the administration of the national parks was chiefly by the Army, but in so far as there was any jurisdiction in the Interior Department it was brought together under Mr. Mather. His chief aide and legal adviser was Horace M. Albright, who had come to Washington for the purpose of following up his college work by researches in mining and land law and became an assistant attorney in the Interior Department, dealing chiefly with national-park matters.

Stephen T. Mather is a native of California, a graduate of the University of California, whose postgraduate work was on the staff of the New York Sun from 1887 to 1893. In 1894 he became interested in the borax industry, where the fortune was accumulated which he has drawn upon so lavishly for the public good.

Up to 1915 he had been actively engaged in the administration of his business interests, but this did not prevent him from realizing the importance of outdoor recreation; and as a member of the Sierra Club he explored the mountains of California and came in touch with many conservationists of note. Under Mr. Mather's efficient leadership the national-park work was coordinated and expanded, and in a year and a half legislation had been secured creating the National Park Service as a separate bureau of the Department of the Interior. Several months later, when funds became available for actually establishing the bureau, Mr. Mather was appointed its first director.

In the days of struggle before the creation of the bureau and for many years afterwards when funds for civilian bureaus were necessarily limited because of war and postwar expenses, Mr. Mather gave freely of his personal funds in many ways for the benefit of the national-park system. In one park a road was purchased with private funds raised through his efforts and largely with his own personal funds. In another, land for an administration site was purchased by him and donated to the Government. He spent thousands of dollars of his private fortune in the purchase of private lands within the parks, and by his example and through his untiring efforts secured many thousands more from other private sources. Just how much he has spent in helping the people of America to enjoy their national parks will never be known, for he has been very reticent about this; but the sum that is known is an impressive one.

By no means the least factor in Mr. Mather's success in coordinating, administering, and developing the national-park system has been his uncanny ability to pick the right man for a particular job; and the loyalty to the cause, as represented by the chief, has caused many a park superintendent and other officer to give up opportunities for larger financial returns to stick to the "park game," as they call it. Working under Mr. Mather has been a game in the truest sense of the word.

I have in my service of many years on the Committee on Appropriations come into rather close contact with many branches of the Government service in Washington and in the field, and nowhere have I seen such uniform devotion to the highest ideals of service to the country, such unselfish teamwork, such an esprit de corps as in the National Park Service as organized and built up under Stephen T. Mather.

Since Mr. Mather took charge of the national park system seven new national parks have been created, as follows: Hawaii, Lassen Volcanic, Mount McKinley, Lafayette, Grand Canyon,

Zion, and Bryce Canyon. Another one, the Rocky Mountain, was established several days after his appointment, but all the preliminary work on this project had been completed before he joined the Government. During his administration two other eastern projects, those for the establishment of the Shenandoah and Great Smoky Mountains National Parks, have received the approval of Congress, and their actual establishment undoubtedly will be only a matter of time. Park travel showed a mighty increase during his incumbency. During the 1915 travel year a total of only 334,799 visited the parks, while during the season ended September 30, 1928, the number of visitors to the national parks amounted to 2,522,188, with 502,656 more visiting the national monuments.

Confidence in Mr. Mather's administration led private individuals and corporations to invest huge sums in the installation of public utilities in the major parks. It is doubtful if any other man in the critical early days of the service could have obtained quite the same satisfactory results. Sufficient credit is not given to the public-spirited men who have organized and developed the needed utilities for the parks.

As Director of the National Park Service of the Interior Department Mr. Mather was also a member of the National Capital Park and Planning Commission. He was also the representative of the Department of the Interior on the Coordinating Commission on National Parks and Forests, appointed by the President's committee on outdoor recreation for the purpose of considering proposed adjustments of national park and forest boundaries. He is now chairman of the National Conference on State Parks, an organization established through his personal efforts to urge upon our Governments, local and national, the desirability of acquiring land and water areas suitable for recreation and the preservation of wild life.

In 1926 he was awarded the gold medal of the National Institute of Social Sciences for his services to the Nation in the development and administration of the national parks throughout the country. The University of California, from which he graduated in 1887, in 1924 conferred upon him the honorary degree of doctor of laws, and he was the recipient of several other honorary degrees.

In December, 1921, hearings were held on the first Interior Department appropriation bill, all the appropriations for all the activities of that department in Washington and elsewhere being then for the first time, under the operation of the newly adopted Budget system, brought into one bill. Before that I had been in contact with the work of the National Park Service in a general way and through visits to some of the parks. Since that time my contact with the National Park Service and with the labors of Stephen T. Mather as its chief and inspiration have been close. My contact with him has been intimate, and as a natural consequence my confidence in him and my admiration for his work has become unlimited, as his wonderful personality and splendid ideals have won me and inspired me as they have all with whom he has come in contact. The opportunity given me by my committee work to cooperate with him has been one of the privileges and greatest pleasures of my congressional career.

In the early days of his administration the appropriations were small and sometimes contested before Congress, but in the latter days no request that has come to Congress from the Park Service has been denied by Congress, and frequently appropriations for the acceleration of his program have been granted that were not requested but were indorsed by the Park Service. In the fiscal year 1917 the total appropriations for the National Park Service were $784,566.67. In 1922 they were $1,433,220, in 1929 they are $4,659,700, and the 1930 bill, now pending, carries $7,390,940—very tangible evidence of the confidence of Congress in the leadership and administration of Stephen T. Mather, as well as interest in the work committed to his charge. He won the regard and confidence of our committee primarily in this: He is as careful and economical in the use of public funds as he is generous in the giving of his own.

No one knows how much of his own money has been put into the development of these projects, into the acquisition of timbered areas that were menaced by private development. It is many, many thousands of dollars that he has given of his money, but with that generous use of his own money he has combined the quality of careful economy in the expenditure of the public funds; and these qualities gave him the absolute confidence of our committee and have given him the absolute confidence of the Congress, and thus he has developed the program much more rapidly than otherwise would have been possible.

The preservation of our greatest scenic wonders as national parks and the contact of our people with them under proper condition is bound to affect appreciably and in a desirable way the future of our Nation.

Years ago Thackeray wrote to his daughters of a sunrise:

> Those magnificent spectacles of nature are like personal kindnesses from the Maker to us—and make me feel grateful.

On a former occasion in this House, December 6, 1924, I sought to emphasize the value of this work, saying then:

> These places are being secured to the free public use of all our people for all time to come. The park of other lands and other times was the monopolized exponent of human selfishness, with "keep out" signs facing the multitudes. The American public park idea is unique and its crowning glory is the national-park system. Therein are being enshrined nature's masterpieces, their beauties and wonders to be preserved and protected for the common use of all for all time to come. Whether it be preeminent in the glory of its trees, of a lake of unrivaled blue, of glaciers, of majestic peaks massing one upon another with eternal snow upon them, or one rising in solitary grandeur above a principality, of wild plant and animal life, of waterfalls that thrill and arouse while they subdue, or of eroded chasms and precipices colored by nature with beauty that defies the imagination, whatever it offers to delight the human eye, is offered freely and unselfishly to all alike. Paraphrasing Longfellow, whatever fortune is denied me, "you can not rob me of free nature's grace," and in the Nation's playgrounds and scenic reservations—
>
> You can not bar my constant feet to trace
> The woods and lawns, by living stream, at eve;
> Let health my nerves and finer fibers brace,
> And I their toys to the great children leave;
> Of fancy, reason, virtue, naught can me bereave.
>
> Communion with nature chastens and subdues the ego, it conduces to unselfishness and willingness to serve and sacrifice, it modifies the will to exploit, to monopolize, it clears the vision as to relative values of temporary gain against the eternal.

The act of August 25, 1916, establishing the National Park Service prescribed its duties thus:

> The service thus established shall promote and regulate the use of the Federal area known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

In establishing the Yellowstone National Park in 1872, Congress dedicated that marvelous area and set it apart "as a public park or pleasuring ground for the benefit and enjoyment of the people."

In his sixth annual report as Director of the National Park Service, for 1922, Mr. Mather said:

> The subjugation and utilization of the forces and products of nature by man is the basis of successful economic existence and national development. But is nature untouched, unnecessary, or unwanted in our complicated scheme of living? Are not reserved places of great natural beauty as important in our daily life as those utilized areas that take care of our physical needs? Viewing this question in the light of what may be called business vision or practical common sense, and leaving out sentiment, we have only to point, for our answer, to the strenuous efforts of war-torn and other countries of Europe to reestablish their formerly large tourist trade by advertising their scenic attractions, to appreciate the extent to which the traveling public helps in filling the financial coffers of any country that has scenery of the first class to offer. Surely few of us are not susceptible to the appeal of nature. There is something in the quiet contemplation of natural scenery, and particularly in magnificent examples of the Creator's work, that is elevating, refreshing, restful, and inspiring. It exerts its appeal to the best in us; seeing it makes us better men and women, physically and mentally and spiritually.

It has been Stephen T. Mather's great opportunity in these past 12 years to lay the foundations of the Park Service, to define and develop the policies under which for centuries to come these national park areas shall be conserved unimpaired for future generations, while enjoyed by the present generation. As he has builded so wisely, his work will stand. There will never come an end to the good that he has done. Can any man desire a more wonderful career?

He came to this work because of the great confidence which Secretary Lane had in him, a confidence manifested in generous measure by each subsequent Secretary of the Interior.

He served longer under Hubert C. Work than under any other Interior Department head and the country is greatly indebted to Secretary Work for the constant and invaluable support he gave Director Mather at all times in his work of development, his building of policies and his preservation of these invaluable scenic areas. Against powerful political and other selfish in-

terests he stood always in firm support of Director Mather, and I speak of my own personal knowledge in this.

Now, because of very serious illness which has confined him to the hospital since early November, Director Mather has felt obliged to resign from the service, his letter of resignation, addressed to the Secretary of the Interior, Hon. Roy O. West, reading:

MY DEAR Mr. SECRETARY: I regret that I am forced by illness to hand this, my resignation as Director of the National Park Service, to you, effective to-day. I am happy in the thought, however, that I can feel that the accomplishments of the past 10 years in particular in that field have seen the development of the national park system into one of real service to the public of our country, as was the purpose when the National Park Service was created.

I can not sever my connection with the Department of the Interior without paying a tribute to the fine service of my associates in the Washington office and in the field branches of my bureau who have been so loyal, efficient, and untiring in their helpfulness and without whom this result could not have been attained. No bureau chief has had more competent and faithful employees than it has been my good fortune to have had associated with me in this national park work. May I not also express here my gratitude for the inspirational leadership and unfailing support of yourself and your predecessors, the Secretaries of the Interior under whom I have served.

I wish, too, there was some way in which I could thank my friends in Congress for the aid, through legislation and appropriations, which has been so generously extended and without which our efforts would have been largely futile.

Faithfully yours, STEPHEN T. MATHER, *Director.*

Well-deserved tribute to his work was paid by Secretary West in accepting this resignation, when he said:

The Federal Government, and the American people as a whole, owe you a deep debt of gratitude for the many years of intensely patriotic, self-sacrificing, and constructive service you have rendered in furthering the cause of national parks and making these reservations readily available to all classes of our people. * * *

Under your splendid leadership the people of the Nation have been awakened to the beauties and possibilities of the national parks and the necessity of conserving these areas for all time. So firmly have you built the foundations of the National Park Service that it is now bound to move firmly onward along the lines of greatest service to the people. Not the least of your achievements was the ability of attracting to the service an unusually high type of men whose loyalty to their parks and to the chief who formulated its policies will insure its continued success.

The Secretary's letter in full is as follows:

MY DEAR MR. MATHER: It is with the keenest regret that I have received your resignation as Director of the National Park Service, tendered January 8. Since you ask it on the grounds of personal health considerations, I feel that I can not, in justice to you, decline to accept this resignation.

The Federal Government, and the American people as a whole, owe you a deep debt of gratitude for the many years of intensely patriotic, self-sacrificing, and constructive service you have rendered in furthering the cause of national parks and making these reservations readily available to all classes of our people.

Going back over your years of service I find that when you entered the Department of the Interior in January, 1915, there was no National Park Service and no coordinated administration of the national parks, these areas being administered as part of the miscellaneous work in the office of the Secretary. Largely through your personal efforts the establishment of the service was brought about and the work coordinated and put upon a practical, businesslike basis. Since that time seven new parks have been created, including the only eastern park so far established and the only ones in our Territories of Alaska and Hawaii. During the same time several existing parks have been enlarged to include important areas and their boundaries changed to make them capable of better administration. Even now two other Eastern park projects—the Great Smoky Mountains and Shenandoah—are pending, approved by Congress and the President, and it is only a matter of time before their actual establishment will be consummated. This achievement also should be listed as part of the work of your administration.

Especially noteworthy has been the manner in which you have brought about the installation of adequate public-utility facilities in the national parks through inducing private capital, without hope of immediate financial return upon their investments and in the face of grave hazards, to undertake this work. It was solely through your personal achievement and the confidence your integrity inspired that this result was made possible. Absolute confidence in your administration has been shown also by the Congress of the United States in appropriating larger sums each year for park work.

Under your splendid leadership the people of the Nation have been awakened to the beauties and possibilities of the national parks and the necessity of conserving these areas for all time. So firmly have you built the foundations of the National Park Service that it is now bound to move firmly onward along the lines of greatest service to the people. Not the least of your achievements was the ability of attracting to the service an unusually high type of men whose loyalty to their parks and to the chief who formulated its policies will insure its continued success.

Taken all in all, you have achieved results that I believe no other man could have accomplished in the early days of organization and administration during the trying period of the World War and its aftermath.

As Secretary of the Interior I am taking this opportunity, on behalf of the millions of Americans who enjoy the national parks each year, of assuring you of their grateful appreciation of the services you have rendered in developing and preserving these great national scenic areas.

With sentiments of highest esteem and heartiest good wishes for your speedy return to health, believe me,

Most sincerely yours,

ROY O. WEST, *Secretary.*

Announcement of his retirement has brought country-wide expression of deep regret, with universal commendation of his unusual public services.

The Evening Star, of Washington, said last night:

Not often is a country so fortunate as to possess at the head of one of its governmental branches an executive so whole-heartedly devoted to the interests thereof. This entire Nation has benefited by Mr. Mather's services.

The New York Herald-Tribune to-day:

* * * No friend of conservation has been a more stalwart upholder than Mr. Mather of the standard of excellence set for the National Park Service and of its freedom from commercial and industrial encroachment. The great tide of motor travel to these unique scenic reservations presented problems of access and facilities for recreation in keeping with park integrity. Mr. Mather's policy has guarded against excessive development in the manner of ordinary tourist grounds. Automobile roads are available, but they do not crisscross the parks. Wilderness areas are preserved. In the main, the National Park Service has kept alteration of primitive conditions to the minimum compatible with liberal public enjoyment of the national parks.

The New York Times of to-day, the Washington Post of yesterday have pronounced the retirement of Mr. Mather a great loss to the Nation, and many other publications have joined in paying tribute to his great accomplishments.

So ends the service of Stephen T. Mather as the first Director of the National Park Service. It is fortunate for the cause he has so ably and generously promoted, and it must be a matter of great satisfaction and comfort to him that the flag of leadership goes from his hands to those of one who has been beside him all these years and can be depended on to carry on without change of policy or program.

Nature lovers everywhere, regretting that Mr. Mather has felt obliged to retire, will commend the prompt and wise action of Secretary West in naming as the second Director of the National Park Service Horace M. Albright, for 15 years closely associated with Mr. Mather and for a number of years superintendent of Yellowstone National Park and field director of the service. Mr. Albright has the vision, the experience, the ability, and the personality to make a worthy successor of Stephen T. Mather.

The House will be glad to know that there is a gradual and encouraging improvement in Mr. Mather's condition and will all join in the hope that he may soon be up again and be spared to us yet for many years and permitted to aid in many ways by his advice and his generous leadership the preservation and enjoyment of nature's beauties and wonders. Freed of the routine that attaches to official position, he will, no doubt, accomplish much in his new rôle of private citizen as health comes back to him again.

In the Congress where, from time to time, we find it necessary to criticize the conduct of public officials it is well that we should also for a few moments stop in our work to pay tribute to this outstanding figure in the public service who has sacrificed his money, his health, his time, his opportunity for wealth, in order that he might promote that which will mean so much to the people of this country in the future. [Applause.]

I thank you.

The SPEAKER. The time of the gentleman from Michigan has expired.

AMENDMENT OF THE DEFICIENCY BILL

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I have asked for this time in order to direct the attention of the membership of the House to the possibility, if not the probability, of having to consider a material amendment to the deficiency bill which we passed some days ago in this House.

By referring to the RECORD this morning you will see where a bill has been reported by the Judiciary Committee of the Senate and it is proposed to offer this as an amendment to the so-called refund item in the deficiency bill. I want to suggest that you gentlemen get a copy of the hearings and a copy of the report and examine them. The hearings are not in the RECORD this morning, but the report of the Judiciary Committee of the Senate is in the RECORD, and I suggest that each of you get that because it has valuable information, even if you did not have to act on the proposed amendment.

I want to call the attention of the Committee on Appropriations to an error that they made in reporting the deficiency bill.

As you will recall, the gentleman from Kansas [Mr. ANTHONY] and the gentleman from Indiana [Mr. WOOD] particularly stressed the point that the amount of taxes collected since 1921, compared with the amount of refund, was equal to 4 to 1, and they said this was a great accomplishment on the part of the Treasury. They secured this information from Assistant Secretary of the Treasury, Mr. Bond, who appeared before the Appropriations Committee and gave them this data. You will observe from the morning paper and you will also observe from the CONGRESSIONAL RECORD, the Senate proceedings on the reporting of this bill, a letter sent to Senator MCKELLAR, in which this proportion of 4 to 1 has been changed to the extent of 4 to 2½.

I said to this House at the time we were discussing the deficiency bill that, in my judgment, if we had the facts before the House they would show that not only $1,000,000,000 had been refunded, but that at least that amount had been given in credits and abatements.

I find this letter of the Treasury Department to Senator MCKELLAR reveals the fact that not only has the Treasury Department since 1923—not 1921—refunded $1,000,000,000, but has given credits and abatements that the people knew nothing on earth about, amounting to $1,611,000,000.

I said then that this was astounding, that it was shocking, to think that the Treasury Department had refunded in five years $2,600,000,000. Why, do you know how much money this is? If you had an employee down here at the Treasury Department counting that money at the rate of $1 a second, it would take him 250 years. In other words, it would take six generations, working eight hours per day, to count the money that Mr. Mellon has returned to the taxpayers since he has been in office.

There is another thing, gentlemen. As compared with the amount of money, you will note particularly that the Treasury Department reports to the Congress under compulsion of the law all refunds in excess of $500 and to the joint committee refunds in excess of $75,000. When Mr. Bond wrote Senator MCKELLAR this letter he declined to give him the names of those who had received rebates and credits. No law prohibits him from giving these names. There is no law on the statute books that prohibits the Secretary of the Treasury from giving the names any more than the amount, but the Secretary of the Treasury declines to let the public know to whom he has given these secret rebates and credits to the extent of $1,600,000,000 in five years.

I say now, as I said before, that this Congress has given Secretary Mellon unlimited confidence to the extent of giving him unlimited power to settle these cases, and yet when we come and ask him how he has exercised this power which we placed in his hands he says, "I have not that confidence in you, although you have expressed it in me. I can not let you look in. I decline to give you the information." We have a joint committee. By the way, I have heard some attack the joint committee employees. They are all right. The result of this information is from the activity of the clerks of the joint committee and not the joint committee itself. The employees of the joint committee have functioned well. They are able men; they are doing their duty; they are willing to tell the truth and the whole truth. But that joint committee will not function. You can not get a meeting of the committee. The clerk of that committee wrote Mr. HAWLEY a letter, a copy of which I have on my desk, suggesting that he call a meeting of that committee, but no meeting has been called. His duty is to examine them, and he made the suggestion to the joint committee to have a meeting. But you could not get the committee to meet. The committee has the power. Yes; but the committee does not exercise it. What is the use of giving it power unless it exercises the power?

It was the intention of Congress when this committee was created that it would function, that it would look into the Treasury's activities and report back to Congress whether the laws were properly administered. It has not done it.

The only way we can do it is to make an unequivocal statute, and that is what the Senate proposes to do, requiring them to send it to the Board of Tax Appeals and get their sanction before it is approved.

Now I notify you that when you come back with the bill from the Senate and it has that amendment in it, you need not ask to take it to conference by unanimous consent, for you will not get it. You will either let us vote on that amendment or bring in a rule or go back to the committee under the regular rule; because if the amendment is placed in the bill in the Senate, you will go on record on this proposed statute by which we can examine these stupendous refunds by the Treasury Department. [Applause.]

WALTER D. LOVELL

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5944, for the relief of Walter D. Lovell, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 5944, and agree to the Senate amendments. Is there objection?

There was no objection.

The Senate amendments were read and agreed to.

DEFINING CHILD AND CHILDREN IN THE ACTS OF MAY 18, 1920 AND JUNE 10, 1922

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12449, to define the terms child and children as used in the acts of May 18, 1920, and June 10, 1922, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 12449, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN.

INCOME REFUND

Mr. BEGG. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. BEGG. Mr. Speaker and gentlemen of the House, I am interested in the speech of the gentleman from Texas [Mr. GARNER], the distinguished minority leader of the Ways and Means Committee, a speech that I would call insinuations regarding tax refunds made by the Secretary of the Treasury.

Now, I also want to ask the House to read his speech carefully to-morrow. He has not in all his speech, unless I misunderstood it, made a single positive statement as to a refund made in any other manner than according to the law which was passed by this body, and I think the RECORD will show that the gentleman from Texas himself did not oppose the law.

I do not think it quite the thing to do to make a speech insinuating that the man in business, let him be big or little, has been able to mulct the Government of the United States out of some money unlawfully through the Secretary of the Treasury. I know a giant concern in this country which was given credit for a million and a half dollars, in round numbers, in the past year, but it was in settlement of a case pending since 1918, and that same concern went through every single agency created by this body and won its case in every agency. Is there anything wrong in rebating what we lawfully provide for in overpayment of taxes collected?

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. GARNER of Texas. The gentleman's information, if I understand it, is that this concern got it through the Board of Tax Appeals, through the courts?

Mr. BEGG. No; they did not get it there. They went through every agency, and then the collector, the head of the revenue, Mr. Blair, was not in a position to say that the Government would accept or reject for a long period of time, but

finally decided in favor of the claimant, and refunded the claimant a million and a half dollars.

Mr. GARNER of Texas. The courts or the Treasury Department?

Mr. BEGG. Let me ask the gentleman from Texas a question.

Mr. GARNER of Texas. But the gentleman does not answer my question.

Mr. BEGG. Is the gentleman in favor of the Government of the United States taking money from a big taxpayer or a little one, for that matter, to which the Government is not rightfully entitled?

Mr. GARNER of Texas. Certainly not.

Mr. BEGG. In his speech, does the gentleman insinuate that the Secretary of the Treasury has wrongfully settled a single case in the whole history of the Government?

Mr. GARNER of Texas. I will be glad to answer that if the gentleman will let me.

Mr. BEGG. Yes; answer it yes or no, not in a long speech.

Mr. GARNER of Texas. I say this, that with the stupendous amounts being refunded, the Secretary of the Treasury ought to welcome examination by this House as to whether he is settling them rightfully or wrongfully. [Applause on the Democratic side.]

Mr. BEGG. The Secretary of the Treasury is not concealing any of the facts.

Mr. GARNER of Texas. He does not give anybody any facts.

Mr. BEGG. He gives everybody the facts to which he is entitled, and the gentlemen on the committee can go down to the Secretary of the Treasury—and I have no authority to speak for him—and I know that they can get every bit of information that I can get, and a little more. I have never sought any information on refunds or on taxes due that I was denied.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. GARNER of Texas. Then I make the request through the gentleman now for the names of the people who have gotten credits and rebates in the last few years.

Mr. BEGG. What right has the gentleman to the names any more than to the amount and the time.

Mr. GARNER of Texas. I have not any more, but he gives the amounts of the rebates, but not the names.

Mr. BEGG. But we ourselves passed a law denying that as public property.

Mr. GARNER of Texas. Oh, where is the law?

Mr. BEGG. We repealed the law making it public property, which is the same thing. I think it is not for the best interests of the country at large to make a speech insinuating and by innuendo leaving the interpretation that the Secretary of the Treasury, because he has refunded $2,600,000,000, has done something which is not right. To me we ought to refund $2,600,000,000 or $10,000,000,000 if it does not rightfully belong to the Government of the United States. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

WAR DEPARTMENT APPROPRIATIONS

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15712, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. TILSON in the chair.

The Clerk reported the title of the bill.

Mr. BARBOUR. Mr. Chairman, it is our purpose, if possible, to finish the consideration of this bill by 2 o'clock. The bill was reported to the House on January 3, and off and on has been under consideration during all of the time since then. We have been quite liberal in allowing time for discussion and debate, and I hope all will cooperate and close the discussion and consideration of the bill by 2 o'clock.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MUSCLE SHOALS

For operating, maintaining, and keeping in repair the works at Dam No. 2, Tennessee River, including the hydroelectrical development, $270,000, to remain available until June 30, 1930, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

Mr. ALMON. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object—and I shall not object—I think it is fair to announce that the rule will be adhered to for the remainder of the discussion of this bill, owing to the program for the day.

The CHAIRMAN. The Chair hears no objection; and the gentleman from Alabama is recognized for 10 minutes.

Mr. ALMON. Mr. Chairman, I do not oppose the item in the Army appropriation bill which has just been read appropriating $270,000 for operation and maintaining Dam No. 2 for the next fiscal year, but I take this occasion to call the attention of the House and the country to the situation at Muscle Shoals with the view of showing the very great importance of the enactment of legislation at this session providing for the operation of the nitrate plant at Muscle Shoals for the manufacture of fertilizer for the relief of the overburdened and distressed farmers of the country. This plant has remained idle, in a stand-by condition, since the war ended. The hydroelectric plant has been operated in part for the past two or three years. During this time the Government has sold to the Alabama Power Co. such an amount of power as it desired at about 2 mills per killowatt-hour under a contract revocable at the will of either party on 30 days' notice. During the year 1928 the United States district engineer, by authority from the Chief of Engineers, furnished the Florence Daily Times-News, published at Florence, Ala., daily reports showing the amount of available power, the amount sold to the power company, and the amount of wasted power. These amounts have been compiled and I ask unanimous consent to insert in the RECORD a tabulation, by months, as follows.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert the statement indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

[From the Florence Times-News, Florence, Ala., Wednesday, January 2, 1929]

TREMENDOUS LOSSES AT WILSON DAM FOR 1928 SHOWN BY GOVERNMENT FIGURES ON POWER SOLD AND WASTED

Compilations for the year 1928, just closed, assembled from official Government figures at Wilson Dam, reveal that during the 12 months there was a total waste of 1,579,788,041 kilowatt-hours of power, while for the year there was sold to the Alabama Power Co., under the arrangement the Government now has with this company, only 217,115,687 kilowatt-hours, out of a total estimated available for the year of 1,796,903,728 kilowatt-hours. These figures, compiled by the Times-News from the figures now furnished it each day by the Government authorities at Wilson Dam reveal that in 1928 the Alabama Power Co. took only a little over 12 per cent of the total estimated available power.

By figuring the amounts of power taken by the Alabama Power Co. each month in 1928 and the official amounts paid by the company for the first 11 months of the year—the figures for December not being available on amount paid—the approximate average of $0.002115 per kilowatt-hour is reached as the price the Alabama Power Co. pays for the gross power it takes from the Government. Using this figure as a basis, the Times-News thus secures for the year 1928 $3,341,251.70 as the value of the waste power, even at this ridiculously low price.

In connection with to-day's compilations for the year 1928, the following complete table is given, showing the totals for each month of 1928:

Month	Available power	Kilowatt-hours sold at $0.002115	Amount received by United States Government	Wasted power, kilowatt-hours	Amount lost, computed at $0.002115 per kilowatt-hour
January	159,960,000	48,185,765	$104,533.78	111,774,235	$236,402.51
February	149,640,000	52,508,765	111,673.13	97,131,235	205,432.56
March	158,242,128	37,654,510	80,448.42	120,587,618	255,042.81
April	154,800,000	17,493,090	36,830.75	137,306,910	290,404.11
May	159,960,000	3,110,275	6,220.55	156,849,725	331,737.17
June	154,800,000	2,816,415	5,632.83	151,983,585	321,445.28
July	159,960,000	2,836,867	5,673.73	157,123,133	332,315.43
August	152,241,900	14,399,000	28,699.94	137,842,900	291,537.73
September	146,417,500	7,291,000	14,478.21	139,126,500	294,252.55
October	136,625,100	8,409,000	16,810.00	123,216,100	260,602.51
November	129,455,200	7,445,000	13,690.00	122,010,200	258,051.57
December	139,801,900	14,966,000	31,642.00	124,788,900	264,027.92
Grand total	1,796,903,728	217,115,687	456,157.47	1,579,788,041	3,341,251.70

NOTE.—December amount received by Government estimated at $0.002115 per kilowatt.

The distressing part of this is not the two or three million dollars' worth of power that has been running to waste, but the many millions of dollars that would have been saved the farmers in the reduced price of fertilizer had it been used in the operation of the fertilizer plant, as was intended when the power plant was built.

When this item of the expense for the operation of this plant for the next fiscal year was being considered by the Appropriations Committee the representatives of the Engineer Department were asked why more of the power was not sold. The essence of their testimony was to the effect that they could make a more profitable lease of the power if they had the authority from Congress to do so. Congress has refused to give such authority, for a very good reason, at least as far as the House is concerned. The majority of the Members of the House has insisted, and I believe still do, that no lease of the power at Muscle Shoals shall be made without a provision in the lease that will guarantee the operation of the nitrate plant No. 2 for the production of fertilizer. President Coolidge in his various messages has insisted that any lease of the Government's Muscle Shoals property should provide primarily for the production of fertilizer in peace times. When application was presented to him recently for the purchase of this power for a period of five years without any provision for the operation of the fertilizer plant he declined to give it his approval and again said that he was opposed to a sale of the power for a number of years unless at the same time provision was made for the operation of the nitrate plant for the manufacture of fertilizer.

Mr. JAMES. Nobody except Congress has a right to lease for two, three, or five years.

Mr. ALMON. The Secretary of War, Mr. Weeks, sold the Gorgas steam plant, which cost the Government about $5,000,000, being a part of the Muscle Shoals development, to the power company without authority from Congress.

Mr. JAMES. But the Judge Advocate General did not concur.

Mr. ALMON. This position of President Coolidge is eminently right and sound, because the nitrate plant and the hydroelectric plant at Muscle Shoals constitute one plant or unit. The hydroelectric plant was constructed to create power to operate the nitrate plant.

Congress authorized and directed this development for two fundamental purposes, viz, to make explosives in times of war and fertilizer in peace times. If the power is disposed of and the plant remains idle in a stand-by condition, as it has since the war ended, the nitrate plant would rust out and become obsolete and of no value for national-defense purposes in the event of war.

All nations learned one very valuable lesson as a result of the World War. That is, that no nation of any standing or respectability can afford to depend upon a foreign market for a supply of nitrogen for explosives in time of war. Germany had the foresight and wisdom before the beginning of the war to prepare, and built great nitrogen plants, and if she had not done so, when her supply of Chilean nitrates was cut off she would have been helpless and could not have prosecuted the war. If the German submarines had destroyed the Panama Canal and cut off our supply of nitrogen from Chile, we would have been helpless to have prosecuted the war had it not been for the erection of the nitrogen plant at Muscle Shoals.

We can only preserve our nitrogen plant at Muscle Shoals for national-defense purposes by operating it in peace times for the manufacture of fertilizer, thereby keeping it in an up-to-date running condition for the manufacture of explosives in the event of war. But this would not be all.

The farmers of the country would be denied the benefits which have been promised them and which they have the right to expect in securing better and cheaper fertilizer. Fertilizer can be made at Muscle Shoals at about one-half or not more than two-thirds the prevailing prices. This has been proved before the committees of Congress and can not be successfully denied. It can be produced there in a concentrated form containing as much as 50 per cent plant food, which would be a saving of millions of dollars to the American farmers in transportation charges. Nitrates can be produced at the Muscle Shoals plant for approximately 5 cents per pound, while nitrates in the form of Chilean nitrate cost about 20 cents per pound.

Much propaganda has been sent out in recent years for the purpose of trying to show that the cyanamide process for the fixation of atmospheric nitrogen at the Muscle Shoals plant is obsolete. This was done by interests that desired to see Muscle Shoals converted into a hydroelectric-power development and prevent the operation of the nitrate plant for the manufacture of fertilizer.

No process is obsolete that is being successfully used and on a large scale. The American Cyanamid Co. built Muscle Shoals plant for the Government, owns the patent for the process, and has submitted to Congress an offer to the lease of the entire Muscle Shoals development for 50 years, and is and has been since 1909 successfully operating a plant of this kind with this process at Niagara Falls, Canada.

There are many plants in Germany and other European countries using this cyanamide process successfully, and some such plants have been erected in recent years.

Where there is cheap power and all the raw materials in close proximity and in inexhaustible quantities as exists at Muscle Shoals, I am of the opinion, after making extensive investigation and visiting the cyanamide plant at Niagara Falls, Canada, that the cyanamide process is the best. Much has been said about the advantages of the synthetic process over the cyanamide process, but the fact remains that there is no synthetic plant in the United States that is providing nitrogen for fertilizer purposes, so we must look to the Muscle Shoals plant for cheaper nitrogen for fertilizer purposes.

To allow this great investment by the Government at Muscle Shoals to remain idle when it could be of such great service to the people would be little less than a public calamity. [Applause.]

Germany and other European countries have been utilizing their nitrogen plants since the war in providing fertilizer for the benefit of their farmers and have been so successful that Germany, for instance, no longer imports nitrogen from Chile but has become a large exporter of nitrogen and fertilizer, some of which is being imported into the United States. What Germany has done in this respect can be and should have been done long ago with the Government's plant at Muscle Shoals.

During the first session of this Congress the American Cyanamid Co. submitted to the Congress an offer to lease Muscle Shoals for a term of 50 years, which provided for the operation of the nitrate plant for the manufacture of a highly concentrated fertilizer, and providing for the construction of Dam No. 3 on the Tennessee River about 15 miles above Muscle Shoals, and the Cove Creek Dam located on the Clinch River in east Tennessee, a tributary of the Tennessee River.

Mr. Madden, of Illinois, introduced a bill providing for the acceptance of this offer. His bill was referred to the Military Affairs Committee of the House. This committee held extensive hearings and I am informed that the committee finally approved of every feature of the bill except what is known as the recapture clause.

This question has been before Congress so long and being of such very great national importance, would it not be proper and aid in the settlement for the committee to report the bill to the House, each member of the committee, if he desired, reserving the right to offer amendments and oppose the passage of the bill.

The result of such action on the part of the committee would give the House an opportunity to consider the bill in every aspect. In this way the controverted parts of the bill might be ironed out and a bill in the interest of the Government and agriculture as well worked out and passed. Such a proceeding on the part of the committee would not be without precedent.

I have made these remarks with the view of showing the importance of legislation on this subject without further delay. I urge upon the leaders of the majority who decide what bills shall be considered during the remainder of this session of Congress to take steps to have the Madden bill brought before the House for consideration, which I trust they will do. [Applause.]

We hear much these days about farm-relief legislation. This proposed legislation is real farm relief. I do not know of any thing that the farmers are in greater need of and which will be more helpful to them than to be able to secure a good grade of fertilizer at a reasonable price. That, in my opinion, would be the result of a settlement of the Muscle Shoals question in the right way. In the event this is not done at this session I sincerely hope that the new President, Mr. Hoover, will include in the legislative program of the extra session Muscle Shoals legislation. It is just as important to the farmers as any farm-relief legislation that will be considered at that session. [Applause.]

Mr. HILL of Alabama. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HILL of Alabama. Mr. Chairman, my colleague from Alabama Judge ALMON, who is always vigorous and alert in all matters pertaining to Muscle Shoals, has just called your attention to a chart based on figures prepared by the Army engineers, which shows that during the year 1928 the Government of the United States sustained a loss of $3,341,251.70 at Muscle Shoals. I have here a statement which shows that prior to last

year, up to June 30, 1927, the Government sustained a loss of $7,379,008 at Muscle Shoals; and, Mr. Chairman, I ask unanimous consent to insert this statement and the accompanying figures in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to insert in the RECORD the matter indicated. Is there objection?

There was no objection.

Following is the statement referred to:

Financial losses to the Government at Muscle Shoals to June 30, 1927

All we have to show for the past nine years of delay is a series of losses and unproductive expenses, which, omitting depreciation on our properties, total as follows:

EXPENSE AND LOSS

Dam No. 2:		
Maintenance due to cessation of work[1]	$359,593	
Construction loss due to failure of appropriations[2]	5,000,000	
Operation, maintenance, and repair to June 30, 1927[3]	283,447	
		$5,643,040
Nitrate plant No. 1:		
Cost of unsuccessful experimentation and maintenance expense to June 30, 1927[4 5]		984,303
Nitrate plant No. 2:		
Operating and maintenance expense to June 30, 1927[4 5]		4,092,086
Total maintenance, loss, and unproductive expense, omitting depreciation on nitrate plant No. 2		10,719,429

REVENUE

From lease of steam-power plant, rentals of employees' houses, etc.[3]	1,885,871
From sale of Muscle Shoals power to June 30, 1927, available for payment of operation expenses[3]	1,454,550
Total income	3,340,421
Net loss to June 30, 1927	7,379,008

Experimentation: Our experience account in nitrogen fixation experimentation during and since the war amounts to $14,000,000, the cost of nitrate plant No. 1, an experimental plant, and $2,000,000 for our fixed-nitrogen research laboratory, making a total for experimentation alone of $16,000,000.

Mr. HILL of Alabama. Mr. Chairman, these statements show a total of nearly $11,000,000 which the Government of the United States has lost at Muscle Shoals since the World War. For what purpose, for what reason have we sustained this loss of nearly $11,000,000? A few years ago the National Fertilizer Association told Congress and the country that the great nitrate plant at Muscle Shoals was obsolete, and so we have sustained this loss of some $11,000,000 to protect our farmers from that obsolete plant. In Canada, at Niagara Falls, the American Cyanamid Co. has a great nitrate plant. This plant at Niagara Falls was built by the American Cyanamid Co. just as the Government's plant at Muscle Shoals was built by the American Cyanamid Co. Both of these plants use the same method. Both are fundamentally the same and, of course, both of them are obsolete.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. HILL of Alabama. Not right at this minute. I will later. On January 1, 1926, the plant of the American Cyanamid Co. at Niagara Falls, in Canada, had an annual capacity of 120,000 tons of cyanamide. In May of this year that plant will have an annual capacity at the rate of 355,000 tons of cyanamide, a great part of which will be shipped into this country for our farmers. Three hundred and fifty-five thousand tons of cyanamide contains 81,650 tons of pure nitrogen and is more nitrogen than was contained in the Chilean nitrate used by agriculture in this country in 1927, and is approximately 60 per cent more than the annual capacity of the Government's great plant at Muscle Shoals. If the Government has sustained the loss of some $11,000,000 to protect our American farmers from the obsolete plant at Muscle Shoals, I suggest to you gentlemen that what the Committee on Ways and Means should do, particularly in view of the fact that it is now writing a new tariff bill, is to put a tariff high enough to protect our farmers from the obsolete plant in Canada. Since we have spent so many millions of dollars to protect our farmers from the obsolete plant at Muscle Shoals, why not also protect our farmers against the obsolete plant in Canada, particularly when we consider the fact that a great part of the cyanamide made by the plant in Canada is sent to an ammonium phosphate plant at Warners, N. J., and there converted into ammonium phosphate. On January 1, 1926, the plant at Warners, N. J., had an annual capacity of some 30,000 tons of ammonium phosphate. By May of this year that plant will have an annual capacity at the rate of 250,000 tons of ammonium phosphate. Gentlemen will recall that ammonium phosphate is a very high-grade fertilizer containing 61 per cent plant food. Surely in view of the protection we have given our farmers from the plant at Muscle Shoals we should also protect them from the Warners, N. J., ammonium phosphate plant when we consider the following statement of the Secretary of Agriculture to be found on page 80 of his 1928 report. The statement is as follows:

Another important branch of the department's fertilizer studies indicates the economy of concentrated fertilizer mixtures. Fertilizers should be marketed in a high state of concentration. Four or five years ago commercial fertilizer mixtures seldom contained more than 15 per cent plant food. Sale of such mixtures entailed the sacking, transportation, and handling of 85 per cent of materials from which the farmer obtained little, if any, benefit. The freight bill paid annually by the American farmer for the delivery of the 7,000,000 tons of fertilizer which he purchases amounts to approximately $20,000,000. If the concentration of fertilizers should be increased twofold, the freight bill would be cut in two, and the annual bill of $12,000,000 paid for sacks would likewise be halved.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HILL of Alabama. May I have five minutes more?

Mr. BARBOUR. Mr. Chairman, I shall have to object.

Mr. HILL of Alabama. Will the gentleman permit me to have two additional minutes?

Mr. BARBOUR. We must read the bill.

Mr. HILL of Alabama. Let me say to the gentleman that this is the first time that I have asked for any time on the floor this year.

Mr. BARBOUR. I have no objection to the gentleman having two additional minutes, but we must read this bill if we are to finish it.

The CHAIRMAN. Without objection, the gentleman from Alabama is recognized for two additional minutes.

Mr. HILL of Alabama. Gentlemen of the committee, I am sorry I can not finish my statement. Of course, what I have said to you about these obsolete plants was in levity. If our plant at Muscle Shoals is obsolete, the great plant at Niagara Falls and many of the great plants in Germany and Europe are also obsolete. In all earnestness and in all seriousness let me say to you that what this House ought to do is to pass the Madden bill, which provides for the production of ammonium phosphate, and which, according to the testimony before the Military Affairs Committee, of which I have the honor to be a member, should cut the cost of the American farmers' fertilizer in half. This House should pass that bill for the benefit of the farmers and for the welfare of the whole country. I have here a calendar of the House, and I notice that by special order the House has set February 10 for services on the life, character, and public services of the late Hon. Martin B. Madden. Those services, of course, will be most proper and fitting, but, after all, they will be mere words, mere passing speech. I submit to you, gentlemen, that the most fitting tribute that this House could pay to Martin B. Madden would be to take the Madden bill up for consideration on this floor and then rise and pass it by a standing vote. That would, indeed, be a lasting tribute to the statesman and the citizen, Martin B. Madden.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

The pro forma amendment was withdrawn.

Mr. WAINWRIGHT. Mr. Chairman, I move to strike out the last word of the paragraph. I do so for the purpose of asking the gentleman from Alabama whether he means that the Madden bill should be passed as introduced or that the Madden bill should be passed with the amendment which was proposed by the subcommittee of the Military Affairs Committee and submitted to the proponents of that bill, but which they would not accept?

Mr. HILL of Alabama. Let me say to the gentleman that I am willing to leave that to the judgment of the House. What I am most interested in is to see the bill come here and get consideration and action by the House, for I have no doubt it would be passed by the House.

Mr. WAINWRIGHT. In other words, whether we should pass that bill without the recapture clause or with the recapture clause that was proposed by the committee.

Mr. HILL of Alabama. Let the House determine that, I will say to the gentleman from New York.

The pro forma amendment was withdrawn.

[1] Chief of Engineers' Report, 1923 (p. 1209).
[2] Testimony of Gen. Harry Taylor, in charge of construction of Wilson Dam, in hearings on Muscle Shoals, Senate Committee on Agriculture, 1924 (p. 1341).
[3] Chief of Engineers' reports.
[4] Hearings on Muscle Shoals, House Committee on Military Affairs, 1922 (pp. 21–22).
[5] Records of Ordnance Division, War Department.

The Clerk read as follows:

FLOOD CONTROL

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the flood control act, approved May 15, 1928 (45 Stat. p. 534), $30,000,000.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman of the subcommittee for a moment. I will say to the chairman of the subcommittee that I am seeking a little information and an interpretation of this appropriation and the one on the page preceding pertaining to rivers and harbors. I note that the one for rivers and harbors contains $50,000,000 and this $30,000,000. I remember that last year, when we made the appropriation for rivers and harbors, we had an allocation report which the engineers' department had made for us showing the amounts of money to be expended on each of the rivers on which we had ordered surveys. With respect to that I am seeking information as to whether or not there is in this appropriation for rivers and harbors an allocation for carrying on the work on the rivers on which we have ordered surveys as was the case last year?

Mr. BARBOUR. On the surveys?

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. On page 108 of the hearings, Part II, Nonmilitary Activities, all of the allocations are set out.

Mr. HOWARD of Oklahoma. I thank the gentleman for that information. The appropriation for flood control is $30,000,000.

Mr. BARBOUR. Yes.

Mr. HOWARD of Oklahoma. I call attention to the fact that section 10 of the flood control bill allocated $5,000,000 of the total appropriations for making flood surveys on certain tributaries of the Mississippi. I want to get the interpretation of the committee and the chairman as to whether or not there are funds available in this $30,000,000 to carry on those surveys.

Mr. BARBOUR. That was so testified before the committee, and further it was stated to the committee that this work is being prosecuted as diligently as is possible.

Mr. HOWARD of Oklahoma. Then, Mr. Chairman, before I withdraw the pro forma amendment I want to call attention to the fact that yesterday we took a very important step when we passed the inland waterways bill. Some of us are hoping that through this great work other inland waterways will be established which will be of great benefit to the people of this Nation, including in this work the Arkansas River in Oklahoma and Arkansas, and my purpose in rising was to make sure that after this measure had passed there could not be any misinterpretation that would in any way delay this great work.

Mr. BARBOUR. I understand that there are ample funds in the bill to carry on this work and the other work of the Board of Army Engineers.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For maintenance and operation of the Panama Canal; salary of the governor, $10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916 (U. S. C., p. 81, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; in all, $8,000,000, including $1,000,000 for continuing the construction of a dam across the Chagres River at Alhajuela for the storage of water for use in the maintenance and operation of the Panama Canal, together with a hydroelectric plant, roadways, and such other work as in the judgment of the Governor of the Panama Canal may be necessary, to cost in the aggregate not to exceed $12,000,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal act;

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: On page 88, line 17, following the semicolon, insert a new paragraph, as follows:

"That in recognition of the exceptionally distinguished services in Congress for nearly 24 years of Martin B. Madden, the late chairman of the Committee on Appropriations, and in appreciation of his active and efficient interest in the Panama Canal throughout its entire construction and operation, and in recently causing the commencement of the construction of said dam across the Chagres River at or near Alhajuela, the said dam and the lake created thereby and the entire plant and the road leading thereto shall hereafter be known and designated on the public records as the Madden Dam, Lake, Plant, and Road."

Mr. TAYLOR of Colorado. Mr. Chairman and ladies and gentlemen of the House, I realize fully that this amendment is subject to a point of order if anyone saw fit to make it, but I can not believe there is one Member of this entire House who will not gladly join in paying this preeminently just and so richly deserved tribute to our former chairman of this Appropriations Committee. For 30 years the Panama Canal was one of the greatest, if not the greatest, of the life works of Martin B. Madden. I understand that in 1896 he wrote the plank in the Republican national platform which definitely committed the McKinley administration to the construction of a canal across the Isthmus at either Nicaragua or Panama; and from that day to his death he gave the best and most earnest work possible to the efficient construction and practical operation of that canal. For 30 years he said that "canal should be built, owned, and operated by the United States"; and he gave more skill, attention, and time to it during all that time than any other Member of this House. He had a natural aptitude for engineering and construction work.

He was instinctively a builder and financier and he always took pride in this gigantic work. A very few of the older Members will remember that in the early days of the work he made many trips to the Canal Zone and spent the days going through the swamps and jungle personally examining the conditions and slept on a ship out in the harbor. There is not a Member of Congress alive to-day who made those investigation trips with him. In recent years, as he watched the rapidly growing business and importance of the canal, he clearly foresaw the necessity of increasing the amount of water available for the use of those locks and he commenced investigating the practicability of building a large dam up on the Chagres River to impound the terrific floods of that stream for use of the locks during the dry season. He brought about that engineering survey and investigation and the location of the dam and the authorization by Congress of the construction of the dam. He was the originator and creator of this monumental engineering enterprise for which we, his colleagues on this committee, are to-day appropriating this money. He is entitled to all this and much more credit than I am able to give him in this limited time. No one can ever deny his authorship.

He is the father of this dam. It will be one of the most important dams in the world to the commerce of every nation on earth. It will enormously enhance the value and the volume of business of the Panama Canal. It will furnish sufficient water so that these marvelous locks may operate 24 hours a day and 365 days in every year, as they have got to do; and Martin B. Madden is the one who conceived and brought about this great plan. To properly appreciate what this service means to our country and to the world, both in business and convenience to the ocean-traveling public and to commerce, both in time of peace and much more in time of war, the Members and the public should study necessity and the dimensions of this dam and the quantity of water it will conserve that is now running to waste. I investigated this matter when I visited the Canal Zone a year ago, and became so profoundly impressed with the great service to humanity of our colleague in this matter that soon after my return I introduced House Joint Resolution No. 250 on March 26, 1928, in the language of the amendment I have just offered. I know the membership of this House would have been more than delighted to have passed that resolution during his lifetime. But we knew he was always opposed to naming anything after a living person, and for that reason I did not press the consideration of the resolution. But alas, how soon after that was that objection of his overruled.

My thought is that instead of passing that resolution it would now be more appropriate and fitting for this committee, his committee, to insert this provision in this Army appropriation bill dealing with that canal and that dam. I feel very strongly that this action would be the highest honor that the American Congress could pay to our late honored and beloved chairman. It would be the most suitable monument that could ever be erected to his memory and to his life work. It would be a permanent governmental memorial and tribute to his great service to his country as long as the Isthmus of Panama is inhabited by human beings. It would perpetuate forever his great life work for the success of the Panama Canal. I know our action would be very highly appreciated by the splendid woman who was his life's companion, and his estimable daughter and son-in-law, and by every Member of Congress and his many thousands of friends. The word "Alhajuela" has no meaning or special signification

whatever, while there is every reason that this great dam should bear the name of its creator. Martin B. Madden was an honor to Congress and to our country and a benefactor to the human race. Having served with him nearly 20 years in Congress and 8 years with him on this Appropriations Committee, I know that by the creation of this memorial to our distinguished colleague and departed friend Congress will honor itself and our country, and our act will be a perpetual inspiration to the youth of America as long as the Stars and Stripes float over our Nation. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. TAYLOR].

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent that the action of the committee on January 4, 1929, relating to the change in reference to the Code of Laws throughout the bill be vacated, so that the citation will remain in the bill as originally reported.

Mr. BARBOUR. That will include unanimous consent that I obtained that all the other citations be made in accordance with that change of reference.

Mr. LaGUARDIA. Yes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the action of the committee in changing the reference to the Code of Laws in the bill and the unanimous consent given to the gentleman from California in connection therewith be vacated. Is there objection?

There was no objection.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15712, the Army appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. BARBOUR. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BARBOUR, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

APPOINTMENT OF ADDITIONAL JUDGES

Mr. SNELL. Mr. Speaker, I call up a privileged report from the Committee on Rules, House Resolution 273.

The Clerk read the resolution, as follows:

House Resolution 273

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of each of the following bills, to be called up in the following order:

H. R. 9200, to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

H. R. 14659, to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

S. 1976, to provide for the appointment of an additional circuit judge for the second judicial circuit.

S. 1275, to provide for an additional judge for the southern district of Florida.

That after general debate on each bill, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, each bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of each bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on each bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, the rule under consideration is practically the same rule that is presented for the consideration of all bills except that this provides for four separate measures to be presented by the Judiciary Committee and gives the order in which they shall be called up in the House. Each one when called up is to be considered under the general rules of the House. The reason why we have more New York judges in these bills is this: Practically all the bills that have been presented for creating additional judges when properly sponsored by the Judiciary Committee and the council of judges have gone through by unanimous consent. But for one reason or another the New York bills have been held up for the last four years, and I think it is time that they should be considered by the House, and I do not propose to take any more chances by the unanimous-consent route.

I do not know of any stronger statement that I can make in setting forth the necessity for the appointment of these judges than to read to you a part of the report of the council of judges held in Washington, September 28, last year.

As Members will recall at the time we passed the omnibus judges' bill in 1922, creating 20 or 21 Federal judges, there was some criticism and a little doubt on the part of some as to whether we should create as many new judges as was carried in that bill. I was one of those Members that led to providing for a council of judges, comprised of the senior circuit judges of the nine Federal judicial districts of the United States, which should come together each year in the city of Washington as a council and should be presided over by the Chief Justice of the United States. That council has gone over very carefully the work in the several judicial districts and made recommendations to Congress relative to the condition of the work in the several districts and also the need of certain additional judges.

The report says, in part:

> Each circuit judge produced a report from the senior district judge of his circuit, with the statistics and an explanation of the condition of each district in his circuit, and much of the conference was taken up in considering the progressive changes in the reduction of dead cases and in the normal growth of business.
>
> Speaking generally, it was clear to the conference that the condition of business in all the courts was satisfactory and showed that there were enough judges to do the business, and that the business would all be done, except that in the second circuit, the two districts, which are the southern and eastern districts of New York, including New York and Brooklyn, are in a hopeless situation, and can not be bettered unless at least three district judges are permanently added to the southern district of New York and two in the eastern district of New York. This deficiency has been brought to the attention of Congress for several years and the present need is greater than ever. It is respectfully urged that there may be no further delay in the creation of these five new district judgeships.
>
> In addition to the New York district judges, only one more seems to be required, and that is for the southern district of Florida. In this very extended district it is proposed that there should be district judges enough so that there may be one sitting at Jacksonville, another at Tampa, and a third at Miami.

I think that is the main part of the report in connection with the need of these judges. They go on to say that during the past year, up to September 28 of last year, there were 15 judges called in from various parts of the country to help out the New York situation.

As the Members here know who are lawyers, the Federal procedure follows the State procedure in each one of the States, and there are nearly as many different kinds of State procedures as there are different States in the Union. When you bring in an outside judge he is not familiar with the situation that exists in New York, and it is equally hard for him as well as for the litigants themselves. It is very unsatisfactory, especially considering the large number of cases that deal with admiralty. Very few of the judges brought in from the central part of the United States are at all familiar with that kind of law or would know how to handle those cases. As a result the admiralty cases are piling up year by year.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. COLLINS. What about the additional judge for Mississippi?

Mr. SNELL. At the time we reported out this rule there was no bill on the calendar providing for an additional judge for Mississippi, and up to the present time an additional judge for the State of Mississippi has not been recommended by the

council of circuit judges. While that is not an all-prevailing argument, nevertheless it was important enough to have their recommendation so that the Congress itself, when it passed the omnibus judges' bill, created this council of judges for the special purpose of keeping in close touch with the Federal courts and the work in each, and also to report to Congress not only the conditions but the need of additional judges.

Mr. COLLINS. Does the gentleman know the action of the the Judiciary Committee upon the question of the additional judge for Mississippi?

Mr. SNELL. Yes; I am familiar with the action of the Committee on the Judiciary; but, as I said before, at the time this rule was reported out that bill was not on the calendar; and I have been unable to get any hearings from the Judiciary Committee up to this time relative to the actual need of a judge in that district; and I doubt if such information is available or if the committee has held proper hearings to determine it.

Mr. GRAHAM. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GRAHAM. The committee has filed its report upon the Mississippi judgeship, recommending it, and urging it be passed, because in that district there are two sets of machinery in operation, fully equipped, two districts, and all we want to do is to appoint an additional judge, and the two districts could then function, each having a judge. Our committee reported the bill out favorably and the bill has already passed the Senate.

Mr. SNELL. When you consider the fact that the Mississippi judge has been called up to New York to help out in that situation, I think twice in the last year, it does not seem to me that there can be any extra demand for a new judge in that district under those circumstances. He has been one of the judges who has always been called to help out the New York situation.

Mr. GRAHAM. I do not think, without knowing all of the circumstances, that the conclusion which the gentleman draws is justifiable.

Mr. SNELL. That perhaps is true, but I am stating the case as it has come to me, and the gentleman from Pennsylvania has not presented any evidence yet to change my mind.

Mr. GRAHAM. The congestion in New York made it necessary to bring to New York those whom they could summon and use in New York to expedite the business there. It is true that an act of Congress was passed creating this board of senior judges, but I do not hold, and will never consent to it, so far as I am concerned, that it is necessary to get the imprimatur of that board upon every appointment that Congress chooses to make. We did not surrender our legislative function when we created this board. It was not for the appointment of judges but for getting a full and complete view of the situation so that they might consider these matters from every viewpoint, and make such recommendations to Congress as they might deem proper.

Mr. SNELL. I admit that that is not the all-controlling element in the situation, but I do contend that one of the main purposes this convention was called for was to look over the situation and recommend to Congress the need of additional judges.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. TILSON. And is it not further true that we are adopting extraordinary means here by bringing in a special rule to put these bills ahead of other bills, and because of this, should we not use extraordinary precaution as to the bills thus considered? And is not one means of precaution to have the advice of this senior counsel of judges?

Mr. SNELL. That is one of the yardsticks that the Rules Committee has gone by, and I think we are right in taking that position. In addition to the need for judges in New York, this conference of judges recommends an additional circuit judge for the second judicial circuit and also one additional Federal judge for the State of Florida. We have included in this special rule every one of the judges recommended by the council of judges, and I think we have done well in not going any further at the present time, although I do not say a case can not be made out in regard to additional judges elsewhere, and I would not want to go on record as being against them, as I do not know the conditions, but am reporting on the ones that have proven their case.

Mr. GRAHAM. I do not want my position misunderstood. I acquiesce in the action of the Committee on Rules, but I wish that the House might know my views and the views of our committee with reference to the necessity for action on the part of the council of judges before we determine to recommend the appointment of a new judge.

Mr. SNELL. I am trying to explain the situation as presented to our committee, and the reason we are proceeding in this manner at this time. From any information that I have these judgships should be created, and I am firmly convinced that the House should adopt this rule and pass these bills.

Does the gentleman from Alabama desire any time?

Mr. BANKHEAD. I would like a few moments.

Mr. SNELL. I yield to the gentleman from Alabama such time as he may need.

Mr. BANKHEAD. Mr. Speaker, for some time my information was that there was considerable opposition on the part of some to the passage of these bills providing for the appointment of additional district and circuit judges in New York and elsewhere, but it is now my information that there will be no substantial opposition to the passage of the bills as they are called up in order. In view of that fact I can state to the chairman of the committee that I shall concur in the adoption of the rule at this time, although I opposed it in the committee. I realize, of course, that the full administration of justice is a very important matter, and whenever it is shown there is actual necessity for the appointment of additional judges, I think it is not only the part of wisdom but the duty of Congress to provide the necessary machinery for the enforcement of the law.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

ADDITIONAL DISTRICT JUDGES FOR SOUTHERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200.

The SPEAKER. The Chair suggests to the gentleman, does he desire to make any suggestion as to how the time shall be controlled?

Mr. GRAHAM. Is there any opposition?

Mr. SUMNERS of Texas. Mr. Speaker, I will say to the gentleman from Pennsylvania so far as I know there is no opposition to these bills—I answered the inquiry somewhat out of order, making reference to the four bills incorporated in this rule—I know of no opposition on this side. I am not myself opposed to the bills.

Mr. SNELL. Then we can get through with them very quickly.

Mr. SUMNERS of Texas. I want a little time. I make this suggestion, that discussion on this bill be limited to 40 minutes——

Mr. SNELL. Discussion is limited to one hour, but that hour need not be used——

Mr. SUMNERS of Texas. We will expedite as rapidly as possible. I make the suggestion that I control half the time with which to yield to gentlemen who desire to discuss the measure.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that one half the time be controlled by myself and the other half by the gentleman from Texas.

The SPEAKER. Pending the motion, the gentleman from Pennsylvania asks unanimous consent that he control one half the time and the gentleman from Texas control the other half. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200, with Mr. BACON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9200, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, three additional judges of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. GRAHAM. Mr. Chairman, in view of the full explanation by the chairman of the Committee on Rules and the fact that these measures have been before Congress for several years

and the various reports which have been submitted show the necessity for the passage of this bill, I therefore reserve the remainder of my time.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself five minutes. Mr. Chairman, I have opposed greatly increasing the number of Federal judges hoping that some plan might be worked out under which such increases would not be necessary. But that plan has not been worked out. Congestion in the courts has continued to increase until it has reached the point in some of the districts, particularly in those districts provided for in these bills, at which there is to a definite degree a denial of justice, and the proper administration of the criminal laws is not possible. For those reasons I feel this bill and the other bills included in the rule ought to be passed. I yield back the remainder of my time, and if I may be permitted I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, it will take but a very little time to justify my voting in favor of the bill for the two extra judges in the United States District Court in Brooklyn. In the last Congress I was inclined to oppose the bill, but upon closer examination of the situation as far as the United States District Court of the Eastern District of New York is concerned, and after reviewing certain tabulations which were given to me by the clerk of that court, which I intend to put in the RECORD for the information of the Members of the House, I am inclined now to the view that there should be an increased number of judges to take care of the increasing number of cases now pouring into the eastern district—the eastern district covering Brooklyn, the rest of Long Island, and Richmond Borough. There are now three judges presiding in that court, Judge Inch, Judge Moskowitz, and Judge Campbell, and upon a careful examination of their work I willingly testify to the distinguished service they are rendering. In spite of their unremitting toil, in spite of their burning of midnight oil, they can not keep up with the cases. In addition to the cases in admiralty and common law and equity, and cases on the criminal side, they have literally an avalanche of bankruptcy and naturalization cases, which occupy a great deal of their attention.

Now, we tried to solve the situation, so far as the eastern district is concerned, by importing judges from other jurisdictions. But that does not work satisfactorily, and I will tell you why, gentlemen. An outside judge coming into New York sometimes does not understand or appreciate the point of view of members of the petit jury, and we have had many cases of miscarriages of justice in the eastern district in Brooklyn, only because the judge who had been brought in from another jurisdiction did not understand the psychology or temper or attitude of the membership of that petit jury. In addition, we have different reactions to the same states of facts by different judges brought in from outside jurisdictions. I need only point out one illustration, a clear illustration, with reference to the different reactions noticeable in prohibition cases. For instance, a judge from Texas was brought in to try some prohibition cases, and in all cases he could he inflicted imprisonment. That was Judge Atwell. Another judge rarely inflicted imprisonment as punishment on the same state of facts. He was Judge Howe, of Vermont. Therefore there is generated a feeling of inequality and unfairness—a lack of impartiality upon the citizenry. Similar violations should earn similar punishments. One man is sent to jail, and another man is fined for doing the same thing. That causes disrespect for our courts.

Therefore to secure uniformity in action these outside judges should not be brought in. But we need these additional judges unless you pass this bill. It takes almost two and a half years for a case to be tried—a common-law case—in the eastern district, and even with those two additional judges it will take a long time for the court to catch up with its work in equity, in admiralty, and patent cases.

Percy G. Gilkes, the very able and painstaking clerk of that court, has submitted to me the following data:

United States District Court, Eastern District of New York

ADMIRALTY

Cases on calendar Oct. 1, 1928	1,034
Cases added during October	28
	1,062
Tried	44
Otherwise disposed of	56
Cases on calendar Nov. 1, 1928	962
Cases added during November	21
	983
Otherwise disposed of	10
Cases on calendar Dec. 1, 1928	993

EQUITY

Cases on calendar Oct. 1, 1928	82
Cases added during October	18
	100
Tried	15
Otherwise disposed of	13
Cases on calendar Nov. 1, 1928	72
Cases added during November	45
	117
Tried	16
Otherwise disposed of	36
Cases on calendar Dec. 1, 1928	65

COMMON LAW

Cases on calendar Oct. 1, 1928	126
Cases added during October	8
	134
Otherwise disposed of	8
Cases on calendar Nov. 1, 1928	126
Cases added during November	10
	136
Tried	11
Otherwise disposed of	7
Cases on calendar Dec. 1, 1928	118

CRIMINAL

Cases pending Oct. 1, 1928	1,383
Cases added during October	267
	1,650
Pleas, guilty	231
Dismissals	55
Acquittals	1
Cases pending Nov. 1, 1928	1,363
Cases added during November	149
	1,512
Pleas, guilty	144
Dismissals	36
Trial convictions	3
Acquittals	5
Disagreements	1
Cases pending Dec. 1, 1928	1,323

MOTIONS

October	254
November	330

ORDERS SIGNED

Average per month	550

NATURALIZATIONS

Typical month	4,846

The calendars do not indicate accurately all of the cases that can be tried. Because of the fact that it will take three years at least to clear up the present admiralty calendar and dispose of every case on it, few new cases are being added. This is true also of common law.

In regard to the common-law calendar, there have been several additional terms held during the year. Judge Bryant from the northern district of New York, Judge Johnson from Pennsylvania, and Judge Cooper, also from the northern district of New York, have assisted in getting down the common-law calendar, as the terms they held were in addition to the regular terms held by our own judges.

There are three judges. One of the three holds criminal continuously. The second judge holds the motions, naturalizations, ex parte, and miscellaneous business. Monday is devoted to miscellaneous business generally. Often there is a calendar of so-called padlock cases, taking most of the day. Tuesday is naturalization day, Wednesday general motions; it being no uncommon thing to find 60 or more motions on the calendar. This takes always the whole morning and generally the afternoon as well. Thursday is naturalizations again, and Friday is bankruptcy calendar day, with from 50 to 65 or 70 motions. Yesterday, for example, there was a continuous performance from the opening of the court until half-past 1 and from 2 o'clock until 4, all of bankruptcy motions. Many of these are contested and decisions needed to be written in.

This leaves one judge to try admiralty, equity, and common law, three items. There are only nine months in which it is practicable to try cases. That means that three classes of cases get three months each for settlement. It is no wonder that the admiralty calendar, when 100 cases are disposed of during a term, will take three years to get rid of the present cases thereon.

The decisions in the patent and other equity cases and admiralty cases must be worked on and rendered. The only time available is when a judge is holding the motion term. As he is busy pretty nearly all day long, it would seem that the only time left is Saturday afternoons, Sundays, and at nights.

As clerk I take in the orders for the judge to sign. It is very distressing for me to go into the chambers with a bundle of from 20 to 50 orders and ask a judge to sign them when he is absorbed in dictation of opinions or busily engaged in other work. However, he must be interrupted, as the lawyers insist that orders they present must be handed to the judge and signed. The figures given for orders signed is conservative.

Mr. SUMNERS of Texas. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. SOMERS].

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. SOMERS of New York. Mr. Chairman, it is my intention to vote for this bill. At the same time I would like to remind this committee that at the present time there is an investigation going on in this court. It is an investigation that promises to be very sensational, and it is too bad that before passing this legislation we can not be guided by the facts that these investigators will bring forth. However, that is impossible now, but may I suggest to the Judiciary Committee that the greatest possible attention be given to this investigation in the hope that we may so amend our bankruptcy laws, that these judges, after they are appointed, will be backed by sound, proper, and careful legislation so as to be in a better position to properly discharge their duties in the interests of the people of these districts.

Mr. GRAHAM. Mr. Chairman, I yield to the gentleman from New York [Mr. FISH] one minute.

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. O'CONNELL. Mr. Chairman, I do not think we should cut off debate in that way. We have an hour for debate.

Mr. FISH. I should like to have at least two minutes.

Mr. GRAHAM. Then, Mr. Chairman, in response to the gentleman's request, I yield to him two minutes.

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. FISH. Mr. Chairman, I just want to say in regard to the statement made by the gentleman who just spoke [Mr. SOMERS] that possibly the trouble he refers to in connection with bankruptcy cases has been caused by not having enough Federal judges in the southern district. The pressure on the present judges is so exacting that they have no time to check up the work of the referees appointed by them to handle bankruptcy cases. I suggest that the Committee on the Judiciary should draw up legislation either turning over these bankruptcy cases to banks and trust companies to act as referees or to provide for the appointment of permanent referees at a salary of $10,000 to handle all bankruptcy cases.

Mr. O'CONNELL. Something ought to be done.

Mr. FISH. I agree with the gentleman, and it is the duty of the Committee on the Judiciary to report back to this House without delay some method of properly protecting the assets in bankrupt firms which are apt to belong to needy people. Such men as Steinhardt, who would swindle bankrupt firms, is about as contemptible a human being as can be imagined. Our Federal judges in the southern district are honest and honorable men and are not responsible for the shameful conditions exposed by the Steinhardt swindle. We have heaped too much work on their backs, and one method of affording partial relief is to pass the bill before the House providing for three additional judges. I see no reason why it should not go through the present Congress and be enacted into law before March 4. All the judges and prominent lawyers in New York are for it, and there is no politics in it. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The Clerk will read the bill for amendment.

The bill was read for amendment.

Mr. GRAHAM. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. That motion is not necessary under the rule. Under the rule the committee will now rise and report the bill back to the House.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York, reported that that committee had directed him to report the bill back without amendment, pursuant to the rule House Resolution 273.

The SPEAKER. Under the rule the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF NEW YORK

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14659, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14659, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, two additional judges of the District Court of the United States for the Eastern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

The CHAIRMAN. Under the rule, general debate will continue for one hour, to be divided equally between the gentleman from Pennsylvania [Mr. GRAHAM] and the gentleman from Texas [Mr. SUMNERS].

Mr. GRAHAM. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in favor of this bill and to include therein certain official statements from official records.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BACON. Mr. Chairman and gentlemen of the committee, the condition of the business in the Federal court for the eastern district of New York is in a hopeless situation, and the delays in this court are well-nigh intolerable to the litigants. That is very frank language, gentlemen, and the authority for it is Chief Justice Taft, of the United States Supreme Court, speaking on behalf of the Judicial Conference of Senior Circuit Judges, which met last September. It is a rather startling commentary, especially when taken in connection with his earnest plea, made at the same time and on behalf of the same conference, that there be no further delay in creating two additional judgeships for the eastern district of New York to help relieve the congestion in that court.

While no rebuke to Congress was intended, and it was merely an earnest suggestion in the interest of the administration of justice, the forceful earnestness of the Chief Justice's plea should certainly leave its impression and its influence. In surveying the business of the district and circuit courts throughout the country, I can not help feel a sense of genuine concern that the deficiency in the consummation of court business, and, therefore, in the administration of justice, should be so glaring as it is in the eastern district of New York, and also in the southern district.

We can not give too much weight to the recommendation of Chief Justice Taft and the judicial conference. By law we have invited his recommendations; no, we have gone still further, and we have commanded his recommendations. The act creating the Conference of Circuit Judges reads:

It shall be the duty of the Chief Justice of the United States * * * to summon to a conference * * * the senior circuit judge of each judicial circuit. * * * It shall be the duty of every judge thus summoned * * * to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

And it was under that duty, specifically commanded of him, that Chief Justice Taft has made his recommendations for the improvement of the judicial machinery. And part of them was his plea that two additional judges be authorized for the eastern judicial district of New York.

Not only does the Chief Justice's conference feel the sting of the intolerable conditions in the eastern district, but the resentment against present conditions is universal throughout that district. I know of no body of lawyers, no association of business men, no representatives of the press, and no civic associations who feel differently.

Gentlemen, I feel much concern at the conditions that are portrayed. Not only are the interests of business and private citizen alike being jeopardized by the congestion in this court, but the interests of the Government are likewise being neglected.

The situation in the eastern district of New York is not only unjust but improper. There can no longer be an excuse for its continuance. It is imperative that relief be afforded to those who have intrusted their pleas to this court and that they not be made to wait for decisions in their cases until all hope is fled. It is imperative, unless we are to pile high injustice on

injustice, that this bill be passed. For Congress to suffer the present conditions would not only be a grevious mistake but, in my humble estimation, would show a callous disregard for the rights and the expectations of over three and three-quarters million people who comprise the population of the eastern district of New York. To-day, for many purposes, in many of the cases before this court, a practical denial of justice will be worked. Too true is the saying that justice delayed can be justice denied. There are some, of course, who profit from these conditions. For these the wheels of justice can never grind too slowly. But we are not influenced by this type or class, although the people as a whole, through the Government's prosecution, are directly affected.

As long as I have been in Congress I have never seen a more united, a more vigorous, and a more intelligent sponsorship of any proposal that has come before the House. Public opinion, the bar, and the interests of business are strongly behind this measure, and they are looking forward to and expecting its enactment. Let me read to you an editorial over the signature of Mr. Paul Block, appearing in the Brooklyn Standard Union for December 28, 1928, which temperately states the public will on the need for improvement in the administration of justice in the eastern district of New York:

MORE UNITED STATES JUDGES A VITAL NEED FOR OUR DISTRICT

Congress ought to provide two additional United States district judges for the eastern district of New York, which includes Brooklyn, Queens, Nassau, Suffolk, and Richmond Counties, without further delay.

The House Judiciary Committee has reported the Bacon bill. It provides for two judges. More, in fact, are needed, but two additional jurists would aid an aggravated situation, insuring litigants prompt action in court. Chief Justice William Howard Taft has stressed the need of relief.

Under existing conditions it is possible to hold only one equity, admiralty, and common-law term every three months. Lawyers and litigants alike agree such terms ought to be held every month. Three judges, with a widely known reputation for industry and painstaking devotion to duty, now conduct five terms at the main post-office building in Washington Street.

Obviously there are delays which amount to injustice. There are more than 1,100 admiralty cases now pending that will take more than two years to try unless added judges are provided. The common-law calendar is more than a year behind.

The southern district of New York now has six United States district court judges and is asking for three more. Brooklyn and Long Island, in spite of its vast growth in population, has only three judges, who are now heavily burdened.

We trust Congress will pass the Bacon bill and do it speedily.

PAUL BLOCK, *Publisher.*

As you gentlemen know, there are at present only three judges in this district, and this bill provides for two additional. In order to survey the need for these judges as best I could, in response to the striking demand for relief, I went direct to the court itself for information as to its present business condition. I was told that it will take three years at least to clear up the present admiralty calendar and dispose of every case on it. Of course, this is a condition peculiar to New York. Brooklyn vies with New York as the steamship center of the world, and more admiralty cases originate there than in any other part of the United States. Due to the inability to secure outside judges to help with the admiralty calendar, few having had experience in this special branch of law, there has been little hope or expectation for relief here. The result has been that few new cases are being added.

And I am told that what is true of the admiralty calendar is also true of common law. I quote from a résumé of the conditions at this court, prepared by its clerk:

In regard to the common-law calendar, there have been several additional terms held during the year. Judge Bryant from the northern district of New York, Judge Johnson from Pennsylvania, and Judge Cooper, also from the northern district of New York, have assisted in getting down the common-law calendar, as the terms they held were in addition to the regular terms held by our own judges.

There are three judges. One of the three holds criminal continuously. The second judge holds the motions, naturalizations, ex parte, and miscellaneous business. Monday is devoted to miscellaneous business generally. Often there is a calendar of so-called padlock cases, taking most of the day. Tuesday is naturalization day, Wednesday, general motions, it being no uncommon thing to find 60 or more motions on the calendar. This takes always the whole morning and generally the afternoon as well. Thursday is naturalization again, and Friday is bankruptcy calendar day with from 50 to 65 or 70 motions. Yesterday, for example, there was a continuous performance from the opening of the court until half-past 1 and from 2 o'clock until 4, all of bankruptcy motions. Many of these are contested and decisions needed to be written in.

This leaves one judge to try admiralty, equity, and common law, three items. There are only nine months in which it is practicable to try cases. That means that three classes of cases get three months each for settlement. It is no wonder that the admiralty calendar, when 100 cases are disposed of during a term, will take three years to get rid of the present cases thereon.

The decisions in the patent and other equity cases and admiralty cases must be worked on and rendered. The only time available is when a judge is holding the motion term. As he is busy pretty nearly all day long it would seem that the only time left is Saturday afternoons, Sundays, and at nights.

As clerk I take in the orders for the judge to sign. It is very distressing for me to go into the chambers with a bundle of from 20 to 50 orders and ask a judge to sign them when he is absorbed in dictation of opinions or busily engaged in other work. However, he must be interrupted, as the lawyers insist that orders they present must be handed to the judge and signed. The figures given for orders signed is conservative.

The factors working to bring about this very heavy court business in the eastern district of New York is due principally to the great population comprising the territory making up the district and the great commercial, industrial, and financial interests centered there. The population in the eastern district of New York is greater than that in any other Federal court district in the entire Union, the southern district of New York not excepted. Five counties make up its area. I shall give them and also their population in 1925 and in 1928, together with the rate of increase from 1920 to 1928. They will help make clear to you the peculiar conditions that are confronting this Federal court.

	Population, 1925	Population, 1928	Per cent of increase, 1920–1928
Richmond County	138,277	150,091	28.8
Kings County	2,203,991	2,308,999	14.4
Queens County	713,891	859,284	83.2
Nassau County	207,640	256,275	103.2
Suffolk County	143,208	163,164	48.0
	3,407,007	3,737,813	

The southern district of New York, comprising 11 counties, including the populous county of New York, has a population of 3,650,881. The eastern district has overtaken the southern and there will ever be a widening gap, as the movement of the population is definitely toward Long Island.

I have no particular faith in bald figures—they can be made to misshape situations too easily—and those that I will give I can assure you are as fair as I could get them. But it is an interesting sidelight that the population of the eastern district of New York is greater than that for 36 States of the Union, as follows:

	Population
Eastern district of New York (1920 census)	2,840,295
Alabama	2,348,174
Arizona	334,162
Arkansas	1,752,204
Colorado	939,622
Connecticut	1,380,631
Delaware	223,003
Florida	968,470
Idaho	431,866
Iowa	2,404,021
Kansas	1,769,257
Kentucky	2,416,630
Louisiana	1,798,509
Maine	768,014
Maryland	1,449,661
Minnesota	2,387,125
Mississippi	1,790,618
Montana	548,889
Nebraska	1,296,372
Nevada	77,407
New Hampshire	443,083
New Mexico	360,350
North Carolina	2,559,123
North Dakota	646,872
Oklahoma	2,028,283
Oregon	783,389
Rhode Island	604,397
South Carolina	1,683,724
South Dakota	636,547
Tennessee	2,337,885
Utah	449,396
Vermont	352,428
Virginia	2,309,187
Washington	1,356,621
West Virginia	1,463,701
Wisconsin	2,632,067
Wyoming	194,402

While these figures are based on the 1920 census a check discloses that the advantage would run to the eastern district of New York if the rate of increase from 1920 to 1928 were applied in both instances.

So much for the population in this great judicial district.

The assessed valuation of the eastern district of New York totals the tremendous sum of $7,899,028,767, an amount which is practically double that in the States of Arizona, Delaware, Idaho, Maine, Montana, New Hampshire, and Wyoming all combined. And interesting, too, is the fact that the eastern district outranks in population this group of seven States, which I shall list, together with their estimated population in 1928:

	Population
Eastern district of New York, 1928	3,737,813
Arizona	501,243
Delaware	240,843
Idaho	544,151
Maine	789,418
Montana	751,977
New Hampshire	453,716
Wyoming	246,890
Total	3,528,238

And, mind you, these seven States have nine district judges, against the three in the eastern district of New York. While I place no especial value on these figures, and while I concede that the breadth of territory in this group of States makes it essential that an adequate number of district judges be available, nevertheless the business done in the district courts of these seven States and that done in the eastern district of New York is not in the disfavor of the latter district.

The population and the business interests of the eastern district furnish, naturally, the impulse for the increasing business of the court. And that swing forward is concededly a fact, and in future years these figures will show but additions and multiplications.

To-day, Brooklyn exceeds Philadelphia and Manhattan alike and is the second largest city in the United States. Long Island itself, excluding Richmond County, which is also part of the eastern district, ranks with four of the great States of the Union. The following data concerning the importance of Brooklyn alone—and it must be borne in mind that Brooklyn is only one part of the eastern judicial district—is impressive:

Brooklyn's population exceeds that of seven States of the Union.

Brooklyn's manufactured products amount to more than $1,000,000,000 annually.

Brooklyn ranks fourth in industry in the United States.

Brooklyn ranks sixth in industry in the world.

Brooklyn leads the world in the importation, distribution, and refining of sugar.

Brooklyn ranks first as a coffee importing and distributing center.

Brooklyn ships approximately 55 per cent of the freight from the combined ports of New York, Newark, Hoboken, and Jersey City, the sailings from Brooklyn visiting 119 foreign cities.

Brooklyn has 187 piers, accommodating more than 700 ocean liners.

Brooklyn has the second largest public-school enrollment in the United States, exceeded only by Chicago.

And I shall also give the measure of Brooklyn's startling progress in the last 10 years:

	1916	1926
Population	1,870,000	2,240,000
Telephones	138,000	356,000
Building permits	$35,300,000	$280,000,000
Electric meters in service	87,000	684,454
Realty, assessed valuation	$1,750,000,000	$3,230,856,000

And this great city is taking greater strides every year in the march of progress.

I do not want to bore you with a multiplication of these facts, but I shall merely say that in Queens, Richmond, Suffolk, and Nassau there is a proportionate increase and proportionate progress in business and industrial life.

This tremendous activity must of necessity, through its very force, result in increased litigation before the Federal courts in the eastern district. There is no stemming this tide of litigation and the only influence we can exert on it is that we shall keep the judiciary abreast of it.

And startling as has been the progress in the population and business activities of the eastern judicial district, the increase in the demands on the court has been astonishing. In 1906 there were a total of 655 cases before the court for adjudication, in 1911 there were 1,009, in 1921 there were 3,271, and in 1927 there were 6,379. Separating them according to types of actions they are:

	1906	1911	1921	1927
Admiralty	185	224	863	1,164
Law and equity	126	121	321	932
Bankruptcy	256	490	583	1,031
Criminal	74	129	1,328	2,349
Civil, United States	14	45	176	903
Total	655	1,009	3,271	6,379

Viewed in the form of percentages, these figures indicate that from 1906 to 1921, the increase was over 650 per cent; for the period from 1911 to 1921, the activities of the court more than trebled, and notwithstanding the appointment of an additional judge in 1923, the business from 1921 to 1927 has doubled.

A comparison of the business of the eastern district court, with its present three judges, with that of the southern district, with its present six judges, is persuasive as showing the tremendous amount of work shouldered by each of the three judges in the eastern district at this time.

That the judges in the eastern district are doing far more than their share, and are obliged to carry even a much heavier burden than their brother judges in the adjoining southern district, can be readily seen from the table given below, covering the year 1927, and showing the number of all cases before both courts, divided among the individual judges in the respective courts:

Division of total cases before court by number of judges

IN THE EASTERN DISTRICT	Per judge
Admiralty cases	386
Law and equity	310
Bankruptcy	343
Criminal	783
Trials	40
Civil	301
IN THE SOUTHERN DISTRICT	
Admiralty cases	152
Law and equity	221
Bankruptcy	280
Criminal	343
Trials	26
Civil	330

As part of my remarks, I am appending a table giving the detailed business of this court up to December 1, 1928. These are the latest figures available.

We have 91 district courts and 132 district judges to handle all of the business of the United States district courts throughout the country and in the Territories. In the report of the Attorney General for 1928, on pages 88 and 89, the total business before all the district courts of the United States is given. It is divided into three groups, civil, criminal, and private cases. While the report naturally does not attempt to allot to each district court its percentage of all the court business before the district courts, I completed this percentage for the eastern district of New York. And the result was rather a startling one.

It shows that of the civil cases, the eastern district had in 1927, 8 per cent of the total in the United States; of the criminal cases, it had 10½ per cent; and of the private cases, it had 20 per cent.

The figures for 1928 are substantially similar, with a marked reduction, however, in the criminal cases, due, probably, to throwing into the discard a great number of old prohibition cases. An increase of 4 per cent in the private cases before the court is indicated. The percentages for 1928 show that the eastern district of New York has before it 7 per cent of the total number of civil cases in all the country; 4 per cent of the criminal cases, and 24 per cent of the private cases.

While I do not show the percentage of business of the total for each district court in the United States, it is very patent that the eastern district of New York has many, many more times its share, distributed as it must be among three judges.

To keep even fair pace with their steadily mounting calendars has exacted of these judges in the eastern district of New York labor and attention to duty and a denial of leisure time that to my mind is most unfair. They have shown a spirit of self-sacrifice and an unflagging devotion to duty that is really inspiring. They are laboring under a terrific strain. The work of the court engages their attention from early morning until late in the evening, and from the information available it is known that it is the common rule for them to come back to their chambers at night or to bring work to their homes.

To help lessen the congestion in this court—and not to lessen the labor of the home judges—assignment of judges from all over the United States have been made to the eastern district. They have come from New Jersey, Nebraska, Texas, Alabama, Louisiana, Florida, and from many other States. These assignments since 1923 have averaged the full time of one outside judge every day for approximately six months of a year. In

1928 these assignments averaged one judge for a little under seven full months. These outside judges, new to the district and new to the members of the bar, receive $10 per diem, together with their railroad fare and necessary clerical hire.

Here is the list of the names of the judges and the States from which assigned, together with the period of their service in the court of the eastern judicial district of New York:

Judge	District	From—	To—
Charles F. Lynch	New Jersey	Mar. 5, 1923	Mar. 23, 1923
D. Lawrence Groner	Eastern district of Virginia	Jule 18, 1923	July 7, 1923
Wm. B. Sheppard	Northern district of Florida	June 1, 1923	July 31, 1923
Do	do	Sept. 3, 1923	Sept. 30, 1923
Jos. W. Woodrough	Nebraska	July 2, 1923	Aug. 31, 1923
W. Lee Estes	Eastern district of Texas	Sept. 17, 1923	Oct. 15, 1923
Robert T. Erwin	Southern district of Alabama	do	4 weeks.
Wm. B. Sheppard	Northern district of Florida	June 9, 1924	Sept. 30, 1924
Harland B. Howe	Vermont	Feb. 2, 1925	Feb. 7, 1925
Benj. C. Dawkins	Western district of Louisiana	June 1, 1925	Sept. 30, 1925
Lake Jones	Southern district of Florida	July 7, 1925	July 21, 1925
Robert T. Erwin	Southern district of Alabama	Sept. 1, 1925	4 weeks.
Wm. B. Sheppard	Northern district of Florida	July 1, 1926	Sept. 30, 1926
Do	do	July 1, 1927	Sept. 30, 1927
Fred. H. Bryant	Northern district of New York	Nov. 7, 1927	Dec. 3, 1927
Warren B. Burrows	Connecticut	Mar. 7, 1928	Apr. 7, 1928
Fred H. Bryant	Northern district of New York	Apr. 301, 928	May 31, 1928
Albert H. Johnson	Middle district of Pennsylvania.	Apr. 23, 1928	May 5, 1928
Wm. H. Atwell	Northern district of Texas	July 17, 1928	Aug. 31, 1928
Henry D. Clayton	Northern district of Alabama	Sept. 1, 1928	Sept. 30, 1928
Frank Cooper	Northern district of New York	Nov. 7, 1928	Nov. 30, 1928
Do	do	Dec. 1, 1928	Dec. 21, 1928

A recapitulation of the above shows that the judges named served 877 days in the eastern district, or a total period of 2 years 4 months 27 days.

But even with the aid furnished by these outside judges there has been no marked improvement in the condition of the business at this court. And to obtain these jurists has been a difficult task. The senior judge in the eastern district court has found it a hard and often an embarrassing task to secure outside judges. My information is that at one time he was forced to write to 18 different judges before he succeeded in persuading one to hold a term of court. This was a very recent occasion.

In the criminal cases their service was invaluable, but in admiralty and common law the resident judges had to be depended upon. Then, too, these outside judges, not having the wide acquaintanceship with the local bar, are at a disadvantage in pushing cases to trial.

So much for the justification of this bill. I will only take a few more moments of your time to tell you the influences that are earnestly back of this measure and that demand and expect its enactment.

Back of this bill is the editorial prestige of all the important newspapers in the eastern judicial district. Not one paper, to my knowledge, has ever printed a word of opposition, or of indifference, to the bill. Rather, the press has been most insistent on its passage.

This measure has the support of every bar association in the eastern judicial district and also of the New York Bar Association and the New York Patent Bar Association. The resolution of the Brooklyn Bar Association, directed to a previous bill introduced by me, is particularly pointed, and I give it in full:

Whereas the amount of business in the United States District Court for the Eastern District of New York has increased so largely that from 1911 until 1922 there was an increase of about 500 per cent in admiralty, 250 per cent in law and equity, 200 per cent in bankruptcy, and an increase of 500 per cent in criminal cases; and

Whereas the percentage of increases has continued from that period down to the fiscal year ending June 30, 1927; and

Whereas there are now only three district judges appointed from this district; and

Whereas under the present condition one judge is continually occupied with criminal cases, one judge is occupied with all the ex parte and litigated motions, and naturalization; that only one judge is therefore available to try the litigated causes in equity, law, and admiralty, so that each class of causes has but three months of each year for the transaction of its business unless judges are brought from out of town; and

Whereas there has been increasing difficulty in obtaining judges from other districts to sit in the eastern district of New York and relieve the pressure: Now, therefore, be it

Resolved, That the Brooklyn Bar Association at a regular meeting thereof held on the 8th day of March, 1928, places itself on record as being unanimously in favor of there being an increase in the number of judges for the eastern district of New York by at least one; and be it further

Resolved, That the Brooklyn Bar Association place itself on record as being in favor of the bill H. R. 5774 now pending before the Committee of the Whole House on the state of the Union; and be it further

Resolved, That a copy of this resolution be sent to each Congressman representing a congressional district within the eastern district of New York, and to each of the United States Senators from the State of New York; and be it further

Resolved, That the president of the Brooklyn Bar Association be empowered and directed to appoint a committee of 10, two members of which shall wait upon each Congressman representing a congressional district within the confines of the eastern district of New York and each United States Senator from the State of New York to obtain from such Congressmen and Senators a definite stand upon the following propositions and report the same back to the Brooklyn Bar Association at its next regular meeting, whether the said bill for the additional judge shall have been acted upon or not; and be it further

Resolved, That the questions to be asked by the committee of these Congressmen and Senators, as follows:

1. Are you persuaded that an additional United States district judge is necessary in the eastern district of New York at the present time?

2. Are you in favor of the present bill H. R. 5774, providing for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York?

3. If not, why?

This measure has the support of every chamber of commerce and business organization in the eastern district of New York, as well as merchant and commercial bodies in the city of New York proper.

But forming the fundamental background for the support of this proposal to improve the judicial machinery are the private citizens and business interests for whose sole benefit it is intended. This morning's mail brought me a letter from one of the largest surety companies in the world which succinctly states the need for this measure. In urging the enactment of the bill it stated:

As you know, one of the greatest handicaps that business in our city labors under is the delay in obtaining justice in the Federal courts, due to the inadequate number of judges.

Under present conditions existing at this court, all arising from the inadequate judicial personnel, these citizens and business interests are denied that measure of justice to which they are entitled.

I think I am as much against authorizing unnecessary additional judicial personnel as any Member of this House. Before voting for an increase anywhere I would want the justification. I would want to know that there was a real need for the creation of additional judgeships in any district. But the assignment practice, at least as far as the eastern district is concerned, has broken down. It offers no real relief. Not only has it been practically impossible to bring in outside judges but those who have favored our district were available only, for all practical purposes, for the criminal part, not having special admiralty experience, or being experienced with the common law as practiced in New York.

Every expedient to aid the eastern district with the present machinery has failed, and therefore there is only one solution, and that is the appointment of two additional permanent judges. It becomes our duty, our patriotic duty, to offer every help possible in the administration of justice, and therefore, gentlemen, I earnestly hope that you will support this measure and aid in curing the "hopeless situation" in our district pictured by Chief Justice Taft.

Summary of business at Federal court for Eastern District of New York to December 1, 1928

ADMIRALTY

Cases on calendar Oct. 1, 1928	1,034
Cases added during October	28
	1,062
Tried	44
Otherwise disposed of	56
Cases on calendar Nov. 1, 1928	962
Cases added during November	21
	983
Otherwise disposed of	10
Cases on calendar Dec. 1, 1928	993

EQUITY

Cases on calendar Oct. 1, 1928	82
Cases added during October	18
	100
Tried	15
Otherwise disposed of	13
Cases on calendar Nov. 1, 1928	72
Cases added during November	45
	117
Tried	16
Otherwise disposed of	36
Cases on calendar Dec. 1, 1928	65

COMMON LAW

Cases on calendar Oct. 1, 1928	126
Cases added during October	8
	134
Otherwise disposed of	8
Cases on calendar Nov. 1, 1928	126
Cases added during November	10
	136
Tried	11
Otherwise disposed of	7
Cases on calendar Dec. 1, 1928	118

CRIMINAL

Cases pending Oct. 1, 1928	1,383
Cases added during October	267
	1,650
Pleas, guilty	231
Dismissals	55
Acquittals	1
Cases pending Nov. 1, 1928	1,363
Cases added during November	149
	1,512
Pleas, guilty	144
Dismissals	36
Trial convictions	3
Acquittals	5
Disagreements	1
Cases pending Dec. 1, 1928	1,323

MOTIONS

October	254
November	330

ORDERS SIGNED

Average per month	550

NATURALIZATIONS

Typical month	4,846

The Clerk read the bill for amendment.

The CHAIRMAN. If no one desires to propose amendments the committee will now rise, pursuant to the rule, and report the bill back to the House without amendment.

Accordingly the committee rose; and Mr. SNELL having assumed the chair as Speaker pro tempore, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York, and had directed him to report the same back to the House without amendment, pursuant to House Resolution 273.

The SPEAKER pro tempore. Under the resolution the previous question is ordered. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL CIRCUIT JUDGE FOR THE SECOND JUDICIAL CIRCUIT

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, for the appointment of an additional circuit judge for the second judicial circuit.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1976, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the second judicial circuit.

The CHAIRMAN. Under the rule there is one hour of general debate, one-half to be controlled by the gentleman from Pennsylvania [Mr. GRAHAM] and one-half to be controlled by the gentleman from Texas [Mr. SUMNERS]. The gentleman from Pennsylvania is recognized for 30 minutes.

Mr. GRAHAM. Mr. Chairman, I do not desire to use any time, and I ask for the reading of the bill.

The CHAIRMAN. Does the gentleman from Texas desire to use any time?

Mr. SUMNERS of Texas. The gentleman from Texas does not desire to use any time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

The CHAIRMAN. Pursuant to the rule, the committee will now rise and report the bill back to the House without amendment.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1976) for the appointment of an additional circuit judge for the second judicial circuit and had directed him to report the same back to the House without amendment, pursuant to House Resolution 273.

The SPEAKER. Under the resolution the previous question is ordered. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, to create an additional judge in the southern district of Florida.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 1275, which the Clerk will report.

The Clerk read as follows:

An act to create an additional judge for the southern district of Florida

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the Southern District of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

Passed the Senate April 4, 1928.

Mr. DENISON. Will the gentleman from Pennsylvania [Mr. GRAHAM] yield for a question?

Mr. GRAHAM. Certainly.

Mr. DENISON. I desire to ask the chairman of the Judiciary Committee if these various bills, including the one now under consideration, authorize a continuing exercise of the power granted in the bills, or does the President exhaust his power when he appoints the first additional judge?

Mr. GRAHAM. These are to be permanent judgeships. When the President appoints the judge, of course, he has exhausted his power of appointment.

Mr. DENISON. Then when that judge dies the President can not again exercise the power?

Mr. GRAHAM. Not unless by something in the bill requiring him to be authorized by the Congress.

Mr. DENISON. That is what I wanted to know. In other words, this is not the creation of a permanent judgeship, but merely an authorization for the appointment of another judge.

Mr. GRAHAM. It is the creation of a permanent judgeship.

Mr. DENISON. The gentleman just stated the contrary.

Mr. GRAHAM. No; I beg the gentleman's pardon. The gentleman misunderstood me.

Mr. DENISON. I did not misunderstand the gentleman. I think the chairman stated very clearly that when this judge dies the power of appointment can not again be exercised.

Mr. GRAHAM. A new judge would not have to be authorized by the Congress each time.

Mr. DENISON. There is apparently a difference of opinion.

Mr. DYER. That only applied to the act which we passed some years ago.

Mr. SNELL. May I ask the chairman of the Judiciary Committee a question?

Mr. GRAHAM. Yes.

Mr. SNELL. I have always understood that we were creating an additional judgeship, and when this judge died it would be within the power of the President of the United States to appoint the judge.

Mr. GRAHAM. The gentleman is quite right. That is true.

Mr. MICHENER. The Congress has nothing more to do with it, only as the Senate confirms.

Mr. DENISON. I have no opposition to these bills; but I made the inquiry because it seemed to me the language used was not sufficient to provide for a permanent, additional judgeship, and that the power of the President to appoint the judge

in this district is exhausted when he appoints this additional judge.

Mr. GRAHAM. It is the usual language used both by the Senate and the House.

Mr. DYER. The gentleman probably confuses himself by having in mind in connection with this legislation some legislation which the Congress passed some years ago which provided that successors should not be appointed unless they were recommended by the council of judges.

Mr. SNELL. And when it is not to be a continuing judgeship, it definitely states that in the bill.

Mr. GRAHAM. Yes.

Mr. SUMNERS of Texas. Mr. Chairman, I do not desire to use any time.

The Clerk read the bill for amendment.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1275) to create an additional judge for the southern district of Florida, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT—WORLD'S POULTRY CONGRESS (H. DOC. NO 509)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending that Congress be requested to authorize an appropriation of $40,000 for the participation of the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England in 1930.

The recommendation has my approval and I request of Congress legislation authorizing an appropriation of $40,000 for the purpose of participation by the United States by official delegates and a national exhibit in the Fourth World's Poultry Congress, to be held in England, probably in the second half of the month of July, 1930.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 15, 1929.*

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 16, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 16, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(1.30 p. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 16.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the general legislation before the committee.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

To amend the classification act of 1923, approved March 4, 1923 (H. R. 16168).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To readmit Cornelia Roosevelt von Zedlitz to the character and privileges of a citizen of the United States (H. J. Res. 225).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H. (S. 4739).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—SUBCOMMITTEE ON RAILROADS

(10 a. m.)

To promote the safety of the people by installing automatic train controls on railroads; for determining and installing the most practical control of automobiles at grade crossings; for determining and installing other appliances for the protection of the people; to safeguard the interests of the inventors and the people supporting them in the development of devices and appliances in connection therewith; and to impose penalties and other conditions relative thereto (H. R. 9686).

To create a board for the safety and betterment of the people (H. R. 15094).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 15382. A bill to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.; with amendment (Rept. No. 2088). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 15968. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; with amendment (Rept. No. 2089). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.; without amendment (Rept. No. 2090). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.; without amendment (Rept. No. 2091). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Missis-

sippi River at or near Baton Rouge, La.; without amendment (Rept. No. 2092). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; without amendment (Rept. No. 2093). Referred to the House Calendar.

Mr. GARBER: Committee on Interstate and Foreign Commerce. H. R. 14151. A bill to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington; with amendment (Rept. No. 2094). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 14452. A bill to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;* with amendment (Rept. No. 2095). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 16129. A bill to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy; with amendment (Rept. No. 2096). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DARROW: Committee on Naval Affairs. H. R. 13428. A bill for the relief of Mackenzie Memorial Hospital and German American Hospital and Lau Ye Kun, all of Tientsin, China; with amendment (Rept. No. 2097). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. H. R. 15651. A bill for the relief of Leonidas L. Cochran; with amendment (Rept. No. 2098). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HERSEY: A bill (H. R. 16270) to revive and reenact an act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 16271) to increase the compensation of carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. DOUGLAS of Arizona: A bill (H. R. 16272) providing for the designation and maintenance of national cemeteries at Tucson, Ariz., and Fort Bayard, N. Mex.; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 16273) to amend an act entitled "An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes," approved May 17, 1928; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McFADDEN: A bill (H. R. 16275) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FISHER: A bill (H. R. 16276) in reference to members of the Officers' Reserve Corps, United States Army; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 16277) to classify certain positions in the Railway Mail Service, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 16278) to amend the national defense act by providing for a pharmacy corps in the Medical Department, United States Army; to the Committee on Military Affairs.

By Mr. VINSON of Kentucky: A bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINGO: A bill (H. R. 16280) to amend section 7 of public act 391, Seventieth Congress, approved May 15, 1928; to the Committee on Flood Control.

By Mr. MORROW: A bill (H. R. 16281) to provide for a military and industrial school for boys and girls in the State of New Mexico; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16282) for the relief of Andrew Boyd Rogers; to the Committee on Naval Affairs.

By Mr. BEERS: A bill (H. R. 16283) granting a pension to Katharine M. Thomas; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 16284) granting a pension to Joseph W. Stroud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16285) to correct the military record of Benjamin F. Yazel; to the Committee on Military Affairs.

By Mr. FULBRIGHT: A bill (H. R. 16286) granting an increase of pension to William H. Surridge; to the Committee on Pensions.

Also, a bill (H. R. 16287) granting an increase of pension to Lavina M. Williams; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 16288) granting a pension to Susie G. Ganbin; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 16289) granting an increase of pension to Elizabeth Kennel; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 16290) granting a pension to Stephen Cole, alias Steven Cole; to the Committee on Pensions.

Also, a bill (H. R. 16291) for the relief of Stephen Cole, alias Steven Cole; to the Committee on Military Affairs.

By Mr. IRWIN: A bill (H. R. 16292) granting an increase of pension to Alice L. Enloe; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 16293) granting an increase of pension to Emily A. Northcutt; to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 16294) granting a pension to William E. Dollard; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16295) granting an increase of pension to Pauline Carney; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16296) granting an increase of pension to Matilda Beighley; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 16297) granting a pension to B. F. Ramey; to the Committe on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 16298) granting a pension to Wallace Cayton; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 16299) granting a pension to Nancy E. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16300) granting a pension to Annie Brubaker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8237. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

8238. By Mr. FULBRIGHT: Petition by citizens of New Madrid County, Mo., urging passage of House bill 14116; to the Committee on Agriculture.

8239. By Mr. GARBER: Petition of the Clara Barton Auxiliary, United Spanish War Veterans, urging support of House bill 14676; to the Committee on Pensions.

8240. Also, petition of the Medical Society of the State of New York, in opposition to the Newton bill; to the Committee on Interstate and Foreign Commerce.

8241. By Mr. LINDSAY: Petition of Miller Parlor Frame Co. (Inc.), Brooklyn, N. Y., opposing the lowering or preserving of the present schedule on importation of furniture frames from Italy, strongly urging increasing schedule; to the Committee on Ways and Means.

8242. Also, petition of McKibben Chair Corporation, Brooklyn, N. Y., urging an increase in the tariff on wood manufactures and products of wood industry, particularly importation of wood frames from abroad; to the Committee on Ways and Means.

8243. By Mr. MOORE of New Jersey: Petition of employees of Barrett & Co., leather manufacturers, of Newark, N. J., asking for adequate duty on leather, etc.; to the Committee on Ways and Means.

8244. By Mr. O'CONNELL: Petition of the Magee Carpet Co., Bloomsburg, Pa., favoring the passage of House bills 9200 and

14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8245. Also, petition of I. Mittelman & Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8246. Also, petition of the Edmund Wright-Ginsberg Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal court judges in the State of New York; to the Committee on the Judiciary.

8247. By Mr. WINTER: Resolutions from the Washakie County Farm Bureau and Washakie Beet Growers' Association, urging that sugar beets and the production of sugar be included in the tariff hearings held on agricultural products; to the Committee on Ways and Means.

8248. Also, resolution by the Powell Chamber of Commerce, Powell, Wyo., urging that every possible effort toward the passage of House bill 9956 and Senate bill 2829 be made at this session of Congress; to the Committee on Irrigation and Reclamation.

SENATE

WEDNESDAY, *January 16, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty Father, from whose bosom we dropped into light, we know so little of the path we tread or where it leads, but Thou knowest all things, and in Thee is our trust.

Put to silence now our clamorous thoughts that we may be still and know that Thou art God, that Thy sheltering love enfolds us, wooing us to better things. Give us strength for our burdens, wisdom for our responsibilities, insight for our times, and faith sufficient for the larger claims, that in all our striving for the Nation's weal we may be conscious of our fellowship with Thee.

Help us thus to bear the fret of care and to keep unbroken vigil of the soul lest we trifle with life's golden opportunities or scorn its swiftly ebbing day. All of which we ask through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9200. A bill to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. A bill to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

MULTILATERAL PEACE TREATY—PERSONAL EXPLANATION

Mr. EDGE. Mr. President, I desire, if I may at this time, to make a short personal statement. I was unable to be present at the session of the Senate yesterday when the final vote was taken on the ratification of the Briand-Kellogg treaty and therefore, of course, am not recorded as voting. The fact is that we were inaugurating a governor in the State of New Jersey yesterday and I felt that event of sufficient importance to demand my presence. I desire to state that if I had been in the Senate yesterday I would have voted for the ratification of the treaty with or without a committee report.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 9200. An act to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

PETITIONS AND MEMORIALS

Mr. BRUCE presented letters in the nature of memorials, which were ordered to lie on the table and to be printed in the RECORD, as follows:

SANDY SPRINGS, MD., *January 7, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: It is with regret that I am compelled by press of business connected with the company of which I have been an officer for near 40 years to decline your invitation to attend your meetings tomorrow, but as evidence of my deep interest in the splendid work you are doing I inclose check for a seat at the dinner table.

May your efforts be crowned with success and the cruiser bill be defeated, postponed, or at least amended. It would show the world that America has lost not only her spiritual leadership among nations but all sense of humor if she should accompany a pact for the renunciation of war by starting to building a new lot of war vessels.

Very truly yours,

ALLAN FARQUHAR.

THE WESTMINSTER THEOLOGICAL SEMINARY,
DEPARTMENT OF BIBLICAL THEOLOGY,
Westminster, Md., January 6, 1929.

CONFERENCE ON THE CRUISER BILL,
Hotel Washington, Washington, D. C.

DEAR FRIENDS: On account of illness I shall not be able to meet in the conference on the cruiser bill on January 8.

I heartily indorse the purpose of the meeting. I am opposed to the cruiser bill and believe that the pact for renunciation of war should be ratified at once and given all possible moral support.

Sincerely,

M. J. SHROYER.

SANDY SPRINGS, MD., *January 6, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: I should like to express my interest in this conference and heartily indorse the purpose of it, believing that out of honest discussion we can become keenly alive to the world's ills and realize that it is not battleships that we need but warm friendliness with all nations, which can come about through education.

Sincerely,

MARY M. MILLER.

Mr. COPELAND presented resolutions adopted by the Council of the New York Commandery of the Naval Order of the United States, favoring the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous memorials and letters and telegrams in the nature of memorials, of citizens and civic and religious organizations in the State of New York, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. FESS presented numerous resolutions adopted by women's clubs and civic and religious organizations in the State of Ohio, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of members of the Phi Gamma Mu Society of the Texas Technological College, indorsing the so-called general pact for the renunciation of war, which was ordered to lie on the table.

Mr. EDGE presented memorials and letters and telegrams in the nature of memorials of sundry citizens and organizations in the State of New Jersey, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. GILLETT presented letters and papers in the nature of memorials from sundry citizens and organizations in the State of Massachusetts, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

He also presented numerous resolutions of women's clubs and civic and religious organizations in the State of Massachusetts, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WAGNER. I ask that there may be printed in the RECORD and lie on the table resolutions received by me from the Chamber of Commerce of the Bronx, New York City, in favor of the passage of the cruiser bill.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas the Bronx Chamber of Commerce represents the business interests of a borough of 1,000,000 people, which is one of the great seaports of the world; and

Whereas prosperity and business of the Bronx is dependent to a large degree on the commerce which enters this borough under the protection of the American flag; and

Whereas the Bronx Chamber of Commerce feels that the commercial seafaring traffic of the United States needs the most adequate protection in order that traffic may never be interrupted and may be maintained in the face of any world emergency; and

Whereas there is pending before the United States Senate at the present time a bill authorizing the addition of 16 ships to the United States Navy: Therefore be it

Resolved by the Bronx Chamber of Commerce, representing a borough of 1,000,000 people, That every effort be made to pass this pending bill, authorizing 15 new cruisers and one airplane carrier to be added to the United States Navy; and be it further

Resolved, That copies of this resolution be forwarded to our Representatives in Washington, both in the Senate and the House of Representatives, and the public press.

THE MILITARY SERVICE

Mr. ROBINSON of Indiana. Mr. President, I ask unanimous consent to have printed in the RECORD a communication from the Service Club, of Indianapolis, Ind., composed of 162 members, each of whom served in the World War. I also ask that the communication may be referred to the Committee on Military Affairs.

There being no objection, the communication was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

THE SERVICE CLUB OF INDIANAPOLIS,
OFFICE OF THE SECRETARY,
January 8, 1929.

Hon. ARTHUR ROBINSON,
United States Senator, Washington, D. C.

DEAR SENATOR ROBINSON: The Service Club of Indianapolis, composed of 162 members each of whom saw service in the World War, wishes to invite your especial interest in the following matters affecting our present military affairs:

On December 5, 1928, the other branches of the Army (already too small for effective use for chessmen for reserve training and already reduced last year by about 500 enlisted men) are reduced by 536 men in order to provide for the second annual increment of the 5-year Air Corps program. The American Legion insisted at both the last two national conventions that these increments be provided without reducing the rest of the Army, already too small.

The Budget provides for 1929 summer training for 16,000 reserves. Last summer we trained 20,000, and the reserve association insists that we should train 26,000. The Budget also provides that only 40 per cent of the Reserve Officers' Training Corps students trained at summer camp last year be trained next summer. Though the number to be trained at schools is left the same, this reduction in those to be trained at summer camp reduces the number that will be fit for reserve commissions to 40 per cent of last summer's output, as the camp training is absolutely essential. This is, therefore, a serious blow at the entire reserve project and would, in the course of a number of years, result in a great decrease in the present strength of the reserve unless the appropriation is increased.

We understand that the commanding officer at Schoen Field, Indianapolis, has an order restricting the flying to be done by reserve officers there to a total of 200 flying hours for the entire fiscal year of 12 months. Each reserve officer of the Air Corps is supposed, under present Army training regulations, to fly at least 48 hours a year. There are more than 35 air reserve officers to be served by Schoen Field. They should have an allowance of 1,680 flying hours, instead of 200 hours. This inadequate number of flying hours is due to reduced appropriations and means a direct and vital blow at the strength and efficiency of our air-reserve system, and creates danger of needless deaths among reserve flying personnel through lack of sufficient flying hours to keep them in flying trim.

The Service Club vigorously protests against the continuing let down in our vital provisions for military instruction. We urge you to make every effort along the following lines:

(a) To secure appropriations for the 5-year increment of the Air Service without decreasing either the officer or enlisted personnel now assigned to other branches of the service.

(b) To increase the Budget so that next summer 26,000 reserve officers will receive summer field training.

(c) To increase the Budget so that there will be trained next summer as many Reserve Officers' Training Corps advanced students as were trained last summer.

(d) To increase appropriations so that the Air Service reserve officers throughout the country will have enough ships, gasoline, and maintenance allowances to permit every reserve officer to fly not less than 48 hours each year. This would mean for Schoen Field, Fort Benjamin Harrison, Indianapolis, that the allowance would have to be increased from 200 hours for the fiscal year to a minimum of 1,680 hours.

The Service Club will greatly appreciate it if you will communicate these views to the various committees of the Congress concerned and hope you can support the requests we make.

Respectfully yours,

THE SERVICE CLUB OF INDIANAPOLIS,
MARK E. HAMER, *President.*

DEPORTATION OF CERTAIN ALIEN SEAMEN

Mr. KING. Mr. President, the bill (S. 717) providing for the deportation of certain alien seamen, and for other purposes, has been before the Senate for some time. It passed the Senate at one time, as I recall. Since it has been on the calendar at the present session objections have been made repeatedly to its consideration.

I have here a letter from Mr. Furuseth, president and chairman of the legislative committee of the International Seamen's Union of America, which explains very clearly the provisions of the bill and the object of the measure. I think it is very instructive and will be enlightening to all Senators as well as to those who read the RECORD. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

Petition and memorial

To the honorable the Members of Congress in the Senate and House of Representatives of the United States:

On behalf of the seamen of the United States I hereby humbly submit this our petition and memorial that S. 717, "A bill to provide for the deportation of certain alien seamen, and for other purposes," introduced by Mr. KING, of Utah, be passed for the following reasons:

(a) The Chinese exclusion act passed in 1891 has been steadily, and in a constantly increasing number of instances, violated by means of substitution by young Chinese coming and aged ones desiring to return to China departing as seamen on ships.

(b) Through the smuggling into the United States of Chinese excluded by law.

(c) By smuggling narcotics into the United States in violation of law, all made profitable through the exclusion of the Chinese and the high duty on narcotics, and accomplished through the vessels, American and foreign, being permitted to come to our ports with men serving as seamen who could not under the law be admitted as immigrants for permanent residence in the United States.

Since 1917, when the act forbidding certain persons to come to the United States was passed, such excluded persons came in an increasingly large number into the United States in violation of law. They could not come as immigrants and therefore came and are coming as seamen on vessels that often carry a very much more numerous crew coming to the United States than they carry leaving the United States; because

(a) There was no distinction made between bona fide and mala fide seamen;

(b) Because there was no law of the United States providing that vessels leaving the United States should carry the same number of men in their crew as they had on arrival;

(c) Because it is possible for somebody to obtain large sums of money in a way that is easy and comparatively safe.

Chinese have paid from $1,000 to $1,100 for being landed in the United States, and excluded Europeans and South Americans paid from $200 to $400 each. As exclusion became more extensive the sums of money to be gathered by the smugglers became greater. As the quota laws reduced the number of men who could come and as the supervision became stricter the number of Europeans and South Americans smuggled in became greater and the business more profitable. These violations of law are still continuing and increasing. American consuls in Europe maintain that nothing can stop this smuggling except a thorough examination of the crews of vessels as they arrive in American ports, together with the deportation of mala fide seamen and excluded persons coming as seamen on vessels under whose flag they were not specifically born, at the expense of the vessel by which they were brought.

The purpose of this bill is to stop the violations of our immigration laws and, incidentally, to remove unfair competition from American ships and American seamen.

The evils above mentioned and the remedies which we seamen have from time to time respectfully submitted have been brought to the attention of the departments and Congress. Hearings before congressional committees on this matter date back to 1923. We made an effort to have the remedies included in the immigration bill of 1924,

but on being told that this might endanger the immigration bill we ceased our efforts.

The first objection to the bill in its present form was that it would be impossible to distinguish between a bona fide and a mala fide seaman. This contention was disposed of when Captain Petersen, who represented the shipowners and who was and is serving as their employment agent on the Pacific coast, had to admit that he and his office staff were constantly engaged in determining who is a seaman in fact and who is a pretender claiming to be one; and when Mr. Hurley, representing the department and having in charge the question of seamen in the Bureau of Immigration, stated that he could see no serious difficulties in the administration of that particular phase of the bill.

The second objection was the provision that vessels must carry away as many persons in their crews as they had on arrival and that this provision would be sure to delay the sailing of vessels. Some of the crew of a vessel might conspire to that end by leaving her lying ready to go with passengers and mail on board. The answer to that was and is that vessels which have any expectation of men leaving in the last moment always provide for men in readiness to fill the places of those who might leave. But aside from that, the present laws provide that seamen are not to leave their vessels except under order or by permission within 24 hours of the time of sailing.

The third objection was that it was contrary to treaties with foreign nations. This was answered from the State Department, stating that there were no treaties directly bearing upon it, but that the bill might for the sake of safety be amended so as not to make it compulsory to hire men in lieu of those who might be dead or in the hospital. This suggestion was taken care of by an amendment.

The fourth objection was that Americans were not willing to serve in the steward's department. The answer to this was and is that they are serving in the same kind of work in hotels, restaurants, and lodging houses throughout the country, and that what the Americans objected to was not to serve in the steward's department of vessels but to serve in the steward's department together with Asiatics doing the same kind of work, sleeping in the same room, and eating in the company of and living on equality with Asiatics.

The bill was reported to the Senate in the Sixty-ninth Congress, together with a favorable report shortly analyzing the testimony that had been given. The bill passed the Senate by unanimous consent. In the House it was referred to the Committee on Immigration and Naturalization, where it was brought up for a hearing on February 23, 1927, in which new objections were raised. The objections came from the Pacific coast in the shape of telegrams from the Dollar Steamship Co., which employs Chinese, and from the Shipowners' Association, of which Dollar is a member. The first telegram presented was addressed to the Hon. FLORENCE P. KAHN and signed by R. Stanley Dollar, and reads as follows:

"Was very much surprised to learn the other day that Senate bill 3574, known as King bill, had passed Senate. This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade. Sincerely hope we can count on your support to defeat this bill in the House. Kindest regards."

It will be noted that the objection to the bill on the part of Mr. Dollar is general. He says: "This is a very vicious piece of legislation and extremely detrimental to everybody in the foreign trade." Mr. Dollar is here evidently speaking for foreign as well as American vessels, and he admits that it applies equally to all nations' vessels.

The second telegram from the Pacific coast was also addressed to the Hon. FLORENCE P. KAHN and signed Pacific-American Steamship Association. It reads as follows:

"Advised that King bill, Senate 3574, will be heard by House Immigration Committee 10 o'clock a. m., February 23. This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade. In view of the vital importance to American shipping and commerce, we respectfully ask that you oppose this bill before House Immigration Committee."

Here you will note the expression, "This bill would considerably cripple operations of American vessels engaged in offshore trades and give Japanese vessels opportunity to monopolize Pacific trade." Here the suggestion is made that the passage of the bill would be of great advantage to the Japanese. One member of the committee from the Pacific and one from the Atlantic opposed the bill in the committee, Mr. BACON, of New York, suggesting that it would be very detrimental to Japanese, because it might seriously delay some of their vessels. It was on the principle that no white seaman would sail together with Japanese. It might well be that this bill would hit the Japanese vessels hard if their seamen should desert, but in that case, how could it possibly assist the Japanese in monopolizing the Pacific trade, as the objection runs in the telegram from the Pacific-American Steamship Association quoted above?

Japanese steamship companies, however, have consented to increase the wages of their seamen for the third time, so that now the Japanese pay more wages than the general wages paid by the French or Italians, and aside from that they are paying premiums for continuous service, specifically with a view of diminishing desertions, which during the last fiscal year, according to the report, amounted to only 70 persons.

The contention that the Japanese will have the advantage over English, Dutch, and other vessels coming to ports of the United States by being permitted to bring Orientals when other ships could not, is an idea sponsored by the Pacific-American Steamship Association, and the answer is that Japanese can bring Japanese—to prevent that would constitute an embargo—but they can not bring persons excluded for racial or other causes, and in this they are on an equality with all other nations.

Mr. Coert Du Bois, chief of the visa section of the Department of State, was present. Part of his testimony is as follows:

"From the viewpoint of our foreign relations, the worst feature is the apparent departure from the time-honored practice of considering a foreign ship in our ports as a bit of the territory of its flag. Under existing international practice, any undesirable alien arriving in a foreign port is detained aboard the ship and leaves with the ship if the government of the country considers he can not be landed under its laws. This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports—presumably by force if necessary—and sending them home on another ship. There is no doubt that this would lead to complications no matter how carefully and discreetly the provisions were enforced.

"The bill is not on its face discriminatory against any country, but since certain practices have grown up in the merchant marines of various countries its effect can not fail to be discriminatory. Take the British tramp trader, for example, which may touch its home port once in four years. Those which trade in the Indian Ocean or the Orient habitually carry Lascars or orientals in their crews. In the course of their voyaging they may get a cargo, jute, for example, for the United States. The master's alternative is to ship a new crew of white sailors, charging the difference in cost on the freight, or to refuse to accept a cargo for an American port. Multiply this instance by several hundred each year and the accumulated effect on our relations with other maritime nations is obvious. * * * It is going to be difficult to convince the British, French, or the Netherlands Governments that such a wide difference in practical effect is not discrimination in favor of the Japanese."

It will be seen that Mr. Du Bois's testimony may be divided into two aspects: First, the "international relations" in which he pleads for the continuation, or rather the restoration, of a condition gradually brought about by treaties under which a vessel visiting another sovereignty carried with her the laws of the sovereignty of the flag under which she sailed. So far as the United States is concerned, that international arrangement was abrogated on the part of the United States when the seamen's act was passed and the treaties standing in the way were abrogated. The idea that vessels might go everywhere under the law of their own sovereignty had been set aside at an earlier date by Great Britain, when laws dealing with load line, seaworthiness, and minimum manning were passed for vessels under the British flag and made applicable to all nations' vessels coming to or sailing from British ports. The international arrangement had likewise been set aside when Australia insisted that the loading and discharging of vessels in her ports was to be done according to decisions handed down by the court of arbitration under the arbitration law of Australia. Second, he says, "This bill violates international comity in that it proposes to enforce a domestic law by taking seamen off foreign ships in our ports. * * * There is no doubt that this would lead to complications, no matter how carefully and discretely the provision were enforced."

Very serious offenses against domestic law taking place in the port of another sovereignty have always come under the law of the place. It was not held that the British laws enforced upon foreign nations' vessels, either in Australia or in any other British ports, were in violation of comity, and it would be highly remarkable if domestic laws passed by the United States in order to make previous domestic laws more effective should be held to be in violation of comity.

The second aspect is a purely commercial one dealing with the disadvantages that might accrue to a foreign tramp steamer if it were to obey the laws imposed upon the like vessels carrying the flag of the United States.

When an effort is made to compel the shipping of the United States to obey domestic law, we are met by the statement that such laws are discriminatory against the United States and unpatriotic. If the laws be made applicable to all nations' vessels, American and foreign alike, we are met by the assertion that it is contrary to comity and will result in foreign complications. Nothing is done, and as a result year after year passes, the evils grow, the violations of law become more flagrant, and the disadvantages to the United States become more pronounced, yet nothing can be done because we are impaled upon one of the two horns of this dilemma.

The report of the Commissioner of Immigration for 1928 says that 12,357 seamen deserted their vessels in ports of the United States during the fiscal year. That is the report which foreign shipmasters have submitted to the Immigration Service in our different seaports. When such reports were checked by examining the reports made by

the same master to their own consulates in New York it was found that the number of desertions was very much greater than was reported to our Immigration Commissioner, in some instances up to 40 per cent greater. During the same fiscal year 17,272 were held on board their vessels, which, if they were bona fide seamen, was contrary to law and the Constitution of the United States (thirteenth amendment); 3,295 were not on the crew lists (evidently stowaways); and 448 were placed in immigration stations, to be placed again on the vessels, also against law; and if they were in fact seamen, they could, if they had any friends, have been released on habeas corpus. Thus the innocent are punished in place of the guilty.

If this open side door is permitted to stand open, the number of excluded aliens coming as seamen, when they are in fact immigrants, together with the number of those smuggled in by the vessels coming from foreign ports to ports of the United States, will ultimately grow to be greater than the number that may come legally according to the immigration law of 1924.

The Annual Report of the Commissioner General of Immigration for 1928 contains the following warning about the situation into which this country at present is drifting. It reads as follows:

"Seamen: As indicated in the last annual report, the trouble confronting the service in the control of alien seamen is the most difficult and vexatious with which it has to deal. As the immigration laws have been tightened up from time to time, the problem has been correspondingly accentuated. Particularly is this true since the adoption of the numerical limitation policy as expressed by the acts of 1921 and 1924. As has been previously pointed out, seamen occupy a privileged position in the scheme of things; commerce must not be unduly hampered; seamen come and go largely at will; and the crux of the problem is to prevent aliens gaining a foothold in this country in the guise of seamen."

The report on the King bill (S. 717), "A bill to provide for the deportation of certain alien seamen, and for other purposes," is No. 1037, first session Seventieth Congress. There is no minority report. The bill is on the calendar.

Your petitioners humbly pray that the bill may be given consideration by the Senate at the earliest possible time, in order that, if it shall pass, the House may have an opportunity to act on it during this session.

On behalf of all the seamen.

Most respectfully submitted.

ANDREW FURUSETH,
President and Chairman of the Legislative Committee of the International Seamen's Union of America.

APPROPRIATIONS FOR THE AGRICULTURAL DEPARTMENT

Mr. McNARY. Mr. President, from the Committee on Appropriations I desire to report back favorably with amendments the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1449) thereon. I ask that the report be printed and the bill go to the calendar. At an early opportunity I shall ask the Senate to consider the bill.

The VICE PRESIDENT. The bill will be placed on the calendar and the report will be printed under the rule.

TUBERCULAR INFECTION OF ANIMALS

Mr. FLETCHER, from the Committee on Printing, to which was referred Senate Resolution 290, submitted by Mr. MOSES on the 7th instant, reported it favorably without amendment and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 25,000 additional copies of Senate Document No. 85, Seventieth Congress, entitled "Tubercular Infection of Animals," be printed for the use of the Joint Committee on Printing.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 5379) to authorize the disposition of certain public lands in the State of Nevada; to the Committee on Public Lands and Surveys.

By Mr. KENDRICK:

A bill (S. 5380) granting a pension to Beuford Skinner; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 5381) relating to the separation of employees from the classified civil service; to the Committee on Civil Service.

A bill (S. 5382) granting an increase of pension to Mary E. Jones;

A bill (S. 5383) granting an increase of pension to Harriet Brones (with accompanying papers); and

A bill (S. 5384) granting an increase of pension to Cassie E. Ramsey (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5385) granting a pension to Elizabeth Ockel; to the Committee on Pensions.

By Mr. BLACK:

A bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 5387) granting a pension to Joseph I. Earl; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5388) granting an increase of pension to Peter E. Cleary; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 5389) for the relief of Charles G. Eldredge; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 5390) granting an increase of pension to Minnie D. Fogg (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5391) granting an increase of pension to Nancy J. Hooker (with accompanying papers); to the Committee on Pensions.

A bill (S. 5392) for the relief of William H. Startup; to the Committee on Claims.

By Mr. REED of Missouri:

A bill (S. 5393) granting an increase of pension to Caroline B. Bauduy (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 5394) to provide for the erection of a monument at the United States Military Academy, West Point, N. Y., in commemoration of the life and services of the late Gen. James Harrison Wilson, a veteran of the Civil War, Spanish War, and the Boxer rebellion; to the Committee on Military Affairs.

By Mr. BINGHAM:

A bill (S. 5395) to authorize enlisted men of the Coast Guard to count service in the Marine Corps for the purposes of longevity pay (with an accompanying paper); to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 5396) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. HAYDEN:

A bill (S. 5397) to credit certain officers of the Army with service at the United States Military Academy; to the Committee on Military Affairs.

By Mr. FESS:

A bill (S. 5398) for the relief of Hans Roehl; to the Committee on Claims.

By Mr. CAPPER:

A joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929; to the Committee on the District of Columbia.

AMENDMENT OF CENSUS BILL

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the

fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE OFFICE OF ATTORNEY GENERAL

The PRESIDING OFFICER (Mr. McKELLAR in the chair) laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Judiciary:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a manuscript entitled "Origin and Development of the Office of Attorney General, the Establishment of the Department of Justice, and Their Relation to the Judicial System of the United States," which has been prepared in the office of the Attorney General.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 16, 1929.*

CASUALTIES IN ARMY AND NAVY AVIATION

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 296) submitted by Mr. COPELAND on the 14th instant, coming over from a previous day, which was read, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy be requested to transmit to the Senate a list of fatalities in the aviation service of the Army and Navy during the past five years, the causes for each accident, and what, if anything, is needed in the way of legislation or appropriation to make safe and more efficient this important arm of the naval and military service.

Mr. COPELAND. Mr. President, I trust there will be no opposition to the resolution.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

LEASING OF CUMBERLAND FALLS FOR POWER PURPOSES

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 297) submitted by Mr. NYE on the 14th instant, coming over from a previous day.

Mr. NYE. Mr. President, I have no objection to the preamble being stricken out.

Mr. CURTIS. Mr. President, if the preamble is eliminated I believe there is no objection to the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Federal Power Commission be, and it is hereby, directed to transmit to the Senate all protests of individuals, organizations, and public officials which it may have received in opposition to the leasing of Cumberland Falls for power development or to the participation of the Hon. Roy O. West in the consideration of this and other leases.

The VICE PRESIDENT. Without objection, the preamble is stricken out.

PRINTING OF BRIEFS IN RAILROAD VALUATION CASE

Mr. NORRIS. Mr. President, yesterday the Senator from Minnesota [Mr. SHIPSTEAD] made a request for the immediate consideration of Senate Concurrent Resolution 31, reported by him from the Committee on Printing on the 12th instant. The Senator is not in the Chamber now. Consideration of the resolution was objected to at the time. I have been told that the objection will not be made this morning.

Mr. MOSES. That is the resolution providing for the printing of briefs in the O'Fallon case?

Mr. NORRIS. It is.

Mr. SMOOT. There is no objection if the words "and bound" are stricken out.

Mr. MOSES. In view of the fact that it is the purpose to sell copies from the Government Printing Office I inquire whether some provision ought not to be made for bound copies?

Mr. SMOOT. That is already provided for.

Mr. MOSES. Yes; under the general statute.

Mr. SMOOT. They can do it without a special authorization.

Mr. NORRIS. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. SMOOT. I am not going to object, because when the request was submitted yesterday there was only one objection. I do not know whether the Senator from South Carolina [Mr. BLEASE] is going to object to-day or not. However, if the resolution is to lead to any debate whatever, I certainly can not consent to its consideration.

Mr. NORRIS. I do not think it will.

Mr. SMOOT. I have no objection to the consideration of the resolution, but I certainly hope there will be no discussion.

There being no objection, the Senate proceeded to consider the resolution (S. Con. Res. 31), and it was read.

Mr. KING. Mr. President, I should like to inquire whether the provision requiring that the briefs shall be bound is still in the resolution?

Mr. NORRIS. That is to be stricken out. I move that those words be stricken out.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, strike out the words "and bound," so as to make the concurrent resolution read:

Resolved, etc., That the briefs of counsel and the transcript of record filed with the Supreme Court of the United States in the case of the St. Louis & O'Fallon Railway Co. and Manufacturers' Railway Co., appellants, *v.* The United States of America and the Interstate Commerce Commission, be printed as a Senate document, and that 700 additional copies shall be printed, of which 100 shall be for the use of the Committee on Interstate Commerce of the Senate, 100 copies for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives, and 500 copies for the use of the Joint Committee on Printing.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I ask that the conference report on the Interior Department appropriation bill be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the Interior Department appropriation bill, which will be read.

The Chief Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 19, 22, 23, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, 14, 18, 21, 25, 27, 32, 34, and 38, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment after the word "Service" insert the following: "to be equipped and maintained by the State of Arizona"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "for the purchase of additional lands, $20,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$297,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,889,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,658,600"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,520,100"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,437,550"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for

the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project, $230,000; in all, $236,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For operation and maintenance, $20,000; for continuation of construction, $1,112,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction; in all, $1,132,000."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,978,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$157,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,400"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$219,400"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 20, 30, 39, 40, and 41.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
FRANK MURPHY,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, both Senators from Montana desire to speak upon two of the amendments that are in disagreement. I ask that they be given an opportunity to do so before action is taken on the conference report.

MISSISSIPPI RIVER BRIDGE AT NATCHEZ, MISS.

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1458, being the bill (S. 5240) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.

Mr. CURTIS. Mr. President, may I ask if the bill is in the regular form?

Mr. STEPHENS. There are two letters set forth in the report, one from the Secretary of War and one from some other authority, both sustaining the measure. The bill has been amended in accordance with the suggestion of the Secretary of War.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "Congress," to insert the words "approved May 3, 1926"; on page 2, line 1, to strike out the words "approved May 3, 1926"; and on page 2, line 2, to strike out the words "three years from the date of approval hereof" and insert in lieu thereof the words "to May 3, 1931," so as to make the bill read:

Be it enacted, etc., That the time for completing the construction of the bridge across the Mississippi River at or near the city of Natchez, Miss., authorized by the act of Congress approved May 3, 1926, entitled "An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.," be, and the same is hereby, extended to May 3, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RATING AIR SCHOOLS

Mr. BROOKHART. Mr. President, I ask leave to have printed in the RECORD an editorial from the Des Moines Register entitled "Rating Air Schools." I ask that the editorial may be referred to the Committee on Commerce and printed in the RECORD.

There being no objection, the editorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[From the Des Moines (Iowa) Register, January 14, 1929]

RATING AIR SCHOOLS

Senator BINGHAM, of Connecticut, has introduced a bill behind which it can be assumed the National Aeronautic Association stands, since the Senator is president of the association, which would put aeronautic schools under a rating system, with the Federal Department of Commerce doing the rating. His bill is in the form of an amendment to the air commerce act of 1926, and would provide simply for annual examination of all civilian flying schools and rating as to (1) the adequacy of the course of instruction; (2) the suitability and airworthiness of planes and other equipment used; and (3) the competency of instructors.

The bill ought to pass. Throughout the whole country there are thousands of young people who within a year or two will take flying courses. Some of them have already determined upon that. Others may not yet have seriously considered it. Many are too young now at least to get parental consent but will be old enough in a year or two.

These thousands of young people, not to mention some of their elders, for the most part know little yet about what a flying school ought to be. Since poor or inadequate instruction is in itself dangerous and leads to danger, and since that kind of instruction is no preparation at all for a vocation, which is what many will be heading toward, there should be some kind of reliable rating provided in their legitimate interest. Under existing law certain steps have already been taken, but an actual rating of schools is not explicitly authorized.

The public should understand that up to now there have been a few good civilian schools, a good many fair ones, many others that want to raise standards, and some, unfortunately, that can only be compared with the rankest kind of "diploma mills" that used to turn out pseudo doctors and other professional men—with the additional factor now of danger to the graduates turned out.

Official rating of aeronautic schools would not at all need to eliminate the revenue of the lone, competent aviator with an airworthy ship who wished to teach flying; but it would, of course, direct to the large and well-equipped schools, with very comprehensive courses, most of those who definitely want to be trained for flying as a vocation. It doubtless would mean a good deal to the elaborately equipped and financed high-grade schools; but that is precisely the effect of prestige in every educational field. It would compel many fairly good but small or beginning schools, to build better courses, hire better instructors, and own better equipment if they wished to grow.

Ten years hence rating of air schools might be superfluous. By then people will be pretty well educated to what is essential. People are not yet so educated. And the lives and money of those going into aviation are fairly entitled to the governmental protection that Senator BINGHAM'S bill proposes.

UNITED STATES COURT OF ADMINISTRATIVE JUSTICE (S. DOC. NO. 204)

Mr. NORRIS. Mr. President, on January 3 I introduced a bill providing for the establishment of a new court, and I then made some remarks in reference to it. I have here two articles which have been printed in the Georgetown Law Journal, written by Mr. O. R. McGuire, that bear very materially on that bill; and in order to carry out the purpose that I then noted I had in view, I ask unanimous consent that these articles may be printed in the RECORD.

Mr. BINGHAM. Mr. President, will not the Senator from Nebraska change his request and ask that the article which he has presented may be printed as a public document instead of being printed in the RECORD? My reason for asking him to do so is that if the articles be printed in the RECORD the type will be so small that it will be very difficult to read them; indeed, very few people will read the articles if printed in the RECORD; but if printed as a public document they may be easily read by anyone interested. If the articles be printed as a public document, the Senator from Nebraska can obtain whatever copies he may need, and to print them in that shape will cost less.

Mr. NORRIS. I have no objection that I am aware of to the Senator's suggestion, except that when an article is printed only as a public document it is soon exhausted, and many of those who make inquiries and desire to obtain copies of it are not able to do so. However, I will yield to the Senator's suggestion, and ask that the articles may be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF CRUISERS

Mr. SWANSON. Mr. President, I purpose, in accordance with the notice I gave on yesterday, to deliver an address in behalf of the cruiser bill now pending in the Senate, which has been reported by the Committee on Naval Affairs, of which I am a member. I hope I may be permitted to proceed at first without interruption, as I desire to make my address in as logical and connected form as possible. After I shall have concluded my remarks, I shall be very glad and pleased, indeed, to reply to any inquiries or suggestions that may be made by any Senator.

Mr. President, the necessity for an increase of our Navy is greater at this time than ever before in our history. The United States has become the greatest economic, commercial, financial, and political unit in the world. Her wealth far exceeds that of any other nation. We have become the world's greatest creditor nation. Our public and private loans have been extended to almost every continent and country.

The foreign trade of the United States in 1927 amounted to $9,000,000,000, of which about $8,000,000,000 were transported across the seas. In addition to this, the coastal, water-borne trade of the United States for the same year amounted to over $6,000,000,000. Thus, Mr. President, there are $14,000,000,000 annually of trade upon the seas for the proper protection of which this Government is responsible; it is an obligation which this Government can not shirk. The prosperity, the high standard of living, the contentment and betterment of the people of the United States are dependent upon the continuance and further development of this immense sea-borne trade and commerce. Any interruption would bring financial distress, business stagnation, and hardship to every section and industry in this great country.

The mines, the factories, the farms in the interior of our country are as much interested in and as much dependent upon the continuance and further growth of this great commerce upon the seas as are those who live on the seacoast. The cessation of this vast commerce would be as disastrous to the cotton-growing sections of the South and the wheat and corn growing sections of the Middle West and Northwest, the mining sections of the West, and the manufacturing establishments of the East as it would be to the port cities of the Atlantic, Gulf, and Pacific. The security and further development of this commerce are inseparably interwoven with the progress and prosperity of every section of the United States. In tonnage this commerce amounts to 2½ tons of goods for every man, woman, and child in this country. Nothing is more worthy of our serious thought than the security and development of this commerce.

The security and development of our commerce is dependent upon ships. The ships of which I speak are of two general classes—merchant ships and naval ships. Before discussing the necessity for naval ships as provided for in the pending bill, I wish to give some consideration to our need for merchant ships.

Mr. President, some maintain we need not worry about the transportation of our goods upon the seas so long as foreign ships are willing to carry them. I can not agree as to the wisdom of this policy. Our foreign commerce will be seriously handicapped and injured if we are left dependent upon our competitors for the delivery of our goods. How long would a department store in a city survive competition if it should rely upon a competitor department store to make the delivery of its goods sold to customers? The department store that made the delivery of the goods to the customers of both would very soon drive the nondelivering store out of business. This will inevitably be our situation if we do not provide merchant ships ample to transport our goods across the seas.

Under our law all the coastal trade is confined to American ships, and about 36 per cent of our foreign commerce is carried by American ships. We must develop our merchant marine until it is sufficient to furnish transportation for 50 per cent of our foreign commerce, which is as large a percentage, perhaps, as any nation could really develop in carrying its own goods. It is a prime necessity that we possess an adequate merchant marine in order to further our interests in foreign ports and push our goods as no foreign carrier can or will do.

In 1914 our total trade with South America was $347,000,000. Since that date we have established lines of American-flag ships to South America, with the result that in 1927 our South American trade had increased to $1,000,000,000, an increase of 188 per cent. Prior to the World War our trade with Asia was less than $380,000,000 a year. Following that war, seven American ship lines were established on routes to Asia, with the result that in 1927 our trade with Asia had increased to $1,800,000,000, an increase of nearly 380 per cent. Subsequent to the World War we established American ship lines to Africa, with the result that American trade with that great continent increased from $47,000,000 a year to $200,000,000 a year, an increase of about 325 per cent.

These figures prove beyond controversy that American trade and commerce rapidly increase with American owned and operated ships. This justifies the policy for the creation of an American merchant marine adequate to handle our foreign commerce. Until this is done, American foreign commerce is insecure and its further development will be seriously retarded. At the last session of the Congress we passed a shipping bill which we hope will result in the creation of an American merchant marine sufficient for our trade and commerce. Such a merchant marine in addition is necessary for the efficient operation and support of our Navy in time of national emergencies. However strong the American Navy may be, without a merchant marine in time of war or in time of distress and emergency its ability as a fighting force is reduced, I should say, more than 50 per cent.

Mr. President, in order to reach a conclusion as to the Navy needed to protect our commerce we must ascertain where this commerce is carried. Our commerce is world-wide, it goes over every sea and to all ports. We now have in operation 103 lines of American-flag ships on the Atlantic and Pacific Oceans. There are four great sea channels for our shipping. One crosses the Atlantic to Europe, one goes around South America, one along our coast from Maine to Alaska, and one across the Pacific Ocean to the continents of Asia and Australia. These great sea routes divide themselves as they approach the transoceanic areas so as to cover every important port in those areas, and are reinforced by the American tramp steamers that do not travel a fixed service. We have less important commercial routes extending into the Indian Ocean, but we hope to expand them and make them larger and better and more effective for our commerce in that populous section of the world. Thus American ships go to every continent and to every important port in the world. The sea routes traveled traverse every sea and ocean in the world.

A navy is needed to protect these ships and guard these routes, so there may be no interruption in the flow of our foreign commerce. The development of our Navy for this purpose is almost as important as is the local defense of our territory. If this commerce is amply protected, it means the complete defense of our home territory, and also our varied foreign interests. If this commerce on the seas should be interrupted at any time, it would mean that the vast population of our port cities would suffer greatly reduced employment. It would mean that many of our mines would be closed for lack of sale of their products. It would mean that agricultural products would accumulate in barns and granaries without opportunity for sale. It would mean that many factories in all sections of the United States would close on account of lack of demand for their goods.

We must be prepared to protect this commerce and let it continue to flow, even if we should be engaged in war. If other nations should be engaged in war and we were neutral we must be prepared to protect this commerce free from unlawful interruption by others. Our legitimate commerce and lawful rights on the high seas must be protected from lawless hands that would destroy it for their own selfish purposes. Our national safety and our national progress demand that the United States should have a navy adequate at all times to accomplish this.

No one can foretell when an emergency will arise requiring the protection of these vital interests. Wars do not come now, as formerly, after long and protracted negotiations and disagreements. The advantages of swift, sudden movements and activities are so great that when wars come they come now like thunderbolts from a clear sky. The Japanese-Russian War and the World War both came with lightninglike swiftness and suddenness.

Navies can not be constructed swiftly and immediately, as soldiers can be drilled and massed. It takes years to design and construct naval ships, equip them, train and make efficient the personnel. Hence the entire complexion of naval warfare is determined largely by naval forces existing at the beginning of a war. Naval supremacy may be won or lost early after the commencement of war, and, if once lost, can hardly be regained.

The amazing genius, the tireless energy, the boundless resources at the command of Napoleon, gained by his domination of Europe, were unable to build a fleet sufficient to challenge

England's supremacy on the sea, which she had earlier established. Sea power must exist at the beginning of a war, or else it is never acquired. Hence, the United States should have a navy adequate for these purposes.

Mr. President, the question is presented for determination as to what is an adequate Navy for the United States. The United States Government, after carefully considering her great commerce on the seas, her probable economic and political destiny, her international obligation to protect the Panama Canal at all times, and give all nations the right of passage in peace or war, has reached the conclusion that we should have a Navy second to none. We established this as a definite policy at the Washington conference in 1921. At this conference we entered into an agreement with Great Britain and Japan by which it was thought the sea power of these respective nations would be established upon the ratio of 5 for the United States, 5 for Great Britain, and 3 for Japan. It was believed generally at that time that the United States and Great Britain had come to an understanding that the two Nations would abandon a competitive policy and accept substantial naval equality. It was believed that the agreement reached at this conference would accomplish this purpose. Unless this had been the understanding the treaty resulting from the conference would not have been ratified by the Senate. In order to stop competition in naval armaments, with the ill feeling thereby engendered, and the possibilities of rupture and war, the United States agreed to stop competition and surrender the naval supremacy it possessed and to accept naval equality with Great Britain.

When this agreement was entered into the United States had under construction 76 new ships of various types and in various stages of completion, including powerful battleships and battle cruisers. The completion of these ships, many of which were very near completion, would have given the United States a Navy which I believe would have been superior to the combined fleets of the world. Among these ships under construction were six large battle cruisers, whose size, speed, and armament would have enabled them to sweep and control the seas and its commerce. In order to attain the equality with Great Britain contemplated in the Washington conference the United States was compelled to scrap these and other ships, at a loss of about $175,000,000.

In other words, we surrendered naval supremacy and scrapped $175,000,000 worth of ships—ships upon which that amount had been expended—to stop competition, and to retain naval equality with Great Britain. Under this agreement Great Britain sacrificed in new construction about $2,600,000. Japan's sacrifice in new construction was estimated at $38,000,000. This shows the sacrifice made by the United States in order to put her on an equality with Great Britain, and with a ratio of 5 to 3 with Japan. No other nation made so great a sacrifice at the Washington conference in order to realize the policy adopted. I take the position that the United States made a wonderful, vast, and far-reaching sacrifice when it surrendered naval supremacy to obtain naval equality and prevent naval competition.

Mr. President, there is another matter that I want to call to the attention of the Senate which is as striking and far-reaching in this matter as the sacrifice made by the United States to prevent naval competition.

The ratio of 5 for Great Britain and 5 for the United States and 3 for Japan was supplemented by a promise on the part of the United States not further to fortify or increase the efficiency of her naval bases in Samoa and the Philippine Islands. Great Britain was left with all her naval bases and with the privilege of creating a great naval base at Singapore, which she is now rapidly building and fortifying. The naval bases of Great Britain were left undisturbed. Those bases are scattered in every part of the world, as so strikingly shown to the Senate by the senior Senator from Missouri [Mr. REED] in his speech of a few days ago. One had only to look at that map to see the sacrifices we made in the western Pacific in order to secure naval equality and to abandon naval competition.

The naval bases of Japan were left practically undisturbed by the treaty, and we were left in the Pacific with practically no adequate naval base except at Hawaii and our continental ports. The agreement to this ratio for naval vessels between the United States, Great Britain, and Japan was based upon this agreement in connection with naval bases. They were part of one and the same agreement—ratios of 5 to 5 and 5 to 3—with an agreement in connection with naval bases which was thought to be added to protect the rights and interests of all three nations and prevent competition.

Mr. President, these ratios can not be altered in any respect without severly jeopardizing not only our possessions and commerce in the Pacific and the Panama Canal but also our immense commerce scattered in all parts of the world.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I do.

Mr. REED of Missouri. I do not want to interrupt the Senator further than to inquire whether he intends to discuss the fact that a 5 to 5 basis between the United States and Great Britain in itself gives to the British Empire an immense advantage on account of her stations?

Mr. SWANSON. I may do so later; but I should prefer answering any questions the Senator may suggest after I finish my address. I desire to make it as logical and connected as I can.

These ratios, I repeat—5 to 5 and 5 to 3, with the agreement in connection with naval bases—can not be altered without jeopardizing the commerce and safety of the United States in the Pacific and the Panama Canal, and our possessions in the Philippine Islands and Samoa. I want the Senate distinctly to understand that the ratio was fixed in consideration of our agreeing to make no further fortification of our great naval base at Manila and our base at Samoa, and we were left on this basis of 5 to 5 to 3, which was thought to be adequate.

In fixing the ratio contained in the Washington treaty, the naval bases of Great Britain and Japan were fully considered. On account of Japan's many naval bases in the western Pacific, her proximity to China and the Asiatic coast, the ratio of 5 to 3 was considered adequate for the full protection of Japan and her commerce. In other words, a basis of 5 to 3, with the United States not fortifying Manila, was considered adequate for the protection of Japan, and with a fleet ratio of 5 to 3 we thought we were adequately protected, with a navy sufficient to protect the Philippine Islands.

The ratio of 5 to 5 between Great Britain and the United States was considered adequate for the protection alike of the extended commerce and possessions of Great Britain and those of the United States; and I believe in carrying out in spirit and substance the agreement reached at the Washington conference and the implied understandings arising therefrom. I believe the best interests of the United States and Great Britain and the world will be achieved by substantial equality in the navies of Great Britain and the United States. When this is accomplished fairly and substantially the apprehensions existing in each nation regarding the purposes and intentions of each to the other will disappear and the two nations will become firm in friendship, and I believe the peaceful relations which have so long existed between them will continue; and this will be most conducive to world peace.

If the United States and Great Britain enter into competition in naval armament, it will inevitably lead to friction, unrest, and apprehension. This would be a great misfortune to both the United States and Great Britain and might result in an alignment on one side or the other of other naval powers.

Equality of naval strength between these two nations will be the best guarantee of future good will and a continuation of peace between the two nations. With naval equality existing, neither can afford to be arrogant in demands or reckless in conduct toward the other. Neither can afford to be exacting in its own demands and neglectful of the rights of the other. With mutual respect and esteem occasioned by equal naval power, friendship and good will will be fixed on a firm basis. No reckless, ambitious government in either country would dare to jeopardize the future of either country by making arrogant demands or reckless ventures in diplomacy or war.

Thus, I am persuaded that the best interests of the United States and Great Britain will result from equal naval strength between the two nations. The United States has consistently in her negotiations been willing to accept this equality. The difficulty of reaching an agreement for substantial naval equality has been with Great Britain and not the United States. The Washington conference limited the ratio of 5–5–3 to battleships and aircraft carriers, but prohibited the construction of any naval ship larger than 10,000 tons. Thus the Washington conference still permits the unlimited construction of submarines, destroyers, and cruisers of a tonnage less than 10,000. No agreement could be reached at the Washington conference as to this character of ships on account of the opposition, it was understood, of other nations than Great Britain and Japan. The Washington conference thus resulted in only a limited agreement for disarmament. The results of the conference have proven most unsatisfactory to the United States. The result has been that she surrendered naval supremacy and has

become only a second-rate naval power, some claim only a third-rate naval power. Our Navy is to-day small and inferior to that of Great Britain, and we would be at a great disadvantage if any conflict should arise between Great Britain and the United States.

Mr. President, we will examine and see how this great inequality has been accomplished. The Washington treaty in connection with battleships has been complied with by each Government party to it. Battleships constitute the backbone of a navy and are its real fighting power, but its efficiency is dependent on cruisers to furnish supplies, protect lines of communication, and obtain information upon which naval strategy is absolutely dependent. A fleet without an adequate supply of cruisers has its efficiency as a fighting force tremendously reduced.

I want to say, in passing, that a great many people believe we should have the greatest number of aircraft in the world, no battleships, and no cruisers. Others believe that we should have the greatest number of submarines and no battleships and no cruisers.

The object of the Navy is to control the surface of the sea, to control it for commerce, to control it for trade, to control it so that the cotton of the South, the wheat and corn of the West, the products of our mines and factories can find access to all the markets of the world unrestrained and untrammeled by lawless hands.

Aircraft are one of the elements for the control of the surface of the sea. We can not export $14,000,000,000 worth of goods by air, but aircraft are one of the elements in helping us to control the surface of the sea. We can not transport $16,000,000,000 worth of goods under the sea in submarines, but submarines are potential as an arm to enable us to get control of the surface of the sea so that commerce can go back and forth without interruption.

If a navy were confined simply to aircraft and submarines, it might hurt the commerce of other nations; but the sea would be closed to the commerce of the country with such a navy, and this great Nation can not afford to have such a thing happen—the sea closed to its commerce—either in time of peace or in time of war.

As I have said, cruisers are necessary to protect lines of communication, to obtain information for use in naval strategy. Without proper cruisers a fleet is helpless and defenseless, and its efficiency reduced more than 50 per cent. A fleet without an adequate supply of cruisers is at a great disadvantage in battles and in the protection of commerce and in defending our country's ports and seacoast.

The greatest defect in our Navy is lack of cruisers to aid the fleet and protect American commerce in times of emergency. Let us see who is responsible for the great superiority of the British Navy over the American Navy, and where lies the race for competition. At the time of the Washington conference the cruiser situation was as follows: The United States had a total cruiser strength, built and building, of 33 cruisers with a total tonnage of 257,625 tons. All but 4 of these cruisers were less than 20 years of age.

I want to show now why an age limit is important. Some naval ships run 25 or 30 years, or possibly more, but no cruiser, with its rapidity of movement, with its machinery built for speed, and with its armament, would be considered of use in battle or naval emergency after 20 or 25 years.

As I have said, at the time of the Washington conference we had 257,000 tons of cruisers under 20 years of age. Great Britain had at that time built and building 62 cruisers, less than 20 years of age, with a total tonnage of 338,170. Great Britain had in addition certain cruisers which were listed as obsolete and for sale. It will be noted that the ratio of cruiser strength in tonnage was 5 for the United States and 6.6 for Great Britain. While this was a disparity in favor of Great Britain, it was not as marked as to-day. Besides, this disparity was to some extent reduced by our superiority in destroyers.

It has been the experience of many years that the life of a cruiser is 20 years, after which time it is practically obsolete and almost useless as a fighting force. Modern improvements in naval construction and armament are so rapid that after a cruiser is 20 years of age it is hardly worth repairing and keeping as a part of a navy.

The United States to-day has 22 cruisers, commencing with the *Rochester*, built in 1893, to the *Missoula*, built in 1908, with a total tonnage of 178,425, and an average age of 25 years. These cruisers are not effective as a part of our Navy, and it will be a waste of money to keep them in repair for naval uses. Great Britain has no cruiser in her navy built before 1911, and thus her cruiser strength is free from obsolete vessels and is modern and up to date in construction, machinery, and armament. At this time the United States has 10 modern cruisers with an aggregate tonnage of 75,000 tons. Six of these cruisers were built in 1923, 3 in 1924, and 1, the *Memphis*, in 1925. Thus the United States built but 10 cruisers between 1908 and 1923. For 15 years this important arm of the Navy was woefully neglected.

Great Britain now has 51 cruisers completed since 1911, of a total aggregate tonnage of 269,190. Thus at the present time the cruiser strength of the British Navy is three and one-half times greater than the cruiser strength of the American Navy. This makes the British Navy vastly superior to the American Navy and leaves American commerce, which can only be protected by cruisers, completely at the mercy of the British Navy.

The United States has authorized and has appropriated money for the construction of eight additional cruisers with an aggregate tonnage of 80,000. Great Britain has authorized and appropriated for 12 additional cruisers, with an aggregate tonnage of 116,600. Thus when all cruisers authorized and appropriated for have been constructed, the modern real cruiser strength of the United States will be 155,000 tons and that of Great Britain 385,790 tons. This will give Great Britain a cruiser strength in the ratio of 13 for Great Britain and 5 for the United States.

In addition to this cruiser program Great Britain has 5 cruisers of an estimated tonnage of 42,000 authorized to be laid down in 1928 and 1929. The cruiser tonnages here given do not include the three cruisers, whose construction was postponed or abandoned.

Eliminating the obsolete cruisers possessed by Japan, this country has built since 1919, 21 modern cruisers, with an aggregate tonnage of 116,205. Japan has authorized and appropriated for the construction of eight modern cruisers with an aggregate tonnage of 80,000. Thus, Japan has modern cruisers, built, authorized, and appropriated for, of an aggregate tonnage of 215,155. In addition Japan has four cruisers still within the age limit of 20 years built prior to the Washington conference. Thus, Japan in cruiser strength has not only passed the ratio of 5 to 3, established at the Washington conference as the proper ratio, but has reached the ratio of 1.3 for 1 for the United States.

Considering the abandonment of our bases in Samoa and the Philippine Islands, Japan's Navy will be superior to our Navy in the western Pacific, and any effort on our part to protect our commerce and possessions under existing naval conditions would be almost futile. This deplorable condition of our Navy has arisen from our failure for 15 years to build any cruisers. It is useless to try to disguise the fact that the American Navy is not now sufficient to answer the needs of American interests and to respond to the demands for the safety and security of our commerce and possessions. Our hold upon the Panama Canal and our great interests there is no stronger than is the American Navy. In order to make these secure America must have naval equality with any nation, and that navy must be supported especially by cruisers to keep open our communications, supplies, and information, and to prevent raids upon commerce going through the canal. This is especially important from the fact that Great Britain possesses important naval bases near the Panama Canal.

Mr. President, we should remember further that we have an international obligation by treaty with all nations, pledging that the canal shall be open in times of peace and war alike to all nations. We will be powerless to discharge this obligation unless we have a navy equal to that of any nation. The trade, commerce, and best interests of all nations demand that the United States should fulfill this obligation. Failure to do so will be a national disgrace which this great Nation should never endure. All nations in the world are thus deeply interested in the United States having an adequate navy to fully discharge this international obligation, which can only be done by the possession of a navy equal to that of any nation. The immense commerce passing through this canal, exchanging commodities between the Atlantic and Pacific also demands that this canal be open and free and not hampered or threatened by the navy of any nation.

These considerations demand the construction of modern cruisers to increase the strength of our Navy and make it meet the ratio of 5 to 5 with Great Britain and 5 to 3 with Japan as contemplated at the Washington conference. If there has been competition in naval armament that jeopardizes the friendly relations of nations, such competition has been occasioned by others and not by the United States. We have patiently waited, vainly hoping that the ratios contemplated at the Washington conference would be respected by the nations participating therein and be extended to all classes of naval vessels. We only commenced building cruisers recently when we began to realize our Navy was becoming vastly insufficient as

compared with others and our rights upon the seas, our commerce, and foreign possessions were left dependent on the good will of other nations. We have been at a loss to understand why some nations, if they possess the friendship and good will they claim for the United States, are so feverishly and rapidly building cruisers far in excess of those we possess in order to establish supremacy on the sea and to make effective then their will and decisions.

We realize in time of peace that all commerce from whatever source flows free and without interruption. It is only in time of war, and blockades incident to war, that trade and commerce are interfered with. Neither the United States, Great Britain, or Japan need navies except in time of war.

The British Navy is superior to all navies of the world combined, excluding the Navy of the United States. We can not understand why Great Britain should add to her navy so many cruisers except for the purpose of establishing naval supremacy against us. This supremacy is only needed in time of war or apprehended war. It is only needed to establish her control of the sea and her commerce whenever her interests may so dictate.

If no war is ever apprehended with us, then this supremacy can only be desired by Great Britain in case she is at war and we are neutral for the purpose of controlling our commerce upon the sea. She desires to be mistress of the sea as she has been for centuries and to make her will the law of the seas. I am unwilling, either by treaty, by agreement, or by failure to have an adequate navy, to concede this right to Great Britain. The sea is the common heritage of all nations and to be ruled by international law and agreements, and not subject to the will of any one nation. The best interests of Great Britain and the United States demand between these two nations navies of substantially equal strength so that neither can arrogate to itself the power of controlling the seas and its vast commerce.

If any government must be supreme upon the seas and no agreement for limitation of naval armament can be made, I, as a patriotic American, favor the United States Navy being superior to all others. I will trust this vast power and responsibility more willingly to the United States than to another nation. I believe it would be more fairly and more humanely exercised by this Nation than any other. I hope Great Britain will be wise enough to accept the offer of the United States for a Navy of substantially equal strength. If competition must arise, and if it does, it will be the fault of Great Britain. I for one prefer to make safe and secure the vital interests, commerce, and possessions of my country over that of any other.

Mr. President, in order to avoid this competition with its resultant evils a conference was called at Geneva, and Great Britain and Japan were asked to enter into an agreement to extend to all naval vessels the ratio agreed upon by the United States, Great Britain, and Japan at the Washington conference. Japan was willing to enter into an agreement extending the ratio agreed upon at the Washington conference to all vessels in the respective navies. Great Britain refused to do so and the conference adjourned without the accomplishment of anything other than producing further ill will and misunderstandings.

The American representatives were willing to agree to any reasonable limitation of cruisers, destroyers, and submarines that would extend to these the ratio established at the Washington conference for battleships and aircraft carriers. The American representatives also declared that they would prefer a reduction in tonnage rather than an increase. The American representatives offered to limit cruisers to an aggregate tonnage of 250,000, each country to build the character of cruiser most needed and desired not to exceed 10,000 tons each. Great Britain at first proposed a great increase of tonnage in cruisers, which the American representatives promptly declined, stating it would result in an increase of naval strength and not a decrease.

Great Britain then submitted proposals which instead of producing an equality in naval strength between the United States and Great Britain would have further enhanced her existing great superiority. She realized she had two great elements of naval strength that no other nation possessed and she had to devise some way by which these two elements could be used effectively even after the limitations were imposed on naval armaments in the treaty. These two elements were her world-wide system of naval bases, flanking all commercial ports in the world, and her great merchant marine of 880,000 tons of fast merchant ships, suitable for conversion into auxiliary cruisers. The way to make these two assets of particular value and to further increase her naval supremacy was obvious. First, she proposed that all ships should be limited to cruisers of small tonnage and ineffective batteries so they could not go far from their own shores without suffering capture and destruction. The second effort was to get a majority of the cruisers in the world so small and so lightly armed as to be comparable in strength to converted merchant ships. By this means Great Britain could augment her cruiser tonnage effectively in time of war, more than doubling it, while no other power could do so.

Great Britain fully recognized that if any power built cruisers in considerable numbers carrying 8-inch guns, such action would tend to minimize her great strength in merchant ships. Merchant ships can be converted into cruisers and armed with 6-inch guns, but not with 8-inch guns. Great Britain has a tonnage of 880,000 in such merchant ships which can be converted into auxiliary cruisers and armed with 6-inch guns. The United States has a tonnage of 180,000 which might be converted into cruisers with 6-inch guns. Thus if Great Britain could have entered into an agreement to confine cruisers built to cruisers of small tonnage and armed with 6-inch guns her complete supremacy on the sea would be established. If we could build cruisers of 10,000 tons, as we are now building, and arm them with 8-inch guns her merchant marine would be powerless against them on account of speed and size of armament.

Their offer was to limit us to 12 cruisers of 10,000 tons carrying 8-inch guns. Thus the United States would not have had one-half enough cruisers to accompany the fleet, as the others permitted under the proposed limitation in size would have restricted their operation from supply bases. The balance of the cruisers under the agreement would be 6,000 tons or less with 6-inch guns, which would be practically useless to the United States Navy on account of their limited radius of operations and size of guns. Such cruisers would not be more effective than converted merchant ships.

Thus at Geneva Great Britain instead of trying to create substantial naval equality sought to obtain an agreement which would have established her supremacy on the seas beyond question. The offer of the United States representatives to limit tonnage to 250,000 tons of cruisers and let each nation under a limit of 10,000 tons and 8-inch guns build as each nation might determine was refused, and Great Britain sought to obtain a great advantage in order to enhance her superiority. The proposals made by Great Britain at the Geneva conference if adopted would have given her greater naval supremacy.

The representatives of the United States very properly rejected these proposals, pointing out that on account of Great Britain's naval bases being scattered all over the world and with a great merchant marine that their acceptance would have permanently established Great Britain's naval supremacy. In order to induce us to accept this unfair proposal Great Britain subsequently entered into a naval pact with France, the effect of which was not to lessen the unfairness of her proposals at Geneva but to enhance them and obtain for her a still greater naval supremacy. The British Government thought by obtaining the concurrence of France in her proposals that the United States would be induced to accept the rejected proposals. The consent of France was obtained by making concessions to her for her great military land establishments. In this British-France pact Great Britain would be supreme on the sea and France would become supreme in military strength on land. The world would be confronted with the dangers of an alliance having the supremacy of both land and sea. This proposed pact was received with derision in America and encountered opposition in England, and the British Government has publicly avowed its abandonment. Such an alliance, if entered into, would not only have been a serious menace to the United States but also to other nations. It is difficult to discover the reasoning of the British Government by which it believed it could ever beguile us to consent to such an unfair and menacing agreement. The present abandonment of the pact furnishes no guaranty that it may not in the future be consummated.

Nothing should impress America more forcibly with the necessity of strengthening our Navy than the fact that such a pact was entered into by Great Britain and France. It shows the uncertainties and dangers that confront us and other nations in connection with international relations. While governments since the World War have been discussing peace and making noble gestures for peace such as are contained in the Kellogg-Briand treaty, all nations are increasing their naval and military establishments.

The military establishments of the world are larger now than they were prior to the World War. It is folly for us to close our eyes to what is transpiring in the world and to leave our national safety and our vital interests only to peace preachments. With peace in our hearts we behold the world arming, and we must be prepared for any emergency that may arise.

The first and main line of defense for America is her Navy. With an adequate navy, America is secure beyond peradventure, and our commerce and interests will be adequately protected,

regardless of what may occur in other parts of the world. The proposal in the pending bill authorizing the construction of 15 cruisers and 1 aircraft carrier will meet only in a partial way the naval increases that are being made by other nations. If this results in naval competition, the responsibility for it lies with other nations, not with us. We have patiently waited, hoping for an agreement for naval limitation. The situation has become dangerous and we can not wait longer, especially since our fair propositions at Geneva were sternly rejected. If the construction of the 15 cruisers is authorized, appropriations to make the authorization effective must subsequently be made by Congress. To reject the pending bill at this time will be a source of great satisfaction to Great Britain, will give to her the assurance that America is willing to concede to her naval supremacy, and that her will shall be law on the seas. A large element in England agrees with us that the best interests of Great Britain and the United States can only be advanced by having substantial naval equality. Knowing the strong sentiment in America for peace, and the indisposition to make appropriations for naval or military purposes, those in England who insist on British naval supremacy are relying upon that sentiment to prevent an increase of our Navy, and thus leave British sea supremacy undisturbed.

I believe the American people desire to have a navy equal to any, and are not willing that our vast national interests shall be jeopardized by any failure to provide for an adequate navy. Our rights in China, in other parts of the Orient, and elsewhere in the world will be ultimately sacrificed unless we have a navy sufficient to maintain them. Our diplomacy must be vacillating and humiliating without a navy to insist upon our rights and just demands. The affairs of the world will be determined without consultation with us or consideration of our rights unless we have a navy sufficient to indicate that we can not be ignored. Our vast foreign commerce going to every continent and clime will only continue by the acquiescence of others and not as a matter of right unless we have a navy to insure its continuance. It seems to me that America is fully justified in increasing her Navy to an equality with that of any nation. Measured by our wealth and seaborne commerce, we are entitled to a navy equal to any; and we should not be satisfied with less.

If the 15 cruisers shall be constructed, we shall then have only 33, which is less than the number required properly to cooperate with and support our fleet and protect our commerce. This will give us only 305,000 tonnage in cruisers, 80,790 tons less than Great Britain, and about 90,000 tons in excess of Japan. We will still be below the 5–5–3 ratio. If these cruisers shall be constructed, there is no possibility of their being scrapped, as our cruiser strength would not exceed any limitation that might be agreed upon.

The pending bill also authorizes the construction of one aircraft carrier of 13,000 tons. The Washington conference limited the United States and Great Britain to aircraft carriers aggregating 135,000 tons each, and Japan to 81,000 tons. Under the Washington treaty we were permitted to convert two battle cruisers into aircraft carriers, which we did by converting the *Lexington* and *Saratoga*, with an aggregate of 66,000 tons. We have also the *Langley*, an old ship, almost obsolete, which brings our aircraft tonnage to 78,700 tons. If the aircraft carrier provided for in this bill shall be constructed, we will then have an aircraft carrier tonnage of 92,500 tons, which will be about 37,500 tons less than permitted under the Washington treaty. The necessity for the construction of the additional aircraft carrier is most urgent, as no fleet is safe without sufficient aircraft. In this respect we are also inferior to Great Britain. Great Britain has six aircraft carriers, with an aggregate tonnage of 107,550 tons. Japan has three aircraft carriers with an aggregate tonnage of 53,300 tons. Thus, if the aircraft carrier authorized in this bill should be constructed, the United States would be below the ratio established at the Washington conference.

Mr. President, it will be seen that the proposals contained in the pending bill are most moderate and conservative. They do not exceed in any degree the requirements of our Navy and can not be construed in any light as competition on our part, as the bill only seeks to bring our Navy up to the ratio established at the Washington conference; it even falls far short of bringing about that result. If we had been desirous of entering into a program of competition with any nation, a bill would have been proposed for larger increases in our naval establishment. There is no restriction in the Washington treaty as to the number of cruisers, the only restriction being that no cruiser shall be of a greater tonnage than 10,000 tons.

The members of the Naval Committees of the House and Senate did not accept the large naval program proposed by the Navy Department, but adopted the proposals contained in this bill, which are most moderate and conservative. These committees, intrusted by the House and Senate with the duty of making recommendations to the Congress for an adequate Navy, believe they are not justified in recommending less than is contained in the pending bill. Those committees feel that this is a very moderate program, which is absolutely necessary for the proper support of our present Navy, and will not only accomplish that purpose but will be an object lesson to Great Britain in showing Great Britain that the United States is determined to have a substantial naval equality.

I believe if this determination shall be made clear to Great Britain, it will convince her of the wisdom of entering into a pact for naval equality and induce her to abandon her policy of naval competition. I believe this bill to be the most effective step that can be taken to accomplish that desirable purpose.

We have limited the authorization to cruisers in this bill to meet the needs of our present Navy, so that if later an agreement shall be reached with Great Britain, we shall sustain no loss by scrapping. We refused to make further authorizations because we believed that Great Britain would ultimately, in fairness and justice, concede that our demand for naval equality was right. We refused to accede to the demand of those who would have a greater authorization and desired to build a navy superior to all others, and make America supreme upon the seas. We felt we were bound by the understandings and agreements of the Washington conference and would not be justified in recommending the construction of vessels violating the spirit of that conference. We desire to adhere to the spirit, wisdom, and understandings of the Washington conference.

Believing that the passage of this bill will accomplish the purposes sought and result in an agreement among the powers for the limiting of naval armaments, a provision has been incorporated in the bill authorizing the President, if an international agreement shall be reached as to further limitation of naval armament, which he is requested to encourage, to suspend all construction authorized under the act.

Thus, Mr. President, if Great Britain and Japan are willing to have an agreement to carry out the ratios established at the Washington conference to all naval vessels, the President is empowered to cease construction under this act. If competition shall continue after the passage of this bill, the responsibility will belong to other nations and not to the United States. This very bill holds out the olive branch of peace. This bill should pass, as it starts on a pathway that I firmly believe will lead to a better and more comprehensive agreement for the limitation of naval armament.

Mr. COPELAND. Mr. President, I desire to ask a question of the Senator from Virginia. I think we are greatly indebted to the Senator for his eloquent and logical presentation of this important subject. He mentioned early in his address a matter which it seems to me should be emphasized just a bit, and that is the effect of the Jones-White bill upon the encouragement of the building of an American merchant marine.

Mr. SWANSON. Perhaps the Senator was not present when I referred to that subject.

Mr. COPELAND. I was present and heard what the Senator said; but I want to emphasize, if I may, the fact that by reason of the mail subventions and the loan arrangements provided in that wise bill we are now building or contracting to build 26 merchant ships to sail under the American flag under private ownership of citizens of this country.

Mr. SWANSON. That is very gratifying.

Mr. COPELAND. I think it is gratifying, and I think it shows the wisdom of the Congress in the passage of that bill; and since the Senator made the merchant marine fundamental to his argument, I believed that this particular matter should be emphasized and the country should know it.

Mr. SWANSON. I thank the Senator for giving me the information.

OLD-AGE PENSIONS

Mr. DILL. Mr. President, I have here a statement by the Fraternal Order of Eagles entitled "The Fifth Year Under Old-Age Pensions in Montana," which contains such valuable information, and information so much in point on this subject, that I should like to have it printed in the RECORD.

The PRESIDING OFFICER (Mr. JONES in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE FIFTH YEAR UNDER OLD-AGE PENSIONS IN MONTANA—POINTS TOWARD THE EARLY DOOM OF THE POORHOUSE

Opponents of old-age pensions must take to their heels before the fresh flood of evidence from Montana that the payment of pensions is a far more economical way than the poorhouse system to care for worthy

dependent aged. During 1927 the average cost of maintaining a person under the pension law was less than half what the State would have had to pay to maintain a dependent in a poorhouse.

Under the poorhouse system, so the Federal Bureau of Statistics determined after a careful survey, each inmate costs the State an average of $344. Under the pension system, Montana, in 1927, paid an average of only $166.52. This, it is important to note, is even lower than the average in Montana for 1925 or 1926. Does it look, then, as if pension costs rise year after year, an objection which our opponents so lustily shout?

Corroborative evidence is not lacking from individual counties that costs under the pension law are far, far lower than under the poorhouse system, and that they may be further reduced as experience teaches the county commissioners the wisest way to administer the statute.

For example, in Lewis and Clark County, in 1926, the average pension amounted to $186.86. In 1927 it came to $148.80.

Carbon County, in 1926, paid an average pension of $171.63. In 1927 this was reduced to $140.64.

Custer County, in 1926, paid an average pension of $123.87. For 1927 this was reduced to the exceptionally low average of $103.85.

Gallatin County's record is remarkable. In 1926 this county paid pensions to 25 persons at an average cost of $259.51. Behold, then, the record for 1927. The county paid pensions to 30 persons at an average cost of but $152.75.

Jefferson County likewise shows an unusual saving. In 1926 the county helped 13 persons at an average cost of $126.92. In 1927 the county assisted 30 persons at an average cost of only $74.42.

Thus, with statistics from a State where the law is no longer an experiment, who can say that the old-age pension system is extravagant?

The saving is effected in a number of ways, as the Fraternal Order of Eagles has long pointed out. The counties are relieved of maintaining expensive buildings and grounds. They do not have to pay salaries to caretakers. Administration of the pension system can be placed in the hands of county officers whose time is not wholly taken with other official duties. The sick or mentally diseased can be cared for in hospitals equipped to give them the treatment they should have.

But the Fraternal Order of Eagles advocates old age pensions not alone on the grounds of economy. This is a humanitarian measure which must eventually be adopted, just as the six-day week and the eight-hour day have been accepted. Certain African tribes throw their old folk to the crocodiles. In this country, civilized though we claim to be, we consign our dependent aged to institutions where every shred of their self-respect is killed and where they are often subjected to virtual imprisonment, to abuse, to degradation. Under the pension system they can enjoy freedom, hope. They can live where they have known their years of greatest happiness, amid the familiar surroundings they love so well. They can turn their hands to tasks suited to their strength and ability, and so contributing to their own support, retain their self-respect. Without self-respect, what is life worth?

Furthermore, whatever a pensioner earns lessens by so much the amount the State or county must pay for his maintenance. And thus we arrive again at the established economy of the old-age pension system intelligently administered.

Report of the old-age pension commissions of the several counties of Montana to George P. Porter, State auditor, for the calendar year ending December 31, 1927

Counties	Total number of recipients during 1927	Total amount of cash paid during 1927	Applications for pensions, 1927	Total pensions granted, 1927	Total pensions denied, 1927	Total pensions canceled, 1927	Deceased	Remarks
Beaverhead	8	$2,325.00	1	1		1	1	
Big Horn	2	125.00	2	2		1		
Blaine	5	900.00	5	5				
Broadwater								
Carbon	31	4,360.00	8	6	2	5		
Carter	3	492.50				3		
Cascade	41	8,600.00	20	11	9	1		
Chouteau			1		1			
Custer	38	3,946.50	15	11	4	8		
Daniels	3	735.00	3	3				
Dawson	11	1,910.00	3	3		1		
Deer Lodge	31	5,215.00	4	1	3	5		
Fallon	2	210.00	1	1				
Fergus			2		2			
Flathead	24	6,209.00	16	7	9	2		
Gallatin	30	4,582.50	12	5	5	4		
Garfield	6	875.00	4	4		1		
Glacier			1		1			
Golden Valley	8	1,160.00	3	3		1		
Granite	19	2,450.00	5	3	2			
Hill	6	860.00	8	6	2	2		
Jefferson	30	2,232.50	21	21				
Judith Basin								
Lake	10	1,040.00	10	4	6			
Lewis and Clark	101	15,028.96	32	22	10	8		
Liberty	3	800.00						
Lincoln	15	3,575.00	5	4	1	1	1	
Madison								
McCone								
Meagher	7	$1,175.00	7	4	3	1		
Mineral	7	1,020.00	2	2				
Missoula	65	10,875.00	21	15	6	2		1 pending.
Musselshell	14	2,665.00	1		1	3		
Park	22	4,215.00	9	1	8	4		
Petroleum	3	200.00	3	3				
Phillips								
Pondera								
Powder River								
Powell	14	1,520.00	4	2	2	2		
Prairie	4	720.00				1		
Ravalli	28	589.50	9	8	1	7		
Richland								
Roosevelt	2	550.00	1	1				
Rosebud	24	4,731.00	3	3		6	3	Board canceled 3.
Sanders	27	2,950.00	19	14	4	3	3	1 pending.
Sheridan	6	975.00	3	3		1		
Silver Bow		[1] 7,225.00	141	95	5	5	3	
Stillwater	5	1,205.00	3		3	2		
Sweet Grass	8	1,000.00	5	4	1	3	3	
Teton								
Toole	7	1,547.50	2	7	2			
Treasure	1	180.00						
Valley	16	3,345.00	9	8	1	1		
Wheatland	6	1,080.00	1					
Wibaux								
Yellowstone								
Total	693	115,399.96	425	293	94	85	14	

[1] For 6 months' period.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I desire to have the Senate resume the consideration of the conference report on the Interior Department appropriation bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Schall
Barkley	Fess	McKellar	Sheppard
Bayard	Fletcher	McMaster	Shipstead
Bingham	Frazier	McNary	Shortridge
Black	George	Mayfield	Simmons
Blaine	Gerry	Metcalf	Smoot
Blease	Gillett	Moses	Steiwer
Borah	Glass	Neely	Swanson
Bratton	Glenn	Norbeck	Thomas, Idaho
Brookhart	Greene	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Vandenberg
Burton	Harrison	Phipps	Wagner
Capper	Hastings	Pine	Walsh, Mont.
Caraway	Hayden	Pittman	Warren
Copeland	Heflin	Ransdell	Waterman
Couzens	Johnson	Reed, Pa.	Wheeler
Curtis	Jones	Robinson, Ark.	
Dill	Kendrick	Robinson, Ind.	
Edge	Keyes	Sackett	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness.

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I merely wish to make a brief statement as to the condition existing now with regard to the Interior Department appropriation bill.

Your conferees were in session for about 10 days, trying to arrive at an agreement with the conferees of the House on the forty-odd amendments that were made to that bill in the Senate. There has been a virtual agreement upon all the items with the exception of three.

The first of these is Senate amendment No. 29, which provides for placing the position of Superintendent of the Five Civilized Tribes in the competitive classified civil service.

The second is Senate amendment No. 39, which has reference to the condemnation of privately owned lands in national parks.

The third is Senate amendment No. 40, which has reference to the construction of the transmountain road in Glacier National Park.

I have asked that the Senate agree to the conference report. It is not a complete report, but the three items I have mentioned are to be taken back to the House for a vote. That being the case, the report is only a partial one, and I ask that the report be favorably acted upon by the Senate, with the distinct understanding that those three items are to go back to the House, as your conferees would not agree to the House demand unless the House had a direct vote upon those three items.

I wanted to say this much so that the Senate could get an idea of just what the three items are to which I have referred.

In other words, I might say this, the amendment provides that the road shall be built, not the way roads in all the other parks are built, but that it shall be built at once, and the sum of $500,000 estimated to finish it is to be made available for that purpose.

I realize that the road ought to be built; there is no question about it, there is no doubt about it in the world. It would connect with the main road in the Glacier National Park, so that people not only could go up north of the lake, but they could go out of the park through the northern route. It will take $500,000 to finish that road.

The policy in the past has been that there will be so much appropriated every year for the building of roads in national parks. That policy is to be continued. The chairman of the House committee is just as much in favor of building the road as are the Senators from Montana, but he says that the House can not agree that the full amount shall be taken out of its regular order and that road built.

The other item has relation to the condemnation of privately owned lands in the Glacier National Park. Senators know that the law now provides that the Government of the United States can condemn privately owned land. This provides that it shall not apply to the Glacier National Park.

The other item was one placing the position of Superintendent of the Five Civilized Tribes in the classified civil service. To-day he does not come under civil service. All of the Indian Associations are pleading that that position should be under the civil service. The Senator from Arizona [Mr. HAYDEN], when the bill was reported to the Senate, made quite a statement to the Senate in favor of that and as against the action of the committee.

Mr. BRATTON. Does that apply to all superintendents or just to the Superintendent of the Five Civilized Tribes?

Mr. SMOOT. I think it applies to all the superintendents, although I am not sure.

Mr. CURTIS. It applies only to the Superintendent of the Five Civilized Tribes, because all the other superintendents are already under the civil service.

Mr. SMOOT. It applies to them all. As chairman of the conferees on the part of the Senate, I want to say that everything has been done that we can do, it seems to me, to have the conferees of the House agree to all our amendments, but that was an impossibility. There was no need of holding any further conferences upon these items, we were informed by the conferees of the House. Then I suggested that, at least, before I would ask the Senate to recede from those amendments the House itself, not the conferees but the House itself, vote upon the three amendments.

If this conference report is agreed to, which I hope will be done, the bill will go back to the House, and the House will vote upon each one of the items to which I have referred. If the House votes for the Senate amendment, then there is only one thing for the House conferees to do; that is, to yield. If the House does not so vote, then the conference report will have to be brought back here for further action.

Mr. WALSH of Montana. Mr. President, I desire to express to the Senator from Utah [Mr. SMOOT], in charge of the report, my heartfelt thanks for the courtesy extended by him to me during a brief illness, in deferring consideration of this report until I could reappear on the floor. I am also indebted to him, as well as to other members of the Senate conferees, for the fidelity which they have exhibited in the conferences upon this measure to the amendments adopted by the Senate.

I am very glad to see a number of Senators here to listen to this matter this afternoon, because I intend to speak of what I regard as the most outrageously oppressive piece of legislation which has come before this body in a long time. It relates to an amendment incorporated in the Interior Department appropriation bill in the other branch of Congress. It was not found in the bill as originally introduced in the House, but is found in the bill as reported by the House committee. The Senate committee recommended an amendment which took the sting out of the legislation, and it is that amendment which is now the subject of consideration here.

Of course, I shall not oppose the request that the report, so far as agreed upon by the conferees, be approved by the Senate. I say what I have to say now with respect to the matter not only for the information of Members of the Senate but in order that what I think about the matter may be understood in the other branch of Congress when they come to take up the matter for special consideration over there.

The matter under consideration is found at page 101 of the bill as it came from the committee of the House, and at page 106 of the bill as it passed the Senate. I read from the Senate copy as follows:

> For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase (39) or by condemnation under the provisions of the act of August 1, 1888 (U. S. C., p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the existing national parks and national monuments not exceeding a total of $2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government: *Provided further*, That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further*, That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further*, That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber.

It will be observed that by this legislation the Government of the United States embarks upon an entirely new policy. This is really not legislation appropriate at all to an appropriation bill, but it is a character of appropriation for the Interior Department that has been carried for a long time.

A great deal of the legislation in relation to our reclamation projects in the West has found its way into these appropriation bills. A great deal of the legislation affecting Indian affairs out West has thus been incorporated in appropriation bills. Indeed, the abuse was so marked that our esteemed and venerable chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], who I am glad is now present, said to me about two years ago that if anything of the kind ever came over again he would return it to the House without action by the committee at all on the subject. But here it is.

Under this legislation we would embark upon the policy of acquiring all lands in all national parks. It amounts to something over 92,000 acres, exclusive of mineral claims, the aggregate of which we are not advised. It contemplates the expenditure of something over $5,000,000 in cash and the exchange of lieu lands to the State of a value of at least as much. In other words, it contemplates the expenditure all together of something in the neighborhood of $10,000,000 for the acquisition of privately owned lands in all the national parks.

Bear in mind, Mr. President, that no committee has ever considered this except the Committee on Appropriations. One would naturally think that if the Government of the United States were going to embark on any such policy as that an appropriate bill would be introduced, which would go to the Committee on Public Lands and Surveys, or to the Committee on Public Buildings and Grounds, or to some other appropriate committee, which would examine into the matter and announce the policy of Congress, and, if necessary, authorize an appropriation, and then it would go to the Committee on Appropriations, and that committee would recommend such appropriation as it thought necessary. Instead of that the subcommittee of the

Committee on Appropriations of the House of Representatives having in charge appropriations for the Interior Department have themselves declared and made effective this policy.

It is quite true that the rules of the House of Representatives apparently forbid anything of the kind, and very properly so. I read:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

I entertain no doubt at all that this provision in the bill would have been subject to a point of order in the House of Representatives, and would have been excised upon the mere suggestion that nothing of the kind was ever authorized by any law.

This is the theory upon which our Budget law was enacted, namely, that no appropriation should find a place in a general appropriation bill except to carry out some purpose already authorized by law. I will read section 202 (a). The statute, after directing the President of the United States to submit an estimate each year upon which appropriations can be made, provides:

SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President, in the Budget, shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

Even the President is by the law enjoined not to include in the Budget any appropriation for any purpose except that which has already been authorized by some law.

The PRESIDING OFFICER (Mr. BLAINE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, the cruiser bill.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana. Mr. President, I read from section 203 (a), as follows:

SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

This item was not included in the Budget and there has been no supplemental estimate supporting it received by either the House or the Senate. Indeed, I have just had information from the Bureau of the Budget that they have not estimated the item at all.

But this body has recognized the wisdom of the policy thus expressed in the rule of the House and in the Budget.

Rule XVI of the Senate relates to amendments to appropriation bills. Of course, these general appropriation bills originate in the House according to a practice which has become almost as fixed as though there was such a constitutional provision, so provision is here made only for amendments to appropriation bills and not for original matter in appropriation bills. Rule XVI, "Amendments to appropriation bills," provides that—

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

I think the policy is fairly well fixed that this provision has no business in the appropriation bill at all. It violates the settled policy of the Government to have it here. Of course, the way to get at this matter, if it is desirable to acquire any privately owned lands in a public park, is to introduce a bill, have it referred to the Committee on Public Lands and Surveys or the Committee on Public Buildings and Grounds or some other committee, and reported, and the bill passed, and the authorization given, and then the Committee on Appropriations make whatever appropriation may be appropriate for it.

Just how important is this particular matter? In the House hearings upon the bill is found the report of some officer of the Park Service, who investigated the questions of private holdings in the national parks throughout the country, in which he tells us:

Exclusive of mineral claims, complete data on which is not yet available, alienated land and timber holdings in the national parks total 92,101.84 acres, of which 2,935 acres are involved in power-site withdrawals, which may be subject to cancellation in whole or part; 47,662.19 acres are in State ownership and for the most part acquirable by lieu of exchange; and 2,321.82 acres of lands in Yosemite, owned by the city and county of San Francisco and subject, in whole or part, to conveyance to the United States under terms of the so-called Raker Act of December 19, 1913, granting certain power and water privileges to the city and county, leaving 39,182.83 acres to be acquired through purchase or donation. Of the latter acreage, 3,207.77 acres represent timber rights held by the Yosemite Lumber Co. on Government-owned land and 150 acres represent land only on which the Government owns the timber, both parcels being in Yosemite National Park. The remaining 35,825.06 acres is classified into timberlands, 18,704.49 acres; nontimberlands, 15,455.45 acres; and town sites and villa site, 1,665.12 acres.

How much is it going to cost to get these lands? We have the following:

Information on which to base appraisals of privately owned lands in the parks is meager. In only one park, Yosemite, do we have any cruises of timberlands available, and even here the figures are not entirely complete. Estimates of present values in all cases therefore have been arrived at by comparison with known values of similar lands elsewhere in each community; ascertaining, where possible, the asking prices of owners; location of the various tracts with regard to roads and trails and with regard to administrative importance; suitability for resort or summer-home sites or commercial enterprise; and assessed valuations. Naturally there is in general a wide divergence of opinion as to values between asking prices and the estimates of our superintendents and even a wider one between asking prices and assessed values, and the figures are presented with the full realization that they are far from conclusive. Nevertheless, it is believed that for the most part they represent liberal values and would not be exceeded by appraisals under condemnation proceedings if instituted.

The total estimated present value of all alienated holdings, except mineral claims, power sites, and State lands, is placed at $5,810,261.29, divided among the various parks as follows: Glacier, $1,553,763.57; Yosemite, $1,510,846.80; Rocky Mountain, $1,076,350; General Grant, $479,062; Lassen Volcanic, $475,100; Mount Rainier (including mineral claim appraised at $100,000), $337,919; Crater Lake, $147,119.92; Sequoia, $125,200; Grand Canyon, $84,550; Mesa Verde, $11,850; and Zion, $8,500.

It is contemplated that all these lands shall be acquired and the various amounts expended, and this is only the barest guess as to what the lands cost the Government, all without having an investigation of it by any committee appropriate to the case.

The bill carries an appropriation of $250,000 for the purpose of making acquisition, but authority is given to contract obligations amounting to $2,750,000 more, the appropriation, however, not to be available unless private parties put up an equal amount. So it contemplates the incurring of an obligation to the amount of about $3,000,000 by the Government of the United States in the expectation that interested private parties will put up $3,000,000 more.

The alleged occasion for the legislation, it is said, arises by reason of conditions in Yosemite National Park and in Glacier National Park. A topographic map of the latter park is before Senators. It is said that within the Yosemite National Park a very considerable body of land is owned by a lumbering company, which may at any time resume lumbering operations and cause a desecration of the cedar. The same condition exists to some extent in Glacier National Park. There is a rather limited area in that park that is privately owned now, that is quite heavily timbered, with valuable timber upon it, and the logging of that particular land would be a desecration.

If the matter came up before any committee I should very cheerfully lend my support to legislation looking to the acquisition of the lands, the lumbering of which would operate really to make the place entirely unsightly and detract from the particular purpose for which the park is created. But I now speak with especial reference to Glacier National Park, all of which is within the State of Montana and with every feature of which I have the most intimate familiarity.

In addition to lands more or less valuable for timber, which are near the foot of Lake McDonald, the largest lake in the park, and, if I may be permitted to say so, the most beautiful, there is quite a little body of land held in private ownership that is likely to be logged off, a thing that ought to be obviated by appropriate legislation. But in addition to that it will be noticed that in the western portion of the park along the line of the North Fork of the Flathead River, which constitutes the western boundary of the park, there is land which is comparatively level. Of course, it is all mountainous, but speaking with respect to the remainder of the park, that region is a comparatively level region, so much so that settlers have gone into that locality. I dare say there are a dozen of them who went in there before the park was created in 1910 and established homes for themselves there and have lived there since and have made a living upon those lands. They occupy the tracts which, it will be observed, are not particularly scenic in character. They have some stock that grazes upon the foothills there. They have milch cows. They cultivate gardens and sell the vegetables thereon grown to tourists in the park. They act as guides to hunting parties who go into the locality to the west, which is famous for its big game.

The legislation to which I am addressing myself provides that the Secretary of the Interior may purchase any of those lands which he desires to purchase, to which feature I offer no particular objection; but the objection is directed to the power it gives to the Secretary of the Interior to condemn any lands he may see fit to condemn anywhere within national parks; and the amendment which is the first subject of discussion here takes away from the Secretary that power to condemn. It is amendment No. 39, which would strike out the language—

or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government—

Practically all lands held in private ownership in the Glacier National Park cluster about Lake McDonald and the valley of the North Fork of the Flathead River. There are now held in private ownership, under patents granted by the United States prior to the time that the park was created, a tract of practically 160 acres at the head of Lake McDonald; another at the place at which I point [indicating], of equal area, about a mile and a half down the lake from its head. Between those two points is another tract held in private ownership. Another tract is held in private ownership at the foot of the lake; another is directly opposite at the place to which I point, there [indicating]. That is all the land around Lake McDonald which is held in private ownership. Lake McDonald is about 10 miles long. Its perimeter is something over 20 miles. In that 20 miles these 5 tracts cover about 2½ miles of shore line; in other words, the Government now owns about ten times as much shore line as is held in private ownership.

Those properties were acquired a good many years ago. People have gone in there and built summer homes upon those privately owned lands. It is now proposed to authorize the Secretary of the Interior at his sweet will, whether the owners care to sell or not, to go into court and condemn those lands, take them away from those who have thus acquired them and who make there their summer homes.

But that is not all. At this point of which I have spoken, about a mile and a half down the lake from its head, is a tract which was thus acquired and which is now owned by Mr. John E. Lewis. There has been something in the nature of a hotel there for many years; it existed for years prior to the time the park was created; but since the park was created Mr. Lewis has acquired the property and has built thereon a gem of a hotel, a beautiful piece of architecture. It is a popular place for summer tourists to go and stay during the entire season. Mr. Lewis has expended, I should think, perhaps $150,000 or $200,000 in the construction of that hotel and in the accessory buildings, in improving the grounds, and that kind of thing. Power is proposed to be given to the Secretary of the Interior, if he does not agree with Mr. Lewis upon the price that he ought to have for his property, to go in and condemn that land and take it away from Mr. Lewis at such a figure as a jury may be willing to award him; then, inasmuch as a hotel is needed there, to give a lease or concession to some one else to run the hotel.

Mr. WHEELER. Mr. President, at this point, will the Senator explain to the Senate how many hotels there are in the park that have been leased and are owned by the Great Northern Railroad Co.?

Mr. WALSH of Montana. The Great Northern has a very large and very lovely hotel at the eastern entrance of the park here [indicating], that will accommodate perhaps 600 guests. I, perhaps, ought to say that the park is bounded on the east by the Blackfeet Reservation; the right of way of the Great Northern Railroad forms the southern boundary of the park; the North Fork of the Flathead River is the western boundary; and the international boundary line is the northern boundary. The park is upon both sides of the main range of the Rocky Mountains. There is one peak within the park, which is known as Triple Divide Peak, from which if a snowball be thrown in one direction the waters will go into Hudson Bay; if a snowball be thrown in another direction the water will go into the tributaries of the Missouri, and ultimately into the Gulf of Mexico; and if it be thrown in another direction the waters will go into the Flathead and Columbia Rivers, and eventually into the Pacific Ocean.

In addition to the hotel at the eastern entrance, the Great Northern has another hotel between the two St. Marys Lakes, upon the eastern border of the park, and has another hotel within the park, which is known as the Many Glaciers Hotel, because from that hotel the glaciers shown upon the map may be seen. Furthermore, the Great Northern has chalets or small stopping places at Two Medicine Lake, at Going-to-the-Sun Mountain, at Granite Park, and at the Sperry Glacier. These it will be observed are all on the east side of the park; that is, on the east slope of the mountain. The only hotel on the west slope of the mountain is the Lewis Hotel at Lake McDonald.

In addition to that, Mr. President, a Methodist society have acquired a part of a tract of land, which was patented, at the lower end of the lake, consisting of 40 acres, which they use for a summer camp to which they invite their young people to come for a month or two in the summer time; and they go in large numbers. It is proposed to authorize the Secretary of the Interior to condemn that land thus taken and appropriate it to any other purpose to which he may care to put it.

I want to impress upon the minds of Senators the idea that the national park officials do not desire these lands for any purpose whatever; they simply do not want any of these lands held in private ownership.

I may say—it, perhaps, may be of interest to the Senate—that prior to the time when the park was created I acquired a building site, a part of a patent, at the head of the lake and constructed there, in the year 1910, a very comfortable summer home. I may add that since 1900 my family have been accustomed to spend their summer vacations in that neighborhood, living in the house at the head of the lake since it was constructed. It is proposed to take my house away from me, if the Secretary of the Interior feels so disposed, and burn down the house or turn it over to some one else.

Mr. President, I do not think there is any occasion whatever for this legislation. I spoke of the occasion for it so far as the Yosemite Park is concerned. It is said that at the south end of Lake McDonald, here [indicating], there are a number of unsightly houses that are offensive to tourists who come to the park. Well, I passed there every day last summer during nearly two months, and I was not sensible of any offense. We had a good many guests during the summer time, and none of them apparently noticed the offense, if there was any; but, anyway, the department wants to get rid of the buildings at the lower end of the lake, and I am not here to say that some of them are as handsome as I wish they might be.

I am perfectly confident, Mr. President, that there will be no difficulty whatever in acquiring in the Glacier National Park, and I am perfectly sure in all other parks, all of the lands that are held because of the timber upon them, for those who hold them because of the timber hold them for commercial purposes, and they would just as lief sell to the Government as to cut the timber and manufacture it into lumber. So the permission to the Secretary of the Interior to purchase is to my mind all that he needs, at least, all that he needs at the present time. If it is impossible for the Secretary to negotiate with the owners of any of these lands which ought to be acquired by the Government of the United States for their sale at a reasonable price, he may then come before the Congress at the next session or some subsequent session and ask for specific authority to condemn particular lands, explaining to the appropriate committee exactly why it becomes necessary to condemn such lands. But to give the Secretary of the Interior carte blanche to condemn any lands that he sees fit to condemn in any of the national parks it seems to me is an outrageous and indefensible power for the Congress to vest in him. So much, Mr. President, for the amendment to strike out that provision of the law which authorizes condemnation; but before I pass from it I want to correct a misapprehension that may exist. It will be observed that the proposed legislation reads:

by condemnation under the provisions of the act of August 4, 1888, whenever in the opinion of the Secretary acquisition by condemnation proceedings is necessary or advantageous to the Government.

Some notion seems to prevail that the Secretary of the Interior even now has the authority under the provisions of the act of 1888 to condemn any of these lands, and that it is now proposed to confer no additional authority upon him. That is a very grievous error. The act of 1888 confers no authority whatever upon any officer of the Government to go out at will and condemn private lands for any public purpose. If that were the case, the Postmaster General would be authorized to go into any city and condemn a piece of land for a post-office site, or the Secretary of War to proceed to condemn lands for the purposes of a fort or an arsenal or something of that kind without any authorization by Congress at all. That, however, is not the law at all. The law simply provides that whenever the acquisition of lands is authorized, the proper officer may proceed as provided in the act of 1888.

I read from the case of the United States against Certain Lands in Narragansett, R. I., reported in One hundred and forty-fifth Federal Reporter, at page 656, as follows:

The defendant contends that the act of August 1, 1888 (ch. 728, 25 Stat. 357), entitled "An act to authorize the condemnation of land for sites for public buildings, and for other purposes," does not confer a general authority to land, but only authority to institute condemnation proceedings in furtherance of or in execution of authority otherwise granted to procure real estate for public purposes. A mere reading of this statute shows clearly that this contention is correct. The act is as follows:

"That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so; and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation; and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury under this act, or such other officer, to cause proceedings to be commenced for the condemnation within 30 days from the receipt of the application at the Department of Justice.

"SEC. 2. The practice, pleadings, forms, and modes of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding."

Chappell *v.* United States (160 U. S. 499, 16 Sup. Ct. 397, 40 L. Ed. 510) clearly recognizes the necessity for other authority than that conferred by chapter 728 by the reference to Revised Statutes sections 4658, 4660.

So, Mr. President, without the authorization of this legislation, the Secretary of the Interior has no power to condemn any of the lands within that park; but, regardless of that, he has no funds with which he could pay for the lands that are condemned unless they are granted by this legislation. So what it amounts to is that this legislation is necessary in order that he may prosecute the condemnation proceedings to effect.

So much for the amendment revoking or withholding from the Secretary of the Interior the power to condemn those lands.

The other amendment is related to this question.

When I first became familiar with this country there were no roads here at all anywhere in the neighborhood of the park except a road running from Belton, on the Great Northern Railroad, to Lake McDonald, a distance of about 2½ miles; and that road was scarcely wide enough to permit the passage of a wagon through the dense forests that exist there. I might say that this park is the most marvelous combination of mountains and barren peaks, of glaciers, of rushing rivers, of wonderful cataracts, but, most of all, of the most lovely forests. A short distance above Lake McDonald here is a beautiful group of cedar trees. The forest consists of pine, both yellow and white, of fir, spruce, cedar, tamarack, hemlock, and shrubbery of innumerable kinds. The wild flowers grow in the utmost profusion and in startling beauty. This road at that time, as I say, was just wide enough to permit the passage of a wagon; and you went down into deep ruts and over tree roots and everything of that kind.

However, after the park was created, this road upon the east side of the park, most of it within the Blackfeet Reservation, was constructed, permitting easy access to the Great Northern hotels upon the east side of the park; and there was also constructed a beautiful road taking the place of the old road of which I have spoken from Belton to Lake McDonald. In more recent years that road, now spoken of as the transmountain road, has been extended up the east side of Lake McDonald, and then proceeds to climb up the bed of McDonald Creek and up the side of the mountain to what is known as the Granite Wall, where it turns back; and it is intended to continue on down until it reaches the upper end of St. Marys Lake, permitting passage from the east over this marvelously scenic road to the west side and on to the west.

In anticipation of the completion of that road the State of Montana has spent an enormous amount of money for a State as sparsely settled as ours upon the improvement of roads leading to the Glacier National Park, anticipating that tourists will travel through that country by the thousands for the purpose of viewing the beautiful scenery and enjoying the advantages it offers. That road is now completed to the summit, and now it is proposed to stop its construction.

I might say that at the present time there is no road across the Rocky Mountains south of the park until you reach a point opposite my home in Helena, Mont., a distance of about 200 miles. For 200 miles there is no way of getting across the Rocky Mountains; so that when we go to Lake McDonald in the summer time it becomes necessary for us to make a great detour off to the west here, crossing the mountains near Helena, getting on the other side, and coming up from the west side instead of coming along from the east to the eastern side and then crossing by this route.

The bill carries an appropriation of $5,000,000 for the construction of roads in the national parks. Each of our appropriation bills for the last half-dozen years has carried such an appropriation; and out of these appropriations so made since 1923 an allocation has been made for the construction of this transmountain road, until now there has been expended in the construction of that road something over $1,400,000; and now there is a gentlemen's agreement between the chairman of the subcommittee of the House Committee on Appropriations and the Park Service that they will not spend a dollar more of any money that is appropriated for roads in the national parks for the completion of that road until—well, I suppose until the chairman of the House subcommittee lets them.

Mr. SMOOT. Until next year, they say.

Mr. WHEELER. Was not the statement, until these people had sold out their property?

Mr. SMOOT. No; until next year, Mr. President.

Mr. WALSH of Montana. At any rate, the fiat has gone out by the chairman of the subcommittee of the Appropriations Committee of the House that none of that $5,000,000 must be spent in the completion of that road—and you are correctly informed by the Senator from Utah that it will take about half a million dollars more to finish the road—until these people who own the lands at the south end of the park will sell out their properties at a satisfactory price or until they shall be condemned under the provisions of this law.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes, sir.

Mr. FESS. I spent a week in the park a year ago, going through such parts of it as the time allotted would permit; and I learned that there was some effort to construct one highway which would permit the passage of tourists who did not want to take the time to go through the park generally.

I think that ought to be done. I should greatly regret it if it were not done; but it will not be the policy, will it, to abandon the many horse trails that go through the park?

Mr. WALSH of Montana. No, Mr. President; I think we shall be able to hold to the policy that no more roads shall be constructed in the park.

Mr. FESS. That is precisely what I wanted to know. I think that is the most wonderful natural curiosity in America, and every citizen ought at some time to see that park.

Mr. WALSH of Montana. The map before you shows the horse trails through the woods, and they are the ordinary means of travel in the park; but, as the Senator properly says, there are many people who can not take the time to get off and move by horse trail. This road would give them an opportunity to go through the park, and they would be taken by this route high up above even the timber line, among the bare, barren rocks.

Mr. FESS. Mr. President, will the Senator permit a personal statement?

Mr. WALSH of Montana. Yes, sir.

Mr. FESS. A trip from Many Glaciers Hotel by horse trail up to Granite Park is a trip that very few people in the world will duplicate; and I should very much dislike to see that particular phase of visiting the park broken into. I agree that there ought to be one trunk line by which automobiles could go through, but I should very much dislike to see that natural curiosity broken into by our modern methods of transportation.

Mr. WALSH of Montana. I fully agree with the Senator.

Mr. FESS. When you approach Granite Park you can see the mountain goat and I do not know what else so high up that it is

necessary for you to use a glass to see it; and you realize that you are in a portion of real nature that it is very difficult for a man to appreciate.

Mr. WALSH of Montana. I might say in this connection that those who are familiar with the country love to go there and stay, and they come year after year to enjoy the beauty of the surroundings.

Mr. President, the officers of the Park Service are very, very decent about this matter. They say, "We have made this arrangement with Mr. CRAMTON, and we propose to carry it out, but we will do whatever the Congress tells us to do about the matter." Accordingly we asked the Senate committee to put in an express provision that this money should be utilized, among other purposes, for the purpose of continuing the construction of this road.

Mr. SMOOT. Mr. President, I want to say, however, that Mr. Cammerer and also Mr. Demaray took the same position that the bill provides, particularly as to the condemnation proceedings. In fact, I have their testimony here on pages 26 and 27.

Mr. WHEELER. With reference to condemnation proceedings?

Mr. SMOOT. Yes; with reference to condemnation proceedings. I want to say also that the chairman of the House subcommittee, Mr. CRAMTON, recognizes that this is one of the greatest scenic places in the world, and he says that that road is going to be built without a question. His point was, however, that it should not be done this year. That, of course, is what he tells the members of the subcommittee.

Mr. WALSH of Montana. I desire to say this much in justice to Mr. CRAMTON, and not only in justice to him but I am glad to do so. He is to be commended for the interest he has exhibited not only in these national parks but in all of the problems which come before his subcommittee of the Committee on Appropriations dealing with appropriations for the Department of the Interior. But really I dare say that most people would feel as my colleague and I do, that when it comes to a question of such vital consequence to our own State, when it deals with this property here, within which both of us have summer homes, at least we ought to be consulted about the policy before it is announced.

It has already been told that that is what is going to be done, that there is not going to be a dollar spent upon this road until this property at the foot of the lake is acquired by the Government of the United States. So well is it known, that the contracting firm which has constructed the road thus far from the head of the lake, and done a splendid job, a beautiful piece of work, with an enormous equipment there, pulled out their equipment and disbanded their force, and it has gone elsewhere, because the word has been given out, before the Congress has acted upon the matter at all, that there is not going to be any more work done on that road until this property is acquired. That is the situation which confronts us.

Mr. WHEELER. Had they remained there and kept there the horses and the machinery, which they had for completing the road, it would undoubtedly have meant a saving to the Government, because of the fact that that firm having pulled their equipment out anybody who takes up the work now will have to put similar equipment on the ground.

Mr. WALSH of Montana. Of course, they would have been in a position to bid less than anybody else could bid for doing the work.

Now, I desire to indicate in this connection that the attitude taken by me and my colleague is likewise taken by the people who own the most of these lands. I have this telegram from Mr. Lewis:

COLUMBIA FALLS, MONT., *December 22, 1928.*

Hon. THOMAS J. WALSH,

Senate Chamber, Washington, D. C.:

My attitude on park measure same as yours and heartily approve of same, with your amendment, and do not think same will work hardship on anyone.

JOHN E. LEWIS.

Mr. Lewis owns some of these timberlands down at the south end of the lake. There will not be the slightest difficulty in agreeing with Mr. Lewis upon a reasonable price for those lands, because he is desirous of preserving them, as we are, of course, as he is running a hotel there for the accommodation of tourists, and he has agreed that that land should be taken over by the Government and should not be logged over.

The other owner of most of those lands is a Mr. Stack, who runs a store at Belton that is supported by the tourist traffic. He does not want to log off this land, and there will not be any difficulty in making an arrangement with him that is reasonable. But if these people should be unreasonable about the matter, and the Secretary should be unable to get the lands at a fair price, let him then come before Congress and say, "We have done the best we can, and we can not get them. Give us authority to condemn."

There is absolutely nothing urgent about this matter. Even with respect to the Yosemite National Park—and I regret that the Senators from California are not here—I dare say there is not a man who owns timberland in the Yosemite National Park who under the circumstances would think of engaging in logging operations while there was a prospect that legislation for the acquisition of those lands was pending before the Congress of the United States.

Mr. WHEELER. Mr. President, let me interrupt the Senator long enough to say that I personally know Mr. Lewis is anxious to sell, but the Government has not even attempted to buy the timberland from him at all; at least it had not when I talked with him—I do not know whether it was the past summer or just before that. He personally talked with me and told me he would be delighted to sell the land because he did not want to log it off.

Mr. WALSH of Montana. The Methodist organizations to which I have referred are equally solicitous about their property. I have this telegram from Bishop Brown, of that church, who appears to be in Ithaca, N. Y., at present:

ITHACA, N. Y., *December 20, 1928.*

Senator T. J. WALSH,

United States Senate, Washington, D. C.:

Our Methodist property Glacier Park acquired at sacrifice. Very useful educational and recreational purposes. Shall appreciate your interest in protecting our investment.

Bishop W. E. BROWN.

I have another telegram, under date of December 21, 1928, from Mr. C. L. Clifford, as follows:

KALISPELL, MONT., *December 21, 1928.*

Senator THOMAS J. WALSH,

Capitol Building, Washington, D. C.:

We are concerned about bill to condemn privately owned property in Glacier Park. We purchased 40 acres on Lake McDonald and spent thousands in development and buildings through summer institutes. Thousands of Montana young people are given outing and training. I represent hundreds who commend and urge your amendment.

C. L. CLIFFORD,
District Superintendent.

I have a telegram from Mrs. Nancy C. Russell, the widow of the late Charles Russell, the cowboy artist, who has a very lovely place, filled with mementos of her late husband, of artistic character, at the foot of the lake, a part of the patent in that section. She says in her telegram:

PASADENA, CALIF.

Senator T. J. WALSH:

You know my love for the lake. Would like to keep property. Do not wish to go against any decision of the Government. Would like more explicit details. Would appreciate your advice as to what I shall do.

NANCY C. RUSSELL.

I have a long letter here from the head of the Epworth League, very much concerned likewise about the Methodist property, as follows:

MONTANA STATE EPWORTH LEAGUE,
Fort Benton, Mont., December 21, 1928.

Hon. T. J. WALSH,

Washington, D. C.

DEAR SENATOR WALSH: I wired you to-day as follows: "Emphatically protest against condemnation of Glacier Park Institute camp grounds. Bill should except lands held by religious corporations when not used for business purposes. Use for such purposes not inconsistent with purpose for which park created; our grounds used for recreational purposes only. Hold bill in committee until protests received."

I had no knowledge of this bill until Bishop Brown's secretary called me by phone from Helena. We have, as you know, the Glacier Park Institute camp which is a religious corporation under the control of the Methodist Episcopal Church and have 80 acres of ground at the foot of Lake McDonald. We have two or three very good buildings on these grounds and expect to erect more to take care of our religious meetings and institutes which are held there each summer. New buildings that may be erected on these grounds will be in keeping with the improvements placed in the park and under no circumstances could the use of these grounds for the purposes to which we are putting them be considered a detriment to the park; but, on the other hand, it brings to the park hundreds of young people each year that would not otherwise have the opportunity of visiting this national playground.

I can not see where there is any more objection to our organization holding this ground and maintaining this camp than there would be to any hotel or permanent camp grounds operated by any private individual. In fact, there are many arguments in favor of the camp ground and against any permanent camp privately operated. If there is a valid reason for condemning other privately owned property in the park that is now being used for commercial purposes, that reason would not hold as against the continuance of our ownership of this property or, in fact, the ownership of any other property in the park by any other religious corporation. These grounds have been used for the past five years for one or two weeks each summer. Young people gather for a week's outing from all parts of the northern and western portions of Montana. It seems to me that the Government should encourage the use of its national parks for such purposes rather than to discourage such use. It is absolutely impossible for us to carry on our summer meetings without some sort of permanent buildings and improvements, and we could not, of course, place improvements upon leased ground.

I will be very glad to hear from you at once regarding this matter with any suggestions that you may have as to how we may be able to retain our holdings in the park. I am sure you will do everything that you can to help us in this matter.

Sincerely yours,

VERNON E. LEWIS.

I have another letter from Mr. Clifford, under date of December 22, 1928, in which he says:

MONTANA STATE EPWORTH LEAGUE,
Kalispell, Mont., December 22, 1928.

Senator THOMAS J. WALSH,
Washington, D. C.

DEAR SENATOR: You received my wire regarding the Interior Department appropriation bill and the provision that privately owned property be condemned in Glacier Park and that the continuance or construction of the road through the park be held up until the Government has acquired such property.

We appreciate your attitude on this bill and heartily favor your amendment to the effect that the condemnation of privately owned property in the park be eliminated. A host of private owners are greatly concerned and it affects thousands of young people who have been securing and improving our Glacier Park institute grounds.

Several years ago we purchased 40 acres at the south end of Lake McDonald. We secured it at a very reasonable figure because the owners had gotten it as a homestead and now in their old age they desired to do something fine for the young people of this State. Now, we have invested many thousands of dollars in the land, in improvements, erection of buildings, etc. Thousands of young people have received there at our summer institutes educational training, inspiration, and wholesome recreation. The very grounds and location have gotten into their minds and hearts—in fact, are a part of the life dreams of those who are to become our future—and, may I say, some of our best future citizens in the Northwest.

We are in favor of your amendment and will appreciate your best efforts to secure its passage. We do not wish to obstruct the completion of the road in Glacier in any way, but that should not be contingent on the Government securing the private property in the park.

Thanking you for your continued efforts in this matter, I am,

Very cordially,

C. L. CLIFFORD.

P. S.—I am representing the sentiment of a multitude of people in Montana regarding the above.

I also have a letter from Mr. C. E. Smith, likewise holding some position with the State Epworth League, as follows:

MONTANA STATE EPWORTH LEAGUE,
Hamilton, Mont., December 24, 1928.

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR WALSH: Word has just come to me of a congressional bill looking to the condemnation of certain lands in Glacier Park. The Glacier Park Institute Camp of the Methodist Episcopal Church has 80 acres of ground at the foot of Lake McDonald. This they hold for religious purposes only. We have a rustic temple, artistically built, worth approximately $6,000. We also have other substantial buildings, including kitchen, cabins for members, and have plans for administration building, and so forth. The plan of the institute has always been in harmony with those of the park—seeking to preserve all the beauties of nature and build in harmony with other park architecture.

To these grounds come hundreds of young people from the northern and western part of the State for two weeks every summer. A good advertisement for the park, and we supposed in perfect harmony with that for which the park was created. These grounds are in no way used for commercial purposes, nor for any private profit. We have been operating for the past five years. Should we be deprived of the use of these grounds or be compelled to lease them it would seriously cripple our building and improving program and be a distinct loss to our present hundreds, and eventually thousands, of young people.

Whatever may be the attitude of the Government toward other privately owned property in the park, it does seem to us that for the above-mentioned reasons we should be privileged to retain our property, for our plans extend beyond the present meetings for the young people to include religious privileges to other departments of Christian work that shall call for occupancy of the grounds for the greater part of the season, and this we could not do unless we own the grounds, as at present.

We feel sure, Senator, that we have a friend in you, and believe that you will do all in your power to help us to retain our holdings there.

Sincerely yours,

C. E. SMITH.

Mr. President, the good people in the Park Service say, "We do not intend, Senator WALSH, to try to condemn your property." That is neither here nor there. This would give them power to do so. Some of them have made very serious complaint about this Methodist camp at the foot of the lake. I never saw any reason to complain about it. I think it is an admirable thing. For one thing, it is the only place where religious services are conducted in that part of the park on Sunday, so that anybody can attend.

They say, "We do not intend to condemn this property of the Methodist people. It is only some objectionable property that we want to condemn." But this would give them authority to condemn the property if they saw fit to do so, and that is what we complain about.

In any case, Mr. President, I think it is discreditable in the great Government of the United States to say, "We will not go on with the building of that road, on which we have spent a million and a half already, until these people at the south end of the park, including these Methodist people, sell out their property to the Government at such a figure as is satisfactory to us, or as a jury may decide."

As I have said, if there is any of that property they need for any public purpose, and it can not be purchased at a reasonable figure, that will be time enough for them to come to Congress and get authority to condemn.

Mr. SMOOT. Does the Senator understand that as to most of those holdings they want to purchase, they are perfectly willing to purchase and allow the man owning the property to remain on it as long as he lives?

Mr. WALSH of Montana. I wanted to advert to that. The bill, it may have been noticed, provides that the Secretary may buy or condemn, and then it provides that—

> The Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases.

That is to say, after the Government has bought this land, or after it has condemned the land, it may lease any particular piece of land to the man whose land has been condemned or bought, for the period of his life. In other words, they come in and condemn my nice home there, and after they have condemned it and acquired it, then they will give me a lease of it for the balance of my life, but my period of life is getting to be rather limited. I have a daughter who has been going there for 30 years and is just as much attached to the place as I am. I have a couple of grandchildren who are delighted with the place, and we do not care to sell.

Mr. SMOOT. I understand there is no intention whatever of condemning the Senator's land.

Mr. WALSH of Montana. Of course, I do not ask for any special privilege.

Mr. SMOOT. That provision has particular reference to the land here in this valley. The people who live in this little valley, in between the mountains, are settlers who have taken up lands there for farms. They have cattle there, and raise vegetables for the people who come in the park in the summer. They furnish them eggs, and butter, and milk, and things like that. The owners of nearly all those places will have that privilege as long as they live.

Mr. McKELLAR. About how many people live there?

Mr. SMOOT. About a dozen families.

Mr. WALSH of Montana. There is no obligation to do that at all, bear in mind. The Secretary may, if he sees fit to do so, lease the land to those people.

Mr. SMOOT. But that has been the policy, not only in my State but in all the other States, as I remember, where the Park Service has holdings.

Mr. WHEELER. What assurance have we, when there are constant changes in the office of Secretary of the Interior?

Mr. SMOOT. We have the assurance of the statement before the committee.

Mr. WHEELER. That is not binding at all.

Mr. SMOOT. I am perfectly aware of that, but I am saying that that is the policy now. They really assert it here in relation to the Glacier National Park.

Mr. DILL. How long is this power to condemn to continue?

Mr. WALSH of Montana. Indefinitely.

Mr. DILL. It is a permanent law?

Mr. SMOOT. That is the law now.

Mr. DILL. It is not the law now, or a new law would not be required.

Mr. WALSH of Montana. I have endeavored to show that the existing law does not give that power.

Mr. DILL. I heard the discussion before the committee and I heard the representative of the Park Service say that they did not know that they had the power, and they wanted this additional power.

Mr. WALSH of Montana. Mr. President, I earnestly solicit the resolute opposition of this body to any recession from the action heretofore taken approving of both these amendments—first, to cut out the provision in relation to condemnation, and, second, to direct that the appropriate part of the appropriation for the construction of the roads in the national park be applied to the continuance of the work on the transmountain road.

Mr. WHEELER. Mr. President, I heartily concur in all that my colleague has said. I want to call attention to and emphasize one or two points which he made, particularly with reference to Mr. Lewis, who owns the hotel. Mr. Lewis spent a lifetime building up his beautiful hotel, and now the Government wants to go in and condemn it, and what for? Not because it is unsightly. Not because it is not needed. Simply because of the whim of some bureaucrat here in Washington.

There has been no development in road building on the west side of the park until quite recently. The road building has been on the east side of the park, where the Great Northern Railway has built the Glacier Park Hotel, the Two Medicine Camp, the Cut Bank Camp, the St. Mary Camp, the Gunsight Camp, the Going-to-the-Sun Camp, the Many Glacier Camp, the Granite Camp, and the Red Eagle Camp. Immediately after the park was created the Great Northern Railway Co. got a permit from the Government to build and has built magnificent hotels at all these various points.

There was no development on the west side of the park for a long period of time. If anyone wanted to go by automobile from the east entrance to the west entrance of the park, it would be necessary to ship his car from Glacier Park Station to Belton at a great deal of inconvenience and cost. The west side of the park is, in my judgment, the most scenic. In this I may be prejudiced, as I have spent most of my vacations there. But be that as it may, the great bulk of the traffic, both by rail as well as auto, comes, I think to the east side. The greater portion of them never get to the west side at all. First, because there is no means of transportation except by horseback or by train, and because the Great Northern Railway, not having hotels on the west side, quite naturally does not proclaim the beauties of the west side as loudly as it does the east side, where are situated its many beautiful hotels.

There was no road at all through the park and no connecting road across the mountains anywhere. Finally the road was built, and it was within 12 miles of completion when, as my colleague pointed out, the chairman of the subcommittee of the Committee on Appropriations of the House of Representatives, in charge of this matter, came forth and, I am told, simply announced to the people of Montana, without ever consulting with either my colleague or myself, or so far as I am able to learn, either Member of the House of Representatives, that this road construction was going to be stopped. The contractors, who were on the ground and who had built the road, pulled up their equipment and took it away. They had their equipment there, and they moved it out of the park. Consequently, when bids are asked for and a new contract let, the Government of the United States is going to have to pay more for the completion of the road, because whoever gets the contract to build that 12 miles of road now is going to have to move his equipment into the park at tremendous cost. It will have to be brought over the Great Northern Railway and shipped or carried over the mountains, and the work will have to start all over again. This, of course, is all in the interest of economy and sound business as administered and understood by some.

If the Government buys Mr. Lewis's hotel—which the Government will have a perfect right to do if this bill goes through, as it came from the House—then they can say, "Very well; we will lease it to anybody we want to." It has been said that the Great Northern Railway Co. wants to go over on the west side of the park. The Government could simply condemn Mr. Lewis's property and then issue a permit and lease it to Mr. Lewis, who has spent a lifetime building up the property, or to any other person they might see fit.

There is another man by the name of W. C. Whipps, one of the old-timers in Montana, who has a little home at the head of the lake. He was one of the men most instrumental in having this piece of land preserved for the tourists and for the people of the country. He has a little home up there. The Government proposes to come in and say, "We want to condemn your home, too."

Another old-timer out there in Montana is a man by the name of James Conlon, who has a very beautiful little summer home there. He has spent every summer of his life going to this little home. The Government wants to go in and condemn his property and throw him out. He was another one who was instrumental in trying to get legislation so that this magnificent park should be set aside and not be destroyed by those who wanted to go in and cut off the timber.

The Methodist Church has gone in there and bought up 40 acres of land and established a school, where every year a large number of young people go and spend two months at an institute. They have ministers come there from all over the State to speak to the young people. It is not only a religious institution but an educational institution as well.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. Certainly.

Mr. SMOOT. I do not understand there is any intention whatever of disturbing that institution.

Mr. WHEELER. Oh, yes.

Mr. SMOOT. Why does the Senator say "Oh, yes"?

Mr. WHEELER. Because of the fact that the bill gives power to the Secretary of the Interior to do it, and what assurance have we or has any other Senator on this floor that Mr. CRAMTON may not get the idea in his head that for the purpose of preserving the beauties of Montana he might go to the Secretary of the Interior and say, "I want you to take this Methodist school out of there." They do not want that done because of the fact that they do not want this possible threat hanging over their heads and causing them to hesitate in the expenditure of any further money in connection with their property.

Mr. SMOOT. I do not want the Senator to get the idea that at the present time there is going to be any effort to interfere with that church, nor with the Senator's home, nor with the home of the senior Senator from Montana.

Mr. WHEELER. It is perfectly all right for the Senator to say that, but we have not any definite assurance. How would the Senator from Utah like it if we had a Democratic chairman of the subcommittee in the Senate and he would go out to the State of Utah and, without consulting the Senator from Utah at all or ever mentioning it to him, should enter into a tentative agreement with the Park Service that no money shall be used to complete a road unless something else shall be done or unless something else shall happen, or until the people of his State shall do so-and-so.

Mr. SMOOT. I have no doubt my action in the matter represents exactly what I believe.

Mr. WHEELER. Of course.

Mr. SMOOT. But we are up against a condition and not a theory. I have done the best I could.

Mr. WHEELER. I have not any doubt about that. I do not want the Senator from Utah to think for one moment that I have the slightest criticism to offer of his action in the matter.

Mr. SMOOT. For the sake of the record I want it to appear that, so far as I am personally concerned, I understand there will be nothing done that would affect the Methodist school.

Mr. WALSH of Montana. Mr. President, will my colleague yield?

Mr. WHEELER. Certainly.

Mr. WALSH of Montana. Now that the Senator from Utah is on his feet, let me say that it appears that roads are being constructed in all of the parks and it likewise appears that there are lands held in private ownership in all of the parks.

Mr. SMOOT. Every one of them.

Mr. WALSH of Montana. Has the Senator been advised of any other road project that has been suspended until the private lands in the other parks are acquired?

Mr. SMOOT. No.

Mr. WALSH of Montana. This is the only one that has been suspended, is it not? In Zion Park in his own State, they are constructing roads. Are they going to suspend the construction of those roads?

Mr. SMOOT. I think, so far as Zion National Park is concerned, there are no roads. In Bryce Canyon National Park there is a road which I suppose is about completed, but it has taken years to construct it. Not only that but there are other roads that will have to be built in that park sooner or later.

Mr. WALSH of Montana. I am speaking about roads actually under construction in parks where there are lands held in private ownership. The argument is that "if we go on with the construction and completion of this road, the lands at the foot of the lake will increase in value and we do not propose to spend any money there because it will increase them in value; we do not propose to spend any money until we acquire those lands." I want to know if the same condition exists in some other park?

Mr. SMOOT. No; and I do not know that Mr. CRAMTON would acknowledge that to be the case. I want to say to the Senator from Montana that I do not know whether it is the case or not, but I am going to take the Senator's word for it.

Mr. WALSH of Montana. This I do know, that they are constructing roads in the other parks. I do know that in other parks there are lands held in private ownership and no suggestion has been made from any quarter that they are going to suspend construction of any other road.

Mr. SMOOT. In our State we have had very few roads constructed, but I acknowledge that the great Glacier National Park is one of the great scenic wonders of the world. I think the only one that could possibly be superior is the wonderful Bryce Canyon, with all the beauties that there are in Glacier and, in addition, rocks of every known color. It is a marvelous thing. Our national parks are just beginning to be known. I believe, as firmly as I believe I am standing here at this moment, that there will be not only tens of thousands visiting the parks, but that in a short time there will be millions of people from all over the world visiting our national parks. Among the great scenic sights of the world is the Glacier National Park. There is no question about that.

Mr. WHEELER. That is the very reason why the road ought to be completed.

Mr. SMOOT. I do not want the Senator to get the idea that I do not believe it ought to be completed. I know it ought to be completed. There is no doubt about that. But we have not money enough to complete all the roads in all the parks at the present time.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Utah that I agree with all he has said about national parks; but my own view is that what is needed to supplement what we already have is a park in the tropical regions of Florida, where the people can go in the wintertime and visit a national park and see real tropical things which are not to be found in the mountains.

Mr. WHEELER. Mr. President, I want Senators to understand exactly what has been taking place in our State. I would ask the Senator from Michigan [Mr. COUZENS], or the Senator from Nebraska [Mr. NORRIS], or the Senator from North Carolina [Mr. SIMMONS], or the Senator from Florida [Mr. FLETCHER], or the Senator from Texas [Mr. SHEPPARD], who are among those who do me the honor to listen to me, just what they would think if the chairman of a subcommittee of the House entered into a tentative agreement with some branch of the Government by which it was agreed that they would not expend any part of an appropriation that was made by the Congress of the United States of America for national parks or for some other object until, if you please, a certain group of people sold their lands to the Government at some price that he might want to pay for them. I think it is a situation almost without a parallel in the history of the Government for the chairman of a subcommittee of the lower House, without consulting the Members of the Senate who live in the State involved, to take such steps as have been taken in this matter. But because of the fact that he happens to be in this point of vantage, he simply comes out and tells the people in Montana, "You have got to sell these lands, and you have got to do so-and-so, or you will not have any money to complete this road."

What is he gaining by it? There are 12 miles of that road that remain to be completed. As the Senator from Utah [Mr. SMOOT] has said, people coming from Minneapolis, St. Paul, and points east can go to Glacier Park by automobile, but they have to stop at the Glacier Park Station or at some other point on the east side of the park. Then, if they want to go over to the west side with their automobiles, they have to drive a distance of somewhere in the neighborhood, I should judge, of 600 miles and go clear around down through Great Falls, Helena, Missoula, and then up to the west side of the park.

Mr. CRAMTON, chairman of the House subcommittee, is holding up this road, and compelling those people to do that, because of the fact that he wants to force through this proposed legislation.

Let me repeat what I said a moment ago, that Mr. Lewis is probably as much interested in the west side of this park as anybody could possibly be. He has just built a beautiful little gem of a hotel on Lake McDonald; he owns some of the timber that it is proposed to condemn. Mr. Lewis has talked with me personally about the matter and has stated that the last thing in the world he wanted to do was to cut down the timber; that he would be only too glad to sell it to the Government of the United States. There is not any need of legislation to compel him to do so. Mr. Lewis would be delighted to sell the timber to the Government, because it would be more to his interest to see that the timber around Lake McDonald and in that section shall be preserved than it would be to the interest of almost any other one person in the United States, for if the timber around Lake McDonald shall be destroyed it will injure his property. If it should be cut down or burned, it would depreciate the value of his property, and also injure the scenery around Lake McDonald. So he is vitally interested in seeing that the Government shall buy the timber and that it shall not be logged off.

Then, as I have stated, there are about a dozen farmers who, as my colleague, the senior Senator from Montana [Mr. WALSH] pointed out, went in there long before there was any thought of a park; they took up little homesteads along the north fork of the Flathead River; they have built their homes there; they have raised their children there, are perfectly contented, and want to stay there.

The Senator from Utah [Mr. SMOOT] says, of course they will be permitted to live there during their life time; but suppose there shall be a new Secretary of the Interior, and suppose some official of the Park Service should come along and say "I am not going to issue any more permits." Now, let me ask Senators what assurance have we that such a thing will not happen?

Mr. SMOOT. But, Mr. President, I will say to the junior Senator from Montana that such permits will be issued; there is not any doubt about it.

Mr. WHEELER. Yes; but, if the Senator will wait a minute, let me point this out: At the head of Lake McDonald are two sisters, who have a little cottage of about two or perhaps three rooms. When they bought that little cottage I think they were paying $5 for their permit. The price of the permit was raised, I think, first, to $15, then to $25, then it was raised to $50, and I do not know but now it has been raised to $75. Every year or two the Park Service has gone ahead and raised the price of the permits to those two sisters who have this little summer home where they come each year. The Interior Department has a perfect right, under its rules and regulations, to raise the price of the permits. What assurance have the farmers there, indeed, what assurance has anybody who secures a permit there, that he is not going to be subjected to the whims of the head of some bureau in the Interior Department?

Mr. SMOOT. Mr. President, is the junior Senator from Montana sure that those permits are issued annually?

Mr. WHEELER. They are issued annually. I know that because of the fact that I have a cottage there of my own.

Mr. SMOOT. I know that in many cases permits are issued for 10 years.

Mr. WHEELER. But, as I have stated, I have a cottage there and I am familiar with the practice.

Mr. SMOOT. I am not disputing what the Senator has stated, but I was just asking the Senator if he knew the fact he has stated of his own knowledge.

Mr. WHEELER. Before I was elected to the Senate I had a cottage up there at the head of Lake McDonald, and a permit was issued to me every year.

Mr. SMOOT. The Senator knows that fact, then?

Mr. WHEELER. Yes; there is not any question about it.

Mr. SMOOT. Ordinarily, I will say, such permits are issued for 10 years, and I know in some cases, such as that of the Methodist Association, they have been issued for a longer time than that.

Mr. WHEELER. Permits have never been issued for a longer time than a year in Glacier Park. I do not know whether, under the law, the Interior Department would have the right to do so, for I have never looked into the matter.

Mr. WALSH of Montana. Mr. President, the law provides for the issuance of permits from year to year, and more than 10 years ago the Interior Department announced its policy not to issue any more permits at all, and none are now issued.

Mr. WHEELER. No one can get a permit there now. I bought a log cabin, the previous owners of which had received a permit away back, I think, in 1913 or in 1914. They trans-

ferred that permit to me, and it has since that time been reissued to me every year.

Mr. FLETCHER. What does a permit cover? Why not call it a lease? Why call it a permit?

Mr. WHEELER. It is called a permit; that is all.

Mr. FLETCHER. Does a permit give any special privileges other than to occupy the land?

Mr. WHEELER. It merely gives the privilege to occupy the property.

Mr. WALSH of Montana. To occupy it from year to year.

If my colleague will permit me, Mr. President, I desire to say that I had yesterday morning a very appealing letter from Mr. Robert Underwood Johnson, one time, as my recollection now serves me, ambassador to Italy, who, as my information goes, has passed 80 years of age. He writes me in the most appealing kind of way, referring to his long association with John Muir, about the absolute necessity of acquiring all lands within the national parks. He speaks of it as if it were something very close to his heart.

The idea is to get everybody out of the parks. Under that situation of affairs what reason have we to suppose the Secretary of the Interior may not be induced, by those who feel so keenly about it, not to issue life leases or permits to the people who are now there? If, after my death or after the death of the homesteaders in the park, it is the policy of the United States and to the interest of the United States to acquire the lands, it is likewise to the interest and to the policy of the United States to acquire them now. So that the present system is merely a concession which the present officers of the department seem quite willing to accord; but how do we know that that policy is going to be continued?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. Yes.

Mr. SMOOT. This is the attitude of the department as set forth in the testimony of officers of the department:

> We have, as you see, a provision here that as part consideration for the purchase of the land the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantor for periods not to exceed the life of the grantor and a matching of the funds, etc.

I know that is the policy of the department, and I know that is provided for in the law. Under such conditions the department could not oust those who are there.

Mr. WHEELER. Of course, if the department granted a lease good for life they could not be ousted.

Mr. SMOOT. And it is stipulated that the granting of the lease is to be considered as a part payment for the land.

I do not deny what the Senator says; I merely call attention to what I know to be the general policy of the department.

Mr. SIMMONS. But it is left to the discretion of the Secretary of the Interior.

Mr. WHEELER. Yes; it is left in his discretion.

Mr. SMOOT. I know in this case the department is going to act in accordance with the policy it has announced, as it has done in other cases.

Mr. WHEELER. But we may have another Secretary of the Interior; we may have another head of the National Park Service. By the time this bill passes we do not know who is going to be Secretary of the Interior, and we do not know who is going to be at the head of the National Park Service. So, if this provision is allowed to remain in the bill, it will be tantamount to subjecting the Methodist society, who bought 40 acres of land and are carrying on an institute at that place, to the hazard of being dispossessed at almost any time.

Let me ask the Senator, To what better use could the park be put than to have the Methodist societies carry on their institute—the Epworth League, I think it is called—and have their speakers come there during two months of the year? Young people go there; they are enabled to leave the cities and to spend time in a place where they can have a wholesome outdoor life. Frequently noted persons, visiting the park from all parts of the world, come to the institute and are glad to talk to the young people who go there.

Mr. SMOOT. Mr. President, there could not possibly be a better use made of the park than that. It is being done all over the West. There is hardly a canyon in Utah where there are not buildings for such organizations, where young people may come. Different organizations are provided for, and they hold their meetings every year for at least two months. It is a wonderful thing for those who participate not only from the health standpoint but also because of the teaching of morality under the care of those who are sent to look after them. I have not any idea that they will ever be interfered with. I can not conceive of any man who is worthy to be Secretary of the Interior putting a stop to a great program so beneficial not only physically but morally and spiritually and preventing the park being used for such desirable purposes.

Mr. WHEELER. It is just as conceivable to me that that should take place as it is that the chairman of the subcommittee of the committee of the House Appropriations Committee should go to the Park Service and enter into a tentative agreement with its officials that the Park Service could take the action which is here proposed without ever consulting the Senators from Montana, who are supposed to represent the State, and seek to enact this legislation over our heads, disregarding us entirely. I say that there is not a Member of this body who would not resent such action as that on the part of the chairman of a subcommittee.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Montana yield to his colleague?

Mr. WHEELER. I yield.

Mr. WALSH of Montana. If my colleague will pardon me, the Members of the House from the State of Montana have not been consulted about the matter.

Mr. SMOOT. They must have known when the bill was before the House what it contained, did they not?

Mr. WALSH of Montana. The policy was announced last summer, and so definitely was it announced that the contractors removed their equipment.

Mr. SMOOT. If this conference report shall be adopted as it is, the House Members will have all the time they want to consider the matter, because the conferees on the part of the Senate have not agreed, I wish the Senate to understand, to these three amendments.

Mr. WHEELER. The trouble with agreeing to the report is that we know perfectly well that if the conference report shall be agreed to as it is, there will be a demand to put it through, and then, under such circumstances, the pressure of the closing days of the Congress will be so great, the demand so strong, and those having items in the appropriation bill will be so anxious to have it put through, that one Member of the House of Representatives will be able to dictate and say just what kind of legislation the bill shall contain with reference to Montana, and the Representatives from Montana will have no voice and nothing to say as to what shall be done.

Mr. SMOOT. This is the only way that the conferees could act in order to secure action here on the conference report. The conference report has got to go back again; it is not a complete report, as I have said.

Mr. WHEELER. It is complete except as to two or three items, is it not?

Mr. SMOOT. Except as to three items—the two items that have been spoken of here and an item as to placing the superintendent of an Indian agency in Oklahoma under the civil service.

Mr. FLETCHER. Mr. President, may I make an inquiry of the Senator from Utah?

Mr. WHEELER. I yield.

Mr. FLETCHER. The object, then, is to approve the conference report so far as it has been agreed on?

Mr. SMOOT. Yes; so far as it has been agreed on.

Mr. FLETCHER. And have the amendments still in disagreement go back to conference?

Mr. SMOOT. To go back to the House.

Mr. FLETCHER. I should like to ask one further question, if the Senator from Montana will permit me. As I understand the situation, the bill carries an appropriation of $5,000,000 for the construction of roads in national parks, without specifying in detail where the money is to be expended.

Mr. WHEELER. That is it exactly.

Mr. FLETCHER. Then who decides where the $5,000,000 shall go?

Mr. WHEELER. Apparently, Mr. CRAMTON.

Mr. FLETCHER. No; I mean under the bill.

Mr. WHEELER. Under the bill, the Secretary of the Interior; but the department say that they have entered into an agreement with the subcommittee of the Appropriations Committee of the House that none of this money shall be spent on the completion of this road.

Mr. SMOOT. Is that in the House hearings?

Mr. WHEELER. That was in the Senate hearings. My colleague [Mr. WALSH] spoke of it; and, as I recall, we also asked the representative who came down from the Park Service.

Mr. WALSH of Montana. I will call attention to it.

Mr. SMOOT. I remember that the Senator brought up the question when he was before the committee, but I do not remember the details of it now. I will look it up.

Mr. WHEELER. I do hope, therefore, that the Members of the Senate will not place the people of the State of Montana in the position of simply being at the mercy of some one who says, "We are going to enact legislation for Montana regardless of whether or not the people of Montana want it, and regardless of whether or not their Representatives in Congress want it. We will not even do them the courtesy of consulting them about it, nor will we consult the Park Service about it."

There is very little property there that is owned by anybody. There is some property down here at the foot of Lake McDonald, 3 miles from the entrance of the park, that was owned by homesteaders before the park was established, and they have sold some lots down there to various people who have built a few homes down there.

Mr. SIMMONS. Mr. President, does this road run through that property?

Mr. WHEELER. Yes. The road originally ran from Belton up to the foot of the park. That has been there for some time. Then they built a road around the lake here. There are a few houses here at the foot of the lake, and that road has been there for a long time.

Mr. SIMMONS. I have been listening to the Senator with interest, and what I wanted to ask him was this: Does the unfinished part of that road, 12 miles, run through this property?

Mr. WHEELER. Oh, no; that unfinished part of 12 miles is away up here in the mountains, probably 40 miles away.

Mr. SIMMONS. The Senator says the department take the position that they will not finish that road, away up in the park, until some people owning property down at the bottom of the park enter into arrangements with the Government for its acquisition?

Mr. WHEELER. That is the position they have taken.

Mr. SIMMONS. If the Government needs that property, has it not the right to condemn it?

Mr. WHEELER. Under the law they have not the right to condemn it at the present time. They are asking for the right to go in there and condemn it; but none of this land is needed by the Government at all. There are about six homes up there—not to exceed that number, I believe—at the head of the lake; and then there is the Lewis Hotel, and then there are probably 15 or perhaps 20 houses—I do not recall how many—down at the foot of the lake.

Mr. SMOOT. There are some few houses on the east side.

Mr. WHEELER. Right across here one man by the name of Kelly has a homestead, and he has built a few cabins over there. Then there are these farms up there.

Mr. SMOOT. Then there are some houses here.

Mr. WHEELER. No; there are no houses here. I am very familiar with that country, because I visit there every summer. There are some at the foot of the lake, but there are no houses along here at all. The only place where there are any is up at Lewis's Hotel. There are a few houses along by Lewis's Hotel, where he has sold to people who have been coming there year after year.

Mr. SMOOT. I have photographs of all the houses on the lake, and I thought there were a few on this side. They may have been on that side.

Mr. WHEELER. No; there are a few on this side of the lake, right around this bend. At the very foot of the lake there is a road. The road goes right down to the foot of the lake; and prior to that road being built, if you wanted to get to the head of the lake, you took a boat and went across the lake to get up to where my colleague's home is, and where the rest of these few homes are.

There is not a possibility of those few homes doing the park any injury at all at the present time. These people have acquired that small amount of land; they have built their little homes there; and they have been going there year after year. Now, as I say, the park authorities simply want to take their property away from them, take the Methodist property away from them, take Mr. Lewis's Hotel away from him, take Mr. Kelly's home away from him, where he has been living for, I should judge, at least 20 years, and take these farms along up here; and then they say, "But the Secretary of the Interior can, if he wants to, issue a permit to you."

I do not own any property in the park except a house, so I am not in any wise interested because of owning any land there. My colleague [Mr. WALSH] has had a very beautiful log house there for many years. He owned that home long before the park was established; and, of course, they could go in there and condemn his property, or they could condemn the property of anybody else that they saw fit, and you would constantly be under the threat that they would not renew your permit if it was the way it is at the present time.

I sincerely trust that the Senate will not let the Committee on Appropriations of the House simply dictate to the Senate and tell us just what kind of legislation we have to have for Montana, when they have not even done us the courtesy of consulting with us concerning the matter.

Mr. WALSH of Montana. Mr. President, if my colleague will pardon a further interruption——

Mr. WHEELER. Yes.

Mr. WALSH of Montana. I can answer definitely the inquiry addressed to him by the Senator from North Carolina [Mr. SIMMONS]. The answer to his question is found at page 29 of the hearings before the Senate committee.

Mr. Demaray, representing the Park Service, is before the committee:

Senator WALSH. Let me ask you this: If you had the money would you go on with this work?

Referring to the road work.

Mr. DEMARAY. If we had the money and were able to proceed under this acquisition of privately owned lands over there, we would certainly want to go right along with it.

Senator WALSH. Yes. Suppose that that were taken out, what would your attitude then be about the completion of this work?

Senator SMOOT. You mean if the appropriation was made?

Senator WALSH. Yes.

Mr. DEMARAY. If that was done, Senator, I would have to say frankly that as far as we were concerned we would follow the wishes of Congress however they might be expressed.

Senator WALSH. The whole discretion is vested in you now. Congress makes an appropriation for roads and trails in the parks. What would you do with respect to this road?

Mr. DEMARAY. In view of the fact that, as you know, it is the understanding with the House Appropriations Committee that we would not go ahead——

Senator WALSH. Exactly——

Mr. DEMARAY. With this, but we will certainly follow the directions of Congress.

Senator WALSH. Oh, Congress! If Congress tells you to go on, you will go on.

Mr. DEMARAY. Certainly.

Senator WALSH. But if the discretion is left with you, you will be bound by an understanding with the House Committee on Appropriations to suspend construction on this road.

Mr. DEMARAY. I think we would have to be bound.

Mr. WHEELER. That is all I have to say about the matter; but I do appeal to the Senate not to permit us to be placed in this position and not to subject the people who are living out there to this unbelievable hardship.

Mr. NORRIS. Mr. President, before the Senator from Montana yields the floor, I want to bring him back to the question before the Senate, and that is the cruiser bill. This has a relation to the cruiser bill, I confess, but I think the Senator has wandered just a little bit away from the real object of the bill.

I should like to inquire of the Senator about these lakes that we see on the relief map. For instance, how long is Lake McDonald?

Mr. WHEELER. Ten miles.

Mr. NORRIS. It is navigable, is it?

Mr. WHEELER. Oh, yes.

Mr. NORRIS. Are there boats on it?

Mr. WHEELER. Oh, yes.

Mr. NORRIS. Are there boats on these other lakes?

Mr. WHEELER. Yes.

Mr. NORRIS. Is there some commerce there?

Mr. WHEELER. There is some commerce there; yes.

Mr. NORRIS. That is the only way you have to get about there, is it not?

Mr. WHEELER. That is the only way.

Mr. NORRIS. This makes it apply directly to the cruiser bill. I was very greatly impressed with the eloquent speech made by the Senator from Maine [Mr. HALE], the chairman of the Naval Affairs Committee, and to-day by the likewise eloquent speech made by the Senator from Virginia [Mr. SWANSON]. In both of these speeches the leaders on that question on both sides of the Chamber laid great emphasis on the fact that we needed these cruisers in time of peace to protect the commerce of the country. Does the Senator, after he has made this speech interesting us in this park, contemplate offering an amendment to the cruiser bill to provide for the building of some cruisers on these lakes to protect the commerce there in time of peace?

Mr. WHEELER. Of course, we are very near the Canadian border, and there is a great deal of commerce coming between Canada and the United States; but I do not know whether these lakes are used for that kind of commerce.

Mr. NORRIS. I suppose there would be some objection to that, because we have an agreement with Canada not to build

fortifications on the boundary line; but if it is necessary to have these cruisers in time of peace—and it seems to be from the arguments of these gentlemen—these cruisers are not so necessary in time of war; but in time of peace we must have them to protect our commerce—why should we not protect the commerce right where the commerce is? Therefore, I can not understand why the Senator is not just as much entitled to have some cruisers on those lakes as we are entitled to protect the commerce in time of peace in South America, for instance.

Mr. WHEELER. Kenter Lake, of course, is very near the border; so is Wetterton Lake.

Mr. SMOOT. We can use the obsolete ones there.

Mr. NORRIS. No; I heard what the Senator from Utah said about putting the obsolete cruisers there. In the first place, it would be difficult to convey those obsolete cruisers, even though they are obsolete, from the places where they are over to these mountain lakes; but there is not any reason why Montana or Glacier National Park should not have the same protection for their commerce in time of peace as anybody else, and they ought not to be required to use obsolete cruisers. They ought to have the newest and the best that there are.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WHEELER. I do.

Mr. BRUCE. I just want to remind the Senator from Nebraska that if they had cruisers on those waters they would probably have to be like the gunboats that President Lincoln said could run on a heavy dew.

Mr. NORRIS. Well, if there is any commerce on a heavy dew, I do not see why we should not want to protect it; and certainly we ought to have a cruiser for the purpose.

Mr. WHEELER. I yield the floor.

Mr. BRUCE obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. BRUCE. Certainly.

Mr. WHEELER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Sackett
Barkley	Fess	McMaster	Schall
Bayard	Fletcher	McNary	Sheppard
Bingham	George	Mayfield	Shipstead
Black	Gillett	Metcalf	Smoot
Brookhart	Glass	Moses	Steiwer
Broussard	Glenn	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Burton	Harris	Norris	Thomas, Idaho
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Copeland	Hayden	Phipps	Vandenberg
Couzens	Heflin	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Dale	Jones	Reed, Pa.	Waterman
Dill	Kendrick	Robinson, Ark.	Wheeler
Edge	Keyes	Robinson, Ind.	

Mr. McKELLAR. My colleague [Mr. TYSON] is unavoidably detained from the Chamber on account of illness.

Mr. WHEELER. I desire to announce that the Senator from North Dakota [Mr. FRAZIER], the Senator from Oklahoma [Mr. PINE], and the Senator from New Mexico [Mr. BRATTON] are engaged in a hearing before the Indian Affairs Committee.

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1275. An act to create an additional judge for the southern district of Florida;

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit;

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectrians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc).;

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine.

SIGNING OF THE MULTILATERAL PEACE TREATY

The VICE PRESIDENT. The President of the United States has authorized me to state that he will sign the multilateral treaty at 10 o'clock to-morrow morning in the East Room of the White House, and will be glad to have present any Senators desirous of attending that ceremony.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WALSH of Montana. Mr. President, the question now before the Senate is approval of the action of the conference committee with respect to the items concerning which they have agreed; that is all. Neither I nor my colleague have any objection to that. We have spoken about the matter of the one amendment because it may come up at a later time.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

UNITED STATES TARIFF COMMISSION

Mr. BRUCE. I introduce a bill which I ask may be read by its title.

The bill (S. 5399) to amend the laws relating to the United States Tariff Commission was read twice by its title.

Mr. BRUCE. Mr. President, this is a bill of uncommon importance, in my judgment, and I desire to follow up its introduction with a few explanations. It is entitled "A bill to amend the laws relating to the United States Tariff Commission."

At the present time scenes are being reenacted before the House Committee on Ways and Means which have often been enacted before that committee. In other words, a general tariff revision is under way. The tariff trough, filled with tariff increases, has been placed in position, and the pigs, big and small, are gathered about it and are grunting and squealing and jostling and fighting each other.

Some will secure a much larger measure of tariff favor than they will be entitled to, others will not be quite so fortunate, but very, very few, it is fair to predict, will be less fortunate than they shall deserve to be. And there will be no representative of the great consuming American public, free from political pressure, to see to it that the interests of the public are properly taken care of.

The bill provides, first, that the present United States Tariff Commission shall be continued, and that it shall—

be an agency in the legislative branch of the Government primarily to aid the Congress in the exercise of its legislative functions relating to customs duties.

The bill further provides that the commission shall be composed of 12 commissioners appointed by the President by and with the advice and consent of the Senate, and that any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause.

It further provides that—

Not more than six commissioners shall be members of the same political party, and that in making the appointments members of different major political parties shall be alternately appointed as nearly as may be practicable.

It further provides that—

No individual shall be eligible for appointment to the commission who at any time within the preceding five years has been engaged in any business or employed in connection with any business the interests of which have been or are likely to be represented in proceedings before the commission.

It further provides that—

No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

It further provides that the terms of the commissioners in office at the time of the passage of the bill shall not be affected by the provisions of the bill, except that any such commissioner may be removed for the causes and in the manner specified in the bill.

Then, after making special provision for the length of tenure of the first members of the commission, the bill provides that the commissioners shall serve for 12 years.

The bill further provides that the commission shall annually select from its members a chairman and a vice chairman who shall not be members of the same political party, and that—

such selection shall be made as nearly as may be practicable on the basis of seniority in service and of rotation in office.

It further provides:

The commission shall from time to time divide itself into divisions of one or more members and assign commissioners thereto and in case of a division of more than one member designate the chief thereof.

It further provides that—

If a division as a result of a vacancy or the absence or inability of a member assigned thereto to serve thereon is composed of less than the number of members designated for the division, the commission may assign other members to the division.

Then it is provided that a division shall hear and determine any matter assigned to it by the commission, but that the determination of the division may be reviewed by the commission within such time as the commission may by rule specify.

Then it is further provided that—

In any such review no additional opportunity for hearing need be had—

And that—

any determination of a division which is not reviewed by the commission within the time so specified shall have the same force as if made by the commission—

And—

shall be considered as a determination of the commission.

It is further provided as follows:

In accordance with the rules of the commission each division shall, as to any matter assigned to it, have all the jurisdiction and power conferred by law upon the commission and be subject to the same duties and obligations as the commission.

I pause at this point to say that the present number of the Tariff Commission is doubled and that those arrangements for divisions of the commission are inserted in the bill because of the fact that experience has shown that much unavoidable delay in reaching decisions has attended the deliberations of the present Tariff Commission.

The bill further provides that each commissioner shall receive a salary at the rate of $12,000 a year, and then comes this most significant feature of the bill:

There shall be an office in the legislative branch of the Government to be known as the office of the public relations counsel of the United States Tariff Commission. The office shall be in charge of a counsel to be appointed by the President, by and with the advice and consent of the Senate. The counsel shall be appointed for a term of 12 years and shall receive a salary of $10,000 a year. No individual shall be appointed as counsel who has been engaged in any business or employed in connection with any business the interests of which have been or are likely to be represented in proceedings before the commission. The counsel shall not actively engage in any other business, vocation, or employment than that of serving as counsel.

That I regard as one of the most important features of the bill. The idea of having a people's counsel, if I may use that phrase, attached to the Tariff Commission is that whenever an application is made to the commission for an increase of duty or the like there should be some official on hand to represent especially the welfare of the general American public.

The creation of such an official by the bill is borrowed from the provisions of the public service commission law of the State of Maryland. By that law provision is made for the appointment of a people's counsel, whose duty it is, whenever there is an application for an increase in the rates of any public utility, to see that the interests of the public are properly protected.

The language of the bill in this connection is as follows:

It shall be the duty of the counsel to appear in the interest of the consuming public in any proceeding or investigation before the commission, and to conduct such independent investigation of matters relative to the tariff laws of the United States as he may deem necessary to enable him properly to represent the consuming public in any proceeding before the commission.

Then the bill further provides:

The counsel is authorized to appoint such assistant counsel and experts, and, subject to the civil service laws, such clerks and other employees as may be necessary for the execution of the duties vested in him, and may fix the salary of any such assistant counsel, experts, clerk, or other employee, subject to the classification act of 1923, as amended. The counsel may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the duties vested in him. The principal office of the counsel shall be in the District of Columbia, but he may, personally or through such agents as he may designate, prosecute any investigation or do any act necessary to the performance of his duties in any part of the United States or in any foreign country.

Then follows a section of the bill which defines the powers with which the reorganized commission contemplated by the bill shall be clothed. This section is section 4 (a), and reads as follows:

The United States Tariff Commission shall from time to time, upon application of any interested party or upon its own motion, determine upon, for recommendation to the Congress, changes in the laws prescribing custom duties. Any such change shall be in one or more of the following forms: A change in the rate of duty, including the transfer of any article from the dutiable list to the free list or from the free list to the dutiable list; a change in the form of duty; a change in classification; or a change of the basis of valuation to the American selling price (as defined in section 402 (f) of the tariff act of 1922) of any similar competitive article manufactured or produced in the United States. A statement of any change so determined upon by the commission shall thereupon be transmitted to both Houses of Congress, or if the Congress or either House thereof is not in session, then to the Secretary of the Senate and/or the Clerk of the House of Representatives, as the case may require. The statement shall be accompanied by a report of the commission with respect to the change, together with any minority report that may be made by any member of the commission. Any such change so recommended to the Congress shall have the force and effect of law if the change is approved, with or without modification, by act of Congress. In such event the change—or, if modified, then the change as so modified—shall take effect upon such date as may be provided by the act of Congress approving the change. If so approved, the change shall apply with respect to articles imported from any foreign country into the United States or its possessions, except the Philippine Islands, the Virgin Islands, the islands of Guam and Tutuila, on and after the date the change takes effect under this section.

Then it is further provided, as follows:

No change in the laws prescribing customs duties shall be recommended to the Congress under this section unless the determination is reached after an investigation by the commission, during the course of which the commission shall have held hearings and given reasonable public notice of such hearings and reasonable opportunity to the parties interested to be present, to produce evidence, and to be heard. The

commission is authorized to adopt such reasonable rules of procedure as may be necessary to execute its functions under this section.

The bill then proceeds to repeal the flexible clause of the present tariff act and to exclude the President entirely from the function of tariff making. Then follow several sections assembled under the head Unfair Practices in Import Trade, which I do not deem of sufficient importance to be called in detail at the present time to the attention of the Senate.

The bill is an enlargement of the recommendation made a few months ago to the Senate by the special tariff investigating committee appointed by the Vice President, of which I happened to be a member. The other members of the commission were former Senator Wadsworth, of the State of New York, whose connection with the committee unhapplly came to an end before the committee rendered its report; the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Pennsylvania [Mr. REED].

Of course, I have no expectation that any final action will be taken with reference to the bill at the present short session of Congress, but I do trust that at the next session of Congress, or some succeeding session of Congress, its merits will be thoroughly considered by Congress, and that ultimately it will become one of the laws of the land.

Personally, as to nothing could I be more completely satisfied than that at some time in the future tariff reform in this country will move along the grooves of this bill. The advantages of such a bill, if it could only be enacted, are almost too manifest to be closely considered. It tends, of course, to substitute economic and business methods of tariff administration for political tariff administration. It tends to break up the practice of exchanging tariff favors for campaign or other political services by corporations or individuals. It secures a patient, painstaking, and exhaustive hearing for every manufacturer or industrialist in the country who comes to Congress for the measure of relief to which he believes himself to be justly entitled.

With nothing have I been more struck in my relations to the present Tariff Commission than the thoroughness, whatever may be the criticism to which it is justly subject in other respects, with which it does its work. With its staff of experts it goes most deeply and efficiently into every tariff problem that is laid before it.

It is, of course, almost impossible for a committee of Congress, no matter how conscientious or industrious it may be, to give to any tariff question the same degree of searching inquiry that it is possible for a tariff commission such as I have in mind to give to it. Above all, under the scheme of the bill, whenever there is an application made to the Tariff Commission for an increase of duty, there will be an official whose peculiar duty it will be to safeguard the interests and welfare of the general American public. For that purpose he is empowered by the bill as people's counsel, so to speak, to select an assistant and to surround himself with a staff of experts and to ask for and receive all facilities of every sort that may be necessary to enable him to discharge his duties faithfully and effectively.

In conclusion, let me say, in general terms, that what I am seeking is the creation of a tariff commission that would occupy a position of aloofness and dignity not unlike that of the Interstate Commerce Commission, and would in time, like that body, acquire a degree of prestige that would create a strong presumption in favor of the soundness of its conclusions in the mind of Congress.

I now ask that the bill may be appropriately referred.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

PROHIBITION ANNIVERSARY

Mr. SHEPPARD. Mr. President, nine years ago to-day national prohibition in the United States began.

Since its initial day, January 16, 1920, the day the eighteenth amendment went into effect, five Congresses have been elected.

Each of these Congresses has had a larger number of Senators and Representatives favorable to prohibition than the preceding one.

Inasmuch as a third of the Senate and all the House are chosen every two years it will be seen that since 1920 every seat in the Senate has been subjected to the test of at least one election, two-thirds of its seats having been voted on twice, while the entire membership of the House has faced the polls five times.

In the election of 1920 prohibition developed a gain over its strength in the existing Congress which had been elected in 1918 and which had passed the Volstead Act, the measure providing the enforcement machinery for the eighteenth amendment.

The election of 1922 brought about a further increase in the prohibition ranks in Congress.

Similar results followed the elections of 1924, 1926, and 1928.

It is safe to say that in the Congress elected in 1928 and which is soon to come into existence, prohibition will have such tremendous majorities in both House and Senate as to make any effort to repeal or to liberalize the eighteenth amendment or the Volstead Act rash beyond reason and the culmination of absurdity.

What more convincing indication could be had of the fact that the American people desire the continuance of nation-wide prohibition than the record of the personnel of the five Congresses following its advent?

The struggle with beverage alcohol is one of the oldest and most familiar features of American history.

In 1622, only 15 years after the first landing at Jamestown and but 2 years after the Pilgrims disembarked at Plymouth Rock, the council of the London Co. advised Sir Francis Wyatt, Governor of Virginia, to restrain the evil of drinking to excess, saying, "The cry whereof can not but have gone to heaven."

In 1629 the Massachusetts Bay Co. suggested to Governor Endicott that steps be taken to shield the Indians from the "excessive use or, rather, the abuse of strong waters."

Throughout the Colonies restrictions were imposed on the liquor trade with the impossible objective of keeping it within orderly channels. Perhaps the earliest form of prohibition was found in colonial laws forbidding the sale of intoxicants to apprentices, servants, and negroes, and the inborn lawlessness of the traffic obtained perhaps its earliest expression in the illegal liquor joints, or speakeasies, which were operating in defiance of these laws, a form of bootlegging more than 200 years older than national prohibition. And yet we are told that the bootlegger is a product of modern prohibition.

Smuggling of liquors to avoid revenue and customs laws also began at an early date among the Colonies.

In 1658 Maryland deprived freeholders of the right to vote when convicted of drunkenness for a third time, a forerunner of the Baumes law with violators affording a pristine example of the latter-day repeater.

So disastrous was the liquor habit among the Indians, due to introduction of intoxicants by whites bent upon profit, that the Allegheny Indians in 1738 took steps preventing the use of such beverages among themselves.

In 1754 a Creek Indian delivered an eloquent and impressive attack on the traffic in intoxicants. He condemned a system which coined its profits from the debauchery of human beings and indicated the degradation and shame that would follow such a course. This article was published in London in 1754 and was entitled "Speech of a Creek Indian Against the Immoderate Use of Spiritous Liquors." It was much more, however, than a denunciation of immoderate use. I pause here to assert that the pursuit of monetary gain by the liquor trade in the United States more than a hundred years later led to its expansion on such a scale that it became a colossal menace to life and health and happiness, to the integrity of government and law, and forced its own destruction as a legally recognized institution in this country.

In 1686 Increase Mather and John Moody delivered sermons at the execution of James Morgan, who had committed murder while under the sway of strong drink, and both took occasion to denounce the destructive effect of the drink habit on the youth of that time. They went so far as to say that it was "weakening the fiber of the younger generation." Those who describe drinking by the young as a creation of the eighteenth amendment and the Volstead Act are commended to a study of these statements of nearly 250 years ago.

Toward the end of the seventeenth century Cotton Mather, taking up the temperance work of his father, remarked that excessive drinking was about to "drown Christianity."

Then came Benjamin Wadsworth and Samuel Danforth, preaching and writing against intemperance; and in 1754 a publication by the Hartford Courant arraigning the drink evil, obtaining wide currency, and having for its subject the following:

Tryal of Sir Richard Rum. At a court held at Punch Hall in the colony of Bacchus.

Among the temperance leaders of the eighteenth century in the American Colonies there was none more earnest, more untiring, or more effective than Thomas Chalkley. Vividly did he picture the terrors of drunkenness and zealously did he preach in order to save the generations about him from temptation or to reclaim them from indulgence.

No man of that age viewed with more concern the rapid rise of public houses where liquors were retailed than Benjamin Franklin. In 1744 a Philadelphia grand jury, of which he was foreman, recommended that the number of these establishments be restricted, claiming that they were responsible—

for the increased number of the poor, the common use of profane language in the streets, and the growing indifference to God and religion.

The first settlement in Georgia was established in 1733; and in 1735 the trustees prohibited the liquor traffic throughout the Colony. This was the first instance of prohibition in the Western Hemisphere—an instance occurring nearly 200 years ago. The rum runner immediately appeared; rum runner, a term supposed by many to apply only to the present prohibition era.

The rum runner and the bootlegger proved to be too strong for the little colony. Commercial consideration also prevailed and the House of Commons at London about 1749 ordered the repeal of the prohibition decree. How different the results following nation-wide prohibition in the United States nearly two centuries afterward! The rum runner and the bootlegger have hammered in vain against the foundations of the greatest moral movement of the ages and national prohibition in America gathers strength and prestige with the years.

By this time the liquor habit, despite all the efforts of temperance workers and teachers and enthusiasts to arrest it, had secured an almost universal hold on American colonial life. Intemperance became so general that the necessity for continued action against it was alarmingly apparent. Jonathan Edwards and John Woolman joined the ranks of those who pleaded for temperance, but the most active crusader was Anthony Benezet, who in 1774 issued a printed attack on ardent spirits, in which he attempted to show that the ravages of drink were comparable to the horrors and losses of war.

In 1778 Dr. Benjamin Rush, of Philadelphia, physician general of the Middle Department of the Continental Army, issued a pamphlet entitled "Directions for Preserving the Health of Soldiers." In that treatise he combated the belief then prevalent that distilled spirits strengthened the body for labor and protected it against fatigue and heat and cold. He took the position that camp diseases were encouraged and not repressed by the use of such spirits. He recommended lighter beverages, such as beer and ale. While this publication had no effect on army policy, it marked the beginning of a more intensive and scientific study of the effect of alcohol on the human body.

In 1784 Doctor Rush published another treatise called "An Inquiry Into the Effects of Spirituous Liquors on the Human Body and Mind." Reasoning from cases within his own experience he held that distilled spirits long used, even in moderate quantities, would induce serious mental, nervous, and physical complications. Again he commended a lighter form of drink to take the place of ardent spirits. This pamphlet won general and favorable notice throughout the country and was used for many years as a reference manual by promoters of temperance.

A group of business men in 1789 pledged themselves to carry on their respective enterprises without furnishing the workers distilled spirits, but to serve them such drinks as beer and cider instead. This is said to be the first instance of organized abstinence from ardent spirits in America. A similar pledge was circulated in Virginia in 1800 and received the signatures of many farmers. During the last decade of the eighteenth century a number of teachers in various colleges joined the clergy in denouncing intemperance and the newspapers to an increasing extent began to publish articles favorable to temperance.

In 1790 the College of Physicians of Philadelphia petitioned Congress for heavy duties on distilled spirits as a method of aiding temperance, stating that—

the habitual use of distilled spirits in any case whatever is wholly unnecessary; that they neither fortify the body against the morbid effects of heat or cold, nor render labor more easy or productive; and that there are many articles of diet and drink which are not only safe and perfectly salutary, but preferable to distilled spirits, for the abovementioned purposes.

Thus the physician joined the preacher, the teacher, and the student in combating the widespread evil of intemperance; and thus at the beginning of our present system of government about 140 years ago the people of the United States were being taught that a real liquor question, involving morals, health, prosperity, and progress, all the fundamentals of free institutions, confronted them.

Doctor Rush did not confine himself to the composition of treatises. He overlooked no effort to carry his teachings to every part of the country. In spreading his doctrine he was capably assisted by Jeremy Belknap in New England and Dr. David Ramsay in the South.

A copy of Doctor Rush's famous essay of 1784 came to the notice of Dr. B. J. Clark, a physician of the town of Moreau, in Saratoga County, N. Y. So impressed was Doctor Clark that, with his pastor, Rev. Lebbeus Armstrong, he organized, on April 30, 1808, the Temperance Society of Moreau and Northumberland. Its membership, drawn from the citizens of Moreau and the near-by town of Northumberland, pledged itself for one year to use no rum, gin, whisky, wine, or distilled spirits, or composition of the same, except by advice of a physician or in case of actual disease. Each member agreed to do what he could to diminish the use of liquor among laborers.

This, the first temperance society in the United States, set the pattern for subsequent societies, and its formation has been said to mark the birth of the temporance reformation. The members of this pioneer body came soon to understand that the effect of intoxicants on the efficiency of labor was one of the most urgent reasons for temperance.

On this society a writer of note makes the following comment:

This was no iron-clad pledge, but in spite of its manifest incompleteness it marked the signers as founders of a new enterprise. Living in a typical community which regarded ardent spirits as a preventive of disease, which could not build a house, cut down a field of grain, hold a husking, logrolling, quilting, christening, wedding, or funeral without some assistance from alcohol, the society's charter members must have felt considerable misgiving about their experiment. They had agreed, however, to test the new principles for a period of one year. When the first annual meeting was held in conformity with the constitutional provision the spirit of wonder at the year's success was so pervading that the gathering became an experience meeting of the revival type. Everyone was eager to give testimony.

A copy of Doctor Rush's essay came into the hands of Lyman Beecher, who, under its inspiration delivered a series of notable sermons on the evils of intemperance, from 1806 to 1809. Later, on his initiative, a society was formed in Connecticut for law enforcement, temperance, and moral reform. A similar organization was launched in Massachusetts, and others followed in these and many other States. Despite all those efforts intemperance continued to flourish with all its attendant misery and crime. The moral forces of the country, led by the clergy, redoubled their energies against the liquor evil. Lyman Beecher, in 1825, restated his position and announced that total abstinence from ardent spirits was the only basis on which intemperance could be successfully fought.

Then followed the organization of the American Society for the Promotion of Temperance in 1826. Its vital point was the advocacy of total abstinence from distilled spirits as a beverage. In six years the membership numbered 500,000, with 4,000 local units. New societies not in affiliation with the American Society were organized in various sections, while many of the older temperance organizations were still in existence or had been revived under the impulse of the new movement.

The years following 1826 were filled with missionary activities on the part of temperance crusaders in every part of the country, and an abiding sense of the danger of the liquor habit and of liquor was permanently planted in the hearts of millions. In fact, millions had been induced to sign the pledge for entire abstinence from distilled liquor as a beverage.

In order to unify the temperance movement a national convention to be composed of delegates from all existing organizations was held on the suggestion of the American Society in Independence Hall at Philadelphia in 1833. More than 400 delegates representing organizations in 21 States were present. A minority moved the inclusion of fermented liquors in the pledge but was voted down, the majority favoring the retention of the pledge of "total abstinence from the use of ardent spirits." A resolution was adopted to the effect that the traffic in distilled spirits was morally wrong and worthy of the severest condemnation. The convention formed a new national organization to be known as the United States Temperance Union, consisting of the officers of the American Society, the officers of the 23 State societies, and representatives of all local societies. An executive committee elected by the members was authorized to conduct the work of the union and to act as final authority in everything relating to temperance propaganda.

In 1833 was also organized the American Congressional Temperance Society at Washington to oppose "the use of ardent spirit and the traffic in it by example and by kind moral influence." Following the lead of Congress, temperance societies in many State legislatures were established within the succeeding two years. The cause of temperance seemed now to make greater headway than ever before. In 1834 the State societies recorded more than 5,000 local groups with a membership of

probably a million. In manufacturing establishments, on railroads, farms, and in college and society spheres the custom of heavy drinking seemed to be decreasing. Many distilleries and retail liquor establishments ceased to operate. Physicians, college presidents, and college students participated in the temperance movement to a larger degree than had ever been the case in the past.

In 1836 the executive committee of the United States Temperance Union called a convention of temperance societies in the United States and Canada to be held in August of that year at Saratoga Springs, N. Y. Three hundred and forty-eight delegates from 19 States and from upper and lower Canada attended. The union was enlarged so as to include Canada and any other part of North America, and the name was changed to the American Temperance Union. The official personnel was completely changed. Again an effort was made to reword the pledge so that it would call for "total abstinence from all that can intoxicate," and this time the effort was successful. Thus the old distinction between distilled spirits and all milder forms of intoxicating beverages was no longer preserved. All were placed under the ban and included in the pledge. Thus the question of light wines and beer as substitutes for hard liquor was fought out by the adversaries of intoxicating drink after decades of experience nearly 100 years ago and decided in the negative. Sharp division over this action continued for many years, but it was never reversed. Furthermore, another source of controversy soon developed over a new phase of the movement against beverage liquor. An insistent demand developed for legislative action against the traffic itself. It was argued that unless the traffic should be prohibited by law all the gains made in behalf of temperance would be lost. It was claimed that public opinion was now sufficiently crystallized against the traffic to make necessary and desirable the translation of that opinion into law. Constant violations of the license laws were causing grog shops of low character to multiply in number and in victims.

In 1840 the Washingtonian revival, sponsored by men who had personally experienced the agony and demoralization of drunkenness, set in motion the most effective current of feeling against intoxicants the country had yet experienced. These men formed at Baltimore in that year the Washington Temperance Society, which rapidly enlisted others of their type throughout the country, and soon the masses were aflame with a reborn interest and zeal in the subject of temperance and the reclamation of those who had succumbed to the liquor habit. Most notable among the speakers of this period were Hawkins and Gough, who swayed audience after audience with the story of their salvation from drunkard's lives and drunkard's graves and with appeals for signatures to the pledge for total abstinence.

Thenceforward the antiliquor forces included in their program legislative action against all intoxicants both distilled and fermented, both of high and low alcoholic content. There resulted numerous local option statutes and the enactment on June 2, 1851, of the first state-wide prohibition law in our history by the Commonwealth of Maine—a law that remains in operation at this hour. It was secured mainly through the remarkable leadership of Neal Dow, who had devoted his life to temperance work.

So we are able to trace from earliest colonial times to the present the continuous development of the movement against intoxicants from a protest against excessive drinking to an attack on distilled liquor, then to an onslaught on all liquor and then to the added objective of legislative prohibition, the movement now resting on a triple basis of education, suasion, and legislation. The movement was destined to undergo many reverses until local and state-wide prohibitory statutes were merged into nation-wide constitutional prohibition in 1920.

New bodies were formed after the Civil War to press for prohibition in precinct, county, State, and Nation—to teach it in school and home, to proclaim it in pulpit and in the secular forum—bodies far more militant than their predecessors.

The Woman's Christian Temperance Union, founded in 1874, has become one of the principal factors in the advancement of prohibition and in the maintenance of its effectiveness.

The Anti-Saloon League, organized in 1893, has exercised a vigilance and a power for the cause of prohibition probably never before equalled by any other group engaged in the promotion of reform.

To-day 34 welfare and temperance organizations of efficient personnel and signal achievement have united in a federated conference to supervise the continued progress of prohibition.

It is evident, Mr. President, that national prohibition has been in the making for nearly 300 years—that no other subject has been more constantly before the American people with every phase and possibility more widely discussed through decades and centuries than the proper handling of beverage alcohol. The crusade for prohibition sends its roots into the depths of the past. Indeed, they find their way to Bethlehem and Sinai.

National prohibition is an expression of the moral sentiment of the American people, a sentiment inseparable from the progressive civilization of America.

It is forever anchored in the heart and purpose of Almighty God.

Mr. BRUCE. Mr. President, I have listened with the greatest pleasure to the interesting historical review by the Senator from Texas. But my attention has been called to the fact that in that review he makes no mention of the large number of States which, on the eve of the Civil War, adopted prohibition, only to abandon it a little later on, when they experienced the abuses and evils which, as I see it, always flow from prohibition systems. The Senator is aware of the fact that some eight States, if not more, adopted prohibition at that time and afterwards, with the exception of Maine, abandoned it.

Mr. SHEPPARD. I covered that in a general way by saying that the movement was destined to undergo many reverses after the victory in Maine before national prohibition was finally attained.

Mr. BRUCE. If the Senator referred to it, I am sure that he did it in a very gingerly fashion.

Mr. SHEPPARD. I say I covered that phase as I have indicated. My object this evening has been to point out the different stages in the evolution of prohibition. The last stage was prohibition by law, and that was first definitely reached when Maine became a state-wide prohibition State. From that time until 1920 the phase of prohibition by law was especially prominent, perhaps dominant. Within that period some States went dry and then returned to a wet status, many precincts and counties went dry and then went wet again, numbers repeating this process several times, but the last phase was the legislative phase. Having emphasized that point, I did not deem it necessary to go into details. At some later time I hope to go into the history of the legislative phase at greater length.

Mr. BRUCE. I have listened with a great deal of interest to the Senator's speech.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS—CONFERENCE REPORT

Mr. JONES. I submit the conference report on the State, Justice, Labor, and Commerce appropriation bills.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 9, 10, 12, and 13, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$958,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,712,000"; and the Senate agree to the same.

W. L. JONES,
F. E. WARREN,
REED SMOOT,
WM. E. BORAH,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. JONES. I will state that the Senate added $68,000 to the bill as it passed the House. The conferees have reached unanimous agreement, and the House conferees conceded $48,000 of the increase put on in the Senate. One of the increases made by the Senate and not agreed to was $10,000 increase in the amount for the transportation of clerks, and so on, in the Diplomatic Service. The House took the position that the amount that was allowed for that, which was very largely increased over the amount appropriated before, was sufficient. The Senate increased the amount for the Air Service above the Budget estimate by $32,640. The House conferees agreed to an increase of $23,000. They have accepted all the other amendments put on the bill by the Senate.

Mr. ROBINSON of Arkansas. Is the agreement complete?

Mr. JONES. The agreement is complete. I move that the report be agreed to.

The report was agreed to.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 16, 1929

REGISTER OF THE TREASURY

Edward E. Jones, of Harford, Pa., to be Register of the Treasury in place of Walter O. Woods.

UNITED STATES ATTORNEY

Warren N. Cuddy, of Alaska, to be United States attorney, district of Alaska, Division No. 3. (Mr. Cuddy is now serving under appointment by the court.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 16, 1929

REGISTER OF LAND OFFICE

Walter Spencer to be register of land office, Denver, Colo.

POSTMASTERS

CALIFORNIA

Margaret A. Robinson, Kelseyville.

COLORADO

Ira B. Richardson, La Jara.

GEORGIA

Albert N. Tumlin, Cave Spring.
Annie H. Thomas, Dawson.
Hugh T. Cline, Milledgeville.

KANSAS

Ella W. Mendenhall, Ashland.

NEBRASKA

Clifton C. Brittell, Gresham.
Elizabeth Rucker, Steele City.

PENNSYLVANIA

Winston J. Beglin, Midland.

RHODE ISLAND

Alice W. Bartlett, North Scituate.
Elmer Lother, Warren.

TEXAS

Gertrude E. Berger, Boling.
John T. White, Kirkland.
Amanda M. Kenney, Nash.
Charles A. Young, Pecos.
Ernest H. Duerr, Runge.
Lynn E. Slate, Sudan.
Lewis Kiser, Sylvester.
Aaron H. Russell, Willis.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 16, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would meditate, merciful Father, upon Thy condescending attitude toward us. We feel assuredly that Thou dost not leave us out. We may know joyfully that we are encompassed and enfolded within the embracing reach of eternal goodness, the infinite compassion and the unmeasured love of a triumphant God. May our Christian faith have a high moment and rise to a wonderful certainty. We praise Thee for the breadth, the length, and for the depth and the height of Thy all-inclusive mercy. By the might of Thy name and in the strength of Thy truth may we always rejoice in Thy courts. Enable us to meet the day with new zeal and admiration whose wisdom shall be more than our old fondness dreamed. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 12449) entitled "An act to define the terms 'child' and 'children' as used in the acts of May 18, 1920, and June 10, 1922," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

THE EIGHTEENTH AMENDMENT

Mr. SOMERS of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. SOMERS of New York. Mr. Speaker, desiring to ascertain the exact benefits brought to the individual citizen of the United States of America through the passage of the eighteenth amendment, I hereby challenge any accredited social organization to produce between now and the close of this Congress a single individual, who was a heavy drinker before prohibition and who now is a total abstainer; or to produce a single family that is now enjoying a fair degree of prosperity that before prohibition was denied the necessities of life because of the excessive indulgence in alcoholic liquors on the part of some member of that family.

Mr. SNELL. Will the gentleman yield?

Mr. SOMERS of New York. I will.

Mr. SNELL. I can present some families who will comply with the gentleman's request.

Mr. CLARKE. And I have some exhibits I would like to put in the RECORD.

Mr. UNDERHILL. Me too!

Mr. WILLIAMS of Illinois. There are millions of them, boy!

Mr. SOMERS of New York. I think the answer may be found when they are presented.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, which was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. CULLEN reserved all points of order.

LEAVE OF ABSENCE

Mr. CHASE, at the request of Mr. KENDALL, was given leave of absence indefinitely on account of illness.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was called—

Mr. COLTON. Mr. Speaker, I call up Senate bill 3162, an act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Anthony	Davey	Kerr	Pratt
Auf der Heide	Deal	Kiess	Quayle
Beck, Pa.	Dempsey	Kindred	Ramseyer
Beers	Dickstein	King	Robinson, Iowa
Bell	Douglass, Mass.	Kunz	Sears, Fla.
Berger	Doyle	Lampert	Sirovich
Black, N. Y.	Estep	Lanham	Speaks
Blanton	Gasque	Leech	Stedman
Boies	Glynn	Lindsay	Stevenson
Bowles	Golder	McClintic	Strother
Box	Graham	McFadden	Sullivan
Brand, Ohio	Griest	McSweeney	Swick
Brigham	Hadley	Maas	Tatgenhorst
Britten	Hall, Ill.	Magrady	Taylor, Tenn.
Buchanan	Hammer	Menges	Temple
Buckbee	Harrison	Michaelson	Tillman
Bushong	Hooper	Montague	Underwood
Canfield	Houston	Moore, Ky.	Updike
Carew	Hudspeth	Moore, N. J.	Weller
Carley	Hull, M. D.	Morin	White, Kans.
Cartwright	Hull, W. E.	Newton	White, Me.
Chase	Hull, Tenn.	O'Connor, N. Y.	Wolverton
Cole, Md.	Igoe	Oliver, N. Y.	Wurzbach
Combs	Jacobstein	Palmer	Yates
Connolly, Pa.	Jenkins	Palmisano	
Curry	Kent	Patterson	

The SPEAKER. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

REFERENCE OF H. R. 9770

Mr. COLTON. Mr. Speaker, my attention has been called to the bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas, in Douglas County, Oreg., which is the second bill that I had expected to call up to-day. On examination of this bill I am convinced that it should have been referred to the Committee on Roads, and I ask unanimous consent that the report of the Public Lands Committee upon the bill may be vacated and set aside and that the bill may be rereferred to the Committee on Roads.

The SPEAKER. The gentleman from Utah asks unanimous consent that the report on the bill H. R. 9770 be vacated and that the bill be rereferred to the Committee on Roads. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, is the Committee on Roads requesting that the bill be referred to it?

Mr. COLTON. The chairman of that committee is here, and I shall ask him to answer that question.

Mr. DOWELL. Mr. Speaker, I rose a few moments ago to ask unanimous consent to speak for five minutes, with the hope of securing later just what the chairman of the Committee on the Public Lands has now asked unanimous consent to have done. This bill is clearly within the jurisdiction of the Committee on Roads, and should have been considered by that committee originally, but was considered, however, by the Committee on the Public Lands. It should be rereferred to the Committee on Roads.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, of course it is a little bit unusual after a bill has been reported and put on the calendar to change the jurisdiction. It has the tendency to delay the consideration of the bill. I do not know what the bill is about.

Mr. COLTON. This bill was reported out before the present chairman of the Committee on the Public Lands occupied that position. It was reported out last spring. This bill authorizes an appropriation to build a road across certain public lands, particularly across a tract of land in a forest reservation in the State of Oregon.

Mr. GARRETT of Tennessee. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I think this will establish a rather unique precedent in the history of the House. The gentleman from Tennessee [Mr. GARRETT] will, I think, agree with that. It is not in order to make a motion to rerefer a bill after a report on it by a committee has been filed; that is, after such report has been filed an objection would be sustained to a request for reference to another committee. Now, here is a bill wrongfully referred under the rule. Every Member of the House is presumed to have had knowledge of the record and therefore of the wrongful reference, and it was the duty of any Member who desired to have the reference changed to make such a request before the committee having the bill in charge had made a report.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. RANKIN. It would be in order at the conclusion of the reading of the bill, would it not, to make a motion to commit it to the Committee on Roads?

Mr. COOPER of Wisconsin. A motion to recommit would then be in order.

Mr. RANKIN. And it could be committed to the Committee on Roads instead of recommitted to the Committee on the Public Lands.

Mr. COOPER of Wisconsin. That is true.

Mr. CRAMTON. While it is true that a point of order would not now lie because of the wrongful reference, I do not understand that it is not possible and entirely proper and, when committees have agreed upon it, desirable that a motion be made for its rereference. Certainly a rereference by unanimous consent would not establish any dangerous precedent.

Mr. COOPER of Wisconsin. Except in this way: Persons interested in the proposed legislation might be aware of the original reference of a bill to a committee and also of the favorable report of that committee and therefore presumably believe it sure of favorable action in the House. They have gone away from Washington, we will say. The bill is ready to be acted upon, but instead it is referred to another committee. The people interested in the bill having departed to their respective homes, its new reference might make a considerable difference. But I shall not object.

Mr. CRAMTON. Mr. Speaker, a presumption that the House will act favorably because of a favorable committee report is rather a violent presumption, particularly in the case of a bill which has been adversely reported upon, as I understand it, by one department, if not two.

Mr. DYER. There was no testimony submitted at the hearing before the Committee on the Public Lands, so that no witnesses are involved.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would ask the distinguished chairmen of these two committees if by this reference we are to understand that in the future all the bills pertaining to roads, trails, and the construction of the same in forest reserves are to go to the Committee on Roads?

Mr. DOWELL. Under the rule all road bills go to that committee, just the same as all immigration matters go before the Committee on Immigration.

Mr. JOHNSON of Washington. Not always. Naturalization affairs I find are sometimes reported by the Committee on Indian Affairs, when the subject matter has referred to Indians; the Committee on Insular Affairs has reported out and passed a bill relating to citizenship in the Virgin Islands. To date have not all bills that pertain to roads and trails in forest reserves come from the Committee on Public Lands?

Mr. DOWELL. No.

Mr. COLTON. I think not. I think the Committee on Roads, of which I happen to be a member, has reported several bills for the construction of roads in forest reserves.

Mr. JOHNSON of Washington. What about roads in national parks?

Mr. COLTON. They come from the Public Lands Committee, because that committee has jurisdiction of national parks.

Mr. JOHNSON of Washington. And who has jurisdiction over forest reserves?

Mr. COLTON. Strictly speaking, the Committee on Agriculture.

Mr. JOHNSON of Washington. It is exactly like the matters pertaining to the committee of which I have the honor to be chairman. They diverge a little bit and come up from various committees. I shall be glad to see more uniformity. If this is to be a precedent, well and good, then we can look for action on roads of every kind in the public domain, which is a large part of the western part of the United States, amounting to more than 50 per cent of the area of many Western States, from the Committee on Roads. Road matters on Indian reservations, parks, and the Federal domain will come from the Committee on Roads, I take it.

Mr. COLTON. No; I would not want to go as far as that.

Mr. JOHNSON of Washington. But the gentleman here waives and agrees and has stated that this clearly belongs to the Roads Committee, and that this committee will have the right to all that character of road construction where Federal money is expended.

Mr. DOWELL. The gentleman is entirely mistaken. This bill is a straight bill and provides an appropriation for building a certain road. It has no relation to any other subject, and the Committee on Roads has jurisdiction.

Mr. COLTON. And would not establish a precedent as to other bills, particularly in areas where the Public Lands Committee has exclusive jurisdiction?

Mr. JOHNSON of Washington. Certainly it would establish a precedent so far as other bills are concerned. Will the gentleman say whether any previous appropriation of Federal money has been spent on this road?

Mr. DOWELL. No; I know nothing about the bill. It has not been before the committee.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose to object, although I think it is pretty well settled that a motion to do this would not be in order. Of course, it can be done by unanimous consent.

The SPEAKER. The Chair entirely agrees with the gentleman.

Mr. KORELL. Mr. Speaker, reserving the right to object in order to ask a question, and that is whether or not this bill does not contemplate important work of a character other than road building?

Mr. COLTON. Mr. Speaker, I understand H. R. 9770 contemplates only road building.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUSBY. For a parliamentary inquiry. On April 2 last year the bill H. R. 8913 was reported favorably to the House from the Committee on Patents. It was placed upon the Consent Calendar on two occasions and stricken from the calendar on objections made. The inquiry I want to now propose is whether or not the bill being on the House Calendar at the present time the Patent Committee has any authority to proceed with additional hearings on that bill?

The SPEAKER. The Chair is inclined to think that the committee could not hold hearings unless the bill was rereferred to the committee for that purpose.

REAPPORTIONMENT

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to revise my remarks made last Friday upon the reapportionment bill and also to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LOZIER. Mr. Speaker, during the consideration of the Fenn reapportionment bill reference was frequently made to the several methods of apportioning Representatives among the several States according to their respective populations. The Fenn bill provides for the use of the method known as major fractions. Other methods have been suggested, namely, the method of equal proportions, the method of rejected fractions, and the method of minimum range, each of which has its champions. Quite a number of statisticians and economists of nation-wide reputation appeared before the Census Committee, each explaining in detail his favorite plan, showing its advantages and pointing out the weaknesses and disadvantages of the other methods. Very much to my surprise I found a striking disagreement between statisticians and economists who had devoted many years of diligent study to this question in an endeavor to solve the problem and determine the best, fairest, most equitable, and most satisfactory method. Each plan has been viciously assailed by those who favored other methods, and few men can read the hearings and reconcile the conflicting arguments and reach a definite and satisfactory conclusion entirely in favor of one method or entirely opposed to any other method. In fact, each method has much merit, and I am convinced that neither formula is 100 per cent perfect.

In addition to the methods I have mentioned there are the plans known as the method of least errors and the method of alternate ratios. Much misunderstanding exists both in and out of Congress as to the nature of these formulas and as to how they operate when used in an effort to apportion Representatives among the several States.

I have been requested by quite a number of my colleagues and by not a few newspaper correspondents to explain briefly these various formulas. This I am willing to do in my poor way, not in detail but in general terms. I have been unable to find any complete and satisfying definition of these several formulas, but much has been written and spoken in reference to the manner in which they operate. I have not the time and perhaps not the ability to formulate a complete, satisfactory, or scientific definition of these several formulas, but I will state briefly the principle and purpose on which each is founded, their operation, and the results that flow from the several systems.

I may add that every one of these methods is complicated and each involves somewhat extensive mathematical computations. Only highly cultivated mathematical minds can comprehend the working rules, arithmetic mean, and sliding divisor used in the major-fractions method, or the multiplier, process squaring, taking reciprocals, and square roots involved in the equal proportions formula.

I will now briefly define or rather describe the operation of and principle underlying each of these methods.

REJECTED FRACTIONS

Under this formula all fractions are rejected. If, for instance, the apportionment of Representatives among the States is 1 for 250,000 population, a State with a population of 2,749,000 people would be assigned 10 Representatives, or 1 for each complete bloc of 250,000, but would not get any additional Representative for its fraction of 249,000. This method was used in all apportionments prior to 1840. Thomas Jefferson was a strong advocate of this plan and his brief and argument very strongly supported his contention that under the provisions of the Constitution fractions could not be considered in apportioning representation among the States. In other words, it was his contention that the Constitution did not contemplate assigning an additional Representative to a State for any number of people short of the number adopted as the basis of apportionment and that all fractions, whether major or minor, should be disregarded.

All of our trouble and contention about formulas and methods of apportioning representation could and would have been avoided if we had steadfastly adhered to the Jeffersonian constitutional method. This bitter controversy between economists and statisticians and this uncertainty as to the best method of apportioning representation would have been avoided if Webster and others had not endeavored to add to the constitutional provisions by taking fractional groups into consideration in making apportionments.

EQUAL PROPORTIONS

This is a method by which the relative or percentage differences in either the number of inhabitants per Representative or the number of Representatives per inhabitants are made as small as possible. The method of equal proportions, devised by Dr. Edward V. Huntington, of Harvard University, has never been used in apportioning representation.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the equal-proportions method as follows:

(1) In making an apportionment by the method of equal proportions the first step is to assign one Representative to each State, thus fulfilling the requirement of the Constitution that each State shall have at least one Representative. This disposes of 48 Representatives.

(2) The next step is to divide the population of each State by the following quantities in succession: $\sqrt{1\times2}$, $\sqrt{2\times3}$, $\sqrt{3\times4}$, etc.

(3) The quotients thereby obtained are arranged in order of size, beginning with the largest, to form what is called a priority list, which indicates the order in which Representatives in excess of 48 shall be given out to the States. Representatives are then assigned in that order until the required number has been given out.

The above process produces a result in which the necessary deviations from exactness are as small as possible when measured by the relative or percentage difference in either the ratio of population to Representatives or the ratio of Representatives to population.

Prof. E. V. Huntington, of Harvard University, who originated the method of equal proportions, describes his system—

as the only method which insures that (1) the ratio of population to Representatives, and (2) the ratio of Representatives to population, shall be as nearly uniform as possible among the several States.

On account of fractions or remainders in the exact quotas a mathematically exact apportionment according to population is impossible. That being the case the aim should be to make an apportionment in which the necessary deviations from a mathematically exact apportionment shall be as small as possible.

It is evident, then, that the essential difference in the two methods is in the mode or method of measuring deviations or divergencies from exactness, the method of equal proportions using as a measure the relative or percentage difference in either of the ratios while the method of major fractions uses the absolute or subtraction difference in the ratio of Representatives to population.

MAJOR FRACTIONS

This plan rests on finding a ratio which will divide the population of each State so as to give a certain whole number and a certain fraction in each quotient. The plan rests on the theory that a Representative should go to each State for each unit in the quotient, and also for each fraction above 0.50 in the remainder. It may be otherwise defined as a method by which the absolute differences between the several States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions is designed to accomplish in the end.

As laymen understand the term, the major-fractions method operates in a general way, as follows:

If, for instance, representation is apportioned on the basis of 1 Representative for every 250,000, then a State with a population of 2,626,000 would be entitled to 10 Representatives for the first 2,500,000 population and an additional Representative for the remaining 126,000 population, because the fraction or remainder, 126,000 is more than one-half of 250,000 the unit or basis of representation. But mathematicians and economists have extended and refined this so-called major-fractions formula by mathematical processes in which certain quotients are arrived at and which are used as the basis for apportionment and which are different from the exact quotas to which the several States are seemingly entitled, and as a result of this refined method frequently a State with a larger major fraction is not allowed an extra Representative and a State with a smaller fraction is given an additional Representative. Major-fractions method is supposed to apply the principle of counting the remainder when it is more than one-half of the unit or basis of representation, but in its practical application this is not necessarily done, as for illustration in apportioning representation in the 1910 census major fractions were disregarded in apportioning Representatives to Mississippi, New Mexico, Ohio, and Texas, the exact quotas of these four States being "scaled down" by mathematical processes, and States with smaller major fractions given extra representation. The method of major fractions was used twice, in 1843 in apportioning representation under the 1840 census, and in 1911 in apportioning representation under the 1910 census.

The major-fractions formula used under the 1910 census was devised by Dr. Walter F. Willcox, of Cornell University, and is an amplified form of the major-fractions method used under the 1840 census.

Dr. Joseph A. Hill, Assistant Director of the Census Bureau, described the process followed in applying the major-fractions method as follows:

(1) Here, as in the method of equal proportions, the first step is to assign 1 Representative to each State, making 48 in all.

(2) The next step is to divide the population of each State by the following quantities in succession: 1½, 2½, 3½, etc.

(3) The quotients thereby obtained are then arranged in order of size, beginning with the largest and continuing the process until the total number of quotients plus 48 is 1 greater than the number of Representatives to be apportioned.

(4) The next step is to divide the population of the several States by a number midway between the last two quotients in the list.

(5) The last step is to assign to each State a number of Representatives equal to the whole number in the quotient which was obtained for that State by the above division plus one more Representative in case the quotient contains a major fraction.

This process gives a result in which the necessary deviations from exactness are as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

THE VINTON METHOD

[Named after Congressman Vinton, who proposed it]

Under this method the total population of the United States is divided by the number of Representatives to be apportioned. This gives the ratio or number of inhabitants per Representative. The population in each State is then divided by that ratio number. The result represents the exact quotas, and taking these quantities, you assign Representatives in the order of the size of the fractions. For instance, suppose there were 10 Representatives to be assigned for fractions, the first Representative would be given to the State with the largest fraction, and the next to the State with the next largest fraction, and so on until all the Representatives were allocated. This process might use up all the major fractions and no more; or it might not use up all these major fractions; or it might use up all the major fractions and one or two minor fractions. This method was used in apportioning representation from 1850 to 1900, inclusive.

MINIMUM-RANGE FORMULA

The minimum-range formula, also devised by Dr. Walter F. Willcox, is a method by which absolute difference between the several States as measured by the number of inhabitants per Representative is made as small as possible. The main purpose of this formula is to give the congressional districts as nearly as possible the same population, so far as Congress by apportionment can bring about that result. It is based on the ratio of population to representation and respects the ratio of Representatives to population. The minimum-range methed has never been used in apportioning representation.

Two other methods of apportioning representation have been devised, but never used:

(a) Method of least errors, formulated by Prof. F. W. Owens, of Cornell University, gets about the same result as the major-fractions method.

(b) Method of alternate ratios, devised by Dr. J. A. Hill, of the Bureau of the Census. This method was recommended by Dr. E. Dana Durrand, then Director of the Census, for adoption in 1911. The method of equal proportions is virtually a modification or refinement of the method of alternate ratios.

In 1921, when the Senate Committee on the Census was considering an apportionment bill based on the 1920 census, its chairman, Senator Sutherland, received a communication from the census advisory committee, which had been appointed to advise the Director of the Census on technical questions coming up during the taking of the 1920 census. This committee was composed of three representatives from the American Statistical Association and three representatives from the American Economic Association. The members of this committee were C. W. Doten, E. F. Gay, W. C. Mitchell, E. R. A. Seligman, A. A. Young, and W. S. Rossiter, all eminent statisticians and economists. In its detailed and well-considered report, which was unanimous, the committee of experts analyzed the methods of major fractions, equal proportions, and other suggested formulas, explained the principle, operation, strength, and weakness of each plan, and reached the following conclusions:

1. The "method of equal proportions" leads to an apportionment in which the ratios between the representation and the population of the several States are as nearly alike as it is possible. It thus complies with the conditions imposed by a literal interpretation of the requirements of the Constitution.

2. The "method of major fractions" has back of it the weight of precedent. Logically, however, it can be supported only by holding that the Constitution requires, not that the ratios between the representation and the population of the several States shall be equal, as nearly as is possible, but that the representation accorded to individuals or to equal groups of individuals in the population (that is, their "shares" in their respective Representatives) shall be as nearly uniform as is possible, irrespective of their places of residence.

3. It is not clear that the special interpretation of the Constitution, which alone is consistent with the use of the "method of major fractions," is to be preferred to other possible special interpretations which lead to other methods of apportionment. We conclude, therefore, that the "method of equal proportions," consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the "method of major fractions."

The advisory committee concluded its elaborate report with the following:

SUMMARY

1. It is clear that the Constitution requires that the allocation of Representatives among the several States shall be proportionate to the distribution of population. It is not equally clear that there is anything in the constitutional requirement which suggests that one of the forms in which such apportionment ratios or proportions may be expressed should be preferred to another.

2. The "method of major fractions" utilizes only one of several ways of expressing apportionment ratios. The "method of equal proportions" utilizes all of these ways without inconsistency. The latter method, therefore, has a broader basis.

3. There is no mathematical or logical ground for preferring the one form of expression of the apportionment ratio used in the method of major fractions to other forms of expression. These other forms lead, when similar processes of computation are employed, to different and therefore inconsistent results.

4. The method of major fractions logically implies preference for a special meaning which may be attached to one of the forms in which apportionment ratios may be expressed. To attach to ratios meanings which vary with the forms in which the ratios are expressed is to interpret them as something else than ratios.

5. In the "method of major fractions" the "nearness" of the ratios of representatives and population for the several States is measured by absolute differences. The "method of equal proportions" utilizes relative differences. The relative scale is to be preferred.

In his testimony before the Census Committee Doctor Hill, of the Census Bureau, defined the three principal methods of ap-

portioning Representatives among the States and the advantage and disadvantage of the several methods as follows:

In conclusion, on the basis of what I have said I might frame a definition of the three methods I have mentioned, including the method of minimum range. I am defining not the mathematical process of the methods but the purpose each method accomplishes.

The method of major fractions is the method by which the absolute differences between the different States in the number of Representatives per inhabitant are made as small as possible. That is what the method of major fractions accomplishes in the end.

I will define the method of minimum range as the method by which absolute differences between the several States as measured by the number of inhabitants per Representative are made as small as possible.

The method of equal proportions is the method by which the relative or percentage differences, in either the number of inhabitants per Representative or the number of Representatives per inhabitant are as small as possible.

Those are technically correct definitions. I might say more about the third method.

Comparing the three methods, the method of equal proportions is more—I will use the word favorable—is more favorable to the small States than the method of major fractions and less favorable than the method of minimum range.

The method of equal proportions is more favorable to the large States than the method of minimum range and less favorable than the method of major fractions. Thus, it occupies an intermediate position between the other two.

The practical results of the application of the three methods may therefore be summed up as follows: If it be desired to have a method which shall be as favorable to the large States as possible then the method of major fractions should be used. If it be desired to have a method that will favor the small States as much as possible, then the method of minimum range should be used. If it be desired to adopt a method intermediate between these two, not as favorable to the large States as the method of major fractions, nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I submit the following additional observations:

There is a wide disagreement among statisticians, mathematicians, economists, and plain, common-sense people as to the correct, best, and most equitable method of apportioning Representatives among the several States. Seemingly this conflict is irreconcilable. This contention and bitter battle between experts grows out of and is the inevitable result of an effort on the part of statisticians and economists to inject fractions and complicated mathematical computations into what should be a simple problem of allocating to the several States the Representatives to which their population entitles them. The effort to give a State or any number of States additional representation because of a fraction of population, major or minor, is an apple of discord which will be thrown into the apportionment problem every 10 years to confuse the issue and prolong the battle between experts as to refined formulas, infinitesimal computations, and complicated scientific methods of making apportionments.

When you adopt either the major-fractions formula or the equal-proportions formula you depart from exact quotas and from an equitable, just, fair, simple, and constitutional method of allotting representation among the several States. Representation should be based upon exact quotas, and not on "scaled-down" fractions or intricate mathematical computations which under either method may easily convert a major fraction into a minor fraction. When you abandon the rejected-fractions formula and adopt either the equal-proportions or major-fractions formulas you are traveling away from an equitable, simple, fair, and exact apportionment based upon quotas according to population. Mr. Jefferson was the great exponent of the rejected-fractions formula, while Mr. Webster championed the major-fractions method. All of our trouble, all of our worries and contention, all of our controversies and pitched battles between statisticians, mathematicians, and economists are the inevitable result of our having abandoned the simple formula recommended and strenuously championed by Mr. Jefferson to the effect that both major and minor fractions should be disregarded in apportioning representation. I strongly urge the abandonment of the major-fractions formula, the equal-proportions formula, and all other methods that take fractions into consideration. Wisdom suggests that we return to the hard and inflexible, but, nevertheless, just basis of rejected fractions, which is fair to each of the States and does not give any State an advantage or place any State under a disadvantage as a result of complicated mathematical computations involved in all of the formulas which contemplate a recognition of fractions in apportioning representation.

When the pending bill was being considered by the Census Committee I called attention to the brief and argument by Thomas Jefferson on the congressional apportionment bill of 1792, in which he vigorously, and I think persuasively, opposed the recognition of major fractions in the apportionment of Representatives to the several States based on population. I also called attention to the great speech made by Daniel Webster in the United States Senate in April, 1832, on a congressional reapportionment bill, in which he strenuously contended for a reapportionment formula which recognized major fractions.

I was requested by the committee to put in the record the data as to where these great arguments by Mr. Jefferson and Mr. Webster could be found, and this I was glad to do.

Mr. Jefferson's argument is found in Story's Commentaries on the Constitution of the United States, fifth edition, volume 1, pages 495 to 500, inclusive; also in Ford's Life of Jefferson, volume 5, page 493. Mr. Webster's argument is found in the same volume at pages 500 to 512, inclusive. I may add that Edward Everett's speech supporting the contention of Mr. Webster can be found in the CONGRESSIONAL RECORD, issue of May, 1832.

My recollection is that Mr. Jefferson's argument and Mr. Webster's speech are reproduced in haec verba in Mr. Foster's work on the Constitution, and, of course, the speeches of Webster and Everett appear in the reports of the congressional debates.

I think I have heretofore stated in discussing this question that President Washington vetoed the first census bill because it recognized fractions in apportioning representation among the several States. This veto was on the advice of and after a conference with Thomas Jefferson, his Secretary of State, John Randolph, his Attorney General, and James Madison, the principal creator of our Federal Constitution, and, according to Mr. Jefferson, these three men prepared the veto message. In advising President Washington to veto the first census bill which recognized major fractions, Mr. Jefferson says he—

urged the danger to which the scramble for fractionary members would always lead.

In a letter to Archibald Stuart on March 14, 1792, Mr. Jefferson, in opposing the use of fractions in allocating Representatives among the several States, said:

Besides, it takes the fractions of some States to supply the deficiency of others and thus makes the people of Georgia the instrument of giving a Member to New Hampshire. On our part the principle will never be yielded, for when such obvious encroachments are made on the plain meaning of the Constitution the bond of union ceases to be the equal measure of justice to all of its parts.

I can not refrain from again expressing my conviction that in the interest of popular government and efficient translation of the public will into legislation it is necessary to increase the membership of the House. Under our system of procedure in the House and with our Committee on Rules and our steering committee of the majority party a House of 500 or 600 Members would not be unwieldy. This system of legislative procedure is so well entrenched in the House and functions so efficiently that the addition of 50, 75, or even 100 or more Members would not militate against the expeditious dispatch of legislation in the House. It will not be denied that the House with a membership of 435 functions more efficiently and enacts legislation more promptly than the Senate, which has a membership of only 96. Nine times out of ten the delay in enacting legislation occurs in the Senate and not in the House, and the defeat of legislation demanded by the public is generally brought about by the action of the Senate and not by the action of the House.

Again, with the tremendous increase in our population, the enormous development of our industrial and commercial activities, the creation of innumerable commissions, bureaus, and departments of Government, the participation of the Government in business and the active interest of business in government—all these conditions have combined to bring about a situation where the departmental business of the average Congressman has increased very greatly over what it was in the past, and over similar official activities of the members of legislative assemblies in foreign countries.

The rapid and enormous extension of the activities of our Federal Government in new fields, the ever-increasing participation of business in government and the enormous increase of Government business has added several hundredfold to the labor and responsibilities of a Member of Congress, who is the agent and should be the dependable spokesman and representative of his constituents in the true sense of that term. The Member of Congress is the instrumentality by which his constituents get in contact with the Government on matters involving not only legislation and taxation but pensions, post office, and Rural Free Delivery Service, veteran legislation, departmental matters, and scores of other agencies that touch and materially affect the interest of the people; and while Congress in recognition of the

increase of departmental duties has increased the clerical force of Representatives and Senators, nevertheless much of this work must come under the immediate and personal supervision of the Member of Congress, and much of it can not be delegated or intrusted to his clerical force. The people have a right to demand that their business with the Government have the personal attention of their Congressman, because of his ability to get better results for them than if the matters in which they are interested are left to the attention of a clerk or secretary. Undoubtedly the smaller the legislative body the more easily it can be controlled by the sinister and sordid interests and the more readily it will yield to corrupt appeals and venal influences.

By increasing the membership of the House, within reasonable limits, of course, you will draw "fresh blood" from the country—men who come fresh from the people who know the needs of the people, and who have the courage and ability to champion the cause of the masses. If we should add 75 to the House membership and if this increase would bring into the Government service two or three men with genius for government and legislation equal to that possessed by Champ Clark, Joseph Cannon, Claude Kitchin, James R. Mann, Martin Madden, Joe Byrns, Finis Garrett, John Garner, and others equally distinguished in the realm of statecraft, would not the acquisition of the brains of these two or three new Members and the employment of their genius in legislative matters be worth infinitely more to the Government and to the people than the entire cost of such increase in membership?

If popular government is to be successful, it is absolutely necessary to interest the masses in governmental matters and *in voting*, and they should know their Representatives.

And that result will be brought about more easily by not having a Representative in Congress represent too many people or too large an extent of territory. The arguments against the increase of the membership of the House are arguments against large legislative assemblies. It is true that in all the history of the world since people began to strive for popular government, bureaucrats and those who did not believe in the masses having a voice in governmental matters, have always been opposed to large representative assemblies, and attempted in all nations and in all ages of the world's history to confine governmental activities to a favored class, to the highborn, or at least to a small body of men that could be more easily controlled than large legislative assemblies.

I think that a study of the history of the world shows that those who have been opposed to popular government have always used the argument that the masses were not capable of self-government, and that a large legislative assembly can easily be converted into a mob. In that connection I call your attention to the fact that this very question was discussed in the Constitutional Convention, and it was there argued very convincingly that the success of free government would largely depend upon having a large representative assembly; that is, a House with a large membership drawn from all parts of the country, directly from the people, so that all vocational groups would at least have a fair representation in Congress.

And with the tremendous increase in our commercial and industrial population, if the membership of the House be confined to 435, in each succeeding census and apportionment, the representation of the agricultural States and agricultural groups will become less and less in each succeeding reapportionment, until ultimately the numerical representation of the agricultural classes will be nominal and negligible.

To illustrate: If the formula of 435 is adhered to, I believe in 25 years the cities of St. Louis and Kansas City, and their environs, on a population basis, would send to Congress at least three-fourths of the total number of Representatives from that State. While you can not by any system prevent this disparity, you can adopt a system which will give to each vocational group a fair and just numerical representation, and it is important that every group, every vocational class, have such numerical representation in the House as may be reasonably necessary to protect the interests of each and every vocational group.

I am not advocating soviet representation. I am advocating an apportionment that will reduce to a minimum the disparity between the representation of industrial classes and the agricultural classes. You can not prevent the disparity but you can adopt a system which will give to the agricultural classes a reasonable and sufficiently large numerical representation to enable them to present the cause of agriculture when legislation is pending that affects the interests of that great industry.

It can be done by allowing one Representative in the House for every 250,000 inhabitants. Under the present apportionment in Missouri 4 of the 16 Congressmen represent industrial and commercial communities. Twelve of them represent agricultural communities.

In each census the population of these commercial and industrial centers is going to increase and ultimately outrun the population of the agricultural communities. While giving to the commercial and industrial centers increased representation according to their population, you should not reduce the representation of any State below its present quota. If you unalterably fix the membership of the House at 435, it is inevitable that the agricultural States will have their representation reduced in every succeeding apportionment until in 25 or 50 years the agricultural States will only have a nominal or negligible representation.

If you limit the membership of the House to 435, in 25 years from now the number of Representatives from Iowa would probably be reduced to five or six. Can it be contended that the time will ever come when the great agricultural State of Iowa would only be entitled to five or six Representatives? And yet that situation is inevitable if the membership of the House is to be arbitrarily limited to 435.

With the membership limited to 435 it is only a question of a comparatively few years until the great cities will practically monopolize the State's Representatives in the House. The State will be carved into districts to which perhaps a string of rural counties will be added, but the population of the city will be largely in excess of the country population, which means that the cities will control the nomination and election of the Representatives. This means that the rural sections will be shorn of their influence and serve only as ballast or as a tail to the kite of the predominating city population. You can not remedy this evil by the "shoe-string system" of laying out congressional districts. This system would be ineffective for the reason that in every instance the industrial and commercial population in the district would predominate and constitute an overwhelming majority, so that the agricultural classes in the shoe-string district would have about as much chance to dominate the industrial classes as the tail of the dog has to wag the dog. I am looking forward into the future and visualizing the ultimate and inevitable results that will flow from limiting for all time the membership of the House to 435. If we place the membership of the House in a strait-jacket, and by a general law decree that never hereafter shall the House of Representatives contain more than 435 Representatives, you have adopted a formula which within the next 25 or 50 years will reduce the representation of Kansas, Iowa, and of Nebraska to five or six Congressmen, and the representation of all other agricultural States proportionately.

While we can not change the ratio of representation or give any State larger proportionate representation than it is entitled to under the constitutional mandate and we can not prevent the numerical disparity between the industrial States and agricultural States, we can nevertheless adopt a formula or basis of representation which, while it will not give to the agricultural States as many Representatives as the industrial and commercial States have, it will numerically increase the representation of the agricultural communities and give the agricultural States a sufficient number of Representatives to properly present the cause of agriculture in Congress.

To emphasize my position, may I say this? The fewer number of Representatives in the House the greater is the real or effective disparity between the industrial and commercial classes, on the one hand, and the agricultural classes on the other. You might adopt as a basis of representation, say, 1,000,000 population. That would give Missouri four Representatives. It would give Iowa two or three, and other agricultural States a very greatly reduced representation. Now, I am not contending that Missouri and Iowa and Nebraska shall each have as many Representatives as the larger States. I am not insisting that the agricultural classes shall have as many Congressmen as the more numerous industrial and commercial classes, because the agricultural population is not as great as the industrial and commercial groups. But I am contending that the time never will come in the history of the United States Government, with the increase in population and the tremendous development of our industrial and commercial and governmental activities, when Iowa ought to have less than 11 Members.

The time will never come when Kansas ought to have less than eight Members. The time will never come when Missouri ought to have less than 16 Members. By limiting the membership to 435, Alabama, Indiana, Iowa, Kansas, Kentucky, Missouri, Mississippi, Maine, Louisiana, and probably all the other agricultural States would lose representation in every succeeding apportionment, and the influence in legislative matters of these and other agricultural States would rapidly decline.

And while it is perfectly right and proper to give the industrial States that are rapidly increasing in population additional representation, no formula should be adopted that will put Wisconsin, Kansas, Missouri, Iowa, Alabama, Mississippi, Indiana, and other agricultural States in a strait-jacket and ultimately reduce their Representatives to a mere handful of men. These States not only want their proportionate part of all the Representatives but they want a basis of representation that will give them a sufficient number of Representatives to safeguard their interests in Congress.

While I would not favor a policy that would deprive the cities of their just proportion of Representatives, I favor a basis that will give the rural districts adequate numerical representation; that is to say, a system or basis that, while not giving to the agricultural sections more than their proportion of the Representatives, would nevertheless give them a larger number of Representatives or more adequate numerical representation, to the end that the rural sections may always have on the floor of the House a sufficient number of Representatives to adequately reflect their will, plead their cause, and protect their interests.

By the plan I advocate you would not remove the disparity in the number of Representatives between the industrial and agricultural sections, but you would reduce the evil effects of this disparity. A House with a larger membership would not give the agricultural States more than their proportionate part of the total number of Representatives, but it will give them a larger physical or numerical representation; not more Members proportionately, but a larger numerical body of Representatives to plead their cause and reflect their will.

Or to state the proposition in another way, under my plan you get a Congress with a larger membership, but in that larger body each vocational group will have a larger numerical representation and will be able to present its cause more efficiently than if such representation were reduced one-half or one-third. I am vigorously opposed to any legislation which will put the American people in a strait-jacket as to the number of members of the House. The present Congress does not possess such a monopoly on wisdom as to authorize it to speak ex cathedra and decree that the House of Representatives shall never have more than 435 Members. We have no authority in law or morals to foreclose the power or right of some succeeding Congress to increase or decrease the membership of the House. Our efforts so to do will be futile.

Most people who oppose increasing the membership of the House have made only a superficial study of the reapportionment problem which means that their conclusions are hastily drawn and obviously unsound. There are many, many reasons why the membership of the House should not be held down to 435. A House with a membership of less than 500 would not and could not be truly representative of 123,000,000 American people engaged in diversified occupations, and whose interests are so conflicting that with a less number all the great vocational groups could not have a voice in the enactment of legislation vitally affecting their welfare.

A House of 500 Members would allow one Member for each State (as required by the Constitution) and an additional Representative for every 272,000 population. No Congressman, however industrious and painstaking, can efficiently represent more than 272,000 people. A constituency of 272,000 would, as a rule, be homogeneous or composed of people belonging to the same general class or vocation and have the same interests, and similarly affected by legislation. The Representative of a district of this kind could speak the language of practically all of his constituents, which he could not do if he represented a district with half a million population engaged in different callings, having conflicting interests, and being affected differently by proposed legislation.

A district of 272,000 population or less would probably be exclusively agricultural or exclusively commercial and industrial, and its Representative would not be compelled to choose which master he will serve, because his constituency will probably be practically of one mind on all legislative proposals. On the other hand a district with a population of 500,000 would probably be composed of industrial and agricultural groups with approximately the same numerical strength. The legislation favored by one vocational group would probably be opposed by the other groups. In this situation the Representative would be compelled to choose between these groups in charting his legislative course, and in meeting the demands of one group of his constituents he would be compelled to disregard and neglect the interests of the other large vocational groups in his district. In serving the industrial groups in his district he would frequently be compelled to vote for legislation detrimental to his constituents engaged in agricultural pursuits; or in voting for legislation in the interest of his agriculture constituents he would often have to disregard the interests and demands of the industrial classes in his district.

I can not overestimate the ever increasing governmental activities in matters directly affecting the people. Each year more and more of the time of Members of Congress is required to represent their constituents in departmental matters relating to postal service, rural free delivery service, pensions, soldiers' compensation, veteran affairs, transportation, immigration, and dozens of other departmental or bureau activities that require an ever increasing amount of the Congressman's time. I wish some of these editors and students of public affairs who are insisting that the membership of the House is now too large could be at my side and follow me for a week as I attempt to perform my duties, not only on the floor of the House and on committees but in the study of bills and proposed legislation and in matters before the departments, bureaus, commissions, and other Government agencies. I am sure that after close observation of the daily work of an average Congressman these carping critics would be disillusioned and would have a different conception of the work that a Congressman must perform in order to meet the demands of his constituents and be even a small factor in legislative affairs. I wish they could see my daily mail and understand the requests that come from my constituents and the multitude of reasonable and proper appeals that come to me for this or that service in the departments, bureaus, and commissions. I am confident they would be weary after keeping at my heels for a week, often working 16 or more hours a day; and what I do is done by every other Representative who strives to efficiently serve his constituents.

The smaller the membership of a legislative body, the easier it is to wrongfully influence and control that body. Every beneficiary of special privilege in America wants a House of Representatives with a small membership—the smaller the better for him, and the less trouble to manipulate. Every selfish, sordid, sinister, cynical, and baneful influence in America champions small legislative assemblies, because the smaller the membership the easier it is to control and the fewer men they have to "fix" or influence to thwart the public will and accomplish their venal purpose. Every reactionary individual and influence in the United States favors a small House of Representatives, because it is harder to corrupt, control, or wrongfully influence large assemblies than small ones. All comparatively small assemblies are controlled by a few "key men." In all ages of the world's history those who make merchandise out of patriotism and use the agencies of government for the accomplishment of their selfish purposes have opposed large representative assemblies, because in large legislative bodies there will be a larger number of far-seeing, progressive, and incorruptible men to protect the public interest and prevent the plunder of the Public Treasury.

In a letter to Thomas Mann Randolph, March 16, 1792, Thomas Jefferson stated one reason why he was in favor of a large House of Representatives. He said:

> The fate of the representation bill is still undecided. I look for our safety to the broad representation of the people which that—
>
> Meaning a House with a large membership—
>
> shall bring forward. It will be more difficult for corrupt views to lay hold of so large a mass.

But, gentlemen, there is another reason why I can not bring myself to vote for the pending bill. It delegates to the Secretary of Commerce a duty that the Constitution places on Congress. It is a constitutional prerogative and duty of Congress to apportion representation among the several States according to population. That prerogative, that duty, that right Congress should not and, in my opinion, can not legally delegate to a Cabinet officer. The pending bill involves what I consider a supine surrender to bureaucracy and an abandonment of the constitutional functions of Congress. By passing this bill Congress is proclaiming to the world its pusillanimity, inefficiency, and abrogation of its plain constitutional duties, and its lack of confidence in future Congresses to perform their constitutional duty.

It will not do to say that we are only delegating the performance of a ministerial duty. Under the system that this bill sets up it will be within the power of the Secretary of Commerce to manipulate the population statistics so as to wrongfully favor one State at the expense of another. The changes of a few figures in the enumeration of 123,000,000 people will increase or reduce the total population of a State so as to change a major fraction into a minor fraction or to increase the size of the major fraction of one State at the expense of another State; and all this can be done in the dark, under cover and without any probability of the wrongful changes ever becoming known to the public. The grave abuses that a corrupt or partisan official or clerk in the Census Bureau can make under cover could

and would take from one State a Representative and electoral vote to which it is entitled and give that Representative and electoral vote to another State not entitled to it. I believe that Congress, on reflection, will be heartily ashamed of having enacted this humiliating and debasing measure and will repeal it as soon as reason ascends the throne and sober judgment again controls their deliberations.

I believe when Congress passes a reapportionment bill it should be in truth and fact a reapportionment bill. I repeat what I have frequently stated, that I will vote for a reapportionment bill immediately after the 1930 census is taken, and while I favor an increase in the membership of the House, if that increase can not be secured I will then vote for a reapportionment under the 1930 census based on the present membership.

IMPROVEMENT OF OREGON CAVES, SISKIYOU NATIONAL FOREST, OREG.

Mr. COLTON. Mr. Speaker, I renew my request to call up the bill S. 3162.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the same.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3162, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With committee amendments as follows:

Page 1, line 3, strike out the word "be" and insert the word "is"; and on page 2, after line 4, insert a new section, to be known as section 2, and to read as follows: "SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The CHAIRMAN. Under the rules two hours are allowed for debate, to be equally divided between those favoring and those opposing the bill. The gentleman from Utah [Mr. COLTON] is recognized for one hour.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. HAWLEY].

The CHAIRMAN. The gentleman from Oregon is recognized for 10 minutes.

Mr. HAWLEY. Mr. Chairman and gentlemen, the Oregon Caves are situated in the southwestern corner of the State of Oregon in the Siskiyou National Forest, and are great natural caverns in a mountain system. They are approached at the present time through one entrance. A road has been constructed to the caves. The attendance of late years has greatly increased, so that last year over 23,000 persons visited the caves. The Oregon State Highway Commission is now prepared to spend additional funds enlarging this road on account of the increased traffic and to provide the caves with another road to be known as the Redwood Highway, from California. The traffic has continually grown, and everyone who has visited the caves is impressed with their beauty.

The purpose of the bill is to make the caves more accessible. The filtration of the waters during the winter covers the floors of these beautiful caves in some parts with slime, making it dangerous for the people who desire to visit the caves to do so, and covers the sides of the caves with material that seriously impairs their beauty. But with the water system that is proposed to be installed, the sides of the cavern will be cleaned, thus exposing the beauties of the coloration, and the débris and mire underfoot will be washed out.

It is proposed to put in a small hydroelectric system which will furnish enough power both to wash the caves, which is a small item, and to afford light. In the caves there are places where there are deep descents, and some of them can not now be easily negotiated. It is desired to put in some steel or iron ladders in such places and to rail off certain deep abysses, and also to light the caves so that the people may have the opportunity to see the beauties of the caverns.

The Forest Service, for the obvious reason that these caves are located in the midst of a national forest, has refused to allow torches to be used in the caves, which was the method of lighting them until a recent date. By these means, with the expenditure of a small amount of money, the caves can be made safe, and other caverns can be opened with only a slight expenditure. Some of the most beautiful chambers are now closed up and are accessible only through narrow openings, through which it is very difficult for many to pass through. These will be made available.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BACON. Are these caves and caverns part of a national park?

Mr. HAWLEY. It is a national monument administered by the National Forest Service. It is proposed to create an entrance on the other side of the cavern. This legislation will protect life and limb, open up new caverns to visitors, and create an additional entrance, so that the people can go in at one end and out the other without retracing their steps, and this will also avoid congestion of visitors looking into the caverns.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SCHAFER. I note in the committee report a letter from the Acting Secretary of Agriculture under date of March 7, 1928, in which it is stated that the legislation proposed in this bill would be in conflict with the financial program of the President. Has the President changed his views since the date of that letter, March 7, 1928?

Mr. HAWLEY. So far as I know, I do not know that he has.

Mr. SCHAFER. The gentleman has no knowledge of the reasons for the opposition?

Mr. HAWLEY. Only that is it in conflict with the present policy of expenditure. But this is such a necessary thing for the development of these caves, and for the accommodation of a growing number of visitors who travel over the highways named and who desire this improvement, that the expenditure is justified.

Mr. BACON. No one has jurisdiction over these caves except the Federal Government?

Mr. HAWLEY. No one except the Federal Government, through the Forest Service.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, my purpose at this time is to point out that in passing this bill we embark on a policy, of which I approve, of preserving our national resources and places of scenic beauty, and for that object making use of public funds. These places of natural beauty are of great educational value.

A few days ago on the Consent Calendar we had a bill providing for exactly the same purpose at Mammoth Cave, Ky. I believe that we should be fair in these matters and that all these propositions that are alike should be treated alike. It so happens that the Mammoth Cave in Kentucky does not come under public land, and therefore the bill went to another committee. Objection was made to the consideration at the time. If my memory serves me correctly the objection was based on the question of policy—whether the Federal Government should finance the conservation or preservation of a natural cave. I believe that it should, especially of a cave of the size, importance, and beauty of Mammoth Cave. In approving of the bill now before us I hold that we approve that very policy. The question of cost does not really enter into such propositions.

Notwithstanding the financial program of the President—and I say that with all due deference—the control of public funds and responsibility for the expenditure of same are entirely with Congress, and in considering these matters we should treat all of these cases alike. So I hope that either on the proper Calendar Wednesday or by a special rule the bill authorizing appropriations for doing the same kind of work at Mammoth Cave, Kentucky, will be brought before the House, so that the House will have an opportunity to vote on it and approve it. After all, a thousand years from now neither history nor anyone else will know or care much about the financial program of a well-meaning public official of our day; but a thousand years from now the people of that age will know and care if we properly and prudently conserved our natural resources and preserved the natural beauty of our country.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the bill before us has not aroused my enthusiasm, and in part for the reason emphasized by the gentleman from Wisconsin, that it is in conflict with the President's financial policy. Also, I have not liked the form of the bill. I am not sure what the policy is to be in the administration of these caves. I am not very well informed as to the rules which obtain in the handling of recreational areas in national forests. I have had some contact with that question in the national parks but not as to national forests. The policy that is obtaining at the present time with reference to caves administered in the National Park Service is to charge an admission fee, for the reason that guides are always required to handle the parties, and so forth. So a fee is charged. A fee is charged at the Wind Cave National Park in South Dakota, and a charge is made at the Carlsbad Caverns National Monument in New Mexico, which is probably, and, I think, without question, the most wonderful and the most beautiful underground display to be found in the world. The receipts are used in the development and maintenance of the monument or the park.

I have suggested to the gentleman from Oregon an amendment to make it clear that such a policy should obtain with reference to these caves, the amendment being to add at the end of section 2, the section which sets forth the authority of the Secretary of Agriculture to prescribe such rules and regulations as may be necessary to administer the provisions of the act, the following language:

Including the fixing of charges for admission to said caves sufficient to maintain and develop them.

Mr. HAWLEY. I will say to the gentleman that I have no objection to that at all, because I think that is the present practice.

Mr. CRAMTON. I think that is likely to be the practice, but I should like it to be definite, and because I understood that to be the attitude of the gentleman from Oregon, I have not felt justified in opposing the bill, and I think very possibly that might modify the attitude of the Budget and the attitude of my friend from Wisconsin [Mr. SCHAFER].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LAGUARDIA. Has it been the practice at any time in the past to lease such caves or other natural places of beauty?

Mr. CRAMTON. I have never known the Government to lease an attraction.

Mr. LAGUARDIA. So there is no danger that this might be leased to a concessionaire?

Mr. CRAMTON. I think there is no authority for leasing it.

Mr. LAGUARDIA. There is no authority in law for doing it?

Mr. CRAMTON. I do not think there is, and I am sure the Forest Service would not contemplate that.

Mr. HAWLEY. Leases are made at places near the caves for hotels, and things of that sort.

Mr. CRAMTON. For public utilities and conveniences leases are often made, but I know of no instance where the attraction itself is leased. Mr. Chairman, with that understanding, I think it puts the bill in much better position with regard to the present policy and not in conflict with either the Forest Service policy or the national park policy.

Mr. COLTON. Did I understand the gentleman from Michigan to offer an amendment?

Mr. CRAMTON. I will at the proper time.

Mr. COLTON. Mr. Chairman, I have no more requests for time, and I suggest that the bill be read for amendment.

The CHAIRMAN. Does anyone in opposition to the bill desire time for debate? If not, debate is concluded, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be hereby authorized to construct and maintain such improvements within and near the Oregon Caves in the Siskiyou National Forest, Oreg., as are necessary for the comfort and convenience of the visiting public, including the purchase of materials and equipment for lighting the caves and washing the interior thereof, and providing easier accessibility and traversibility thereof, and providing an additional exit or entrance, and for installing such materials and equipment; and for the aforesaid purposes the sum of $35,000 is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Page 1, line 3, strike out the word "be" and insert the word "is."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 2, after the words "sum of," insert the words "not more than."

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, after line 4, insert a new section to read as follows:

"SEC. 2. That the Secretary of Agriculture is hereby authorized to prescribe such rules and regulations as may be necessary to administer the provisions of this act."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON to the committee amendment: Page 2, line 7, after the word "act," insert "including the fixing of charges for admission to said caves sufficient to maintain and develop them."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS HELD UNDER COLOR OF TITLE

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman and members of the committee, I believe there is no opposition to this bill, and perhaps for that reason I should say nothing about it, but it is a little out of the ordinary and I want to make a very brief explanation of it. The territory which is affected by this bill is entirely in Monroe County, Mich., which is the southeastern county of the State, and through Monroe County the River Raisin flows in an easterly and westerly direction. This ter-

ritory was settled by the French in the sixteenth century, and it was the habit of the French where they granted land along rivers to make the grant in very narrow strips back from the river. They did this here, just as they did in the Province of Quebec and elsewhere throughout the region that was once occupied by the French.

The Government of the United States never had any title to this property at all and has never claimed any title to it. It has not title to any property except post-office property, I believe, in the county of Monroe; but the people in these later days when abstract companies and the banks are becoming more particular about abstracts of title, have learned that there are clouds upon the title to this property, and it is for that reason this bill has been introduced.

The United States, as I have said, has no claim to it, but the United States by this bill will have the right, through the Secretary of the Interior, to grant patents to the people living upon this territory and owning it on the payment of the usual fee of $1.25 an acre. I think there are comparatively few of these places in Monroe County, but I am informed by the gentleman from Michigan [Mr. MICHENER] that they have had a good deal of trouble about these particular titles.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOOPER. Yes.

Mr. LAGUARDIA. Is it not unusual in relief bills of this kind that are usually predicated on giving relief to an individual, to include therein land held adversely by a corporation?

Mr. HOOPER. Well, I do not know that it is unusual, but there seems to be no other way, I will say to the gentleman from New York, to handle this particular situation.

Mr. LAGUARDIA. How did these lands get into the possession of corporations?

Mr. HOOPER. Well, I do not know that any of the land has got into the possession of corporations. It is nearly all farm land, I will say to the gentleman. So far as I know it is all farm land, and the people who hold it have held it for generations; that is, they and the people who held it before them. There is no city property involved here.

Mr. LAGUARDIA. In my brief, but happy, experience on the Public Lands Committee, we had bills like this under consideration, but we never had a case where a corporation held adversely or asked relief of this kind.

Mr. HOOPER. I do not want to be too certain about it, but I do not believe a foot of this land is held by a corporation. It is farming land and it is held in very narrow parcels.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOOPER. Certainly.

Mr. SCHAFER. Why should land in Michigan have any better advantages than similar land in Wisconsin? In Wisconsin we have land situated in the same way where people think they have bought summer-resort property on the lakes and find they do not have title.

Mr. HOOPER. Then, they can do just as the people are to do here, and pay the $1.25 an acre for a release on the part of the Government.

Mr. SCHAFER. The gentleman would not oppose an amendment to include the State of Wisconsin?

Mr. ARENTZ. Will the gentleman yield to me?

Mr. HOOPER. Yes.

Mr. ARENTZ. It has been my experience on the Public Lands Committee that each particular case deserves particular attention.

Mr. HOOPER. Yes; and should come up on its own merits.

Mr. ARENTZ. If you had similar cases in Florida, it would be necessary for you to segregate the claimants within a certain district in Florida; and the same thing applies to every State in the Union, so it is essential that every one of these cases should stand on its own bottom.

Mr. HOOPER. They must be considered on their own merits, so far as this case is concerned, it is a little out of the ordinary, and that is the reason I wanted to make this explanation; but there is nobody who is going to be injured. The Government is going to get money which it really is not entitled to at the rate of $1.25 an acre, and the titles will be straightened out and everyone will be satisfied.

Mr. SCHAFER. The gentleman may have a particular case in mind, but settling that particular case may open a thousand other cases in Michigan under the provisions of the bill.

Mr. HOOPER. This does not open it to anybody else. Anybody else must come in and ask for relief in his own way.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINGO. Will the chairman of the committee use a little time and give us some information about this?

Mr. COLTON. I will be pleased to do whatever I can.

Mr. WINGO. I am reading the report of the Secretary of the Interior. He says that this has been surveyed as public land. Is that true?

Mr. HOOPER. It may have been surveyed as public land. The gentleman in the chair [Mr. MICHENER] knows more about this than I do.

Mr. WINGO. I think it would be wise if the chairman, who is a good lawyer, would put a parliamentarian in the chair and answer some of the questions that have arisen; in other words, give the facts fully.

Mr. KETCHAM took the chair.

Mr. WINGO. I am sure the bill is all right, and I am not asking the questions in any spirit of controversy but to get the record straight. The Secretary of the Interior reports that this has been surveyed as public land. Is that true?

Mr. MICHENER. The situation is this: In the early days the land was settled by the French. There may be those in the House who are familiar with the way the French made settlements in this country. They followed the procedure in France. Their farms were on the water front. The farm consisted of a narrow frontage, possibly a few rods, and then extended back from the water front to the extent of a mile or a mile and a half or 5 or 6 miles. At that time the State of Michigan had not been surveyed. There were no east or west lines—township lines, as we call them to-day. So the Government surveyors staked out the claims on the water front. For instance, if this center aisle is a river, the claim would be staked out a few rods wide on the river, and extending back a mile and a half or 5 or 6 miles, and the next claim would join that claim on the other side.

The unit of measurement used at that time was the arpent—about 12 rods. Most of these claims were 40 arpents back. The man settled there and remained on the claim a given number of years, at which time he made proof that he had complied with the law, and he received his patent to the part of the land for which he paid $1.25 an acre. The part of the land in the rear was not paid for at $1.25 an acre at that time. That land was given to the man when he made proof according to law.

Some of the people did not make proof to the entire claim—that is, the full length back from the river—so as the result there is a small strip a few rods wide in the center of a man's farm, or at the edge of his farm, which has never been patented by the Government to anyone.

Later the Federal Government came through and put in east and west lines, and when they did that they did not take into consideration these claims and these pieces of land. The Government claims no land there; they have no land there; there is no Government land in the State of Michigan subject to settlement.

In the first place, an effort was made to homestead these lands. It was found that this was impossible under the circumstances. I might say that this bill was suggested to me by the Assistant Secretary of the Interior, Mr. Finney.

Michigan has no public land; we are not familiar with it and know nothing about it. The mining laws or mineral laws, as applied to public land, do not apply to Michigan. In short, these farmers out there, a few of them, have spots on their farms where the title is not clear.

A question arose, I think, when one of these farmers attempted to borrow money from the Federal Government through the Federal land bank. When the Government attorneys passed on the abstract they found these little pieces of land here and there on these farms, and then the question was raised. This bill is merely attempting to clear the title.

Mr. WINGO. My understanding is that in the early days the grants, or whatever you call them, of the French were based on the arpent at the water edge of the river or the lake or the ocean, and that the ordinary grant of those days extended back a certain number of arpents, which amounted to about 1½ miles.

Subsequently the Federal Government undertook to say to the holders of those old French grants, "for every one of you that has this mile or mile and a half on the water front the Federal Government will give you an equal amount extending back; in other words, if you have a grant on the water front a mile and a half, then the Federal Government out of the public domain, which lies back of you, will give you an equal amount in the same shape." If he had a rectangular piece 10 arpents wide by 40 arpents long, then the Federal Government would give him a further grant back of there of 10 arpents wide and 40 arpents long so as to make his tract 80 arpents long and 10 arpents wide. In order to do that and get it from the Federal Government, the Government required that they make

proof of ownership, and so forth, to the original French tract. My understanding is that the Federal land bank found in one of these cases that the owner of it—that is, his predecessors in title—had never made any such proof, and, therefore, he had no title from the Federal Goverment, but that the Federal Government's records showed that no advertisement or anything else had ever been made of these lands and that they never had been offered for public sale or opened to private entry, and therefore no real rights of any adverse claimant could have accrued under the Federal Government, and as the Assistant Secretary said, this grant of power should be given to him for the purpose of curing that title. But some one has asked, on both sides of the aisle, why is it necessary in order to take care of these farmers to take care of some corporation; is there a corporation that happens to own part of it? If so, I think the corporation ought to be taken care of the same as any other grantee.

Mr. MICHENER. Not to my knowledge. For instance, we have dairy farms in Michigan that are incorporated, but I know of no corporation owning any of the land in question. I assure the gentleman that this is all farm land.

Mr. WINGO. My only idea in getting into this was not to oppose the gentleman's bill—I assume that when the bill comes from the Public Lands Committee it is correct, and, knowing the gentleman as I do, I felt it was correct—but there was some contradiction in the record, apparent contradiction only, and I think that should be explained for the record because a good many of these claims have been turned down which are just as meritorious as this and that I thought ought to have been allowed. I think whenever one is allowed and others are turned down that the record ought to be clear so that someone can not say you did this in a certain case and you should do it for me.

Mr. MICHENER. I think the gentleman is quite right and I appreciate his suggestion.

Mr. WINGO. I think the gentleman's bill should be passed with his explanation.

Mr. MICHENER. I thank the gentleman.

Mr. COLTON. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

With the following committee amendments:

Page 1, line 3, strike out the word "whenever" and insert "within five years after passage of this act."

Page 1, line 9, after the word "years," insert "prior to the approval of this act."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 5, after the word "citizen," strike out the colon, insert a period, and strike out the remainder of the paragraph.

Mr. LAGUARDIA. Mr. Chairman, it is clear from the statement made by the gentleman from Michigan [Mr. MICHENER], as well as by the distinguished chairman of the committee [Mr. COLTON], that there are no corporations involved in these particular lands. That being so, I believe it would be a dangerous precedent in a relief bill of this kind to include a proviso that relief shall be granted to corporations.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. Is not the gentleman overlooking this fact: That under the admitted statement of the facts in this case it is possible that a corporation could hold title to this land in perfect good faith, and the corporation would be entitled to the relief just the same as any citizen of Michigan.

Mr. LAGUARDIA. Considering the history of the land and how it was originally acquired, I do not think a corporation could have acquired title.

Mr. WINGO. Oh, yes. The original claimant, of course, was an individual, a Frenchman, but coming down through the years with this chain of title, it is possible that some corporation out there might take title. I give the gentleman this illustration: I happen to know one family, all of them farmers, and they all have their farm holdings incorporated. You might have such a situation out there. It is not going to hurt. This language will be mere surplusage if there are no corporations, and if there are any corporations their title should be cleared the same as the title of an individual.

Mr. LAGUARDIA. If a corporation acquires land of this kind, it acquires it with notice. It is quite different where the original settler comes in and this land is improved by him, and it continues in his family for generation after generation. Clearly such an individual is entitled to relief.

Mr. WINGO. I think the grantee by conveyance, if consideration is paid, is entitled to as much relief as one who receives the land by descent and distribution through generations and generations. I do not think that because a man happens to be a great-grandson of some original settler that he is entitled to have his title quieted any more than a corporation who obtains it under the circumstances I have stated.

Mr. LAGUARDIA. That carries with it the idea of adverse possession, and we are talking of a corporation coming in and acquiring this land by transfer or grant, and this transfer or grant, or whatever it is, certainly was acquired by them with their eyes open.

Mr. WINGO. I venture this assertion, that you will find that this land has been offered to the Federal land bank for a loan and it has been turned down. You will find that that same mortgage company had its mortgage foreclosed and bought in the land at the sale. The mortgagor is trying to redeem under an agreement to repurchase, and is trying to get a loan from the Federal land bank. I think that a safe guess.

Mr. LAGUARDIA. The gentleman assumes facts not before us.

Mr. WINGO. But the gentleman says he could not conceive of a situation where a corporation could have had adverse possession and was entitled to relief. Suppose they bought it outright?

Mr. LAGUARDIA. Then they bought it with their eyes open, but——

Mr. WINGO. Then, if the corporation bought it with their eyes open, they are entitled to as much relief as the individual.

Mr. LAGUARDIA. How easy it would be for a corporation to take over land of this kind cheaply, by reason of the very defect in title, and hold it, in order to establish adverse possession, the necessary length of time, and then have the cloud removed and the value greatly enhanced.

Mr. WINGO. I think if we had a situation like that, the gentleman from Michigan [Mr. MICHENER] would not be a party to a conspiracy with a corporation to acquire public land.

Mr. COLTON. I desire to say I have made no statement that there was no corporation involved. I do not see why, if a corporation acquired the same kind of land as an individual, they are not entitled to the same relief as the individual.

Mr. LAGUARDIA. The purpose of the relief would be entirely different.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. There has been so much time consumed, I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. YON. There is a question I want to ask. Down in my State—Florida—a corporation can be formed by three persons. They can incorporate for any purpose. They can run a dairy farm or a farm of any kind, run any kind of business; and for the purpose of business you would say that a man, his son, and his wife might be in possession of this land and have a dairy farm or a farm of any kind on it; and under the terms of that kind of a corporation the people living on that land would not have the right of an individual to buy the land in question. Does the gentleman wish to prevent that kind of a corporation getting benefits under terms of this bill?

Mr. LAGUARDIA. I would say this language inserted in the bill would provide proper relief; if individuals hold adversely and improve the property, it is the clear intent of the bill that they should get relief. I agree with that.

Mr. MORROW. Mr. Chairman, in my State we have lands of this kind where Spanish settlers settled on the land a hundred years ago, just as these settlers have settled here. We

have passed bills in Congress for several years permitting them to make proof of title to the land. There is no question but that if these titles be passed down through years and years the parties purchasing that land have the right of the former settlers, if the parties in possession make the proof that the department requires. If they can show that they are in possession, then the Government can convey title by a quitclaim patent. Suppose a railroad were involved, which had a right of way on some of these lands. It would be the same.

Mr. LAGUARDIA. Gentlemen assume facts that are not in evidence here.

Mr. MORROW. No. The department establishes certain rules under which they require that proof shall be made. They must prove up just as the original homesteader, that they are in possession and have acquired title to these lands; and this legislation further requires that they must be in possession for 20 years under the Michigan law.

Mr. MICHENER. This Congress passed a bill relating to land in New Mexico last year in language similar to this bill. There is nothing new in this. It is in regular form. It is just a question of clearing paper title. It is a paper defect. The Government does not claim anything. This is for the sole purpose of helping an innocent holder, a really bone fide holder, a man in possession, who, through his predecessors in title, has been in possession for 50 or 75 years, so that if he wants to borrow some money on the land, or dispose of the land, he can meet the technical objection of the lawyer passing upon the title.

Mr. SCHAFER. Mr. Chairman, I rise in opposition to the amendment.

I do not think that we should indicate that we are enemies of all corporations. A corporation having possession of land covered by this bill is entitled to the same relief as an individual owner.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. Not now. I must hasten along so as not to delay the defeat of this discriminatory amendment.

I was tempted to offer an amendment to include the State of Wisconsin, because we have a situation in our State which can be cleared up if this bill would apply to Wisconsin. However, after consulting with the chairman of the committee, I think I will follow his views and in the future introduce a bill to take care of Wisconsin. We have many property holders in the Lake districts who think they have title to their summer resort property, but find on checking their deeds and the descriptions that they do not hold clear title. I hope that when I introduce a bill for the relief of the people of Wisconsin the Members of the House will show the same spirit toward that bill as toward the one pending.

Mr. WINGO. The gentleman from Wisconsin has discussed the rights of corporations. I do not think we ought to discuss the bill any further. It would be out of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. SPROUL of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPROUL of Kansas: Page 1, line 3, after the word "that," insert the word "if."

Mr. COLTON. I think that amendment ought to be agreed to. That was a clerical error in omitting the word "if."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a bill of the House of the following title:

On January 16, 1929:

H. R. 8974. An act authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1156. An act granting a pension to Lois I. Marshall; to the Committee on Pensions.

S. 1640. An act for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on Claims.

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; to the Committee on Irrigation and Reclamation.

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; to the Committee on Indian Affairs.

S. 5060. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1929; to the Committee on Appropriations.

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; to the Committee on Indian Affairs.

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; to the Committee on Indian Affairs.

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition, by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine, and for change of name of said park to the Acadia National Park.

The SPEAKER announced his signature to the enrolled bills of the Senate of the following titles:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

OIL AND GAS PROSPECTING PERMITS AND LEASES

Mr. COLTON. Mr. Speaker, I call up H. R. 479, a bill to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The SPEAKER. The gentleman from Utah calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House, therefore, automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 479, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 479, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section 19 of the act approved February 25, 1920 (41 Stat. L. 437), to any claimant of title under the placer mining laws to the northeast quarter and north half of southwest quarter of section 5; the east half of northeast quarter and northeast quarter of southeast quarter of section 6; the southwest quarter of northeast quarter, south half of northwest quarter, and southeast quarter of section 29; the southeast quarter of section 30; the east half of section 31; and the north half and southeast quarter of section 32, in township 51 north of range 100 west, sixth principal meridian, in the State of Wyoming: *Provided,* That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman, the language of this bill is general, but the report on file shows that it is for the relief of a certain company known as the Oregon Basin Oil & Gas Co. The reason the bill is designed to benefit a particular company is the equitable consideration of large expenditures made upon a certain oil structure. The attitude of the department is given in the final paragraph of the report, as follows:

While the department is of the opinion that the discovery alleged in the applications is insufficient to warrant the issuance of mineral patents to the applicant which would transfer title to the land covered by the claims in fee, the bona fides of the applicant company have never been questioned and no objection will be interposed to legislation which will give the company an opportunity to file applications for permits or leases for consideration under section 19 of the act of February 25, 1920.

To state the effect of the bill in a single sentence, if I can, it is to extend the period during which this company may apply for a prospecting permit under the terms of section 19 of the general leasing act, so that the company may now make such application notwithstanding the fact that the period for so doing has expired. The general leasing act provides that applicants under section 19 must make their applications within six months after the passage of the act.

Now, the situation with reference to this company was that it was in process of developing this field under original mining locations before the general mineral leasing act was passed. During the progress of this work it expended over $200,000. It believed and assumed it had complied in every way with the law necessary to secure a patent. The department concedes that it complied with the law in every respect for a patent with the exception of the sufficiency of the discovery. The company assuming that it had a sufficient discovery proceeded through the usual channels of the Department of the Interior to ask for a patent.

A patent was finally refused by the Secretary on the ground that there had not been a sufficient oil discovery. The matter was taken into court upon the theory that the court might review the action of the Secretary as it involved, in the judgment of the company's attorneys, a question of law as well as of fact, but the ultimate determination in the court was that it was a pure question of fact as to the sufficiency of the amount of oil discovered, so that the decision of the Secretary was final. In the meantime the time expired in which the company could surrender its rights and claims for a patent and make application for a permit or a lease under section 19. Therefore when the decision finally came they were without the time limit. So this legislation, in view of their expenditure of something over $200,000 and good faith throughout the proceedings, in effect is to permit them now to make such application. The legislation is not mandatory or directory but permissive only, giving the Secretary the discretion, if in his judgment he deems it proper, to issue a permit or lease under section 19. The legislation prohibits the Secretary from granting a permit or lease if there are any valid adverse claims. I know of no adverse claimants, and if there are any such I am not familiar with the fact.

Mr. HUDSON. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. HUDSON. The gentleman spoke of the expenditure of $200,000 by this corporation. Was that $200,000 spent in the development of oil or was it spent in the formation of the corporation?

Mr. WINTER. I am very glad the gentleman asked that question. It was spent absolutely on improvements, as the report of the Secretary shows, of roads and pipe lines for the carrying of gas and steam and the installation of drilling apparatus of various kinds, and actually drilling on the ground.

Mr. HUDSON. The reason I make the inquiry is that it seems to me that by the expenditure of such a vast sum of money they would have been able to determine whether there was a sufficient amount of oil in the field to give them the right to a patent.

Mr. WINTER. I may say to the gentleman that in this particular field subsequent events proved that they had to drill 3,000 and 4,000 feet to get permanent oil.

Mr. HUDSON. And the amount spent for drilling was a part of the $200,000?

Mr. WINTER. Yes; that is my information.

Mr. HUDSON. Does this legislation tie it up to this corporation to the exclusion of anybody else?

Mr. WINTER. There was opportunity for anyone to come in who desired to oppose the bill before the House committee, and there will be further opportunity before the Senate committee, and, finally, if it becomes a law the Secretary himself, upon application of any other person, will hold a hearing before he exercises his power under this act. If he refuses then to exercise his discretion, the present situation will not have been changed, and the rights of all persons will be the same as they are to-day.

Mr. HUDSON. It seems to me that with those two points cleared up that this expenditure was made in the definite development of the field rather than in the promotion of the company, and does not bar others, that perhaps the bill ought to pass.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. JOHNSON of Washington. All the gentleman from Michigan has said is so good and so clear why would it not be a good plan not to limit this to a particular section? This is a bill limiting these privileges to a certain section, and if the opportunity for inquiry in the Senate and in the hearings before the committee is sufficient, why should not a bill of this kind be written as a blanket bill to permit the same thing to be done anywhere?

Mr. HUDSON. If the gentleman from Wyoming will yield for me to answer that I will say I think that might be true as well of the previous bill passed.

Mr. JOHNSON of Washington. It is all good piece by piece but not otherwise.

Mr. BANKHEAD. Will the gentleman from Wyoming yield to me for a question?

Mr. WINTER. I will.

Mr. BANKHEAD. Unfortunately, I was not able to hear all the gentleman's statement with reference to this bill, but as I understand the latter part of his statement, it is a bill giving to this corporation the right to again file with the Secretary of the Interior an application for what rights?

Mr. WINTER. For a permit or a lease to a certain area of land of about 1,600 acres. They never did file an application for a permit or lease. This would be their first application, but in carrying on the procedure for a patent through the Department of the Interior and the courts, and before a final decision or determination was made, the time limit under the general leasing act expired.

Mr. BANKHEAD. But did not the gentleman state that the department, after a very thorough investigation of all the facts in the case, had decided that under existing law these people had no right to make this application?

Mr. WINTER. No right to a patent. The decision was not against an application for a permit or lease, but against an application for a patent.

Mr. BANKHEAD. Does this bill give them the right to make application for patent?

Mr. WINTER. No; that right is forever gone, and they must now come in under the general leasing act.

Mr. BANKHEAD. Why does the gentleman assume that if this right is again given them there will be any change in the facts or that there should be any change in the decision of the department with reference to the matter?

Mr. WINTER. Because the first was an application for a patent, in which case the Government would have no interest further in the land, while under an application for a permit or a lease, the Government has all of its interest in royalties, as set forth in the general leasing act.

Mr. BANKHEAD. Do not the facts disclose that this corporation slept upon its legal rights in failing to take advantage of the law within the time?

Mr. WINTER. They probably could not simultaneously carry on their procedure for a patent and also file an application for a lease.

Mr. BANKHEAD. Does not this legislation proscribe any other applicant from making application until the rights of this corporation are determined under this legislation?

Mr. WINTER. Under the facts and conditions of this case I do not believe any other applicants would be in a position to ask for a lease under section 19, or under section 13, as it is now a proven structure. They would not be barred from full right to be heard before the Secretary in opposition to the exercise of his power under this act and in favor of a right to bid at public auction for a lease under section 17.

Mr. BANKHEAD. That does not answer my question. The gentleman answers it indirectly, but if this bill were enacted would it not deprive any other applicant for these rights from making original application until the question of the right of this corporation was determined by the department under this legislation?

Mr. WINTER. No; I think not, because it leaves the entire matter discretionary with the Secretary, who may hold hearings and hear all parties or applicants and grant a lease to anyone under section 17 if he chooses to do so.

Mr. BANKHEAD. Is there any evidence that oil actually exists on this acreage?

Mr. WINTER. It is surrounded by areas which have been developed and are now producing.

Mr. BANKHEAD. And it is still a part of the public domain?

Mr. WINTER. Yes.

Mr. COLTON. Is it not a fact that the department is precluded from considering the equities of anyone in these particular lands without legislation of this kind——

Mr. WINTER. Yes; I think that is true.

Mr. COLTON (continuing). If this legislation is not passed.

Mr. BANKHEAD. If that is true, then I will ask the chairman of the committee why he does not bring in some general legislation affecting this matter? This is probably a question which is constantly arising before the department for construction, and it seems to me the duty is upon the Public Lands Committee to bring in some general legislation correcting this situation and giving the department general authority to act in cases of this sort.

Mr. COLTON. I doubt very much the wisdom of a bill of that kind. In fact, I know of no other cases that have arisen. None has been called to my attention. Moreover, even if it were made general, the department might be bothered or have applications made in a good many cases that have no merit. This particular case seems to have a great deal of merit.

Mr. BANKHEAD. I will say to the gentleman I have no personal interest in this matter——

Mr. COLTON. I appreciate that.

Mr. BANKHEAD. But in times past we have heard a good deal about oil lands in the country and their disposition and I thought it might be pertinent to make some inquiries.

Mr. LEATHERWOOD. Will the chairman of the committee yield for a question?

Mr. COLTON. I yield to my colleague.

Mr. LEATHERWOOD. I have been interested to know whether or not the land in question at this time is open for any kind of an entry?

Mr. COLTON. I understand it has not been restored to entry or application pending the result of this legislation; but, as a matter of fact, these applications for patents have been denied. I doubt that it is open for entry at the present time. Perhaps the gentleman from Wyoming [Mr. WINTER] could answer that.

Mr. LEATHERWOOD. That is a matter I would like to know about; whether or not if I go to the Land Office now I would be permitted to make a filing.

Mr. WINTER. The gentleman would not at this time for the reason that if this legislation does not pass ultimately this land would be advertised under section 17 of the mineral act, which provides for public auction and a lease to the highest qualified bidder.

Mr. LEATHERWOOD. The gentleman's answer is very clear as to that situation. Let me ask the gentleman this further question: Suppose this legislation passes, will there ever be a time when I could go to the Land Office and make a filing until after the people who are to be benefited by this legislation have declined to take advantage of the privileges extended to them by this act?

Mr. WINTER. By "making an entry" the gentleman means an application for a lease?

Mr. LEATHERWOOD. To acquire any title that would enable me to explore the land for oil.

Mr. WINTER. I think I can quote from the report directly in answer to that:

> The question may be asked just what disposal would be made of the lands involved in event this bill should fail of enactment.

Mr. LEATHERWOOD. That is not my question. I am assuming that the land is not open for entry, and I think the gentleman has so admitted. I further assume that the bill will pass both branches of Congress and become a law. Will there be any time when I can go to the proper land office and make a filing or application for a lease to explore the land for oil until after the party to be benefited has declined to take advantage of the privilege given by this act. In other words, if this bill is enacted into law, have you not foreclosed the right of the rest of the world to make application or do anything until after the corporation has declined to take advantage of the benefits extended by this legislation?

Mr. WINTER. If I understand the gentleman correctly, no; because the corporation is not given any rights it can enforce. It is all left to the discretion of the Secretary. The object of the legislation is to give the Secretary authority to grant a permit or lease to the company if he finds that under all the circumstances the company is equitably entitled to it.

Mr. LEATHERWOOD. And the excuse for that is that they have acted heretofore in good faith and are therefore entitled to occupy it against the rest of the world, because in good faith they have expended their money in developing oil.

Mr. COLTON. Until their equities have been determined by the department.

Mr. LEATHERWOOD. The state of the equities has been determined because the Government refused to issue patents, and therefore the land would be restored to the public domain.

Mr. COLTON. No. If they had made application for a lease in the time prescribed their equities would undoubtedly have entitled them to preferential rights for a lease. This bill is simply to restore them to that right—to extend the time for making the applications, so to speak.

Mr. LEATHERWOOD. Does the gentleman think the equities are such that we should forego the proposition that we are all presumed to know the law?

Mr. COLTON. There is this further thought. These people evidently believed that they had complied with the law to the extent that they were entitled to a patent. They had expended $500 on each claim and proceeded on that theory until there was a judicial decision that they had not complied with the law. Then they found that they had lost the opportunity to apply for a lease.

Mr. LEATHERWOOD. That is what I wanted to bring out, to see if good faith had been shown. Under the proposed law the Government, as a matter of fact, will benefit by it more than it would had patent been issued.

Mr. WINTER. To the extent of getting a minimum of 12½ per cent on the gross production.

Mr. LEATHERWOOD. That is what I wanted to make plain. The Government does not lose anything and it will benefit by the legislation.

Mr. WINTER. May I say in conclusion there is a precedent for this bill in the act of Congress approved September 15, 1922 (42 Stat. 844), and June 26, 1926 (44 Stat. pt. 3, 1621).

By the first of said amendatory acts the provisions of section 18a of the leasing act was extended to include certain lands in Utah which had been included in a withdrawal order other than that mentioned in the original leasing act.

Now, the First Assistant Secretary of the Interior, Mr. Finney, says:

> Now, in that situation the only thing the department could do with those lands which have been demonstrated to contain oil by these claimants would be to put the lands up at auction, under section 17 of the leasing act, and dispose of them at competitive bidding, which would seem hardly fair to those who have spent money and drilled the wells. For that reason the department reported that it had no objection to the enactment of this law, which would permit all these people to present their claims and permit the President to make some adjustment under the provision of section 18a.

The facts differ just a little there; it came under another relief provision of the general law. This is under section 19, whereas this precedent was under section 18a.

Mr. BANKHEAD. Mr. Chairman, I want to get things a little bit more clear in my mind. The last portion of the bill makes provision in this way:

> Also that applications for such permits or leases be filed within six months from date of this enactment and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

Does the gentleman from Wyoming know whether or not, as a matter of fact, there are any adverse claims, either valid or otherwise, pending upon the part of other parties to these entries?

Mr. WINTER. My information is that there are none.

Mr. LAGUARDIA. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Does any member of the committee demand recognition in opposition to the bill? If not, the Chair recognizes the gentleman from New York for one hour.

Mr. LAGUARDIA. Mr. Chairman, I shall not take the hour, and thus I can relieve the anxiety of the committee to that extent. If we pass bills of this kind, Mr. Chairman, we might as well close the Department of the Interior, abolish all existing laws, and take it upon ourselves to decide against questions of this kind. This claim was rejected by the Commissioner of the General Land Office for lack of discovery, and the decision was affirmed on February 1, 1924. The company in question then took the case to the courts, and in the case of the Oregon Basin Oil & Gas Co. *v.* Secretary of the Interior et al., decided May 4, 1925 (55 App. D. C. 373), on appeal to the Court of Appeals of the District of Columbia, it was held that, reading from the syllabus:

> Whether discovery of oil on a particular location is legally sufficient to entitle discoverer to patent is question of fact, addressed to the Secretary of the Interior, whose decision is conclusive on courts, unless arbitrary, capricious, or induced by fraud or imposition.

The question of capriciousness or fraud was not involved in the decision of the Secretary of the Interior. Further:

> Finding by Secretary of the Interior that oil discovered in well at depths of 45 and 434 feet did not warrant issuance of patent to discoverer, notwithstanding discoveries on adjacent claims at much greater depths and from formations unconnected with formations penetrated by wells of discoverer, held conclusive on courts.

The action of the Secretary of the Interior was affirmed. The Oregon Basin Oil & Gas Co. then took an appeal to the Supreme Court of the United States which court on January 24, 1927, affirmed the decision of the lower court. It was entirely a matter of fact. If Congress is to devote its time and consideration to setting aside first the decision of the Secretary of the Interior rendered in accordance with existing provisions of law, and which law gives the aggrieved party a right of review in the courts, and the courts have decided adversely to the discoverer on appeal taken even to the Supreme Court of the United States, then we will upset our entire system of supervision of final adjudication vested by law in the Department of the Interior.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. I want to voice my opposition to this bill. I shall vote against it on a division vote. I serve notice that I shall move to strike out the enacting clause. We are deciding this great question of fact and we have not the hearings before us. We have not all of the information, and by actual count there are only 24 Members of the House present. Even if I should ask for a roll call, Members coming into the Chamber unadvised, naturally and properly, in accordance with custom, would follow the committee. We are simply helpless in the matter. I yield now to the gentleman from Louisiana.

Mr. ASWELL. Does the Secretary of the Interior approve this legislation?

Mr. LAGUARDIA. Yes; he does in substance.

Mr. ASWELL. If this bill should be enacted into law, would it not leave the whole matter still in the discretion of the Secretary of the Interior?

Mr. LAGUARDIA. They have had their opportunity once.

Mr. ASWELL. It is still in the discretion of the Secretary of the Interior.

Mr. LAGUARDIA. It was there once, and he has decided it.

Mr. WINTER. The thing that was fought in the courts was a patent. This legislation has nothing to do with the issuance of a patent. It is another matter entirely. It is merely a prospecting permit or lease under the general leasing act, under which the Government will receive royalties. We are not attempting to do that which the courts refused. They refused the application of this company for a patent. Therefore we have abandoned that ground entirely, and the company comes here under this great expenditure asking for an equitable consideration and that it may now be allowed to apply under the leasing act for a permit.

Mr. LAGUARDIA. Does the gentleman know that the law is very broad and rather generous to prospectors or discoverers, and that this company has had all of the privileges that other discoverers have? If it had been an individual and not able to proceed with the case after it had lost it in the courts, the matter would not be before us at all. The only good part of this bill is the support that it received from the distinguished gentleman from Wyoming, who has great influence in this House. I would like to go along with the gentleman from Wyoming, but I can not do so, and can only voice my feeble and ineffective protest in this manner.

Mr. WINTER. I want the gentleman to clearly understand that this legislation does not seek to do that which the courts refuse. That is an entirely different matter.

Mr. LAGUARDIA. It is simply giving this company a special privilege, which it is not entitled to under existing law, for an opportunity to start all over again.

Mr. WINTER. I submit in all fairness that years of work and an expenditure of $200,000 under these conditions does present a situation here which deserves special legislation to permit them now to come in under the general leasing act.

Mr. LAGUARDIA. I am convinced that the gentleman believes that otherwise he would not have fathered the bill.

Mr. WINTER. If this is not passed, someone else will get the benefit of the permit or lease, who never contributed a dollar to the development of that field. This company was the demonstrator of the fact that this field was an oil field.

Mr. LAGUARDIA. Like other prospectors?

Mr. COLTON. If you will permit this observation: I think the gentleman from New York will recognize that if this company had not thought that it was entitled to patents, it could have made application for a lease and have received the same preference right from the Federal Government that it will receive if this bill becomes a law. It is only a matter of placing the company where it would have been had it not believed it was not entitled to a patent.

Mr. JOHNSON of Washington. Let me ask, this company gets the title?

Mr. COLTON. Just the right to lease.

Mr. JOHNSON of Washington. Or re-lease from the Federal Government?

Mr. COLTON. It gives to the Secretary of the Interior the right to consider the case and if the company is entitled to a lease, then he would undoubtedly authorize the lease.

Mr. JOHNSON of Washington. Does the gentleman think of anything in the nature of a permit that would apply to the vast domain in Alaska that might be found to be capable of leasing, which is now lying open all the time? Here is a bill which slips through, and here is a great area in Alaska with people living there who want to extend an invitation to capital and prospectors to open it up.

Mr. COLTON. I agree with the gentleman in regard to Alaska. I have never been enthusiastically in favor of the leasing law, but it is the law. I am in favor of this bill. May I take a second to call attention to the statement of the Secretary of the Interior making a report on this bill. He says:

> The bona fides of the applicant company have never been questioned, and no objection will be interposed to legislation which will give the company an opportunity to file the application for permits or leases for consideration under section 19 of the act of February 25, 1920.

In other words, to give them the right to lease they would have had had they made application within the time.

Mr. ROBSION of Kentucky. May I ask the gentleman from Wyoming a question? I have understood from the gentleman from Wyoming that these people have expended $200,000 and have developed an oil field there?

Mr. WINTER. Yes, sir.

Mr. ROBSION of Kentucky. Now, in the event Congress does not grant this relief within this particular time, the land will be open to be filed on by somebody else, and they will get the benefit of the expenditure by these people. Now, in that event, would the Government get any more under the lease to some other person than if it were given to these people?

Mr. WINTER. If somebody else were granted a permit under section 13 of the leasing act, they would be entitled to one-fourth of the area under a 5 per cent royalty; while in event the lease is given to these people, the Government will have a minimum of 12½ per cent royalty of the entire area.

Mr. ROBSION of Kentucky. So that if we do not grant this relief the Government loses and some other individual or company would get the benefit, so there could not be any advantage to the Government; is that it?

Mr. WINTER. No advantage.

Mr. ROBSION of Kentucky. Well, it looks to me like the Government will not be hurt; and if these people have expended $200,000, I can not see why the Government should not grant this relief.

Mr. COLTON. The Government will really gain over what it would have had if the original applications for patents had been allowed.

Mr. ROBSION of Kentucky. So if this bill passes, it ought to be to the advantage of the Government. And then the law protects the rights of those people who went in there and who, according to the report, spent some $200,000.

Mr. LAGUARDIA. And why not in this bill extend an apology to the oil company? It is just a matter of fair and impartial administration of the law. That is all that is involved in it.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. It is just a matter of a fair and impartial administration of the law. That is all that is involved.

Mr. ARENTZ. I will say that the gentleman from New York is perfectly right. In many of these cases the Government should apologize. Men who have come in good faith and spent $200,000 on a proposition and have discovered oil on this land bringing in revenues to the Government for 50 years have a little bit of right, I should say, over a perfect stranger.

Mr. LAGUARDIA. The gentleman says these men have made discoveries that will produce for 50 years and have brought in revenues to the Government?

Mr. ARENTZ. I say these people who have opened an oil field which will be there for 50 years are entitled to some consideration on the part of the Federal Government. They ought to have some right over a perfect stranger.

Mr. ROBSION of Kentucky. If it is going to be to the advantage of this Government, why should these citizens who have paid out $50,000 be denied this privilege and equity?

Mr. LAGUARDIA. Mr. Chairman, I reserve the balance of my time.

Mr. COLTON. Mr. Chairman, unless some further time is desired, I ask that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, had directed him to report the bill back to the House without amendment, with the recommendation that it do pass.

Mr. COLTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. LAGUARDIA. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 39, noes 3.

So the bill was passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

LAND GRANT FOR MINERS' HOSPITAL IN UTAH

Mr. COLTON. Mr. Speaker, I call up the bill H. R. 15732.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 15732, which the Clerk will report by title.

The Clerk read as follows:

> A bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

The SPEAKER. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. MICHENER] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15732, which the Clerk will report.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That in addition to the provisions made by the act of Congress approved July 16, 1894 (28 Stat. L. 110), for a miners' hospital for disabled miners, there is hereby granted to the State of Utah, subject to all the conditions and limitations of the original grant, an additional 50,000 acres for a miners' hospital for disabled miners to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, from vacant nonmineral surveyed unreserved public lands of the United States in the State of Utah.

Mr. COLTON. Mr. Chairman, I yield five minutes to myself.

The CHAIRMAN. The gentleman from Utah is recognized for five minutes.

Mr. COLTON. Mr. Chairman, when the State of Utah was admitted to the Union, under the enabling act, the State was given certain land grants for the benefit of various State institutions. All of the grants made were for 100,000 acres or more, except in the particular case of the grant for a miners' hospital. Only $50,000 was granted for this purpose.

I have taken the trouble to examine the proceedings at that time, but I do not know why this small grant was made for this purpose. I will say, however, that in pursuance of the grant that was given the State has sold these lands for the best price obtainable at the time and realized therefrom about $82,447. The State land board has sold practically the entire acreage. Those lands were sold many years ago. The enabling act provides that the principal must remain intact and only the interest may be used for the objects and the purposes of the grant, namely, the establishing and maintaining a miners' hospital. Under this arrangement the interest on this money has now reached about the sum of $88,853. The interest exceeds the principal. After nearly 30 years it is not sufficient to build the hospital.

We have in the State of Utah a great mining industry. The mining industry is the second largest industry in the State. There are to-day 140 disabled miners receiving or needing hospitalization in the State. We are unable to provide that hospitalization with the funds that have been granted for the

purpose; and the purpose of this bill is to increase the grant to the same number of acres that was given to other institutions at the time the State was admitted to the Union. The workmen's compensation act does not reach this class of disabilities. My State is doing all it reasonably can for this class of cases, but we need help.

All of the safeguards that I think could surround the bill have been placed in it. It must be nonmineral, unreserved, public land. The Members of the House perhaps may be interested in knowing that in my State 74 per cent of the land is owned by the Federal Government on which we realize no revenues whatever.

There are about 25,000,000 acres of land in the public domain from which this grant would be satisfied if the bill becomes law. These lands have no supervision whatever. Most of them are almost, if not quite, worthless for agricultural purposes and may be used only during certain parts of the year for grazing. It is out of that great area that this grant, if allowed, would be satisfied.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. MORTON D. HULL. What does the gentleman anticipate will be realized for the hospital out of any such grant?

Mr. COLTON. The State will probably not sell any of this land for less than $2.50 an acre. The principal could not be used for the construction of the hospital nor maintenance of it, but only the interest on the funds realized. There is a demand for land and we can probably get a better price than we did for the original lands granted to the State.

Mr. MORTON D. HULL. The gentleman expects to get $2.50 an acre?

Mr. COLTON. About that, and more if we can.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. CRAMTON. The gentleman knows there is under way some reclamation development in the State. I am not sure to what extent, if any, this might in the future affect undeveloped public lands, but it would seem to me quite undesirable to permit lands that might later be included in a Federal reclamation project to be sold and go into private ownership through this bill, because the difficulty we now have with regard to reclamation projects is the handling of undeveloped privately owned lands. Also, there is the possibility of Federal use of some of these lands in connection with Bryce Canyon National Park and, perhaps, Zion National Park, but I have particularly in mind Bryce Canyon National Park.

Certain gentlemen have been interested in some expansion of the Bryce Canyon National Park, and it has been urged that there is land of suitable character adjacent to it. So it seems to me it would be quite undesirable to permit the State to select lands that thus go into private ownership if we are likely later to want to get them back for public uses.

I notice the bill provides that the selection shall be subject to the approval of the Secretary of the Interior. Of course, that gives enough discretion to the Secretary so that he can protect the situation, but I am not at all sure he would have that thought in mind. What can the gentleman suggest as to that?

Mr. COLTON. As the gentleman knows, the present policy of the Secretary of the Interior is to extend the activities of the Reclamation Service into those areas which have already passed into private ownership. In other words, there are no new projects, so far as I know, being contemplated to reclaim wholly virgin lands. I think that is particularly true in my State. I agree with the gentleman from Michigan that it ought not to extend to cases such as he has mentioned. I do not think it would, and I think the Secretary of the Interior would have full authority under this bill to see that it does not include lands which are now included in reclamation projects or which will hereafter, as a matter of fact, come under reclamation projects.

Mr. CRAMTON. There is no doubt about his authority if he will only give thought to that phase of the question. I know that the Salt Lake Basin project is under development, and it is very possible that some public lands might be mixed with that project. It is difficult to reach the situation by language. The best I have been able to do is to suggest at the end of the bill the following language:

And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects.

Mr. COLTON. I see no particular objection to such an amendment. That would give a chance for a study and classification of the lands before action is taken and would challenge the attention of the department to that class of lands.

Mr. CRAMTON. It would at least challenge their attention to this thought.

Mr. COLTON. Yes; it would do that.

The CHAIRMAN. The time of the gentleman from Utah has expired.

The Clerk read the bill for amendment.

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of line 12 strike out the period, insert a comma and the following: "And not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects."

Mr. COLTON. Mr. Chairman, I see no objection to the amendment.

Mr. LaGUARDIA. Will the gentleman from Michigan [Mr. CRAMTON] yield?

Mr. CRAMTON. Yes.

Mr. LaGUARDIA. Is not the wording too broad—"likely to be needed"?

Mr. CRAMTON. What the amendment tries to do is something that can not be covered in a hard and fast way. The principal thing is to challenge their attention. It would still be in the discretion of the Secretary, but this would challenge his attention to the possibility of needing the lands for reclamation or national-park purposes.

Mr. LaGUARDIA. The gentleman understands that in making it as broad as he does he makes it broad both ways. The amendment gives the Secretary, after all, a great deal of latitude, both in reserving land and in saying that at the present time there is no likelihood of its ever being used.

Mr. CRAMTON. The gentleman from Utah [Mr. COLTON] suggested language that I think might go even further than this. I think when you say "likely" then the Secretary considers existing and proposed reclamation projects and existing parks and will give thought to the possibility of needing the land. If there is not any likelihood of it being needed, I would not expect him to exclude it.

Mr. COLTON. I understand that it would simply challenge the attention of the Secretary of the Interior and that he would not likely approve State selections of land that might be included in a reclamation or national-park project.

Mr. CRAMTON. I want him to consider that phase of the matter.

Mr. LaGUARDIA. If it will serve the purpose which the gentleman has in mind, well and good; but I think the gentleman will agree with me that it is not good legislative phraseology.

Mr. CRAMTON. I will agree that it does not tie the hands of the Secretary. The discretion is still in his hands, and the determination of the likelihood is in his hands.

The amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ASSESSMENT OF BENEFITS AGAINST PUBLIC LANDS AND LANDS HERETOFORE OWNED BY THE UNITED STATES

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis levee district of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the

establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States, but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser and such entryman or purchaser may be entitled to patent therefor.

SEC. 2. All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever, and the consent of the Government of the United States is expressed thereto subject to the conditions aforesaid.

SEC. 3. This act shall be available to the St. Francis levee district of Arkansas, and to any such improvement district within the boundaries of the St. Francis levee district heretofore created or hereafter created as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas.

SEC. 4. That in all cases where there has been a foreclosure of the liens of any improvement district and said lands have been purchased by the said districts, it shall be the duty of the Commissioner of the General Land Office, upon proof of such sale and purchase and upon the payment of the sum of $5 per acre, together with the usual fees and commissions charged entry of lands under the homestead laws, where such payment has not heretofore been made, to execute to said district or districts a patent to said lands; and in all cases of future foreclosures and purchases by said districts it shall be the duty of the Commissioner of the General Land Office, upon the payment of a like sum and proof of the foreclosure and purchase by the said districts, to execute to them patents for the lands so purchased upon the expiration of the period of redemption.

SEC. 5. If any portion of this act be held unconstitutional, such decision shall not affect the remaining provisions of the act.

SEC. 6. This act shall repeal all laws and parts of laws in conflict herewith and shall take effect forthwith.

Mr. COLTON. Mr. Speaker, I yield such time as the gentleman may desire to use to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Speaker, the necessity for this legislation arises from a decision of the Supreme Court rendered in 1926, in the case of Lee against The Osceola & Little River Improvement District, in Arkansas. This decision is reported at page 643, volume 268, of the United States Supreme Court Reports. It involves the right to levy improvement taxes on lands formerly owned by the Government in that area.

These lands were created by earth disturbances in 1911 and 1912. I mean that the conditions which exist there are due to the disturbances at that period of time. The disturbances were known as the New Madrid earthquake and affected certain areas in northeast Arkansas, southeast Missouri, and west Tennessee. Possibly some of you gentlemen will recall the celebrated Reelfoot Lake region of Tennessee, a very great fowl resort, created at the same time.

The result was to lower certain areas in this country and cause them to become drainage basins for the higher elevations around about them. The lands of this country are alluvial, in the Mississippi Valley, practically level, but, of course, with some little depressions and slight elevations running through them. These lands were heavily timbered at the time of this disturbance and while the water standing in the basins killed the growth of timber, which was such as you find on the adjacent higher elevations, still evidences remained there of the fact that at one period of time it was comparable with the higher lands of the region.

Levees were constructed along the Mississippi River front which prevented an overflow from the river. These levees were of such size as to protect these lands against the ordinary floods of the river and caused the lands gradually to become uncovered. When it was manifestly possible to reclaim this land, local levee districts and drainage districts were organized, and these lands were embraced within such districts. Artificial canals were provided at great expense to the owners. These lands were uncovered. When it became evident the Government had interest in the land investigation was made by the land department, with the result that certain suits were instituted under Government claim of title.

Under the law of Arkansas, the title of a riparian owner extends to the thread of the stream on all nonnavigable waters. These riparian owners claimed title to the areas that had been marked by the United States Government surveyors between 1836 and 1847. When the surveys were made and they were plotted as lakes and meandered as lakes, and therefore the individual owners asserted title to the property.

When the Government's claim of title was successfully asserted to the lands they were resurveyed and thrown open to homestead and the people occupied the land. They have made their homes there and in most instances they have improved them, and the improvement districts are responsible entirely for the value of the land.

When they were included in the improvement districts, there was one man within the area who declined to pay the improvement tax. The taxes were annually paid by the people and they were going along enjoying the improvements. This man Lee raised the question of the right of the State to levy a charge on the lands that were Government lands at the time of the organization of these districts. The Supreme Court sustained his contention, leaving the districts in just this attitude. The cost of the reclaimed lands were included in the general estimates of the expense of the work.

Bonds were sold on the strength of the values, including the land. They are in the hands of purchasers generally. Now, when the lands are exempt from their part of the burden, necessarily the land adjoining, the higher land, which is less benefited, must pay the proportion of the tax levied on the 25,000 acres of land formerly Government land.

Mr. MORTON D. HULL. The lands that get the exemption from taxation are the ones benefited by the expenditure of the money.

Mr. DRIVER. Yes; the greatest benefit, and without the reclamation work the lands would be absolutely valueless. The work has been completed and they have paid for many years.

The policy of the district is this: Not to levy a dollar of improvement tax on any of the former Government land that is not actually and has not actually ripened into title. The bill safeguards to the extent of providing that no part of the levy can be placed on any land not entitled to a patent.

Mr. WELSH of Pennsylvania. In what position does that place Lee?

Mr. DRIVER. It seeks to place him in the attitude of others and makes him pay his part.

Now, the Interior Department has made an adverse report on this bill; notwithstanding the fact that I communicated with Judge Finney and went over the matter with him, he seems not to have grasped the actual situation. He seems to think that the whole proposition is a matter of relief from flood damages. The levees in front of the property held in 1927, and the only damage we sustained, was through a break in the State of Missouri, which did not involve this district in any way.

Then there is another objection—if I do not correctly state it, I will ask to be corrected—the gentleman from Michigan [Mr. CRAMTON] seems to think that this bill makes a change of policy. That is predicated on one of two assumptions; one is that the Government land ought not to be levied on without the right having previously been granted.

That was done on some of the areas, but they simply overlooked that fact with respect to these areas. North of this there were certain lands owned by the Government where authority was given by Congress to levy the taxes in advance of occupancy of the homesteader. That was a charge on the land and they were required to pay it. In this instance this was not done. That would be one of the reasons. The other reason that I could conceive is the fact that this bill provides that when the lands are not paid on, if such a thing should occur, and the district authorized under our law to become the purchaser of delinquent lands to protect themselves, they would have the right to go to the department and secure a paper title to these lands, upon the payment of $5 per acre for the land. You gentlemen can readily see the necessity of this legislation. What effect would the improvement district get out of a proceeding in our local courts and the right to condemn and sell the property for their failure to pay these assessments, unless they could secure title through which they could pay and get returns for the amount of money charged against the lands?

Mr. MORTON D. HULL. Does this relate to the invalidity of past special assessments?

Mr. DRIVER. Yes.

Mr. MORTON D. HULL. Do you make any distinction as between future assessments?

Mr. DRIVER. Not at all, because it provides that the assessments may be placed on those lands when the title ripens only,

and not against the Government lands, but against the occupant of those lands once the title ripens.

Mr. MORTON D. HULL. How far do you go back?

Mr. DRIVER. We fix a limitation that it can not be charged except from the time the title ripens.

Mr. MORTON D. HULL. When you are making an assessment you are making it with reference to the assessment you have already made against the land in private ownership, and that assessment may be 5 or 10 years past.

Mr. DRIVER. So far as private ownership, but as to these particular lands, we have a provision by which the districts are limited, in order to make this charge, when the title ripens in these parties, and no back taxes are to be paid. There is to be no effort to do that, because we are undertaking to deal with the matter just as fairly as possible, and those landowners can be entitled to no more than that.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. CRAMTON. I am not clear on that. It was my impression that the collection of the tax would not be permitted, as section 1 says, until the date when the entryman or purchaser is entitled to a patent, but that does not necessarily prevent, and it is not understood that the bill prevents, the levying of the assessment and letting it accumulate and hang there, and then the minute he gets his title, stepping in and demanding payment. That has been my understanding.

Mr. DRIVER. If the gentleman has a fear that that will be the effect, I will work out with him now an amendment or let him offer an amendment that he knows will preclude that possibility, and I shall accept that amendment. All I want is a fair deal for the people who own the lands whose burden is going to be heavier. I am willing to stop it right there and state that they can not be assessed other than beginning now and in the future.

Mr. CRAMTON. I am not arguing with the gentleman. I want to get an accurate understanding of the bill.

Mr. DRIVER. I know the gentleman's attitude is one of fairness and I have never complained about it.

Mr. CRAMTON. If there is not to be an accumulation of assessments, and not a levying of assessments until the title passes to the individual, after the title does pass, then what levies of assessment is the land to be subjected to?

Mr. DRIVER. Only to the taxes accruing from that day on, according to the assessments made.

Mr. CRAMTON. I am frank to say that this is a rather complicated question, and that I have not so clear an understanding about it, but I do not just see the advantage to the gentleman's people from the bill under that situation.

Mr. DRIVER. May I explain this to you, and I am stating this of my own knowledge?

Mr. CRAMTON. I suggest this for the gentleman's consideration, that without this bill, after the title passes, the land can be taxed and the assessment levied.

Mr. DRIVER. I beg the gentleman's pardon. That is exactly the thing that the Supreme Court of the United States says shall not be done, in the case I just quoted of Lee against The Improvement District.

Mr. CRAMTON. Not for work done before the title passed, but for improvements made afterwards.

Mr. DRIVER. No; you can not assess if that district was organized previous to the time the title passed from the Government, is the decision of the court. There is no doubt about that. We will not disagree, because if the gentleman will read that decision he will find that there is no way to resolve even a question of doubt about it.

Here is the thing that I started to say to you gentlemen in answer to the question propounded by the gentleman from Michigan [Mr. CRAMTON]. These assessments have been paid up to the time and the year following the decision in the Lee case. Therefore I am in the attitude so that it will not impose any more burden on these land owners than the mere loss of two years' assessment on that property if I accept his amendment. These lands are free of any charge up to that time, and, of course, have been since.

Mr. MORTON D. HULL. They paid without knowing.

Mr. DRIVER. They were not advised until the decision in the Lee case. It is necessary in our alluvial country to clean out our drainage canals at intervals, and therefore we have a law providing that may be done and reassessment made to the extent of the actual cost. So they undertook to levy under the right of reassessment and after the Lee case was decided and it was decided there was no authority to levy, and, of course, the result was that many refused to pay. And no man can criticize his fellow man where he is enjoying the benefit of money expended and works built, to decline to pay, after the other fellow would not; therefore all quit and left those whose land was least benefited to bear the burden. That is the attitude we are in. A further explanation. Some question has been raised about the legal effect of this bill. I have not placed myself in the attitude of going into that which possibly ought to be presented. I will say this to you: The attorneys—and they were men of eminence in our State—gathered together and agreed that if they had the authority of such enabling act by this Congress it would enable them to impress the lands, and I am relying on their judgment that with this authority they will be able to do so.

Mr. MERRITT. They think it is constitutional?

Mr. DRIVER. Yes, sir. I was in conference with them.

Mr. LaGUARDIA. It would seem the Secretary of the Interior is under a misapprehension.

Mr. DRIVER. Entirely. I may say I discussed this situation in advance. I discussed it with Judge Finney, whose fairness can not be criticized by any man, but in some way he confused the matter with the idea of relief against flood damage. Of course, this has nothing in common with that and relates to the burdens carried by lands that should have been assessed but were not, and will increase the charges against those who were least benefited. Gentlemen, I am obliged to you for your attention. [Applause.]

Mr. CRAMTON. Mr. Speaker, I ask recognition in opposition to the bill.

The SPEAKER. This is a House Calendar bill.

Mr. COLTON. I yield the gentleman 15 minutes.

Mr. CRAMTON. Mr. Speaker and gentlemen, I asked time in opposition; however, I am not sure I would necessarily be in opposition to what the gentleman from Arkansas states he wants to do. I am not at all sure, however, that the bill does what the gentleman from Arkansas wants to do or that it is limited to that. My first impulse was in opposition to the establishment of a precedent to permit the collection of taxes from the Government upon Government property, and that policy we have accepted nowhere as yet. This bill does not seem to constitute such a policy. Then I feared the accumulation of burdens of assessment that would face the entryman when he receives his patent. The gentleman from Arkansas insists that such is not the purpose of the bill; and as to the purposes, as the gentleman himself states it, so far as any comprehension grasps it, I am not opposed.

But I think there is a grave doubt whether there is not something more involved. I have a great deal of confidence in the gentleman from Arkansas [Mr. DRIVER], but he admits that he has not thoroughly considered all those aspects. So far as the bill being drafted by eminent lawyers of his State goes, I have had opportunity to note that very frequently bills which are drawn in very noted law offices do not accomplish what they are intended to accomplish. Our duty is to give it a study here. The department has studied it, and the department is much more familiar than I am in reference to these questions, and they point out certain questions based on the language of the bill. That is what becomes the law—what the bill reads and not the intent of the gentleman from Arkansas or my intention—and they have pointed out things concerning which the committee does not seem to have made any effort to meet the views of the department. I have gone over the bill, and I am not able to read it as stated. For instance, in the first section, that very broad section, which says—

That the consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, roads, and other improvement districts.

As to that, the Interior Department raises a question about that provision, "other improvement districts," because there is no intimation as to the specific nature of those districts. Certainly the need is great to have what is intended specified. It ought to be specified.

Mr. DRIVER. I will say to the gentleman from Michigan that our roads have been taken over by the State highway commission, and there is no possibility of levies by road districts.

Mr. CRAMTON. That is also referred to in their report with reference to special road taxes. But the bill further says:

The consent of the Government of the United States to the levy of special assessments based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee District of Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levies and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

I have my doubts whether it is possible for the Federal Congress to cure an act of a State legislature. It is going a long way to attempt to cure defects in State legislation. Then the bill provides:

This act, however, shall not operate to permit the collection of any special assessment for tax from the United States Government nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land. The special assessment or tax shall not operate against the Government of the United States but shall take effect and be in force as soon as the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser—

Not when he receives the patent, but when he is entitled to a patent for such tract—

and such entryman or purchaser may be entitled to patent therefor.

Then section 2 provides that—

All the acts, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all the assessments of benefits against such lands, are hereby cured and confirmed.

Now, if that does not apply to assessments heretofore made against these lands, what does it apply to? There is nothing to indicate but that the word "cured" applies to assessments heretofore made against such lands. Then the section proceeds:

And the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings or on account of the fact that the lands were not subject to assessment at the time the assessments were made or attempted to be made, or for any other ground or for any cause whatsoever—

That is to say, the assessments made under State law are hereby cured and confirmed and shall not be set aside on any ground or for any cause whatsoever.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. DRIVER. The gentleman recalls that on page 2, beginning with line 4, there is an express provision that no assessments shall operate against the lands of the United States Government—

nor from any person as to any tract of land until the date when the entryman or purchaser is entitled to a patent from the Government for such tract of land.

Mr. CRAMTON. If the gentleman will permit, that applies to the collection of the tax. I think that is clear, that no tax can be collected. But the tax can be levied, and it can accumulate, and all of that; so that my criticism now is that it does not reach just the narrow proposition that the gentleman wants to reach, but is much broader. And then, beyond that, there is an apparent attempt on the part of Congress to legislate upon things that are not within our jurisdiction at all. How can Congress says that assessments under a State law are cured and confirmed, and that no attack shall be made upon them on any ground or for any cause whatsoever? I can see how we can consent, so far as assessments on our land are concerned.

Mr. DRIVER. Would it amount to more than that consent on the part of the Government?

Mr. CRAMTON. We can consent to waive technicalities of which we might take advantage, but we can not prevent others from taking advantage of technicalities.

Mr. DRIVER. We ought to be able to get in.

Mr. CRAMTON. It seems that what the gentleman wants to do does not require much argument, but I do not think the bill is along the exact line that the gentleman has in mind. I have only time in taking up these provisions to call attention to the need of consideration in the form of this bill. My idea is that it either ought to go back to the committee or be passed over for a week, so that in the meantime the gentleman from Arkansas can work out definitely what he wants to do, and not do other things.

When you get to section 4, that requires the sale of these lands on foreclosure to the district and not to anyone else. It may be true that the department has not clearly understood what the gentleman from Arkansas is trying to do, but the department is experienced in these matters, and here is a report that makes definite suggestions, and I do not believe that with our limited experience and the limited amount of consideration we can give to the matter we ought to blindly go against this report.

For instance, the report says in its last paragraph:

Furthermore, I am without information as to the effect of the bill, if enacted, on the interests of the Government of the United States in connection with the efforts now under way to assure against further disasters like that of 1927. While I would not deny to any entryman or claimant or lawful lien holder any right he may have under present law, I very much doubt the advisability of a general waiver by the Government of its title to public lands in the area that will be affected by flood-control legislation. The Government may possibly be required to condemn at considerable cost the lands for which it would receive but $5 an acre under the bill.

I am not going to take time unduly, but I express my opinion that the bill does not accomplish what the gentleman from Arkansas feels it will accomplish, and that it opens up other avenues of doubt.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WELSH of Pennsylvania. Granting that the gentleman's suspicions as to the inadequacy of the legislation are well founded, does the gentleman think any possible harm could arise by reason of this legislation?

Mr. CRAMTON. Yes; I think harm could arise in two ways. First, I am not at all sure it would cure the situation that the gentleman from Arkansas wants to cure, because I do not think it says what he thinks it says. Secondly, I have no idea of the effect it might have upon conditions which the gentleman from Arkansas, and those who drafted the bill, have not taken into consideration at all. Blanket authority is given in section 1:

That the consent of the Government of the United States to the levy of special assessements based upon benefits estimated to be derived from local levee, drainage, road, and other improvement districts within the boundaries of the St. Francis Levee district of Arkansas, within the State of Arkansas, is hereby expressed and given.

We give broad consent to the levy of special assessments on lands within that district whether the title has passed to the entrymen or not. Now, the gentleman from Arkansas does not expect that they will be levied against the land until title passes, but this does not say that. It says consent is given without regard to the condition of the title and:

The laws of the State of Arkansas levying such special assessments and providing for the enforcement of such levy and the establishment of a lien and all the remedies pertaining thereto are expressly cured, confirmed, ratified, and established.

My suggestion is that a week's further consideration might greatly benefit the bill and I suggest that the gentleman from Arkansas let it go over to the next Calendar Wednesday of this committee.

I will summarize my objections to the bill in this way: First, I am not sure it will do what the gentleman wants it to do, although I think I worry less about that than I do about other things in the bill; because the gentleman from Arkansas can take care of himself very well. Secondly, I am afraid it will do something that the gentleman does not have in mind and which possibly ought not to be done, such as the assessment of these benefits before the land passes out of the hands of the Government, not that they would have to be paid by the Government, but they would accumulate there and then when title passed they would have to be paid. Third, the rather ridiculous idea of the Federal Government attempting to cure defects of State legislation. They say to confirm and cure State legislation, and they say that landowners shall not have the right to go into court and set up any kind of defense against these assessments.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. As I have understood from the gentleman from Arkansas, the purpose of the bill is to protect the drainage district in attempting to levy assessments against lands after the title is acquired, the Supreme Court now having held that no such levy can be made against lands where the title has passed into private ownership after the creation of the district. Now, does not the gentleman think that the amendment suggested by the gentleman from Arkansas meets the objection he has made?

Mr. CRAMTON. Not at all. The bill is so far-reaching that the limited amendment suggested does not reach it. I think there needs to be much more drastic action as to change in the text of the bill. I understood the gentleman from Arkansas to say that the court has held, for some reason I am not familiar with, that even after the lands in this drainage district or levee district come into private ownership they are still not subject to assessment, and he wants to cure that. I do not see any objection to that being cured, from what I know about it now.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. DRIVER. Possibly I can save time. I would be very glad to get together with the gentleman and undertake to iron out these differences. I understand this committee will have a day next Wednesday; and if that is true, I make the suggestion that this measure be withdrawn at this time, which will enable me to go into conference with the gentleman who is speaking, I know, the policy of the Land Department.

Mr. CRAMTON. I do not want them held responsible, because they have trouble enough now.

Mr. DRIVER. But I believe that is responsible for the attitude of the gentleman on the floor; and if it is, it is entirely commendable.

I will be very pleased to confer with the gentleman and see if we can not obviate the difficulties he has pointed out. I would like to do that. I want the relief and I want it obtained in a way so it can be substantiated.

Mr. CRAMTON. I will say to the gentleman no one is to be held responsible for my acts here but myself. I have not consulted with the Land Office, but I have tried to study out the effect of the bill. I will be delighted to confer with the gentleman, but I am sure there are others he will confer with who will be more helpful.

Mr. DRIVER. I will be pleased to confer with anyone who has an interest in the matter.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DRIVER. Yes.

Mr. LAGUARDIA. If the Supreme Court of the United States has passed upon the rights of certain individuals and has cleared them of any obligation of payment of certain State assessments, can we by an act of Congress reimpose such an obligation?

Mr. DRIVER. That is the opinion of the attorneys who have been in consultation on this matter in a very careful way. It is in the nature of an enabling act that will reach it.

Mr. MERRITT. It perhaps refers only to future assessments.

Mr. DRIVER. Future assessments, and I am willing to limit the bill entirely to that. I will simply say to the gentleman from New York that if this can not reach it, then these landowners will be forced to get under it and pay for the benefits to the land.

Mr. COLTON. Mr. Speaker, from this discussion it is apparent this is a matter of far-reaching importance, particularly to the State of Arkansas, and I am convinced it can be worked out. I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday, a week from to-day, when the Public Lands Committee will have another day.

The SPEAKER. The gentleman from Utah asks unanimous consent that the further consideration of the bill be deferred to-day and that it be in order to proceed with it on the next Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. The date ought not to be fixed, Mr. Speaker.

Mr. COLTON. The next Calendar Wednesday that the Public Lands Committee is entitled to.

The SPEAKER. To the next day that the Committee on Public Lands has the floor on Calendar Wednesday.

Mr. COLTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

BOWDOIN, MONT.

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14925, with Mr. KETCHAM in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That any excess amounts paid by the purchasers of certain town lots in the town site of Bowdoin, Mont., and authorized to be repaid by the act of Congress approved June 8, 1926 (44 Stat. p. 708), shall, upon certification by the Secretary of the Interior, be paid by the Secretary of the Treasury in all cases where the application for refund was received in the Great Falls local land office on or prior to June 15, 1928.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, the sole purpose of this bill is to extend the time during which applications for refunds for excess payments made in the purchase of lots in Bowdoin, Mont., may be made, and during which those excess amounts themselves may be made to those who show they are entitled to them.

The situation is that the town site of Bowdoin, Mont., was established on Government land, and a sale of lots took place. At that time there existed a division point on the Great Northern Railroad, which was later abandoned, and the shops and other buildings were moved away. The lots had been sold partly for cash payments and partly under provision of three annual payments.

With the moving of the division point the situation changed entirely. This Congress passed first a bill that would allow a reappraisal of these lots, and then another bill that would allow a refund of the excess payments that had actually been made above the reappraised prices. A period of two years was then given during which these applications might be received. This period of two years passed with the 15th of last June, but other applications have since been received. I know personally of some cases in which applications were not made within the period through a lack of knowledge that such a law had been enacted.

The entire purpose here is to extend that period of time until the 8th of June of this year, giving them a year from the expiration of the original law.

The bill has the favorable report of the Department of the Interior and of the Budget, and is a matter of simple justice in order to close up these matters and return money that the Government has in its possession and which it states, through actions of Congress and through the favorable report of the department and the Budget, it is not really entitled to keep.

The Clerk read the bill for amendment, with the following committee amendment:

Page 1, line 9, strike out the language "was received in the Great Falls local land office on or prior to June 15, 1928," and insert in lieu thereof "if received on or prior to June 8, 1929."

The committee amendment was agreed to.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendment be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KETCHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14925, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that as amended the bill do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE ARMY PROMOTION PROBLEM

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 13509, relating to the promotion situation in the Army.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SENSE OF JUSTICE SHOCKED

Mr. McSWAIN. Mr. Speaker, the fact that these emergency officers have been discriminated against by disregarding and flouting of the grades in which they were appointed has appealed to the sense of justice of the American people and is reflected by editorials in numerous newspapers since the matter was brought to the attention of the country. Naturally newspaper editors, Members of Congress, and all persons familiar in the slightest degree with military organization would be shocked to find that officers appointed captains were preceded on the promotion list by officers appointed first lieutenants and second lieutenants, and that officers appointed first lieutenants were preceded on the promotion list by other officers appointed second lieutenants. The very statement of the case shocks the conscience of the disinterested bystander. It suggests that the War Department thinks that there was something wrong with the qualifications of those emergency officers appointed captains and first lieutenants, whereby they should be outranked by

officers 9 or 10 years younger and holding commissions as second lieutenants, while the captains above mentioned held commissions of much higher rank, such as captain and above.

NEWSPAPERS FOR JUSTICE

Some of the newspapers taking notice of this outrageous situation are the Washington Post, by its editorial of December 15, 1928; the Washington Evening Star, by its editorial of December 14, 1928; the Washington Times, by its editorial of December 14, 1928; the New York Times, by its editorial of December 29, 1928; the Newport (R. I.) Daily News of December 26, 1928; the Chattanooga News of January 8, 1929; the Omaha Bee-News of December 24, 1928; the Lakeland (Fla.) Evening Ledger of December 28, 1928; the Spartansburg (S. C.) Journal of January 1, 1929; the Sunday World-Herald, of Omaha, Nebr., of December 30, 1928; the Pittsburgh Post-Gazette of January 4, 1929; and numerous other papers, clippings from which are not before me.

These newspapers would not have been impressed and would not have taken the stand that they have except for the plain and simple conclusion that somebody, either the War Department or the Congress, treated very unjustly and unfairly those emergency officers of the rank of captain and below that entered the Regular Army under the national defense act of 1920. It is plain that there has been a violation of the simple and elemental rules of military organization. If those officers appointed captains and first lieutenants were not qualified to be captains and first lieutenants unreservedly and unconditionally, and to be promoted to become majors above all officers of lower rank, then they should never have been accepted as officers at all.

I quote the following from the study of the War Department, above referred to, found on page 29:

Thus on the day that the original promotion list was formed large numbers of promotions were made under it. This caused many men of long service who had just been appointed as first and second lieutenants to be promoted to the grade of captain, and caused second lieutenants to be promoted to the grade of first lieutenant. It has been frequently stated that in these initial promotions some officers "jumped over" others. This is not the case in the sense that any officer's position on the promotion list was changed. Lieutenants whose positions on the list were above many captains, by virtue of their longer commissioned service, were, under the law, entitled to promotion to existing vacancies and were so promoted. In this process no officer was demoted. Many captains held and continued to serve in that grade in which they had been appointed, although the grade was higher than that commensurate with their length of service and position on the promotion list. Being included in the authorized number of captains they actually operated to prevent or delay the promotion of lieutenants above them on the promotion list.

Note that it is here stated that some of these emergency officers appointed as captains and having an average age of about 37 years on July 1, 1920, actually blocked and interfered with the promotion of junior officers, then holding commissions as second lieutenants and some of them first lieutenants. This statement of the War Department seems almost ridiculous. In other words, in the extreme effort to find arguments to support the existing arrangement of the promotion list they hold that some of these emergency captains were blocking other officers deserving and entitled to promotion over them and that these junior officers of lower grade were not blocking the promotion of these captains.

The logical deduction from the various statements of the War Department, by its study, and by its representative before the Military Affairs Committee of the House is that it was a matter of grace and favor to appoint these older persons as captains. They argue, in effect, that if these older captains had been treated according to their qualifications they would have been appointed second lieutenants. It is the theory of those advocating the present arrangement of the promotion list in the grades of captain, first lieutenant, and second lieutenant that all officers should enter at the bottom of the list as second lieutenants. Therefore, they hold that these older emergency officers, now doomed to be captains as long as they are in the service and until retired at the age of 64 years, have no ground of complaint, because they were gratuitously given commissions as captains when they should have been commissioned as second lieutenants. This logical deduction from the arguments of the War Department is the reduction of its position to an absurdity.

If, however, the Congress will adopt the Wainwright bill, as amended by what is known as the McSwain amendment, justice will be done to those older captains and older first lieutenants, and no injustice will be done to those younger officers who jumped to the rank of captain from that of second lieutenant on July 1, 1920, and are now on the promotion list above those older captains. Why do I say that no injustice will be done those younger officers? Because, as was correctly stated by the Secretary of War in a statement read by him before the Senate Committee on Military Affairs on January 10, 1929, when he used the following language, which is obviously true:

If a policy of promotion on length of service in grade should be adopted without any restrictions (although I am not advocating this), the exaggerated importance of an officer's position on the promotion list would disappear. All would advance in grade upon serving the required period of time. Relative positions on the list would be of slight importance.

Under the Wainwright bill, captains would be promoted to majors at the expiration of a fixed period of time from the date of their commission, irrespective of their position on the promotion list. Therefore, within a few months of each other, all of these older emergency officer captains and all of these younger Regular Army captains will become majors. Then a few years later, within a fixed period of time and within a few months of each other, all of these officers would become lieutenant colonels. That being so, these younger officers that have enjoyed the rank of captain for so many years longer than they would normally have done, would not suffer any serious disadvantage from the rearrangement of the promotion list. It is true that the older officers, when they all become majors and lieutenant colonels, will outrank these younger officers, as they should. We must assume, as we are obliged to do, that all of these officers have the same average intelligence and the same average education. These factors being equal, the officer with the greater age, the greater experience, and, therefore, the greater knowledge, is better prepared to command battalions and regiments. Furthermore, the older officer presumably has the larger and more advanced family and is, therefore, entitled to the larger house on the post. In the absence of the commanding officers, the older officer should naturally take command. These things that seem immaterial to civilians, are very dear to the hearts of military men, and are the incentive and motive for their efforts to efficiency and fitness. If we disregard them to the detriment and discouragement of these older emergency captains, we commit an injustice that can never be cured.

No better argument could be made respecting the rank and grade in the arrangement of the promotion list than was made by Col. Thomas M. Spaulding in a statement that he made before the Committee on Military Affairs of the House of Representatives on February 5, 1920, at page 2038 of volume 2 of the hearings. I quote this part of his language:

But we can not put men who are appointed as lieutenant colonels or majors in according to their commissioned service. They can not afford to come. A man who is good enough and old enough to be appointed as lieutenant colonel, for instance, yet has only had, perhaps, two years' or three years' service in the Army. Nobody could have had more than three years' service under an emergency commission. A man we take and appoint lieutenant colonel or major can not be put among Regular Army officers with only two or three years' service. It would not be reasonable to appoint him lieutenant colonel and say he shall have no promotion until after some whom you make first lieutenants. So this provision is that these people who are selected for appointment as lieutenant colonels and majors shall be put on the list along with all the other lieutenant colonels and majors in the Army.

If officers of suitable age and experience could not be expected to accept positions as lieutenant colonels and majors without any reasonable prospect of promotion, if their names had been arranged according to length of commissioned service, and if thus they had been placed on the list below captains, first lieutenants, and second lieutenants, then the same argument with equal or greater force applies to these emergency captains especially who had held that rank or higher rank during the World War and were commissioned as captains on July 1, 1920. The captains thus commissioned in the Regular Army were, on an average, about 37 years of age, whereas the captains of the Regular Army at the same time were, on an average, of about 28 years of age. Under the law no person under 36 years of age could be appointed a major, and, as a matter of fact, the average age of majors appointed was about 43 years.

Applying the same argument to these captains, and, in fact, also to the first lieutenants who had been emergency officers and were commissioned first in the Regular Army after the passage of the national defense act of June 4, 1920, how could we expect men of their age and experience and education, both in war and in peace, to be willing to accept positions on the promotion list below persons of one or two grades lower in rank? It is plainly admitted by all persons having the information, and, in fact, by the study which the War Department

made and reported to Congress on that subject, as will appear by reference to page 73 of parts 1 to 3 of the hearings before the House Military Affairs Committee on promotion and retirement, that the emergency officers who accepted commissions in the Regular Army were ignorant of the interpretation that the War Department would put upon the law, and these emergency officers expected to be placed upon the promotion list according to grade. Again, on page 23 of said study of the War Department, we find this admission:

> The law evidently seemed clear and unmistakable, in its intent to those persons in Washington charged with carrying out its provisions. It later developed that the law was not so clearly understood by the two above-mentioned classes of boards or by the candidates.

Undoubtedly, not only were the emergency officers surprised to find themselves preceded on the promotion list by first lieutenants and second lieutenants, but the country generally was surprised, as was General Harris, then The Adjutant General of the Army, and numerous other prominent Army officers.

There is one part of the above study of the report of the War Department which, it seems to me, not only is self-condemnation by the War Department, but constitutes a serious indictment of the ability and character of these emergency officers who are complaining that they have been unfairly and unjustly surprised by the manner of the arrangement of the promotion list. The language that I refer to is found on page 23 of the same compilation under the general head of Promotion and Retirement, and is as follows:

> The examination was regarded and was so devised as to serve primarily as a test merely of the applicant's suitability for appointment as a commissioned officer of the Regular Army, and, secondarily, to determine the grade in which to appoint him and in which he should serve until such time as the new promotion list was formed, and he became due for promotion in accordance therewith. It seems clear from the law, although it does not seem to have been generally understood by the appointees, that (1) the examination of candidates and their appointment in various grades, and (2) the placing of these appointees on the promotion list were two entirely distinct and separate operations, the latter being entirely independent of the grade in which appointed—except for a few persons appointed in field grades—and being solely according to the length of commissioned service.

This amounts to a condemnation by the War Department of its own incompetency and inefficiency when it says that the examinations conducted by it were no proper and fair test of the qualifications of the officers. The instructions plainly and distinctly stated that the examining boards should consider all the qualifications of the candidate and especially with reference to the rank for which he was applying. The boards conducted the examinations and made their reports after exhaustive studies. The most valuable information in the former service records of these officers was in the possession of the boards and of the War Department.

These officers had been in the United States Army for at least two years, and some of them for three years and more. For the War Department now to say that these examinations were not bona fide and were not searching and were no test in reality, is a confession of its own inefficiency, that it ought not be allowed to make. It is an excuse that has been thought of subsequently for the purpose of making plausible the acts that were then performed. I do not believe that the boards of officers that conducted these examinations relish this impeachment of their qualifications and good faith.

In the next place, the statement above quoted is a very grave charge by insinuation and innuendo, that these emergency officers that had served the Government through the war for a period of from two to three years and stood rigid examinations and accepted commissions in the Regular Army, usually one or two grades below the rank that they held in the emergency Army, were not in fact and in reality qualified for the commissions that were tendered them. Just how the board arrives at any such conclusions is hard for me to find. I can not see how the board concludes that junior officers, 9 or 10 years younger, who had stood no examination since their original commission in the haste of getting ready for war, were better qualified mentally and morally to hold commissions in the grade of captain and above captain than the emergency officers. We need not blind ourselves to the facts with regard to how most of the young men, all of them under 27 years of age, obtained commissions as provisional second lieutenants. We know that as a class they were very young, just out of school or college, not married, and within the limits of the first draft law. We know that a great many of them were commissioned outright from civil life before they had ever had on a uniform and before they knew the simplest and most elemental facts of the military art. We know that large numbers of them received their training during the first officers' training camp and during the second officers' training camp alongside of those civilian candidates for commissions as emergency officers.

Therefore, for the War Department to undertake to argue that the arrangement of the promotion list for captains and first lieutenants and second lieutenants is justified on some principle and state of facts behind and beyond the mere arbitrary and meaningless standard of length of commissioned service, is a severe indictment of its own conduct of its business and a slur upon the ability and the character of the emergency officers that constituted the larger part of our fighting officer personnel, and came into the Regular Army upon the invitation of the country through its Congress when it was decided to double the defense forces of the Army.

ORIGIN AND DEVELOPMENT OF THE OFFICE OF ATTORNEY GENERAL (H. DOC. NO. 510)

The SPEAKER laid before the House the following message from the President of the United States which was read, referred to the Committee on the Judiciary, and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a manuscript entitled "Origin and Development of the Office of Attorney General, the Establishment of the Department of Justice, and their relation to the Judicial System of the United States," which has been prepared in the office of the Attorney General.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 16, 1929.*

LASSEN VOLCANIC NATIONAL PARK, CALIF

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Utah calls up the bill 11406 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, there will be opportunity to bring out the information that we want in the House, as the gentleman has an hour.

Mr. COLTON. Yes; I will be glad to yield time.

The SPEAKER. If the bill is considered in the House, it will be under the 5-minute rule.

Mr. CRAMTON. As long as the gentleman from Utah is agreeable to such discussion as may bring out the information wanted under the 5-minute rule, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when the public interests will be benefited thereby, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept, on behalf of the United States, title to any land within exterior boundaries of Lassen Volcanic National Park which, in the opinion of the Director of the National Park Service, are chiefly valuable for forest or recreational and national-park purposes, and in exchange therefor may patent not to exceed an equal value of such national-park land within the exterior boundaries of said national park; or the Secretary of the Interior may authorize the grantor to cut and remove an equal value of timber in exchange therefor from certain designated areas within the exterior boundaries of said national park: *Provided,* That such timber shall be cut and removed from such designated area in a manner that will not injure the national park for recreational purposes and under such forestry regulations as shall be stipulated, the values in each case to be determined by the Secretary of the Interior. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of Lassen Volcanic National Park.

Mr. CRAMTON. Mr. Speaker, I would like some information with reference to this bill. I think I understand the purpose of the bill, which is to permit the exchange of Government-owned land that is not in a conspicuous place in the park but in a place where the cutting of a certain amount of timber under proper regulations would not be very undesirable—to trade those lands for privately owned lands that are in sections of the park where the cutting of timber would be quite disastrous to the beauty of the park.

This matter of privately owned lands in national parks is one that we have been giving quite a bit of attention to, and the pending Interior Department appropriation bill carries a very important provision making possible the elimination of all privately owned lands in the national parks, with an initial appropriation of $250,000, and with contracts for greater amounts authorized.

Of course, under the program proposed in that appropriation bill the Government will retain the lands that it now owns and will proceed to buy such privately owned lands as this bill has reference to. I would like to think that this bill would be only an authorization and that it would not be contemplated, if this bill should became a law, that the department would necessarily proceed with these exchanges. I am not sure that it is going to be desirable, now that we have entered on a program of buying the lands, to make a trade and let the lumber company go on and cut certain lands that we are later going to buy back from them. I do not want to oppose the bill, because the need of cleaning up these private holdings in the national park is so urgent, and in some cases so acute, that any desirable authority ought to be given the department. I realize that at the time this bill was introduced and at the time it was reported there was no assurance of money being available to purchase the lands, and so the first question I ask is whether, if this bill becomes a law, it will be understood that it is not the intention thereby to direct the department to proceed with these transfers but simply give the department a discretion which we expect they will exercise in the light of the newer program of acquisition. Am I correct about that?

Mr. ENGLEBRIGHT. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has stated that at the time this bill was introduced we were faced with the problem of private holdings in many of the national parks, and particularly in Lassen National Park, pertaining to individual timber holdings. The bill was introduced with the idea of correcting that feature. Last year it was on the Consent Calendar, and I requested that it be removed from the Consent Calendar with the hope that the legislation the gentleman from Michigan refers to regarding the purchase of private holdings in national parks would be made a reality. Since that has taken place, I see really no purpose to further proceed with this bill, and I should not object to having it taken from the calendar. I am in sympathy with the gentleman's views, and that is that the National Park Bureau should have control over all these private holdings and that no cutting at all should take place in these beautiful timbered areas.

Mr. CRAMTON. Let me ask the gentleman from California whether there is any situation that this contemplates which is urgent; whether there is any cutting of this timber likely to come within the current season?

Mr. ENGLEBRIGHT. Not at all.

Mr. COLTON. Mr. Speaker and gentlemen of the committee, while this bill and this subject are before us, it seems an appropriate time to say a few words with respect to our national parks. It is taking us a long time to work out a definite policy. I think this bill and the general legislation to which reference has been made is a step in the right direction, but, after all, we have not yet reached a place where we may say that we have a definite policy regarding our parks. There are something like 13 bills now pending before the Public Lands Committee for the creation of national parks. I hope before long to see a policy adopted, at least some definite pronouncement on the part of Congress, regarding the future creation of national parks. We have bills creating parks in the bad lands of the West and in many parts of the United States. We have a very efficient bureau that has charge of our national parks.

We have been fortunate in having at the head of the Park Service one of the finest men in the country for the last decade or more. Hon. Stephen T. Mather has rendered a great service to this Nation. Unfortunately his health does not permit him to continue, but there has been a very fortunate choice made in the appointment of his successor. Horace M. Albright brings to the position of director ability and an enthusiasm which means splendid service and success for the future. Whether or not the parks are to be created in conformity with a definite plan worked out by some great architect, or whether we will take the matter of parks up promiscuously and deal with them in a haphazard way, is one of the problems that is before us now.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. WOODRUFF. The gentleman has spoken of a great number of bills before his committee for the creation of additional national parks. Is there any bill pending before his committee to extend the boundary of the Yellowstone National Park in Wyoming?

Mr. COLTON. There is legislation pending before our committee for the inclusion of certain lands in Wyoming in the Yellowstone Park or the creation of a new park in the Tetons.

Mr. WOODRUFF. I have heard of that. Could the gentleman inform the House as to the reasons why it is proposed to include these additional lands in this particular park?

Mr. COLTON. It is felt by those who are advocating the legislation that the area is up to the park standards; that the lands are wonderful and should be made a national park; and that the logical thing to do is to either change the boundary lines of the Yellowstone National Park and include these lands within it or make a new park.

Mr. WOODRUFF. How much additional land is proposed to be incorporated in the park by this particular legislation?

Mr. COLTON. The gentleman from Wyoming [Mr. WINTER] is here, and he can probably answer the question.

Mr. WINTER. About 350,000 acres.

Mr. WOODRUFF. And what is the acreage in the present park?

Mr. WINTER. Three thousand five hundred square miles.

Mr. WOODRUFF. How many additional square miles would this proposed extension mean?

Mr. WINTER. I will figure that out.

The SPEAKER. The time of the gentleman has expired.

Mr. COLTON. I ask for an additional five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, if the gentleman will just let me add this in addition to what the gentleman from Utah stated. This proposed change in the boundaries of the Yellowstone Park, as I understand, is to carry out the recommendations of the coordinating committee, which made a study with considerable care in reference to making the boundaries of the park conform in a more desirable way with the topography of the country. For instance, because of a range of mountains certain areas may be quite inaccessible, except from the park, or vice versa. It may be desirable therefore to exclude that on the other side and to bring in other land that can be better administered in connection with the park.

Mr. COLTON. The gentleman is right.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. TILSON. Is not all the land which it is contemplated including within the Yellowstone National Park now national forest land?

Mr. WOODRUFF. I had not so understood.

Mr. TILSON. Is any of it private land?

Mr. WOODRUFF. I could not say.

Mr. TILSON. I had supposed it to be all public lands.

Mr. WOODRUFF. I think they are public lands.

Mr. CRAMTON. The work of this coordinating commission, which included the gentleman who at that time was head of the Forest Service, Colonel Greeley, and the gentleman who at that time was head of the Park Service, Mr. Mather, together with others, named for that purpose by the President, the original proposition was to coordinate as between the Park Service and Forestry Service, and that is the result which is before Congress.

Of course it has, in addition, a very important feature that, to my mind, makes it highly important; that is, the bill reported out by the Public Lands Committee. It not only would make effective the agreement arrived at by these highly specialized and able men—and which, I should say, had as chairman our colleague from Pennsylvania [Mr. TEMPLE]—it not only would carry into effect their recommendations that are highly desirable but would also provide for the creation of the Grand Teton National Park. Anyone who has ever seen the Teton Range in Wyoming would immediately become an enthusiast for the preservation of that great scenic area as a national park. The dividing line between what should be a national park and a State park is not always easy to determine. There have been a multitude of measures before the Committee on the Public Lands to create national parks where there should be State parks instead, if anything; but this Teton situation is a case where there was a great deal of local pride in the State and a great deal of sentiment favoring the creation of a State park out of the Teton Range. I am delighted that the attitude of the State has changed and that they are now agreeable to the creation of a national park, because the Teton Range is of such rare beauty that it is of strictly national-park caliber and ought to be so administered.

Mr. TILSON. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. TILSON. Does this contemplated addition include the wild territory far to the east of Mammoth Springs, for instance, that is supposed to contain the wild herd of buffalo, or at least a wild herd of buffalo? Is it proposed to take in so much territory as to include this very wild region?

Mr. CRAMTON. I do not know whether any great addition is made to that section of the park. The gentleman from Wyoming [Mr. WINTER] would know better about that.

Mr. TILSON. I had understood that there is a herd of wild buffalo there, apparently the only extant herd of buffalo that is wild and not cared for.

Mr. WINTER. I am inclined to think that that area is not included in the present bill. The gentleman is speaking of what is known as the upper thoroughfare and upper Yellowstone River country. That is stocked with elk. That is in the proposed extension.

Mr. CRAMTON. The Grand Teton Range, those saw-tooth areas, with their ragged teeth, with the adjacent country, ought to be preserved as a national park. Personally I would rather see it made a part of the Yellowstone Park because they are not far apart. But the agreement that seems to be arrived at by the friends of the movement is for the creation of a separate park. I do not think it would hurt to speak frankly for a moment in connection with that bill. I know of no opposition to the changes suggested as to the boundaries of the Yellowstone Park that we have been discussing. I know of no objection now to the creation of the Grand Teton National Park. Then why is it that that bill is not reported to this House? It is before the Committee on the Public Lands. Why is it that it is not reported to the House? I do not want to embarrass the chairman of the committee, and I do not want to embarrass my good friend from Wyoming; and inasmuch as I am not subject to embarrassment myself, I am willing to state the reason for it.

Mr. WINTER. In the first place, the gentleman is in error in his statement that there is no objection on the part of anybody to this proposed extension. There is a very decided objection and has been at all times. There have been received in my office very recently in the last few days some very drastic resolutions from numerous bodies of persons and petitions signed numerously in the region of Cody and elsewhere against the inclusion of the thoroughfare and upper Yellowstone in the park.

Mr. LAGUARDIA. Are there any dude rangers there from my city?

Mr. WINTER. One of the dude rangers is established in that region, and he is very much in favor of the extension.

Mr. LAGUARDIA. I am glad to hear that.

Mr. CRAMTON. I regret that any of that hostility has continued. I had supposed that at least, so far as the gentleman from Wyoming is concerned, he would be entirely in sympathy with the change.

Mr. WINTER. The gentleman will find in the RECORD that three years ago I made an extended statement in favor of the extension as reported by the President's special commission, to which the gentleman has referred, with certain amendments I proposed.

Mr. CRAMTON. I think that is the reason why I have gone as far as I have gone in my statement.

Mr. WINTER. There is another point that ought to be brought out, and that is that the recommendations made by the commission referred to the north, east, and south boundaries of the park. There is an exclusion and extension on the west side that has been at issue for six or eight years. That is another reason why the bill has not been reported out.

Mr. CRAMTON. That was the reason I was going to assign. I see no difficulty about passing that important Yellowstone-Teton bill were it not for the fact that elements in the State of Idaho are acting in dog-in-the-manger fashion. They want to get control of the Beckler Meadow region and use it for irrigation purposes. They want to have it excluded from the park. Whether it is of a character that would justify its exclusion, or whether it is of such a scenic character that it ought to be retained in the park, I do not know.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, so much of my time has been taken that I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Congress does not know. Congress has not before it a report from a disinterested commission with the experience and capacity to command the confidence of Congress. Now, that is something that can be handled as we get to it. There is nothing to prevent this same coordinating commission from making an inspection of that southern and western boundary, as it has already done of the other boundaries, and making its report. Then Congress, with that report of capable experts who are disinterested before it, can act intelligently on the Beckler Meadow situation. But to say that until Congress sees fit to surrender to the demands of the Idaho irrigationists we can have no legislation affecting the Yellowstone National Park puts the people of Idaho in a very undesirable attitude before the Congress and does not tend to promote the final accomplishment of their desire.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. COLTON. As far as I am informed there has been no one objecting to this legislation before the Committee on Public Lands. At any time that a demand is made by the author of the legislation we will consider the matter. Can the gentleman tell the committee whether or not the commission to which he has referred may now function? Will it not take an additional appropriation? What would be necessary to authorize the commission to consider the proposition of the Beckler Basin?

Mr. CRAMTON. Well, I think they would need the assurance of an appropriation for that purpose and very possibly a legislative resolution would be required.

I think I ought to say this in justice to the gentleman from Idaho [Mr. SMITH], that what I have said, if it be in criticism of anyone, is not to be taken at all as any criticism of the gentleman from Idaho. I had some conferences with him in reference to this matter and had hoped to be able to cooperate with him in providing funds that would enable such a study to be made as I have discussed. I think it is entirely proper for me to say that the attitude of the gentleman from Idaho was very generous and fair in the matter, and if we had no one else except the gentleman from Idaho [Mr. SMITH] to consider there would have been no difficulty about making progress in this matter, but there were difficulties which arose in other places that it is not parliamentary to discuss.

Mr HASTINGS. I want to ask the gentleman from Wyoming whether there are any private lands included in this proposed extension. It has been stated they were forest lands, but it has not been stated whether or not there are no lands in private ownership.

Mr. WINTER. There are some lands in private ownership.

Mr. HASTINGS. That is what I rather suspected.

Mr. WINTER. But the amount is infinitesimal compared to the total.

Mr. COLTON. I will say to the gentleman from Oklahoma that I think I can now say it is the policy of the Public Lands Committee not to report any more bills creating parks until the private lands within the proposed area are acquired. Mr. Speaker, I understand it is the desire of the gentleman from California not to have action taken to-day.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask that the bill go over for further action.

Mr. BANKHEAD. Mr. Speaker, that can not be done under the Calendar Wednesday practice.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the further consideration of this bill be deferred until the next Calendar Wednesday when the Public Lands Committee has the call.

The SPEAKER. The gentleman from Utah asks unanimous consent that the present consideration of this bill be deferred until the Committee on the Public Lands has the call on Calendar Wednesday. Is there objection?

Mr. HASTINGS. Mr. Speaker, reserving the right to object, is it the purpose of this committee to use the next Calendar Wednesday, unless it is set aside?

Mr. COLTON. The committee has several bills to be considered and we will take at least a part of the day, if not all of it.

Mr. HASTINGS. The gentleman intends to go on, so far as he now knows, on next Calendar Wednesday?

Mr. COLTON. So far as I know, yes.

Mr. BANKHEAD. May I ask the gentleman from Connecticut whether it is his intention to take up the independent offices bill to-morrow?

Mr. TILSON. It is.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

APPROPRIATION BILL FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND FOR THE DEPARTMENTS OF COMMERCE AND LABOR

Mr. SHREVE. Mr. Speaker, I present a conference report on the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GIBSON for four days, on account of official public business.

To Mr. SPEAKS, for two days, on account of illness.

ADJOURNMENT

Mr. COLTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, January 17, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 17, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Metals and manufactures of, January 17.
Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufacturers of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

To amend the classification act of 1923, approved March 4, 1923 (H. R. 16168).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

Relating to the enforcement of the contract labor provisions of the immigration act of 1917 (H. J. Res. 312).

EXECUTIVE COMMUNICATIONS, ETC.

745. Under clause 2 of Rule XXIV, a letter from the Public Printer, transmitting annual report of the Public Printer, 1928 (S. Doc. No. 168), was taken from the Speaker's table and referred to the Committee on Printing.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Committee on Appropriations. H. R. 16301. A bill making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2099). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15721. A bill validating certain applications for and entries of public lands, and for the relief of certain homestead entrymen in the State of Colorado, and for other purposes; without amendment (Rept. No. 2100). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15724. A bill to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; with amendment (Rept. No. 2101). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. J. Res. 356. A joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; with amendment (Rept. No. 2102). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 15577. A bill to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; without amendment (Rept. No. 2113). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUSHONG: Committee on Claims. H. R. 15892. A bill for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; with amendment (Rept. No. 2114). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on Irrigation and Reclamation. H. R. 15918. A bill to amend the act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes"; without amendment (Rept. No. 2115). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; without amendment (Rept. No. 2116). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 12475. A bill for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; with amendment (Rept. No. 2103). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 2659. A bill for the relief of Annie M. Lizenby; with amendment (Rept. No. 2104). Referred to the Committee of the Whole House.

Mr. DRANE: Committee on Naval Affairs. H. R. 12548. A bill for the relief of Margaret Vaughn; without amendment (Rept. No. 2105). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 13734. A bill for the relief of James McGourty; without amendment (Rept. No. 2106). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 14728. A bill for the relief of J. A. Smith; without amendment (Rept. No. 2107). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 14897. A bill for the relief of Matthias R. Munson; without amendment (Rept. No. 2108). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 15292. A bill for the relief of the First National Bank of Porter, Okla.; with amendment (Rept. No. 2109). Referred to the Committee of the Whole House.

Mr. ANDREW: Committee on Naval Affairs. S. 3327. An act for the relief of Robert B. Murphy; with amendment (Rept. No. 2110). Referred to the Commitee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 4454. An act for the relief of Jess T. Fears; without amendment (Rept. No. 2111). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15833) granting a pension to Lizzie Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16267) granting a pension to Harriet I. Van Camp; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WASON: A bill (H. R. 16301) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MILLER: A bill (H. R. 16302) to extend the time for completing construction of the bridge across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 16303) extending the provisions of the pension laws relating to Indian war veterans to Capt. H. M. Hodgis's company, and for other purposes; to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 16304) authorizing the construction of a canal for the diversion within the city of Klamath Falls, Oreg., of the main canal of the Klamath project; to the Committee on Irrigation and Reclamation.

By Mr. GRIEST: A bill (H. R. 16305) for the relief of present and former postmaster and acting postmaster, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 16306) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 16307) to permit the granting of Federal aid in the improvement of highways which lead directly to or from publicly owned bridges which are operated as toll bridges until the cost of their construction is reimbursed; to the Committee on Roads.

By Mr. ADKINS: A bill (H. R. 16308) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Roads.

By Mr. BERGER: A bill (H. R. 16309) providing for the election of Representatives by proportional representation; to the Committee on the Judiciary.

By Mr. GILBERT: A bill (H. R. 16310) to license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any loans, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16311) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 16312) to amend the act approved July 2, 1926 (44 Stat. 784), relating to the procurement of aircraft supplies by the War Department and the Navy Department; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16313) regulating the payment of pensions to guardians; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 16314) to amend section 198 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 16315) to amend the first subdivision of section 4 of the naturalization act; to the Committee on Immigration and Naturalization.

By Mr. W. T. FITZGERALD: Joint resolution (H. J. Res. 379) extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War; to the Committee on Invalid Pensions.

By Mr. CRAIL: Joint resolution (H. J. Res. 380) providing for the placement of ex-service women in the new barracks at Pacific Branch National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KORELL: Joint resolution (H. J. Res. 381) to prohibit the exportation of arms, munitions, or implements of war to nations violating "the pact of Paris"; to the Committee on the Judiciary.

By Mr. FISH: Joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 383) to provide for the expenses of delegates of the United States to the Congress of Military Medicine and Pharmacy to be held at London, England; to the Committee on Foreign Affairs.

By Mr. MAAS: Joint resolution (H. J. Res. 384) to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France; to the Committee on Foreign Affairs.

By Mr. KNUTSON: Joint resolution (H. J. Res. 385) for an economic survey of Porto Rico; to the Committee on Insular Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 386) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929; to the Committee on the District of Columbia.

By Mr. STOBBS: Resolution (H. Res. 288) appointing a special committee from the Judiciary Committee to inquire into the administration of the bankruptcy laws in the southern and eastern judicial districts of the State of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16316) for the relief of Oscar LeGrand; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 16317) granting an increase of pension to Louise C. Staples; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 16318) granting a pension to John O. Vanmeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Camila D. Purinton; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16320) for the relief of Charles A. McAndrews; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 16321) granting an increase of pension to Lydia A. Kean; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16322) granting an increase of pension to Jane Smith; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 16323) granting an increase of pension to Carrie E. Keepers; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16324) granting a pension to Charles H. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 16325) granting a pension to Florence Link Stonebarger; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 16326) granting a pension to Maggie L. Gibson; to the Committee on Pensions.

By Mr. HILL of Washington: A bill (H. R. 16327) granting a pension to Felix Shaser; to the Committee on Pensions.

By Mr. HOFFMAN: A bill (H. R. 16328) for the relief of Frank Woodey; to the Committee on Naval Affairs.

By Mr. HOOPER: A bill (H. R. 16329) for the relief of Verl L. Amsbaugh; to the Committee on Claims.

By Mr. MORTON D. HULL: A bill (H. R. 16330) granting an increase of pension to Catharine M. Bear; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 16331) granting an increase of pension to Olive Dixon; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16332) granting an increase of pension to Jefferson Jackson; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 16333) granting an increase of pension to Harriet Comfort; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 16334) granting a pension to Alma Kash; to the Committee on Pensions.

Also, a bill (H. R. 16335) granting an increase of pension to William W. Cook; to the Committee on Pensions.

By Mr. LEA: A bill (H. R. 16336) for the relief of Johan Knudsen; to the Committee on Claims.

By Mr. NIEDRINGHAUS: A bill (H. R. 16337) granting a pension to Emma Pierce; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 16338) granting an increase of pension to Agnes Deem; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16339) granting a pension to Sarah E. M. Ferguson; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16340) granting an increase of pension to Elizabeth Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16341) for the relief of Alfred Harris; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 16342) for the relief of Clyde H. Tavenner; to the Committee on Claims.

By Mr. SUMMERS of Washington: A bill (H. R. 16343) granting a pension to Jacob T. Arrasmith; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16344) granting an increase of pension to Margaret A. Rudolph; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8249. By Mr. ABERNETHY: Petition of Ross Giddens, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8250. Also, petition of Col. Edgar Bain, president of Kiwanis Club, Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8251. Also, petition of Roy Armstrong, superintendent of city schools, of Goldsboro, N. C., in favor of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8252. Also, petition of J. T. Jerome, superintendent of county schools, Wayne County, N. C., in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8253. By Mr. BOYLAN: Resolution adopted by New York Commandery of the Naval Order of the United States, favoring the naval cruiser bill; to the Committee on Naval Affairs.

8254. Also, petition from veterans at Castle Point Hospital No. 98, Castle Point, N. Y., requesting legislation favoring compensation for veterans suffering with tuberculosis; to the Committee on World War Veterans' Legislation.

8255. Also, resolution adopted by the West Point Society of New York, favoring the Black-Wainwright bill (S. 3089 and H. R. 13509); to the Committee on Military Affairs.

8256. By Mr. CONNERY: Resolution of Local No. 3, Amalgamated Lithographers of America; to the Committee on Ways and Means.

8257. By Mr. CRAIL: Petition of Roosevelt Auxiliary, No. 5, United Spanish War Veterans, of Los Angeles, Calif., favoring additional hospital facilities at the Soldiers' Home, Pacific Branch, Los Angeles County, Calif.; to the Committee on World War Veterans' Legislation.

8258. By Mr. EVANS of California: Petition of Roy Smith, of Glendale, Calif., and 85 others, in support of restrictive immigration, known as the Box bill; to the Committee on Immigration and Naturalization.

8259. By Mr. GOLDSBOROUGH: Petition of Dorchester Post, No. 91, Department of Maryland, American Legion, favoring the World War veterans' act and amendments thereto requiring that compensation shall be granted only in cases where the death or disability can be shown to have been incident to the service; to the Committee on World War Veterans' Legislation.

8260. By Mr. MEAD: Petition of New York Commandery of the Naval Order of the United States, indorsing the cruiser bill; to the Committee on Naval Affairs.

8261. By Mr. MILLER: Memorial of senate and house, State legislature, State of Washington, memorializing the Congress of the United States to pass adequate legislation for a protective tariff on lumber and shingles; to the Committee on Ways and Means.

8262. By Mr. O'CONNELL: Petition of the New York Commandery of the Naval Order of the United States, favoring the construction of the 15 cruisers; to the Committee on Naval Affairs.

8263. Also, petition of the Indian Rights Association of Philadelphia, favoring the passage of House Joint Resolution 374, for investigation of Indian affairs; to the Committee on Rules.

8264. Also, petition of Richard G. Krueger, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8265. Also, petition of Barron G. Collier, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8266. Also, petition of the Darlington Fabrics Corporation, of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8267. Also, petition of the Corticelli Silk Co., of New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8268. Also, petition of F. G. Montabert Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8269. By Mr. QUAYLE: Petition of National Beauty and Barbers Supply Dealers' Association, of New York, N. Y., favoring the passage of the Capper-Kelly bill (H. R. 11 and S. 1418) known as the fair trade bill; to the Committee on Interstate and Foreign Commerce.

8270. Also, petition of West Point Society of New York, favoring the passage of Senator Black's bill (S. 3089) and the Wainwright bill (H. R. 13509) as amended by Congressman McSWAIN; to the Committee on Military Affairs.

8271. Also, petition of New York Commandery of the Naval Order of the United States, favoring the passage of the cruiser bill; to the Committee on Naval Affairs.

8272. Also, petition of Dixie Post No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8273. Also, petition of the Corticelli Silk Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8274. Also, petition of Darlington Fabrics Corporation, of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8275. Also, petition of F. G. Montabert Co., of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8276. Also, petition of Barron G. Collier (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8277. Also, petition of I. Mittlemann & Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8278. Also, petition of Richard G. Krueger (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8279. Also, petition of Edmund Wright-Ginsberg Co. (Inc.), of New York, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8280. Also, petition of the Magee Carpet Co., of Bloomsburg, Pa., favoring the passage of House bills 9200 and 14659 and Senate bill 1976; to the Committee on the Judiciary.

8281. Also, petition of New York Zoological Society of New York City, urging the passage of a Senate bill to acquire areas of land and water which may furnish perpetual reservations to aid in the adequate preservation of migratory game birds; to the Committee on Agriculture.

8282. By Mr. WYANT: Petition of Marilao Auxiliary No. 33, Veterans of Foreign Wars, advocating passage of House bill 9138; to the Committee on Pensions.

SENATE

THURSDAY, *January 17, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art from everlasting to everlasting, ancient of days yet ever new; all things wax old as doth a garment, but Thou art the same and Thy years shall not fail.

Thou hast made us heirs of all the ages as we stand at the confluence of time. Show us, therefore, how we may better serve Thee with what we have, and help us to serve Thee further by patience amid our disabilities.

Look down with pity upon all who are stricken by grief; remember those in pain who must so soon take up again their weary burdens, and grant that in this new day each child of Thine, finding something of the comfort of Thy love, may give thanks unto Thee, whose mercy endureth forever. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 479. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes; and

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

PETITIONS AND MEMORIALS

Mr. BINGHAM. In the nature of a memorial I present a letter from the president of the Dupont Circle Citizens' Association, of Washington, D. C., which I ask may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the letter was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

DUPONT CIRCLE CITIZENS' ASSOCIATION,
Washington, D. C., January 10, 1929.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Knowing of your keen interest in the affairs of the District, I take pleasure in informing you that the Dupont Circle Citizens' Association, at its regular meeting at the Mayflower Hotel, Monday, January 7, 1929, passed the following resolution: Be it

"*Resolved*, That this association go on record as strongly in favor of locating a retail farmers' market at some central location convenient to the citizens, where purchases may be made directly between these two classes."

It was clearly indicated that the sentiment of those present was strongly opposed to the use of public money for the erection of a market for the benefit of commission men, middlemen, etc.

The designation of a location was specifically omitted in order to avoid controversy over points regarded as less important than the one dealt with above.

Yours respectfully,

DEMAREST LLOYD,
President Dupont Circle Citizens' Association.

Mr. BINGHAM presented numerous resolutions of women's clubs and civic and religious organizations in the State of Connecticut, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented petitions of clergymen of New Haven and sundry other citizens, in the State of Connecticut, indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

He also presented a resolution adopted by the committee on peace of the Bridgeport section, National Council of Jewish Women, of Bridgeport, Conn., protesting against adoption of the pending naval building program, which was ordered to lie on the table.

Mr. REED of Pennsylvania presented letters and telegrams in the nature of memorials of citizens and civic and religious organizations in the State of Pennsylvania, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. MOSES presented letters in the nature of memorials of sundry citizens in the State of New Hampshire, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. CURTIS presented letters and telegrams in the nature of memorials of sundry citizens in the State of Kansas, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the executive council of the woman's department, National Civic Federation, at New York, N. Y., favoring the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, reported it without amendment and submitted a report (No. 1450) thereon.

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (S. 5349) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1451) thereon.

He also, from the same committee, to which was referred the bill (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, reported it with an amendment and submitted a report (No. 1452) thereon.

Mr. VANDENBERG, from the Committee on Commerce, to which was referred the bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes, reported it without amendment and submitted a report (No. 1453) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

A bill (S. 5400) granting a pension to Sarah Shepard (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5401) consenting that suit may be brought against the United States with respect to claims relating to the Lake Malheur Reservation in the State of Oregon; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 5402) to provide for the establishment of a municipal center in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEELY:

A bill (S. 5403) granting an increase of pension to Sarah A. Cooper; and

A bill (S. 5404) granting an increase of pension to Eddie L. Fetty; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5405) granting an increase of pension to Mary S. Warner (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5406) to amend the national defense act by providing for a pharmacy corps in the Medical Department, United States Army; to the Committee on Military Affairs.

(By request.) A bill (S. 5407) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. JOHNSON:

A bill (S. 5408) granting a pension to Maude G. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5409) to afford protection to the watershed and water supply of the city of Ashland, Jackson County, Oreg.; to the Committee on Agriculture and Forestry.

By Mr. McKELLAR:

A bill (S. 5410) granting an increase of pension to Carlton Wright; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 5411) for the relief of Marmaduke H. Floyd; to the Committee on Military Affairs.

By Mr. FESS:

A joint resolution (S. J. Res. 199) to provide for the expenses of participation by the United States in the international conference for the purpose of revising the International Convention for the Protection of Literary and Artistic Works; to the Committee on Foreign Relations.

NEWSPRINT PAPER FROM FARM WASTE

Mr. SCHALL. I introduce a joint resolution, which I ask may be read by its title and referred to the Committee on Finance.

The joint resolution (S. J. Res. 200) to provide a bounty for the encouragement of the manufacture of newsprint paper from the waste products of field crops produced on American farms was read the first time by its title.

Mr. SACKETT. I ask that the joint resolution may be read at length.

The joint resolution was read the second time at length and referred to the Committee on Finance, as follows:

Whereas it is necessary to encourage the manufacture of newsprint paper from the waste products of field crops produced on American

farms (such as cornstalks, flax, wheat, rice, or oat straw, cotton stems, and sugar-cane pulp) for the purpose of further developing the paper-making industry in the United States, which is now dependent principally upon foreign countries for an adequate supply of the pulp and paper used in such industry; and

Whereas it is estimated that the utilization of the waste products of such field crops would increase the annual income of the American farmers by more than a billion dollars and thereby tend to relieve the present agricultural situation and the distress of the farmers; and

Whereas it has been demonstrated that paper manufactured from such waste products is of a finer quality than that now manufactured from wood pulp and that the manufacture of paper from such products is commercially profitable; and

Whereas the Congress, in order to encourage the growing of sugar cane within the United States, has enacted legislation to provide for the payment of a bounty to sugar-cane growers with the result that a large and profitable industry has been developed; and

Whereas similar encouragement to the American manufacturers of newsprint paper would tend to develop the paper-making industry and enable such manufacturers to compete with those in foreign countries: Therefore be it

Resolved, etc., That any American manufacturer of paper who manufactures newsprint paper containing at least 60 per cent or more of waste products of field crops produced on American farms (such as cornstalks, flax, wheat, rice, or oat straw, cotton stems, or sugar-cane pulp) and who sells the paper so manufactured to any newspaper or other publisher in the United States at a price not exceeding $40 per ton, shall be paid, from the Treasury of the United States, a bounty of 1 cent for each pound of paper so produced and sold.

SEC. 2. This resolution shall take effect immediately and shall remain in force for a period of five years from the date of its approval.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 479. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes; and

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) making appropriation for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. Morning business is closed.

RIGHTS OF NEUTRALS AND FREEDOM OF THE SEAS

Mr. REED of Missouri subsequently said: Mr. President, I ask unanimous consent as a part of the morning business to request that Senate Resolution 294, which I submitted on January 9, with reference to negotiations for a treaty to conform in principle to Article XII of the treaty of 1785 between Prussia and the United States, may go over until to-morrow without prejudice. I was not able to be present during the routine morning business, and I understand, in order to reserve my rights, I shall have to get the consent of the Senate to make the request in the form I have.

The VICE PRESIDENT. Without objection, it is so ordered.

COTTON REPORTS

Mr. HEFLIN. Mr. President, I was a member of the subcommittee of the Committee of Agriculture and Forestry which was authorized and empowered to investigate the conduct of the New York Cotton Exchange, the activities of certain cotton speculators and price manipulators, and also to investigate the conduct of the Bureau of Economics in the Department of Agriculture and its connection with the manipulation of cotton prices. The testimony before the committee disclosed a situation regarding undeveloped or immature cotton that is being counted in as a part of the supply of fully developed cotton produced in the United States that needs to be dealt with by Congress. I introduced a bill which passed the Senate at the last session which provided that cotton known as "snaps" and "bollies" shall be reported and published by the Government in an item separate and apart from the report of fully developed or fully matured cotton, as is now done in the case of linters. Time was when the Government included linters in the report with cotton. The Government report used to read: "So many bales including linters," and nobody knew how many bales were cotton and how many bales were linters. I found upon investigation that we were producing yearly a million bales of linters and this little fuzzy stuff cut from the seed after the cotton was ginned was being lugged in and counted in the supply or crop of actual cotton. It was unfair to the producer of cotton and misleading to the cotton-consuming world. It was at my suggestion that the Government now separates linters from cotton. The report now gives the number of bales of cotton in a separate item and the number of bales of linters in a separate item, and that is as it should be.

The States of Texas and Oklahoma are now producing annually nearly a million bales of immature or undeveloped cotton—cotton that comes from green bolls gathered, heated, and thrashed out and ginned, and that stuff is called "snaps" and "bollies." I want the Government to report "snaps" and "bollies" in an item separate and apart from cotton just as it now does in the case of linters. My bill provides for that. It has passed the Senate and is now in the House of Representatives, and I am hoping and expecting the Representatives in Congress from the cotton-growing States to see that this measure passes that body at an early date. If that is done, the "snaps" and "bollies" produced this year will be separated from the Government's report of cotton when another cotton crop is coming upon the market. Mr. President, the counting of "snaps" and "bollies" in with the cotton supply constitutes a grave injustice to the cotton farmers of the South and it must be stopped. I desire to print in the RECORD a part of the hearings on this subject as a part of my remarks.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

COTTON KNOWN AS "SNAPS" AND "BOLLIES"

(Statement of Samuel T. Hubbard, jr., president of the New York Cotton Exchange)

* * * * * * *

Senator HEFLIN. May I ask the chairman before we start what his definition is of the difference between snaps and bollies?

Senator SMITH. I do not think there is any very great difference. It depends on the manner in which they have gathered the cotton. I understand that snaps means where there is a top crop, and they just snap it off and take limbs and all; and bollies are where they have taken the bolls that are not yet open and open the breasts of the gin so that there will be more room for the seed to drop out. They just gin the whole business, you know, burr and all. Bollies is where there comes a frost and they take these green bolls, and they have a way of subjecting them to artificial heat and drying them out and opening them. The boll is pulled green before it is fully developed and is opened by some sort of a heating process.

Representative RANKIN. I think all this cotton that is gathered with a sled would come under the heading of snaps. They have a way of gathering cotton with a sled out in some of the western country, and I think that would come under the name of snaps, because they pull burrs and everything off.

Senator SMITH. They have three names, sled cotton, snaps, and bollies; but there is hardly an appreciable difference.

Senator HEFLIN. Mr. Hubbard, what is your idea of the difference between snaps and bollies?

Mr. HUBBARD. Snap cotton, as I understand it, is where the boll is opened naturally and the cotton is hanging. The ordinary process is to go through and take it out with the fingers. Instead of that they just snap the stems off.

Senator HEFLIN. Boll and all?

Mr. HUBBARD. Yes.

Senator HEFLIN. With the locks remaining with the boll?

Mr. HUBBARD. Yes. Those are mature locks.

Senator SMITH. But it is not open. It is the top crop and you can not pick it readily and you snap the top off.

Representative RANKIN. Mr. Hubbard has a brother who is a much abler man than he is when it comes to putting his thoughts on paper, and here is his definition of snaps and bollies. It is just a paragraph and I will read it if there is no objection.

Senator HEFLIN. I would like to have that.

Representative RANKIN (reading): "Gathered cotton, snaps, bollies, machined cotton—in Oklahoma and Texas, when labor is short, the cotton is 'gathered'; that is, the plants are simply cut down and brought in, open bolls, unopened bolls, and all. In the seed house the open cotton is pulled out and ginned in the usual manner, while the unopened and half-opened bolls are sent on to the gins where special machinery is installed to break open the bolls and gin out the cotton. In the early days the result was the most fearful-looking mess, known as 'bollies' * * *.

"I think that is an accurate description, or sometimes as 'snaps' and sold for a few cents a pound. The process of cleaning has been

so much improved that to-day it is possible to get good results, so much so that at times it is very difficult to tell this 'machined' cotton from that picked and ginned in the usual manner. The regular picked cotton of low grade is sometimes put through a machine to be raised in grade by cleaning. Machined cotton is not 'regular' for the reason that care is not taken to keep the half-opened bolls with immature cotton separated from the matured bolls, so that the staple gets mixed, breaks off in the mill machinery, and thereby causes loss. The most objectional bales are easy to detect, for the cotton has a sort of half-spun appearance and breaks off in the fingers when the staple is pulled. The trouble lies with the bales just 'on the line' with the bulk of the cotton satisfactory, so that they get by and are later found in the process of manufacture. There is a rule in the future contract and in the law for that matter, prohibiting the delivery of machined cotton. It is probable that the improvement in the cleaning machinery will bring more care in the selection of the bolls to go through the machine so that the weaker staple will be put into bales by itself. It has proposed that all machined bales be marked at the gin."

Senator HEFLIN. I am having a bill prepared now, and as I have outlined it, it requires the ginners to report snaps and bollies separate and apart from fully matured cotton and linters in a separate item. As Mr. Hubbard will recall, they used to report on cotton as, for instance, 14,000,000 bales, including linters.

Senator SMITH. A law has been passed year before last prohibiting the Census Department from making a report collectively. They have got to separate them.

Senator HEFLIN. They separate them now in their reports. But my bill will provide that snaps and bollies are put in a separate item like linters are now put in a separate item.

Mr. GANIER. I think they ought to be printed so that they can be distinguished from other cotton of similar character.

Senator HEFLIN. That would be a good plan, because it ought not to be sold as cotton of fully developed fiber. It injures the price of good cotton.

Mr. GANIER. It sells for a big discount under the regular cotton.

Senator HEFLIN. Yes; but it ought not to be counted in the supply and put on the market and sold as fully matured cotton.

Mr. OSMOND. You might have a colored stripe on the bale that would distinguish it from regular cotton and force the gins to do that.

Senator HEFLIN. Yes; there ought to be some way to mark it.

Senator SMITH. In that connection, with reference to the report as to the supply of cotton, there ought to be a differentiation between regular cotton and the machine-gathered and bales stuff. But in the sampling of cotton by those who purchase they readily distinguished these so that the effect on the market will not keep them from being put on the market, because every sampler will distinguish them; but they should not be calculated in the crop.

Senator HEFLIN. Would not that be a good provision, Mr. Hubbard?

Mr. HUBBARD. I have no objection to it.

Senator SMITH. It is really essential, because we have, as Josh Billings said, such a great amount of conjecture growing out of so little fact that a man can not tell the conjecture from the fact; and we ought to have the facts.

Senator HEFLIN. We ought. We would have for once the exact amount of real cotton produced and the carry-over of real cotton.

Representative RANKIN. I will tell you where this hurts the worst. Where the snaps and bollies have done us the most harm, in my opinion, is they are being passed by Government classers and tendered on contract. There is no evidence here to disprove that.

Senator HEFLIN. I started the fight in the House to separate linters from real cotton in 1908, I believe; and while Senator HARRIS was Director of the Census I got him to put it in force. He did, and he ordered it separated, and it was separated for a time, and afterwards we legislated on the subject. But, here is my purpose: The Government shows 12,000,000 bales of cotton. In another place it will have a million and a half bales of linters. We have got a million bales of snaps and bollies, and we have 12,000,000 bales of the fully developed cotton. You have now in the cotton crop, your visible supply of cotton, 13,000,000 bales of cotton. If this provision that I am suggesting can be enacted into law, this million bales of snaps and bollies will be put down by itself, and the real spinnable cotton, the desirable cotton, will appear in another column as 12,000,000 bales instead of as 13,000,000 bales.

Mr. HUBBARD. May I presume to inject a suggestion?

Senator SMITH. Certainly.

Mr. HUBBARD. I think that cotton trade would greatly appreciate a provision that required that when exports are made they have got to designate whether it is cotton or linters. There is absolutely no way for us to tell, when we have exported 11,000,000 bales from the United States, whether it is 11,000,000 bales of all cotton or 9,500,000 bales of cotton and a thousand of linters, and so on; and if that provision could be made that when they make the declaration of exports so that it can be checked up——

Senator SMITH. The total exports differentiate between linters and cotton?

Mr. HUBBARD. Yes, sir.

Senator HEFLIN. I wonder if they are not counting some of the linter bales in the carry-over, too?

Senator SMITH. I have no doubt in the world that there is cotton that is unmerchantable from every standpoint that is counted from year to year and that duplications occur. It is almost unavoidable. We ought to have a good house cleaning and get the facts not only as to the number of bales but the character of the cotton. Then we would have a year as a standard of comparison, and we would know when the carry-over was announced definitely what it consisted of.

Senator HEFLIN. If we had that to work under and could take the census we could find out where this dog-tail cotton is and how much there is of it, and we could condemn it and brand it before the world as a certain character of cotton. Then it would practically eliminate it from the trade and take this dead weight off the market.

Senator SMITH. Congressman RANKIN, when the officials of the department come before the committee I want, if I overlook it, to have members of the committee ask if at any time they have allowed snaps and bollies which they consider of the same value as low middling seven-eighths certificated.

Representative RANKIN. According to Mr. Hubbard, it is a violation of law to certificate or tender it on contract.

Mr. HUBBARD. You are referring to my brother?

Representative RANKIN. Yes.

Senator HEFLIN. Has any of it been tendered?

Senator SMITH. You must remember that the law provides that below low middling, seven-eighths inch staple, or cotton of like value may be tendered, and it was the phrase in the law——

Senator HEFLIN. That they construed into giving authority to do it?

Senator SMITH. Yes.

Representative RANKIN. Here is what Mr. Hubbard says about it in his book, which is considered an authority on this subject:

"There is a rule in the future contract—and in the law, for that matter—prohibiting the delivery of machine cotton."

And that means snaps and bollies.

Senator HEFLIN. Do you know whether they have undertaken to deliver any of that on your exchange?

Mr. HUBBARD. The only cotton that has been delivered on our exchange has been passed on by the Government arbitrators.

Senator HEFLIN. Do you know of any of it that has been passed? You would not be to blame for it if the Government certified it.

Mr. HUBBARD. Of course, all the snaps and bollies that are grown—or, at least, I would say, 80 per cent of them, or more—come out of Texas, and it is all handled through Galveston and other Texas ports, so far as the classification is concerned; and those classers there would decide whether or not this cotton was of a tenderable condition.

Senator HEFLIN. If that is correct, that they class it and grade it down there and certify it and send it on to New York, then it is not classed any more, unless somebody demands it?

Mr. HUBBARD. Unless somebody asks for it.

Senator HEFLIN. It might be tendered; but unless reclassification was had, you could not tell whether it was snaps and bollies or not?

Mr. HUBBARD. No, sir.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of House bill 15848, the first deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask unanimous consent that we may dispense with the formal reading of the bill and that the bill may be read for action on the committee amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Greene	Mayfield
Barkley	Couzens	Hale	Metcalf
Bayard	Curtis	Harris	Moses
Bingham	Dale	Harrison	Neely
Black	Deneen	Hastings	Norbeck
Blaine	Dill	Hawes	Norris
Blease	Edge	Hayden	Nye
Borah	Edwards	Heflin	Oddie
Bratton	Fess	Johnson	Overman
Brookhart	Fletcher	Jones	Ransdell
Broussard	Frazier	Kendrick	Reed, Mo.
Bruce	George	Keyes	Reed, Pa.
Burton	Gillett	McKellar	Robinson, Ark.
Capper	Glass	McMaster	Robinson, Ind.
Caraway	Glenn	McNary	Sackett

Schall	Steck	Trammell	Warren
Sheppard	Steiwer	Tydings	Waterman
Shortridge	Stephens	Vandenberg	Wheeler
Simmons	Swanson	Wagner	
Smith	Thomas, Idaho	Walsh, Mass.	
Smoot	Thomas, Okla.	Walsh, Mont.	

Mr. McKELLAR. I desire to announce that my colleague [Mr. TYSON] is unavoidably detained from the Senate because of illness. I ask that this announcement may stand for the day.

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. This announcement may stand for the day.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent on account of illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 1, to insert:

SENATE

To pay Amanda J. Gooding, widow of Hon. Frank R. Gooding, late a Senator from the State of Idaho, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

For payment to Ingham G. Mack for services rendered as assistant clerk to the Committee on Public Lands and Surveys investigating the occupation, leasing of, and contracts for oil and oil lands in the Salt Creek field in Wyoming; the transactions and activities of the Continental Trading Co. of Canada and the continued investigation of all oil leases as authorized by Senate resolutions of the present Congress Nos. 101, 202, and 237, respectively, and Resolutions Nos. 282 and 294 of the Sixty-ninth Congress, continued during the present Congress, fiscal year 1929, $2,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert:

For the purchase and exchange of an automobile for the Vice President, fiscal year 1929, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

For stationery for Senators, committees, and officers of the Senate, fiscal year 1929, $3,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to insert:

ARCHITECT OF THE CAPITOL

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, fiscal year 1929, $8,400.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

House Office Building: For the acquisition of a site and construction of a fireproof office building for the House of Representatives; for the preparation of plans, employment of skilled architectural, engineering, personal, and other services, advertising and printing; for the purchase in the open market of material, supplies, equipment, necessary technical and other reference books, for the letting of contracts, and for traveling expenses and all other expenses incident thereto, without reference to sections 3709 and 3744 of the Revised Statutes of the United States, fiscal year 1929, $8,400,000, to remain available until expended, said building to be erected by the Architect of the Capitol, subject to the direction and supervision of the commission in charge of the House Office Building without reference to section 35 of the act of June 25, 1910; the appropriations hereunder to be disbursed by the Department of the Interior, in accordance with an act entitled "An act to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives," approved January 10, 1929 (Public, No. 648), $8,400,000.

The amendment was agreed to.

The next amendment was, under the heading "United States Supreme Court Building Commission," on page 7, line 11, after the numerals "1928," to strike out "$10,000" and insert "including the procurement of models, $25,000," so as to read:

To enable the United States Supreme Court Building Commission to carry out the provisions of section 2 of the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, including the procurement of models, $25,000, to remain available during the fiscal year 1930.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

PORTO RICAN HURRICANE RELIEF COMMISSION

For the purpose of making loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico, $5,000,000, of which $3,000,000 shall become immediately available and $2,000,000 shall become available on January 1, 1930; for rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads, $2,000,000; for purchase and distribution of seeds and seedlings, $100,000; and for administrative expenses of the commission, $30,000; in all, $7,130,000, fiscal year 1929, to remain available until expended, as authorized by Public Resolution No. 74, approved December 21, 1928.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department," on page 11, after line 7, to insert:

Relief of Lucy B. Knox: For payment to Lucy B. Knox, widow of the late Lieut. Commander Forney Moore Knox, United States Navy, of an amount equal to six months' pay at the rate said Forney Moore Knox was receiving at the date of his death, as authorized by the act approved May 26, 1928 (45 Stat. pt. 2, 281), $2,370.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to insert:

Relief of Vincentia V. Irwin: For payment to Vincentia V. Irwin, widow of the late Ensign Glendon Ward Irwin, United States Navy, of an amount equal to six months' pay at the rate said Glendon Ward Irwin was receiving at the date of his death, as authorized by the act approved May 26, 1928 (45 Stat. pt. 2, 283), $935.

The amendment was agreed to.

The next amendment was, under the subhead "International obligations," at the top of page 15, to insert:

Foreign Service buildings fund: For the purpose of carrying into effect the provisions of the Foreign Service buildings act, 1926 (U. S. C. 1953, sec. 295), and for each and every object thereof, including the initial alterations, repair, and furnishings of buildings heretofore acquired under specific authorization of Congress for the use of the diplomatic and consular establishments in foreign countries, fiscal year 1929, $700,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department," on page 16, after line 15, to insert:

BUREAU OF PROHIBITION

For an additional amount for the fiscal year 1929 to carry out the objects specified under this head in the act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, approved March 5, 1928, $25,000,000, to remain available until June 30, 1930.

Mr. WARREN. Mr. President, I ask that that amendment may go over until the smaller items in the bill shall have been considered and agreed to.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Judgments, United States courts," on page 21, line 1, after the word "in," to insert "Senate Document No. 192, and"; and at the end of line 3 to strike out "$11,556.60" and insert "$377,566.23," so as to read:

For payment of the judgments rendered against the Government by the United States District Court for the Northern District of California under the provisions of the act approved June 7, 1924 (U. S. C. p. 870, sec. 52), and certified to the Seventieth Congress in Senate Document No. 192 and House Document No. 473, as follows: Under the Treasury Department, $377,566.23.

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

For payment of the judgments, including costs of suits, rendered against the Government by United States district courts under the provisions of certain special acts and certified to the Seventieth Congress in Senate Document No. 193, under the following departments, namely: Navy Department, $47,870.51; War Department, $1,886.20; in all, $49,756.71.

The amendment was agreed to.

The next amendment was, under the heading "Judgments, Court of Claims," on page 22, line 3, after the word "in," to in-

sert "Senate Document No. 194, and"; in line 5, after the word "namely," to insert "Department of the Interior, $100,000"; in line 6, after the name "Navy Department," to strike out "$208,291.66" and insert "$340,383.61"; in line 8, after the name "War Department," to strike out "$680,460.54" and insert "$1,369,608.36"; and in line 8, after the words "in all," to strike out "$897,096.09" and insert "$1,818,335.86," so as to read:

For payment of the judgments rendered by the Court of Claims and reported to the Seventieth Congress in Senate Document No. 194, and House Document No. 465, under the following departments, namely: Department of the Interior, $100,000; Navy Department, $340,383.61; Treasury Department, $8,343.89; War Department, $1,369,608.36; in all, $1,818,335.86, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to insert:

AUDITED CLAIMS

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C. p. 1022, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1926 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C. p. 43, sec. 266), as fully set forth in Senate Document No. 195, Seventieth Congress, there is appropriated as follows:

INDEPENDENT OFFICES

For housing for war needs, $1,782.
For salaries, General Accounting Office, $7.50.
For salaries and expenses, Board of Tax Appeals, $3.
For increase of compensation, Veterans' Bureau, $1,071.33.
For salaries and expenses, Veterans' Bureau, $322.55.
For vocational rehabilitation, Veterans' Bureau, $1,538.68.

DEPARTMENT OF AGRICULTURE

For general expenses, Forest Service, $309.22.
For general expenses, Bureau of Agricultural Economics, $12.18.
For salaries and expenses, Federal Horticultural Board, $3.21.

DEPARTMENT OF COMMERCE

For district and cooperative office service, Department of Commerce, $6.58.
For investigating mine accidents, $126.57.

DEPARTMENT OF INTERIOR

For Geological Survey, $42.
For Wind Cave National Park, $30.
For Army pensions, $155.
For relieving distress and prevention, etc., of diseases among Indians, $18.
For Indian schools, support, $130.72.
For support and civilization of Indians, $189.
For support of Indians in California, $2.63.

DEPARTMENT OF JUSTICE

For salaries, fees, and expenses of marshals, United States courts, $1,295.73.
For salaries and expenses, district attorneys, $111.83.
For salaries and expenses of clerks, United States courts, $4,293.90.

DEPARTMENT OF LABOR

For miscellaneous expenses, Bureau of Naturalization, $1.
For salaries and expenses, commissioners of conciliation, $4.50.
For general expenses, Children's Bureau, $6.05.
For expenses of regulating immigration, $281.64.
For miscellaneous expenses, Bureau of Labor Statistics, $1.90.

NAVY DEPARTMENT

For pay, miscellaneous, $43.81.
For increase of compensation, Naval Establishment, $1.74.
For transportation, Bureau of Navigation, $295.03.
For engineering, Bureau of Engineering, $42.
For pay of the Navy, $2,626.11.
For provisions, Navy, Bureau of Supplies and Accounts, $75.11.
For maintenance, Bureau of Supplies and Accounts, $81.29.
For freight, Bureau of Supplies and Accounts, $62.93.
For aviation, Navy, $5,657.50.
For pay, Marine Corps, $166.61.
For general expenses, Marine Corps, $132.73.
For maintenance, Quartermaster's Department, Marine Corps, $243.48.
For scrapping of naval vessels, $3,590.76.
For Air Service, Army (War transfer to Navy, act May 21, 1920), $5,657.50.

DEPARTMENT OF STATE

For contingent expenses, United States consulates, $101.26.
For water boundary, United States and Mexico, $6.68.

TREASURY DEPARTMENT

For contingent expenses, Treasury Department, miscellaneous items, $57.33.
For stationery, Treasury Department, $1.50.
For collecting the revenue from customs, $2.56.
For enforcement of narcotic and national prohibition acts, $295.08.
For Coast Guard, $50.
For repairs to Coast Guard vessels, $384.15.
For repairs to Coast Guard cutters, $345.12.
For pay of personnel and maintenance of hospitals, Public Health Service, $10.04.

WAR DEPARTMENT

For Army War College, $210.97.
For pay, etc., of the Army (longevity act January 29, 1927), $78,330.22.
For pay, etc., of the Army, $7,569.96.
For pay of the Army, $1,206.90.
For increase of compensation, War Department, $50.60.
For increase of compensation, Military Establishment, $5,873.64.
For Army transportation, $405.33.
For barracks and quarters, $2,660.
For clothing and equipage, $18.04.
For general appropriations, Quartermaster Corps, $33,734.79.
For regular supplies of the Army, $51.78.
For supplies, services, and transportation, Quartermaster Corps, $11,049.37.
For replacing ordnance and ordnance stores, $193.91.
For supplies for seacoast defenses, 13 cents.
For Ordnance Service, $2.15.
For ordnance stores, ammunition, $92.03.
For armament of fortifications, $155.57.
For field artillery armament, $41.35.
For proving grounds, Army, $79.64.
For terminal storage and shipping buildings, $3.
For arming, equipping, and training the National Guard, $4,413.59.
For arms, uniforms, and equipment for field service, National Guard, $1,267.91.
For organized reserves, $103.54.

POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For indemnities, domestic mail, $645.77.
For indemnities, international registered mail, $9.65.
For indemnities, international mail, $182.30.
For railroad transportation, $109.74.
For rent, light, and fuel, $120.
For Rural Delivery Service, $35.06.
For vehicle service, $77.45.

Total, audited claims, section 3, $180,371.43, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 40, line 8, to change the section number from 3 to 4.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert the following additional section:

SEC. 5. For the payment of the claim allowed by the General Accounting Office under the provisions of Private Act No. 279, approved May 29, 1928 (45 Stat. pt. 2, p. 324), and certified to the Seventieth Congress, in Senate Document No. 196, $3,000.

The amendment was agreed to.

The next amendment was, on page 40, line 18, to change the section number from 4 to 6.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments, with the exception of the amendment passed over.

Mr. WARREN. On behalf of the committee I offer an amendment, which I send to the desk and ask that it may be adopted.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming on behalf of the committee will be stated.

The CHIEF CLERK. On page 8, after line 21, it is proposed to insert as a separate paragraph the following:

DEPARTMENT OF COMMERCE—BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Customs statistics: For an additional amount covering the same objects and purposes specified under this head in the act making appropri-

ations for the Department of Commerce for the fiscal year 1929, to remain available until June 30, 1930, $10,000, of which amount not to exceed $8,000 may be expended for personal services in the District of Columbia.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WARREN. That completes the bill on the part of the committee except the amendment which has been passed over.

Mr. CURTIS. Mr. President, the pending amendment will take some little time. I wonder if the chairman of the committee will permit me to offer an amendment before proceeding further, as I have an appointment which will call me from the Chamber in a few moments.

Mr. WARREN. The Senator from Kansas is aware, of course, that there are a couple of items which have not as yet been disposed of and which will have to be considered, but under the circumstances I make no objection to the Senator's request.

Mr. CURTIS. I ask unanimous consent, then, to offer the amendment which I send to the desk.

The VICE PRESIDENT. Without objection, the amendment will be stated.

The CHIEF CLERK. On page 26, after line 17, it is proposed to insert:

For repairing dikes, opening ditches, repairing bridges, repairing and rebuilding fences, etc., at Haskell Institute, Lawrence, Kans., damaged by flood, $7,400; and for replacement of hay, grain, and feed destroyed by flood, $1,600; total, $9,000.

Mr. McKELLAR. Mr. President, I should like an explanation of the amendment.

Mr. CURTIS. There was a flood last fall in the locality where the Haskell Institute is situated which destroyed the dikes and ditches at the institute and also destroyed all of the feed which was stacked on the ground. I should like to have this amendment go to conference. There are one or two of the items for which appropriations must be made because of the lack of feed for the cattle.

Mr. WARREN. I understand that this item relates to an institution which is maintained for the benefit of the Indians.

Mr. CURTIS. It is a Government institution.

Mr. TRAMMELL. Where is it located?

Mr. CURTIS. It is the Haskell Institute, located at Lawrence, Kans.

Mr. WARREN. Mr. President, I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The amendment which was passed over will be stated.

The CHIEF CLERK. On page 16, after line 15, it is proposed to insert:

BUREAU OF PROHIBITION

For an additional amount for the fiscal year 1929 to carry out the objects specified under this head in the act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, approved March 5, 1928, $25,000,000, to remain available until June 30, 1930.

Mr. WARREN. Mr. President, I have here a letter from the Secretary of the Treasury in answer to an inquiry as to whether or not this amount of money—$25,000,000—could be economically expended. The Secretary of the Treasury has been kind enough to answer the inquiry in a comprehensive manner, and I ask that his letter be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read the letter of the Secretary of the Treasury.

The Chief Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, January 12, 1929.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR MR. CHAIRMAN: In acknowledging receipt of your letter of January 11, in which you state that the first deficiency bill has been reported to the Senate with the inclusion of an item of $25,000,000 for the Bureau of Prohibition, for prohibition enforcement, and that it is the wish of the committee that the Treasury Department furnish a statement as to whether in the opinion of the department such a sum could be judiciously expended, and if granted by Congress how such an amount would be allocated, permit me to give you a brief general statement on the subject of prohibition enforcement.

The problem of prohibition enforcement has many ramifications and its successful solution depends not only on ample appropriations for the Bureau of Prohibition but on the activities and situation of other departments and bureaus of the Government. The question, therefore, of whether an increase of $25,000,000 in the amount appropriated for the Bureau of Prohibition will accomplish the results desired by the Congress and this department, is not one that can be answered without a thoroughgoing survey of the entire field, for I assume, of course, that if any such large sum is to be appropriated, the Congress will desire it to be used with the utmost effectiveness and in a way calculated to bring about the greatest results. For instance, one of the major difficulties encountered in making the prohibition laws truly effective is the congestion in the United States courts occasioned in large part by numerous pending prohibition cases. It would seem desirable, therefore, if the Congress deems it advisable to appropriate an additional sum of $25,000,000 for this general purpose, that some consideration should be given to whether a part of this sum, at least, should not be allocated to the Department of Justice. As to the needs of the Department of Justice I am, of course, not in a position to express an opinion.

The problem of smuggling is an important one. Its prevention is largely dependent, in so far as our sea coast is concerned, on the adequacy of the fleet maintained by the Coast Guard and in part on an adequate customs force at our various ports; and in so far as our land borders are concerned, on an effective patrol of the borders. On account of our failure thus far to secure a satisfactory agreement with Canada, which, in my opinion, would materially reduce the liquor traffic coming over the Canadian border, the necessity of a thoroughgoing survey as to the best means of increasing the effectiveness of our border patrol is apparent. This the department has recently undertaken.

In so far as the Coast Guard is concerned, some time ago I instructed Admiral Billard to submit a report as to the adequacy of the present Coast Guard fleet, together with an estimate of the Coast Guard building needs over the period of the next five years.

The problem of securing the necessary personnel under the provisions of existing law applying the civil service to the Bureau of Prohibition and customs border patrol must likewise be taken into consideration. Up to the present time it has been possible to make permanent appointments for only a portion of the service and it is anticipated that many months will elapse before the provisions of the civil service act can be fully applied through the furnishing of adequate eligible registers for the present positions.

In so far as the Bureau of Prohibition itself is concerned, some additional funds could be advantageously used at the present time in increased investigational activities and in a well-considered educational program. Looking to the future, it will no doubt be advantageous to provide additional funds for increased border patrol of the Customs Service and an increased customs force at some of the principal ports of entry and increased equipment for the Coast Guard.

The department desires, of course, to see every reasonable provision made for the adequate enforcement of the law, but I do not believe that any such large sum as is provided for in the present deficiency bill should be appropriated until the surveys above suggested have been completed and until it can be determined how any increased amounts can be most wisely and effectively expended. In other words, I am not prepared to say that prohibition enforcement can not be made more effective by the expenditure of increased amounts for this purpose, but I do feel that no such appropriations should be made until they can be definitely allocated to certain specific purposes, and that any other method of procedure will necessarily result in the extravagant use of the public funds.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. WARREN. Mr. President, the distinguished Senator from Georgia [Mr. HARRIS] who, I am very happy to say, is not only my good friend personally, but one of those Senators who always have in mind in their service on the committee the idea of proper economy in Government expenditures, originally proposed this amendment in the committee. Of course, he has his views upon many matters, and it seems he has very strong views on the question of prohibition. As the Senator first proposed the amendment, it called for an appropriation of $50,000,000, which was cut by the committee to $25,000,000.

I ask the Senate to consider, because we must consider it, the probable action which the House of Representatives may take on whatever we may do here in the way of attaching amendments of this character to the bill, and also to consider whether those who have the responsibility of providing for the expenditures of the Government ought not to be not only willing but anxious to insure so far as possible that the money which we appropriate will be expended not extravagantly but practically to attain the end desired.

It seems to me, I wish to say to the Senator from Georgia, that it becomes my duty as chairman of the committee either to ask that the amendment be rejected or to proceed, if possible, to find a way by which the appropriation may be economically expended.

I have no further remarks to make upon the amendment at this time, but I shall have to ask for a vote upon it.

Mr. HARRIS. Mr. President, I am sure the senior Senator from Wyoming knows that there is no Senator in this body who has a higher regard for him personally or greater respect for his suggestions and the splendid work he does than the senior Senator from Georgia.

I want to call attention to certain statements in Mr. Mellon's letter, which the able chairman of the committee has just read. I do not think Mr. Mellon's letter has been carefully read by Senators or they would not take the view that some of them have taken.

Here is what he says:

> The question, therefore, of whether an increase of $25,000,000 in the amount appropriated for the Bureau of Prohibition will accomplish the results desired by the Congress and this department is not one that can be answered without a thoroughgoing survey of the entire field; for, I assume, of course, that if any such large sum is to be appropriated, the Congress will desire it to be used with the utmost effectiveness and in a way calculated to bring about the greatest results.

Mr. President, there is nothing in this bill that forces the Secretary of the Treasury to spend one dollar extravagantly. The spending of this money, if my amendment is passed, would be entirely within his hands. He has a year and four months and a half in which to use this money. He does not have to use a dollar of it if he can not use it in a way that would be economical and helpful.

The Secretary of the Treasury has been for eight years in the position he now occupies. His enforcement officer, Doctor Doran, the man that he put in charge of this work—and he certainly ought to have respect for his opinion—said before the House committee that it would require ten times as much as we have appropriated; so why should Mr. Mellon differ with his own officer, the man he keeps at the head of the Prohibition Bureau?

Mr. President, something was said about making a survey to find out about the enforcement of the prohibition law. We might just as well talk about making a survey to find out whether there is a Washington Monument here in the city of Washington. There is not a Senator here who will state that there is not a great need of field agents in his State to enforce this law. There is not a Senator here who will deny that this law is violated ten times as much as it would be if we had the proper number of field agents to enforce the law in his State.

So far as I am concerned, I shall not reflect on Secretary Mellon's ability to handle funds economically; and I do not believe that the funds that we appropriate for this purpose would be extravagantly spent by him or his department. I think he has erred in the other direction.

Another statement of his, Mr. President, in the third paragraph of his letter:

> On account of our failure thus far to secure a satisfactory agreement with Canada, which, in my opinion, would materially reduce the liquor traffic coming over the Canadian border, the necessity of a thoroughgoing survey as to the best means of increasing the effectiveness of our border patrol is apparent.

We know the length of the Canadian border. We know how many men it will take to enforce the law on that border, and we know that there is not one-tenth the number of men there to enforce the law that there ought to be, and we know the reason is that the department has not the money appropriated to enable it to employ additional men.

The Secretary of the Treasury is one of the best financiers in this country; but he has been in that office eight years and has not recommended, as I recall, the appropriation of one dollar additional to enforce this law, when every man and woman in this country knows that the bootlegger is worse than the barroom formerly was; there are 50 bootleggers where there was 1 barroom, and the law would protect us to a certain extent from certain things that occurred in the barroom.

I ask to have read from the desk a letter from a Methodist minister in Mr. Mellon's State who is at the head of the ministerial association to improve conditions in prohibition-enforcement work. He is giving his time and money to it, together with the other ministers of his section. I ask the attention of Senators to this letter to show the necessity for more money to employ a larger number of field men in this work.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The legislative clerk read as follows:

FIRST METHODIST EPISCOPAL CHURCH,
Charleroi, Pa.

Hon. W. J. HARRIS,
Washington, D. C.

DEAR SIR: A few days ago an article appeared in the morning newspaper to the effect that the Senate Committee on Appropriations had recommended an increase of $25,000,000 for prohibition enforcement. This is good news to the friends of prohibition and I sincerely hope that the measure will be approved by both Houses of Congress.

I have been interested in the work of law enforcement for several years and at the present time I am the chairman of the local law and order committee. We have been quite active in this work during the past two years but have met with so much difficulty that the committee is somewhat discouraged. We have spent about $1,000 during the past year in getting information or evidence on cases of violation that were reported to us. After our effort along this line, we have had to wait weeks and sometimes months before we could get assistance from the Federal forces. We have been told repeatedly when asking for help, that they did not have the men or money to give us the help that we desired. While Mr. Pennington and his small force have rendered a splendid service in and about Pittsburgh, the work of enforcement is wholly inadequate. Mr. Pennington is trying to cover nearly 500,000 square miles of territory with a field force about the size of the police squad of a small city.

Enough money should be put into this work to make it effective and to realize the purpose in the minds of the people when the legislation was adopted.

On behalf of the Ministerial Association and the churches of Charleroi, I would respectfully urge your support of this measure.

Sincerely yours,

J. E. MORRISON.

Mr. HARRIS. Mr. President, you will notice that the writer of that letter says that the Ministerial Association raises its own funds and works for months to get up information that will be helpful in enforcing the prohibition law, and then it takes months to get a Federal prohibition-enforcement officer from Mr. Mellon's department to help them. That is in Secretary Mellon's own State.

I ask that the Clerk read a letter which I have sent to the desk from Mr. H. C. Morgan, of Homersville, Ga., one of the prominent lawyers of his section, a splendid man, and a prosecuting attorney in his judicial district of Georgia for several years which shows conditions in my State; I shall not burden the Senate or the RECORD by having other letters read along the same line. I could bring a good many here.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The legislative clerk read as follows:

HOMERVILLE, GA., *January 10, 1929.*

Senator W. J. HARRIS,
Washington, D. C.

DEAR SENATOR: We are in great need of more prohibition enforcement in this territory, and to this end we need more Government enforcement officers. I do not know of but two or three in all south Georgia. They certainly do not give my territory any attention. This may be due to the fact that the few officers who are now in charge have too much territory to cover.

Do you think there would be any chance to get the authorities in charge to give us a few more officers and locate one at Homerville or close by? The officer would have plenty of work to do and it would be a great service to our people.

* * * * * * *

H. C. MORGAN.

Mr. HARRIS. Now, Mr. President, I want to show that in three paragraphs out of the six in the letter of the Secretary of the Treasury he says that more funds could be used. Here is the next one. I quote his words:

> In so far as the Bureau of Prohibition itself is concerned, some additional funds could be advantageously used at the present time in increased investigational activities and in a well-considered educational program.

He admits that he needs it right at this time and can use it.

> Looking to the future, it will no doubt be advantageous to provide additional funds for increased border patrol of the Customs Service and an increased customs force at some of the principal ports of entry, and increased equipment for the Coast Guard.

In almost every paragraph he says that he could use increased funds to help in this matter. Why is he against it if he could use more funds; and why does he wait for years and never make a recommendation to the Senate or to Congress for additional funds? When we offer him larger appropriations why does he say he does not want them, although he states in his letter that he can use them?

Now I will read the last paragraph, and I hope Senators will listen to this:

> In other words, I am not prepared to say that prohibition enforcement can not be made more effective by the expenditure of increased amounts for this purpose, but I do feel that no such appropriations

should be made until they can be definitely allocated to certain specific purposes, and that any other method of procedure will necessarily result in the extravagant use of the public funds.

Mr. President, the Secretary of the Treasury is too modest about his ability as an administrative officer. I do not believe he would waste the money. I believe, as a matter of fact, that he could spend several times as much money as he is now and has been spending. As I said, his prohibition enforcement officer said to the House committee that he could spend ten times the amount he has been spending. I wish we could have his recommendations instead of those of the Secretary of the Treasury.

Another thing, Mr. President:

We speak of an appropriation of $25,000,000. If they have the same experience with this fund that they have had with the $9,000,000 they are now spending for this field work, they will get back more than 50 per cent of it; so $25,000,000 spent will bring back in fines from twelve to fourteen million dollars if we get the same proportionate return that we get from the other amounts that are spent.

There is $4,000,000 and more that is spent in what we call overhead, for office force and other expenses, and a little less than $9,000,000 spent for field service, where the actual enforcement work is done and where they now need ten times as many men as they have at present.

In my State, for instance, we have 161 counties. Ours is the largest State east of the Mississippi River; and we have 30 enforcement officers for 161 counties. We need ten times that number to properly enforce the law. Congressman WRIGHT, of Georgia, one of the ablest and best men in the House, told me to-day that from his home city of Newnan to Chattanooga, Tenn., a distance of 135 miles, they had only one enforcement officer. Of course the enforcement of prohibition is going to be a farce as long as it is continued in that way; and every Senator here knows that more money is needed to employ more field men. Every Senator, whether he is in favor of this law or not, knows that its enforcement is a farce, the way it is conducted to-day, with less than one-tenth the number of field men needed.

Mr. President, the people of this country are more interested in prohibition than anything else before Congress.

Mr. REED of Missouri. Mr. President, will the Senator yield for just one question?

Mr. HARRIS. I yield to the Senator.

Mr. REED of Missouri. The Senator says that the enforcement of prohibition is a farce as conducted to-day. Is it worse to-day than it has been all the time?

Mr. HARRIS. I think it is in the same condition to-day that it has been since the present Secretary of the Treasury was placed in charge of it. I do not think he has tried to enforce the law as Congress intended that it should be enforced. Not only is this law violated, I will say to the Senator from Missouri, but it is causing the people of this country to lose respect not only for this law but for all laws; and I do not know of any greater harm that is being done than for our people to lose respect for law of any kind.

Mr. REED of Missouri. I do not want to prolong the discussion, because the Senator is entitled to proceed with his speech; but the Senator now says that the enforcement of the law has been a farce since the present Secretary of the Treasury took charge.

Mr. HARRIS. Because of the lack of enforcement officers.

Mr. REED of Missouri. Yes; but the Senator says it has been a farce since the present Secretary of the Treasury took charge. When was that?

Mr. HARRIS. Eight years ago, as I recall.

Mr. REED of Missouri. Prior to that, the enforcement was in charge of whom?

Mr. HARRIS. I have forgotten who the Secretary of the Treasury was. There were several.

Mr. REED of Missouri. It was still in charge of the Secretary of the Treasury?

Mr. HARRIS. It was still in charge of the Secretary of the Treasury.

Mr. REED of Missouri. Did the predecessors of the present Secretary do worse than he has done?

Mr. HARRIS. They certainly did not. They could not have done any worse.

Mr. REED of Missouri. Does the Senator think there has been any change for the worse since Secretary Mellon came in?

Mr. HARRIS. I think this law was not enforced properly from the very beginning, because they did not have the money with which to enforce it.

Mr. REED of Missouri. But the enforcement, whatever it has been, has been a farce from the first?

Mr. HARRIS. It has been a farce because they have not had the money with which to enforce it.

Mr. REED of Missouri. All right.

Mr. HARRIS. They have not had the men they needed to enforce it. As I said, if the Senator from Missouri will pardon me, in the State of Georgia there are 161 counties; it is the largest State east of the Mississippi River; and we have only 30 enforcement officers when it would take 30 for the 5 cities of my State alone, and if we used all the 30 in the cities it would leave the 156 other counties without enforcement officers.

Mr. REED of Missouri. As I understand the Senator's position, it is that because of the lack of a sufficient number of enforcement officers the enforcement of the law from the first has been a farce; and the Senator now says that we could well expend—and I presume he means economically expend—ten times the $25,000,000 that is proposed in the bill. That is, we could spend $250,000,000?

Mr. HARRIS. I do not think we could spend ten times $25,000,000 within the next year.

Mr. REED of Missouri. I so understood the Senator.

Mr. HARRIS. No; I said the prohibition enforcement officer, Doctor Doran, said it would take ten times as much as this.

Mr. REED of Missouri. Does the Senator agree with the prohibition enforcement officer? I am just trying to get the Senator's views; that is all. I do not want to haggle with him at all. I have the greatest respect and the kindliest feeling for him, and he is able to take care of himself anyway.

What I really wanted to find out was whether or not the Senator meant to say that we could expend $250,000,000 in the enforcement of this law in addition to the amounts we are already appropriating. Does the Senator think that is necessary?

Mr. HARRIS. I said that it could be spent to enforce the law at the present time, but I do not believe that amount could be spent within the next year without some extravagance, as it would take time to organize a much larger force. I think that if we would give them $25,000,000 this year, and perhaps $50,000,000 the next year, we could stamp out most of the trouble.

The information I get about the nonenforcement of the law is from the appointees of the Secretary of the Treasury from several States, who tell me that it is not enforced because they have not enough field agents. Mr. Mellon's appointees tell me that in my State, and they tell me that in other States and I believe that is the reason for nonenforcement.

Mr. REED of Missouri. I am glad to have one frank statement in regard to this matter, because I have heard it asserted on this floor many times that the enforcement is a success. The Senator has cleared the matter up.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. BARKLEY. Has the Senator information as to how many field men are actually employed by the Prohibition Department throughout the country?

Mr. HARRIS. I have that, and I will place it in the RECORD. There are 30 in the State of Georgia, 34 in Florida, and 7, I believe, in Arizona. I will place the whole list in the RECORD.

Mr. BARKLEY. Does the list show how many there are in Kentucky?

Mr. HARRIS. This does not show the number in Kentucky. It is given here by districts; and a district may cover more than one State, as in the case of Georgia and Florida, which are in the same district. We can not get complete information except by having them report just how many are employed in one State.

Mr. BARKLEY. My observation has been that on the average each one of these field agents has to cover several counties not only in investigation but in making arrests, and it would be ridiculous if a sheriff, in the attempt to enforce any other law, has to cover by himself a large number of counties. It seems that the same situation that would require a smaller territory to be covered by each individual agent ought to apply to this law, as it does to all others.

Mr. HARRIS. I should think so. I stated that there are now 30 agents for 161 counties in Georgia; and 30 agents are really needed in the five large cities in my State.

Mr. HAYDEN and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Georgia yield; and if so, to whom?

Mr. HARRIS. I yield to the Senator from Arizona.

Mr. HAYDEN. I can give the Senator from Kentucky the information he seeks. It is found on page 188 of the annual report of the Secretary of the Treasury for the fiscal year ended June 30, 1928. It shows that there are 339 permanent and 7 temporary employees on the rolls of the Bureau of Pro-

hibition at Washington and 4,057 permanent and 85 temporary employees in the field service, making a total of 4,396 permanent and 92 temporary employees on the rolls as of June 30, 1928.

The personnel on June 30, 1927, consisted of 4,269 permanent and 17 temporary employees.

Mr. BARKLEY. If I may inquire, those figures, of course, include clerical assistants and office help in all the offices throughout the country. What I was seeking to arrive at was the actual number of men whose duty it is to go out throughout the country for the purpose of searching out violations of this law, making arrests, and securing evidence upon which convictions may be had.

Mr. HAYDEN. As the Senator from Georgia very well pointed out, the overhead expenses will not be increased by the adoption of this amendment; the bulk of the money would go into this enforcement work.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. BRUCE. The Senator, however, is not taking account of the fact that all these States have State enforcement statutes and police agencies of one sort or another that are cooperating with the Federal field agents for the purpose of repressing violations of the Volstead Act. Is not that a fact?

Mr. CARAWAY. Mr. President, it is hardly correct to say that all of the States have enforcement statutes.

Mr. BRUCE. All the Senator mentioned.

Mr. CARAWAY. I do not think the Senator's own State has.

Mr. BRUCE. No; it has not, I am glad to say.

Mr. WHEELER. The State of Montana has not.

Mr. BRUCE. The State of Montana has not, I am glad to say. The State of New York has not, I am glad to say.

Mr. HARRIS. Mr. President——

Mr. BRUCE. I know the Senator did not yield to me for that, but I ask the Senator whether the States he mentioned—I am not speaking of all the 48 States of the Union, but all the States he mentioned as having a deficient Federal prohibition field forces—have not State enforcement statutes and a corps of State police agents who are cooperating with the Federal prohibition force for the purpose of keeping down bootlegging?

Mr. HARRIS. Mr. President, that is quite true; but for many years the people have become accustomed to the Federal Government taking charge of the enforcement of the prohibition law, and they expect the Federal Government to continue. May I ask the Senator from Maryland whether this law is enforced in his State?

Mr. BRUCE. The Federal prohibition law?

Mr. HARRIS. Yes.

Mr. BRUCE. With the utmost rigor. We have two honorable upright judges, who deem it to be their duty, as they should, to enforce this law without fear or favor; and we have there a most active, energetic prohibition agent, Colonel Herbert, who was imported from Massachusetts for the very purpose of enforcing the prohibition law as vigorously as possible, and he has made intensive raid after raid in the city of Baltimore since he has been there, only with the result that last year there were more deaths from alcoholism in that city than there were the year before.

Mr. HARRIS. How many enforcement field men are there in the Senator's State?

Mr. BRUCE. I could not tell the Senator how many there are; but I know that intensive raids have been carried on there, and that, in his desire to enforce the law, Colonel Herbert has brought any number of field agents from the outside, imported them from other States, fearing, of course, that our own people might to some extent be too deeply biased against prohibition to furnish just the proper sort of police officers for the purposes of enforcement.

Mr. HARRIS. My information is that a man can buy whisky in Washington without any difficulty; but if he does not want to buy whisky in the city of Washington, there is no trouble getting it in Maryland.

Mr. BRUCE. Or anywhere else; because General Andrews said, the Senator will recollect, that bootlegging was absolutely coextensive with the entire territory of the United States.

Mr. OVERMAN. Mr. President, will the Senator from Georgia yield to me?

Mr. HARRIS. I yield with pleasure to my good friend the able Senator from North Carolina.

Mr. OVERMAN. I would like to put into the RECORD a telegram from the judge of the middle district of North Carolina, and also an interesting letter from the enforcement officer in my State, which bear out the Senator in what he stated as to the law enforcement.

Mr. HARRIS. Let them be read. May I ask the Senator from North Carolina how long that judge has been on the bench and by whom he was appointed?

Mr. OVERMAN. He was appointed by President Coolidge, and he has been on the bench about two years. In the letter the enforcement agent says he has in his district 26 counties and 10 agents, and that if he had an agent for every county the law would be enforced.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

GREENSBORO, N. C., *January 13, 1929.*

Hon. LEE S. OVERMAN,
Senate Building, Washington, D. C.:

Trust you will use your influence to secure passage of the Harris prohibition appropriation. This amount should treble the present number of agents. In my opinion this is wise legislation and will meet the necessities in rural communities such as our district.

JOHN J. HAYES,
United States Judge.

Mr. OVERMAN. Now read the letter from the enforcement officer.

The legislative clerk read as follows:

TREASURY DEPARTMENT,
UNITED STATES PROHIBITION SERVICE,
Greensboro, N. C., January 15, 1929.

Hon. LEE S. OVERMAN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: This is following up my telegram of even date urging you to support the Harris bill asking for $25,000,000 increase for the purpose of enforcing the national prohibition act. In order to have more effective enforcement we must have more prohibition agents, and this is impossible unless we have more money. We have only 10 agents for the middle district of North Carolina, which is composed of 26 counties. If we had an average of one agent to each county in this district we could give the people real effective enforcement. The people in North Carolina are very anxious that the appropriation for the enforcement of prohibition be increased.

Very truly yours,

J. L. OSTEEN,
Deputy Administrator.

Mr. HARRIS. Mr. President, I do not believe there is a Federal judge in the United States, unless it is in Maryland, who would differ from the statements made by the North Carolina judge. Nor do I believe there is a prohibition-enforcement officer in the United States who would differ from the statement made by the North Carolina enforcement officer.

Mr. BRUCE. I ask the Senator not to cast any reflection upon the most upright, conscientious, and faithful judges we have, who are doing everything in their power to enforce the Volstead Act. Some Senators present know—the Senator from Nebraska certainly knows—that I myself was perhaps the most active spirit in this body in procuring another Federal judge for the State of Maryland for the very purpose of relieving the frightful congestion that has been taking place in the dockets of the Federal courts because of the heaped-up prohibition cases. Our officials in Maryland, of high and low degree, are doing the very best they can to enforce this law, and as strongly as I am opposed to the law I would not like to see any aspersions of any kind cast on the conduct of any one of them so far as fidelity to their sworn duty is concerned.

Mr. HARRIS. Mr. President, I will make the statement a little broader and not except the State of Maryland. I do not believe there is a United States judge—not one in this country—who would not say that there are more men needed in the field to enforce this law. I will not even make an exception, although I meant no reflection on the State of Maryland. The Senator from Maryland had suggested what splendid judges they had and how energetic they had been in enforcing the law. That is the reason I made the exception.

Mr. President, by request of a Member of the Senate, I ask to have placed in the RECORD a letter from Governor Pinchot, of Pennsylvania, containing extracts from letters of the Secretary of the Treasury as to the prohibition law in his State, showing that he has not in any way tried to help to remedy the law and its nonenforcement in that State.

I stated that the bootlegger is worse than the barroom, because there are fifty times as many of them. I ask that the clerk read the letter.

Mr. NORRIS. Before that is done, let me ask the Senator a question about the letter of Governor Pinchot.

Mr. HARRIS. I will be glad to have the Senator ask me a question.

Mr. NORRIS. I think I have read the letter; at least Mr. Pinchot has written a long letter in regard to the enforcement

of prohibition in Pennsylvania, which I have read. Perhaps it is the same one. If it is, I would like to call the attention of the Senator from Georgia to the fact, as I remember it, that it is not so much a complaint that more enforcement officers are needed as it is a demand that the right kind of enforcement officers be appointed. It is a complaint against the officials, stating that they have not backed up the men who are already engaged in the business, and in some cases have appointed the wrong kind of men. Is not that true of Governor Pinchot's letter?

Mr. HARRIS. That may be true, but, beyond that, Governor Pinchot, who was Governor of Pennsylvania, Secretary Mellon's home State, asked the Secretary of the Treasury to help him when the legislature of his State was considering strengthening the enforcement of prohibition laws. He asked Secretary Mellon to aid him in the matter, and claims that Secretary Mellon declined to take any part in it, and quotes Secretary Mellon's letters declining to do so.

Mr. NORRIS. There is no question involved, then, about having enough men to do the work, but what he was complaining about was that they did not do the work; that the men who were appointed were not the right kind of men; that men who had been arrested had been relieved from punishment; and even prosecution, by other officials, perhaps by Secretary Mellon himself, or at least coming from his own office, where proceedings were nolled, and where prosecutions were not carried on in good faith. All that goes to a very important point in this matter, which I would like to have the Senator and others discuss.

Mr. CARAWAY. Mr. President, may I call the attention of the Senator from Nebraska to the fact that Mrs. Willebrandt—we have heard of her—testified that in Pennsylvania they absolutely nullified a prosecution for conspiracy to sell liquor in violation of the prohibition law?

Mr. NORRIS. I think that particular case was referred to in the letter; at least it was in the letter I read.

Mr. HARRIS. I ask that the letter be read.

Mr. NORRIS. I would be glad to have the letter read.

Mr. BARKLEY. Mr. President, if it be true that the Secretary of the Treasury has appointed the wrong sort of men to enforce this law and has refused to lend his assistance to the States in the enforcement of it, should not that have some bearing on the weight which the Senate will give his letter in regard to the appropriation being sought?

Mr. NORRIS. I could not hear the Senator's question.

Mr. BARKLEY. If that is the attitude of the Secretary of the Treasury with reference to the enforcement of this law, is it not pertinent——

Mr. WARREN. Mr. President——

Mr. NORRIS. There are so many interruptions all around that I can not hear what the Senator is saying. He is asking me a question.

The PRESIDING OFFICER. Senators will please observe the rule of the Senate. Does the Senator from Georgia yield; and if so, to whom?

Mr. HARRIS. I have yielded to the Senator from Nebraska.

Mr. NORRIS. I hope the Senator will yield to the Senator from Kentucky, so that he may ask me the question he is trying to propound, and which I have not been able to hear.

Mr. HARRIS. I yield to the able Senator from Kentucky, who is author of some of the prohibition laws.

Mr. BARKLEY. If it is true that the Secretary of Treasury has appointed the wrong sort of men to enforce the prohibition law and has refused to aid the State governments in their efforts to enforce it, ought not that situation to be considered in determining how much weight his present opposition to the appropriation ought to be given by the Senate?

Mr. NORRIS. Oh, yes; I think so. My own idea is that if it be true that they are not appointing the right kind of men and will not give them the right kind of backing, if they are making a farce of prosecutions, as referred to by the Senator from Arkansas and the testimony of Mrs. Willebrandt, to my way of looking at it that would be an argument against giving to the Secretary of the Treasury additional money. If he has not properly used the funds already given to him, the money he has already had, why give him more?

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Virginia?

Mr. HARRIS. I yield.

Mr. GLASS. I merely desire to observe that if we may think the Secretary is that sort of official, if he has appointed either corrupt or inefficient agents, why should we let him expend $25,000,000 more from the Public Treasury in that very sort of thing?

Mr. NORRIS. That is the very question I was raising.

Mr. GLASS. Perhaps I may say without any impropriety that very likely my vote in the committee decided the question of recommending the appropriation. It was ordered by a vote of six to five; but if anyone can convince me that the Secretary of the Treasury is consciously—or unconsciously, for that matter—appointing corrupt and ineffective agents to enforce the law, I am not going to vote to give him another dollar.

Mr. NORRIS. If the Senator from Georgia will pardon me further——

Mr. HARRIS. I yield.

Mr. NORRIS. I think on this point we ought to have the testimony of Mrs. Willebrandt. The testimony is on record. I do not have it here, but it has been referred to in the debate. I think it is referred to in the letter of Governor Pinchot. I may be mistaken about that. I think the letter also will refer us to an instance where prominent men were not properly prosecuted—at least the charge is made. I do not know anything about the facts. I would like to have the letter read.

Mr. HARRIS. Mr. President, I ask that the letter be read at this time.

Mr. HARRISON. Mr. President, will the Senator yield before the letter is read?

Mr. HARRIS. I yield to the Senator from Mississippi.

Mr. HARRISON. Here is one proposition which it seems to me Senators have overlooked. There is to be a change in administration on the 4th of March. Of course, it is doubtful that the present Secretary of the Treasury, who some say has been derelict in his duty, will be reappointed. This $25,000,000 is to be added to the $13,000,000 that is to be used in the enforcement of prohibition until July 1, 1930, giving nearly a year and a half for the new Secretary of the Treasury to use the money. If the evidence shows that the present Secretary of the Treasury has been derelict, centainly the President elect would not appoint such a man as his Secretary of the Treasury.

Mr. WARREN. Mr. President——

Mr. HARRIS. I yield to the Senator from Wyoming.

Mr. WARREN. It so happens that in the judgment of the Senate we put all of these agents of the Government under civil service. The Civil Service Commission started by examining them and for some reason passing them by until finally many of the States had no one who had passed the examination. Of course, the Senator from Georgia can answer for his own State, but I know that in the Western States, in any number of them, not a man was left who had not been told that he did not pass the first examination.

Mr. HARRIS. The appointees from my State are more intelligent and they nearly all stood the examination.

Mr. WARREN. I am not willing to admit anything of that kind.

Mr. HARRIS. But who appointed them?

Mr. WARREN. It has become perfectly evident that somewhere, somehow, either they are all bad agents or this examination has not turned them out fast enough in order to use the money that is there now for paying the agents and for conducting the business as well as, or better, perhaps, than in an earlier time. For instance, the State which I in part represent had a man who everybody presumed was able, efficient, and honest. An assistant took his place and he was passed by on the first examination. An assistant also had a good record, but he too was passed by on the first examination. He took a second examination and was passed by again, and since then has been ordered to an adjoining State. The same thing happened in Colorado.

Without intending any attack upon the civil-service system I may say that that has been one of the reasons why we are so short in agents to properly spend the money we are appropriating. Aside from all the points we have been discussing there is the business side of it, and that is the only side I represent here. It is a question whether we are going to appropriate and give unwilling agents an amount of money to expend when we ourselves have undertaken to put those agents under civil-service examination, which procedure, it would seem, results in the selection of only about one out of a dozen applicants.

The Senator from Georgia knows, and I think the Senate knows, that I have always stood by every proposition to extend help and appropriate money for the enforcement of this law—with the one exception of $270,000,000 recently, which I thought then, and am forced now to think, was an improvident proposal.

Mr. HARRIS. May I interrupt the Senator at that point? Of course, those who voted for the Bruce amendment had no idea that the $270,000,000 item would be agreed to in conference, but we did think and hope that a reasonable sum would be agreed on in conference.

Mr. HARRISON. Mr. President——

Mr. HARRIS. I yield.

Mr. HARRISON. I ask the Senator, who has no doubt read what Mrs. Willebrandt said about it, what the Prohibition Commissioner said about it before any of the committees?

Mr. HARRIS. He said before the committee that it would take ten times as much money as we are asking for.

Mr. NORRIS. Mr. President, will the Senator yield again to me?

Mr. HARRIS. I yield.

Mr. NORRIS. I have just been informed that the letter of Governor Pinchot, which will soon be read, does not refer to Mrs. Willebrandt's testimony, but the Senator from Arkansas [Mr. CARAWAY] has just told me that he has sent for her testimony. I have read the testimony myself. The placing of the appointment of enforcement officers under the civil service law does not relieve the situation, so far as the point made by Mrs. Willebrandt in her testimony is concerned. In that case the prosecuting officer was to blame. A conspiracy was permitted to go by default because of a lack of the right kind of prosecution, as I think it was testified. I would like to have that testimony of Mrs. Willebrandt read.

Mr. HARRIS. I will ask that it be read when the Senator from Arkansas gets it.

Of course, if the Civil Service Commission would hold more examinations they could get more men for the work. They might get a few Democrats under the civil-service examination, but they could at least get more men. The men in my State appointed by the Secretary of the Treasury for this work have told me that they need more men and could get more men if they could get more money.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARRIS. I yield.

Mr. BORAH. In my judgment we will never have a competent force if we keep upon the statute book the law putting them under the civil-service provisions. I think we made a very serious mistake in doing it. We can hold the examinations and fill the States with that class of men, but we will never have enforcement.

Mr. NORRIS. On the other hand, if the Senator will permit me——

Mr. HARRIS. I yield.

Mr. NORRIS. I think that we enacted that law because of dissatisfaction that was perfectly apparent under the other plan, which was not under civil service. If we made a mistake it was because we jumped out of the frying pan into the fire.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. HARRIS. I yield.

Mr. BRUCE. I will say in response to what the Senator from Nebraska has just remarked that when these appointments were made under the old system, out of a force of about 3,000 field agents some 875 were dismissed from the prohibition service either for violations of the Volstead Act or rascality in some form or other. So I think it is hardly fair for the Senator from Idaho, certainly this quickly, to pass the censure that he does on the new system of appointments originated under the new law, when the results under the old system of appointments are duly taken into account.

The facts that I am stating are derived from the testimony of Gen. Lincoln C. Andrews before the Senate subcommittee on prohibition in 1926. It was those revelations that led to the Cramton bill and the determination of public sentiment that the prohibition field agents should be selected under a competitive system of examination. The Senator is aware, of course, that when the competitive examinations took place 75 per cent of the field prohibition agents who were appointed under the old system, appointed mainly at the suggestion, of course, of churches, the Anti-Saloon League, and agencies of that sort, failed to pass the examination.

Mr. BORAH. Yes; but that is no reflection upon the men.

Mr. BRUCE. I think it is.

Mr. BORAH. I think they were incompetent in all probability, but if they had been competent they would have just as likely failed to pass the examination.

Mr. BRUCE. The Senator, of course, is an inveterate friend of the old spoils system of patronage——

Mr. BORAH. Oh, no!

Mr. BRUCE. And is opposed to the merit system of appointment.

Mr. BORAH. In some lines of governmental activities I am thoroughly in favor of the civil-service system, but I do not believe it is applicable to this situation.

Mr. HARRIS. Mr. President, I can appreciate the difficulty of getting men through the civil service, and I understand that situation, but I have had dozens of applications from my State for positions as prohibition enforcement officers. I have not tried to influence the officers in the matter of these appointments, but I have had a great number of applications for positions in this work, and have referred them to the Civil Service Commission for information relative to examinations for these appointments.

Mr. REED of Missouri and Mr. FESS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. HARRIS. I will yield first to the Senator from Missouri.

Mr. REED of Missouri. The Senator from Nebraska said it seemed that we had jumped out of the frying pan into the fire. I am wondering if he wants us to jump back into the frying pan again or if he has in mind some other receptacle?

Mr. NORRIS. No; I am not behind any proposition. I will say that I do not know yet how I am going to vote on this particular amendment.

I would like to see a fair, honest attempt made to enforce the prohibition law. So far as I am concerned I am not willing to repeal it now until I am convinced that a fair, honest attempt at enforcement has been made and failed. Then I shall be willing to talk about it. If it can not be enforced, I do not want it. But in the way the matter has been handled, it seems to me, the old method of appointment was unsatisfactory. I know it was said in this particular line there would be a great chance for dishonest men to be appointed, because there is money in it—"there are millions in it."

I was amazed at a letter that was published a couple of years ago by a then Senator from Oklahoma complaining that in his State enforcement officers had been appointed without consulting him, and calling attention to the fact that he was a candidate for office and that he wanted himself to name them, to get his friends on the enforcement force so they could help him be reelected. That was a pretty blunt statement of it, but it brought out a condition that more or less existed under cover in a great many places in the United States. It was a deplorable condition, it seemed to me, if we really want an honest enforcement of the prohibition law.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARRIS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I will speak in my own time later on this subject, but I want to call the attention of the Senate at this particular time to the fact that, in my opinion, we are going at this question in just the opposite way that we should. We do not need an appropriation of $25,000,000 for the purpose for which it is sought to be appropriated. At this time there are pending in the courts over 9,000 cases which are undisposed of. What we ought to do is to provide more courts so that they can dispose of the cases pending before them and not let them drag on for years and years. If we had a sufficient number of courts to enforce the law and handle the cases which are now pending, I would be perfectly willing to vote an appropriation of $25,000,000 or $50,000,000, or more if necessary; but what is the use of appropriating $25,000,000 to bring more cases into the courts which can not be handled?

Mr. HARRIS. Mr. President, would the Senator from Utah vote for this appropriation if it were left to the President to allocate it between the Department of Justice and the other departments?

Mr. SMOOT. Allocate it for what purpose?

Mr. HARRIS. For the enforcement of prohibition. The Senator is complaining that the Department of Justice has not money enough to take care of the cases now pending in the courts and this would furnish additional money.

Mr. SMOOT. I know the department has not; there is not any doubt about that, because it is reported to me from the department that there are now over 9,000 cases, which have been pending, in some instances, for four or five years. There are not sufficient courts to handle them, and this $25,000,000 will only pile up more cases for the present courts to consider, which they are not able to do. If we want to get at a solution of this problem, the proper thing to do is to give the Department of Justice additional help in the shape of more courts, if you please, and have the cases considered and decided by the courts as they are filed.

Mr. REED of Missouri. Mr. President, will the Senator from Georgia pardon me an interruption?

Mr. HARRIS. I yield to the Senator from Missouri.

Mr. REED of Missouri. I call the attention of the Senator from Utah to the testimony of the former district attorney of New York, Mr. Buckner, who made a very strenuous effort to enforce the law. Before the committee of which I was a member he said about two years ago that in order to enforce

the law in the State of New York they would need 85 additional Federal courts. I think he also stated that they would need 1,500 enforcement officers in that State. I merely wanted the Senator to understand the number of additional courts which would have to be created.

Mr. SMOOT. I have read the testimony, but I can not for the life of me see now why we should want to appropriate $25,000,000 and pile up cases which the courts have no way of disposing of. That is where we ought to begin; I am perfectly willing to begin to use the $25,000,000 for that purpose if necessary; but, in my judgment, it would be an absolute waste of money and time and energy on the part of all connected with the problem to appropriate $25,000,000 only to pile up the cases which can not be heard for, perhaps, the next 10 years.

Mr. CARAWAY. Will the Senator from Georgia yield to me for just a moment?

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. HARRIS. I yield to the first Senator from Arkansas.

Mr. CARAWAY. Mr. President, this alibi about the courts not having time to consider the cases does not appeal to me. Anybody who does not want to enforce the law can always say that there is something wrong with the machinery of enforcement.

Mr. SMOOT. I want to have the law enforced.

Mr. CARAWAY. If the Senator believes it will take that many courts to enforce the law, he will never see the law enforced.

Mr. SMOOT. I did not say it would take that many.

Mr. CARAWAY. The Senator was making the statement that additional courts were needed. I think, however, the Senator knows that is an alibi; he knows when any official comes before Congress and says that if he had 500 more enforcement officers or 85 more courts he could enforce the law, the truth of the matter is that he has not tried to enforce the law, but he say, "I want you to give me an acquittal because I did not have the necessary instrumentalities from the Government; there were not the necessary number of Federal courts." Every Senator here who has ever practiced law knows that that sort of a statement is absolutely beyond any common sense; he knows it is not true; it is ridiculous. Whether we are going to enforce the law or not enforce the law, let us be perfectly candid about it.

Mr. SMOOT. Does the Senator say there are sufficient courts to enforce the law?

Mr. CARAWAY. Absolutely so.

Mr. SMOOT. The Senator, then, is the only man I have ever heard say so.

Mr. CARAWAY. That makes no difference. The Senator has talked to nobody who wanted to enforce the law.

Mr. SMOOT. Of course, the Senator from Arkansas has.

Mr. CARAWAY. I have; and I know the law can be enforced; but I know it can not be enforced as long as those charged with the duty of enforcement continually furnish alibis and say, "If we do not enforce the law, you will have to excuse us, because we have not sufficient agents with which to enforce it."

Mr. BRUCE. Mr. President——

Mr. HARRIS. I have yielded to the Senator from Arkansas.

Mr. BRUCE. I was going to ask the Senator from Arkansas a question.

Mr. CARAWAY. I will be glad to have the Senator from Maryland do so, if the Senator from Georgia will yield to me for that purpose.

Mr. BLACK. Mr. President——

Mr. HARRIS. I now yield to the Senator from Alabama.

Mr. BLACK. Mr. President, I desire to call the attention of the Senator from Utah and of other Senators to the fact that while there may be congestion, and probably is in the State of New York, that does not apply to the remainder of the country. In the State of Alabama we have three judges, none of whom work even approximately, perhaps, half the time. One of those judges goes all over the country, including the State of New York, to hold court. We do not need additional judges in Alabama, but we do need additional prohibition enforcement officers.

I agree with the Senator from Arkansas that it does not make any difference where we start, but let us start, and let us begin at the place where it is needed. If the present Secretary of the Treasury will not enforce the law, if he be reappointed, then the Senate and the House of Representatives have the right to take enforcement out of his hands. There is no reason to attempt to conceal our action or our desires behind the Secretary of the Treasury, whoever he may be.

Mr. BRUCE. Mr. President—

Mr. HARRIS. I yield to the Senator from Maryland.

Mr. BRUCE. May I make one statement apropos of something that was said by the Senator from Arkansas? I presume the attention of the Senator from Arkansas has been called to the fact that only a month or so ago Mr. Doran, the Commissioner of Prohibition, when it was suggested that an additional force of prohibition field agents might be given to him, said that he did not want any more; he said, "We are making more arrests now than the courts can take care of." That was the statement of Mr. Doran, the Prohibition Commissioner.

Mr. OVERMAN. Mr. President, that is not so in my State. I will reinforce what the Senator from Alabama has said. The new judge in North Carolina has cleared his docket, and he has enforced the law in his district. The new judge has a real idea about doing his duty.

Mr. HARRIS. Mr. President, if we had more officers there would be fewer violations of the law as the people would pay more attention to the law.

Mr. REED of Missouri. Mr. President, will the Senator from Georgia permit me to ask the Senator from Alabama a question?

Mr. HARRIS. I yield to the Senator from Missouri.

Mr. REED of Missouri. Merely for my own information, I should like to ask the Senator from Alabama if his State has a State prohibitory law?

Mr. BLACK. It has.

Mr. REED of Missouri. And that law makes it the duty of all the police and the constabulary of the State to enforce the law?

Mr. BLACK. That is correct.

Mr. REED of Missouri. I suppose that all together there are several thousand such officers?

Mr. BLACK. I can not say as to the exact number.

Mr. REED of Missouri. Well, there are several large cities and a considerable police force within those cities?

Mr. BLACK. That is true.

Mr. REED of Missouri. And there are sheriffs, marshals, and their deputies throughout the State?

Mr. BLACK. That is correct.

Mr. REED of Missouri. Those officers all take an oath to enforce this law the same as other officers?

Mr. BLACK. Just as we take an oath in the Senate to provide sufficiently appropriations to enforce the law?

Mr. REED of Missouri. No; we do not take an oath of that kind.

Mr. BLACK. Well, to enforce the Constitution of the United States, which demands sufficient appropriations to enforce the law.

Mr. REED of Missouri. Are those officers, speaking generaliy, in the State of Alabama performing their duty or are they shirking or neglecting it?

Mr. BLACK. My judgment is that most of them are performing their duty.

Mr. REED of Missouri. So we then find the situation that there are already several thousand—at least several hundred—faithful men trying to enforce the prohibition law in the State of Alabama?

Mr. BLACK. That is correct.

Mr. REED of Missouri. Yet there are some stills down there?

Mr. BLACK. Oh, yes; there are some stills, and there are some people who steal, and there are some people who commit other crimes, just as there are in Washington.

Mr. REED of Missouri. There are always some people who steal.

Mr. BLACK. Yes, sir; and some who drink and violate the prohibition law.

Mr. REED of Missouri. Does the Senator think that the prohibitory law has been successfully enforced in the State of Alabama in the same way that we say a criminal statute has been enforced?

Mr. BLACK. My judgment is that the prohibition law in Alabama has been far more successfully enforced than have many other laws that are on the statute books. That judgment comes from a practical experience in the enforcement of the law.

Mr. REED of Missouri. If that is the case, if Alabama is in that happy situation, there is hardly any need for additional help from the Federal Government in that State?

Mr. BLACK. That might be the conclusion the Senator would reach.

Mr. REED of Missouri. Would not that seem to be logical?

Mr. BLACK. No, sir. We desire to enforce the law in Alabama and we have tried to do it. It is my judgment that from 75 to 80 per cent of the people would vote for the continuation of the law and its enforcement. The idea that because we

desire a more rigid enforcement we are thereby doing something that is wrong does not at all follow.

We desire a more rigid enforcement of all law where it is violated; we desire a more rigid enforcement of the law against burglary, and there are many burglaries committed in the State; but we take the position that when the integrity and honor of the United States Government are challenged, when Senators in this body say that the enforcement of the law is a farce, and that that condition is bringing about disrespect for other laws, there is a common meeting ground for every man, whether he believes that the law is right or wrong. We take the position that whatever funds are needed to enforce it, it is the duty of every Senator, whether he is for the law or against the law, to vote to appropriate those funds.

We do not claim that the law with reference to liquor is perfectly enforced in Alabama; we do not claim that the law is perfectly enforced with reference to any other crime on the statute books; but we do claim that every good, honest, patriotic citizen of this country should be in favor of an enforcement of every law, especially where it is written in the Constitution of the United States. Therefore we do not conceal our action, nor do we attempt, as the Senator from Arkansas said, to find an alibi for failure, under one method or another method.

We are ready to create additional courts where needed. We in Alabama do not need them. We are ready to have additional enforcement officers where needed, and we believe that practically every State of the Union needs them. We believe in taking out of the hands of a man who is not for the enforcement of the law, and who does not attempt to enforce it, the right to enforce the law, if such be the case; but we do not concede, as the Senator seems to think, that because we have enforced a law so satisfactorily that the overwhelming majority of the people are for it, we must stop and never attempt to advance a step further in the enforcement of the statute. That is the difference, it seems to me, in the position of myself and the Senator.

Mr. REED of Missouri. Mr. President, that is a rather long answer to a categorical question. The situation I wanted to develop was this: There are, in the State of Alabama, a multitude of officers—I do not know how many but the number must reach several thousand—charged with the duty of enforcing the prohibitory law. We are told two things; one is that those officers are for the most part faithful, and, secondly, that they have been as successful in enforcing this law as in enforcing other criminal statutes. If that be the case, it would seem that the addition of a few more Federal prohibition officers would not greatly improve the situation. I do not want to argue it; I merely wish to get the facts; that is all.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. HARRIS. I yield.

Mr. CARAWAY. Mr. President, if there were an extraordinary increase in the number of robberies of national banks would there be any Senator stand on the floor and say, "There is no use to provide an appropriation to secure additional marshals to arrest the burglars because there are already too many criminal cases pending in the courts"?

Mr. REED of Missouri. We have had that situation.

Mr. CARAWAY. And there never has been a Senator or anyone else who has ever risen to protest against any appropriation to enforce any law but the prohibition law. I have been a Member of the Senate for eight years and I have never heard a Senator denounce any other law and say it is a bad law and we can not enforce it or object to the means of enforcing it except in the case of prohibition. That is the only law as to which anybody has stood here since I have been a Member of the Senate and said, "There is not any use in appropriating money; the authorities will not enforce it, and it can not be enforced, and it ought not to be enforced."

Mr. REED of Missouri. Does the Senator know of any request of the Senate or Congress going beyond the requests of the various departments?

Mr. CARAWAY. I know this: The Senator says they are not enforcing this law, does he not?

Mr. REED of Missouri. I say that, as far as I am concerned, I agree with the Senator from Georgia [Mr. HARRIS] that the whole matter of enforcement has been a farce.

Mr. CARAWAY. But the Senator says the law has not been enforced.

Mr. HARRIS. Mr. President, will the Senator yield for just a minute to correct the statement of the Senator from Missouri? What I said was that the reason why the enforcement of the prohibition law was a farce was because the department did not have enough money to employ additional field men—enforcement officers.

Mr. CARAWAY. And I call the attention of the Senator from Georgia again to this matter: He has been on the Appropriations Committee a long, long time. Has there ever been any objection to giving all the money necessary to enforce any law except this one?

Mr. HARRIS. I never heard of it in the 10 years that I have been a member of that committee. Nearly all the other departments have come before the Appropriations Committee, of which I have been a member 10 years, and asked for more money for their department.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Georgia a question in that connection.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Georgia yield to the Senator from Maryland?

Mr. HARRIS. I yield to the Senator.

Mr. BRUCE. I should like to ask the Senator whether any Federal official has ever come before that committee and said that any particular criminal law could not be enforced unless the Government provided the enormous sum of $300,000,000 for its enforcement and covered the face of the country with courts? I say that this law is being enforced just as well as its irrational nature and the corruption that it works as it goes along will permit.

Mr. HARRIS. And the enemies of the law, like the Senator from Maryland, would like to have it fail.

Mr. EDGE and Mr. CARAWAY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. HARRIS. I yield first to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, the Senator from Maryland says this law is being enforced as well as it can be. The Senator from Maryland offered an amendment here on the floor of the Senate to increase this enforcement fund to $270,000,000, and voted for it, and voted to override the action of the conferees in receding from that amendment.

Mr. BRUCE. Certainly. I am not making any apologies about that.

Mr. HARRIS. I now yield to the Senator from New Jersey.

Mr. EDGE. Mr. President, the salaries provided for this particular class of public servants range, I believe, from $1,500 to $1,800. It has already been established that a large proportion of these men can not resist the temptations offered. Through what process of reasoning does the Senator believe that an increased appropriation, allowing the appointment of an increased number of inspectors, would raise the standard so that enforcement would be improved?

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HARRIS. I yield.

Mr. CARAWAY. I wonder if the Senator from New Jersey thinks that a man who can not make more than $1,500 a year is against enforcing the law; that only the high-salaried people are in favor of its enforcement?

Mr. EDGE. The Senator from New Jersey did not make any such inference.

Mr. CARAWAY. What is the inference, if that is not the inference—that because the department does not pay bigger salaries the men it gets are of no account and will not enforce the law?

Mr. EDGE. The Senator from New Jersey is stating a situation. Hundreds of men are employed. Certainly the Secretary of the Treasury does not pick out these men. They are employed, as I understand the present system, under the civil service law, which operates in every State in the Union. Whether the civil service law is wise or unwise, I repeat, the fact remains that if we increase the number of men employed to enforce the law we must increase them from citizens who are just as honest whether they make thirteen or fifteen hundred dollars a year or $10,000 a year; but, dealing with the situation we have had in the past, I repeat the question: Does the Senator anticipate that increasing the force from 1,000 to 10,000 is going to get a type of men more honest than those we have had before?

Mr. HARRIS. Mr. President, I have not in any way reflected on the Secretary of the Treasury or the men under him. I think that the men under him, the men in charge of prohibition-enforcement work, are doing the very best they can. I know that is true of the men employed in this work in my State. I realize the difficulty in getting men suited for this work under the civil service law; but I believe we ought to give it a trial, and I would rather have it continue in force a while longer. I know that in my State there are plenty of good men applying for these places who could stand the civil-service examination, and if we had sufficient appropriation they would help enforce it so as to make the law effective in my State.

We know the old plan of having these men secure these positions by political influence was a failure.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. HARRIS. I yield to the Senator from Kentucky.

Mr. BARKLEY. Does the Senator know to what extent these various agents, who are more or less incompetent, judging from the statements that have been made here, have been appointed upon the recommendation and the insistence of Members of both branches of Congress who belong to the party in power?

Mr. HARRIS. I am not familiar with that, Mr. President. I have not myself tried to influence any appointments. I have heard some of the Senators who have had men named for these places criticize the Civil Service Commission as a body to select these men; and, as I said, I can see the difficulty in finding them under the civil service. There is no doubt about that, but it is far better than the old spoils system in force before the law placing them under the civil service.

As I said, Mr. President, I have not criticized the Secretary of the Treasury. He said that he might expend this money extravagantly if we appropriated it for him. I say that I do not believe he would. He is too modest when he says that. I have not in this debate in any way referred to the fact that the Secretary of the Treasury had been in the whisky business at one time; I have tried to avoid a partisan discussion of this question. Prohibition is a moral question and should not be made a party question.

Mr. President, my first interest in politics was in a prohibition campaign in my home county. I have been interested in advancing the cause of prohibition in my town, county, State, and Nation. Because of my interest in prohibition when a state-wide meeting was held in Atlanta to celebrate the passage of the state-wide law, the leaders of the cause asked me to preside at the meeting. I voted for the eighteenth amendment and I shall vote for every appropriation to get more men to enforce this law. Every Senator here knows that the lack of money and the lack of men is the greatest reason why this law is not enforced. It is useless for you to deny that.

Without reflecting on the vote of any Senator, I believe that if I voted against an amendment to give more money for the enforcement of prohibition I would be helping to make wrecks of thousands of men and women, boys and girls all over this land every day until a sufficient sum was appropriated to enforce the law.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. HARRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. In reference to the inspection service or agency service about which the Senator has just spoken, the Senator will recall that several times within the last few years quite a large number of post-office inspectors have been created, and they have been certified by the Civil Service Commission. The object and purpose of those inspectors is to run down violations of the post-office laws and regulations, just as the purpose in this case is to run down violations of the liquor laws. Has the Senator ever heard any criticism of the character of the men who have been certified by the Civil Service Commission for the Post Office Department? Has it not been quite a success?

Mr. HARRIS. It has; and no objection has been made to doubling the force of inspectors, as I recall.

Mr. McKELLAR. I think it has been more than doubled in the last eight years.

Mr. HARRIS. I mean in the past few years.

Mr. McKELLAR. So far as I now recall, since I have been a member of the Appropriations Committee, not a single objection has ever been interposed to increasing the service in order to carry out or better to enforce any law except this one.

Mr. HARRIS. Mr. President, I had not expected to hold the floor more than a few minutes; but I have asked that Governor Pinchot's letter be read. Before it is read, however, I desire to ask that a statement made by my former friend and colleague in the Senate, the late Senator Thomas E. Watson, in regard to the barroom, be read. As I have said, the barroom was not as bad as the bootlegger, because there are 50 bootleggers where there was one barroom; I ask to have the clerk read this Song of the Barroom. I think it is one of the best statements showing the great harm done by whisky that I have ever read.

Mr. BRUCE. Mr. President, may I ask the Senator from Georgia whether that is the song he had inserted in the RECORD about two or three years ago? It left such a vivid impression on my mind that I have never forgotten it.

Mr. HARRIS. I am sure the Senator would enjoy hearing it again.

Mr. BRUCE. The Senator is bringing it in as a sort of refrain, I suppose, at this time.

The PRESIDING OFFICER. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

THE SONG OF THE BARROOM

Alive, let us live. Where is Yesterday? Lost forever. Where's Tomorrow? It may never come. Today is *here*. Within its fleeting hours, runs the only certainty that you'll ever know. Come! eat, drink and be merry, for tomorrow you die!

The chains of Self-restraint are galling—throw them off! The burden of Duty is grievous—fling it down! The cross of Responsibility is crushing—let another bear it!

Live for *yourself:* live for the *Now:* live for the *lust of living.*

Drink! and forget dull Care. Drink! and ease the heartache. Drink! and drown the passion for the unattainable.

See how men are drawn to me! My lights blaze a brilliant welcome: I am never too hot, not too cold. Mirrored Vanity smirks in my gilded reflectors; and no one is ill at ease, in my Free-for-all Club. No shrewish wife can tongue-lash you, here; no peevish child annoy you with its cries. Leave to *them* the ugliness of your haggard home, and come unto me for comfort. Theirs, the cold and the gloom and the lonely vigil—yours, the warmth and glow and social joy.

Clink your glasses, men! Drink, again, *"Here's hoping."* 'Tis well to toast her here, where begins the trail to the grave of Hope. Be jolly; let the place ring with laughter: relate the newest story—the story that matches the nude pictures on the wall.

What's that? A dispute, angry oaths, a violent quarrel, the crash of overturned chairs, the gleam of steel, the flash of guns, the stream of life-blood, the groans of dying men?

Oh, well, it might have happened anywhere. The hearts of mothers and fathers, I wrench with pain: the souls of wives, I darken in woe. I smite the mansion, and there are wounds that gold cannot salve: the hut I invade and poverty sinks into deeper pits.

I sow and I till, and I reap where I sow, and my harvest—is what?

Men so brutalized that all of humanity is lost, save the physical shape—men reeking with moral filth, stony of heart, bestial in vice—men who hear the name of God with a wrathful stare, or a burst of scornful mirth; men who listen to the death-rattle of any victim of their greed or their lusts, without a sign of pity.

And the women, too! How can I fitly sing of the Woman of my harvest-time? Did you ever hear her laugh? It must be the favorite music of the damned. Did you ever hear her ribald talk. The very sewers might shrink at bearing it away. Have you ever heard her libidinous songs? Did you ever watch her eyes—those defiant, mocking, hopeless, shameless eyes?

What warriors have I not vanquished? What statesmen have I not laid low? How many a Burns and Poe have I not dragged down from ethereal heights? How many a Sidney Carton have I not made to weep for a wasted life? How many times have I caused the ermine to be drawn through the mud?

Strong am I—irresistibly strong.

Samson-like, I strain at the foundations of character; and they come toppling down, in irremediable ruin. I am the cancer, beautiful to behold, and eating my remorseless way into the vitals of the world. I am the pestilence, stalking my victims to the cottage door and to the palace gate. No respecter of persons. I gloat over richly-garbed victims no more than over the man of the blouse.

The Church, I empty it; the Jail, I fill it; the Gallows, I feed it. From me and my blazing lights, run straight the dark roads to the slums, the prisons, to the bread-lines, to the madhouse, to the Potter's Field.

I undo the work of the School. I cut the ground from under Law and Order. I'm the seed-bed of Poverty, Vice and Crime. I'm the Leper who buys toleration, and who has not to cry "Unclean!" I'm the Licensed ally-of-Sin. I buy from the State, the right to lay dynamite under its foundation. For a price, they give me the power to nullify the work of law-makers, magistrates and rulers. For a handful of gold, I am granted letters of marque, to sail every human sea and prey upon its life-boats.

Huge battleships they build, casing them triply with hardened steel; and huge guns they mount on these floating ramparts, until a file of Dreadnaughts line the coast—for what? To be ready for perils that may never come. But I give them a pitiful purse; and, in return, they issue to me the lawful rights to unmask *my* batteries on every square; and my guns play upon humanity, every day and every night, of every year. And were my Destroyers spread out upon the Sea, they would cover the face thereof.

Around that grief-bowed woman, *I* threw the weeds of widowhood—but I paid for the chance to do it; and *they who took my money knew that I would do it.*

To the lips of that desolate child, *I* brought the wail of the orphan—but I bought the right to do it; and *they who sold me the right, knew what would come of it.*

Yes! I inflamed the murderer: I maddened the suicide: I made a brute of the husband: I made a diabolical hag out of the once beautiful girl: I made a criminal out of the once promising boy: I replaced sobriety and comfort, by drunkenness and pauperism—but don't blame *Me: blame those from whom I purchased the legal right to do it.*

No Roman Emperor ever dragged at his chariot wheels, on the day of his Triumph, such multitudes of captives as grace my train. Tamerlane's marches of devastation were as naught beside my steady advance over the conquered millions. The Caesars and the Attilas come and go—comets whose advents mean death and destruction, for a season: *but I go on forever,* and take my ghastly toll from all that come to mill.

In civilization's ocean, I am the builder of the coral reef on which the ship goes down: of its citadel, I'm the traitor who lets the enemy in; of its progress, I'm the fetter and the clog: of its heaven, I'm the hell. (From Prose Miscellanies, by Thos. E. Watson, 4th ed.)

Mr. BRUCE. May I ask the Senator who wrote that article?

Mr. HARRIS. The late Senator Thomas E. Watson.

Mr. BRUCE. Was he a teetotaler?

Mr. HARRIS. So far as I know personally, he was. He was one of the ablest and most influential men who lived in my State in the past half century, and had a devoted personal following greater than that of any other man in our State. From the day he entered the Senate until his death our relations were most cordial and I prized highly his friendship.

I ask that Governor Pinchot's letter be read, and that Mr. Doran's statement, relative to the number of men employed under his bureau, be placed in the RECORD after that.

The PRESIDING OFFICER. Let the letter be read.

The Chief Clerk proceeded to read the letter, as follows:

JULY 9, 1927.

Mrs. HENRY W. PEABODY,
Beverly, Mass.

DEAR MRS. PEABODY: Your welcome letter of June 16 would have been answered much more promptly except that, as I telegraphed you, certain other work already undertaken unfortunately had to have precedence. You ask that I give you a definite statement of the delinquency and failure of Secretary Mellon in the enforcement of the eighteenth amendment. I am delighted at the opportunity your letter has given me, and I take great pleasure in making this reply.

First of all, Secretary Mellon is utterly unfit to have charge of the enforcement of the eighteenth amendment. Personally he is wet. When appointed as Secretary of the Treasury, Mellon was, if not the largest one of the largest, distillers of whisky in America through his ownership in the Overholt Distillery. Both because of his personal views and his business interests he was, therefore, just the wrong man to enforce the law.

It has been reported in the press, I assume with substantial accuracy, that when his interest in the Overholt Distillery was sold, after he had been in charge of law enforcement for a number of years, it brought $15,000,000.

Being out of sympathy with law enforcement himself Mr. Mellon, until forced by the accumulating pressure of public sentiment to do otherwise, has put disbelievers in the law in charge of enforcing it.

Mr. Blair, who until the last year or two had charge of law enforcement under Secretary Mellon, is wet. General Andrews, who succeeded him, is wet. Ogden L. Mills, who appears to have authority over ex-Lieutenant Governor Lowman and Mr. Doran, is also wet.

Mr. Doran is, I understand, responsible for the formula for the "specially denatured alcohol," which supplied millions of gallons of bootleg liquor, because of the ease with which the poisoning ingredients were removed.

The first man Mellon put in charge of law enforcement in his own State of Pennsylvania was a State senator, McConnell, a notorious wet and a man of known bad character beside. Within three months McConnell turned loose 700,000 gallons of whiskey on fraudulent permits. After being caught, he was treated with extreme indulgence, and when finally he had to be indicted was never punished. The United States district attorney came into court at the critical time and announced that the evidence upon which he depended for conviction had been stolen.

Nothing is better known in executive work than that the spirit of the head man powerfully controls the purposes and actions of his subordinates. Mellon's lack of interest in law enforcement has infected the whole service under him. There is no other factor to which the present abominable condition of law enforcement in the United States is so largely due as to the equally abominable refusal of Mellon to enforce the law for which he is responsible.

When the eighteenth amendment was first passed, criminals generally assumed, as their past experience gave them every right to do, that the United States would respect and enforce its own Constitution and laws. Consequently, the figures of crime, poverty, and drink steadily declined from the date of the adoption of the amendment until Secretary Mellon came into office. The present enormous development of bootlegging as a criminal and financial system has taken place entirely under Mellon's administration. It could not have taken place if he had done his duty.

Mellon's own city of Pittsburgh is the wettest city in Pennsylvania. Mellon is the undisputed political dictator of that city. He could make it dry if he chose to make it dry. He does not choose. His political, financial, and personal associates, over whom he holds complete domination if any man anywhere in this country does to-day, are openly against the eighteenth amendment.

Mellon's own State of Pennsylvania, of which he is beyond all comparison politically the most influential citizen, was probably, when I took office as governor in January, 1923, the wettest in the Union. Although the eighteenth amendment had been in effect since January, 1919, although Pennsylvania had ratified it, yet no law had been enacted to drive the open saloons out of the State. It is fair to say that the situation was appalling.

There was no State enforcement, and Federal enforcement under Mellon had completely broken down. A Federal prohibition director and other officers had been indicted. Whiskey was being illegally removed openly and by wholesale from warehouses in the Pittsburgh district. Some of the illegal removals were from the properties under Mellon's control.

Alcohol by the millions of gallons was being diverted into bootleg channels in the Philadelphia district. Breweries all over the State were running night and day turning out high-powered beer, and all this in Pennsylvania, with Mellon, a Pennsylvanian, in charge of national prohibition. Nothing of the sort could have taken place if Mellon had seriously intended to enforce the law.

At Pittsburgh the United States district attorney, who was, of course, under Mr. Mellon's political control, had quashed indictments against big bootleggers and politicians, one of them against the superintendent of Mr. Mellon's Overholt distillery, for releasing on fraudulent permits over 45,000 gallons of whisky.

In the middle district the United States district attorney, also under Mr. Mellon's political control, had shown no interest in stopping law violations and had allowed breweries openly to pour out high-powered beer.

In the eastern district the United States district attorney, also under Mr. Mellon's political control, and still in office to-day, had secured not one conviction of big bootleggers or members of alcohol rings, in spite of denunciations of actual conditions by Federal grand jury statements that could not have been stronger. This is the same district attorney who is responsible for the failure to punish McConnell. The administration of his office, so far as law enforcement is concerned, is still an open scandal.

I suppose it is fair to say that during my four years as governor as vigorous a fight was made to enforce the eighteenth amendment as has ever been made in any State. It consisted of two parts—one to abolish the legalized saloon and, by legislation, give the State government the powers it needed to enforce the law; the other was the actual work of enforcement.

First as to legislation: The most vigorous fights in two regular and one extra sessions of the legislature had to do with the effort to secure enforcement laws. In not one of them did Mellon give any help of any sort. In all of them the Pittsburgh machine, which was completely under his control, was more virulently wet than any other machine in the State.

* * * * * * *

The portion of the letter not read is as follows:

In the session of 1925 it was current gossip at Harrisburg that Secretary Mellon was actually hostile to our most important enforcement measure (called the united dry bill). On March 17, 1925, I telegraphed Mellon as follows:

"You are being quoted to members of the Pennsylvania Legislature as having made the statement by long-distance telephone that the pending enforcement bill, known as the united dry bill, must positively be defeated. I can not believe this is true. Bill comes up for final vote to-morrow morning. Please wire me your position at once in order to give time to correct this report."

His answer said:

"Replying to your telegram with reference to enforcement bill pending in Pennsylvania Legislature. I have not been advised as to its provisions and consequently have taken no position in regard to its passage."

That is, the chief law enforcement officer of the United States not only was so little interested in law enforcement in his own State that he did not know what legislation was pending, but when the matter was brought to his attention he declined even to take a position upon it.

You will recall that when President Washington wanted to smash the whisky rebellion in Pennsylvania, a great Pennsylvanian and a great financier, Albert Gallatin, volunteered to lead the troops. Furthermore, a great Secretary of the Treasury, Alexander Hamilton, asked Washington to accept his resignation as Secretary and appoint him to active command of the expedition to quell this revolt against a Federal law. Mellon would not even say that he was in favor of legislation necessary to enforce a Federal law in his own State.

I have been a Federal official for many years myself. Consequently I know what power the Federal administration has. I know also that the Secretary of the Treasury has all the necessary legal and administrative authority to enforce the law if he will use the power he has. From personal observation and experience in this effort to enforce the law I knew positively that the power Mellon had was not being used in his own State for law enforcement.

Accordingly I wrote him on October 28, 1923, in part:

"Pennsylvania is making a harder fight for law enforcement than any other State. * * * But while the State government of Pennsylvania is using and will continue to use to the utmost every power it has to combat the present outbreak of lawlessness, it is severely handicapped by the fact that the Federal Government is not. * * * The people of your State and mine are being affronted by open defiance of the law. This reign of disorder, which is having most serious consequences, is mainly due to the huge quantities of alcoholic liquids and illegal drinks turned loose from plants operating under Federal permits. These permits can not be granted, revoked, or dealt with in any way by State authorities. You, as Secretary of the Treasury, have the power to cut this flood of liquor off at the source by revoking these permits and by refusing to issue others except upon conditions sufficient, with honest enforcement, to make violations substantially impossible. I, as Governor of Pennsylvania, have no such authority."

I then made several specific requests. One was that in all Federal permits issued in Pennsylvania he would require the permittees to allow the members of the Pennsylvania State police to have access at any time, day or night, to their plants.

Mr. Mellon promised in writing to grant this request. All that we got after months of waiting was permission for the State police to enter plants under Federal permit "during ordinary business hours." In other words, the violators were to be guaranteed freedom from interference during the greater part of the 24 hours, and the State police were to enter only at the time when their doing so would interfere least with law breaking. More than a year later, after much more pounding, I succeeded in getting that promise kept.

I asked, also, that he would suspend and cancel, after hearing, the permit of any alcohol making or using plants or breweries detected in violation of the eighteenth amendment when I submitted to him, with my indorsement, sworn statement of such detection by officials of the State government, and thereafter keep such plants closed. I gave the names of many breweries which had been caught violating the law, and yet within a year had been given new Federal permits.

I also asked that since denatured alcohol, afterwards redistilled, was the main source of illegal whisky, whether he would not change the regulations to give more effective control. I pointed out the methods by which alcohol was being allowed to get into bootleg channels, and suggested constructive improvements. My statements in this matter were confirmed several years later by General Andrews before one of the congressional committees.

I pointed out, also, that the regulations of the Treasury Department provided for following pure alcohol—not denatured—from the source where it was manufactured through every step of release, transportation, and purchase for final use.

Mellon replied to my letter on October 29, and said:

"The regulations of this department are ample for the control of alcohol from the time of its production to the time of its ultimate consumption, whether used as pure alcohol or denatured for the various purposes for which denatured alcohol is used. * * *

"By far the greatest number of violations of the law in respect to denatured alcohol are those committed in connection with special denatured alcohol, and as to this aspect of the case the regulations are ample."

As to my request for the suspension of permits upon violations of law found by Pennsylvania State officials, Mellon fell back upon the old excuse. He said:

"You, of course, know that there are often minor irregularities which do not constitute legal grounds sufficient for seizure and forfeiture and appropriate action."

This evasive letter then closes with these sounding phrases:

"I am very anxious that the eighteenth amendment and the national prohibition act should be enforced throughout the United States, first, of course, because they are the law of the land, and because it is my obligation as Secretary of the Treasury to execute them as best I can. It ought to be clear to you that I could not be less desirous that they should be enforced in the State of Pennsylvania."

On October 30, 1923, I answered Mellon that "what is needed is not a defense of past and present evils, but the determination to abate them followed by effective action"; and added: "It is a matter of sincere regret to me that your answer to my letter is merely an effort to justify the present Federal system of enforcement, which all America knows to be defective, inefficient, and a breeder of corruption."

I said, "I ask you again to refuse to reissue permits for the operation of plants where the law has been broken." Perhaps it would be as well if you would allow me to quote somewhat at length from my letter:

"Your letter asserts that the law required your department to reissue permits after a year to applicants who are admittedly lawbreakers. There is no such provision of the law. The law does forbid the reissuance of a permit to such offenders until a year has passed, but does not require you to renew it afterwards. If you have any doubt of your power to refuse a permit to a lawbreaker after a year, I suggest that you do so refuse and let your refusal be appealed to the courts. The applicant can appeal, but when you relicense a lawbreaker the public has no recourse." * * *

"You have been good enough to grant my request for the right of the State police to inspect for violations at any time, plants operating under Federal permits. I thank you heartily, and I suggest that, under the right to modify permits set forth in subsection B of section 15 of Treasury Decision 3398, approved by you, it would greatly assist enforcement if this right were given to the State police for all permits immediately.

"All but one of the five breweries which I named as still operating, and which have been caught by the State police and reported to your department, were so reported prior to August 15, and that one on September 6. Your answer is that they have been cited 'or the administrative machinery is in action for that purpose.' If the permits of these plants had all been promptly suspended, as my letter asks, one of them, the Bottig Brewing Co., of Pittsville, could not have been caught violating the law again by the State police, as it was last Saturday. * * *

"I regret that your letter should show entire satisfaction with the present regulations regarding alcohol and brewery permits and contain no reference to the suggested insertion of conditions in the permit which would make lawbreaking, as I said, 'practically impossible with honest enforcement.' This is the line along which the best hope of effective enforcement will be found. I repeat my offer to help in framing such conditions."

Again, on October 26, 1925, I wrote Secretary Mellon, repeating my request that he grant no Federal permits to breweries that were caught violating the law. I called his attention to the fact that in the last two months, by making use of interpretations of law recently obtained, we had entered 64 nonpermit breweries and destroyed 600,000 gallons of illegal beer, and that we had succeeded in completely stopping the production of strong beer in all the breweries of the State save those under Federal permit, of which there were 48—a number clearly beyond any possible need for producing legal near beer.

On January 16, 1926, I called upon Mellon in Washington to lay before him the unendurable violations of law by Federal permittees in Pennsylvania. During that interview I asked him for his help with the Pittsburgh delegation in the Pennsylvania Legislature toward securing their support of dry legislation. The great majority of that delegation was controlled by his nephew, W. L. Mellon, as his personal representative. I called his attention to the fact that the Mellon members of that delegation had opposed dry legislation in the last two sessions and were expected to oppose it in the extra session then sitting.

When Mellon was questioned by reporters concerning this conversation, he replied with heat:

"Until informed by Governor Pinchot I had no knowledge of his program of dry legislation in the Pennsylvania Legislature. So far as the reference to W. L. Mellon, of Pittsburgh, my nephew, as controlling the Allegheny County delegation is concerned, it is an indefensible insinuation. W. L. Mellon is a private citizen engaged in business in Pittsburgh. He is attending to his business there and I am attending to my public business here. Just because he is the nephew of the Secretary of the Treasury is no reason for exploiting him in this connection. This is something which has nothing to do with the enforcement of the prohibition law, which was the purpose of the appointed conference."

On January 17, the day this was published, I wrote to the Secretary in part:

"In accordance with my statement, I am sending you herewith copies of the dry bills that have been introduced at the special session of the legislature. These bills are sponsored and supported by all the dry forces in the State. They strike at the sources of bootleg whisky and illicit beer.

"As head of the enforcement agency of the National Government and as a Pennsylvanian in high official position, their successful passage through the legislature will naturally have a peculiar interest for you.

"I observe in this morning's newspapers that feeling which remained unexpressed while I was with you has led you to characterize as an 'indefensible insinuation' my reference to the Mellon control over certain members of the Pennsylvania Legislature from Allegheny County. How a plain fact, known to everyone who knows the fundamentals of Pennsylvania politics, can be 'an insinuation' is beyond my understanding. The men to whom I refer and their local leaders not only acknowledge that they openly assert and even glory in the fact of Mellon control. These men voted wet in the last two legislatures and are expected to vote wet in the present extra session."

Everybody knows to-day that Secretary Mellon's statement concerning his own and his nephew's relation to politics in Pittsburgh was deliberately false. W. L. Mellon has since, in testimony before a Senate

committee, admitted his Pittsburgh leadership, and that he was in close touch with his uncle at this particular time. The only reason that W. L. Mellon is to-day State chairman of the Republican Party in Pennsylvania is because he is the nephew of Andrew W. Mellon.

Moreover, Joseph G. Armstrong, commissioner of Allegheny County, county Republican leader, and former mayor of Pittsburgh, who proudly calls himself "Barroom Joe," had issued a call for a caucus about a week before this incident took place. This call, which was published in the papers, begins:

"As you know, the Republican organization of Allegheny County has been cemented into one organization, all factions connected with the name being eliminated, with Mr. Mellon as our chief adviser and leader."

It is worth remembering that this Mellon-led Allegheny County delegation came straight to Harrisburg from that caucus and voted unitedly against the dry bill.

There is very much more that might be said concerning the issuance of permits to alcohol "cover houses" and other well-known violators, and even to persons actually under indictment, concerning the restoration of permits by Washington to influential violators whose permits had been suspended by local officials, etc., but I hope the foregoing may answer your purpose.

Sincerely yours, GIFFORD PINCHOT.

The letter of Mr. Doran is as follows:

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
Washington, January 16, 1929.

Hon. WM. J. HARRIS,
United States Senate.

DEAR SENATOR HARRIS: Pursuant to your telephonic request, there is attached herewith a mimeographed statement showing the amounts of money collected as a result of the enforcement of the national prohibition act. This information is given by years.

There is also attached a statement showing the number of field officers in each administrative district as of December 31, 1928. Figures covering field officers are not compiled by States, and the only way of securing same would be to ascertain each officer's post of duty. In order to avoid delay in furnishing the desired data it is hoped the information furnished by administrative districts will answer your purpose.

Very truly yours, J. M. DORAN, *Commissioner.*

AMOUNTS EXPENDED IN, AND COLLECTION INCIDENT TO, ENFORCEMENT OF THE NATIONAL PROHIBITION ACT

Amounts appropriated by Congress for the use of the Bureau of Prohibition, Treasury Department, for enforcement of the national prohibition act and the Harrison Narcotic Act for the fiscal years indicated:

1920 (Jan. 17 to June 30)	$2,000,000
Deficiency appropriations (2)	200,000
Total for 1920	2,200,000
1921 (including $750,000 for narcotic work)	5,500,000
Deficiency appropriation (March 1, 1921)	1,400,000
Deficiency appropriation (June 16, 1921)	200,000
Total for 1921	7,100,000
1922 (including $750,000 for narcotic work)	7,500,000
1923 (including $750,000 for narcotic work)	9,250,000
1924 (including $750,000 for narcotic work)	9,000,000
1925 (including $1,329,440 for narcotic work)	11,341,770
1926 (including $1,329,440 for narcotic work)	11,000,000
1927 (including $1,329,440 for narcotic work)	10,635,685
Supplemental appropriation, 1927 (July 3, 1926)	2,686,760
Total for 1927	13,322,445
1928 (including $1,329,440 for narcotic work)	13,320,405
1929 (including $1,350,440 for narcotic work)	12,729,140

Amounts realized as a result of enforcement of the national prohibition act and the amounts actually expended by the Bureau of Prohibition in administering such law:

Fiscal year—	Fines and penalties collected through Federal courts	Accepted under tax and tax-penalty provisions of the act	Total collections	Expenditures
1920	$507,482.70	[1] $641,029.34	$1,148,512.04	$2,059,774.32
1921	2,418,117.55	[1] 2,152,387.45	4,570,505.00	6,309,581.25
1922	[2] 2,376,305.20	[1] 1,979,586.94	4,355,892.14	6,543,994.30
1923	[2] 4,366,056.00	[1] 729,244.23	5,095,300.23	8,135,842.44
1924	[2] 5,682,719.87	[1] 855,395.37	6,538,115.24	7,509,146.27
1925	[2] 5,312,338.38	[1] 560,888.07	5,873,226.45	9,203,384.45
1926	[2] 5,231,130.90	[1] 416,197.63	5,647,328.53	9,573,791.64
1927	[2] 4,143,040.02	1,018,969.71	5,162,009.73	11,720,533.63
1928	4,997,491.83	1,109,518.82	[3] 6,183,942.72	11,610,669.91

[1] As shown by the records of the accounts and collections unit, Bureau of Internal Revenue.
[2] As shown by the records of the Solicitor of the Treasury.
[3] Including $76,932.07 collected by administrators from sale of Government-owned and unclaimed seized cars.

AMOUNTS EXPENDED IN, AND COLLECTIONS INCIDENT TO, ENFORCEMENT OF THE HARRISON NARCOTIC ACT

Amounts deposited in the United States Treasury incident to enforcement of the Harrison Narcotic Act, and the amounts actually expended by the Bureau of Prohibition in administering such law:

Fiscal year—	Special and stamp taxes, fines and penalties	Offers in compromise accepted	Total collections	Expenditures
1920	$1,513,919.50	(1)	$1,513,919.50	$460,827.24
1921	[2] 1,170,291.32	(1)	[2] 1,170,291.32	[2] 598,826.32
1922	1,213,399.90	$55,640.00	1,269,039.90	658,728.77
1923	[2] 964,755.65	48,510.61	[2] 1,013,266.26	[2] 679,403.86
1924	973,240.08	83,826.25	1,057,066.33	709,790.66
1925	1,004,262.83	86,669.90	1,090,932.73	1,161,935.79
1926	837,684.37	144,054.70	981,739.07	1,233,136.73
1927	693,658.68	104,166.64	797,825.32	1,142,729.92
1928	623,221.46	67,210.95	690,432.41	1,284,649.92

[1] Included in special taxes, penalties, fines, etc.
[2] Revised figure. (The figures for collections and expenditures are subject to change as delayed reports come in.)

Number of employees in the various districts assigned to enforcement work as of December 31, 1928

[Exclusive of clerks]

BOSTON, MASS.—DISTRICT NO. 1	
Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	4
Inspectors	22
Investigators	4
Prohibition agents	75
Warehouse agents	2
Storekeeper-gaugers	10
NEW YORK, N. Y.—DISTRICT NO. 2	
Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrator	1
Inspectors	41
Investigators	7
Prohibition agents	150
Warehouse agents	10
Storekeeper-gaugers	14
BUFFALO, N. Y.—DISTRICT NO. 3	
Prohibition administrator	1
Deputy administrator	1
Inspectors	31
Investigator	1
Pharmacists	4
Prohibition agents	66
Warehouse agents	3
Storekeeper-gaugers	5
NEWARK, N. J.—DISTRICT NO. 4	
Prohibition administrator	1
Inspectors	21
Investigators	12
Pharmacist	1
Prohibition agents	23
Warehouse agent	1
Storekeeper-gaugers	10
PHILADELPHIA, PA.—DISTRICT NO. 5	
Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrator	1
Inspectors	54
Pharmacists	1
Investigators	8
Prohibition agents	46
Warehouse agents	17
Storekeeper-gaugers	7
PITTSBURGH, PA.—DISTRICT NO. 6	
Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrator	2
Inspectors	9
Prohibition agents	89
Warehouse agents	4
Storekeeper-gaugers	10
BALTIMORE, MD.—DISTRICT NO. 7	
Prohibition administrator	1
Deputy administrators	3
Inspectors	8
Pharmacists	4
Investigators	3
Prohibition agents	35
Warehouse agents	10
Storekeeper-gaugers	14
RICHMOND, VA.—DISTRICT NO. 8	
Prohibition administrator	1
Deputy administrators	5
Inspector	1
Pharmacist	1
Investigators	3
Prohibition agents	77
SAVANNAH, GA.—DISTRICT NO. 9	
Prohibition administrator	1
Deputy administrators	4
Inspector	1
Investigator	1
Prohibition agents	64

NEW ORLEANS, LA.—DISTRICT NO. 10

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	7
Inspectors	7
Pharmacist	1
Investigators	5
Prohibition agents	52
Warehouse agents	7
Storekeeper-gaugers	28

LOUISVILLE, KY.—DISTRICT NO. 11

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	4
Inspectors	8
Investigators	2
Prohibition agents	28
Warehouse agents	27
Storekeeper-gaugers	41

COLUMBUS, OHIO—DISTRICT NO. 12

Deputy administrator	1
Inspectors	14
Investigators	3
Pharmacist	1
Prohibition agents	61
Storekeeper-gaugers	14

CHICAGO, ILL.—DISTRICT NO. 13

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	5
Inspectors	35
Investigators	21
Pharmacists	13
Prohibition agents	80
Warehouse agent	1
Storekeeper-gaugers	40

ST. PAUL, MINN.—DISTRICT NO. 14

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	3
Inspectors	10
Investigators	2
Pharmacists	2
Prohibition agents	52

TOPEKA, KANS.—DISTRICT NO. 15

Prohibition administrator	1
Deputy administrators	2
Inspectors	4
Investigator	1
Pharmacist	1
Prohibition agents	24

ST. LOUIS, MO.—DISTRICT NO 16

Prohibition administrator	1
Deputy administrators	4
Inspectors	4
Pharmacist	1
Prohibition agents	37
Storekeeper-gaugers	5

FORT WORTH, TEX.—DISTRICT NO 17

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	2
Inspectors	4
Pharmacists	4
Investigators	5
Prohibition agents	28

DENVER, COLO.—DISTRICT NO. 18

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	2
Inspector	1
Pharmacist	1
Prohibition agents	38
Investigators	2

HELENA, MONT.—DISTRICT NO. 19

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	2
Pharmacists	2
Prohibition agents	35

SEATTLE, WASH.—DISTRICT NO. 20

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrators	2
Inspectors	4
Prohibition agents	45

SAN FRANCISCO, CALIF.—DISTRICT NO. 21

Prohibition administrator	1
Inspectors	12
Prohibition agents	20
Warehouse agents	3
Storekeeper-gaugers	20

LOS ANGELES, CALIF.—DISTRICT NO. 22

Prohibition administrator	1
Assistant administrator in charge of enforcement	1
Deputy administrator	1
Inspectors	7
Investigator	1
Pharmacists	2
Prohibition agents	47
Warehouse agents	4
Storekeeper-gaugers	10

HONOLULU, HAWAII—DISTRICT NO. 23

Prohibition administrator	1
Prohibition agents	9

SAN JUAN, PORTO RICO—DISTRICT NO. 24

Prohibition administrator	1
Inspector	1
Prohibition agents	8

DETROIT, MICH.—DISTRICT NO. 25

Prohibition administrator	1
Inspectors	7
Pharmacist	1
Investigators	4
Prohibition agents	50
Storekeeper-gaugers	2

SPECIAL AGENTS' FORCE

Special agents in charge	9
Special agents	113
Investigators	4
Prohibition agents	4

SPECIAL INSPECTION FORCE

Special agents	23

FOREIGN CONTROL

Investigators	2
Special agent	1
Special employees	14

Mr. WARREN. Mr. President, I am very sorry that I should be led to object, but I do not think it is proper to have introduced into the RECORD grievances of private parties. I hope we may not have any more of it, because the matter of making appropriations is purely a matter of business, and should involve the exercise of judgment, rather than all this feeling, and the raking over of such matters.

Mr. BRUCE. I am very sorry, but I propose to have something to say about Governor Pinchot before this debate is over.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. HARRIS. I yield.

Mr. EDGE. I beg pardon; I thought the Senator had yielded the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. HARRIS. I yield.

Mr. REED of Pennsylvania. I beg that the Senator will not ask to have this letter stricken out or in any way abridged on account of my feelings, because the only feelings I have are of amusement.

Mr. HARRIS. I will ask that it be stricken, unless the Senator prefers not. I will ask that the part of it not read go in the RECORD, and I want to ask to have printed in the RECORD the article I send to the desk.

The PRESIDING OFFICER. Without reading?

Mr. HARRIS. This is just a short statement showing a man was arrested in the Treasury Department the other day with whisky in his possession. I ask that it be read.

The PRESIDING OFFICER. Without objection, it will be printed in the RECORD.

Mr. EDGE obtained the floor.

Mr. REED of Missouri. Mr. President——

Mr. EDGE. I yield to the Senator from Missouri, if he desires to speak. I think I was recognized.

Mr. REED of Missouri. Very well. I want to say some things about this letter.

Mr. SMOOT. The Senator from Georgia wanted the article read.

The PRESIDING OFFICER. Does the Senator from Georgia ask that this article be read or placed in the RECORD?

Mr. HARRIS. I ask that it be read.

Mr. REED of Pennsylvania. What has happened to the other letter that was being read?

Mr. HARRIS. I asked that the other part of the letter of Governor Pinchot be printed in the RECORD, except the reference to the able and conscientious Senator from Pennsylvania [Mr. REED] and his former colleague, Senator Pepper, and not to take the time of the Senate to read it.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

[From the Boston Herald, Thursday, October 18, 1928]

NEGRO ARRESTED IN UNITED STATES TREASURY CARRYING LIQUOR IN HAND BAG

(Special dispatch to the Herald)

WASHINGTON, October 17.—Arrested in the Treasury Department building—the center of prohibition enforcement—while carrying a black hand bag laden with 4 half pints of alleged whisky Matthew Grant Thomas, 38 years old, negro messenger of the department, was arraigned in police court to-day, accused of possessing liquor.

Although suspected of operating a "moving bar" Thomas told Assistant District Attorney R. F. Camalier that he had the liquor for his own use. The messenger denied that he dispensed drink to other employees of the department, Camalier said. Thomas pleaded not guilty

before Judge John P. McMahon, demanded a jury trial, and was released on $500 bail.

The messenger was arrested yesterday. Carrying the hand bag, he attempted to enter one of the currency rooms of the department, which is in violation of the rules, and was taken into custody by a guard. When the hand bag was opened and discovery of the half pints made, the messenger was haled before Marvin Wesley, chief of the loans and currency division. Prohibition Agents Charles Williams and D. W. Nagle were summoned and placed Thomas under arrest and took him to the first precinct station, where a search resulted in discovery of another bottle, partially full, and a small whisky glass in his pocket.

Mr. HARRIS. The Senator from South Carolina [Mr. BLEASE] was kind enough to hand me the article just read.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. WARREN. Mr. President, I desire to ask the Senator from Maine [Mr. HALE] whether he will not for the moment lay aside the unfinished business?

Mr. HALE. The Senator wishes to proceed with the deficiency appropriation bill?

Mr. WARREN. I do.

Mr. HALE. I shall not make any objection to the request of the Senator. I realize that supply bills have to be passed if the Government is to function. I do not want to delay them in any way unnecessarily. At the same time the unfinished business, the cruiser bill, is a bill of paramount importance to the national defense of the country. I believe that a great majority of Senators are in favor of the passage of that bill, and I believe we are entitled to action upon it. I propose, so far as it lies in my power, to see that we get action before the Senate adjourns on the 4th of March. I think we can remain in session for longer hours than we have kept up to the present time, and I shall ask the Senator from Kansas [Mr. CURTIS] to-night, when the Senate concludes its business for the day, to move a recess until 11 o'clock to-morrow morning, and I shall further ask that the Senate remain in session until a late hour to-morrow afternoon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. TYDINGS. I object. I would like to ask the chairman of the Committee on Appropriations how much time he thinks will be consumed in the further consideration of his bill?

Mr. HARRIS. Mr. President, I do not think there will be many speeches on this side of the Chamber, and I do not think it will take very long to dispose of this matter.

Mr. WARREN. Mr. President, I wish to say to the Senator from Maryland that I am in the hands of other Senators, particularly so far as concerns the item now before us and in which the Senator from Georgia is especially interested. I would not feel like cutting him off at this time, or any other Senator, for that matter, although I think the time is nearly at hand for us to vote.

There is another matter wherein another Senator seeks to suspend the rules to introduce something which can not be introduced unless there is a vote of two-thirds in favor of suspending the rules, so that may be a very short transaction or may be a very long one; no one can foretell.

The PRESIDING OFFICER. Does the Senator from Maryland insist upon his objection?

Mr. TYDINGS. I object, and I ask for the regular order.

Mr. EDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EDGE. Am I correct in the statement that I was recognized by the Chair and then, at the request of the Senator from Missouri [Mr. REED], yielded to him? I have heard of no other Senator being recognized in the interim.

Mr. REED of Missouri. Mr. President, there is no necessity for a ruling on that matter. I thought I had the floor, but if the Senator from New Jersey thought he had it and wants it, I will yield it to him.

Mr. EDGE. I am glad to yield to the Senator from Missouri, but I simply made the inquiry in order to proceed in order.

Mr. REED of Missouri. If I may say what I want to say, it will take only about three minutes.

Mr. TYDINGS. Mr. President, if the Senator will yield to me a minute, I will try not to interrupt him, but I would like to say that the unfinished business before the Senate is the cruiser bill; that I came here to-day, after preparing a speech on that bill, ready to go ahead with it and discuss it. I do not see why that bill is not just as important legislation as any other pending before this body. I hereby serve notice that if this debate proceeds longer than half or three-quarters of an hour I shall demand the regular order, so I shall not be denied an opportunity to speak on the unfinished business this afternoon.

Mr. REED of Missouri. I do not want to deny anybody the opportunity to be heard.

The PRESIDING OFFICER. Does the Senator from Maryland now insist upon his objection?

Mr. TYDINGS. I shall not insist upon it if at 3 o'clock I may be permitted to proceed with discussion of the cruiser bill. I do not see why we should be asked to prepare information for the Senate and then, when the measure to which it relates comes regularly before the Senate, be asked to give way one day after another for something else. I am ready to concede a reasonable amount of time, but not the entire afternoon, to the discussion of the amendment which has been the subject of the remarks of the Senator from Georgia [Mr. HARRIS] and which I think is not by any means as important as the cruiser bill.

Mr. WARREN. I presume it is out of my power to make any agreement as to what shall be done at 3 o'clock.

Mr. FESS. Mr. President, the Senator from Maryland could very easily get the floor and make his speech anyway.

Mr. WARREN. The Senator knows that. I told him that this morning.

Mr. BRUCE. Mr. President, so far as my colleague is concerned, I am prepared to yield the floor to him under any and all circumstances, I might almost say, but I do propose, after he concludes his speech, to say something with respect to the pending amendment to the appropriation bill, I care not what unfinished business or other business may be pending. It is perfectly obvious that almost more interest is felt in this amendment than in anything that has been brought to the attention of the Senate during this session. Therefore while I shall be very glad not to claim the floor before my colleague has purged his bosom of the load that weighs upon his heart, I expect just as soon as he is through to claim the floor. There are some observations I would like to add to the debate.

Mr. WARREN. Mr. President, I do not wish to stand in the pathway of any Senator at all. I understand the junior Senator from Maryland [Mr. TYDINGS] is ready to make his speech. Of course, it is not necessary to lay aside the appropriation bill, according to the custom of the Senate. Whenever I have had charge of an appropriation bill I have discovered that it is considered quite the thing for any Senator who wishes to make a speech on any possible subject on earth, or under the sea, or in the air, to take the time to do so without referring, even incidentally, to any subject matter before the Senate, while I quietly sit by looking on, like the cat that had swallowed the canary. This in no case refers to the junior Senator from Maryland.

The PRESIDING OFFICER. Does the Senator from Maryland insist upon his objection?

Mr. TYDINGS. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Maryland withdraws his objection. The unfinished business is temporarily laid aside and the Senate will proceed with the consideration of the deficiency appropriation bill.

Mr. EDGE. Mr. President, I assure the Senator from Maryland [Mr. TYDINGS] that I will not consume more than 10 minutes. I do feel, however, in view of the fact that the Senator from Georgia [Mr. HARRIS] for almost an hour and a half has discussed his views of the necessity for this appropriation, that it is entirely in order to have a few words from some of us who feel so moved as to oppose the amendment.

I have many times, in the Senate and out of the Senate, expressed my view and conviction that the Volstead Act was an unfortunate and, I might say, unjustified interpretation of the eighteenth amendment; that it actually prohibited privileges the Constitution itself permitted. I think the wisdom of that conviction has been demonstrated over and over again. Nevertheless, I have no intention at this time to make a prohibition or antiprohibition speech. I desire to address myself alone to the pending amendment.

Notwithstanding the conviction to which I have already referred I have never failed to vote for any suggested appropriation—and when I say "suggested appropriation" I mean suggested by the department having charge and responsibility of the administration of the law. I would gladly have voted for the appropriation of $25,000,000 and had anticipated voting for it if the department had prepared and transmitted to Congress a workable method through which the funds could be wisely expended to actually help in the enforcement of the law. I repeat, I believe the Volstead Act was unwise and unwarranted under the terms of the eighteenth amendment, but never have I and never will I as a Member of this body oppose proper appropriation in the interest of the enforcement of the law.

It is plainly indicated by the letter from the Secretary of the Treasury that the department is not prepared to spend the $25,000,000 nor a very considerable portion of it. They very wisely, in my judgment, suggest that if appropriations are increased, a considerable portion should go to the Department of Justice where, after all is said and done, all violations of the prohibition act must be tried out. There is no doubt as to lack of enforcement and no doubt in the world as to general violation, nor could any one man in charge greatly alter the situation. With an increased number of inspectors, if they did their duty, there would be hundreds and thousands of additional cases brought to the one tribunal that can settle such cases, the Federal courts, and, through State jurisdiction and State apprehension and State indictment, to the State courts.

So it appeals to me as an effort to force an appropriation on the department whose head clearly indicates that the bureau in charge is not prepared to make a practical or helpful use of it at this time.

We are all aware, I think, through recent publicity that a very comprehensive survey of the entire question is in prospect in the near future, a survey which, so far as I can understand it, will go to the very bedrock of disobedience of law—violations of the prohibition law, yes; and of other crimes, because we must admit that in recent years there has been a general violation and disregard of all law.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. McKELLAR. Can the Senator state whether or not the Prohibition Department has the money now to make the survey? As I recall, it is not included in the appropriation of $13,500,000, and I am wondering where they are going to get the money to make the comprehensive survey of which the Senator is speaking.

Mr. EDGE. Of course, I am only speaking in prospect. It is well known, as the Senator from Tennessee very correctly indicates, that there is no appropriation available at the present time for a survey such as I would assume would be necessary to get at the facts and causes leading up to the present situation. But I can not conceive of any Congress, in special session or otherwise, that would refuse an appropriation for a purpose of this nature should it be undertaken.

I merely mention that in passing, because I think no matter what may be a Senator's personal conviction as to the wisdom of this law, all of us want the facts, and we can not remedy the present situation until we shall have the facts. Accordingly, my hope is that in the very near future there will be such a comprehensive survey and that it will be finally transmitted to Congress, with wise recommendations which will assist us at least partially in remedying this intolerable condition. An additional appropriation for unbudgeted or unestimated purposes certainly can not help the situation.

Mr. REED of Missouri. Mr. President, I do not want to take the time of the Senate, but there are two or three things which I think ought now to be said.

First, we have listened to the long and very drastic letter of former Governor Pinchot. According to his doctrine, nearly everybody who holds public office is dishonest. The district attorneys are either dishonest or incompetent, and other officers whom he has named are to be placed in the same category. So one would almost imagine that he was in the situation of the Scotchman, who said to his friend, "Everybody is dishonest but you and me, and I sometimes suspect you." [Laughter.] Mr. Pinchot illustrates that very ancient story very thoroughly.

However, there is one thing that ought not to be forgotten. He was the Governor of Pennsylvania; he had his own State constabulary; the State of Pennsylvania has a prohibitory law; and the question arises why this amiable and enthusiastic gentleman did not enforce the law of his own State through his own agencies. There can be two answers: One the impossibility of enforcement and the other the unwillingness of the governor to enforce the law. If it were the latter, then that which the State of Pennsylvania could not do with reference to its local situation very likely the Government of the United States could not do.

I am not prepared to believe that all of the district attorneys of the United States are dishonest; I am not prepared to believe that the district attorneys of the State of Pennsylvania are dishonest. One thing is perfectly manifest from this letter, and that is that enormous quantities of liquor were being made and vended in the State of Pennsylvania.

One other thing it is important here to say, and that is that the admission is now made upon the floor of the Senate, in the teeth of all the denials that have heretofore been made, that the enforcement of the prohibition law up to this date has been a farce; and in that farce we have expended, as nearly as I am able to estimate roughly while I am on my feet, probably $200,000,000. At the present time we are expending $59,000,000, directly and indirectly, in the enforcement of this law. The direct appropriation is, I think, about $13,000,000 or $14,000,000.

Mr. WARREN. It is $13,500,000.

Mr. REED of Missouri. The Senator from Wyoming states that it is $13,500,000; but the other expenses, which involve the employment of the revenue forces, the Coast Guard, and other instrumentalities of Government, according to the estimate which the distinguished chairman of the committee gave me the other day—and I think I am quoting him correctly—make the aggregate approximately $59,000,000.

Mr. BLAINE. Mr. President, will the Senator from Missouri yield for a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED of Missouri. I yield.

Mr. BLAINE. Before the Senator passes entirely from the suggestion he has just made, I call his attention to the fact that the eighteenth amendment gives concurrent jurisdiction to the several States and the United States. I ask the Senator from Missouri if he believes that the indictment that has been made against the enforcement officials here this morning can justly be lodged against the State and local officers east, west, north, and south, who have practically the same power to enforce the law as have the Federal officers?

Mr. REED of Missouri. Mr. President, I thank the Senator from Wisconsin for his suggestion. I was about to say that I had a very interesting colloquy with the junior Senator from Alabama [Mr. BLACK] this morning. He admits that there is a prohibitory law, of stringent character, in his own State, and that it is the duty of all the State officers—the constabulary and the police force—to enforce that law; and while he could not state the number of such officers in his State it is safe to say that in a large Commonwealth such as Alabama the number runs into the thousands. There are all the local constables; there are the local justices of the peace; there are the ordinary trial courts; there are the sheriffs and their deputies; and if in Alabama there are officers who are known by the name of marshals, there are the marshals. Back of those officers is the militia of the State. It is absurd to say that if a force of that kind, composed of honest men, can not enforce the law, the addition of a few Federal prohibition agents will bring about enforcement.

However, the Senator from Alabama said that the prohibition law is as well enforced in Alabama as are the other criminal statutes. If that be true, then Alabama does not need Federal aid in the enforcement of this law any more than it needs Federal aid in the enforcement of every other law. As I believe that State to be a law-abiding State, I would say it needs no aid; but if it be not a law-abiding State, if the other laws are enforced so badly that this law needs aid from the Government, it would seem to follow that the State would be classed as a lawless State, and I certainly would not make that impeachment against Alabama, for I believe it is just as law-abiding a States as there is in the Union. So I do not understand that logic.

However, the important thing I wanted to call the Senate's attention to was this: The Senator from Georgia [Mr. HARRIS] stated that the law has been a farce in its enforcement since Mr. Mellon took charge. Then some letters were read to the effect that Mr. Mellon had been in the liquor business himself, and the inference was drawn that he had no heart for this work. Mr. Mellon has been in charge for a number of years and during all that time the proponents of prohibition have told us that it is a success—not that it is an entire success, but it has been a very good piece of work. What about the conditions before Mr. Mellon took charge? As to that we did not get a very direct answer. I want to answer the question.

Before Mr. Mellon took control the Anti-Saloon League was in charge and directly or indirectly was naming nearly all of the prohibition agents. So it appears that we have had three attempts, one by the department when it yielded to the admonitions of the Anti-Saloon League, another when Mr. Mellon made the appointments himself, and the third when the appointments have been made under the civil service. Now, we are told that conditions are so bad that we must have the money proposed here to be appropriated, and the Senator from Tennessee [Mr. McKELLAR] asked the question where the money was coming from to make a survey. Mr. President, what is the necessity of a survey. We have hundreds of prohibition officers; they are in every part of the United States; they have been there at every moment since the prohibition law went into effect. They have reported to their superiors every day or every week what they have been doing, and all that informa-

tion is now here and constitutes the most complete survey possible by any human agency, assuming the honesty and integrity of the members of this great force.

Mr. McKELLAR. Mr. President——

Mr. REED of Missouri. I yield.

Mr. McKELLAR. The Senator will recall that I was not arguing in favor of a survey, but that argument was being made by the Senator from New Jersey [Mr. EDGE] as a reason why the amount for prohibition enforcement reported by the committee should not be appropriated. He went on to explain the kind of a survey that was going to be made and said that it would be a complete survey which would cover especially the Canadian border and would secure all manner of information, as a result of which the money now proposed to be appropriated could be expended hereafter if appropriated. It was then that I asked him where we would get the money to provide for the survey.

Mr. REED of Missouri. I understood that was the Senator's position and he has stated it accurately. I am addressing myself more to the general idea of a survey than to the particular remark made by the Senator from Tennessee. What we need, I would say to the Senator from New Jersey, who I am sorry is not here, is to have the information that is already in the possession of the Prohibition Bureau turned inside out so that we can look at the record.

If we can not find the desired information there we will not get it from any commission or any investigation that may be made in the future, because we have had the investigation made from day to day and from hour to hour. I should like to see the information thus collected made public.

We obtained a little bit of it from General Andrews when he testified, not in an investigation but at a hearing on some bills, for there never was an investigation in the proper sense. Several bills were pending before a committee, and a subcommittee was appointed to hold hearings. When that subcommittee met there were four ardent "drys" on it—they were politically dry, anyway, and perhaps personally dry; I do not know—and one other Senator and myself who were characterized as "wets." We asked for subpœnas to call in officers of cities and of States who could give us the facts, but the four drys on the committee refused the subpœnas. We were able to secure just one subpœna, and that was for General Andrews. That was their attitude. But it did come out that man after man in the prohibition service had been dismissed for grafting and some men had been dismissed for perjury. It was a perfectly horrible picture in so far as we were permitted to glimpse it. So if we want a survey about all we need is to have the reports that have already been filed.

Now, with reference to the question as to who used to appoint the prohibition agents and as to the character of enforcement before Mr. Mellon took charge, I want to read a few lines from a work written by Justin Steuart, former publicity secretary to Wayne B. Wheeler, and I should like to have my friends who are here give attention to this statement.

The chapter is entitled "The Locomotive in Trousers";

> Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the more important elective State and Federal offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any dozen other men, supervised a Federal bureau from outside without official authority—

That is the Prohibition Bureau, of course—

> and was recognized by friend and foe alike as the most masterful and powerful single individual in the United States. He achieved this position by sheer force of personality. The story of his rise to power, his use of that power, and his sudden death, just when the foundations seemed crumbling under him, is without parallel.
>
> Where Wheeler sat was always the head of the table. He had an instinct for preeminence. A tireless opportunist, he dramatized himself as the champion of prohibition until the general public pictured him as a mighty St. George fighting single-handed against a swarm of dragons.

There are other comments, but I omit them for the sake of brevity.

> He loved the limelight. Attacks pleased him nearly as much as praise. He collected the personal newspaper notices, which became voluminous in the last five years of his life. He circulated widely, typed, mimeographed, or printed copies of these collections, with such titles as "Knocks and Boosts." * * * He urged the need of loyalty upon others, but frequently disregarded the orders of superior officers and ignored resolutions passed by the boards of the Anti-Saloon League, which were responsible for its political or legislative policy. He did not cut the cables like Dewey but waited until boards or committees had adjourned and their members returned to widely separated parts of the Nation, and then forgot them.

There are some more omissions.

> He loved power. If power could not be won, he loved the semblance of power. He never attacked the administration. Such attack might be construed as evidence that he lacked influence with the administration. His favorite text was: "The powers that be are ordained of God." This did not prevent his own insubordination. Because of the influence over the policy of the Prohibition Department that would be his under the Haynes régime, he supported Roy A. Haynes for Commissioner of Prohibition under the reorganization bill in the face of the objections of many of the sanest men in the league. By a political maneuver he prevented the election of the ablest man in the league to its national superintendency while he persuaded or dragooned delegates to support his own candidate.

More omissions.

> He was the exponent of force. From his first days as superintendent of a district in Ohio, when he assailed the courts for leniency, to the end of his life he preferred threats to persuasion. He made difficult the development of the league's policy of education on prohibition. He desired the most severe penalties, the most aggressive policies, even to calling out the Army and Navy, the most relentless prosecution. A favorite phrase was: "We'll make them believe in punishment after death." This, with "red-blooded" and "intestinal fortitude," crept into many a speech, regardless of its theme.
>
> But he was a great man. He would have made his mark upon the Nation regardless of the field in which he exercised his peculiar talents. His indomitable will, his persistency, his tireless labors, his passionate sincerity that bordered unscrupulousness, his consecration, and his audacity would have reared a monument for him had he never been drafted for prohibition by that lovable dreamer, Howard Hyde Russell.

Mr. President, if prohibition enforcement fell down and was a farce before Mr. Mellon took charge, this book tells us who the responsible party was.

Mr. JONES submitted the following as a proposed substitute for the prohibition paragraph:

> For expenses, not to exceed $250,000, for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith, and for expenses in connection with travel of officers and employees in attending meetings of sheriffs and chiefs of police and other meetings in the interest of law enforcement, to remain available until June 30, 1930.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. TYDINGS addressed the Senate. After having spoken for a few minutes—

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maryland yield to the Senator from Maine?

Mr. TYDINGS. I yield.

Mr. HALE. The Senator is making a very important speech, and there are not many Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Maryland yield for that purpose?

Mr. TYDINGS. I do.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	McKellar	Sheppard
Barkley	Edge	McMaster	Shipstead
Bingham	Edwards	McNary	Shortridge
Black	Fess	Mayfield	Simmons
Blaine	Fletcher	Metcalf	Smith
Blease	Frazier	Neely	Steck
Borah	George	Norris	Stelwer
Bratton	Glass	Nye	Stephens
Brookhart	Glenn	Oddie	Swanson
Broussard	Hale	Overman	Thomas, Idaho
Bruce	Harris	Phipps	Trammell
Burton	Hastings	Pine	Tydings
Capper	Hawes	Reed, Mo.	Vandenberg
Caraway	Heflin	Reed, Pa.	Wagner
Copeland	Johnson	Robinson, Ark.	Walsh, Mont.
Couzens	Jones	Robinson, Ind.	Warren
Curtis	Kendrick	Sackett	Waterman
Deneen	Keyes	Schall	Wheeler

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present. The Senator from Maryland will proceed.

Mr. TYDINGS. Mr. President, there is now pending before the Senate for consideration and action an act which authorizes the President of the United States to undertake the construction of 15 light cruisers, 5 to be built in each of the fiscal years 1929, 1930, and 1931, and 1 aircraft carrier to be constructed prior to June 30, 1930. It is obvious that an intelligent answer to the question before us demands that we survey the state of the world at this time; the relative naval strength of all nations; the relative military strength of all nations; the possessions of other nations, and the possessions of the United States beyond its continental area; the stability, character, and trend of the governments of the world and their relations to the United States; the condition and protection of our foreign trade; our economic and geographical situation with respect to other nations; the amount of money owing by foreign governments to the Government or the people of the United States, and similar factors which must or should enter into a correct position on the cruiser bill.

The chairman of the Committee on Naval Affairs of the Senate, in his speech of January 3 upon the cruiser bill, had placed in the CONGRESSIONAL RECORD a chart showing the naval bases, stations, and so forth, of the three leading naval powers of the world—the United States, the British Empire, and Japan; also a table showing the relative tonnage of the navies of the three countries mentioned. I shall not re-cover the ground already so ably traversed by the chairman of the Naval Affairs Committee, except to refer briefly to the relative cruiser strength of the United States, the British Empire, and Japan. The United States has now either constructed or in the process of construction 18 first-line cruisers totaling 155,000 tons. England has either built or in the process of building 62 first-line cruisers of 380,540 tons. Japan has either built or building 32 first-line cruisers totaling 203,965 tons, while France has 15 first-line cruisers either built or building totaling 132,883 tons; and Italy has 18 first-line cruisers either built or building totaling 107,370 tons.

Thus it will be seen that in the number of cruisers either built or building the British Empire, Japan, and Italy excel the United States. In numbers of first-line cruisers the British Empire has more than three times the number possessed by our country. Japan has nearly twice the number we have. France has approximately the same number as we, and Italy has two more than has the United States of this class of fighting ship. In tonnage the British Empire exceeds that of the United States by more than 2 to 1 for first-line cruisers, while Japan, in tonnage for first-line cruisers, exceeds the United States in this respect by 50 per cent. The navies of France and Italy, in first-line cruisers, are almost equal in tonnage to that of the United States.

As at present constituted, the British Empire and Japan both excel the United States in first-line cruisers. Shall we be content to rank behind the British Empire and Japan in tonnage and behind the British Empire, Japan, and Italy in the numbers of first-line cruisers? Dealing with only this aspect of the situation, those who will vote for the cruiser bill will desire that the United States shall not take second rank to the navies of the British Empire, Japan, and Italy either in the number of ships or in the number of tons those countries now have in first-line cruisers.

Those who vote against the cruiser bill must say in effect that they are content to have the United States outranked by the British Empire, Japan, and Italy either in the number of first-line cruisers these countries have or in the tonnage represented by said cruisers. Are Senators or the American people satisfied to have our Navy comparably defective to the navies of either the British Empire, Japan, or Italy in first-line cruisers? If the American people realized this fact, I believe they would desire the construction of the cruisers outlined in the pending bill.

If these cruisers of ours are actually constructed, taking into account those cruisers built, in the process of building, or appropriated for, by the British Empire, Japan, France, and Italy, and assuming that the other countries do not authorize any further increase in their first-line cruiser strength, the position of the United States in this regard will be as follows: We will then rank nearly with the British Empire and outrank Japan, France, and Italy, and we will not exceed the spirit of the 5–5–3 naval disarmament agreement effected here in Washington, limiting the navies of the British Empire, Japan, and the United States. Therefore, from the standpoint of comparative preparedness in first-line cruiser strength, if we would maintain the ratio of 5–5–3 naval disarmament pact, these cruisers should be built. If we do not build them, we surrender the position of the United States from its deservedly equal strength with that of any other nation to a position of about 40 per cent of the tonnage of the British Empire and approximately 75 per cent to that of the tonnage of Japan. There is no escape from these figures, and for my part I would consider it as danger to our security to permit this decrease in first-line cruiser strength of the American Navy.

ARMIES OF THE WORLD

Let us turn to the military strength—that is, the land strength—of the countries of the world, in order that our rank there way be noted as well. How do we rank with the nations of the world in standing armies? The Navy and the Army are interdependent upon each other; and looking at the whole picture of national defense, we must look at the navies and the armies of all nations in the world.

France has a standing army of 727,413 men—that is, five times the size of our own standing army. Russia has a standing army of 658,000 men, also about five times the size of our own standing army. Italy has a standing army of 380,448 men, nearly three times the size of the standing army of the United States; while Spain, with 272,787 men; Rumania, with 266,500 men; Poland, with 242,373 men, each have standing armies nearly twice the size of that of the United States. Also Japan, with 210,000 men in her standing army, is only a little short of having a standing army twice the size of ours. These observations are worthy of careful thought; for it is notable that in our country of 118,628,000 people we have a standing army of only 137,698 men, or less than 1 active soldier for every 800 men, women, and children in America; while in France there is 1 soldier in the standing army to approximately every 55 men, women, and children in that country.

In Rumania there is 1 soldier in the standing army to each 66 men, women, and children. In Spain there is 1 soldier in the standing army to each 80 men, women, and children. In Yugoslavia there is 1 soldier in the standing army to each 80 men, women, and children. In Czechoslovakia there is 1 to each 95 men, women, and children. In Belgium there is 1 to each 110 men, women, and children. In Japan there is 1 to each 400 men, women, and children. In Russia there is 1 to each 215 men, women, and children. While, to repeat again, in the United States there is only 1 active soldier to each 800 men, women, and children.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BROOKHART. The Senator has mentioned our small standing Army. Does he consider the National Guard as part of the first line of defense?

Mr. TYDINGS. If the Senator will just let me proceed, I will take up the reserve forces of all the countries, as well as this country. I would rather not go into that while I am dealing with the standing Army.

Mr. BROOKHART. I was asking whether the Senator considered the National Guard as a part of the first line of defense?

Mr. TYDINGS. No; the standing Army is the first line of defense, and the National Guard is a reserve force supplementing and augmenting it.

Mr. BROOKHART. Then I want to call attention to the fact that during the World War there were 17 National Guard divisions, and all of them went over in the first line of defense. There were 20 regular divisions, and only 8 of them ever went across at all.

Mr. TYDINGS. But to be fair the Senator should also observe that the National Guard did not go on the firing line first in any considerable number. I was with the National Guard myself, and was on the other side engaged in the war, and I hope the Senator will let me develop my argument on that point.

Mr. BROOKHART. The Rainbow Division was over there in the fighting as quickly as any other.

Mr. TYDINGS. That is true.

Put in another way, the standing Army of the United States is excelled in sheer numbers by the standing armies of each of the following countries: France, Russia, Italy, Spain, British Empire, Rumania, Poland, Japan, Czechoslovakia, and Yugoslavia.

The British Empire, with a combined population of 391,627,887 people, has a combined standing army of 403,915 soldiers; that is one for every thousand men, women, and children in its dominion.

I ask permission to insert in the RECORD a table showing the population of all the nations in the world, the size of the standing armies of those nations, the percentage of those standing armies to the total population, the size of the trained, organized, and equipped reserve of each nation, its unorganized reserve, the different percentages, and the military man power of each one of the governments.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Country	Population	Active army		Reserves			Active army plus reserves actually enrolled, in per cent of population	Military man power	
		Number	Per cent	Actually enrolled		Unorganized		Number	Per cent
				Number	Per cent				
Argentina	10,087,118								
Armenia	921,400								
Austria	6,535,365	32,704	0.05	(1)	(1)	500,000		532,704	8.1
Belgium	7,874,600	71,790	.90	689,683	8.80	314,417	9.70	1,075,890	13.6
Bolivia	2,155,000								
Brazil	30,635,605								
Bavaria	7,379,594								
Bulgaria	5,484,143	33,000	.60	(1)	(1)	667,000	.60	700,000	12.7
Chile	3,937,678								
China	400,000,000	1,450,000	.34						
Colombia	6,617,833								
Costa Rica	507,193								
Cuba	3,418,033								
Czechoslovakia	13,613,172	140,700	1.03	1,489,000	10.94	475,000	12.00	2,104,700	15.5
Denmark	3,419,056								
Dominican Republic	897,405								
Estonia	1,110,538								
Finland	3,495,000	29,700	.85	250,300	7.16	270,300	8.00	550,300	15.7
France	40,922,300	727,413	1.80	4,610,000	11.30	700,000	13.00	6,037,413	14.6
Germany	62,348,782	100,000	.16	(1)	(1)	8,600,000	.16	8,700,000	13.9
Australia	6,103,924	1,697	.03	49,646	.81	548,657	.84	600,000	9.8
Canada	9,504,700	3,499	.04	61,288	.65	785,213	.70	850,000	8.9
Great Britain	45,226,300	214,190	.47	309,251	.68	5,612,899	1.20	6,136,340	13.6
India	318,942,480	161,000	.05	76,481	.02	2,700,946	.07	2,938,427	.9
Irish Free State	2,972,802	13,564	.46	4,500	.15	342,290	.60	360,354	12.1
New Zealand	1,395,815	515	.04	22,039	1.59	110,048	1.63	132,602	9.5
South Africa	7,481,866	9,450	.13	15,000	.20	690,550	.33	715,000	9.5
British Empire	391,627,887	403,915	.10	538,205	.14	10,880,603	.24	11,822,723	3.0
Greece	6,200,000	55,000	0.90	266,489	4.30	278,511	5.20	600,000	9.7
Guatemala	2,119,165								
Honduras	733,408								
Haiti	2,045,000								
Hungary	7,980,143	47,000	.60	(1)	(1)	723,000	.60	770,000	9.6
Italy	42,115,606	380,448	.90	2,990,454	7.10	2,000,000	8.00	5,370,902	12.6
Japan	86,000,000	210,000	.24	2,038,000	2.37	5,092,000	2.60	7,340,000	8.5
Latvia	1,844,805								
Lithuania	2,011,173								
Luxemburg	260,767								
Mexico	14,234,799								
Netherlands	7,358,363								
Dutch East Indies	49,534,618								
Nicaragua	638,119								
Norway	2,649,775	30,000	1.20	315,000	11.90	60,000	13.00	405,000	15.7
Palestine	757,182								
Panama	442,522								
Paraguay	853,321								
Peru	5,500,000								
Poland	29,249,000	242,373	.83	500,000	1.71	2,000,000	2.54	2,742,372	9.4
Portugal	6,033,000	26,200	.43	430,000	7.13	500,000	7.60	956,200	15.8
Rumania	17,393,000	266,500	1.53	750,000	4.31	583,500	5.84	1,600,000	9.2
Russia	146,300,000	658,000	.45	5,425,000	3.71	6,072,000	4.16	12,155,000	8.0
Saar	750,000								
Salvador	1,610,000								
Spain	21,347,000	272,787	1.28	1,330,226	6.23	758,034	7.51	2,351,047	11.2
Sweden	6,005,759								
Switzerland	3,917,800								
Turkey	14,000,000	125,000	.89	200,000	1.43	340,000	2.32	665,000	4.7
Uruguay	1,662,116								
Venezuela	3,000,000								
Yugoslavia	12,017,323	142,000	1.20	2,050,000	17.00		18.20	2,192,000	18.2
United States	118,628,000	137,698	.12	296,709	.25		.37		

Country	Foreign securities publicly offered in the United States, 1914–1927, inclusive			War debt, Nov. 15, 1927	Total indebtedness	Indebtedness per capita
	Government	Corporate	Total			
Argentina	$520,386,000	$112,723,000	$633,109,000		$633,109,000	$63.00
Armenia				$16,627,154	16,627,154	18.00
Austria	71,611,000	16,676,000	88,287,000	34,159,107	*122,446,107	1.70
Belgium	295,770,000	54,243,000	350,013,000	413,580,000	763,593,000	97.00
Bolivia	48,780,000	5,700,000	54,480,000		54,480,000	25.00
Brazil	301,634,000	23,500,000	325,134,000		325,134,000	10.00
Bavaria	20,000,000		20,000,000		20,000,000	2.70
Bulgaria	4,500,000		4,500,000		4,500,000	.90
Chile	180,563,000	172,500,000	353,063,000		353,063,000	90.00
China	10,752,000		10,752,000		10,752,000	.02½
Colombia	100,020,000	43,345,000	143,365,000		143,365,000	21.60
Costa Rica	10,820,000		10,820,000		10,820,000	21.00
Cuba	79,000,000	465,632,000	544,632,000		544,632,000	130.00
Czechoslovakia	53,750,000	5,500,000	59,250,000	179,071,023	238,321,023	17.50
Denmark	152,002,000	9,134,000	161,136,000		161,136,000	47.10
Dominican Republic	25,000,000		25,000,000		25,000,000	28.00
Estonia				15,478,642	15,478,642	14.00
Finland	41,000,000		41,000,000	8,814,000	49,814,000	14.00
France	1,050,873,000	112,300,000	1,163,173,000	4,025,000,000	5,188,173,000	126.75
Germany	382,050,000	502,616,000	884,666,000		884,666,000	14.20
Australia	97,758,000	3,750,000	101,508,000		101,508,000	16.60
Canada	1,768,249,000	945,964,000	2,714,213,000		2,714,213,000	285.50
Great Britain	1,456,287,000	65,416,000	1,521,703,000	4,505,000,000	6,026,703,000	133.25
Irish Free State	15,000,000		15,000,000		15,000,000	5.00
South Africa		6,160,000	6,160,000		6,160,000	.82½
British Empire	3,337,294,000	1,021,290,000	4,358,584,000	4,505,000,000	8,863,584,000	22.63

[1] Limited by treaty.

Country	Foreign securities publicly offered in the United States, 1914–1927, inclusive			War debt, Nov. 15, 1927	Total indebtedness	Indebtedness per capita
	Government	Corporate	Total			
Greece	$16,000,000	$600,000	$16,600,000	$19,500,000	$36,100,000	$6.00
Guatemala		11,175,000	11,175,000		11,175,000	5.27
Honduras	500,000	11,443,000	11,943,000		11,943,000	16.25
Haiti	16,000,000	9,000,000	25,000,000		25,000,000	12.25
Hungary	36,750,000	24,372,000	61,122,000	1,952,635	63,074,635	8.00
Italy	262,487,000	140,053,000	402,540,000	2,032,000,000	2,434,540,000	61.80
Japan	198,857,000	109,790,000	308,647,000		308,647,000	3.55
Latvia				6,900,564	6,900,564	3.75
Lithuania				6,162,590	6,162,590	3.05
Luxemburg		7,500,000	7,500,000		7,500,000	29.99
Mexico	1,100,000	32,365,000	33,465,000		33,465,000	2.35
Netherlands	101,125,000	38,936,000	140,061,000		140,061,000	19.00
Dutch East Indies	153,290,000	3,175,000	156,465,000		156,465,000	3.18
Nicaragua				299,128	299,128	.47
Norway	172,727,000	24,716,000	197,443,000		197,443,000	70.70
Palestine	350,000		350,000		350,000	.46
Panama	15,250,000		15,250,000		15,250,000	34.50
Paraguay		2,272,000	2,272,000		2,272,000	2.66
Peru	93,250,000	8,000,000	101,250,000		101,250,000	18.40
Poland	122,076,000	20,250,000	142,326,000	198,595,528	340,921,528	11.65
Portugal						
Rumania	3,750,000		3,750,000	66,060,000	69,810,560	4.00
Russia	3,500,000		3,500,000	280,197,302	283,697,302	1.93
Saar	6,500,000	1,000,000	7,500,000		7,500,000	10.00
Salvador	10,520,000	1,900,000	12,420,000		12,420,000	7.70
Spain						
Sweden	74,105,000	45,750,000	119,855,000		119,855,000	19.90
Switzerland	132,000,000	3,000,000	135,000,000		135,000,000	34.45
Turkey						
Uruguay	45,171,000		45,171,000		45,171,000	27.10
Venezuela		51,539,000	51,539,000		51,539,000	17.18
Yugoslavia	61,285,000		61,285,000	$62,450,000	123,735,000	1.03
Total	8,212,398,000	3,091,995,000	11,304,393,000	11,871,848,233	[1]23,176,241,233 3,195,607,000	
Official figures, not including foreign issues privately taken					[2]26,371,848,233	
Unofficial figures, including foreign issues privately taken			14,500,000,000			
			3,195,607,000			

[1] Official sources.

[2] Unofficial sources.

Mr. TYDINGS. The reserve strength of these nations is also as astounding as is the number of soldiers in the active or standing army. Let me quote just a few of the figures to give the Senate an idea of the trained, organized, and equipped reserves which some of the nations of Europe maintain.

To begin with, France has an actually enrolled reserve, trained, equipped, and ready, of 4,610,000 soldiers, compared with the United States reserve force, of National Guard and reserve officers, of 296,000 men.

Russia, which has just joined with the United States in signing the peace pact to outlaw all war, and which is going to settle all international disputes, no matter how they arise, by amicable means, besides her standing army of 658,000 men, has a trained, equipped, and organized reserve of 5,425,000 soldiers, besides an unorganized reserve in similar proportions.

I will not quote further from the table I have before me, but Senators who care to look at it can see printed in the RECORD the figures for each country.

I just want to leave this thought before passing from this phase of the situation. In France, either in the standing army or in the organized, trained, and equipped reserve, 1 out of every 8 men, women, and children is in one or the other of those two bodies.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BROOKHART. I think the United States has as many as 4,000,000 reserves, trained soldiers who served in the World War, right now. Every one of them could be called into the service, the same as any other reserve.

Mr. TYDINGS. I take issue with the Senator from Iowa on that point. During the war I was a machine-gun officer, and, if I may be permitted to refer to myself personally, was graduated with distinction from the best machine-gun school we had on the other side. I know enough about machine guns to make this observation, that before that training, I could no more prepare a barrage, or take apart a gun in the dark and put it together again, or work out a flanking or an overhead barrage with machine guns, than I could operate an airship, because it takes long training to make an efficient soldier.

But to move him so he can be of the greatest usefulness does take time. Even though the 4,000,000 men, of whom the Senator speaks, might in time of war prove more valuable than some one who had no training, many of those 4,000,000 men would have to start all over again, particularly if they went into the Artillery (which is all mathematics), or machinery gunnery (which is largely mathematics), trench mortars, bayonet training, preservation of equipment, sources of supplies, how to get orders, and all the other ramifications of Army training. I think we are trained, yet war paraphernalia improves and progresses so rapidly that even in the 10 years since the war we would find that we have new gases with which to deal, we would find that there are new weapons to shoot and new rules for the shooting of them, new aircraft, tanks on a gigantic scale have been invented, and many other things that would not make the 4,000,000 ex-service men "on the minute" efficient soldiers as the Senator thinks.

But let me proceed, because after all that is beside the point.

It can at once be seen that every great power on the face of the earth, and a great many of the smaller powers, far excel in size the standing Army of the United States. Besides, many of the nations mentioned, having standing armies greater than our own, have no possessions and a very much smaller territory to protect. We have possessions in the Atlantic and the Pacific, and are recognized in a commercial and economic way as the world's leading power, while only one nation has a greater national population than have we.

With only 137,698 soldiers in the standing Army, an Army by comparison in numbers very small indeed, can we afford to let our first line of defense, the Navy, take second rank and still have that measure of national security, of self-defense, which the chairman of the Senate Committee on Foreign Affairs says is every nation's inalienable right?

LOANS OF FOREIGN NATIONS FLOATED IN THE UNITED STATES

Now let us turn to still another aspect of the case, the financial relations of the nations of the world with the Government and people of the United States. France owes us $4,025,000,000 of war debt; the British Empire, $4,505,000,000 war debt; Italy, $2,032,000,000 war debt; Belgium, $413,000,000 war debt; Russia, $280,000,000 of war debt; Poland, $198,000,000 of war debt; Czechoslovakia, $179,000,000 of war debt; while Armenia, Austria, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Nicaragua, Rumania, and Yugoslavia also owe us considerable in war debts. Eighteen European countries owe us a combined war debt of nearly $12,000,000,000. In addition to the above, the nations of 45 countries owe to the people of the United States for loans made to said governments $8,212,000,000.

Again, in addition to the war debts and the loans made to governments of foreign countries, in 36 of these countries loans aggregating over $3,000,000,000 have been made to corporate

concerns. The total amount of money in war debts, loans to foreign governments, outside of war debts, and loans to corporate enterprises in foreign countries which are owed either to the United States Government or to the people of America total $26,000,000,000. We are to-day financing to a large extent the business of the whole world. Our interests, through these loans, reach into the seven seas and into every corner of every nation on the globe. Thus America has either a direct or an indirect interest in the stability of every government on earth, and to some extent in the commercial enterprises in practically every country on the earth.

Let us examine this debt owing to the people of America in more detail.

Every man, woman, and child in Canada owes America $285. Every man, woman, and child in Great Britain owes America $133. Every man, woman, and child in Cuba owes America $130; in France, $126; in Belgium, $97; in Chile, $90; Norway, $70; in Argentina, $63; and in Italy, $61, while the following countries have a debt to the people of the United States of $25 per person: Bolivia, Dominican Republic, Luxemburg, Panama, Switzerland, Uruguay; and others owe us still lesser amounts.

It is conceded that many of the foreign countries to whom loans have been made can not pay in full these loans; yet, in addition to the loans which admittedly can not be paid, we have made loans to all of these countries outside of the war debts. The query naturally arises, If they can not pay the war debts, is not there some probability that we will not have refunded in full the debts made outside of war loans?

USES MADE OF FUNDS BORROWED FROM THE PEOPLE OF THE UNITED STATES

Before leaving the subject of war debts, let me call to the attention of the Senate the amount of defense expenditures for the year 1927 on the part of these countries which owe us considerable sums of money and which countries are annually borrowing still more. Here are the figures, by country, for the defense expenditure of 1927:

Total for—	
Great Britain	$567,000,000
British Empire	995,000,000
Russia	347,000,000
China	297,000,000
France	269,000,000
Italy	218,000,000
Japan	208,000,000

In addition to those I have named, I ask permission to insert in the RECORD a statement of the defense expenditures of the countries owing the United States money in the form of loans made to them by our people.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

	Defense expenditures, 1927	Foreign securities publicly offered in the United States, 1927	
		Amount	Per cent of defense expenditures
Argentina	$44,771,000	$99,561,000	222
Austria	11,220,000	33,887,000	302
Belgium	22,729,000	14,130,000	62
Bolivia	3,411,000	12,585,000	369
Brazil	53,386,000	56,780,000	106
Ecuador	1,933,000		
Bulgaria	8,404,000		
Chile	13,706,000	22,883,000	167
China	297,703,000	10,752,000	3
Colombia	7,125,000	68,670,000	964
Costa Rica	655,000	1,800,000	280
Cuba	11,515,000	61,750,000	537
Czechoslovakia	56,973,000	1,500,000	3
Denmark	15,738,000	28,046,000	178
Dominican Republic	1,473,000	5,000,000	341
Estonia	4,994,000		
Finland	14,467,000		
France	269,463,000	50,000,000	18
Germany	127,581,000	222,692,000	175
British Empire:			
(a) Australia	177,752,000	101,508,000	57
(b) Canada	13,086,000	319,765,000	2,444
(c) Great Britain	567,427,000	5,747,000	1
(d) India	215,999,000		
(e) Irish Free State	11,669,000		
(f) New Zealand	4,656,000		
(g) South Africa	4,490,000		
	995,079,000		
Greece	25,646,000	2,000,000	7
Guatemala	1,358,000	3,150,000	232
Honduras	928,000		
Haiti	1,299,000		
Hungary	19,835,000	26,122,000	132
Italy	218,816,000	120,400,000	55
Japan	$208,245,000	$308,647,000	150
Latvia	8,927,000		
Lithuania	3,989,000		
Luxemburg	195,000		
Mexico	38,476,000		
Netherlands	23,651,000	20,716,000	87
Dutch East Indies	44,595,000	156,465,000	351
Nicaragua	219,000		
Norway	11,129,000	29,466,000	265
Palestine	1,625,000		
Panama		1,500,000	
Paraguay	1,068,000		
Peru	7,222,000	60,000,000	831
Poland	74,857,000	47,000,000	63
Portugal	25,916,000		
Rumania	44,199,000		
Russia	347,580,000		
Saar			
Salvador	1,656,000	3,150,000	190
Spain	85,194,000		
Sweden	37,017,000		
Switzerland	16,374,000		
Turkey	29,910,000		
Uruguay	7,134,000		
Venezuela	3,043,000	10,275,000	337
Yugoslavia	41,346,000	34,035,000	85
United States	679,709,000		
Total	3,973,484,000	1,939,982,000	
United States		679,709,000	
		2,619,691,000	

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to his colleague?

Mr. TYDINGS. I yield.

Mr. BRUCE. May I ask the Senator whether he has any figures there for Germany?

Mr. TYDINGS. Yes; I have. The Senator means defense expenditures?

Mr. BRUCE. Yes. Of course I know they are comparatively small, but I am curious to know the amount.

Mr. TYDINGS. Does the Senator mean for 1927?

Mr. BRUCE. Yes.

Mr. TYDINGS. Germany expended $127,000,000 in 1927 for defense expenditures.

Now, here is a significant fact. Those who are against the cruiser bill lend ear to this remark: In the year 1927 the nations shown in my table expended approximately $4,000,000,000 for so-called national defense. How amusing and paradoxical the whole thing is when we witness the governments of the entire world joining in a peace pact to outlaw war, with the standing armies of the sizes I have stated, and the defense expenditures in these countries totaling in a single year $4,000,000,000! Of course, it may be argued, we do not need a Navy now that the peace treaty has been signed! The countries maintaining these expensive defense expenditures are peaceful nations. Russia, with its 150,000,000 population and standing army of 658,000; France, with its standing army of 727,000 men in a population of 40,000,000; Italy, with its standing army of 380,000 men in a population of 42,000,000; Spain, with its standing army of 272,000 men in a population of 21,000,000; Japan, with its standing army of 210,000 men in a population of 86,000,000; Great Britain, with a British Army in Great Britain of 214,000 men in a population of 45,000,000; Czechoslovakia, with a standing army of 140,000 men in a population of 13,000,000; Turkey, with a standing army of 125,000 in a population of 14,000,000; and others I might name, all maintain these military establishments, so that there would be no misunderstanding about war being outlawed as an instrument of national policy, and so that they might insist, as the chairman of the Foreign Affairs Committee has pointed out, that all disputes, no matter what their nature or how they may arise, shall be settled by pacific means. What a lovely peace-time picture to behold! Nations with standing armies on a peace-time scale never before witnessed by the eye of man, and with annual expenditures for defense running into figures of billions of dollars, have all agreed that all future disputes shall be settled by amicable means!

It is said that we must make a start to remedy this condition. That is sound argument. But if the United States really wants to make a start to end these conditions of unrest and fear, we have it within our means to achieve far more success, I believe, than that which will result from the adoption of the Kellogg peace pact. Why are we spending these huge sums in

our own country for national defense? Is it not because we feel that the world, being virtually an armed camp, that we can not sit supinely by and rely upon the good, the pure, and the beautiful entirely as a correct way to settle international differences? If that be true, and we really want to force fear from the breasts of mankind, let us help to get rid of these damnable and tremendous military establishments by saying to the world that the United States, being the creditor nation of the globe, declares, as a matter of national policy, that we are opposed to all loans to any nation which, in time of peace, maintains a standing army in excess of peace requirements. If we do that, you will see, I predict, a real change in the psychology of mankind. You will see a scaling down of the large armaments now encamped on the face of the earth. You will see a lessening of the amounts expended all over the globe for national defense. You will, to some extent, minimize the feeling of fear and insecurity now existent among the peoples of many lands. You will take from the backs of many good people the tremendous burden of taxation, and you will make doubly secure the security of our own land and the repayment of the $26,000,000,000 which the world now owes to the people of the United States. Wars are fought for money and with money. Without money no nation can wage war in this day and time, and if this action is taken it will not be necessary for us to appropriate the millions of dollars to maintain our own Naval and Military Establishments beyond peace-time requirements. But until it is done—that is, until the nations of the world decrease their huge military establishments—we can not afford to have our name occupy the third or fourth position in cruiser or any other essential strength.

Mr. President, I send to the desk two resolutions, which I ask the clerk to read, in the hope that they may be adopted in essence at this session of Congress. I ask that when he has read them the resolutions may lie on the table, to be taken up at some other date. I shall then proceed with my remarks.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read the first resolution (S. Res. 299), as follows:

Resolved, That it is the sense of the American people, expressed through their representatives in the Senate of the United States, that the United States of America is opposed to all loans of every character to any nation which in time of peace maintains an army in excess of reasonable peace-time requirements. That a maximum peace-time army is hereby defined to be as follows:

One active soldier out of every 100 inhabitants for the first 2,000,000 of population;

One active soldier out of every 125 inhabitants for the next 2,500,000 of population;

One active soldier out of every 150 inhabitants for the next 3,000,000 population;

One active soldier out of every 175 inhabitants for the next 4,000,000 of population;

One active soldier out of every 200 inhabitants for the next 5,000,000 of population;

One active soldier out of every 250 inhabitants for the next 10,000,000 of population;

One active soldier out of every 300 inhabitants for the next 10,000,000 of population; and

One active soldier out of every 400 inhabitants for all population remaining, with a reserve force not exceeding in any one year the equivalent of the active standing army.

Provided, however, That in the event any nation now maintains a standing army in excess of that defined herein this resolution shall not apply if after four years from the passage thereof the standing army of said nation does not exceed the number of soldiers outlined above: *And provided further*, That such nation having an army in excess of that defined above shall reduce said army one-quarter of the entire excess now existing each year until said army comes within the definition stated. And be it further

Resolved, That it is the sense of the Senate of the United States that the Secretary of State of the United States shall not, directly or indirectly, impliedly or tacitly, or in any manner whatsoever place the imprimatur of the Government of the United States upon any such loan contravening the conditions expressed herein.

Mr. TYDINGS. Mr. President, I ask that the other resolution be not read but be printed in the RECORD. It deals with navies while the one just read deals with armies.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The resolution (S. Res. 300) was ordered to be printed in the RECORD and to lie on the table, as follows:

Resolved, That it is the sense of the American people, expressed through their representatives in the Senate of the United States, that the United States of America is opposed to all loans of every character to any nation which, in time of peace, maintains a navy in any respect superior to that maintained by the United States of America; and be it further

Resolved, That it is the sense of the Senate of the United States that the Secretary of State of the United States shall not, directly or indirectly, impliedly or tacitly, or in any manner whatsoever place the imprimatur of the Government of the United States upon any such loan contravening the conditions expressed herein.

Mr. TYDINGS. Mr. President, in order to be fair, I think it is important that I offer a brief word of explanation of this proposed resolution. America owes its greatness to-day to the fact that in its formative period it was able to borrow from the richer nations of the Old World; in fact, our railroads and great industrial enterprises were largely built up from the loans which we secured abroad; so that America, having become great, having reached a superb state of industrial development, now having turned its face, and from being a debtor having become a creditor Nation, would occupy a very small and mean position if it refused to accord to the Old World the same treatment which it asked when it was not so fortunately situated as now.

However, I want to impress upon the minds of Senators the fact that while we were borrowing that money from the Old World we were asking that it be placed in productive enterprise—in railroads, mines, and industrial undertakings—in something to create wealth, something that would make it easier for us to repay the loans.

On the other hand, the governments of Europe to-day are floating loans in our country and the money derived from those loans is not going into productive industry, but it is going into battleships and armies, the size of which I outlined only a few moments ago. If those nations want to maintain huge standing armies and navies, that is their business; it is not our business to tell them the size of their standing armies and navies; but it is our business to say to them, "You can not maintain these standing armies and navies with our money, because it makes us take money which we would use for internal improvements and spend it on our own Army and Navy in order to bring them up to a parity with yours."

So the proposition outlined in the resolution is that it is declared to be the sense of the American people that we are opposed to loans to all foreign governments which in time of peace maintain more than peace-time standing armies; and the allowance made in the resolution is very liberal. France to-day would be entitled to a standing army of 220,000 men, if she would scale down immediately, because that would be the maximum number for a country of 45,000,000. The United States would use but 40 per cent of the number authorized by the resolution. The peace pact, signed by practically every nation on the globe, states that war is to be outlawed, that disputes of every kind, of every nature, no matter how they may arise, shall be settled by pacific means. If we mean what we say, we ought to put some teeth into our alleged policy and adopt the resolution in some form or other to maintain the spirit of the peace pact.

Mr. BROOKHART. Mr. President——

Mr. TYDINGS. Just let me go on a moment, for I shall probably anticipate 90 per cent of what the Senator would ask me if he will just let me proceed.

Understand, Senators, people in this country could still lend their money to foreign governments notwithstanding this resolution—the resolution is only an admonition—if they wanted to do so, but if they did lend it to foreign governments they would lend it at their own risk.

Does the resolution, which has just been read, conform with the spirit of the hour? A few days ago the Senate adopted the Kellogg peace pact. That pact, bearing the signatures of the representatives of all the civilized nations of the world, stated that all nations signatory thereto had outlawed war; that they condemned war as an instrument of national policy; and that they would settle all disputes—whatever they involved; whatever their origin, no matter how arising or under what conditions—by pacific means. If the spirit rather than the letter of that resolution is to prevail—a condition devoutly to be desired—it would be an anomaly for Russia to keep 658,000 soldiers in its active army; for France to continue its army of 727,000; or for Italy to continue its large force of 380,000 men. And so I might mention other nations and the size of their standing armies. Certainly, if the dove of peace, after being driven out of creation during the World War and being buffeted by the boisterous winds following that great holocaust, is at last to settle its pure white kindly wings upon the earth, and the principles which it represents are to be emulated by all nations, then these nations should at once show the bona fides of their expressed intentions by performing acts to substantiate their words.

Certainly no nation can object to the resolution. If these huge armies and navies are being maintained with our money, we are thereby forced to incur a huge expenditure at home. If conditions were different in Europe, our expenditures would not need to be so great. Every speech for the cruiser bill uttered on this floor has been based upon the comparative size of the Japanese and English navies; and yet in 1927 we made a loan to Japan of $100,000,000, more than the total defense expenditures of that nation for that year. Without such loans the other nations of the earth could not support the standing armies and navies on the scale they are now maintaining them.

If we want the feeling of good will to settle on Poland or Austria or Germany or France, we have got to take the bayonets away from their breasts, and the guns pointed at their hearts, because so long as huge military camps are all over those nations, the people will live in a state of fear and international amity can not be maintained.

What nation can object to the expressed feeling of the American people that they oppose loans to foreign governments which violate the spirit and the letter of the treaty which they have just signed? If they do object, then we should label the treaty a series of New Year's resolutions agreed to by all the nations of the world, to be broken some time in the latter part of January. Are we not primarily contemplating the passage of the cruiser bill because other nations have surpassed us in cruiser strength? Are we not justified in saying to these nations that we will not continue a situation which causes us to spend more money in the uselessness of unneeded war preparation? How many of these governments, with which we are competing in naval strength, could support navies and armies on a scale superior to those maintained by the United States, if it were not for the loans which we have made to them, with which they have bolstered up their tottering war-time engines? If such loans were denied to nations which maintain armies, thereby frightening their neighbors, and in some measure causing our own people concern, and which build navies in excess of that maintained by our own country, forcing us thereby to divert money needed for internal improvements to the uselessness of competitive war preparation, it would put a stop to this practice and give to our people the improvements which the cause of competitive armaments and armies deny to them.

Let me make an analysis of our existing debt situation. I will not read it, but will ask permission to have it inserted in the RECORD for the benefit of Senators who may care to look at it more closely. I will, however, answer a question or two that may come up in the minds of some Senators as to the purposes to which prearmistice loans were devoted. I refer to the following:

Munitions, 28.3 per cent.
Foodstuffs, cotton, and other supplies, 62.7 per cent.
Transportation and shipping, 2.4 per cent.
Spent in neutral countries, 1 per cent.

In other words, nearly a third of all of our prearmistice loans went to munitions.

What happened to our postarmistice loans? The figures are as follows:

Munitions, 12.6 per cent.
Foodstuffs, cotton, and other supplies, much of which went to the maintenance of regular armies, 72.2 per cent.
Transportation and shipping, 4.1 per cent.
Incidentals, 10 per cent.

So that since the war, 12 per cent directly and a proportion of 70 per cent more went for munitions, armaments, and armies in countries borrowing the money from us.

Now, let me call attention to the situation in two countries. Take for example, the United Kingdom. The figures are as follows:

Total debt	$41,354,169,000
Total external debt	5,367,750,000
Public loans in the United States	159,728,000
Due to the United States Government	4,505,000,000
Total internal debt	35,986,419,000

Now let us consider the case of Italy. The figures as to Italy are as follows:

Total debt	$9,425,322,000
Total external debt	4,965,895,000
Public loans in United States	96,895,000
Due to United States Government	2,032,000,000
Total internal debt	4,459,427,000

I have had inserted in the RECORD the defense expenses of various countries of the world for 1927, and the amount of money each of them borrowed from the United States in that year. I will merely, in passing, call attention at this point to the first nation on the list to show how that table works out:

Argentina spent $44,771,000 for national defense in 1927, and borrowed from the United States $99,561,000;

Austria spent $11,220,000 for national defense, and borrowed $33,887,000 from the United States.

So it is with practically every other country. If any Senator should like now to ask about the figures concerning any particular nation I will be glad to answer, but I have had the entire table printed in the RECORD. I now ask that the statement to which I referred a few moments ago may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement is as follows:

FOREIGN DEBTS

My contribution to the discussion of international debts is to be confined strictly to a statement of facts. I am to answer as accurately as is possible the following questions:

"1. What proportion of the foreign debts owed to the United States Government were contracted before the armistice and what proportion subsequent to the armistice?

"2. What uses were made of the funds borrowed before the armistice?

"3. For what purposes were the funds borrowed after the armistice?

"4. To what extent have the war debts been canceled by the terms of the settlements that have been negotiated?"

I shall take up each of these questions in turn.

"1. What proportion of the foreign debts owed to the United States Government were contracted before the armistice and what proportion subsequent to the armistice?"

The following table shows the total foreign loan of the United States Government from April 6, 1917, to November 1, 1920. No interest item is included, the figures representing merely the principal of the obligations incurred by foreign governments.

Foreign loans of the United States Government, April 6, 1917, to November 1, 1920

[Figures in millions]

Prearmistice:		
War loans		$7,474.0
Postarmistice:		
Postwar loans	$2,091.8	
Bonds received in settlement for surplus war supplies	574.9	
Loans for relief purposes	84.1	
Loans by U. S. Grain Corporation	56.8	
		2,807.6
Total		10,281.6

Thus, of the total loans, approximately 73 per cent were made before the armistice and about 27 per cent following the armistice. Of the postarmistice loans about 75 per cent were of the same general character as those made during the war period. About 20 per cent resulted from the sale of our surplus war supplies, with the remainder resulting from relief work and from the furnishing of grain by the United States Grain Corporation.

"2. What uses were made of the funds borrowed before the armistice?"

It is impossible to answer this question with absolute precision. But the figures furnished by the Treasury Department enable one to make, by broad classes, a substantially accurate statement of the ways in which the European governments expended the funds that were borrowed.

Purposes to which prearmistice loans were devoted

	Amount (in millions)	Percentage
Munitions	$2,351.4	28.3
Foodstuffs, cotton, other supplies	5,203.5	62.7
Transportation and shipping	197.7	2.4
Paying off maturing commercial loans	471.8	5.7
Spent in neutral countries	5.9	.1
Silver	68.6	.8
Total	8,298.9	100.0

This total of loans—$8,299,000,000—represents our gross lendings. To arrive at the net indebtedness given in the table preceding, it is necessary to subtract about $825,000,000, which represents the sums paid by us to foreign governments for supplies and services furnished us in connection with our military operations. It will be observed that practically all of the war-time loans were expended in the United States. Whether the prices paid for American munitions, foodstuffs, supplies, etc., were fair and reasonable is a question into which I do not enter.

It should be made clear, however, that all of these borrowings during the war period may properly be regarded as loans procured for war purposes. It has sometimes been argued that, inasmuch as European countries normally have to import large quantities of foodstuffs and other supplies, it is only the extra amounts required in war time that are properly chargeable as war expenses. The conclusions to be drawn from

this line of reasoning is that the foodstuffs and materials consumed by the civilian population were not war supplies—that, at the most, one should count as war supplies only that portion of the total that went to the sustenance and equipment of the armies in the field. Such an argument, however, overlooks one vitally important consideration—namely, that in normal times these countries were able to pay by means of their own exports and services for all of their imports, but the war simultaneously increased import requirements and reduced their earnings from exports and services. Thus the entire foreign trade deficiency—which necessitated the loans—must be attributed to the war.

"3. For what purposes were the funds borrowed after the armistice?"

The postarmistice loans were utilized as follows:

Purposes to which postarmistice loans were devoted

	Amount (in millions)	Percentage
Munitions	$347.7	12.6
Foodstuffs, cotton, other supplies	1,990.4	72.2
Transportation and shipping	111.8	4.1
Paying off maturing commercial loans	176.4	6.4
Spent in neutral countries	12.9	.5
Silver	117.7	4.2
Total	2,756.9	100.0

This figure represents the gross loans, and to arrive at the net indebtedness incurred by the foreign countries it is necessary to subtract six hundred and sixty-five millions paid by the United States Government to European governments for goods and services furnished to us after the armistice.

In addition to these regular postarmistice loans, obligations were also incurred as the result of the sale of surplus war supplies, the activities of the United States Grain Corporation, and the extension of relief. The obligations thus incurred were as follows:

Surplus war supplies	574.9
Relief purposes	84.1
U. S. Grain Corporation	56.8
Total	715.8

"4. To what extent have the war debts been canceled by the terms of the settlements that have been negotiated?"

Before estimating the extent to which these debts have been canceled it is necessary to indicate the basis upon which cancellation estimates are made. At the time the original loans were granted the interest rate was nominally 5 per cent, and during the period when no payments on interest account were made the Treasury carried the accrued interest on its books at this rate. When the settlements came to be negotiated, however, interest rates had declined below the war level, and it was agreed that it was only fair to change the 5 per cent rate to 4.25 per cent, which was the rate at which the United States Government floated its later Liberty loans. In funding the debts, therefore, interest at 4.25 per cent up to the date of settlement was added to the original principal. In estimating the extent of the cancellations that have occurred, the American Treasury does not count this reduction, recognizing that the 5 per cent which the loans originally bore was but a nominal figure and subject to later modification.

The cancellations are figured on the basis of the funded debt; that is, the original debt plus accrued interest at 4.25 per cent up to the date of settlement. The settlements call for a schedule of annual payments extending over a period of 62 years. The approved method of estimating the extent of the cancellation is to figure the present value of the sums to be collected. The present value may be defined as that sum of money which in 62 years at the rate of 4.25 per cent interest would yield a total equal to the principal and interest payments called for by the schedules of payments that have been worked out. On this basis the extent of the cancellations is shown by the following table:

Present values of funded debts at 4.25 per cent

[In dollars, 000 omitted]

Country	Debt prior to funding	Approximate percentage of cancellation
Finland	9,190	19.3
Hungary	1,984	19.6
Poland	182,324	19.5
Estonia	14,143	19.5
Latvia	5,893	19.3
Lithuania	6,216	20.1
Czechoslovakia	123,854	25.7
Rumania	46,945	25.1
Belgium	483,426	53.5
France	4,230,777	52.8
Yugoslavia	66,164	69.7
Italy	2,159,150	75.4
Total	7,321,066	58.0
Great Britain	4,715,310	19.7
Grand total	12,036,376	43.0

For the continental debtors combined, the cancellation works out at about 58 per cent, as against 19.7 for Great Britain.

Some people have felt that a fair basis of debt settlement would be to cancel all loans made before the armistice—requiring payment merely on the debts incurred after the armistice. It may perhaps be of interest therefore to indicate in the case of the more important debtors how settlements negotiated on such a basis would compare with the actual settlements.

Great Britain's prearmistice debt constituted 92.6 per cent of her total debt. By the terms of the settlement her debt was only 19.7 per cent canceled.

The prearmistice debt of France equaled 60.7 per cent of her total. In the agreement which has been negotiated, but not ratified, the French debt was reduced by 52.8 per cent.

The prearmistice debt of Belgium constituted 48.9 per cent of the total. The cancellation in the Belgian agreement works out at 53.5 per cent.

The prearmistice loans to Italy made up 67.5 per cent of the total. The settlement provides for a cancellation of 75.4 per cent of the total.

Thus if new agreements were to be made on this basis the British schedule of payments would have to be enormously reduced; the French payments would have to be decreased slightly; the Belgian payments would have to be increased somewhat; and the Italian schedule would have to be greatly increased.

Taking into consideration all of the settlements and using combined totals, we find that the prearmistice loans comprise 73 per cent of the aggregate indebtedness. The aggregate cancellation, however, works out at only 43 per cent.

Mr. TYDINGS. Here is a little summary which I hope particularly those interested in this discussion will drink in, because it is the meat of the whole loan and preparedness situation:

The total war expenditures of the world in 1927 were almost $4,000,000,000. The United States advanced sufficient to pay two-thirds of that amount, or $2,619,000,000, in that year. This includes all foreign flotations in this country. So that of all the money spent in the entire world for national defense in 1927, $4,000,000,000, two-thirds of it was borrowed right here in our own country by the governments of the world.

Here is another striking fact:

The United States—meaning the people of the United States—loaned 20 foreign nations more than enough to meet their national-defense expenditures during 1927. That happens almost every year, Mr. President. These loans have been going on in this procession ever since the World War.

Here is another striking fact:

Europe's war budget for 1927 was a little over $2,000,000,000. That is just about the total of foreign securities floated in the United States in that year, thereby releasing sufficient in the world's financial markets to finance the defense expenditures of all of Europe. So what they spent for armaments in Europe in 1927 was the exact equivalent of the money borrowed by all those countries in the United States in that year.

Excluding France, Russia—now under the State Department ban—and England, the war budget for the rest of Europe amounted to almost $1,000,000,000—$935,000,000, to be exact. We advanced these countries amounts totaling 62 per cent of that figure, $580,000,000. Loans were made to five European countries in amounts more than sufficient to finance their entire defense budgets.

The United States loaned in Japan $100,000,000 more than enough to meet her 1927 national-defense expenditures. Every man in this Chamber concedes that the navy of Japan to-day is superior to that of the United States in its cruiser strength; yet during one year Japan borrowed from this country $100,000,000 more than was necessary to finance her whole military establishment.

Are you going to keep lending these nations money to keep up their armies and their navies all over the world?

Let us take an illustration. Let us go out on the western frontier, in the old border days, when every man carried a gun, there were no courts, and he shot on sight. Suppose all the inhabitants joined together and said, "Let us sign a paper that we will not shoot one another any more, but we will settle our disputes by arbitration in a friendly manner"; and suppose, after they all left, they all carried their guns again. Do you think the dove of peace would be apt to stay very long in that assembly? With the first shooting the whole thing would be abandoned. Yet, if you had it in your power to say, "You can not carry these guns, because unless I furnish you the money with which to do it you have not sufficient money to maintain them on that scale," you would in a sense bring about disarmament, and you certainly would create a psychology of peace and a desire for peace which the presence of these huge war-time armies never will permit to settle upon the face of the earth as long as they exist.

Put 644,000 trained and equipped soldiers on the Canadian border or in Mexico and see how much you think of your national security in the United States. The United States is fifteen times as large as France, and fifteen times as large as Germany; yet to the north of Germany there are 644,000 Russian trained soldiers, and the finest military airplane corps in all the world. To the east is Poland, with two hundred and eighty-some thousand soldiers. Then there is a French Army on the south of Germany with 727,000 trained soldiers and 4,500,000 reserves; and yet we talk about the Kellogg peace pact to outlaw war where 1 out of every 55 men, women, and children is in the standing army, and we say that there is a great psychology for peace with those conditions prevailing!

I say that if the United States were Germany, and Germany were the United States, and we were transported into that country, our great idea about straightening out the difficulties of the world would certainly be other than it is here, 3,000 miles from the scene of those huge armies.

Why have they these military establishments? Because we have not the courage to deny them the funds with which to maintain them. We may affect a few men who perhaps engage in the business of financing these countries, and I do not blame them for that, because it is perfectly honorable and legitimate; but I say that the time has come when the United States, being the creditor nation of the world, should insist that the money borrowed from its people shall go into useful and productive enterprises, just as a banker would insist that any money borrowed from his bank should go into a useful and productive enterprise, and that the security should be the best.

The combined defense expenditures for 1927 of seven South American countries—Argentina, Bolivia, Brazil, Chile, Colombia, Peru, and Venezuela—were $132,000,000 for that year. Loans floated by those governments in this country were $200,000,000 for the same year.

Three Central American countries and two of the West Indies—Costa Rica, Guatemala, Salvador, Cuba, and the Dominican Republic—needed $16,000,000 for defense purposes last year. Our loans to these countries were over four times that amount.

I do not mean to say that these little nations are flagrant violators; but I think I have shown by a statement of fact that can not be refuted that without these loans from the people of the United States there would not to-day be 720,000 active, trained French soldiers in the standing army, nor 380,000 trained soldiers in Italy, nor 300,000 trained soldiers in Rumania, nor 280,000 trained soldiers in Poland, because those of you who do me the honor to read the table will see that year after year we lend to these countries practically the same amount that they expend for their entire national defense.

When they build these huge armies and huge navies on a war-time plane they cause us to feel unsafe, to improve our airplane corps, to enlarge and expand our Navy, to take money which we would otherwise use to reduce taxation or to make internal improvements.

I will not read, but shall ask permission to insert in the RECORD, the amount of all the war debts owing by all the countries of the world, the amount that we scaled down these debts before settlement, the amount of settlement agreed upon, the amount paid in cash, the amount guaranteed by 62-year bonds, the cash value of these bonds to-day—which will be an astounding figure—and the concessions made by the United States to each country in the settlement of these debts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

All settlements summarized

Country	Total net debt at time of settlement with interest at rates of original notes	Amount thrown off before settlement by reduction of interest and for other reasons	Net debt to be settled	How settled		Cash or "present value" of bonds given in settlement (5 per cent basis) [1]	Concessions made by United States	
				Paid in cash	By 62-year bonds		Difference between face and "present values"	Total money concessions made by United States
Great Britain	$4,715,310,000	$111,181,914.26	$4,604,128,085.74	$4,128,085.74	$4,600,000,000	$3,296,948,000	$1,303,052,000	$1,414,233,915.00
France	4,230,777,000	205,390,313.11	4,025,386,686.89	[2] 386,686.89	[1] 4,025,000,000	1,681,369,000	2,343,631,000	2,549,021,313.11
Italy	2,150,150,000	107,950,533.66	2,042,199,466.34	199,466.34	2,042,000,000	426,287,000	1,615,713,000	1,723,663,533.66
Belgium	483,426,000	65,628,765.34	417,797,234.66	17,234.66	417,780,000	191,766,000	226,014,000	291,642,765.34
Czechoslovakia	123,854,000	8,854,000.00	115,000,000.00	None.	115,000,000	77,985,000	37,015,000	45,869,000.00
Estonia	14,143,000	311,558.12	13,831,441.88	1,441.88	13,830,000	9,915,000	3,915,000	4,226,558.12
Finland	9,190,000	180,684.73	9,009,315.27	9,315.27	9,000,000	6,452,000	2,548,000	2,728,684.73
Hungary	1,984,000	44,246.96	1,939,753.04	753.04	1,939,000	1,388,000	551,000	594,246.96
Latvia	5,893,000	113,437.24	5,779,562.76	4,562.76	5,775,000	4,137,000	1,638,000	1,751,437.24
Lithuania	6,216,000	184,453.03	6,031,546.97	1,546.97	6,030,000	4,322,000	1,708,000	1,892,453.03
Poland	182,324,000	3,758,974.01	178,565,025.99	5,025.99	178,560,000	127,643,000	50,857,000	54,615,974.01
Rumania	46,945,000	2,350,548.46	44,594,451.54	4,451.54	44,590,000	29,507,000	15,083,000	17,433,548.46
Yugoslavia	66,164,000	3,306,887.61	62,857,112.39	7,112.39	62,850,000	15,919,000	46,931,000	50,237,887.61
Total	12,036,376,000	509,256,316.53	11,527,119,683.47	4,765,683.47	11,522,354,000	5,873,638,000	5,648,656,000	6,157,912,317.27

[1] Since the war, various European governments have borrowed money through American bankers at interest rates running from 7 to 8 per cent, therefore, 5 per cent is a conservative rate.

[2] Although France made the cash payment specified in the settlement, she has not yet ratified the agreement made by her representatives.

Mr. TYDINGS. President Coolidge, on Armistice Day, I think anticipated some of the things I have mentioned here this afternoon, because here is what he had to say. This was on Armistice Day, 1928:

Immediately following the war we went to the rescue of friend and foe alike in Europe on the grounds of humanity. Later our experts joined with their experts in making a temporary adjustment of German reparations and securing the evacuation of the Ruhr. Our people lent $110,000,000 to Germany to put that plan into immediate effect. Since 1924 Germany has paid on reparations about $1,300,000,000, and our people have lent to national, state, municipal governments, and to corporations in Germany a little over $1,100,000,000. It could not be claimed that this money is the entire source from which reparations have been directly paid, but it must have been a large factor in rendering Germany able to pay. We also lent large sums to the governments and corporations in other countries to aid in their financial rehabilitation.

Here is the meat of the President's address in this paragraph:

I have several times stated that such ought to be our policy. But there is little reason for sending capital abroad while rates for money in London and Paris are at 4 or 5 per cent, while ours are much higher. England is placing very considerable loans abroad; France has had large credits abroad, some of which have been called home. Both are making very large outlays for military purposes. Europe, on the whole, has arrived at a state of financial stability and prosperity where it can not be said we are called on to help or act much beyond a strict business basis. The needs of our own people require that any further advances by us must have most careful consideration.

Such men as Mr. Owen Young, President-elect Herbert Hoover, Mr. Coolidge himself, and Secretary Kellogg have from time to time said, in magazine articles and in speeches made about the country, that the time will inevitably come when the people of the United States, in making loans abroad, will have to insist that their money go into productive enterprises, and that to invest their money in large war-time establishments is not good, sound business or banking.

In this connection it is well to note that Russia, with a population of 146,000,000, has not been recognized by some of the countries of the earth, among them our own, and this because it is claimed the Government of Russia is a virtual dictatorship. Does not this condition also prevail in another form in Italy? And may it not also apply, in a milder way, in some of the other countries which owe us tremendous sums?

It should be borne in mind that Russia has refused, it is stated, to pay us its war debt because it was contracted, it is said, by a so-called minority of the Russian people; that this borrowing did not represent Russia. Whether this be true or not, I should like to read from the December, 1928, issue of Current History, from an article entitled "Danger of American Loans to Europe," written by Francesco Nitti, former Minister

of the Treasury and former Premier of Italy, in which he makes the following observation:

> Gradually as Europe reduces her sources of disorder * * * she will recover self-confidence, and the present state of things must sooner or later come to an end.
>
> But the present situation should make America prudent and guarded in according loans to Europe. These loans are a danger and an error when they are made in countries which present political instability or a disordered régime. A loan to a great German, French, or Belgian industry is almost without danger. But a loan to Russia, Poland, or Italy is not without danger as long as the present dictatorships endure. It may be assumed that the dollars lent will not, for the most part, be destined to the uses of production, but to luxury and military expenditure, and to the upkeep of a ridiculous monetary system. * * *
>
> There is also a political danger. If an obligation is to be valid, it must be freely contracted. When Parliament, the right of association and meeting, and the freedom of the press have all been suppressed, it is impossible for the obligation to be of a stable nature. The irregular régimes of a dictatorship are not binding upon their successors.

In spite of the Kellogg peace pact it must be admitted that the government of Russia, with its 146,000,000 people, is not looked upon with favor by some of the powerful nations of the world; that Hungary and Italy have, in some form or other, a dictatorship; that in China, with its 400,000,000 of people and a standing army of 1,500,000 men, a great civil and military conflict has just taken place; that parts of northern Africa have shown themselves restive under French rule; that France has had difficulties in Arabia, while the British Empire has had serious difficulties with which to deal in Egypt and India; that Germany is bound by a treaty to pay a tremendous burden in the form of war reparations, the amount of which has not as yet been fixed; that the budgets of some of these foreign countries do not balance; that there is trouble in that part of Italy which was ceded to it by Austria; that Austria, having lost a large part of its territory and having no seaport, is bound to import and export the necessities of life and all its commerce through countries which surround it with a tariff wall; that the people of Hungary are similarly placed as are those of Austria; that war between Italy and Greece was narrowly averted; and that other serious conflicts in the Balkans seem from time to time about to break out; even in South America a few days ago, there was some difficulty between two countries in which hostilities were barely avoided; that our own marines are in Nicaragua; that Haiti is under the domination of our armed forces to some extent; that the Panama Canal must always be the only bond between our Atlantic and our Pacific fleets; that we own Hawaii and the Philippines, long distances from continental United States; and that to-day, besides being the creditor nation of the world, we are embarking upon an area of foreign trade never before attempted.

There is no dispute that, despite all these conditions, England and Japan excel the United States in cruiser strength. They both excel us in the size of their standing armies. If this were not so I would vote against any increase in the cruiser strength of our Navy. But, as it is so, I feel that America, with its small Army, with all its diverse problems, and the condition of the world being as it is, should keep its Navy on a parity with that of any other single nation in the world.

Mr. President, I shall not detain the Senate longer; but I ask permission to insert some other tables that I have in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. TYDINGS. Mr. President, following the granting of that permission, I would like to say that as long as any other nation in the world anywhere near our equal has the power—and a vast majority of the nations of Europe which do not begin to approach us in population insist on maintaining armies from twice to five times the size of that maintained in the United States; as long as England, Japan, France, and Italy excel us in cruiser strength; as long as the nations of the world owe us the combined sum of $26,000,000,000; as long as we have thousands of miles of seacoast, and ships carrying our commerce to every part of the world; as long as we have possessions in the Caribbean Sea and the Pacific Ocean, the Philippines, Hawaii, and Guam; with the hatreds existing all over this world, hundreds of years old, and virtually armed camps all over Europe; with debts piled on debts which many nations would gladly fight to throw off—as long as these conditions exist, the United States can not afford to take a position in the matter of her first line of defense, the Navy, with such a small standing Army as we possess, which is inferior to that of any other nation on the globe.

Our interests to-day are greater than those of England. While our territory may not be so widely scattered, our population is greatly in excess of that of Great Britain, and 40 per cent of that of the entire British Empire. I have no desire to cause any hostility between England and our own country. I feel that if the navies of these two great nations are kept on a parity, it will be conducive to good feeling. But there will be constant agitation if the navy of one or the other becomes predominant in any one line of equipment.

For these reasons I shall support the cruiser bill, because we have a small Army, and with a small Army we must have a good strong first line of defense behind which we can recruit such forces as we may need should danger become imminent.

EXHIBIT A

World economic chart, 1927

Country	Principal industries	Area in square miles	Per cent arable and pasture land [1]	Per cent of total area cultivated	Population (000 omitted)	Population per square mile	Population per cent rural	Estimated national wealth (000,000 omitted)	Wealth per capita	National income per capita	Total national debt (000 omitted)	Debt per capita	Total external debt (000 omitted)	Public loans in United States (000 omitted)	United States governmental loans (000 omitted)	Total internal debt (000 omitted)	Government revenues (000 omitted)			
																	Customs	Taxation	Monopolies	Total
NORTH AMERICAN GROUP																				
United States	Agriculture, manufacturing, etc.	[2] 2,973,776	42.0	18.8	118,628	39.3	37.3	$349,000	$2,941.90	$775.00	$18,422,288	$155.2			[3] $11,871,848	$18,422,288	$605,500	$2,869,414		$4,129,394
Canada	Agriculture, forestry, mining, etc.	3,797,123	14.7	5.8	9,390	2.5	50.5	25,000	2,662.40	511.10	2,347,834	250.0	$493,543	$225,894		1,854,291	141,969	204,681		398,696
LATIN-AMERICAN GROUP																				
Argentina	Agriculture, pastoral	1,153,119	62.9	12.8	10,456	9.1	62.2	15,000	1,438.00		1,112,800	106.4	511,253	286,292	None.	601,547	123,187	87,565		255,312
Bolivia	Mining	[4] 514,595		1.2	2,599	5.0	80.0	1,500	577.10		65,339	25.1	51,456	49,588	None.	13,883	7,220	3,417	$265	15,282
Brazil	Agriculture, pastoral, forestry.	3,275,520		20.6	36,871	11.2	84.4	16,000	433.90		1,183,300	30.2	767,887	120,384	None.	345,413	76,173	117,064	31,727	225,075
Chile	Agriculture, pastoral, mining	[5] 289,890	18.6		4,002	13.8		3,572	892.40		406,103	101.4	348,772	141,218	None.	57,331	[6] 48,226	[6] 28,440		[7] 113,181
Colombia	do	495,522	75.0	10.0	7,800	15.7	80.0	5,850	750.00		80,759	10.3	72,075	60,195	None.	8,684				59,163
Costa Rica	Agriculture	23,000		1.0	469	20.4	77.3				20,459	43.7	17,108	7,393	None.	3,351	3,562	995	2,297	6,854
Cuba	Agriculture, manufacturing	44,164		50.0	3,571	80.8	73.0	3,209	898.70		90,120	25.2	79,455	79,455	None.	10,665	44,556	28,746		87,398
Dominican Republic.	Agriculture, forestry	19,332	64.7		1,000	51.7	80.0				15,000	15.0	15,000	15,000	None.	None.	4,600	4,330		11,700
Ecuador	Agriculture, manufacturing, mining.	120,000			2,000	16.6	90.0				27,877	27.9	19,571	19,044	None.	8,306	3,812	1,290	2,295	8,997
Haiti	Agriculture	10,695	30.0	15.0	2,300	215.1	80.0	150	652.10	130.40	19,941	8.7	16,068	16,068	None.	3,873	6,732	831		7,772
Mexico	Mining, agriculture	760,290	60.0	7.0	15,500	20.3	73.3	6,757	435.90		488,574	31.5	258,057	136,239	None.	230,517	[8] 48,881	[8] 82,218		[8] 166,313
Panama	Agriculture	32,388		7.0	480	15.1	50.0				13,491	28.1	10,334	10,334	None.	3,157	2,604	2,557		7,323
Paraguay	Agriculture, pastoral	[4] 61,647			875	14.2	80.0				7,845	9.0	5,449	None.	None.	2,396	3,719	1,272		5,888
Peru	Mining, agriculture	[4] 533,916			6,000	11.2					124,671	20.7	105,658	86,982	None.	19,013	14,758	11,799	6,109	37,918
Salvador	Agriculture	13,176		80.0	1,681	127.5	60.0				23,163	13.7	19,998	17,055	None.	3,165	6,221	529	1,801	10,000
Uruguay	Agriculture, pastoral	72,153	87.2	4.7	1,722	23.8	70.0	2,608	1,514.5		229,708	133.3	154,316	38,387	None.	75,392	15,373	13,785		43,722
Venezuela	Mining, agriculture, pastoral.	393,976	45.0	12.0	3,053	7.7	80.0	1,250	409.4		15,461	5.1	9,226	None.	None.	6,235	20,033	11,953		34,555
EUROPEAN GROUP																				
Austria	Agriculture, mining, manufacturing.	32,368	51.8	46.3	6,537	201.9	50.0	3,412	522.0	155.0	330,547	50.5	280,359	22,110	34,159	50,188	28,984	90,888	54,891	218,268
Belgium	Manufacturing, agriculture	11,754	65.0	58.5	8,000	680.6	20.0	10,769	1,346.1		1,536,395	192.0	798,972	227,253	413,580	737,423				293,667
Bulgaria	Agriculture	39,835	63.3	52.0	5,484	137.6	79.3	2,211	403.1	40.0	302,168	55.1	266,112	4,500	None.	36,056	8,036	21,699		44,954
Czechoslovakia	Agriculture, manufacturing	54,206	61.9	43.2	14,316	264.1	44.3	9,942	680.3	124.4	1,034,142	73.0	332,755	44,636	179,071	712,385	29,129	130,146	35,991	345,267
Denmark	Agriculture, dairying, pastoral.	[9] 16,573	76.9	76.9	3,435	207.2	43.4	6,700	1,950.7		311,684	90.7	141,638	56,500	None.	170,046	54,926	47,293		100,382
Estonia	Agriculture, manufacturing	18,334	40.4	26.0	1,120	61.0	59.0				29,421	26.2	29,219	4,000	15,479	202	4,934	3,207	3,502	22,885
Finland	Agriculture, forestry, manufacturing.	149,914	11.0	6.3	3,558	23.7	82.9	3,250	913.4		94,248	26.5	81,832	51,421	8,814	12,416	28,065	15,191	2,149	90,448
France	Agriculture, mining, manufacturing.	212,736	67.0	46.6	40,800	191.7	53.6	58,200	1,426.4	175.0	18,695,152	458.2	7,172,444	235,668	4,025,000	11,522,708	148,925	1,267,217	20,139	1,558,939
Germany	Manufacturing, mining, agriculture.	[10] 180,972	63.4	59.0	[10] 62,411	344.8	35.6	75,500	1,209.7	210.0	[11] 1,031,620	16.5	217,119	96,295	None.	814,501	223,468	1,119,955	54,107	2,235,424
Greece	Agriculture	49,912	16.4	9.8	6,800	136.2	65.0	2,692	395.8		600,493	88.3	485,889	27,770	31,667	114,604	26,612	64,041	4,400	116,309
Hungary	do	35,875	81.8	65.0	8,369	233.2	70.0	4,896	585.0		350,722	41.9	312,377	8,505	1,953	38,345	17,856	27,988	15,538	208,365
Italy	Manufacturing, mining, shipping.	117,982	73.5	68.6	42,665	361.6	27.0	25,090	588.0	123.0	9,425,322	220.9	4,965,895	96,895	2,032,000	4,459,427	93,968	803,820	139,163	1,002,022
Latvia	Agriculture, forestry	25,402	40.7		1,912	79.2	80.0				16,970	8.9	16,878	None.	5,775	102	9,858	7,760	5,264	32,024
Lithuania	Agriculture, dairying, pastoral.	[5] 21,482	75.0	23.0	2,279	106.4	84.0				15,912	7.0	13,474	1,846	6,163	2,438	4,330	2,993	3,880	22,954
Netherlands	do	12,615	76.5	65.8	7,526	596.5	53.7	8,260	1,097.5		1,173,840	155.9	40,000	40,000	None.	1,133,840	23,061	204,116		245,375
Norway	Fisheries, mining, manufacturing.	125,016	3.2	2.0	2,790	22.3	56.8	2,523	904.2	258.0	420,337	150.6	201,095	93,000	None.	219,242	27,611	57,249	1,871	95,505
Poland	Agriculture, forestry, mining	149,933	65.5	58.9	30,033	200.3	61.8	14,000	466.1	66.5	473,966	15.8	438,708	99,987	175,060	35,258	31,539	110,928	79,457	246,984
Rumania	Agriculture, mining, manufacturing.	122,282	47.6	37.4	17,800	145.5	80.5	50,000	2,808.9	45.7	1,056,455	59.3	846,598	None.	66,061	209,857	43,200	72,196	42,270	201,742
Spain	Agriculture, mining	195,061	90.4	44.5	22,712	116.4		42,000	1,849.2	300.0	3,037,219	133.7	[12]	None.	None.	[12]	98,602	286,816	119,943	524,280
Sweden	Agriculture, forestry, mining	173,150		10.0	6,075	35.1	62.3	4,886	804.2	213.0	487,439	80.2	90,879	55,000	None.	396,560	78,755	53,884	24,436	190,580
Switzerland	Agriculture, dairying, manufacturing.	15,944	40.7	31.5	3,991	250.3	25.0	11,966	2,998.2		[13] 419,826	105.1	69,000	69,000	None.	350,826	44,469	6,762	771	59,633
Union of Soviet Republics.	Agriculture, mining, manufacturing.	8,189,374	30.0	10.9	146,305	17.8	83.5	31,694	216.6		[14] 346,654	2.3				346,654	97,837	1,201,629	840,358	2,559,222
United Kingdom	Manufacturing, mining, agriculture.	94,203	80.0	31.0	45,226	280.0	22.5	121,663	2,690.1	451.0	41,354,169	914.3	5,367,750	159,728	4,505,000	35,986,419	522,633	2,704,761		3,916,532
Yugoslavia	Agriculture, mining, manufacturing.	96,134	44.7	26.4	13,000	135.2	85.0	7,200	554.0		665,827	51.2	507,079	45,250	62,450	158,748		94,315	41,571	205,721

Footnotes at end of table.

EXHIBIT A—Continued

World economic chart, 1927—Continued

Country	Principal industries	Area in square miles	Per cent arable and pasture land [1]	Per cent of total area cultivated	Population (000 omitted)	Population per square mile	Population per cent rural	Estimated national wealth (000,000 omitted)	Wealth per capita	National income per capita	Total national debt (000 omitted)	Debt per capita	Total external debt (000 omitted)	Public loans in United States (000 omitted)	United States governmental loans (000 omitted)	Total internal debt (000 omitted)	Government revenues (000 omitted)			
																	Customs	Taxation	Monopolies	Total
FAR EAST GROUP																				
Australia	Agriculture, pastoral, mining	2,974,581	7.3	.9	6,178	2.0	37.4	$16,059	$2,599.0		$2,237,558	$362.2	$879,743	$75,000	None.	$1,357,815	$190,761	$52,840		$315,131
China	Agriculture, manufacturing	4,278,000	14.8		448,907	104.9	80.0				2,402,642	5.4	1,859,631	11,985	None.	543,011	61,131	316,191	$17,348	461,644
Dutch East Indies	Mining, agriculture	733,648			51,014	69.5	92.7				435,246	8.5	422,833	150,000	None.	12,413	39,196	70,696	32,525	264,005
India	Agriculture, manufacturing	1,805,332	50.1	37.0	326,928	181.0	75.0			$25.0	3,532,814	10.8	1,666,679	None.	None.	1,866,135	169,360	106,219		476,068
Japan	Manufacturing, shipping, agriculture	[14] 149,792	18.7	15.6	61,614	411.3	48.4	53,340	865.7		2,588,828	42.0	727,929	137,146	None.	1,860,899	49,963	381,690	72,166	757,771
New Zealand	Livestock, agriculture	103,285	28.0		1,442	13.9	51.2	4,862	3,371.7		1,196,433	829.7	[15]	None.	None.	[15]	40,295	38,372	16,011	118,090

Country	Government expenditures (000 omitted)				Surplus or deficit (000 omitted)	Currency				Note circulation (000 omitted)	Gold reserve	Present note circulation per cent of prewar	Bank deposits (000 omitted)	Exports (000 omitted)		Imports (000 omitted)		Visible balance of trade (000 omitted)
	Defense	Debt service	Capital expenditures	Total		Unit	Parity	Average exchange rate for 1926	Average exchange rate for 1927					Total	To United States	Total	From United States	
United States	$679,709	$787,020		$3,493,585	+$635,809	Dollar	$1.0000	$1.0000	$1.0000	$3,133,155	$4,565,098	283	$51,133,000	$4,808,660		$4,430,888		+$377,772
Canada	13,086	129,675	$15,830	327,428	+71,268	do	1.0000	.9999	.9997	213,586	138,119	183	2,403,171	1,252,158	$466,628	1,030,893	$687,708	+221,265
Argentina		56,840	85,471	288,314	−33,002	Peso (gold)	[16] .9648	.9215	.9630	574,265	450,114	164	1,520,652	729,991	88,137	757,928	143,575	−27,937
Bolivia	3,411	4,788	1,801	17,150	−1,878	Boliviano	.3893	.3409	.3439	13,552	8,542	160	21,332	41,822	3,958	24,146	6,955	+17,676
Brazil	53,386	38,780		244,650	−19,575	Milreis	.3244	.1444	.1184	371,007	230,762	286	547,338	459,436	220,411	386,783	114,626	+72,653
Chile	[6] 13,706			[7] 125,439	−12,258	Peso	.1217	.1208	.1207	41,677	75,268	187		198,261	96,189	156,111	51,006	+42,150
Colombia		4,227	18,036	64,408	−5,245	do	.9733	.9845	.9749	42,272	42,201		49,118	111,717	90,242	111,441	49,300	+276
Costa Rica	655	2,212		5,653	+1,201	Colon	.2500	.2500	.2500		1,947			18,962	7,642	13,826	7,706	+5,136
Cuba	11,515	11,279		87,398	Balanced.	Peso	1.0000	1.0000	1.0000					301,709	242,882	260,826	160,052	+40,883
Dominican Republic				11,589	+111	Dollar	1.0000	1.0000	1.0000					24,896	6,876	23,678	15,685	+1,218
Ecuador		1,078		7,801	+1,196	Sucre	.2000	.2006	.1897	7,914	5,301		13,161	12,763	5,069	9,451	4,006	+3,312
Haiti	1,299	2,044		8,729	−957	Gourde	.2000	.2000	.2000	1,745	[17] 581	105	5,953	15,299	1,195	15,751	12,057	−452
Mexico	[8] 38,476	[8] 12,730		[8] 144,440	+21,973	Peso	.4985	.4831	.4702	17,590			80,004	325,304	230,937	179,289	126,319	+146,015
Panama		1,227	2,036	9,597	−2,274	Balboa	1.0000	1.0000	1.0000					2,650	2,395	14,289	9,495	−11,894
Paraguay	1,068	912	820	5,888	Balanced.	Peso (gold)	.9648	.9245	.9630	4,362	2,123	298	1,973	14,327	1,065	11,284	1,792	+3,043
Peru				39,179	−1,261	Pound	4.8665	3.7410	3.7377	22,196	25,164	299		89,769	31,032	73,171	33,063	+16,598
Salvador	1,656	2,120		9,996	+4	Colon	.5000	.5000	.5000	7,954	5,408	280	3,414	24,636	4,562	29,123	20,320	−4,487
Uruguay	7,134	14,101		43,639	+83	Peso	1.0342	1.0147	1.0134	68,607	56,822	213	133,114	96,170	11,331	96,657	21,638	−487
Venezuela	3,043		13,375	38,600	−4,045	Bolivar	.1930	.1926	.1898	8,684	10,267	425		79,590	19,035	76,312	44,155	+3,278
Austria	11,220	22,473	46,097	240,372	−22,104	Schilling	.1407	.1407	.1408	127,538	66,793		139,991	245,512	8,511	406,156	20,872	−160,644
Belgium	22,729	33,360		258,060	+35,607	Belga	.139	[18] .0326	.1392	279,649	159,064	1,001		542,126	50,593	639,406	72,614	−97,280
Bulgaria	8,404	9,418		49,076	−4,122	Lev	.193	.0072	.0072	29,696	10,435	2,496	41,914	40,841	690	45,036	619	−4,195
Czechoslovakia	56,973	62,219	23,404	347,183	−1,916	Crown	[19]	.0296	.0296	204,807	99,263		710,928	528,610	25,028	452,018	22,496	+76,592
Denmark	15,738	15,764	8,603	100,094	+288	Krone	.2680	.2623	.2673	86,071	52,641	212	558,657	397,274	5,509	425,112	50,577	−27,838
Estonia	4,994	531	2,766	22,180	+705	Mark	.1930	.0027	.0027	9,475	3,974		7,929	25,695	336	25,517	3,060	+178
Finland	14,467	12,740	13,502	95,248	−4,800	Markka	.0252	.0252	.0252	37,220	39,312	1,380	260,820	142,041	9,202	142,826	20,191	−785
France	269,463	852,563		1,551,606	+7,333	Franc	0.1930	0.0324	0.0392	2,301,001	1,070,153	1,026		1,930,530	126,516	1,929,884	256,598	+646
Germany	127,581	83,346		2,188,021	+47,403	Reichsmark	0.2382	0.2380	0.2376	1,005,344	439,941	153	2,921,284	2,337,002	177,100	2,514,785	427,476	−177,783
Greece	25,646	35,203	56,106	116,954	−309	Drachma	0.1930	0.0126	0.0132	63,559	14,282	1,969		68,301	16,149	126,953	20,393	−58,652
Hungary	19,835	15,733	76,670	208,336	+29	Pengo	0.1749	0.1756	0.1747	82,933	34,391		156,843	151,903	686	166,282	3,880	−14,379
Italy	218,186	290,974	92,782	998,480	+3,542	Lira	0.1930	0.0389	0.0516	902,300	728,130	629		726,190	75,124	1,006,227	218,351	−280,037
Latvia	6,973	694		31,977	+47	Lat	0.1930	0.1930	0.1930	12,738	9,222			36,381	1,079	50,241	1,947	−13,860
Lithuania	3,989	1,197	2,105	22,954	Balanced.	Lit	0.1000	0.1000	0.1000	8,679	3,136		3,450	25,330	208	24,076	1,066	+1,254
Netherlands	23,651	44,843		259,448	−14,073	Florin	0.4020	0.4010	0.4011	325,264	156,780	259		701,403	53,722	979,164	103,441	−277,671
Norway	11,129	23,926	13,441	95,505	Balanced.	Krone	0.2680	0.2233	0.2605	83,353	39,458	297	456,963	181,157	25,076	244,096	24,880	−62,939
Poland	74,857	17,738		240,719	+6,265	Zloty	[20] 0.1930	0.1118	0.1129	137,830	78,068		53,000	275,990	4,244	292,204	38,986	−16,214
Rumania	44,199	35,983		201,742	Balanced.	Leu	0.1930	0.0046	0.0060	127,052		4,809	124,360	230,943		224,521	1,398	+6,422
Spain	85,194	140,551	54,419	535,557	−11,277	Peso	0.1930	0.1490	0.1706	716,828	502,379	217		218,713	31,579	295,631	59,733	−76,918
Sweden	37,017	29,029		190,580	Balanced.	Krona	.2680	.2676	.2681	135,039	61,996	214	954,929	379,870	44,000	398,685	40,861	−18,815
Switzerland	16,374	21,722		62,368	−2,735	Franc	.1930	.1931	.1927	160,948	89,055	266		354,682	38,819	466,314	43,907	−111,632
Union Soviet Republics	347,580	102,471	472,709	2,524,206	+35,016	Chervonetz	5.1460	5.1500	5.1493	638,356	117,039	83	488,620	390,577		361,483		+29,094
United Kingdom	567,427	1,840,306		4,094,902	−178,370	Pound	4.8665	4.8582	4.8610	1,854,137	735,421	776	11,244,048	3,777,074	358,518	6,038,125	1,115,446	−2,261,051
Yugo Slavia	41,364	10,595		205,721	Balanced.	Dinar	.1930	.0176	.0176	99,441	92,433		123,186	137,964	887	134,678	5,457	+3,286
Australia	177,752	112,864	37,369	328,872	−13,741	Pound	4.8665	4.8582	4.8610	235,506	107,380	206	954,182	704,550	90,044	801,877	202,816	−97,327
China	297,703	166,466	48,565	634,362	−172,718	Mexican dollar	[21] .4811	.4992	4.4503	229,300	[22] 170,263	396		656,864	114,086	854,408	142,612	−197,544
Dutch East Indies	44,595	35,008		264,375	−370	Florin	.4020	.4010	.4011	140,722	74,692	316		651,692	100,961	370,612	21,442	+281,080
India	215,999	63,939		475,875	+193	Rupee	[21] .3650	.3632	.3631	658,185	[23] 459,157	280		1,092,742	143,203	838,849	54,657	+253,893
Japan	208,245		51,072	757,771	Balanced.	Yen	.4985	.4712	.4741	692,679	641,071	381	2,666,555	963,476	405,647	1,120,271	320,504	−156,795
New Zealand	4,891	46,008		116,728	+1,362	Pound	4.8665	4.8582	4.8610	33,092	37,959	306		215,400	18,075	242,363	48,582	−26,963

Country	Foodstuffs [24]		Shipping tonnage registered [24]	Railroad mileage			Motor vehicles			Telegraph offices	Miles of telegraph lines [24]	Telephone instruments		Coal in short tons [24]		Petroleum in barrels [24]		Iron ore produced [24]	Pig iron produced [24]	Crude steel produced (short tons) [24]	Primary schools	Price index pre-war base 100	
	Exports	Imports		Total	Per 10,000 inhabitants	Per 1,000 square miles	Motor vehicles [24]	Motor cycles [24]	Total per 1,000 inhabitants			Total [24]	Per 1,000 inhabitants	Produced	Consumed	Produced	Consumed					Cost of living	Wholesale price
United States	$838,067	$957,269	26,343	249,398	21.0	83.8	22,137.0	132.0	187.7	49,260	1,925.0	17,574.0	148.1	662,727	551,720	766,504	844,077	67,623	38,181	48,294	263,280	173.0	151.0
Canada	708,175	157,377	1,255	40,353	42.9	10.6	829.3	7.5	89.1	4,801	52.0	1,201.0	127.9	16,478	33,506	339	.....	200	848	864	30,808	152.0	152.2
Argentina	463,163	85,523	262	23,741	22.7	20.5	222.6	3.6	21.6	3,943	26.4	189.0	18.7	.....	2,851	7,400	.....	.....	.....	.....	10,221	.....	.....
Bolivia	42	5,246	.....	1,298	4.9	2.5	2.7	.1	1.0	322	4.3	3.6	1.3	.....	25	.....	157	.....	.....	.....	637	.....	.....
Brazil	369,569	94,887	387	19,451	5.2	5.9	110.7	5.0	3.1	4,592	51.0	266.0	7.2	441	2,394	.....	.....	33	38	.....	22,484	.....	.....
Chile	14,612	20,743	162	5,522	13.7	19.0	18.0	.2	4.5	1,056	16.0	35.2	8.8	1,570	1,763	.....	6,100	.....	925	.....	3,870	182.0	.....
Colombia	.....	.....	50	1,417	1.8	2.9	7.9	.2	1.0	756	19.2	17.3	2.2	.....	.....	6,446	1,743	.....	.....	.....	6,514	.....	.....
Costa Rica	.....	.....	1	423	9.0	18.4	1.2	.05	2.7	150	2.2	2.3	4.9	.....	.9	.....	311	.....	.....	.....	502	.....	.....
Cuba	259,812	101,394	100	2,415	6.8	54.6	36.9	.2	10.4	332	4.6	63.8	17.9	.....	679	9	.....	461	.....	.....	3,688	.....	.....
Dominican Republic	21,397	5,099	.....	117	1.2	6.0	2.8	.04	2.8	66	.3	1.4	1.4	.....	.....	.....	389	.....	.....	.....	1,373	.....	.....
Ecuador	8,011	1,569	14	530	2.6	4.4	1.2	.03	.06	195	4.4	3.8	1.9	.....	.....	213	256	.....	.....	.....	1,262	.....	.....
Haiti	12,624	5,176	8	166	.7	15.5	2.1	.02	.9	48	.9	1.4	.6	.....	.1	.....	29	.....	.....	.....	1,000	.....	.....
Mexico	.....	.....	60	13,197	8.5	17.2	50.5	.7	3.3	1,607	40.5	54.5	3.5	.....	.....	90,072	.....	.....	54	.....	11,704	.....	.....
Panama	.....	.....	.....	295	6.1	9.1	5.1	.4	11.4	50	4.2	7.7	16.0	.....	.....	.....	.....	.....	.....	.....	502	.....	.....
Paraguay	.....	3,026	.....	517	5.9	8.3	.7	.....	.8	.....	1.8	.5	.5	.....	.....	.....	.....	.....	.....	.....	687	.....	.....
Peru	15,678	15,676	79	2,090	3.4	3.9	9.3	.2	1.6	1,316	7.9	11.0	1.8	112	154	10,782	5,000	.....	.....	.....	3,270	177.0	200.0
Salvador	24,134	2,637	.....	349	2.1	26.4	1.2	.5	1.0	250	2.6	3.3	1.9	.....	.4	.....	311	.....	.....	.....	849	.....	.....
Uruguay	45,053	14,615	75	1,890	10.9	26.1	30.1	.5	17.7	.....	6.4	26.1	15.1	.....	214	.....	3,050	.....	.....	.....	1,230	.....	.....
Venezuela	4,870	43,924	.....	661	2.1	1.6	10.1	.3	3.4	.....	6.9	12.1	4.0	.....	.....	37,226	.....	.....	.....	.....	.....	.....	.....
Austria	8,326	151,695	250	4,337	6.6	133.9	23.1	25.3	7.4	3,047	7.6	158.4	24.2	3,795	5,715	.....	1,351	1,197	367	.....	6,309	108.0	127.0
Belgium	52,762	163,652	480	3,158	3.9	268.6	122.0	29.5	18.9	1,626	5.8	190.0	23.7	27,910	36,137	.....	2,639	218	3,747	3,708	8,329	.....	838.0
Bulgaria	15,862	1,154	15	1,693	3.1	42.5	2.5	.4	.5	621	4.6	9.0	1.6	1,328	1,287	.....	329	.....	.....	.....	7,761	2,698.0	2,891.0
Czechoslovakia	99,091	101,301	.....	8,524	6.0	157.2	27.1	18.0	3.2	3,643	12.8	119.0	8.3	[23] 36,707	.....	.....	560	1,322	1,488	.....	20,833	735.0	975.0
Denmark	272,267	76,390	1,131	3,150	9.2	190.0	96.9	21.2	34.4	963	9.1	316.0	92.0	.....	4,409	.....	.....	.....	.....	.....	4,491	176.0	154.0
Estonia	7,927	9,158	66	1,099	9.9	59.9	1.5	.3	1.6	35	.3	11.7	10.4	.....	98	227	372	.....	.....	.....	.....	[25] 132.0	[25] 112.0
Finland	13,936	37,220	477	2,967	8.3	19.8	24.4	5.1	8.3	405	6.2	82.0	23.0	.....	624	.....	492	.3	13	.....	8,398	163.0	149.0
France	164,681	375,401	3,491	25,912	6.4	121.8	336.7	138.0	23.9	29,113	221.6	737.2	18.1	57,814	71,150	560	16,148	43,519	10,353	9,288	82,260	507.0	594.4
Germany	113,381	851,692	3,420	35,870	5.7	198.2	368.7	339.2	11.3	47,163	138.0	2,668.4	43.1	[23]313,536	[5]257,666	649	2,238	5,224	10,631	13,595	54,738	150.6	140.1
Greece	13,837	43,649	1,029	1,519	2.2	30.4	11.2	.5	1.7	1,412	11.2	5.5	.8	149	607	.....	358	71	97	.....	8,231	1,964.0	.....
Hungary	92,639	10,548	.....	7,328	8.8	20.4	12.3	4.7	2.0	724	5.8	79.0	9.4	6,419	6,697	.....	448	145	207	.....	6,390	112.0	133.0
Italy	178,633	231,245	3,211	10,251	2.4	86.8	134.9	64.6	4.6	9,785	40.1	200.0	4.6	1,653	14,586	48	.....	551	583	1,776	131,444	536.0	466.0
Latvia	8,539	7,626	68	1,741	.9	69.6	.....	.....	.....	.....	5.9	18.8	9.8	.....	.....	.....	255	.....	.....	.....	1,891	.....	.....
Lithuania	5,007	4,480	.....	1,052	4.6	48.9	.8	.2	.4	301	3.9	5.7	2.5	.....	182	.....	10	.....	.....	.....	2,201	138.0	.....
Netherlands	.....	.....	2,565	2,263	3.0	179.3	69.1	.....	9.2	1,822	28.8	214.0	28.4	9,535	11,185	.....	3,829	.....	112	.....	9,570	167.0	151.0
Norway	45,786	54,050	2,842	2,239	8.0	17.9	35.4	7.9	15.5	2,294	10.4	184.2	66.0	321	1,653	.....	1,269	469	4	.....	5,889	195.0	166.0
Poland	69,094	66,585	28	10,549	3.5	70.3	18.9	3.4	.7	3,876	20.5	132.0	4.4	42,439	26,786	5,103	2,394	500	594	.....	27,555	121.8	120.9
Rumania	10,115	1,872	185	9,866	5.5	80.6	15.8	.8	.9	6,751	11.1	47.7	2.7	3,365	3,505	22,711	9,049	113	69	.....	14,346	3,900.0	.....
Spain	126,839	54,265	1,165	10,009	4.4	51.3	135.0	9.0	6.3	3,475	31.9	113.0	4.9	6,919	7,988	.....	1,813	4,820	514	.....	38,808	225.0	168.0
Sweden	33,132	100,315	1,339	9,985	16.4	57.6	99.2	26.3	20.6	3,648	27.8	450.6	74.1	423	4,795	.....	1,074	9,332	547	516	528	172.0	148.0
Switzerland	8,381	131,200	.....	3,607	9.0	226.4	51.6	21.0	18.1	2,359	11.7	200.2	50.1	.....	2,381	.....	293	.....	.....	.....	5,100	162.0	150.1
Union of Soviet Republics	.....	.....	439	46,357	3.1	56.6	17.2	7.7	.2	3,524	382.7	192.8	1.3	33,620	20,977	74,400	47,914	3,448	2,688	3,432	107,630	199.0	170.0
United Kingdom	373,608	2,577,284	19,893	20,391	4.5	216.4	1,045.3	635.4	37.2	12,934	110.4	1,390.2	30.7	141,432	145,600	2	42,857	4,586	2,753	4,020	29,000	169.0	141.1
Yugoslavia	67,059	6,882	246	6,118	4.7	63.6	8.6	2.7	.9	1,163	12.4	29.9	2.3	4,607	4,960	.....	.....	396	21	.....	7,463	.....	.....
Australia	219,538	51,443	810	28,439	46.0	9.5	365.7	70.3	70.5	8,904	118.1	403.6	65.3	16,504	15,416	.....	993	.....	504	.....	11,958	157.0	173.9
China	186,003	166,965	300	9,501	.02	2.2	20.3	1.7	.05	1,128	56.4	78.6	.2	22,046	24,802	.....	5,592	.....	.....	.....	178,981	.....	165.8
Dutch East Indies	.....	.....	639	4,422	.9	6.0	47.0	7.9	1.1	338	6.8	37.6	.7	1,544	.....	22,200	7,000	.....	.....	.....	38,370	.....	152.0
India	429,186	119,482	367	38,578	1.2	21.4	88.8	21.8	.3	3,720	93.0	43.2	.1	.....	.....	8,275	14,000	1,702	.....	.....	175,596	150.0	147.0
Japan	66,816	175,280	3,968	12,644	2.1	84.4	42.7	16.1	1.0	6,742	54.5	636.7	10.3	31,410	30,518	1,645	2,247	344	755	.....	25,724	205.0	168.5
New Zealand	118,315	16,125	208	3,138	21.7	28.9	123.2	32.1	107.6	.....	13.1	130.2	90.2	2,115	2,416	.....	2,582	.....	.....	.....	2,580	.....	.....

[1] Excluding forest land.
[2] Continental United States land area.
[3] Total debt of foreign governments to United States Government.
[4] Exclusive of area in dispute.
[5] Including area in dispute.
[6] Estimated.
[7] Actual.
[8] Figures for 1925, latest available.
[9] Denmark proper.
[10] Exclusive of Saar Territory.
[11] Exclusive of reparations, present day value of which is placed at $5,950,000,000, or $95.3 per capita.
[12] Official debt figures are not segregated.
[13] Exclusive of railway debt, which is self-supporting, the amount outstanding is equivalent to $128.4 per capita.
[14] Exclusive of Imperial Russian Government debts which have been repudiated. These amount to $114.6 per capita.
[15] Japan proper.
[16] Value of paper peso is 44 per cent of gold peso.
[17] United States currency.
[18] Paper franc. Belga was established as a new unit October, 1926, and its value placed at 5 paper francs.
[19] Has no parity; stabilized at around this figure.
[20] Stabilized at $0.11218 on Oct. 13, 1927.
[21] Varies with price of silver.
[22] Silver.
[23] Gold and silver.
[24] 000 omitted.
[25] Includes lignite.
[26] Base used 100, as of 1922.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the deficiency appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will report the substitute offered by the Senator from Washington [Mr. JONES].

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the committee on page 16, after line 15, insert the following:

BUREAU OF PROHIBITION

For expenses not to exceed $250,000 for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith, and for expenses in connection with travel of officers and employees in attending meetings of sheriffs and chiefs of police and other meetings in the interest of law enforcement, to remain available until June 30, 1930.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Sheppard
Barkley	Edge	Keyes	Simmons
Bingham	Fess	McKellar	Smith
Black	Fletcher	McNary	Smoot
Blaine	Frazier	Mayfield	Steck
Bratton	George	Metcalf	Steiwer
Brookhart	Glass	Neely	Swanson
Broussard	Glenn	Norris	Thomas, Idaho
Bruce	Hale	Nye	Thomas, Okla.
Burton	Harris	Oddie	Tydings
Capper	Hastings	Overman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Pa.	Walsh, Mass.
Couzens	Heflin	Robinson, Ind.	Walsh, Mont.
Curtis	Johnson	Sackett	Warren
Deneen	Jones	Schall	Waterman

Mr. McKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. TYSON] on account of illness. I ask that this announcement stand for the rest of the day.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, there is a quorum present.

Mr. JONES. Mr. President, I desire to amend the substitute which I have heretofore offered. I will ask that the substitute be read with the language added to it which I send to the desk.

The PRESIDING OFFICER. The substitute as modified will be read.

The CHIEF CLERK. On page 16, after line 15, in lieu of the amendment proposed by the committee, insert:

BUREAU OF PROHIBITION

For expenses not to exceed $250,000 for dissemination of information and appeal for law observance and law enforcement, including the necessary printing in connection therewith, and for expenses in connection with travel of officers and employees in attending meetings of sheriffs and chiefs of police and other meetings in the interest of law enforcement; for increasing the enforcement force, $1,000,000; in all, $1,250,000, to remain available until June 30, 1930.

Mr. JONES. This is offered as a substitute for the amendment that is in the bill now relating to prohibition, in lieu of the $25,000,000 provision.

Mr. WARREN. Mr. President, I wish to say on the part of the committee, so far as I can do so, that the amendment will be accepted; and I hope it will be agreed to.

Mr. GLASS. Mr. President, let us have it read. Some of us have just entered the Chamber and would like to know what the proposition is.

The PRESIDING OFFICER. The clerk will again read the proposed substitute.

The Chief Clerk again read the proposed substitute as modified.

Mr. WALSH of Massachusetts. Mr. President, are we to understand that the substitute is accepted by the committee?

Mr. SMOOT. Yes; by the committee.

Mr. HARRIS. I think the Senator is mistaken about that.

Mr. OVERMAN. The committee did not accept it. I am a member of the committee and never heard of it before.

Mr. SMOOT. Perhaps I misunderstood the Senator from Massachusetts. What did the Senator ask?

Mr. WALSH of Massachusetts. I asked if the substitute had been accepted by the chairman of the committee.

Mr. SIMMONS. So far as he is able to do so, but he can not control the committee.

Mr. WALSH of Massachusetts. The chairman, so far as he can do so, but not the committee?

Mr. SMOOT. Yes.

Mr. BRUCE. Mr. President, when the Senate remembers that I have suggested an additional appropriation of as much as $270,000,000 for the enforcement of prohibition, it can well imagine the pain, not to say acute distress, with which I receive the suggestion, first, that only the additional sum of $25,000,000 should be appropriated for this purpose, and then the suggestion that only the additional sum of $1,250,000 should be appropriated for it. If anything ever declined in a paltry diminuendo scale, it certainly did so when even the proposition to appropriate such a small additional sum as $25,000,000 for the enforcement of prohibition dwindled to such a petty sum as $1,250,000.

One interesting fact has been developed by the debate in relation to pending amendment, and that is the fact that two of the most enthusiastic prohibitionists in the Senate are entirely at odds with each other as to the practical outcome of the "noble" prohibition experiment. Yesterday the Senator from Texas [Mr. SHEPPARD] pictured the present outlook of prohibition enforcement in such roseate and glowing language that I almost felt as if there was a possibility of my becoming a convert to the good cause myself. And yet here to-day we have the Senator from Georgia [Mr. HARRIS] admitting that there are now 50 bootleggers in the United States for every one of the old saloons. Indeed, the Senator from Georgia did not hesitate to acknowledge—and I think I use his very language—that prohibition enforcement at the present time is a mere farce.

It does seem to me that the instruments in the prohibition band ought to be taught in some way or other to keep better time with each other. That hopeless discrepancy of view between the two Senators demonstrates how hard it is even for the prohibitionists to form any reliable conclusions about prohibition. Even the sum of $25,000,000, as a proper additional sum for the enforcement of prohibition, appears mean and despicable when contrasted with the amounts that prohibition officials, who have been or are in the best position to express an opinion, have declared to be necessary.

Only a few days ago I called attention in the Senate to what Mr. Doran, the Prohibition Commissioner, had said upon this subject, and I desire to avail myself of this occasion to declare that he has always left upon me the impression of being an able, courteous, and just-minded official. When a hearing was held a short time ago by the House Appropriations Committee with respect to pending Treasury and Post Office Department appropriations he was reported as saying:

It is a matter of policy whether Congress wants to embark in the police business in regard to prohibition. If it does, it will take $300,000,000 and a system of United States courts covering the land.

Now, that is not the testimony of some mere prohibition or antiprohibition zealot. Nor is it the testimony of some poorly informed individual in relation to something that has lain entirely outside of the province of his own personal experience. It is the testimony of the man of all others in the United States who ought to be able to form an intelligent judgment as to just how much money will have to be appropriated by Congress if prohibition is to be enforced.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. BRUCE. I yield.

Mr. SHEPPARD. Has the Senator all the language used by Doctor Doran?

Mr. BRUCE. I have just read it word for word.

Mr. SHEPPARD. Will the Senator read it again?

Mr. BRUCE. While I think that there is no need for placing it in the RECORD again, yet I gladly read it:

It is a matter of policy whether Congress wants to embark in the police business with regard to prohibition. If it does it will take $300,000,000 and a system of United States courts covering the land.

Mr. SHEPPARD. I take it he was referring to one system of enforcing prohibition.

Mr. BRUCE. Yes; but he was referring to the only system—that is to say, the police system—by which it can be enforced.

Mr. SHEPPARD. I understand it to be his position that if it devoted its efforts mainly to the arrest of illicit alcohol at the source the Federal Government could accomplish more than if it were to try to detect and punish every little offender.

Mr. BRUCE. No; his idea is the idea that has prevailed in the Prohibition Department ever since prohibition went into effect, or certainly since Gen. Lincoln C. Andrews became Assistant Secretary of the Treasury; that is to say, the idea that the effort of the Federal Government should be to suppress the larger sources of supply of liquor; in other words, to arrest and punish the big offenders; and that the State should police prohibition violations more closely than they have heretofore done.

But the Senator from Texas begs the question. The States have not been willing to make up the difference between the annual Federal appropriations for the enforcement of prohibition and the total sum necessary for its thorough enforcement.

Mr. SHEPPARD. I was attempting to give my conception of Doctor Doran's view of this subject. I understand it to be his idea that better results could be accomplished if the Federal Government concentrated its efforts on suppressing the supply of industrial alcohol at the source.

Mr. BRUCE. That is right in part. That was one of the ideas of General Andrews.

Mr. SHEPPARD. Then he went on to say that if we undertook in addition to that to use the resources of the Federal Government in prosecuting and convicting every offender, small or large, it would take $300,000,000.

Mr. BRUCE. He did not say that.

Mr. SHEPPARD. I understood that to be his position.

Mr. BRUCE. Doctor Doran ought to make himself a little clearer next time, and it will probably be well for him to call to his aid the Senator from Texas who always expresses himself, as I gladly bear testimony, with an unusual degree of clarity. I believe that Doctor Doran was conservative when he expressed those ideas.

A few days ago, speaking without premeditation, as I am too apt to do, I referred to the testimony of Mr. Buckner, recently United States district attorney for one of the districts of the State of New York, before the Senate subcommittee which dealt with the subject of prohibition in the year 1926. In doing so, I did not correctly recall what he had said. My memory at the time was that what he had said applied only to the southern district of New York, whereas I find on refreshing my recollection that it applied mainly to the entire State of New York. I now gladly make the proper correction. What he said was this:

> If, however, you do not abolish jury trials, but you stick to the Federal constitutional right of jury trial as it is to-day, and if you take the estimate that I have figured out from courts of special sessions in New York City—no better place to go to for information as to the relative length of trials which are 5 to 1—then it is obvious that instead of 17 courts in my district I should have 85.

To that extent Mr. Buckner was speaking of his own district and not of the entire State of New York.

Continuing he further said:

> Instead of 30 courts for the entire State there should be 150 new Federal judges for the entire State of New York under the present system.

Think of that!

> There should be 150 new Federal judges for the entire State of New York under the present system. And although there would be various shifts and changes you would not quite need five times as many prohibition agents—perhaps two times would do—there are other things in which you would need more, and it is not far wrong to simply take the arbitrary 5 to 1 and say that the annual cost of enforcing prohibition, taking both the Department of Justice and the Prohibition Unit, the whole of machinery that I have outlined to you would be $75,000,000 a year.

That is to say, for the State of New York alone, according to Mr. Buckner, a very able and faithful representative of the Federal Government during his term of office, the sum of $75,000,000 annually would be necessary for the enforcement of prohibition in the State of New York.

Mr. SIMMONS. Mr. President, how does the Senator from Maryland reconcile that statement with the statement of the Secretary of the Treasury that $13,000,000 is as much as is needed in the whole country?

Mr. BRUCE. I am coming to that in a moment.

Those figures given us by Mr. Buckner are all the more significant when it is recalled that there are far fewer arrests for drunkenness in the city of New York in proportion to population than in many of the Southern States which are preposterously termed "dry." New York is a great civilized city. Like all civilized communities, it knows how to practice self-restraint. The existence of prohibition in a community, as I have often said, is not a token of a high order of civilization; it is a token of a low order of civilization; that is to say, it is indicative of a community in which moral impulses on the whole are so feeble and the power of individual restraint on the whole is so poorly developed, that men can not drink except to excess and without bringing down the penalties of prohibition upon their heads.

I brought out the fact here a year or so ago that while there is only one arrest for drunkenness for a certain number of people in the city of New York—I forget the exact number at this moment—there are 274 for the same number of people in three of the largest cities of one of the Southern States, which, after all, is but a typical Southern State, so far as drinking is concerned. No wonder that in certain communities like those prohibition should obtain among moral and respectable people a foothold which it is powerless to obtain in communities where men have more self-restraint.

I have no wish, of course, to bear hardly on any particular Southern State, if for no other reason because, as I have more than once had occasion to observe, a few years ago the fact was brought out by one of the reports of the Department of Justice that 70 per cent of all the distilleries seized by Federal prohibition agents in the United States were seized in the 11 old Confederate Southern States.

So if $75,000,000 is necessary for the enforcement of prohibition in one single State of the Union—the State of New York—and that a State where there are, in proportion to population, relatively few arrests for drunkenness, pray what total appropriation is requisite for all the 48 States of the Union? In my opinion, Mr. Doran was but expressing himself with extreme moderation when he said that to enforce prohibition through the instrumentality of the proper police agencies throughout the country an expenditure of $300,000,000 would be necessary, to say nothing of the courts, which, he also said, would under those circumstances have to cover the face of the land. The only reason why our friends the prohibitionists do not ask for the $300,000,000 is because they dare not ask for it.

They know that then, if not sooner, the people of the United States would revolt; that then, if not sooner, the people of the United States would realize that if this vile and detestable system of tyranny is ever to be enforced it can only be enforced by calling in the aid of such a colossal and elaborate system of oppression as the world, logically familiar as it has been with oppression, has scarcely ever known. That is the reason why the Senator from Georgia [Mr. HARRIS] makes his comparatively modest application for $25,000,000; that is the reason why the Senator from Washington [Mr. JONES] is not willing to ask for even $25,000,000, but asks for his picayune appropriation of $1,250,000.

Mr. President, under ordinary conditions, I would vote for an additional appropriation of $25,000,000 for prohibition enforcement. I have never voted against any appropriation for its enforcement since I have been here, nor have I ever withheld my aid from any effort to increase the number of Federal judges to such an extent as to take care judicially of prohibition enforcement. So long as a criminal law is on the statute book it should be enforced, and those who violate it must take the risks, whatever they may be, of violating it, and that no matter how unnatural and indefensible the statute to be enforced may be. I have secured appointments in the prohibition service for individuals, and the last word that I have said to each of them is, "Please do not disgrace me or yourself by failing to do your official duty with the utmost measure of fidelity." No other feelings could any man entertain who really comprehends the basis on which our system of constitutional government rests.

I shall not vote for the proposed appropriation of $25,000,000, and for these reasons: When the Secretary of the Treasury, the highest fiscal officer of the Government, and Mr. Doran, the Prohibition Commissioner, and Mr. McBride, the general counsel of the Anti-Saloon League, if he is correctly reported in the press this morning, all say that at this time it would be inexpedient to place any more money in the hands of the Prohibition Unit for the purposes of enforcement——

Mr. BLACK. Mr. President, will the Senator yield at that particular point?

Mr. BRUCE. Yes.

Mr. BLACK. Did I understand the Senator correctly—I thought I did—to say that he was partially influenced in his vote by what the general counsel for the Anti-Saloon League said?

Mr. BRUCE. Yes. Ah, the Senator recollects the old Latin maxim I am sure, "fas est ab hoste doceri"—it is legitimate to learn a lesson even from an enemy.

Mr. McBride certainly ought to know what is best for his own cause. It is fair to assume that he has it at heart as deeply as anybody in the United States, and if he does not know what is best for his cause, certainly Mr. Doran, the Prohibition Commissioner, ought to know.

Of course, it is not my special office to enter into any defense of the Secretary of the Treasury. I am referring to him as I would to any other incumbent of that great office. His splendid reputation as a great Secretary of the Treasury and a great captain of industry and his generally established reputation as an admirable and lovable man in all the personal and social relations of life call for no defense from me; and, least of all, would I attempt to defend him when he is attacked by such a sanctimonious pharisee as ex-Gov. Gifford Pinchot, who is so lost to all sense of decency as to come here and, in that malignant letter which has just been read, pour out the personal and political rancor of his heart not only upon the Secretary of the Treasury but upon our former highly esteemed associate, Senator Pepper, and our equally highly esteemed present associate, Senator REED.

Everyone who knows this man knows that he is nothing but a chartered libertine, so far as acrid detraction is concerned. In parting with him I will only express the hope that he will take to heart the perils of such virulent calumny as that which once led Dr. Samuel Johnson to say that a man who calls all the world a scoundrel convicts at least one.

As I have said, the Secretary of the Treasury tells us that the additional sum of $25,000,000 for prohibition enforcement can not be used to good purpose at the present time; and when he says that he is simply following in the footsteps of Mr. Doran, who some of you will recollect a short time ago, when it was suggested that he might be given more prohibition agents, said, "I have all the prohibition agents I want. Those that I have now are arresting more offenders than the courts can take care of." And even the Anti-Saloon League, I repeat, speaking through Mr. McBride, its general counsel, though responding, of course, only to an impulse of selfish prudence, says, or is reported as saying this morning, that this additional appropriation of $25,000,000 is not desirable at the present time.

No; before you need any such sum of money as my good friend the Senator from Georgia [Mr. HARRIS] suggests, either a vast number of additional Federal judges for handling prohibition cases should be appointed or the Federal commissioners throughout the land should be clothed with the power to hear and to render final decision in prohibition cases, subject to the right of the citizen, of course, to crave a jury trial if he chooses to crave it. When Congress begins by appropriating additional sums of money at the present time for the enforcement of prohibition it is beginning at the wrong end. Multiply courts and other judicial agencies first; and then additional appropriations of money for enforcement could be far more effectively employed.

As illustrating how ineffectual even such a sum as $300,000,000 might be to enforce prohibition in this country, I desire to call attention just for a moment to an article which appeared in the Detroit Free Press of the 13th instant; and, mind you, the Detroit Free Press is a paper which, by some train of reasoning absolutely inconceivable to me, reached the conclusion that that poor woman sentenced to life imprisonment in the State of Michigan for violation of the Volstead Act was justly sentenced, and not entitled to the clemency of man, or even to that prompt compassion which, to her honor be it said, ever dwells in the heart of woman.

The article to which I refer is headed:

TEMPTATIONS GREATER THAN AVERAGE MAN CAN WITHSTAND—EXPLANATION GIVEN FOR BREAKDOWN IN MORALE OF FEDERAL PROHIBITION UNIT IN DETROIT

Fifty millions of dollars' worth of contraband wines, whiskies, and beer was smuggled into the United States during 1928 within 25 miles of the Detroit City Hall. The grand total of rum-running operations rose last year to a figure higher than ever before, and serves once again to emphasize the fact that the counties of St. Clair, Macomb, Wayne, and Monroe for the past five years have been the scene of the largest and most profitable law-violation conspiracy existing anywhere in the world.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. BRUCE. Certainly.

Mr. SHEPPARD. From what authority is the Senator reading?

Mr. BRUCE. The Detroit Free Press, a paper, as I said a moment ago, that defends even life imprisonment, and would, I suppose, be prepared even to go to the length of defending capital punishment for violations of the Volstead Act.

Mr. SHEPPARD. It is a special article, is it not?

Mr. BRUCE. It is an article by James Haswell; but I do not suppose the Detroit Free Press allows anything to be published in its columns that it does not think is deserving, for one reason or another, of a place in them.

The article goes on:

Between $45,000,000 and $50,000,000 worth of liquor was smuggled in the year before!

About $40,000,000 came in during 1926!

And last year $50,000,000! Think of it!

Yes; I say, think of it! And, of course, that is entirely in harmony with what Mrs. Mabel Willebrandt said a few days ago in her report as an assistant in the Department of Justice. She stated that in the last three years the smuggling of liquor into this country from Canada had increased no less than 75 per cent. And Mr. Whalen, the new head of the New York City police force, has just informed us that there are 20,000 speakeasies in that city.

There is much more, of course, that I could say on this subject, because my heart is full—perhaps too full—of it. I will content myself, however, with simply saying that I favor the substitute offered by the Senator from Washington [Mr. JONES] and disapprove the committee amendment for the special reasons that I have mentioned.

Mr. HARRIS. Mr. President, as an amendment to the substitute of the Senator from Washington [Mr. JONES], I move to strike out all of the matter proposed to be inserted by him down to the words "for increasing the enforcement force"; to strike out, after the word "force," the figures "$1,000,000" and insert "$24,000,000"; to strike out "in all, $1,250,000" and insert in lieu thereof "to be made immediately available, and," so that if amended the substitute would read:

In lieu of the matter proposed to be inserted by the committee on page 16, after line 16, insert the following:

"For increasing the enforcement force, $24,000,000, to be made immediately available, and to remain available until June 30, 1930."

Mr. SHEPPARD. Mr. President, when the question of larger sums for prohibition enforcement was before the Senate a few weeks ago, I took the position that while prohibition had been and continued to be a blessing, I was entirely willing to vote for additional appropriations to make it a greater blessing.

I endeavored to show that prohibition was being well enforced, and gave the figures in relation to enforcement, the number of arrests that had been made during the last fiscal year, the number of automobiles seized, the number of convictions, and other facts, comparing those figures with the figures of the previous fiscal year, and showing distinct progress. I did not deny, however, that prohibition could be better enforced with additional funds. Adhering to the position taken then, I shall support the Harris proposal.

Mr. BROUSSARD. Mr. President, I would like to have the attention of the Senator from Washington [Mr. JONES]. I have before me the substitute the Senator from Washington has offered. May I inquire what items are to be covered under this $250,000 for dissemination of information and appeal?

Mr. JONES. That is covered in the letter of the Secretary of the Treasury, suggesting—and he got the suggestion, probably, from the Prohibition Commissioner—that there should be an educational campaign carried on, that that would be of great assistance in enforcement. What the exact nature of it is to be I am not prepared to say.

Mr. GLASS. Mr. President, I hope this particular matter may go over until to-morrow. If there is anybody in this country who has not become educated in the last 25 years in the discussion of this question, he is simply hopeless, he can not become educated, and I am not willing to expend any large sum of money to educate people in the matter of prohibition.

Mr. BROUSSARD. Mr. President, the remarks of the Senator are along the very lines I had intended to cover.

Mr. GLASS. I am sorry to have anticipated the Senator.

Mr. BROUSSARD. I would like to know why money should be taken from the Treasury of the United States to be used by a force that is interested in giving biased facts to the country.

If it was intended that this money was to be used by some neutral agency to obtain information which might be for the good of the people of the United States, I would no doubt subscribe to it, but I shall certainly oppose giving money to a set of people who, we know, are now using poisons, and are now violating the law by disseminating information along the lines which the Senator wishes now to legalize.

It is also provided that these officers shall be sent out to attend conventions all over the country. What does the Senator expect these people to learn from other enforcement officers?

Mr. JONES. Some of the discussions with police officers, with sheriffs, and men of that kind, I think would do a great deal of good. It might not exactly educate them, or give them information they have not had, but I know that in my own State we have had meetings of sheriffs and meetings of police officers, and they have led to more hearty and earnest cooperation on the part of those officials with the enforcement officers.

Mr. BROUSSARD. Does the Senator expect to limit these expenditures to the prohibition law?

Mr. JONES. That is all this applies to, of course.

Mr. BROUSSARD. Why does not the Senator offer an amendment providing some $250,000 to suppress murderers and the fellows who commit the crimes of rape and arson, and other crimes, in this country?

Mr. JONES. When we have provision by law——

Mr. BROUSSARD. There is the Volstead law. Until just this moment I was ready to vote for the $25,000,000; I told the Senator from Georgia I would vote for that. I have always voted for all the funds the department wanted for the purpose of enforcing prohibition. But I have this complaint to make, funds are now being used to entrap people, and some of those funds are being used to purchase liquor.

Only last month I read a statement in the press to the effect that in the trial of a man for a felony, his defense in court was that his duties as an undercover man required him to buy some liquor and drink it so as to find out if it was liquor, which had deranged him, and he pleaded insanity in court.

Last week I heard of a woman who uses in her own way the grace and the virtues that were intended to be used in a proper way. She induced men to bring her into a room, where she was given poisoned liquor, and she became blind overnight.

These are the crimes prohibitionists are committing under these statutes. I am willing to vote $500,000,000 to enforce this law, but I am not willing to have the old Russian methods adopted for the purpose of doing it.

Mr. JONES. The Senator certainly does not assume that any of this money would be used for such purposes?

Mr. BROUSSARD. Why are these people to go on jaunts? These fellows will go to some city with United States money in their pockets, and get somebody to sell a drink so that they can arrest him.

Mr. JONES. The Senator can not conclude anything of that kind from this particular amendment.

Mr. BROUSSARD. They would be permitted to go to other cities and receive their traveling expenses. The department is now giving the agents money to induce people to sell liquor when they have no intention of selling liquor.

I had told the Senator from Georgia I was going to vote for the $25,000,000. I shall certainly not vote for any item like this. I shall vote against the substitute as proposed to be amended by the Senator from Georgia unless this $250,000 is eliminated from the amendment.

Mr. BLAINE. Mr. President, there may be some confusion in the minds of some with respect to the purposes designed by the substitute amendment of the Senator from Washington. I am not clear whether that appropriation—I think it is $250,000—is to be used to disseminate information regarding the use or misuse of liquor, the proper use of it or the improper use of it, or is to be used to disseminate political propaganda to keep the Volstead law on the statute books and the eighteenth amendment in our Constitution.

I am perfectly willing to vote for an appropriation that will encourage temperance and for an appropriation that will lead to the dissemination of unbiased information and the truth with respect to that which is evil in itself in the use of liquor, and that which is harmless in itself in the use of liquor, to the end that we may develop what was well on its way before the adoption of the eighteenth amendment—real, genuine, temperance. But if the appropriation is designed for the purpose of disseminating information that will have for its effect political propaganda, either for or against the Volstead Act or the eighteenth amendment, if the money is to be expended out of the Public Treasury to bolster up some law or to defeat some law, then I am opposed to it or to the appropriation of public funds for any political purpose.

Mr. BROUSSARD. What other purpose could there be? Does the Senator expect the Prohibition Department to issue unbiased reports, or does he expect it to oppose prohibition? I would not expect it to do so.

Mr. JOHNSON. Mr. President, will somebody who has the amendment read the particular language? I apologize for making the request; but a couple of us were called out when the substitute was presented, and I do not know the wording of the amendment that is being discussed.

Mr. GLASS. For that reason, Mr. President, I suggest that the proposed substitute be printed and lie on the table until to-morrow, so that we can see what it provides and try to understand what it means.

Mr. BLAINE. I suggest that if that is the wish, and it is so ordered, I will yield the floor. If the debate is to continue, I prefer to occupy some time in discussing not only the amendment of the Senator from Washington but the amendment proposed by the Senator from Georgia as well. Unless the suggestion is made and unanimously agreed to that the matter go over until to-morrow, I prefer to continue the discussion now.

Mr. JONES and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLAINE. I yield first to the Senator from Washington.

Mr. JONES. Mr. President, I want to state that in my judgment it would be wise to let the matter go over until to-morrow. I hardly think there is any chance of our voting to-night. I do want to say, however, in answer to the Senator's suggestion, that I do not think the money is intended to bolster up the eighteenth amendment or to discuss it. I assume that is in the permanent law. I think the educational features should be along the lines suggested by the Senator, and I think that is the way it will be expended.

Mr. BLAINE. Mr. President, in this connection permit me to suggest in all seriousness that a proposal to appropriate public funds for the purpose of disseminating knowledge concerning the Volstead Act and its violations is a gratuitous assumption and that a legislative body characterizes the people of this country as ignorant of their own law. For one I can not take that position. I do not believe, no matter how holy a legislative body may be or how holy the membership may be, that the great rank and file of the people of the country are not just as loyal and true to the Constitution and laws of our country as are those who make those laws or administer them. To impute to them a suggestion that we, in a superior attitude, must go out and instruct them as to their duties in the observance of their law is not my conception of a democracy. That might well prevail under the tyranny of a dictator, but it is not my conception of the relationship of the people to the Government in a democracy such as we have.

Therefore, Mr. President, if the purpose of the amendment is to disseminate propaganda, and that is what it will be, to lecture the people of America, to enable some public official, perchance some one who, on the witness stand under oath, has given a certificate of character to Mr. Daugherty, or some one of that type or character, to go out and lecture the American people on their duties and obligations to the Government, then, sir, we are assuming that our people are incompetent to govern themselves. It is not the Congress that is going to say whether or not the law is going to be enforced. It is the people of the United States who are going to say whether or not the law is going to be enforced. Law has no other sanction than that which abides in the conscience of the people who make up the Government.

So, as I said, I do not want to discuss the amendment to-day or what I believe to be the fundamental issue involved if the matter is going over until another day. I do not oppose the substitute or the amendment offered by the Senator from Georgia upon the grounds upon which others have opposed it. I shall oppose it upon what I believe to be fundamental grounds. I do not care to enter upon a discussion of that kind at this time. Therefore I ask unanimous consent that the matter go over until to-morrow.

Mr. BRUCE. Mr. President, before that request is put will the Senator yield to me?

Mr. BLAINE. I yield to the Senator from Maryland.

Mr. BRUCE. I simply desire to say that I rather like the educational feature of the proposition of the Senator from Washington. It reminds me of a very curt and very unjust thing said by John Randolph of Roanoke. Some one came to ask whether he would subscribe a sum of money for the education of young Methodists for the ministry. He was a most bigoted member of the Episcopal Church. He said, "Of course I will do so, because if they become educated they will cease to be Methodists." My hope is that if the people of the United States can only be thoroughly educated under the influence of the propaganda suggested by the Senator from Washington they will cease to be prohibitionists.

Mr. HARRIS. Mr. President, I hope there will be no objection to the request of the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I desire to withdraw my request for unanimous consent, and I yield now to the Senator from Wyoming.

Mr. WARREN. Mr. President, it is evident, I am sorry to say, that we shall not be able to finish consideration of the appropriation bill to-night. It will be remembered that I called it up the first thing Monday morning and have taken advantage of every opportunity since to keep it before the Senate. It is my purpose to submit a motion for a recess until to-morrow at 12 o'clock. I should like to make it 11 o'clock, but I am informed that that would not be possible.

I want to state in this connection that we stand here in the way of the cruiser bill. The Senator in charge of that bill has

been very true to it and has been very patient, and has allowed the Senate to consider the treaty unmolested. The Committee on Appropriations has done the same thing. It comes down to the fact that there are nine more of these large appropriation bills which have to be acted on, or we shall be in disgrace.

I am as anxious to see the Senator from Maine make progress with his cruiser bill as I am to see any other business of the Senate pushed forward, but I can not annoy him all the time and certainly he ought not to and will not, I am sure, annoy me so long as I am in charge of an appropriation bill. But I must have the cooperation of the members of my committee so that when they get notice of a meeting I may have their presence or else an acceptance of what the two or three of us who do attend the meetings may decide upon.

I presume the Senator from Washington [Mr. JONES], who has offered the amendment, wishes to make some observations concerning it that we may consider before morning, but I would like to have all those who desire to discuss the amendment be here when the Senate convenes so that we may get along with the business of the Senate.

Mr. JONES. Mr. President, I do not care to speak to-day.

Mr. HALE. Mr. President, I stated this afternoon that I would ask the senior Senator from Kansas [Mr. CURTIS] to move a recess to-night until 11 o'clock to-morrow. I will say now that I have talked with the Senator from Kansas, and it has been found impossible to carry out that suggestion on account of certain committee meetings which are to be held in the morning. So I shall be entirely agreeable to the request of the Senator from Wyoming.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT. The Chair, in accordance with an order of the Senate heretofore made, refers to the appropriate committees the Executive messages transmitted to the Senate by the President to-day.

RECESS

Mr. WARREN. I move that the Senate take a recess until 12 o'clock to-morrow noon.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Friday, January 18, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 17, 1929

COLLECTOR OF CUSTOMS

Louis M. Hall, of St. Louis, Mo., to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo. (Reappointment.)

UNITED STATES DISTRICT JUDGE

Edward K. Massee, of Hawaii, to be United States district judge, district of Hawaii, vice William T. Rawlins, deceased.

CIRCUIT COURT JUDGE

Charles S. Davis, of Hawaii, to be third judge of the circuit court, first circuit, Territory of Hawaii, vice Edward K. Massee, nominated to be United States district judge.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. Rene Edward de Russy, Coast Artillery Corps (detailed in Quartermaster Corps), with rank from September 20, 1928.

ORDNANCE DEPARTMENT

First Lieut. James Eugene Bernard McInerney, Infantry (detailed in Ordnance Department), with rank from May 22, 1928.

INFANTRY

Maj. George Matthew Halloran, Chemical Warfare Service, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Walter Schuyler Grant, Cavalry, from January 15, 1929.

To be lieutenant colonel

Maj. George Cornelius Charlton, Infantry, from January 15, 1929.

To be majors

Capt. Robert Ellsworth Phillips, Coast Artillery Corps, from January 7, 1929.

Capt. Allen Frederick Kingman, Infantry, from January 15, 1929.

To be captains

First Lieut. Russell Conwell Akins, Infantry, from January 7, 1929.

First Lieut. Henry Hapgood Fay, Infantry, from January 8, 1929.

First Lieut. Rudolph William Propst, Air Corps, from January 9, 1929.

First Lieut. Peter LeToney, Infantry, from January 12, 1929.

First Lieut. Robert Louis Renth, Infantry, from January 15, 1929.

First Lieut. Donald Campbell Kemp, Signal Corps, from January 15, 1929.

To be first lieutenants

Second Lieut. Emil John Peterson, Corps of Engineers, from January 7, 1929.

Second Lieut. Gordon Edmund Texter, Corps of Engineers, from January 8, 1929.

Second Lieut. Everett Chalmers Wallace, Coast Artillery Corps, from January 9, 1929.

Second Lieut. Vernum Charles Stevens, Coast Artillery Corps, from January 11, 1929.

MEDICAL CORPS

To be captain

First Lieut. Fletcher Emory Ammons, Medical Corps, from January 17, 1929.

CHAPLAIN

Chaplain Thomas Louis Kelley to be chaplain, with rank of major, from January 16, 1929.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 17, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them who trespass against us. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.

S. Con. Res. 31. Concurrent resolution to print the briefs of counsel and transcript of record filed with the Supreme Court of the United States in the St. Louis & O'Fallon Railway case as a Senate document and for extra copies thereof.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) entitled "An act making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes."

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

Mr. WHITE of Maine. Mr. Speaker, by authority of the Committee on the Merchant Marine and Fisheries of the House, I ask unanimous consent that that committee may sit during sessions of the House for the purpose of conducting hearings upon radio legislation and for consideration of such legislation.

Mr. CLARKE. Reserving the right to object, do I understand this includes hearings on the Crowther bill?

Mr. WHITE of Maine. It includes hearings generally on the subject of radio, although the hearings are immediately directed to another bill, but the whole subject matter is under consideration.

Mr. GARRETT of Tennessee. As I understand, the gentleman asks this by direction of the committee?

Mr. WHITE of Maine. By direction of the committee; yes.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, may I ask the gentleman if the committee will give any consideration to revision of the shipping laws and to a change in the limited liability provision of the shipping law?

Mr. WHITE of Maine. I can not answer that question definitely. The committee has already voted to take up two or three matters of legislation. As soon as these are disposed of, it may be possible to take up the matter to which the gentleman has directed attention.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

OLEOMARGARINE

Mr. SNELL. Mr. Speaker, I desire to make an announcement. Several Members have spoken about their interests in a bill that has been reported from the Committee on Agriculture familiarly known as the oleomargarine bill. Mr. HAUGEN, the chairman of the committee, is to appear before the Rules Committee to-morrow morning to request a rule for the consideration of that bill. Several Members wanted to know when the hearing was to take place.

Mr. BANKHEAD. At what hour?

Mr. SNELL. Ten o'clock in the morning.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 15569 and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 9, 10, 12, and 13, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$958,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,712,000"; and the Senate agree to the same.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

W. L. JONES,
F. E. WARREN,
REED SMOOT,
WM. E. BORAH,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15569) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, as to each of such amendments, namely:

On No. 1: Makes the allowance for clerk hire at United States consulates available, as proposed by the Senate, for the payment of salaries of clerks during the period of transit to and from their homes in the United States.

On Nos. 2 and 3: Strikes out the increase of $10,000, proposed by the Senate, in the appropriation for transportation of Diplomatic, Consular, and Foreign Service officers.

On Nos. 4, 5, and 6: Makes technical corrections in the bill in three items under the Department of Justice.

On Nos. 7 and 8, relating to the administrative appropriation for the aeronautics branch of the Department of Commerce: Makes the allotment for personal services in the District of Columbia not to exceed $263,210, as proposed by the Senate, instead of not to exceed $229,570, as proposed by the House, and fixes the appropriation under the paragraph at $958,000 instead of $935,000, as proposed by the House, and $968,640, as proposed by the Senate.

On No. 9: Appropriates $938,500 for export industries activities under the Department of Commerce, as proposed by the Senate, instead of $923,500, as proposed by the House.

On Nos. 10 and 11: Corrects totals under the Bureau of Foreign and Domestic Commerce to conform to conference action.

On Nos. 12 and 13: Appropriates $370,000, as proposed by the Senate, instead of $360,000, as proposed by the House, for the Alaska general service under the Bureau of Fisheries.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
ERNEST R. ACKERMAN,
W. B. OLIVER,
ANTHONY J. GRIFFIN,
Managers on the part of the House.

Mr. SHREVE. Mr. Speaker, for the information of the House, I may state that this bill when it passed the House carried $111,832,887.43. When it passed the Senate it carried $111,901,527.43. The amount added by the Senate was $68,640. The Senate has receded from $20,640 and the House has receded from $48,000.

The bill as agreed upon to-day totals $111,880,887.43. The bill as agreed upon slightly exceeds the Budget estimates by $6,540.

The Senate added only 13 amendments to the bill, of which 8 were technical amendments.

The Senate receded from an increase of $10,000 for transportation, Diplomatic, Consular, and Foreign Service officers.

Of the Senate increase for the aeronautics branch, Department of Commerce, the Senate receded from $10,640 and the House accepted $24,000.

The House agreed to the Senate increase of $15,000 for the Bureau of Foreign and Domestic Commerce for the citrus fruit industry.

The House agreed to the Senate increase of $10,000 for the Alaskan general service under the Bureau of Fisheries.

The conference report is a complete agreement, and when adopted by the House concludes final action on the bill.

Mr. SNELL. Will the gentleman yield for a question?

Mr. SHREVE. Yes.

Mr. SNELL. The gentleman will remember my speaking to him about the $50,000 added in the House for the immigration inspectors; was that taken care of all right?

Mr. SHREVE. There was no change made in the Senate.

Mr. SNELL. It was all right as we put it in the House?

Mr. SHREVE. Yes.

Mr. SNELL. Some one from the department called me up and thought there had been an error in the way it was put in the bill—that it was not in the right place. I could not understand that.

Mr. SHREVE. No error could take place unless there was a mistake in the figures.

Mr. SNELL. If the gentleman thinks it is all right, I am satisfied.

Mr. SHREVE. I have been informed by the clerks of the committees that it is all right.

Mr. SNELL. I am quite sure it is. They were probably misinformed.

Mr. SHREVE. Yes; because we were quite anxious to accomplish the purpose.

Mr. SNELL. I knew that and that is why I spoke to the gentleman in advance.

Mr. SHREVE. Yes. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

DEPARTMENT OF THE INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill H. R. 15089, the Department of the Interior appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report on the Department of the Interior appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 16, 17, 19, 22, 23, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 7, 8, 14, 18, 21, 25, 27, 32, 34, and 38, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment after the word "Service," insert the following: "to be equipped and maintained by the State of Arizona"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "for the purchase of additional lands, $20,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$297,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$3,889,500"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$2,658,600"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with amendment as follows: In lieu of the sum proposed insert: "$1,520,100"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the proposed insert: "$1,437,550"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project, $230,000; in all, $236,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For operation and maintenance, $20,000; for continuation of construction, $1,112,000: *Provided*, That the unexpended balance of $138,000 of the appropriation of $1,500,000 contained in the act making appropriations for the Department of the Interior for the fiscal year 1929 (45 Stat. 277) shall remain available during the fiscal year 1930 for such continuation of construction; in all, $1,132,000."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$7,978,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$157,500"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert: "$36,400"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "$5,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$219,400"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 20, 30, 39, 40, and 41.

LOUIS C. CRAMTON,
FRANK MURPHY,
Managers on the part of the House.

REED SMOOT,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to each of such amendments, namely:

BUREAU OF INDIAN AFFAIRS

On No. 2: Makes the appropriation for industrial use of the Pima Indians immediately available.

On Nos. 3 and 21: Correct the structure of the bill, by transferring the position of an item.

On No. 5: Makes an appropriation of $25,000 for repair, improvement, replacement, or construction of additional public-school buildings within Indian reservations in Arizona, to be equipped and maintained by the State of Arizona.

On No. 6: Makes an appropriation of $7,000 for a warehouse at the Fort Mojave Indian Boarding School.

On Nos. 7 and 8: Appropriates for 900 pupils at Haskell Institute as proposed by the Senate instead of 850 as proposed by the House.

On No. 9: Appropriates $20,000 for the purchase of additional lands at the Haskell Institute as proposed by the Senate, but eliminates the appropriation of $70,000 for construction of new dormitory and gymnasium for girls, proposed by the Senate.

On Nos. 10, 11, 12, 13, 17, 23, and 24: Correct totals.

On No. 14: Appropriates $60,000 as proposed by the Senate instead of $48,000 as proposed by the House for maintenance of Shawnee Sanatorium.

On No. 15: Appropriates $94,600 as proposed by the House instead of $394,600 as proposed by the Senate for the Rapid City Sanatorium School.

On Nos. 16 and 18: Makes no appropriation for construction or repairs and improvements at the Kiowa Hospital instead of the appropriation of $60,000 from tribal funds as proposed by the House or the appropriation of $60,000 as a gratuity appropriation as proposed by the Senate.

On Nos. 19 and 22: Appropriates $60,000 of tribal funds of the Kiowas, Comanches, and Apaches as proposed by the House instead of $60,000 as a gratuity as proposed by the Senate.

BUREAU OF RECLAMATION

On Nos. 25 and 26: Appropriates $500,000 for continuation of construction on the Sun River project as proposed by the Senate instead of $213,000 as proposed by the House, and restores the House language requiring issuance of public notice.

On No. 27: Makes the appropriation for survey and examination of water storage reservoir sites on the headwaters of the

Truckee and Carson Rivers available for boring of test wells in the Truckee Meadows as proposed by the Senate.

On No. 28: Appropriates $230,000 for the purchase of a proportionate interest in the existing storage reservoir of the Warm Springs project for the benefit of the Vale project instead of $650,000 for continuation of construction of the Vale project, including $130,000 for purchase of such interest in the storage reservoir, as proposed by the Senate, and no appropriation for continuation of construction for the Vale project as proposed by the House.

On No. 29: Appropriates $1,112,000 with reappropriation of $138,000 for continuation of construction of the Kittitas division of the Yakima project instead of a new appropriation of $1,500,000 and reappropriation of the unexpended balance as proposed by the Senate, or new appropriation of $862,000 with reappropriation of $138,000 as proposed by the House.

On No. 31: Corrects total.

GEOLOGICAL SURVEY

On No. 32: Appropriates $45,000 for topographic survey of the boundaries of the proposed Shenandoah National Park as proposed by the Senate.

On No. 33: Makes $157,500 of the appropriation for stream gauging available only for State cooperation, instead of $150,000, as proposed by the Senate, and $165,000, as proposed by the House.

On No. 34: Corrects total.

NATIONAL PARK SERVICE

On Nos. 35 and 37: Corrects totals.

On No. 36: Appropriates $5,000 for a residence for the United States commissioner in Glacier National Park, instead of $6,000, as proposed by the Senate, and no appropriation, as proposed by the House.

On No. 38: Makes available for 1930 the unexpended balance of the appropriation for the construction of water-supply and camp-ground facilities at Glacier Point, Yosemite National Park, as proposed by the Senate.

DISAGREEMENT

The committee conferees have not agreed to the following Senate amendments:

On No. 1: With reference to compensation of matrons, etc., in the Indian Service.

On No. 4: With reference to contracts for payment of tuition of Indian children in public and special schools.

On No. 20: Placing the position of superintendent of the Five Civilized Tribes in the competitive classified civil service.

On No. 30: With reference to crediting the farmers' irrigation district, North Platte reclamation project, with the sum of $2,376.45.

On No. 39: With reference to condemnation of privately owned lands in national parks.

On No. 40: With reference to construction of the transmountain road in Glacier National Park.

On No. 41: With reference to quarters, etc., for the superintendent and other employees who are required to live at St. Elizabeths Hospital.

LOUIS C. CRAMTON,
FRANK MURPHY,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, the report which is now before the House is a partial agreement on the differences between the House and the Senate with reference to the Interior Department appropriation bill. The report and statement before the House are signed by two of the three conferees on the part of the House—the gentleman from Ohio [Mr. MURPHY] and myself. The third member of the House conferees is the gentleman from Colorado [Mr. TAYLOR]. I think it is only fair to say that he sat in at nearly all of the conferences had on the consideration of the bill. At the last meeting he was not able to attend, but he was entirely in harmony with the position taken by the other conferees, and said that we might sign his name to the report if desired. That not being in accordance with the practice of our committee, we did not deem it wise to do so. But the report represents the harmonious views of all three members.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. GARRETT of Tennessee. Is it the purpose of the gentleman to ask any action on the amendments in disagreement?

Mr. CRAMTON. Yes; as soon as the report is adopted I purpose to take up the amendments in disagreement. Some of these amendments are not actually in disagreement but are of a legislative character which had to be brought back. There are three about which a real disagreement existed in the conference and the fourth one that was a matter of some discussion in the House.

Mr. GARRETT of Tennessee. What about amendments 39 and 40?

Mr. CRAMTON. I shall discuss those when reached. I hope the House will instruct the conferees to further adhere in our disagreement as to them.

Now, as to the partial agreement, I will ask unanimous consent for leave to extend my remarks, and in doing so will insert certain tables to which I am about to refer.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. CRAMTON. Under the permission given me to extend my remarks I will include a statement as to the effect of the amendments. I will say that all of the amendments that affect the money in the bill are disposed of in the pending conference report. The amount of the bill as passed by the Senate was $2,176,500 higher than the amount as it passed the House. As to that difference, the House receded to the amount of $903,500. The Senate receded on items which amount to $1,273,000, and the bill as now recommended by the conferees is $157,882.76 below the Budget estimate. The following statement gives the details:

Amount of bill as passed the Senate	$286,858,463.02
Amount of bill as passed the House	284,681,963.02
Net addition	2,176,500.00
House has receded from—	
Drainage system, Sac and Fox Indians, Iowa	10,000.00
Public-school buildings on Indian reservations in Arizona	25,000.00
Warehouse, Fort Mojave, Ariz	7,000.00
Additional pupils, Haskell Institute	12,500.00
Additional land, Haskell Institute	20,000.00
Shawnee Sanatorium	12,000.00
Sun River project, Montana	287,000.00
Vale project, Oregon	230,000.00
Yakima project (Kittitas division)	250,000.00
Survey, Shenandoah National Park	45,000.00
Residence, Glacier National Park	5,000.00
	903,500.00
Senate has receded from—	
Dormitory and gymnasium, Haskell Institute	70,000.00
Rapid City Sanatorium School	300,000.00
Kiowa Hospital, Lawton, Okla	60,000.00
General support and administration (for Kiowa, Comanche, and Apache Indians)	60,000.00
Vale project, Oregon	414,000.00
Yakima project (Kittitas division)	368,000.00
Residence, Glacier National Park	1,000.00
	1,273,000.00
Amount of Budget estimates	285,743,345.78
Amount of bill as agreed to by conferees	285,585,463.02
Less than Budget	157,882.76

I will also insert in addition to this a statement, Table A, a statement of the Senate amendments involving the action of the conferees thereon:

TABLE A.—*Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon*

Amendment No.	Subject	Budget estimate	Appropriated by House	Appropriated by Senate	Agreed amount	Increase (+) or decrease (−), agreed amount compared with House figure			Increase (+) or decrease (−), agreed amount compared with Senate figure	
						Reclamation fund	Indian tribal funds	General	Reclamation fund	General
3, 21	Drainage system, Sac and Fox Indians, Iowa	----------	[1] $10,000	$10,000	$10,000	----------	[1]—$10,000	+$10,000	----------	----------
5	Public school buildings, Indian reservations, Arizona	----------	----------	25,000	25,000	----------	----------	+25,000	----------	----------
6	Warehouse, Fort Mojave, Ariz	----------	----------	7,000	7,000	----------	----------	+7,000	----------	----------

[1] This item was carried as an appropriation from Indian tribal funds as passed by the House, but was transferred by the Senate and finally agreed to as a direct appropriation from the Treasury.

TABLE A.—*Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon*—Continued

Amendment No.	Subject	Budget estimate	Appropriated by House	Appropriated by Senate	Agreed amount	Increase (+) or decrease (−), agreed amount compared with House figure			Increase (+) or decrease (−), agreed amount compared with Senate figure	
						Reclamation fund	Indian tribal funds	General	Reclamation fund	General
8	Additional pupils, Haskell Institute	$212,500	$212,500	$225,000	$225,000			+$12,500		
9	Dormitory and gymnasium, Haskell Institute			70,000						−$70,000
14	Shawnee Sanatorium	48,000	48,000	60,000	60,000			+12,000		
15	Rapid City Sanatorium	94,600	94,600	394,600	94,600					−300,000
16, 17, 18	Kiowa Hospital, Oklahoma	[2] 60,000	60,000	60,000			−$60,000			−60,000
19, 22, 23	General support and administration (for Kiowa, Comanche and Apache Indians)	[3] 60,000	60,000	60,000	60,000					−60,000
25	Sun River project, Montana	[4] 513,000	213,000	500,000	500,000	+$287,000				
28	Vale project, Oregon	644,000		644,000	230,000	+230,000			−$414,000	
29	Yakima project (Kittitas division), Washington	1,500,000	882,000	1,500,000	1,132,000	+250,000			−368,000	
32	Survey, Shenandoah National Park			45,000	45,000			+45,000		
35, 36, 37	Residence, Glacier National Park			6,000	5,000			+5,000		−1,000
						+767,000	−70,000	+116,500	−782,000	−491,000

[2] This item was estimated for by the Budget and carried in the bill as passed by the House as an appropriation from Indian tribal funds. The Senate inserted the item as a gratuity appropriation and final action resulted in the item being eliminated from the bill.
[3] This item was estimated for by the Budget and carried in the bill as passed by the House as an appropriation from Indian tribal funds. The Senate inserted the item as a gratuity appropriation but final action resulted in the provision being carried as a tribal fund item.
[4] The Budget estimate on this item includes a supplemental estimate for $300,000, received after the bill had passed the House.

Then, in accordance with the practice of this subcommittee heretofore, I will insert Table B, which shows the annual appropriations under the Department of the Interior, including deficiencies, for the years 1916 to 1930, inclusive, which I think is of interest to this House:

TABLE B.—*Annual appropriations under the Department of the Interior, including deficiencies, fiscal years 1916–1930*

[Exclusive of permanent and indefinite appropriations]

	Indian tribal funds	Indian reimbursable appropriations	All other Indian appropriations	Army and Navy pensions	Civil-service retirement fund	Reclamation	All other Interior Department appropriations	Total
1930	$4,724,829.60	$1,695,261.00	$14,941,342.02	$221,000,000.00	$20,500,000.00	$8,078,000.00	$19,370,860.00	$290,310,292.62
1929	3,566,500.00	2,045,500.00	12,234,009.00	210,000,000.00	19,950,000.00	12,727,000.00	16,230,030.00	276,753,039.00
1928	2,535,555.00	5,452,125.00	10,969,361.00	[1] 267,000,000.00		11,903,800.00	15,851,535.00	313,712,376.00
1927 [2]	2,414,808.00	2,412,500.00	10,523,660.00	193,000,000.00		7,556,000.00	14,121,258.00	230,020,226.00
1926 [3]	2,135,010.00	1,589,178.00	13,720,303.55	197,000,000.00		12,349,000.00	[3] 20,924,109.00	[3] 247,717,600.55
1925	2,612,700.00	1,555,600.00	9,656,420.00	222,590,000.00		11,106,289.00	19,215,518.00	266,736,527.00
1924	2,406,600.00	2,179,850.00	9,458,854.00	253,003,000.00		12,250,000.00	21,598,534.00	300,896,838.00
1923	2,483,573.00	1,041,466.00	9,383,720.00	268,000,000.00		15,075,000.00	22,710,520.00	318,694,279.00
1922	2,716,921.00	1,249,005.00	8,724,170.00	265,000,000.00		20,266,000.00	20,160,758.00	318,116,854.00
1921	1,415,165.00	1,450,830.00	9,268,513.00	279,000,000.00		8,463,000.00	21,972,532.00	321,570,040.00
1920	1,531,817.00	2,173,833.00	9,160,629.00	215,000,000.00		7,300,000.00	24,071,669.00	259,237,948.00
1919	1,750,000.00	2,133,583.00	8,982,753.00	223,000,000.00		9,497,080.00	20,365,644.00	265,729,060.00
1918	1,291,117.00	2,029,500.00	9,818,295.00	183,000,000.00		8,227,000.00	28,396,245.00	232,762,157.00
1917	1,263,250.00	1,921,986.00	9,045,658.00	163,000,000.00		8,884,000.00	18,275,465.00	202,390,359.00
1916	665,000.00	518,740.00	9,253,162.00	164,000,000.00		13,530,000.00	15,120,077.00	203,086,979.00

[1] Includes deficiency for 1927 which was paid from 1928 appropriations.
[2] Does not include appropriations for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce.
[3] Includes $4,773,160 appropriated for the Patent Office and the Bureau of Mines transferred to the Department of Commerce July 1, 1925.

Mr. Speaker, I ask for a vote on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 22, line 21, after the word "practicable," insert: "*Provided also,* That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912 (U. S. C. p. 692, sec. 58)."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in that amendment. I will simply state that that amendment restores to the bill language that was reported to the House from the committee, which went out in the House on a point of order upon the ground that it is legislation. Of course, it is legislation. It is a provision that has been carried for a great number of years—I do not know how long. It is a limitation on the total salaries that can be paid on any one reservation for a certain class of employees, and the Indian Service states that some of these reservations are of such importance that to leave out this language would seriously handicap the work the Government is carrying on.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 4: Page 40, in line 3, after the word "prescribed," insert a comma and add the following language: "but formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (U. S. C. p. 1310, sec. 16), for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient."

Mr. CRAMTON. Mr. Speaker, as to that amendment I move that the House recede and concur. That is in the same situation as the amendment just referred to. It is language that has been carried in the bill for some time, which went out in the House on the point of order and has been restored by the Senate and brought back for a separate vote. The only effect of it is to waive formal contracts, and I think that carries with it the necessity for advertising, where these Indian children are placed in schools for the deaf and dumb, blind, and mentally deficient. There are not many of those children. Not a great deal is involved, but the Indian Service says that they get along better with these State institutions, if this language is carried, and that is where these defective Indian children are I think in all cases.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 20: Page 57, line 6, after the word "tribes," strike out the following language: "*Provided further,* That the position of

Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment. That sentence was in the bill as reported and as it passed the House. It has been stricken out by the action of the Senate. It reads as follows:

That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified civil service and shall be subject to civil service laws and rules.

Several years ago, in 1914, on an appropriation bill, a provision was inserted which took out this one superintendent from the civil service. All other Indian superintendents are under the civil service, but this one, that has charge of probably more Indians than any other superintendent and who administers more funds and property, is not under the civil service. The estimated value of tribal lands and other tribal property of the Five Civilized Tribes is $10,566,154, the estimated value of restricted allotted lands and other individual restricted property is $79,463,871, and the balance of individual Indian money on hand June 30 last was $16,926,321, or a total of property and funds under the guardianship of this officer amounting to considerably over $100,000,000. The disbursements of Federal, Indian, and miscellaneous funds for administrative purposes under his direction the fiscal year 1928 was over a half million dollars. There are opportunities galore for the wrong kind of a man in that office to favor rapacious whites of Oklahoma at the expense of the Indians. There is constant and tremendous local influence exerted on this agent by political and other forces in Oklahoma, and the political and other forces should not have the right to dictate that appointment. Be it said to the eternal credit of Commissioner Charles H. Burke that he has refused to yield to such dictation, that a year ago, when the post became vacant on the indictment of Wallen, Burke brought in Ellis, a man of long experience in the Indian Service and of high integrity, not the creature of Oklahoma politics, not beholden to Oklahoma influences, and has kept him there under a temporary appointment in spite of all Oklahoma influences.

Since that action was taken in 1914, exempting that position from the civil service, the duties of that official have been very greatly extended, through a desire in Oklahoma to have the work somewhat decentralized, and have many things passed on by that official instead of having action in Washington. That law reads as follows:

That hereafter no undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or uncontested agricultural and mineral leases (excluding oil and gas leases) made by individual restricted Indian allottees, or their heirs, shall be forwarded to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases (except oil and gas leases) heretofore required to be approved under existing law by the Secretary of the Interior shall hereafter be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

That has added to his responsibilities. In recent years two of those superintendents have been under serious question in respect to their probity and integrity. One, Victor Locke, was removed from office for misconduct; and his successor, Mr. Shade E. Wallen, the last regular appointee, was indicted by the grand jury; but in justice to him I should say that he was not convicted, and that I am advised that the indictment has been quashed.

However, there were serious irregularities; and those come largely because of the pressure of local influence in Oklahoma to get advantage for individuals out of contracts and other matters affecting these Indians. A former Member of Congress from Oklahoma was indicted there about that time because of attorney contracts with Indians, as I recall.

There is no position in the whole Indian Service that needs to be removed from the pressure of local politics more than this one office we are speaking about, and the language of the bill, which the amendment of the Senate seeks to strike out, will accomplish that purpose. The Board of Indian Commissioners is in favor of such action, and I will quote from their annual report for the fiscal year 1926.

I hold in my hand the annual report of the Board of Indian Commissioners for the fiscal year ending June 30, 1926. That board is made up of 10 distinguished citizens of the United States, whose names are as follows:

Warren K. Moorhead, Andover, Mass.; Samuel A. Eliot, Boston, Mass.; Frank Knox, Manchester, N. H.; Daniel Smiley, Mohonk Lake, N. Y.; Malcolm McDowell, Washington, D. C.; Gen. Hugh L. Scott, Princeton, N. J.; Clement S. Ucker, Savannah, Ga.; Flora Warren Seymour, Chicago, Ill.; John J. Sullivan, Philadelphia, Pa.; Mary Vaux Walcott, Washington, D. C.

The members of this board serve without pay, and their point of view is entirely disinterested.

They are not under the Indian Bureau. They are a sort of official board of unofficial visitors and the board is composed of men and women of very high standing.

In the report of this board for the year 1926 I find this statement in respect to the Superintendent for the Five Civilized Tribes:

CIVIL-SERVICE STATUS FOR SUPERINTENDENT

The Superintendent for the Five Civilized Tribes is the only superintendent in the Indian Service who has not a civil-service status. He is appointed by the President, with the advice and consent of the Senate, by virtue of an act of Congress approved in 1914. All other reservation superintendents are appointed by the Secretary of the Interior under civil service laws and regulations. Before 1914 this jurisdiction was ably managed by two officials appointed in conformity with the civil service law, and under them the great task of allotment and organization was practically completed.

It is quite evident that the radical change in the status of the superintending official was effected 12 years ago as a matter of political expediency. There were no unusual conditions existent at the time which required the setting apart of this agency as a unique exception to the long-established and time-tested practice that placed the field management of Indian affairs in the hands of civil-service employees. There then were a number of competent, experienced field officials having the civil-service status—as there are now—any one of whom could have effectively superintended the agency for the Five Civilized Tribes.

This office is frankly regarded as a rightful perquisite of the political party in power. No other superintendency is so regarded. There is no valid reason why the Five Civilized Tribes superintendent should be unique in this respect. It certainly is a sad commentary on our vaunted American civilization that the happiness, welfare, and progress of several thousands of human beings, who happen to be the Indian wards of a great Government, should be made secondary to the political fortunes of a few white persons who happen to live in Oklahoma.

For the past 12 years, no matter which of the major parties was in power, and irrespective of the personality of the incumbent of this office, there has been a constant atmosphere of suspicion, of charge and countercharge, of factional jockeying, of favoritism and discrimination surrounding the office of the Superintendent for the Five Civilized Tribes. The incumbent not only has been subjected to attacks from the party in opposition but also by the faction of his own party to which he did not belong and which vehemently wanted to get him out in order to get its man in.

If these political maneuverings did not affect the Indians, this matter perhaps might be passed over as of minor consequence. But the injection of practical politics into the administration of the affairs of this group of tribes has been most injurious to the welfare of the Indians and has brought discredit to the Nation and the State of Oklahoma.

The sole cure for this evil situation is the repeal of the law which changed the office of superintendent from a civil-service status, making it a political appointment.

Such action would make this office similar in all respects to that of other superintendencies in the Indian Service.

At the present time I remind the House that the platforms of both the Republican and Democratic Parties in the last campaign indorsed civil service.

The Democratic platform reads:

CIVIL SERVICE

Grover Cleveland made the extension of the merit system a tenet of our political faith. We shall preserve and maintain the civil service.

The Republican national platform reads, under the heading Civil Service:

The merit system in Government service originated with and has been developed by the Republican Party. The great majority of our public-service employees are now secured through and maintained in the Government-service rules. Steps have already been taken by the Republican Congress to make the service more attractive as to wages and retirement privileges, and we commend what has been done as a step in the right direction.

There is no other place, in my judgment, where it is needed so much as in this one particular office.

Mrs. Corinna Lindon Smith, chairman of the division of Indian welfare, of the General Federation of Women's Clubs, a very capable woman, who is very much in contact with these questions in the field, has written me a letter in which she says that nothing is more important for the welfare of the hundred thousand enrolled members of the Indian tribes in eastern Oklahoma than to have a continuous, well-planned

constructive policy carried out by the civil-service officials trained in the Indian Service. She says:

As chairman of the division of Indian welfare of the General Federation of Women's Clubs I wish to indorse very strongly the Cramton amendment appearing on page 57, lines 6 to 9, of H. R. 15089.

Senator HAYDEN, on the floor of the Senate, emphasized the fact that there has been more or less scandal connected with the Five Civilized Tribes office ever since the position of superintendent was taken out of civil service and made a political one.

As brought out in the hearing before your committee, the funds in the hands of the Superintendent of the Five Tribes amount to approximately $17,000,000, with an estimated value of restricted Indian lands of about $80,000,000. It is obvious that a position of such financial responsibility should not be by political appointment.

I believe that nothing is more important for the welfare of the hundred thousand enrolled members of Indian tribes in eastern Oklahoma than to have a continuous and well-planned constructive policy carried out by civil-service officials trained in the Indian Service.

I trust that you will see that the amendment placing the position of Superintendent of the Five Civilized Tribes under civil service is retained in the Interior Department bill as finally agreed to by Congress and approved by the President.

A letter from Charles J. Rhoads, president of the Indian Rights Association, says:

In the interest of honest and efficient administration of Indian affairs, we express the earnest hope that when the Indian appropriation act (H. R. 15089) is considered in conference, you will endeavor to secure the restoration of the following clause, which was stricken from the act by the Senate on December 20, 1928:

"*Provided further*, That the position of Superintendent of the Five Civilized Tribes is hereby included within the competitive classified service and shall be subject to civil service laws and rules."

Under the conditions existing since 1914, when the position of Superintendent of the Five Civilized Tribes was withdrawn from the classified service, there has been much scandal and mismanagement connected with that office, due to the pernicious political interference with tribal affairs. We therefore trust that you will agree with us that this important office should be so protected that the affairs of the Five Civilized Tribes can be administered in the interest of the Indians, regardless of the wishes of those seeking to despoil them.

Miss Amelia E. White, secretary of the Eastern Association on Indian Affairs, wrote me about this matter:

We heartily indorse such legislation. With the right sort of superintendent, free from political control, the Five Civilized Tribes would be in an excellent position.

The superintendent has a position of great responsibility, since he is responsible for the funds of the Five Tribes, amounting to many million dollars. He must not only be a man interested in the tribe as human beings, he must also be a man who has had financial experience.

H. Eliot Kaplan, secretary of the National Civil Service Reform League, wires me:

Provision absolutely necessary and desirable to remove management of Indian wards from evils resulting through political favoritism, which is inevitable if position of superintendent is placed in unclassified service.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TILSON. The gentleman's motion is to vote down this amendment?

Mr. CRAMTON. My motion is to further insist upon the House disagreement to the Senate amendment. That would send it back to conference for further consideration.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House further insist upon its disagreement to the Senate amendment.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 88, noes 0.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next item in disagreement.

The Clerk read as follows:

Amendment No. 30: Page 85, after line 9, insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to credit the Farmers' Irrigation District with the sum of $2,376.45, as of January 1, 1927, which represents 50 per cent of the expenses incurred by said district in operating and maintaining the Nine Mile Drain from January 1 to June 30, 1926, under contract with said district dated June 16, 1927, in connection with the North Platte project, Nebraska-Wyoming."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan moves to recede and concur in the Senate amendment.

Mr. CRAMTON. Mr. Speaker, as to that I will simply say there was a contract between this district and the Reclamation Service by which if the district paid up its charges half of the particular expenditure discussed here would be borne by the Federal Government. The district got behind in their payments, and later they paid up, and when they had paid up, then they felt that the Federal Government or the Reclamation Service ought to pay this half the same as if they had paid up more promptly. That view was sympathized with by the Reclamation Service. It was urged that the penalty for their slowness in payment, the 10 per cent, was all the penalty intended, but the Comptroller General held otherwise. This was put in in the Senate, and it is not objectionable to the Reclamation Service and may well be agreed to.

The SPEAKER. The question is on the motion of the gentleman to recede and concur.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next item in disagreement.

The Clerk read as follows:

Amendment No. 39: On page 106, line 3, after the word "purchased," strike out "or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement to the Senate amendment.

Mr. CRAMTON. After that, Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I desire to make a preferential motion, that the House recede and concur, and I would like to inquire if now is the proper time to make that motion?

Mr. CRAMTON. Mr. Speaker, I do not want to lose——

Mr. GARRETT of Tennessee. I did not intend to try to take the floor from the gentleman.

The SPEAKER. This motion of the gentleman from Tennessee will be considered as pending and preferential.

Mr. CRAMTON. Does the gentleman from Tennessee desire some time?

Mr. GARRETT of Tennessee. I would like some time. Does the gentleman from Michigan desire me to proceed or wait?

Mr. CRAMTON. I will suit the gentleman's wishes as to that. I would like to go ahead and explain the situation, and then yield to the gentleman. That probably would be in the interest of the best procedure for the House. Mr. Speaker, when this bill was before the House the House adopted the section on page 106 and the first half of page 107, reading as follows:

For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments by purchase, or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. p. 1302, sec. 257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government, $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may incur obligations and enter into contracts for additional acquisition of privately owned lands and/or standing timber in the existing national parks and national monuments not exceeding a total of $2,750,000 as matching funds from outside sources are donated for the same purpose, and his action in so doing shall be considered contractual obligations of the Federal Government: *Provided further*, That the sum herein appropriated and the appropriations herein authorized shall be available to reimburse any future donor of privately owned lands and/or standing timber within the boundaries of any existing national park or national monument to the extent of one-half the actual purchase price thereof: *Provided further*, That as part consideration for the purchase of lands, the Secretary of the Interior may, in his discretion and upon such conditions as he deems proper, lease lands purchased to the grantors for periods, however, not to exceed the life of the particular grantor, and the matching of funds under the provisions hereof shall not be governed by any cash value placed upon such leases: *Provided further*, That appropriations heretofore and herein made and authorized for the purchase of privately owned lands and/or standing timber in the national parks and national monuments shall be available for the payment in full of expenses incident to the purchase of said lands and/or standing timber.

That section makes an appropriation of $250,000 for the acquisition of privately owned land in national parks. It

further authorizes contracts to the extent of $2,750,000. It further provides that in the case of some individuals who have summer homes in the parks that a life lease may be given so they can continue to use their homes for that same purpose during the life of the present owner. It further provides that these appropriations are only available when matched by an equal amount of funds from private sources. It further provides that if private individuals go in and acquire land, it may be lands that are in danger, where timber is to be cut or something of the kind, but if they go ahead and put in 100 per cent of the cost later when funds are available the Government may pay for half of their expenditure and take over the title.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I would prefer, if I may, to proceed without interruption. But I will yield.

Mr. CANNON. I will ask the gentleman if this provision is not improperly included in an appropriation bill? That is, if a point of order had been made in time, would it not have been subject to a point of order as being legislation on an appropriation bill?

Mr. CRAMTON. If a point of order had been made against the language as it stands in the bill, the point of order would have been good, and I so stated on the floor when the item was before the House, and the gentleman who was considering the making of a point of order did not make it. I do not want to get diverted, however. I say it would have been subject to a point of order; that is, certain minor provisions of the language would have been subject to a point of order. For instance, the one with reference to a life lease, and so forth, would have been subject to a point of order. But the main provisions of that paragraph would not have been subject to a point of order. The right of the Government to buy privately owned land in a national park is already clear under the law, so that a point of order as to that would not have stood. And it could have been sustained further as continuing a work in progress. But some of these minor provisions that were necessary to round out the paragraph would have been subject to a point of order. If the point of order had been made, I would have modified the language.

Mr. CANNON. The main provisions of the paragraph to which the gentleman refers relate to legislation under the jurisdiction of the Committee on the Public Lands and not the Committee on Appropriations. No doubt there is excellent reason why this important provision should be hastily tacked on an appropriation bill instead of being submitted for mature consideration to the legislative committee to which it properly belongs.

Mr. CRAMTON. An emergency existed. But I want to emphasize the fact that the most important provisions were not subject to a point of order. The language could have been trimmed down so that the point of order would not have held.

Mr. GARRETT of Tennessee. The condemnation feature of the paragraph would not have been subject to a point of order?

Mr. CRAMTON. It would not, I will say. I will explain that when we get to it. That is my judgment. I admit that the Chair does not always take my view of things. But I am satisfied as to that.

Now, an emergency exists as to these privately owned lands in the national parks, and that section was intended to reach that emergency; and in order to make clear what is before the House now, let me say that in the Senate the item was not stricken out, and no attempt was made to strike out the item in the Senate, but these words were stricken out:

> Or by condemnation under the provisions of the act of August 1, 1888 (U. S. C. pp. 1302, 6257), whenever in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous to the Government.

That is to say, the House proposed that that acquisition of land may be either through purchase or by condemnation when in the opinion of the Secretary of the Interior acquisition by condemnation proceedings is necessary or advantageous. The House proposed that the Secretary of the Interior should have that authority to initiate condemnation proceedings.

Mr. CANNON. Mr. Speaker, will the gentleman yield there?

Mr. CRAMTON. No. I am sorry. I want to make a continuous statement. The Senate says you may buy the land, but you can not resort to condemnation proceedings, no matter how extravagant may be the demands that are made. Later I will go into that in a little more detail. But the issue here is when we are entering upon a program to buy land aggregating $6,000,000 and half of it from private funds and the other half from Government funds, we shall say, "You shall not have the right to institute condemnation proceedings when lands that are invaluable for park purposes are needed and threatened with destruction and held at unreasonable figures."

That is the issue between the House and the Senate, and that is the issue pressed here by the preferential motion offered by the gentleman from Tennessee [Mr. GARRETT] when he moves to concur in the Senate amendment. It means that we are to take away from the Interior Department the right to institute condemnation proceedings.

I contend that that right to condemn land in fact exists now. This language is not required to confer the authority to condemn, but this language is necessary, as it passed the House, to enable this money to be used for the purchase of land acquired by condemnation. We are not seeking here to confer the right to condemn. That exists now. But we are seeking rather to confer the right to use this money in acquiring land by condemnation when the Secretary of the Interior finds it necessary to do so. I have therefore outlined the issue, and will be glad to yield some time to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Can the gentleman yield 10 minutes?

Mr. CRAMTON. I yield to the gentleman 10 minutes.

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I was not here at the time the Interior Department appropriation bill was considered by the House originally, and my attention to the particular feature that is now at issue has but recently been drawn.

I wish if I can to first impress the membership of the House with what I conceive to be the grave seriousness of this question and of this issue. I do not concur with the gentleman from Michigan [Mr. CRAMTON] in his opinion that this language which has been stricken from the bill by the Senate could have gotten by a point of order in the House. I am not familiar with any law, any act of Congress, which at present gives general authority to the Secretary of the Interior or to any other governmental functionary to condemn land for park purposes, so that I do not believe this particular language would have stood up against a point of order, and I think the Senate has very wisely stricken it out. It is not because I am particularly interested in any one park, but because I am interested in the great general policy.

I wish to say, Mr. Speaker, that I speak as a friend of the national-park system of the United States in so far as we may go with propriety and under the Constitution of the United States.

Let me call your attention to the fact—and I am surprised that so careful a legislator as my friend from Michigan has not envisioned the possibilities that are involved in the adoption of the policy proposed in this bill—that up until quite recently the national parks that have been established in the United States have, in the main, been set apart from the public lands, lands that belonged to the Government and lands about which no question was raised as to the right of the Congress and the executive authority to set them apart for that particular purpose, but in recent years in my own State, in the State of North Carolina, and in the State of Virginia, it is proposed to go into States where there are no public lands to serve as a nucleus in the establishment of a park. But the States have taken action. They have acquired a certain amount of the land and it has been provided that there shall be raised by private subscription millions and millions of dollars for the purpose of acquiring the privately owned lands that have not been acquired by the States, and then when these have been acquired, up to a certain point, the Congress has authorized the Secretary of the Interior to take over the projects in Tennessee and North Carolina and, as I remember now, the project in Virginia.

What does it mean? It means that in the non-public-land States parks are to be established and placed under the national jurisdiction, and there will be unquestionably numbers and numbers of tracts of land that will not have been acquired and passed to the ownership of the Park Commission before the park is taken over by the Secretary of the Interior; and here, then, you will have set a precedent under which some time you will be authorizing the Secretary of the Interior to enter these non-public-land States where parks have been established and expend millions of dollars in taking over the private lands there by the processes of condemnation.

I have always had a question, Mr. Speaker, as to how far the power of the Federal Government extended, under the powers given it in the Constitution, to acquire non-public lands by condemnation for the purpose of instituting a park. I think it is a question which should have been studied with care by one of the legislative committees of the House before this great, broad policy, with its far-reaching possibilities, was ever entered upon. I am sorry I was not here when the Interior Department

bill was under consideration before in order then to present the views I entertain in regard to it. I am sorry it came in from a committee which is expressly inhibited by the rules of the House from inserting legislation in their bills. It is a matter of broad portent, and one that may be of profound consequence to the Treasury of the United States in the years that are to come, with the growth of the sentiment throughout the country for the establishment of parks in the non-public-land States.

Mr. Speaker, passing over these broad questions and coming to another phase of the matter: Assuming, for the sake of the argument, that it is all right to clothe the department with the power of condemnation, what sort of a situation are we getting ourselves into when we couple with that a provision that a part of the compensation for the condemned lands must be put up by private parties? That to my mind is an unsound principle to engraft in any bill. If we are going to authorize condemnation for park purposes, assuming you have a right to do it, we ought to put behind it the whole responsibility of the Government itself. I question gravely the legality of mingling the activities of the National Government and private individuals to carry out the supreme, sovereign process of the condemnation of private property for a public purpose.

Those, briefly, are the objections I entertain. I should be very glad to have the matter properly considered by the proper legislative committee of the House and let all these grave legal questions be analyzed. Let us investigate the question; let us see how far we ought to go; and let us be sure that in fixing a policy like this, and fixing a precedent which will arise to plague the Congresses and the Government years hence as the sentiment, as I have said, grows in regard to the establishment of national parks throughout the various States of the Union, we are doing the right thing.

For that reason, it seems to me, in the parliamentary situation in which we find ourselves, the only wise and sensible thing to do is to concur in the Senate amendment and let this very grave question receive consideration at the hands of the proper legislative committee.

Mr. COLTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Utah.

Mr. COLTON. I recognize that the question I am about to ask would not affect the general principle the gentleman is discussing, but if the Congress continued to follow its present policy of requiring that all private rights shall be acquired within the exterior boundaries of a proposed park before the park is created and taken over by the Federal Government, will not that meet the situation as to future parks, and that this would only apply to the acquiring of lands that are now within the parks which are necessary for park purposes?

Mr. GARRETT of Tennessee. Of course, that would be true if that assumption were continued; but here is my fear, I will say to the gentleman from Utah—and it looks to me as though this ought to address itself particularly to members of the majority party with very great force——

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. GARRETT of Tennessee. As I say, it seems to me this ought to address itself with great force to the majority party that will be responsible—I fear that the policy of acquiring title is soon to be outstanding, and let me say to my friend from Utah that the pressure is going to become very tremendous, I predict, in regard to the future park projects to eventually have the Federal Government step into this activity and devote large sums of public money to the acquirement of lands.

Mr. COLTON. The pressure is great now, but I hope we can withstand that pressure.

Mr. GARRETT of Tennessee. Well, I very much hope so, but I fear the result. I have seen too much in my long experience here.

Mr. HASTINGS. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. HASTINGS. Of course, the last objection that the gentleman from Tennessee made is not involved here, because the language stricken out by the Senate does not include the question of private donations and therefore that is not a question before the House.

Mr. GARRETT of Tennessee. But that private donation clause applies to the lands acquired by condemnation as well as those acquired by purchase.

Mr. HASTINGS. Yes; but that language is left in the bill.

Mr. GARRETT of Tennessee. And if this language goes out, there will be no condemnation. Therefore, as a practical proposition, the one-half provision will only apply to that land which is purchased. So that part of it is all right. I am not complaining about that. I am perfectly willing to give authority to purchase, and I am perfectly willing for it to be a half-and-half proposition, if you want it so, because I reiterate that I am a friend of the national-park system, but I do not want to go to the extent now of entering upon a policy of condemnation. [Applause.]

I thank the gentleman from Michigan very much for his courtesy.

Mr. CRAMTON. Mr. Speaker, the gentleman from Tennessee, I think, in what he has urged has imagined vain things as to what might happen. The bill before us has nothing to do with the acquisition of any lands to be used in creating a park. It has to do only with "the acquisition of privately owned lands and timber within the boundaries of existing national parks and national monuments."

The policy is becoming well established, and it ought to become fixed and final, and I hope we will have at all times in this session the aid of the gentleman from Tennessee in holding to the policy of creating no new national parks that include private holdings. What is a national park? It is an area set forth for the common use of all the people of the Nation; and whenever John Jones acquires an acre or 10 acres of land and has the right to put a fence around it and say, "This is mine! Private! Keep out!"—and you will see these signs now on areas in national parks—whenever this happens, John Jones to just this extent defeats the fundamental purpose of the national park. It was created for the common purposes and the common use of all. [Applause.] And whether it is a Senator of the United States, whether it is a Member of this House, whether it is an unknown private individual, it is the same truth that to the extent he fences in a part of this great national park he, to that extent, defeats the purposes of the park.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. In a moment.

And I hope we will not create any more national parks with private holdings, because out of my experience of eight years in studying park problems I have found that they are destructive of proper development in two ways. These private holdings are destructive of proper development and use of the park for public purposes, first, because the man who owns the land can develop it in a way that is contrary to the desirable general use of the park. He can put up in a most beautiful scenic spot—and there exist now places where this is threatened—a garish sort of oil station.

Testimony before my committee from a reputable, responsible officer of the Park Service is to the effect that now on these private lands in national parks the owners are not only putting up undesirable structures, not only interfering with beautiful scenery, but these private lands are being used in some cases as bootlegging joints and houses of ill fame. Now, I say this sort of thing is repugnant to me in the national-park system.

I believe national parks are to play a great part in the development of this country, and we ought not to create any more with private holdings. But we have created these national parks in the past and we find now they are encumbered by these private holdings, and we had better get rid of the private hoidings as soon as we can and secure the national parks for the people of the Nation.

I now yield to the gentleman from Utah.

Mr. COLTON. I agree with the gentleman thoroughly and the gentleman may be interested in knowing that this particular question has been thrashed out within the last few days by the Public Lands Committee and almost unanimously that committee decided that that would be the policy so far as we are concerned in the creation of these parks.

Mr. CRAMTON. That is fine. And that policy was followed by the Congress when it created two great eastern national parks, the Shenandoah in Virginia and the Great Smoky in Tennessee and North Carolina.

And let me remind the gentleman from Tennessee that in his own State there is under way the creation of a great national park that will be a great asset to the State of Tennessee and the State of North Carolina and provide pleasure for the people of the Nation, and in the creation of that park the law passed by Congress said it should not become effective until all private lands were acquired.

Now, what have they found? In the last week the right of the State to condemn land in North Carolina for the purpose of this park was sustained. They found they could not get the timber that was necessary. The lumber companies were rushing ahead to cut down the timber and destroy the scenic value of this area dedicated to a public use. So they have had to resort, even in the gentleman's own State, to condemnation proceedings, and in the State of North Carolina the proceedings have gone to the supreme court, and that court last week de-

cided that the proceedings are valid. And then those who sought to destroy the timber came to Washington and held conferences and got no encouragement from the legal powers here.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ENGLEBRIGHT. I might add for the gentleman's information that since the provision was put in the Interior Department bill I have received communications from private property owners in national parks placing a valuation on their holdings twice in excess of any common-sense amount that would be placed upon them.

Mr. CRAMTON. That is what is inevitable so long as human nature is human nature. I will emphasize that further in a moment. There is a splendid example from Tennessee as to private contributions. How does that Great Smoky National Park come into being? We required in our act that before it should become a national park private holdings should be bought and turned over with no private lands left in to interfere with park development. These lands were to cost $10,000,000. Five million dollars has been raised in a splendid way by the States of North Carolina and Tennessee and $5,000,000 comes from one private individual who desires to take that wonderful method of setting up a memorial that will stand forever for his mother. Five million dollars from a private contributor makes possible the splendid national park in Tennessee, and I did not expect from Tennessee would come any word of criticism on the policy of creating the park in part with private contributions.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. GARRETT of Tennessee. The gentleman does not desire to put me in a wrong attitude?

Mr. CRAMTON. Not at all.

Mr. GARRETT of Tennessee. I am discussing the legal question, and a serious one. I do doubt the policy of the Government exercising the power of condemnation and providing that half of the compensation shall be made by private parties.

Mr. CRAMTON. As long as the use is purely public I do not see that it matters whether the money all comes from the Treasury, or one-half of it. What I object to is not sharing the contribution, I think it a splendid way for wealthy men to use money to buy areas to be perpetually devoted to the use of the public. What I object to is sharing the use of the park.

Senator WALSH of Montana secured this amendment in the Senate. He has a summer home in the park. I know that has not actuated the Senator a particle in this but Senator WALSH knows that when he is exercising that ownership he has a certain area that is his and the rest of us have what is left.

There have been parks where we wanted to establish automobile camps for John Jones and his flivver and in order to do so we had to buy it. I have thought sometimes that in the Rocky Mountain National Park all we own is the scenery and that all of the land was in private ownership.

Now this is not new. This is the third year that the Interior bill has carried this kind of a proposition—appropriations for the purchase of private land and providing for Federal appropriations to be matched by private funds.

Mr. GARRETT of Tennessee. Condemnation has not been carried heretofore.

Mr. CRAMTON. It is unnecessary. I will say to the gentleman from Tennessee that if the Senate amendment had stricken out two more words I would not have cared a cent about it. But the Senate left in the two words. The Senate Committee on Appropriations proposed that they be stricken out with the rest of it, but objection was made on the floor of the Senate by, I think, Senator WALSH. These two words that the Senator insisted upon the Senate retaining while it struck out the provision for condemnation are, "by purchase." If they had stricken out those words it would have read—

> For the acquisition of privately owned lands and/or standing timber within the boundaries of existing national parks and national monuments $250,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose, to be available until expended.

Then, with that language the department could have purchased or condemned as authorized by existing law. We preferred to have the condemnation clause definitely set forth but the authority would have existed anyway. But when the Senate strikes out the reference to condemnation and retains "by purchase," then the use of this appropriation is restricted to purchase. The words "by purchase" not being in disagreement the conferees can not now take them out.

Here is the law of 1888 to which the House language refers and which is the basis of condemnation proceedings. I quote it from the speech of Senator WALSH yesterday at page 1767 of the RECORD:

> That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so; and the United States circuit or district courts of the district wherein such real estate is located shall have jurisdiction of proceedings for such condemnation; and it shall be the duty of the Attorney General of the United States, upon every application of the Secretary of the Treasury under this act, or such other officer, to cause proceedings to be commenced for the condemnation within 30 days from the receipt of the application at the Department of Justice.
>
> SEC. 2. The practice, pleadings, forms, and modes of proceeding in causes arising under the provisions of this act shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of the court to the contrary notwithstanding.

There is the authority that any officer of the Government authorized to acquire land for public purposes, if it is advantageous to do so, may resort to condemnation proceedings.

If the words "by purchase" had been stricken out with the other language stricken out the Senate amendment would have made no difference at all.

It would have left it for the Secretary of the Interior to acquire these lands by purchase or condemnation, but the Senate proposes an exception here. That for any other public purpose you can acquire lands by condemnation when extortionate prices are asked, but as to existing national parks you can only buy them by taking the price that the holder asks.

When we were considering this bill, and this did not come up suddenly, we had hearings upon it, Senator WALSH appeared before our committee and made a very helpful statement, which was referred to in my speech on the floor December 11, when I first presented the bill to the House and at which time I gave notice that we intended to offer the amendment.

Senator WALSH said before our committee at our hearings in November:

> I am entirely in sympathy with the plan of the committee to acquire the property held in private ownership at the foot of the lake by exchange, purchase, or otherwise—any way it can be acquired.

That is what Senator WALSH said to our committee.

Mr. LEAVITT. But the Senator was confining that to the land at the lower end of the lake.

Mr. CRAMTON. Yes. But I can not distinguish between the lower and the upper ends of the lake. He said further:

> I sympathize altogether keenly with the views of the committee as expressed by its chairman concerning the advisability of the acquisition by the Government of the property at the foot of the lake.

He said further:

> Now, it is a simple question as to whether, with the work half done, you should stop there in order to coerce those people into selling you their land at a lower price than they think it is worth or that they are asking for it, while the law gives you the perfect right to determine what it is actually worth, and to take it at that price.

That coercion is with reference to a certain road-building program, and not condemnation. Mr. Chairman, the only way the law gives you the right to determine what it is worth is through condemnation proceedings, and Senator WALSH told our committee that we had the right to do it. Said he:

> If the Government wants those lands, and these people want exorbitant prices for them, the way is open to determine just what is a fair price, and the Government ought to be willing to pay that.

So much for the language; so much for the authority to condemn.

Now, as to the emergency that exists. I do not think I ought to take time to quote the details, but let me say this: For several years our committee has been studying these problems along with other Interior Department problems, and we have been impressed by many specific examples of the danger to the national parks through these private holdings. I started to say a while ago that there were two dangers: First, the undesirable use or development on the part of the private owners, and secondly—and I did not say this at that time—the impossibility of the Government proceeding with its program of development because the lands are owned by individuals. Those are the two things that create numberless

difficulties. As I said in the hearings when Senator WALSH was before our committee:

I am sure I speak for the committee when I say that we take a good deal of interest in the national-park situation, largely because we realize what they mean to the country in the future. We are in the beginning of a formulation of a national-park policy. Foundations are now being laid. Our experience has impressed upon us that for the proper administration of national parks, that they may perform their proper functions as national parks, it is imperative that eventually all of the lands in those parks become the property of the Federal Government. That seems to me self-evident, because a national park is intended to be set aside for the common use of the Nation, and for some individual or group of individuals to have some portion of it set aside for their exclusive use is a denial of the common use of the Nation.

In addition to that fundamental proposition, there are certain practical considerations that have come to our attention as a matter of experience. The ownership by individuals of portions of a national park makes possible two undesirable sets of circumstances. First, we frequently find the developments the park authorities themselves, representing the Nation, desire to make in the park, are obstructed by the failure to own the land. We have had that experience. We want to establish an automobile camp, and find that before we can do it we have to make an agreement with the owners or buy those lands.

In Rocky Mountain Park, where the situation was more extreme than in Glacier, it seemed that about all we owned was the scenery, and wherever you wanted to go with an automobile and camp there were signs up "Private Property; Keep Off." So the private ownership stood in the way, and does in many cases now stand in the way of development which the Government would like to make.

Secondly, and sometimes even more serious than that, has been the possibility as well as the actual experience in some cases of an undesirable development taking place on property in private ownership. In Glacier there is an undesirable development going on. Some church organization is putting up a lot of shacks, etc., that detract from the scenery in the park. In some cases more unsightly and undesirable structures have resulted.

Now, because of these experiences, I think we have all come to the conclusion that some time those private holdings must be eliminated, and we have felt that the sooner they are eliminated the better, so we have been very anxious to see a comprehensive program under way.

We pressed the Park Service to give us a survey of that whole thing. In the 1928 Interior bill our committee recommended and the House approved and Congress approved $50,000 for the purpose of buying these lands when matched by private sources.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman a question for information?

Mr. CRAMTON. Surely.

Mr. GARRETT of Tennessee. In the bills authorizing the Secretary of the Interior to accept the parks to which the gentleman has referred, the one in North Carolina and Tennessee, and the one in Virginia, was it provided that there shall be a certain area definitely described, and that the title to the lands within that area shall be in the Government?

Mr. CRAMTON. My recollection is this: I know how they were created. There was a commission headed by our colleague [Mr. TEMPLE] who made a survey of the entire East, and finally recommended those two areas. I do not think the definite metes and bounds were specified, but they knew that we were proceeding on this report that had to do with certain specific areas, and unless those areas in general could be acquired then, of course, the park could not be created, but the act itself did not entirely define the metes and bounds. It did provide that unless a certain minimum area was acquired, then it would not become a national park.

Mr. GARRETT of Tennessee. Yes; and within that minimum area is it possible for privately owned land to be retained, not as a part of that area?

Mr. CRAMTON. No; anything within those exterior boundaries will come in, and will be acquired, and they have had to resort to condemnation proceedings to get them.

Mr. GARRETT of Tennessee. But they are doing it through the right authority.

Mr. COLTON. I think the gentleman is correct. The bill provided a minimum acreage should be acquired, but that the land within the exterior boundaries of the area that is required should be conveyed to the Government, that there should be no private rights within the exterior boundaries.

Mr. CRAMTON. As I say, two years ago we appropriated $50,000 to be matched by private funds for this same purpose. A year ago a second $50,000 was approved by this House and the Congress, and this year a larger program is proposed, because the general survey of the situation which our committee desires has been completed, I think, as late as December. An additional aid was given the Park Service a year ago to do that, Mr. W. B. Lewis, former superintendent of the Yosemite National Park. He was appointed an assistant to the director and carried on that work and made his report, and it appears in our hearings. He was for many years the head of one of our greatest national parks, and that report, filed in December, and appearing in our hearings, sets forth that it will cost between five and six million dollars to acquire all the private lands in existing parks and monuments.

The most acute situation, challenging the most public attention, is in the Yosemite National Park of California, and I am approaching now the emergency that makes absolutely necessary this legislation as passed by the House, unless this Congress is to be held up to the condemnation of the country. Here is the emergency: In the Yosemite National Park there are 13 square miles of timbered lands, carrying some of the most beautiful sugar pine and yellow pine of California. Certain projected and soon to be constructed scenic highways will travel for a distance of about 4 miles through that wonderful wooded area.

These lands are in private ownership. In the last few weeks they have come all into one ownership, 8,500 acres, that is carrying on lumber operations in the vicinity of the park, and it is definite if these lands are not acquired the lumbering operations will go into the park this coming summer and the timber will be cut off. Certain private interests who have been trying to prevent or avert that national calamity have made an investigation, and I happen to know they employed skilled timber cruisers to go in there and measure the timber and make an estimate of the value of this land for the timber, and they made their report as to what this land is worth, but the owners of this land have been refusing to consider any such price, and it looks as if the fact is they consider the Government has to have this land or suffer execration from every nature lover, and are encouraged to ask an unreasonable price.

When that situation developed, this great tract in the park coming into one ownership, we knew that the cutting of timber was a matter of a few months. Then from a certain private source there was an offer of $1,000,000 as a gift to be used when matched by an equal amount of public funds to acquire this land in the Yosemite and the balance to be used in other national parks in the same way. That offer was made in response to the invitation that Congress has made for the last two years when we appropriated certain amounts on the half-and-half basis.

Here, when the emergency is apparent, comes this generous offer from a private source to give a million dollars to take care of the emergency and the balance to go to other parks, and it would be a crime, and certainly it is a crime to which I do not wish to be a party, if we should fail to take advantage of the generous private offer and put up the money to match such a contribution. [Applause.] I say it would be a crime if we fail to match the very generous offier, and I say we would be subject to the severest criticism if we fail to put up money to match their money and if we fail to put it up in a way that will protect them as well as the Treasury from the unconscionable prices that may be asked for this land otherwise.

Furthermore, I have had the hope that the same source that gave the million dollars, or some other source, if it is seen that Congress is going ahead to clean up these particular holdings not only in the Yosemite but other national parks—I say I had the hope that if we definitely adopted a program such source would put up the entire half of the five or six million dollars needed. That is the reason this language is in the bill. Here is an attempt to match the million dollars that is offered. It outlines a definite program for matching of public and private funds, so that in a few years we can clean up all these handicaps in our park development.

In the Senate yesterday Senator WALSH said this:

I want to impress upon the minds of Senators the idea that the national park officials do not desire these lands for any purpose whatever; they simply do not want any of these lands held in private ownership.

I am sure the gentleman from Tennessee, from what he said, does not agree that these lands when turned over and set apart for perpetual public use will serve no use whatever. The general public use is the highest use.

In the Lewis report it is stated:

As the timberland menace is most pronounced in Yosemite, so is the summer-home-site evil at its worst in Glacier, where at both ends of Lake McDonald nearly 200 individual owners have erected flimsy, unattractive structures presenting a striking example of landscape despoliation; 597.50 acres of land is involved in the two subdivided areas at

either end of the lake, both areas being traversed by the new transmountain road, the final completion of which has been deferred pending acquisition of control of these holdings by the Government.

Even larger areas and a larger number of individual owners are involved in similar subdivisions in Yosemite. While the immediate situation is less serious than in Glacier, it will become more and more aggravated as time goes on, as two of the subdivided tracts are adjacent to the Tioga Road, one astride the Big Rock Road, and the other readily accessible to it. The latter tract comprises 200 acres, subdivided in 1912, and involving 1,230 lots with 336 individual owners. Three other tracts, totaling 433.52 acres, more recently subdivided, are still largely in the hands of the promoters, but already about 50 individual owners are listed.

While in each of the parks private holdings are for the most so located as to obstruct park administration and development, the most serious problems are to be found in Yosemite, Glacier, and Rocky Mountain, where the holdings are most extensive and the ownerships most complex. The imminent danger of an early resumption of lumbering operations on nearly 9,000 acres of exceptionally fine sugar and yellow pine lands in Yosemite, with the resulting scenic destruction and fire menace, makes it extremely urgent that ways and means be found immediately if these stands are to be saved. Second only in importance is the Glacier situation, with its hodgepodge of summer homes obstructing the development of the transmountain highway. Then comes Rocky Mountain, with its extensive private holdings monopolizing the best available sites for public camp grounds in the park. Following these in order of importance and urgency comes Grand Canyon, with its strategically located private holdings on the South Rim; Zion, with its main entrance blocked by private ownership; General Grant, with a large tract subdivided into summer-home sites in the heart of the General Grant Grove of Sequoias; Lassen, with its southeastern entrance blocked by a privately controlled tourist development; and Mesa Verde, Sequoia, Mount Rainier, and Crater Lake, with general administrative and protective problems by reason of the existence of lands outside the control of the Government.

The Yosemite situation is attracting widespread attention in the Nation, and if we fail to act effectively the condemnation will be universal, for Yosemite is dear to the hearts of the Nation.

Mr. Don Tresidder, president of the Yosemite Park & Curry Co., writes me:

The menace of private holdings in the parks is growing yearly. In the case of Yosemite, it is placing the very integrity of the park itself in jeopardy.

Mr. Francis Farquhar, of San Francisco, a gentleman I know well, a member of the Sierra Club, who is very much interested in the parks, says:

Mr. McDuffie informs me that he has just heard from you that you have strong hopes of reestablishing the condemnation clause in the bill when it is finally enacted. I earnestly hope that this will go through, as without it negotiations for purchase might be extremely difficult and long delayed. We have already been double-crossed once by one of these lumber companies, and we need every bit of backing we can get to keep them from the massacre of the forests which they are contemplating.

The preservation of this forest is one of the most urgent things that I know of; not alone on account of its beauty and its place in the national park but also because of its protection of the watershed. The farmers and agricultural interests seem to have been sound asleep on this question of lumbering in this portion of the Sierra and have permitted an irreparable damage in many places. You can, therefore, feel that you have accomplished a genuine act of conservation in the interests of agriculture as well as in the interests of the park.

Here is a letter from Mrs. Bernice C. Marshall, chairman of the forestry national scenery committee of the General Federation of Women's Clubs, who recently visited this area, in which she says:

My husband and I made a trip to Yosemite Park last August in order that I might make a special study of the situation there. It seems to me unthinkable that those wonderful sugar pine and other giant trees growing on the privately owned lands within the boundaries of the park should ever be touched by the lumber companies.

Furthermore, Dr. John P. Buwalda, chairman division of geology and paleontology, California Institute of Technology, at Pasadena, Calif., says in a letter:

All men who have a knowledge of the relation of these holdings to park administration, and the menace they constitute to proper park development, appreciate the importance of taking the steps which you have so wisely urged.

It is moreover clear that the Government should not delay in acquiring these private holdings until irreparable damage has been done.

The president of the Sierra Club, San Francisco, Duncan McDuffie, says:

The Sierra Club regards the elimination of private holdings in the national parks as a matter of the utmost importance.

Furthermore, the acting superintendent of the Yosemite National Park, Mr. E. C. Leavitt, who is living with this problem, says:

I do hope that the right to condemn these lands, if necessary, will be kept in the bill, for I am confident that it will place the Government in a much more advantageous position in dealing with the various private owners. While it might not be necessary to use this means, the fact that we have the right will go a long way in inducing owners to deal fairly with the Government.

The National Park Service is known to the Congress. They have built up their usefulness and their standing because of their reasonableness in their handling of the public. Who is there who has any real fear that any unfair or drastic action will be taken with reference to this matter? It has been asserted in the Capitol that it is proposed that the Secretary may enter and take possession of these properties. We propose only the old Anglo-Saxon method of letting the condemnation jury go in and fix the prices, and the general experience is that such juries are not unfair to the local owners, but they do protect us from unreasonable extortion.

If we are going to acquire these lands—and it is vital to the park system that we do—it is necessary that we do it now. There are other situations outside of those in the Yosemite Park that are acute. Zion National Park, in Utah, is threatened by privately owned land adjacent to its entrance. There are acute situations elsewhere. There are people who have gone into these lands who are subdividing them and selling summer homes on which are built shacks that disfigure the landscape. In one of these parks you pass over a road and pass by miles of outhouses and shacks put up by private owners on their land. It seems inconceivable that Congress should delay, particularly when such generous offers by private holders are now made to us. It is inconceivable that we would not do in the national parks just as we do in the city of Washington, where, when we want land for a national purpose, we condemn it. When we want land in Tennessee for a national purpose and can not get it otherwise at a reasonable price we condemn. That is all we ask to be done here—to give them the right of condemnation where it is necessary in order to protect the public interest. I hope you will reject the amendment offered by the Senate.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. LEAVITT. As the law now stands, is it that the Park Service or the Government can determine the improvements on the land?

Mr. CRAMTON. No. The department has no authority to regulate the matter of improvements on privately owned land in these parks beyond what might be done under the general nuisance laws.

Mr. LEAVITT. I understand by the statement of Senator WALSH that that right does exist.

Mr. CRAMTON. He expresses the belief that the park authorities shall have the same right as cities in zoning.

He said, at page 357 of our hearings:

So far as the use of the property is concerned, they seem to think they are impotent; that they have no control over the character of buildings to be constructed or the particular business to which they shall be devoted. I totally disagree with that. I think the act gives the Secretary of the Interior full power in the premises, just exactly the same power as the State or any municipality would have, and the power is to be measured in a way by the purpose or use to which the property generally is put, and the fact that it is within a national park.

If the property were within a municipality it would be zoned so that only buildings of a certain type or character could be erected within a certain district. That has been fully justified. The Department of the Interior or the Secretary of the Interior has power to make all necessary rules and regulations having exactly the same force as acts of the legislature or ordinances of a municipal body. So that, so far as the character of the buildings is concerned, referring to the religious organization that makes that a summer headquarters, there is no difficulty about providing a rule as to the character of buildings they may erect, none whatever, even on privately owned land.

I question that authority, especially in the absence of any direct legislation by Congress.

Mr. Speaker, how much time have I left of my hour?

The SPEAKER. Seven minutes.

Mr. CRAMTON. I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

The SPEAKER. The gentleman from Montana is recognized for five minutes.

Mr. LEAVITT. Mr. Speaker and gentlemen of the House, I am particularly interested in this matter because the question has been raised with reference to Glacier National Park in Montana. The question has nothing to do with any lands in my own district, as I understand it, but it has to do with the land on the west side of Glacier Park, and many of our people are greatly exercised through the fear that some arbitrary use of the authority of the Government to condemn and purchase will be exercised to the disadvantage or injustice of people who have owned lands in that park for a long time.

I understood from the debate that was had here when this appropriation bill was before the House previously that it was the purpose and authorized in the bill itself that when land in national parks is purchased, through agreement with the owners, condemnation or otherwise, the Government would be authorized to enter into and intends to enter into an agreement with the owner for the continued use of that land throughout the lifetime of such owner.

I think that meets the situation in the minds of some of the private owners with whom I have talked, though by no means all, but it does not meet in any particular one situation that exists in Glacier Park, and that is the matter of ownership of 80 acres of land belonging to the Methodist Church organization in Montana, which is being used as a summer camp for young people. It was acquired by that church organization through the gift of the original homesteaders on that land, who had gained title to it by living on it as pioneers before the national park was created.

I do not see how any provision or agreement that during the lifetime of an individual such an individual might be allowed to continue the use of the land would apply to a situation such as that. That bequest was made by an old couple who lived there as pioneers and who wished to leave something to the young people of Montana, and who did so by granting that land to the church organization to which they belonged. It is used by that church for a summer camp. Even under a provision for continued use during the life of an owner it might be impossible to continue the use of that land for that religious and public purpose if the Government ever decided it wished, through condemnation, to take it away.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. LAGUARDIA. Are we not doing the same thing in Washington? Through condemnation proceedings in the District you can take property when it is needed in a scheme of building, so that we are doing the same thing right here.

Mr. LEAVITT. That is true, but I am speaking now of the way in which this particular land might be reached even with that particular form of agreement for the benefit of individuals. I serve notice at this time that I have prepared, and am dropping in the basket now for introduction at the end of my present remarks, the following bill:

That the right of the Government to purchase through condemnation shall not apply to lands within any national park now owned by any religious organization and used exclusively for religious purposes.

I see no other way to meet the situation which exists in that case through the provisions of the law as it now exists or as it is intended to have it clarified by the enactment of this bill.

Mr. WINGO. I suggest that the gentleman should add the word "fraternal" after the word "religious."

Mr. LEAVITT. I do not think that is necessary, because I know of no such situation. I know of no other situation as exists in the Glacier National Park.

I do not believe any public purpose could be served by requiring a church organization to give up land which has been donated to it by people of that faith for the creation of a memorial, just as fully a memorial as is the case of this $5,000,000 gift on the part of John D. Rockefeller, jr., for the purposes of public benefit and a memorial to his mother. I do not think that under any circumstances through condemnation should it be possible to dispose of that land unless it is in accordance with the wishes of the Methodists themselves.

Mr. CRAMTON. Mr. Speaker, I will simply take one minute to say this: There is no one who has taken a more active interest in promoting the interests of the park in Montana than the gentleman who has just spoken. Whenever we have gone there he has been there to assist in studying the problems, and I think he need have no fear about any proper religious organization holding their meetings in a proper way in a national park. They are encouraged to come there with their meetings, but when it comes to the setting aside of a certain area for the purpose of developing unsightly shacks which interfere with the public use of the park that is a different proposition. There will be no difficulty about their continuing to come there and holding their meetings, even if their lands should be acquired by the Government. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 16, noes 72.

So the motion was rejected.

The SPEAKER. The question now recurs on the motion of the gentleman from Michigan that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 40: "and for the continuance of construction of the transmountain road in said Glacier National Park."

Mr. CRAMTON. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement to the Senate amendment.

Mr. CRAMTON. Mr. Speaker, as to that I simply wish to say this: The Senate amendment proposes in the general lump sum for building roads in national parks to specify a road in the Glacier National Park. The only other roads specified in that lump-sum appropriation are fragments of roads outside of national parks for which the money could not be used if they were not specified. It has not been the policy to specify roads in the national parks in this lump-sum item because oftentimes weather conditions make it necessary to change the program, and so forth.

Now, there are three good reasons for not accepting the Senate amendment. The first one I have stated, that we do not want to establish the precedent of specifying one particular road. If we did give such a preference, it should not necessarily be given to the Glacier National Park, which stands third among the national parks in amount of money spent already for road building, but stands only thirteenth in number of visitors. Up to the time of our hearings $1,661,022.52 had been allotted for road building in Glacier National Park, an amount greater than any other national park except Yosemite and Mount Rainier, and an amount greater than has been allocated either for Yellowstone, Grand Canyon, or Rocky Mountain National Parks. So Glacier has not been discriminated against and ought not to be given this preference. Secondly, we do not think we will have the money for Glacier this year, anyway. It was expected we would have $5,000,000 for road construction, but we will have only $3,500,000 for new work. Thirdly, we think we ought to give preference to roads where conditions are favorable, and they are not now favorable in Glacier. We think it is foolish to rush the completion of this road and raise the market price of a lot of adjacent land immediately. We think it will be time enough to build this road after we have cleaned up the private land situation, which is so serious along its route.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. Will the gentleman state what the plans are for the acquirement of this private land within any reasonable time?

Mr. CRAMTON. I will say that I am very hopeful that if we can get the Senate to recede on this Walsh condemnation amendment, the private funds will be contributed as stated; and we hope that a real program of private-land acquisition in the Glacier Park will follow during this coming fiscal year, and if that does follow, then by another year the road-program situation will have straightened out, the lands will have been acquired, and then we can go ahead.

Mr. LEAVITT. Is it the expectation to go ahead just as rapidly as the key points are acquired, or is it the intention to wait until all of the land is acquired?

Mr. CRAMTON. No. There are a lot of private lands in remote sections which the department and the committee have no idea of acquiring prior to this road development. Money is so badly needed in a variety of places that we expect to go to those places where conditions are right.

It has been urged in the Senate that the State of Montana has spent a lot of money on roads to connect with this road, it being stated by Senator WALSH:

In anticipation of the completion of that road the State of Montana has spent an enormous amount of money for a State as sparsely settled as ours upon the improvement of roads leading to the Glacier National Park, anticipating that tourists will travel through that coun-

try by the thousands for the purpose of viewing the beautiful scenery and enjoying the advantages it offers.

As a matter of fact, the State of Montana has spent not more than a few thousand dollars on roads directly connecting with Glacier Park roads. The Blackfeet Highway and the approach road from the east through the Blackfeet Indian Reservation were built 100 per cent from Federal funds.

The roads on the west are built with Federal funds. There is another road that will serve the purpose of the transmountain road, the Roosevelt Highway, being built 100 per cent of Federal forest highway funds. This road will get the transcontinental traffic over the mountains.

I do not say this in criticism of the State. I am aware of the difficulties they have had and I have tried to help the gentleman from Montana [Mr. LEAVITT] get his Red Lodge road, or whatever he calls it, but I say this in answer to the criticism that has been made in the Senate.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LEAVITT. That is true unless we go into detail with regard to it, but when we go into detail we find that the Blackfoot Indian Reservation, for example, is Government land, and that roads in Montana leading up to that reservation and then on through must be considered as roads connecting with the national park.

Mr. CRAMTON. That is true.

Mr. LEAVITT. And the State of Montana has spent a good many hundreds of thousands and even millions of dollars.

Mr. CRAMTON. The gentleman from Montana is to be commended for this—it is because of his help and his cooperation and his sympathy and other gentlemen like him in this House that this committee has been able to bring about an increase in the appropriation for building roads in the national parks from about $1,000,000 a year to $5,000,000 a year. Without this sympathy and this encouragement and this help this could not have been done. As a matter of fact, if it had not been for gentlemen like the gentleman from Montana and others who have supported the program of this committee, there would not have been any money for building roads for anybody in Montana to quarrel about. His position is always constructive helpfulness.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 41: On page 120, line 1, after the word "Interior," insert a colon and the following proviso: "*Provided further,* That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. 193)."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment to add to the Senate amendment the following:

Pending determination by the Personnel Classification Board in accordance with said act.

The SPEAKER. The gentleman from Michigan moves to recede and concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur in Senate amendment No. 41 with an amendment as follows: At the end of the matter inserted by the Senate add the following: "Pending determination by the Personnel Classification Board in accordance with said act."

Mr. CRAMTON. Mr. Speaker, there has been more or less of a tempest in a teapot about this St. Elizabeths proposition. The amendment inserted by the Senate restores language recommended by our committee and stricken out in the House on a point of order. The amendment adopted by the Senate reads:

Provided further, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. p. 193).

Now, what was the act of March 5, 1928? That is all that makes this legislation subject to a point of order. Section 3 of that act provides:

SEC. 3. The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations for the fiscal year 1929 and thereafter of the character heretofore used for such purposes are hereby made available therefor: *Provided,* That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

The point of that is this proviso:

Provided, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilian.

Now, here is what happened as to St. Elizabeths after this became the law: The Personnel Classification Board, or its representatives, went over to St. Elizabeths, made an examination of the salaries, made their allocations of salaries, and took into consideration these allotments of quarters, and so forth.

They could have fixed the salaries a little higher and then made a deduction for quarters, but instead they fixed the salaries at what the Personnel Classification Board thought they ought to be, the quarters being considered.

They did not show this on the face of things, so the Comptroller General raised the question that they have not acted under this law and made the necessary deductions, and he made some talk about deducting $11,000 for quarters from a $9,000 salary. This was not final. This was not definite. He had not any idea of doing a foolish thing like that, although certain Members on the floor seem to have taken him seriously.

Now, this is the situation. The amendment I have offered will make it read in this way:

"The practice of allowing quarters, and so forth, to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928, until the Personnel Classification Board shall proceed under that act," or words to that effect.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. If the Personnel Classification Board took into consideration the value of these quarters, they evidently made no allowance for them in fixing Doctor White's salary, because $9,000 is the highest salary that can be paid under the Welch bill.

Mr. CRAMTON. I make the statement, and it comes from the secretary of the Personnel Classification Board after consultation with the board, that they passed on these salaries and took into consideration not only the quarters but the surrounding conditions.

Mr. BLACK of Texas. How could they have taken into consideration these things in Doctor White's case when they give him the utmost that can be paid under the terms of the Welch bill?

Mr. CRAMTON. They might have done this and not been far wrong. They might have said that the disadvantage of living in quarters where insane people crowd the door and the corridors—that that disadvantage joined with the 24-hour service offset any value that might be deducted.

Mr. SCHAFER. How about the United States Veterans' Bureau hospitals at North Chicago, Ill., and Camp Custer, Mich.?

Mr. CRAMTON. I frankly say to the gentleman that the only reason I am offering this amendment is in order that the language as it stands in the bill might not be misunderstood as making an exception, but to make it clear that St. Elizabeths is to be handled the same as any other institution governed by that law. We are not making an exception. I am making it clear that it is to be passed on by the Personnel Classification Board.

Now just a word. There has been a good deal of misconception about this. There have been attacks made on Doctor White. He is undoubtedly a great authority in his line. I am not going to discuss the particular attacks made on him. The business of our committee is not to legislate for individuals. We are legislating for the office, and whoever holds the office should be treated the same way. If it should be held that Doctor White was not the one to continue in charge of the office they would have to get some one else. I would like to have the conditions such that you could get a man equally great in attainments in his profession, and that could not be done if you subtracted $11,000 expenses from the $9,000 salary.

What are the facts? It is claimed that there are 19 rooms in this building. There are not that many. In the next place, these rooms are used for the entertainment of official guests from all over the country. These guests are entertained at the table. All the expense of Doctor White's table is not borne by the Government. He spends $75 a month, on an average, from his own funds for food for the table. Anything on the regular

menu for the institution can go to his table and his guests, but if he wants something beyond the ordinary menu he pays for it.

Mr. SCHAFER. If he is to have this place for the entertainment of guests, why should not the heads of Veterans' Bureau hospitals have the same privilege?

Mr. CRAMTON. It would not be in order to put that in this bill. That bill is not before the House. This bill does not extend to the veteran's hospital. Under the law the superintendent of St. Elizabeths Hospital is required to live in the hospital. The quarters furnished the superintendent for his home are in a building which was erected in 1855 and remodeled in 1872. There has been no change since that time, and these same quarters have always been occupied by the superintendent of the hospital. The quarters occupied by him are in the center of the building, housing about 1,000 patients. The entrance is through a hallway used by patients and others, as is also the stairway leading to his quarters, which are flanked on either side by wards.

These quarters are situated in such a way that it would be inconvenient, if not impossible, to divide them and use them for other purposes. They do not consist of 19 rooms, there being several less than that number.

Four employees, including a cook and an assistant, are employed in the superintendent's quarters but are not required to give full time to his service. Under the law these employees work only eight hours. They have 30 days' vacation and sick leave. These employees are not employed full time by the superintendent but devote their time when not so employed to other hospital duties.

Mr. SCHAFER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SCHAFER. Has the gentleman any information to indicate how much time they give to Doctor White's personal home and how much time they give to the patients?

Mr. CRAMTON. I have not that information. During the past year the superintendent has entertained visitors from foreign countries, including representatives from Austria, England, Scotland, Australia, Denmark, Holland, France, Japan, Siam, Ceylon, and many other foreign countries. It is advantageous to the hospital to have these scientists visit it. They very often give clinics to the medical staff of the hospital for the benefit of the patients. They bring the last word in medical science and through such means the hospital is able to give its patients the most enlightened and curative treatment as required by the organic act. No paid help is furnished to employees with the exception of the superintendent and a maid four hours each day to the first assistant physician. These employees are all in the custodial grade, regular classified service.

For the other employees there is no help furnished, except a maid four hours a day for the first assistant physician.

It is not easy to get medical men of this training for this work. The number available is quite limited, and we certainly do not want to skimp on salaries for a man who has the responsibility for caring for 4,000 to 5,000 insane people. That is not my idea of the place to start in with economy.

Mr. SCHAFER. But the medical personnel is filled from the civil-service list, and I think if the gentleman will consult the Civil Service Commission he will find that there is no shortage in the number of applicants for these positions.

Mr. CRAMTON. Let me tell the gentleman a little something definite. There are 800,000 beds in hospitals in the United States, and of those 400,000 are in mental institutions in the United States. There are 150,000 physicians in the United States. About 1,500 of them are psychiatrists. Fifty per cent of the beds in the hospitals are for mental cases. Only 1 per cent of the physicians are at all trained to take care of the mental patients. That gives some idea of the difficulty of getting the right kind of personnel to do this work.

Something has been said about the automobile. The fact is that Superintendent White bought his own automobile without Government funds and pays for its operation when on personal business. When it is on Government business he gets no compensation for the use of his automobile for Government business. He pays for his telephone calls and telegrams, and so forth. I present in support of these statements the following from Mr. Sanger, assistant to the superintendent:

UNITED STATES DEPARTMENT OF THE INTERIOR,
ST. ELIZABETHS HOSPITAL,
Washington, D. C., January 5, 1929.

HON. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: I inclose herewith a statement covering some of the pertinent facts bearing upon the furnishing of quarters, heat, light, etc., to officers and employees of St. Elizabeths Hospital.

I have underscored the heading of each paragraph giving you pertinent facts. The other information is descriptive, supporting these statements.

You will note on page 3 information pertaining to the number of rooms in the superintendent's quarters and the number of cooks employed for the superintendent; on page 4 information pertaining to the number of visiting scientists entertained during the last year, and information that paid help is furnished to only one other officer or employee; on page 5 there are statements showing that the superintendent owns his own automobile, contributes toward buying groceries for his table, and pays for his personal telegrams and toll telephone messages.

Very sincerely yours,

MONIE SANGER,
Assistant to the Superintendent.

UNITED STATES DEPARTMENT OF THE INTERIOR,
ST. ELIZABETHS HOSPITAL,
Washington, D. C., January 5, 1929.

SOME PERTINENT FACTS BEARING UPON THE FURNISHING OF QUARTERS, HEAT, LIGHT, ETC., TO OFFICERS AND EMPLOYEES OF ST. ELIZABETHS HOSPITAL

Furnishing of quarters, etc., to officers and employees of mental institutions is not a new thing. It has been the practice in institutions throughout the United States, and we believe the civilized world, to furnish such quarters to officers and employees for such a length of time that there are no records to the contrary. This practice has continued without question up to the time that the comptroller raised the question with regard to the officers and employees of St. Elizabeths Hospital.

Quarters and subsistence, including heating and lighting, etc., are not furnished for the benefit of the officers and employees. The sole reason for giving such service is for the benefit, care, and treatment of the patients, who are wards of the Government, and for the protection of the public property.

Officers and employees who are given these quarters are required to be subject to call 24 hours, with the right to call on them for such service 365 days each year.

These additional allowances are incident to the work and not a reward. Officers and employees must incur additional responsibility and hazards of living in the hospital, and, where they have families, bring up their children in the environment of a mental institution; and they must be ready to respond to any emergency such as a surgical operation or a fire at any and all times.

The environment in which the officers and employees live is not a desirable one. There are great hazards and employees are frequently attacked, and there are instances on record where they have been killed by patients.

All employees are not permitted to live on the hospital reservation. When the original classification bill became a law more than 500 employees resided on the reservation. This number was reduced to include only those absolutely essential for the proper care and treatment of the patients and protection of the property. More than 350 employees moved out of the hospital, and approximately 130 at the present time reside on the hospital reservation.

Under the law the superintendent of St. Elizabeths Hospital is required to live in the hospital.

The quarters furnished the superintendent for his home are in a building which was erected in 1855 and remodeled in 1872. There has been no change since that time and these same quarters have always been occupied by the superintendent of the hospital.

The quarters occupied by the superintendent are in the center of a building housing about 1,000 patients. The entrance is through a hallway used by patients and others, as is also the stairway leading to his quarters, which are flanked on either side by wards.

These quarters are situated in such a way that it would be inconvenient, if not impossible, to divide them and use them for other purposes. They do not consist of 19 rooms, there being several less than that number.

Four employees, including a cook and an assistant, are employed in the superintendent's quarters, but are not required to give full time to his service. Under the law these employees work only 8 hours have 30 days' vacation, and sick leave. These employees are not employed full time for the superintendent, but devote their time when not so employed to other hospital duties.

The superintendent must be considered in two capacities. First, in his official position representing the Government; second, in his personal position as an employee. In his official position representing the Government he must entertain prominent scientists from practically every country in the world and from the various States.

During the past year the superintendent has entertained on an average about one visiting scientist each week. These visitors from foreign countries included representatives from Austria, England, Scotland, Australia, Denmark, Holland, France, Japan, Siam, Ceylon, and many other foreign countries. It is advantageous to the hospital to have

these scientists visit it. They very often give clinics to the medical staff of the hospital for the benefit of the patients. They bring the last word in medical science, and through such means the hospital is able to give its patients the most enlightened and curative treatment, as required by the organic act.

No paid help is furnished to employees with the exception of the superintendent and a maid four hours each day to the first assistant physician. These employees are all in the custodial grade, regular classified service.

It is difficult to get sufficient medical officers for the work of the institution. There have been 72 separations from the hospital staff during the past six years. To make reductions from the salary for quarters and other allowances would have a tendency to make it still more difficult to get help.

There are about 800,000 beds in hospitals throughout the United States, one-half of which, or 400,000, are in mental institutions. There are about 150,000 physicians throughout the United States, about 1,500 of whom are psychiatrists. While 50 per cent of the beds in hospitals are for mental cases, only 1 per cent of the physicians throughout the country are at all trained to take care of mental patients. This is a fair indication of the degree of difficulty in getting adequate and properly trained personnel for this character of service.

The superintendent has his own automobile, maintenance, and cost paid for out of his own funds.

The superintendent pays for personal telephone calls and telegrams out of his salary.

Quarters and allowances, including subsistence, furnished the superintendent at this time are the same as have been furnished to all superintendents since the opening of the institution in 1855, and were offered to the present superintendent when he was appointed to the position. The food furnished to him is of the same class as is furnished to the patients. Anything additional the superintendent must purchase out of his own funds. This includes anything unusual or special supplies required to assist in entertaining visitors. This has averaged about $75 each month, which he pays out of his salary.

The quarters occupied by the superintendent are occupied by and for the United States Government in his capacity as superintendent of St. Elizabeths Hospital, not in his personal capacity.

I think that information may help to leaven the general discussion that we have had on this question. I was in hopes that my amendment would go far in meeting the objections of the gentleman from Wisconsin [Mr. SCHAFER], because my amendment does not make an exception of St. Elizabeths, but it makes it clear that the Personnel Classification Board are to act so as to fix the salary schedule and to make any needed deductions therefrom for quarters. In other words, they are to take St. Elizabeths up anew and handle it in a way that will not constitute an undesirable precedent for other institutions.

I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, those Members who are particular that the Committee on Appropriations shall not usurp the functions of the legislative committees, and that the executive branch of the Government does not usurp the functions of the legislative branch, should oppose this amendment. The adoption of this amendment will be a step toward legalizing and validating the appropriation that Doctor White made for personal allowances, amounting to $10,059 per annum, without any authority of law.

Let us look at the facts. The Comptroller General on August 15, 1928, revealed this situation in his decision A 23927: That in addition to the $7,500 per year salary allotted to the superintendent of St. Elizabeths, which has been increased to $9,000 per year under the Welch bill, he had received per year for laundry service an estimated amount of $300; for food, $2,676; for coal for kitchen, $195; a 19-room apartment, estimated rental value, $2,400; for a housekeeper, $1,020; for a waitress, $960; for a cook, $1,380; for an assistant cook, $1,080; and telephone service, $48.

Comptroller General McCarl recommended to the Secretary of the Interior that a discontinuance of some of the allowances be held in abeyance pending consideration by Congress. The comptroller, however, indicated that some of the allowances be immediately discontinued.

The comptroller's letter of October 11, 1928, to the Secretary of the Interior states in part:

This office can not accept the view you advance that the Congress has heretofore expressly or impliedly sanctioned or approved the furnishing of the various allowances referred to in my decision of August 15, 1928, to the extent there set forth and free of charge or without being considered as a part of the compensation of the officers or employees under St. Elizabeths Hospital. And while this office would be disposed to permit a postponement of the final adjustment of the salaries of the officers and employees involved until the Congress shall have had an opportunity to give consideration to the matter, it is suggested for your consideration whether there are not now being furnished to certain of the personnel allowances which should be immediately discontinued, such as servants, automobiles, laundry service, personal telephone service, etc., leaving for continuance pending presentation of the matter to the Congress only such allowances as may be generally classed as bed and board, that is, rooms and meals. Your views in this connection are requested.

Mr. Speaker, Doctor White testified before the Committee on Expenditures in the Executive Departments, of which I am a member, and gave the information which the gentleman from Michigan [Mr. CRAMTON] has just given to the House. Doctor White did not admit that he had authority of law to make those expenditures. He called to the attention of the committee that it was a difficult matter to obtain qualified doctors for the institution, notwithstanding the fact that the Government is operating institutions for the care of mentally sick war veterans, and has no difficulty in obtaining qualified physicians. Do we want to agree with Doctor White and Mr. CRAMTON that this Government is taking care of the inmates at St. Elizabeths, many of whom are jailbirds, in a much better manner than it takes care of the disabled incompetent and mentally sick veterans of the Nation's wars?

Let us look at some of the salaries and allowances in Government hospitals where the mentally sick veterans are cared for. I quote now from the hearings held December 19, 1928, before the Committee on Expenditures in the Executive Departments, this session of Congress.

Mr. McCarl makes this statement at page 21:

Although my report submitted May 19, 1928, referred only to a civilian branch of the Government and to laws relating to officers and employees in the civilian branch of the Government, pursuant to the specific request of the committee there has been included in the chart or tabulation the salary rates, quarters, etc., of officers in charge of Army and Navy hospitals which are controlled by other statutes in terms other than appearing in the statutes governing the payment of salary and furnishing of quarters to officers and employees in the civilian branch of the Government. Reference to the chart or tabulation will show that under the Veterans' Bureau, which is a civilian branch, the value of quarters and other allowances in kind to the officers in charge of the hospitals has been determined and deducted from the total salary rate as required by law. With respect to the Army and Navy, the hospitals usually are in charge of a colonel (Army) or captain (Navy); and under the laws relating to the pay and allowances of such officers, the maximum which either may receive in pay and allowances (quarters and subsistence) is $7,200 a year. That is to say, if the officer is not furnished quarters or subsistence in kind, his entire gross compensation may not exceed $7,200 a year. If he is furnished quarters in kind (the maximum authorized allowance of which is seven rooms), the maximum amount that he could then receive would be $6,000 as salary, plus a cash subsistence allowance of $438 a year, or an aggregate compensation of $6,438 and a 7-room house. The Army and Navy do not furnish subsistence in kind to officers living in Government quarters; neither are Army and Navy officers entitled to be furnished laundry or servants at Government expense.

A table appears in the hearing on pages 22 and 23, which shows that the medical superintendent at North Chicago, Ill., receives a total annual salary of $6,500, allowance for quarters $750, and no other allowances such as Doctor White has granted himself. The table further shows that the medical superintendent at Camp Custer, Mich., receives a total salary of $6,500 per year, $690 for quarters, and no other allowances. The quarters' allowance is deducted from the salary in both cases. And remember that United States Veterans' Bureau hospitals at Camp Custer, Mich., and North Chicago, Ill., are Federal Government hospitals in which are cared for mentally sick, shell-shocked, and insane war veterans. Is there any reason which would warrant the Congress of the United States taking one step leading toward the legalizing of the illegal expenditures of the Superintendent of St. Elizabeths?

There is not.

Action should be taken by the proper law enforcement officials of this Government to make the Superintendent of St. Elizabeths Hospital return to the people's Treasury every dollar which he has expended for personal allowances without legal authority.

The pending amendment should be defeated.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the motion to recede and concur with an amendment.

The House divided (on demand of Mr. SCHAFER); and there were—ayes 47, noes 8.

Mr. SCHAFER. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

Mr. CRAMTON. Mr. Speaker, before the Speaker passes on the point of order I ask unanimous consent if it is possible to do this—I do not object to the roll call—but the gentleman from Kentucky [Mr. VINSON] is called away by serious illness in his family, leaving at 3 o'clock. He has been promised time in general debate on the next bill. I wish it were possible for the gentleman from Kentucky to have some time now, say, 10 minutes——

Mr. SCHAFER. Mr. Speaker, in view of the statement of the gentleman I withdraw the point of no quorum. The matter can be threshed out later before a legislative committee. [Applause.]

So the motion was agreed to.

Mr. CRAMTON. It is very kind of the gentleman. Does the message state the Senate asks for a conference?

The SPEAKER pro tempore. The Senate has not asked for a conference.

Mr. CRAMTON. I move that we ask for a conference and that the conferees be appointed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to ask for a further conference on the disagreement between the two Houses.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the conferees.

The Clerk read as follows:

Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR.

BENJAMIN FRANKLIN

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Speaker, this day, the 17th day of January, is the anniversary of the birth of one of the greatest of American citizens, one of the founders of the Republic, Dr. Benjamin Franklin, statesman, philosopher, scientist, author, patriot, and, withal, an ideal American gentleman. He was born on January 17, 1706, and died on April 17, 1790.

Benjamin Franklin had a most distinguished career in the early history of our country. His signature appears on four of the most important documents in our annals: On the Declaration of Independence, on the treaty of alliance with France, on the treaty of peace with England, and on the Constitution of the United States.

In Chicago and elsewhere there are organizations of men who bear the Christian or given name of this distinguished American. They are known as the "Benjamin Franklins," their initials being in every instance "B. F." The Chicago organization annually celebrates this day, and I have here a symposium of the great virtues of this illustrious American, prepared by the "Benjamin Franklins" of Chicago. I ask unanimous consent to extend my remarks by including therein a brief statement of the life and work of this distinguished fellow citizen.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks by including in the same certain tributes to Benjamin Franklin. Is there objection?

There was no objection.

Following is the statement referred to:

[From the Benjamin Franklins of Chicago]

TO ENCOURAGE DISCUSSION OF AND INCREASE INTEREST IN THE GREAT CONTRIBUTION FRANKLIN MADE TO HIS GENERATION AND POSTERITY

On January 17 we celebrate the two hundred and twenty-third birthday of that great American, the many-sided Benjamin Franklin. The life work of this plodding and resourceful genius stands out as one of the great gifts to mankind and it would seem worth while to encourage the discussion of and intensify interest in the great contribution that he made to his generation and posterity, thereby inducing emulation of his thrift, industry, public spirit, and other fine qualities.

So general were his activities, so versatile his achievements, so genuine his public spirit, that his useful life appeals to the interest and incentive of people in every field of endeavor.

His thrift, his sterling honesty, his natural simplicity, his keen sense of justice, his patience and endeavor in overcoming obstacles all serve as examples and inspiration to worth-while service.

The literature devoted to his career is voluminous. It is doubtful if any other eminent man has left so complete a record of his own life as Benjamin Franklin. There is scarcely an important incident in his life which is not described by himself in his remarkable autobiography or in his correspondence to be found in biographies by Bigelow, Sparks, Morse, and others.

Of no other man can it be said that he distinguished himself as a business man, inventor, printer, editor, publicist, author, statesman, diplomat, harmonizer, public servant, educator, philosopher, philanthropist, benefactor, and exemplar.

As an inventor and scientist he greatly improved the methods of printing by devising an improved printing press; he invented the Franklin stove. He taught much regarding electricity through his writings. By flying his kite and other experiments in electricity he began the great work which Edison still carries on.

As a publisher he edited the Pennsylvania Gazette and later Poor Richard's Almanac, in which he displayed his incomparable faculty of translating great principles into terms of simple anecdote. Its reputation was established by its first issue, and it was the first American literary production to find favor in foreign lands. Franklin has never ceased to be Poor Richard teaching the basic facts which are essential to normal living and true progress. Here follows a few sayings from Poor Richard's Almanac:

"The noblest question in the world is, What good may I do in it?"

"Reading makes a full man; meditation a profound man; discourse a clear man."

"Cæsar did not merit the triumphal car more than he that conquers himself."

"Good sense is a thing all need, few have, and none think they want."

"Sloth, like rust, consumes faster than labor wears, while the used key is always bright."

"Dost thou love life? Then do not squander time, for that's the stuff life is made of."

"Laziness travels so slowly that poverty soon overtakes him."

"Early to bed and early to rise makes a man healthy, wealthy, and wise."

"Little strokes fell great oaks."

"It's the easiest thing in the world for a man to deceive himself."

"Lost time is never found again, and what we call time enough always proves little enough."

"If you would be wealthy, think of saving as well as of getting."

"Plough deep, while sluggards sleep, and you shall have corn to sell and to keep."

"Leisure is time for doing something useful."

"A wise man will desire no more than what he may get justly, use soberly, distribute cheerfully, and leave contentedly."

"If you would reap praise you must sow the seeds; gentle words and useful deeds."

He organized the Junto Club for the study and discussion of morals, politics, and natural philosophy, which led to the establishment of the Philadelphia Public Library. It became the parent of all public libraries in America and paved the way for the great philanthropy of Andrew Carnegie.

He helped to establish the American Philosophical Society and was one of the founders of the Academy of the Province of Pennsylvania, which finally became the University of Pennsylvania. With little school training he so educated himself that he was recognized as a great philosopher and received the degree of doctor of laws from the University of St. Andrews, at Edinburgh. He also received honors from many other universities and societies in the United States and Europe.

He carried on correspondence with nearly every important man in this country and many of the leading characters of other countries. His correspondence covers quite fully the early history of this country and its foreign relations.

It has been said of him that he never said a word too soon, never said a word too late, and never said a word too much. While he never seemed to attempt eloquence, he never spoke without attaining it. He was sparing with words but lavish with ideas.

He organized the police and fire departments and did much toward improving the streets of Philadelphia and starting the good-roads movement.

As showing what many of our present generation think of Franklin, the professors of the University of Washington included Franklin as the only American in a list of men whom they considered had made the greatest contribution to learning in the history of the world—the list including 3 Greeks, 3 Germans, 3 Italians, a Scotchman, a Roman, a Frenchman, a Hebrew, and a Dutchman.

As early as 1754 he wrote a treatise showing that the Colonies must be united, and this first public proposal grew and crystallized and resulted in the United States of America.

He organized and was president of the first society ever formed in America to advocate the abolition of slavery, and sent the first protest on this subject ever addressed to the Congress of the United States.

As a public official he served as clerk of the General Assembly of Pennsylvania, postmaster of Philadelphia, Postmaster General of the Colonies, was a delegate to the constitutional convention of Pennsylvania, and served three terms as president of Pennsylvania.

He was elected a delegate to the provincial congress, which appointed him a member of a committee of five to frame the Declaration of Independence. While the makers of the Declaration of Independence were signing, John Hancock said to Franklin: "We must all hang together." "Yes," replied Franklin with his brilliant wit, "We must all hang together or most assuredly we will all hang separately."

He worked energetically in war times, but he was a constant advocate of peace. More than once he said, "There never was a good war or a bad peace. What repeated follies are these repeated wars." Thus he was a pioneer in the great work for world peace.

He was our first colonial messenger to England, and was successful in securing the repeal of the unjust stamp act and adjusting other delicate problems of diplomacy. He was our minister to France, and through remarkable feats of tactful diplomacy he secured financial and military support and established friendly relations which have been beneficial and enduring to the present time.

During his life he stood in the presence of five different kings and many of the most cunning diplomats of his time under embarrassing and complicated situations, but always his influence tended to supplant chaos with order, discord with harmony, enmity with friendship, and indiscretion with wisdom.

He was 81 years of age when he was chosen a delegate to the convention which framed the Constitution of the United States in 1787. The convention had been in session for five weeks without writing a word or sentence, and on the last morning of the fifth week during a very heated discussion the delegates threatened to adjourn and abandon the great purpose for which they had met. Washington, his face white with anxiety, looked at Franklin, hoping that he could do something or say something that would hold the delegates together for another effort. Franklin made a very eloquent appeal that they open their sessions with prayer, and from that moment they began to make progress in the framing and adoption of that old fame-crowned document.

In the realm of statecraft his name among all the great sons of America is to be found in signature upon the four great documents which make us a free people; namely, the Declaration of Independence, the treaty of alliance with France, the treaty of peace with England, and last, but not least, the Constitution of the United States. He is one of the few men in our history whom it is difficult to overpraise.

When his death was announced in the National Assembly of France that body, on motion of Mirabeau, seconded by Lafayette, adjourned in his honor. In delivering the eulogium the great orator of the Revolution said:

"Franklin is dead. The genius that freed America and poured a flood of light over Europe has returned to the bosom of Divinity. The sage whom two worlds claim as their own, the man for whom the history of science and the history of empires contend with each other, held without doubt a high rank in the human race. Antiquity would have raised altars to this mighty genius, who, to the advantage of mankind, compassing in his mind the heavens and the earth, was able to restrain alike thunderbolts and tyrants. Europe, enlightened and free, owes at least a token of remembrance and regret to one of the greatest men who have ever been engaged in the service of philosophy and of liberty."

Franklin, in the unequaled sweep of his genius, is one of the greatest of American intellects. He was the first American to attract the attention of the world, and he typifies as none other that product of our institutions, the self-made man.

No brief statement can do justice to the generous contributions and fruitful service of Benjamin Franklin to civilization. To understand and appreciate Franklin one must read his autobiography and some of his correspondence. Few things in all literature are so illuminating, informative, and inspiring. In this age of reckless extravagance and loose thinking, copious selections from his writings could well and profitably be made a part of the curriculum of educational institutions here and in other countries.

The two Americans who seem to typify the average American character are Franklin and Lincoln, and both unite in their personalities the qualities of good humor, genial fellowship, generous patriotism, originality of thought, simplicity of ideas, unwearying industry, all of which are, or at least were, peculiar characteristics of our people.

No nation has ever gone down while it produced and revered great men. No nation has long survived when it ceased to produce and revere great men.

If Franklin could return to earth to-day, he would stand in wonder and rapt admiration at the wonders of steam and electricity and especially of the wireless and radio. Franklin, the philosopher always, with that common sense which with all his learning was his greatest characteristic, would say that the true question was not whether one could talk a thousand miles but whether when one did thus talk over the radio he had anything to say that was truly worth saying.

By revering the memory of Franklin, by rendering honor unto him to whom honor is due, by studying his life and emulating his example, we shall gain new inspiration with which to carry on the unfinished work.

INDEPENDENT OFFICES APPROPRIATION BILL, 1930

Mr. WASON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER pro tempore. Is any arrangement made as to time?

Mr. CULLEN. May I suggest to the gentleman from New Hampshire that we run along for a while indefinitely, without fixing the time for general debate?

Mr. WASON. And we shall divide the time equally between ourselves?

Mr. CULLEN. Yes. I have several requests for time.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent to proceed with the general debate without fixing the time; the time to be equally divided between the gentleman from New York [Mr. CULLEN] and himself. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Hampshire moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16301. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOWELL] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16301, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16301, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes.

Mr. CULLEN. Mr. Chairman, I yield 15 minutes to my colleague from Kentucky [Mr. VINSON].

Mr. WASON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New Hampshire asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. VINSON] is recognized.

Mr. VINSON of Kentucky. Mr. Chairman and members of the committee, I desire to express my appreciation of the courtesy extended to me by the distinguished gentleman from New Hampshire, chairman of our subcommittee [Mr. WASON], in charge of the bill in permitting me to address the House at this time. I thank the gentleman from Wisconsin [Mr. SCHAFER] for withdrawing the point of no quorum, thereby avoiding a roll call.

The bill as reported to the House carries an appropriation of $541,314,144. The amount of the appropriation for the 26 independent agencies in our bill was practically $13,000,000 less than the sum total herein. The committee recommend an increase for the Veterans' Bureau of almost $14,500,000, which more than covers the increased total of the bill.

The agencies for which we appropriate are set forth as follows:

Alaskan Relief.
American Battle Monuments Commission.
Arlington Memorial Bridge Commission.
Board of Mediation.
Board of Tax Appeals.
Bureau of Efficiency.
Civil Service Commission.
Commission of Fine Arts.
Employees' Compensation Commission.
Executive.
Federal Board for Vocational Education.
Federal Power Commission.
Federal Radio Commission.
Federal Reserve Board.
Federal Trade Commission.
General Accounting Office.
Housing Corporation.
Interstate Commerce Commission.
National Advisory Committee for Aeronautics.
Public Buildings and Public Parks.
Smithsonian Institution.
Tariff Commission.
United States Geographic Board.
United States Shipping Board.
United States Veterans' Bureau.
White House.

EXECUTIVE OFFICE

In this item is included the salary of the President and Vice President and the expenses connected with their activities, including the maintenance of the Executive Mansion and grounds and the cost incident to the White House police. The total of this item is $458,120, which is a Budget increase of $20,940. It has an increase in salaries of $14,570 and an increase of $6,470 for the painting of the exterior of the White House.

AMERICAN BATTLE MONUMENTS COMMISSION

This commission, of which Gen. John J. Pershing is chairman, is charged with—

(a) The erection of a memorial chapel in each of the eight American cemeteries in Europe and the construction of masonry walls at the cemeteries where needed. The names of these cemeteries and their locations are as follows:

Meuse-Argonne American Cemetery, near Romagne, France.
St. Mihiel American Cemetery, near Thiacourt, France.
Oise-Aisne American Cemetery, near Fere-en-Tardenois, France.
Aisne-Marne American Cemetery, near Belleau, France.
Somme American Cemetery, near Bony, France.
Flanders Field American Cemetery, near Waereghem, Belgium.
Suresnes American Cemetery, at Suresnes (near Paris), France.
Brookwood American Cemetery, at Brookwood, England.

(b) The erection of 15 memorials at the following places outside of the cemeteries:

Montfaucon, France.
Montsec, France.
Near Chateau-Thierry, France.
Brest, France.
London, England.
Tours, France.
Rome, Italy.
Near Bellicourt, France.
On Blanc Mont Ridge, in the Champagne Region, France.
Audenarde, Belgium.
Near Ypres, Belgium.
Cantigny, France.
Gibraltar.
Corfu, Greece.
Ponta Delgada, Azores Islands.

(c) The placing of two bronze memorial tablets, one at Chaumont, France, and the other at Souilly, France, to mark, respectively, the headquarters of the American Expeditionary Forces and the American First Army during the World War.

It was originally contemplated that $3,000,000 could well be the limit of costs, but General Pershing showed that prices for materials and construction in Europe have increased approximately 40 per cent and that it was necessary to increase the authorization to $4,500,000. With this sum the additional costs of material and construction can be cared for and necessary landscape gardening and other beautification features in the cemeteries can be provided. This increase has the Budget approval.

The status of work on the projects at this time is as follows: The site for each of our memorials has been selected and all sites but 6 have been obtained; designs for 19 of the memorials, including all 8 of the chapels, have been approved; working drawings for 14 of these have been completed by the architects; bids for the construction of 11 have been received; 7 of the memorials are under actual construction; and it is expected that 6 others will be under construction by late winter.

The memorials now under construction are as follows:

Monument near Chateau-Thierry, France.
Chapel in the Oise-Aisne Cemetery, near Fere-en-Tardenois, France.
Chapel in the Aisne-Marne Cemetery, near Belleau, France.
Chapel in the Brookwood Cemetery, near Brookwood, England.
Chapel in the Flanders Field Cemetery, near Waereghem, Belgium.
Monument near Kemmel, Belgium.
Monument near Audenarde, Belgium.

The bill carries $600,000 for this item as against $700,000 for 1929.

ARLINGTON MEMORIAL BRIDGE COMMISSION

The Budget estimate of $2,000,000 for this item has been included in the bill. This sum is $300,000 less than the amount carried for 1929. Colonel Grant, who is in charge of this program, reports that the work is progressing within the scheduled period and that the bridge will be completed in 1930; and by the providing of temporary approaches at the ends of the bridge it can be made available for traffic during the calendar year 1931. This use, practicable in 1931, is contingent upon the State of Virginia providing a suitable highway approach.

Colonel Grant also informs us that the construction thus far is within the estimates submitted to Congress except the so-called water gate and the Washington side connection with the Lincoln Memorial. It is contemplated to add a water pass at the Washington end of the bridge at an estimated cost of $160,000. Colonel Grant states that certain nonessentials may easily be dispensed with to provide this essential without any increase in cost.

PROPOSED OPERATIONS FOR FISCAL YEAR 1930

During this fiscal year it is expected that all contracts previously entered into will be completed. New contracts will be made for surfacing the sidewalks and roadways of the two bridges and the roadway across Columbia Island and from the Virginia shore to the Georgetown-Alexandria road, so as to make the bridge usable by the end of the fiscal year.

The necessary fenders for the protection of the draw span will be installed.

A contract will be let for carving the eagle stones over the piers and abutments of the bridge, and for the large statues at the entrance to the bridge and the Rock Creek and Potomac Parkway.

Further purchases of land for the B Street extension will be made as favorable opportunities offer.

Before the end of the fiscal year a contract will be let for constructing the upstream bridge over the Boundary Channel, connecting with the Lee Boulevard and Virginia road system.

BOARD OF MEDIATION

The amount carried in this bill is $302,270, together with a reappropriation of $46,000 unexpended balance of the appropriation for this purpose for the fiscal year 1928, which brings the total of the item to a little more than the appropriation for the current year.

Up to June 30, 1928, 363 cases had been submitted to the board, 256 of which had been disposed of—145 of these being settled during the fiscal year 1928. Of these 145 cases, 84 were settled through mediation, 14 were submitted to arbitration, 37 were withdrawn through mediation, 8 were withdrawn without mediation consideration, and 2 were closed by action of the board.

BOARD OF TAX APPEALS

The appropriation for this activity is practically the same as for the current year. The sum of $62,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928 was reappropriated, together with $663,863, making a total of $725,863 for the fiscal year 1930. There is a reduction of six persons in the number of employees.

From the creation of the board, July 1, 1924, to October 31, 1928, there had been cases docketed to the number of 41,275, of which 20,734 had been disposed of on the latter date. So on that date there were pending 20,541 cases; 12,000 of these cases were for trial and 6,000 were on the reserve calendar, with the remainder not at issue.

Between 300 and 450 cases are filed each month. The work of the board has been sped up considerably within the past year and now they are disposing of between 650 and 975 cases per month. Thus far, 342 appeals have been taken from its decisions—37 cases affirmed, 27 cases reversed or modified, with 278 awaiting decision. The work of the board has been sped up through the employment of assistants to assist in writing up findings of fact and opinions, together with the right to prepare memorandum opinions.

In the last bill I called attention to the rent item for this activity and shortly thereafter a reduction in rent of some $5,000 was secured for the same quarters for the present fiscal year, with the same rate for the next fiscal year.

BUREAU OF EFFICIENCY

The sum of $224,330 is appropriated for this activity—an increase of $17,780 over the current appropriation.

The report of the Budget estimate calls for an increase of one employee in the position of chief investigator, with a salary of $3,800. Mr. Herbert E. Brown, chief of the bureau, is very certain that he did not ask for this additional employee. In short, Mr. Brown states that the schedule of salaries and expenses was arranged as it is to suit the Budget Bureau. In 1929 a reserve of $5,000 was set up at the request of the Budget. Mr. Brown says it will be utilized. The reserve was set up, but, according to Mr. Brown, it is just a paper reserve. I do not feel that an estimate should be submitted for certain employees unless it is expected to be used for that purpose. Otherwise there is no need for such an estimate. From the hearings, which I insert herein, it is apparent that there was no additional employee on a salary of $3,800 requested by the Bureau of Efficiency; but was added by the Budget Bureau to enable the Bureau of Efficiency to set up a reserve of at least $3,800. In short, this sum was added in order that they might

have a so-called reserve. I inclose herewith the hearings which bear out this conclusion:

SALARIES AND EXPENSES

Mr. WASON. Now, the first item is—

"For chief of bureau and other personal services in the District of Columbia; contract stenographic reporting services; contingent expenses, including traveling expenses; supplies, stationery; purchase and exchange of equipment; not to exceed $100 for law books, books of reference, and periodicals; and not to exceed $150 for street-car fare; in all $227,780, of which amount not to exceed $221,580 may be expended for personal services in the District of Columbia."

That is an increase of $17,780 over your present appropriation.

Mr. BROWN. That is to take care of the increases required by the Welch Act.

Mr. VINSON. There is one extra employee, too, is there not, Mr. Brown?

Mr. BROWN. No, sir; it is not one additional employee. The details of the estimates here set up for salaries and expenses create the erroneous impression that we are asking for an increase in 1930 over 1929 of one employee at $3,800 per annum. It will be observed, however, that the total appropriation is the same for both years. This apparent increase is due to the fact that the Director of the Budget required us to set up a reserve of $5,000 for the fiscal year 1929, as was done in the previous year. The amount of the reserve had to be taken from the various subitems appearing in the detailed estimate; $3,800 was taken from the item for salaries and $1,200 from the various items for expenses. While we will put forth our best endeavors to keep this reserve intact, we do not believe we will be able to accomplish it without detriment to the work.

Mr. VINSON. That is for 1929?

Mr. BROWN. For 1929.

Mr. VINSON. Now, the estimate submitted to us from the Budget calls for a chief investigator at $3,800 per year. Is it satisfactory to you to strike out that amount from the appropriation?

Mr. BROWN. We should not like to have you strike anything from the appropriation.

Mr. VINSON. If you are not going to have an extra man, why should we carry that item of $3,800?

Mr. KERLIN. We have a staff at the present time that will absorb our entire appropriation, and it was only at the request of the Budget Bureau that we set up this reserve of $5,000. We had the same personnel requirements last year and set up a reserve of $5,000, but we turned back out of the total appropriations only about $350. In other words, we adjusted the 1929 items in these estimates in such a way as to show a reserve of $5,000.

Mr. VINSON. You have two chief investigators, as a matter of fact, that are being appropriated for for 1929?

Mr. KERLIN. That is the classification title.

Mr. VINSON. Well, you have two men under the heading "Chief investigator" who draw salaries of $3,800 per annum for 1929?

Mr. KERLIN. That is right.

Mr. VINSON. Now, for 1930, the estimate calls for three men at that salary. Is it planned to cut off that extra man, or do you need that extra man?

Mr. KERLIN. We need that full amount for salaries.

Mr. VINSON. Then, as a matter of fact, you do have an extra man estimated for, do you not?

Mr. BROWN. No.

Mr. VINSON. Let us let the record show wherein his statement that he has filed as part of the hearings, that there has been no increase of one employee, is not inaccurate.

Mr. WASON. That should be modified.

Mr. BROWN. We spent last year all the money that was given us, and very profitably, I may say in passing, we think, and we are asking for no more money for 1930 than we had for 1929.

Mr. VINSON. That statement is accurate.

Mr. BROWN. Yes.

Mr. VINSON. But in that same amount, according to the estimates submitted by the Budget, which evidently were made up in cooperation with your bureau, they call for one additional employee at a salary of $3,800 per annum.

Mr. KERLIN. That is partly offset by the reserve of $5,000 which the Budget Bureau specifically directed us to set up. We have set that up in years past, and we have subsequently used the reserve which we have set up.

Mr. VINSON. Then this $5,000 is the reserve which you have been requested to set up for the fiscal year 1929?

Mr. KERLIN. And we expect to use it; yes, sir.

Mr. VINSON. In fact, you are going to use practically all of it?

Mr. KERLIN. Yes, sir.

Mr. VINSON. Now, then, is it your intention to set up a reserve of $5,000 for the fiscal year of 1930?

Mr. KERLIN. That all depends upon the requirements of the Budget Bureau.

Mr. VINSON. If that happens, that does not mean anything except on paper?

Mr. BROWN. That is right.

Mr. VINSON. That is all?

Mr. BROWN. Absolutely.

Mr. VINSON. And this reserve of $5,000 for 1929, in dollars and cents, has not meant a thing?

Mr. BROWN. Not a thing.

Mr. VINSON. But that does not meet the question that, under the estimate submitted for 1930, you call for 66 employees. Now, if you were to call for 65 employees and a reserve of $3,800, your total would be identically the same and you would have no additional employees.

Mr. BROWN. That is right.

Mr. VINSON. And if you call for 66 employees, as against 65 the present fiscal year and do not set up the reserve, why, you are simply covering up.

Mr. BROWN. We are not covering up.

Mr. VINSON. I am interested in knowing, and I think Congress would be interested in knowing, how you got the Budget to O. K. and approve three chief investigators, when last year you used only 2 and when you only expect to use 2 this year.

Mr. KERLIN. Well, I would not like to say specifically we used three investigators last year, but we certainly used investigators which consumed the salary equal to those three.

Mr. SUMMERS. Do you mean different people you employed at different times?

Mr. KERLIN. Yes.

Mr. SUMMERS. Not listed here as regular employees and, consequently, do not enter immediately into the 65; is that it?

Mr. BROWN. That is it.

Mr. SUMMERS. I understand they had piece men here, here, and here. [Indicating.]

Mr. VINSON. I understand that, but here we have a set-up that is put in here in order to make the books balance. That is about the brass tacks of it, is it not?

Mr. BROWN. What we are trying to do as best we can is to give you a picture of what we will probably spend during the year, but the Lord knows whether it will be that way or some other way.

Mr. VINSON. The thing that attracted my attention, Mr. Brown, was your statement that the Budget estimate created an erroneous impression that you were asking for an increase of one employee for 1930.

Mr. BROWN. That is true; that is correct. It does give an erroneous impression.

Mr. VINSON. I can not follow that, when you evidently made out your case before the Budget, calling for an increase of one employee.

Mr. KERLIN. The Budget Bureau appreciates just what we are doing; they understood this situation exactly.

Mr. WASON. It means this, Mr. Brown, if I understand it: That they allowed you $3,800, which is equivalent to an additional salary for the two men that you had in 1929. And you propose to use this $3,800 that we are talking about for special men at different times during the year.

Mr. BROWN. Yes, sir.

Mr. WASON. Which will not be paid, the whole amount, to any one man?

Mr. BROWN. That is correct.

Mr. VINSON. And men doing other work than as chief investigators?

Mr. BROWN. That is correct.

Mr. VINSON. That is what I got from your statement a moment ago.

Mr. BROWN. Now let me explain this, if you will, please. Your committees up here frequently call on us for information, and we feel that we must be in a position to go out and hire a punch clerk for a week or some other short period. Now we can not say in advance that we shall need a punch clerk; we may need some other kind of a clerk.

Mr. VINSON. I think you could have a miscellaneous item there. Supposing you were called upon to investigate a bureau and you found a condition of this kind, Mr. Brown. Would not you think they were not particularly efficient in handling their pay roll?

Mr. BROWN. Well, I do not know that I should say that anybody would be efficient or inefficient in setting up that schedule or some other one. It is the best guess we can make.

Mr. KERLIN. Let me say this, if you will, please: We set up $5,000 two years ago and, if we had kept that reserve intact two years ago, our appropriation the following year would have been reduced by $5,000. Then one year ago we set up another reserve of $5,000 and if we had kept that intact the appropriation would have been reduced. That is the effect of the $5,000 reserve that the Budget Bureau requires our bureau to set up.

Mr. VINSON. But this reserve has not a thing on earth to do with your painting the picture to the Budget that you were going to have three chief investigators instead of two. Now there is no use confusing the matter; the reserve for the fiscal year 1929 has not a thing to do with the actual set-up here, showing an increase of one employee.

Mr. KERLIN. I might say this, so far as that is concerned, sir, that when we come to expend the money, if in setting up our staff we find we have to use that $5,000 reserve, we proceed and use it without any more ceremony about it.

Mr. VINSON. But you have not any reserve for 1930.

Mr. KERLIN. No.

Mr. VINSON. So that your reserve item and the estimates for 1930 are just as far apart as the poles.

Mr. WASON. At the foot of the list here, for last year, you have "reserve, $5,000."

Mr. VINSON. Yes; that is for the 1929 fiscal year.

Mr. WASON. Now, then, when this set-up was made, why should it not be $5,000, and then when we asked you what that was for—it was to employ special men or persons for an emergency.

Mr. BROWN. I have no objection to that.

Mr. VINSON. In other words, the books could balance if you had 65 employees with $3,800 down there in an item called "reserve."

Mr. BROWN. We have no objection to its being shown that way.

Mr. KERLIN. The Budget Bureau requires it to be shown as a reserve.

Mr. WASON. If you will explain it to us, we will determine how it shall be presented to the Congress.

Mr. KERLIN. Yes.

Mr. WASON. The Budget Bureau is helpful, but they have trouble in explaining everything, the same as committees of the House. I think it is fairer to you men and fairer to Congress to have it appear as a reserve, and let you explain later how you use that $5,000.

Mr. VINSON. Of course. Then there won't be any covering up about it.

Mr. BROWN. You all know that I never cover up anything coming to the committee. That schedule of salaries and expenses was arranged as it is to suit the Budget Bureau.

Mr. SUMMERS. Either as a reserve or for miscellaneous employment. Either one would be understandable, it seems to me.

Mr. WASON. Reserve would be the shorter way.

Mr. KERLIN. These reserves are set up by practically all of the bureaus and independent offices.

Mr. VINSON. But certainly they do not call the reserve an extra man, Mr. Kerlin.

Mr. KERLIN. But they do absorb it in the items of the Budget just the same.

Mr. VINSON. Of course, you have that $3,800 in the total, but you have it in the guise of a man called "chief investigator," drawing $3,800.

Mr. KERLIN. We have such a small amount of money available for miscellaneous items that we could not begin to set up a reserve of $5,000 out of the miscellaneous-item appropriation.

Mr. VINSON. I do not see why you could not add $3,800 to any item, if you got the money.

Mr. KERLIN. It is a question of taking away from these items in order to set up a reserve.

Mr. WASON. It is immaterial how you keep the books of the expenses, but the picture is liable to affect anybody the way it affected me. When I looked at that I should have said, without your explanation, that you found it necessary to have a third investigator, the same as my colleague here.

Mr. VINSON. Why, of course.

Mr. WASON. Now, then, if we carry it as a reserve, if anybody wants to know what that means it means that from time to time you would need special help for a special purpose.

Mr. BROWN. Yes.

Mr. WASON. And that is the way it is carried, as an emergency fund.

Mr. BROWN. Yes.

Mr. SUMMERS. And it does not mean that you are going to put on a third man at $3,800?

Mr. BROWN. Not at all.

Mr. SUMMERS. But you are going to use that money for miscellaneous help in different ways, as you find it necessary during the year.

Mr. BROWN. Yes.

Mr. WASON. Some of the investigations you made last year were at the request of the Bureau of the Budget?

Mr. BROWN. They were; yes, sir.

Mr. WASON. For which you expended this $5,000?

Mr. BROWN. Part of the money we expended last year was to pay for investigations made for the Bureau of the Budget.

Mr. WASON. And you made investigations and submitted reports to them?

Mr. BROWN. We did.

Mr. WASON. And the $5,000 is an emergency appropriation which you expect to use by employing different people for a short time?

Mr. BROWN. Yes.

Mr. WASON. For specific investigations and reports?

Mr. BROWN. Yes. That is correct, is it not, Mr. Kerlin?

Mr. KERLIN. I do not know how we can express it to make it much plainer than that; but that is not a true picture of it.

Mr. VINSON. Just suggest what the true picture is.

Mr. WASON. As far as I am concerned, I think the appropriation set up last year shows the true picture. Then, if anybody asks what that $5,000 is for, we can say it is a fund which authorizes them to employ A, B, and C, as occasion may arise, to make investigations and reports.

Mr. BROWN. Yes.

Mr. WASON. And that keeps your permanent personnel the same as last year?

Mr. BROWN. Yes.

Mr. WASON. That is your purpose?

Mr. BROWN. Yes. That is the way I wish that you would put it.

Mr. Brown filed a statement of total estimated savings accomplished by his budget, $415,650, which was about equally divided between Federal establishments and the District government. One hundred and fifty thousand dollars of that amount represents the defeat of certain legislation in Congress relative to the employment of certain persons in the Bureau of Internal Revenue; $25,000 of this amount was caused by certain legislation which Congress passed last May, relative to the requirement of certain activities to make annual report; $79,000 is in recommendations made that in painting school buildings in the District, and in repairing motor vehicles in the District that it should be done in their repair shop. We do not know just the part which the Bureau of Efficiency played in these activities.

However, we thought that it was proper to take appraisal of the work of this bureau, so we felt that they should report to the Budget the amount of savings effected, and thereupon the Budget could indicate to Congress the savings effected as a result of the survey of the Bureau of Efficiency.

For this purpose we added this language in the bill:

Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, for inclusion in the annual Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year; and the Budget shall include a statement, following the estimate for the Bureau of Efficiency, of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency.

CIVIL SERVICE COMMISSION

We have recommended an increase of $93,450 over the appropriation for the current year. The amount carried herein is $1,251,562. There are 12 additional employees in the Washington office and 16 employees in the field service. The total additional salary item is $53,185. In the main, the examination growing out of prohibition work occasioned the increased personnel.

A most unusual occurrence to me was developed in the hearings relative to the manner in which reserves are set up. The commission requested an increase in personnel in the Washington office as follows:

Mr. DEMING. The Bureau of the Budget has approved increase in this item amounting to $25,950, distributed as follows:

1 assistant medical officer	$2,600
1 associate research assistant	3,200
3 service-record clerks, at $1,440	4,320
2 fingerprint classifiers, at $1,800	3,600
2 junior clerks or typists, at $1,440	2,880
3 field examiners, at $3,000	9,000
Total	25,600

In presenting the estimate to Congress, the Budget recommended an increase in personnel of 13. When attention was called to this fact it is disclosed that the additional employees were included in the Budget estimates in order that the commission might set up a reserve of $3,000 for 1930, and, if unexpended, it would appear to be an actual saving. To back up this conclusion, I insert a portion of the hearings:

Mr. VINSON. I notice that the Budget estimates call for 13 additional employees and the figures you submit call for 12. Where is the other one?

Mr. VIPOND. Our estimate is the Budget estimate.

Mr. VINSON. That may be, but these figures call for 12 additional employees, while the Budget estimates show an average increase of 12.

Mr. VIPOND. I know why that is. They put in the reserve as a reduction of force. We have objected to this method of fixing those columns, but our objections have been overruled. They use the reserve as showing a reduction in the force; and in order to keep the 1930 column in line with the estimates, and the 1929 appropriations, we have to make that difference of one or two employees, depending on the size of the reserve.

Mr. VINSON. The reserve here is $3,000.

Mr. VIPOND. That is shown as one employee.

THE COMMISSION OF FINE ARTS

During the fiscal year 1928 the Commission of Fine Arts gave particular attention to the public buildings program, which is under way in Washington, also to progress plans for the Arlington Memorial Bridge and plans for World War memorials

in Europe, submitted by the American Battle Monuments Commission. These consist primarily of chapels and monuments, and designs for them have practically all been prepared and approved by the Commission of Fine Arts.

PROJECTS COMING BEFORE THE COMMISSION

Other of the more important plans and projects which came before the commission during the fiscal year 1928 were—

Plans for enlargement of the Capitol Grounds and development of Union Station Plaza.
Water Street railroad bridge (to be built by the Pennsylvania Railroad Co.).
M Street Bridge plans.
Freer Gallery of Art planting plan.
General Butler tablet.
Tomb of the Unknown Soldier.
Civic center plans, submitted by the District Commissioners.
Houdon bust for the Pan American Building.
President Lincoln memorial tablet for Arlington.
Corinthian column from Temple of Jupiter, Athens (proposed gift of the Greek Republic; submitted through Department of State).
General Miles flagstaff, Soldiers' Home.
Plans for bathing pool, McKinley High School Grounds.
Plans for Aisne Marne (Belleau Wood) plan for planting and approaches.
World War monuments at Brest, Cantigny, and Somme Py, France.
World War monuments at Tours and at Bony, France.
World War monuments at Montfaucon, Montsec, and Chateau Thierry, France.
Plans for bird house, Zoological Park.
Plan for center parking, Massachusetts Avenue.
Plan for community center and park, Brightwood.
Plan for bathing pool, Twenty-fifth and N Streets NW.
Plans for new Department of Commerce Building.
Plans for Internal Revenue Building.
Plans for development of Fort Humphreys.
Paul Junior High School plan.
Plan for grade school, Nineteenth and Columbia Road.
Plan for Potomac Park Heights School.
Plan for fire engine house No. 30, Piney Branch.
Farmers' Market site.
Sault Ste. Marie Reservation landscape plan.
Coast Guard Memorial, Arlington.
Monument to Gen. Artemas Ward.
Plan for United Cigar Stores Building, Fourteenth and Pennsylvania Avenue.
Design for Hawaii sesquicentennial coin.
Plans for development of Wakefield.
Park projects: Fort Stanton Park, Soapstone Creek Valley Parkway, Shepherd Parkway, Foundry Run tract, Fort Dupont Parkway, Recreation Center at Brookland, Great Falls Park, Potomac Avenue tract.
Red Cross Building—Memorial to the Women of the World War.
Agricultural Department World War Memorial.
Continental Office Building plan, Fourteenth and K Streets NW.
Hospice for Montfaucon plan.
Robert Lincoln Memorial, Arlington.
Plan for new boathouse, Tidal Basin.
Fort Sumter Memorial flagpole.
Memorial to Samuel Gompers, American Federation of Labor.
Meridian Hill Park plans; completion of lower garden.
Project for Negro World War Memorial.
Howard University Dormitory (plan).
National Arboretum project.
Buchanan Memorial.
Nurses' Home, Freedmen's Hospital (plan).
Washington Monument Grounds, project of development.
United States Supreme Court Building.
Great Falls Bridge (plan).
Wright Memorial.
Lindbergh Medal.
Lindbergh Statue, Paris, proposed by Representative KELLY.
Fort Lincoln development.
Painting of President Harding.
District of Columbia Armory, project for new building.
Mount Vernon Boulevard.
National Museum of Engineering and Industry.
Jane A. Delano Memorial.
Henry Clay Statue.
District of Columbia World War Memorial.
Thomas Edison Medal.
Urn (gift to the President by Cuba).
Seville International Exposition Building (plan for consulate).
Agriculture Department buildings; completion of central portion and extensible building.
George Rogers Clark Memorial, preliminary consideration.

The Government departments consult the commission informally as well as by formal reference of projects. The best results are obtained when preliminary consultations are held. During the past fiscal year the commission was frequently consulted by Senators and Members of Congress individually in regard to projects in which they were interested. In some 17 reported bills in the first session of the Seventieth Congress, and in about 65 other bills which are pending, the Commission of Fine Arts is specifically required to give advice, this in addition to the regular duties prescribed by the organic act.

MEMBERSHIP OF COMMISSION

The membership of the Commission of Fine Arts consists of Charles Moore, chairman; Lorado Taft, sculptor; Abram Garfield, architect; Benjamin W. Morris, architect; Ferruccio Vitale, landscape architect; Ezra Winter, painter; John W. Cross, architect.

The members are appointed by the President. They serve without compensation, and from the creation of the commission by Congress in 1910 the artist members have been drawn from the representative men of their several professions—all men of high training, broad experience, and successful achievement, and all devoted to the progressive development of the National Capital along the finest lines.

The total appropriation for this activity is $9,080.

EMPLOYEES' COMPENSATION COMMISSION

The amount carried herein is $4,073,326, together with a small unexpended balance. It would look like a decrease. The increase over the present fiscal year, $318,000 plus, is more than accounted for by the increase in the employees compensation fund of $400,000. There is an increase in salary of $9,000. A rent item of $22,250 formerly carried in this item has been transferred to Public Buildings and Public Parks. Then, there is an item of $60,000 carried in the District of Columbia bill.

New language relating to Private Acts Nos. 120 and 290, Seventieth Congress, repealed the permanent appropriations made therein, and said appropriations are henceforth to be paid from the employees' compensation fund.

FEDERAL AID FOR VOCATIONAL EDUCATION

The vocational education work of the board is provided for by permanent appropriations, totaling $7,367,000, of which $200,000 is for salaries and expenses in connection with the administration of the vocational education law. The committee has supplemented the latter sum by a direct appropriation in this bill of $13,400, as estimated by the Budget, for increases called for under the Welch Act. The bill also carries a direct appropriation of $30,000 for extending the benefits of the original act to the Territory of Hawaii.

The vocational rehabilitation work of the board is cared for out of annual appropriations. The Budget estimate of $700,000 for this purpose, which has been allowed by the committee, is $50,000 less than the current year's appropriation. The board itself does not engage in rehabilitation work. It only allots to the various States which have complied with the provisions of the act the proportion of the total sum due them on a basis of population. The States of Vermont, Connecticut, Delaware, Texas, Kansas, Washington, and Maryland are the only ones which have not as yet availed themselves of the benefits of the act. The reduction in the amount of the appropriation will not affect the amounts received by any State, for the reason that in the past the States have not met the total amount of the appropriation. The language of the appropriation provides that allotments to the States shall be on a basis of $1,034,000, and in the event the States in any given year should exceed, under the allotment, the amount actually appropriated the situation would be met through a deficiency appropriation.

Following is a table of the allotments to the States:

Table of allotments

Alabama	$22,305.56
Arizona	5,000.00
Arkansas	16,644.37
California	32,552.12
Colorado	8,925.64
Connecticut	13,114.76
Delaware	5,000.00
Florida	9,199.60
Georgia	27,507.82
Idaho	5,000.00
Illinois	61,604.37
Indiana	27,836.09
Iowa	22,836.05
Kansas	16,806.36
Kentucky	22,955.83
Louisiana	17,084.23
Maine	7,295.45
Maryland	13,770.49
Massachusetts	36,593.94
Michigan	34,846.64
Minnesota	22,675.56
Mississippi	17,009.27
Missouri	32,335.48
Montana	5,213.96
Nebraska	12,314.38
Nevada	5,000.00

New Hampshire	$5,000.00
New Jersey	29,978.23
New Mexico	5,000.00
New York	98,650.39
North Carolina	24,309.38
North Dakota	6,144.71
Ohio	54,709.10
Oklahoma	19,266.88
Oregon	7,441.50
Pennsylvania	82,832.38
Rhode Island	5,741.23
South Carolina	15,993.88
South Dakota	6,046.63
Tennessee	22,207.82
Texas	44,296.50
Utah	5,000.00
Vermont	5,000.00
Virginia	21,935.22
Washington	12,886.69
West Virginia	13,903.85
Wisconsin	25,002.29
Wyoming	5,000.00
Territory of Hawaii	5,000.00

FEDERAL POWER COMMISSION

There is an increase of $57,610 over the current appropriation. There is an increase of 11 employees at a cost of some $37,400. In the personnel requested there is a chief counsel at $6,500 a year and a valuation attorney at $5,600.

The secretary of the commission states that it is highly necessary for the valuation of the properties to be made now, else the public, if the recapture clause is exercised, may pay excess prices for the properties. The actual investment of the licensees must be known to determine accurately the net investment at the time of recapture. It is shown that this work is very largely in arrears.

There are total pending cases involving 87 projects, claims of $297,000,000. About 7 per cent, or $22,000,000, of claims have been settled by mutual agreement; 14 per cent, or $42,000,000, audited. There remain some $255,000,000 of claims not yet audited and $275,000,000 not yet settled. The total of claims eventually involved in connection with the projects already under license, if the projects are completed, will aggregate approximately $1,000,000.

According to the water power act, under which this commission operates, the receipts have a certain manner of distribution. The total receipts from licensees and distribution thereof is shown in the following:

Receipts from licensees

	Purposes for which collected					
	For use of Indian lands	For use of public lands and national forests			For use of Government dams	For reimbursing cost of administration
Accumulated totals—						
June 30, 1926	$5,497.97	$36,312.21			$107,414.00	$317,432.67
June 30, 1927	7,036.59	62,884.77			211,447.50	472,006.81
June 30, 1928	9,454.77	84,065.40			315,481.00	651,414.80
Estimated, June 30, 1929	12,916.56	108,750.58			514,789.50	862,226.63
Estimated, June 30, 1930	16,284.74	143,322.08			718,663.00	1,103,539.37
					$1,822,202.37	
	100%	50%	37½%	12½%	50%	50%
					$17,915.25	
					911,101.18	$911,101.19
Distribution and credit	$16,284.74 To various Indian trust funds	$71,661.05 To reclamation fund	$53,745.78 To various public-land States		$929,016.44 To the general fund of the Treasury	To the indefinite appropriation "Maintenance and operation of dams, etc." (War Department)

The total expenditures as compared with receipts, first 10 years' operations, are set forth herein:

Expenditures compared with receipts, first 10 years' operations

NOTE.—Fees from licenses accrue and are payable according to the calendar year. They are deposited and accounted for according to the fiscal year.

The commission's first fiscal year expenditures covered the period between June 10, 1920 (the date of passage of the Federal water power act), and June 30, 1921—the fiscal year 1921—but the first fees from licenses did not become payable until December 31, 1921, being accounted for under the fiscal year 1922.

Hence, for the purposes of this statement, expenditures for the fiscal year 1921 are offset by receipts for the fiscal year 1922, and so on during succeeding years.

Fiscal year	Estimated total expenditures	Fiscal year	Offsets: Total receipts	Offsets: Portion of total receipts collected for the purpose of reimbursing costs of administration
1921	$110,260.37	1922	$8,963.57	$8,741.65
1922	155,213.45	1923	29,519.23	24,279.32
1923	136,915.06	1924	53,713.42	46,349.94
1924	149,727.86	1925	129,475.52	110,876.78
1925	153,035.61	1926	244,985.11	127,184.98
1926	183,621.82	1927	286,718.82	154,574.14
1927	[1] 177,136.93	1928	[2] 307,040.30	179,407.99
1928	188,070.43	1929	[3] 438,700.00	[3] 211,000.00

[1] Subtotal, $1,065,911.10. [2] Subtotal, $1,000,415.97. [3] Estimated.

Fiscal year	Estimated total expenditures	Fiscal year	Offsets: Total receipts	Offsets: Portion of total receipts collected for the purpose of reimbursing costs of administration
1929	[3] $188,840.00	1930	[3] $483,126.00	[3] $241,313.00
1930	[3] 265,000.00	1931	[3] 525,000.00	[3] 275,000.00
Total	1,707,821.53	Total	2,507,241.97	1,378,727.80
		Deduct estimated payments to States, 1923–1931	51,000.00	
			2,456,241.97	
			1,707,821.53	1,707,821.53
Total receipts are estimated to exceed total expenditures by			748,420.44	
Total expenditures are estimated to exceed total receipts collected for the purpose of reimbursing costs of administration by				329,093.73

[3] Estimated.

RECAPITULATION

Total receipts, fiscal years 1921–1930, both inclusive (estimated)		$1,981,809.20
Distribution:		
To Indian funds	$16,284.74	
To the reclamation fund	71,661.05	
To payments to States (special funds)	53,745.78	
To the general fund of the Treasury	929,016.44	
To the indefinite appropriation: Maintenace and operation of dams, etc. (War Department)	911,101.19	
		1,981,809.20

FEDERAL POWER COMMISSION,
Washington.

CONCLUSIONS

By this statement are shown:

1. That as offsetting the fiscal year 1925 receipts exceeded expenditures, direct or indirect, incurred in administering the Federal water power act by nearly $92,000.

2. That the commission arrived at a self-supporting basis following the end of the fiscal year 1927, when total receipts practically offset total expenditures.

3. That receipts now in course of collection as following the fiscal year 1928 will total $438,700, or two and one-third times last year's expenditures, direct or indirect.

4. That estimated collections following the present fiscal year (1929) will be $483,126, or two and one-half times the present year's expenditures, direct or indirect.

5. For the fiscal year 1930, estimates for which are now being considered, expenditures, direct and indirect, are estimated at $265,000. Practically twice that amount, $525,000, will be collected from licensees immediately after the end of the year.

HOUSING CORPORATION

The appropriation carried in this bill is $243,450, together with the unexpended balance of $144,000, making a total of $387,450. The appropriation for the fiscal year 1929, $475,750, with the reserve of $53,250 set up. It is stated that before the end of the present fiscal year all the field offices involving any administration expenditures will be closed with the exception of Bremerton, Wash., Vallejo, Calif., and Erie and Philadelphia, Pa. There is a reduction of nine employees.

There are 1,880 mortgages, totaling $3,508,796.51, outstanding as of October 1, 1928, together with 250 parcels of real estate with the appraised valuation of $115,409.39.

The Government hotels showed an excess of receipts over disbursements for 1928, $21,481.45; and up to June 30, 1928, had covered into the Treasury of the United States $292,149.26 in excess of all appropriation disbursements incident to their operation. This does not take into consideration interest and amortization charges.

INTERSTATE COMMERCE COMMISSION

This bill carries the sum of $7,496,289, together with reappropriation of unexpended balances of $665,000, making a total of $8,161,289 actually available, an increase of $507,844 over the appropriation for the current fiscal year.

There is only one item in which the committee has not met the Budget estimate, and that is in the general expense item. The Budget estimated for 25 additional associate examiners, and we recommend the appropriation for 13 at an average of $3,378 per annum, together with travel expense for that number.

There is no doubt but that there is a congestion of the docket of formal cases. A normal docket of such cases is between 1,800 and 2,000. At present there are some 2,800 cases on the docket, but the decision of the cases has sped up considerably. This year the commission decided 1,900 cases—375 more than they did the year previous. In 1922, the commission decided 1,013 cases, so there has been an increase of almost 100 per cent since this latter date. The commission had 68 examiners in 1923; now they have 117. This increase is about 85 per cent.

It was stated before the committee that the commission was working overtime and could not stand up under the present strain. Commissioner Eastman feared that the increased work of taking testimony in the field by the 25 additional examiners sought might bring about a most serious congestion in the "neck of the bottle," in the commission itself.

It was suggested that they were going to make an effort to secure legislation which would give them authority to delegate certain powers theretofore nondelegable; and it was suggested that there might be a redistribution of the work in the commission. Your committee is anxious for the prompt disposition of the formal cases, but if there is to be a delay in trials, there is no difference where the delay is occasioned. It may as well be "in the field" as "in the commission." It was the thought of the committee that with the addition of 13 men, at this time, the congestion might be relieved.

In the discussion of the legislation which they may endeavor to secure this colloquy occurred between Commissioner Eastman and myself:

PROBABILITY OF CONGESTION IN WORK OF COMMISSIONERS IF ADDITIONAL EXAMINERS ARE PROVIDED

Mr. VINSON. Without such authority, how many additional associate examiners would bring about this condition at the neck of the bottle to which you refer?

Mr. EASTMAN. I think myself we are pretty near up to that point of congestion now. I know that I have handled pretty nearly all the cases during the last year that it is physically possible for me to handle without neglecting some of them.

Mr. VINSON. Would it be a practicable thing to do to add these 25 additional associate examiners?

Mr. EASTMAN. Yes. I ought to say this: I happen to be a member of division 4 of the commission and also of division 6. I think that the work is now a little improperly distributed between the divisions. We have in mind a new distribution of the work. I think that division 4 gets too heavy a load at the present time in view of all the finance cases that it has to handle.

So that I think we can handle more work at the neck of the bottle by a little better distribution of the load than we have at the present time, even more work than we have now got. But only through overtime work can that be done, and I think this authority that we are seeking here would not only tend to prevent congestion, but it would ease the situation considerably.

Mr. VINSON. But, Mr. Commissioner, if the commission is now overburdened in its work the addition of these associate examiners, 25 in number, would certainly pile up your work tremendously.

Mr. EASTMAN. It will, and we have got to face that.

In this item, $20,000 is made immediately available for the purpose of starting off the additional associate examiners in their work. This was done at the instance of Commissioner Lewis, now chairman of the commission.

VALUATION OF CARRIERS

A very unusual thing occurred pertaining to the manner in which the estimates were submitted by the commission and approved by the Budget. It was while the item of salary for employees of the field service was under discussion that I called attention to Commissioner Lewis that while there were 197 employees appropriated for in the present fiscal year, and 199 for the next fiscal year, there appeared to be 78 new positions created with a deletion of 76 positions, with an increased appropriation of almost $100,000. Mr. Lewis immediately indicated to the committee that he knew that these estimates submitted to our committee by the Budget were erroneous and asked that he might be given an opportunity to look into the matter when he could then explain this condition. We insert herein the estimates for the present fiscal year and for the next fiscal year, as they came to us from the Budget; and the revised estimates submitted by Mr. Lewis:

	Estimated expenditures, 1930 appropriation		Estimated expenditures, 1929 appropriation		Expended and obligated, 1928	
	Average		Average		Average	
Field service:						
Salaries and wages—						
Salary range, $4,600 to $5,200; average, $4,900—	*No.*	*Salary*	*No.*	*Salary*	*No.*	*Salary*
Accountant	6	$4,900				
Engineer	5	4,900	1	$5,000	1	$4,400
Land appraiser	20	4,900	3	5,000	3	4,800
Salary range, $3,800 to $4,400; average, $4,100—						
Senior engineer			2	3,800		
Senior land appraiser			21	3,952	18.9	3,678
Salary range, $3,200 to $3,700; average, $3,450—						
Accountant	16	3,450	9	3,467	8.4	3,236
Engineer	13	3,450	10	3,330	10.1	3,201
Land appraiser	15	3,450	12	3,283	11.2	3,148
Salary range, $2,900 to $3,400; average, $3,150—						
Associate accountant	7	3,150	10	3,090	8.7	2,946
Associate engineer			4	2,950	8.5	2,753
Associate land appraiser					1.3	2,800
Salary range, $2,600 to $3,100; average, $2,850—						
Assistant accountant	36	2,850	34	2,615	25.6	2,408
Assistant engineer	30	2,850	38	2,639	15.5	2,428
Assistant land appraiser	25	2,850	11	2,600	8.1	2,439

	Estimated expenditures, 1930 appropriation		Estimated expenditures, 1929 appropriation		Expended and obligated, 1928	
	Average		Average		Average	
Field service—Continued.						
Salaries and wages—Con.						
Salary range, $2,300 to $2,800; average, $2,550—						
Principal accounting and auditing assistant	*No.* 18	*Salary* $2,550	*No.*	*Salary*	*No.*	*Salary*
Salary range, $2,000 to $2,500; average, $2,250—						
Senior accounting assistant			16	$2,306	14.8	$2,107
Senior engineering assistant			3	2,000	2.6	1,860
Senior land appraisal assistant	7	2,250	3	2,000	2.6	1,908
Salary range, $1,800 to $2,100; average, $1,950—						
Clerk	1	1,950	1	1,800	1	1,740
Salary range, $1,440 to $1,740; average, $1,590—						
Clerk					0.1	1,500
Salary range, $1,200 to $1,500; average, $1,350—						
Rodman and chainman			19	1,200	2.3	1,200
Total average number of employees	199		197		143.7	
Total salaries and wages, field service		648,700		548,179		400,314

Interstate Commerce Commission, Bureau of Valuation, comparative statement reflecting additions to force contemplated by revised field force estimated for year 1929–30

	Actual field force as of Dec. 22, 1928		Revised field force estimate		Proposed additions to present force	
	Employees	Salary	Employees	Salary	Employees	Salary
Salary range, $4,600 to $5,200; average, $4,900:						
Land appraisers	3	$5,000	3	$5,000		
Land appraisers	2	4,800	2	4,800		
Engineers	1	5,000	1	5,000		
Salary range, $3,800 to $4,400; average, $4,100:						
Land appraisers	7	4,200	7	4,200		
Land appraisers	6	4,000	6	4,000		
Land appraisers	4	3,800	4	3,800		
Engineers	2	3,800	2	3,800		
Salary range, $3,200 to $3,700; average, $3,450:						
Accountant	1	3,600	1	3,600		
Land appraiser	1	3,600	1	3,600		
Accountants	4	3,400	4	3,400		
Engineers	6	3,400	6	3,400		
Land appraisers	4	3,400	4	3,400		
Accountants	3	3,300	3	3,300		
Engineer	1	3,300	1	3,300		
Land investigator	1	3,300	1	3,300		
Accountants	6	3,200	8	3,200	2	$3,200
Engineers	7	3,200	9	3,200	2	3,200
Land appraisers	6	3,200	11	3,200	5	3,200
Salary range, $2,900 to $3,400; average, $3,150:						
Accountants	2	3,100	2	3,100		
Accountant			1	3,000	1	3,000
Accountants	2	2,900	2	2,900		
Engineers	2	2,900	2	2,900		
Salary range, $2,600 to $3,100; average, $2,850:						
Engineers	10	2,800	10	2,800		
Accountants	5	2,700	5	2,700		
Engineers	3	2,700	3	2,700		
Accountants	30	2,600	40	2,600	10	2,600
Engineers	24	2,600	28	2,600	4	2,600
Land appraisers	11	2,600	18	2,600	7	2,600
Salary range, $2,300 to $2,800; average, $2,550:						
Accountant	1	2,400	1	2,400		
Accountants	16	2,300	22	2,300	6	2,300
Salary range, $2,000 to $2,500; average, $2,250:						
Accountant	1	2,000	1	2,000		
Land appraisers	2	2,000	3	2,000	1	2,000
Salary range, $1,800 to $2,100; average, $1,950:						
Clerk	1	1,800	1	1,800		
Salary range, $1,200 to $1,500; average, $1,350:						
Rodmen and chainmen	21	1,200	21	1,200		
Total	196	546,500	234	648,700	38	102,200

Whereas there were six accountants at a salary of $4,900 added under the Budget estimate, there is not a single accountant drawing such salary in the revised estimate, and only one with a salary of $3,600.

Whereas at present and under the revised estimate they will need 21 rodmen, under the estimate submitted by the Budget the rodmen were dispensed with. I mention these two instances as illustrative of the differences involved. Under the revised estimate 36 additional employees may be hired within the same limits of cost as recommended by the Budget.

It is very apparent to me what was done. No need to criticize the Budget for the creation of the estimate, as it was initiated in the commission, but it is rather strange that such difference in the salary increases and the nature of the services to be rendered would escape the Budget officers. It is fair to state that immediately upon being shown these estimates, Mr. Lewis was convinced that something was wrong and, after he had opportunity to look into it, he submitted this statement which contained the revised estimate.

Mr. LEWIS. That statement of estimated expenditures, 1930 field forces, is wrong. I here offer the correction. I must say that one of the most difficult undertakings I have in this valuation work is to estimate more than a year in advance the number of staff and salary requirements, particularly when, as in this work, there are constant changes in the character of the work taking place which have an effect on personnel and its distribution in and out of headquarters. Our original estimates made way last May for the year beginning July 1 next, called for something over 800 members of staff. When the present set-up was made, I happened to be in Arizona on commission business, and I did not see this estimate of field staff and salaries until it was laid before me in the independent offices appropriation bill. It provides an increase in our field staff of only two persons and more than $100,000 of salary. I am not surprised that that would attract your eye—it certainly does mine. I ask you gentlemen to substitute this revision of the 1930 estimate for field staff.

This corrected statement carries the same increase in total field work but adds 36 people. It is built up after consultation with our department heads on the basis of the number of field employees that we now have in our service at their present salaries and the addition of 36 at minimum salaries of the grades at which they would enter, ranging from $2,000 to $3,200 per annum. This covers the range of salaries generally in this type of our service.

Mr. Wason directs my attention to the fact that under the set-up to which you refer, the average salary for field employees for 1929 is $2,782, whereas the 1930 estimate would raise it to $3,257. The revised estimate which I am now submitting shows an average of $2,772, which is less rather than above the averages. It is inevitable that there will have to be certain readjustments in salaries made, but what we need most is the 36 additional people for this field work in the 1930 period. We can probably take care of salary readjustments in our turnover. We hope, under the appropriation which is recommended, to build up for the purposes that I have previously set forth, a staff of 736 people.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The amount carried for this item is $1,285,000, which is an increase of more than $600,000 over the current appropriation. Of this increase, $525,000 goes toward the consideration of a full-scale wind tunnel to be erected at a limit of cost of $900,000.

There is no doubt in our mind that the work of this committee has proved of wonderful service in the development of airplanes. To illustrate their work, we will insert a portion of the hearings dealing with the cooling of the air-cooled radial engine so as to diminish the head resistance. This has been heralded as one of the greatest advance movements in aviation. Here is Doctor Ames's statement on the subject:

REDUCING HEAD RESISTANCE RESULTING FROM USE OF AIR-COOLED MOTOR

When it comes to the problems of commercial aeronautics I have spoken about construction, but the most important example of advance made this last year by our committee was in answering a question which has been asked by every designer during the past year. It was one question on which every manufacturer at Langley Field last summer was unanimous in saying was the most important problem so far as commercial aeronautics is concerned.

You all know the type of engine now most used—used by Lindbergh and by Chamberlain and many others—is an air-cooled radial engine, of the type made by the Wright Aeronautical Corporation or by the Pratt & Whitney Co. These air-cooled engines offer great advantages over water-cooled engines for many purposes, but the trouble with them is that they stick out so much that they have very great head resistance. When they go through the air you have to use a lot of energy in horsepower just to get them through the air. They have a tremendous frontal area which has to be driven through the air. A lot of horsepower is used in overcoming what is called the drag, and all the manufacturers said that their most important problem was to know how to hood such an engine properly—put a cowling over it in some way so as to

diminish the head resistance; make the air flow very smoothly rather than in a disturbed condition.

That problem is not as simple as it sounds; because if you put a hood over an air-cooled engine, then, of course, you keep the air from getting to the engine, and the engine no longer cools; so the problem was to find a compromise between those two things—to have as small a head resistance as you could and, at the same time, to have the proper amount of air come through, properly directed, so that the engine could be cooled. The interesting thing is that we have solved the problem, and I will show you some photographs of the application. It has been heralded all over the country and all over the world as the most important advance made in aviation since—well, any date you want to make.

What has happened has been this: That the number of horsepower which is required to maintain a given speed has been decreased by 20 or 30 per cent. In other words, if it required 200 horsepower to drive an airplane at a certain speed, you can do that now at about 160 horsepower. You are saving, in other words, about 20 per cent of your fuel. We have solved that problem satisfactorily, and not only have we done it in our laboratory—this was done in the propeller-research tunnel I spoke about—but after this was worked out experimentally in the laboratory it looked so good—almost too good—that we thought we would try it out on an airplane. We had a cowling made and put on an actual airplane and flew the actual airplane, and it came out within about 2 per cent of what we calculated.

There is another feature in connection with this problem that I would like to call attention to, that when this new cowling and cooling system is used on the airplanes now in service the savings in one year will pay for the cost of the new tunnel. In order to get the same speed they can use engines of less horsepower, less weight, at a less cost, less material everywhere, so that the actual saving to the industry will be large.

At the present time we lead the world in the work of the wind tunnel, and with this full-scale wind tunnel we will retain our place in the van.

PUBLIC BUILDINGS AND PUBLIC PARKS

This activity is under the supervision of Colonel Grant and there is carried an increase of $235,081 for the activities thereunder. The current appropriation is $2,888,061.

The regular maintenance item is $775,000; the extra work item—leveling of floors in the Navy and Munitions Buildings, $30,000; the installation of boilers, State, War and Navy, $40,000; emergency repairs temporary buildings, $10,000; repairs to War Department buildings, $4,000—total $84,000—stands off against $108,000 for extra work during the present fiscal year. In this regular maintenance item, rents total $196,545, the Barr Building and the employees' compensation space in the Investment Building having been transferred to this activity. If you will recall, in this bill last year attention of the House was called to the manner in which space was being rented for offices in the District, together with the idea that there might be a saving in the rent. It occurred to me that a considerable annual saving might be effectuated. Whether my efforts occasioned it or not, after the matter was brought to the light, in the second deficiency appropriation bill last session the office of Colonel Grant was authorized to rent the space needed for the different departments, including an authorization for the transfer of the rental money for the departments to this activity.

Colonel Grant said:

By pooling all of the requirements we are able to work out leases and assignments of quarters which were very much less expensive than they would have been the other way, and the method proved so valuable that it was deemed almost essential that the possibility be continued. By the amount appropriated you put a limit, of course, on what can be done; but if these arrangements can be continued as an authorization we can take care of emergency needs with any remainder we are able to save.

Mr. VINSON. What did you do in regard to that work? I would just like to get the picture.

Colonel GRANT. In the first place, the Public Buildings Commission picked out the rented space for which they felt too high a rent was being paid and notified the departments occupying those spaces that a renewal of their leases at those rates would not be approved. The commission then made a very thorough investigation of all the available space that could be found in Washington and the rates that would have to be paid therefor, and after this survey and consulting with the department heads concerned as to the satisfactory character of the space the Office of Public Buildings and Parks entered into leases for the space. Then the various departments that were being taken care of and had previous appropriations for their space were requested to transfer the funds corresponding to the amount of room rented.

Now, in renting that space, we considered the cost to the Government of maintaining the buildings and we made whichever bargain was cheapest. Either the owners would rent the building or the space we needed at a very low figure, provided they would not have any duties of maintenance and heating and care; or, in other cases, where they already had an organization for taking care of the building, we got more favorable prices by allowing them to furnish the janitor service, the heat, light, etc. So that this wording gave us the elasticity by which we could enter into whichever was the best bargain.

Mr. VINSON. You got a reduction in the rent of the quarters for the Board of Tax Appeals, did you not, in the Earle Building?

Colonel GRANT. Yes, sir.

Mr. VINSON. Did you secure a similar reduction for the Board of Mediation in the same building?

Colonel GRANT. Yes, sir.

Mr. VINSON. Then you got a reduction in the rent for the Emery Building?

Colonel GRANT. No, sir; the Emery Building rent was the same as we had been having. The decreases in the rent were in the Earle Building, in the Investment Building, and in the Otis Building. Those were the reductions in rent for space already occupied. Then we obtained additional space in the Lemon Building, in the Barr Building, and some additional space in the Earle Building and in the Investment Building at new low rates.

Mr. VINSON. Would you just insert a table showing the floor-space price per square foot, and the savings made?

Colonel GRANT. Yes, sir.

Mr. VINSON. And, Colonel Grant, I would like to have this study made, and a statement inserted in the record, showing the entire rental moneys paid by the Government in the District of Columbia for the independent agencies, as well as the departments.

Colonel GRANT. Yes, sir. We put that in the public-buildings report every year, sir.

Mr. VINSON. But that does not have the floor space, does it? I want to know what the rents are and where they are, and then what savings have been made.

Colonel GRANT. Yes, sir.

Mr. VINSON. I had overlooked it.

Colonel GRANT. Of course, that report for this year has not come out yet, because that is a calendar-year report and we are getting the information together for the present calendar year now.

Mr. WASON. And will the last report you issued cover what you have just testified to?

Colonel GRANT. It does not quite; no, sir; because that is up to the last of December. In order to answer this question, I will have to bring it up to a fiscal-year basis from the calendar year, but I can insert that statement.

In this connection Colonel Grant testifies that the average cost of the entire space cared for by his office for janitor service, light, heat, and so forth, is $0.3148 per square foot per annum. Each item is figured out to exactitude, and if it is cheaper to rent with the services furnished the lease is made in that wise. Last year inquiry was made as to the total rents paid in the District. We submit it to you in these figures:

Statement of rentals before and after July 1, 1928

Buildings	Purpose for which building is used	Net square feet		Total rental		Rental per square foot		Savings affected	
		Before	After	Before	After	Before	After	Total rental	Per square foot rental
Barr	Office		19,270		$28,500.00		$1.48		
Investment [1]	do	19,238	43,950	$35,762.35	70,004.87	$1.86	1.59	$11,866.50	$0.27
Earle	do	36,055	37,229	68,964.70	65,341.50	1.91	1.75	5,956.64	.16
National Press	do	97,639	97,639	167,750.00	167,750.00	1.72	1.72		
Lemon	do	20,992	20,992		8,400.00		.32		
Otis	do	10,500	10,500	17,500.00	16,000.00	1.67	1.52	1,500.00	.15
Civil Service	do	39,486	39,486	24,592.00	24,592.00	.63	.63		

[1] Office of Public Buildings and Public Parks pays $1.50 per square foot for 22,601 square feet. Mixed Claims Commissions and General and Special Claims Commission pay $1.75 per square foot for 21,349 square feet. The average of these two is $1.59 per square foot.

Statement of rentals before and after July 1, 1928—Continued

Buildings	Purpose for which building is used	Net square feet		Total rental		Rental per square foot		Savings affected	
		Before	After	Before	After	Before	After	Total rental	Per square foot rental
Commerce	Office	149,629	149,629	$65,500.00	$65,500.00	$0.43	$0.43		
Denrike	do	9,405	9,405	17,869.50	17,869.50	1.90	1.90		
Hurley-Wright	do	70,048	70,048	75,000.00	75,000.00	1.07	1.07		
Interstate Commerce Commission	do	162,621	162,621	139,000.00	139,000.00	.86	.86		
Justice	do	94,050	94,050	100,000.00	100,000.00	1.06	1.06		
Labor	do	72,938	72,938	68,000.00	68,000.00	.93	.93		
National Savings & Trust	do	9,242	9,242	10,000.00	10,000.00	1.08	1.08		
462 Louisiana Avenue	do	39,427	39,427	11,500.00	11,500.00	.29	.29		
Walker-Johnson	do	80,456	80,456	40,000.00	40,000.00	.50	.50		
Winder Building Annex	do	10,240	10,240	2,500.00	2,500.00	.24	.24		
Department of Agriculture buildings:									
220 Linworth Place	do	12,865	12,865	4,800.00	4,800.00	.37	.37		
215 Thirteenth Street SW	do	14,300	14,300	4,000.00	4,000.00	.28	.28		
221 Linworth Place	do	19,756	19,756	5,400.00	5,400.00	.27	.27		
513–515 Fourteenth Street NW	do	28,482	28,482	14,000.00	14,000.00	.49	.49		
Atlantic, 928 F Street NW	do	38,337	38,337	35,000.00	35,000.00	.91	.91		
Ohio Building, American University	do	39,654	39,654	10,000.00	10,000.00	.25	.25		
Chemistry, 216 Thirteenth Street SW	do	47,889	47,889	16,000.00	16,000.00	.33	.33		
220 Fourteenth Street SW	do	45,599	45,599	24,000.00	24,000.00	.53	.53		
1358 B Street SW	do	75,373	75,373	55,000.00	55,000.00	.73	.73		
920 F Street NW (basement)	do	1,230	1,230	600.00	600.00	.49	.49		
2513 M Street NW	do	2,200	2,200	1,000.80	1,000.80	.46	.46		
217 Twelfth Street SW (rear)	do	1,294	1,294	360.00	360.00	.28	.28		
210 Eleventh Street SW	do	2,490	2,490	900.00	900.00	.36	.36		
220 Thirteenth Street SW	do	8,215	8,215	4,000.00	4,000.00	.49	.49		
1350 B Street SW	do	5,482	5,482	1,580.00	1,580.00	.29	.29		
1363 C Street SW	do	8,685	8,685	9,000.00	9,000.00	1.04	1.04		
212–214 Thirteenth Street SW	do	8,748	8,748	960.00	960.00	.11	.11		
1316 B Street SW	do	9,036	9,036	3,000.00	3,000.00	.33	.33		
1304–1306 B Street SW	do	10,329	10,329	3,000.00	3,000.00	.29	.29		
200–202 Fourteenth Street SW	do	11,955	11,955	3,750.00	3,750.00	.31	.31		
215 Twelfth Street SW (rear)	do	3,368	3,368	1,080.00	1,080.00	.32	.32		
Emory	Storage	92,307	92,307	20,000.00	20,000.00	.22	.22		
Merchants Transfer Garage	do	29,501	29,501	12,000.00	12,000.00	.44	.44		
Merchants Transfer & Storage Building	do	30,937	30,937	12,500.00	12,500.00	.40	.40		
Terminal Storage	do	8,250	8,250	3,600.00	3,600.00	.44	.44		
Kalorama Garage	Garage	35,000	35,000	13,000.00	13,000.00	.37	.37		
240–248 Nineteenth Street	do	29,101	29,101	9,000.00	9,000.00	.30	.30		
1810 E Street NW	do	3,600	3,600	1,800.00	1,800.00	.50	.50		
Twenty-sixth and E Streets NW	do	14,127	14,127	4,500.00	4,500.00	.32	.32		
230 Nineteenth Street NW	Stable	20,494	20,494	5,400.00	5,400.00	.25	.25		
306 Ninth Street NW	Office	631	631	480.00	480.00	.76	.76		
Albee	do		5,160		7,740.00		1.50		

There is no doubt in my mind but that the continued activity of this agency, looking toward the reduction in rents in the District, can save many thousands of dollars annually.

SMITHSONIAN INSTITUTE

Appropriation for this item is $1,046,183, an increase of $102,021 compared with the current appropriation. The hearing upon this item was most interesting. A very interesting dissertation upon the astrophysical studies, including radiation of the sun and stars, was delivered. Then we traveled through the National Museum in a most interesting hearing. Doctor Sterling told us about his exploration of New Guinea and his sojourn among the most primitive type of human. By the time Doctor Wetmore, Doctor Abbott, and Doctor Sterling concluded their testimony, it was simply a question of what they wanted. The institution is one of which we can well be proud.

TARIFF COMMISSION

The amount of $778,000 is carried in this bill, an increase of $34,000 over the current appropriation.

Unless the work of this commission is of real benefit to the Committee on Ways and Means in drafting a new tariff bill, under the present set-up, it is not worth the money.

UNITED STATES GEOGRAPHIC BOARD

Members of this board are appointed from the various departments and serve without additional pay. Total appropriation for this item is $9,200. It is an interdepartmental body created by Executive order for the purpose of bringing about uniformity in usage of geographical designations among the various departments of the Government.

SHIPPING BOARD

The total of this appropriation is $11,494,000. It is $2,194,750 less than the amount carried for the present fiscal year.

COAL BOATS

In this bill there is carried for the fiscal year of 1930, $1,500,000, together with the reappropriation of the moneys unexpended for this item, at the end of the current fiscal year, which has been suggested by the Shipping Board to be $400,000. These sums are to be used for a continuation of reconditioning and operating of vessels engaged in transporting American coal to foreign markets.

In order to preserve the record it will be my purpose to describe what has been done, and some things not done, by the Shipping Board, to effectuate the purpose of Congress in this regard.

The last session of Congress when this bill was being considered by the House, an amendment was adopted from the floor, adding $1,000,000 to the bill, to recondition and operate Shipping Board vessels in the coal trade.

For no good reason shown, the Shipping Board did not authorize the Fleet Corporation to have any vessels in readiness to enter upon this service until October 9, 1928, when three vessels were ordered for Mediterranean trade, and on November 23 three additional boats were authorized to be reconditioned. The fact is, that the first boat reconditioned, the *Naamkook*, was sold prior to its being loaded. It was sold November 8, 1928; it was completed on November 10, 1928; and was delivered to the purchaser on November 14. So there was not a boat loaded under the provisions of the act until December, and at this time only two vessels have left American ports with coal, and none returned. There has not been a single round trip made.

Yet some astonishing statements are contained in the hearings upon the question of costs, and losses that will be entailed in the transportation of coal. At one point it is intimated that there will be a loss of $6 per ton, but when this statement is scrutinized it must be admitted it is inclusive of the costs of reconditioning the vessels, which has never been so computed in arriving at the loss sustained in the handling of other cargo. It would be ridiculous to charge the costs of reconditioning these vessels to coal receipts of one year. As slow as they have been, it is perfectly reasonable that some of these vessels may only have the opportunity of making one voyage. But costs of putting vessels in shape to carry cargo has not been charged against a single ton of any other commodity.

It is stated in the hearings that they hoped to make 14 voyages carrying 97,000 tons of coal, and it is allocating the complete cost of reconditioning these boats to this tonnage that causes such a statement to be made. I presume that the mathematical computation in division may be correct, but the premises are wrong, not only wrong in fairness and common sense, but wrong so far as the practice in the Shipping Board itself is concerned.

As a matter of fact, representatives of the Shipping Board indicate that there will probably be a loss per ton of $2.25. They make such statement in the hearings. They do not attempt to show in the hearings how this loss would be reached. I was ill at the time of the hearings, with influenza, and had no opportunity to cross-examine the witnesses when they appeared before the committee. I felt that this estimate of loss was inaccurate, and immediately upon my recovery I called for and secured a detailed statement of the cost of each voyage that these six boats will make, which statement came to me from the Shipping Board. I hold these itemized statements of cost in my hand, and with your permission will make them a part of the record.

Voyage calculation on full cargo of coal, Baltimore to Genoa, and return in ballast

Vessel, *Naamhok;* type, Wacosta; dead-weight tonnage merchants' oil-turbine-water tube, 8727.

Draft, loaded, 25 feet 2 inches; miles, 9,000; number of crew, 37; turnaround—port, 18; sea, 36; total, 54.

Dispatch, Baltimore, 1,500 tons daily; dispatch, Genoa, 800 tons daily.

Vessel operation:	
Wages	$6,292.62
Fuel	7,749.00
Stores and water	2,160.00
Subsistence	1,198.80
Administration	2,403.42
Insurance	1,872.12
Maintenance	2,790.00
Cargo expense:	
Baltimore—	
Loading	1,333.61
Miscellaneous	50.00
Genoa, discharging	1,403.80
Port expense:	
Baltimore	300.00
Genoa	839.00
Baltimore	410.00
Fees and commissions:	
Compensation	658.03
Foreign agency fees	150.00
Other expense:	
Ballast	1,200.00
Miscellaneous	100.00
Total expense	30,910.40
Total revenue	17,547.50
Loss	13,362.90
Maximum cargo, tons	7,019

NOTES

1. Revenue based on $2.50 per ton.
2. Compensation based on 3¾ per cent of revenue.
3. All vessels calculated to return with dry ballast.

Voyage calculation on full cargo of coal, Baltimore to Alexandria and return in ballast

Vessel, *Naamhok;* type, Wacosta; dead-weight tonnage, merchants (oil turbine-water tube), 8,727.

Draft, loaded, 25 feet 2 inches; miles, 11,000; number of crew, 37; turnaround—port, 18; sea, 46; total, 64.

Dispatch, Baltimore, 1,500 tons daily; dispatch, Alexandria, 800 tons daily.

Vessel operation:	
Wages	$7,457.92
Fuel	9,744.00
Stores and water	2,560.00
Subsistence	1,420.80
Administration	2,848.49
Insurance	2,218.81
Maintenance	3,410.00
Cargo expense:	
Baltimore—	
Loading	1,292.95
Miscellaneous	50.00
Alexandria, discharging	1,701.25
Port expense:	
Baltimore	300.00
Alexandria	775.00
Baltimore	410.00
Fees and commissions:	
Compensation	701.77
Foreign agency fees	150.00
Other expense:	
Ballast	1,200.00
Miscellaneous	100.00
Total expense	36,340.99
Total revenue	18,713.75
Loss	17,627.24
Maximum cargo, tons	6,805

NOTES

1. Revenue based on $2.75 per ton.
2. Compensation based on 3¾ per cent of revenue.
3. All vessels calculated to return with dry ballast.

Voyage calculation on full cargo of coal, Norfolk to Rio, and return in ballast

Vessel, *Naamhok;* type, Wacosta; dead-weight tonnage, merchants, oil-turbine-water tube, 8,727.

Draft, loaded, 25 feet 2 inches; miles, 9,600; number of crew, 37; turn around, port, 19; turn around, sea, 38; turn around, total, 57.

Dispatch Norfolk—1,500 tons, daily; dispatch Rio—750 tons, daily.

Vessel expense:	
Wages	$6,642.21
Fuel	8,179.50
Stores and water	2,280.00
Subsistence	1,265.40
Administration	2,536.50
Insurance	1,976.19
Maintenance	2,976.00
Cargo expense:	
Norfolk—	
Loading	1,361.73
Miscellaneous	50.00
Rio, discharging	5,375.25
Port expense:	
Norfolk	231.50
Rio	425.00
Norfolk	401.50
Fees and commissions:	
Compensation	940.67
Foreign agency fees	100.00
Other expense, miscellaneous	200.00
Total expense	34,941.45
Total revenue	25,084.50
Loss	9,856.95
Maximum cargo, tons	7,167

NOTES

1. Revenue based on $3.50 per ton.
2. Compesnation based on 3¾ per cent of revenue.
3. All vessels calculated to return light.

Voyage calculation on full cargo of coal, Norfolk to Santos, and return in ballast

Vessel, *Naamhok;* type, Wacosta; dead-weight tonnage, 8,727; merchant's oil-turbine-water tube.

Draft, loaded, 25 feet 2 inches; miles, 10,000; number of crew, 37; turn around—port, 19; sea, 40; total, 59.

Dispatch, Norfolk, 1,500 tons, daily; dispatch, Santos, 750 tons, daily.

Vessel expense:	
Wages	$6,875.27
Fuel	8,578.50
Stores and water	2,360.00
Subsistence	1,309.80
Administration	2,625.50
Insurance	2,045.53
Maintenance	3,100.00
Cargo expense:	
Norfolk—	
Loading	1,351.28
Miscellaneous	50.00
Santos, discharging	5,334.00
Port expense:	
Norfolk	231.50
Santos	350.00
Norfolk	401.50
Fees and commissions:	
Compensation	1,000.12
Foreign-agency fees	100.00
Other expense, miscellaneous	200.00
Total expense	36,093.00
Total revenue	26,670.00
Loss	9,423.00
Maximum cargo—tons	7,112

NOTES

1. Revenue based on $3.75 per ton.
2. Compensation based on 3¾ per cent of revenue.
3. All vessels calculated to return light.

Statement of revenue and expenses of proposed coal voyages, Norfolk to Buenos Aires and return

Vessel, *Yalza;* type, merchant; dead-weight tonnage, 8,727; oil-turbine-water tube.

Draft, loaded, 25 feet 2 inches; miles, 11,900; number of crew, 37; turnaround—port, 23; sea, 47; total, 70.

Dispatch, Norfolk, 1,500 tons, daily; dispatch, Buenos Aires, 500 tons, daily.

Vessel operation:	
Wages	$8,157.10
Fuel	10,101.00
Stores and water	2,800.00
Subsistence	1,554.00
Administration	3,115.00
Insurance	2,426.00
Maintenance	3,689.00
Cargo expense:	
Norfolk—	
Loading	1,299.03
Miscellaneous	50.00
Buenos Aires, discharging	5,127.75
Port expense:	
Norfolk	231.50
Buenos Aires	3,000.00
Norfolk	368.50

Fees and commissions:	
Compensation	$935.81
Foreign-agency fees	100.00
Other expense:	
Miscellaneous	200.00
Total expense	43,155.59
Total revenue	24,955.05
Loss	18,200.54
Maximum cargo—tons	6,837

NOTES

1. Revenue based on $3.65 per ton.
2. Compensation based on 3¾ per cent of revenue.
3. Vessels calculated to return light.

Voyage calculation on full cargo of coal, Norfolk to Rosario and return in ballast

Vessel, *Naamhok;* type, Wacosta; dead-weight tonnage, merchants oil-turbine-water tube, 8,727.

Draft, loaded, 25 feet 2 inches; miles, 12,320; number of crew, 37; turn around, port, 23; turn around, sea, 49; turn around, total, 72.

Dispatch Norfolk, 1,500 tons, daily.

Dispatch Rosario, 500 tons, daily.

Vessel expense:	
Wages	$8,390.16
Fuel	10,500.00
Stores and water	2,880.00
Subsistence	1,598.40
Administration	3,204.00
Insurance	2,496.24
Maintenance	3,819.20
Cargo expense:	
Norfolk—	
Loading	1,274.33
Miscellaneous	50.00
Rosario, discharging	5,030.25
Port expense:	
Norfolk	231.50
Rosario	1,550.00
Norfolk	401.50
Fees and commissions:	
Compensation	968.32
Foreign agency fees	100.00
Other expense:	
Miscellaneous	200.00
Total expense	42,693.90
Total revenue	25,821.95
Loss	16,871.95
Maximum cargo, tons	6,707

NOTES

1. Revenue based on $3.85 per ton.
2. Compensation based on 3¾ per cent of revenue.
3. All vessels calculated to return light.

With these statements it is an easy matter to ascertain the net loss per ton. It should be noted that in each instance the estimates are based upon the return trip without cargo. Of course, with any income-producing cargo for the return trip, the revenues would be increased and the loss necessarily decreased. Then, in arriving at the total expense, we find an administration charge runs from $2,400 to $3,200 for each voyage, the maximum shown in voyage to Rosario. This charge amounts to almost 50 cents per ton. It is suggested that the administration charge is extremely excessive. There could not be any considerable additional cost in the management of the Fleet Corporation for this activity. It is rather a vivid picture, however, of the administration cost of the Fleet Corporation allocated against the tonnage carried.

It was not hoped that all this coal could be transported at a profit. A loss was admitted on the floor before this policy was initiated. For that matter every ton of cargo carried by the Shipping Board evidences a loss. In 1926 the average net loss upon all cargo was $2.06 per ton. In 1927 it was $1.48 per ton, and in 1928 the average net loss per ton was $1.67. It is with these facts in mind that we would compare the losses upon the coal shipments.

The trip to Genoa—according to a detail statement herein—shows a loss of $1.90 per ton. The Alexandria voyage, $2.57 per ton. The Rio voyage, $1.37 per ton. The Santos voyage was $1.32; Buenos Aires, $2.66; and Rosario, $2.50. This is based upon the return trip being made without cargo and is inclusive of the excessive administration charge.

As a matter of fact, the first boat loaded with coal hereunder shipped to Genoa is returning with a 5,000-ton cargo of ore—with a freight charge of $2.06 per ton, making gross additional revenue of $10,300 for this trip. The Shipping Board is unable to tell me the added cost for transporting this return cargo. Not computing this added cost, this first voyage shows a net loss of only 43 cents per ton. In other words, $1.24 below the average net loss per ton in 1928. The figures submitted for the voyage to Rio, without return cargo, shows a loss of $1.37 per ton, inclusive of this excessive administration charge. This is based upon a revenue of $3.50 per ton. As a matter of fact, the contract finally entered into calls for $3.75 per ton. So this trip to Rio without return cargo will show a loss of only $1.12 per ton. With any sort of cargo this loss will be wiped out and a profit will be shown. Without the return cargo and with the excessive administration charge, this route is 55 cents per ton less than the average loss per ton in 1928.

The voyage to Santos without return cargo and with the excessive administration cost can be made 35 cents per ton under the net average loss for 1928.

With the return cargo and with a fair administrative charge it can easily be made profitable.

The estimate for Buenos Aires, Alexandria, and Rosario are all based upon the idea that there will be no return cargo, and each has included in the cost an administration charge ranging between 40 and 50 cents per ton. It might be well to note that the boats upon which the estimates were based for these voyages, even though the mileage is greater and the revenue greater, are the smallest vessels reconditioned in point of tonnage.

It should be understood that, in arriving at the figures of $1.67 as the average net loss per ton for 1928, all revenues are considered in the estimates submitted by the Fleet Corporation. In 1928 the total cargo carried in Shipping Board freighters aggregated 8,852,219 tons, the total loss suffered in carrying this freight amounted to $14,770,140.48. This is where an average loss per ton of $1.67 is found. Of this total tonnage, only 5,438,859 tons were of export character. If there had been no return cargo the loss per ton upon the export cargo would have been $2.71 per ton.

In 1928 there was exported 1,467,093 tons of grain. The actual loss on transporting this commodity was $2,450,045. If there had been no return cargo on any Shipping Board vessels this loss would have reached $3,975,822.

In 1928 there was 1,107,191 tons of lumber exported. The actual loss on this commodity was $1,849,900. If there had been no return cargo on Shipping Board vessels the loss would have exceeded $3,000,000. All figures in this statement are Shipping Board figures.

Mr. HUDSON. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. HUDSON. Did the gentleman find in his consideration of this subject that the loss was because we could not secure sufficient freight?

Mr. VINSON of Kentucky. No, sir. They have never made a start toward carrying coal. The first boat that was conditioned to carry coal was not loaded until the early part of December; on December 24 a second vessel was loaded, and there has not been a single round trip made as yet. There will be a vessel loaded in the later part of this month. There has been no coal cargo carried to South America. There is an unlimited amount of American coal anxious to get into these foreign markets.

Mr. MURPHY. Will the gentleman yield?

Mr. VINSON of Kentucky. I yield to the gentleman from Ohio.

Mr. MURPHY. The facts are that the loss on all merchandise shipped is greater than the loss on coal.

Mr. VINSON of Kentucky. The coal transported to Rio and Santos can be carried greatly below the average net loss on all cargo, without taking into consideration that there is no return freight. With return freight from any of these markets, the loss on coal will be less than the average net loss on all cargo, even with the excessive administration charges.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. LAGUARDIA. Last year, when we had this appropriation under consideration, the gentleman will recall that additional appropriations were allowed for the purpose of trying the experiment of carrying coal, and at that time it was stated a study would be made as to the markets for return freight. What has developed along those lines, if anything?

Mr. ROBSION of Kentucky. Will the gentleman yield to me?

Mr. VINSON of Kentucky. Yes.

Mr. ROBSION of Kentucky. Just one coal ship has reached a foreign port—the Mediterranean. Just one ship has reached a foreign port, and that is due to the lack of action on the part of the Shipping Board. That single ship will return loaded with ore; so that there is just one coal ship that has ever reached any foreign port, and, as I say, it is returning loaded with ore.

Mr. LAGUARDIA. So that there will not be such a great loss per ton on that ship?

Mr. ROBSION of Kentucky. About 90 cents on the ton.

Mr. VINSON of Kentucky. If you take your South American trade with a loss of $1.12 and $1.32 to Rio and Santos, respectively, with return cargo, there will be no loss.

For the information of the committee, there was a boat reconditioned by the name of *Naamhok*, which was to go into this coal trade. It was ordered September 25, 1928, and they reconditioned it at a cost of $42,000. When they got it reconditioned they immediately sold it, before it had carried a ton of coal in this trade. Of course, time had to go on to permit the reconditioning of the next boat.

Mr. SHREVE. Will the gentleman yield?

Mr. VINSON of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. SHREVE. Can the gentleman state what amount of money was received for the boat when it was reconditioned?

Mr. VINSON of Kentucky. The reconditioning cost was $42,000 and the price received was $65,452.50. In other words, there was a profit of $23,450 over the reconditioning cost, but the coal end of it got no credit.

Mr. LAGUARDIA. But that represents a big loss considering the initial cost of the ship.

Mr. VINSON of Kentucky. Of course, that is true; but as the gentleman knows, the policy of the Government is that when these boats are reconditioned for any activity, to sell them upon a restricted contract basis in which that trade line will continue for at least five years in the transportation of freight in American bottoms.

Mr. LAGUARDIA. True; but if the Government would absorb that loss in the transportation of coal they could make a great many trips.

Mr. VINSON of Kentucky. That is correct, but the Shipping Board did not give coal that advantage.

Mr. McDUFFIE. Will the gentleman permit an interruption?

Mr. VINSON of Kentucky. Yes.

Mr. McDUFFIE. Did the hearings develop any facts with respect to what efforts are being made by the Shipping Board and our agents abroad to develop a market for this coal?

Mr. VINSON of Kentucky. So far as the Shipping Board is concerned, I do not know of any effort they have put forth. To be perfectly frank, they have not been in a particularly cooperative mood.

Mr. McDUFFIE. They are not in sympathy with this movement?

Mr. VINSON of Kentucky. I think that is a correct statement of it. There has been formed, however, an Export Cargo Association that has been giving their attention to this phase of the problem.

Mr. McDUFFIE. I can not understand why it is we can not sell a great deal of coal to the Latin-American countries, and it has occurred to me that if our commercial attachés in those countries, cooperating with the Shipping Board with a view to developing more tonnage, would become active along this line, we could find a market and sell and deliver a great deal of coal.

Mr. VINSON of Kentucky. In my judgment, it should be done.

Mr. McDUFFIE. And, of course, some of it should go out through the Gulf ports that are nearer the Latin-American countries.

Mr. VINSON of Kentucky. The market is there for 20,000,000 or 25,000,000 tons of coal that they buy. With regard to South America, the costs are such that there is a good opportunity for this industry having a considerable outlet through southern ports.

Mr. LINTHICUM. Does not what you get for what they are bringing back make up for the loss?

Mr. VINSON of Kentucky. That reduces the loss.

Mr. LINTHICUM. It does not eliminate it?

Mr. VINSON of Kentucky. I can not say, because I do not know just what the net increased revenue will be, because there has been no round trip made up to this time.

Mr. ROBSION of Kentucky. If the gentleman will permit an interruption, it is my information that this ship is loaded with 5,000 tons of ore which will pay $2 a ton. The Shipping Board estimates the loss on coal for this particular trip at thirteen thousand and some dollars, and if we get 5,000 tons at $2 per ton, that would go as a credit against this loss of $13,000.

Mr. VINSON of Kentucky. Without considering increased expenses incident to return cargo, the loss on that shipment would be approximately 40 cents a ton, as against a net average loss of $1.67 for 1928.

Mr. LINTHICUM. The reason I asked the question was that I understand that copper coming up from Chile pays around $4.25 and $4.50 a ton as freight.

Mr. VINSON of Kentucky. Lumber pays about $11.50 and grain pays $3.81, if my memory serves me correctly.

I do not think it is necessary for me to go into detail as to the condition of the coal industry at this time, except to state that anyone cognizant of its condition is fully aware that the coal industry is prostrate and unless something can be done for it much misery in the human family connected with its production will continue, as well as monetary losses suffered throughout the country as a whole. I am greatly interested in the rehabilitation of the industry and think that this is a step in the right direction. I should state, however, that I do not represent a coal-producing district. There is no appreciable amount of coal mined in my district. I live close to coal-producing country and know the conditions which obtain in the industry, but there will probably be not one ton of coal from my district which will enter into this foreign trade.

Last year the appropriation for this activity was secured when the distinguished gentleman from Indiana [Mr. WOOD] was chairman of the subcommittee. There was no protest or objection made to the inclusion of $1,000,000 for such activity. I can not think that Congress, having initiated this service, would abandon it without a bona fide, honest-to-God trial. Such trial has not been given.

Reference has been made relative to private discussion relative to the tonnage which these boats will carry during the present fiscal year. It is suggested that 97,000 tons is a very inconsiderable amount in comparison with the market hoped to be created. In the first place, more than six months elapsed before a round-trip voyage was made. After the lapse of seven months from the time the money was available—only three boats have been loaded, consequently this small tonnage estimated—is not a fair figure to be considered. As a matter of fact American coal is produced from $1.50 per ton less than British coal, but England cooperates with the coal producers and preferential rail rates are obtained on coal to be exported. The big idea is to open up this foreign market so that the rail coal carriers may be in position to urge a preferential rail rate for export coal. In this way we would be in a better position to meet competition.

In the hearings it was stated by General Dalton and Admiral Cone that the British ports were closer to South America than American ports. But, of course, this is an error; and under date of January 21 Admiral Cone, of the Shipping Board, corrects this error and states that Hampton Roads has an advantage over English coal ports in respect to South American ports on the east coast of about 300 miles.

I want to extend my sincere appreciation for the forward-looking vision which my colleagues on the subcommittee have exercised in incorporating this item in the bill. It should be given an honest test, always keeping in mind that if the market be obtained, preferential rail rates may follow. And while the Shipping Board and the Fleet Corporation to my mind has not shown any particular spirit of enthusiasm connected with this venture, they must keep in mind that to have a real merchant marine in this country it is essential that no industry and no section shall be discriminated against at their hands. It seems to me that they should be not only willing but glad to effectuate the purpose of Congress and thus handle any American product within the limit of their resources. It is needless for the Shipping Board to make speeches and write articles on what they want to do for American industry and products unless they show some spirit of practicing what they preach. Undoubtedly if this item is continued, as I hope it will be, they can not fail to understand that we have embarked upon this effort and that their future efforts will be the subject of close scrutiny.

UNITED STATES VETERANS' BUREAU

This bill carries $499,975,000 for this activity, an increase of $14,415,000 over the current appropriation. The subcommittee and the full committee have given the Veterans' Bureau every dollar that they requested, for which the Budget Bureau estimated. So far as we are advised in extensive hearings, they will secure every dollar that they have desired.

In the last session there was authorized an appropriation of $15,000,000 to provide for additional hospital facilities. Seven million dollars was appropriated in the second deficiency bill and $6,000,000 is carried in this bill. In the list of hospitals there is one to be located in Kentucky, and on the 16th of this month the President located the Kentucky hospital in the radius of 5 miles of Lexington, Ky. This hospital is to be one to care for neuropsychiatric patients. It will have 350 beds and will cost $1,100,000. General Hines informed our subcommittee that work would begin on this hospital around the middle of the year, and it will be completed some time subsequent to June 30, 1930. The location of this hospital is the end of a chapter of a battle waged by the entire Kentucky delegation, with unbroken lines, to secure this much-needed hospital for the area of which Kentucky is the center. Much

credit is due the American Legion, who, in national convention assembled, upon three different occasions, I believe, went on record favoring such a hospital in this region. In the first place, a separate bill of authorization was reported from the Legislative Committee and thereafter, upon two occasions, the need of this area was recognized by the World War Veterans' Committee and its consideration recommended. Not having been included in the original program of the bureau, and not having the sanction of the Budget, it was necessary for the fight to be made before the committee. There was never a more righteous cause. The committee responded to the merit of the case, and after stormy sessions it was incorporated in the bill and reported to the House by that splendid, estimable friend of American soldiery, the gentlewoman from Massachusetts [Mrs. ROGERS]. So it is with real pleasure that I am able to report to the House that in this bill provision is made for the initiation of its construction.

WORLD WAR EMERGENCY OFFICERS' ACT

There have been filed to date applications to the number of 7,790; 2,016 of that number have been adjudicated. It is estimated that there will be at least 3,250 officers retired at a net increase in moneys received by them of $2,330,442. The total moneys received will be $5,204,850. These veterans are now being paid $2,874,408, which makes a net increase in cost the sum above mentioned, namely, $2,330,442.

ARRESTED TUBERCULOSIS CASES

On November 30, 1928, there were 44,034 veterans upon this roll. General Hines states that the experience of the bureau indicates that there are very few of these disabled veterans slipping back into the active tubercular list. The theory of this particular compensation is to prevent the arrested tuberculosis of a veteran from becoming active. It is gratifying to know that thus far it appears to be accomplishing its purpose. There has been some agitation to repeal this particular legislation. General Hines does not look with particular favor upon the legislation; but certainly, if the theory upon which it is predicated is justified by the experience of the years, I would not think that Congress would take a backward step along this line.

CIVIL WAR, SPANISH-AMERICAN WAR, AND WORLD WAR ALLOWANCES 10 YEARS AFTER EACH WAR

The hearings disclose that in the tenth year following the Civil War there were 121,628 pensioners. In that period after the Spanish-American War there were 21,967 pensioners of that war. In the tenth year following the World War there were 243,611 veterans receiving compensation for active disability. In that period, 82,839 World War veterans had suffered a service-connected death. I do not have at my finger tips the exact number of Union soldiers nor the total Spanish-American War veterans, but when you compare the number of World War veterans, more than 4,500,000, with the number of Civil War veterans it is easily seen, in proportion there were more Civil War veterans receiving pension in the tenth year following that war than there are World War veterans receiving compensation in the respective year. It could be said by one who would oppose compensation for World War veterans that the amount received by such veterans greatly exceeded the amount paid the Civil War veterans. But it is a different world in which the World War veteran lives, and I dare say that the money which the Civil War veteran received was worth as much to him in the procurement of necessities as that which the World War veteran secures from his Government to-day for services well rendered.

I insert herewith table which analyzes the active claims, showing disability ratings as of December 1, 1928:

Adjudication service—Compensation claims—Active claims—Analysis of active disability claims showing disability ratings, as of December 1, 1928

Degree of disability	As of Dec. 1, 1928	Per cent
Temporary total	13,174	5.2
Temporary partial	71,545	27.6
Permanent partial	142,941	54.3
Permanent total	33,906	12.5
Double permanent total	60	.4
Total	261,626	100.0

INSURANCE

On June 30, 1926, there were 423,557 veterans holding Government insurance and this increased to 654,625 as of September 30, 1928. While this is a considerable number, yet approximately 3,876,000 veterans have dropped their insurance.

PERSONNEL

The total personnel of the Veterans' Bureau in all its activities numbers 24,320 persons, of which more than 50 per cent, to wit, 13,835, are hospital employees. The personnel in the central office in Washington is 4,359; in the areas outside of Washington, 7 persons, representing the director in the various areas. There are 71 in the central board of appeals; 151 at the supply depots; and 5,897 in the regional offices. There is a decrease of 113 in the central office for the next fiscal year.

I reiterate my appreciation of the courtesies extended me. [Applause.]

Mr. WASON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I quote from the President's message read to the House of Representatives on December 4, 1928:

> I desire to repeat my recommendation of an earlier message, that Congress enact the legislation necessary to make permanent the parcel-post convention with Cuba, both as a facility to American commerce and as a measure of equity to Cuba in the one class of goods which that country can send here by parcel post without detriment to our own trade.

This excerpt is my text. On February 24, 1902, Palma was elected President of Cuba, at which time the United States formally transferred control of the island to the National Government. As the result of a postal convention held on June 16, 1903, the United States and Cuba entered into a parcel-post agreement limiting the weight of each package of merchandise to 4 pounds 6 ounces. Sections 2804 and 3402 of the Revised Statutes of the United States of America, under date of June 28, 1866, provided:

> No cigars shall be imported unless the same are packed in boxes of not more than 500 cigars in each box and no entry of any imported cigars shall be allowed of less quantity than 3,000 in a single package, and all cigars on importation shall be placed in a public store or bonded warehouse and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, with the date thereof; and the Secretary of the Treasury is hereby authorized to provide the requisite stamp and to make all necessary regulations for carrying the above provisions of law into effect.

This section prevented Cuba exporting cigars to the United States by parcel post, as the 3,000 package of cigars exceeded the weight of the limitation. In order to allow Cuba to export cigars in small quantities a parcel-post convention between the United States of America and the Republic of Cuba was held and by virtue thereof an agreement was entered into, duly signed by the Postmaster General of the United States and the director of posts of the Republic of Cuba on the 31st of October, 1925, increasing the weight of parcels to 11 pounds. It was further agreed that sections 2804 and 3402 be modified or amended to permit the importation into the United States from Cuba of manufactured tobacco, such as cigars and cigarettes, without limit of number that may be contained in a single package, such modification or amendment to become effective within 18 months from January 1, 1926, and the Republic of Cuba reserved the right to abrogate this convention should it not be ratified by the United States. As it was not ratified at the expiration of the 18 months, the Republic of Cuba extended the time to March 1, 1928. Our Government failed in an affirmative action, which nullified the parcel-post agreement between the two countries.

At the instance of the Post Office Department, I introduced a bill to repeal sections 2804 and 3402, which was reported out of the committee. The bill not having a privileged status, a rule was the alternative for its consideration. The Committee on Rules graciously granted a hearing, but no further action has yet been taken.

The parcel-post convention of 1925 met the wishes of those in trade with Cuba. In 1926, 218,000 packages were sent to Cuba; 19,000 from Cuba to the United States. The revenue therefrom totaled $230,000, $50,000 of which was paid to Cuba in form of terminal charges, leaving net receipts of $180,000. Two hundred different varieties of articles were sent to Cuba from the United States; the average weight of each parcel did not exceed 7½ pounds, although the limit was 11.

Records for 1927 show imports from Cuba to the United States were valued at $160,487,680—our exports to Cuba, $250,569,693.

When we take into consideration that sugar and tobacco are the principal products of Cuba and that $1,200,000,000 American money is invested there, and that the island has only an

area of 44,164 square miles, with a population not exceeding 3,500,000, and that our Republic is the wealthiest in the world, with resources no nation shows a parallel, with an estimated wealth of $400,000,000,000, it seems very narrow on the part of Congress not to enter into a parcel-post agreement with Cuba, thereby permitting that Republic to export cigars in small packages to the United States. By the action of our Government we allow 1 per cent of our industries to control the 99 per cent of those in the land.

A few days ago the appropriation bill for State, Justice, Commerce, and Labor provided $490,000 to promote commerce in Latin America. In light of this it is a commercial absurdity to force Cuba to abrogate the parcel-post convention, which was of such importance for the industries of the two countries. Do we want trade only on one side of the ledger? Cuba being closely located to the United States naturally seeks our market rendering the more important that a parcel-post relation should exist, in order that small parcels can be sent to Cuba other than by express or freight.

We have a parcel-post convention with nearly every country of the world, accepting parcel-post packages varying in weight from 11 to 50 pounds, but not with Cuba, fearing the importation of a few cigars. Cuba has an agreement with nearly every country except the United States, we object because Cuba desires to send her most important commodity in small quantities to our ports. Even under the present law any person or group could very readily import 3,000 cigars and divide them, but this is not done because of annoyances. Sears, Roebuck & Co., of Chicago, attempted this, but it proved unprofitable.

A statement is made that many thousand cigar makers are unemployed. May I bring your attention to the fact that in 1927 there were fewer factories than in 1926, caused by the abandonment of hand-made cigars to machine-made. We can not blame Cuban parcel post for this. The manufacture of large cigars is noticeably on the decrease, while small ones and cigarettes are on the increase. In 1927 we exported to China 4,400,000,000 cigarettes of our total exports of 7,093,000,000 from our production of 100,126,021,619. The average total importation of cigars by the United States is valued at $8,933,000. If we deduct the value of cigars from the Philippines and Porto Rico, upon which there is no duty, approximately 90 per cent of all dutiable imports of cigars, cheroots, and cigarettes come from Cuba. Parcel post would not increase importation nor diverge it from the importers nor lessen American production. The total number of cigars manufactured in 1927 was 6,949,961,965. One-third valued at 5 cents each and only 5,186,970 retailed at 20 cents and over. Cheap cigars would not be imported in small quantities and there would not be a large demand for the expensive ones.

The President of the United States approves the bill, the Post Office Department indorses it, and 99 per cent of the industries in our land have asked for parcel-post relations with Cuba, as provided in the bill. I trust the day is not far distant when Congress will favorably consider the measure. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield at this point?

Mr. WATSON. Yes.

Mr. CONNALLY of Texas. I know that the gentleman is very much interested in American producers and in American labor. What effect would his proposal have upon the tobacco and cigar factories of the country?

Mr. WATSON. I do not think it would have one-quarter of 1 per cent effect.

Mr. CONNALLY of Texas. I know how diligent the gentleman is in looking after the interests of his own district. Has he any cigar or tobacco manufacturers in his district.

Mr. WATSON. I have a great many cigar manufacturers in my district, but they are all broad-minded men, and not one has asked me not to support this bill.

Mr. CONNALLY of Texas. I am wondering whether the laborers and others engaged in making cigars and the producers of the raw product would suffer in any degree?

Mr. WATSON. I can not see how they would suffer at all, because I believe that hardly any cigars would come through the parcel post.

Mr. CONNALLY of Texas. I am interested, of course, because most of my constituents smoke imported cigars, and I am wondering whether the gentleman has any domestic cigar factories in his district.

Mr. WATSON. If I get a 5-cent cigar I am very well satisfied.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. WATSON. Yes.

Mr. LINTHICUM. Is it because there is objection to this bill that it is not passed, or is it because of some neglect upon the part of the Congress?

Mr. WATSON. It is because the Congress objected to it, and the Committee on Rules does not want to report the rule; it is afraid the bill will be defeated. However, since it has been indorsed by the industries of the whole country it seems to me that it is a very narrow position for a great country like the United States to say to little Cuba, "We will not let you send a cigar here by parcel post," when we are collecting $10,000,000 of duty on cigars from Cuba every year.

Mr. LINTHICUM. And next to Canada, Cuba is our best customer, is it not?

Mr. WATSON. Yes. Cuba purchased in 1927, $260,000,000 of our goods.

Mr. LINTHICUM. And I understand that sugar constitutes 90 per cent of all of the exports of Cuba.

Mr. WATSON. Yes. Nearly all sugar comes from Cuba. We who have a guardian hand over Cuba say to her that we are afraid to open a parcel-post agreement because she might send a half dozen cigars to this country by parcel post. It is a very narrow position that we are taking.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CULLEN. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. MOORMAN].

SACRED UNITED STATES CONTRACT UNFULFILLED

Mr. MOORMAN. Mr. Chairman, ladies and gentlemen of the committee, the United States has usually been very generous in recognizing and rewarding her illustrious and worthy subjects, during their lives, and in adequately memoralizing them after death. It keeps faith with its citizens but is sometimes a little slow. It is only fitting that our national conduct in this matter should be such as becomes our present great wealth and leading position among the peoples of the earth. Likewise, Kentucky has always delighted in honoring her favorite sons, and of none is she prouder than of Abraham Lincoln. The Great Emancipator was born in the fourth district of Kentucky, which I now have the honor to represent. Through the untiring efforts and laudable persistence of many individuals and agencies, the old Lincoln homestead was finally acquired, the log cabin in which Abraham Lincoln was born was returned and housed in a $225,000 impressive marble memorial building on the spot where he was born, and an endowment fund of $50,000 was collected and all held in the name of the Lincoln Farm Association. The United States made a sacred contract with this association and it is to-day unfulfilled.

ACCEPTED AS A GIFT BY THE UNITED STATES

On April 12, 1916, a bill was passed by the Congress, H. R. 8351, an act to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto. Committee Report No. 221, accompanying the bill, said:

The committee most earnestly recommends the passage of this bill. In fact, it hopes that it may be unanimously adopted.

Most interesting, instructive, and eulogistic speeches were made on this bill by Representatives McKinley, Fess, Clark, Eagle, Rainey, Crisp, Foster, Cannon, Sherwood, Smith, Hicks, Russell, Sloan, Switzer, Dale, Barkley, and Madden. There was not a vote against the measure and the speaker said:

The Chair announces that the bill was passed unanimously.

GOVERNMENT ASSUMES SACRED OBLIGATION

As provided in this act the Lincoln Farm Association conveyed, assigned, and transferred to the United States of America the Abraham Lincoln homestead, with all appurtenances and the $50,000 endowment fund, upon the conditions specified in said H. R. 8351, viz:

The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely, that the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purpose of national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

And, as to the endowment fund, said bill provided:

The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and, further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

It was contemplated by the act in the minds of the contracting parties that there would be all necessary repairs and future development. Section 3 specifically provides:

That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

The Lincoln Farm Association had collected together the essentials to create this national shrine. Congress accepted it and agreed to do such things as necessary "to secure full benefit therefrom." Otherwise the association would have continued to function by collecting more money by popular subscription, thereby maintaining and improving the place to meet present conditions.

THIRTEEN YEARS WITHOUT DEVELOPMENT

Thus it was provided nearly 13 years ago, by our Government's written obligation, that it would protect and preserve the buildings and premises conveyed from disintegration and would properly maintain the homestead and surroundings as a national park, so as to secure the full benefits therefrom. Private citizens and organizations saved the homestead and cabin of Lincoln from the ownership of those who might have exploited them for commercial purposes and placed them under the protecting arm of a grateful nation to preserve as an inspiration to all future generations. The trust fund, $50,000, the cost of the memorial building, $225,000, the cost of collection and other improvements and expenditures before the Government acquired the property amount to about $300,000, several times that now asked for the project. I went with my predecessor, Hon. Ben Johnson, author of H. R. 8351, accepting the shrine, to the chairman of the Appropriations Committee, Hon. Martin B. Madden, and he promised a small sum for the road emergency then existing. I saw him later and he did include an appropriation in H. R. 5800, as follows:

Lincoln Birthplace Memorial: For improvement of the road providing access to the memorial hall and the log cabin in which Abraham Lincoln was born, and for repairs and minor improvements in connection with such buildings and reservations, fiscal years 1928 and 1929, $5,000, to be expended under the direction of the Quartermaster General.

The bill that is pending—S. 4173—to place this park and others under the Interior Department, thus getting coordinated national park administration, will receive careful consideration. It would, I was advised by the Secretary of War, probably meet his approval. Further, people of Kentucky and all others hereafter, I think, should refer to this place only as "Abraham Lincoln National Park," which is the name the proposed law gives it. We will thus help advertise it to the world as a national shrine.

PLANS FOR PERMANENT IMPROVEMENT

On June 24, 1927, the Chamber of Commerce of Hodgenville passed a resolution reciting the deplorable conditions existing at the Lincoln homestead and enumerating the repairs and improvements necessary to accommodate the ever-increasing number of visitors to this most interesting United States reservation. Recently, in one party alone, 17 large busses, carrying an average of 40 passengers each, visited the place. With the different Federal highways now completed, and considering the wonderful motor trips featured by the bus lines connecting Camp Knox, Elizabethtown, Mammoth Cave, Lincoln Park, Bardstown and Old Kentucky Home, the demand for accommodations at the memorial have increased a hundredfold in recent years. I recently visited the place, and realize what it is, and also what every patriotic American citizen would have it, and that a reasonable appropriation, applied as recommended, will work a miraculous change. Conservatively stated, it is not what a proud people would have a Government-owned and nationally maintained memorial be. The War Department report recites urgent need of repairs and lack of drainage, adequate roads, fences, toilets and other water arrangements, and many other ordinary conveniences. The best has been done that could be, however, by the War Department with only the $2,000 income from the endowment to spend. From the first time I visited Lincoln's birthplace I felt that his country had neglected it. When I came to Congress I was determined to make every possible effort to induce the United States to make the Kentucky Lincoln shrine what it should be. If we fail this time, I fully expect to try to come back in two years and will continue my sincere efforts.

Of course, the first thing to be done was to get an intelligent, authentic survey and estimate of the improvements desired. On January 28, 1928, I requested Hon. Charles Williams, chairman of the Hodgenville committee, to furnish me all the data he had. I personally presented this and my arguments for action to the proper authorities. On March 8, 1928, I received a letter from Maj. Gen. B. F. Cheatham saying:

Reference is made to your personal call at this office on March 7, when you presented a communication from Mr. Charles Williams, Hodgenville, Ky., inclosing resolutions from the Hodgenville Chamber of Commerce concerning needed improvements at the Lincoln farm and memorial.

A copy of the resolution has been referred to the officer in immediate charge of the farm with instructions to make an investigation of the needs outlined and submit an estimate of the cost thereof. When his report is received it will be given consideration with a view to placing the farm and memorial in first-class condition.

On April 26 I received a communication from the chairman of the local Kentucky committee stating that Captain Maslin, the Army officer in charge of Lincoln farm, had no expense money allowed him and that the effort to get the necessary report and topographical map was thus handicapped. They also advised me that the Speed Scientific School, University of Louisville, would cause the work to be done by advanced students and teachers by payment of only necessary expenses. I took this up with Col. W. R. Gibson, of the Quartermaster Corps, and on May 5, 1928, I received a copy of a letter written by Colonel Gibson to the commanding officer Jeffersonville Quartermaster Depot, written by order of the Quartermaster General, as follows:

Hon. HENRY D. MOORMAN, Congressman of Kentucky, called at this office and explained the details of the arrangement which has been made with Dean B. M. Brigman, Speed Scientific School, University of Louisville, Ky., to survey Lincoln farm. Dean Brigman has offered to have the students of his school do this work under the supervision of an instructor, but will require transportation for the students for one round trip to and from the farm and their board and lodging while there. It may also be necessary to provide transportation from Hodgenville to the farm daily while they are engaged in this work. An accurate survey of the farm is highly desirable and the cost connected therewith can be defrayed from the funds appropriated in the first deficiency act for 1928–29 which have been allotted to you. It is requested that you get in touch with Dean Brigman and, if possible, that you make the necessary arrangements for carrying out the survey.

The survey and a very comprehensive and thorough report was thus obtained and was addressed to the Quartermaster General on July 19, 1928, by Lieut. Col. Norris Slayton, Quartermaster Corps. The report is illustrated by photographs, sketches, tables, and every other character of information possibly desired. The report submits detailed estimates of the work recommended as necessary to be done.

HISTORY OF LINCOLN CABIN

The history of Lincoln cabin, as recorded in the report, may be of some general interest, and is as follows:

At some unknown date in the early sixties, shortly after Lincoln's election, the cabin in which he was born was bought by George Rodman from Richard Creal, and moved from its original site to his property, about 1½ miles from the Lincoln farm, where it remained until 1894. During this period it was first used as a shelter for negroes and later as a tenant house. Two terms of school were taught in the cabin in 1872 and 1873. John Davenport married the school-teacher who taught in it and they lived in the cabin from 1875 to 1894, when it was purchased by Mr. A. W. Bennett and moved back to its original site on the Lincoln farm. The cabin rested on the old foundation but a short time when it was taken down and the 143 logs were shipped to the Nashville Centennial in 1894. It was moved to Central Park, New York, and again exhibited at the Buffalo Exposition in 1901, after which it was purchased by David Creer and stored in the old Poffenhausen mansion on Long Island. In 1906 the Lincoln Farm Association purchased the cabin and shipped it to Louisville, where it was one of the features of the Louisville Home Coming Celebration. It was stored in Louisville until the laying of the corner stone of the Memorial Building by President Roosevelt on February 12, 1909, when it was brought to Hodgenville for the occasion, but

immediately returned to storage and remained there until the building which houses it was dedicated by President Taft on November 9, 1911. Meanwhile, the Lincoln Farm Association had been formed and had obtained title to the property from Robert J. Collier and his wife, Sarah Steward Collier, by deed dated November 9, 1907, and recorded in the commissioner's deed book No. 34, page 377, Larue County court, and by bill of sale from Robert J. Collier to the Lincoln Farm Association executed June 19, 1906.

The report further says:

The Lincoln farm and memorial comprises a tract of land of approximately 110½ acres about 2½ miles south of the town of Hodgenville, Ky., and is divided into two nearly equal tracts by Federal-aid project No. 107, from Hodgenville to Buffalo, which comprises a part of the Jackson Highway.

AMERICA'S PLACE OF INSPIRATION

Rather than endeavor to add anything to the thousands of written and spoken eulogies on this great Kentuckian and great American, I shall quote a few paragraphs from Congressmen who spoke on the bill assuming the obligation to maintain the Kentucky Lincoln shrine in 1916. The excerpts show the spirit prevailing then in the minds of the contracting parties. General Sherwood, veteran Congressman of Ohio, said:

Now, as to this log-cabin tribute, we have built many monuments to Lincoln. But monuments and temples and statues have no emotion, no human sympathy, no voice. But here is Lincoln's old Kentucky home. Here is the log cabin where he was born. Here is a silent monitor teaching a vital lesson in patriotism. Here is a symbol of hope and cheer to every poor boy struggling against poverty for an honorable career. Here is a mecca where all the children of the Nation can gather and take courage in the story of a man, born in a rude log cabin, who learned to read books at night in the silent woods by the light of a pine-knot fire, and who became the guiding hand—the leading spirit—in one of the greatest epochs of all history.

Mr. DALE, of Vermont, said:

Nothing indicates so well the life that was itself a contrast, a paradox, the meager compensation that came to him and his rich bestowment to the Nation as the log cabin and the marble hall by which it is inclosed.

Ah, Mr. Chairman, let us preserve this old log cabin that generations may learn from it the qualities that there had birth and are changeless and deathless forever.

Mr. Sloan, of Nebraska, said:

Davis moved southwardly to Mississippi, the then great cotton State, where slavery thrived. Lincoln found his way through Indiana to the prairies of Illinois, where labor was free. Each presided during four years of tragedy over a republic. The one republic struggled for an existence, the other battled to maintain its integrity undiminished. There was citizenship sufficient for the two greatest republics on earth, but I rejoice to hear from either side of this Hall the satisfaction that but one remains.

The cabin home this afternoon being considered was in the State which produced these two great characters. In that great struggle it seemed, as it were, that that State could not decide between the fortunes of her two matchless sons. It presented a divided allegiance. This measure furnishes to-day a fitting text for fraternal, patriotic sentiment from every part of this expanded Union.

Mr. Switzer, of Ohio, said:

In dedicating to the Nation the birthplace of this illustrous American Kentucky gives renewed luster and added fame to her already immortal name. The Nation, through its Congress, accepts this token of high respect to the memory of our martyred President as the most magnanimous of the many generous and noble deeds for which the people of the great State of Kentucky are so famed. The dark and bloody ground, the home of Daniel Boone and other noted pioneers, by this patriotic act, is consecrated anew to that Jeffersonian idea of liberty, the equality of all men before the law, which was ever so near and dear to the heart of Abraham Lincoln.

Mr. Hicks, of New York, said:

To you gentlemen of the Southland, in whose veins flow the blood of the soldiers in gray, who in your magnanimity claim that Lincoln is yours as well as ours, let me answer as one from the North: "Yes; Lincoln is yours as well as ours, and Lee is ours as well as yours." But in revivifying the memories of the past I would rather forget that there are any yours. I prefer to remember only that it is all ours; that American greatness and American heroism knows no section and belongs to no generation; that in our nationalism we are all Americans united in a common cause, possessed of a common love for country and for flag.

Mr. BARKLEY, of Kentucky, said:

The State of Kentucky is glad to give to the Nation this humble yet sacred little farm, whose one great product is to-day the admiration of the world; and when future generations shall view this little house, this log cabin in the hills of Kentucky, may they be inspired with the hope that the flag which hangs above your head, for which Lincoln, as well as countless others before and after him, gave all that they had—their lives—and the Union for which it stands may always mean what he thought it ought to mean, the equality of man before the law and the equality to pursue the legitimate objects of happiness and of service without regard to clime or creed or section.

As the Nation will this day accept the gift of the Lincoln farm, may we not hope that as a day not long postponed a similar acceptance may be registered of the Davis home; and that these two spots, not far from each other in the soil of Kentucky, may be enshrined in the love and imagination of patriots everywhere, typifying the reunion of heart and hope and hand through which our common country shall more and more become the land of opportunity and the beacon light of liberty for us and all who shall follow us, which shall become brighter and brighter unto the perfect day.

KENTUCKY PAST AND PRESENT

When I speak of Abraham Lincoln and Jefferson Davis and reflect on the foregoing forceful expressions of many great Congressmen linking their names I am reminded of one description of the place of their birth, as follows:

Old Kentucky: Not the oldest nor yet the youngest; not the richest nor yet the poorest; not the largest nor yet the least; but take it all in all, for men and women, for flocks and herds, for fields and skies, for happy homes and loving hearts, the best place outside of Heaven the good Lord ever made.

Again when I couple the memories of those two great Kentuckians, who really had convictions and stood for principles, with the foregoing beautiful and true description of the place where they were born, I can not refrain from uttering a protest against certain materialistic and unwholesome tendencies in Kentucky, especially in the last half decade. My complaint is directed at no person, organization, nor party; but at bipartisanism, a growing curse which will surely destroy any party and impede the general progress of any people in time. Neither Lincoln nor Davis, in my opinion, would approve the bipartisan system that defiantly has its ugly hands on the throat of our fair Commonwealth.

Reaffirming my convictions on the subject, and as an indictment against the prevailing system, addressing my remarks to Republicans and Democrats alike, I desire to quote from my speech in Congress on May 1, 1928, as follows:

I do not believe in bipartisan government, either in the State or in the Nation. I recognize and make the distinction between administration by efficient nonpartisan boards and commissions and the administration and conduct of a city, State, or government by a coalition of interests or combinations of politicians, without party responsibility or political loyalty. Boards and commissions composed of members of different political convictions have, in many ways and places, functioned most efficiently. On the contrary, the dissection of bipartisan rule usually reveals unholy alliances and sordid personal and business intrigues. Often it leaves its slimy trail as a reminder of misused confidence and power. It destroys political loyalty, invites treachery, and decreases respect for those who administer government. The party in power should have all the responsibility, and it deserves whatever honor and credit is due its administration. Where bipartisan government reigns, as a rule, whatever good that is done is claimed by both parties. The mistakes and wrongs are denied by each party and laid on the other.

The taxpayers—the public—lose, and no member of either party knows definitely where anybody stands or what will happen. Public servants removed from direct accountability, as a rule, are less efficient generally. Under the despicable bipartisan system that holds some States in its clutches millions of dollars of the taxpayers' money has been manipulated to influence and intimidate individuals and communities in efforts to confer political favors at public expense or to destroy honest men who have declined to stultify their consciences by contributing to schemes of wholesale political perfidy. Thousands of dollars of taxpayers' money has gone for salaries and traveling expenses of supposed public servants and their underlings, who sometimes operate from their offices, but more often parade the State to consummate undercover political trades and trickery instead of performing their real duties. Thus spending taxpayers' own money against them, often fighting members of their own party, means stabbing men in the back without notice with their own dirks; it means crucifying faithful public servants because of doing their duty; it means shamefully misusing positions of public trust and official power to crush individuals with whom the political boss differs; it means the triumph of political tyranny, intolerance, and personal venom; and, finally, it means that true democracy and true republicanism must choke off these politically irresponsible despotic "fixers" of the existing bipartisan supergovernment.

THE PENDING BILL

When it was finally determined that a bill was necessary, as my colleague Hon. M. H. THATCHER and I had been working

together, we contemplated introducing a joint measure. Fearing that the bill might not be gotten through this short session, he being an influential member of the majority party, and as I was going out in March and knowing that he was to remain in Congress I wrote to Mr. THATCHER as follows:

Like yourself, I was very much disappointed when we discovered the rule prohibiting you and me jointly introducing the Lincoln memorial bill. As you are aware, I have done a great deal of work in connection with the matter. My interest is the accomplishment of that which is desired. I appreciate your offer to let me introduce the bill in my name; but I feel that you can come nearer getting it through, under existing conditions, than I can, and I gladly yield you the privilege for this reason. I trust that the matter may be started at once.

I will appear before the committee, as suggested by you, and will continue to render any and every assistance possible that I can, just the same as if I had introduced the bill. Any time that I can be of service, outside of what we have discussed, command me.

Following this Governor THATCHER introduced H. R. 15657, a bill to provide for the improvement and preservation of the land and buildings of "Abraham Lincoln National Park or Reservation," among other things providing:

There is authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of this act.

A similar bill, S. 5228, was later introduced in the Senate by Senator SACKETT.

The War Department submitted a report and estimate of $80,000 to General Lord, Director of the Bureau of the Budget, on December 21, 1928. My idea is that the execution of the plans and recommendations for these necessary improvements is fully authorized under the present law, but we will push the bill anyway. Due to the amount involved and the uncertainty of the situation the bill was introduced. A hearing was had on January 9, 1929, before a Military Affairs subcommittee, Governor THATCHER, Col. W. R. Gibson, and myself testifying. The whole committee heard us to-day and approved a favorable subcommittee report. I am making this speech to present the existing situation to all interested in my district, here, and over the Nation.

CONCLUSION

To my mind, forgetting the thousands of other wise and noble things said and done by Abraham Lincoln, the following single statement of his proves his worthiness of all that has been said and done by the whole world to honor his memory, viz:

I want the people of the South to come back to the old home, to sit down at the old fireside, to sleep under the old roof, and to labor and rest and worship under the same flag. For four years I have seen the flag of our Nation riddled with bullets and torn with shell and trailed in the dust before the eyes of all the nations, and now I am hoping that it will please God to let me live until I shall see that same flag unsullied and untorn waving over the greatest and most powerful Nation on the earth—over a nation of freemen—over no master and over no slave.

Coupling the contractual obligations of the United States to suitably maintain this shrine with the merit and sentiment that the proposal should command without it, I can not see why this bill should not be passed with the same unanimity that characterized the action of Congress when it accepted the gift. The Kentucky delegation is very much interested in the matter and approved a resolution offered by me urging the prompt passage of the bill. Anyway, I will be grateful for the bill's consideration and support by my colleagues, to each of whom I am sending a copy hereof, as well as to the Senators. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. STEVENSON].

COTTON TEXTILE INDUSTRY

Mr. STEVENSON. Mr. Chairman, ladies, and gentlemen of the committee, I want to talk just a little while upon the subject of the cotton textile industry and some of its troubles at the present date; also some of the troubles proposed to be injected into it. I represent a district, probably the second in South Carolina in number of spindles, millions of dollars invested in the cotton-manufacturing business, thousands of people making their living operating those mills, and other thousands of farmers who rely on the market which these mill populations furnish to enable them to so diversify their agriculture that they may solve the problem which Congress has in a very futile way endeavored to solve for a great many years for the farmers.

But for the last year or two there has been a great depression in that business. The mills all last summer were running short time. Many operatives stayed there because they had good homes. Mills in that country have provided the best of homes with light, water, and sewerage and everything conducive for the comfort and the health of the operatives; and consequently they do not like to quit that and hunt other employment. They have had a hard time. They are industrious and an exceedingly high-class lot of folks. Many people talk of cotton-mill operatives, but there is not a more loyal or more patriotic set of people in the Piedmont section of the Carolinas than the people who actually handle the machines in the mills. Now, I have noticed and read with a great deal of interest that our friends in New England are also having a great deal of trouble.

It seems they held a discussion a very short time ago in which they proposed a good many things, but seem not to have reached a positive agreement on anything except on the high-class goods that they make they wanted a higher tariff. Here is one thing, however, they seem to have agreed upon; it is taken hold of in a resolution which has been introduced in this Congress by the distinguished gentleman from Massachusetts [Mr. DALLINGER] to amend the Constitution of the United States to the following effect:

That the Congress shall have power to adopt uniform hours and conditions of labor throughout the United States.

That proposition is now before this Congress, and I take it it will be until some action is taken on it. Now, if you will consider for a minute the conditions out of which all of this has grown you will see that our friends in New England for a long time made their industry prosperous by levying a tariff on imports so that it gave them a control of the American market and enabled the manufacturer to charge a profitable price, and frequently we down South, who bought a lot of stuff in those days, paid exorbitant prices for their goods. That promoted prosperity in the industry as long as it worked. The people down South, after working to the advantage of the manufacturer, concluded we would quit paying New England, and so we established manufacturing down there. In other words, our folks took Massachusetts' dog and made him bite the "Bay State," and that is what he is biting now, and so we are having this proposition to interfere with labor. They want conditions in the mills in the South changed.

Now, the proposition is to make a higher labor cost against goods that are made at least expense and therefore more profitably in the South than in the New England part of this country. They can not impose a tariff against one section of the country in favor of another. But they want now to increase the cost of our products by endeavoring to increase the cost of our labor, and, incidentally, to deny to a man who works in the mills in South Carolina the right to work the number of hours they have been accustomed and against which they have never made complaint; but it is the purpose to cut down the number of hours they may work, deny them that privilege in order, forsooth, that the gentlemen up here who have let the State legislatures get away with them and put on a 48-hour schedule in the manufacture of cotton goods can compete with us. I submit that they can not take away from us that which we have developed as the result of legislation fostered by them to our disadvantage.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Certainly.

Mr. MURPHY. How many hours a week do your mill people work?

Mr. STEVENSON. About 55 hours a week. They can work 60 hours, but as a rule they work 10 hours a day for 5 days and 5 hours on Saturday. That is the rule now. There are only two States that have a 48-hour law. Those are Massachusetts and New York.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. HUDSON. Does the gentleman find that in the States where 48 hours are fixed there are worse conditions in the homes and worse economic standards of life for the employees?

Mr. STEVENSON. I have not investigated the 48-hour States, but I can tell the gentleman that in the Carolinas we have the best conditions affecting labor of any States I know of anywhere. Of course, my distinguished friends from Massachusetts should not now undertake to invade South Carolina with that kind of a proposition. It is all right for them to get after North Carolina, because that State went back on Massachusetts in the last election, but the State of South Carolina stood nobly by Massachusetts and voted for Al Smith, and I think it is unreasonable for Massachusetts to come down to South Carolina and try to interfere with our affairs in order to get after North Carolina. [Laughter.]

Mr. WASON. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Certainly.

Mr. WASON. Does South Carolina feel lonesome at this moment? [Laughter.]

Mr. STEVENSON. Oh, she thinks she is in good company when she has Massachusetts with her, and we are standing nobly by her.

There were two things advocated principally at this meeting in New Bedford, Mass. One was the 48-hour law. Only two States have a 48-hour law and 46 States have other laws. Now, the 48-hour States want to undertake to say to the other States that Congress shall either enact a 48-hour law applying to the other States or else enable them otherwise to compete with other States having the 48-hour law or raise their hours to 54 a week. Our States regulate the hours of labor within our own borders, and we do not need congressional help in the matter.

Mr. BOWLES. Mr. Chairman, will the gentleman yield there?

Mr. STEVENSON. Yes.

Mr. BOWLES. The 48-hour law applies only to women and children.

Mr. STEVENSON. I did not get that information from this splendid symposium of the conditions that were brought out at this Massachusetts meeting. I have a copy of it, and I filed it, and I find a great deal of useful information in it. But nothing was said in it about the Massachusetts 48-hour law applying only to women and children. My State has a pretty rigid law about women working in mills more than a certain number of hours, and another law prohibiting the work of children under 14 years in factories at all.

They had one Mr. Binn before them, speaking as to the condition of labor in reference to the tariff. Mr. Binn said it had been dinned into his ears—and he is a leader of that element in Massachusetts—that the tariff was passed for the benefit of the American laborer; that was what it was for. The tariff was designed, we are told, chiefly to protect the workers; and that being the case, it ought at least to give American workers conditions equal to those in competing foreign countries. That is what the present act was designed for, he contends. We were told here when we were passing the Fordney-McCumber Act that it was in the interest of labor. Mr. Binn, I understand, was for it, and he was down here lobbying for it. He says the tariff does not give them better conditions than those under which the pauper labor of Europe is living. It was stated by the committee that that was what it was for.

Mr. Binn says some other things. He speaks of "the benighted States in the South," and refers to the fact that in some of the other New England States the employees run sometimes from 54 hours to 60 hours a week. He says these mills are a greater menace to the American standard of living than any competition from foreign countries where pauper labor is employed. That is the statement we get from the standpoint of the labor of Massachusetts.

They say this competition, if continued indefinitely, can end only in disaster to any industry. They say that American goods are produced under worse conditions than those prevailing in any other country. I understood we did not want our labor to sink to the level of the pauper nations of Europe. This man says we are producing goods now under worse conditions than those prevailing in Europe.

I am concerned about labor conditions just as much as the gentleman from Massachusetts is, because it is a live question in my country, and it is the salvation of that agricultural country down there that its industries be diversified with these textile manufactures which have been languishing for a year very seriously. But that does not drive me to the point of agreeing to this increase of tariff as proposed. Why? Because it is brought out here that the finest grades of goods are principally concerned.

One of the several questions debated here is the question of taxation of the textile manufacturing establishments. That is a serious question. It is one, however, in which we have an advantage over the people of New England, and that is one of the things that has enabled our manufacturers to succeed in addition to the superior amount of output that one operative will get out as compared with the amount that one operative will get out in New England. That is one of the things that give us an advantage. Some of the handicaps we encountered we had to cure by legislation.

Prior to 1900 the cotton-mill stocks were largely held in New England, even in the factories of my State. What were they paying? We were taxing the property of the cotton mills, while in New England they were taxing the stock held by gentlemen up there, and they were not doing that in any other place. Well, we worked out a plan—and I was one of the coauthors of it—in which we declared by statute that all stocks in cotton mills located in South Carolina under corporations organized in South Carolina, should be considered real estate for purposes of taxation. We made that the law, and what happened?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. STEVENSON. The gentlemen up in Massachusetts who owned those stocks immediately got out from under; because the stock was the creature of South Carolina and the property located in South Carolina the stock was taxable as real estate. Therefore we went along and taxed the property and left the stock off, because it was taxes on the property it represented. We have never taxed that, and that is one of the ways we solved some of their troubles.

Now you want to go ahead and legislate on the question of the hours of labor. I say it comes with poor grace for the gentlemen from Massachusetts to undertake to do that when they have had that protection for all this time; when we have grown up in the industry right along with them and have now reached a point where we can compete with them. I say it is poor grace for them to come along now and attempt to increase the cost of our production by another method of Federal legislation.

I want to direct the attention of this House to the fact that we are to have tariff legislation next year, and it was stated by the chairman of that great meeting that they hoped to insert into that tariff bill a provision which will protect only those that are limited to a 48-hour week; that they are only going to protect the products of those factories where labor is limited to 48 hours a week. I do not think they will get away with that. The gentleman who introduced this constitutional amendment decided that was the only way it could be done, but I will say to that gentleman that I do not think he will get anywhere with this amendment, but it is just as well to call attention to the fact that the war has been started and that the gentlemen up there are persistent, insistent, and ingenious. Nobody has ever accused any Massachusetts delegation of not having sense enough to know what they wanted and to keep on after it until they got it if they could. That is what they are starting to do; that is their proposition, and we need to consider this mighty carefully before we allow that door to be opened.

But I find there is some doubt about whether or not Massachusetts would be in favor of this. As you know, some years ago we passed the child-labor amendment, which was to be inserted in the Constitution for the purpose of enabling this Congress to deal with the child-labor conditions in every corner of this great country. I think three States have ratified it, but up in Massachusetts, where they want to regulate all these things, they submitted it to a referendum of the people and it was defeated by a 200,000 majority, and New Bedford, the very place where this agitation is coming from, went overwhelmingly against it in the referendum. So I apprehend we will have some trouble before we get that in the Constitution; but the fight is on, it is well recognized, and, as I said a while ago, I think it comes with very poor grace for Massachusetts to now attempt to interfere with South Carolina, when South Carolina stands right with her nationally. She wants to do this just because she wants to get back at North Carolina, which has gone back on her and gone Republican.

Mr. LINTHICUM. Do all of you Republican States stand together?

Mr. STEVENSON. I do not know. I want to see what North Carolina, Texas, Florida, and Virginia have to say about that as well as the gentleman's State, Maryland.

Mr. MURPHY. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MURPHY. The gentleman might be interested in knowing that one of the committees of Congress will have a hearing to-morrow at which representatives of the employees of the Government Printing Office will ask for a 44-hour week instead of a 48-hour week.

Mr. STEVENSON. I happen to be a member of the committee before which that hearing is to be held. There is no law against anybody coming up and asking for anything they want, but I am from Missouri when it comes to giving it to them if it is not the right thing to do; but the Government Printing Office is not a competitive business and not in a class with manufacturing plants selling their products to the public.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. WASON. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. HUDSON].

FARM RELIEF

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I asked the chairman of the committee who now has

charge of the bill before us for time to bring before you some observations on farm relief that have been made by the former president of our Michigan State College, Dr. Kenyon L. Butterfield, who is to sail in February under the Carnegie Corporation, for survey work in the rural British colonies of Africa; and in bringing before you some of these observations in this paper which he has presented I shall ask permission, as a revision of my remarks, to extend the manuscript in full in the RECORD.

The report of the Business Men's Commission on Agriculture, made in 1927, said that the agricultural question "constitutes a challenge to modern statesmanship."

Now that the tumult and the shouting of the political campaign are over and the captains, if not the kings, of the fray have left the stage, public opinion should, if possible, be keyed to those fundamental issues that led the commission to use the words "challenge" and "statesmanship"; and to the constructive task of mapping and applying the basic remedy suggested by the commission: "The adoption of a comprehensive agriculfural policy."

The task is both supremely important and immensely difficult. We are yet in the dawn of a just consideration of this complicated rural question. There is available no unity of even current thinking on the subject as a great whole. History gives us meager aid. The practical jobs of making a policy and of making it work are nothing less than stupendous. It is probable indeed that a policy can not be "made" in the sense of formulating a plan that will at once satisfy the full need of American agriculture and country life, secure the approval of the major elements of our population, and serve as a guide to legislation and the action of voluntary associations. A realistic policy will have to grow out of much discussion and experience as well as out of scientific research and constructive planning. These difficulties should by no means deter us from seeking and adopting a comprehensive policy.

I have felt that in this short session of Congress we would not have time to consider in its important details the policy of farm relief that must be the essential policy, and so I have stood as one of those who has advocated the calling of a special session in order that this question might find adequate and immediate solution.

But the agricultural situation will not admit of delaying action until a complete permanent policy is worked out. In a sense it is unfair to the farmers to use the word "relief" in discussing the needs of American farming; our farmers are not begging a gift from the rest of their fellow citizens. Their experiences for the past eight years, however, have impressed upon them the almost desperate need of finding a way out from under an acutely real burden. "Farm relief" has therefore come to stand even among farm leaders for measures that should be taken as speedily as possible for the purpose of bringing agriculture nearer "to an economic equality with other industries." It is to be hoped that all measures that may be passed will be in harmony with the principles that should underlie that comprehensive rural policy which all agree is imperative. But early action there must be.

That there will be early action is assured. It is idle to speculate as to the program of farm relief which would have issued from the group which Governor Smith promised to assemble, if he were elected, to consider the farm problem, or as to the effect upon that program of his adherence to the principles of the McNary-Haugen bill. It is equally futile to wonder what would have happened if Mr. Coolidge had not vetoed the McNary-Haugen bill and if it were now operating.

So there is no criticism implied in the statement that for the time being we should scrap all the proposals for farm relief that have been discussed in the sense that we now have before us a set of proposals that for all practical purposes constitute the program that should have the right of way. This is not to say that no suggestions as to the details or even the fundamental implications of this program should be made. On the contrary, it is highly important that Congress shall have the benefit of every available point of view both as to the principles and the details of proposed legislation. But there is only one practical course, and that is to follow the leadership of the President elect, who has promised the earliest possible action on this subject—at least "before the next harvest."

The reason for such a procedure is obvious. We have at hand the formula for action—the leader, his program, and the mandate placed upon him.

Mr. Hoover has repeatedly signified his belief that the need of farm relief is our most pressing economic question. He has reiterated his promises that it shall have immediate attention. All the sincerity of his convictions, the integrity of his thinking, the prestige of his method of attaining his ends, even his continued leadership, are at stake. He can not fail to use all his powers and all his power to secure from Congress and from voluntary organizations the enactment of his program and the backing of his farm constituency.

And Mr. Hoover has a program. He has set forth a very definite and comprehensive program of farm progress. To say this is not to assume that Mr. Hoover's announced program is sufficient for all agricultural ills nor even a certain cure for the particular difficulties it seeks to meet. Many will disagree with him as to its adequacy; but it is a specific, reasoned program, an engineer's blue print for a project of economic rehabilitation of a great industry still in a period of stress and strain.

Mr. LINTHICUM. Is the gentleman going to outline what that program is?

Mr. HUDSON. If the gentleman will just give me time.

Moreover, Mr. Hoover has a mandate to "make good" his proposals. We may think whatsoever we choose about the extent to which the so-called "drys" and religious "bigots" made themselves felt in the election over great areas of our country, but it is plain beyond controversy that the farmers of America have evidenced by the majorities for Mr. Hoover in great agricultural States and the rural vote in great industrial States their willingness to let Mr. Hoover develop his program. It is more than possible that the attitude of hosts of farmers on the farm aspect of Mr. Hoover's positions taken during the campaign constitutes quite as much a vote of challenge to him as a vote of confidence in him. The result of the elections becomes not merely an indorsement of Mr. Hoover's program but even more a significant, compelling call to him and to all the political leaders to clear the way for a trial of Mr. Hoover's prescription for maladjustments in our rural economy.

Now as to Mr. Hoover's program, about which my colleague from Maryland has asked:

Mr. Hoover's program is set forth both in its main principles and in some of its details in his St. Louis speech of November 2, 1928. He proposes to—

First. Secure cheaper transportation of goods to market.

Second. Provide a tariff sufficient to reserve to the American farmer the American market.

Third. Maintain the purchasing power of consumers.

Fourth. Eliminate wastes in distribution.

Fifth. Stabilize farm prices.

Sixth. Study each farm commodity as a problem and plan aid to meet its particular difficulties.

He expects to attain these objectives by three laws or groups of laws:

First. He would complete as soon as practicable a system of inland waterways some 12,000 miles in length, which would traverse the Mississippi Valley north and south, east and west, as well as give the upper valley and the Northwest ship-canal access to the Atlantic. He believes that this great system would substantially reduce freight rates on farm products, as well as encourage the building of new industries in the valley and thus aid in absorbing locally a large farm production in that region.

Second. He would place marked increases of tariff upon those imports of soil-grown products which we can grow in America, and which now come in, he says, to the extent of some $800,000,000 a year. Thus the farmer would diversify his production, secure for himself the American market, and relieve existing exportable surpluses. The tariff on manufactured products, Mr. Hoover contends, makes it possible for our industries to pay such wages as provide a standard of living for workers "which permits them to purchase all the food they can eat." America is the only country in the world, he says, where this is true.

Third. Mr. Hoover's third and his most far-reaching method of farm relief is to create a Federal farm board with wide powers of investigation into all farm questions, and in addition broad authority to act, power to assist, and funds necessary to support all its activities and powers, with reference to the development of cooperative marketing, clearing houses for agricultural products, and adequate warehousing facilities.

In particular the board is to build up with initial advances of capital from the Government, farmer-owned and farmer-controlled stabilization corporations which will protect the farmer from depressions and the demoralization of summer and periodic surpluses.

In this way he would expect to gain the other three objectives in his program; that is, to stabilize farm prices, eliminate waste in distribution, and meet the particular needs of different products.

This entire program of Mr. Hoover's should be enacted as speedily as possible and adopted in all its aspects. It is both a pledge and an experiment—a pledge to give due attention to what Mr. Hoover himself says is "the most difficult of economic problems presented to our people," and an experiment in the sense that only by trial can we be sure of the adequacy of

even a well-reasoned and "economically sound" program of farm relief.

Comments upon the program are, however, in order, first, because some of its implications should not be overlooked, and, secondly, because there are other important phases of a farm-relief program than those mentioned by Mr. Hoover that should be fully considered while this legislation is being hammered into form. Moreover, there are exceedingly significant steps in farm relief lying outside the province of government that should be taken as soon as practicable. I wish, therefore, to make a few comments and suggestions on Mr. Hoover's program.

Whatever beneficial results may accrue from the completion of the great inland-waterways project outlined by Mr. Hoover, the question of rail rates on agricultural products still remains.

It is universally acknowledged that railway-traffic rates present a stubborn, complex, some think an unsolvable, problem. It is almost impossible to apply the scientific method to rate making, and if the task were left to the interested farmers alone, it would still be difficult to resolve the conflicting claims of farmers in different regions.

Nevertheless the question is a basic one, and there should be an adequate study of existing transportation rates as affecting American soil-grown products, both for domestic and overseas transportation, and the possible revision of these rates, on the principle of granting lowest possible rates between growing and marketing points, having in mind, however, both the normal market for and the most promising regions for the production of various commodities.

It would be worth while to investigate also the auto-truck problem as it affects the production and marketing of those products that can economically be grown within the trading areas surrounding such cities as may afford an important market to locally grown products.

In this connection may I call to your mind the fact that probably the fruit region of western Michigan to-day is in its present state of prosperity because it can transport its soil-grown products direct to the markets of the great cities adjacent to it without the intervening delay of time and the expense of refrigeration that it formerly had in steam-moved transportation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WASON. Mr. Chairman, I yield the gentleman from Michigan five additional minutes.

Mr. HUDSON. The current studies of the Interstate Commerce Commission in the field of traffic rates on farm products should be concluded as soon as practicable, and it should be made certain that they are inclusive of the main elements of the rate question as it affects American farmers.

Mr. Hoover in his speech of acceptance put the tariff first in his list of remedies for the farm depression, and in his St. Louis speech he says:

> Adequate tariff is essential if we would assure relief to the farm. The first and most complete necessity is that the American farmer has the American market. That can be assured to him solely through the protective tariff.

So it seems to me we have wisely made provision whereby the Ways and Means Committee is in session working constantly on the development of a tariff revision.

Mr. LINTHICUM. Would the gentleman object to a question at this point?

Mr. HUDSON. No.

Mr. LINTHICUM. I do not hear anything about the equalization fee. That is not in the program as I understand it?

Mr. HUDSON. That is touched on a little later, if the gentleman please, and if I have the time I will cover that.

Mr. Hoover's recommendations should be adopted as soon as proper schedules can be formulated. We should have a fair trial of a full farm tariff. It is imperative to apply to agriculture, and to the full, the accepted tariff protection given to industry. Whether there will be retaliatory tariffs in foreign countries either on our manufactured or agricultural products must be left to the future. Whether encouraging our farmers by means of the tariff to transfer some of their energies to growing products thus to be protected will reduce the present exportable surplus of staples can be determined only by experience.

These recommendations for increasing the tariff on agricultural products are made in the light of the evident tariff psychology of the American people at the present time, and in harmony with the old slogan of the farmers of "a tariff for all or a tariff for none." If America desires to participate fully in the world trade of the future, she may be obliged to make radical reductions in her tariff, and perhaps even concede an entirely new principle in tariff legislation. But before that is done it is clear that we must first follow the present type of tariff to its full conclusion. We must have more tariff before we can have less tariff.

The phrase, "Government encouragement of agricultural cooperation," is hardly expressive of the full scope of the group of proposals by which the Federal farm board would have authority to stimulate and guide the development of organizations and facilities for marketing farm products, secure proper credit for handling temporary surpluses, reduce distribution costs, and, in fact, authority to try to meet the whole range of knotty problems that ensue in the process of getting the products of the farms to the consumers on fair terms to both. To attempt detailed comment on these proposals would be to write a book. But once more emphasis is placed upon the desirability of the earliest possible legislation by which the plans suggested by Mr. Hoover may get under way.

It is, however, important to point out some considerations that should have ample discussion during the process of framing the measures and putting them on the statute book.

Then there is the matter of exportable surplus. In the discussions of farm relief, the crux of the economic difficulty, it has been argued by the proponents of Federal legislation, lies in the fact that we produce more than we need of certain great staples, and that the price of this exportable surplus in the world market tends to fix a lower price for the entire product in the American market than would otherwise be the case, and a price too low for profitable production. Mr. Hoover is obviously opposed to such proposals as were embodied in the McNary-Haugen bill for taking this surplus off the domestic market by direct means, and particularly by means involving the Government itself. He evidently relies upon the stimulus that higher tariffs will give to the production of commodities not now receiving adequate protection, upon the processes of orderly marketing, the handling of temporary surpluses, the provision of warehousing facilities, the savings of costs of distribution of food products, and upon other similar gains from his general program, to reduce this exportable surplus to manageable proportions, at least to eliminate it as a serious factor in the farm problem.

The problem of farm prices is, of course, fundamental not only as it concerns the industry itself but in the business relations of the farm group to other groups. We need to know the relation of prices to cost of production; the relation between prices received by the farmers and the prices for the same products in the wholesale market; the relation between farm prices and wholesale prices to retail prices of soil-grown products, whether raw or processed; the relation between prices and both quantity and quality production; farm prices as affected by foreign trade; and then, finally and in general, the relation between farm prices and the value of gold.

Moreover, the Federal Reserve Board has large powers. Its operations should be widely known, especially as they may affect farmers, who are suspicious of bankers. Enlightenment on this question is not a political but an economic matter.

It is possible that the proposed Federal farm board is the appropriate body to make such studies. The question, however, is more inclusive than farm interests alone, and recommendations based on these studies would affect several departments of Government and all aspects of business. Might it not be well, therefore, to authorize an existing commission or department of the Government—or, if necessary, to appoint a new commission—to make an immediate but thorough study of the forces that govern the relation between farm prices and general prices, the relation of both to systems of banking and credit, and how these forces and agencies may be controlled in the interest of stabilizing general prices, and particularly in the interest of equivalent prices to farmers?

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include as an extension by printing in the RECORD the complete manuscript of President Butterfield.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The complete article by Doctor Butterfield is as follows:

FARM RELIEF

By Kenyon L. Butterfield

The report of the Business Men's Commission on Agriculture, made in 1927, said that the agricultural question "constitutes a challenge to modern statesmanship."

Now that the tumult and the shouting of the political campaign are over and the captains, if not the kings, of the fray have left the stage, public opinion should, if possible, be keyed to those fundamental issues that led the commission to use the words "challenge" and "statesmanship"; and to the constructive task of mapping and applying the basic

remedy suggested by the commission: "The adoption of a comprehensive agricultural policy."

The task is both supremely important and immensely difficult. We are yet in the dawn of a just consideration of this complicated rural question. There is available no unity of even current thinking on the subject as a great whole. History gives us meager aid. The practical jobs of making a policy and of making it work are nothing less than stupendous. It is probable indeed that a policy can not be "made" in the sense of formulating a plan that will at once satisfy the full need of American agriculture and country life, secure the approval of the major elements of our population, and serve as guide to legislation and the action of voluntary associations. A realistic policy will have to grow out of much discussion and experience as well as out of scientific research and constructive planning. These difficulties should by no means deter us from seeking and adopting a comprehensive policy.

ASSURANCE OF EARLY RELIEF

But the agricultural situation will not admit of delaying action until a complete permanent policy is worked out. In a sense it is unfair to the farmers to use the word "relief" in discussing the needs of American farming; our farmers are not begging a gift from the rest of their fellow citizens. Their experiences for the past eight years, however, have impressed upon them the almost desperate need of finding a way out from under an acutely real burden. "Farm relief" has therefore come to stand even among farm leaders for measures that should be taken as speedily as possible for the purpose of bringing agriculture nearer "to an economic equality with other industries." It is to be hoped that all measures that may be passed will be in harmony with the principles that should underlie that comprehensive rural policy which all agree is imperative. But early action there must be.

EARLY ACTION ASSURED

That there will be early action is assured. It is idle to speculate as to the program of farm relief which would have issued from the group which Governor Smith promised to assemble, if he were elected, to consider the farm problem, or as to the effect upon that program of his adherence to the principles of the McNary-Haugen bill. It is equally futile to wonder what would have happened if Mr. Coolidge had not vetoed the McNary-Haugen bill and if it were now operating.

So there is no criticism implied in the statement that for the time being we should scrap all the proposals for farm relief that have been discussed in the sense that we now have before us a set of proposals that for all practical purposes constitute the program that should have the right of way. This is not to say that no suggestions as to the details or even the fundamental implications of this program should be made. On the contrary, it is highly important that Congress shall have the benefit of every available point of view, both as to the principles and the details of proposed legislation. But there is only one practical course, and that is to follow the leadership of the President elect, who has promised the earliest possible action on this subject—at least "before the next harvest."

THE MAN, THE PROGRAM, THE MANDATE

The reason for such a procedure is obvious. We have at hand the formula for action—the leader, his program, and the mandate placed upon him.

Mr. Hoover has repeatedly signified his belief that the need of farm relief is our most pressing economic question. He has reiterated his promises that it shall have immediate attention. All the sincerity of his convictions, the integrity of his thinking, the prestige of his method of attaining his ends, even his continued leadership, are at stake. He can not fail to use all his powers and all his power to secure from Congress and from voluntary organizations the enactment of his program and the backing of his farm constituency.

And Mr. Hoover has a program. He has set forth a very definite and comprehensive program of farm progress. To say this is not to assume that Mr. Hoover's announced program is sufficient for all agricultural ills nor even a certain cure for the particular difficulties it seeks to meet. Many will disagree with him as to its adequancy; but it is a specific, reasoned program, an engineer's blue print for a project of economic rehabilitation of a great industry still in a period of stress and strain.

Moreover, Mr. Hoover has a mandate to "make good" his proposals. We may think whatsoever we choose about the extent to which the so-called "drys" and religious "bigots" made themselves felt in the election over great areas of our country, but it is plain beyond controversy that the farmers of America have evidenced by the majorities for Mr. Hoover in great agricultural States and the rural vote in great industrial States their willingness to let Mr. Hoover develop his program. It is more than possible that the attitude of hosts of farmers on the farm aspect of Mr. Hoover's positions taken during the campaign constitutes quite as much a vote of challenge to him as a vote of confidence in him. The result of the elections becomes not merely an indorsement of Mr. Hoover's program but even more a significant, compelling call to him and to all the political leaders to clear the way for a trial of Mr. Hoover's prescription for maladjustments in our rural economy.

MR. HOOVER'S PROGRAM

Mr. Hoover's program is set forth both in its main principles and in some of its details in his St. Louis speech of November 2, 1928. He proposes to—

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He expects to attain these objectives by three laws or groups of laws:

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Third. Mr. Hoover's third and most far-reaching method of farm relief is to create a Federal farm board with wide powers of investigation into all farm questions, and in addition broad authority to act, power to assist, and funds necessary to support all its activities and powers, with reference to the development of cooperative marketing, clearing houses for agricultural products, and adequate warehousing facilities.

"In particular the board is to build up with initial advances of capital from the Government, farmer-owned and farmer-controlled stabilization corporations which will protect the farmer from depressions and the demoralization of summer and periodic surpluses."

In this way he would expect to gain the other three objectives in his program; that is, to stabilize farm prices, eliminate waste in distribution, and meet the particular needs of different products.

This entire program of Mr. Hoover's should be enacted as speedily as possible and adopted in all its aspects. It is both a pledge and an experiment—a pledge to give due attention to what Mr. Hoover himself says is "the most difficult of economic problems presented to our people," and an experiment in the sense that only by trial can we be sure of the adequacy of even a well-reasoned and "economically sound" program of farm relief.

COMMENTS UPON THE PROGRAM

Comments upon the program are, however, in order, first, because some of its implications should not be overlooked, and, secondly, because there are other important phases of a farm-relief program than those mentioned by Mr. Hoover that should be fully considered while this legislation is being hammered into form. Moreover, there are exceedingly significant steps in farm relief lying outside the province of government that should be taken as soon as practicable. I wish, therefore, to make a few comments and suggestions on Mr. Hoover's program.

Whatever beneficial results may accrue from the completion of the great inland-waterways project outlined by Mr. Hoover, the question of rail rates on agricultural products still remains.

It is universally acknowledged that railway-traffic rates present a stubborn, complex, some think an unsolvable, problem. It is almost impossible to apply the scientific method to rate making, and if the task were left to the interested farmers alone it would still be difficult to resolve the conflicting claims of farmers in different regions.

Nevertheless the question is a basic one, and there should be an adequate study of existing transportation rates as affecting American soil-grown products, both for domestic and overseas transportation, and the possible revision of these rates, on the principle of granting lowest possible rates between growing and marketing points, having in mind, however, both the normal market for and the most promising regions for the production of various commodities.

It would be worth while to investigate also the auto-truck problem as it affects the production and marketing of those products that can economically be grown within the trading areas surrounding such cities as may afford an important market to locally grown products.

Mr. Hoover's recommendations should be adopted as soon as proper schedules can be formulated. We should have a fair trial of a full farm tariff. It is imperative to apply to agriculture, and to the full, the accepted tariff protection given to industry. Whether there will be

retaliatory tariffs in foreign countries either on our manufactured or agricultural products must be left to the future. Whether encouraging our farmers by means of the tariff to transfer some of their energies to growing products thus to be protected, will reduce the present exportable surplus of staples can be determined only by experience.

These recommendations for increasing the tariff on agricultural products are made in the light of the evident tariff psychology of the American people at the present time, and in harmony with the old slogan of the farmers of "a tariff for all or a tariff for none." If America desires to participate fully in the world trade of the future, she may be obliged to make radical reductions in her tariff, and perhaps even concede an entirely new principle in tariff legislation. But before that is done it is clear that we must first follow the present type of tariff to its full conclusion. We must have more tariff before we can have less tariff.

The phrase, "Government encouragement of agricultural cooperation," is hardly expressive of the full scope of the group of proposals by which the Federal Farm Board would have authority to stimulate and guide the development of organizations and facilities for marketing farm products, secure proper credit for handling temporary surpluses, reduce distribution costs, and, in fact, authority to try to meet the whole range of knotty problems that ensue in the process of getting the products of the farms to the consumers on fair terms to both. To attempt detailed comment on these proposals would be to write a book. But once more emphasis is placed upon the desirability of the earliest possible legislation by which the plans suggested by Mr. Hoover may get under way.

It is, however, important to point out some considerations that should have ample discussion during the process of framing the measures and putting them on the statute book.

There is the matter of exportable surplus. In the discussions of farm relief, the crux of the economic difficulty, it has been argued by the proponents of Federal legislation, lies in the fact that we produce more than we need of certain great staples, and that the price of this exportable surplus in the world market tends to fix a lower price for the entire product in the American market than would otherwise be the case, and a price too low for profitable production. Mr. Hoover is obviously opposed to such proposals as were embodied in the McNary-Haugen bill for taking this surplus off the domestic market by direct means, and particularly by means involving the Government itself. He evidently relies upon the stimulus that higher tariffs will give to the production of commodities not now receiving adequate protection, upon the processes of orderly marketing, the handling of temporary surpluses, the provision of warehousing facilities, the savings of costs of distribution of food products, and upon other similar gains from his general program, to reduce this exportable surplus to manageable proportions, at least to eliminate it as a serious factor in the farm problem.

There are apparently those who are not so sanguine as Mr. Hoover that this solution of the surplus problem will eventuate. The newspapers report that Senator MCNARY will reintroduce the McNary-Haugen bill minus the equalization fee; while Mr. Taber, the master of the National Grange, is reported as declaring that the McNary-Haugen bill has no chance to become a law, but that as a part of needed tariff legislation the export debenture plan of the grange is still the most workable and logical form of readjusting tariff inequalities. There may be in these pronouncements a gesture of vindication of a position taken; but there is probably a dominant measure of conviction as to issues. However, these doubts on the surplus question hardly afford an argument against Mr. Hoover's far-flung plan of handling our domestic farm production. Time only will reveal the extent to which his constructive measures will eliminate that aspect of farm relief which has thus far controlled the thinking of our farmers and impressed the majority of Congress. We may find after all that the "surplus problem" will not down.

The problem of farm prices is, of course, fundamental not only as it concerns the industry itself but in the business relations of the farm group to other groups. We need to know the relation of prices to cost of production; the relation between prices received by the farmers and the prices for the same products in the wholesale market; the relation between farm prices and wholesale prices to retail prices of soil-grown products, whether raw or processed; the relation between prices and both quantity and quality production; farm prices as affected by foreign trade; and then, finally and in general, the relation between farm prices and the value of gold.

Moreover, the Federal Reserve Board has large powers. Its operations should be widely known, especially as they may affect farmers, who are suspicious of bankers. Enlightenment on this question is not a political but an economic matter.

It is possible that the proposed Federal farm board is the appropriate body to make such studies. The question, however, is more inclusive than farm interests alone, and recommendations based on these studies would affect several departments of Government and all aspects of business. Might it not be well, therefore, to authorize an existing commission or department of the Government—or, if necessary, to appoint a new commission—to make an immediate but thorough study of the forces that govern the relation between farm prices and general prices, the relation of both to systems of banking and credit, and how these forces and agencies may be controlled in the interest of stabilizing general prices, and particularly in the interest of equivalent prices to farmers?

A COMPREHENSIVE STUDY OF FARM TAXES

Taxation as it affects the farm is a function of the State rather than of the Federal Government. The cost of schools and of highways is the biggest charge on the farmer's direct tax bill. It is desirable, however, to have more nearly uniform State laws on this subject. The item of taxes is now so prominent a factor in farm expense as not only to constitute an important problem in itself, but to call for the fullest possible measure of uniformity in the different States.

It is also highly important to consider the relation of Federal and State taxation as affecting the farmer, epecially as this relationship is exhibited in the Federal income tax and in the Federal inheritance tax.

Here again arises the query whether the Federal Farm Board should, in addition to its other duties, be charged with this important investigation. Perhaps it may be wiser to have a special commission on this subject. Or again, inasmuch as the United States Department of Agriculture has already carried investigations in this general field, it might be well to empower that department to extend its study of farm taxation. From the writer's point of view it is desirable at an early date to assemble sufficient data on which to formulate recommendations for uniform State tax laws which recognize the necessity of minimizing the general property tax and substituting forms of taxation based upon the principle that taxes should be assessed not only upon individuals, corporations, and other business groups, but also upon municipalities and local communities, in accordance with ability to pay.

As a special phase of this study, consideration should be given to the desirability and feasibility of increasing the Federal income tax but returning a part of this tax to the States.

LAND UTILIZATION

The business men's commission wisely stressed the significance of trying to readjust the utilization of the land by putting each acre to its best use, recognizing that vast areas of land are now cropped that should have some other use. The commission suggested the organization of a "National Agricultural Foundation," privately endowed, which should, among other functions, secure an expert classification of the land resources of the Nation, including an economic survey of land, and then try to get this land put to its best uses. There would be information service to landholders, experiments in transplanting scattered farmers from poor lands to colonies on better lands, and perhaps some guidance of population movements.

It may be doubtful wisdom to assign this work of mapping the best utilization of farm land to a body that has other functions. It is in itself a task of tremendous proportions. It involves not merely the allocation of Federal lands or of large tracts of State or privately owned lands within the State but in most parts of the country it involves also discrimination in use of land in local communities and even on individual farms. It is also pertinent to inquire whether much of this work is not clearly a governmental function. However, the main observation to be made is that the program of farm relief should include machinery for securing a wiser utilization of our land. It is not a minor but a very important element in the farm problem.

CONTINUED RESEARCH

The importance of continuous and thoroughgoing research into every part of the rural problem becomes more obvious with every discussion of farm problems and every proposal for their solution. Fortunately, Mr. Hoover's bent of mind is that of one who wants bottom facts as the background for action, and he clearly sees the special need for this procedure in the case of rural questions. For he proposes that the Federal farm board shall be a fact-finding agency, and shall also set itself to discover both causes and remedies.

In planning for research of this character it is however highly important to remember that the United States Department of Agriculture, together with the agricultural experiment stations in all the States, form the most extensive and effective agency of rural research in the world. A recent act of Congress adds substantially to the research facilities of the State experiment stations, particularly in the field of economic and social studies. Is there not an advantage in providing still larger funds by which the United States Department of Agriculture can greatly expand its studies of this rural problem? It would seem wise to provide immediately for substantially increased appropriations for investigations by the United States Department of Agriculture, in cooperation with the State experiment stations, of a wide range of problems which American agriculture as a whole has to face, particularly in the fields of world demand and supply of soil-grown products, and the more obvious economic difficulties that have already been revealed, as well as the social implications of these economic tendencies. The department should be required particularly to expand its studies in the social aspects of farming, a field it has barely touched thus far.

Moreover, there is need of getting the results of these investigations directly to the farmers as well as to Congress. Here again the United

States Department of Agriculture, cooperating with the agricultural colleges, one in each State, provides the largest and most effective machinery for rural adult education in the world. The need for continued education in the field of cooperative endeavor is especially needed. It would be the part of wisdom, therefore, to develop still more fully the educational activities of the United States Department of Agriculture and the various agricultural colleges, by increased Federal appropriations in order to further rural popular education, especially in the field of cooperative buying and selling, and in other forms of collective business activity of the farming interests.

THE FEDERAL FARM BOARD

In outlining the functions of the proposed Federal farm board Mr. Hoover well says that it will be "an institution which will be one of the most important institutions in our Government." For he would give this board "power to determine the facts, the causes, the remedies which should be applied to each and every one of the multitude of problems which we mass under the general term, 'the agricultural problem.'" This board would also have a wide range of executive tasks of great importance and difficulty, not to mention the pioneering character and the financial significance of the machinery the board would be expected to install. Would a group designed to guide the destinies of this new and intricate business mechanism be the best group to administer the details of scientific research?

There is the further question of policy making. The business men's commission wisely said:

"A sound national agricultural policy conceived in this way can not rest upon governmental action alone, but requires the active participation and cooperation of farmers and their organizations, of the other great economic groups, and of the local, State, and Federal Governments as the guardians of the interests of the community. The formulation of such a policy and the building up of agencies and methods by which it may be expressed in concrete terms will require a long period of time, for it must be the product of gradual accumulation of experience and knowledge and can not be expected to spring complete and perfect from the brain of any individual or group."

A national chamber of agriculture and country life might be, therefore, of decided advantage. Many suggestions have been made for an organization of such a chamber ever since it was first proposed for the United States by Mr. David Lubin, 15 years ago. Mr. Lubin borrowed the idea from Germany, but it is doubtful if any European plan for this sort of thing could be transplanted. The idea, however, is entirely sound. We do need some kind of thoroughly representative body with ramifications into the smaller units of rural society and with interests inclusive of every aspect of the farm question in order to provide a forum for discussing and formulating a rural policy and program.

Still another matter of real importance is that the Federal farm board shall have at least one member whose particular interest lies in the area of rural welfare of human relations. Mr. Hoover well said at St. Louis:

"And the problem is not wholly an economic problem. It is partly a social problem, because the farm is more than a place of business—it is a place of living and a home. So that in addition to finding the particular difficulty in that particular branch of the business we must have regard for important social problems involved."

A PROPOSED DIVISION OF LABOR

In view of the considerations just discussed, it is suggested that the Federal farm board have as its primary executive duty the great task of directing the organizations of all those agencies which Mr. Hoover lists in his category of essential machinery for farm relief on its economic side.

Then let the board be linked with the United States Department of Agriculture in such fashion that the department and the cooperating State agricultural colleges and experiment stations shall carry on the main features at least of the research necessary to a full understanding of our farm problems, and also greatly enlarge their educational activities known officially as the "cooperative extension work in agriculture and home economics." Nothing should be done to limit the independence or the initiative of the Department of Agriculture. On the contrary, its work should be greatly expanded, especially in research.

It might be well for the Federal farm board to call into being a body with some such title as "The National Council of Agriculture and Country Life," which will be representative of all rural organizations and interests of every type, but to an extent also representative of industry, business, labor; in fact, while dominantly agricultural in its make-up, a group which will attempt to secure the cooperation of all parts of our population in developing a wise and sane and permanent agricultural policy. At any rate, steps should be taken to insure continued considerations of such a policy.

The Federal farm board would thus part with none of the power or prestige with which Mr. Hoover would clothe it, and would in addition ally with itself and deeply influence all the agencies and forces in the United States which, through research and education, discussion and cooperation, could contribute to the solution of the rural problem.

All the above measures require Federal legislation. The following suggestions embody plans that may well be stimulated by Government, but must depend chiefly upon voluntary organization and support.

A RURAL FOUNDATION

Twenty years ago, when the Roosevelt Country Life Commission was at work, it became evident to some of its members that there ought to be some sort of rural foundation, privately endowed, which could study and interpret independently both of Government and of organizations the trends and needs of American agriculture and country life.

From time to time various suggestions have been made for such a foundation, and with the rise of many research agencies during the past 20 years have come on the part of many of them special types of research in this field, and notable and statesmanlike contributions have thereby been made.

It has remained for Columbia University to propose a plan for an "institute of rural affairs," the aim of which would be "to make original researches in the field of rural affairs and to interpret and give publicity to the best available knowledge concerning the fundamental probems of agriculture and country life, the most promising methods of their solution, the relationships of the urban and rural groups, and the international aspects of the farm question."

The need for this sort of thing has been well set forth by President Butler, of Columbia, in these words:

"Some solution for the problems of the land and its relationship to human life should and must be found. * * * The modern democratic state must find a way to keep the needful proportion of the population upon the land, to maintain the quality of the rural population in comparison with the other groups, and to provide that population with the resources and satisfactions of modern civilization. * * * What is needed is an institute to integrate, to correlate, and to guide this vast undertaking, with a view to establishing and interpreting the facts for the information of public opinion and for the guidance of governments."

The committee which President Butler invited to report on a plan for such an institute closes its report by saying that this institute of rural affairs should have essentially a clearing-house function, quite in addition to any original pieces of research which it may undertake. Its greatest value and real genius will lie in the possibilities for correlating knowledge and opinion in terms of the statesmanship of rural affairs and stating these so clearly that their opinions may become valid for action on the part of all groups interested.

An institute of this sort should be liberally endowed. It has vast possibilities. If it had been in operation during the last decade it could have contributed immeasurably to the solution of the agricultural situation which has developed since the war.

Government agencies have their limitations in dealing with problems that involve social and political issues. A privately endowed institute of rural affairs would admirably supplement a Federal farm board. It would be particularly helpful in informing and influencing urban interests and points of view and in helping to indicate and correlate those international aspects of the farm question that must inevitably command the attention of statesmen and other leaders.

AN AGGRESSIVE COUNTRY-LIFE PROGRAM

It is a truism that agriculture is a mode of life as well as a means of making a living. To repeat Mr. Hoover's phrase, "We must have regard for important social problems involved."

While Government should recognize these problems and foster both research and action in the field of rural social problems, just as is the case with the business and economic problems of the farmers the working out of these social problems must in practice be left almost wholly to associations of farmers, to their schools, and to the other social agencies that function in the countryside. The local government, especially country government, can do more than is now done.

This whole field of "country life," embodying as it does questions of health, recreation, local government, social welfare, education, character building, and community organization, must receive far larger attention. These questions are significant, whether we have economic prosperity or depression. They deal with people in terms of their deepest welfare and their personal development.

As a concrete suggestion I know of nothing which would help this country-life program more than finding a way by which the American Country Life Association could assume more aggressive leadership in this field. For over 10 years the association has served as clearing house and conference center for a group of not less than 30 private and public agencies having a direct interest in the social problems of agriculture. It is capable of becoming a tower of strength in the operation of a wise, inclusive, American farm policy.

A COMPLETE REHABILITATION OF THE COUNTRY CHURCH

Probably the country church has suffered more than any other rural agency. This fact is due to a number of reasons, such as the agricultural depression itself, a vast amount of overchurching chargeable in part to denominational rivalry, the advent of automobiles and good roads, the lack of aggressive church programs, and a general letting up of church attendance in both city and country.

Such steps as the following are suggested:

(1) Organize a national commission on the country church large enough and representative enough to stand for the entire rural church problem.

(2) Organize a layman's country church association which will bring together representative farmers from all parts of the country who have a keen and an abiding interest in a revival of the country church.

(3) Provide for a continuation of surveys which will determine both overchurched and underchurched rural communities.

(4) Encourage the larger parish plan.

These are merely a few of the items in a plan that involves perhaps the most vital of all the needs in a program of farm relief—the spiritual element. For as Mr. Hoover himself said at St. Louis, "You can not divide those things that are seen from those that are unseen. The things that we call material are the foundation stones upon which we build the temple of those things we call spiritual."

Mr. CULLEN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LOZIER] such time as he desires.

The CHAIRMAN. The gentleman from Missouri is recognized for one hour.

Mr. LOZIER. Mr. Chairman, since the November election much has been said concerning the future of the Democratic Party. Some shallow-brained, shortsighted, and emotional editors, superficial students of public affairs, and poorly informed partisan politicians have boldly proclaimed the imminent and inevitable eclipse, dissolution, and destruction of the party of Jefferson, Madison, Jackson, Cleveland, Bryan, and Wilson, and a host of other masters of statecraft. Not a few of its traditional enemies have sung melancholy dirges over its untimely fate, pronounced mock-heroic eulogies over what they considered its mangled and mutilated remains, and unceremoniously consigned it to the somber and echoless charnel-house of oblivion. [Laughter.] Others have assumed the task of formulating the platform, principles, and policies of the new political party which, they say, will rise from the shattered ruins and emberless ashes of Democracy. [Laughter.]

I am neither alarmed, annoyed, nor embarrassed by the anvil chorus of these amateur makers of political medicine, these self-constituted political grave diggers, these gruesome political morticians, these croaking birds of evil omen, these partisan professional mourners who habitually go about the streets and up and down the political highways and byways of the Nation, gleefully spreading the dismal tidings to the effect that the Democratic Party, if not already in a state of rigor mortis, is dying and no longer a potential factor in the political affairs of the American people.

Despite the exuberant exultation of our Republican friends, I assert that the Democratic Party is not dead and will not die. [Applause.] While I do not envy these lugubrious political prognosticators the supreme satisfaction they seem to be getting out of the recent political upheaval, I modestly venture the suggestion that rejoicing based on election returns is obviously fleeting and exceedingly transitory; and, judging the future by the past, it is not unreasonable to assume, borrowing an expression from St. James, that their laughter will soon be turned to mourning and their joy to heaviness. To them I commend the proverb—

Pride goeth before destruction and a haughty spirit before a fall.

Those who are ordering flowers for the funeral of the Democratic Party are living in a fool's paradise and feasting on apples of Sodom, which, though attractive to the eye and seemingly luscious, are nevertheless filled with the bitter ashes of disappointment.

Real Democrats look not of course with satisfaction, but with equanimity on the result of the recent elections and with indifference on the vain and extravagant boasting of their political adversaries. Just as surely as night follows day, just as surely as the seasons come and go, just as surely as the restless tides alternately flow and ebb, just as certainly will the principles and policies of the Democratic Party ultimately triumph and win the approval of the American electorate. [Applause.] In the past, times without number, even under exceedingly adverse conditions, the fortunes of politics brought success to the Democratic hosts; and if we are loyal to its traditional principles, policies, and ideals, victory will again take up her habitation in our tents, fight around our party standard, and crown our cause with success. [Applause.]

The true test of a man's character is his ability and willingness to resist temptation and hold fast to his integrity when overtaken by adversity [applause], and the true test of the right of a political party to live is its ability and determination in adversity to hold tenaciously to the principles and policies on which it was founded and to meet discouraging conditions and defeat with courage and fortitude.

Those who flippantly pronounce the Democratic Party dead and who are busy formulating plans for its burial have not been richly endowed by Providence with an oversupply of far-seeing comprehension, and are evidently ignorant of American political history, unable to accurately appraise political events and incapable of correctly measuring the ebb and flow of public opinion. Our Republican friends have difficulty in understanding how a great political party can survive successive defeats and continue as a militant fighting force without political "pap," patronage, and the spoils of office. These things mean much to the average Republican, and they mean everything to many Republican politicians. Political patronage and the spoils of office appeal but lightly to the rank and file of the Democratic Party and are not the things that control the average Democrat, influence his party alignment, and inspire him with party zeal and loyalty.

Mr. SCHAFER rose.

Mr. LOZIER. Mr. Chairman, I decline to yield until I finish my statement. The gentleman probably heard my statement at the beginning.

Mr. SCHAFER. I did not.

Mr. LOZIER. I decline to yield until I finish my statement.

The normal Republican machine politician, from his materialistic standpoint, can not understand or appreciate the eternal verities that underlie, permeate, and vitalize the Democratic Party. They see only the shifting shadow, not the underlying principles and vital forces that influence Democrats and give life and virility to their party. Republicans have signally failed to comprehend the fealty and unselfish devotion of the individual Democrat to the fundamental principles of his party. They have overlooked the public problems and national needs that called the Democratic Party into existence and which give it such a tremendous power over the minds and conscience of men.

I, therefore, pity the benighted Democrat and Republican partisans whose prejudice impairs their vision, distorts their judgment, and incapacitates them from seeing in their proper perspective existing conditions and important events that are not only rapidly approaching but inevitable. I look with extreme tolerance on the utterances and activities of those short-sighted Democrats and Republicans whose chief duty seems to be to hang crêpe on the doors of the temple of democracy, and who after each election insist on ordering the hearse and writing an epitaph for the Democratic Party. Sooner or later these unhappy victims of political astigmatism will amble out of their delirium and experience a rude awakening.

From my knowledge of present conditions and from a diligent and lifelong study of the political history of the United States I have reached the obvious and inescapable conclusion that the Democratic Party is not dead, dying, disintegrating, or hopelessly disorganized. Notwithstanding its defeat in the recent elections it is still a going concern with 15,000,000 active and loyal stockholders which justifies the conclusion that it will continue to be an important factor in the political affairs of the American people.

There is a need and a place in our national life for the Democratic Party and though severely chastened it will survive and be an effective instrument by which great multitudes of our people may speak and work their sovereign will. [Applause on the Democratic side.] Instead of consigning the Democratic Party to a political Carian cave to join Endymion in his age-long slumber, millions of upstanding, forward-looking citizens will rally around its standard, millions of tongues will eloquently acclaim its virtues, and millions of vibrant lips will break forth in pæans of triumphant exultation over its outstanding accomplishments in constructive statesmanship. [Applause on the Democratic side.]

In the future, as in the past, it will stand for certain definite national policies, the enactment and efficient administration of which will promote the public welfare and ultimately establish social and economic justice for all vocational groups.

These principles are older than our Republic, but there is a constant need for their application to our ever-changing conditions. These principles inspired our forefathers when they courageously severed their relations with Great Britain, fought the Revolutionary War, and at the point of crude anvil-forged bayonets compelled that opulent, arrogant, proud, and powerful nation to recognize our independence.

It is significant that a large majority, yes, an overwhelming majority, of those who won our war for independence and founded our Republic actively cooperated in founding the Democratic Party which in turn perfected our scheme of government and nurtured our free institutions. It first demonstrated to a skeptical world the capacity of the American people for self-government. It developed our latent and almost limitless natural resources. By wise statesmanship it transformed 13 rival

colonies, envious of each other's power and influence, into a compact, cohesive, and progressive nation. It fostered our social, agricultural, industrial, and commercial life. It encouraged culture and learning by establishing systems of free schools unsurpassed and unexampled in either ancient or modern times. It stimulated liberal and fine arts. It raised our standards of living to unprecedented levels. It created a national spirit and largely eradicated provincialism. By wholesome policies and liberal laws it sent first into the trans-Appalachian area and then into the trans-Mississippi region a mighty race of pioneers who felled the forests, subdued the desert, stirred the soil into generous productivity, laid out highways, tunneled mighty mountains, bridged torrential streams, reared homes and churches, established schools, built cities, and transformed the uninviting wilderness into a delightful and amazingly productive habitation which has made a wonderful contribution to our national life and tremendously augmented our stock of national wealth. [Applause on the Democratic side.]

During the first 75 or 80 years of our national existence the Democratic Party, practically alone and unaided, guided and guarded the destinies of our Republic, and protected it from internal strife and shielded it from the envious, avaricious, and greedy grasp of older and more powerful nations that looked contemptuously on our form of government and coveted our rich possessions. By wise and far-seeing statesmanship it extended our territorial boundaries to the Pacific Ocean, adding to our public domain a far-flung empire with diversified resources, the extent and value of which surpass the dreams of avarice and stagger human comprehension. In every decade of its long and eventful history, the Democratic Party has made an exceedingly valuable contribution to the forces that promote the public weal. Its history is the record of our Nation's birth, development, and greatness. In constructive statesmanship it has not been surpassed or even approached by any political party that has appeared in our national life. Appreciating the wisdom embodied in Lord Chatham's maxim, "Where law ends tyranny begins," the Democratic Party has always been a party of law and order and has stood for the sanctity and inviolability of our Federal Constitution and for the supremacy of our laws. "To no one will we sell, to no one will we deny or delay right and justice." This rule of national conduct was first embodied in the Magna Charta wrestled from John Plantagenet by the English barons at Runnymede in 1215. It announces a principle and policy of government the Democratic Party has always sought to apply in the administration of public affairs.

Great political parties founded on age-lasting principles and with records for useful service and constructive statesmanship do not die or disintegrate as a result of severe defeats or long-continued denial of public favor. Some short-sighted Democrats and Republicans looked upon the election results in 1912 as a death blow to the Republican Party. Seemingly it was hopelessly divided with no reasonable probability of the party schism ever being tranquilized.

But contrary to expectations, the breach was soon healed, the bloody chasm between the discordant elements quickly bridged, angry passions soon subsided, and factional hatreds disappeared almost as quickly as a fog lifts from a valley after the radiant beams of a summer sunrise dip over the mountain summits and bathe the landscape with warmth and beauty. Though strongly intrenched in power as a result of the unhappy events that precipitated and followed the Civil War, the Republican Party went down in defeat before the disorganized and seemingly impotent Democracy in the presidential elections in 1876, 1884, 1892, 1912, and 1916. Some of these reverses were sufficiently acute to seriously threaten its existence, or at least its influence as an effective political organization, and in 1912 the rout was so decisive that many of its most loyal members foresaw its probable overthrow and destruction.

As the Republican Party survived these crushing reverses, so the Democratic Party will weather the storm, ride out of the tempest, survive the severe drubbing it received in 1928, and continue to serve the American people. Its decimated ranks will be filled and closed, its morale restored, its confidence renewed, its courage quickened, and its organization perfected so as to function efficiently. The tides of popular favor that ebbed in 1928 will flow with irresistible force toward Democracy in 1930 and 1932. The pendulum of public opinion will inevitably swing back toward the Democratic Party and crown its policies with public approval. Those who expected and hoped for its early dissolution will be quickly and completely disillusioned and in future elections will stand face to face with a united, militant, and rehabilitated Democratic Party.

I am reluctant to believe that the American people have abandoned or will abandon the principles, policies, and fundamental concepts of government that called the Democratic Party into existence, and which for nearly a century and a half that party has aggressively championed and successfully applied in the administration of our National and State affairs.

There is the same great need for the Democratic Party now as when Jefferson vigorously opposed the monarchial tendencies and centralizing influence sponsored by Hamilton and his associates in the Federalist Party; as much need now for the Democratic Party as when Jefferson advocated a Government that would insure equal rights to all, special privileges to none; as much need for the Democratic Party now as when Jefferson forced a recognition of the principle that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; as much need now for the Democratic Party as when it formulated and successfully applied our wise foreign policy, including the so-called Monroe doctrine, first advanced by Jefferson while Secretary of State under Washington, and which was afterwards elaborated and announced as a national policy by President Monroe, another Democrat; as much need now for the Democratic Party as when it blazed the old paths and established the old landmarks for the future guidance of the American people; as much need now for a militant democracy as when Andrew Jackson, with cloudless vision and unexampled courage, strangled the United States Bank and ended the autocratic power it exerted over the Government and the unconscionable monopoly it enjoyed over the financial affairs of the Nation; as much need now for the Democratic Party as when our Democratic Presidents and Democratic Congresses were adding to our public domain, extending our national boundaries and carrying our flag from the Father of Waters to the placid, sun-kissed Pacific and from the far-flung Canadian frontier to the sluggish Rio Grande; as much need now for the Democratic Party as when it was developing our rich natural resources and amazing wealth of farm, field, forest, factory, mountain, mine, and plain; as much need now for the Democratic Party as when Cleveland established the principle that "a public office is a public trust," ruthlessly stamped out corruption and extravagance and restored honesty, efficiency, and economy in the administration of Federal affairs [applause]; as much need now for the Democratic Party as when Woodrow Wilson inaugurated far-reaching governmental reforms, secured the enactment of laws to establish social justice, and in eight years placed on our statute books more beneficent and outstanding constructive legislation than had been enacted by the Republican Party in the previous 50 years [applause]; as much need now for the Democratic Party as when President Wilson carried to a successful consummation our stupendous military operations in the World War, the most sanguinary, appalling, and destructive conflict that has ever ravaged the earth, scourged humanity, or chastised nations since the morning stars sang together and the curtain went up on human history.

Gentlemen, it is not probable that either the Democratic or Republican Parties will die for generations. Though differing widely, each is founded on principles that vitally affect our social, political, industrial, and economic life, and which will probably be the subject of honest disagreement and uppermost in the minds of the American people for several decades. Each represents a definite and distinct theory as to the functions of government, but they differ radically in the application of the fundamental principles on which our free institutions are founded. It is ridiculous to assert that either party has a monopoly on wisdom, statecraft, and patriotism, or to assume that one party will live forever and the other quickly perish. In both of the great political parties much may be found to commend and much to condemn. Obviously each party had and has a mission. Each has contributed to our national prestige, progress, peace, and prosperity. Each has often been mismanaged and suffered from selfish and unwise leadership. Each has occasionally worshiped false political gods and now and then sold its birthright for a short lease of power or for a mess of political pottage. Each has made many mistakes and at times embezzled power, misused official positions, and sacrificed the interests of the people. In platform declarations and in the enactment of legislation each political party has frequently abandoned fixed principles for expediency in an effort to win election and secure temporary advantages.

But by reason of the principles on which it is founded and because of its more than a century-long battle for the rights of the masses or so-called common people, the Democratic Party has seldom departed far from its traditional policies, turned aside from its well-marked path of duty or surrendered to the selfish and sordid interests that infest our national Capitol and greedily demand special privileges, undeserved favors, and unearned bounties.

As great political parties do not spring up overnight neither do they perish suddenly. They are called into being in answer to a nation-wide public demand. They are organized and maintained to reflect and emphasize the will and demands of large groups of people. They are endowed with life, virility, and influence because they represent and advocate the opinions, convictions, and fundamental conceptions of large bodies of citizens in relation to governmental matters.

Political parties are the agencies and instrumentalities by which the American voters work their will and express their approval or disapproval of legislative and economic policies. A political party is composed of millions of men and women who are in complete or substantial agreement as to governmental policies and methods by which social and economic justice may be promoted. And political parties are organized and maintained to curb, restrain, and rebuke individuals and parties who make merchandise of patriotism and use the agencies and instrumentalities of the Government to promote their selfish and sordid ends.

Parties are created to safeguard our institutions, promote the general welfare, expose corruption and graft, rebuke prodigality and extravagance in the expenditure of public funds, define the subjects, objects, and limits of taxation, and to prevent an unreasonable exercise or an abuse of the taxing power. In short, political parties will exist as long as we cherish our free institutions. Without great political parties a Republic such as ours can not function efficiently, work the will of its citizens, obtain the maximum benefits and blessings incident to our unique form of government, attain the highest ends and ideals of statecraft, insure the reign of social justice, and equitably balance the scales of opportunity between conflicting interests and rival vocational groups.

A political party stands for certain well-defined theories of government; champions principles and policies that in the opinion of the rank and file of the party will best promote the public good. A political party is the voice of millions of men and women in the expression of their views on public problems. The average citizen aligns himself with the party that stands for the things he stands for; that advocates principles in harmony with his convictions; that champions the policies he believes will best promote the welfare of the Nation; and in choosing his party he is not materially influenced by the success or failure of this or that party at the polls; and ordinarily the American people do not abandon their honest opinions and well-considered political convictions because the party that champions these policies is defeated at the ballot box.

As a rule men hold firmly to their political convictions, although a majority of people may entertain different views and advocate different policies. When a man aligns himself with a certain political party it is reasonable to assume that he believes in the principles and policies advocated by that party and that he will not abandon his party simply because it has lost the election. If a voter before the election honestly believes his party's policies are right, his faith in the justice of these policies will continue after the election. No election ever changed right to wrong or wrong to right. No election ever made a sound policy unsound or an unsound policy sound. Whatever is right before the election is right after the election, although a majority may be on the other side. Majorities do not determine what party principles are right and what party policies are wrong. Principles never change; they are eternal.

A political party may be in a hopeless minority, yet its principles and policies may be sound, wholesome, and such as will best promote the welfare of the Nation. A conception of government that is fundamentally right does not lose its virtue because a majority of the people reject that policy at the ballot box.

These observations lead me to the conclusion that the foundation of a great political party is laid too deep in the mind, heart, conscience, affection, and judgment of men to be undermined or destroyed by the defeat or a succession of defeats of that party. Political parties may be defined as self-created corporations or joint-stock companies organized by voters to speak for them, advocate their principles, champion their policies, and work their will. In union and cooperation there is strength, and voters realize that what they can not do as individuals they may be able to accomplish collectively by uniting and cooperating as a party. As long as a voter holds fast to his political convictions he will not abandon the party that champions his theories of government. Why should any man withdraw from the association of those with whom he is in full or substantial accord and join those whose views are in striking conflict with his own convictions?

For the reasons to which I have referred major political parties seldom die or disintegrate. They may change their names and pass under new leadership, but the instances are exceedingly rare when a great political party dies or crumbles to pieces.

Even superficial students of our political history know that ever since we have had a Government we have had a Democratic Party, although it was originally known as the Anti-Federalist or Democratic-Republican Party, and since the time of President Jackson it has been known as the Democratic Party. During the first administration of President Washington, although classed as a Federalist, the executive department was not conducted on a partisan basis; there were no political parties as we now understand that term, although conflicting views were held by rival groups or blocs that developed into the Federalist Party and the Democratic Party. The Democratic Party has an unbroken line of succession from the first Washington administration. The Federalist Party after a brief career was merged in the Whig Party, and from the loins of the Whig Party the Republican Party sprung.

Crediting the administrations of Presidents Washington and John Adams to the Federalist Party, though the former was not essentially partisan, the executive department of our Government since 1789 has been controlled by political parties as follows:

Federalist Party, 12 years.
Whig Party, 4 years 1 month.
Republican Party, 52 years.
Democratic Party, 71 years 11 months.

It is a noteworthy fact that for more than one-half of the hundred and forty years of our national existence the Democratic Party has been in complete control of the executive branch of our Government. And in the period during which the Democratic Party dominated this Nation our institutions were nurtured and established on a stable and enduring basis, our resources developed, our territorial boundaries tremendously enlarged, our national wealth enormously augmented, and our Republic elevated to a preeminent position among the self-governing States of the world.

And to the end that the American people might not become too self-centered and materialistic, through the warp of our national fabric the Democratic Party has shot the woof of exalted ideals, ethical aspirations, and transcendant humanitarianism. When we consider its long and eventful career, its outstanding accomplishments in constructive statesmanship, its wholesome influence, its unselfish service to the American people, its success when encompassed by seemingly insurmountable obstacles, its resourcefulness and fortitude in adversity, and its sublime courage when beset by appalling vicissitudes, the Democratic Party stands preeminent among the political parties in the United States and may well be acclaimed the Colossus of political organizations of modern times, and its feet are not of clay or stubble.

Every intelligent Republican knows the Democratic Party will live because it deserves to live. Only those Democrats and Republicans who are fit subjects for a psychopathic hospital prattle about the Democratic Party dying or disintegrating.

Though decisively routed in the recent election, the Democratic Party, 15,000,000 strong, still carries on. It is rapidly recovering from the shock of disappointed hopes and shattered ambitions. Phœnixlike it emerges from the ashes of defeat. It renews its strength like the young eagles in their upward flight. Its gaping wounds bear mute but eloquent testimony of its valor and fortitude. While its livery is somewhat tattered, its spirit is undaunted, its arm strong, its shield still capable of turning aside every javelin thrust, its armor unshattered and unpierced though red with rust from sanguinary encounters. Its sword is still unbroken and unbent, sharp as a Toledo blade, and with the temper of a rapier forged in the hot furnaces of Damascus. Though its banner is disheveled, it has not dipped to the enemy or trailed in the dust.

Out of the quicksands of defeat, out of the deep pit of disaster, out of the wilderness of indecision, out of the cross-currents and riptides of dissension, and out from the vortex of fractricidal conflict and intestine strife, the Democratic Party comes forth, stands erect, moves forward, grimy with the smoke of innumerable battles, bearing the scars of countless combats, and with confidence and unflinching courage faces the future, its head bloody but unbowed, its soul unafraid and unconquerable.

Where is the man of intelligence who has the temerity to pronounce sentence of death on the Democratic Party? [Applause.]

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. LOZIER. Certainly.

Mr. CRAMTON. The Democratic Party having been in power for 71 years and the Republican Party for only 50 years, I

presume the gentleman is reconciled to our having the power for the next 20 years so as to even up the score?

Mr. LOZIER. The Republican Party has had a longer lease of power than it deserved in view of its record as the aggressive and outspoken champion of special privilege and class legislation. However, if the American people, in the exercise of their judgment—which frequently is hasty, biased, and poorly considered—determine that they want the Republican Party to continue in power, then we will, of course, abide their decision. But I modestly suggest to the gentleman from Michigan that his party leaders have too often misused, embezzled, and abused the powers committed to them to justify the conclusion that his party will long be anchored in the confidence of the people.

There will come a time when the beneficiaries of special privilege will not be able to fool the American people any longer or to put over their vicious and discriminatory legislative program. The day will come when the American people will realize that the present leaders of the Republican Party have betrayed the rank and file of their own party and have made it the agent, attorney in fact, and the supine servant of the special-privilege classes of this Nation, and when that time comes an awakened and outraged constituency will hurl his party from power, drive the corrupt money changers out of the temple of government, and remove from places of responsibility those who use the agencies of government to "feather their own nests" and accomplish their selfish and sinister purposes.

The Democratic Party has suffered severe defeats in the past, but it has always quickly recovered and fought its way to victory in coming elections. Even now it is recovering from its recent defeat, its forces are being united, and all indications point to its complete rehabilitation. At this good time the tide of public opinion is flowing toward the Democratic Party, and well-informed Republicans realize that they are facing a stubborn battle in the 1930 and 1932 elections. [Applause.]

Mr. WASON. Mr. Chairman, I yield three minutes to my colleague from Wisconsin [Mr. SCHAFER]. [Applause.]

Mr. SCHAFER. Mr. Chairman, I notice that the gentleman who has just addressed the committee is still with us, and I desire to take these few minutes to ask him a question. I listened with a great deal of interest to his remarks on the merits of the Democratic Party and its return to power in the future, although I do not agree with most of them.

In his Milwaukee speech during the last campaign the Democratic standard bearer, Gov. Alfred E. Smith, of New York, practically confined his entire address to a discussion of his views in favor of modifying the eighteenth amendment and the Volstead Act. He told the people of Milwaukee, who were overwhelmingly in favor of changing the existing prohibition law, that if they desired to have the eighteenth amendment and the Volstead Act modified, they should by their votes in the November election return the Democratic Party to power. Now, can the gentleman advise me and the people of Milwaukee, if the day ever comes when the Democratic Party is returned to power, whether in his judgment we will have a modification of the Volstead Act and the eighteenth amendment, as promised by Governor Smith in his Milwaukee speech. I now yield for any member of the Democratic Party who is present to advise me and the people of Milwaukee whether or not they believe that when the day comes that the Democratic Party is returned to power we will have a modification of the Volstead Act and the eighteenth amendment, as Governor Smith stated in his Milwaukee speech prior to the November election. I hear no response, and I am now more fully convinced that Governor Smith was wrong, as I indicated during the course of the campaign, in stating that if the Democratic Party were returned to power we would have a modification of the eighteenth amendment and the Volstead Act. [Applause.]

Mr. WASON. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

CRUISER CONSTRUCTION

Mr. DALLINGER. Mr. Chairman, as I was listening to the eloquent words of the gentleman from Missouri I thought for a moment that I was not in the House of Representatives but in the Democratic National Convention at Houston. [Applause.] I am perfectly willing to admit that like death and taxes the Democratic Party is always with us. [Applause.] But I do not intend to indulge in any political controversy, nor shall I attempt to reply to my dear friend and colleague from South Carolina [Mr. STEVENSON], who had something to say about an amendment which bears my name. He spoke so beautifully about the friendship of Massachusetts and South Carolina that I have not the heart to reply to his remarks at this time.

However, I do want to speak very briefly about another amendment that bears my name, which has seemed to create a great deal of disturbance throughout the country, the so-called Dallinger amendment to the cruiser bill, which was adopted by the House.

I wish to say, in the first place, for the benefit of those friends on both sides of the Chamber who supported me in that fight, and in which we were successful, that the fruits of that victory have been stolen, and that we will probably never have a chance by direct vote to regain them under our rules. The Naval Committee of the Senate in reporting the cruiser bill to the Senate modified my amendment by adding an amendment to it, which means that that part of the bill will go to conference where the conferees will have authority to rewrite the amendment, and as all the conferees will be hostile to the purpose of the amendment, they will take all the teeth out of it by leaving the matter to the discretion of the Secretary of the Navy, and we know what that means. For in spite of the fact that Congress in its wisdom has seen fit to put into permanent statute law a provision that the arsenals and navy yards of the country, in which the people of this country have an enormous capital investment, shall be utilized for the manufacture of articles needed for the national defense "when time and facilities permit," as a rule, time and facilities do not permit.

Now, we have a vast amount of the taxpayers' money invested in these plants all over the country and they are not being used to the extent to which they should be used. I have made the statement of the facts repeatedly before bodies of business men and have never yet failed to get their approval of the contention that this policy is wrong—that this great Government of ours either ought to sell the plants, in which the people of the country have invested more than two thousand millions of dollars, and put the money in the Treasury for the relief of the taxpayers, or else they ought to use them for the purpose for which they were intended.

Now, the Secretary of the Navy has recently written a letter to a member of the United States Senate in which, to my mind, as one to whom has been intrusted one of the great departments of our national defense, he has made a most pitiful admission. He makes the statement that most, if not all, of our navy yards are not equipped to build one of these cruisers without the expenditure of a considerable sum of money. Mr. Chairman, this is a most pitiful admission, because in 1916, just before we entered the war, this Congress appropriated vast sums of money for the purpose of enabling the Navy Department to put these establishments in first-class condition, and if they have not been kept in condition, then it seems to me the Navy Department is subject to severe criticism.

Now, what is the practice of the other great powers? It was the practice of all the nations of the earth until comparatively recent times to manufacture all their munitions of war in time of peace in government establishments, because it was recognized that this was a government function. Of recent years, however, it has been the policy of our administrative officials to use the navy yards less and less and to rely more and more upon private establishments. Moreover, there has been a lot of false propaganda that has gone forth to the country from the private shipbuilding interests to the effect that most of the vessels built by the Governments of the other great powers are being built in private yards.

Now, what are the facts? I have made some inquiries of the British Government and I find that of the last 13 cruisers—these modern, up-to-date cruisers—7 have been built in the three navy yards that Great Britain maintains. The British Isles are small. They have not much more coast line than some of our States. There are 3 navy yards and 10 large private yards. Great Britain has built 7 of these last 13 cruisers in the government navy yards and only 6 in the 10 private yards. In other words, the British Government constructed all the cruisers it could in the government-owned yards.

The Republic of France has built all of its cruisers in government navy yards, the smaller vessels being built in the private yards, which is just the reverse of the policy of the United States. The policy of this country is to build most of the large vessels, the vessels upon which so much depends, in private yards under private contract.

Mr. HUDSON. Will the gentleman yield for a question?

Mr. DALLINGER. Certainly.

Mr. HUDSON. How much would we have to increase the personnel of our navy yards if we enlarged their scope for building these vessels in them?

Mr. DALLINGER. Comparatively little.

Mr. HUDSON. Are we not now using all we can?

Mr. DALLINGER. No. Most of the navy yards are practically not being used, except for repair work and for the construction of some of the smaller vessels.

Mr. HUDSON. I suppose that is true so far as equipment is concerned, but I am talking about the men to do the work. Would we not have to increase the number of them?

Mr. DALLINGER. No; we have been discharging skilled mechanics right along because there was no work for them to do.

Mr. McDUFFIE. Will the gentleman yield for one question?

Mr. DALLINGER. Certainly.

Mr. McDUFFIE. Is it the gentleman's position that the private shipyards, where we also have hundreds of millions of dollars invested as a result of individual initiative, should not be permitted to bid upon this work at all?

Mr. DALLINGER. Certainly not. Private shipyards ought to be used where necessary, and my amendment was a perfectly fair amendment. I recognize the importance of both the private shipyards and the Government yards, and my amendment, which has been grossly misrepresented throughout the country, provided that every alternate cruiser should be built in a Government yard, which is exactly what Great Britain has done.

Mr. BANKHEAD. Will the gentleman yield for one question purely for information?

Mr. DALLINGER. Certainly.

Mr. BANKHEAD. The gentleman stated that the Secretary had asserted that these government navy yards were not adequate for the construction of 10,000-ton cruisers. As a matter of fact, are they capable of that character of construction, either the one in the gentleman's district or any other of the navy-yard establishments?

Mr. DALLINGER. My point, Mr. Chairman, was that the navy yards ought to be capable of constructing these cruisers. If they are not in a condition to do the work for which they were established, then we are in a sad way so far as our national defense is concerned, especially when we consider that our navy yards were brought up to the highest point of efficiency at the time of the war. Inasmuch as the other great powers of the world are keeping their navy yards up to the highest point of efficiency we should have kept ours up and should have seen to it that they were capable of building these large vessels.

Mr. BANKHEAD. But is it true we would have to spend large sums of money to make the navy yards capable for this character of construction?

Mr. DALLINGER. I believe, Mr. Chairman, that the amount necessary to make these navy yards capable of building these cruisers, and even the largest battleships, is very much exaggerated, and I want to say here that I have talked with some of the officers at some of these yards and they had told me in confidence that the amount required to put these navy yards in condition to build these cruisers is not large, and in some cases no larger than the amount that will have to be spent by some of the private yards to do the same thing.

Mr. ALLEN. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. ALLEN. I want to call the gentleman's attention to the fact that the conditions complained of in the navy yards apply to the arsenal in my district. I have an arsenal in my district that contains stock, machinery, and equipment, totaling over $400,000,000, and they are begging and pleading for work to hold together the organization in that great plant, and they only get a gesture now and then.

Mr. DALLINGER. When I was interrupted by numerous questions I was about to give the figures with relation to Japan. In Japan 60 per cent of the war vessels of that great empire are manufactured in government navy yards. My point is this: We have 12 navy yards, but we have not as many in proportion to our coast line and size as the other great powers.

What I desire to emphasize is that in spite of the figures given out by the private shipbuilding interests, the three great nations with whom we are compared in the matter of national defense use their navy yards to the fullest possible extent. They keep their navy yards and arsenals up to the greatest possible efficiency. We are neglecting to do that, and some day we may have cause to regret it.

Now, I want to ask a question and answer it. Why do the other great powers except the United States prefer to build their war vessels in their own navy yards when they can? There are two reasons that occur to me and will occur to you. In the first place, the safety of the men on those vessels is most important. The best piece of work ought to be done, the best possible steel ought to be used, and the greatest accuracy ought to be had, so as to protect the men on the vessels against accident. I do not care how good your private shipyards are, the fact is that when a vessel is let out to a private corporation, organized primarily for profit, you will not get as good a job as you will in a Government shipyard. There is not a man in this House who, if he wanted to build a home, would not prefer, if he could afford it, to build it himself and see the material and labor that went into it. Those of us who can not afford to build a home in that way are obliged to buy a house from a contractor, and the chances are that we do not get such a well-built house.

In the second place, in the navy yards the work is done by citizens of the country and is planned and supervised by officers of the Navy, capable, qualified men upon whose education the Government has spent large sums of money. Vessels constructed in the Government navy yards are built on honor by officers and men whose sole desire is to turn out the best possible work, and they are not actuated by any selfish motives. On the other hand, in private yards some at least of the workmen may not be citizens of this country; and not only that, but some may be communists or even anarchists and some of these fanatical men, if they had the opportunity, might do something to impair the safety of the vessel.

I make the statement without fear of contradiction that in spite of the best Government inspection it is not reasonable to expect that the work done on a Government vessel in a private yard will be as good and as satisfactory as that done by the Government itself in a Government yard.

The other day the distinguished gentleman from Tennesse, the majority leader, called my attention to the fact that he had been reading the diary and correspondence of that great Democratic President, James K. Polk; and back in those days when it was proposed that one of our Government frigates should be built in a private shipyard, President Polk wrote a very strong letter protesting against such a policy.

Those are the two reasons why the Government for three-quarters of a century and why the other great powers, excepting the United States, to-day build all the vessels they can in Government shipyards. Those in charge of the navies of these great powers feel that in their own Government yards the work will be done by their own citizens and their own officers, and they know that it will be the best possible work that can be obtained.

I want now to call the attention of the House to an interesting situation. When I offered my amendment here in the House the Committee on Naval Affairs was lined up solidly against us, and also the Committee on Appropriations. The late lamented Congressman Butler from Pennsylvania, chairman of the Naval Committee, stated to the House on information furnished him by naval officials, that these cruisers would cost a million dollars a piece more if built in Government yards; and the same statement was made by the gentleman from Indiana [Mr. WOOD].

I have been fighting this question for 14 years and I never yet have been able to get the figures from the Navy Department showing the extra cost to the Treasury of the United States of having one of these vessels built in a Government yard over and above the cost of these items carried in the regular naval appropriation bill if the vessel was not so constructed. The trouble is that when the officials of the Navy Department receive a bid from a navy yard as against a private shipyard the instructions are given to the officials in the navy yard to include in the bid of the Government yard certain items of its overhead, and the result is that it is impossible to tell what the extra cost of building one of these vessels in a Government yard is. In other words, the cost, when it is finally arrived at by charging up everything to that vessel which goes into it, disregards the fact that a lot of this material may have been bought years ago by the Government, and that the salaries of all of the officers and a large proportion of the machinists are carried in the regular naval appropriation act, and gives an entirely false impression. I have always believed and am convinced that, taking into account the capital investment of the Government in plant, equipment, materials, and the salaries and wages already carried in the regular appropriation acts, these vessels could be built in the Government navy yards for a million dollars, or possibly two million dollars, less than they can be built for in private yards. It is interesting, in view of the statements made on the floor of this House, that when this matter was before the Senate Committee on Naval Affairs and I was sent for, when I reached the committee room a representative of one of the private shipbuilding plants was arguing to that committee that it was not fair to subject the private plants to competition with the navy yards, because they had to figure interest on the capital invested in their land, buildings, machinery, and equipment, and their overhead, while in the case of the navy yards all of these things were carried in the regular Navy appropriation bill.

They said that it was not a square deal for them; that it was not fair competition. In other words, they were using just the opposite argument from what was used on the floor of the House. The guardians of the Treasury here were telling you that it was going to cost more to build them in a Govern-

ment yard, but over there the private shipyard interests were arguing to the committee that they could not compete with the Government navy yards and that it was not fair competition.

My colleagues, as a believer in national defense, it has grieved me to hear some of the things that were said when my amendment was adopted. Among other things, it was said that the bill was ruined, showing that on the part of the people who made such a statement that the real motive, the real reason why they were interested in this cruiser bill, was because of the private profits which would accrue to some of these great manufacturing establishments. I do not believe that our War Department or our Navy Department are maintained in order that great corporations may reap profits at the expense of the taxpayers of the country. I believe that the War Department and the Navy Department, which have constructed these great manufacturing establishments in which the taxpayers of the country have invested over $2,000,000,000, should be compelled to use them, or else, in justice to the taxpayers, we ought to sell them and put the money back into the Treasury. If we were wrong for three-quarters of a century—if all of these other great nations of the earth are wrong now in believing that the manufacture of munitions of war is a government function—then we ought to sell all of our navy yards and arsenals and purchase all our vessels and all our munitions of war from private corporations. Many of these great Government establishments to-day are almost idle, and these trained machinists who have been taught to do this accurate work have been thrown out of employment. We ought, in justice to the taxpayers, to sell these plants and have all of our work done by private establishments if we do not intend to use them.

However, Mr. Chairman, when the people of this country come to understand the real truth of this whole matter, I believe that they will say that that amendment which I offered and which this House adopted was right, and that I was right in offering it, and that the membership of this House that supported me in this amendment were right in voting for it.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. KETCHAM. The gentleman has not made it quite clear to me why we should not have another opportunity to vote upon this proposition. In what form is the legislation now so that we will be prevented from having an opportunity to vote upon it, if they have changed fundamentally a proposition that the House put into the bill?

Mr. DALLINGER. Because, ordinarily, the only chance we have to vote on a Senate amendment is where an amendment is put on in the Senate that would be out of order under the rules of the House, and then the conferees have to bring that matter before the House for a vote. This is not that case. This is a case where the House adopted an amendment and the Senate makes a little alteration in it. That amendment later will go to conference, and it has been repeatedly held that the conferees, inasmuch as there is a disagreement between the two Houses as to a particular paragraph, can rewrite that paragraph, and we have either got to vote to accept or to reject the conference report as a whole.

Mr. BANKHEAD. Well, I am like the gentleman from Michigan. I think under the statement of the parliamentary situation suggested by the gentleman from Massachusetts the House will have an opportunity under appropriate motion to consider that question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. LETTS].

OFFICIAL PAPERS OF THE TERRITORIES

Mr. LETTS. Mr. Chairman, I wish to call attention to a situation which developed on Monday of this week when the House had under consideration bills on the Consent Calendar. The bill to which I refer is S. 1168, to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives." When this bill came before the House objection was raised and finally the bill was passed over, I think, without prejudice. I am very much interested in this matter, because I have had communications from the State historical societies of Iowa and from various men at the university of my State explaining this as a very important matter and one of much interest to historians and librarians and to others who are making a collection of old papers and of historical records.

Mr. STEVENSON. If the gentleman will permit, is that the bill which was pending before the Printing Committee? We did report out that bill. There was a bill of that kind before the Printing Committee, an exceedingly important bill.

Mr. LETTS. This bill was referred to the Committee on Printing; yes.

Mr. STEVENSON. And reported out?

Mr. LETTS. I think so. I will say the bill passed the Senate on February 6, 1928, and my particular interest in the situation at this time is that if it now goes over it will be necessary to start anew in the next Congress. Upon noting the objections raised by the gentleman from Michigan [Mr. CRAMTON], I undertook to call upon the Department of State for certain data with respect to this bill and I now have that. It is convincing as to the merits of the bill and persuasive also as to the form in which the bill was drawn as being more satisfactory than the form in which the gentleman from Michigan would leave it. I feel, since a great many historical societies have expressed interest in this matter and many librarians likewise, that it would be of interest to a great many Members to have the data and the information which came to me from the State Department, and therefore I ask unanimous consent to include in my remarks the information which I have so obtained.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

Memorandum in regard to Mr. CRAMTON's objection to the Territorial Papers bill, S. 1168 (see CONGRESSIONAL RECORD, January 7, p. 1348, second column)

The pending bill is in fact an authorization for further appropriations for the completing of the editing and the publication through the Government Printing Office of the official correspondence in the archives in Washington which passed between the Federal and the Territorial Governments. Forty thousand dollars has already been spent on this project and the copying of the papers has been nearly completed. Some further authorization is required before further appropriations can be made.

Section 4 of S. 1168 enables the department to make its regular editorial office a kind of "pool," following the system which has been found so economical in the handling of stenographic help.

Help for Territorial Papers is regarded as temporary by the Civil Service Commission. When the appropriation stops the work ceases. The uncertainty of the work makes it difficult and even impossible to secure the best grade of editors and proof readers. No experienced proof reader, for example, would care to give up a steady job in another Government office and come to the department for work on the Territorial Papers, knowing that after a limited period the work would cease and the editor would be without a position. The work already done on the Territorial Papers clearly shows that first-grade help is not assured or, where obtainable, demands a premium price because of the uncertainty of the continuation of the project.

In any large project of editing like this there are at least four different grades of proof readers and editors employed, the highest being classified in CAF–9 at a minimum salary of $3,200.

The work in various stages has to pass over the desks of all of these people and can not be finally approved for the printer until it has been finally examined by a very competent and responsible editor.

Section 4 will permit the department to enlarge its regular editorial staff in the lower grades and then for the higher grades of work to transfer from time to time other parts of the regular staff and then to charge their services for the time they are detailed to Territorial Papers against the appropriation for the editing of Territorial Papers. Some economy and much flexibility of administration will be accomplished, because otherwise it will be necessary to maintain a complete quota of editors for the Territorial Papers, notwithstanding the fact that, due to irregularities in the receipt of proof from the Government Printing Office, there may be periods of days or even weeks during which this staff will be insufficiently employed.

It is far simpler and considerably less expensive to treat the editing of Territorial Papers very much as the service station treats the repair of a car. A mechanic is assigned who is competent to do the part of the work required at the moment. When the job gets beyond the lower mechanic the higher mechanic is detailed to finish it up. The service station charges only for the amount of time spent by each mechanic on the job.

Possibly the size of the task is not realized. It involves the publication of about 15 volumes of the size of Foreign Relations. It means, in fact, more than doubling the output per year of the department. It is quite impossible for the department to do this additional work with its regular staff.

It will be observed that the effect of section 4 has no relation whatever to the rates of salaries paid to the editorial staff of the department. Those salaries are fixed by the classification act and are not changed. What is contemplated is merely a system of bookkeeping by which there shall be charged against the Territorial Papers appropriation the editorial copy reading, proof reading, and index making which is done on the papers.

S. 1168, together with the additions to the editorial staff authorized under the current appropriation bill, represent such large additions to the staff that the work can be managed economically in no other way than as provided in section 4. If that section is stricken out a separate editorial office will have to be created. This office will be staffed with people relatively inferior to the standards maintained by the department for its regular staff. The responsibility for the copy reading, proof reading, and index making, etc., will be so divided that it will be difficult if not impossible to maintain a uniform style for departmental publications. The cost to the Government due to the necessity of employing higher grade help than would otherwise be furnished is likely to amount to as much as $10,000.

If section 4 were to be struck out it is strongly recommended that the authorization be increased (p. 2, line 24, of the bill) to $135,000.

As for the provisions in section 3 for the distribution of publications it should be understood that under the printing act of 1895 the Superintendent of Documents will distribute copies to all depository libraries.

As for the demand for these publications, information can be obtained by reference to the chairman of the House Committee on Printing or by reference to the Senate Committee on Printing. It is understood that action with reference to this bill has been taken not only by a large number of historical societies but also by some one or more conferences of public libraries. The department, of course, has no interest whatever in how many copies are distributed to Senators and Representatives. It believes that there will be a considerable demand upon the Superintendent of Documents who will have the publication for sale and that this demand, while never large in any one year, will continue indefinitely.

Mr. LETTS. I trust this memorandum will come to the attention of the gentleman from Michigan and also the gentleman from Texas [Mr. BLACK], so that when the matter is again reached upon the calendar it may be better understood and may receive the favorable action of this House.

Mr. WASON. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SIMMONS].

M STREET BRIDGE

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMMONS. Gentlemen, in the hearing on this bill on page 73 is a report of the testimony of Mr. Charles Moore, chairman of the Fine Arts Commission. The statement is an unfair and unwarranted criticism of the Commissioners of the District of Columbia and the highway department of the District. I desire to read into the RECORD the statement there made by Mr. Moore so that the entire matter will appear in the RECORD.

This statement is made in answer to a question by Mr. WASON, the chairman of the committee:

Is there anything else you want to tell us?

Mr. Moore proceeded to say:

Mr. MOORE. There is one matter. On two or three occasions, notably the M Street Bridge and the Kitty Hawk Memorial to the Wrights, and some other things of that kind, it has been the endeavor of the commission to carry out the expressed purpose of Congress; and we have had to reject some submissions because we thought they were not in accordance with what Congress had intended. For instance, it was proposed to recondition or to build a life-saving station at Kitty Hawk and call it a monument, and that was not what Congress intended. And Congress intended (and it was specific so far as the hearings were concerned as to the M Street Bridge) a park bridge; but the District engineer of bridges does not know what a park bridge is. The architect of the District does; we have a very good District architect.

Then follow some other questions, and this statement by Mr. Moore:

Mr. MOORE. * * * It is not a park bridge; it is an ugly service bridge of a type unfitted for park purposes.

Mr. SUMMERS. Where is that bridge?

Mr. MOORE. On M Street, the bridge they are rebuilding. And they are doing the same thing in Rock Creek Park right along. Where the District gets a chance to cross Rock Creek Park, where their roads go through, they are putting in ugly bridges which are out of all keeping with the other park bridges.

Mr. VINSON. What sort of bridge is actually under construction on M Street?

Mr. MOORE. It is a steel-girder bridge.

Mr. VINSON. Is that in accordance with the views of the commission?

Mr. MOORE. It is not in accordance with the views of the commission; it is not in accordance with the views of Congress.

Then he states in another place:

I wish to make it clear that the commission is not responsible, in these cases, when the will of Congress is not carried out.

The facts of the case, gentlemen, are that that bridge is being constructed in strict accordance with an act of Congress. If Mr. Moore had read the act he would have known it. The highway department produced plans for a steel-girder bridge; a bill was introduced in Congress providing for the erection of a steel-girder bridge, it was reported to the House of Representatives by the legislative committee of the District of Columbia, and considered and passed in this body; the bill was sent to the Senate, there studied, and there reported and there passed, providing for a steel-girder bridge. At a later time the District Commissioners came before the Appropriations Committees of the House and Senate and asked for money to build that bridge. The authorization limited the committee to $250,000 for that purpose. The House Committee on Appropriations carried the appropriation of $250,000 and the Senate concurred in that appropriation. So there were four distinct times in the proceedings attending the passage of the bill and the appropriation of the money by Congress—twice in the House and twice in the Senate—where Mr. Moore had an opportunity to protest the building of the type of bridge that is now being built at that point. He either did not protest—and so far as I can discover the records do not show that he did—or else Congress ignored his advice.

In any event, the record is clear that the commissioners are building exactly the type of bridge at M Street that Congress ordered there to be built.

The type of bridge that Mr. Moore wants built is an arch-type bridge. The commissioners had no authority to build it. The Committee on Appropriations had no authority to appropriate for such a bridge. When Mr. Moore went over the heads of the commissioners and asked the municipal architect to prepare plans for an arch bridge instead of a steel-girder bridge he was asking for plans to be drawn which could not be installed there under the act of Congress. Had he read the law he would have known that that was true. When he comes before the Committee on Appropriations and attempts to make it appear that the commissioners and the highway department of the District are not carrying out the will of Congress, and that he is the only man who wants to carry out the will of Congress, I think the facts should be known.

His attitude is not only unjust and unfair but it is based upon an easily ascertainable false premise. Mr. Moore has no right to claim that there is lack of cooperation on the part of the commissioners in this matter. To my personal knowledge they gave him every consideration and cooperated just so far as the law permitted. What he complains about is that he has been unable to dictate to the commissioners and unable to compel them to proceed at his request in violation of a clear provision of law. The position taken by the commissioners is correct. If there is any blame attaching to anyone, it attaches to Mr. Moore for neglecting to make his views known prior to and not after Congress had acted. I ask unanimous consent to extend in the RECORD as a part of my remarks a statement that has been prepared at my request by the Engineer Commissioner of the District of Columbia, dated January 17, 1929, pointing out that the bridge which Mr. Moore asked for could not have been built under the act of Congress; that it would have cost $160,000 more to build his type of bridge than the type of bridge now being built there; that Congress had not authorized that expense; and that it would have created considerable disturbance in the water system of the District if his wishes had been carried out.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The statement referred to follows:

ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA,
Washington, January 17, 1929.

MEMORANDUM FOR MR. SIMMONS

In compliance with your request, I give you below a brief history of the M Street Bridge case.

In the spring of 1925 the old bridge crossing Rock Creek on the line of M Street NW. was found to have deteriorated with time to such a point as to imperil the safety of the structure, and it became necessary to close the bridge to vehicular traffic. Consideration was first given to the proposition of repairing the bridge, the cost of the necessary work being estimated at about $15,000. It was found, however, that the old bridge if repaired along the lines of the existing structure would interfere with the plans of the Rock Creek and Potomac Parkway Commission, which contemplate carrying a park boulevard along the banks of Rock Creek underneath the bridge. In order to make room for such a parkway it was found that it would be necessary to move the old west abutment and make other changes in the structure. For this reason it was decided that it would be better to replace the

old bridge with a new structure adequate for modern traffic needs and adapted to the requirements of the parkway plan.

Plans for the new bridge were prepared in the office of the engineer of bridges during the fall and winter of 1925–26. Consideration was given to various types of construction. The old bridge carried a 48-inch trunk water main, which is an essential part of the water supply and distribution system, and also a 30-inch cast-iron sewer, both of which had to be cared for in the plans for the new structure.

Two types of bridge were considered—the arch type and the steel-girder type. It was found that the foundation conditions were such that the cost of a concrete arch bridge would be greatly in excess of a steel-girder bridge, and that the headroom required for the park roadway could not be provided in the arch type without increasing the length of the span, which again would operate to increase the cost. For these reasons the steel-girder type was selected, with the provision that the steel girders should be incased in concrete, thus giving the effect of a concrete girder construction. Either type of bridge required the removal of the sewer to another location under Rock Creek, but provision for the carrying of the water main was made in the plans for the steel-girder bridge, it being found that this could be done without diminishing the headroom below that required for the park driveway.

For these reasons the steel-girder type with the girders incased in concrete was adopted, the estimated cost being as follows:

Bridge	$170,000
Changes in trunk water main	15,000
Sewer reconstruction	33,500
Engineering, contingencies, etc	31,500
Total	250,000

A bill authorizing the construction of a steel-girder bridge was prepared by the commissioners, approved by the Director of the Budget, and submitted to Congress with request for its enactment. While the bill was under consideration the engineer of bridges appeared before the committees in Congress and displayed the plans prepared in his office and adopted by the commissioners. Thereafter the bill was passed by Congress and approved by the President on July 3, 1926. The language of the bill is as follows:

"*Be it enacted, etc.*, That in order to provide sufficient clearance for the proposed park drive in the Rock Creek and Potomac Parkway, and to enable traffic to use M Street NW., between Twenty-sixth and Twenty-seventh Streets, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a new steel-girder bridge to replace the bridge in the line of M Street over Rock Creek, which bridge shall have a roadway 40 feet wide and two footways each nine feet wide, and shall include proper facilities for carrying and supporting water main and other underground construction: *Provided*, That the Commission of Fine Arts shall be consulted as to the architectural design of the proposed bridge and its approaches.

"SEC. 2. That there is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the District of Columbia, the sum of $250,000, and the said commissioners are authorized to expend therefrom such sum or sums as may be necessary for personal services, engineering, and incidental expenses.

"Approved July 3, 1926."

It will be noted that by this act Congress definitely approved and adopted the steel-girder type of bridge, with the provision that the Commission of Fine Arts shall be consulted as to the architectural design of the proposed bridge and its approaches.

The District of Columbia appropriation act for the fiscal year ending June 30, 1928, approved March 2, 1927, carried an item as follows:

"For construction of a bridge to replace the M Street Bridge over Rock Creek, including necessary changes in sewer and water mains and including also such sum or sums as may be necessary for personal services, engineering, and incidental expenses, $250,000."

When this item was under consideration by the Appropriations Committee of the House the question of the design of the bridge was raised. The following extract from the hearings shows what was said at that time:

[From the House hearings, District of Columbia appropriation bill, 1928, pp. 276–278]

CONSTRUCTION TO REPLACE M STREET BRIDGE

"Mr. SIMMONS. The second item on page 101 is for construction of a bridge to replace the M Street Bridge over Rock Creek, including necessary changes in sewer and water mains and including, also, such sum or sums as may be necessary for personal services, engineering, and incidental expenses, $250,000.

"Mr. HUNT. This bridge was constructed in 1872. An examination made in May, 1925, disclosed defects of such serious character that it was necessary to close the bridge to traffic. The plans for the Rock Creek Parkway require the removal of the existing bridge and the proposed girder bridge is designated to conform with the roadways of the Rock Creek Parkway. The bridge is a part of an important run of the fire department as well as a part of an important highway.

"Mr. COLLINS. What is this going to cost?

"Mr. ROBERTSON. It is estimated at $250,000.

"Mr. COLLINS. Do you not estimate the contract cost at $177,000?

"Mr. HOWSER. Yes, sir; but $250,000 includes all the work necessary for the construction of the bridge, water mains, sewer mains, and approaches. We have to shift one 48-inch water main across the old bridge. We also have to shift the sewer.

"Mr. COLLINS. Are you going to put two driveways on the lower part of the bridge?

"Mr. HOWSER. No, sir; there will be one driveway on one side. I have a sketch here showing the type of structure.

"Mr. COLLINS. Has it been approved by the Fine Arts Commission?

"Mr. HOWSER. It has not as yet reached that stage.

"Mr. SIMMONS. Your proposal is to build a bridge there in keeping with the other bridges of the District?

"Mr. HOWSER. Yes, sir.

"Mr. COLLINS. How are you going to have the driveways?

"Mr. HOWSER. One driveway here [indicating on sketch] at an elevation of 15 feet.

"Mr. COLLINS. How wide is that?

"Mr. HOWSER. Fifty-foot driveway.

"Mr. COLLINS. There is one on the other side?

"Mr. HOWSER. On this side [indicating]. The driveway is elevated. This connects up with the upper level of the bridge [indicating]. There will be a bridle path here.

"Mr. COLLINS. How much is the bridle path going to cost?

"Mr. HOWSER. That will not come under our jurisdiction. All we do is to make provision for the roadway; see that the surface is graded properly.

"Mr. COLLINS. I thought that you had a driveway on either side of Rock Creek.

"Mr. HOWSER. At this point [indicating] there will be one driveway underneath and one on top on the other side, to give a high-level road.

"Mr. HUNT. On the east side is the high-level road and on the west side the low-level road at that particular point. That is in accordance with the park development plan. It fits in with that.

"Mr. COLLINS. They have not made any progress, in other words. That is just a tentative plan.

"Mr. HUNT. It is an approved plan, but not an executed plan. This plan fits their plan.

"Colonel BELL. Changes are still made in that plan.

"Mr. COLLINS. That was my understanding. Personally, it seems to me that this bridge could very well wait until their plans are formulated, because, as I understand, they have done nothing except make tentative plans.

"Colonel BELL. There will be a driveway under this bridge. It will be an important driveway.

"Mr. COLLINS. The last time I discussed this with anyone it was the understanding that there was to be a driveway on either side of Rock Creek and underneath that bridge.

"Mr. HUNT. They could still do that, with this plan.

"Mr. COLLINS. I am very well acquainted with that territory and I do not see how you could manage the driveway in any other way.

"Mr. ROBERTSON. I think that the bridge was designed so that you could have the same width roadway on the west as on the east.

"Mr. COLLINS. You may have to adopt another plan. You may have to have another plan for this kind of bridge. It seems to me that we can very well have this wait.

"Colonel BELL. The bill specifies its construction, a new steel girder bridge. You would have to change the act of Congress to construct any other type of bridge.

"Mr. COLLINS. At any rate, they have done nothing toward connecting that roadway as yet.

"Colonel BELL. Practically nothing, but I believe you gentlemen should bear in mind that the existing bridge has been closed for a year or two because of its condition and that the new bridge should be erected soon in order to give direct access to and from Virginia by way of M Street. This is an important traffic artery and also an important fire run."

Under the provisions of this appropriation the preliminary plans for the new bridge were submitted to the Fine Arts Commission. The Fine Arts Commission objected to the design and requested the municipal architect to prepare a preliminary design for an arch bridge to meet the situation. The municipal architect prepared such a design, consisting of three arches resting on concrete piers, and submitted it to the Fine Arts Commission as requested by that body.

In order to give the necessary clearance and to meet architectural considerations the crown of the arch had to be made too thin to permit of carrying the 48-inch water main on the structure, and the design therefore contemplated the relocation of the water main under Rock Creek. As already stated, all designs contemplated the removal of the sewer from the bridge structure and its relocation elsewhere, so that the arch type and the steel-girder type did not differ in this respect. The Fine Arts Commission indicated their strong preference for the arch type of design and requested the Commissioners of the District of Columbia to prepare and submit plans for this type of structure. At the same time they made certain suggestions as to treatment of the approaches and other architectural details.

The commissioners gave very careful and prolonged consideration to the recommendations of the Fine Arts Commission. It was recognized that solely from an architectural point of view, other things being equal, the arch type is perhaps preferable. In this case, however, there are other practical considerations to be balanced against the architectural advantages. A careful estimate of the cost of the arch type of structure showed that a bridge of this type, with the necessary relocation of the 48-inch water main under Rock Creek, would require an additional appropriation of approximately $160,000, as well as an amendment to the authorization act of July 3, 1926, changing the designation of the type of bridge to be built and increasing the authorization by the amount stated.

After full consideration of these matters the commissioners decided to proceed with the girder type of structure in the hope that the Fine Arts Commission would approve the design in its final form. Detailed plans were prepared, with due regard to the suggestions as to approaches and other architectural details that had been made by the Fine Arts Commission, and these detailed plans were submitted to the commission for final approval on March 9, 1928. On March 10, 1928, the Fine Arts Commission returned the plans with their definite and final disapproval for the reasons stated in their letter, which is as follows:

"MY DEAR MR. DOUGHERTY: The Commission of Fine Arts, having considered the plans submitted by the District engineer of bridges for a bridge over Rock Creek and Potomac Parkway at M Street, are returning the same with their disapproval of the plans as submitted. In the opinion of the commission the bridge, if constructed according to these plans, would be a perpetual eyesore, conspicuous not only from the Pennsylvania Avenue Bridge but especially so from the driveway extending from the Lincoln Memorial to Rock Creek Park, a driveway which forms an essential portion of the park system of the District of Columbia.

"The District of Columbia has set a pace in the construction of the Q Street Bridge, which should be maintained in the construction of all bridges across the Rock Creek Parkway. If the proposed design were simply inconspicuous, the commission might approve it reluctantly; but inasmuch as the design is conspicuously bad the commission can not give their approval.

"The hearings show conclusively that Congress intended this bridge to be so designed as to secure the approval of the Commission of Fine Arts, and it is with great reluctance that we have to report our disapproval.

"For the Commission of Fine Arts.

"Very respectfully yours,

"CHARLES MOORE, *Chairman.*

"Hon. PROCTOR L. DOUGHERTY,

"President Board of Commisisoners of the District of Columbia, Washington, D. C."

The commissioners then gave careful consideration to the question of the advisability of requesting Congress to enact the necessary legislation authorizing the construction of an arch bridge and providing the additional funds required, and decided that in their judgment the advantages of the arch type were not sufficient to justify the increased cost to the District of Columbia. The bridge is essentially a service structure carrying an important street and water main over the parkway, and the commissioners felt and still feel that a utilitarian design, properly adjusted to give the necessary widths and clearances for the park roads that are to pass underneath is entirely appropriate to the situation.

Accordingly the plan of requesting legislation was dropped and bids for the construction of the bridge were invited on the plans of the bridge department; changed, however, in the architectural details to conform as closely as possible with the suggestions made by the Fine Arts Commission in its consideration of the various plans before it. These bids were opened on September 20, 1928, and a satisfactory bid being received, contract was entered into by the commissioners with the Farris Engineering Co. under date of December 4, 1928, to construct a bridge in accordance with the plans for the sum of $167,314.31. Work under this contract has already been commenced.

While this matter was under discussion in the fall of 1927 and the spring of 1928, the necessary change in the relocation of the sewer was carried out by the sewer department at a total cost of $31,314.04. The bridge contract includes the adjustment of the 48-inch water main to the new structure.

W. B. LADUE,
Colonel, Corps of Engineers, United States Army,
Engineer Commissioner, District of Columbia.

Mr. CULLEN. Mr. Chairman, I yield five minutes to my colleague from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, it is now settled that there will be an extra session of Congress, meeting some time in April of this year, for the consideration of farm relief and tariff legislation. It is my purpose to enter fully into the debates as to both these subjects when they come up at the extra session. For the present I shall make only a very few observations.

As to the tariff question, let me say that I have always urged and voted for a high tariff on every farm product that can be helped by a protective tariff. The only way that the tariff on manufactured articles can be offset, in so far as the farmer is concerned, is by putting a tariff on peanuts, cottonseed meal, cottonseed oil, vegetable oils, cowhides, naval-store products, and, in fact, on all products which come into our country in competition with what is produced by our own farm people and other citizens. Generally I am opposed to a high tariff, but when there is a high tariff on practically all my people buy, I then want a high tariff on what they sell to enable them to get a better price for their products.

I know that many many thousands of dollars have been realized by the people of my district from the tariff on peanuts alone during the last few years. I do not wish to say more now except to suggest that the great fight in the extra session will be to help the farmer not only get more for his products but also to enable him to keep what he gets.

Tariff and so-called farm relief legislation which puts money into one pocket of the farmer and provides a method for it to be stolen out of another pocket is not only a deception but an outrageous crime. This is the kind of legislation the farmer has been getting these many years.

My prayer is for a square deal now and forever for those who live on the farm by their own toil. May the extra session of Congress soon to be called by President-elect Hoover be the beginning of a much better era for the farmers of our Nation. [Applause.]

Mr. WASON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

RESIGNATION

The SPEAKER. The Chair lays before the House the following communication:

JANUARY 16, 1929.

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby resign from the Committee on Claims of the House of Representatives.

Very respectfully yours,

WILLIS G. SEARS.

The SPEAKER. The Chair announces the following members of the Board of Visitors to the Naval Academy for this year: Messrs. GUY U. HARDY, of Colorado; A. PLATT ANDREW, of Massachusetts; ROBERT L. BACON, of New York; MORGAN G. SANDERS, of Texas, and SOL BLOOM, of New York.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BERGER, indefinitely, on account of illness in family.

FISCAL RELATIONS BETWEEN THE DISTRICT OF COLUMBIA AND THE UNITED STATES

Mr. SIMMONS. Mr. Speaker, on the 11th of January I submitted a report on the fiscal relations between the District of Columbia and the United States and asked unanimous consent that it be printed as a House document, which consent was granted. At the suggestion of the clerk of the Joint Committee on Printing I have introduced a resolution authorizing that printing in the regular way, and I now ask unanimous consent that the other proceedings be vacated and that the manuscript be referred to the Committee on Printing.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the first proceedings be vacated in the matter to which he refers. Is there objection?

There was no objection.

MISSOURI MILITIA

Mr. W. T. FITZGERALD, from the Committee on Invalid Pensions, by direction of that committee, presented a privileged report on House Joint Resolution 379, extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia who served during the Civil War, which was referred to the Union Calendar and ordered printed.

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that the resolution was reported as privileged?

The SPEAKER. The Chair thinks the Committee on Invalid Pensions has that privilege under the rule.

Mr. GARRETT of Tennessee. It may have as to general pension bills, but I doubt the privileged character of this resolution. However, I reserve all points of order.

The SPEAKER. The Chair observes this rule, section 724:

The term "general pension bills" is construed to mean bills or legislation general in character, such as extending the provisions of the pension laws to an additional class, as distinguished from bills of a private character.

The Committee on Invalid Pensions has that power in general.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 31. Concurrent resolution to print the briefs of counsel and transcript of record filed with the Supreme Court of the United States in the St. Louis & O'Fallon Railway case as a Senate document, and for extra copies thereof; to the Committee on Printing.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on January 16, 1929, present to the President, for his approval, bills of the House of the following titles:

H. R. 4280. An act to correct the military record of John W. Cleavanger, deceased;

H. R. 5528. An act to enable electricians, radioelectricians, chief electricians, and chief radioelectricians to be appointed to the grade of ensign;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School Mines of the Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post, No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.;

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.);

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13498. An act for the relief of Clarence P. Smith;

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California;*

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; and

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine.

ADJOURNMENT

Mr. WASON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Friday, January 18, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 18, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Wood and manufactures of, January 17, 18.
Sugar, molasses, and manufactures of, January 21, 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," and the Welch Act approved May 28, 1928, in amendment thereof (H. R. 15389, 15474).

To fix the minimum compensation of certain employees of the United States (H. R. 15467).

To amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928 (H. R. 15853, 16029).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON HOSPITALS

(10.30 a. m.)

To authorize an appropriation to provide additional hospital, domiciliary, and out-patent dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 15921).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

746. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Civil Service Commission for the fiscal year 1929, to remain available until June 30, 1930, amounting to $50,000 (H. Doc. No. 512); to the Committee on Appropriations and ordered to be printed.

747. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the United States Employees' Compensation Commission for the fiscal year ending June 30, 1929, in the sum of $350,000 (H. Doc. No. 513); to the Committee on Appropriations and ordered to be printed.

748. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Smithsonian Institution for the fiscal year ending June 30, 1926,

in the sum of $658.75 (H. Doc. No. 514); to the Committee on Appropriations and ordered to be printed.

749. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year ending June 30, 1930, amounting to $1,674,000 (H. Doc. No. 515); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EVANS of Montana: Committee on the Public Lands. H. R. 14148. A bill to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont."; with amendment (Rept. No. 2117). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on Flood Control. H. R. 14893. A bill to authorize a preliminary survey of Rough River in Kentucky, with a view to the control of its floods; without amendment (Rept. No. 2122). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on Flood Control. H. R. 15809. A bill to authorize a preliminary survey of Mud Creek in Kentucky, with a view to the control of its floods; without amendment (Rept. No. 2123). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13455. A bill to authorize the collection of penalties and fees for stock trespassing on Indian lands; with amendment (Rept. No. 2124). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 363. A joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes; with amendment (Rept. No. 2125). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 1624. An act to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia; without amendment (Rept. No. 2126). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 13977. A bill authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects; with amendment (Rept. No. 2130). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 15092. A bill to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.; with amendment (Rept. No. 2131). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 16169. A bill to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.; without amendment (Rept. No. 2132). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16248. A bill for the relief of the Osage Tribe of Indians, and for other purposes; without amendment (Rept. No. 2133). Referred to the Committee of the Whole House on the state of the Union.

Mr. STALKER: Committee on the District of Columbia. S. 3771. An act vacating the alley between lots 16 and 17, square 1083, District of Columbia; without amendment (Rept. No. 2134). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15523. A bill authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; with amendment (Rept. No. 2135). Referred to the House Calendar.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. J. Res. 379. A joint resolution extending the benefits of the provisions of the act of Congress approved May 1, 1920, the act of Congress approved July 3, 1926, and the act of Congress approved May 23, 1928, to the Missouri Militia, who served during the Civil War; without amendment (Rept. No. 2136). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 13721. A bill for the relief of Edwin I. Chatcuff; with amendment (Rept. No. 2118). Referred to the Committee of the Whole House.

Mr. QUAYLE: Committee on Naval Affairs. H. R. 13812. A bill for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; without amendment (Rept. No. 2119). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Naval Affairs. S. 1530. An act for the relief of Gilpin Construction Co.; with amendment (Rept. No. 2120). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14818. A bill to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; without amendment (Rept. No. 2121). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; without amendment (Rept. No. 2127). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. S. 2439. An act to amend the military record of Arthur Waldenmeyer; with amendment (Rept. No. 2128). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12707. A bill for the relief of Julius Victor Keller; without amendment (Rept. No. 2129). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNELL: A bill (H. R. 16345) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Morristown, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 16346) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 16347) to amend the bankruptcy law; to the Committee on the Judiciary.

By Mr. KINCHELOE: A bill (H. R. 16348) to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDSBOROUGH: A bill (H. R. 16349) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at or near Cambridge, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 16350) to amend paragraph 10 of section 202 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. JAMES: A bill (H. R. 16351) to make available for expenditure at Camp Devens, Mass., certain funds appropriated by the act of December 22, 1927; to the Committee on Military Affairs.

By Mr. LEAVITT: A bill (H. R. 16352) providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes; to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 16353) authorizing the appointment of cadets to the United States Military Academy and midshipmen to the United States Naval Academy from the Canal Zone; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16354) to provide for the hospitalization and treatment of certain employees of the United States; to the Committee on the Civil Service.

By Mr. JAMES: A bill (H. R. 16355) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. WURZBACH: A bill (H. R. 16356) to authorize the appointment of clerks, the Army War College, as warrant officers; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: Joint resolution (H. J. Res. 387) to authorize participation by the United States in the Interparliamentary Union; to the Committee on Foreign Affairs.

By Mr. SIMMONS: Resolution (H. Res. 289) to print the report of the Efficiency Bureau on the fiscal relations between the United States and the District of Columbia as a document; to the Committee on Printing.

By Mr. TAYLOR of Colorado: Resolution (H. Res. 290) to create a Committee on Panama Canal; to the Committee on Rules.

By Mr. WARREN: Resolution (H. Res. 291) to print as a House document the proceedings at Kitty Hawk, N. C., on December 17, 1928, commemorating the twenty-fifth anniversary of the first airplane flight made by Wilbur and Orville Wright; to the Committee on Printing.

By Mr. LAGUARDIA: Resolution (H. Res. 292) providing for the appointment of a select committee of nine Members for the Seventieth Congress for the purpose of investigating the administration of the bankruptcy laws of the United States, and for other purposes; to the Committee on Rules.

By Mr. REID of Illinois: Resolution (H. Res. 293) providing for the appointment of a select committee of 11 Members for the Seventieth Congress for the purpose of investigating the administration of the bankruptcy laws of the United States, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the General Assembly of the State of South Carolina relating to the situation in South Carolina created by the hurricane; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 16357) granting a pension to Edith Thompson; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 16358) for the relief of Edward E. Harris; to the Committee on Claims.

By Mr. BEERS: A bill (H. R. 16359) granting a pension to Jonathan A. Seidel; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 16360) granting a pension to Edith Curran; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16361) for the relief of Carl Raymond M. Larson; to the Committee on Naval Affairs.

By Mr. CULLEN: A bill (H. R. 16362) granting a pension to Margaret Olsen; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 16363) for the relief of Raymond W. Still; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 16364) for the relief of Marmaduke H. Floyd; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16365) granting a pension to Carrie L. Warner; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 16366) granting a pension to Mabel Jackson; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 16367) granting a pension to William J. Bodiford; to the Committee on Pensions.

By Mr. HOCH: A bill (H. R. 16368) granting an increase of pension to Mary F. Plummer; to the Committee on Invalid Pensions.

By Mr. HOWARD of Nebraska: A bill (H. R. 16369) granting an increase of pension to Alice M. Henderson; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16370) granting an increase of pension to Rebecca Morrow; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 16371) granting a pension to Susie H. Wright; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16372) granting an increase of pension to Louisa Miller; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 16373) granting an increase of pension to Josephine E. Starkey; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 16374) granting an increase of pension to Catherine J. Cooper; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 16375) granting a pension to Lydia M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16376) granting a pension to Pearl Rounds; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 16377) granting a pension to Sarah M. Wheeler; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 16378) granting a pension to Elizabeth Carter; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16379) granting an increase of pension to Anna M. Buell; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16380) for the relief of Miles A. Henry, deceased; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 16381) granting an increase of pension to Rachel E. Laughlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8283. By Mr. ANDREW: Petition of William S. Tolman Camp, No. 50, United Spanish War Veterans, and others, urging favorable action on House bill 14676, a bill to increase pensions of Spanish War veterans; to the Committee on Pensions.

8284. By Mr. CULLEN: Petition of the New York Commandery of the Naval Order of the United States, favoring construction of the 15 cruisery; to the Committee on Naval Affairs.

8285. By Mr. GARBER: Petition of the Indian Rights Association (Inc.), Philadelphia, Pa., urging support of House Joint Resolution 374, to authorize an investigation of Indian affairs by a joint commission to be appointed by the Senate and House of Representatives; to the Committee on Indian Affairs.

8286. By Mr. JOHNSON of Washington: Petition urging enactment of Representative KNUTSON'S bill (H. R. 14676); to the Committee on Pensions.

8287. By Mr. McCORMACK: Petition of Dixie Post, No. 64, Veterans of Foreign Wars, M. P. Malloy, commander, National Sanatorium, Tenn., urging early and favorable consideration of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

8288. By Mr. O'CONNELL: Petition of William Bianchi, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8289. Also, petition of Martins, Brooklyn, N. Y., favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8290. Also, petition of Houpert Machine Co. (Inc.), Long Island City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8291. Also, petition of E. W. Fieldler Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8292. Also, petition of the Dykes Lumber Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8293. Also, petition of White-Stokes Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8294. Also, petition of the Harriman National Bank, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8295. Also, petition of the Miller Falls Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8296. By Mr. ROBINSON of Iowa: Resolution signed by Fred Ewald, secretary of the Chicago Great Western Railroad Shops Crafts, of Clarion, Iowa; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, *January 18, 1929*

(Legislative day of Thursday, January 17, 1929)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to

the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 1, 4, and 30 to the bill and concurred therein; that the House receded from its disagreement to the amendment of the Senate No. 41 and concurred therein with an amendment, in which it requested the concurrence of the Senate; that the House insisted on its disagreement to the amendments of the Senate Nos. 20, 39, and 40 and requested a further conference with the Senate on said amendments, and that Mr. CRAMTON, Mr. MURPHY, and Mr. TAYLOR of Colorado were appointed managers on the part of the House at the further conference.

VISITORS TO THE NAVAL ACADEMY

The VICE PRESIDENT. The Chair, pursuant to law, appoints as members on the part of the Senate of the Board of Visitors to the United States Naval Academy for the year 1929 the Senator from Rhode Island, Mr. METCALF; the Senator from Minnesota, Mr. SCHALL; the Senator from Florida, Mr. TRAMMELL; and the Senator from Washington, Mr. DILL.

ANNUAL REPORT OF THE PUBLIC PRINTER (S. DOC. NO. 168)

The VICE PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, in compliance with law, his report of the operations of the Government Printing Office for the fiscal year ended June 30, 1928, and the calendar year 1928, which was referred to the Committee on Printing.

LEASING OF CUMBERLAND FALLS FOR POWER PURPOSES

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Power Commission, transmitting protests against the leasing of Cumberland Falls for power purposes, requested by Senate Resolution 297, which will lie on the table and be printed in the RECORD.

The communication is as follows:

FEDERAL POWER COMMISSION,
Washington, January 17, 1929.

Cumberland Hydroelectric Power Co.

The PRESIDENT OF THE SENATE.

SIR: In accordance with Senate Resolution 297, directing the Federal Power Commission to transmit to the Senate all protests of individuals, organizations, and public officials which it may have received in opposition to the leasing of Cumberland Falls for power development or to the participation of the Hon. Roy O. West in the consideration of this and other leases, I have the honor to forward herewith the original records of the commission pertaining to the subject matter of the resolution.

It has been necessary to furnish the documents in their original form, and they constitute the only record that the commission has of the receipt of these communications. It is, therefore, necessary to request that they be returned when the purposes of the resolution have been served. These protests are bound in six parts, arranged chronologically.

Respectfully,

GLEN E. EDGERTON,
Chief Engineer, in the absence of the Executive Secretary.

SENATOR FROM MISSOURI

Mr. HAWES presented the credentials of ROSCOE C. PATTERSON, chosen a Senator from the State of Missouri for the term commencing March 4, 1929, which was read and ordered to be placed on file, as follows:

STATE OF MISSOURI,
DEPARTMENT OF STATE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, ROSCOE C. PATTERSON was duly chosen by the qualified electors of the State of Missouri a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson this 8th day of January, A. D. 1929.

SAM A. BAKER.

By the governor:
[SEAL.]

CHARLES U. BECKER,
Secretary of State.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Shortridge
Barkley	Frazier	McNary	Simmons
Bayard	George	Mayfield	Smith
Bingham	Gerry	Metcalf	Smoot
Black	Gillett	Moses	Steck
Blaine	Glass	Neely	Steiwer
Blease	Glenn	Norbeck	Stephens
Borah	Gould	Norris	Swanson
Bratton	Greene	Nye	Thomas, Idaho
Brookhart	Hale	Oddie	Thomas, Okla.
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Phipps	Tydings
Burton	Hastings	Pine	Tyson
Capper	Hawes	Pittman	Vandenberg
Caraway	Hayden	Ransdell	Walsh, Mass.
Copeland	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Robinson, Ind.	Waterman
Dale	Kendrick	Sackett	Wheeler
Deneen	Keyes	Schall	
Edge	La Follette	Sheppard	
Fess	McKellar	Shipstead	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained by illness. I ask that this announcement may stand for the day.

Mr. ROBINSON of Arkansas. The junior Senator from Utah [Mr. KING] is to-day and has been for the past several days detained from the Senate by illness. I will let this announcement stand for the day.

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is detained from the Senate on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate the following action of the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
January 17, 1929.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 1, 4, and 30 to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 41, and concur therein with an amendment as follows:

Before the period at the end of the Senate amendment insert: ", pending determination by the Personnel Classification Board, in accordance with said act."

That the House insist on its disagreement to the amendments of the Senate Nos. 20, 39, and 40.

Mr. SMOOT. Mr. President, there are three motions that I desire to make in relation to the action of the House. First, I move that the Senate agree to the amendment of the House to the amendment of the Senate No. 41. Amendment No. 41 reads as follows:

Provided further, That the practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to the superintendent and other employees who are required to live at St. Elizabeths Hospital may be continued without deduction from their salary, notwithstanding the act of March 5, 1928 (45 Stat. 193).

The amendment offered on the floor of the House and agreed to yesterday is an amendment to that amendment, reading as follows:

Pending determination by the Personnel Classification Board, in accordance with said act.

In other words, pending a determination by the Personnel Classification Board as to whether the provisions of the act of March 5, 1928, shall apply to the employees there as in all cases of Government employees.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. SMOOT. I move that the Senate further insist upon its amendments Nos. 20, 39, and 40.

The motion was agreed to.

Mr. SMOOT. I move that the Senate accede to the request of the House for a further conference on amendments Nos. 20, 39, and 40, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMOOT, Mr. KEYES, and Mr. HARRIS conferees on the part of the Senate at the further conference.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South

Carolina, which was referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution No. 8

Whereas a deplorable situation exists in 25 or more counties in South Carolina as the result of the West Indian hurricane which struck these counties in September, 1928; and

Whereas agriculture in these 25 counties is facing a crisis which can only be met by the extension immediately of large amounts of Federal and State aid to agriculture, especially in supplying seeds, fertilizers, and supplies for the making of the 1929 crop; and

Whereas after a careful investigation it has been determined that a large percentage of farmers in the storm-affected area will be unable, without Federal and State assistance, to carry on their farming operations during the year 1929; and

Whereas a bill is now in course of preparation, to be introduced at an early date in the South Carolina General Assembly, providing in some measure for State assistance; and

Whereas the large deficits in the management of the State's financial policies in past years make it impossible for the State to appropriate sufficient funds to restore agriculture in the storm-affected area; and

Whereas there is now pending before the Congress of the United States a bill extending Federal aid to agriculture in the storm-affected area of the Southeast, which bill is economically sound, and which will in a large measure tend, if it becomes law, to provide a remedy for the agricultural problem in the Southeast: Therefore be it

Resolved by the senate (the house of representatives concurring), (1) That we recognize the seriousness of the crisis now confronting the agricultural population of the majority of the counties of the State of South Carolina.

(2) That we commend most heartily our Senators and Representatives in Congress for their interest in, and their work for, the passage of the bill to extend aid to agriculture in the storm-affected area of the Southeast.

(3) That the South Carolina General Assembly hereby memorialize the Congress of the United States to enact legislation at the earliest possible date for the greatly needed relief which can most effectively come only by act of Congress.

(4) That authenticated copies of this resolution be sent at once to both branches of the National Congress and to the Representatives and Senators from South Carolina in the Congress of the United States.

Mr. BINGHAM. Mr. President, I ask unanimous consent to present, in the nature of a petition, a resolution adopted at a gathering of New England farmers in Springfield, Mass., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

TARIFF RESOLUTIONS UNANIMOUSLY ADOPTED

Whereas American agriculture does not suitably participate in the protective-tariff system given other industries through national legislation; and

Whereas our Nation can not reach maximum prosperity by denying so basic an industry as agriculture the opportunity to enjoy the American standard of living; and

Whereas the rates of duties on foreign-grown farm commodities seeking markets in competition with American farm products constitute so vital a factor in the so-called farm relief problem now before Congress and to the solution of which the incoming administration is irrevocably pledged: Therefore be it

Resolved, That this mass meeting of New England farmers and their organizations assembled at Springfield, Mass., January 14, 1929, hereby petitions favorable action by Congress on agricultural tariff schedules along the following fundamental principles:

(a) That in all tariff legislation agriculture be given protection equal to any other American industry—no more, no less.

(b) That rates of duty on foreign-grown farm products seeking our markets be made adequate to allow our farmers to enjoy profits which will permit the American standard of living.

(c) That various foreign farm commodities which are directly or indirectly competitive with our domestic farm crops be made to carry rates of duty based on the value of farm crops to American producers thereof and should be so adjusted that as the value increases the rate of duty will automatically increase.

(d) That in the agricultural tariff schedule flexibility be provided so that rates can be changed to meet changing economic conditions without unreasonable delay.

Mr. BLAINE presented resolutions adopted by Stevens Point Chapter of the Reserve Officers' Association of the United States, Department of Wisconsin, favoring increased appropriations, fiscal year 1930, for reserve officers' active training, which were referred to the Committee on Appropriations.

COLUMBIA LAND BANK

Mr. BLEASE. Mr. President, I ask that there be printed in the RECORD the article from the Greenville (S. C.) News of January 17, 1929, which I send to the desk.

The VICE PRESIDENT. Is there objection?

There being no objections, the article was ordered to be printed in the RECORD, as follows:

FARLEY RESIGNS FROM COLUMBIA LAND BANKS

COLUMBIA, January 16.—L. I. Guion, vice president of the Federal Land Bank of Columbia and the Federal Intermediate Credit Bank of Columbia and acting as president of both institutions since January 1, to-day announced the resignation of W. Scott Farley, active vice president of these banks. Mr. Farley's resignation became effective Monday of this week, he said.

REPORTS OF COMMITTEES

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, reported it without amendment and submitted a report (No. 1454) thereon.

Mr. BLEASE, from the Committee on Immigration, to which was referred the bill (S. 5093) to authorize the issuance of certificates of admission to aliens, and for other purposes, reported is without amendment and submitted a report (No. 1455) thereon.

He also, from the same committee, to which was referred the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, reported it with an amendment and submitted a report (No. 1456) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds, reported it with amendments and submitted a report (No. 1457) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, submitted a supplemental report (No. 1372, pt. 2) to accompany the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, heretofore reported by him from that committee with amendments, and also reported additional amendments to the bill.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 5412) to extend sections 204 and 209 of the transportation act, 1920, to certain coastwise water carriers in the same manner and to the same extent as it applies to railroads and rail-owned water lines similarly situated; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 5413) granting the consent of Congress to compacts or agreements between the States of Oregon, Washington, Idaho, Montana, and Wyoming with respect to the division and apportionment of the waters of the Columbia River and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. GILLETT:

A bill (S. 5414) granting an increase of pension to Sarah J. Thayer; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5415) granting an increase of pension to Josie Woolworth (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 5416) granting a pension to Albertina Johnson (with accompanying papers);

A bill (S. 5417) granting a pension to Lizzie Kennedy (with accompanying papers);

A bill (S. 5418) granting a pension to John S. Alley (with accompanying papers);

A bill (S. 5419) granting a pension to Pauline A. Stephenson (with accompanying papers);

A bill (S. 5420) granting an increase of pension to Caroline A. Brandis (with accompanying papers);

A bill (S. 5421) granting a pension to Thomas L. Freeman (with accompanying papers);

A bill (S. 5422) granting an increase of pension to Eliza Dunn Minard (with accompanying papers);

A bill (S. 5423) granting an increase of pension to George D. Henning (with accompanying papers);

A bill (S. 5424) granting an increase of pension to Ida May Hollister (with accompanying papers);

A bill (S. 5425) granting an increase of pension to Sarah E. James (with accompanying papers);

A bill (S. 5426) granting an increase of pension to Ernest Laub (with accompanying papers);

A bill (S. 5427) granting an increase of pension to William A. Lipscomb (with accompanying papers);

A bill (S. 5428) granting a pension to Lou Lukens (with accompanying papers);

A bill (S. 5429) granting an increase of pension to William T. McCrindle (with accompanying papers);

A bill (S. 5430) granting a pension to Charles E. Mann (with accompanying papers); and

A bill (S. 5431) granting an increase of pension to Laura B. Mills (with accompanying papers); to the Committee on Pensions.

A bill (S. 5432) granting an increase of retired pay to Leland Wadsworth, major, United States Army, retired (with accompanying papers); and

A bill (S. 5433) to correct the military record of William H. Ray (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5434) granting compensation to Daniel B. Richardson (with accompanying papers);

A bill (S. 5435) granting compensation to John Frost (with accompanying papers);

A bill (S. 5436) granting compensation to Chester B. Wood (with accompanying papers); and

A bill (S. 5437) granting compensation to Myrtle A. Bell (with accompanying papers); to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 5438) granting a pension to Rebecca Jenkins; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 5439) granting compensation to Jeremiah D. Ballew (with accompanying papers); to the Committee on Finance.

A bill (S. 5440) for the relief of H. Theodore Tate; to the Committee on Appropriations.

By Mr. THOMAS of Oklahoma:

A bill (S. 5441) for the relief of the First National Bank of Porter, Okla.; to the Committee on Claims.

By Mr. ROBINSON of Arkansas:

A bill (S. 5442) to authorize reimbursement to certain levee districts for expenditures made for construction and repair of levees damaged by flood of 1927; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 5443) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; to the Committee on Post Offices and Post Roads.

By Mr. BRATTON:

A joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River; to the Committee on Irrigation and Reclamation.

AMENDMENTS TO WAR DEPARTMENT APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to House bill 15712, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 26, line 9, insert the following:

"For repair, restoration, and rehabilitation of the two block houses, the bake house, the magazine, and the French barracks, at Old Fort Niagara, N. Y., including construction of a rest room adjacent to the 'Castle' and the restoration and construction of the old French drawbridge, $45,000. In addition to this amount, the Secretary of War is authorized to expend such sums as may be contributed from private sources for such work."

Mr. HAYDEN submitted an amendment proposing to increase the appropriation for pay of property and disbursing officers for the United States (Militia Bureau—National Guard) from $79,500 to $122,200, intended to be proposed by him to House bill 15712, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FIRST DEFICIENCY APPROPRIATIONS—NOTICE OF SUSPENSION OF RULE

Mr. McKELLAR. Mr. President, pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of Rule XVI, for the purpose of proposing to the bill, H. R. 15848, the first deficiency appropriation bill, the following amendment, namely: On page 16, after line 4, insert the following:

TREASURER OF UNITED STATES

For payment of salary of H. Theodore Tate for acting as Treasurer of the United States from June 1, 1928, to January 1, 1929, $5,044.45.

PETER H. FRANKFORT—WITHDRAWAL OF PAPERS

On motion of Mr. NEELY, it was—

Ordered, That the papers filed with the bill (S. 4955) for the relief of Peter H. Frankfort be withdrawn from the files of the Senate Committee on Pensions, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 17, 1929, the President approved and signed the following acts:

S. 1275. An act to create an additional judge for the southern district of Florida; and

S. 1976. An act for the appointment of an additional circuit judge for the second judicial circuit.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that we may proceed with the further consideration of House bill 15848, the first deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. NORRIS. Mr. President, the question before the Senate is the prohibition amendment. It involves the question as to whether we should increase the appropriation already made. As I understand it, under appropriations previously made and now existing, in the neighborhood of $13,000,000 is available for the purpose of enforcing the eighteenth amendment. The amendment of the Senator from Georgia [Mr. HARRIS] would grant an additional $24,000,000.

Mr. HARRIS. I desire to say that of the $13,000,000 appropriated less than $9,000,000 is for field work in actual enforcement. The remainder is for employees in the offices.

Mr. NORRIS. I understand that to be the case.

Mr. President, there are questions involved in the enforcement of prohibition that are not before us, as I understand the pending amendment, and I am not going to discuss those questions. For a few moments I desire the attention of the Senate in the discussion of the general question involved in prohibition. I doubt the wisdom of increasing this appropriation, although I for one would not hesitate to vote for it if I thought it were necessary and would be used by the enforcing officers in a fair and honest attempt to enforce the law.

I know that men and women do not agree, first, upon the fundamental question of whether or not we should have a prohibition law, but it seems to me that question has been settled. We have the law; we have the constitutional amendment; and as I look at the matter we ought, regardless of what we may think about the wisdom of it, to make an attempt to enforce the law in good faith. Personally I believe that such an attempt would eventually result in a fair enforcement of the law and would give satisfaction to the country at large.

As the law has been enforced during the past eight years, I confess it has been more or less a mockery. I believe a fair consideration of the subject will lead to the conclusion that the law has not been fairly enforced and that a fair attempt at enforcement has not as yet been made.

Before we talk about the modification or repeal of the prohibition law—speaking as one who believes in prohibition, and who, I think, consistently has voted for the enforcement of all laws along that line—I want to say that in my judgment all of us ought to unite in the proposition that there should be a fair attempt made at the enforcement of the prohibition law. If after that shall have taken place and a sufficient length of time has elapsed we are able to determine whether or not the law should be amended or changed, then we ought not to hesitate to make whatever amendment or change experience may show shall be necessary.

I think that prohibition enforcement has fallen down more on account of partisanship than for any other one reason. The prohibition law is a difficult law to enforce, I think we must all admit. There is so much money to be made in the violation of the law that the inducement to people who want to make money out of it, and who go into the business exclusively for the purpose of making money, to attempt to control

the enforcement officers, to attempt to secure the appointment of officers favorable to winking at the violation of the law so that special favors and permits may be given to a favored class is greater than in the case of any other kind of law. Partisanship, indeed, as I look at it, at least, is detrimental to the enforcement of any law, but its ill effect operates with a thousandfold greater force in the case of the enforcement of the prohibition law.

The Secretary of the Treasury has written a letter in which he states that he does not want this additional appropriation. He may be right about that. He has also stated in his letter that he wants to have made a country-wide survey of the subject. To my mind, the head of the enforcement department, after having held that office for eight years, ought now to know what a survey would bring forth; in other words, it seems to me that if after trying to enforce the prohibition law for eight years he has only reached the point where he wants to have a survey made we could fairly say that he has been a failure in the administration of that law.

Of course, Secretary Mellon was not a prohibitionist. I am not finding fault with him for that, but it is said that a law ought to be enforced by its friends. As a general proposition, I think that is correct, and yet we ought not to condemn a man in a position of authority in the enforcement of the law because he was originally opposed to the law itself, although, generally speaking, it would probably be unwise in selecting enforcement officers to select men who did not believe in the law. Whatever objection that may be, and whatever force it may have, depends, I think, a great deal upon what is done by such an official after he shall have had actual experience in the enforcement of the law. I confess that the results of eight years of enforcement under the present head of the Treasury Department have rather indicated to me that he ought not to be at the head of the enforcement bureau.

Mr. President, I admit it would be difficult to keep politics out of the enforcement of prohibition. A great many enforcement officers must be appointed, and nobody will claim that the appointing power could always make those selections without occasionally being mistaken. However, I want to read to the Senate some extracts from several articles that have appeared in Collier's Weekly, written by Mr. Chester P. Mills, who was one of the enforcing officers. He tells in those articles plainly, giving dates and names, exactly what happened to him in his attempts to enforce the prohibition law. He shows, by giving dates and places and names, how an honest enforcement of the law was interfered with, always on account of partisan politics, almost invariably because the politicians insisted that they should name the enforcing officers. On yesterday I called attention to a letter which was written a couple of years ago by a Member of this body, in which he plainly stated that he wanted to name the enforcement officers of his State because he needed their help in the campaign for reelection, in which he was then engaged. I am not charging any dishonesty to that Senator; I am not even charging bad faith. I concede that prominent politicians or candidates for important offices might be just as honest and as faithful in the selection of these men as would anybody else, but everyone knows if appointments are made on account of partisan political service politics will be the main criterion, and the appointee, however honest and conscientious he may be, will be deceived oftener than otherwise. Men who have been active in the support of their party or in support of an individual candidate for office naturally would be favored; that is human nature; that would be the prime reason for making the appointment; and the men who want to make millions out of the violation of the law would make contributions and act in support of the party or the candidate when their real purpose would be to secure appointments of this kind and to coin money by "playing favorites" in the enforcement of the law.

At the beginning of the first article which appeared in Collier's on September 17, 1927, Mr. Chester P. Mills said:

> Within a year after Gen. Lincoln C. Andrews engaged me as Federal prohibition administrator on the solemn agreement that there would be no political interference, he warned me by telephone from Washington that I was hopelessly in bad with the politicians and that something must be done about it.
>
> The only explicit instructions I received from my superior officer on being sworn in were to enforce the law to the limit of my ability and the resources of the department and to cooperate to the utmost in securing evidence on which the two Federal district attorneys in my territory could prosecute successfully.

Further on he says:

> Gradually, orders to exclude politics were modified. I was told to advise with the local party leaders regarding appointments to the force of 240 men working under me.

I am not reading all of the article and I am not going to read all of any of the articles—there are three of them along the same line—but I am going to read a sufficient number of extracts to show that during the entire attempt by this official to enforce the law he was interfered with everywhere by men high in official life, members of his party, demanding that they be allowed to name the appointees under him.

Further he says:

> In scores of cases involving useless and venal agents, suspected alcohol permittees, and outlaw breweries I felt the working of the political machine, whose wheels do not grind slowly although they grind exceeding fine. Through weeks and months contests with the politicians multiplied. Bickering increased until finally action taken against the worst agents I have ever encountered provoked the politicians into open enmity. They charged in the press that my methods were high handed, bombarded Andrews with demands for my removal, and when I challenged them for a bill of particulars their reply was that out of 240 men in my district—nearly one-tenth of the entire Federal dry forces—103 were Democrats. The full roster was submitted to the bosses for inspection.

Just think of that! When he wanted to appoint men or when he wanted to keep men in his service the pressure of partisan politics was so great that he was required to submit to the bosses a list of the men.

> The full roster was submitted to the bosses for inspection. There were only 12 Democrats on the force, and that dozen among the nucleus of reliable workers. This reply availed little. General Andrews ordered me to consult Charles D. Hilles, former secretary to President Taft and national committeeman of the Republican Party from New York State.
>
> Mr. Hilles and I had a conference lasting two and a half hours. He seemed a suave and reasonable person. He analyzed the number of agents I had to appoint and apportioned them by counties in a pencilled memorandum that I retain. I told him that while I was willing to receive recommendations, I must be the sole judge of the efficiency of my staff. He pointed out that the patronage system prevailed in every prohibition district throughout the country and that my territory would not be an exception. But he was affable enough to agree that as mine was the responsibility mine should be the final choice.
>
> Later I learned that it was through Mr. Hilles the clashes with local politicians were given national magnitude, so that the dismissal of knaves in the service caused rumblings that reached even to the ears of the President of the United States.
>
> The four worst cases that came to my knowledge caused the greatest political turmoil.

Then he goes on to tell about those cases, giving their names, where they came from, and who they were.

Further on in this same article he says:

> He urged me—

He is referring to Mr. Andrews himself. He came on from Washington to New York to have a conference with Mr. Mills about the difficulties he was in on account of these appointments—

> He urged me to make peace with the politicians by reinstating both the crooks and the bunglers. Pressure, he said, was being brought in the highest quarters. Hilles had complained to the President about me, and the prohibition national investigation service, under Major Hamblin, had been put to work to find out if my charges against the men were true.
>
> It amazed me to learn that Washington had a special espionage to investigate regional administrators and their aides, but I learned later that the entire service was honeycombed with spies and counterspies and that administrators who used their discretion, as defined by the United States Supreme Court, in employing or granting alcohol permits to "those persons considered trustworthy by the Government" and weeding out all others had their acts subjected to secret investigation—

And so he goes on. I am not going to read any more of the article; but I should like to call attention, if Senators or others want to read them, to the fact that the charges made by Mr. Mills, an official of the Government, are contained in several numbers of Collier's Weekly. The first article appeared in Collier's Weekly for September 17, 1927. The next one was in Collier's Weekly for October 1, 1927. The last one, which he heads "Bribery," was printed in Collier's Weekly for November 5, 1927. That article is an interesting tale of how attempts were made by rich men—men supposed to be respectable—to bribe Mr. Mills to appoint this man or that man or to wink at this or wink at that; and he says, probably very truly, that if he had been so disposed he himself could have made millions out of the business. It would be interesting, if I had time, to read all of the article, because every sentence bears on the question that we are now discussing.

As bearing on the same question, I want to read the testimony, taken before a committee of the Senate known as the

Couzens committee, of Mrs. Willebrandt, an Assistant Attorney General of the United States. It seems that the prohibition officers up in Pennsylvania had succeeded in getting what they believed to be rather a cinch on some violators of the law very high up, with millions of money involved, doing a wholesale business. When it came to the trial, at the request, Mrs. Willebrandt says, of Mr. Mellon himself, an attorney from the Treasury Department was detailed to try the cases. But let us read her testimony.

The first question was asked by Mr. Manson, an attorney, as I understand, employed by this committee in making that investigation. I am not going to read all of her testimony. It is quite lengthy, and a good deal of it refers to other things not directly involved in the particular question now before the Senate.

Mr. MANSON. Do the law officers of the Prohibition Unit or of the Treasury Department ever take over the handling of prohibition cases in court?

Mrs. WILLEBRANDT. They assist United States attorneys sometimes.

Mr. MANSON. Do they ever actually conduct the trial of the cases?

Mrs. WILLEBRANDT. Not to my personal knowledge.

Mr. MANSON. Do you have any knowledge of some prohibition cases tried in western Pennsylvania by a man by the name of Littleton?

Mrs. WILLEBRANDT. Yes; but before he tried them he was made special assistant to the Attorney General.

Mr. MANSON. At whose suggestion was he made special assistant to the Attorney General?

Mrs. WILLEBRANDT. At the request of Secretary Mellon.

Mr. MANSON. What was involved in those cases?

Mrs. WILLEBRANDT. Bribery, violation of the national prohibition law.

Mr. MANSON. Those cases involved bribery of Prohibition Unit employees, did they not?

Mrs. WILLEBRANDT. So far as I know, that was the report of them.

Mr. MANSON. Was the appointment of this man Littleton as the prosecuting officer made with your approval?

Here is the Assistant Attorney General having charge of the enforcement of prohibition. This question goes right to the point. I will repeat it:

Was the appointment of this man Littleton as the prosecuting officer made with your approval?

Mrs. WILLEBRANDT. It was not.

Mr. MANSON. What was the outcome of those cases?

Mrs. WILLEBRANDT. One case was tried. The Friedman case was tried and lost, and the rest of them, at Mr. Littleton's request, were nol-prossed. The request was made to nol-pros the cases, and when the motion to nol-pros was presented to the judge he refused to grant it.

Mr. MANSON. Upon what ground did he refuse to nol-pros the cases? Is it not a fact the judge refused to nol-pros those cases upon the ground that the case that was tried had not been properly presented?

Mrs. WILLEBRANDT. It was so reported to me; yes, sir.

Mr. MANSON. Did you not then try one of those cases?

Mrs. WILLEBRANDT. I?

Mr. MANSON. Yes.

Mrs. WILLEBRANDT. Not any that Mr. Littleton had anything to do with.

Mr. MANSON. Was a conviction had in some of those cases involving that same matter?

Mrs. WILLEBRANDT. Not any that Mr. Littleton had anything to do with.

Mr. MANSON. I am not referring specifically to the cases Mr. Littleton had to do with, but I am referring to the group of cases arising in western Pennsylvania involving bribery.

Senator ERNST. If you have the title of the cases why not suggest them to Mrs. Willebrandt?

Mr. MANSON. I do not think I have them.

Mrs. WILLEBRANDT. Answering your question, no, I do not think so.

I had better read the question again because of this interruption, so that everybody can understand it. I will read the question and answer without the interrupting question:

I am not referring specifically to the cases Mr. Littleton had to do with, but I am referring to the group of cases arising in western Pennsylvania involving bribery.

The question before that was this:

Was a conviction had in some of those cases involving that same matter?

Answering your question, no, I do not think so.

Senator KING. Were there several groups of cases tried there in western Pennsylvania for bribery and violations of the national prohibition law about the time that Mr. Littleton was aiding in the prosecution of some of them?

Mrs. WILLEBRANDT. No. The only bribery cases were those that Mr. Littleton took over.

Mr. HENDERSON. There were one or two bribery cases of minor importance.

Mr. MANSON. Who tried the Guckenheimer case?

Mrs. WILLEBRANDT. Mr. Henderson and Mr. Simonton and Mr. Moore, assistant United States attorney at Pittsburgh, and I.

Mr. MANSON. There was a conviction in that case, was there not?

Mrs. WILLEBRANDT. Yes, sir.

Mr. MANSON. Wasn't that part of this same group of cases?

Mrs. WILLEBRANDT. The only way in which I can say that it was a part of the same group of cases is that in Mr. Littleton's authority appears the name of "Louis Brown and others." Brown was a very wealthy member of the Guckenheimer Distillery Corporation and was one of the defendants in the group of Guckenheimer cases which the United States attorney's office regularly handled and successfully prosecuted. Mr. Henderson prosecuted those cases.

The CHAIRMAN. I am interested to know why this man Littleton was appointed since counsel has raised the question. Just why was he appointed for the specific cases?

Mrs. WILLEBRANDT. I do not know.

The CHAIRMAN. Was the regular staff of the Department of Justice unable to handle the cases?

Mrs. WILLEBRANDT. I do not think they were; no. I do not know of any disqualification.

The CHAIRMAN. They had the time?

Mrs. WILLEBRANDT. They always found the time. Mr. Henderson and Mr. Moore did it in Pittsburgh.

The CHAIRMAN. So you know of no reason for having Mr. Littleton in this particular case specially appointed?

Mrs. WILLEBRANDT. I know of none.

Mr. MANSON. Did you not protest against the appointment of Mr. Littleton?

Mrs. WILLEBRANDT. I did.

Senator KING. Is Mr. Littleton one of the employees of the Prohibition Unit?

Mrs. WILLEBRANDT. I do not know. He is employed in the Treasury Department. Whether it is in the Prohibition Unit or some other part of it I do not know.

Mr. BRITT. May I answer that question?

Senator KING. Is he a lawyer?

Mrs. WILLEBRANDT. Yes, sir.

Senator KING. Do you know anything about his standing as a lawyer—whether he is a lawyer of years of standing?

Mrs. WILLEBRANDT. He was reported to me as a very good one.

Mr. BRITT. He is not and never has been an employee of the Prohibition Unit.

The CHAIRMAN. Is he an employee of the Treasury Department?

Mr. BRITT. I understand that he is or was employed in the office of the Solicitor of Internal Revenue, but of that I am not sure even. He has no connection with the Prohibition Unit.

That testimony was taken before a committee of the Senate in public. As far as I know, the accuracy of the testimony of Mrs. Willebrandt on that occasion has never been questioned; and assuming that her testimony is true, which I do, it seems to me it follows that was a case where very wealthy, influential men had been indicted by the efforts of the prohibition-enforcement officers, and when it came to trial the attorneys who knew about the cases, the attorneys who represented the Prohibition Unit, who secured the indictment, were thrust aside, and some unknown man, who was not even an official of the Prohibition Unit, was appointed as a special assistant to try these particular bribery cases, and never was appointed to try anything else; and every one of those cases failed. He was appointed over the protest of Mrs. Willebrandt, the Assistant Attorney General in charge of prohibition enforcement, and appointed at the request of Secretary Mellon.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. Did the attorney who secured the indictment cooperate with the attorneys trying the case or participate in the trial, or was he, as the Senator has said, thrust aside or given other assignment? I merely want to know the fact.

Mr. NORRIS. I will say in answer to the Senator from California, I know nothing about the case except what I learn from testimony. I have no personal knowledge outside of this testimony, and I draw my conclusions from it.

Mr. SHORTRIDGE. I listened to the reading of it.

Mr. NORRIS. Whether there was anybody else in the case or not, Mr. Littleton was given absolute charge of it, and when he first moved to nol-pros the cases that were left, which he had not finished, the judge refused to permit that to be done. Senators who are lawyers will appreciate that the very fact that the judge refused to permit the cases to be nol-prossed was almost conclusive proof that the judge, who had heard the other cases, was convinced that these people ought to be tried, and

were guilty. Otherwise, he certainly would not have interfered by an objection from the bench.

Mr. President, I have offered the evidence which I have read, all of it public, all of it evidence that has been before the public for quite a long time, and never, so far as I know, contradicted, the testimony of the head of the prohibition enforcement officers, and it demonstrates, if it demonstrates anything, that where there had been an indictment of wealthy, influential people, Mr. Mellon gave advice that was followed, over Mrs. Willebrandt's protest, and had an attorney from his department put in charge. Nobody seems to know just exactly who that attorney was, except that he was not an official of the Prohibition Unit, and had not anything to do with it.

This all shows, it seems to me, that there has not been a fair attempt to enforce prohibition. It all shows that the money we have already appropriated has not been properly and honestly used to ferret out the criminals who violate this law.

I might add that, in my judgment, almost dray loads of testimony could be brought to bear out this testimony in another direction, particularly with regard to the granting of fraudulent permits. In my judgment, one of the greatest loopholes in the prohibition law, by which men have been enabled to flout the law, and to violate it to their profit of many millions of dollars, has been through the fraudulent permits which have been granted. I am not going into that now, but if any student of the subject wants to look into it, he will find a world of information easily from various sources, showing in some cases where permits have been denied, where a favored, powerful attorney, or influential politician, afterwards secured the permits, without any difficulty, and almost as a matter of form.

Mr. SMITH. Mr. President, from the testimony the Senator has read, and the facts he has stated to the Senate, it appears that there has not only not been an honest attempt to enforce the law but that really the violation of it has been encouraged.

Mr. NORRIS. I think so. A great many men have talked to me about these permits, not under oath. Some of them I did not know very well, some of them I knew very well, and in some I had the utmost confidence. Still, I would not want to repeat what they have said, for fear they might have been mistaken. But I have reached the conclusion that one of the great loopholes is through the granting of permits to favored men.

I am not saying that the people who grant them are bribed and get any money out of it. It is a matter of politics. The politician, with his influence, can bear down on the officials of the Government, as this article of Mr. Mills shows that Mr. Hilles, the chairman of a political committee, took the matter even to the President of the United States, and the head of the enforcement bureau, Lincoln Andrews, even went to the city of New York to consult with him, and advised him that he had better let up, and let the politicians have their way. May we expect to get prohibition through that kind of enforcement?

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. In other words, they are filling up the law-enforcement service with men who do not believe in enforcing the law.

Mr. NORRIS. Exactly. Undoubtedly in a great many cases men are recommended by politicians entirely for political reasons, without the person recommending the appointment perhaps knowing the reason why the man wants the job, that he wants it in order to make money out of violations of the law. If you will think of it for only a moment, you can see that these violations, if people were going into it, and had the power, for financial reasons, would make a millionaire out of a man the first 30 days.

I do not like to tell my own experience, but it is so apt that I am going to relate an incident which came to my personal knowledge. My colleague, Senator HOWELL, and I, when there was a vacancy in the prohibition enforcement bureau for our State, recommended a man for appointment. As far as I was concerned, I admit that my recommendation would not have had much weight. I would not have been asked, and I was not asked, to make any recommendation; but my colleague, Senator HOWELL, occupied a more advantageous position, and I joined with him in making a recommendation. In fact, the man we selected was suggested by me, and agreed upon at once by my colleague, because we both knew him to be a man who in our State was an outstanding prohibitionist, and always had been. Before we had prohibition, and had a local option law, when municipalities, under the law, were allowed to grant licenses to saloons, and when in many cases there were objections to the granting of a license and the law provided for a hearing, this man always, all over the State, appeared on behalf of the prohibitionists. He was a specialist in that line. In addition to that, he was a lawyer of more than ordinary ability, and was respected in the profession. Everybody, whether he agreed with him or not, looked up to him as an honest, able man, a good citizen in every respect.

It so happened that this man was a Democrat, but his name occurred to me, and when I suggested it to my colleague, he said, "He is the best man in the State for the job. Everybody will have absolute confidence in him. He will not be a crank. He will not go out and try to ferret out little things. He will try to get the big fellows. He will try to enforce the law honestly and fairly."

This man was a conscientious citizen, and everybody in the State knew him, at least by reputation; so we joined in recommending him. In a day or two word of the matter got out in our State, and in less than a week a representative of the bureau here in Washington called at my office in the Senate Office Building and said "Senator, there are some awful objections to that appointment you and your colleague have recommended." I said, "What is the matter with the man? Everybody knows him." He said, "Why, he is a Democrat. Did you not know that?" I said, "Yes." He said, "Did Senator HOWELL know that?" I said, "Yes; Senator HOWELL has known it for years. He lives in the same town with him. We knew he was a Democrat. We recommended him in spite of the fact that he is a Democrat. Has anybody said he would not enforce the law? Has anybody said that he would not do it conscientiously and with ability and fairly?" "Oh, no. The objection is from the leading Republicans of your State; that he is a Democrat and that he will appoint subordinates who will be Democrats. They insist on having something to say about the appointments."

I told him that, as far as I was concerned, I did not think anybody ought to have anything to say about the appointment of his subordinates, that I still stood on the recommendation, that my colleague undoubtedly would stand on it, and that I was not going to apologize or take it back. He tried his best to have me take it up with Senator HOWELL, to see if we could not recommend somebody else, and when I declined, he went away, saying, "Well, if you Senators insist on it, we will make the appointment."

The appointment was made, and within a very few days the same man came back and said, "There are a lot more protests from your State about this man. They say that he will appoint Democrats, and they want to have it understood that he will not be allowed to appoint his subordinates unless they are satisfactory to the leading Republicans, who want to pass on them."

I think he saw Senator HOWELL; Senator HOWELL can speak for himself, however, when he gets back, as to that, if he desires to do so. We both told him that within the limits of his authority we did not want anybody to interfere with this man's appointments. I told this gentleman distinctly that I did not want anything to say about it, and I did not want anybody else to have anything to say about it, that I did not care whether the men he appointed were Democrats or Republicans, and that I believed that what they ought to do was to hold this man responsible for the enforcement of the law, and within the limit of the law, let him appoint anybody he wanted to.

I remember distinctly that this representative of the Prohibition Unit in Washington said to me at that time—it being just before my campaign for reelection to the Senate came on—"They will make it hot for you out there in the campaign if you insist on this." I told him, of course, that they probably would; but that they would make it hot for me any way; that they had made it hot for me so many times that I rather enjoyed the sensation, and I still stood by my recommendation.

Mr. President, I have called attention to several instances. I could call attention to many more, but it seems to me they are outstanding. They show what has been attempted in the way of the enforcement of prohibition. No Senator and no Representative ought to be allowed to pick these subordinates. No politician and no representative of any political party ought to be allowed to do so. In fact, none of the officers ought to be appointed on account of political or partisan reasons.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield.

Mr. BLAINE. I was very much interested in the Senator's recitation of the testimony which he just read. Has the Senator any evidence that there would be any improvement in the personnel of the prohibition enforcement unit?

Mr. NORRIS. When?

Mr. BLAINE. In the future.

Mr. NORRIS. How soon in the future?

Mr. BLAINE. I was inquiring whether the Senator has any evidence of any anticipation that there will be any improvement at any time?

Mr. NORRIS. I had hoped there might be. I am inclined to think that publicity with reference to these matters will help to bring about an improvement.

Mr. BRUCE. Mr. President——

Mr. NORRIS. I yield.

Mr. BRUCE. May I ask the Senator whether it is a reasonable and comfortable hope such as the Scriptures speak of?

Mr. NORRIS. The Senator's question might make it embarrassing for me on account of recent history if I undertook to answer him directly. But I am going to cooperate with anybody who shows any signs of a desire or any inclination to enforce the law.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. BLEASE. I would like to ask the Senator if he would mind giving us his opinion with reference to violations of the law such as I am about to mention. He has been speaking of certain people being exempt because of favoritism. What has he to say with reference to foreigners, ambassadors and others connected with foreign embassies, having all the liquor they want in their homes, driving up and down the street drinking it, driving around the city drunk, having the liquor brought in from Baltimore in large trucks which are guarded by United States soldiers, and then freely distributed around the city to outsiders?

Mr. NORRIS. Yes; I have some information on that subject.

Mr. BLEASE. I have a lot of it myself.

Mr. NORRIS. I have some decided opinions on the subject, I will say to the Senator. I had not intended to discuss it, but I think one of the sad predicaments, applying only to the District of Columbia, that we get into the enforcement of the law is the very thing the Senator from South Carolina has suggested. I have never had anybody try to sell liquor to me, but I have talked to employees of the Government who have told me that employees of some of the foreign embassies make a business of selling liquor by the bottle.

Mr. BLEASE. Liquor brought here under the protection of United States soldiers.

Mr. NORRIS. Brought here under protection of their diplomatic relationship. I do not know that the heads of the embassies knew anything about it, but the employees are using this liquor and selling it illegally, and they ought not to be protected in any way. I am in favor of anything that will go to the eradication of that evil.

I remember two or three years ago when men claiming to be representatives of the Kerensky government in Russia were in possession of the Russian Embassy here. They represented a government that had been dead for two or three years. There was not any such government, but they kept up a fiction of occupying the beautiful embassy here, and the Government of the United States recognized them as Russians and they were living high upon money which as a matter of fact came from taxpayers of the United States. On one occasion the newspapers in Washington announced that a drayload of liquor—I have forgotten exactly how much, but as I remember now there were 11 barrels of whisky and a lot of other kinds of liquor—was taken in charge by the prohibition enforcement officers. The fake embassy of a dead foreign government called upon the Secretary of State of our Government and demanded protection. The Secretary of State came into the matter, and that liquor was sent back to those people because it was protected on account of being consigned to the Russian Embassy in the United States. I still have some interesting correspondence that I carried on with Secretary Hughes over that situation. Of course, such things make the enforcement of the law ridiculous. I do not believe any foreign government would for a moment, if they knew it, permit their officials to go into the bootlegging business. Those who are high up in officialdom undoubtedly do not, but that there is a whole lot of that sort of thing going on in this Capital City of ours there can be no doubt whatever.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. SMOOT. I want to ask the Senator a question to see if I understand his position correctly. The man to whom the Senator referred was not appointed and, as I understand it, the reason why he was not appointed was that he was too old to take the examination. He could not take the civil-service examination for that reason. I also understand that he was appointed as an attorney in the Prohibition Unit, and is to-day occupying that place.

Mr. NORRIS. To which man is the Senator referring?

Mr. SMOOT. To the man the Senator and his colleague recommended for appointment to the Prohibition Unit.

Mr. NORRIS. But the man we recommended was appointed and, until they circumscribed him by a lot of regulations and by placing a lot of men under him who were no good and refusing to put the men under him whom he wanted, he made the best record that had ever been made in our State in the enforcement of the law.

Mr. SMOOT. He was treated just exactly the same as the best men in Utah were treated, because of the fact that they could not take the civil-service examination. That is what happened with your man.

Mr. NORRIS. I know just what happened to my man, as the Senator calls him. He was appointed.

Mr. SMOOT. So was our man appointed.

Mr. NORRIS. I do not know anything about the Senator's man, but I do know something about mine.

Mr. SMOOT. But he took the examination after he was appointed.

Mr. NORRIS. I do not suppose my man ever took the examination.

Mr. SMOOT. He did try to take it.

Mr. NORRIS. There was not any such thing as an examination then. The unit was not under the civil service law then.

Mr. SMOOT. I know it was not; but he could not take the examination, just the same as some serving in my own State could not take it.

Mr. NORRIS. Perhaps he could not. I do not know, and I do not care about that. There was not any such thing as an examination, and he never took any.

Mr. SMOOT. He was appointed just the same as many others were appointed in the service. After the law was enacted placing such appointees under the Civil Service Commission and requiring that they should take the examination, this man could not take the examination under the law, and the department, believing he was a splendid attorney, appointed him as an attorney in the department.

Mr. NORRIS. The Senator is talking about a last year's bird nest. It has not anything more to do with what I am saying here than "the flowers that bloom in the spring." [Laughter.]

Mr. SMOOT. Why did the Senator refer to the man, then?

Mr. NORRIS. The Senator is a very wise man, and I dislike to ascribe to him a lack of knowledge or to intimate that he did not get the point I was trying to demonstrate. I was trying to show then—and I think I demonstrated it—that they were going to keep this man out because he was a Democrat. That was the point. That was the only objection made. This man was appointed according to the recommendation of my colleague and myself.

Mr. SMOOT. And they did not keep him out.

Mr. NORRIS. I never said they did keep him out. I never said anything about that. He is still in the business and is a success at it.

Mr. SMOOT. He is still an attorney in the department, and a good attorney. There is no doubt about that. The department, after he could not pass the civil-service examination, did not dispense with the man's services, like they had done in some other cases, but appointed him as an attorney in the service. He was a Democrat when he was first appointed; he was a Democrat at the time he could not pass the examination; and he was a Democrat at the time they appointed him again, and I have no objection to it at all.

Mr. GLASS. What business has the Senator from Utah to make an objection to an appointee from Nebraska?

Mr. SMOOT. None whatever. I was simply answering what I thought was the impression the Senator from Nebraska left with the Senate in relation to this man.

Mr. GLASS. The Senator stated as a great concession that he had no objection to what the Prohibition Unit did in appointing him.

Mr. SMOOT. The question was as to his appointment. The reasons why he was taken out were not mentioned, and what the department did after he was out was never mentioned by the Senator from Nebraska.

Mr. NORRIS. Of course, and I did not tell anything about what the temperature of the weather was yesterday. It has not anything to do with this matter. I do not care what happened afterwards. I was giving an illustration; and if the

Senator could not see it, I will repeat it. I was illustrating that in the appointment of prohibition enforcement officers politics was having an undue influence and effect, and I told that story to demonstrate it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Does anybody imagine that the same rule does not apply now? Is anyone, whatever his age, race, or previous condition of servitude, so simple as to fancy that politics does not control largely in the selection of prohibition enforcement officers at the present time? Is it not well known that the Senator from Utah does make a concession when he has no objection to the appointment of a Democrat to this service? Is it not well known that the Senator from Utah has indorsed and recommended a large percentage of the employees in the Prohibition Service?

Mr. SMOOT. That I must admit, Mr. President. [Laughter.]

Mr. ROBINSON of Arkansas. Certainly the Senator admits it. He would not deny it, because the record shows the fact.

The Senator from Nebraska has demonstrated that the controlling consideration at the time he spoke of in the selection of prohibition officers was political power; to get men in office who belonged to the administration, who would recognize the Republican Party as their first and dominating master. The same rule, perhaps in a different degree, applies to-day. The prohibition enforcement forces in large part were converted into political factors. In the last campaign they dictated the course that was pursued by the men who were engaged in the liquor business. In some instances they told them what to do, where to go, how to vote, and what influences to exert.

This subject goes far deeper than some Senators are content to recognize it as going. If anyone imagines that political influence has been eliminated and is no longer exerted or effective in the selection of these agents, he belongs in a class that is incapacitated for public service even in the United States Senate. [Laughter.]

Mr. SMOOT. Mr. President, I want to say——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I will yield if he will ask me to do so.

Mr. SMOOT. I ask the Senator if he will yield?

Mr. NORRIS. I yield.

Mr. SMOOT. I want to say to the Senator from Arkansas that since the passage of the act placing employees of the Prohibition Unit under the civil service law I have never recommended a man for appointment. They have all been examined. I have never looked into the examinations. I do not know what their politics may be.

I will say further to the Senator that I believe in the civil-service system and I think that it should be followed just as the law intended.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will extend his examination——

Mr. NORRIS. Mr. President, I myself wish to occupy the floor for a little time.

Mr. ROBINSON of Arkansas. I think that would be appropriate.

Mr. GLASS. Mr. President, will the Senator from Nebraska yield to me for just one moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. I send to the desk a proposed substitute for the pending amendments, so that further discussion may proceed with that in view.

Mr. NORRIS. I yield to the Senator from Virginia for that purpose. Does the Senator from Virginia desire to have his proposed substitute read?

Mr. GLASS. I ask to have it read.

The PRESIDING OFFICER. The clerk will read the substitute proposed by the Senator from Virginia, for the information of the Senate. It is not in order, however, for action at this time, as it would be an amendment in the third degree.

Mr. GLASS. It is proposed as a substitute for the pending amendments.

The PRESIDING OFFICER. The clerk will read, as requested.

The LEGISLATIVE CLERK. On page 16, after line 16, it is proposed to insert:

For the purposes of a thorough inquiry into the problem of prohibition under the provisions of the eighteenth amendment of the Constitution and laws enacted in pursuance thereof, $250,000, or so much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall make report of the result of such investigation to the Congress, together with his recommendations with respect thereto, said sum to be available until June 30, 1930.

The PRESIDING OFFICER. The amendment in the nature of a substitute proposed by the Senator from Virginia will be printed and lie on the table.

Mr. NORRIS. Mr. President, just a few words in conclusion. I think I have made it plain that what the Senator from Utah [Mr. SMOOT] has said has not anything to do with the evidence I have produced or the point I was making. It is immaterial whether the man who was appointed on the recommendation of my colleague and myself is still in the service or whether he is in the penitentiary or whether he is dead. That has not anything to do with the point. It is also immaterial how pure the Senator from Utah may be and how white the robe may be in which he is clothed so far as not making any recommendations for appointments is concerned. I have not said that he did so. I am willing to accept his word for all that he has stated. That, however, has not anything to do with the matter. Let us not get away from the question on which we are going to vote.

Mr. GLASS. Mr. President, what I tried to disclose a while ago was whether or not the Senator from Utah is charged with the function of supervising recommendations made by respective Senators within their own States. What has he to do with it?

Mr. NORRIS. Of course, he does not have anything to do with it.

Mr. ROBINSON of Arkansas. Do not be so certain about that. [Laughter.]

Mr. NORRIS. The reason why I think he does not have anything to do with it was because the recommendation made by my colleague the junior Senator from Nebraska [Mr. HOWELL] and by myself was followed in that instance. I think that is a pretty good demonstration that the Senator from Utah did not have anything to do with the matter.

Mr. JONES obtained the floor.

Mr. GEORGE rose.

Mr. NORRIS. Mr. President, does the Senator from Georgia desire to ask me a question?

Mr. GEORGE. No; I wish to speak very briefly on the pending amendment.

Mr. JONES. I shall not speak very long.

Mr. GEORGE. Very well.

Mr. JONES. Mr. President, the Senator from Georgia [Mr. HARRIS] needs no defense from me or from anyone else, but I have seen in some of the newspapers some question raised as to his sincerity in presenting this amendment. I wish to say that, in my judgment, there is no more earnest, sincere Member of the Senate than is the Senator from Georgia, and I myself am satisfied that there was no politics whatever in his mind or in his thought when he proposed this amendment.

There was, however, one suggestion that he made that I think was a little too broad, and the same suggestion substantially was made by my friend from Nebraska [Mr. NORRIS], although not in exactly the same words; that is, that prohibition enforcement is a farce. I know it is not as effective as I would like to see it. Enforcement may be a farce in some sections of the country; it may be a farce in some States; but I am satisfied there are other States where enforcement is rather effective.

There are certain methods and procedure by which enforcement can be made very reasonably effective. In my State enforcement is not all that we would like to have it, but I think it is very reasonably effective there. We have, too, about as difficult a problem to enforce prohibition in that State as in any State in the Union. The State of Washington is on the border. Puget Sound waters connect with the waters touching another country as well as our own. Puget Sound has a coast line of practically 2,000 miles. There are inlets, bays, straits, narrow channels, islands, and all that sort of thing; so that it is extremely difficult to enforce the prohibition law in that territory; but, with the conditions such as they are, I think we have very reasonable enforcement. A number of the largest prohibition cases in the country have been prosecuted to a successful conclusion in that State.

Mr. President, I do not generally refer to personal matters, but I am going to take the liberty to speak of the method and the procedure I have followed in my State since we have had prohibition. I believe that if a similar course were followed in the various States of the country we would have generally pretty adequate enforcement. I am going to suggest for the administration, either present or incoming, a procedure to follow which, in my judgment, will very greatly aid in the enforcement of the prohibition law.

I agree with much that the Senator from Nebraska [Mr. NORRIS] has said on this subject. There should be no politics in prohibition and prohibition enforcement; and, in my judgment,

it can not be charged that there is partisan politics on the question of prohibition in this country. I know that there are proportionately just as many Democrats who favor prohibition as there are Republicans throughout the country. It ought not to be a partisan issue; there should be no partisan politics about it. The eighteenth amendment is a part of the Constitution and laws have been passed for its enforcement, and, regardless of our personal views either of politics or as to the merits or demerits of prohibition, it seems to me that so long as the prohibition amendment is a part of the Constitution every good citizen should stand for its enforcement, at any rate, and should stand for adequate laws to see that it is enforced. That does not mean, in my judgment, that the man who does not favor prohibition should not express his sentiments; not at all. I have no fault to find with any man, no matter what his position may be, if he honestly does not believe in prohibition, who advocates a change and presents his reasons for it. One can do that, however, and at the same time stand behind the enforcement of law so long as it is the law of the land. I repeat, there ought to be no politics in the selection of the officers to enforce this law, and I know that in some States, at any rate, there has not been any politics in the selection of the agents to carry out the law.

As I have said, I am going to make a personal reference as to my attitude. When prohibition was adopted and there arose the matter of the appointment of marshals and United States attorneys and other officials in my State, I publicly announced that I would recommend no man for a Federal position as Federal attorney or marshal, or to any position that had to do with the enforcement of prohibition, until I had a written pledge from him that he would stand by the enforcement of the law. I have followed that practice, and I expect to continue to follow it in the future so far as I am called upon to do so. I think that accounts very largely for the earnest enforcement we have had in the State of Washington, although, as I have said, it is not as yet all that we might hope for.

In the selection of the State prohibition director the prime consideration that was insisted upon was that the man who was to be appointed to direct and carry out the enforcement of the law must himself believe in prohibition and be sincerely back of it. Such a man was selected, appointed, and placed in charge of the prohibition enforcement in the State, and he has been there from that day until this.

As to the selection of the deputies or agents under him, I told him that I would not interfere in their selection in any way, shape, or form. I told him that I would, so far as I could, hold him responsible for the administration of his office and for the enforcement of prohibition; and I said, "In the selection of the men for whom you are responsible you shall have full authority to select them, and no question of politics shall be asked or should be considered."

That policy has been followed from that day until this, and the same policy has been followed with reference to the United States district attorney. He was held responsible for the conduct of his office; he was held responsible for the enforcement of the law; and he was allowed an entirely free hand, without politics being considered one way or the other, to select the men for whose conduct he was to be held responsible.

In the attorney's office and the prohibition administrator's office in my State there has been no politics; and there has been a very reasonable enforcement of the law—an enforcement, in my judgment, as adequate as was possible with the force that they had at their command.

Instead of having had trouble with the administration from a political standpoint, we have had the backing of the administration. The greatest trouble we have had, I think I may say, has been from the intelligence unit of the Government seeking to discredit and to have removed men who are standing by the enforcement of the law. In one or two instances I was compelled to go to the President of the United States in order to protect men who were enforcing the law and standing by its enforcement from the machinations of the intelligence unit. I am glad to say that the President of the United States stood by me on that proposition.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. BARKLEY. In what department and under what jurisdiction does the intelligence unit referred to by the Senator operate?

Mr. JONES. The Senator knows that as well as I do; it is in the Internal Revenue Bureau.

Mr. BARKLEY. Under the Secretary of the Treasury?

Mr. JONES. I had no trouble with the Secretary of the Treasury. The trouble came from another source.

Mr. BARKLEY. I am not seeking to discredit the Secretary of the Treasury or anybody else, I will say to the Senator; but it is interesting to know that there is any department of the Government whose intelligence unit is deliberately operating to forestall the enforcement and observance of a law of this kind.

Mr. JONES. I think the Senator is right; and I say frankly—and I am speaking only from the experience in my own State; I do not know what their business has been in other States—that the principal work of the intelligence unit in the State of Washington has been to discredit the prohibition-enforcement officers. If there has been any serious interference with the enforcement of prohibition, it has been on the part of a unit that, in my judgment, should stand by the enforcement of the law instead of seeking to discredit men who are honestly and faithfully trying to enforce it.

I think it would be a wise policy for an administration to follow to see to it that the Attorney General of the United States, selected to head and direct the law-enforcement activities of the Government, should pledge himself to see to it so far as it is in his power that the law is enforced; and he should see to it that every man who is a candidate for United States district attorney, before he is appointed, in addition to his general oath, shall pledge himself specifically to see to it that the law, and especially the prohibition law, is enforced.

Why should there be any special pledge with reference to the prohibition law? This is the reason, as it appears to my mind: It is well and good, of course, to assume that every official is standing by the law and law enforcement; but there is a special fight being made on prohibition and against prohibition enforcement, and because of that specific and special fight there should also be specific action pledged by the officers of the law looking to the enforcement of the prohibition law.

So the Attorney General of the United States should see to it that United States marshals—who are also charged with the special duty of enforcing the law, and who have much to do with it—are not appointed who have not pledged themselves to stand by this law. With United States marshals and United States attorneys acting under the specific direction of an Attorney General of the United States for the enforcement of this law, we will have much more effective enforcement than we have had in the past.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I do.

Mr. GLASS. What better pledge could be exacted from these officers than their oath of office? They swear to enforce the law. What better pledge than that could be exacted?

Mr. JONES. I tried to make plain why I take the attitude that I do. Because of the special and specific attacks made upon the prohibition law, special activity is required, in my judgment, in defense of it; and because of the various influences that the Senator from Nebraska [Mr. NORRIS] has pointed out that seek to have officials wink at the violation of the prohibition law, I believe that the Attorney General has the right to require a specific declaration, and should do it, with reference to that law. I admit that that ought not to be necessary; but I believe that it is highly essential.

Mr. GLASS. I think it would be perfectly futile, because any man who would disregard his solemn oath of office would disregard any other pledge that might be exacted from him by a politician, or a statesman in this particular case.

Mr. JONES. At any rate, I think the Attorney General of the United States should make every United States attorney and every United States marshal know and realize that he will be held especially responsible for the enforcement of this law. I think that would do more to nullify political pressure and political influence than anything else.

I want to say to the Senator that practically no efforts have been made to bring political influence to bear to influence the officials in my State, and they have not sought to influence me toward securing leniency or dismissal of prosecution or a cessation of prosecution against those who might be charged with the violation of this law. Of course, as long as certain politicians have hope of using their influence in behalf of men in whom they may be interested, they will do it; but when they know that that is hopeless, that they can accomplish nothing through such machinations, they will not seek to do it.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Virginia?

Mr. JONES. I do.

Mr. GLASS. Does not the Senator really think that the Prohibition Unit should be transferred to the Department of Justice, where the law is supposed to be enforced? It has been

the considered and avowed judgment of every Secretary of the Treasury in recent years, after a thorough review of the question, that this unit should be transferred from the Treasury Department, which ought to have nothing on earth to do with it. There is nothing associated with it that is pertinent to the proper functions of the Treasury Department. It ought to be transferred to the Department of Justice; and, notwithstanding every Secretary of the Treasury for the last 12 years has so recommended, it has not been done, simply because the Anti-Saloon League objects to it.

Senators get up here and criticize the present Secretary of the Treasury for the nonenforcement of this law. I want to say, from my own observation and experience, that the Secretary of the Treasury has nothing in the world to do with the failure of the enforcement of the law, nor has he anything whatsoever to do with the enforcement of the law. It does not come to his personal knowledge and review and supervision, except in the very rarest case on earth; and it is not fair to that official to charge him with the failure of prohibition when he practically has nothing to do with it. It ought not to be in his department. It ought to be in the Department of Justice, where laws are supposed to be vigorously enforced.

Mr. JONES. Mr. President, the Senator has not heard me criticizing the Secretary of the Treasury.

Mr. GLASS. Not the Senator from Washington; no.

Mr. JONES. I have a very high regard for the opinion of the Senator from Virginia. The Senator from Virginia speaks from personal knowledge and experience with reference to that situation. He was an honored and able Secretary of the Treasury for some time, so that he speaks from knowledge that I do not have. I will say frankly, however, that I am rather inclined—this is not by virtue of the Anti-Saloon League or any other organization—to oppose the transfer of the Prohibition Unit to the Department of Justice.

I will not say that I have an absolutely fixed opinion with reference to that matter, because, as I said, I have not the knowledge that the Senator from Virginia has; but I have been told, at any rate, that there are certain activities, especially with reference to the use of liquor for medicinal purposes and for various purposes, that are in charge of the Prohibition Unit and that are peculiarly matters connected with the Treasury; but if it should be shown that that is not the case, I might change my opinion. As I say, I have not a fixed opinion, although I am very strongly of the belief now that it would be unwise to transfer this activity to the Department of Justice.

I can see that if the Prohibition Unit as an organization, formed as it is now, should be transferred bodily to the Department of Justice, it might not have very serious consequences; but my impression at the present time is that it should be kept where it is, and that if any change is made it should be this: The Prohibition Unit has attorneys under practically every administrator. They are absolutely necessary and essential. If these attorneys were made ex-officio assistant United States attorneys, that, in my judgment, would serve very largely the purpose that is desired.

I know that in my State we have one of the ablest attorneys in the State as the attorney of the Prohibition Unit; a man who is sincerely and earnestly in favor of enforcement; a man who could act as an assistant United States attorney with very great efficiency; and a man who possibly more than any other man is engaged in the successful prosecution of many of the big cases in our State. That is my impression now. As I say, my opinion is not absolutely fixed; but I am satisfied that nothing that can be said on this floor now could lead me to a change. I think, however, that the matter should be gone into very carefully.

That calls to mind one phase of the question that I wanted to talk about a little, and that is the frequent changes that are made.

It has been suggested that we have not had adequate enforcement; and, taking it generally, I think we have not. I think one of the great reasons for that is the continued changes in the prohibition-enforcement system. The present system has been in operation now, I think, a little over a year, and I think it is probably getting down to a reasonably fair basis—a basis where it is working reasonably well, and the longer it is maintained the more efficient it will become. Before that, however, we had change after change in the head of the Prohibition Unit, and each man who was made the head of it seemed to want to change the system or change the principles that should govern him in his activities. That necessarily interfered with the efficient enforcement of the law, and I think it has had much to do with rendering it largely inefficient.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. McKELLAR. Is it not a fact that under the present system the prosecution of those indicted for violating the prohibition act is entirely under the control of the Department of Justice?

Mr. JONES. That is true.

Mr. McKELLAR. And is there not very largely a duplication of work? The prohibition attorney has to be present, as well as the assistant attorney prosecuting the case. I will say that I agree with the Senator that the unit ought to be transferred. It ought not to be destroyed in the Treasury Department and then a new unit created in the Department of Justice; but I see no reason why the entire unit should not be by law transferred to the Department of Justice, and the whole matter put under the control of the Attorney General. It would prevent a duplication of work; it would decrease the enormous cost that we now have of enforcing this law; it would bring about a better enforcement of the law; and, to my mind, it ought to be done.

Mr. JONES. Mr. President, I do not think it would work much reduction in the force. I know that in my State, if prohibition enforcement directly were turned over to the Department of Justice, there would have to be additional assistant United States attorneys.

Mr. McKELLAR. That might very well be; but I want to have the law enforced, as I know the Senator does. We want to have it enforced in the very best and most effective way possible. In order to get the very best results, it seems to me, the Prohibition Unit ought to be in one department and that department ought to be held strictly responsible for it. As the Senator from Virginia has well said, the Secretary of the Treasury can not give his individual time to the enforcement of this law, perhaps, but it could be better enforced if it were under the Department of Justice.

Mr. HARRIS. Mr. President, may I say just one thing in reply to the Senator from Virginia and the Senator from Tennessee? The Senator from Virginia takes the position that the Secretary of the Treasury does not know what is going on about this, does not have anything to do with it. Before the House committee his enforcement officers asked for ten times as much money as they are now getting. The only reason in the world why the pending amendment will be defeated, or can be defeated, is because the Secretary of the Treasury is using all the influence possible in this body to keep it from being adopted. Enough Members on the other side of the Chamber told me that they would vote for my amendment to insure its adoption until the Secretary of the Treasury came out with a statement urging that they not vote for it.

Mr. President, in the last two paragraphs of the letter of the Secretary of the Treasury he states distinctly that he will not say that this money is not needed; but he has enough interest in this thing to try to defeat it, and I am afraid he may defeat it.

Mr. McKELLAR. Mr. President, will not the Senator yield to me to refer to that? I am not here defending or criticizing the Secretary of the Treasury, but since the Senator from Georgia has brought the matter up, I want to say that I believe we will get an infinitely more effective enforcement of the act if we take it out of the hands of the Treasury Department and put it into the hands of the Department of Justice.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield.

Mr. GLASS. I will say to the Senator from Tennessee that the last four Secretaries of the Treasury, after a careful review of the whole problem, recommended that this very thing be done, and I think those officials know better than we whether it should or should not be done.

Now, just for a moment let me call the Senate's attention to the functions with which the Secretary of the Treasury is charged, and then ask if in plain, common sense it may be hoped that the Secretary of the Treasury can have much to do with the enforcement of the prohibition law. Of course, the Secretary of the Treasury takes note of a proposition to appropriate the tremendous sum of $25,000,000 for any purpose under the Government, but that is vastly different from following up in detail the enforcement of a law like this.

The Secretary of the Treasury, aside from being charged with the general financial policy of the Government, has under his jurisdiction all the banking institutions of the United States, the office of the Comptroller of the Currency, the office of the United States Treasurer. He has charge of the enforcement of the national bank exemption law. He has under his charge the Bureau of Customs; the Bureau of Internal Revenue,

with all of its ramifications; the Bureau of the Mint; the office of Register of the Treasury; the Federal farm loan system of the country; the Bureau of Engraving and Printing; and the Bureau of the Public Health Service, which the Secretary of the Treasury has long ago recommended to Congress be taken from under the jurisdiction of the Treasury Department. What has the Public Health Service to do with the functions of the Treasury Department? The Secretary of the Treasury has under his jurisdiction the Hygienic Laboratory; the Coast Guard, which is properly under the Treasury because it has to do with smuggling and customs collections; the Office of the Supervising Architect of the Government; the custom houses; the General Supply Committee; the Bureau of the Budget, which has now taken complete charge of the Government of the United States, not content with performing its function of estimating for appropriations, but actually interfering in the policies of this Government, against which I am going later to protest as vigorously as I can.

With all those functions, how can it be expected that the Secretary of the Treasury can be accurately and properly advised of the enforcement of a law like this? The enforcement of this law ought to go to the Department of Justice. That is where it belongs, and that is where it would have gone long ago except for the fact that the Anti-Saloon League, which has become nothing but a political adjunct, opposed it.

Mr. JONES. Mr. President, I desire to say that I do not recall any member of the Anti-Saloon League ever having spoken to me in regard to the matter. My opinion, which I say is not absolutely fixed, but which I am inclined to, has been formed from my own observation and experience. The Senator from Virginia is more competent to speak, I will say, and his judgment is far better than mine on matters of this kind.

Mr. GLASS. Certainly the Senator knows that the Anti-Saloon League has openly avowed its opposition to the transfer repeatedly, every time it has been proposed by a Secretary of the Treasury.

Mr. JONES. That may be true, although I will say that if I saw any statement of the kind in the papers it did not impress itself on my mind particularly.

Mr. GLASS. As good a prohibitionist as the Senator from Washington should at least keep as well advised about those things as I.

Mr. JONES. The Senator has had an experience as Secretary of the Treasury that gives him a knowledge which a man could not get in any other way.

I will say this, that I do not see such serious objection if the Prohibition Unit, as a unit, is taken over and made a part of the Department of Justice, and placed under an Assistant Attorney General. It would go a long way with me if it were taken over there and put under Mrs. Willebrandt, who I think has made a most excellent Assistant Attorney General, and who I believe could be depended upon to enforce this law.

Mr. GLASS. Does the Senator mean by that suggestion to have me renounce my considered judgment in the matter?

Mr. JONES. No; I am not seeking to influence the Senator from Virginia. I am just expressing what might influence me. It might not have any influence with him.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. JONES. In just a moment. At any rate, I would want to see an Assistant Attorney General who is a believer in the law and a believer in the principles of the law, and I take it that the Attorney General would place such an Assistant Attorney General in full charge of the enforcement of the law. Now I yield to the Senator from Wisconsin.

Mr. BLAINE. I would like to ask the Senator if, before he gave his certificate of good character to the estimable madam, he had observed that the Washington Post of to-day announced as follows:

> A House committee, appointed to investigate Federal prisons, is writing a report which will severely criticize Mrs. Mabel Walker Willebrandt, Assistant Attorney General, for putting an undercover agent of the Department of Justice in the Atlanta prison to "spy" on Warden John W. Snook. Members of the committee assert she overstepped the law.

Mr. JONES. I would have to be pretty clearly convinced of her overstepping the law, even though it may be submitted in a report of some other body than this. I have had considerable experience with Mrs. Willebrandt while she has been in office as assistant to the Attorney General with reference to the enforcement, especially of prohibition, and I have a very great deal of confidence in her and in her administration of the law, and in her ability and honesty and integrity.

Mr. President, I did not intend to take so much time on those matters, because they have not so much to do with the pending proposition; but in connection with enforcement, and a suggestion made yesterday as to an additional force, I ask to have printed in the RECORD Senate bill 1904, which I introduced in the Senate at the last session entitled "A bill to provide for the appointment of additional district judges to be known as associate district judges, and for other purposes." I ask that that may be printed in the RECORD.

I want to say that in brief the bill provides for the appointment of additional district judges to be known as associate district judges; it fixes their salaries at $6,000 a year and gives them original jurisdiction over violations of the prohibition law, the narcotic law, and certain misdemeanors.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[S. 1904, 70th Cong., 1st sess.]

A bill (S. 1904) to provide for the appointment of additional district judges to be known as associate district judges, and for other purposes

Be it enacted, etc., That for any judicial district in which the volume of Federal judicial business is, in the opinion of the President, sufficient to warrant the appointment of additional district judges the President is authorized to appoint, by and with the advice and consent of the Senate, not in excess of two district judges, in addition to those now authorized by law. Such additional judges shall be known as "associate district judges." Each associate district judge shall receive a salary of $6,000 per annum payable in monthly installments, and shall reside in the district for which he is appointed.

SEC. 2. The associate district judge or judges appointed under the authority of this act for any judicial district shall hear and determine, to the exclusion of the other district judges in such judicial district, the following cases and proceedings, and no others: (1) All criminal cases and proceedings arising under the national prohibition act, as amended, or any other law relating to the enforcement of the eighteenth amendment, or under the narcotic drug laws; (2) all cases and proceedings for the prosecution of misdemeanors as defined in section 335 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended; and (3) all civil cases and proceedings where the amount in controversy does not exceed, exclusive of interest and costs, the sum or value of $10,000, of which the district courts of the United States are given jurisdiction by law, original, on removal or otherwise.

SEC. 3. If the hearing of any case or proceeding is begun before any associate district judge which should have been begun before another district judge, or if the hearing of any case or proceeding is begun before any other district judge which should have been begun before an associate district judge, such hearing shall be discontinued, but the case or proceeding shall be transferred for hearing and determination before the proper judge, who shall thereupon hear and determine such case or proceeding, in the same manner as if the hearing had been duly begun before him in the first instance; except that all testimony taken and all proceedings had before such transfer shall stand as taken or had in the case or proceeding with like effect as if the hearing had been originally begun before the proper judge.

SEC. 4. The appointment of any associate district judge under the provisions of this act shall not affect cases and proceedings pending at the time of such appointment, and all such cases and proceedings shall be continued and disposed of in the same manner and with the same effect as if such appointment had not been made.

Mr. JONES. Mr. President, when this matter came up in the committee, I voted to adopt the amendment proposing to appropriate $25,000,000. I did so because I thought that we ought to have some more money for enforcement. That opinion was not based upon any special information I had secured from the department or from any of the officials of the department.

The committee directed the chairman to ask for a report from the department and recommendation with reference to this amendment. That report has been sent to the committee and has been placed in the RECORD. As I understand it—and I get this understanding from the press, and it is a very natural thing, I think—there was a conference over the matter by the Secretary of the Treasury, the Assistant Secretary, Mr. Lowman, and the Prohibition Commissioner, Mr. Doran.

As I understand it—and this is substantially what the Senator from Virginia suggested a while ago—the matter of the enforcement of prohibition is left entirely to Assistant Secretary of the Treasury Lowman. It is absolutely impossible, as the Senator from Virginia has said, for the Secretary of the Treasury to give very much if any personal investigation to the matters in all the various branches of his department. So while there has been much criticism of the Secretary of the Treasury, I do not join in that criticism, and I do not join in it because of the general knowledge I have of the activities of the department, as referred to by the Senator from Virginia. I have been advised and have understood that the Secretary has left to his Assistant

Secretary practically the entire control of the enforcement of prohibition.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. NORRIS. The Senator may have covered the matter about which I am about to inquire, because I have not been in the Chamber for the last half hour, but in connection with what he has just said I want to ask him what he thinks of the facts brought out by the testimony of Mrs. Willebrandt, in which she stated that the Secretary himself interfered in the prosecution of certain violators of the prohibition law in western Pennsylvania.

Mr. JONES. I think while the Senator was out I referred to possible political influence in these matters. I can see how political influence may have been brought directly to bear upon the Secretary of the Treasury with reference to some particular matter like that, and I would have no excuse whatever to make for his yielding to any such influence. If he did it he should be condemned for it, especially if there was any general yielding along those lines. I could not stand for anything of that sort.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JONES. I would like to proceed, but I yield.

Mr. BARKLEY. I want to ask the Senator about a matter which seems to me to be of some consequence in connection with the enforcement of the prohibition law. We have all decried the custom of having law-enforcement agents and officers appointed purely for political reasons.

Mr. JONES. I would condemn that most vigorously.

Mr. BARKLEY. I admit, of course, as we all must, I suppose, that under any administration there is always a certain amount of political pressure for the rewarding of political friends. We enacted a law putting the Prohibition Enforcement Unit appointees under civil service in the hope that we would get away from that objection. Examinations were held, and the common knowledge or common rumor, at least, is that a very large percentage of the men who had been previously appointed failed to make the required grade to pass the civil-service examination. If that is the fact, then it indicates either that the examination was unusually severe or that the men who had been appointed were unusually incompetent. I have also heard that in spite of the fact that many of the previous appointees had failed in the examination, politics was still having its hand in the matter by bringing pressure to have some maneuver by which those who failed could have their papers regraded or take another examination in order that they might be put on the eligible list. If that is true, that would also be an indication that the matter is not so seriously considered by the Civil Service Commission as it ought to be. Has the Senator any information as to whether those rumors are correct, and, if so, to what extent?

Mr. JONES. I can not speak generally with reference to those rumors. I will say, however, that while I am generally in favor of the civil service, I doubted very much the wisdom of applying it to the prohibition agents. I had probably more in mind the condition in my own State than elsewhere. I felt that it would not conserve the best interests of prohibition in my State, under the conditions that we have there, to have these agents put under the civil service. But I hoped that it would tend, taking the country as a whole, to permanency in administration and to efficiency of administration of the law.

Mr. BRUCE. Mr. President, may I give the Senator the information asked for by the Senator from Kentucky? I can give him that information.

Mr. JONES. Before the Senator does that let me say that this was a new proposition that we put up to the Civil Service Commission. There were, I suppose, thousands of applicants who took the examination. The examination papers had to be passed upon. That is bound to take considerable time. Furthermore, I have no doubt that the commission, in determining the process which should be followed in measuring the various applicants, made many mistakes, because they had no experience along those lines.

I have in my desk now the papers of a man who is vouched for in my State not only by the prohibition officials over him but by the temperance organizations, as being one of the most efficient and best enforcement officers in the service. He was in the prohibition enforcement service for quite a long while, but upon this examination he was rejected. I propose to take it up with the Civil Service Commission. I feel satisfied from information I have that the commission was imposed upon by the testimony which was gotten by its special agent going out into the field to investigate the character and efficiency and ability of this man. I am satisfied they were imposed upon. I am going to try to show it. But I do not necessarily blame the commission and, as we have this matter under the commission, I think we should give it at least a fair trial and not determine the results on just a few years' experience.

Mr. BARKLEY. I agree with the Senator about that, and I agree with him also that while it is true that every police officer and every law enforcement officer anywhere ought to be in favor of the enforcement of the law for the enforcement of which he was selected, still I think it is peculiarly important that men who are chosen to enforce the prohibition law ought to be in sympathy with it.

Mr. JONES. Yes; I think so.

Mr. BARKLEY. I do not deny that now and then a man, under some circumstances, who may have been at one time against the law might be converted into a very whole-hearted supporter and enforcer of it; but as a rule I think it is safer to entrust the enforcement of this particular law in the hands of its friends.

Mr. JONES. That is the very basis on which I am going to argue for civil service. It seems to me they have taken men who are opposed to prohibition.

Mr. BARKLEY. Does the Senator know whether any questions were propounded by the commission in this connection touching the attitude of the men toward the law itself?

Mr. JONES. I have been assured that that is done.

Mr. BARKLEY. It is conceivable that a very highly educated man might make a grade of 100 per cent on a technical intellectual examination. I have no doubt that Dr. Nicholas Murray Butler could pass a civil-service examination prescribed for the appointment of prohibition enforcement officers, but we all know that the good doctor is not in favor of the law and probably discourages its enforcement as much as anybody in the United States. The Civil Service Commission ought in some way to disclose whether the applicant believes the law ought to be enforced.

Mr. JONES. My recollection is now that the letter of rejection in the case to which I have referred shows that it is based upon inquiries of citizens of Seattle, for instance, and I am convinced that they have taken the preponderance of testimony of those who are against prohibition and who have pronounced themselves against this man, and therefore he was rejected. Of course, I appreciate that members of the commission can not examine personally all the papers, and that they have to take the report of some inspector; but there are on file with the Civil Service Commission statements made by practically every prominent prohibitionist and every prominent prohibition organization speaking in the very highest terms of this man and of their confidence in his faithful administration of the enforcement of the law.

Mr. BARKLEY. Is it the policy of the commission to send a posse out into the settlement or community where the man works or lives to investigate his record?

Mr. JONES. No. I understand they send an inspector who gets or is supposed to get information from citizens who know the man, in addition to the written examination, and he submits a report with reference to him.

Mr. BARKLEY. Does that apply to the man already in the service as well as the new applicants?

Mr. JONES. It applies to all those who had not gotten in under civil service. They have not passed on all the original applicants to the Civil Service Commission yet. They have had so many they have not been able to do it. It takes much time, as we all understand.

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. JONES. I yield.

Mr. BRUCE. If the Senator will allow me, I should like to answer some of the questions the Senator from Kentucky asks. First of all, I would say that 75 per cent of all the old prohibition agents failed to stand successfully the civil-service examination. The effort to which the Senator alludes, nevertheless, to cover all the old prohibition agents into the service has passed out of the stage of rumor and is now evidenced by a bill actually pending in this body, introduced by the Senator from Iowa [Mr. BROOKHART], to keep the old prohibition agents in the service.

If the Senator will permit me further, so poor was the average grade of those who were prohibition agents that now I am informed the Civil Service Commission, taking a lesson from the past, takes the precaution of having all applicants for positions in the field force of the prohibition service fingerprinted before they are subjected to a competitive examination.

So far as the examinations to which those who were prohibition agents were subjected being of a scholastic nature, they were of a most highly practical nature. Applicants were asked, for instance—and if I am not mistaken, that was the principal feature of the examination—what they would do in such and such a state of different circumstances that might arise in the

discharge of their duty. These men failed because they had been appointed as a result of the very much greater abuses of the old spoils system of patronage, appointed at the suggestion of churches, of the Anti-Saloon League, of Wayne B. Wheeler, of Senators or Members of the House of Representatives, and of politicians of high and low degree. Now, of course, they are all to be brought under the civil service law.

If the Senator will permit me just to make one more observation, I think it will be a great mistake, notwithstanding the judgment that the Senator from Kentucky seems to have formed on the subject, to ask the applicants how they feel about the prohibition law. The very object of the merit system of appointment is to exclude political influence, political views, political opinion, political pressure in every form, from the operation of the civil service law.

Mr. BARKLEY. Does the Senator mean by that to suggest that he think's a man's attitude toward the enforcement of the prohibition law ought not to have any weight in determining whether he is a suitable appointee for its enforcement?

Mr. BRUCE. I think there would be more danger of giving too much weight to it. Some Federal judges having charge of the administration of this law are men who in their hearts are opposed to it and do not believe in it, and yet their judicial conduct has been absolutely impeccable. I can not conceive of any man honorable in a general sense, charged with an official duty, violating it, and he would not do it unless he is some base, worthless fellow.

Mr. BARKLEY. The Senator would not, then, if he had the power, recommend the appointment of a man as prohibition agent to go out over the field and search out violations and make arrests and secure evidence if he knew that that man in his heart was opposed to the enforcement of the law?

Mr. BRUCE. If we had a good worthy man with a strong sense of duty, I do not know that I would care particularly about what might be his personal convictions with relation to prohibition or any other political question.

Mr. BARKLEY. The Senator would not assume that attitude with reference to the enforcement of any other law. The Senator would not recommend for appointment as sheriff or police officer one who was not in sympathy with enforcing the law against burglary or theft?

Mr. BRUCE. Now the Senator, of course, is getting into the province of deep-dyed criminality. He is getting entirely out of the province of political influence.

Mr. BARKLEY. I am not able to know just how far one has to get before he is deep-dyed.

Mr. BRUCE. I can conceive of a man not believing that the prohibition law is a good law and yet, being a dutiful man, he would be faithful in helping to enforce it. I can not conceive of a man in sympathy with burglary or murder or rape doing his duty in the administration of the criminal law.

Mr. BARKLEY. Is it not possible to conceive of a man who may technically believe in the enforcement of the law but frequently, as experience has already shown in various parts of the country, go about with his fingers crossed and then take the oath of office with his fingers crossed?

Mr. BRUCE. If I was in charge of the enforcement of the prohibition law and knew that some man was of violent extremes with reference to prohibition—that is to say, a man who was fanatical in relation to prohibition—of course, I do not think I would choose just that kind of a man to appoint. But those are extreme, exaggerated cases.

Mr. GLASS. Mr. President, does the Senator mean he would not appoint a man who entertains his own views?

Mr. BRUCE. I would hesitate. I think I could go on the bench to-morrow—and I hope the Senator thinks so, too—and with perfect fidelity administer the prohibition law.

Mr. GLASS. I think the Senator could. But would the Senator then insist that a man entertaining his views could not properly enforce the law?

Mr. BRUCE. All I am saying is that I do not think it is necessary for the Civil Service Commission to have a regulation requiring an inquisition into how an applicant for a competitive examination feels about prohibition before he is allowed to stand the examination. That is all I am saying; but I would have no objection to it.

Mr. GLASS. What I rose to ask the Senator, who seems to be entirely familiar with the questionnaire, is whether there is among the questions anything that would elicit information as to the marksmanship of prohibition agents? I ask the question because in Staunton day before yesterday a prohibition agent shot at the tires of an escaping automobile and killed an occupant of the car.

Mr. BRUCE. I might remind the Senator that since that time another constituent of his has been shot in the neck by a prohibition agent at Newport News. The press brought us information of that fact this morning. I do not know, but it looks to me as if it might be very well to school these prohibition agents in gunfire, because not one of them ever does shoot anybody through the neck or any other portion of his body that he does not set up the claim that he shot at the automobile tire and not at the unhappy victim.

Mr. JONES. Mr. President——

Mr. GLASS. I may say, if the Senator from Washington will allow me, that I am a firm believer in an honest civil service, which I do not think we have, but it puzzles me to understand how the Civil Service Board can exactly or approximately determine the efficiency of a prohibition agent. One of the outstanding requirements and essential elements in the enforcement of the prohibition law is courage; and how on earth a board sitting here in Washington can determine whether or not a man has the essential courage to hunt down and arrest bootleggers is beyond my comprehension.

Mr. BRUCE. Mr. President, if I may interrupt the Senator for a moment, I desire to say that he knows that policemen throughout the country are selected as the result of competitive examinations, and I know of no calling in which courage is of more supreme importance than in the calling of a policeman.

Mr. GLASS. The board which selects the policemen is a community board, entirely familiar with the applicants, I imagine, and that board can vastly better determine the reputation for courage or the demonstration of courage than can a board here in Washington.

Mr. BRUCE. Courage is something that we never can tell much about until it is actually tested. It is not until a man has been exposed to danger that we can say in the old Virginia phrase, with which the Senator from Virginia is so familiar, that he has "pluck to the backbone."

Mr. JONES. Mr. President, I have a very high regard for the Senator from Maryland, but he and I differ very radically with reference to the merits of prohibition.

Mr. BRUCE. I will say that I also entertain the highest regard for the Senator from Washington.

Mr. JONES. I thank the Senator, but I have always felt and I have had the impression that while the Senator from Maryland does not believe in prohibition he does believe, inasmuch as we have it, in its proper enforcement. So I thought that he had misunderstood one of the questions of the Senator from Kentucky [Mr. BARKLEY] in that he seemed not to be in favor of determining whether a man who did not believe in prohibition also was against enforcement. I want to say that, while I prefer to have men as enforcement officers who believe honestly in the principle of prohibition, there are many men in this country who would make competent prohibition agents who may not believe in prohibition but who do believe in the enforcement of the prohibition law so long as it is the law, and many of them could be depended upon, probably just as well as could those who believe in prohibition, to enforce the law honestly and faithfully if selected as prohibition enforcement officers.

Mr. President, I wish to take only a minute or two in discussing the amendment. Most of the discussion has really been outside of the amendment. As I have stated, the committee reported the amendment, and I voted for its report to the Senate, but the committee directed that a report on it should be secured from the Secretary of the Treasury. I noted in the press that Assistant Secretary of the Treasury Lowman and Commissioner Doran were together in conference over this matter. Whatever question there may be with reference to the sincerity or earnestness of the Secretary of the Treasury as to prohibition, I have never heard the sincerity and devotion to prohibition of Assistant Secretary Lowman and Commissioner Doran questioned. So, without going into the other phase of it, I think we have a right to conclude that this letter and the suggestions made in it as to the condition that confronts us have the approval of two ardent prohibition officials—Assistant Secretary Lowman and Commissioner Doran. In brief, they suggest in this letter that they can not advantageously spend this money under present conditions; the Secretary of the Treasury sent the letter here, and I judge he concurs in their views.

It is suggested that a survey should be made to determine the need of more money, and how it may best be used. I am willing to take the judgment expressed by these officials in the letter. I think this element of good, at any rate, has come out of the report of this amendment to the Senate and out of the discussion, that it will hurry up the department to make the survey, ascertain what further steps may properly be taken in the enforcement of the prohibition law, how much more money is necessary, and how much can be used advantageously. Those in brief are the suggestions in the letter. I am going to take them at their face value, especially because of the known views of the Prohibition Commissioner and of the Assistant Secretary of the Treasury.

Mr. OVERMAN. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. JONES. I yield to the Senator.

Mr. OVERMAN. I was called out when the discussion was proceeding with regard to the civil-service method of appointment of prohibition officers. I wish to ask the Senator if he thinks it is possible under the present system to administer the prohibition law in a nonpartisan manner? Let me take, for example, my county. When it is desired to appoint a prohibition agent for that county a civil-service examination is held and three men are certified, two of whom, perhaps, are Democrats and one a Republican. What is done then? The list is sent to the chairman of the Republican committee of the State or the county, as the case may be, and he is asked which one of the three is the Republican; and after hearing from him the Republican is appointed. Is not that the rule in connection with these, as well as other appointments?

Mr. JONES. I never had any list of those who have passed the examination for prohibition appointments certified to me.

Mr. OVERMAN. Where three men are certified as the result of an examination, the list is referred to the chairman of the committee, as I have said, and he always selects a Republican.

Mr. JONES. That is so with reference to postmasters, I know, but I say to the Senator I have never had any certification in connection with prohibition appointments made to me.

Mr. OVERMAN. The list would not be certified to the Senator, but when it becomes necessary to fill a vacancy or to add to the number of agents, the Civil Service Commission is called upon to certify three names. That is the rule, as I understand.

Mr. JONES. Certify them to whom?

Mr. OVERMAN. To the department; but before the department makes the appointment it confers with the chairman of the Republican committee, which informs the department which one of the three to appoint.

Mr. JONES. I do not think the department would confer with the chairman of the Republican committee where there are Republican Senators and Republican Representatives.

Mr. OVERMAN. Then, can the Senator tell me why every prohibition agent in my State is a Republican?

Mr. JONES. I can not. I have discussed the question pretty fully, and I have said that I do not believe there should be politics in connection with this matter.

Mr. OVERMAN. I know the Senator does not, but I should like to know why the Prohibition Bureau can not be administered in a nonpartisan manner? As it is now, I repeat, the chairman of the Republican county or State committee is called upon to pass upon appointments of prohibition agents, and they appoint a Republican every time, although there may be two Democrats and only one Republican on the list.

Mr. JONES. I think it should not be done.

Mr. OVERMAN. But do they not do it, and is it not human nature to do it? At any rate, Republicans always seem to be appointed.

Mr. JONES. As I have said to the Senator, I receive some certifications in connection with the appointment of postmasters, and so on, but I never yet had any certification in connection with the appointment of a prohibition agent made to me for my selection of one of three.

Mr. OVERMAN. I do not think they ever do that; I do not think they ever ask a Senator or a Representative in Congress to pass upon the question, but they refer the list to the chairman of the Republican State or county committee. I am not complaining of it particularly and probably I might do the same thing.

Mr. JONES. The Senator may have in mind a case where there are no Republican Senators or Representatives. Let me cite this illustration; it may help to clear up the situation: There is a district in my State that is represented by a Democrat in the House of Representatives. The appointment of postmasters in that district is always referred to me. The three names are certified to me, and I am asked to recommend one.

Mr. OVERMAN. Why should such a course be followed in the appointment of prohibition agents? They want to build up a machine in this country, and so the practice to which I have referred is followed all the time.

Mr. JONES. I have not, as I have said, any certifications made to me with reference to prohibition appointments.

Mr. OVERMAN. The Senator ought to look into that question, because the appointments ought to be made in a nonpartisan way.

Mr. EDGE. Mr. President, let me suggest to the Senator from North Carolina that, from some very slight experience of my own, I consider the appointment of prohibition officers as a liability rather than a benefit from a political standpoint.

Mr. OVERMAN. I do not feel that to be the case in my State.

Mr. JONES. Mr. President, I think other appointments might also be considered as liabilities.

Now, Mr. President, I wish to conclude. I am always glad to yield as much as possible, but I have taken far more time than I expected. I have called attention to the fact that the Secretary of the Treasury conferred with Assistant Secretary Lowman, who has direct charge of prohibition enforcement, and also with Commissioner Doran, who is at the head of the Prohibition Unit, and they evidently agreed upon the suggestions contained in this letter. We should not appropriate more money than can be used economically and efficiently. I think in view of this letter that we are fully justified in the conclusion that at least they would not know how to use $25,000,000 now, and that it probably could not be expended economically.

I started to say that I think one good thing has come out of reporting this amendment and the consideration of the amount involved in it, and that is that it will certainly spur the department to make the survey which they say in this letter ought to be made. I hope to see a program presented next winter under which they can use an increased amount of money in order to bring about a more effective enforcement of the prohibition law. For that reason I am not going to vote for the amendment providing for a $25,000,000 additional appropriation, and for that reason I have submitted the amendment which I have. Now, I wish to discuss that amendment for just a moment.

Mr. EDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES. Yes.

Mr. EDGE. The Senator speaks of a survey upon the part of the department, as I understand, so as to provide for the expenditure of the additional appropriation in the future. Does the Senator consider his amendment would cover that? It does not in any way indicate any portion of it to be used for a departmental survey.

Mr. JONES. Not for that, but it is suggested in this letter that a small amount additional for enforcement could probably be economically used now; and so I put in a million dollars, to be used specifically for enforcement purposes. Then it is suggested in this letter that what they term "educational work" should be carried on and that some money possibly should be appropriated for that purpose, and so I put in $250,000 for that. I called on Commissioner Doran to submit a statement as to what would be done under that appropriation, and I am going to read his reply. It is brief and was prepared, of course, by the commissioner himself. He says:

> In connection with the proposed educational campaign relative to questions concerning the enforcement of the prohibition laws, the following is a brief outline of the proposed undertakings in connection with the dissemination of information and increased activities:
>
> The use of a selected force to cooperate with officials of cities, counties, and States in stimulating their activities in order that a greater number of violations may be prosecuted in local courts in States having adequate laws relating to the illegal use of intoxicating liquors.

I think that is quite an important activity. I know that in my State I have encouraged the prohibition officials to bring about cooperation with the county officials and the city officials as fully as possible; and while they have not the cooperation of all the sheriffs in the State they have, I think, the cooperation of the majority of the sheriffs, and they have been holding annual meetings to confer with reference to these matters. The same thing is true with reference to city officials; so that they are gradually working out a general cooperation of State, county, and city officials with the national or Federal prohibition force.

> This force also to instruct various organizations interested in law enforcement as to how they can serve and operate in connection with local and Federal authorities.
>
> The release of information to newspapers and periodicals, and the use of radio and billboards and posters in informing the public as to enforcement conditions and other essential facts for the purpose of interesting the general public in obedience to and enforcement of the laws.
>
> Prohibition agents, to a limited extent, now operate in conjunction with local authorities, but the field force should be increased in order that all requests from local authorities for Federal agents to assist them in prohibition enforcement may be met.

Some Senators expressed themselves privately to me yesterday to the effect that this was a rather ridiculous proposition,

and that we ought not to start on what might be termed propaganda, and that it is apt to lead into a wide field; and yet we are already doing this. I see, in every section of the country where I go, large billboards with reference to what? Setting out the advantages of enlisting in the Army or enlisting in the Navy. That is propaganda, and yet nobody raises any question about it. That has been going on for many years. I have also seen publications with reference to the activities of various departments or bureaus of the Government, in effect doing the same thing. My recollection is that I have seen publications relating to forestry, especially; and that sort of thing is extremely valuable. It gives information that the people ought to have, and might be supposed to have. I think the Bureau of Education has sent out various publications and documents of different kinds, calling attention to the benefits of this procedure and that practice, and so on. There never has been any question raised about that; and it seems to me that some action and activity along these lines may be very valuable.

The other part of the amendment—I referred to it a moment ago—calls for an additional million dollars to add specifically to the enforcement force. That is pursuant to the suggestion contained in the Secretary's letter.

Mr. President, I have taken far more time than I expected to take.

Mr. GEORGE. Mr. President, before the Senator takes his seat I should like to ask him a question. Does the Secretary suggest the appropriation of a million dollars in the letter?

Mr. JONES. No; he did not specify any amount. My recollection of the language is that he said that some additional money could be used economically and advantageously.

Mr. GEORGE. It was the Senator's conclusion that about a million dollars was needed?

Mr. JONES. Well, I will say that that is a guess.

Mr. SMOOT. Mr. President, I rise simply for the purpose of making a correction.

Yesterday morning I telephoned down to the department and asked about how many cases of arrests under the prohibition act were pending, unsettled. They said, "We do not know the exact number, but there are at least nine or ten thousand cases." This morning I received a report from Mr. Doran stating that there are between twenty and twenty-one thousand cases pending in the courts.

Mr. GLASS. Mr. President, in committee I voted to present this amendment to the deficiency bill involving an increased appropriation of $25,000,000. I did it because when criticism is made to the effect that the law is not enforced, the response invariably is that it is enforced as effectively as the meager appropriations of Congress will permit. In short, with respect to this law, as with respect to other laws, it is sought to produce the popular impression that Congress in some way or somehow is persistently neglecting its duty with respect to enforcement.

So far as my observation goes, the Appropriations Committee of this body has never failed to report to the fullest extent appropriations recommended by the department for the enforcement of prohibition; and I am certain that I have never failed to vote to the fullest extent for appropriations recommended. Therefore I voted for this appropriation, but with the understanding that the chairman of the committee was to seek information from the Treasury Department as to its expediency.

The letter of the Secretary of the Treasury, in which he tells us that this appropriation can not be judiciously expended, that it can not be expended at all without the risk of great extravagance, puts a different aspect upon the case. While I may get my consent to vote for the amendment of the Senator from Georgia [Mr. HARRIS] to the amendment suggested by the Senator from Washington [Mr. JONES], it is my expectation to offer as a substitute for the whole the amendment that I sent to the Secretary's desk a while ago, which provides for the appropriation of $250,000, or so much thereof as may be required, to enable the incoming President of the United States to put into effect his own proposition to appoint a competent commission to review this whole problem of prohibition under the eighteenth amendment and under the laws enacted in pursuance thereof, and to report the result of such inquiry to the Congress of the United States with his recommendation with respect thereto.

Mr. EDGE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. GLASS. Yes.

Mr. EDGE. I did not hear the beginning of the Senator's statement. Did I understand him to say that the substitute he has offered, which was read at the desk, provides for the appropriation in this bill of $250,000 to be available for the use of the incoming President, or so much of that sum as may be necessary?

Mr. GLASS. I imagine that it would be used by the incoming President. I do not conceive that the present occupant of the White House, in the limited time he has to serve, would enter upon an inquiry of this sort.

Mr. EDGE. I agree entirely with the Senator. I am simply asking as a matter of procedure. The appropriation, then, would not expire before what time—June 30, 1930? How long would the appropriation be available? That is the information I was seeking.

Mr. GLASS. My purpose is to make it available as long as it can be used.

Mr. EDGE. Then I am in entire agreement with the Senator. I am simply asking for information.

Mr. GLASS. I want to put upon the incoming President of the United States the responsibility for the enforcement of this law as it exists or the responsibility of recommending suitable changes in the law if changes are required; and then there will be upon the Congress of the United States responsibility for accepting or rejecting the President's recommendations. I have every reason to suppose that the incoming President of the United States not only is willing to assume that responsibility but is anxious to do it, because he has suggested that that be done.

Mr. EDGE. Mr. President, if I may again interrupt the Senator, I also am in hearty agreement with his suggestion in that regard and that recommendations shall result, based upon the facts and causes so discovered.

Mr. GLASS. And in all sincerity I thoroughly believe that the incoming President will have the courage to make those recommendations, based upon a scientific ascertainment.

Mr. EDGE. Is it not a happy moment when the Senator from Virginia and the Senator from New Jersey can proceed to a solution of this problem through the same channel?

Mr. GLASS. I think it ought to be done. I think the President ought to be charged with responsibility and held accountable for the enforcement of this law.

Mr. ROBINSON of Arkansas. Mr. President, does the Senator's amendment define the extent or direction of the investigation or does it leave to the Executive full authority to make any investigation that he desires without limitation?

Mr. GLASS. It puts no limitation whatsoever upon the President. It charges him with the full responsibility of making a thorough inquiry into this problem and making his recommendations to the Congress.

Mr. ROBINSON of Arkansas. It would seem that $250,000 would be a rather large fund for the support of an investigation.

Mr. GLASS. The amendment says "or so much thereof as may be required."

Mr. BLACK. Mr. President, the history of this amendment in this Congress is a rather unusual one.

A short time ago an amendment was proposed, and agreed upon, as I understand, without any opposing vote, to appropriate $300,000,000 for the enforcement of prohibition. The Members on both sides of the Chamber accepted that amendment. It then went to conference. The conferees reduced it to $25,000,000. Strange to say, many of the same gentlemen who voted for the $300,000,000 are now opposed to the appropriation of $25,000,000. What potent influence has been wielded by the Secretary of the Treasury one can only surmise.

Strange also to say, men who have been the champions of the enforcement of the prohibition law, and who voted only a short time ago either for $300,000,000 or for $25,000,000, have yielded their convictions merely because the Secretary of the Treasury says he might spend the money extravagantly, or, as the Senator from Washington quotes him, that they do not know how to spend it.

There is another strange incident connected with this procedure, and that is this:

A few months ago there was an election in this country, and a decisive victory was won. All people know that millions of citizens of the United States voted for the incoming President at least partially because they expected him and his administration to utilize every opportunity within their power to enforce this law; and yet, strange and unusual as it may seem, leaders of the prohibition forces on the other side of the Chamber are not willing to accept the $25,000,000 appropriation, and they reduce it to the infinitesimal sum, in comparison with that for which they have previously voted, of $1,000,000 for enforcement and $250,000 to convert bootleggers by distributing propaganda over the country.

Just exactly what methods will be used in this distribution we do not know. Probably the literature will be placed in an airship, and as that airship soars in the skies over the various

sections of America, the literature prepared by this Secretary of the Treasury upon the evils of strong drink will be wafted on the breezes, to be received by the listening ears of the American public.

If that is not sufficient, we are to have a survey. Imagine, if you please, a man having been sheriff of a county for eight years and running for reelection to office upon the statement that if he succeeds in winning again the position of sheriff of his county he will make a survey to ascertain whether or not the laws are being broken in his county; and, if so, how he will enforce them. Yet Senators who voted for a $300,000,000 appropriation, Senators who are backing, we assume, the President elect in the statement he has made that he will enforce the laws of this country, recede from their position and say now, "We will vote $250,000 for a survey."

What will they survey? Will they go into the States where the State laws have been repealed in order to ascertain whether or not they are in effect? Will they go into the State where the laws are enforced in order to ascertain whether or not they are enforced? What is this survey for? Why is it needed? Why, when men have been in charge of the enforcement of a section of the Constitution of this country for eight years, is it necessary for them to tell the public in America that they can not say whether they need any more money or not? They do not know whether they can enforce the law or not. They do not know how many officers are needed. They can not say where they would be used. They do not know whether or not the law is being broken. They know nothing except that they know nothing and desire to make a survey in order to confirm the fact that they know nothing. That is the position with reference to the survey.

There have been several propositions advanced. It was certainly a great surprise to many people to learn that on the side of the Chamber occupied by those who in large majority contributed to the election of the incoming President, there are those who are not willing to arm him when he goes into office and to give to him the money that is needed in order that the laws of this country may be enforced.

There have been several arguments advanced to which I desire to direct just a little attention. In the first place, the highly esteemed and respected Senator from Nebraska [Mr. NORRIS] presented the argument, as I understood him, that political appointments are made and the law is enforced in a partisan manner, I assume leaving the inference that for that reason it was not proper at this time to vote an additional appropriation.

I agree with most of the statements made by the Senator from Nebraska, but if we are to wait to make sufficient appropriations until partisan politics cease to play an important part in the employment of officers in the enforcement of law, then I feel the increase would never be made. What reason have we to suspect that at any time in the future appointments will not be made from partisan considerations? Why can we anticipate that at any time within the next fiscal year the enforcement of law will not be in the hands chiefly of the dominant party that is governing in this Republic? The history of the Government shows that it is practically impossible, unfortunate as it is, to escape from the conclusion that the enforcement of this law and the appointment of the officers to enforce it will be influenced by partisan politics.

Another argument has been advanced by the Senator from Utah; that is, that we should first increase the courts. What difference does it make where we begin to enforce a law written in the Constitution of this country? What right have we to demand that the enforcement be improved in any certain or particular manner?

There are certain States of this Union that have courts that can try the cases. There is not reason to suspect that more than two or three or four States of this Union have congested court dockets so that the courts can not dispose of the business before them. Therefore the proposition that presents itself to this body, with a new administration coming into power pledged to the enforcement of the law, is: Will you give them the funds that are needed in order that the American people may hold them responsible if they fail to avail themselves of the opportunity afforded by this Congress? Or will we, perchance, because of the edict of a single officer of this Government, forego our right to our own conclusion and permit the Secretary of the Treasury to determine for us what is a sufficient amount in order to enforce the laws of this country?

My friends, I desire to call attention to the situation in one State with reference to the law-enforcement officers of the State and of the Government. In the great State of New York, which has no prohibition laws upon its statute books, we find that there are 32,089 officers charged with the duty of enforcing the laws of the State, and 516 charged with the duty of enforcing the laws of the Government of the United States. That includes district judges, marshals, deputy marshals, district attorneys, and all officers charged with the enforcement of the law. Yet that State has no prohibition law. There are, for the millions of people who live in that great Commonwealth of this country, 281 field agents. Imagine a situation where 281 field agents have to cope with the enforcement of a law in a State where the majority of the people have expressed themselves by ballot against the law, and where the officials of the State have destroyed the statute which was upon the books to aid the Government in the enforcement of the law. What could we hope, what could we expect, with reference to the enforcement of the law in States with millions and millions of population, and with 281 officers charged with the duty of detecting crime and punishing it?

This is the situation; the amount of twelve or thirteen million dollars appropriated heretofore for the enforcement of the prohibition laws of this country is a disgrace and a shame to the Government. What can we do when we divide up $12,000,000 among 48 States to enforce a law which many in the Senate say is being daily and repeatedly violated all over those States? A quarter of a million dollars to enforce a law of that kind in a State with eight or ten million population is not even a drop in the bucket.

The conclusion which must be reached is that there are some who oppose the prohibition law as honestly as others favor it, and there are some who favor it with all their hearts, but there should be no line of demarcation between these two classes when it comes to a question of the enforcement of any statute.

I was criticized yesterday for making the statement that the Constitution of the United States imposes upon Senators the responsibility of voting for adequate appropriations to enforce the prohibition law. If not, why not? That law is written into the Constitution of this country. There is one honest and legitimate way to get it out; that is by the constitutional method. There can be no repeal of that amendment by acquiescence on the part of the people of this country without attacking the very sovereignty of the people and the fundamental principles of liberty and freedom under which we live. Yet there are some who will not vote for adequate appropriations in States, although the Constitution charges the States with the joint responsibility of the enforcement of the law. There are others who are willing to continue to appropriate a measly $12,000,000 to enforce a law all over the States of this Union.

The charge has been made here in the last day or two that the prohibition law is grossly violated. Many years ago the present great Chief Justice of this country said that the enforcement of the criminal laws of America was a disgrace to the civilized world. The lawlessness in this country is not limited to the violation of the prohibition law. One city in this country, with a comparatively small population, has committed in it more murders in one year than are committed in the whole domain of England. Yet do we hear any hue and cry that we should repeal the law against murder? The same startling proportion exists as to the law against stealing, and as to the law against burglary, and as to the law against other crimes.

We have now come to the situation, practically, where we must vote upon whether or not we favor a proper appropriation to enforce the law. Will we arm the officers of the Government so that they can enforce the law? Or will we leave their arms paralyzed, perchance, because some of them may prefer to be paralyzed?

We should not permit the dictum of one officer to govern our conclusions in connection with this vote. In the name of law, in the name of decency, in the name of order, forgetting the differences which exist as to the need of this law, I appeal to the Senate not to permit the conclusion of one man to override the simple justice which this amendment is intended to bring about in America.

I appeal to Senators, as they believe in the safety of our Government, and in the safety of the home, not to permit this law to be flagrantly violated in the future, with the charge being thrust in our faces that it is due to the fact that Congress would not make proper appropriations.

We make appropriations for bridges, we make appropriations for roads, we make appropriations for dams, we make appropriations for rivers. The improvements thus brought about add to the comfort and convenience of the citizens of this country. But the law which protects us when we are awake and when we are asleep is based upon the fundamental right to human liberty, and that law is challenged in this country, and the answer can be made both from this body and from the throats of millions of citizens in this country, "Will you vote to enforce the law, or do you believe it proper to continue an appropriation

which you know, which every citizen of this country knows, is a mere measly pittance in comparison with that which is needed to make this country safe for the law-abiding citizens of this Republic?"

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had concurred in the concurrent resolution (S. Con. Res. 28) relating to the election of President and Vice President of the United States.

The message also announced that the House had agreed to the amendment of the Senate to each of the followings bills:

H. R. 1320. An act for the relief of James W. Pringle; and

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate, under the order previously agreed to, will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

Mr. NYE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NYE. Is a motion in order at this time that the Senate proceed to the consideration of executive business in open session?

The VICE PRESIDENT. Such a motion will be in order when the Senate is in executive session behind closed doors.

Mr. NYE. Not until then?

The VICE PRESIDENT. Not until then.

The Senate proceeded to the consideration of executive business. After 2 hours and 30 minutes spent in executive session the Senate, in closed session (at 5 o'clock and 30 minutes p. m.), took a recess until to-morrow, Saturday, January 19, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 18 (legislative day of January 17), 1929

MEMBER OF FEDERAL TRADE COMMISSION

Charles H. March, of Minnesota, to be a member of the Federal Trade Commission for a term of seven years from September 26, 1928, vice Abram F. Myers, resigned.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. William Shaffer Key, Oklahoma National Guard, to be brigadier general, reserve, from January 15, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 18 (legislative day of January 17), 1929

COMMISSIONER OF EDUCATION

William John Cooper to be Commissioner of Education.

PROMOTIONS IN THE NAVY

Charles E. Riggs to be Surgeon General and Chief, Bureau of Medicine and Surgery.

To be commander

William N. Richardson, jr.

To be lieutenant commanders

Elliott M. Senn.
Vernon F. Grant.
Francis T. Spellman.

To be lieutenants

Cecil Faine.
Hubbard F. Goodwin.

To be lieutenants (junior grade)

Gerald B. Ogle.
John R. Sanford, jr.
Walter B. Davidson.
Roy R. Ransom.
Arthur D. J. Farrell.
Benjamin May, 2d.
Alfred J. Benz.

To be assistant dental surgeons

Merrette M. Maxwell.
Jackson F. Henningsen.

To be chief pay clerk

Walter W. Metcalf.

MARINE CORPS

To be colonel

Edward A. Greene.

To be lieutenant colonels

Franklin B. Garrett.
Samuel W. Bogan.

To be major

DeWitt Peck.

To be captain

Merton A. Richal.

POSTMASTERS

CONNECTICUT

Walter H. De Forest, Derby.
John F. Egan, Lakeville.
Anna T. Harding, Rockyhill.
Frank H. Northrop, Saugatuck.
Erle Rogers, Windsor.

HAWAII

Thomas E. Longstreth, Lihue.

KANSAS

August Bernasky, Ingalls.
Ulysses E. Van Dyke, Woodston.

MAINE

Edna McGuire, Lucerne in Maine.

MARYLAND

Grace Rowe, Emmitsburg.
George C. Eichelberger, Union Bridge.
William B. Cutshall, Woodsboro.

MONTANA

Albert M. Stevenson, Lodge Grass.
Andrew K. Resner, Ronan.

NEBRASKA

Henry C. Blome, Dalton.
Willis I. Stebbins, Gothenburg.
Charles H. Kuhns, Maxwell.
John A. Gibson, Mullen.

NEW JERSEY

Hilding W. Hammarlund, Ridgefield Park.

NEW YORK

James McD. Reid, Amsterdam.
John Sparks, Eldred.
Harry C. Rosekrans, Gardiner.
David W. Smith, Genoa.
Catherine Jamieson, New York Mills.
James Carpenter, Northville.
Belle M. Clark, Silver Springs.
Emma Frey, Vestal.

OKLAHOMA

Jennie L. Timberlake, Terral.

PENNSYLVANIA

Beatrice Davidson, Grindstone.

VERMONT

William A. Heywood, Wilder.

WISCONSIN

Bert Piepenburg, Mountain.
Sherman T. Barnard, Omro.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 18, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, whose love has consummation in sacrifice and service, quicken us by Thy Holy Spirit that we may conquer the sense of frailty of this passing world. Oh, come out of Thy infinite depths and find a sure dwelling place in our hearts; define Thyself in terms of life—human life, humble life, that ever stoops to conquer. To-day is another providence. Every success launches us upon a new pursuit, and every failure bids us get up and begin again. We must attain; though

we fall, we shall not be utterly cast down, for our Heavenly Father upon earth is our strength and the rock of our salvation. May we align ourselves with Thy holy purpose; thus shall we attain the measure of the stature of our manhood. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

COUNT OF THE ELECTORAL VOTES

Mr. TILSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table concurrent resolution S. Con. Res. 28 and pass the same.

The Clerk read the concurrent resolution, as follows:

Concurrent resolution

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 13th day of February, 1929, at 1 o'clock p. m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

RECESS ON CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk another resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 294

Resolved, That on Wednesday, February 13, 1929, it shall be in order to move that the House take a recess, subject to the call of the Speaker, for the purpose of counting the electoral vote, notwithstanding the provisions of clause 7 of Rule XXIV.

Mr. TILSON. Mr. Speaker, just a word as to the resolution. Members will recall that the Calendar Wednesday rule provides against taking a recess. This simply allows a recess on Wednesday, February 13, for the purpose of counting the electoral vote.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

EQUALIZATION OF RANK IN THE ARMY AND NAVY

Mr. MORIN. Mr. Speaker, I am directed by the Committee on Military Affairs to ask unanimous consent to take from the Speaker's table the following bills, which I shall call up. I first ask unanimous consent to take from the Speaker's table the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

CAPT. JAMES P. WILLIAMS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the Senate amendment.

Mr. SNELL. Will the gentleman from Pennsylvania tell us just what this means?

Mr. MORIN. It appears now that this man is in the Army, but at the time the service was rendered he was in the marines.

Mr. HOWARD of Nebraska. Mr. Speaker, I desire to ask a question for information. I notice the gentleman employs the word "campaign" with reference to the Nicaraguan operations of our troops. Quite generally it has been understood, I think, that "campaign" refers to military activities in time of war.

Mr. SNELL. And election campaign.

Mr. MORIN. The gentleman from Texas [Mr. GARRETT] drew the bill and presented it. I do not know what he had in his mind. He can probably give the information.

Mr. HOWARD of Nebraska. I do not care who drew the bill. I did not know we were at war with Nicaragua and I do not like to have that term there.

Mr. MORIN. I think it was some time previous to the latest activities in Nicaragua that this man served there.

Mr. HOWARD of Nebraska. If that is so, we may have had some war down there at some other time, but not now; and I have no further objection.

Mr. GARRETT of Tennessee. I did not catch the explanation of the amendment made by the gentleman.

Mr. MORIN. The man who is affected is now in the Army and when Mr. GARRETT of Texas drew the bill he thought this service was rendered while he was in the Army; but he had previously been in the marines, which is under the Navy.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was agreed to.

JAMES W. PRINGLE

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1320) for the relief of James W. Pringle, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to concur in the Senate amendment. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I am assuming, with respect to all these bills which the gentleman calls up, that there has been a conference with the minority Members.

Mr. MORIN. I so stated in making my request.

Mr. GARRETT of Tennessee. I understood the gentleman to state that in the beginning, but there were some Members about me who did not hear the gentleman's statement.

Mr. MORIN. I have consulted with all the Members.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was agreed to.

MORRIS FOX CHERRY

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12538) for the benefit of Morris Fox Cherry, with a Senate amendment, agree to the Senate amendment, and pass the bill.

The Clerk read the Senate amendment.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, are these bills that have passed the House or bills that were objected to on the Private Calendar?

Mr. MORIN. The bills have passed the House.

Mr. LAGUARDIA. And are coming back with an amendment?

Mr. MORIN. They amended the bill by putting in the language that is usually put in these bills.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16301, independent offices appropriation bill. And pending that, I would like to see if we can not agree upon time for closing general debate.

Mr. CULLEN. I understood the chairman of the committee to suggest three hours, when debate shall close. That would be perfectly satisfactory to me.

Mr. WASON. Then, Mr. Speaker, I ask unanimous consent that general debate be continued not to exceed three hours, to be

equally divided between the gentleman from New York [Mr. CULLEN] and myself.

The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16301, and pending that asks unanimous consent that general debate be limited to three hours, one-half to be controlled by himself and one-half by the gentleman from New York [Mr. CULLEN]. Is there objection?

There was no objection.

The motion of Mr. WASON was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of a bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes.

Mr. WASON. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, ordinarily I am glad to yield for questions and interruptions, but I am particularly desirous to-day of proceeding without interruption, so that I may be able to make a continuous statement. I will ask Members therefore not to ask me to yield in the presentation of this matter.

THE BILL TO PREVENT FRAUD IN CONNECTION WITH BUSINESS BEFORE THE UNITED STATES PATENT OFFICE

Many Members of the House and Senate have asked me for information about H. R. 5527, introduced by me, a bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office. The inquiries result from unfair, misleading, and very selfish propaganda recently spread through the country by one A. J. Wedderburn, formerly registered to practice before the Patent Office. The propaganda, copies of which have come to my hands, is sent out by Wedderburn, whether as coming from the Patent News, of which he is the publisher, or the League of American Inventors, of which he is the whole works. Many good people have been misled and caused concern by this propaganda, and I am glad to give the facts to the House for the benefit of all persons interested.

My concern in this legislation arose from an appealing case in my district, where a poor old man, who thought he had a worthy invention, was victimized by another alleged altruistic organization to help inventors. He paid them fifteen hundred dollars without even getting a patent. I found then that the Patent Office could not reach the real principals in the fraud, because those who solicited the business and who received the money were not registered to practice before the Patent Office and did not so practice. The bill H. R. 5527 was then drawn by the Patent Office and the Department of Justice.

The Patent Office maintains a register of attorneys entitled to practice before the office. There are about 9,000 or 10,000 persons who are thus registered. To obtain registration an attorney must show he is possessed of good moral character and has had sufficient experience in patent matters as to be able to render intelligent aid to inventors in obtaining patents for their inventions. This register of attorneys is established and maintained by authority of section 487 of the Revised Statutes. Under this section the Commissioner of Patents may, after suitable investigation and an opportunity for a hearing, disbar from further practice before the office any attorney, person, or agent shown to be guilty of gross misconduct, but such order of disbarment, as well as a refusal to register anyone as attorney, is subject to appeal to the Supreme Court of the District of Columbia.

This authority would seem to be sufficient to prevent corrupt practices and fraud by attorneys or agents, and for years such statutory authority was fairly sufficient, but there has of recent years been discovered by unregistered attorneys ways to get around the law and escape the control by the Patent Office of their activities. One of the most successful ways is to file the applications and prosecute them in the names of the inventors, the agent's name not appearing in the record.

The business between an inventor and his agent being almost always conducted by correspondence, the inventor is unaware that the attorney is not registered and can not appear before the officials of the office, as registered attorneys do, to present the inventors' claims and interests. The office letters are, in such cases, sent to the inventor's address, who has been instructed to forward them to the attorney. In this manner a good deal of fraud has been practiced on inventors who are ignorant of all these matters and no way has been provided for reaching and controlling these fraudulent activities. A number of so-called patent attorneys in various parts of the country (including the Patent News), who are not registered to practice before the Patent Office, follow this plan of filing applications and amending them as if the inventor was doing the work himself and had no attorney or agent.

The records of the Patent Office show, in the letters from disappointed inventors, that much crooked work has been carried on by unregistered attorneys.

The bill H. R. 5527 is intended to correct this evil and would prevent all unregistered attorneys, including the Patent News, from filing and prosecuting applications in the Patent Office in the manner they have in the past.

The Patent News is published, as I have said, by A. J. Wedderburn. He formerly was a registered attorney before the Patent Office. A number of years ago under Commissioner Newton a serious controversy arose between him and the Patent Office authorities. It was charged by Commissioner Newton that Wedderburn was using unfair and misleading advertising methods in his advertising in the Patent News, and he demanded that such advertising methods be discontinued. Rather than conform to the requirements of the Patent Office, and rather than face the possibility of being disbarred, Mr. Wedderburn withdrew his registration and hence is not now entitled to practice in the Patent Office. His attitude toward my bill, H. R. 5527, is, therefore, a very personal one. In his propaganda to the country, he professes great concern about the legal profession which he himself does not at all adorn and toward other professions and people for whom he has no real concern. His purpose is only to get them to pull the chestnuts out of the fire for himself. The same misleading and irresponsible methods that characterize his propaganda to entice inventors to his net through the Patent News characterize his propaganda to mislead the lawyers, the engineers, and the general public with reference to the provisions and the purposes of my bill, H. R. 5527.

H. R. 5527 is for the sole purpose of preventing either an unregistered individual or a corporation from holding himself or itself out as a patent attorney. This is the only purpose of the bill.

The bill will not affect any person no matter what his vocation—draftsman, engineer, publisher, or otherwise—from pursuing his vocation unless he represents himself to be a patent attorney.

Much misrepresentation has taken place concerning this bill, but from the fact that the bill is supported by the American Bar Association and the different patent law associations of the country, including the American Patent Law Association, having members in more than 50 different American cities, and opposition has been entered by one only—or at most two—registered patent attorneys, it can be readily seen that all such misrepresentations must be without merit. The opposition is centered in less than half a dozen people, and all of them except one are unregistered. One of these has been disbarred and another was formerly but is not now registered. The one who is not now registered is the proprietor of the Patent News, a so-called newspaper styling itself as the "official organ of the League of American Inventors," and making the claim that it is "the only newspaper on earth published exclusively in the interest of the inventor." The proprietor of this paper, the Patent News, has organized the League of American Inventors and is endeavoring to scare corporations, engineers, draftsmen, and publishers into the belief that the bill will adversely affect them when, as a matter of fact, it has no possible effect upon their activities and does not even concern them.

One statement made by the Patent News is that "a handful of patent attorneys" are attempting to pass H. R. 5527, which "will create a monopoly of the patent business for these interested attorneys." In this connection it is interesting to note that there are at least 9,000 registered patent attorneys, and if the bill had this purpose they would certainly oppose the bill instead of being found among its supporters, but that, as above stated, only one—or possibly two—registered attorneys have entered opposition to the bill.

The Patent News also is spreading broadcast the statement that—

no corporation, including a publisher's corporation, can indirectly solicit professional employment for any person admitted to practice as a patent attorney. Advertising in our view is an indirect soliciting of such services.

This is a manifest absurdity, since there is absolutely nothing in the bill that could possibly be twisted into such a

meaning, and if the bill had this purpose not a single member of the Committee on Patents would have supported the bill, and yet the Committee on Patents, after thorough investigation and many long hearings, has supported the bill and it has now passed the House the second time.

The Patent News is also sending broadcast the statement that H. R. 5527—

would deprive about 125,000 engineers, 60,000 draftsmen, 100,000 model makers and machinists, and many other professionals of their vested rights to do work in assisting inventors to perfect their inventions unless said professionals are employed through a registered patent attorney.

No one familiar with patent procedure could read the bill and not see that this is all absolutely false. Indeed, it seems incomprehensible that anyone should seriously charge that both the Patent Committees of the House and Senate, and, in fact, that the House itself—which has twice passed this bill—could possibly attempt to pass a law having such a dire effect. The bill will not prevent any engineer from pursuing his profession; it will not prevent any draftsman from making a drawing to be filed by an inventor as part of his patent application; it will not prevent any model maker or machinist from making a model or machine for any inventor. The most it will do will be to prevent an engineer, a draftsman, or model maker—or anyone else—from representing himself to be a patent attorney unless he is registered. The engineer can aid the inventor in every engineering way; the draftsman can make as many drawings for patent applications as the inventors are willing to pay for; and the machinist and model maker can make as many machines and models as they can get orders for; but if they want to enter the other or additional field of patent attorney, they must first be registered. If anyone not registered holds himself out as a patent attorney, the commissioner is not given any authority by this bill to do anything to such an offender, but the matter of taking steps to stop or punish him will lie with the United States district attorney of the district in which the offender lives. The bill then gives the Commissioner of Patents no more authority or power than he now has and has had for years.

Misrepresentations as to this bill above noted are being sent to engineers, lawyers, draftsmen, model makers, and even publishers, with the request that if they wish this "monopolistic legislation" to be defeated they should "get as much pressure to bear upon Senators as possible to defeat the measure," and ask their Senators to "fight the bill." Their correspondents are also advised that—

You should also get every lawyer, inventor, engineer, draftsman, model maker, and machinist you know to do likewise; and also get your friends who are opposed to monopoly and the concentration and abuse of power among a small group of Washington, D. C., men and a monopolization of all business connected with patents by a few registered patent attorneys to write their Senators in protest against the passage of H. R. 5527.

It is the sending forth of statements of this kind that is bringing requests to Congress to defeat this urgently needed legislation. The matter is said to be so acute "protests should be sent by telegraph, special delivery, air, or regular mail."

Let me repeat: If this bill did anything more than to prevent anyone from holding himself out as a patent attorney until he has shown himself of good moral character and possessed of a proper knowledge of patent matters, if it prevented an engineer from aiding an inventor in perfecting his invention, if it in any way prevented a draftsman from making drawings for the inventor, if it prevented a machinist from making machines for the inventor, if it prevented a model maker from making models for the inventor, if it prevented a publisher from publishing patent advertisements, I would never have introduced the bill. And let me add that these same statements were investigated by the Committee on Patents and all of them were found to be wanting in truth. [Applause.]

Mr. WASON. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I desire to touch upon two of the items in the pending appropriation bill. The same points that I raise to-day I have been raising almost every year when the independent offices appropriation bill was before the committee for consideration. And even at the risk of becoming tiresome by repetition I want again to call the attention of the House in the hope that the necessary remedial legislation will be passed.

Gentlemen, we have an item in the bill of over $499,000,000 for the Veterans' Bureau. A large part of that item naturally is for the allotment of adjusted compensation. To that there is no objection. But it seems to me that an examination of the enormous cost brought about by the gigantic machinery that is being built up for the administration of the veterans' law causes one to pause and consider whether or not we are spending too much on overhead and not giving enough to the veterans.

There are entirely too many examinations and reexaminations in the Federal bureau. Once a veteran is rated he should not be disturbed for two years unless the man asks for a reexamination for a higher rating. Another thing veterans should not be compelled to undergo operations when their own personal physician advises against the operation.

This bill carries an allowance of $499,000,000 for the Veterans' Bureau. I can only repeat what I have said for many years in considering this bill that I believe a great deal of the overhead—clerical, supervisory, medical, and institutional employees could well be disposed of and better compensation allowed to the disabled veterans.

To my mind, it is simply disgraceful to give a veteran afflicted with tuberculosis an allowance of $50 a month. He is not able to work and he can not live on $50 a month. This seems to be the period of refunding some of the excessive burdens of the war. More than $500,000,000 have been refunded and only a few days ago we appropriated an additional $75,000,000 to the poor, feeble, needy war profiteer who paid taxes on his excess profits out of the war. We can not refund the health to these tubercular veterans, but we can at least keep faith with them and increase their compensation. Fifty dollars a month is not enough for a tubercular veteran.

There are entirely too many examinations and reexaminations in the Veterans' Bureau. Once a veteran is rated he should not be disturbed for a year or two unless he himself asks for reexamination for a higher rating. Another thing, veterans should not be compelled to undergo operations when their own personal doctors advise against same. Veterans who are to be operated on should have the selection of the hospital and the surgeon to perform the operation. In large cities arrangements can easily be made with medical institutions where great surgeons operate daily and give the benefit of their skillful surgical services to these boys. If not, ample and generous provisions—and it may cost a great deal—should be made to compensate boys who undergo operations that are botched up. There are many such cases and only within a few days I have talked to several Members who have had similar cases in their own districts. If less money were spent for examinations, reexaminations, ratings and reratings, boards of review and other kinds of reviews, and more given to the veterans, it would be in keeping with the wishes of the American people.

I still insist and recommend that tubercular veterans who are hospitalized should have the selection of either going to the Government hospital or receiving the per diem allowance which it costs the Government to maintain him in such hospital and to permit him to go where he desires. The argument of the Government that tubercular veterans need hospital care and can not provide for themselves is suggested when we ask for the same per diem allowance for the veterans as it costs to maintain him in the Government hospital. When the Government turns him loose after one year of treatment still afflicted with tuberculosis at $50 a month, then nothing more is said by the Veterans' Bureau officials of the need of continued hospital care and the impossibility of permitting a veteran to remain at home.

I do not see how these war profiteers, who received millions of dollars of refund from the Government from taxes paid on excess war profits, knowing that there are tubercular veterans receiving $50 a month from the great Government of the United States, can possibly sleep nights. Their consciences must certainly be tortured by the very thought of such a condition.

If the cost of keeping a veteran in a hospital is examined, you will find that it averages $4.50 a day to $7.50 a day, depending upon the hospital; and if we allowed the boy $4.50 a day, I believe it would be a great deal better for the veteran himself, because the state of mind is a most important factor in tubercular cases. What do we do? We take him to a hospital and keep him there for a year. We allow him proper compensation for a limited period, and then we turn him loose at $50 a month. If the argument of the Veterans' Bureau is sound that a tubercular patient should not be permitted to be at large, how can they justify their own system of turning the patient loose at $50 a month?

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LUCE. Is not what the gentleman calls "turning loose" the dismissal of a case whose progress has been arrested?

Mr. LAGUARDIA. But the progress of the case has not been arrested. It is arrested merely for the purpose of the law,

and I submit to the gentleman and to our colleague, the gentleman from Illinois [Mr. IRWIN], who is himself an eminent physician, that an arrested tubercular case requires a great deal of care. The patient can not engage in laborious work; he can not risk exposure in inclement weather. He requires a great deal of care to hold his own in an arrested case, and $50 a month, with the existing conditions, with the care that an arrested tubercular case requires, is not sufficient. I know literally hundreds of boys who are simply going down physically by reason of the fact that with $50 a month they are not able to give themselves the care that is required, to provide for themselves the proper and necessary nutritious food that they need. It is not always possible for a boy to go out and find part-time light work. It is not possible always for a boy to find work only when the weather is good, so that he may remain at home and be protected in damp weather; so that it is cruel to turn the boy loose—and I repeat the term—at $50 a month.

Mr. LUCE. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. LUCE. In fairness to the Members of the House who have the particular responsibility for advising the House in this matter, I think the RECORD should show that they have given very serious attention to the considerations on both sides, and that the weight of the testimony has so far seemed to those gentlemen to be in favor of keeping patients close to medical care. While the gentleman presents a strong argument, still stronger arguments have been presented in favor of the present system to the committee concerned.

Mr. LAGUARDIA. What the gentleman stated is the condition. There is no issue of fact as to that. Still I believe that $50 a month for an arrested case is not sufficient. I know that all pioneer work requires years of patient toil. Why, 10 years ago I sought to advise the House on Liberty motors, and it took 10 years of constant repetition to get an amendment stopping the further use of Liberty motors on new planes adopted by the House a few days ago. So I shall continue my insistence in bringing to the attention of the House the condition of the Veterans' Bureau, which I believe needs correction.

Now, I want to take up another item in the appropriation bill before the House.

Mr. PERKINS. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. PERKINS. Did the gentleman state what relation the overhead bears to the total expenditure for the World War veterans?

Mr. LAGUARDIA. I think you would have to eliminate from that calculation the amount appropriated for adjusted compensation.

Mr. PERKINS. I think that, too. I think we ought to know something about the relationship that the overhead bears to the total amount.

Mr. LAGUARDIA. I think I gave it last year. I can get the figures.

Mr. DENISON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DENISON. The gentleman discussed in an enlightened manner the question of the refund in excess-profits tax collected. Does my friend from New York think a man who has been charged an excessive amount of tax may not be entitled to get his money back?

Mr. LAGUARDIA. The gentleman should reframe his question. The gentleman means taxes in excess of what the law required?

Mr. DENISON. If a man believes that he paid more taxes than he ought under the law for his excess-profits tax, does the gentleman think he ought to make a claim?

Mr. LAGUARDIA. Yes.

Mr. DENISON. Does the gentleman think it ought to be paid back?

Mr. LAGUARDIA. Yes; but I also believe that the poor disabled veteran, who contributed excessively of his health should likewise receive an equal, substantial refund. We can not give him back his health, but we can give him substantial compensation and partially contribute to his comfort.

Mr. DENISON. We all agree, but that does not necessarily mean the gentleman believes we ought to pay back taxes improperly collected?

Mr. LUCE. Will the gentleman yield again?

Mr. LAGUARDIA. Yes.

Mr. LUCE. I am not quite sure, but perhaps $5,000,000,000 has been put at the command of those who suffered from the war. We have been seriously engaged in an effort to give them the best treatment possible. Of course, the exact figures could be computed, but something like $5,000,000,000 has been already paid. Is that parsimonious?

Mr. LAGUARDIA. You can not figure it in total dollars and cents. War is expensive. The gentleman knows that we are now spending more than 68 per cent, in fact 70 per cent, of the entire appropriations of this Government for past wars, for present defense, and preparations for future wars. It is the enormous cost of war. Whatever it costs to properly care for disabled veterans, we must meet it. We owe to these boys just as much in refunding, even a greater duty, as was so ably pointed out by the gentleman from Illinois, than we owe to the taxpayer who paid excess war taxes.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. ARENTZ. The other day I made a request for a bed for a tubercular patient, an ex-service man, and I found that there is not a tubercular bed in a tubercular hospital in the entire West that is vacant. I do not know whether that is true in the East or not.

Mr. LAGUARDIA. What of the boy in the meantime?

Mr. ARENTZ. He is in the same predicament as the boy who is let out of a hospital at $50 a month, wandering around.

Mr. LAGUARDIA. Why should not that boy be allowed a per diem sufficient to take care of himself?

Mr. ARENTZ. He should be.

Mr. LAGUARDIA. Now I want to take up another item in the bill providing for the Shipping Board and the United States Lines. I voted for every appropriation that would in any way encourage and help to build up an American merchant marine. I want the chairman to correct me if I am in error when I say that there is provided in this bill, in addition to the $11,000,000 plus directly appropriated this year, a reappropriation of the amount on hand on July 1, 1929, not to exceed $50,000,000, including such sums as the Shipping Board may have received for the fiscal year 1927 for the reconditioning of vessels—a very generous appropriation, indeed.

Congress appropriates generously for the establishment of a merchant marine. In the building up of a merchant marine, the training of the crew is as important as the ships and their operation. Whatever may be said about prosperity to-day—and personally I believe that a great deal of the prosperity is simply a stock-ticker prosperity—the fact remains that we have considerable unemployment. In New York City the unemployment situation is very acute. I am reliably informed, and I have figures to prove it, that in the stewards' department of the United States Lines aliens are preferred. Not one but hundreds and hundreds of clean-cut American boys have applied for jobs on the United States Lines and are turned down, while in the stewards' department on every ship of the United States Lines are aliens. When the steamship *Leviathan* sailed out of New York on December 5, 1928, the aliens in the steward's department outnumbered the citizens 2 to 1. There were 204 citizens and 452 aliens. The steamship *George Washington*, sailing from New York December 12, 1928, in the steward's department had 62 citizens and 257 aliens, and there are American citizens walking the streets of New York to-day looking for jobs. The steamship *America*, which sailed on December 27, 1928, in the steward's department had 67 citizens and 166 aliens. The steamship *Republic* sailed on the last trip with 50 citizens and 153 aliens in her steward's department. While a great many of these men have their first papers, I have absolute proof that they are not bona fide declarants. They took out first papers only for the purpose of being employed by the United States Lines on the advice of officials of the United States Lines, who assisted them in getting these papers. Ninety per cent of these men have their families on the other side and are recruited in Europe and England by officials of the United States Lines.

I have not yet determined just what is the reason that the men in charge of the United States Lines prefer aliens. I charge that it is because there is some queer business going on in the steward's department of those ships and the steward's department on shore that the employment of the majority of aliens fits into the whole rotten scheme.

The United States Lines can not say that they can not obtain the right kind of employees, for the reason that the merchant lines are running out of New York with 97 per cent of their crews American citizens.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ROBSION of Kentucky. I agree that, so far as can be, American citizens ought to be employed on our ships. But I have had this information from a number of concerns; I do not know how reliable it is. It is to the effect that these stewards' places or positions are rather positions of menial service and Americans will not accept them. Is there anything to that claim?

Mr. LAGUARDIA. No. Take the ships on the American Merchant Line. They find all the American-boy stewards that they require in going out of New York. Talking about veterans a few moments ago, a great many veterans in New York City would be glad to take up that work. Steward's work on a ship is not necessarily menial. The man can work himself up to a supervisory job. There are many desirable places in the steward's department that a young man can work up to. At present all these supervisory jobs are in the hands of either German or English subjects on the United States Lines.

The history of the sea has yet to record the loss of a ship where they had an American crew—where a crew saved themselves and every child was drowned and the majority of the women. That happened on the *Vestris*. There is no such blot on the history of American sailors, and there never will be. I am going to offer an amendment at the proper time compelling the Shipping Board to give preference to American citizens in place of the aliens who apply.

CHARGES UNITED STATES SHIPPING LINES BEING THE DUPE OF THE ENGLISH

The United States Lines and the Shipping Board are now whining and complaining because the Cunard Steamship Co. is entering into competition with them in the Cuban service. The fault is entirely with the United States Lines. Last year I advised this House and suggested that this very thing would happen. The United States Lines have been cajoled into joining the continental conference and other shipping conferences controlled entirely by foreign steamship companies. The officials have been so stupid as to permit the English to verily lead them by the nose. The foreign steamship companies control these conferences; they fix the rates, they arrange the schedules of sailings, they divide up the trade, they even fix up the commissions paid to agents, which commissions they themselves violate, and the poor, stupid officials of the United States Lines have been going along and doing as they were told by the English steamship companies; and now—although they are in the conference, although they have arranged their sailing schedules and rates according to the conference—here is a company in this very conference entering into competition in the Cuban service.

It we are to have rate war, we might as well have it so that we can be part of the war; but by the United States Lines joining in the conference, the foreign steamship companies are waging war against United States ships; and the United States Lines, by being part of the conference, are being told what to do and how to do it by these foreign steamship companies.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BANKHEAD. A moment ago the gentleman spoke about these competitive steamship companies violating conference agreements with reference to the commissions paid to their agents. Has the gentleman any information as to whether or not they also violate their agreements with reference to freight charges?

Mr. LAGUARDIA. I have some data on that in my office. Do they not get around that by preferential railroad rates on the other side? I think that is one of the ways they do it. But, of course, I suppose they also violate their agreements on the amount of commissions to be given to freight agents. It happens all the time and yet the United States Lines were cajoled into this conference and remain in it. I can not see that we get any benefit from it. We abide by the terms of these conferences in good faith, but the same terms do not seem to be binding on the foreign steamship companies; and that is my objection to it.

Now, the officials of the Shipping Board talk about a rate war. If we are going to have a rate war then let us have an honest-to-goodness rate war, where we can go out and have as much freedom of action as the foreign steamship companies seem to have against our lines.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CULLEN. Mr. Chairman, I yield 10 minutes to my colleague from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a brief newspaper clipping.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman and gentlemen of the House, I have the honor to hold the subordinate position of Democratic whip of this House. For nearly eight years I have served as first assistant to my friend and our lamented colleague, Hon. W. A. Oldfield, long the Democratic whip. When other duties or illness compelled him to be absent I usually performed as far as I was able the duties of the place.

Mr. Oldfield's death made us sad and left a big gap here. At that time it was and it is now hoped that my friend the gentleman from Texas, Mr. GARNER, would succeed Hon. FINIS J. GARRETT, whose prospective retirement we all regret, as minority leader of the House. I knew and then told the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Texas [Mr. GARNER] that the Texas delegation could not decently ask or hold at the same time the positions of leader and whip on this side. The gentleman from Texas [Mr. GARNER] had been in Congress some 16 years before I came. He has long been the ranking Democrat on the Ways and Means Committee, where he has rendered substantial and conspicuous service to the party and Nation. His position, his ability, his service, and his seniority made it preeminently appropriate and right that he should become minority leader upon Mr. GARRETT's retirement.

Messrs. GARRETT, GARNER, and other colleagues therefore understood clearly from the first that my service as whip would be terminated when Mr. GARNER became leader. I want my colleagues and the country to know the facts as they have been definitely recognized by me and many others from the beginning of my service in this unpretentious capacity.

I wrote my recent letter to Governor Roosevelt as a Democrat belonging to the rank and file in this House and in the country. I am glad I wrote it.

Governor Smith received my support in the recent compaign and Governor Roosevelt had it when nominated for Vice President some years ago. Being strongly attached to the party and deeply interested in its faithfulness and efficiency in serving the Nation, I wrote Mr. Bryan about party policies after one or more of his campaigns, and Hon. John W. Davis on the same subject after his defeat four years ago.

In writing my recent letter to Governor Roosevelt I was moved by the same purposes which have heretofore prompted me and said only what millions feel and what the humblest Democrat has a right to say. His letter to me dealt with future party management, and mine to him complied with a request in his letter to me in the following words:

I hope you will write me soon.

Dissatisfaction in some political circles with my reply must arise because I candidly stated the situation as I see it and future developments as I foresee them, or because I let the public know what I was saying about public affairs of vital public importance.

I am not and have never been affiliated with the Ku-Klux Klan.

Few, if any, publications carried my letter to Governor Roosevelt in full. The first sheets released carried full verbatim copies. After the letter had gone to Governor Roosevelt the correspondent of two important dailies notified me that he would not report what I had written about the development of tolerance and religious liberty in America and the necessity of continuing them. Because that section was somewhat long and liable to be distorted by abridgements, I eliminated it from all subsequent releases. It was as follows:

Our Government does not handle questions of church creeds and practices; therefore they are not political. The extermination or subjugation of either the Catholic or the Protestant group by the other is impossible. Efforts in that direction filled a large part of Christendom with strife and distress for ages. Chiefly through the efforts of Mr. Jefferson, America worked out the plan of having our religious groups cease all political strife, practice tolerance, enjoy equality, and join in working for the political commonweal. Without political equality religious liberty is impossible. Neither Democratic people nor their leaders can deny either of these groups political equality without violating a fundamental of Americanism and democracy and sowing the seeds for a fearful and continuing harvest to be reaped by coming generations of Americans. In making its nominations and shaping its policies the party must avoid raising this religious issue.

I hope the press will find it worthy of publication.

With permission of the House, I quote at this point a brief newspaper report published in the Minneapolis Journal of July 14, 1928:

RASKOB MAY QUIT REPUBLICAN CLUB—DEMOCRATIC CHIEF DECLARES HIMSELF WILLING TO RESIGN FROM UNION LEAGUE

PHILADELPHIA, July 14.—John J. Raskob has indicated his willingness to resign from the Union League here if his membership in that organization, which always has been Republican, and which has indorsed Secretary Herbert Hoover's candidacy for the Presidency, should prove an embarrassment to the club because of his acceptance of the chairmanship of the Democratic National Committee.

Speaking last night at his summer home near Centerville, Md., he said:

"I have no desire to embarrass the Union League. I shall be guided by the advice of the officers; and if it is found that continuance of my name on the rolls is embarrassing to the membership, I shall be glad to resign."

Mr. Raskob denied a report from Washington that he had urged President Coolidge to be a candidate for the Republican nomination.

"I did not talk to the President about the campaign," Mr. Raskob said. "It always had been my private opinion that Mr. Coolidge would be drafted, because, as a business man, I did not believe that the Republican Party would take a chance with a weaker candidate against the popularity of Governor Smith."

Many other press reports indicating that Mr. Raskob has been and was during the recent campaign a Republican have been published and, so far as I know, have never been denied. In many instances the majority Republican or Democratic organization dominating the politics of certain regions has controlled the local party machinery of the opposing party, feeding minority leaders from the back doors of the dominant bosses, holding the local minority organization in a kind of vassalage, and making it subservient to the usually unworthy purposes of the master machine.

Early in the recent campaign Democrats heard with dismay that their national party organization had been placed in the charge of a master of finance of the Republican Party faith, who, without becoming a Democrat, took charge of the dishonored and perverted organization largely for the purpose of using it to repeal or emasculate the eighteenth amendment, ratified and cherished by every safely Democratic State and overwhelmingly adopted by the Nation in a constitutional way.

Governor Smith may correctly estimate some of the people of some parts of the country, but in making the arrangement mentioned he demonstrated that he greatly underestimates the independence, self-respect, and patriotism of the Democratic hosts of the cities, towns, and open spaces of America.

Many Democrats rebelled. Party loyalty and insuperable objections to supporting the Republican régime compelled many others to tighten their lips and endure the situation; but, if I know them, they will not passively permit themselves and their party to be thus enmeshed again.

Mr. Chairman and gentlemen, I am not fighting the Democratic Party or Democracy. I expect to die a Democrat. If I could, I would free the national Democratic organization from unworthy and subverting Republican control. The spirit and purpose of Democracy are sound, but its national organization is for the time in charge of one who would use it for purposes foreign to its mission and unworthy of it. [Applause.]

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I want to briefly reply to a statement made in the RECORD yesterday, which is very misleading and may be harmful.

The gentleman from South Carolina [Mr. STEVENSON] was talking about the tariff and the effect of a meeting held in New England recently and said:

I want to direct the attention of this House to the fact that we are to have tariff legislation next year, and it was stated by the chairman of that great meeting that they hoped to insert into that tariff bill a provision which will protect only those that are limited to a 48-hour week.

Having been the chairman of that meeting, I do not want any such statement attributed to me.

After listening to a very eloquent and interesting address from one of the prominent labor leaders, who said, in substance, that the tariff had not helped labor to the extent expected, inasmuch as the Southern States by exploitation of labor, after they shared in tariff protection, had been able to injure New England by fierce competition, I simply said, "Let us see, then, if we can in any way apply some labor legislation into the tariff."

But it had been previously explained in the meeting how impossible it was to inject any labor legislation into tariff legislation. While I have this five minutes I will take the opportunity to refer to the 48-hour week, as so many have referred to the constitutional amendment of the gentleman from Massachusetts [Mr. DALLINGER] demanding a 48-hour law for all of the States. Perhaps that gentleman and others of us who favor the principle do not expect immediate action, but it is an effective way to bring the attention of the Congress to the fact that labor is being exploited in this way, bringing about deadly competition in industries within our own country.

I wish to call the attention of the committee to the fact that whenever Congress has had the opportunity, as in the Adamson law, labor was restricted to a 48-hour week; and when we write contracts now—and as we shall continue to write them—we provide that they be performed under a 48-hour week.

So this Government, through the Congress, is on record, whenever possible, to set the example of the 48-hour week; but we are not so foolish as to think, and do not want you to expect, that there will be any attempt whatsoever, so far as I know, to inject into a tariff bill the 48-hour-week problem simply because we know of no way that it could be accomplished in such legislation.

Mr. WASON. I yield 20 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman and members of the committee, I was interested in the speech of the gentleman from New York [Mr. LAGUARDIA], in which he described the effects of destructive competition in shipping and the efforts made to deal with it.

This problem of destructive competition is important, not only in international business but it is one of the gravest issues in domestic commerce. It is to that problem that I desire to devote the time which has been allotted to me.

In 1914 Congress created the Federal Trade Commission, and in that act laid down the ban against unfair competition. Section 5 of that act is as follows:

SEC. 5. That unfair methods of competition in commerce are hereby declared unlawful.

The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

Now, in my estimation one of the outstanding methods of unfair competition in business is the practice of selling trademarked, identified, standard merchandise at ruinously low prices in order to broadcast the belief that all goods are sold at the same low prices. Such practices deceive the public and destroy competition.

However, the Federal Trade Commission has never acted upon this method of unfair competition, presumably because the Supreme Court of the United States, in the Doctor Miles Medical Co. case of 1911, declared that price-maintenance contracts to prevent such price cutting for ulterior purposes were in violation of the Sherman antitrust law of 1890.

The Federal Trade Commission endeavored to act in line with this Supreme Court decision and began action against various business concerns charged with attempting to maintain prices. This led to such confusion that the commission on December 12, 1927, issued the following memorandum:

The question of resale price maintenance is one of the most troublesome with which the commission has to deal in the present state of the decisions. The early Federal cases trace the principle to a passage in Coke on Littleton dealing with restraints on alienation. Courts, in attempting to apply these ancient principles, have fallen into hopeless confusion. Orders of the commission, issued under its organic act, have been upheld in some circuits and set aside in others on almost undistinguishable states of fact.

It is evident that legislation will be required to cure the present unsatisfactory conditions; and it seems unlikely that Congress will enact such legislation without definite information as to the probable effect thereof on competition and prices.

It is significant that for the year 1928 not a single action involving price maintenance was brought by the commission. During that year the whole investigating personnel was engaged in a complete investigation of this whole subject. I was informed to-day at the offices of the commission that its report would be transmitted to Congress in the very near future.

In line with the suggestion that legislation is necessary to meet the present unsatisfactory situation, I have had pending in the Committee on Interstate and Foreign Commerce H. R. 11, known as the fair trade bill. A similar measure has been introduced in the Senate by Senator CAPPER, of Kansas.

Here is the first section of that bill:

Be it enacted, etc., That no contract relating to the sale or resale of a commodity which bears (or the label or container of which bears) the trade-mark, brand, or name of the producer or owner of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed to be unlawful, as against the public policy of the United States or in restraint of interstate or foreign commerce or in violation of any statute of the United States, by reason of any agreement contained in such contract—

(1) That the vendee will not resell such commodity except at the price stipulated by the vendor; and/or

(2) That the vendee will require any dealer to whom he may resell such commodity to agree that he will not in turn resell except at the price stipulated by such vendor or by such vendee.

The remaining sections provide that there must be no agreement between producers or between wholesalers or between retailers as to sale or resale prices. All reasonable contingencies when standard prices may be reduced are also provided for in the bill.

The Interstate and Foreign Commerce Committee of the House has held the most exhaustive hearings on this subject, with full opportunity for both sides to be heard. A subcommittee then went into the matter, and four members out of five urged immediate favorable action. One paragraph from that report is as follows:

The testimony already taken shows that local dealers suffer destructive competition from these chain stores and other large distributors with great capital, who often offer standard goods of a nationally advertised brand at prices which represent cost, or, in some cases, less than cost. They do this for the purpose of attracting customers, and make up their loss on this standard article by greater profits on staple goods on which there are no standard or advertised prices, so that the customer is not advised as to a fair price.

Mr. Chairman, of course I do not know what the Federal Trade Commission will report. I do know that it can not fail to point out the evils of the present situation. Legislation alone can remedy these evils, and Congress is responsible for legislation. We have declared unfair competition to be unlawful. Our duty now is to declare predatory price cutting on standard goods to be unfair competition, and grant independent business men the power to protect themselves against it.

Such action will be taken in the public interest. The people of this country are vitally interested in fair competition, because unfair competition is the sure road to oppression, injustice, and monopoly.

Mr. Chairman, the evil effects of cut prices on standard services have been recognized by the United States Government and by every State in the Union. It has been universally recognized that discrimination in prices, while benefiting the few, has always worked injury to the general public.

The antitrust laws were passed for the express purpose of preventing monopolies from being built on cut prices. Specific laws in the States provide severe penalties for the individual, firm, or corporation that cuts prices on standard services.

These laws forbid discrimination by railroads and public utilities, pipe lines, warehouse companies, and on all kinds of insurance.

Why do the governments, representing the people, take such action? Certainly the person who secures the cut rates is benefited. Is it fair to take his bargain from him?

If a man can get an insurance policy on his life at half rate because he is an intimate friend of the agent, why should he pay more? If a man has a pull with the gas company, why should he pay the regular price for lighting and heating his house?

These questions answer themselves. We have all come to see that uniform rates are essential to public protection against injustice—unregulated monopoly. If some pay less than a fair rate, others must pay more.

Exactly the same principles apply as to standard goods, and general recognition of that fact can not be much longer delayed.

Whenever the Government deals with a business it must of necessity insist, first of all, upon selling-price control. The railroads can not cut rates, give rebates or unfair advantages. The first regulation must be regulated prices.

Postage stamps are sold at uniform prices, and there is a law on the statute books prohibiting any juggling with those prices.

When the Pan American Union put out its book on The Panama Canal the stipulation was made that the retail price must be uniform. The director said, "I did it to protect the public."

If you visit our national parks, you will see standard prices fixed by the Government for transportation, meals, rooms, baths, and so forth.

Now, if unfair competition on prices is so completely prohibited by government where it has responsibility, is it not fair to assume that a system of cut prices on standard goods may also be against the public interest?

Already a number of States have acted. Among others, New Jersey, Missouri, Indiana, Wisconsin, and California have passed laws designed to prevent "cut rate" dealers from undermining the market on trade-marked goods and from deceiving the public into the belief that unknown and unmarked goods are sold at similar low prices.

The simplest, least expensive way of ending unfair price competition on standard goods is through a free contract between the manufacturer of such goods and his distributors. Until the Doctor Miles Medical Co. decision this was the method which had been declared valid in many Federal courts.

However, that decision declared that such a contract was in violation of the Sherman antitrust law. Then ensued a period of jungle competition which has continued to the present time.

As a result, great distributing combinations are growing like mushrooms and are having, in my opinion, a menacing effect upon the social and business life of America. In so far as they thrive through cut prices on standard goods they are endangering honest business. Most of them are out for profits, regardless of the interests of the consumer.

Those of us who stand for fair competition in business propose to make these combinations deal fairly with the public, manufacturer, and fellow distributors as far as standard goods are concerned. We propose to permit the manufacturer of identified goods to enter into contract with his distributors as to the fair and uniform price at which his products shall be sold. We propose to prevent the formation of merchandising monopoly through deception and unfair competition.

We contend that such a right will not mean higher prices to the consumer, but lower prices. It will take away no just privilege from consolidated business, but it will take away one weapon of unfair competition. It will give no undue advantage to independent business, but it will give a square deal to fair competitors.

It will encourage efforts to reduce the cost of products and increase their quality, knowing that a fair price may be protected. It will afford opportunity to the individual to sell his services or his commodities on a basis fair to customers, manufacturers, and distributors.

One thing is certain—if we fail to secure the boon of fair competition, opportunity in independent business will not much longer stand knocking at the door of young America.

In his acceptance speech at Palo Alto, President-elect Hoover said:

As Secretary of Commerce I have been greatly impressed by the fact that the foundation of American business is the independent business man. We must maintain his opportunity and his individual service. He and the public must be protected from unjust competition, from domination and predatory business.

That is the expression of a great purpose with which every good American must agree. We should give the independent business man a fair field but no favors. If we safeguard him from unfair competition, he will take care of himself. We should give him a chance to protect himself against price-cutting profiteers. We should let him know that efficient, economical service is the sure road to success. I am confident that, given a square deal, the independent business man will show he is worthy to continue as a self-reliant, efficient servant of the American public.

He is not getting a square deal under present conditions. He is being destroyed by unjust competition, domination, and predatory business.

Let us survey the field. There are three factors in the production and distribution of the goods upon which the welfare, prosperity, and happiness of the whole people depend. They are: Retailer, wholesaler, and manufacturer. Each factor is vitally concerned in this problem of fair competition.

Mr. Chairman, let us consider the plight of the independent retailer. The work in which he is engaged is of vital importance to every American. His job is to get to the ultimate consumer the things he must have in order to maintain life. Food, clothing, necessaries, and comforts must be bought in large quantities and sold in small. There is no way to get them to the American home except through some form of retail distribution.

No one need apologize for being interested in this essential phase of business. It comes closest to the family and the home. The welfare of every man, woman, and child depends upon the performance of this task. That it be performed in the most efficient and economical manner is of the first importance. There must be a fair price for the goods sold and there must be adequate service to the public.

There are about a million and a half retailers in the United States handling every conceivable commodity from apricots to zinc. Up to this time the very foundation of this far-flung system of distribution has been the independent retailer, serving the community of which he is an active part and in whose welfare he is already interested.

"Uncle Joe" Cannon in his "autobiography" has defined the place of the independent merchant in early American days in the following terms:

The pioneer and the little shopkeeper of pioneer days and after him the small merchant and after him the captain of industry were in no

respect different except that the merchant took greater risks. The men who bridged the rivers and built the railroads were not the only pioneers.

Now, Mr. Chairman, what is the predatory business to which the President elect referred? The word itself takes us to the jungle, and where perpetual warfare means the survival of the strongest and the most cunning. That word makes us think of beasts of prey, whose law is that of tooth and claw.

The predatory retailer is the one who drives the small concern to the wall through unfair competition. Of course, he can not avoid the laws of successful business any more than the laws of gravitation. Business, in order to endure, must yield a living profit. If money is lost on some articles it must be made up on others. But the predatory retail concern may destroy competition if it can delude the public into believing that it sells all goods for less than others charge.

There is but one way to practice such deception. Set the trap with bargain bait, using standard, trade-marked articles, at prices far below the standard, publicly approved price. Then having lured the public into a false belief, sell unnamed and unidentified goods at excessive prices.

If this be practiced by some huge combination, with many stores, the profit from one store or any group of stores may be sacrificed until competition is destroyed. Then the losses may be recouped by advances all along the line, while the duped and deluded public pays the bills.

That is predatory business. It is selling at cost or below cost some well-known, standard products in order to create the impression of universal bargains. Its method is always unfair competition, never fair competition. It always cuts prices for ulterior purposes, never stabilizes prices on a fair level.

Those of us who wish to give the independent retailer at least a fair chance against predatory business believe that a great deal may be accomplished through the so-called Capper-Kelly bill. Under this measure, the manufacturer of an identified, trade-marked product will be enabled to contract with his distributors as to resale price. Its purpose is to protect business from the dealer who is both a price cutter and a profiteer.

Every independent manufacturer who desires to protect his uniform price from being juggled by predatory business will be able to do so. By proper and fair cooperation the maker of goods and the distributors of them will be able to protect themselves and the public from the effects of this unfair competition.

Mr. Chairman, the efficient retailer is in desperate need of such protection. Through the right of voluntary contract we are trying to give the independent business man who is honest and competent an opportunity to be secure from unfair trade practices.

We are trying to free such worthy men from unjust fear and menace—the fear of seeing a hard-won business destroyed overnight by piratical practices and the menace of competition based on fraud and deception.

This little bill is a David's pebble which will help to slay the Goliath of predatory price cutting. It will prove a declaration of independence for the independents. It means mutual profits sales, not cut price on one sale and extortionate prices on others.

The independent retailer can not protect himself to-day, because the Supreme Court has held that uniform prices on trade-marked articles can not be established by contract. At the same time the court has held that uniform prices on all articles can be established by ownership.

As a result of these decisions one giant concern may operate 18,000 stores and charge uniform prices on all articles sold, but an independent manufacturer can not act by contract with 100 retailers as to uniform price on his own standardized, guaranteed product. Contract, the weapon of the independent business man, is under the ban, while ownership, the weapon of the giant combination, is given judicial benediction.

Our desire is simply to put contracts and ownership on the same basis and thus give the independent dealer a chance to meet his mammoth competitor on equal terms.

It is time to act. It is true, as President-elect Hoover has said, that the independent business man has been the backbone of American business. It is also true that that backbone is not so steady and erect as in other times. It is bending beneath a heavy load.

The independent retailer is being attacked from many quarters—great semimonopolistic merchandising corporations, mail-order houses, chain stores, manufacturers' selling agencies.

In a little local paper which I receive I read the other day of the retirement from business of an old friend. He had been a neighborhood grocer for 30 years, making an honest livelihood, and no more. He went down before a unit in a nation-wide chain of stores.

If it were not so common that it has no longer any news value, every paper every day, everywhere, could have an item like this: "John Littlefellow, proprietor of the neighborhood store in Homes Street, has been forced to close out his business after 20 years in the same location. He has as yet made no plans for the future."

If we recognized real service to the community we would pin on the breast of many of these community builders the distinguished-service medal. Better still, if we recognized the principle of free opportunity which is involved in their elimination, we would prevent the overthrow of their business and their life work by unfair, dishonest competition.

Let us think of John Littlefellow. When he first established his store he served a few scattered families in a new district. He knew every man, woman, and child, and he was counselor, guide, and friend to all.

He extended credit to the man out of work, who ran up a bill which awaited happier times. He did not point to a "Cash only" sign. He had troubles as he struggled and planned to meet the needs of a growing community, but he kept them to himself. He believed in his community, in his own ability, and the goods he sold. He followed honest business methods. He sold goods at a fair price, which included a fair profit for himself. He had one price for all and did not cheat trusting customers or inexperienced buyers.

He was not great nor brilliant nor too wise. Still he faithfully served his people in fair weather and in foul. No time clock nor steam whistle marked his working hours.

He paid his taxes and his bills. He served on public committees and helped a little in every movement for the upbuilding of his home community.

His hair grew white, but he was happy in his job, and was very proud of the good will of his little place of business. Though he only cleared enough to support himself and his family, he would not have traded places with a king.

Then came a chain store to take advantage of trade developed in a built-up community. The hardships of pioneering had passed; now the field was ready for easy harvest. Prices on standard, nationally known goods were cut below cost. The store laid a line of trade-mark bargains to its overprice traps.

John Littlefellow saw his patrons leave, those he had served and accommodated for years. They were deceived and it appeared that he had been extorting excessive prices. Surely the chain store, which could give such bargains on goods whose prices were known to all, must give similar bargains on all goods. They could not see that the same hand which gave them a few pennies on identified goods also took a dollar out of their pockets in extortionate prices on unidentified goods.

John Littlefellow saw the situation clearly. Still he could not bring himself to adopt the tactics of the opposition. He could not sell some articles below cost in order to cheat his customers on others. He did his best but he was in a jungle war in which the most unscrupulous has all the advantage.

He asked no pity and he took his medicine. He fell a victim to unfair competition and closed his store one night for the last time. In his place stands a unit in a country-wide chain, managed by a hired man, here to-day, in the next State to-morrow. Rid of competition, this store is master of the field and prices go up, while the duped public pays the bill for unfair business methods just as it always does.

Is it not time to realize that a square deal to the John Littlefellows of business means the public welfare? Can we not see that the present rule of predatory competition is destruction to that free opportunity for which America stands?

What is the situation? Let us ask William J. Baxter, who wears the impressive title of director of research, chain stores research bureau. He was present on October 23, 1928, at the trade committee conference of the National Association of Manufacturers. That conference was held in the Waldorf-Astoria in New York City, and Mr. Baxter made an enlightening speech. He is proud of the growth of chain stores and is in a position to know the facts. He said:

> Although we had chain stores prior to 1920, there were certain forces that worked in the business situation in this country from 1920 on that have made for tremendous chain-store growth. In that growth I have been happy to be associated with some 300 chains.

Here is an expert who ought to be able to give information. All the more because he had been so happy in his work. Independent business men were not so happy, but why bring that up?

Mr. Baxter goes on:

> In 1920 the chains were doing 4 per cent of the business. To-day, as far as we have been able to determine, the chains are doing 18 per cent of the retail business. During 1928 the sales have been slightly in excess of $8,000,000,000. At the start of this year we had 101,000 stores in this country, chain stores which did as much business as approximately 300,000 independent stores.

That is not all. Montgomery Ward & Co. and Sears, Roebuck & Co. have embarked on a plan of establishing 1,500 great retail stores each within the next five years.

Edward A. Filene, department-store owner of Boston, believes that the all-conquering distributor will be the chain department stores. There are many chains now in existence, and the largest of all has just been announced, with Lew Hahn, of New York City, as president.

Then, too, many manufacturers are establishing exclusive selling agencies in many cities. These, of course, destroy the opportunity of the regular retailer to handle these standard products.

With such developments the slaughter of the independents has been tremendous. At least 300,000 independent dealers have gone down before such competition in the last eight years.

But that is not all, either. The Bureau of the Census has made a study of retailing in 11 selected cities. The report shows that 28 per cent of all the individually operated stores did an average weekly volume of only $43. Forty-seven per cent of all these independent stores did a weekly volume of less than $140.

That means that almost half of all the independent stores did a volume which means failure within a short time.

At that rate at least 500,000 independent retailers are on their way out of business, their places to be filled by units of nation-wide combinations. It is a ghastly situation which confronts the business man who is termed the backbone of American business.

Of course, there are those who say there are many unnecessary retailers and they should be eliminated. I believe there are too many retailers, and the reason is because of lack of fair standards. Every man or woman, no matter what his previous occupation may have been, believes he can be a storekeeper. He enters the field and attempts to secure business. The favorite way to attract attention is to cut prices on standard goods. This means failure, and in the end he goes out of business, leaving debts and losses which must be absorbed by the community at large.

The adoption of a square-deal price policy will help greatly in getting the number of retailers to the most efficient basis. Surely that is a better way of securing the proper number than by jungle competition, which destroys the efficient with the inefficient. We should give the independent a chance to prove his ability to survive under honest methods. Let it be the survival of the fittest rather than the unfit, as is the case when unfair methods are the determining factor.

We are on the high road to monopoly merchandising. We are seeing in distribution the situation outlined by the United States Supreme Court in the field of production many years ago. In the United States against Freight Association case, decided in 1897, the Supreme Court said:

> The result in any event is unfortunate for the country by depriving it of the service of a large number of small but independent dealers who were familiar with the business and who had spent their lives in it, and who supported themselves and their families from the small profits realized therein. Whether they be able to find other avenues to earn their livelihood is not so material, for it is not for the real prosperity of any country that such changes should occur which result in transferring an independent business man, the head of his establishment, small though it may be, into a mere servant or agent of a corporation for selling the commodities that he once manufactured or dealt in, having no voice in shaping the business policy of the company and bound to obey orders issued by others.

Could there be a truer picture of the situation in retailing than this judicial statement 30 years ago?

Are we going to continue to force efficient individual proprietors to go to work as employees of great chain corporations? Shall we extinguish their initiative and enterprise and make them cogs in mighty machines? Shall they be forced to look to New York City for orders as to what to sell and what to charge, how much to pay help, and whether or not they can deliver goods?

Not if I can help it. America needs the independent dealer whose only boss is the people he serves.

What is to happen if we continue the present process? After all the consolidations and mergers and destruction of independents, what then?

Well, you may be sure this Government can never tolerate monopoly in the sale of the necessaries of life. The average American hates monopoly in any form, but there is no monopoly so menacing as that which controls the sale of food, clothing, and the things upon which life depends.

Inevitably the Government must master retail monopoly by fixing prices. To do that the Government must have a great army of experts who shall be trained in values not only of products but of materials entering into them.

We have done that already with the railroads and public utilities. We have our Interstate Commerce Commission, our public service commissions, and the like to fix the rates the public must pay for these services.

But these are natural monopolies. There is waste and public loss in competition between railroads and gas companies and telephone companies. One trunk-line railroad will serve the public more efficiently and more cheaply than half a dozen competing units. One electric-light system in a city is better than a dozen, with their duplications and wastes.

The retailing business is not naturally monopolistic but naturally competitive. Mere bigness in retailing does not insure efficiency and economy; it may be a handicap where added expenses eat up all the advantages.

Still, while monopoly is not natural in retailing, it is possible, as no fair-minded person, facing the facts, can deny.

If we desire it, we should choose it intelligently and face the situation. We can not permit private monopoly in merchandising, and so we should prepare for Government regulation. We will never allow one or two men in New York City to fix the prices of everything we must buy, so we should train men qualified to fix fair prices for the public.

Unless we act that is where we will end. It would be amusing, if it were not so serious, to hear some of these would-be monopolists attack those of us who are defending the independent business men as friends of Government intervention in business. I have often been dubbed a socialist when I was fighting for fair and honest competition.

Mr. Chairman, I will tell them how to bring socialism. Let them continue building up their great retail trusts and driving independent business men out of their fields of service. Let them continue their unfair labor policies. Let them continue their cut-throat, destructive competition and fight all laws which would enforce fair competition. Let them develop their semimonopolies into monopoly.

They will make socialism inevitable. They are the ones who are forcing Government control of business. They join hands, in effect, with those who preach the philosophy that monopoly is an evolution and can not be prevented.

I do not believe that monopoly in retailing is certain to come through evolution. I will not believe it until fair and honest competition has been tried as a substitute for the present cut-throat brand. Further, I believe that the establishment and maintenance of fair competition in all business which is not naturally monopolistic is essential not only to our prosperity but to the security of American institutions.

We have not yet seen proof that there is any better regulation of fair prices than fair competition. Not yet has it been proved that we can not establish the conditions under which regulated competition will exert its proper influence.

The fundamental question is this: Is mere bigness in retail establishments sufficient to destroy the small competitor? Is efficiency and economy inherent in bigness? Have the big combinations won their way solely on account of superiority to the independents?

I contend that the properly conducted small store is the most efficient and economical method of distribution. There is a size beyond which advantages become disadvantages. The individual owner of a single store of this proper size can manage it more economically than hired clerks of far-away corporations. He eliminates wastes and leaks which go unnoted in great establishments.

The little retailer can do business on less cost than the great establishment. He pays less rent in proportion and many of his other expenses are less in proportion to sales. His clerks are all salesmen, not nonselling employees, as in the case of the large establishment.

Gorton James, Chief of the Commerce Division, Department of Commerce, recently said:

> In what respects can the chain beat the old type of store when the latter is run on the new principles being evolved to-day? One element is claimed in cash selling, yet the economies of cash selling have been disputed. The cost of credit extension to retail customers is apparently a few tenths of 1 per cent. Certain cash stores report inventory shrinkages that mean losses greater than that. Thievery, careless handling, spoilage, and work under pressure of crowds add their mites. More retail selling time is required in a cash-and-carry store. Business comes in peak loads and the entire selling transaction must be finished at once. This adds to the congestion of the store. In a store which gives delivery service the order can be taken and set aside to be packed for delivery after the rush.

In a recent booklet dealing with retailing, put out by the Department of Commerce, Dr. Julius Klein says:

For certain types of business the big concern has an undoubted advantage over its smaller competitor. But in those lines of merchandising where success depends mainly on taking advantage of changing trade opportunities, close watchful contact with market conditions, and expert personal superintendence, the small operator has many advantages over the large establishment. * * * The resourcefulness and freedom of action of the individual will always go far toward offsetting the advantage of large-scale operations of the more complicated organizations. In fact, these characteristics are the most important factors in maintaining American business.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. SPROUL of Kansas. Would the gentleman from Pennsylvania tell us why the chain stores are doing such a large per cent of the retail business?

Mr. KELLY. I certainly will. First I will let Mr. Baxter, the chain-store research expert, answer that question and then I will give my answer. Mr. Baxter went into that very question at length at the Waldorf Astoria meeting, and I have the transcript of his statements right here. I quoted where he said that "certain forces" had brought chain-store success after 1920. Let him explain what they were. He says:

In the first place the general level of prices had been rising from 1897 to 1920. From 1920 on it was evident that there would be a period of declining prices. During a period of rising prices the average consumer can afford to have service. During a period of declining prices the great middle classes' income is hurt and they must forego service. At that time the people who heretofore were ashamed of being seen in chain grocery or shoe stores, found they had to patronize these stores.

That is interesting. It was stark necessity and bitter privation which forced the public to deprive themselves of the service they really desired. Since they must forego service, they had to endure the humiliation of being seen in chain stores.

But Mr. Baxter has figures to prove the terrible position of the American consumer. He says:

The income of the middle-class family was cut approximately 50 per cent from 1914 to 1920 and prices had not declined in any such proportion.

That is a startling assertion and is certainly something new in statistics. The Bureau of Labor Statistics in the Department of Labor is furnished funds to secure information on such subjects. I have been personally informed by that bureau that their official reports show that wages of all classes between 1914 and 1920 increased 129 per cent.

Instead of a decrease of 50 per cent there was an increase of 129 per cent in the income of forty million and more Americans who make up the great mass of consumers. In the main, all incomes increased greatly between 1914 and 1920 and, of course, the average income to-day is tremendously higher than the average income in 1914. Perhaps the expert refers to the income of the retailers who have been displaced by the chain stores, but since most of them are now working as clerks in the chain stores, he would not press that argument. In any case, he must give us a better reason for the growth of chain stores than decreased income between 1914 and 1920. And he has other reasons. He says:

Another factor that we can not afford to overlook is the fact that the character of the American family changed from 1890 to 1905. That is, prior to that time, the great majority of people or families in the country were of English-speaking descent. From 1905 to 1920 we had a tremendous amount of immigration which finally resulted in a law being passed in 1920 prohibiting further excessive immigration. Now, I don't think that if we had to-day in this country people to the amount of 90 per cent of English descent that we would ever have had chain stores to the extent we have. One has only to pass through any department store to see that the average American to-day is not as intelligent as the American of 10, 20, or 30 years ago.

Can it be possible that this is the great chain-store expert putting up an argument for chain stores. Yet that is what he said in his public address. We have been told of the efficiency and scientific superiority of the chain-store system. It was said to be the last word in high-power distribution, winning on its appeal to intelligent consumers.

Now, we learn that it depends on lack of intelligence. If the public is actually so ignorant there is all the more reason for their protection. The only proof of their ignorance is that they think a 9-cent saving on a standard article is enough to justify a 90-cent hold-up on unnamed goods. I am much afraid that the chain stores that pay the experts salaries will not appreciate such arguments as these.

Mr. Baxter gives as the third reason for the success of the chain stores the fact that they are perfecting distribution. He points out a chain clothing system which manufactures its own goods and sells clothing at uniform prices of $22.50 and $27.50. He says:

You eliminate the clothing manufacture at the same time you eliminate the salesmen of the clothing manufacturer. Then you have your own retail stores. So you eliminate two or three profits, in that way getting the product from the factory to consumer at a low price.

Is that perfecting the system of distribution? If it is, every manufacturer must have his own retail stores or every retail-store system must manufacture its own goods.

What will happen to prices when 50 clothing manufacturers adopt this perfect system?

All the costs must go on one brand, instead of being distributed over many as in the regular retail store. It is the most cumbersome and expensive system of distribution and is only used by manufacturers when it is needed in order to protect the standard price.

Mr. Baxter declares that this clothing-store system has a uniform price. His argument means that this chain succeeds because it can use through ownership the right to control the price, which is denied to independents through contract.

Here is a direct conflict within the ranks of his own chain organizations. If food manufacturers sell through their own agencies, where will the A. & P. stores be? If the makers of medicines distribute direct, what will happen to the drug chains?

No; this reason, most assuredly, will not account for the tremendous growth of retail chain stores. It is only a clear-cut invitation to the manufacturer to eliminate the wholesaler and retailer entirely. The maker of goods is told that he can protect his standard goods from price cutters by establishing stores everywhere.

Arthur Brisbane in one of his syndicated columns was many months ahead of Mr. Baxter with this suggestion. He said:

Isn't it time for owners of important national brands to have their own chain stores?

The public, of course, will pay the bill for such a system with its duplications and heavy overhead costs. The independent retailer will be destroyed by such a system just as surely as by distribution chains.

I do not want to see the retailing business monopolized by manufacturers. And it is only common sense to enable the makers of standard goods to use the established and efficient system of distribution and yet protect themselves against piratical price cutting.

Mr. Chairman, we will have to go still further with Mr. Baxter if we are to learn the real reason for chain-store growth. He has a fourth reason. Here is what he says:

It is practically impossible for an independent retailer to-day to lease for a period of 30 or 40 years a store in a building like the Paramount, where the rent will be $100,000 a year.

In other words, the ability to pay enormous rentals is the reason for chain-store success. What becomes of the economy of the chain-store systems? Certainly the unit that pays $100,000 for rent must get it back from the customers. Certainly in such a store, if some standard articles are sold below actual cost, there must be a mammoth mark up on other goods.

A store in the Paramount is not this problem at all. It is the store in the home neighborhood, serving the people of the home community. Willingness and ability to pay high rent is not the reason for the success of chain stores under such conditions. It is only proof that in the long run prices must be higher to cover the added expense.

Mr. Baxter gives still another reason. For his fifth point he enunciates the following:

People want to get their goods and don't want to take the time for service necessary in an independent store.

That is a curious argument. Does the average housewife go to a chain store and wait in line with her basket on her arm simply because she is a worshiper of speed? Would she not count it a speedier method to telephone in her order? Mr. Baxter had already admitted that she foregoes such service only under duress of circumstances.

The fact is, she has been made to believe that she will save money by the slower, more vexing methods which accompany the no-service policy of the chain stores. We must have more convincing reasons for chain-store success than speed.

Mr. Baxter himself is not satisfied with these five reasons. He starts all over again from the beginning. He says:

The most important thing is what we call the appeal to the eye. The chain store believes that its first duty is to get the customer into

the store, and to do that you have to use modern art to the limit in the exterior and interior of the store.

Is it possible that this all-conquering system of economical and efficient distribution of goods to the homes of the people is down at last to "an appeal to the eye"?

All of us like an appeal to the eye occasionally, but few of us figure that it saves us money. That is supposed to be the real mission of the chain stores. If, as Mr. Baxter says, there is a feeling of shame in being seen in a chain store, there should be something more substantial than an "appeal to the eye" to pay for the ordeal.

He goes on to say that in the Fanny Farmer stores the appearance counts for 50 per cent. In the grocery business Mr. Bohak builds his success on the fact that every clerk must have a fresh white coat every day, while the interior and exterior of the store must be painted once or twice a year. Mr. Baxter says that he can tell from the use of electricity alone which are the chain stores and which are the independents. They do not make the "appeal to the eye," which he explains is counted so important by some chains that they will spend $750,000 for it in one store.

Of course, that regard for beauty is fine. I would like to see every store as beautiful as the Capitol. But would it help to distribute the necessary things of life on a more economical basis? Who pays for that $750,000 appeal to the eye? The consumer, of course, and the cost certainly does not bring down the price of bread and meat.

Then Mr. Baxter gives as another reason for chain-store success the fact that they specialize. They do not carry so many lines of goods. They hire specialized clerks, who do one thing and keep on doing it. They can have specialized window dressers and other specialists which the independent can not have. He would have us believe that they utilize energy like the foreman on a building job when a workman told him he was trembling all over and could not carry bricks. "Well, get busy with the sieve," said the boss.

But to cap the argument of specialized work, Mr. Baxter points out that chain grocery stores bake their own bread and slaughter their own meats. That argument kills itself. The chain store is a specialized business for selling goods. When it becomes a bakery and a slaughterhouse it is no longer a specialist at all.

Mr. Chairman, not a thing I have quoted gives any reason for the success of the chain stores.

The one legitimate reason for success Mr. Baxter gives up without an effort. He says:

> They haven't been successful due to prices;
> They haven't been successful due to buying.

I will have to make that argument for the chain stores myself. They have a decided advantage in being able to buy in large quantities at lower prices.

Still it is not an all-conquering advantage. The cost of the capital invested, insurance, warehouse storage, handling, and so forth, must be counted as part of the cost, and this helps to even things for the independent.

Nor does buying for less always mean efficiency. It often means mercilessly beating producers into less than fair prices. It means exactions and special rates and discounts which injure the producer. It means lower wages for labor and lessened consuming power. It means that workers may be thrown out of employment with every lowered demand.

There is a vast difference between real economic superiority and the counterfeit superiority which is only superiority in bargaining power. If through any power producers are forced to sell honest goods at less than a fair price, the loss is borne by the public in the end.

I maintain that combination, even with this bargaining power, can not alone put the efficient retailer out of business. Putting a vast number of retail stores together does not mean that each will make added profit. The independents can combine for purchasing goods and meet this factor successfully. If we are to have unified buying let us have it by cooperation and not by a trust.

We are not decrying big business in retailing. We are not opposing chain stores. We are only insisting that if they grow great they must meet the test of honest service and win by fair and honest methods.

> We do not challenge what they make
> We only challenge what they take.

If these huge combinations can succeed through fair competition, I am for them. But if they flourish through unfair methods it is the duty of every man to help end such methods.

We asked Mr. Baxter to explain chain-store success. He devoted a great part of his address to reasons which are not the real reasons. The independent dealer can meet the appeal to the eye, and the specialization and the advantages in buying and all the rest.

But he can not meet the huge combination of capital in retailing when unfair competition is used as a weapon against him.

Very casually, and as a kind of afterthought in his address, Mr. Baxter gives what, to my mind, is the real reason for much of the success of these great combinations. He says:

> To me there isn't any question as to the advisability of any retail store if it can sell some nationally known product at cost to get the crowd. * * * A consumer will go to a grocery store and she is willing to pay 55 cents for steak, whereas it might be sold for 52 or 50 cents elsewhere, if she at the same time can purchase Campbell's soup or some other package goods at cost. * * * Scientific retailing means studying the blind articles in the store and selling them at full prices. But what we call open articles, the ones that the consumer can go from store to store and compare, selling them at low prices.

Now, Mr. Chairman, we are coming to the crux of the question. Here is a game which combination can best play. It can lose more money on standard goods and it has greater opportunity to recoup on blind articles. It can depress prices in a store or group of stores until it eliminates competition in that territory. Then it can raise prices there and depress them elsewhere to carry out the same purpose. It makes certain of its profits as a whole all the time. When it has the field to itself it holds the public at its mercy.

The independent, with his single establishment, can not meet this unfair competition, no matter how efficient he may be. When a chain competes in this fashion against a chain the result is a merger; against an independent dealer the result is destruction. It is unworthy of American business and must be ended.

It is a misnomer to call such a system "scientific retailing." It is rascally retailing. Its foundation is fraud. The blind articles are to be sold at full price! What is a blind article? Webster says a blind is "something to mislead one, or to conceal a covert design; a subterfuge." These articles are well named. They are sold at full price. But there is no price on these blind articles. They are unnamed and unstandardized. Therefore the sky is the limit in fixing the full price. Full price on them simply means the highest price that can be extorted from the buyer.

That is not scientific retailing. It is the oldest system of merchandising in the world, the haggle and barter plan, which led to the maxim, "Let the buyer beware." Justice-loving men have been trying to get away from it all through the years. And the greatest advance ever made was the trade-mark, with its identification and its guarantee; its standard quality and its one price to all.

But this falsely called "scientific retailing" has only one use for these honestly made and priced products. They are to be used as bait to delude innocent purchasers. Bait means anything used on a hook, or in a snare, trap, or the like, to allure. The standard article is slashed below actual cost and dangled beneath the customer's eye. Its character is then defamed and something just as good is urged. Unnamed blind articles are sold and the "full price" taken out of the customer's pocket.

Mr. Chairman, that is exactly the kind of merchandising which was denounced by President-elect Hoover when he was United States Food Administrator during the World War.

He met this deceptive scheme by the following official announcement issued by the United States Food Administration in 1918:

> All but a small percentage of dealers in food commodities advertise and sell their products fairly. Neither their statements concerning their goods nor the prices named are misleading. They do not cajole their customers by giving the impression that $1 worth of goods is sold for 69 cents, for the days of gold-bricking an intelligent public have passed. One's money's worth, no more—no less—is offered, and on such a basis of honesty is permanent business founded.
>
> However, in the grocery business, as in all other lines of business, there are a few black sheep. There is the very small minority that "sells at less than cost"—that is in business for philanthropic purposes! The present sugar shortage brought to light a number of interesting cases of unfair practices through the use of combination sales; that it was necessary to buy various other food commodities in order to obtain sugar.
>
> Many of these combination sales offered sugar at less than its actual cost, but the cost of the other food commodities was increased sufficiently to make up the loss on sugar and at the same time allow a profit.
>
> Many combination lots which included sugar were fair to the consumer, but in order to eliminate the operation of the few dealers who

would take advantage of the situation the Food Administration abolished all combination selling except sugar with corn meal.

This combination selling was a deceptive, price-cutting-on-one-article device. It is exactly the same plan used by a predatory price cutter, when he slashes the price of a standard, identified article with a universally accepted price. He expects to sell the customer other goods at excessive prices to cover the loss on the cut-price leader.

Mr. Chairman, it is that system which is in large degree responsible for the slaughter of independent retailers. In the face of the facts, is it not ridiculous to say that if manufacturers have the right to control the price of his standard product, the retailer will become only an animated nickle-in-the-slot machine handing goods out over a counter?

Even if it were true, it would be better for him to serve his own community as an independent, taxpaying business man on his own, rather than as a hired man in a chain system. You can be sure that in a job behind the counter of some giant department store or unit of a chain, he will not have a chance to worry about the difference between a manufacturer's agent and a chain-store agent.

But it is not true. Given the right of free contract, the retailer will be eagerly sought by the maker of goods. The retailer can select any one of a dozen competing brands. He will choose the contract he signs. The goods must be right in quality and price or the dealer will not handle them. With fair merchandising methods, the independent retailer will not be a manufacturer's agent but the agent of the buying public he serves.

The price-cutting system on standard goods is turning independent, individual proprietors into hired servants of great corporations. It is destroying competition.

Texas has a law which provides that—

if any person engaged in the sale of any article, shall with the intent of driving out competition or financially injuring competition, sell at less than the cost of the product, or give away products, said person, resorting to this method of securing a monopoly, shall be deemed guilty of conspiracy.

That is a worthy act. Is it not an absurdity that if independent retailers endeavor to cooperate with the makers of goods to prevent the action deemed criminal by the Texas statute, they are liable to prosecution and imprisonment under the judicial interpretation of the Sherman antitrust law.

There may be differences of opinion as to the amount of profit which is right, but one thing is certain, the right price of an article will not be below its actual cost. When any concern sells goods, in the regular course of business, below cost, you may be sure somebody is being defrauded.

If a clerk in a chain grocery-store system sells goods without express orders below cost or gives them away he is liable to the company for the loss. It should be just as sure in law that if the chain-store system itself sells goods below cost for ulterior purposes and to the injury of competitors it should be responsible for the loss occasioned.

I do not ask any favors or unfair advantages for the independent retail dealer. If he can not manage his store as capably as the great department stores or the chain-store systems let him fail. If he can not meet the fair competition of any rival, great or small, let him disappear and leave room for more efficient business.

But I do protest against his destruction by trade pirates. He has a right to protect himself against President-elect Hoover's triumvirate of evils—"unjust competition, domination, and predatory business." No combination of capital should have the right to bankrupt him through deceptive, dishonest business methods.

Now, Mr. Chairman, how is the independent wholesale merchant affected by the predatory price cutter?

He is an important factor in distribution. It is an absurdity to claim that the wholesaler's work can be done without cost by some sleight-of-hand performance on the part of either manufacturer or retail combination. His value is a long-established economic fact.

He collects the products of many manufacturers under one roof and holds them in readiness for shipment in small quantities to the retailers. If every manufacturer tried to sell direct to the retailers it would block the railroads of the country within a week. If the retailers were forced to buy their goods from individual manufacturers they would have no time to sell goods to the public.

In the first place, the manufacturer of standard goods desires to distribute his goods through the wholesaler for he knows it is the most economical system. However, it is just as important that the manufacturer be able to prevent his products being made a football by the price cutter. Juggling of his prices means the loss of public confidence and the good will which is the most valuable asset of his business.

The Supreme Court decisions have pointed out to all manufacturers that they may control their prices if they sell direct to the consumers. This is a direct invitation to adopt that method and more and more manufacturers are being forced to embark upon the direct merchandising of their products.

That eliminates the wholesaler, even though it does not eliminate the cost of the functions performed by the wholesaler. The manufacturer must establish not only his own retail stores but must also have warehouses and branch offices in strategic locations. It is the most expensive system of distribution, and the destruction of the wholesaler has no compensations in reduced prices to the consumer.

Suppose the manufacturer decides to sell direct to the retailer and exercise his right to refuse to sell to price cutters. He must then have his own force of salesmen to take the place of those of the wholesaler. The expense goes on one line, not a hundred. He must extend credit to a vast number of retailers instead of a few wholesalers. He must ship in very small lots instead of carload lots.

Such a situation confronts the independent wholesalers because the maker of branded goods can not enter into contract for the control of fair prices.

The attack on the other side is just as menacing. Chain stores eliminate the wholesaler also. They have their great warehouses and the investment in large quantities of goods. They, too, must deliver in small lots to the various units.

But if they succeed in putting the independent retailer out of business they insure the doom of the wholesaler.

The growth of chain stores has resulted in the destruction of a vast number of wholesale houses which have had a part in the upbuilding of many communities. They have been left as wrecks along the pathway of centralized merchandising.

Others as a defensive movement have joined in mergers, thus losing the identity which had been built up through years of service. Just one instance is the McKesson & Robbins merger of 16 wholesale drug houses. The firms involved are located in Mobile, Ala.; Burlington and Cedar Rapids, Iowa; Peoria, Ill.; Omaha, Nebr.; Boston; Detroit; Kansas City; Chicago; Albany, Troy, Syracuse, Rochester, Buffalo, N. Y.; Cleveland; Sacramento, San Francisco, Fresno, and Oakland, Calif.; Minneapolis; Columbia, S. C.; New York; Bridgeport, Conn.; Newark, N. J.; Houston, Tex.; Los Angeles and San Diego, Calif.; and Phoenix, Ariz.

When this merger was made in August, 1928, it was officially announced that it was due to the necessity of a strong central organization to protect the interests of the independent druggist against chain systems.

This organization is not affiliated directly or indirectly with any chain-store system—

Said the announcement—

and its aim is to be an organization of druggists for and in the interest of independent retail druggists in the territory that it will serve. * * * The continued growth and expansion of chains, from local groups to chains of State and national extent, is creating problems of great concern to the manufacturer, the independent retailer, and the wholesaler.

Such a merger is forced because of chain stores. It is a merger none the less and adds still more to the problem of centralized business.

Just this morning I received a statement that Arbuckles & Co., one of the oldest wholesale firms of the United States, located in Pittsburgh, will discontinue business on February 1. This concern, through its coffee and other products, established a name which was a household word for several generations. Its good will, built up through years of honest and faithful service, was its most valuable asset. That has been destroyed and much of the damage was done by unfair competition.

Hundreds of employees are thrown out of employment and the opportunity to give efficient and economical service to hundreds of retail merchants has been taken away.

What is to be the end of the process? Is the great business of distribution to be concentrated in a few hands until the doors of opportunity are to be closed to all save a few?

Then, what is the effect of predatory price cutting upon the maker of trade-marked, identified goods?

The independent, smaller manufacturer is the victim of this unfair competition. The great concern, with unlimited capital can protect itself and its products in legal fashion. It establishes its own retail agencies and maintains its price or it consigns its goods to the retailer and maintains its price. Henry Ford and the General Electric Co. are instances of these two methods.

But the little, independent maker of standard quality goods is helpless. He knows that the good will of the public is his most valuable asset and his whole effort is made to win it. He builds on good quality and fair price. If the quality is lacking, all the advertising in the world will not make a continuous market for his goods. If the price is too high the public will not buy.

He must make good goods and he must invest money in letting the public know he makes them. He must convince people that they need his goods and must get them distributed economically and efficiently. He must persuade the public to prefer his goods to anything of a similar nature.

When he puts his name and brand on his product, this independent manufacturer stakes everything upon public approval. He guarantees his article and takes full responsibility for it. He stands back of every unit just as he would a certified check. He must make good with the ultimate consumer and he must use the wholesaler and retailer in his distribution.

The independent manufacturer of a trade-marked article spends time and money and effort to build up a good name, and that investment in good will is the security of the public for the maker is bound to maintain the quality of his goods.

Then, is not the price, that other factor in good will, just as important? The manufacturer of this distinctive article is just as much concerned that it sell always at the same price as the retailer is that his customers do not believe that he is selling the same article at different prices to different customers on the same day.

Faith in the established price is a vital element in good will.

When a predatory price cutter takes that standard, publicly approved article, and advertises it at less than cost to himself, he strikes a deadly blow at the good will of the manufacturer. The public believes that the standard price was excessive. Other dealers are incensed against an article which is slashed for the deception of their customers. The market is destroyed and the manufacturer under present conditions must sit silent in the face of such piracy.

If he sells through wholesalers, the price cutters can always get the goods from some wholesaler or even some retailer.

If he sells direct to retailers he can refuse to sell to the price cutter, but as soon as he is cut off the price cutter gets the goods through other channels and continues the game.

There is no theory about it to the independent manufacturer, but a tragic condition. The Ingersoll dollar watch made splendid bait for the predatory price cutters, and it was cut as low as 59 cents. Retailers who believed in mutual profit sales refused to handle this article at less than the standard price of $1, because there was no profit in it and they did not desire to cheat their customers by charging extortionate prices on unmarked goods. This predatory system of business was responsible, more than anything else, for the destruction of the Ingersoll Watch Co.

The cigar business is another example. The chain cigar stores used manufacturers' brands as bait. The public believed they were getting bargains and patronized these stores. As the cut-price brands were money losers, they were dropped one by one and replaced by the unknown brands. The makers of publicly approved and widely wanted brands were destroyed.

Such a system restrains trade, for many retailers refuse to handle goods which are used as footballs. Perhaps the manufacturer tries to deal with the price cutter by selling only one retail store in a city. That curtails the volume of their sales for there are always many persons who go into one store but will not go into others.

The whole price-cutting system is competition run mad. It forces the standard article to compete against itself. Not only is the manufacturer faced with competition from a hundred other concerns making similar goods, but he must also compete with himself to his own destruction.

The Supreme Court of the State of Washington pointed out the evils in such competition when it said:

> The true competition is between rival articles, a competition in excellence which can never be maintained if, through the perfidy of the retailer who cuts prices for his own ulterior purposes, the manufacturer is forced to compete with goods of his own production, while the retailer recoups his losses on the cut prices by the sale of other goods at or above their reasonable price. Fixing the price on all brands of high-grade flour is a very different thing from fixing the price on one brand of high-grade flour. The one means destruction of all competition and of all incentive to increased excellence. The other means heightened competition and intensified incentive to increased excellence.

The competition here referred to means the lowest price possible for the standard article but it will be a uniform price. Henry Ford has forever exploded the old business delusion that high prices mean big profits. Here is what he says:

> My policy is to reduce the price, extend the operations, and improve the article. I have never considered any costs as fixed. Therefore I first reduce the price to a point where I believe most sales will result. Then we go ahead and try to make the price. The new price forces the costs down. One of the ways of discovering what a cost ought to be is to name a price so low as to force everybody in the plant to the highest point of efficiency. The low price makes everybody dig for profits.

Anyone who thinks that a wild theory might review the record of the Ford Motor Co., conducted strictly on the standard-price basis. Ford has steadily reduced the cost to the public, increased the quality, and reaped a harvest of greater profit.

I want to see the little independent manufacturer given the same opportunity as Henry Ford. Safeguard him against the unfair competition of predatory business and he will do exactly as Ford has done—increase standard quality and decrease standard price.

Because he has no right to protect himself he is being injured without recourse.

The income-tax returns for 1925 show that 95 manufacturing concerns had net incomes of over $5,000,000. That is less than one-ninth of 1 per cent of the entire number; but they made 44½ per cent of all the profits made: 99 per cent of the entire number suffered an 11 per cent reduction in income over 1923; two out of every five showed an actual loss.

It is believed that 1928 will show a still greater concentration of profit. What that means is better understood by the fact that three-quarters of the 89,000 manufacturing concerns reporting are small concerns, with less than 20 employees.

Is it any wonder there are mergers and consolidations? Cut-throat competition, forced by interpretation of the antitrust laws, have led to combination and monopoly.

Already there have been consolidations which have put many nationally known products under one corporate ownership. Most of these manufacturers had created a position for themselves which was distinctive. They did not lose their identity through merger from their own choice. Their robust self-reliance was undermined by cut-throat competition.

Mr. Chairman, it is said that if legislation is passed which will permit the enforcement of standard prices for standard goods the huge selling combinations will sell only their own private brands.

That is a fair proposition. Let these retail combinations have all the private brands they wish. But they must be responsible for them and sell them on their merits. The present system is to use the good will of a national brand as bait. They can not do that with private brands, but will be compelled to use their own good will.

It is predatory business to use nationally-known brands in order to gain the confidence of customers, and then betray that confidence by the substitution of private brands. Yet that is exactly what is done.

Percy F. Straus, of Macy & Co. department stores, was chief opponent of the Capper-Kelly bill at the hearings before the congressional committee.

He stated that his stores would make more money if the bill went through, but he was opposed to it. He explained his generous disregard of increased profits by saying:

> We make goods under our own brands. If nationally advertised brands are sold at uniform prices, in self-protection the prices of our own brands must go up.

Now, why should that follow? Why should they not lower their prices and take over the business of the nationally advertised brands? Or why not increase quantity and quality to compensate for the increased price?

Mr. Straus gave figures as to how it works. For instance, Nujol costs 57 cents and is sold for 54 cents, a net loss of 3 cents, or 5 per cent of the price.

But the Macy brand only costs 32 cents and sells for 54 cents, a profit of 41 per cent.

Royal Baking Powder costs 37 cents and sells for 42 cents, a profit of 12 per cent. The Macy brand costs 19 cents and sells for 40 cents, a profit of 52 per cent.

It costs them around 30 per cent of sales to do business. They lose 35 per cent on Nujol and 18 per cent on Royal Baking Powder. But they make a net profit of 11 per cent and 22 per cent on their own brands.

The sale of these private brands is largely possible because of the nationally known brands. If these selling companies are compelled to build up their own good will, they will find it a different proposition, and that is why they oppose the measure for self-protection of trade-marked goods.

To cut the price on standard goods is simply appropriating the good will of manufacturers who have built it up by loyalty to the public and their best interests.

The State of New Jersey recognizes that fact in its law against unfair competition. It is as follows:

It shall be unlawful for any merchant, firm, or corporation to appropriate for his or their own use a name, brand, trade-mark, reputation, or good will of any maker in whose product said merchant, firm, or corporation deals, or to discriminate against the same by depreciating the value of such products in the public mind, or by misrepresentation as to value or quality, or by price inducement, or by unfair discrimination between buyers, or in any other manner whatsoever, except in cases where said goods do not carry any notice prohibiting such practice, and except in case of a receiver's sale, or a sale by a concern going out of business. (L., 1913, c. 210, p. 377; as amended, L., 1915, c. 376, p. 704; L., 1916, c. 107, p. 235.)

Mr. Chairman, the independent manufacturer of standard goods does not fear the competition of private brands. In fact, it is altogether likely that the retail combinations which have gone into the manufacturing business are finding it unprofitable.

One of the large grocery chains recently advertised the sale of stock in its concern. One of the paragraphs of the advertisement was as follows:

The company has developed the manufacture and packing of a variety of food products, with an established and growing consumer demand for its brands as a basis. These activities include the manufacture of preserves, jellies, mayonnaise, extracts, catsup, ammonia and similar products, the packaging of tea, rice, cornstarch, vinegar, etc., the roasting of coffee, the canning of vegetables and fruits, the baking of bread and cake. During 1928 a wholly owned subsidiary was organized to acquire a large plant for evaporating milk, located at Neillsville, Wis.

All of the company's seven warehouses, seven bakeries, and manufacturing and packaging and packing plants, are owned in fee, either by the company or by its wholly owned subsidiaries, with certain insignificant exceptions.

In the financial statement it was shown that this manufacturing activity was not increasing profits. In 1926, with 1,983 stores, they did a business of $116,902,000 and earned a profit of $7,775,000.

In 1927, with 2,133 stores, they did a business of $120,664,000 but they only earned $6,749,000.

In other words, with an additional business of $3,500,000, the profits were less by $1,026,000.

Let such competition flourish and let all goods be sold on their own merits. Permission to establish a standard price will not lessen fair competition, but increase it. We are simply trying to restrain piracy and give honest merchantmen on the high seas of commerce a square deal.

Mr. Chairman, the public pays the bill for unfair competition in one form or another. The destruction of independent retailers, wholesalers, and manufacturers by unjust practices injures the consumers, who are helpless before monopoly.

Saving a few cents through a bargain rate on standard goods is of no value when dollars are taken from the consumer through excessive prices on unknown goods.

Under standard price contracts the consumer will pay less for standard goods than he does to-day under the cut-price system. Now, the manufacturer must provide against the price cutter and names his price accordingly. Give him power to enforce a uniform price and he will name the lowest price possible, the one at which the article will be sold.

The fair-trade system will make the public the judge and jury. The high court of public opinion will determine the success or failure of a product. It will not depend upon the juggling of prices by those who have no interest in the product.

Above all, public policy demands freedom of opportunity for men to enter into business for themselves. America has become great because every mother's son of us had a fair chance to enter independent business.

If present conditions continue we must accept the transformation of our land of opportunity into a land of hired men, with workers known as numbers, not as individuals.

No matter what brilliant careers and high salaries may be offered for executives in these great merchandising corporations, it will mean for the great mass of Americans only a servile place, without a chance for the exercise of initiative and independent effort.

The issue involved is old; it only wears a new face. America has always stood for the development of the man through equal and fair opportunities; she must not fail in this testing time.

Mr. Chairman, the mission of America is to-day exactly what the immortal Abraham Lincoln defined it to be in his day, a nation built—

to preserve in the world that form and substance of government, the object of which is to remove the obstacles from the pathway of all; to open the avenues of honorable employment to all, and to give all an unfettered start and a fair chance in the race of life.

The measure which I am advocating here is in line with that high ideal, for it aims to prevent unfair competition and to give a fair chance and a square deal to those engaged in independent business to-day and those who desire to enter it to-morrow. [Applause.]

Mr. WASON. Mr. Chairman, I yield 25 minutes to the gentleman from Kentucky [Mr. ROBSION]. [Applause.]

The CHAIRMAN. The gentleman from New Hampshire has only 17 minutes remaining, according to the timekeeper.

Mr. WASON. We had three hours. It is not 2 o'clock, and the House did not meet until 12 o'clock.

The CHAIRMAN. One hour and a half on each side.

Mr. WASON. The gentleman from New York and myself have an understanding.

The CHAIRMAN. The gentleman from New York, according to the timekeeper, has 1 hour and 19 minutes and the gentleman from New Hampshire has 17 minutes.

Mr. WASON. The gentleman from New York has yielded me some time. We have an understanding.

The CHAIRMAN. The gentleman should convey the understanding to the Chair.

Mr. CULLEN. Mr. Chairman, I yield the gentleman from New Hampshire one-half hour.

The CHAIRMAN. Then the gentleman from Kentucky is recognized for 25 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, in the last appropriation bill for the independent offices I offered an amendment to add $1,000,000 to be used by the Shipping Board to recondition ships and pay the loss resulting from the shipping of American coal to foreign ports. This amendment was adopted by the House and Senate. This $1,000,000 was appropriated for the fiscal year ending June 30, 1929.

During the holidays a number of representatives of the coal industry and I appeared before the subcommittee and urged that an additional appropriation of $1,500,000 be granted for the same purpose for the fiscal year ending June 30, 1930, and urged that the unexpended balance of about $400,000 of the $1,000,000 appropriated be reappropriated, so that this will give for this service for the fiscal year ending June 30, 1930, $1,900,000.

The subcommittee before which we appeared made a unanimous favorable report, and it has been included in this bill by the full Appropriations Committee.

NECESSITY AND VALUE OF POLICY

I wish to talk to you about the necessity of this policy and its value to our country. The pressing problem in this country for some years has been and is now, and the problem that will become more pressing as the years come and go, is how we may dispose of the surplus of American products. We are producing a surplus on the farm, and hence the distress in agriculture. We are producing a surplus in the factories, causing unemployment in these industries. We are likewise producing a surplus in the forests and in the mines of America.

In order to take care of this surplus we must not only enlarge our home markets but also enlarge our foreign markets. Congress has been promoting our merchant marine policy. Our Government ships, our merchant marine, have been handling the products from the farm, the factory, and the forests of this country, but until recently they have carried but very little soft coal. There is no good reason why this discrimination should have been practiced at any time against the soft-coal industry, and there is certainly no good reason why this discrimination should continue in the future.

A GREAT INDUSTRY

The coal mines of this country, with their equipment, are worth more than $6,000,000,000. The other coal to which no equipment has been attached is estimated to be worth more than $5,000,000,000, so that the investment in our coal industry is in the neighborhood of $11,000,000,000 or $12,000,000,000. About 600,000 men and their families daily depend directly upon the soft-coal industry for their livelihood.

Soft coal is produced in commercial quantities in more than 30 States. Almost the entire Nation depends upon it for power, heat, and light. Some of our most valuable medicines, our finest dyes, our most beautiful colors, and most of our explosives come from coal. It is one of the great key industries and one of the strong arms of our national defense.

SOFT-COAL INDUSTRY IN DISTRESS

During the recent campaign President-elect Hoover pointed out in his speech of acceptance and in other addresses that agriculture, the textile manufacturers, and the bituminous-coal industry were in distress, were not prosperous.

I realize the distress in agriculture and in the textile industry. I have always fought for those measures that the farmers of the country and their advisers felt would relieve them of their distress and I shall continue to give to agriculture my full, earnest, and active support. I am likewise concerned about the textile industry of our country. It is the hope that in the extra session of Congress we may pass a measure that will greatly benefit agriculture and by proper tariff schedules aid the textile industry.

In my humble judgment the soft-coal industry of this country is in more distress to-day than either agriculture or textiles. The soft-coal mines on an average are idle about half the time, the miners are employed on an average not more than three days per week. Thousands of them and their families are in distress and can not provide for themselves as American citizens should be provided for. While the mines are idle overhead charges go on every day. Many well-equipped mines with the very best coal available and under efficient management in Kentucky as well as in other States of the Union are being forced into the hands of receivers and into bankruptcy.

Congress and the Federal Government should direct its attention and its active cooperation for the next four years to bring relief to these three industries that are now suffering. We have the coal mines, we have the best coal in the world, we have thousands of trained, experienced; honest, industrious, idle miners; we have ample railroad facilities and ample railroad workers to take care of this industry, and I wish to bring to the attention of the House what I consider sound economic suggestions of relief.

GREAT BRITAIN OUR COMPETITOR

About the only competitor we have in the soft-coal industry is Great Britain. Great Britain produces annually about 240,000,000 tons of soft coal, while we produce and consume in this country in the neighborhood of 500,000,000 tons of soft coal every year. We have two very important advantages over Great Britain. American coal is the best coal in the world. Consumers want American coal because of its high quality. We realize that, under present conditions, our miners do not receive as much pay as they ought to receive. I have heard a great many operators in my own district so express themselves, yet on the other hand American miners receive nearly three times as much pay as the miners of Great Britain.

Notwithstanding we pay much better wages, we produce soft coal in this country $1.50 per ton cheaper than it is produced in Great Britain. Now we have a better coal and the cost is $1.50 per ton less here than in Great Britain. Why is it that American coal has been kept out of the foreign markets?

RAIL AND WATER RATES

Under present railroad rates, we must pay about $2.50 per ton to get our coal to the seaports, while in Great Britain the rates are not over 70 cents per ton to the British ports, and, furthermore, England has subsidized her merchant ships, and this gives British ships an advantage over American ships.

We built a great many ships during the war. We now have several hundred of these ships owned by the Government tied up in the various bays and harbors of our country, deteriorating and becoming worthless. About 250 of these would be suitable for carrying coal.

The purpose of the $1,000,000 carried in the last bill and the $1,500,000 carried in this bill is to recondition these ships and put them in the coal-carrying trade and pay whatever loss may be sustained in competing with Great Britain in shipping coal to foreign ports.

Six ships have been put into condition or are being reconditioned. Two of these have already been loaded with American coal and have sailed to foreign ports, and we feel that with this additional money before June 30, 1930, between 20 and 30 ships may be reconditioned and put into service.

Some have objected to this movement on the ground that the Government will lose some money on each shipment. This is true. During the fiscal year ending June 30, 1928, our merchant marine under the Shipping Board handled about 8,500,000 tons of farm, factory, and forest products, and the loss was something like $14,000,000. It will be observed that for every ton of products shipped from the farm, the factory, and the forest we lost on an average about $1.67.

The loss on our coal shipments will not amount to that much. The statement of the representatives of the Shipping Board about the loss on coal is not correct. At the time they made these statements no coal ship had made a round trip. Each ship that carries coal to foreign ports will, whenever possible, return loaded. The first coal ship that we sent out has secured a return cargo, and the loss on this shipload of coal to the Government will be considerably less than a dollar per ton. The Shipping Board estimated the loss at $13,000 on this ship, but they do not take into consideration that this ship is coming back loaded with 5,000 tons of ore at the rate of $2 per ton.

TWENTY OR THIRTY MILLION TONS

We have a potential market for our coal in the West Indies, Central and South America, and also in the Mediterranean. These Mediterranean ports are almost as near to American ports as they are to British ports, and some of the South American ports are nearer to us than to the British ports. The West Indies and Central American ports, of course, are nearer to us than they are to the British ports.

We have had a very small foreign coal trade, while Great Britain has built up a foreign coal trade of something like 60,000,000 tons. There is a potential market for American coal and coke of upward of 30,000,000 tons.

American railroads have given rates to our seaports on other products for foreign shipment. A movement is now on foot to have them to give a rate on coal for foreign shipment. If we secure this rate and secure proper unloading facilities in these foreign markets, it is believed by those who have made a careful study of the problem that we can compete with British coal in these foreign ports without any aid from the Government, but it is very essential at this time that the Government, through our merchant marine, should help to build up our foreign coal markets and this will go far toward inducing the railroads to give the rates on coal for foreign shipment and in getting suitable unloading facilities in these foreign ports.

We are satisfied that other economies may be effected. With the soft-coal industry in distress as it is, and thousands of miners out of employment and their families needing support, there is no good reason why our Government, through the merchant marine and the Shipping Board, should discriminate against coal. We should handle it and build up markets for it just as we are doing for our products from the farm, the factory, and the forest.

INTERESTED IN MERCHANT MARINE

While my district is far removed, and there are thousands of people living in my district who never saw a great ocean ship and never will, yet no one can be more interested in building up our merchant marine than I am. I desire to see American ships loaded with American products, flying the American flag, and sailing the seven seas of the world. Every ship loaded with American products of whatever kind to foreign ports means more employment for our people, and more returns on capital invested whether it be in mines, railroads, factories, or farms. [Applause.] Whatever helps one industry is bound to benefit every other industry in this country.

Mr. KELLY. Will the gentleman yield? I am very much interested in the gentleman's statement regarding an important industry. What is the productive capacity of the bituminous coal mines at this time?

Mr. ROBSION of Kentucky. If our mines worked anything like full capacity, they could produce about a billion tons of coal annually. We actually produce about 500,000,000 tons; only about one-half of our capacity, as we only have markets for that much.

Mr. KELLY. About one-half of the potential capacity.

Mr. ROBSION of Kentucky. Yes; the mines are idle about one-half of the time. It is not like some other industries where you can stop the overhead. The expense in overhead goes on and mines deteriorate very rapidly when they are idle. The miners live in mining camps and can not, as a rule, find other employment for the days that the mines are idle.

Mr. KELLY. What might be the total exports of bituminous coal?

Mr. ROBSION of Kentucky. There is a potential foreign market for about 30,000,000 tons of coal and coke. We do not produce much over 500,000,000 tons of coal. It is the surplus that breaks down the market. In 1927 the British coal miners were on a strike and this enabled us to have an export market for about nineteen or twenty million tons of coal. While that was not a large tonnage yet it took up the surplus and gave us a good strong coal market throughout the year.

TARIFF ON CRUDE OIL

I think we can help the coal industry very materially in another way. In 1921 some of us made a determined effort to secure a tariff on crude oil. There are being brought into this country about 3,000,000,000 gallons of crude oil for a single year. This is used largely for fuel purposes. As I am informed, very little of it is or can be used in making gasoline or lubricating oils, and it is estimated that it displaces somewhere between seventy-five and one hundred million tons of coal. This crude oil comes in from Mexico, Central and South America, and is produced by cheap labor, and can be sold at

such a price in this country as to make it a cheaper fuel than coal. We think it is unfair to the coal industry as well as to the oil producers of the United States to have this large quantity of crude oil to come in free of duty, and at the proper time, when the tariff bills come up for consideration, it is my purpose to urge a proper tariff on crude oil. I feel that the coal industry is like agriculture and some other industries. We can not relieve them by any one particular thing, but it is my purpose to urge, for these industries, relief along several lines.

WILL HELP MANY

I wish to thank the subcommittee and the full Appropriations Committee for including this $1,900,000 in this bill. I am satisfied that this is going to grow into something big for our country. It will give new courage and life to those who have their money invested in this business. It will give employment to many miners and bring a ray of hope to them and their families. It will give business to the railroads and work to the railroad men, and to those who are employed on our ships, and will help every industry in this country.

All of our activities are so interrelated that one can not suffer without doing harm to the other.

I wish to thank you for your patient hearing. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. CHRISTOPHERSON].

Mr. CHRISTOPHERSON. Mr. Chairman, there have been favorable comments in my part of the country upon the fact that we are to have a special session of Congress this coming spring for the purpose of a revision of the tariff and to consider agricultural legislation. There is a well-founded belief that Congress will enact legislation at that time which will restore the agricultural industry to a parity with that of other industries, which is all that it is asking, and that such legislation may have the approval of the incoming Executive. In the Mitchell Republican, one of the leading daily newspapers of my district, there appeared an editorial on the subject a few days ago. I ask unanimous consent that this editorial may be read by the Clerk during my time.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

A CHANCE FOR THE FARMING INDUSTRY

Representatives of the farm States in Congress should recognize the forthcoming revision of the tariff as their opportunity. To be sure, it is an opportunity they never have taken, but it is high time they were availing themselves of it.

Senator MCMASTER showed the way when he presented last year his resolution calling for a downward revision of excessive tariffs paid by the farmer. The purport of that resolution was to serve notice on other industries that if they were not willing to put the farming industry on the same plane with themselves in the fixing of effective tariffs, the farmers did not propose to give further support to the protection accorded them.

Now that the tariff is to be revised generally, all the farm bloc Members of Congress should serve notice in some such form as this:

"We believe in the protective tariff system, but we also insist that it is unfair and discriminatory to increase the prices of some industries through the tariff and leave other industries on a world-price basis. Congress has refused to make effective the tariffs on some of the basic farm products. Unless Congress does do so, unless it enacts legislation that will insure to the farmer on all his products the world price plus the tariff, we will not vote for a continuation of existing tariffs enjoyed by other industries and we certainly will oppose any increase in such duties."

That the opportunity to do something of this sort exists is manifest from the attitude toward tariff revision of newspapers that speak for the manufacturers' group. For example, note the following from the Philadelphia Public Ledger, one of the high priestesses of protection for the big corporations:

"Now is the opportunity for industries requiring additional tariff protection to present their case. Representative TILSON has recently pointed out the committee's need for the fullest information available as the basis for new tariff schedules. Seven years have elapsed since the last tariff revision. The Republican majority is pledged to a comprehensive revision without delay that might cause uncertainty to business. And it is acting promptly to redeem its party's pledges and fulfill the mandate expressed at the recent election."

Of course, the Public Ledger says nothing of the party's pledges to end the discrimination of a tariff system that leaves the farmer on the world-price basis while according to the manufacturer the last cent of protection. This means that the farm bloc will be expected to continue to vote for high tariffs for manufacturers, with the farmer left out in the cold. Will the farm bloc play the rôle of cat's-paw once more?

Mr. CHRISTOPHERSON. That editorial expresses a sentiment quite general throughout my part of the country.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CHRISTOPHERSON. Yes.

Mr. BANKHEAD. Does that view express the individual opinion of the gentleman himself?

Mr. CHRISTOPHERSON. It does largely; yes.

Mr. BANKHEAD. Can the gentleman tell us what will be the policy of those who think as he thinks on this question when a bill comes in here for farm relief that does not carry out the policy indicated by that editorial?

Mr. CHRISTOPHERSON. As for myself, I shall make an effort to get a bill that will carry out the policies that will bring relief and restore agriculture to an equality with that of other industries, and that is all that we are asking. That is what I am contending for.

Mr. BANKHEAD. Does not the editorial itself reiterate a demand for the equalization fee in a farm relief bill?

Mr. CHRISTOPHERSON. Possibly so, but I am not one who believes that that is the only solution of the farm problem.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. CULLEN. Mr. Chairman, I yield 14 minutes more of my time to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, the independent offices appropriation bill contains the regular annual appropriations for all those offices, bureaus, and establishments of the executive branch of the Government, which have not been placed by law under the jurisdiction of one of the regular departments of the Government presided over by a Cabinet officer. These independent establishments, so far as they are provided for, in whole or in part, by regular annual appropriations are as follows:

The Executive Office (including the salaries of the President, the Vice President, and of the employees of the White House and the President's immediate office).
American Battle Monuments Commission.
Arlington Memorial Bridge Commission.
Board of Mediation.
Board of Tax Appeals.
Bureau of Efficiency.
Civil Service Commission.
Commission of Fine Arts.
Employees' Compensation Commission.
Federal Board for Vocational Education.
Federal Power Commission.
Federal Radio Commission.
Federal Trade Commission.
General Accounting Office.
Housing Corporation.
Interstate Commerce Commission.
National Advisory Committee for Aeronautics.
Public Buildings and Public Parks of the National Capital.
Smithsonian Institution.
Tariff Commission.
United States Geographic Board.
United States Shipping Board.
United States Veterans' Bureau.

The appropriations for the independent bureaus and establishments were carried for the first time in the single bill known as the independent offices appropriation bill under the appropriations made by Congress for the fiscal year ending June 30, 1923, being the outgrowth of the establishment of the Budget system in Federal expenditures and of the consolidation in a single committee of the House of jurisdiction over all appropriations.

The total amounts appropriated each year for independent offices, including sums appropriated in all bills for the same bureaus for the fiscal year 1922, are as follows:

1922	$528,746,407.00
1923	555,615,334.38
1924	502,078,191.82
1925	540,303,926.21
1926	571,376,061.40
1927	513,606,436.64
1928	534,058,891.02
1929	528,355,562.00
1930 (recommended in the bill)	541,314,144.00

Appropriations for those activities reached their peak in 1926, when the aggregate amount was $571,376,061.40, of which $70,000,000 was for the adjusted service certificate fund. The total amount recommended in this bill is $541,314,144. This amount is $12,958,582 in excess of the appropriations for the current fiscal year. The increase is more than accounted for, however, by the increase allowed in the Veterans' Bureau, amounting to $14,415,000, so that, aside from the Veterans' Bureau activities, the bill is $1,456,418 less than the appropriations for the present fiscal year, which includes the increase

above the Budget of $1,500,000, which the committee has given the Shipping Board for reconditioning and operating ships for carrying coal to foreign ports, as well as the increases needed for salary adjustments under the Welch Act.

AMERICAN BATTLE MONUMENTS COMMISSION

The present authorization of expenditures by the American Battle Monuments Commission in the erection of suitable memorials to the World War dead in France and other foreign countries totals $3,000,000, of which there has already been appropriated $2,695,750. Upon the recommendation of General Pershing and of the Budget Bureau the committee has increased the total authorization to $4,500. This does not involve any increase or modification in the program of memorials to be erected, but is necessitated by two considerations—

First. The prices for materials and construction in Europe have increased approximately 40 per cent and are still rising.

Second. The commission's original project did not include the cost of landscape gardening and other beautification features in the cemeteries, as such work was under the jurisdiction of the War Department and was to have been paid for from their appropriations.

The commission and the War Department, however, have both concurred in the view that the beautification and landscape features are so clearly related to the memorials themselves that they should be planned and executed by a single authority. Consequently funds which would otherwise be appropriated in the War Department bill are included in the present bill.

ARLINGTON MEMORIAL BRIDGE COMMISSION

Progress of the work on this bridge is practically up to schedule. Colonel Grant assured the committee he does not anticipate there will be any necessity for asking an increase in the original amount of the authorization for the project.

The modification of plans recently adopted by which the Rock Creek-Potomac Parkway will underpass the bridge approach at the Washington end will add approximately $160,000 to the cost, which will be cared for by omitting certain unessential ornamental features of the bridge and its approaches contained in the original plans.

The bridge can be made available for traffic some time during the calendar year 1931 by providing temporary approaches, but the adoption of such measures will depend somewhat on whether the Virginia State highway authorities have the State highway approach to the bridge ready by that time.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. WASON. Yes.

Mr. McDUFFIE. I think the House would be interested to know, if the gentleman has time to go into it for us, something of the progress being made by the United States Shipping Board. In other words, we would like to know how many vessels are in operation, whether the total number is being decreased, and whether or not the same amount of tonnage is being carried in our own bottoms that we have carried within recent years, and something with reference to the cost of operation, whether any progress is being made along those lines.

Mr. WASON. Will my friend from Alabama wait until I get to the Shipping Board item?

Mr. McDUFFIE. I beg the gentleman's pardon; I thought that he had passed that item.

Mr. WASON. No.

CIVIL SERVICE COMMISSION

Substantial increases have been granted for the Civil Service Commission, necessitated largely by the increased work in connection with examinations for positions in the Prohibition Unit, the employees of which were placed under civil service by a recent act of Congress.

FEDERAL POWER COMMISSION

The bill also includes a substantial increase for additional personnel in the Federal Power Commission.

This commission was created by the act of June 10, 1920, and is composed of the Secretary of War, the Secretary of the Interior and the Secretary of Agriculture. The act authorized the appointment of an executive secretary at a specified salary, and also authorized the detail of an officer from the United States Engineer Corps to serve the commission as engineer officer.

The additional personnel needed for the work of the commission had been performed prior to the present fiscal year by employees detailed from the Departments of War, Interior, and Agriculture. Last year's appropriation bill provided that the employees theretofore detailed from the respective departments should become permanent employees of the Federal Power Commission and their salaries were appropriated for in last year's bill and are also included in the bill now before the House.

This commission is growing in size and importance from year to year. It has jurisdiction over the granting of licenses for the development of all water power upon the public domain and upon all the navigable streams of the United States. Under the law the licenses so granted are for a period not exceeding 50 years, and upon condition that at the end of the period the Government may recapture the project by reimbursing the licensee in the sum of the actual investment.

Protection of the interests of the Government in connection with possible recapture in the future involves a careful policing of the accounts of the licensees in order that the question of the net cost of such subject may be fairly and properly determined.

The commission has scarcely entered upon this phase of its duties, for the reason that it has been heretofore engrossed with the work involved in the consideration of applications for licenses. The necessity of protecting the interests of the Government with respect to the inspection and supervision of the accounts under licenses already granted has constrained the commission because of lack of sufficient personnel to slow down the consideration of applications for licenses with a view of overcoming some of the arrearage in the work of supervision of accounts. This situation is partly the occasion of the increased appropriations carried for the commission in the present bill.

The importance of this work is emphasized by the fact that the total amounts eventually involved in connection with the projects already under license, if the projects are completed, will aggregate approximately $1,000,000,000.

Another important duty imposed upon the commission by law is that of the regulation of rates for power, which is transmitted by licensees in interstate commerce. The Supreme Court of the United States having recently decided that in such cases neither the State of origin nor the State of ultimate use of the power has jurisdiction in the matter. This provision of the law has imposed no serious duty upon the commission up to the present time, but it is certain in the future to become an important element of the work of the commission.

The committee feels that the heavy responsibilities imposed upon this commission have been admirably discharged under the efficient administration of the present executive secretary, Mr. O. C. Merrill, who was formerly an engineer in the Forest Service of the Department of Agriculture, and who has held his present position from the inception of the commission.

FEDERAL TRADE COMMISSION

A substantial increase is carried in the bill for the Federal Trade Commission, necessitated by inquiries which are now being conducted under two Senate resolutions, one pertaining to public utilities and the other to chain stores. Two hundred and fifty thousand dollars has been made immediately available to enable the commission to prosecute these investigations without delay.

HOUSING CORPORATION

The liquidation of the Housing Corporation is making satisfactory progress. The unsold real estate amounts to only $115,000 in value, consisting of unimproved property with the exception of two dwellings. The outstanding balances on mortgages amount to $3,508,796, and collections on these mortgages are practically current.

INTERSTATE COMMERCE COMMISSION

The bill carries a material increase in the appropriations for the Interstate Commerce Commission, the committee having approved 13 additional examiners to accelerate the disposition of the large accumulation of formal cases on the commission's docket.

Another substantial increase was for the work of completing the valuation of the property of the carriers.

The 3-year program initiated by the committee, the period for which ended on June 30, 1928, is well advanced toward completion. It is expected that the program will be practically completed within the coming fiscal year.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The bill authorizes the construction of a full-scale wind tunnel at a cost not to exceed $900,000, and carries an appropriation of $525,000 toward its construction. This tunnel when completed will enable the aeronautics committee to conduct valuable experiments for the solution of necessary and valuable problems of aviation.

TARIFF COMMISSION

A moderate increase in the appropriations for the Tariff Commission is carried in the bill to enable that body to meet the ever-increasing duties in connection with the flexible provisions of the tariff law and the material increases in its activities which will be necessitated in connection with the impending general tariff revision.

UNITED STATES SHIPPING BOARD

The United States Shipping Board, in its administration of the Merchant Fleet Corporation, has made a creditable showing in the matter of reduction in operating losses. This is reflected

in the reduction in the estimates of appropriations to cover such losses for the ensuing year. The current appropriation for that purpose is $13,400,000 and the Budget estimate for 1930 is $9,500,000. The amount carried in the bill under this head is $11,134,250, of which $134,250 is represented by personnel estimated for under the head of the Shipping Board but which the committee has transferred to and recommended in connection with the appropriation for the operation of the fleet. The reasons of the transfer of appropriation are fully set forth in the report accompanying the bill.

The Fleet Corporation has 21 ship lines, which involve about 250 active vessels. There is no fleet now in operation under private ownership that approaches in size the fleet operated by the Merchant Fleet Corporation.

The committee is gratified at the creditable showing made by the Shipping Board in the continual reductions in the operating deficit of the fleet.

COAL-CARRYING VESSELS

Last year Congress authorized expenditure of $1,000,000 in reconditioning vessels for carrying coal in foreign trade. The Shipping Board at the present time has barely gotten the project under way. About six vessels have been reconditioned, but only two voyages have been begun, neither of which was completed at the time the bill was under consideration by the committee. The committee was convinced that Congress having once set its hands to the plow would not be disposed to turn back at this stage. Evidence before the committee indicated the advisability of a further enlargement of this enterprise, particularly with reference to encouraging trade with South America, and has added $1,500,000 to the bill for this purpose.

UNITED STATES VETERANS' BUREAU

The work of the United States Veterans' Bureau is proceeding in a most satisfactory manner under the present able and efficient administrative director, General Hines. The execution of the various laws enacted by Congress for the benefit of the veterans has necessitated certain increases in the appropriations for 1930. These increases total $14,415,000, and the Budget estimate for the various items under this bureau have been granted in full. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield myself 30 minutes. Gentlemen of the committee, this bill which we now have under consideration carries an aggregate appropriation of $541,314,144 for the Executive Office and sundry independent executive bureaus, boards, and commissions for the fiscal year of 1930, while in the fiscal year of 1929 the sum of $528,355,562 was appropriated. The Budget estimate for 1930 is $540,917,930.

There is, therefore, an increase of $12,958,582 over the same appropriation bill of 1929, and an increase of $396,214 over the amount recommended by the Budget. In connection with the $12,958,582 it was more than accounted for by the increase of $14,415,000 in the amount recommended for the Veterans' Bureau. Aside from the Veterans' Bureau there was an actual decrease in the amount recommended in the bill as compared with the amount appropriated for the current year, $1,456,418, notwithstanding the fact that the committee has included under the Shipping Board an item for $1,500,000 for reconditioning vessels for carrying coal to foreign ports.

The two largest amounts appropriated under this bill are those for the United States Veterans' Bureau, totaling $499,975,000 and the United States Shipping Board, which is $9,994,000.

For the Executive Office the sum of $458,120 is appropriated.

American Battle Monuments Commission	$600,000
Arlington Memorial Bridge Commission	2,000,000
Board of Mediation	348,270
Board of Tax Appeals	725,863
Bureau of Efficiency	228,130
Civil Service Commission	1,251,562
Commission of Fine Arts	9,080
Employees' Compensation Commission	4,077,326
Federal Board for Vocational Education	822,520
Federal Power Commission	170,250
Federal Radio Commission	164,440
Federal Trade Commission	1,289,760
General Accounting Office	4,132,000
Housing Commission	397,950
Interstate Commerce Commission	8,213,825
National Advisory Committee for Aeronautics	1,300,000
Smithsonian Institution	1,047,573
Tariff Commission	815,000
U. S. Geographic Board	9,200
U. S. Shipping Board	9,994,000
U. S. Veterans' Bureau	499,975,000

And in addition, the permanent annual appropriations for 1930 amount to $107,456,991.

In order to have a permanent record and to call the attention of the Members generally to the objects and amounts for which these appropriations are made, I ask unanimous consent to insert herewith a prepared statement thereof.

As a member of the minority of the subcommittee of the Appropriations Committee on independent offices we have presented for your consideration a bill which will, I hope, commend itself to the membership of the House.

Our subcommittee has labored for the past few weeks in session with our esteemed chairman, Congressman WASON, and Congressmen SUMMERS of Washington, ALLEN, and VINSON of Kentucky, while conducting hearings with the representatives of the various independent offices before our committee. From a general résumé thereof, I believe that the employees in the Federal departments are rendering most efficient and capable service, worthy of much praise and recognition. But I warn the Congress not to reduce too far the needed appropriations for the operation of our governmental agencies, and thus cripple and retard the progress that is being made in bringing about the greatest possible degree of efficiency compatible with the amount of money that is appropriated annually.

The men who left their jobs, their homes and relatives, to enlist in defense of the lives and property of the American people in time of war, some of whom were crippled and maimed for life, while others paid the supreme sacrifice, must be well and properly cared for, and adequate and up-to-date hospital facilities provided.

In that connection I am glad to hear that the Veterans' Bureau are going to extend their hospital operations by asking an appropriation of $10,000,000 for the building of hospitals, which I think is a very good and wise thing to do.

I am for an American merchant marine, supported, maintained, and developed along with the other big institutions of this great country. I believe in the principle of Federal aid. We must have a merchant marine capable of transporting our enormous overseas commerce and serving the American people in time of war and distress, when it is absolutely necessary that food and supplies be furnished our forces on land and sea, and act as an auxiliary to the Navy.

Our country from its beginning were shipbuilders and mariners. We had shipyards and shipbuilding in all its branches, and we should remain steadfast to that policy. We rank about eighth in the shipping business, and although the early founders of this Government advocated and encouraged the building of a large merchant marine, our present shipping business is at low ebb. A merchant marine is vital to the Nation's supremacy. We should support by voice and money its upbuilding so that it will be an example to others and a credit to ourselves.

Mr. McDUFFIE. Will it interrupt the gentleman at that point?

Mr. CULLEN. No.

Mr. McDUFFIE. Last year or last Congress, I recall, the Congress appropriated $10,000,000 for the purpose of reconditioning two ships, with a view of balancing our trans-Atlantic passenger service. A report was made to the President by some bureau or board of the Navy Department. So far I have been unable to learn what the report was, and I have not heard it was favorable. We could recondition the two ships, the *Monticello* and the *Mount Vernon*, for about half as much as to build new ships. Those two ships were never in that service, but had excellent service under the Shipping Board, and I was wondering if the gentleman or his committee had obtained from those who appeared before the committee the reason why this money was not used, why these boats were not reconditioned for the North Atlantic passenger service?

Mr. CULLEN. The answer is this, that when the Shipping Board advertised for bids to recondition the *Mount Vernon* and the *Monticello* they found the money appropriated by us in the last Congress was insufficient to recondition both of them, and probably would only recondition one, so that they stopped.

Mr. McDUFFIE. Does the gentleman mean to say they really made some move toward reconditioning those boats? I understood nothing was ever done. The gentleman says they did advertise for bids?

Mr. CULLEN. They advertised for bids, yes; but they found that the moneys appropriated were not sufficient.

Mr. McDUFFIE. Did that board make a report?

Mr. CULLEN. I think it is in our hearings.

Mr. McDUFFIE. The board did make a report?

Mr. CULLEN. I think so.

Mr. McDUFFIE. And advertised for bids? If they did, I must have overlooked it.

Mr. CULLEN. I think you will find it in the report.

Mr. McDUFFIE. It is in the hearings?

Mr. CULLEN. Yes.

By the act of Congress of date July 4, 1789, a discount of 10 per cent was allowed on all goods in ships owned by American citizens, and a further rebate was allowed on tea imported from the East Indies in American vessels. With such aid and en-

couragement, the tonnage carried in American bottoms increased from 123,893 in 1789 to something over 400,000 in 1792. In other words, the percentage of exports and imports increased from 25.6 to 92 per cent. As early as 1840 the British Government adopted the policy of granting subsidies to certain steamship lines, and shortly Italy, France, and the other European countries followed. Presidents Washington, Adams, Jefferson, and Madison strongly advocated relief to the shipping industry, and it was no other than Thomas Jefferson who said:

To force shipbuilding is to establish shipyards, is to form magazines, to multiply useful hands, to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war.

From the year 1831 to 1841 the number of foreign ships in our ports increased over 400 per cent, while during the same period American ships only increased 40 per cent. The British Government in 1834 granted to certain lines a subsidy of $850,000, and in a few years such subsidies were increased from three to four million dollars. It is very significant that those who advocated and initiated the movement to compete in the shipping business with the British lines by granting subsidies were men of power, leadership, and national influence, such as Presidents Jefferson and Polk and Senator Thomas King, of Georgia, and by the largest shipowner of more recent time, A. A. Low, Esq., father of Hon. Seth Low, former mayor of New York and president of Columbia College and of the New York Chamber of Commerce. There was practically no increase in the amount of imports and exports carried in American ships up to the time of the great World War, the proportion of tonnage transported in American vessels being 8.2 per cent in 1901, while in 1914 it was only 8.6 per cent. The Merchant Marine Commission established by Congress in 1904, composed of five Senators and five Representatives, with Senator Gallinger, of New Hampshire, as chairman, recommended tonnage subsidies on cargo vessels to certain steamship lines to the West Indies, South America, South Africa, Australia, and the Orient, but this provision embodied in the measure that passed the Senate was eliminated in the House.

It was in recent years, under President Harding's administration, if my memory serves me right, we passed a ship subsidy bill, which was defeated in the Senate, and I voted for it.

Mr. BACON. Will the gentleman yield?

Mr. CULLEN. I will.

Mr. BACON. Is the gentleman aware that three boats are being built by Germany at this time that will probably make 30 knots?

Mr. CULLEN. Then I would make ours 30 knots to match. I am also aware that they have under construction now 20 vessels of from 25,000 to 30,000 tons ready for the North Atlantic trade.

Mr. BACON. I think the gentleman is correct in that.

Mr. CULLEN. The Italian Government alone has spent approximately $4,600,000 annually in the construction and operation of their ships and mail lines to China, India, North and East Africa, and Egypt; and France has expended about $13,000,000 a year in the equipment and operation of its various ship lines to Australia, eastern Mediterranean, Brazil, and other countries; while England is also appropriating between seven and eight million dollars every year in aiding and developing her merchant marine.

Italy is building ships of twenty-five to thirty thousand tonnage, while France and Germany are also forging ahead under a very large shipbuilding program, reconditioning and thoroughly equipping all their old ships on hand and constructing additional ships. To-day our North American lines are badly in need of two modern vessels of 30,000 tonnage to supply the great demand for additional export, passenger, mail, and freight services along with the *Leviathan*, *George Washington*, *President Harding*, *America*, *President Roosevelt*, and the *Republic*. Sailing of these ships should be made at least three times a week, and thus eliminate the great delay and congestion entailed by sailing only once every 10 days or two weeks.

I am in favor of building two more ships for the North Atlantic service of 30,000 tons, with a speed of not less than 25 or 30 knots, to balance the fleet which is now operating in the trans-Atlantic trade, and which would also act as auxiliaries in times of stress.

The Shipping Board and Merchant Fleet Corporation are showing a great desire to have their business in which they are engaged firmly established along strict business lines, and in my opinion are making excellent progress in that direction. They are doing good work; there is no question about it. And since we have put vessels under their jurisdiction as a result of the war, we find it wise in our judgment to leave them alone instead of criticizing them unnecessarily. They are doing work commendatory not alone to themselves but to the Congress and the people of the United States.

I am also fully convinced that the wisest and best policy is to have shipyards and train men to become proficient and experienced shipbuilders, as this feature of our ship program is just as important to the upbuilding of a merchant marine for reconditioning and repair in order that our ships can be kept up to that high standard worthy of the merchant marine of a great country and place our business at least on a par with that of the foreign nations.

Mr. ROBSION of Kentucky. Will the gentleman yield at that particular point?

Mr. CULLEN. I will.

Mr. ROBSION of Kentucky. I am advised that the Palmetto Line, after making 46 trips under the Shipping Board, lost more than a million dollars last year, and in the face of that it was bought by a private concern. I am just wondering why a private concern would buy a shipping line with that deficit staring them in the face unless they could see how they could run the line much better than the Shipping Board.

Mr. CULLEN. A business corporation, with money invested in those lines, if they could not see something in the future as to the investment, would naturally hesitate to invest. I do not know whether that is the result of experience in management or not, but I know, as a shipping man, that there were many times when we ran our vessels not only across the north Atlantic but to South America when we were on the red side of the ledger.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. CULLEN. Yes.

Mr. BRIGGS. Is it not true that the fact that the Palmetto Line bought those ships for a song, approximately $300,000 for 10 cargo carriers, and the further fact that they were enabled under the merchant marine act for 1928 to get a 10-year mail contract made it possible for that line to run in private operation?

Mr. CULLEN. The gentleman is a member of the Committee on the Merchant Marine and Fisheries, and he probably knows about that.

Mr. ROBSION of Kentucky. I can not see why these private concerns could get more favorable treatment in handling United States mails than the Shipping Board itself.

Mr. BRIGGS. That is because the Congress has specifically provided, under the merchant marine act of 1928, that the Government may make 10-year mail contracts with citizens of the United States; and that was offered as an inducement for purchasers to buy ships from the United States when the Post Office Department and Shipping Board determined such contracts were advisable.

Mr. ROBSION of Kentucky. Under the shipping act could the Government itself get those contracts?

Mr. CULLEN. I think perhaps it could; but in this case the contracts were permitted to be made as an inducement to privately operated lines.

Mr. ROBSION of Kentucky. I am anxious that the American lines shall get contracts to carry the mail and that those ships will go out of rating.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. CULLEN. Yes.

Mr. WAINWRIGHT. Of course the gentleman knows that the *Leviathan* and American ships of the United States Lines are the only first-class passenger lines flying our flag on the North Atlantic lane. Is it designed to encourage the building of fast passenger and cargo vessels in connection with the disposal of these ships to private owners? Does the gentleman know whether, in the advertisements of the United States Lines, they are now imposing as a condition that any purchaser of a ship of the United States shall agree to build under the present loan laws two new up-to-date fast passenger and cargo vessels such as the gentleman describes?

Mr. CULLEN. I am not altogether familiar with that, but I think I am safe in saying that if the United States Lines on the North Atlantic are sold at satisfactory prices there is a condition involved to recondition the *Monticello* and the *Mount Vernon*.

Mr. WAINWRIGHT. Of course that would only go part way, but it would help some American shipyards to recondition the vessels.

Mr. CULLEN. I am in harmony with the gentleman's suggestion as to that.

Mr. WAINWRIGHT. The gentleman may recall that a bill was introduced at the last session of Congress to require that

any sale of United States Lines should be on the condition that the purchaser should build two such ships.

Mr. CULLEN. I think that was provided for in connection with the repair of these vessels.

In closing, it might be well to mention as regards ship operation that originally the board had 45 main cargo lines, 7 passenger lines, with 91 managing operators or charterers. The ship lines were afterwards reduced through consolidation or abandonment to 37 in number. Up until 1924 only 1 of the board's established lines had been sold to private interests.

To date 17 lines have been sold, consisting of 134 vessels, and these lines are now in operation under private American ownership. The vessels, totaling 5,112,743 tons, as well as 489 ships for scrapping, totaling 2,024,710 tons. The aggregate totals of ships sold amount to 1,668, representing in cargo ships 8,080,631 dead-weight tons and 282,674 gross tons for passenger vessels, with aggregate sales prices of $252,756,615.05.

The board now has 21 ship lines, which involve about 250 active vessels. It has 405 ships in inactive status, including 9 vessels undergoing Dieselization and 11 in "spot" status, with 385 in lay-up.

I would like to see them act on the mandate of Congress with regard to the repair of ships that are carrying coal. I supported that project in the subcommittee. I think that is a very good business project, at least if we can get preferential rights from the railroads in regard to carrying coal.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. CULLEN. Certainly.

Mr. MURPHY. In looking at the hearings I find that special stress has been laid on the amount of money used in reconditioning those ships so that it would be possible to carry coal in them. I understand that quite a little space is given in these hearings to finding fault with the proposition to make provision for the shipping of coal, but in the committee they never batted an eye on several million dollars providing for the reconditioning of two passenger ships. I am wondering what is underneath this. Has any information come to the committee?

Mr. CULLEN. I do not know what is back of that.

Mr. MURPHY. I noticed that in the hearings.

Mr. CULLEN. Two of these ships were to be reconditioned to carry coal. I think that one of them was sold. I am not sure about that, however. I think that is good business that they should be reconditioned.

Mr. MURPHY. Yes. They could not dispose of them unless they were. I notice in the remarks made by the gentleman from Kentucky [Mr. VINSON] yesterday that only one ship had made a trip to Mediterranean ports. Yet the hearings say that 10 trips have been made. I was wondering how that thing works.

Mr. CULLEN. That, I think, is shown in the report of June 30.

Mr. MURPHY. They think that will be the law.

Mr. CULLEN. Five lines were sold during the fiscal year 1928, including the three remaining cargo services on the Pacific, thus disposing into private American hands all of the board's lines in trans-Pacific trade. The board has since sold 12 vessels which were in lay up on the Pacific coast, thereby closing out all remaining cargo vessels and taking the board out of active operation and ownership on the coast. Individual vessels sold during the fiscal year 1928 for unrestricted operation total 20.

The other day, prior to getting up this statement, I happened to look over the Lloyds Register, and I thought it might be of interest to the Members of the House generally to know, in regard to the construction of merchant vessels, that 81 per cent of all construction of merchant vessels, according to the report of Lloyds Register, which is an English register, is being done in Great Britain. Now, gentlemen, we ought to do something in regard to our merchant marine, and I hope and sincerely trust that the next Congress will take up this most important subject and put our flag where it should be on the seven seas of the globe. [Applause.]

The CHAIRMAN. If there is no further general debate, the Clerk will read the bill for amendment.

The Clerk read down to line 16, page 6.

Mr. ROBSION of Kentucky. Mr. Chairman, I rise at this time to ask unanimous consent to revise and extend my remarks on this bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

COMMISSION OF FINE ARTS

For expenses made necessary by the act entitled "An act establishing a Commission of Fine Arts," approved May 17, 1910 (U. S. C. p. 1295, sec. 104), including the purchase of periodicals, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the commission in attending meetings of the commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the commission, $7,380, of which amount not to exceed $4,280 may be expended for personal services in the District of Columbia.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman of the subcommittee to what extent the Fine Arts Commission is being consulted in the design of the public buildings for which Congress has provided in the District of Columbia and also throughout the United States?

Mr. WASON. The only answer I can make to my colleague is that I understand they are complying with the requirements of the law whenever any activity of the Government asks for their opinion or wherever the law provides that they shall act.

Mr. LAGUARDIA. Is this compliance a purely perfunctory compliance or is the advice of the Fine Arts Commission really sought and followed in connection with the many millions of dollars we are now spending on public buildings?

Mr. WASON. I understand it is, but we made no inquiry to what extent.

The pro forma amendment was withdrawn.

The Clerk read as follows:

FEDERAL POWER COMMISSION

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law, including traveling expenses; contract stenographic reporting services, and not exceeding $600 for press-clipping service, law books, books of reference, and periodicals, $165,750, of which amount not to exceed $131,800 shall be available for personal services, and of this amount not to exceed $127,200 shall be available for personal services in the District of Columbia.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I do so for the purpose of inquiring of the chairman of the subcommittee whether this is a sufficient appropriation for the Federal Power Commission. The chairman will recall that at the last session of Congress we had a bill before the House in connection with the Federal Power Commission which did not pass, and it was stated at the time that the Federal Power Commission had so much work on its hands and had so many of these projects to look into that they were hampered and could not possibly do the work with the personnel and funds then available. In the meantime, if they did not act, there would be great danger of some of the water power under the jurisdiction of the commission being usurped and used contrary to the provisions of the law. That was stressed to some extent in the House last year, and while there is a slight increase in the appropriation this year I would like to know if the committee is satisfied that the commission can keep abreast of its current work.

Mr. WASON. I will say to my colleague that I understood from the commission that with this amount they could function efficiently with the work, although they will probably need an increase for the next year, 1931, for additional personnel.

Mr. McDUFFIE. The point I am interested in is not exactly the same one raised by the gentleman from New York. I would like to know what they are going to do with this additional $57,000.

Mr. WASON. One of the important items making up that appropriation is what they call policing the accounts of the work that has been done so as to keep the valuation of the different projects up to date in case of a transfer. It is otherwise known as the recapture by the Government if such action is required at the end of the license period.

Mr. McDUFFIE. Did you increase the amount for press-clipping service, for stenographic hire, and additional periodicals?

Mr. WASON. No; it was largely for additional personnel.

Mr. McDUFFIE. Additional employees?

Mr. WASON. Yes.

Mr. McDUFFIE. Does the gentleman know how many they are taking on?

Mr. WASON. I think about 10 more persons.

Mr. McDUFFIE. And they are to be engaged on what sort of service?

Mr. WASON. Policing the accounts and bringing the different items of the record up to date, so that they can keep them current as the years pass.

Mr. McDUFFIE. It takes 10 men to police the accounts of the Federal Power Commission?

Mr. LAGUARDIA. It will take more than that.

Mr. WASON. I mean the accounts of the licensees. The gentleman will understand that these activities have been promoted under a license from the Government, and these men in the Federal Power Commission oversee the work of the licensees and check up their books and accounts—expenditures, income, and so forth.

Mr. McDUFFIE. That covers the entire country then.

Mr. WASON. That covers the activities of the United States Government in respect of these water-power projects.

Mr. SUMMERS of Washington. Claims of $297,000,000 are involved.

Mr. LAGUARDIA. The gentleman means plans instead of claims.

Mr. SUMMERS of Washington. Plans or claims. On page 132 of the hearings the gentleman will find a complete statement that is very enlightening.

Mr. LAGUARDIA. Can the gentleman from New Hampshire inform us whether the commission will be able to employ the necessary experts and accountants to keep abreast of this valuation work which is so important?

Mr. WASON. They gave the impression they were satisfied for the ensuing year with this personnel.

Mr. LAGUARDIA. With the increase the gentleman has provided in this bill?

Mr. WASON. Yes.

Mr. LAGUARDIA. That is, the commission itself

Mr. WASON. Yes.

Mr. LAGUARDIA. If they say so, then it is their responsibility.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment.

I wish to follow the same line indicated by the gentleman from Alabama [Mr. McDUFFIE] and to make inquiry in regard to the very rapid increase in the expenditures of this bureau or commission.

True, the Federal Power Commission is a very important commission and it is doing a very important work, but when I see one of these newer commissions begin to go forward by leaps and bounds in its expenditures I feel like making inquiry as to whether the increases are demanded by the work required of the commission.

I note that since last year the expenditure has jumped up from $108,000 to $165,000, in round numbers; that last year not to exceed $87,000 was to be available for personal services; and that $83,000 was to be expended in the District of Columbia. In this bill the amount to be expended is $165,000, for services $131,000, and not to exceed $127,000 of this amount is available for personal services in the District of Columbia.

These figures indicate a very rapidly growing commission, and I am wondering just why this particular commission is growing so rapidly, and why all of it, or practically all of it, is to be expended inside the District of Columbia. Is there not required some policing of accounts at places outside the District of Columbia?

Mr. WASON. They travel outside the District of Columbia, but they are on the pay roll as of the District of Columbia.

Mr. TILSON. It is practically all expended within the District of Columbia, it would seem, and yet this is a commission which regulates power activities all over the country.

Mr. WASON. Yes.

Mr. McDUFFIE. May I say that this commission has the right to call on the three departments or on many departments of the Government for any information, and the various departments have their experts to furnish the information. I can not see why this increase is necessary, although it may be. I am not informed, frankly, but it is remarkable to see how this item for services in the District of Columbia is growing year by year.

Mr. WASON. The gentleman will recall that in the last appropriation bill the policy to which he has referred was changed. Originally, the details were one man from each of three departments, and they kept increasing the employees in this way until last year when it was changed, and instead of having details from the departments, they were put on the pay roll of the Federal Power Commission and taken off the expenditures of the several departments where the details came from. All the employees now are under the executive secretary, Mr. Merrill, and the appropriations are made to the Federal Power Commission to cover these expenditures.

Mr. McDUFFIE. How many employees are there in the Federal Power Commission?

Mr. WASON. They have 29 or 30 for this year, and next year they asked for and have been allowed by the committee an increase of 10, making 40. The statement of Mr. Merrill to the committee is that the work is behind and he desires to get it current. One of the things that has been neglected, as the activities have spread and grown, is the policing of the accounts of licensees, which my friend will understand. Under the act there is a provision for recapture at the end of the license period.

Mr. McDUFFIE. There is the power of recapture after 50 years, but that is a long time off.

Mr. WASON. But the accounts of the licensees should be kept accurately policed during such period.

Mr. McDUFFIE. Then, the gentleman is providing for 10 additional auditors?

Mr. WASON. The commission calls this work the policing of accounts, and I would say they are to be accountants or auditors or perhaps some engineers.

Mr. McDUFFIE. The gentleman will recall there was an effort made to enlarge this commission under the terms of a bill brought upon this floor, which the House refused to pass. Under the provisions of that bill the commission could have grown into a bureau as large as the Interstate Commerce Commission, but the House did not pass that legislation.

This rather large increase for personnel in the District of Columbia leads one to question necessarily, or to at least ask for information, as to why so much money is needed, and this was my purpose in seeking the information. If additional employees are needed I want them to have them, but the question is, Are they really needed? This is what the House wants to know.

Mr. WASON. I am satisfied they are, and let me call the gentleman's attention to page 135 of the hearings, where this statement is made:

> Under sections 19 and 20 of the act, the commission is authorized to exercise regulatory power—that is, the regulation of rates, services, and securities—not only of its licensees but of customers of its licensees who are buying power from them and selling it in the public service, and of subsidiaries of licensees, the stock of which is owned or controlled directly or indirectly by a licensee.

The pro forma amendment was withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed on this paragraph for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, in view of what has been said, I think it is only fair that the RECORD should show that the Federal Power Commission is the only supervisory agency which the Federal Government has over power companies using water power in streams under Federal control; that the various power companies throughout the United States are so well organized, with such an army of expert accountants and other kinds of experts, that the people of this country are in need of the protection which the Federal Power Commission is giving them.

The attention of the committee was called to the increase of expenditures of this commission. It is only fair to note in connection with the expenditures that the receipts of the commission from June 30, 1926, total $107,414, while the estimated receipts for 1930 are $718,663. The receipts for reimbursing costs of administration in 1926 were $317,432, while the estimated receipts for the present fiscal year are $1,103,539, so that the receipts are greater in proportion to the increase than the expenditures, as pointed out by the gentleman from Connecticut.

Mr. TILSON. I note an increase in personnel of 10—from 30 last year to 40—in this bill, according to the gentleman from New Hampshire. That is 33 per cent increase in the personnel, while the amount available for personnel service in the District of Columbia is increased 50 per cent. Are the 10 additional men high-priced men?

Mr. LAGUARDIA. They ought to be to compete with the high-priced accountants and the high-priced jugglers of figures of the power companies. We ought to go out and get the very best employees we can to keep up with them.

Mr. TILSON. You can not always tell by the price you pay how expert they are.

Mr. LAGUARDIA. The report shows that the receipts for the use of the Government dams has jumped 50 per cent, and the cost of administration 50 per cent; and some increases run as high as 100 per cent. It seems to me if Congress errs in any way it errs in not giving the Federal Power Commission unlimited funds. There is now going on in this country a struggle for the absolute control over all the water power throughout the country. The rates are fixed on the valuation of the plants, and if we have a power commission on the job that will keep

the companies to an honest valuation instead of permitting them to fix and juggle their figures, and get all sorts of fictitious and theoretical valuations, the American people will save many millions of dollars.

Mr. McDUFFIE. Does not the gentleman know that fixing the rates is done by the various public utilities of the various States?

Mr. LAGUARDIA. This applies only to water power under jurisdiction of the Federal Government. As to the public service commissions in some States I will say that they were created to protect the public, but in some States the public service commissions are the best allies the power companies have.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Federal Radio Commission, $164,440.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. I do that to make a contribution to the discussion of the preceding paragraph. If the whole report is taken into consideration there is found on page 19 the increases provided in the salaries carried in the section of the bill there discussed. The increase in that section is $277,722; that is on account of the Welch Act. That is found to be 13¾ per cent of the increase provided in the bill. That being true, and applying those figures to the increase under discussion in connection with the Water Power Commission, I am sure that it will indicate that the increase provided for personnel are in line with other departments. I thought it was worth a moment's attention in connection with the general increases provided under the Welch bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Locomotive inspection: For all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (U. S. C. p. 1439, sec. 22), as amended by the act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender" (U. S. C. p. 1440, sec. 30), and amendment of June 7, 1924 (U. S. C. p. 1440, sec. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than 15 inspectors in addition to the number authorized in the first paragraph of section 4 of the act of 1911 (U. S. C. p. 1439, sec. 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, and for traveling expenses, $459,000, together with $31,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928, of which amount not to exceed $72,500 may be expended for personal services in the District of Columbia.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman the status of the claim against the Government by which the United States was held by the Interstate Commerce Commission to be obligated to the railroads for carrying the mails for the past three years to the extent of $45,000,000 over and above the remuneration agreed upon between the railroads and the Post Office Department?

As I understand it, that results from some provision in the interstate commerce law whereby the railroads may have the right to review these contracts or obligations entered into by the Post Office Department with the railroads for carrying the mail; that under that law and the ruling of the commission it is claimed that the Government is obligated to pay an increased amount of $45,000,000 over and above the agreed compensation. I understand that has been taken to the Supreme Court of the United States from the award made by the Interstate Commerce Commission and affirmed by the Court of Claims. I want to know what action, if any, is being taken to protect the rights of the Government in this matter; whether any action is being taken at this time, so that the fullest review of the matter may be had by the Supreme Court of the United States.

Mr. WASON. Mr. Speaker, I expect that that matter would be handled by the Attorney General's office. It does not come before our committee. We are not a legislative committee in any event. Perhaps some legislative committee may have charge of it.

Mr. BRIGGS. This committee did not give any consideration to that phase of it?

Mr. WASON. No. The subject was not brought to our attention. We deal entirely with appropriations. If it was in the nature of a judgment it might come before us, but until that time we would not know.

Mr. BRIGGS. My understanding was that it might be necessary to come before the Congress for an appropriation of, say, $13,000,000, to pay for the period of one year, and then probably additional sums until the total amount of $45,000,000 extra was appropriated; but the gentleman says that he knows nothing about that?

Mr. WASON. No.

Mr. BYRNS. Mr. Chairman, it is my recollection—and I may be mistaken—that the deficiency bill at the last session carried a certain sum which was made necessary by the increase to the carriers for carrying the mails, due to this order of the Interstate Commerce Commission. I remember the matter was discussed before the deficiency committee from the viewpoint of additional appropriations required.

Mr. BRIGGS. Have any payments been made upon those claims before the Supreme Court of the United States has finally adjudicated that the Government is actually liable therefor?

Mr. BYRNS. I do not mean to say that, but I do have a distinct recollection that the Postmaster General made a statement, or representatives from the Post Office Department, that the postal expenditures had been considerably increased by this ruling of the Interstate Commerce Commission. I was not aware that there had been any appeal to the Supreme Court in the matter. The Interstate Commerce Commission was given authority, as I recall, by a statute to review the rates, and a hearing was had before the Interstate Commerce Commission on a petition from the railroads, which, as I recall, was resisted by the Post Office Department and was adjudicated in the manner stated by the gentleman.

Mr. CHRISTOPHERSON. There was a report that it would be taken into the courts.

Mr. BYRNS. I am reminded by the gentleman from South Dakota that the matter was taken into the courts.

Mr. BRIGGS. The thing that I am interested in is in knowing whether in truth and in fact that is being done. It is my understanding that the matter was heard on an appeal before the Court of Claims; that it was taken into the Court of Claims and the order of the Interstate Commerce Commission affirmed.

Then I have heard that the Government was appealing it to the Supreme Court of the United States, and I wanted to have that made clear. I wanted to make sure that the matter was being carried to the highest court in the land for final determination, so that the Government would not be subjected to this huge liability until the Supreme Court had actually said that it is liable.

Mr. WASON. Mr. Chairman, I agree with the line of reasoning of my colleague from Texas, but we have no power in this committee to further his wish.

Mr. BRIGGS. I thought perhaps the committee had received some information about it in the course of the hearings.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

To enable the United States Shipping Board Merchant Fleet Corporation to operate ships or lines of ships which have been or may be taken back from purchasers by reason of competition or other methods employed by foreign ship owners or operators, there is hereby reappropriated the unexpended balance of the appropriation of $10,000,000 made for similar purposes in the independent offices appropriation act for the fiscal year 1927: *Provided*, That no expenditure shall be made for the purposes of this paragraph from this sum without the prior approval of the President of the United States.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 38, line 25, strike out the period, insert a colon, and add the following: "*Provided*, That no part of the sums appropriated in this act shall be used to pay the wages or salary of any alien seaman or steward if suitable American citizens are available for such employment."

Mr. WASON. Mr. Chairman, on that I reserve the point of order.

Mr. LAGUARDIA. That is not subject to the point of order. We may as well dispose of that first. I would like to hear the gentleman.

Mr. WASON. It is imposing an executive duty on every person who pays an employee of the Shipping Board. He must first find out whether there is an American available for those positions.

Mr. LAGUARDIA. Certainly; he has to find out the citizenship of everybody on the ship's manifest.

Mr. WASON. No; he has to find out whether there is an American citizen available for the job.

Mr. LAGUARDIA. If there is any doubt in the chairman's mind, I am ready to argue the point of order; but I think the burden is on the gentleman making the point of order.

The CHAIRMAN. The Chair will be very glad to hear from the gentleman.

Mr. WASON. Mr. Chairman, it is imposing an executive duty upon the Shipping Board to determine the fact when they pay an employee or a steward whether there is an American citizen available for that work at the time that an alien is employed. Further than that, it is legislation on an appropriation bill.

Mr. GARRETT of Tennessee. Mr. Chairman, may we have the proposed amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the LaGuardia amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. LAGUARDIA. Now, Mr. Chairman, that is absolutely a limitation. It imposes no new duty upon the employing official of the United States Shipping Board, United States Lines. As everyone on the floor knows, when a person is employed by a ship his citizenship must be ascertained. It must go on the ship's manifest, and whether or not an American citizen is available is known to the Shipping Board through their own employment agency. It adds no new duty; it is clearly a limitation on the appropriation. There are several limitations on this appropriation for the Shipping Board and Emergency Fleet Corporation.

Mr. WASON. Mr. Chairman, not having had time to look that amendment over until a second before it was offered, I will withdraw my objection.

The CHAIRMAN. The question is on the amendment.

Mr. WOOD. Mr. Chairman, I desire to rise in opposition to this amendment.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. I do not waive my right to speak to my amendment after the gentleman from Indiana.

The CHAIRMAN. The gentleman from New York has the floor on his amendment.

Mr. WOOD. Let the gentleman go on then.

Mr. GARRETT of Tennessee. Does the gentleman withdraw his amendment or the point of order?

The CHAIRMAN. The point of order is withdrawn.

Mr. LAGUARDIA. Mr. Chairman, as I pointed out this morning, the United States Lines are not only employing aliens but they are employing aliens in preference to American citizens. The *Leviathan*, which sailed on December 5, had in the steward's department 204 citizens and 452 aliens. The *George Washington*, which sailed on December 12, had in the steward's department 62 citizens and 257 aliens, over 4 to 1. The *America*, which sailed on December 27, had 67 citizens and 166 aliens in the steward's department; and the average runs along about the same proportion to every ship.

Mr. McDUFFIE. Where does the gentleman get his information?

Mr. LAGUARDIA. Does the gentleman want to know?

Mr. McDUFFIE. Yes.

Mr. LAGUARDIA. From the Shipping Board.

Mr. McDUFFIE. That is the reason I asked; I wanted to know it.

Mr. LAGUARDIA. From the assistant director of the sea-service bureau.

Mr. McDUFFIE. I am very much obliged. I did not speak simply to hear my voice.

Mr. LAGUARDIA. Perhaps the gentleman thought I was off in my figures, but they are right.

Mr. WILLIAM E. HULL. I am asking for information; is it not almost impossible to secure Americans to do the work that these men have to do?

Mr. LAGUARDIA. No.

Mr. WILLIAM E. HULL. Where does the gentleman get the information?

Mr. LAGUARDIA. From the same source. I am advised by the director of the sea service bureau, New York, that the Merchant Line running out of New York has 97 per cent American citizens in their crew. There is no such thing as the work being menial. All honest work is honorable. The gentleman who is an expert on hotels knows that he can go to every first-class hotel in this country and in the best hotels the waiters, which correspond to this steward's department, are American citizens.

Mr. WILLIAM E. HULL. You do not mean to tell me they are American citizens born in this country?

Mr. LAGUARDIA. They are American citizens, nevertheless.

Mr. WILLIAM E. HULL. Are not these picked up on the other side because they can not get them on this side?

Mr. LAGUARDIA. No.

Mr. WILLIAM E. HULL. My judgment is that the class of labor they need for this purpose to compete with other ships is in many cases to put in this foreign labor because they work mostly for the tips and the American will not.

Mr. LAGUARDIA. No. The salaries are fixed. My amendment does not affect the salaries. As the gentleman points out, they do recruit these men on the other side. These men have families on the other side. They do not contribute anything to our community. These ships are operated with public funds, and it is just as necessary to build up our own body of seamen on our ships as to build up the operation of the ships. At this time I charge that not only are the majority of these people aliens, but that American citizens are discriminated against in securing employment on United States Line ships.

Mr. WILLIAM E. HULL. Can you prove that American citizens are discriminated against?

Mr. LAGUARDIA. Yes. I can by citing the number who apply for these jobs and can not get them.

Mr. WILLIAM E. HULL. If the gentleman will only listen I will say——

Mr. LAGUARDIA. I prove that; and I prove that the men are available by citing the fact that the crews of American merchant lines are 97 per cent American.

Mr. WILLIAM E. HULL. That does not prove it. If you prove that a lot of Americans have made application for these places and have been turned down, that would be something definite; but you are not proving your contention by citing the fact that other lines hire American citizens to fill these places.

Mr. LAGUARDIA. The Merchant lines are running out of New York with 97 per cent American crews. The gentleman asked for the proof. I have furnished the proof.

Mr. WILLIAM E. HULL. You do not prove your contention by citing what other lines do.

Mr. LAGUARDIA. I have proved my charge, and I have shown you the figures.

Mr. WILLIAM E. HULL. You did not say what I said.

Mr. LAGUARDIA. I do not believe that with all that Congress is doing for the American merchant marine, as generously as we are appropriating funds to assist in the operation of these ships, we can afford to take a stand to-day and turn down an amendment that simply asks that American citizens be given the preference for employment on these ships. [Applause.]

Mr. WOOD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. WOOD. Mr. Chairman, the task of obtaining employees for this steward service on the ships is certainly a very difficult one. They tell me it requires more time and more investigation and the exercise of a greater amount of judgment than is needed in the selection of the other employees needed by the Shipping Board. Instead of helping the merchant marine we will severely handicap it if we put this restriction upon it.

I take it for granted that, other things being equal, Americans would be employed in all these jobs. I take it for granted that we should select American citizens in the same spirit as the Englishman would select Englishmen.

We are selfish enough to do that. We have more confidence in our own people than we have in foreigners. But many cases arise where it is impossible to get Americans to fill these places, and if you are going to put this restriction in this bill you will open up the doorway to all sorts of troubles and all sorts of pulling and hauling and haranguing. Suppose there is a place open on board a ship and the authorities are looking for some one to fill it. Here is a man who has some one with him who says the law says you must employ the man if the man is an American citizen. He may or he may not be suitable. The fact that you are putting this restriction in gives opportunity for all this trouble. You ought to have the responsibility for the selection of these employees with the men who understand and control this employment.

Mr. LAGUARDIA. I leave that entirely in the discretion of the employing authorities.

Mr. WOOD. Yes; but every time a person presents himself and says he is available, you open the door for a lot of trouble, and we know they have enough trouble there now.

Mr. LEHLBACH. What is the standard as to suitability? Is it going to be left to the employing authorities or the courts to determine that?

Mr. WOOD. I say it simply opens up the doorway for all sorts of argument and trouble.

Mr. LAGUARDIA. Is not the gentleman aware of the discrimination that exists against the employment of American citizens in these ship lines?

Mr. McDUFFIE. The figures that I have show that on all boats operated by the Shipping Board—not all under the American flag—as high a percentage as 89 per cent of American crews is carried. Certainly the deck crews and the navigating personnel are all American citizens.

The gentleman from Indiana is correct when he says we will add to the troubles, or multiply the troubles, that already handicap them now if we adopt this amendment.

Mr. LAGUARDIA. I want to say now that if you take that attitude toward American labor some of us may take a similar attitude on the tariff.

Mr. SCHAFER. Mr. Chairman, I rise in favor of the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SCHAFER. Mr. Chairman, after listening to the statement of the gentleman from Indiana [Mr. WOOD], I can not but reach the conclusion that we should adopt this amendment. Those who oppose this amendment are strong advocates of a tariff on foreign products, which compete with the products of the United States Steel Corporation and other corporations, in order to protect the interests and welfare of the American people from unfair competition of foreign business and labor. They are also strong advocates of an American merchant marine. It is almost unbelievable that they should be voicing opposition to this amendment which gives preference to American citizens, as against aliens in the service of the merchant marine operated by the American Government at a considerable expense to the American taxpayers.

Those who are in favor of a reasonable protective tariff to protect the industry and the labor of America, and those who are advocating the policy of maintaining a truly American merchant marine should support this amendment. There is no good reason why American citizens should walk the streets out of employment while our Government continues to employ aliens, most of whom are not even residents of America.

Mr. ABERNETHY. Will the gentleman yield?

Mr. SCHAFER. For a brief question.

Mr. ABERNETHY. Then the gentleman admits there is unemployment in this country under this prosperous Republican administration?

Mr. SCHAFER. The gentleman will admit that there is unemployment, but not nearly as much as stated by the gentleman from New York, the Hon. Alfred E. Smith, during the last campaign. There is nowhere near the amount of unemployment as there was at the close of the last Democratic administration.

Mr. BLAND. Mr. Chairman, I offer an amendment to the amendment: In the last line of the amendment, after the word "are," insert "in the opinion of the United States Shipping Board," between the words "are" and "available."

Mr. LAGUARDIA. Mr. Chairman, I will accept that amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND to the amendment offered by Mr. LAGUARDIA: In the last line of the amendment, after the word "are," insert the words "in the opinion of the United States Shipping Board."

Mr. BLAND. Mr. Chairman, I ask that the amendment be reported as it would read with the amendment I have offered, if adopted.

The CHAIRMAN. Without objection, the Clerk will report the amendment with the amendment to the amendment.

There was no objection.

The Clerk read as follows:

Provided, That no part of the sums appropriated in this act shall be used to pay the wages or salary of any alien seamen or steward if suitable American citizens are, in the opinion of the United States Shipping Board, available for such employment.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York, as amended.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 20, noes 34.

So the amendment was rejected.

Mr. WASON. Mr. Chairman, on page 38, at line 12, I would like to correct the figures. They are printed as June 30, 1928, whereas they should be June 30, 1929.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Total, United States Shipping Board, $11,494,000: *Provided*, That of the sums herein made available under the United States Shipping Board not to exceed an aggregate of $350,000 shall be expended for compensation of regular attorneys employed on a yearly salary basis and for fees and expenses of attorneys employed in special cases.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 39, line 23, strike out the period, insert a colon, and add the followlwing: "*Provided further*, That no part of the funds by this act appropriated shall be used to pay dues, fees, expenses, or disbursements for membership in the Continental Conference, the Mediterranean Conference, or in any permanent conference, committee, pool, agreement, or trust controlled by foreign steamship companies or in which the majority of members are foreign steamship companies."

Mr. WASON. Mr. Chairman, I make a point of order against the amendment as being legislation on an appropriation bill.

The CHAIRMAN. As the Chair looks upon this, it appears to be a limitation, and the Chair holds it in order.

Mr. LAGUARDIA. Mr. Chairman, the purpose of my amendment is to prevent the United States from continuing in a ridiculous position by reason of its membership, through the United States Lines, in the Continental Conference. The sailings, the schedules, the freight rates, the passenger rates, and the commissions paid to agents are all controlled by this conference which, in turn, is controlled by foreign steamship companies. Right under the noses of the officials of the United States Lines, the foreign steamship companies tell the United States Lines when they can sail, where they can sail, what they can charge; and then they come in and compete in the Cuban service, which for a long time was under the control of American ships. Last year the United States Shipping Board was told by the British companies that they could not increase their Indian trade; that their ships coming through the Suez Canal could not stop in India and take cargoes there, and they humbly bowed and submitted to that dictation.

Now, this continental conference is nothing but a pool or trust. It regulates the rates, which I believe is made legal under a provision of the shipping laws by simply filing a copy of the agreement with the United States Shipping Board. The United States Lines are outvoted in that conference about 8 to 1. We are entirely at their mercy.

Why, we brag and talk about what we are doing for our merchant marine. If we continue the recruiting for this marine service in foreign countries, as you have just sanctioned by your vote a few moments ago, and if we continue to permit the United States Lines to spend public funds for membership in these conferences controlled by foreign steamship companies, then, indeed, we are wasting millions of dollars of the taxpayers' money, because we are not building a permanent American merchant marine, but simply playing second fiddle to Great Britain.

We have a rate war now, only it is one-sided. We go into the conferences in absolute good faith and we abide by the rules of the conference; we abide by the terms of the conference, and yet the foreign steamship companies compete with American lines and they are practically putting them out of business. I can not for the world see how anyone on the floor of this House can stand up and vote against this amendment unless, of course, he is looking after the interests of some British steamship company, and it would appear that the British steamship companies have a great many friends in this country.

Why, everything we do under a conference we have to submit to them. When our vessels are to sail must be submitted to them; how much commission we pay the ticket agents or the freight agents must be submitted to them.

I suppose some one will say this conference is a good thing. I would like to hear from anyone a justification of a membership in a conference which limits the sailing of American ships and then turns around and increases their own sailings in competition with an agreed schedule.

Mr. McDUFFIE. Will the gentleman yield for a question?

Mr. LAGUARDIA. Yes.

Mr. McDUFFIE. Suppose an occasion arose where those charged with the duty of operating these ships thought it was necessary to go into such a conference. The gentleman can imagine such a situation?

Mr. LAGUARDIA. Certainly.

Mr. McDUFFIE. Under the language of the gentleman's amendment we could not have a representative at such a conference.

Mr. LAGUARDIA. What benefit are we getting from it now?

Mr. McDUFFIE. As I have said, conditions may change.

Mr. LAGUARDIA. All right then, my amendment would not prevent a representative of the United States Lines conferring at any time or at all times with representatives of other lines, but this is a permanent institution. This is a real institution. The continental conference exists and it is an institution and the United States Lines through its membership is under the control and dictation of foreign steamship companies.

Mr. McDUFFIE. How much dues?

Mr. LAGUARDIA. Oh, whatever it is, I do not know. The terms are on file with the United States Shipping Board and this conference actually fixes the sailings and the rates and the commissions, and, as I said this morning, they limit the commissions paid to steamship agents and then they phone the agents to disregard them.

Mr. WOOD. Mr. Chairman, I rise in opposition to this amendment.

I wish to say there is some truth in what the gentleman from New York [Mr. LAGUARDIA] has said with reference to violation of the rules adopted by these conferences, but if we are not to take part in them we will be infinitely worse off than we are now. It is true they adopted rates for the carrying of freight and for the carrying of passengers and they are supposed to keep the faith, but there is a rate war almost every year between the different shipping interests of the world.

If we are not represented, however, at these conferences the very gentlemen who are taking advantage of us now because of the fact we do keep the faith and they do not would be in a position to go a great deal further than they are going now, and simply say, "You did not take any part in our conference; you are not to be heard to complain now because of the fact that you might have come and presented your grievances or might have come and presented your views with reference to what the rates should be or should not be."

So we can not be hurt any more by staying in the conference and we can be hurt infinitely more if we stay out of it. I think when somebody is plotting against us we had better have somebody there to know what the plot is. I think when somebody is trying to intrigue against us we had better have some one there who will know the facts and then try to checkmate them the best we can. So there is every reason why we should still have a representative at this conference even though its agreements are violated, and there is no reason why we should not have some one there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For printing and binding for the United States Veterans' Bureau, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, $125,000.

Mrs. LANGLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, with all the earnestness at my command I wish to urgently plead with the membership of this great body to pass this appropriation of $1,500,000 for reconditioning and operating ships for carrying coal to foreign ports. This appeal comes from one who lives in the heart of the coal fields of eastern Kentucky and one who is daily confronted with the paralyzed and depressed conditions of the coal industry, and is therefore in a position to know first-hand the pressing and desperate need for aid and relief.

The amount of this appropriation, together with the unexpended balance of the $1,000,000 authorized at the first session of the Seventieth Congress, will greatly strengthen us in the establishment and maintenance of the channels of export coal trade to foreign markets, which is most essential if we are to have any relief from the problem of overproduction.

It is the consensus of opinion and incontrovertible that the farmers of the Middle West, the textile manufacturers of the East and South, and the coal-producing States are in distress and need the immediate and instant attention of Congress. These are present-day pressing problems, and we are not doing our full duty to the working masses of our country if we do not grasp every opportunity to meet their needs and solve their problems. I contend that only by legislation can the rehabilitation and the stabilization of these great national assets be obtained.

As has been stated, the appropriation of $1,000,000 so generously granted at the last session was in the nature of an experiment; that is, to ascertain if it were feasible and of economic value as well as relief for overproduction to send our coal abroad. While the funds were available July 1, the Shipping Board did not begin work until October, 1928, thus making it impossible for those of us vitally concerned in this legislation to give you the exact facts and figures proving our contention that export coal trade will be of great value to the coal industry. Time will assuredly convince the business world that the policy of carrying our coal to foreign markets will be vastly beneficial to the great body of Americans who are striving to market coal at a reasonable ratio of profit.

This appropriation makes it possible for our Stars and Stripes, the red, the white, the blue, to proudly wave on the high seas, carrying the message to our mothers and sisters on foreign shores that we are the proud possessors of the king of energy—the finest coal in all the world. I thank you. [Applause.]

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

Mr. BRIGGS. Mr. Chairman, I would like to have printed in the RECORD the statement in the hearings showing the results of the operations of the Shipping Board during the year 1928.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. TILSON. Reserving the right to object, is not that rather a large table?

Mr. BRIGGS. It is a table in form, but not very long.

Mr. TILSON. In what kind of a form does the gentleman think it can be printed in the RECORD?

Mr. BRIGGS. The usual form; it will go on two pages of the RECORD.

Mr. TILSON. It may require an inset.

Mr. BRIGGS. I do not think so; I think it can be set up on two pages. It shows the operation of the Shipping Board for 1928, and I think it will be informative to Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. In order that the people of the United States may know the result of the operation of the Government fleet during the fiscal year 1928 the following statement submitted by the Shipping Board is presented. Without the services of the Government fleet the people of the United States would have paid many millions more in increased ocean freight rates than the amount of the operating deficit, and could not have transported the agricultural and manufactured products of this country to foreign lands with the needed expedition and dispatch. Adequate transportation facilities have assured delivery of American products in foreign markets when prices were best and the goods wanted. But for our own ships to serve our needs, the farmers and producers of various products would have lost additional millions in the shrinkage in the value of their commodities.

United States Shipping Board Merchant Fleet Corporation—Results of vessel operation by managing agents and trades, fiscal year 1928

[Loss indicated by italic figures]

Managing agent	Trade	Number of terminal	Cargo, tons	Voyage revenue	Voyage expense						
					Wages	Food, departmental stores, and equipment	Fuel	Stevedoring	Other cargo expense	Port charges	Commissions, fees, and brokerage
FREIGHTERS											
America-France Line	North Atlantic, French Atlantic.	63	420,174	$2,091,064.97	$368,869.70	$146,391.94	$591,271.94	$546,999.23	$228,269.02	$176,536.90	$204,800.40
America-Austria Orient Line.	Pacific, Austria and Orient.	54	724,165	4,560,744.61	825,837.98	445,724.81	781,614.60	1,098,068.24	204,496.55	348,682.29	409,616.85
Inactive vessels		(5)			3,155.79	1,626.18	397.70			783.00	

United States Shipping Board Merchant Fleet Corporation—Results of vessel operation by managing agents and trades, fiscal year 1928—Continued

[Loss indicated by italic figures]

Managing agent	Trade	Number of terminal	Cargo, tons	Voyage revenue	Voyage expense					
					Wages	Food, departmental stores, and equipment	Fuel	Stevedoring	Other cargo expense	Port charges	Commissions, fees, and brokerage
FREIGHTERS—continued											
America-Brazil Line	North Atlantic, North Brazil.	1	1,734	$14,020.81	$7,642.63	$3,787.39	$11,295.83	$2,957.98	$2,841.80	$3,533.67	$1,527.99
America-Diamond Lines	North Atlantic, Antwerp, Rotterdam.	104	825,175	3,756,799.81	743,722.08	316,376.60	946,399.68	1,068,990.19	346,885.63	266,631.58	416,522.56
Inactive vessels		(8)			9,793.94	3,710.07	2,895.27			2,390.67	
America-Dixie Line (became inactive Nov. 2, 1927).	New Orleans and Texas ports–U. K.	37	211,817	1,780,715.58	302,742.21	145,216.69	468,105.89	380,327.81	154,249.97	146,939.86	176,029.81
Inactive vessels		(29)			33,347.00	21,234.45	10,753.47			3,550.96	
America-India Line	North Atlantic, British India.	10	135,263	975,043.11	178,588.22	77,535.22	338,648.72	194,499.67	69,651.60	67,825.90	90,637.14
Do	Miscellaneous	2	18,975	155,557.50	22,373.21	13,370.47	30,231.16	18,709.68	5,646.29	6,495.14	14,183.28
Inactive vessels		(3)			4,120.14	1,897.35	1,106.72			803.50	
America-Merchant Lines	North Atlantic, East U. K.	25	141,025	1,038,430.66	202,425.00	90,781.79	283,119.89	268,210.09	55,139.75	127,670.31	98,193.46
Do	Miscellaneous	1			2,489.74	1,193.00	1,474.69	4,849.86	66.25	1,044.38	311.00
Inactive vessels		(3)			3,149.46	1,626.97	1,331.48			176.00	
American Orient Mail Line	Puget Sound–Orient	25	277,556	1,455,526.84	253,744.56	140,253.20	339,363.08	295,154.90	22,176.07	78,285.80	141,885.05
American Palmetto Line	South Atlantic, United Kingdom and Continent.	46	319,325	1,822,420.55	405,187.40	187,132.40	548,321.03	380,677.11	94,357.50	211,560.85	184,771.87
Inactive vessels		(18)			22,367.30	11,995.83	7,916.80			1,240.58	
American Pioneer Line (became inactive Mar. 12, 1928).	North Atlantic and Gulf, Orient and Dutch East Indies.	20	318,461	2,747,823.24	479,108.55	235,494.16	645,317.61	380,933.71	161,317.53	151,939.37	273,303.21
Inactive vessels		(9)			5,507.81	2,630.18	1,197.10			3,064.44	
American Pioneer Line—Atlantic division.	North Atlantic–Orient and Dutch East Indies.	4	58,847	464,548.26	86,183.08	34,141.24	92,148.13	70,677.69	25,752.87	21,738.08	43,647.60
Inactive vessels		(10)			10,110.56	5,360.74	2,952.90			2,472.88	
American Pioneer Line—Gulf division.	Gulf–Orient and Dutch East Indies.	7	109,639	1,026,178.72	153,700.19	65,453.59	179,487.38	129,540.57	35,163.12	45,894.43	99,222.76
Inactive vessels		(26)			40,121.41	21,219.18	18,220.27			6,577.61	
American Premier Line (became inactive Nov. 7, 1927).	Gulf–Mediterranean	12	60,777	456,134.04	110,223.99	45,881.62	155,660.31	62,215.58	27,650.46	41,587.67	45,428.95
Inactive vessels		(8)			8,608.40	4,594.91	2,344.65			1,039.30	
America-Republics Line	North Atlantic–East Coast South America.	43	462,463	3,667,387.38	547,605.58	288,820.96	855,035.54	891,511.80	220,389.14	376,680.17	358,375.80
Inactive vessels		(8)			8,955.98	7,502.01	3,118.62			1,452.64	
America-Scantic Line	North Atlantic–Scandinavia and Baltic.	15	158,965	986,248.18	145,961.67	73,821.95	245,374.65	232,466.77	62,016.56	76,547.12	85,337.62
America-Scantic Line (became inactive Jan. 14, 1928).	Miscellaneous	1			3,754.97	2,378.50	1,610.36			1,542.63	
Inactive vessels											
American West African	North Africa–West Africa.	27	264,549	3,313,374.17	445,924.27	258,487.18	614,468.10	435,294.21	367,869.83	158,584.11	397,970.02
Inactive vessels		(19)			26,439.79	10,808.27	6,835.50			3,024.40	
Atlantic Australia	North Africa–Australia	19	282,978	2,216,941.36	431,059.01	200,948.89	401,809.71	502,274.64	184,344.96	183,731.72	233,043.73
Inactive vessels		(18)			22,828.51	8,608.68	6,192.56			4,845.03	
Dixie Mediterranean	New Orleans and East Gulf–Mediterranean.	12	66,778	479,448.49	123,820.60	52,937.30	151,830.38	73,610.93	22,024.86	43,692.81	48,003.93
Inactive vessels		(3)			3,608.93	3,843.55	766.48			211.00	
Dixie U. K.	New Orleans and East Gulf–U. K.	42	246,086	1,881,895.09	335,542.56	153,500.45	436,167.85	401,377.84	172,397.53	124,769.49	186,268.35
Inactive vessels		(9)			11,347.17	4,432.14	3,735.21			1,520.00	
Gulf Branch River Plate	Gulf–East Coast South America.	38	435,871	3,067,804.49	531,602.19	222,842.16	652,918.40	540,294.38	150,426.46	238,505.17	327,235.14
Inactive vessels		(17)			18,114.36	7,207.02	3,849.63			1,643.59	
Gulf West Mediterranean.	Gulf–Port Spain and North Africa.	34	224,761	1,584,625.62	313,482.19	121,361.58	381,231.89	253,307.50	69,261.89	134,938.29	164,967.99
Inactive vessels		(10)			15,446.64	6,661.54	2,886.50			2,070.41	
Mississippi Valley European.	New Orleans–France and Belgium.	24	170,169	1,039,318.52	209,158.52	77,683.74	273,536.93	160,408.13	62,506.51	58,159.53	103,098.00
Inactive vessels		(14)			22,736.53	9,971.12	5,674.20			2,635.12	
Mobile Oceanic	East Gulf–U. K. and Continent.	66	399,824	2,868,855.50	534,896.54	243,448.72	777,743.98	617,705.36	167,547.53	209,046.27	292,183.66
Inactive vessels		(19)			30,973.34	22,415.38	4,820.05			3,179.77	
Oregon Oriental	Portland–Orient	37	490,500	2,305,241.45	416,768.63	225,392.91	451,465.73	477,490.69	62,930.00	123,802.26	232,835.88
Inactive vessels		(2)			1,822.77	1,161.93	400.05			174.50	
Oriole	North Atlantic–W. U. K. and Ireland.	100	459,236	3,262,555.23	686,954.52	315,766.62	729,270.46	792,402.33	321,013.63	402,947.29	313,878.11
Inactive vessels		(52)			63,803.83	35,891.15	10,027.55			9,014.37	
Southern States	New Orleans and Texas ports–Holland and Germany.	110	819,417	4,537,706.02	929,959.27	365,792.25	1,389,746.93	932,971.08	242,092.34	374,831.30	460,087.89
Inactive vessels		(45)			59,378.52	27,503.02	22,020.12			8,814.78	
Texas Mediterranean	Texas ports–Mediterranean.	7	27,521	233,112.83	57,039.34	24,615.67	74,482.59	36,985.66	8,102.52	21,422.24	23,483.08
Inactive vessels		(3)			2,706.10	1,023.65	772.49			277.00	
Texas Star	Texas ports–France and Belgium.	44	288,107	1,899,105.41	366,727.77	141,624.05	516,516.46	348,988.02	85,676.51	171,152.94	188,897.32
Inactive vessels		(19)			30,232.76	12,583.68	8,242.78			7,868.18	
Texas Ukay	Texas ports–U. K. and Irish ports.	27	177,651	1,259,331.59	238,812.42	114,587.98	307,277.21	275,954.43	134,684.22	117,570.15	125,089.44
Inactive vessels		(15)			22,546.54	14,889.69	7,317.57			4,849.86	
Yankee	North Atlantic except New York–Hamburg, Bremen.	38	254,410	1,270,126.50	277,756.67	129,352.35	435,831.99	346,404.45	95,997.41	103,598.68	121,792.21
Inactive vessels		(11)			13,811.69	6,311.13	5,417.63			2,008.92	
Adjustments for fiscal year (active voyages).											
Total voyages—freighters.		1,095	8,852,219	58,218,086.53	10,739,665.26	4,962,097.38	14,108,779.10	12,222,260.53	3,862,946.31	4,617,888.40	5,862,635.10
Total inactive vessels.		(383)			495,035.27	256,709.82	141,193.30			75,688.51	
Total freighters		1,095	8,852,219	58,218,086.53	11,234,700.53	5,218,807.20	14,249,972.40	12,222,260.53	3,862,946.31	4,693,576.91	5,862,635.10

United States Shipping Board Merchant Fleet Corporation—Results of vessel operation by managing agents and trades, fiscal year 1928—Continued

[Loss indicated by italic figures]

Managing agent	Trade	Number of terminal	Cargo, tons	Voyage revenue	Voyage expense: Wages	Food, departmental stores, and equipment	Fuel	Stevedoring	Other cargo expense	Port charges	Commissions, fees, and brokerage
PASSENGERS											
American Merchant Lines.	New York-London	52	[1] 5,279 [1] 164,236	$2,651,071.63	$325,232.85	$254,931.64	$682,753.24	$384,728.11	$219,182.31	$97,984.75	$261,406.30
Inactive vessels		(10)			21,715.65	16,070.75	10,988.24			2,798.75	
Total		52	[1] 5,279 [1] 164,236	2,651,071.63	346,948.50	271,002.39	693,741.48	384,728.11	219,182.31	100,783.50	261,406.30
United States Lines	New York-Bremen	42	[1] 46,857 [1] 197,109	8,035,185.55	1,153,572.55	1,532,613.76	1,410,174.16	316,145.49	178,391.86	446,018.68	1,297,744.84
Do	New York-Bremen (lay-up).				99,280.34	78,992.26	40,705.26			9,175.66	111,056.01
Total, Bremen		42	[1] 46,857 [1] 197,109	8,035,185.55	1,252,852.89	1,611,606.02	1,450,879.42	316,145.49	178,391.86	455,194.34	1,408,800.85
	New York-Southampton.	15	[1] 41,260 [2] 4,785	8,046,663.21	847,742.79	1,334,024.27	1,958,382.61	17,917.15	33,671.43	483,660.21	1,131,325.48
	New York-Southampton (lay up).				96,187.22	75,569.53	46,269.28			13,822.91	120,441.09
Total, Southampton.		15	[1] 41,260 [2] 4,785	8,046,663.21	943,930.01	1,409,593.80	2,004,651.89	17,917.15	33,671.43	497,483.12	1,251,766.57
Total Mediterranean.	New York-Mediterranean cruise.	4	[1] 774	184,330.22	70,659.75	79,194.37	127,014.43		797.42	16,594.16	86,039.15
Total United States Lines.		61	[1] 88,891 [1] 201,894	16,266,178.98	2,267,442.65	3,100,394.19	3,582,545.74	334,062.64	212,860.71	969,271.62	2,746,606.57
TANKERS											
Merchant Fleet Corporation:											
New York district	Atlantic, domestic	17	150,882	176,023.81	33,585.70	17,283.25	39,715.83			15,147.71	963.05
Do	Atlantic, foreign	1	14,764	51,260.11	8,447.61	3,598.55	11,209.52			4,748.43	283.12
Inactive vessels		(8)			6,992.39	5,824.81	2,694.92			1,685.50	
San Francisco district	Pacific, domestic	9	89,100	161,907.37	21,925.73	9,917.11	19,050.10		81.56	4,999.65	
Do	Pacific, foreign	5	52,236	148,896.68	29,565.51	15,323.60	29,576.44	22.50	8,048.95	4,377.21	785.54
Do	Intercoastal	1	9,581	40,440.05	4,969.46	2,223.88	5,484.45			651.29	
Inactive vessels		(17)			16,901.85	7,681.28	1,711.29			3,663.40	
McAllister Bros	Atlantic coastwise	9	73,978	130,765.33	18,031.70	9,456.82	26,837.31			11,179.41	8,043.76
Became inactive Oct. 20, 1927.	Intercoastal	8	71,185	283,799.61	38,442.59	14,983.32	45,244.06			6,527.05	8,099.92
Inactive vessels		(2)			1,244.33	709.81	943.95			402.50	
Struthers & Barry	Pacific, coastwise	4	40,654	63,613.42	7,345.08	3,146.01	8,090.18			2,633.02	2,094.49
Do	Pacific, foreign	7	66,162	184,181.06	36,009.45	17,666.53	38,181.39		127.80	5,966.47	6,218.51
Became inactive Nov. 2, 1927.	Intercoastal	3	29,593	124,354.19	16,753.90	8,533.52	18,267.63			3,680.10	3,013.86
Total tanker voyages.		64	598,135	1,365,241.63	215,076.73	102,132.59	241,656.91	22.50	8,258.31	59,910.34	29,502.25
Total inactive tankers.		(27)			25,138.57	14,215.90	5,350.16			5,751.40	
Total tankers		64	598,135	1,365,241.63	240,215.30	116,348.49	247,007.07	22.50	8,258.31	65,661.74	29,502.25
TUGS											
Merchant Fleet Corporation.	Gulf district	8		53,484.75	10,654.31	4,683.54	8,339.92			179.86	
Total tugs		8		53,484.75	10,654.31	4,683.54	8,339.92			179.86	

Managing agent	Trade	Voyage expense: Miscellaneous	Voyage expense: Total voyage expense	Adjustment	Insurance	Repairs: Maintenance	Repairs: Betterments	Advertising	Administrative expense	Total expense	Profit or loss
FREIGHTERS											
America-France Line	North Atlantic, French Atlantic.	$24,048.37	$2,287,187.50	*$5,173.54*	$112,926.51	$163,415.96	$3,755.00	$6,011.01	$118,724.85	$2,686,847.29	*$595,782.32*
America-Austria Orient Line.	Pacific, Austria, and Orient.	84,872.50	4,198,913.82	33,479.10	267,832.20	294,425.07	11,899.46	14,913.05	281,160.70	5,102,623.40	*541,878.78*
Inactive vessels		100.50	6,063.17		328.46	4,118.15				10,509.78	*10,509.78*
America-Brazil Line	North Atlantic, North Brazil.	524.61	34,111.90		2,171.54	130.00		146.71	2,186.52	38,746.67	*24,725.86*
America-Diamond Lines.	North Atlantic, Antwerp, Rotterdam.	49,392.11	4,154,920.43	62,936.00	217,353.63	239,796.75	8,189.96	11,700.78	228,106.84	4,923,004.39	*1,166,204.58*
Inactive vessels		999.68	19,789.63		1,037.41	30,679.23	2,299.98			53,806.25	*53,806.25*
America-Dixie Line (became inactive Nov. 2, 1927).	New Orleans and Texas ports-U. K.	25,857.68	1,799,469.92	21,651.00	97,606.16	91,801.34	2,732.00	4,913.99	105,976.76	2,124,151.17	*343,435.59*
Inactive vessels		11,885.26	80,771.14		2,441.95	156,494.45	4,690.50			244,398.04	*244,398.04*
America-India Line	North Atlantic, British India.	160,419.93	1,177,806.40	15,566.66	64,974.32	73,003.89	4,100.00	3,066.68	62,748.21	1,401,266.16	*426,223.05*
Do	Miscellaneous	13,241.58	124,250.81	437.41	10,121.68	14,084.17	175.00	409.61	7,909.04	157,387.72	*1,830.22*
Inactive vessels		2,804.87	10,732.58		477.57	14,365.60	699.00			26,274.75	*26,274.75*
America-Merchant Lines	North Atlantic, East U. K.	11,293.88	1,136,839.17	*8,664.43*	54,637.11	81,551.68	2,603.00	2,388.23	57,266.76	1,326,621.52	*288,190.86*
Do	Miscellaneous	77.79	11,506.71	*158.79*	1,058.94			53.31	1,119.55	13,579.72	*13,579.72*
Inactive vessels		2,945.16	9,229.07		232.57	11,972.46				21,434.10	*21,434.10*
American-Orient Mail Line.	Puget Sound-Orient	17,433.62	1,288,296.28	53,369.93	91,929.32	119,555.53	5,450.20	4,158.61	96,629.19	1,659,389.06	*203,862.22*

Footnotes at end of table.

United States Shipping Board Merchant Fleet Corporation—Results of vessel operation by managing agents and trades, fiscal year 1928—Continued—Continued

[Loss indicated by italic figures]

Managing agent	Trade	Voyage expense		Adjustment	Insurance	Repairs		Advertising	Administrative expense	Total expense	Profit or loss
		Miscellaneous	Total voyage expense			Maintenance	Betterments				
FREIGHTERS—ontinued											
American Palmetto Line	South Atlantic, United Kingdom, and Continent.	$54,514.38	$2,066,522.54	$40,778.33	$111,142.93	$161,061.31	$7,408.15	$5,672.32	$117,144.65	$2,509,730.23	*$687,309.68*
Inactive vessels		1,941.71	45,462.22		1,680.92	143,969.20	6,536.77			197,649.11	*197,649.11*
American Pioneer Line (became inactive Mar. 12, 1928).	North Atlantic and Gulf-Orient and Dutch East Indies.	309,159.53	2,636,573.67	3,798.37	183,033.95	202,590.56	1,200.00	9,274.66	196,345.84	3,232,817.05	*484,993.81*
Inactive vessels		2,505.10	14,904.63		1,554.22	27,294.36	305.00			44,058.21	*44,058.21*
American Pioneer Line—Atlantic division.	North Atlantic-Orient and Dutch East Indies.	50,592.99	424,881.68		41,354.07	14,711.72	3,365.00	1,262.93	29,004.13	514,579.53	*50,031.27*
Inactive vessels		3,518.96	24,416.04		1,302.87	24,363.56	851.00			50,933.47	*50,933.47*
American Pioneer Line—Gulf division.	Gulf-Orient and Dutch East Indies.	104,474.60	812,936.64		57,506.32	33,664.01		1,841.95	58,634.86	964,583.78	61,594.94
Inactive vessels		17,130.96	103,269.43		3,362.82	141,166.71	4,961.15			252,760.11	*252,760.11*
American Premier Line (became inactive Nov. 7, 1927).	Gulf-Mediterranean	6,111.66	494,760.24	1,296.45	31,293.93	23,598.63		1,575.52	34,019.84	586,544.61	*130,410.57*
Inactive vessels		402.69	16,989.95		587.05	20,864.08				38,441.08	*38,441.08*
America-Republics Line	North Atlantic-East Coast South America.	49,200.19	3,587,619.18	68,285.11	171,275.26	259,674.27	8,830.40	10,317.74	170,625.17	4,276,627.13	*609,259.75*
Inactive vessels		642.33	21,671.58		979.70	37,974.86	2,173.00			62,799.14	*62,799.14*
America-Scantic Line	North Atlantic-Scandinavia and Baltic.	14,087.82	935,614.16	24,491.89	39,787.72	79,603.26	2,376.00	2,951.00	42,863.58	1,127,687.61	*141,439.43*
America-Scantic Line (became inactive Jan. 14, 1928).	Miscellaneous	743.38	10,029.84	247.74	1,865.14	10,124.43	728.00	93.90	1,924.95	25,014.00	*25,014.00*
Inactive vessels						347.70				347.70	*347.70*
American West African	North Africa-West Africa.	71,389.97	2,749,987.69	2,622.05	138,005.19	230,810.44	41,716.44	5,724.82	143,845.28	3,312,711.91	662.26
Inactive vessels		2,932.42	50,040.38		2,261.10	76,766.18	25,514.00			154,581.66	*154,581.66*
Atlantic Australia	North Africa-Australia	251,354.36	2,388,567.02	8,985.05	238,373.81	112,124.48	21,414.00	7,045.16	136,416.26	2,912,925.78	*696,984.42*
Inactive vessels		2,471.72	44,946.50		4,480.19	71,030.29	15,085.00			135,541.98	*135,541.98*
Dixie Mediterranean	New Orleans and East Gulf-Mediterranean.	11,689.43	527,610.24	255.51	35,394.19	25,970.80		1,540.70	36,587.30	627,358.74	*147,910.25*
Inactive vessels		251.42	8,681.38		215.90	14,508.08	5,282.65			28,688.01	*28,688.01*
Dixie U. K	New Orleans and East Gulf-U. K.	20,384.26	1,830,408.33	5,120.26	105,476.49	113,454.70	2,497.70	4,226.28	108,786.36	2,169,970.12	*288,075.03*
Inactive vessels		178.30	21,212.82		838.63	38,421.10	752.40			61,224.95	*61,224.95*
Gulf Branch River Plata	Gulf-East Coast South America.	28,837.97	2,692,661.87	99,595.88	158,502.73	126,695.14	6,152.50	8,180.61	166,996.64	3,258,785.37	*190,980.88*
Inactive vessels		3,463.94	34,278.54		1,364.53	71,672.61	11,620.00			118,935.68	*118,955.68*
Gulf West Mediterranean.	Gulf-Port Spain and North Africa.	25,911.52	1,464,462.85	40,617.73	88,562.21	74,569.43	1,209.81	3,903.46	93,168.50	1,766,493.99	*181,868.37*
Inactive vessels		3,713.48	30,778.57		1,234.18	34,823.91	8,604.81			75,441.47	*75,441.47*
Mississippi Valley European.	New Orleans-France and Belgium.	21,217.65	965,769.01	11,175.38	63,524.91	70,838.49	3,480.44	2,983.20	67,043.17	1,184,814.60	*146,496.08*
Inactive vessels		1,907.23	42,924.20		1,653.31	35,080.09	4,181.00			83,838.60	*83,838.60*
Mobile Oceanic	East Gulf-U. K. and Continent.	52,333.39	2,894,905.45	20,349.87	165,239.70	164,818.95	3,905.33	7,870.55	173,257.07	3,430,346.92	*561,491.42*
Inactive vessels		16,405.24	77,793.78		2,369.78	73,351.05	1,650.00			155,164.61	*155,164.61*
Oregon Oriental	Portland-Orient	45,556.33	2,036,242.43	51,444.49	127,081.30	107,726.17		5,930.85	133,219.19	2,461,644.43	*156,402.98*
Inactive vessels		3.00	3,562.25		264.67	2,133.89				5,960.81	*5,960.81*
Oriole	North Atlantic-W. U. K. and Ireland.	53,805.26	3,616,038.22	44,769.70	183,374.99	270,584.47	934.00	8,117.77	192,308.41	4,316,127.56	*1,055,572.33*
Inactive vessels		10,565.76	129,302.66		4,798.53	123,115.43	30,086.40			287,303.02	*287,303.02*
Southern States	New Orleans and Texas ports-Holland and Germany.	118,185.22	4,813,666.28	160,171.62	300,222.43	334,615.29	12,070.25	15,113.89	316,075.87	5,951,935.63	*1,414,229.61*
Inactive vessels		20,637.22	138,353.66		4,993.91	207,866.54	7,337.25			358,551.36	*358,551.36*
Texas Mediterranean	Texas ports-Mediterranean.	4,097.64	250,228.74	252.25	15,939.62	13,588.82		690.48	16,500.17	297,200.08	*64,087.25*
Inactive vessels		1,628.64	6,407.88		272.66	14,345.02				21,025.56	*21,025.56*
Texas Star	Texas ports-France and Belgium.	74,125.74	1,893,708.81	71,424.58	114,911.86	152,364.29	6,020.65	5,635.17	121,109.27	2,365,174.63	*466,069.22*
Inactive vessels		10,917.60	69,845.00		2,643.90	68,705.70	6,898.00			148,092.60	*148,092.60*
Texas Ukay	Texas ports-U. K. and Irish ports.	34,669.52	1,348,645.37	3,675.44	80,639.10	73,926.56	10,286.62	3,322.88	83,491.25	1,603,987.22	*544,655.63*
Inactive vessels		7,238.92	56,842.58		1,992.40	42,285.41				101,120.39	*101,120.39*
Yankee	North Atlantic except New York-Hamburg, Bremen.	16,103.92	1,526,837.68	17,271.69	85,822.73	123,833.33	2,318.00	4,480.69	89,977.39	1,850,541.51	*580,415.01*
Inactive vessels		6,167.71	33,717.08		1,329.10	47,142.40	445.00			82,633.58	*82,633.58*
Adjustments for fiscal year (active voyages).									*14,508.54*	*14,508.54*	14,508.54
Total voyages—freighters.		1,805,708.80	58,181,980.88	850,072.73	3,458941,.99	3,858,713.94	174,817.91	165,518.51	3,476,665.03	70,166,710.99	*11,948,624.46*
Total inactive vessels.		133,359.82	1,101,986.72		44,698.33	1,534,858.06	139,972.91			2,821,516.02	*2,821,516.02*
Total freighters		1,939,068.62	59,283,967.60	850,072.73	3,503,640.32	5,393,572.00	314,790.82	165,518.51	3,476,665.03	72,988,227.01	*14,770,140.48*
PASSENGERS											
American Merchant Lines.	New York-London	52,685.44	2,278,904.64	60,008.97	81,173.92	51,313.81	33,197.00	24,362.27	75,943.81	2,604,906.42	46,165.21
Inactive vessels		869.79	52,443.18		1,723.20	71,838.64	3,156.00			129,161.02	*129,161.02*
Adjustment for fiscal year (active voyages).									*318.93*	*318.93*	318.93
Total		53,555.23	2,331,347.82	60,008.97	82,897.12	123,152.45	36,353.00	24,362.27	75,626.88	2,733,748.51	*82,676.88*
United States Lines	New York-Bremen	478,609.40	6,813,270.74	77,551.52	208,728.82	210,141.69	22,540.96	200,046.99	143,387.80	7,675,668.52	359,517.03
Do	New York-Bremen (lay up).	48,320.21	387,529.74	4,668.84	5,504.83	487,244.65	186,406.90		16,742.96	1,088,097.92	*1,008,097.92*
Total, Bremen		526,929.61	7,200,800.48	82,220.36	214,233.65	697,386.34	208,947.86	200,046.99	160,130.76	8,763,766.44	*728,580.89*
	New York-Southampton.	441,960.47	6,248,684.41	70,440.38	173,668.75	94,840.39	20,555.96	161,003.77	117,717.62	6,886,911.28	1,159,751.93

Footnotes at end of table.

United States Shipping Board Merchant Fleet Corporation—Results of vessel operation by managing agents and trades, fiscal year 1928

[Loss indicated by italic figures]

Managing agent	Trade	Voyage expense		Adjustment	Insurance	Repairs		Advertising	Administrative expense	Total expense	Profit or loss
		Miscellaneous	Total voyage expense			Maintenance	Betterments				
PASSENGERS—continued											
United States Lines—Continued.	New York-Southampton (lay up).	$28,262.39	$380,552.42	$4,584.78	$7,352.80	$171,922.31	$55,825.87		$18,766.24	$639,004.42	*$639,004.42*
Total, Southampton.		470,222.86	6,629,236.83	75,025.16	181,021.55	266,762.70	76,381.83	$161,003.77	136,483.86	7,525,915.70	520,747.51
Total Mediterranean.	New York-Mediterranean cruise.	12,280.26	392,579.54	4,618.74	13,372.10	65.47	727.42	21,014.98	10,722.13	443,100.38	*258,770.16*
Adjustment for fiscal year (active and inactive).									*1,294.96*	*1,294.96*	1,294.96
Total United States Lines.		1,009,432.73	14,222,616.85	161,864.26	408,627.30	964,214.51	286,057.11	382,065.74	306,041.79	16,731,487.56	*465,308.58*
TANKERS											
Merchant Fleet Corporation:											
New York district	Atlantic—Domestic	2,819.09	109,651.63		15,272.22	21,764.07	275.00		5,510.50	152,336.42	23,687.39
Do	Atlantic—Foreign	293.39	28,580.62		3,425.46	394.69			1,219.81	33,620.58	17,639.53
Inactive vessels		2,585.98	19,783.60		1,241.24	22,577.15	250.00			43,851.99	*43,851.99*
San Francisco district.	Pacific—Domestic	21,066.28	77,040.43		10,456.19	20,961.49			3,798.09	112,256.20	49,651.17
Do	Pacific—Foreign	1,424.02	89,123.77		14,115.68	14,330.62			5,136.99	122,707.06	26,189.62
Do	Intercoastal	9,060.87	22,389.95		2,336.42	*691.67*			832.00	26,250.04	14,190.01
Inactive vessels		2,998.73	32,956.65		3,364.68	26,523.94				62,845.27	*62,845.27*
McAllister Bros	Atlantic—Coastwise	1,291.59	74,840.59	2,215.64	6,486.94	7,489.60			2,541.00	93,573.77	37,191.56
Became inactive Oct. 20, 1927.	Intercoastal	62,223.31	175,520.25	5,249.70	17,473.24	18,527.51	1,070.00		6,670.02	224,510.72	59,288.89
Inactive vessels		3.25	3,303.84		174.39	164.58				3,642.81	*3,642.81*
Struthers & Barry	Pacific—Coastwise	5,942.47	29,251.25	2,668.49	3,505.33	903.50			1,373.07	37,701.64	25,911.78
Do	Pacific—Foreign	11,483.70	115,653.85	7,323.49	17,385.29	26,434.25			6,742.28	173,539.16	10,641.90
(Became inactive Nov 2, 1927).	Intercoastal	33,431.36	83,680.37	4,790.58	8,192.81	13,886.98			3,100.89	113,651.63	10,702.56
Adjustment for fiscal year (active voyages).									*152.40*	*152.40*	152.40
Total tanker voyages.		149,036.08	805,595.71	22,247.90	98,649.58	125,384.38	1,345.00		36,772.25	1,089,994.82	275,246.81
Total inactive tankers.		5,588.06	56,044.09		4,780.31	49,265.67	250.00			110,340.07	*110,340.07*
Total tankers		154,624.14	861,639.80	22,247.90	103,429.89	174,650.05	1,595.00		36,772.25	1,200,334.89	164,906.74
TUGS											
Merchant Fleet Corporation.	Gulf district	626.38	24,484.01		1,550.30	3,932.89			440.49	30,407.69	23,077.06
Adjustment for fiscal year.									*1.80*	*1.80*	1.80
Total tugs		626.38	24,484.01		1,550.30	3,932.89			438.69	30,405.89	23,078.86

[1] Passenger.
[2] Cargo.
NOTE.[1]—This item includes all direct overhead of the United States Lines, with the exception of its advertising expense.
NOTE.[2]—The amounts shown under the caption "Inactive vessels and adjustments" in the monthly financial statements published during the fiscal year 1928 included the expenses of vessels inactive with managing operators and "adjustments" representing items applicable to vessels redelivered by managing operators but reported subsequent to the month in which the expenses of the last voyage or inactive period were included. Such "adjustment" items have been included in this consolidated statement under the "active" or "inactive" results shown above according to the classification to which applicable.

Mr. WASON. Mr. Chairman, on page 3 of the printed bill after line 18, I want to offer an amendment by inserting the words "independent establishment."

The CHAIRMAN. The gentleman from New Hampshire asks unanimous consent to return to page 3, line 18, for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, after line 18, insert the words "independent establishment."

The amendment was agreed to.

Mr. WASON. Mr. Chairman, I ask unanimous consent that the Clerk may correct the figures and also the totals throughout the bill.

The CHAIRMAN. The gentleman from New Hampshire asks unanimous consent that the Clerk may correct the figures and the totals throughout the bill. Is there objection?

There was no objection.

Mr. WASON. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16301, the independent offices appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WASON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

Mr. LAGUARDIA. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LAGUARDIA. I am.

The Clerk read as follows:

Mr. LAGUARDIA moves to recommit the bill (H. R. 16301) to the Committee on Appropriations with instructions to that committee to report the same back forthwith with the following amendment:

On page 38, line 25, strike out the period, insert a colon, and the following: "*Provided*, That no part of the sums appropriated in this

act shall be used to pay the salary or wages of any alien seaman or steward if suitable American citizens are, in the opinion of the Shipping Board, available for such employment."

Mr. LAGUARDIA. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 10, noes 42.

Mr. LAGUARDIA. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the motion to recommit.

The question was taken; and there were—yeas 115, nays 118, not voting 195, as follows:

[Roll No. 14]

YEAS—115

Abernethy	Drewry	Kemp	Ragon
Allgood	Driver	Kent	Rankin
Almon	Edwards	Kerr	Rayburn
Arnold	Englebright	Ketcham	Romjue
Aswell	Eslick	Kincheloe	Rutherford
Ayres	Fitzgerald, Roy G.	LaGuardia	Sabath
Barbour	Fulbright	Lankford	Sanders, Tex.
Beck, Wis.	Fulmer	Leavitt	Sandlin
Bland	Gardner, Ind.	Lowrey	Schafer
Box	Garrett, Tenn.	Lozier	Schneider
Briggs	Gregory	McCormack	Sears, Fla.
Browning	Green	McKeown	Sinclair
Buckbee	Hancock	McMillan	Steele
Busby	Hare	Mansfield	Stevenson
Canfield	Harrison	Mapes	Strong, Kans.
Cannon	Hastings	Menges	Swank
Carss	Hill, Wash.	Miller	Swing
Cartwright	Hoch	Milligan	Tarver
Casey	Hogg	Moorman	Warren
Chapman	Howard, Nebr.	Morehead	Welch, Calif
Cochran, Mo.	Huddleston	Nelson, Mo.	Whittington
Collier	Hull, Wm. E.	Norton, Nebr.	Williams, Mo.
Collins	Irwin	O'Brien	Wilson, La.
Connery	Jeffers	O'Connor, La.	Wilson, Miss.
Cooper, Wis.	Johnson, Ind.	Oldfield	Wolfenden
Crosser	Johnson, Okla.	Patterson	Wolverton
Dominick	Johnson, Tex.	Peavey	Woodrum
Doughton	Jones	Peery	Yon
Dowell	Kading	Quin	

NAYS—118

Ackerman	Dallinger	Langley	Selvig
Adkins	Deal	Lea	Shreve
Allen	Dempsey	Leatherwood	Smith
Andresen	Dickinson, Iowa	Leech	Snell
Bacharach	Elliott	Letts	Sproul, Ill.
Bachmann	England	Luce	Sproul, Kans.
Bacon	Fisher	McDuffie	Strong, Pa.
Beedy	Fitzgerald, W. T.	McLeod	Summers, Wash.
Beers	Fort	Maas	Taber
Begg	Foss	Manlove	Taylor, Colo.
Black, Tex.	Free	Martin, Mass.	Thatcher
Bohn	French	Merritt	Thompson
Bowman	Furlow	Michaelson	Thurston
Brigham	Garber	Michener	Tilson
Browne	Gifford	Monast	Tinkham
Burtness	Guyer	Moore, Ohio	Updike
Butler	Hall, Ill.	Morin	Vestal
Campbell	Hall, Ind.	Murphy	Vincent, Iowa
Chalmers	Haugen	Newton	Vincent, Mich.
Chase	Hooper	Niedringhaus	Wainwright
Chindblom	Hope	Norton, N. J.	Wason
Christopherson	Houston, Del.	Perkins	Watres
Clarke	Hudson	Reece	White, Colo.
Cochran, Pa.	Hughes	Reed, N. Y.	Wigglesworth
Colton	Johnson, Ill.	Robinson, Iowa	Williamson
Cooper, Ohio	Johnson, S. Dak.	Robsion, Ky.	Wood
Corning	Kahn	Rogers	Woodruff
Cox	Kearns	Rowbottom	Wyant
Cramton	Kiess	Sears, Nebr.	
Cullen	Knutson	Seger	

NOT VOTING—195

Aldrich	Bushong	Davey	Freeman
Andrew	Byrns	Davis	Gambrill
Anthony	Carew	Denison	Garner, Tex.
Arentz	Carley	DeRouen	Garrett, Tex.
Auf der Heide	Carter	Dickinson, Mo.	Gasque
Bankhead	Celler	Dickstein	Gibson
Beck, Pa.	Clague	Douglas, Ariz.	Gilbert
Bell	Clancy	Douglass, Mass.	Glynn
Berger	Cohen	Doutrich	Golder
Black, N. Y.	Cole, Iowa	Doyle	Goldsborough
Blanton	Cole, Md.	Drane	Goodwin
Bloom	Combs	Dyer	Graham
Boies	Connally, Tex.	Eaton	Greenwood
Bowles	Connolly, Pa.	Estep	Griest
Boylan	Crail	Evans, Calif.	Griffin
Brand, Ga.	Crisp	Evans, Mont.	Hadley
Brand, Ohio	Crowther	Fenn	Hale
Britten	Culkin	Fish	Hall, N. Dak.
Buchanan	Curry	Fitzpatrick	Hammer
Bulwinkle	Darrow	Fletcher	Hardy
Burdick	Davenport	Frear	Hawley
Hersey	Linthicum	Parker	Tatgenhorst
Hickey	Lyon	Parks	Taylor, Tenn.
Hill, Ala.	McClintic	Porter	Temple
Hoffman	McFadden	Pou	Tillman
Holaday	McLaughlin	Prall	Timberlake
Howard, Okla.	McReynolds	Pratt	Treadway
Hudspeth	McSwain	Purnell	Tucker
Hull, Morton D.	McSweeney	Quayle	Underhill
Hull, Tenn.	Magrady	Rainey	Underwood
Igoe	Major, Ill.	Ramseyer	Vinson, Ga.
Jacobstein	Major, Mo.	Ransley	Vinson, Ky.
James	Martin, La.	Reed, Ark.	Ware
Jenkins	Mead	Reid, Ill.	Watson
Johnson, Wash.	Montague	Sanders, N. Y.	Weaver
Kelly	Mooney	Shallenberger	Weller
Kendall	Moore, Ky.	Simmons	Welsh, Pa.
Kindred	Moore, N. J.	Sirovich	White, Kans.
King	Moore, Va.	Somers, N. Y.	White, Me.
Kopp	Morgan	Speaks	Whitehead
Korell	Morrow	Spearing	Williams, Ill.
Kunz	Nelson, Me.	Stalker	Williams, Tex.
Kurtz	Nelson, Wis.	Steagall	Wingo
Kvale	O'Connell	Stedman	Winter
Lampert	O'Connor, N. Y.	Stobbs	Wright
Lanham	Oliver, Ala.	Strother	Wurzbach
Larsen	Oliver, N. Y.	Sullivan	Yates
Lehlbach	Palmer	Sumners, Tex.	Zihlman
Lindsay	Palmisano	Swick	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Hadley with Mr. Crisp.
Mr. Treadway with Mr. Rainey.
Mr. Crowther with Mr. Dickinson of Missouri.
Mr. King with Mr. McClintic.
Mr. Clancy with Mr. Howard of Oklahoma.
Mr. Kurtz with Mr. Mooney.
Mr. Taylor of Tennessee with Mr. Tucker.
Mr. Morgan with Mr. Bulwinkle.
Mr. White of Kansas with Mr. Sullivan.
Mr. Pratt with Mr. Cohen.
Mr. Zihlman with Mr. Wingo.
Mr. Aldrich with Mr. Bell.
Mr. Fenn with Mr. Steagall.
Mr. Darrow with Mr. Garrett of Texas.
Mr. James with Mr. McSwain.
Mr. Curry with Mr. Byrns.
Mr. Morton D. Hull with Mr. Vinson of Georgia.
Mr. Denison with Mr. Blanton.
Mr. Johnson of Washington with Mr. Moore of Virginia.
Mr. Evans of California with Mr. Weller.
Mr. Korell with Mr. Bloom.
Mr. Golder with Mr. Underwood.
Mr. Bowles with Mr. Major of Missouri.
Mr. Griest with Mr. Black of New York.
Mr. Burdick with Mr. McSweeney.
Mr. Connolly of Pennsylvania with Mr. Steadman.
Mr. Hersey with Mr. Brand of Georgia.
Mr. Ramseyer with Mr. Mead.
Mr. Crail with Mr. Weaver.
Mr. Purnell with Mr. Palmisano.
Mr. Wurzbach with Mr. Cole of Maryland.
Mr. Glynn with Mr. Gilbert.
Mr. Anthony with Mr. Hill of Alabama.
Mr. Underhill with Mr. Fitzpatrick.
Mr. Hardy with Mr. Drane.
Mr. Watson with Mr. Moore of Kentucky.
Mr. Graham with Mr. Whitehead.
Mr. Davenport with Mr. Auf der Heide.
Mr. Britten with Mr. Fletcher.
Mr. Fish with Mr. Griffin.
Mr. White of Maine with Mr. Vinson of Kentucky.
Mr. Kopp with Mr. O'Connor of New York.
Mr. Palmer with Mr. McReynolds.
Mr. Hale with Mr. O'Connell.
Mr. Nelson of Wisconsin with Mr. Martin of Louisiana.
Mr. Simmons with Mr. Steele.
Mr. Tatgenhorst with Mr. Celler.
Mr. Carter with Mr. Hammer.
Mr. Freeman with Mr. Oliver of New York.
Mr. Kendall with Mr. Igoe.
Mr. Welsh of Pennsylvania with Mr. Prall.
Mr. Lampert with Mr. Carew.
Mr. Yates with Mr. Gasque.
Mr. Parker with Mr. Boylan.
Mr. Winter with Mr. Quayle.
Mr. McFadden with Mr. Moore of New Jersey.
Mr. Williams of Illinois with Mr. Wright.
Mr. Timberlake with Mr. Pou.
Mr. McLaughlin with Mr. Sirovich.
Mr. Hickey with Mr. Davey.
Mr. Andrew with Mr. Kindred.
Mr. Magrady with Mr. Goldsborough.
Mr. Arentz with Mr. Bankhead.
Mr. Temple with Mr. Ware.
Mr. Beck of Pennsylvania with Mr. Evans of Montana.
Mr. Reid of Illinois with Mr. Gambrill.
Mr. Lehlbach with Mr. Hudspeth.
Mr. Speaks with Mr. Lanham.
Mr. Culkin with Mr. Jacobstein.
Mr. Stalker with Mr. Oliver of Alabama.
Mr. Bushong with Mr. Hull of Tennessee.
Mr. Strother with Mr. Reed of Arkansas.
Mr. Dyer with Mr. Kunz.
Mr. Sinclair with Mr. Shallenberger.
Mr. Estep with Mr. Larsen.
Mr. Swick with Mr. Parks.
Mr. Kelly with Mr. Greenwood.
Mr. Boies with Mr. Dickstein.
Mr. Stobbs with Mr. Carley.
Mr. Brand of Ohio with Mr. Montague.

Mr. Hall of North Dakota with Mr. Sumners of Texas.
Mr. Moore of Ohio with Mr. Davis.
Mr. Goodwin with Mr. Williams of Texas.
Mr. Ransley with Mr. Major of Illinois
Mr. Taber with Mr. Spearing.
Mr. Nelson of Maine with Mr. Morrow.
Mr. Porter with Mr. Somers of New York.
Mr. Sanders of New York with Mr. Buchanan.
Mr. Clague with Mr. Connally of Texas.
Mr. Hoffman with Mr. DeRouen.
Mr. Doutrich with Mr. Linthicum.
Mr. Cole of Iowa with Mr. Douglass of Massachusetts.
Mr. Fenn with Mr. Lindsay.
Mr. Holaday with Mr. Douglas of Arizona.
Mr. Jenkins with Mr. Doyle.
Mr. Gibson with Mr. Lyon.
Mr. Eaton with Mr. Kvale.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. WASON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Texas. Mr. Speaker, I wish to announce that my colleague [Mr. LANHAM] is absent this afternoon on account of illness.

Mr. VESTAL. Mr. Speaker, the gentleman from Michigan [Mr. MCLAUGHLIN], the gentleman from Rhode Island [Mr. ALDRICH], the gentleman from New York [Mr. DAVENPORT], and the gentleman from Pennsylvania [Mr. ESTEP] were prevented from voting on this bill on account of the Ways and Means Committee being in session.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendment of the House to the amendment of the Senate No. 41 to the bill H. R. 15089, entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes"; that the Senate further insists upon its amendments Nos. 20, 39, and 40 to said bill, disagreed to by the House, agrees to a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. KEYES, and Mr. HARRIS to be the conferees on the part of the Senate.

MORRIS FOX CHERRY

Mr. MORIN. Mr. Speaker, I ask unanimous consent to vacate the action taken by the House to-day on the bill (H. R. 12538) for the benefit of Morris Fox Cherry.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to vacate the action taken this morning by the House when the House agreed to the Senate amendment to the bill H. R. 12538. Is there objection?

There was no objection.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12538, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 12538, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

APPROPRIATIONS FOR DISABLED VETERANS AND THEIR DEPENDENTS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the appropriation bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the bill just passed carried an appropriation for various independent establishments of the Government of $541,314,144. Of this, $499,975,000 goes to the credit of the Veterans' Bureau, which has to do with administering the law extending benefits to World War veterans and their dependents. Approximately one-eighth of the revenues collected annually by the Government goes to meet this expense. This is astonishing no doubt to some, but more alarming, in my opinion, is that $43,500,000 of the appropriation for World War veterans and their dependents goes for overhead, there being 24,320 employees. The total amount appropriated for the Veterans' Bureau is $14,415,000 more than the preceding year and there are now 712 more employees in the bureau than a year ago.

The astonishing feature of the appropriation, that of overhead, shows $11.50 of every $100 handled by the bureau goes to pay salaries of the personnel, rent of quarters, transportation of employees in discharge of their duties, office supplies, and so forth.

In my opinion, Congress itself is in part responsible for the existing conditions, laws having been passed that makes administration most difficult. It is only proper to ask, "Has the Congress required the officials to function in a manner where the same result could be obtained with a reduction in personnel if the law was properly amended?"

I doubt if any individual among the executive officials of the Government is charged with more personal responsibility than the Director of the Veterans' Bureau. By that I mean Congress has enacted laws which charge him personally to do certain work, such as reviewing appeals, and so forth, outside of his general duties as head of this great bureau. Under the set-up now in operation the claim for compensation is filed with the regional manager. If the decision is adverse there is right of appeal to the central office board of appeals. Should this board sustain the decision of the regional manager, then, under the law, not rule or regulation, the claimant has the right of appeal to the director, who is charged by law to personally review the papers, his decision being final, except where the payment of insurance is involved, and in such a case the claimant can resort to the Federal court.

I maintain it is a physical impossibility for 10 men, devoting all their time to appeal cases, to give the appeals the consideration they deserve. This paragraph in the law should be amended without delay. The director should be relieved of this duty; he can not do this work and at the same time give his attention to the hundreds of problems which confront him daily. This condition can be charged to Congress.

While the Congress as a whole is responsible, still it must be remembered that no time since the original act was passed has the House had an opportunity to consider any amendment to the veterans' act other than under suspension of the rules, which means 40 minutes for debate and then a vote, with no opportunity to offer an amendment.

In order to carry out the mandate of Congress which requires him to personally review appeal cases the director has set up an advisory group on appeals. This group reviews the papers, prepares a brief, and forwards the case to the director. If the director can do as much as read all the briefs, he is a superman. Thousands of cases are appealed. I have carefully gone over cases handled by the advisory group and in more than one instance have convinced the director the papers were not properly briefed. In one case I recall I showed where the brief was directly in contrast to the facts as shown by sworn affidavits in the file. He was quick to respond in each instance to my appeal for further consideration.

The Veterans' Bureau was created to meet a great emergency. My knowledge of its operation has been gained from personal contact since its very beginning. Every veteran's case that is called to my attention I handle personally. It is my duty as his representative to see that he receives everything he is entitled to under the law.

CONSOLIDATION

The committee on expenditures, of which I happen to be a member, is at the present time considering a bill to authorize the President to consolidate and coordinate governmental activities affecting all war veterans and their dependents.

The hearings on this bill have disclosed that it is now costing the Government in excess of $750,000,000 annually to take care of the veterans and their dependents. The Pension Bureau, a part of the Department of the Interior, the National Soldiers' Homes, looked after by the War Department, and the Veterans' Bureau would be brought under one head by the passage of the bill.

General Hines, Director of the Veterans' Bureau, favors the passage of the bill. He feels it would curtail overhead and improve administration, as well as standardize treatment given to all veterans. He told the committee such a consolidation would result in the largest organization in the Government from the standpoint of personnel employed, magnitude of services administered, number of beneficiaries, and amount of annual expenditures. He feels, however, provisions should be made for the establishment of an executive department, with a secretary, a member of the President's Cabinet, four assistant secretaries, and a general counsel.

Members of all veterans' organizations have been given an opportunity to express their views, and while all agree on consolidation, they differ as to how it should be brought about. Some want a veterans' department, others a bureau under the Secretary of the Interior, and still others would like to see an executive department, with the secretary a member of the President's Cabinet.

A most interesting witness before the committee was Col. Winfield Scott, Commissioner of Pensions. He cited the history of pensions in this country from the time the Pilgrims in 1636 provided that the colony should maintain any disabled soldier. At that time they had trouble with the Indians. He told of the pension law passed by Virginia in 1644, followed shortly by New York and Maryland, while Rhode Island enacted its pension law in 1718.

Starting with the passage of the first national pension law, August 26, 1776, Colonel Scott covered pension legislation up to the time the office of Commissioner of Pensions was created in 1833. Some of the interesting facts brought out by Colonel Scott are that the total number of land warrants issued by the bureau was 598,701, calling for 68,793,870 acres of land; that the office starting with 22 employees reached its peak in 1892 when the force numbered 2,009 employees, and the maintenance cost then was $4,898,655.80; that since 1892 the personnel has gradually been reduced, until now they have 645 employees, who receive salaries amounting to $1,250,000; that they have a working index consisting of 7,069,719 cards and approximately 6,000,000 files representing claims of soldiers who served in various wars and of their widows, which he stated is a complete history of those who bore the brunt of battle in defense of flag and country; that next year's appropriation bill carries $221,000,000 for the Pension Bureau, the overhead being but $1,635,000; that it cost $11.80 to handle a claim before it is paid; that the salaries paid the medical referee is $5,600 a year, and the chief law clerk $4,600, while in the Veterans' Bureau the medical director receives $9,000 per year and the chief of the legal division $9,000 per year.

Colonel Scott stated the records show there are only two surviving soldiers of the war with Mexico, which ended May 30, 1848. One, William F. Buckner, residing at Paris, Mo., was born, according to the Pension Bureau records, January 25, 1828, and the other, Owen Thomas Edgar, who resides at the John Dickson Home, Washington, D. C., born January 31, 1831.

On December 31, 1928, there were on the pension rolls the following: Civil War, 68,788 soldiers, 40 nurses, 191,160 widows; Spanish War, 173,158 soldiers, 393 nurses, 26,949 widows; Regular Establishment, 14,201 soldiers and sailors, 3,570 widows; World War, 46 soldiers, 17 widows; Indian wars, 5,465 soldiers, 3,758 widows; Mexican War, 2 soldiers, 802 widows; War of 1812, 13 widows; in all, a total of 488,362. In the last six months of 1928 the Pension Bureau paid $116,432,903.89 to these pensioners.

While it was disclosed by the testimony of Colonel Scott that it cost $11.80 to handle a claim in that bureau, former United States Senator Col. Rice W. Means, Spanish War veteran and former head of the Spanish War veterans' organization, in reply to a question as to how much it cost to handle a claim in the Veterans' Bureau, said:

> If you could get hold of the figures—now, I am making a wild estimate, but I believe it is $1,000 per claim.

Anyone who attempts to estimate when the peak will be reached by the Veterans' Bureau, in my opinion, is but making a guess.

There has been a great deal of agitation for what might be termed equalization of pensions. I have yet to find the man who can assail the argument. Veterans contend that there is no reason why the soldier or sailor or their dependents who served in the Civil, Indian, or Spanish War should not receive the same consideration accorded those who served in the World War.

Take the pensions of the soldiers, sailors, or marines in the Regular Establishment disabled in discharge of their duties, and the widows and dependent parents of men in this branch who lose their life in line of duty. They come under the general pension law.

What do they get?

The widow of a marine killed in Nicaragua gets $12 a month, as does the dependent mother.

The argument which accompanies the demand for equalization of pensions is sound and can not be disputed.

Then, again, there is a strong demand for a service pension for the World War veterans. They ask for the same consideration now being accorded Spanish and Civil War veterans. The Spanish and Civil War laws provide for a pension for a veteran in the event he is disabled for the performance of manual labor, even though the disability is not the direct result of his service.

This will come in time—how soon, no one can predict—but I venture the assertion that it will not be long before the total amount paid to veterans of all wars and their dependents will total $1,000,000,000 annually.

To show that our expenditures along this line continue to increase, I understand the Commissioner of Pensions has informed the Appropriations Committee that unless $19,000,000 or $20,000,000 is carried for his bureau in the last deficiency bill which will be reported in a few days he will be unable to pay pensions for June. Of course, after he has made the proper showing, he will get the money. Therefore I say it is impossible to even predict when the peak will be reached.

If the consolidation of all Government agencies affecting the veterans and their dependents will mean a reduction in overhead and expedite the consideration of the claims of the veterans and their dependents, it should be brought about. However, care must be exercised to work out the proper plan before authorizing such a consolidation.

The care of the disabled veteran is an obligation the country will never shirk.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday. Is there objection?

There was no objection.

ADJOURNMENT

Mr. WASON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, in accordance with the order heretofore made (at 5 o'clock and 28 minutes p. m.), the House adjourned until Monday, January 21, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 19, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the United States grain standards act by inserting a new section providing for licensing and establishing laboratories for making determinations of protein in wheat and oil in flax (H. R. 106).

EXECUTIVE COMMUNICATIONS, ETC.

750. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation for the Office of Public Buildings and Public Parks of the National Capital for the fiscal year 1929, in the amount of $5,000 (H. Doc. No. 516), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. H. R. 13693. A bill to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park; without amendment (Rept. No. 2137). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 13931. A bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.; with amendment (Rept. No. 2138). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. Con. Res. 46. A concurrent resolution amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission; without amendment (Rept. No. 2140). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 12520. A bill for the relief of the Nez Perce Tribe of Indians; with amendment (Rept. No. 2141). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 15657. A bill to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; with amendment (Rept. No. 2142). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work; with amendment (Rept. No. 2143). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 16273. A bill to amend an act entitled, "An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes," approved May 17, 1928; without amendment (Rept. No. 2144). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 14072. A bill to authorize the sale and removal of surplus sand from the military reservation, Fort Story, Va.; without amendment (Rept. No. 2149). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOYLAN: Committee on Military Affairs. H. R. 14924. A bill to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes; without amendment (Rept. No. 2150). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 4953. A bill for the relief of Homer C. Rayhill; without amendment (Rept. No. 2139). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 12708. A bill for the relief of John H. Lawler; with amendment (Rept. No. 2145). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 13546. A bill for the relief of Joseph Bratten; without amendment (Rept. No. 2146). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 14110. A bill for the relief of Capt. Philip A. Scholl, Finance Department, United States Army; without amendment (Rept. No. 2147). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 2818. A bill for the relief of George Evans; with amendment (Rept No. 2148). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROBSION of Kentucky: A bill (H. R. 16382) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16383) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16384) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16385) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16386) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16387) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16388) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16389) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN: A bill (H. R. 16390) to provide for changing the location of certain buildings to be constructed at Fort Jay, Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 16391) authorizing an appropriation for improving the Arkansas River from Tulsa, Okla., to the point where said river flows into the Mississippi River, for purposes of navigation; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: A bill (H. R. 16392) relating to the immigration and naturalization of certain citizens of the islands under the jurisdiction of the United States; to the Committee on Immigration and Naturalization.

By Mr. THATCHER: A bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWLEY (by request): A bill (H. R. 16394) to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes, in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 16395) to reduce interest rates on adjusted-compensation loans; to the Committee on Ways and Means.

By Mr. MANSFIELD: A bill (H. R. 16396) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. RAGON: A bill (H. R. 16397) granting authority to the Secretary of War to relocate levee of Conway district No. 1, Conway County, Ark.; to the Committee on Flood Control.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16398) to amend the act of June 8, 1926 (44 Stat. 704; title 10, sec. 1091a, U. S. C., Supp. I); to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 388) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Joint resolution (H. J. Res. 389) to establish a public bequest commission and a public bequest fund; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. FULMER: Memorial of the General Assembly of the State of South Carolina, relating to the situation of South Carolina created by the hurricane; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 16399) for the relief of Edward Wilson; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 16400) granting an increase of pension to Sarah Stewart; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 16401) granting a medal of honor to William McCool, United States Navy; to the Committee on Military Affairs.

By Mr. CASEY: A bill (H. R. 16402) to authorize the appointment of First Sergt. George Shively, retired, to the grade of master sergeant, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 16403) for the relief of Parke, Davis & Co.; to the Committee on Ways and Means.

By Mr. DEAL: A bill (H. R. 16404) for the relief of Thomas A. Dwyer; to the Committee on Naval Affairs.

By Mr. EDWARDS: A bill (H. R. 16405) for the relief of John Henry Mobley; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 16406) to repeal a provision of law granting a pension to Annie E. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16407) to repeal a provision of law granting a pension to Lottie A. Bowhall; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 16408) for the relief of John H. La Fitte; to the Committee on Military Affairs.

Also, a bill (H. R. 16409) to authorize payment of war-risk insurance to the estate of William Wheeler, deceased; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 16410) granting an increase of pension to Susan C. Phelps; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 16411) granting a pension to Mary H. Goldberger; to the Committee on Pensions.

By Mr. McLEOD: A bill (H. R. 16412) for the relief of Gustav Edmund Starke; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 16413) granting a pension to Clarence Prosser; to the Committee on Pensions.

Also, a bill (H. R. 16414) granting a pension to Alatha Wallace; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 16415) granting a pension to Mary Dunn; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 16416) for the relief of Lorenzo E. Leonard; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 16417) granting a pension to Mary H. De Waine; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 16418) granting a pension to Katie Keller; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16419) granting an increase of pension to Elizabeth A. McAdoo; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 16420) granting a pension to Buelah H. Baldwin; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16421) granting an increase of pension to Lucy Pell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8297. By Mr. ABERNETHY: Petition of Lionel Weil, chairman Goldboro Division (N. C.), Orthopedic Clinic, in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8298. Also, petition of Henry Beek, secretary Goldsboro (N. C.) Rotary Club, in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8299. Also, petition of R. E. Stevens, president of Goldsboro (N. C.) Rotary Club, in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8300. Also, petition of Mrs. Lionel Weil, chairman of committee on home hygiene and care of the sick, Wayne County (N. C.) Chapter, American Red Cross, in favor of Newton bill; to the Committee on Interstate and Foreign Commerce.

8301. By Mr. BLOOM: Petition of New York Zoological Society, approving Senate bill 1271, relative to the adequate preservation of migratory game birds; to the Committee on Agriculture.

8302. Also, petition of New York Commandery of the Naval Order of the United States, approving the cruiser bill; to the Committee on Naval Affairs.

8303. By Mr. CARTER: Petition from residents of Alameda, Calif., signed by R. E. Peterson and 10 others, protesting against the passage of House bill 12683, relating to the shipment in interstate commerce of pistols, revolvers, etc.; to the Committee on Interstate and Foreign Commerce.

8304. By Mr. CHRISTOPHERSON: Petition of Chamber of Commerce of Canton, S. Dak., asking for adequate tariff on sugar; to the Committee on Ways and Means.

8305. Also, petition of Chamber of Commerce of Canton, S. Dak., approving proposal to connect all State capitals by a national highway, and suggesting route to be followed from Des Moines, Iowa, to Pierre, S. Dak.; to the Committee on Roads.

8306. By Mr. GARBER: Resolution of the Chamber of Commerce of the State of Oklahoma, to increase tariff on peanuts and peanut by-products; to the Committee on Ways and Means.

8307. Also, petition of the Associated Industries of Alabama, urging favorable consideration by Congress of tariff protection for domestic cement industry sufficient to compensate for the difference in wage scale and living conditions at home and abroad; to the Committee on Ways and Means.

8308. Also, petition of the National Coal Association, urging support of item (b) under appropriations for the United States Shipping Board (Executive Office and sundry independent executive bureaus appropriation bill, H. R. 16301) providing a million and a half dollars for reconditioning or operating ships for carrying coal to foreign ports, together with any unexpended portion of last year's appropriation; to the Committee on Appropriations.

8309. By Mr. HOWARD of Oklahoma: Statement of Col. Charles B. Douglas, president Arkansas River Flood Control Association, relative to flood control and navigation on the Arkansas River made to representatives of the Chief of Engineers of the War Department, at Tulsa, Okla., January 4, 1929; to the Committee on Rivers and Harbors.

8310. By Mr. IRWIN: Petition of Mr. Stacy Neal and other citizens of Sorento, Ill., urging that the present immigration laws be strengthened; to the Committee on Immigration and Naturalization.

8311. By Mr. O'CONNELL: Petition of C. K. Eagle & Co. (Inc.), New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8312. Also, petition of the Associated Industries of Alabama, Birmingham, Ala., favoring the revision of the tariff so as to equalize the difference between production and transportation costs at home and abroad; to the Committee on Ways and Means.

8313. Also, petition of the American Shrinkers Corporation, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8314. By Mr. WHITTINGTON: Petition of R. F. Sledge and others, of Mississippi, asking for Government loans to drainage districts; to the Committee on Irrigation and Reclamation.

8315. By Mr. WINTER: Resolutions adopted by Wyoming State Farm Bureau, Laramie, Wyo., regarding truth in fabric law, and on subject of tariff advances on agricultural products, especially meat, hides, and sugar; to the Committee on Ways and Means.

8316. Also, resolution from Local 1681, National Association of Letter Carriers, re Senate bill 1727; to the Committee on the Civil Service.

8317. By Mr. WYANT: Petition of Chestnut Ridge Auxiliary to Chestnut Ridge Post, No. 444, Veterans of Foreign Wars, of Derry, Pa., favoring passage of House bill 9138; to the Committee on Pensions.

SENATE

SATURDAY, *January 19, 1929*

(Legislative day of Thursday, January 17, 1929)

The Senate reassembled in closed executive session at 12 o'clock meridian, on the expiration of the recess.

After 4 hours and 25 minutes spent in executive session, the Senate, in closed executive session (at 4 o'clock and 25 minutes p. m.), took a recess until Monday, January 21, 1929, at 12 o'clock meridian.

While the doors were closed the Senate, as in legislative session, transacted the legislative business which follows.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MOBIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, pursuant to law, certified copies of the final ascertainments of electors for President and Vice President from the States of Mississippi and New Mexico at the election held November 6, 1928, which were ordered to lie on the table.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, lists of papers in the files of the Interior Department and its bureaus not needed or useful in the transaction of current business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. NYE and Mr. PITTMAN members of the committee on the part of the Senate.

PROHIBITION ENFORCEMENT

Mr. SHEPPARD presented the following telegram, which was read and ordered to lie on the table:

NEW YORK, N. Y., *January 18, 1929.*

Hon. MORRIS SHEPPARD,
Senate Chamber:

Kindly read this open telegram to Secretary Mellon at Senate session to-day: "Hon. Andrew Mellon, Secretary of the Treasury, Washington: We have read your letter to Senator WARREN concerning appropriation of twenty-five million for prohibition department. We are amazed at your failure to recognize great dissatisfaction with inadequacy of present program and to grasp eagerly opportunity presented by proposed appropriation for immediate development of more adequate program. Why can not appropriation be made subject to such distribution as the Secretary of the Treasury may determine after thorough investigation—part for Coast Guard, part for customs, part especially for Canadian border, part for doubling or trebling present field force, increasing salaries to induce higher-type men to apply for this responsible and hazardous work, part for more thorough stringent surveillance of breweries and distilleries to prevent illegal distribution of high-powered beer and diversion of industrial alcohol, part for intensive nation-wide education campaign, employing best talent to prepare accurate striking posters and circulars emphasizing danger to individuals and to society of use of intoxicants; also, the physical, economic, personal, and social benefits of abstinence and prohibition appealing to patriotic citizenship to abandon and discourage self-indulgent demoralizing lawlessness. It will be difficult for the average citizen to believe that there is much zeal or eagerness on the part of the Secretary of the Treasury to secure adequate enforcement if he refuses this opportunity to develop and carry out an adequate program.

"We are convinced that your reply to Senator WARREN has been read with grave concern by that part of the electorate which recently declared its purpose that the eighteenth amendment should stand and be enforced.

"Speaking for those whom we represent, we respectfully request prompt reconsideration and earnest support of the proposed appropriation, otherwise the question inevitably arises, first, Does the Treasury Department sincerely desire efficient enforcement? and, second, Is it unable to develop an adequate program?"

JAMES CANNON, Jr., *Chairman.*
EUGENE L. CRAWFORD,
Secretary Board of Temperance and Social Service, Methodist Episcopal Church South.
BISHOP THOMAS NICHOLSON,
President Anti-Saloon League.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5090) for the relief of Lewis H. Easterly (Rept. No. 1458); and

A bill (S. 5013) to authorize the Secretary of War to lend War Department equipment for use at the Eleventh National Convention of the American Legion.

Mr. REED of Pennsylvania also, from the Committee on Finance, to which was referred the bill (S. 5331) for the relief of Edwina R. Munchhof, reported it without amendment and submitted a report (No. 1459) thereon.

Mr. FLETCHER, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 7409) for the relief of John J. Campbell (Rept. No. 1460); and

A bill (H. R. 13097) for the relief of Thomas W. Moore (Rept. No. 1461).

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (H. R. 2098) for the relief of Alonzo Northrup, reported it without amendment and submitted a report (No. 1462) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13476) for the relief of Joseph M. McAleer, reported adversely thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 12113) providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State (Rept. No. 1463); and

A bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians (Rept. No. 1464).

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 3002) for the relief of Mina Bintliff, reported it without amendment and submitted a report (No. 1465) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 940) for the relief of Michael J. Fraher, reported it without amendment and submitted a report (No. 1466) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, reported it with amendments and submitted a report (No. 1467) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind. (Rept. No. 1468);

A bill (S. 5073) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes" (Rept. No. 1469);

A bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928 (Rept. No. 1470); and

A bill (S. 5178) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear* (Rept. No. 1471).

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the General Council and Business Committee, and for other purposes, reported it with an amendment and submitted a report (No. 1472) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13507) to amend section 3 of Public Act No. 230 (37 Stat. L. 194), reported it without amendment and submitted a report (No. 1473) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 5444) to amend section 102 of the Judicial Code; to the Committee on the Judiciary.

By Mr. BRATTON:

A bill (S. 5445) granting a pension to Georgia Young; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5446) granting an increase of pension to Annie L. Swift (with accompanying papers); to the Committee on Pensions.

A bill (S. 5447) to amend the immigration act of 1924, as amended; to the Committee on Immigration.

By Mr. BURTON:

A bill (S. 5448) to extend the time for the refunding of certain taxes erroneously collected under the acts of June 13, 1898, and October 22, 1914; to the Committee on Finance.

By Mr. WALSH of Montana:

A bill (S. 5449) for the relief of the heirs of William W. Head, deceased (with accompanying papers); to the Committee on Public Lands and Surveys.

By Mr. HAYDEN:

A bill (S. 5450) providing for the promotion of retired officers of the Army for active duty performed after retirement; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 5451) to amend the immigration act of 1924, as amended; to the Committee on Immigration.

By Mr. WALSH of Montana:

A joint resolution (S. J. Res. 202) for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to

allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL—INCREASE OF COMPENSATION TO COMMITTEE EMPLOYEES AND CLERKS TO SENATORS

Mr. ROBINSON of Arkansas submitted an amendment proposing to increase the compensation of Senate committee employees and clerical assistants to Senators intended to be proposed by him to the legislative appropriation bill for the fiscal year 1930, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

On motion of Mr. SHORTRIDGE, the Committee on Privileges and Elections was discharged from the further consideration of the resolution (S. Res. 284) for compilation of a revised edition of the document entitled "Compilation of Senate Election Cases," and it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ADMINISTRATION OF EMERGENCY OFFICERS' RETIREMENT ACT

Mr. McKELLAR submitted the following resolution (S. Res. 301), which was ordered to lie on the table:

Resolved, That the Director of the Veterans' Bureau be, and he is hereby, requested and directed to furnish the Senate at the earliest possible moment the following information:

First. The names and addresses of all emergency officers in the Army who at the time of the final passage of the Tyson-Fitzgerald bill were disabled, as shown by the records of the bureau, to the extent of 30 per cent or more.

Second. The names of all officers to whom the benefits of that act have been awarded by the bureau since the passage of the act.

Third. The names of all officers who were drawing disability pay because of disabilities of more than 30 per cent at the date of the passage of the Tyson-Fitzgerald Act who have been denied the benefits of that act.

Fourth. The names of all emergency officers drawing pay at the time of the passage of the act because of disabilities of more than 30 per cent whose disability pay has been reduced since the date of the passage of said act.

Fifth. Were examinations held in each case where application for retirement has been filed to determine again the percentage of disability?

GEN. ROBERT E. LEE

Mr. BLEASE. Mr. President, this being the anniversary of the birth of Gen. Robert E. Lee, of the Southern Confederacy, I request that there may be published in the RECORD a letter from the Forbes Lithograph Manufacturing Co., of Boston, which contains a short sketch of his life.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE FORBES LITHOGRAPH MANUFACTURING CO.,
Boston, November 5, 1928.

Hon. COLEMAN L. BLEASE,
United States Senate, Washington, D. C.

DEAR SIR: Gen. Robert E. Lee was born at Stratford, Westmoreland County, Va., January 19, 1807; was appointed to West Point in 1825 and graduated second in his class in 1829. On June 31, 1831, he was married at Arlington, Va., to Miss Mary A. R. Custis, daughter of George Washington Parke Custis, grandson of Mrs. George Washington and the adopted son of General Washington. After years of Army routine he was made captain of Engineers in 1838 and was busy improving the defenses of the country until 1846.

From 1846 to 1849 he served in the Mexican War, being made a colonel for gallantry in action. In 1852 he was appointed Superintendent of the Military Academy at West Point, filling this position with great ability. From 1855 until 1859 and 1860, as a commander in the Cavalry Arm of the service, he was engaged in suppressing the Indian uprisings in the West.

At the outbreak of the Civil War he resigned his commission and, April 23, 1861, accepted the command of the southern forces of Virginia, meeting in the years that followed glorious victories and bitter defeat with highest courage and nobility. Mounted on his famous horse Traveller he was, in appearance and reality, a great leader, beloved by every soldier in the ranks. On April 9, 1865, he surrendered the remnants of his gallant army to a superior force and retired to private life.

In October, 1865, he accepted the presidency of Washington College, Lexington, Va., and there on October 12, 1870, he passed away mourned by millions. His last words, spoken as his mind wandered over the scenes of the past, were, "Strike the tent," and a little later, "Tell Hill he must come up!"

We are proud to present the portrait of this great soldier in our series of Famous Americans.

Very truly yours,

THE FORBES LITHOGRAPH MANUFACTURING CO.,
E. F. PAYNE.

RESPONSIBILITY FOR THE WORLD WAR

Mr. SHIPSTEAD. Mr. President, I present articles appearing in the Chicago Daily Tribune and the La Salle County (Ill.) Herold relative to placing the responsibility for causing the World War, which I ask may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Tribune, Saturday, December 22, 1928]

WHAT HAS THE UNITED STATES TO DO WITH THE VERSAILLES TREATY?

Senator SHIPSTEAD, of Minnesota, has a resolution for the revision of paragraph 231 of the Versailles treaty, which now reads:

"The Allies declare and Germany acknowledges that Germany and its associates are the cause of the World War, therefore responsible for all damages afflicted on the Allies." The Senator would modify this declaration and forced confession to conform with the views of present-day revisionists of the causes, who contend that Germany was no more responsible for the war than the Allies were.

The United States did not sign this treaty. It made a separate treaty with Berlin after it had rejected the whole work of the peace conference. In its treaty with Germany it reserved to itself all the rights stipulated in the treaty of Versailles, such as they were, but that was all.

The Versailles treaty was rejected as unfair. It proposed conditions to which the United States declined to be a party. This country did not impose a debt of reparations on Germany. It has not been collecting damages from its former enemy. Consequently the treaty of Versailles is no business of the United States. It is none of Mr. SHIPSTEAD'S business as a Senator of the United States, and the resolution is not one which properly could come before the United States Senate.

Mr. SHIPSTEAD'S affections, his sense of equity, and his European preferences may be strongly involved, but his idea is malapert, and his resolution would be looked upon abroad as giving another illustration of the Yankee instinct for pestiferous meddling.

The war guilt clause which Germany had to accept as the price of peace is the item of the treaty by which the Allies justify their collections from their enemy and their retention of the Rhineland. It's their affair and Germany's. If the United States as a creditor nation affirms that its debtors have no moral grounds for getting any money from Germany, its reputation for preposterous interference will be something even bigger than it is now.

[Reply to Chicago Tribune editorial by T. St. John Gaffney, former American consul general, which has appeared in many papers throughout the country, including the Chicago Herald]

THE FAIRFAX,
Washington, D. C., December 31, 1928.

The EDITOR CHICAGO TRIBUNE,
Chicago, Ill.

SIR: My attention has been called to an editorial dealing with the Shipstead resolution on war guilt now pending before the Committee on Foreign Relations of the United States Senate, which appeared in the Tribune on December 22. The inference to be drawn from the editorial is that, as our Government did not sign the Versailles treaty, the war guilt paragraph of that document is no business of the United States. Let us consider the facts in the case.

The recent death of Robert Lansing is evidence of the imperative necessity of holding without further delay an inquiry on the war guilt problem under the Shipstead Senate resolution. Lansing was the chairman of the partisan commission of 15 which adjudged Germany and her allies solely responsible for the war, and would naturally have been the most important witness in the proposed inquiry.

The joint responsibility of the American Government for this verdict arises from the fact that President Wilson appointed the American Secretary of State, Robert Lansing, and James Brown Scott to represent the United States on this judicial tribunal.

Lansing was also a plenipotentiary commissioner to negotiate peace and Scott was a technical delegate of our Government to the peace conference, so there can be no question as to their official status. While it

is true that our Government, for good and sufficient reasons, failed to ratify the Versailles treaty, it reaffirmed the war guilt through the treaty of Berlin of November 14, 1921.

The revelations of recent years have disclosed that the American delegates were particularly active in bringing about the decision and are credited with having drafted its report. This verdict, as now admitted, was based upon insufficient evidence, suppression of the truth, false testimony, and in part fraudulent and forged documents, and is now repudiated by all reputable historians. During his lifetime Lansing was repeatedly challenged to defend his verdict in the light of the new evidence, but he remained silent. His colleague, Scott, is still living and available for examination by the Senate Foreign Relations Committee. The removal of Doctor Scott by death or his incapacity by illness to give evidence would be an untoward calamity, as he is the only member of the commission of 15 within the jurisdiction of the United States. Some months ago the faculty of Heidelberg University addressed a note to Doctor Scott asking him if he still adhered to his original judgment in the light of the new evidence and material. Doctor Scott replied that as he was at the time the decision was rendered the representative of the American Government he could not withdraw or modify his verdict so long as his Government had not changed its attitude on the subject. Scott therefore puts the matter definitely up to the American Government of to-day, which is fortunately not laboring under the influence of the myths, hysteria, and prejudices of the Wilson administration. It shows, however, how necessary it is in the cause of justice, fair play, and historical truth that the only living American participant in the conduct and proceedings of the entente commission of 15 should be interrogated by the Foreign Relations Committee while he is still available.

The latest decisive judgment on the guilt clause of the treaty of Versailles has been passed by the eminent American historian, Prof. Sidney Bradshaw Fay, in his monumental work, The Origins of the World War, and reads as follows:

"One must abandon the dictum of the Versailles treaty that Germany and her allies were solely responsible. It was a dictum enacted by victors from vanquished, under the influence of the blindness, ignorance, hatred, and the propagandist misconceptions to which war had given rise. It was based upon evidence which was incomplete and not always sound. It is generally recognized by the best historical scholars in all countries to be no longer tenable or defensible."

Furthermore, Prof. Charles A. Beard, the noted author of The Rise of American Civilization, writes in the January issue of Harpers:

"Not a single outstanding scholar among the Allies and associated powers—Renouvin, Fabre Luc, Gooch, Fay, for example—who has examined the evidence in the case believes in the Paris doctrine that the Central Powers and their allies must bear the sole responsibility for plunging Europe into hell.

"Moreover, actors in the drama, such as Grey, Lloyd George, and Poincare, now openly say that the war had its roots in ancient rivalries in which all the beligerents participated."

The verdict of the entente partisan commission, in which Lansing and Scott figured so prominently, and its poisonous result on the spirit of the former warring nations have done more to keep alive hatred and prejudice than any other cause. A true reconciliation among the peoples is impossible until the verdict is annulled and article 231 is expunged from the Versailles treaty.

Very faithfully yours, T. ST. JOHN GAFFNEY,
Former American Consul General.

[From the La Salle County Herold, Ottawa, Ill., Friday, January 11, 1929]

THE LOSER PAYS

In many ways the following editorial from the Chicago Tribune of Tuesday, January 8, is the most remarkable article with a political bearing and significance that ever appeared in the "world's greatest newspaper."

It gives the lie to Lloyd George, to Poincaré, and to Woodrow Wilson. It proves conclusively that not Germany was alone the cause of the World War; to wit, this same Germany that for almost two years after the armistice was subjected to a blockade which killed tens of thousands of helpless and innocent women and children. This satanic bestiality of the so-called "Allies" was never mentioned in the Tribune's article, although history has put it on record for all times to come.

It is a self-evident fact that the "Allies" are at the present time murdering Germany financially and methodically. But the Tribune nowhere mentions this fact and much less deplores it. The tears of bleeding Germany are the champagne of our American plutocracy.

The object of its revolutionary editorial mentioned above is to demonstrate to Congress the necessity of building 15 more cruisers of 10,000 tons each. And the sum and substance of the Tribune's literary effort in this case is its "argument":

"To be right you must be victorious."

Upon the diabolical reasoning power of this consummation I yield the floor to the editor of the Chicago Tribune.

C. ZWANZIG.

[From Tuesday's Chicago Tribune, January 8, 1929]

THE LOSER PAYS

Victors usually are right. With dominating arms comes domination in opinion, and the old cynicism, "Might makes right," remains in practical affairs hard to disprove.

To her European victors Germany pays to-day $595,000,000 annually. Since the Dawes plan took effect Germany has paid $1,540,000,000 in reparations. Before the Dawes plan ends the German people will pay $6,000,000,000 to $10,000,000,000 more. This will be her minimum under an agreement whereby the total reparation may be reduced to finite sums instead of infinite. Before the Dawes plan was promulgated Germany paid other reparations. Her Rhineland, her Saar Basin and other territories, her railroad system, are more or less in mortage. Germany pays reparation for defeat, and Germany pays on.

On the "moral" clause in the Versailles treaty this penalty is founded. For war guilt and aggression, the clause says, Germany must pay. That Germany was no more guilty of aggression than the other nations is now historical opinion, but that makes little difference. Germany lost the war, and the loser will stay wrong.

Scholars now in America, in England, in Russia, Germany, and France have shown that Germany's war guilt is at least no greater than that of France and Russia, and perhaps of England; still Germany will pay, and will pay on, no doubt, so long as gold can be squeezed from her. So long as she remains too weak in arms to resist the consequence of defeat, Germany will pay on.

The kaisers and the czars are gone down in the trampled ruck of war. Few will regret them; and if the war did nothing else of value, it broke the pomp and privilege and the antique despotisms of both groups of belligerents. Clattering, romantic, stupid, violent, the old régimes have passed. Subtler minds have outplanned them and made them bear, falsely but appropriately, the burden of the guilt of war. As publicity devices they had great consequence. They were used by friend and enemy with diverse ends, with great failure and with skill.

The world may see in 10 years more what closer students of the war now see, that Germany was only helpless drift and swirling, as other nations were, into inevitable war. Recent books by Barnes and by Fay and other authorities in America and work by foreign scholars indicate that, if blame for the war can be assessed at all, much of it should go to Poincaré, to France, and to Russia for war plans and intrigues months before the shot at Serajevo.

But personal blame for the Great War is irrelevant. Out of a massive set of world tensions and differential developments came the Great War. Out of industrial and social competitions, out of national and political developments, and out of an outworn system in which the huge, new forces of the time could not be organized came war that was inevitable. Beside this greater circumstance personal blame at most means little. But Germany lost, her guilt was officially declared, and Germany pays the reparations.

Less for moral guilt than for defeat Germany must pay this penalty, and those who made the Versailles treaty always knew it well Germany pays for defeat; righteousness perches on the banner of the victor.

For America, the young crusader, the naïve boy ignorant of the making of the war when it was in making, there is one lesson—to be right be victorious.

RADIO DEMOCRACY

Mr. BLEASE. Mr. President, I ask leave to have printed in the RECORD an editorial appearing in the New Leader, of New York City, of Saturday, January 19, 1929, on the subject of "Radio Democracy."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RADIO DEMOCRACY

Criticism by Hope Smith, counsel of the American Federation of Labor, of the allocation of broadcasting channels by the Federal Radio Commission again brings to the front the issue of equity in radio broadcasting. Mr. Smith declares that the present plan of allocating has worked to the advantage of the trust group and chain stations. WCFL, the American Federation of Labor station in Chicago, Mr. Smith declares, is also plagued with interference by the larger stations.

It is doubtful whether complete equity can be realized in this matter, for the difficulties are deeply rooted in modern society. Power inevitably goes to great wealth. In fact, concentrated capital is enormous power that is certain to be exerted in every phase of life. The daily newspaper is a luxury which the organization with small funds can not have. Those with large funds can have many.

The chain stations in radio broadcasting have enormous power for the same reason. The mere fact that they represent millions of capital gives them an enormous prestige and power which the lesser stations can not have. They can also afford to employ the best talent and give the best entertainment. The superior program carries with it also the broadcasting of opinions over greater areas of the Nation. Naturally the opinions are likely to have a conservative cast, for great wealth is inevitably associated with conservatism.

So by a logic of its own the more important advantages of the radio belong to powerful corporate wealth. This does not mean that the smaller stations like WCFL should not fight for the best conditions that can be obtained. On the contrary, democracy in radio broadcasting should be stressed. It is one phase of the general struggle against reactionary forces that tend to shape all institutions and opinions after a pattern approved by great aggregations of corporate capital and finance.

NOMINATIONS

Executive nominations received by the Senate January 19 (legislative day of January 17), 1929

CIRCUIT COURT JUDGE

Harrie Brigham Chase, of Vermont, to be circuit judge, second circuit. (An additional position.)

UNITED STATES DISTRICT JUDGES

Crate D. Bowen, of Florida, to be United States district judge, southern district of Florida, vice Rhydon M. Call, deceased.

Alexander Akerman, of Florida, to be United States district judge, southern district of Florida. (An additional position.)

POSTMASTERS

ALABAMA

Culver M. Hillis to be postmaster at Athens, Ala., in place of C. M. Hillis. Incumbent's commission expires January 27, 1929.

Joseph S. Mathis to be postmaster at Atmore, Ala., in place of J. S. Mathis. Incumbent's commission expires January 27, 1929.

Edward B. Beason to be postmaster at Demopolis, Ala., in place of E. B. Beason. Incumbent's commission expires January 27, 1929.

Allie Wilson to be postmaster at Stevenson, Ala., in place of Allie Wilson. Incumbent's commission expires January 27, 1929.

ARIZONA

Charles C. Stemmer to be postmaster at Cottonwood, Ariz., in place of C. C. Stemmer. Incumbent's commission expires January 26, 1929.

Freda B. Irwin to be postmaster at Gilbert, Ariz., in place of F. B. Irwin. Incumbent's commission expires January 27, 1929.

Raymond W. Still to be postmaster at Tempe, Ariz., in place of R. W. Still. Incumbent's commission expires January 27, 1929.

CALIFORNIA

Allen G. Thurman to be postmaster at Colfax, Calif., in place of A. G. Thurman. Incumbent's commission expires January 26, 1929.

Doris R. Geiger to be postmaster at Dunsmuir, Calif., in place of D. R. Geiger. Incumbent's commission expired March 19, 1928.

Edward W. Vodden to be postmaster at Los Gatos, Calif., in place of E. W. Vodden. Incumbent's commission expires January 26, 1929.

Ada K. Harris to be postmaster at McKittrick, Calif., in place of A. K. Harris. Incumbent's commission expires January 26, 1929.

Eva L. Snyder to be postmaster at Moorpark, Calif., in place of E. L. Snyder. Incumbent's commission expires January 26, 1929.

Joseph H. Steele to be postmaster at Riverbank, Calif., in place of J. H. Steele. Incumbent's commission expires January 26, 1929.

Anna E. Collier to be postmaster at Seal Beach, Calif., in place of A. E. Collier. Incumbent's commission expires January 26, 1929.

Ora A. Woods to be postmaster at Winters, Calif., in place of O. A. Woods. Incumbent's commission expires January 26, 1929.

FLORIDA

Ward M. Parker to be postmaster at Venice, Fla., in place of J. S. Huselton, resigned.

GEORGIA

Louis S. Marlin to be postmaster at Doerun, Ga., in place of L. S. Marlin. Incumbent's commission expires January 28, 1929.

William M. McElroy to be postmaster at Norcross, Ga., in place of W. M. McElroy. Incumbent's commission expires January 28, 1929.

IDAHO

J. Howard Howe to be postmaster at Lewiston, Idaho, in place of R. M. Coburn, deceased.

ILLINOIS

Joel E. Grizzell to be postmaster at Herrin, Ill., in place of Americus Gasaway, removed.

May B. Ellis to be postmaster at Melvin, Ill., in place of Edwin Beck, resigned.

John M. Yolton to be postmaster at Port Byron, Ill., in place of J. M. Yolton. Incumbent's commission expires January 28, 1929.

Olga M. Streetz to be postmaster at River Grove, Ill., in place of O. M. Streetz. Incumbent's commission expires January 28, 1929.

KANSAS

Robert B. Slavens to be postmaster at Lecompton, Kans., in place of R. B. Slavens. Incumbent's commission expired January 14, 1929.

Uriah E. Heckert to be postmaster at Tescott, Kans., in place of U. E. Heckert. Incumbent's commission expires January 27, 1929.

LOUISIANA

Albert C. Locke to be postmaster at Marthaville, La., in place of T. A. Rains, removed.

MAINE

Susan M. Dyer to be postmaster at Harrington, Me., in place of S. M. Dyer. Incumbent's commission expires January 27, 1929.

MARYLAND

S. Stanley Bender to be postmaster at Kitzmiller, Md., in place of S. S. Bender. Incumbent's commission expires January 26, 1929.

James C. Jones to be postmaster at Stevensville, Md., in place of J. C. Jones. Incumbent's commission expires January 26, 1929.

MICHIGAN

Ernest F. Seward to be postmaster at St. Ignace, Mich., in place of F. H. Johnson, removed.

MINNESOTA

Willie W. Bunday to be postmaster at Dennison, Minn., in place of W. W. Bunday. Incumbent's commission expires January 28, 1929.

Henry B. Young to be postmaster at Holt, Minn., in place of H. B. Young. Incumbent's commission expires January 28, 1929.

Frank W. Hanson to be postmaster at Rush City, Minn., in place of F. W. Hanson. Incumbent's commission expired December 9, 1928.

MONTANA

Eliza J. Davis to be postmaster at Kevin, Mont., in place of E. J. Davis. Incumbent's commission expires January 28, 1929.

NEBRASKA

Heinrich D. Friesen to be postmaster at Henderson, Nebr., in place of H. D. Friesen. Incumbent's commission expired January 6, 1929.

Truman E. Williams to be postmaster at McCool Junction, Nebr., in place of H. M. McFadden, resigned.

NEVADA

Mildred Robison to be postmaster at Overton, Nev., in place of Mildred Robison. Incumbent's commission expired January 8, 1929.

NEW JERSEY

Mae Hanley to be postmaster at Belford, N. J. Office became presidential July 1, 1928.

Aaron J. Crane to be postmaster at Lincoln Park, N. J., in place of John Comly, resigned.

NEW MEXICO

Francis O. Polston to be postmaster at Melrose, N. Mex., in place of F. O. Polston. Incumbent's commission expires January 26, 1929.

NEW YORK

Kenneth C. Steblen to be postmaster at Cape Vincent, N. Y., in place of K. C. Steblen. Incumbent's commission expires January 27, 1929.

Alice C. Lewis to be postmaster at Gilboa, N. Y., in place of Franklin Hess, resigned.

NORTH CAROLINA

Charles L. Brown to be postmaster at Burnsville, N. C., in place of C. L. Brown. Incumbent's commission expires January 26, 1929.

Russell Best to be postmaster at Calypso, N. C., in place of Russell Best. Incumbent's commission expires January 26, 1929.

Preston P. Herman to be postmaster at Conover, N. C., in place of P. P. Herman. Incumbent's commission expires January 26, 1929.

Ferry M. Barber to be postmaster at Goldston, N. C., in place of F. M. Barber. Incumbent's commission expires January 26, 1929.

John A. Chambers to be postmaster at Hayesville, N. C., in place of J. A. Chambers. Incumbent's commission expires January 26, 1929.

Hilliard C. Rector to be postmaster at Marshall, N. C., in place of H. C. Rector. Incumbent's commission expires January 26, 1929.

William H. Stewart to be postmaster at Matthews, N. C., in place of W. H. Stewart. Incumbent's commission expires January 26, 1929.

Thomas J. Henderson to be postmaster at Yanceyville, N. C., in place of T. J. Henderson. Incumbent's commission expires January 26, 1929.

NORTH DAKOTA

John D. Greene to be postmaster at Edgeley, N. Dak., in place of J. D. Greene. Incumbent's commission expires January 28, 1929.

OKLAHOMA

Mollie E. McGinty to be postmaster at Ripley, Okla., in place of M. E. McGinty. Incumbent's commission expires January 26, 1929.

Raymond W. Wallace to be postmaster at Walters, Okla., in place of Dan Voorhees, resigned.

Abe H. Bergthold to be postmaster at Weatherford, Okla., in place of A. H. Bergthold. Incumbent's commission expires January 26, 1929.

OREGON

Leila A. Phelps to be postmaster at Hermiston, Oreg., in place of L. A. Phelps. Incumbent's commission expires January 26, 1929.

PENNSYLVANIA

Thomas J. Lane to be postmaster at Dresher, Pa. Office became presidential July 1, 1928.

Fred L. White to be postmaster at Great Bend, Pa., in place of F. L. White. Incumbent's commission expires January 27, 1929.

H. Oscar Young to be postmaster at Plymouth Meeting, Pa., in place of H. O. Young. Incumbent's commission expired December 17, 1928.

Lucy A. Truax to be postmaster at Robertsdale, Pa., in place of V. M. Van Orman, resigned.

J. Donald Backenstose to be postmaster at Schaefferstown, Pa., in place of J. A. App, resigned.

Bertha J. Everett to be postmaster at Shickshinny, Pa., in place of B. J. Everett. Incumbent's commission expired January 17, 1928.

Enos A. Freed to be postmaster at Souderton, Pa., in place of E. A. Freed. Incumbent's commission expired December 13, 1928.

Lincoln G. Nyce to be postmaster at Vernfield, Pa., in place of L. G. Nyce. Incumbent's commission expired December 13, 1928.

SOUTH DAKOTA

Orville Nichols to be postmaster at Winfred, S. Dak., in place of B. M. Dobson. Incumbent's commission expired April 10, 1928.

TENNESSEE

William R. Williams to be postmaster at Bells, Tenn., in place of W. R. Williams. Incumbent's commission expired April 22, 1928.

Edgar P. Stubblefield to be postmaster at Morrison, Tenn., in place of E. P. Stubblefield. Incumbent's commission expired December 19, 1927.

UTAH

Heber J. Sheffield, jr., to be postmaster at Kaysville, Utah., in place of H. J. Sheffield, jr. Incumbent's commission expired December 13, 1928.

VERMONT

Robert B. Thomas to be postmaster at Jeffersonville, Vt., in place of R. B. Thomas. Incumbent's commission expires January 27, 1929.

Harold C. Richardson to be postmaster at Roxbury, Vt., in place of H. C. Richardson. Incumbent's commission expires January 27, 1929.

VIRGINIA

Mattie C. Berry to be postmaster at Accomac, Va., in place of M. C. Berry. Incumbent's commission expires January 27, 1929.

Nellie A. Mannes to be postmaster at Boykins, Va., in place of N. A. Mannes. Incumbent's commission expires January 27, 1929.

Myrtle N. Lafoon to be postmaster at Ettrick, Va., in place of M. N. Lafoon. Incumbent's commission expires January 27, 1929.

Ross W. Walker to be postmaster at Fort Humphreys, Va., in place of R. W. Walker. Incumbent's commission expires January 27, 1929.

Charlotte V. Bevans to be postmaster at Greenbackville, Va., in place of C. V. Bevans. Incumbent's commission expires January 27, 1929.

George E. Adkins to be postmaster at Grundy, Va., in place of G. E. Adkins. Incumbent's commission expires January 27, 1929.

William H. Meador to be postmaster at Moneta, Va., in place of W. H. Meador. Incumbent's commission expires January 27, 1929.

James J. Mateer to be postmaster at Rosslyn, Va., in place of J. J. Mateer. Incumbent's commission expires January 27, 1929.

WASHINGTON

Blanche E. Lambert to be postmaster at Ione, Wash., in place of B. E. Lambert. Incumbent's commission expires January 26, 1929.

Esther C. Bosma to be postmaster at Peshastin, Wash., in place of E. C. Bosma. Incumbent's commission expires January 26, 1929.

Harry A. Mykrantz to be postmaster at Twisp, Wash., in place of H. A. Mykrantz. Incumbent's commission expires January 26, 1929.

WEST VIRGINIA

Edward J. Casey to be postmaster at Layland, W. Va. Office became presidential July 1, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 19 (legislative day of January 17), 1929

REGISTER OF THE TREASURY

Edward E. Jones.

MEMBER FEDERAL FARM LOAN BOARD

John H. Guill.

COMMISSIONER OF IMMIGRATION SERVICE

Norval P. Nichols to be commissioner of immigration, San Juan, P. R.

PUBLIC HEALTH SERVICE

Cassius J. Van Slyke to be assistant surgeon.

APPOINTMENT IN THE ARMY

GENERAL OFFICER, OFFICERS' RESERVE CORPS

Alexander MacKenzie Tuthill to be brigadier general, reserve, Arizona National Guard.

APPOINTMENTS BY TRANSFER IN THE ARMY

Shelby Cyrus Newman to be captain, Quartermaster Corps.
Robert Joseph Kennedy to be captain, Quartermaster Corps.
Rene Edward de Russy to be captain, Quartermaster Corps.
Wesley Karlson to be first lieutenant, Quartermaster Corps.
James Eugene Bernard McInerney to be first lieutenant, Ordnance Department.
George Matthew Halloran to be major, Infantry.
Thomas Louis Kelley to be chaplain, with the rank of major.
Alfred Percy Kitson to be first lieutenant, Field Artillery.
Joseph Smith to be first lieutenant, Air Corps.
John Caswell Crosthwaite to be second lieutenant, Air Corps.
Marvin Marion Burnside to be second lieutenant, Air Corps.
George Woodburne McGregor to be second lieutenant, Air Corps.
Charles Albert Harrington to be second lieutenant, Air Corps.
Maurice Francis Daly to be second lieutenant, Air Corps.
James Douglas Curtis to be second lieutenant, Air Corps.
Orrin Leigh Grover to be second lieutenant, Air Corps.
Milton Merrill Towner to be second lieutenant, Air Corps.
Fay Roscoe Upthegrove to be second lieutenant, Air Corps.
Ernest Godfrey Schmidt to be second lieutenant, Air Corps.
David Morgan Hackman to be second lieutenant, Air Corps.
Marion Huggins to be second lieutenant, Air Corps.
Neil Bosworth Harding to be second lieutenant, Air Corps.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be colonels

Francis Amory Pope.
Paul Stanley Bond.
Joseph Augustus Baer.
Charles Fletcher Martin.
Willis Virlin Morris.
Walter Schuyler Grant.

To be lieutenant colonels

George Cornelius Charlton.
James Hatch Van Horn.
Cassius McClellan Dowell.
Albert Benjamin Kaempfer.
Forrest Elmer Overholser.
Charles Winder Mason.
Jacob Arthur Mack.
Archie Wright Barry.
Edmund Louis Gruber.

To be majors

Samuel Victor Constant.
William Curtis Chase.
John Dunham Townsend.
Norman Edgar Fiske
Wilson Tarlton Bals.
Cyrus Jenness Wilder.
Harold Charles Fellows.
George Lester Kraft.
John Singleton Switzer.
Robert Ellsworth Phillips.
Allen Frederick Kingman.

To be captains

Joseph Leonard Stromme.
Robal Alphonzo Johnson.
James Palmer Blakeney.
Glen Ray Townsend.
Woodburn Edwin Remington.
Maxwell Gordon Oliver.
John Edward Nolan.
Frederick Harrison Koerbel.
Linton Yates Hartman.
Charles Richard Sargent.
Thomas Martin Tiernan.
Russell Conwell Akins.
Henry Hapgood Fay.
Rudolph William Propst.
Peter LeToney.
Robert Louis Renth.
Donald Campbell Kemp.

To be first lieutenants

Raymond Morrallee Arthur.
Thomas Thrower Mayo.
Carroll Norton Pearce.
Philip Mapes Shockley.
Ernest Tuttle Owen.
Martin Hamlin Burckes.
Arthur Cecil Ramsey.
Wallace Howard Hastings.
Albert Fox Glenn.
Emerson Leroy Cummings.
Earle Everard Partridge.
Emil John Peterson.
Gordon Edmund Textor.
Fisher Shinholt Blinn.
Donald Charles Hill.
Everett Charles Wallace.
Vernum Charles Stevens.
Benjamin Schultz Mesick, jr.
Reginald Langworthy Dean.
Merrow Egerton Sorley.
Philip Robison Garges.
Gerald Joseph Sullivan.
George Dakin Crosby.
Arthur Gilbert Trudeau.
John Henry Brewer.
John Held Riepe.
Emerson Charles Itschner.
Ernest Orrin Lee.
Howard Ker.
Charles Day Palmer.
Herbert Davis Vogel.
Fremont Swift Tandy.

MEDICAL CORPS

To be captains

Fletcher Emory Ammons.
Stanton Knowlton Livingston.

MEDICAL ADMINISTRATIVE CORPS

To be captain

William Francis Coleman.

PROMOTION IN THE REGULAR ARMY

Louis Curtis Tiernan to be chaplain with the rank of first lieutenant.

POSTMASTERS

CALIFORNIA

Floyd M. Filson, Tennant.

GEORGIA

Floyd P. Jones, Leslie.

ILLINOIS

Paul B. Cousley, Alton.
Lem Neville, Catlin.
John H. Bayless, Colchester.
Clyde L. Flynn, Elizabethtown.
Leonard C. McMullen, Hume.
Robert R. McCreight, Marissa.
Arthur H. Simmons, Marseilles.
Ruby D. Gibson, Mason.

INDIANA

Alleary A. Anderson, Churubusco.
Walter M. Skinner, Fulton.
James J. Speck, Greentown.
Harry D. Bodenhafer, Kendallville.
Fred H. Maddox, Lyons.
LeRoy H. McAllister, New Carlisle.
Elmer E. Eggemeyer, Richmond.
Allie Bybee, Universal.
Floyd E. Sears, Wolcottville.

IOWA

Lester F. Friar, Grimes.
Ida Kelly, Harpers Ferry.
George M. Woodruff, Mason City.
Herman W. Tank, New Hampton.
Ithamer J. Baldwin, Oelwein.
Robert E. Sitz, Peterson.
Claus H. Jacobsen, Wilton Junction.

LOUISIANA

Emile Aubert, Abita Springs.
Amy B. Griffin, Gilbert.
Norris F. Jones, Good Pine.
Jessie V. Leech, Mer Rouge.

MARYLAND

Daniel W. Babcock, Berlin.
Helen G. Rawlings, Rising Sun.
Victor R. Mumma, Sharpsburg.
Luther B. Miller, Williamsport.

MISSISSIPPI

Emma E. Hale, Natchez.

MISSOURI

Frank B. Veatch, jr., Braymer.
Dorsey F. Waggoner, Brownington.
Margaret M. Enis, Clyde.
William E. Morton, Kansas City.
Samuel A. Shelton, Marshfield.
Ray Streeter, Sturgeon.
Horace E. Sherwood, Wyaconda.

NEW JERSEY

Edna Rhen, Alpha.
Arthur W. Van Zee, Livingston.
Preston Pedrick, Pedricktown.

NEW YORK

John J. Kiely, New York.

OKLAHOMA

Charles H. Wilson, Eufaula.
Jessie P. Hurst, Grove.

OREGON

Alice Hoefs, Jacksonville.

PENNSYLVANIA

Lorena Leggett, Alba.
Charles L. Albert, Blue Ridge Summit.
Clarence G. Young, Bristol.
Harold C. Fry, Camp Hill.
Avery S. Van Campen, Elmhurst.
Laura E. Rich, Enola.
Charles R. Batdorf, Fredericksburg.
Constanty Tarnowski, Glenlyon.
Edwin H. Cliff, Glen Olden.
David M. Gilbert, Hellam.
Harry G. Miller, Hillcoke.
Christian S. Clayton, Huntingdon Valley.
James J. Wonderly, Jenkintown.
Allie L. Keyes, Lake Ariel.
Grant Umberger, Langhorne.
Florence G. Hibberd, Lenni Mills.
Elmer R. West, Malvern.
Joseph G. Cassidy, Markham.
Wallis G. Detrick, Milford.
Charles H. Heller, Morrisville.
Samuel M. Smith, New Cumberland.
Clarence F. Ehrhardt, Newfoundland.
George A. Needle, Parkers Landing.
Oliver S. Rosenberger, Penllyn.
Warren R. Schanley, Pennsburg.
Byron E. Smith, St. Marys.
Annie Smith, Waverly.
Charles M. Wilkins, Wayne.
Clarence E. Grim, Windsor.
Bayard L. Ilgenfritz, Woodbine.

SOUTH CAROLINA

Gilbert G. Hiers, Ehrhardt.

VIRGINIA

Benjamin T. Culbertson, Dungannon.
Charles E. Black, Fordwick.
Wilbert D. R. Proffitt, Highland Springs.
John W. Taliaferro, Mount Solon.
John A. Johnston, Petersburg.
George W. Robinson, Raven.
Helen T. Munt, Surry.
Fannie Moore, Vinton.

WEST VIRGINIA

James H. Latham, Ravenswood.

SENATE

MONDAY, *January 21, 1929*

(Legislative day of Thursday, January 17, 1929)

The Senate reassembled in closed executive session at 12 o'clock meridian, on the expiration of the recess.

After three hours and five minutes spent in executive session the doors were reopened.

PRESERVATION AND IMPROVEMENT OF THE NIAGARA FALLS

In executive session to-day, on motion of Mr. BORAH, the injunction of secrecy was removed from the following convention:

To the Senate:

To the end that I may receive the advice and consent of the Senate to their ratification, I transmit herewith a convention between the United States and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the seas, Emperor of India, for the preservation and improvement of the scenic beauty of the Niagara Falls and rapids, signed at Ottawa on January 2, 1929, and a protocol signed on the same day.

The convention and protocol had my approval and were signed by the American minister at Ottawa by virtue of full powers issued to him by me.

I invite the attention of the Senate to the accompanying report by the Secretary of State on the subject.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 16, 1929.

The PRESIDENT:

With a view to their transmission to the Senate to receive the advice and consent of that body to ratification, the undersigned, the Secretary of State, has the honor to lay before the President a convention between the United States and His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the seas, Emperor of India, for the preservation and improvement of the scenic beauty of the Niagara Falls and rapids, concluded at Ottawa on January 2, 1929, and a protocol signed on the same day.

In relation to the convention, the undersigned respectfully submits a report, as follows:

Pursuant to correspondence exchanged between the Department of State and the British Embassy at Washington, there was established in 1925 a Special International Niagara Board to study and report upon questions relating to the Niagara Falls and the Niagara River.

With a view to determining how the scenic beauty of the Niagara Falls and rapids could be best maintained and by what means and to what extent the impairment of the Falls by erosion or otherwise might be overcome, the special International Niagara Board was asked more specifically to inquire into and report upon the following questions:

(a) Whether and to what extent the scenic beauty of Niagara Falls has been, is being, or is likely in the future to be adversely affected by erosion or otherwise.

(b) Whether any ascertained or prospective impairment of the scenic beauty of the Falls can be remedied or prevented, and if so, by what measures or works.

(c) What would be the character, general location, sequence of construction, and cost of any works required.

(d) Upon the carrying out of the proposals of the board under the foregoing paragraphs, what would be the flow of water required to preserve the scenic beauty of the Falls and river.

(e) What flow may be expected in the Niagara River from time to time, taking into consideration the conditions, including climatic changes, affecting the lake levels and the outflow of the lakes.

(f) What quantity of water might, consistently with the complete preservation of the scenic beauty of the Falls and river, be permitted to be diverted from the latter temporarily or permanently.

(g) From what sections of the river would it be proper to permit any diversions not already provided for by treaty, and to what extent might additional diversions be permitted in each of these sections.

The board was instructed—

(a) Not to make a recommendation as to the apportionment of any additional water available for diversion.

(b) To make such progress reports as may be appropriate, and to complete its inquiry as expeditiously as practicable.

On December 14, 1927, the Special International Niagara Board submitted an interim report in which it recommended the early construction of works at the United States flank of the Horseshoe Falls, at the Canadian flank of the Horseshoe Falls, and in the Chippewa Grass Island Pool. A printed copy of the board's report is attached. The works recommended for the United States flank and the Canadian flank of the Horseshoe Falls were to consist of excavations and the construction of submerged weirs for the purpose of rewatering the two flanks of the Horseshoe Falls. The works in the Chippewa Grass Island Pool were to consist of the construction of a submerged weir for the purpose of raising the level of the Grass Island Pool, so as to throw more water against the head of Goat Island. The results which the board anticipated from the construction of the works on the two flanks of the Horseshoe Falls were the insurance at all seasons of an unbroken crest line from shore to shore, the maintenance of the present blended green and white color effects of the Horseshoe Falls, and in a measure a modification of the rate of erosion in the bend of the Horseshoe Falls. The works in Grass Island pool would insure an adequate flow in the American rapids and falls and by the Three Sister Islands.

In a letter dated April 9, 1928 (a copy of which is attached), signed jointly in behalf of the Hydro-Electric Power Commission of Ontario and the Niagara Falls Power Co. of New York, and addressed to the Special International Niagara Board, the commission and the company submitted drawings showing proposed works in the Niagara River which were calculated to conform to the recommendations of the board made in its interim report of December 14, 1927. A description of the proposed works and estimates of the cost of construction accompanied this joint letter to the board. The commission and the company jointly offered to construct at their own expense the initial remedial works shown on the drawings submitted by them, subject to the following conditions:

1. Detailed plans, designs, methods of construction, and sequence of operations will be prepared by the commission and the company and submitted to the board for its approval within three months after notice of acceptance of this proposal. Modification of details, as the work progresses, will be made as directed by the board.

2. The board will use its best efforts to assist the commission and the company to obtain from all governmental authorities, whose consent is required by law, the necessary permits for the construction of the proposed works.

3. Construction of the proposed works on the flanks of the Horseshoe Falls will be commenced not later than 90 days after receipt by the commission and the company of the approval of the board and all other governmental authorities, and, subject to any interruption occasioned by governmental authority, will be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the board.

4. Construction of the proposed weir in the Grass Island Pool will be commenced at such time as may be directed by the board after completion of the works on the flanks of the Horseshoe Falls and after receipt by the commission and the company of the approval of the designs of the weir by the board and all governmental authorities, and, subject to any interruption occasioned by governmental authority, will be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the board.

5. To permit observation of the effects of remedial works, after a substantial beginning shall have been made upon the works on the flanks of the Horseshoe Falls, the amount of water which, under the international treaty, may be diverted for power purposes from the Niagara River above the Falls on each side of the river shall be increased by an amount not exceeding in the aggregate a daily diversion at the rate of 10,000 cubic feet of water per second during the nontourist season from October 1 to March 31, inclusive, yearly.

6. The board shall have complete supervision and control over the additional waters permitted to be diverted, with power to diminish or suspend such additional diversions.

7. It is understood that diversions for observation purposes, referred to under section (5) hereof, shall be discontinued upon six months' notice given by the Government to the commission and the company after a period of not less than 10 years from the date of authorization.

8. The construction of the works herein specified shall not be considered as effecting any change in the existing ownership of or title to those parts of the bed of the Niagara River upon which they have been constructed.

In a report dated May 3, 1928 (a copy of which is inclosed), which the Special International Niagara Board addressed to the Secretary of State of the United States and the Minister of the Interior of Canada, the board referred to the letter of April 9, 1928, from the Hydroelectric Power Commission of Ontario and the Niagara Falls Power Co. and stated that works which the commission and the company offered to build were those

recommended by the board in its interim report. The board stated, further, that if constructed according to the general plans which accompanied the joint letter, modified in detail during construction to secure the effects desired, the works would materially improve present scenic conditions and would demonstrate beyond doubt whether the normally injurious effects of additional diversions for power purposes could be neutralized by the use of such works. The board recommended that the joint proposal of the commission and the company to construct the remedial works should be accepted subject to the following conditions and understandings:

1. Detailed plans, designs, methods of construction, and sequence of operations shall be prepared by the commission and the company and submitted to the board for its approval within three months after notice of acceptance of this proposal. Modification of details, as the work progresses, shall be made as directed by the board.

2. The commission and the company shall secure from all Federal, Dominion, State, and Provincial authorities, whose consent is required by law, the necessary permits for the construction of the proposed works. The board will use its best efforts to assist the commission and the company in obtaining the said permits.

3. Construction of the proposed works on the flanks of the Horseshoe Falls shall be commenced not later than 90 days after receipt by the commission and the company of the approval of the board and all other governmental authorities, and, subject to any interruption occasioned by governmental authority, shall be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the board.

4. Construction of the proposed weir in the Grass Island Pool shall be commenced at such time as may be directed by the board after completion of the works on the flanks of the Horseshoe Falls and after receipt by the commission and company of the approval of the designs of the weir by the board and all governmental authorities, and, subject to any interruption occasioned by governmental authority, shall be completed within two years after commencement, except for such reasonable extensions of time as may be granted by the board.

5. To permit observation of the effects of remedial works, after a substantial beginning shall have been made upon the works on the flanks of the Horseshoe Falls the amount of water which under the international treaty may be diverted for power purposes from the Niagara River above the Falls on each side of the river shall be increased by an amount not exceeding in the aggregate a daily diversion at the rate of 10,000 cubic feet of water per second during the nontourist season from October 1 to March 31, inclusive, yearly.

6. The board shall have complete supervision and control over the additional waters permitted to be diverted, with power to diminish or suspend such additional diversions.

7. If, upon completion of said remedial works, the withdrawal of the additional 20,000 cubic feet per second or some part thereof shall not, in the opinion of the board, appreciably affect the scenic value of the falls and the integrity of the river, it is understood that diversions for observation purposes, referred to under section (5) hereof, may be continued only so long, not exceeding seven years from date of beginning field construction, as may be necessary to enable negotiations to be undertaken and concluded for the modification of the present international treaty so as to permit permanent additional diversions of such amount as may then be agreed upon.

8. After construction of the works herein specified, they shall be considered as parts of the bed of the Niagara River and subject to the same ownership and control as those parts of the river in which they have been constructed.

According to the boundary waters treaty between the United States and His Majesty's Government concluded January 11, 1909, the diversion within the State of New York of the waters of the Niagara River above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion of 20,000 cubic feet of water per second is permissible. Under the treaty mentioned the diversion within the Province of Ontario not exceeding in the aggregate a daily diversion of 36,000 cubic feet of water per second is permissible. The proposals of the Hydro-Electric Power Commission of Ontario and the Niagara Falls Power Co. contemplate a diversion at the rate of 10,000 cubic feet of water per second from the Niagara River above the falls on each side of the international boundary in excess of the amount of water which it is permissible under the treaty of January 11, 1909, to divert.

Representatives of the Canadian Government visited Washington on November 12 to 14 last, when a draft of a convention and protocol to give effect to the recommendations of the Special International Niagara Board was tentatively agreed upon. With a note dated December 3 the Canadian minister at Washington formally submitted to the Department of State a draft of a convention and protocol, and stated that the Canadian Government was prepared to sign the convention and protocol in the form submitted. The draft of convention and draft of protocol were referred to the Secretary of War, who informed the undersigned that he regarded them as satisfactory and that he deemed it desirable that the convention be concluded and the protocol signed.

In pursuance of the authority conferred by the President upon the American minister at Ottawa and the authority conferred upon the Prime Minister and Secretary of State for External Affairs of Canada by His Britannic Majesty, the convention and protocol were signed by them on January 2, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 16, 1929.

A true copy of the signed original. M.

The President of the United States of America;

And His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

Considering that a Special International Niagara Board was established in 1926 by the Government of the United States and the Government of the Dominion of Canada to study and submit to the two Governments a report upon certain questions relating to the Niagara Falls and the Niagara River, more particularly the questions how the scenic beauty of the Niagara Falls and Rapids could be best maintained, by what means and to what extent the impairment thereof by erosion or otherwise might be overcome and prevented, and what quantity of water might consistent therewith be diverted from the river above the Falls;

And that on the fourteenth day of December, 1927, the said Special International Niagara Board submitted to the two Governments an interim report recommending the construction of certain works in the Niagara River for preserving and improving the scenic beauty of the Falls and Rapids;

And considering that Article 5 of the treaty with respect to the boundary waters between the United States and Canada, concluded between the United States of America and His Majesty on January 11th, 1909, limits the quantity of water which may be withdrawn from the Niagara River above the Falls;

And that the Special International Niagara Board considers it desirable to make temporary diversions of water from the Niagara River above the Falls in excess of those permitted by Article 5 of the treaty of 1909, as a means of observing and testing the efficacy of the proposed works under widely varying conditions;

Have deemed it necessary to preserve and improve the scenic beauty of the Niagara Falls and Rapids, and to that end to adopt the recommendations of the said Special International Niagara Board, and have resolved to conclude a Convention, and for that purpose have appointed as their respective Plenipotentiaries:

The President: The Honourable William Phillips, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Canada; and

His Britannic Majesty, for the Dominion of Canada: The Right Honourable William Lyon Mackenzie King, Prime Minister and Secretary of State for External Affairs;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The High Contracting Parties agree that remedial works shall be constructed in the Niagara River above the Niagara Falls, designed to distribute the waters of the river so as to ensure at all seasons unbroken crestlines on both the American and the Canadian Falls and an enhancement of their present scenic beauty.

ARTICLE II

Concurrently with the construction and tests of the remedial works and as a temporary and experimental measure, diversions of the waters of the Niagara River above the Falls from the natural course and stream thereof additional to the amounts specified in Article 5 of the Boundary Waters Treaty of January 11th, 1909, may be permitted to the extent and subject to the conditions hereinafter provided:

(1) The additional diversions shall be permitted only within the period beginning each year on the first day of October and ending on the thirty-first day of March of the following year, both dates inclusive.

(2) The additional diversion to be permitted within the State of New York shall not exceed in the aggregate a daily diversion at the rate of ten thousand cubic feet of water per second.

(3) The additional diversion to be permitted within the Province of Ontario shall not exceed in the aggregate a daily diversion at the rate of ten thousand cubic feet of water per second.

(4) The provisions of this Article shall terminate seven years from the date of the initial additional diversion authorized under this Convention.

ARTICLE III

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Britannic Majesty in accordance with constitutional practice. The ratifications shall be exchanged at Ottawa as soon as possible and the Convention shall take effect on the date of the exchange of ratifications.

IN FAITH WHEREOF the respective Plenipotentiaries have signed this Convention in duplicate and have hereto affixed their seals.

Done at Ottawa on the second day of January in the year of Our Lord One Thousand Nine Hundred and Twenty-Nine.

WILLIAM PHILLIPS.
W. L. MACKENZIE KING.

PROTOCOL

At the moment of signing the Convention between the United States of America and His Britannic Majesty for maintaining the scenic beauty of the Niagara Falls and Rapids in accordance with the recommendation of the Special International Niagara Board in its interim report dated the 14th day of December 1927, as referred to in the preamble to the Convention, the undersigned Plenipotentiaries have agreed as follows:

I

The construction of the remedial works contemplated in the Board's interim report and authorized in Article I of the Convention, the provision for the cost and for the control thereof, as well as the control of the diversions of water authorized in Article II of the Convention shall be carried out in accordance with the recommendations of the Special International Niagara Board as set forth in its report dated the 3rd day of May 1928, forwarding to the two Governments a joint proposal, dated the 9th day of April 1928, made by the Niagara Falls Power Company of Niagara Falls, New York, and the Hydro-Electric Power Commission of Ontario, which report and proposal are set out in the annex hereto.

WILLIAM PHILLIPS.
W. L. MACKENZIE KING.

NEWSPRINT MONOPOLY

Mr. SCHALL. Mr. President, since the introduction of my resolution (S. Res. 292) in the Senate a few days ago calling for the appointment of a select committee of five Senators to investigate the newsprint monopoly there has been a growing recognition for a thorough investigation. A hearing on this resolution, which has been suggested for January 30, will show the urgent need for an investigation and the necessity of creative legislation.

I call the attention of the Senate to the leading article and editorials appearing in the American Press, the official publication of the American Press Association. The January issue shows that foreign interests are conscious of the fact that they have the newspaper publishers of this country by the throat. While a few large buyers of newsprint may derive a temporary advantage, yet in the end they will feel the effects of monopolistic control. The newsprint problem is far-reaching.

This is not the first time that the Senate has been obliged to consider the welfare of the newspaper publishers when they were at the mercy of the Newsprint Trust. For 20 years this trust has harassed the newspaper publishers. The same companies that took advantage of a war emergency are identified with the present newsprint crisis.

While during this period the newsprint manufacturers have controlled output and prices, it was not until a week ago that they had the effrontery to announce publicly that they had organized the newsprint institution in Canada, which organization will in the future dictate what American publishers will pay for paper.

I ask that the article and editorials from the American Press be printed in the RECORD following my remarks; also from the Financial Post, of Toronto, January 4, 1929, and from the Paper Trade Journal, November 8, 1928, and from the Scranton Republican, January 19, 1929.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorials from the American Press, New York, January, 1929]

WE'LL SEE

Will the United States Government sit idly by and permit newsprint manufacturers to fix a price for newsprint that will allow United States publishers to be gouged?

The Newsprint Institute of Canada has been formed after many weeks of conferences among manufacturers to limit production and fix prices. Many of these conferences were held in Canada, but some were held in New York City. What about the Sherman antitrust law?

Naturally, the Canadian anticombines act may not be brought into play because the great market for newsprint lies in the United States. But will the incoming administration allow the publishers of the United States to be forced into paying unfair prices for their newsprint fixed by a manufacturers' combine?

Several United States Senators are already leading a movement intended to bring about a congressional investigation of the newsprint situation and possible court action. More power to them and to the paper committee of the American Newspaper Publishers' Association, which has promised to call a convention of members for a full discussion of the situation and the "adoption of such measures as may be calculated to conserve the best interests of the newspaper industry."

What will be the outcome?

We'll see.

NEWSPRINT TRUST FORMED TO FIX PRICES AND CURTAIL PRODUCTION—CLAIM MADE THAT PUBLISHERS CAN'T ENFORCE ANTITRUST LAW

Organization of the Newsprint Institute of Canada, if its objectives are realized, will take the newsprint price out of the realm of free competition and put it in the hands of a board of control.

P. B. Wilson, manager of the Newsprint Institute, says the time is not yet ripe for a statement on the function and purposes of the recently formed institute. It is understood, however, that the organization is intended to be the agency for carrying out the agreement expected to be reached by the manufacturers to curtail production and fix prices.

A production limit is reported to have been already agreed upon, and unofficially the majority of manufacturers now in conference in Montreal are said to favor a price of $55 per ton.

The possibility of enforcing antitrust legislation has already been considered in Canada. The Financial Post, of Toronto, for January 4 carried a story headed "Antitrust Act Is Ineffective with Newsprint," the second deck of the headline saying "Fortunately no danger of United States publishers being able to employ act."

In the body of the story appears this quotation: "True, Canada has an anticombine act. It is a Dominion Government law which has been in force about three years. It provides that if a written complaint be made to the Government regarding the operation of any group or combine that an investigation shall be made by the Government, and if it is found that the operations being carried on be against the public interest the Government shall institute proceedings for the prosecution of the offender.

"But only a negligible proportion of the output of the Canadian newsprint mills is sold to Canadian newspapers. The great market is in the United States. Hence there is no doubt that the maintenance and an increase in newsprint prices would undoubtedly be in the public weal."

Newspaper publishers in the United States are objecting, however, to conserving the public weal of Canada by paying unfair newsprint prices fixed by manufacturers' combines.

And some of the conferences held by manufacturers in their efforts to reach a price and limit production so as not to raise too strenuous protests from United States publishers were held in New York City. American publishers hold this constituted a violation of the Sherman antitrust law and are urging a congressional investigation. Several United States Senators are understood to be leading a move to bring about the investigation.

A Senate investigation of the activities of foreign-controlled newsprint manufacturers who are said to have spent $16,000,000 to buy control of an unnamed chain of American newspapers in order to compel these newspapers to enter into long-term contracts for newsprint has been asked by Senator SCHALL, of Minnesota.

The Financial Post's story goes on to say: "It is true that the Canadian newspaper publishers will make an immediate profit from the recent cut in the price of newsprint. Their immediate gains will be substantial, but the ultimate result of the cut will certainly react unfavorably on Canadian newspaper publishers, as it can mean nothing else but a decline in consumer buying power. A decline in consumer buying power, or any factor tending to retard an increase in consumer buying power, naturally has a very direct bearing on the amount of advertising space which will be purchased in Canadian newspapers. Hence the Canadian publishers as a whole are not anxious to see the newsprint producers operating at a reduced scale of profits.

"The provisions of the anticombines act came into play against the Proprietary Articles Trade Association, which was formed to maintain prices on drug lines sold through the retailer. But this situation was

decidedly different from that now prevailing with the newsprint industry."

The difference, of course, is that the newsprint is being sold for the most part to United States publishers.

The paper committee of the American Newspaper Publishers' Association is marking time until definite announcement as to the agreements reached by the manufacturers comes from Montreal.

Some time ago the paper committee issued a bulletin, signed by Chairman S. E. Thomason, saying: "Should the situation develop to the point where the newsprint price is taken out of the realm of free competition and put into the control of a 'board of control,' or should it appear that the abandonment of the uniform price principle is contemplated, it is the intention of the directors promptly to call a convention of members in New York for a full discussion of the situation and the adoption of such measures as may be calculated to conserve the best interests of the newspaper industry."

J. L. Fearing, vice president of the International Paper Co., which is reported to have signed a contract with Hearst newspapers at a price of $50 a ton, less commissions, maintains that when International's price for 1929 is announced it will involve no deviation from that company's standard price policy.

"What we desire most," says Mr. Fearing, "is a fair and satisfactory solution, but we are not in shape to say anything definite at this time, which fact we regret very much, indeed."

The bulletin issued by the American Newspaper Publishers' Association paper committee says that at a conference in New York, attended by L. A. Taschereau, Premier of Quebec; A. R. Graustein, president of International; Frank Clarke, president of the Anglo-Canadian Pulp & Paper Mills, which has under contract a share of the Hearst tonnage; and David Town, representing the Hearst newspapers, pressure was brought to bear on International to charge a price to other customers higher than the reported Hearst price.

"The paper committee was informed," says the bulletin, "that at this conference it was pointed out to the International Paper Co. that unless it abandoned the intention announced in its telegrams of October 30 and December 5 and established for its other customers the $55 price for 1929 the government of Quebec would find methods to compel this action."

A prominent Canadian newspaper publisher, who asked that his name be withheld, points out the inadvisability of accepting as fact any of the rumors so prevalent in New York and Montreal about the activities of the provincial premiers.

"You must not overlook the very strong sentiment among the people of Canada," says this Canadian publisher, "against the devastation of their forest reserves for the purpose of supplying newsprint to the world at prices which do not permit of scientific woodland operations and adequate reforestation measures.

"I believe that when the smoke of battle has cleared away we will find the Canadian premiers occupying the high ground of a policy which would discourage discrimination against Canadian and American publishers in favor of Mr. Hearst or anyone else, and which will involve such scientific and economic operation of Canadian woodlands, including adequate reforestation measures as will tend to secure for consumers of Canadian newsprint an adequate supply for all time at reasonble prices."

Incidentally, the Hearst contract, the American Press is told, is split up this way: International, 150,000 tons; Anglo-Canadian, 110,000 tons; Lake St. John, 65,000 tons; Brompton, 65,000; Algonquin, 28,000 tons; and Wisconsin River, 22,000 tons.

A NEWSPRINT TRUST?

In the face of attempts to form a newsprint trust to fix prices and cut production, it seems proper to inquire why the law of supply and demand should be flouted in the newsprint industry. If the industry is in as bad shape as newsprint manufacturers would have us believe, why are so many new machines being installed? Does not the answer lie in the fact that for the last year in which figures are available more newsprint firms showed a profit than did those in any other of 17 major lines of business?

Ordinarily, when a line of business is flourishing and high profits are being made, new firms enter the field and old firms expand until the law of supply and demand gets to functioning and makes the profit more nearly equal to that in other lines of business. For a number of years now newsprint prices have been arbitrarily fixed at a figure that allowed a good, fat profit to be made. The period of expansion that has been and is still going on in the newsprint industry is proof enough that the price fixed has been a profitable one. But for one reason or another the association that had much to do with fixing the price collapsed. The way was open for the law of supply and demand to get in its work. At once arose the cry for more price fixing and production curtailing. Granted that overproduction might force some newsprint firms to take a loss, it does not follow that the newspaper publisher should be penalized by prices fixed to protect the newsprint industry from conditions that arose because it was too profitable.

Will it be necessary, we wonder, to enforce the Sherman antitrust law to protect the newspaper publisher from being gouged by unfair prices made in combination in conferences in the United States by Canadian manufacturers?

Mr. SCHALL. Mr. President, the International Paper & Power Co. is unquestionably the controlling factor in the price warfare which has upset the newsprint and newspaper publishing industries.

The Paper Trade Journal, an American publication, under date of November 8, said:

The general opinion is that while there is no hope of a general appreciation in newsprint prices for a long time, present events will go far toward bringing newsprint interests together and hastening the time when the industry will be controlled by two or three big corporations.

The influence of the International Paper & Power Co. in bringing about control through mergers and patents is pointed out in another issue of the Paper Trade Journal of September 15, which reads as follows:

CONTROL OF NEWSPRINT PAPER OUTPUT OPPOSED

In view of the many rumors which are flying around, attention is inevitably directed to the vast program of expansion which the International Paper Co. has pursued during the past few years, and is still pursuing. This company, by its acquisition of enormous forest areas in Canada and Newfoundland and by its development of large plants and stupendous power enterprises, has come to exercise a predominant influence in the newsprint field in North America; so much so, indeed, that the papers are discussing the question as to whether or not the ultimate ambition of President Graustein is to get full control of the entire situation and establish a newsprint trust without parallel in industry and finance.

The Financial Post appears to think that there is something in this suggestion, and in confirmation thereof quotes the rumor that negotiations have already taken place between the International Paper Co. and the Abitibi Power & Paper Co. for a merger, which, if consummated, would bring under one control about 30 per cent of the newsprint industry of North America. In this connection it sees significance in the fact that the International Paper Co. has—so it states—already purchased a minority interest in various companies, including the E. B. Eddy Co., and a controlling interest in the Bathurst Power & Paper Co.

The paper adds that if the above inferences are well founded the present unsatisfactory situation in the newsprint industry must have been foreseen and provided for, adding: "It can be taken for granted, therefore, that the present somewhat unsatisfactory earning power position of the International Paper Co. is no surprise to its management. It is probable, therefore, that the present situation of International Paper is merely regarded by the directors as an incidental step in its progress toward their ultimate objective which, as has been said, may be the control of the whole newsprint industry on this continent. It is impossible to say definitely that Mr. Graustein's one aim is to acquire control of the industry, but the signs and portents all point this way. Moreover, if such be his intention, he is going about it in a businesslike and efficient way. Many newsprint men admire the courage which he has shown in carrying out his plans, although some of them are inclined to feel that his program requires great speculative nerve in its execution. But everyone admires a good gambler.

[From the Financial Post, January 4, 1929]

ANTITRUST ACT IS INEFFECTIVE WITH NEWSPRINT—FORTUNATELY NO DANGER OF UNITED STATES PUBLISHERS BEING ABLE TO EMPLOY ACT

MONTREAL.—Some newspaper publishers in the United States are now beginning to wonder if antitrust legislation can not be enforced in Canada to prevent the newsprint producers coming to an agreement touching production and so setting a price level for 1929 which will, at least, permit the payment of fixed charges and preferred dividends.

For Canadian business as a whole, it seems fortunate that the antitrust bogey, which has so often been used in the United States, has little grip on the popular imagination here.

Any efforts to hamper the Canadian newsprint industry would have a decidedly deleterious effect on Canadian business as a whole, for the newsprint industry is the largest single industry of the Dominion. The thin times through which the industry will pass in 1929 will undoubtedly have a decided bearing on the general business level.

AFFECTS COUNTRY ADVERSELY

The capital invested in the pulp and paper industry as a whole amounts to over $500,000,000 and of this figure the newsprint mills constitute by far the greatest proportion. The industry's annual wage bill is enormous, and, in addition, thousands of settlers are enabled to augment a meager living from farming by selling their pulpwood output to newsprint companies.

Obviously, declining profits among the newsprint mills must mean a very extensive decline in consumer purchasing power in all the provinces, save Alberta and Saskatchewan.

HAS ANTICOMBINE ACT

True, Canada has an anticombine act. It is a Dominion Government law which has been in force about three years. It provides that if a written complaint be made to the Government regarding the operation of any group or combine, that an investigation shall be made by the Government, and if it is found that the operations being carried on be against the public interest, the Government shall institute proceedings for the prosecution of the offender.

But only a negligible proportion of the output of the Canadian newsprint mills is sold to Canadian newspapers. The great market is in the United States. Hence, there is no doubt that the maintenance and an increase in newsprint prices would undoubtedly be in the general public weal.

PUBLISHERS HERE SATISFIED

It is true that the Canadian newspaper publishers will make an immediate profit from the recent cut in the price of newsprint. Their immediate gains will be substantial, but the ultimate result of the cut will certainly react unfavorably on Canadian newspaper publishers, as it can mean nothing else but a decline in consumer buying power. A decline in consumer buying power, or any factor tending to retard an increase in consumer buying power, naturally has a very direct bearing on the amount of advertising space which will be purchased in Canadian newspapers. Hence the Canadian publishers as a whole are not anxious to see the newsprint producers operating at a reduced scale of profits.

The provisions of the anticombines act came into play against the Proprietary Articles Trade Association, which was formed to maintain prices on drug lines sold through the retailer. But this situation was decidedly different to that now prevailing with the newsprint industry.

GOVERNMENT SYMPATHETIC

The governments of Ontario and Quebec are completely in accord touching the efforts of the producers to maintain the proper scale of output commensurate with the demand and in their efforts to obtain higher and more satisfactory prices for their production. Moreover, the two Provinces would hardly brook Federal interference with the industry, as both have taken a stand which they consider to be in the best interests of both Provinces and in the best interests of the Dominion as a whole.

The two provincial governments are in a position to enforce an even scale of production at the various mills, because many of the licenses to cut wood on Crown lands are issued on an annual basis if an individual producer fails to stick to his agreement, the Province, at its pleasure, could cancel important rights.

It is generally realized by the public that the broad interests of the country as a whole are best served by conserving the valuable forest resources and in not permitting pulp wood to be cut down and sold in the form of newsprint for a mess of pottage. With newsprint prices at their present level this is just what is occurring. Moreover, there can be no doubt that the Federal authorities approve of the present efforts to better the position occupied by the industry.

[From the Scranton Republican, January 19, 1929]

THE PAPER MANUFACTURING PROBLEM

From Washington there comes a story that is almost incomprehensible; a story which has been placed in the CONGRESSIONAL RECORD for general information by United States Senator THOMAS D. SCHALL, of Minnesota.

This story is to the effect that a vast fund of $16,000,000 has been raised by foreign newsprint manufacturers to effect the defeat of a bill introduced by Senator SCHALL to bring about the manufacture of paper from farm waste such as cornstalks, flax, rice, and wheat straw, and sugar-cane pulp.

When one first saw in the newspaper reports stories about the speed with which paper could be manufactured from cornstalks there was wonder why this was not being done, why extraordinary effort was not being employed to produce paper which could be used for all purposes, including newsprint, at a minimum of present prices.

Admitting the possibility of exaggeration on the part of Senator SCHALL, it is highly improper to even attempt to subsidize newspapers, even small newspapers, in favor of a product competing with American manufacture.

On January 7 last Senator SCHALL introduced in the Senate a resolution calling attention to the use of this $16,000,000 fund to finance American newspapers and directing the appointment of a committee of five Senators to investigate the activities of this group of foreign citizens seeking to control the white paper supply in this country, and determine whether such activities would have the result of creating a monopoly in the supplying of paper to publishers of small daily newspapers.

We regard this as a matter of the deepest interest and the greatest public importance. There is an unending supply in America of cornstalks, wheat straw, sugar-cane pulp, and flax and rice straw. Paper could be made from these materials cheaply, and it has been shown with the greatest dispatch.

Not only that, but use of such material for paper making would mean that this tremendously rapid leveling of our forests would cease, because newsprint, and not lumber, is the great need that causes the felling of trees at a rate that threatens to leave no worth-while trees standing. So forest conservation would be promoted by Senator SCHALL'S bill.

Congress should outlaw the effort of foreign paper makers to tie up, in a sinister way, the owners and publishers of American newspapers, and should strongly encourage the work of perfecting manufacture of paper from farm waste, because it is the answer to one of the biggest problems now confronting the makers of the newspapers which are in practically all our homes.

MORRIS FOX CHERRY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12538) for the benefit of Morris Fox Cherry, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

EQUALIZING RANK OF CERTAIN OFFICERS OF ARMY AND NAVY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9961) to equalize the rank of officers in positions of great responsibility in the Army and Navy, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

IMPROVEMENT OF THE OREGON CAVES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCNARY. I move that the Senate disagree to the amendments of the House, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MCNARY, Mr. CAPPER, and Mr. KENDRICK conferees on the part of the Senate.

ADDITIONAL SECRETARIES TO THE PRESIDENT

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Executive Office for the fiscal year 1930, in the sum of $10,000, to provide an additional secretary to the President, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. 207).

He also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the fiscal year 1930, in the sum of $10,000, to provide an additional secretary to the President, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. 208).

OIL PORTRAIT OF THE PRESIDENT (S. DOC. NO. 206)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the fiscal year ending June 30, 1930, in the sum of $5,000, for the purchase of an oil portrait of the President, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MAINTENANCE OF EXECUTIVE MANSION AND GROUNDS (S. DOC. NO. 205)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for

the fiscal year 1930, in the sum of $50,000, to provide for alterations in the Executive Office and other improvements, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL-BANK NOTES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury referring to his annual report for the fiscal year 1928, submitted to the Congress last December, and stating in part: "I have concluded that it would be inadvisable to submit to Congress at this time a program looking to early retirement of our national-bank note circulation. Accordingly, when the new size paper currency is issued on or about July 1, 1929, the Treasury Department will be prepared shortly thereafter to make available national-bank notes in the reduced size," which was referred to the Committee on Finance.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a list of papers on the files of that bureau no longer useful in its current work or of historical value, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. REED of Pennsylvania and Mr. SIMMONS members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. WATERMAN presented resolutions adopted by the Lions Club, the Rotary Club, and the Chamber of Commerce of Grand Junction, Colo., favoring the passage of the bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. BLAINE presented a resolution adopted by Romulus Carl Berens Post, No. 6, the American Legion, of Stevens Point, Wis., favoring the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of the Wisconsin State Union, American Society of Equity, at Plymouth, Wis., protesting against the making of appropriations for further preparedness of the Army and Navy, and also any further activities of the armed forces of the United States in Nicaragua, which were referred to the Committee on Appropriations.

He also presented resolutions adopted at a meeting of the Wisconsin State Union, American Society of Equity, at Plymouth, Wis., favoring the curtailment of further development of lands for agriculture through irrigation and drainage; favoring changes in the taxation system to remove part of the burden on the farmer, and favoring revaluation of farm land on the basis of the earning capacity of the land, which were referred to the Committee on Irrigation and Reclamation.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. I report back favorably from the Committee on Appropriations with amendments the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1474) thereon. I give notice that I shall undertake to call up the bill for action on an early day.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropical Everglades National Park, in the State of Florida, and for other purposes, reported it with amendments and submitted a report (No. 1475) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes, reported it without amendment and submitted a report (No. 1476) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 3268) for the relief of John G. DeCamp, reported it without amendment and submitted a report (No. 1477) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 7200) to amend section 321 of the Penal Code, reported it with an amendment and submitted a report (No. 1478) thereon.

He also, from the Special Committee Investigating Presidential Campaign Expenditures, pursuant to Senate Resolution 214, agreed to April 30, 1928, submitted a report (No. 1480).

Mr. McNARY from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4604) for the relief of James L. McCulloch, reported it with an amendment and submitted a report (No. 1479) thereon.

Mr. PHIPPS, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, reported it with an amendment and submitted a report (No. 1481) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 3893) for the relief of Francis L. Sexton, reported adversely thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5452) to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; to the Committee on Finance.

By Mr. EDGE:

A bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper; to the Committee on Finance.

A bill (S. 5454) for the relief of Harry W. Bellis; to the Committee on Claims.

By Mr. DILL:

A bill (S. 5455) granting a pension to William Muncey; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5456) granting an increase of pension to Sarah E. Ragan; to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 5457) granting compensation to William T. Ring; and

A bill (S. 5458) granting compensation to the daughters of James P. Gallivan (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5459) for the relief of Darby M. Callaway (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 5460) for the relief of Samuel A. Welsh (with accompanying papers); and

A bill (S. 5461) for the relief of John D. Miller (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5462) to preserve the right of the public to fish in waters on public lands hereafter patented; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 5463) granting a pension to McJimpsey Campbell; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5464) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co., to construct, maintain, and operate a railroad bridge across the Monongahela River; to the Committee on Commerce.

By Mr. TYDINGS:

A bill (S. 5465) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at a point at or near Cambridge, Md., suitable to the interest of navigation, between Dorchester County, Md., and a point opposite thereto in Talbot County, Md.; to the Committee on Commerce.

By Mr. COUZENS:

A bill (S. 5466) authorizing the President to present in the name of Congress a gold medal of appropriate design to Edward S. Evans; to the Committee on Military Affairs.

By Mr. BROOKHART:

A bill (S. 5467) to preserve the national battle flags; to the Committee on Military Affairs.

A bill (S. 5468) granting an increase of pension to Mary E. Monroe (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5469) granting an increase of pension to Bertha Mead; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5470) granting a pension to Hannah F. Clarke (with accompanying papers); to the Committee on Pensions.

A bill (S. 5471) to provide for the return of unused premiums collected on policies issued on the lives of seamen during the World War; to the Committee on Finance.

By Mr. STEPHENS:

A bill (S. 5472) to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes; to the Committee on Immigration.

By Mr. RANSDELL:

A bill (S. 5473) granting a pension to Mary H. Goldberger; to the Committee on Pensions.

By Mr. HEFLIN:

A bill (S. 5474) authorizing the Director of the Census to collect and publish certain additional cotton statistics; to the Committee on Agriculture and Forestry.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 5475) granting a pension to Lucy C. Senges; to the Committee on Pensions.

LEVY AND COLLECTION OF COTTON TAX

Mr. HEFLIN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 302) was read, as follows:

Resolved, That the Secretary of the Treasury is hereby requested to furnish to the Senate such facts and figures regarding the levy and collection of the cotton tax that will show when the tax was levied and what States paid it, and the amounts that were paid by each of them.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. I should like to know whether it will lead to debate.

Mr. HEFLIN. There will be no debate. It is merely a resolution calling for information.

The resolution was considered by unanimous consent and agreed to.

PROMOTIONS IN THE REGULAR ARMY

Mr. REED of Pennsylvania. Mr. President, I send to the desk and ask to have incorporated in the RECORD a memorandum by Senator FRANK L. GREENE, of Vermont, formerly Representative GREENE, then of the House Military Affairs Committee, explaining the intent of Congress in regard to section 24c of the Army reorganization act of June 4, 1920, regarding class B officers of the Regular Army and the whole structure of the Army promotion list.

There being no objection, the memorandum was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

PROMOTION OF OFFICERS UNDER THE NATIONAL DEFENSE ACT OF 1920

By FRANK L. GREENE, Committee on Military Affairs, House of Representatives

The inequality of promotion in the various arms of the service in the Regular Army of the United States grew to such serious proportions that for many years previous to the passage of the Army reorganization act approved June 4, 1920, the Congress was constantly urged to take up the matter and provide some remedy for it in legislation.

The inequality arose from the fact that there were separate rosters of commissioned officers for each branch of the service and the officers in each branch were promoted only as vacancies occurred on the list of their own arm or branch, regardless of the vacancies that might occur in other parts of the Army. In some parts of the Army, therefore, promotion might be very slow for long periods, whereas in the same time another arm or several other arms might have greatly accelerated promotion.

The result of this was frequently an unjust and discouraging discrepancy in the promotions of men who entered the Army on the same day, for instance, but who were assigned to different arms of the service. In exactly the same number of years of experience one officer might be several grades ahead of the other, all gained by sheer good fortune in circumstances and not through any pretence of superior merit or dessert whatever.

The best solution that years of experience and study appeared to have evolved was the so-called single-list idea, which, stripped of technicalities, meant the arrangement of all the commissioned officers of the Army on one roster regardless of their branch of the service, one name following another as nearly as might be in the order of seniority of service. Then all promotions were to be made in the order that the names stood on this roster, regardless of an officer's present grade or arm of the service, whenever a vacancy occurred above his name.

It was apparent that in the first assembling of the names on a single list, and for some time thereafter, the names, while following each other in the order of actual or constructive seniority in the service, nevertheless could not follow each other in strict order of grade, and for the very reason that brought about the single list in the first place, i. e., some men of long service were in grades inferior to men of shorter service. Placed on the list in the order of seniority of service some lieutenant colonels would lead colonels, some captains would lead majors, some second litutenants might even lead some captains.

But as each succeeding promotion advanced the senior to a vacancy in the strict order of his seniority regardless of his present grade, even permitting him to jump a grade if necessary in order to do so, it was plain that within a very few years practically all the names on this single list would automatically become rearranged so that the period of service and the grade of office would coincide, and officers would be arranged so that the oldest in service would have the highest grade, the next oldest would be next in files to him, and so on down through the list to the junior.

In the actual establishment of the single-list idea in the act of June 4, 1920, it was necessary to create two lists at the start, one that assembled all officers on a single list in their respective grades in the order of their seniority in each grade, which list would be a roster of the commissioned personnel in existing grade and rank, and in effect something like a duty roster, perhaps, and the other that assembled commissioned officers on one list in the order of their seniority in the service regardless of grade, which was to be known as the promotion list, and by means of which promotions would be made in the way already indicated. But, as has been suggested, in time the single list as a duty roster and the single list as a promotion list would come to be identical.

How this scheme was worked out in the new law is told in sections 24, 24a, and 24c of the Army reorganization act of June 4, 1920.

Section 24a creating the promotion list plainly says:

"The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on."

Then follows a detailed plan for the construction of such a list, making explicit provision for cases arising under exceptional conditions known to exist under the law as it then was, for the purpose of reconciling them with the new single-list idea.

It was plain at the outset that the most practical way to make up this new single list for promotion purposes was to divide the roster of the commissioned personnel of the Regular Army into two parts, the first to include all officers already in the Regular Army April 6, 1917, the date of our entry into the World War, and the second to include all officers of the Regular Army commissioned since that date. The first part would thus comprise all the elders, and therefore the most glaring instances of discrepancies in comparative grades of officers of equivalent service that long experience under the old system had produced among them. The second part would include young men whose terms of service all ranged from not over about three years at the most down to as many months, perhaps. There were some slight discrepancies in comparative grades or relative positions in the files among these juniors, owing to the fact that they had entered the Regular Army during the haste of war time and sometimes under circumstances not making for as deliberate and well-considered details of policy as in normal times, to say nothing of the effect of some old laws now found to be out of touch with new conditions. The senior of these officers in age was yet very young, and the seniors in point of military service were only seniors over the least of the juniors by a very few months, generally speaking. So that this rearrangement in grades and files would not unjustly affect their standing with regard to one another in the order of promotion because they were all in the same class of comparatively limited period of service.

Thus, while the Army reorganization act, sections 24 and 24a, went into much carefully prepared detail to provide a means for taking care of the many exceptional cases that made discrepancies in grade among officers of the same period of service on the first part of the list and had to lay out a scheme of arbitrary construction in some cases in order to effect an approximate equalization, it was a comparatively simple matter to lay out a plain and understandable policy of law to operate on the second part of the list. The law simply said:

"Third. Captains and lieutenants of the Regular Army and Philippine Scouts, originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point."

And in section 24a this commissioned service was defined to be "all active commissioned service in the Army performed while under appointment from the United States Government, whether in the regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commission; also commissioned service in the National Guard while in active service since April 6, 1917, under a call by the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President."

Having in mind, therefore, the plain provisions of the law already quoted, i. e., "The names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service; the second name that of the officer having the next longest commissioned service, and so on," these captains and lieutenants originally appointed since April 6, 1917, were to be "arranged among themselves," not by grades or by seniority in grades, but

in the order of their seniority of commissioned service, regardless of grades.

Thus far, it will be observed, the single list was to be prepared out of the commissioned officers already in the Regular Army at the time of the passage of the Army reorganization act, or the date when it took effect.

Now there must be provision for introducing into their proper places in this single list those former emergency officers of the World War whom it was proposed, under the terms of section 24 of the act, to take into the Regular Army. So here again, in the case of those emergency officers taken into the Regular Army in what are known as field grades, from major to colonel, both inclusive, and whose place would, therefore, be in the first part of the single list, it was necessary for the law to lay down certain arbitrary rules because it was obvious that the new officers could not be intermingled with the old officers already in the Regular Army on that part of the list if it were to be done by adjusting them in the files according to relative lengths of commissioned service, as they did not match up length of service with that group. Provision was, therefore, made for incorporating them into the first part of the list by arbitrary methods in each grade.

With the cases of the emergency officers taken into the Regular Army under the new law in the grades of captain and first and second lieutenant, however, the business was simple enough. The law provided:

"Fourth. Persons to be appointed as captains or lieutenants under the provisions of section 24 hereof shall be placed according to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause (the junior regulars who had been commissioned in the Regular Army since April 6, 1917); and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this act, and the latter shall be arranged according to age."

Here again it was made plain that these emergency officers taken into the second part of the single list were to be arranged, not by grades, but among the Regulars already on that list, and who had already been rearranged "among themselves," not by grades, but "according to commissioned service rendered prior to November 11, 1918." On such a basis the two groups could instantly blend and intermingle without any arbitrary provisions or the creation of any constructive service reckonings at all, because the service of the two groups was all performed in the same period.

Moreover, such an arrangement would automatically arrange these two groups of young officers into equivalent grades compared with each other, regardless of the grades held by either during the war. For instance, the emergency officer during the war was carried on no general lineal or promotion list with all of the other similar officers of the service, and did not have to take his chances of promotion by passing step by step up the files of such a great list to his seniority. Not only that, but he often came into the emergency service originally at a grade higher than second lieutenant and after that was promoted here and there in the field as occasion served and necessity demanded, regardless of whether any other emergency officers were then to be promoted or not. Consequently it would not be fair to compare the grades of these officers one with another as a certain indication of their relative merits and qualifications. A man might get to be a captain on one sector, perhaps, or even a major or higher, whereas exactly the same kind of a man, or better, serving somewhere else never drew a chance to get above second lieutenant, or maybe first. In this way and for this reason the average rank held by emergency officers in the war was considerably higher than that held by the young Regulars on this second part of the list, and whose commisisoned service began since April 6, 1917, too. These latter young men had to enter the Regular Army as second lieutenants, if they entered it at all; their names were all on long lineal lists and they could only be permanently promoted from grade to grade by moving slowly up the files of those lists, step by step, and reaching a new grade only when every man ahead of them had been disposed of as a casualty or by promotion. Plainly, in arranging for the entrance of the new emergency officers into this list to give them the benefit of the rank held by them in the war and match it up with the permanent rank held by these young Regulars to see which should have precedence would be grossly unfair.

Therefore if the young Regular officers were to line up among themselves in the grades and files according to their relative seniority among themselves, it was only fair that the emergency officers who were to come into the second part of the list with them should do the same thing among themselves; in short, that both groups should match up their periods of service with each other and with the other group, and thus the whole second part of the list would start clear and clean and exactly in the spirit of the new single-list idea from the very outset. And as thereafter all candidates coming into the commissioned personnel were to be placed at the foot of the list in accordance with the date of commission, in time, as this now junior or part of the single list aged to become the senior part of it, the whole of the original intention would be complete and the single list and the promotion list would at last be identical.

It is plain, then, that all of these officers taken into the Regular Army since April 6, 1917, whether officers already in at the passage of the Army reorganization act or emergency men to be taken in under the terms of that act, were to be thrown into a pool together, so to say, regardless of present rank for the Regulars or grade at which taken in, if emergency men. And that thereafter the automatic operation of the law assigning promotion by seniority of commissioned service would separate so many of the elders into the grade of captain, so many of the next eldest into the grade of first lieutenant, and the remainder into the grade of second lieutenant.

And to this end section 24 of the act provided that after the emergency officers were taken into the Regular Army in such numbers that "not less than one-half of the total number of vacancies caused by this act, exclusive of those in the Medical Department and among chaplains, shall be filled" by them, such appointments to date from July 1, 1920, the "vacancies remaining in grades above the lowest which are not filled by such appointments shall be filled by promotion to date from July 1, 1920, in accordance with section 24c."

Here is another emphasis of the intention of the law that, at whatever grade the emergency officer might be appointed to the Regular Army under the terms of the act, as soon as the requisite number of appointments had been made promotions of the entire roster as it was then carried on the promotion list should take place, to date from the very same day of original entry into the Army under the act. And we have seen that this promotion list shall have the names of officers "arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service," etc., and further, that as provided in section 24c here cited, it was to be "the promotion of officers in the order in which they stand on the promotion list," not in the order of their grades.

Every one of the boards of officers scattered throughout the country examining candidates for Regular Army appointments was advised of the law, of course. Every one of the candidates was himself presumed to know the terms of the act of whose provisions he was proposing to obtain the benefits. These examining boards were numerous, and necessarily candidates could not all pass before the same board and receive appointment in grades as the result of competition among themselves and in view of their relative standing. Each case of appointment would have to stand alone and be judged on its merits. Because one candidate might be admitted as a captain and another as a second lieutenant need not necessarily indicate that the second man had not been found worthy to be admitted as a captain. It might be that the first man would be of an age when, if he went into the Army at all, it must be in some such grade as captain. It might be that when the two should be afterwards compared, if they ever came to be, the second lieutenant would be found to be equally deserving of the captain's grade. But the appointing board would have the record of each candidate and the grade to which originally appointed would make no difference with the general result in the end, because the law provided that upon the very same date as that of original appointment there was to be a general promotion that would even off all inequalities in the contemplation of the policy of the law through the automatic operation of the rule of promotion by seniority of service, each officer retaining at least the grade to which he was originally appointed, but perhaps gaining in files or grade if, in the matching up of seniority of service, he came out among the personnel in advance of his present file or grade.

So it could not be true that under the law, or a wrong interpretation of the law (either way), a man once taken into the Regular Army in a certain grade might find himself afterwards arbitrarily "jumped" by one taken in at a lesser grade. Both would have come in on the plain text of the law that provided for exactly what took place.

The effect of the law as it was passed was intended to be the same as if it had provided that in the generality of cases the emergency men taken into the Regular Army under its terms and assigned to the second part of the single list should have been given commissions with the grade left blank; that all the Regulars in the grades of captain and lieutenants on the same part of the list should have the grade stricken out of their commissions; and that then all of the them, Regulars and emergency men, were to be lined up in the order of their seniority of commissioned service, and grades bestowed upon them in that order. The law called for so many captains; therefore that many of the seniors should stand aside as captains. The law called for so many first lieutenants; therefore that number of those next in seniority should stand aside as first lieutenants; the remainder to be second lieutenants, of course.

At all events, that is exactly what the law was planned to do and what those persons concerned in framing it in committee room and explaining it to the Congress understood at the time it would do. Indeed, at one stage of the proceedings in the House of Representatives during the debate on this act (CONGRESSIONAL RECORD, March 16, 1920, p. 4412) an amendment was proposed providing that "no officer shall be promoted over another occupying a higher grade,"

the very point at issue in this case, and after a careful explanation by the proponents of the act the amendment was promptly voted down.

EMERGENCY OFFICERS' RETIREMENT ACT

Mr. TYSON. Mr. President, I ask unanimous consent to have printed in the RECORD two opinions of the Attorney General of the United States in regard to the emergency officers' retirement act of May 24, 1928.

The VICE PRESIDENT. Without objection, they will be printed in the RECORD.

The opinions are as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, January 19, 1929.

Hon. LAWRENCE D. TYSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR TYSON: I have just received two very important opinions from the Attorney General of the United States, each as of January 18, 1929, in which he construes the emergency officers' retirement act of May 24, 1928 (45 Stat. 735, 736), and particularly certain language contained therein.

The opinions quote the questions presented by me to the Attorney General and are, therefore, fully self-explanatory.

For your information I inclose a copy of each opinion.

Very truly yours,

FRANK T. HINES, *Director.*

DEPARTMENT OF JUSTICE,
Washington, January 18, 1929.

SIR: I have the honor to acknowledge the receipt of your letter of December 1, 1928, requesting my opinion as to the meaning of the language:

"* * * who have been, or may hereafter, within one year be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service * * *,"

contained in section 1 of the Tyson-Fitzgerald emergency officers' retirement act of May 24, 1928 (45 Stat. 735, 736), which reads:

"That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, separate retired lists, hereby created as part of the Army, Navy, and Marine Corps of the United States, to be known as the emergency officers' retired list of the Army, Navy, or Marine Corps of the United States, respectively, with the rank held by them when discharged from their commissioned service, and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided*, That all pay and allowances to which such persons or officers may be entitled under the provisions of this law shall be paid solely out of the military and naval compensation appropriation fund of the United States Veterans' Bureau, and shall be in lieu of all disability compensation benefits to such officers or persons provided in the World War veterans' act, 1924, and amendments thereto, except as otherwise authorized herein, and except as provided by the act of December 18, 1922: *Provided further*, That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War, other than as officers of the Regular Army, Navy, or Marine Corps, who during such service have incurred physical disability in line of duty, and who have heretofore or may hereafter be rated less than 30 per cent and more than 10 per cent permanent disability by the United States Veterans' Bureau, for disability resulting directly from such war service, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, the appropriate emergency officers' retired list, created by this act, with the rank held by them when discharged from their commissioned service, but without retired pay, and shall be entitled only to such compensation and other benefits as are now or may hereafter be provided by law or regulations of the United States Veterans' Bureau, together with all privileges as are now or may hereafter be provided by law or regulations for officers of the Regular Army, Navy, or Marine Corps who have been retired for physical disability incurred in line of duty: *And provided further*, That the retired list created by this act of officers of the Army shall be published annually in the Army Register, and said retired lists of officers of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register."

In this connection you desire to be advised upon the following questions:

(1) Has an officer who received a 30 per cent permanent partial disability rating prior to the passage of this act, but whose rating since the passage of this act has been less than 10 per cent permanent disability, any rights under the provisions of this act as long as his rating remains less than 10 per cent permanent?

(2) In a case where an officer has heretofore been rated 30 per cent permanently disabled for disability incurred in line of duty directly resulting from war service, and the file now shows that the rating was in error under the law or the facts, or both, may the bureau reexamine and rerate the applicant?

(3) Where an officer has heretofore been rated 30 per cent or more permanently disabled for a disability incurred in line of duty directly resulting from war service and such rating was correct under the law and the schedule of disability ratings in effect at that time, but such rating would not be the same under the schedule of disability ratings in effect at the present time, is there authority to place the man on the retirement list on the strength of the former rating, or must a rerating be made under the present disability rating schedule?

(4) In a case where an officer has been rated 30 per cent or more permanently disabled under the laws, regulations, and schedules of disability ratings in effect at the time the rating was made, for a disability incurred in line of duty directly resulting from war service, but the evidence now shows that he is not at the present time permanently disabled to a degree of 30 per cent or more, must the old rating be accepted and the benefits of the retirement act be accorded? Or should he be reexamined and rerated under the law and schedule of disability ratings in effect on May 29, 1928, or that in effect on the date of administrative determination?

The Veterans' Bureau, it appears, in determining the permanency of a disability and the percentage thereof, considers all the elements, including the progressive character of the disability, and once a permanent rating and the percentage thereof has been determined, it always remains the same unless the determination was based upon an erroneous finding of fact or a misconception of the law, and the subsequent change in the physical condition of an officer presupposes that the original rating was based upon an erroneous finding of fact in that the progressive character of his disability was incorrectly determined.

Hence, testing the language—

"who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such service"

by the rule of construction that Congress is presumed to use words in their known and accepted meaning, unless that sense is repelled by the context, it is clear that the words—

"who have been * * * rated in accordance with law at not less than 30 per cent permanent disability"—

includes only those emergency officers who have been correctly rated at not less than 30 per cent permanent disability prior to the passage of the act. Those are excluded who, prior to the passage of the act, have been rated at not less than 30 per cent permanent disability and subsequently have been reduced in rating to less than 30 per cent permanent disability.

It is also clear that the words—

"or may hereafter, within one year, be, rated in accordance with law"

include only those who are correctly rated at not less than 30 per cent permanent disability within one year after the passage of the act. Whether the rating has been made prior to the passage of the act or is made within one year thereafter, it must be in accordance with the schedule of ratings in effect at the time it was or is made, otherwise it will not be "in accordance with law."

The legislative history of the act confirms this conclusion. The meaning of the language—

"who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability"—

was explained to their respective Houses by Senator TYSON and Representative FITZGERALD. The former was a member of the Senate Committee on Military Affairs and the latter was a member of the House Committee on World War Veterans' Legislation, and sponsored this act. These committees had charge of the bill S. 777, which became the act under consideration.

In explaining to the Senate the meaning of this language, the coauthor of bill S. 777, Senator TYSON, said (CONGRESSIONAL RECORD, vol. 69, pt. 5, p. 4687, March 14, 1928, 70th Cong., 1st sess.):

"An officer is to be retired who has not less than 30 per cent of permanent disability according to the ratings of the United States Veterans' Bureau. Officers who are found to be below 30 per cent are not retired under the provisions of the bill."

The occasion for the explanation of this language to the House by Representative FITZGERALD, arose in the following manner:

Mr. MILLIGAN of Missouri, made the statement that (CONGRESSIONAL RECORD, vol. 69, pt. 8, p. 8456, May 11, 1928, 70th Cong., 1st sess.):

"There is a provision on page 1 of the bill that includes officers who to-day have no disability whatever, officers to-day who are drawing no compensation from the Government, who are recognized as having no compensable disability. Yet they are included in this bill. We find that in lines 6, 7, and 8 on page 1 of the bill in the following language: 'who during such service have incurred physical disability in line of duty, and who have been or may hereafter within one year be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau.'

"The words 'who have been' include cases of officers who to-day have no disability but who some time since their discharge have had a rating of 30 per cent permanent disability. You include those men whom the records show have recovered."

In reply, Mr. FITZGERALD said (CONGRESSIONAL RECORD, vol. 69, pt. 8, p. 8457, May 11, 1928, 70th Cong., 1st sess.):

"It has been called to my attention by the gentleman from Missouri that this bill is so drawn that there is a chance that a man who has once received a rating of 30 per cent would be entitled to its benefits even though he had recovered. I wish to say that is a fallacy; it is very specious, although my good friend may have justification for placing that construction upon the language of the bill. We use your knowledge of legal phrases and common sense. If a man has been rated permanently disabled, what does that mean? It means rated honestly, fairly, and legally as permanently disabled. If a mistake has been made and has been corrected, the Veterans' Bureau will never grant retirement because of a known mistake since corrected. If a man is not rated now as having a 30 per cent permanent disability, although he had been once so rated erroneously, he would not get retirement, though my good friend so misapprehends it. The change, necessarily a correction, would show that the original rating was not correct."

The following discussion then ensued (CONGRESSIONAL RECORD, vol. 69, pt. 8, p. 8457, May 11, 1928, 70th Cong., 1st sess.):

"Mr. MILLIGAN. What is meant by the words in line 7, on page 1, 'who have been'?

"Mr. ROY G. FITZGERALD. That means those who have been correctly rated, but because a mistake has been made that would not justify them in retiring a man.

"Mr. MILLIGAN. Has the gentleman gone to the Veterans' Bureau for an interpretation?

"Mr. ROY G. FITZGERALD. No; I have not, but that must be so.

"Mr. MILLIGAN. I understand they do not so interpret it.

"Mr. ROY G. FITZGERALD. If they have made a mistake and have corrected it, that mistake would not warrant them in putting a man under the provisions of this bill, and no man would be retired because of a mistake.

"Mr. MILLIGAN. I will say that these officers have been informed by those who are promulgating this legislation that they are included.

"Mr. ROY G. FITZGERALD. I am very sorry if that is so, because I am sure that that is a misrepresentation.

"Mr. BURTNESS. What about a case which at one time received a permanent rating, as an illustration, of 35 per cent, and then it is cut down to 25 per cent permanent? The permanent rating as such remains, but the percentage has been cut from a figure sufficient to come within this bill down to one that would not permit the bill to operate on such an individual. Would he not under this language be included?

"Mr. ROY G. FITZGERALD. I fear not, because that is a correction. If a mistake has been made and a correction has been made, I am sure he could not be included under this bill. Under this bill, if it becomes a law, and under the language of this bill, retirement would be given only as a result of a correct or final rating of 30 per cent or more of disability.

"Mr. BURTNESS. If I understand correctly, it may not necessarily be a mistake.

"Mr. ROY G. FITZGERALD. It would necessarily have to be a mistake, because a man may have a 100 per cent temporary disability and at the same time a 30 per cent permanent disability, but the permanent degree can never change.

"Mr. BURTNESS. A person may have a permanent rating and gradually a man's condition is aggravated so that the permanent rating changes, not in its permanency, but in its percentage, and it is increased from time to time. I have secured increases for a great many such individuals myself.

"Mr. ROY G. FITZGERALD. But the permanent rating should always be the same. All elements should be considered, including the progressive character of the disability, and the permanent rating, if correctly made, should remain unchanged.

"Mr. BURTNESS. Certainly; I agree with the gentleman, but the percentage may vary, depending on the circumstances."

However, assuming that the percentage of a permanent rating may be changed from time to time, a reading of the entire act in the light of its legislative history inevitably leads to the conclusion that Congress intended the words "who have been * * * rated in accordance with law" to include only those emergency officers who on the date the benefits of the act are awarded to them have a correct rating of not less than 30 per cent permanent disability; that is, their physical condition must support their old rating of not less than 30 per cent permanent disability or justify such a rating under the schedule of disability ratings in effect at that time, for otherwise an emergency officer who before the passage of the act had a rating of not less than 30 per cent permanent disability, but who now has been reduced to a rating of 10 per cent permanent disability, or even to no disability at all, would enjoy the benefits of the act, while an emergency officer who now has a rating of 29 per cent permanent disability would not be entitled to its benefits.

It is inconceivable that Congress intended the act to have such effect and its purpose precludes any such conclusion. It was enacted to enable emergency officers who are now rated at not less than 30 per cent permanent disability to support themselves and their families which they are unable to do because of reduced earning power resulting from their disabilities. Congress unquestionably did not intend to give a bonus of 75 per cent of his pay at the time he was discharged from the service to an emergency officer who now has no disability whatever simply because he once was given a 30 per cent permanent disability rating.

In the final analysis Congress intended that nothing less than a correct rating of at least 30 per cent permanent disability should form the basis for conferring the benefits of the act; that is, that on the date the benefits of the act are awarded the officer's physical condition must support his old rating of not less than 30 per cent permanent disability or justify such a rating under the schedule of disability ratings in effect at that time.

My opinion, therefore, is that your questions should be answered as follows:

1. No. An officer who has received a 30 per cent disability rating prior to the passage of the act, but whose rating under the same schedule since the passage of the act has been less than 10 per cent permanent disability is not entitled to the benefits of the act for the reason that he never has had a correct rating of 30 per cent permanent disability. The reduction of his rating from 30 per cent permanent disability to less than 10 per cent permanent disability indicates that the former rating was erroneous.

2. Yes. The answer to this question is based on the same reason given under the answer to the above question.

3. No rerating must be made if a correct rating of not less than 30 per cent permanent disability has heretofore been made.

4. Assuming the administrative determination (i. e., the rating in question) was made before May 29, 1928, the officer may be reexamined and rerated in accordance with the schedule in effect when the rating was made in order that the error as to the permanency or degree of his disability may be corrected and his rating established "in accordance with law"; and if such reexamination and rerating lowers his rating to less than 30 per cent permanent disability, but his physical condition would justify a rating of not less than 30 per cent permanent disability under the schedule of disability ratings in effect on and subsequent to May 29, 1928, he may be reexamined and rerated in accordance with such schedule, so that he may come within that class "who * * * may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability."

Respectfully,

JNO. E. SARGENT, *Attorney General.*

Hon. FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

DEPARTMENT OF JUSTICE,
Washington, January 18, 1929.

SIR: I have the honor to acknowledge the receipt of your letter and inclosures of November 3, 1928, requesting my opinion as to the meaning of the language (1) "rated in accordance with law," and (2) "resulting directly from such war service" contained in section 1 of the emergency officers' retirement act of May 24, 1928 (45 Stat. 735, 736), which reads:

"That all persons who have served as officers of the Army, Navy, or Marine Corps of the United States during the World War other than as officers of the Regular Army, Navy, or Marine Corps who during such service have incurred physical disability in line of duty and who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service, * * * shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, * * *."

You submit the following classes of cases:

"1. Cases wherein the disabilities have been connected with the service during the World War under the statutory presumption of service origin for tuberculosis, neuropsychiatric, and other specified con-

ditions contained in section 200 of the World War veterans' act, as amended, or section 300 of the war risk insurance act, as amended.

"2. Cases wherein the disabilities have been connected with the service during the World War through direct evidence, as, for instance, medical records of the Army, but in which nothing tangible can be found under which a finding that the disabilities were directly the result of war service can be based.

"3. Cases wherein the disabilities have been connected with the service during the World War upon medical presumption.

"4. Cases wherein the disabilities have been connected with the service during the World War through a presumption of soundness contained in section 300 of the war risk insurance act, as amended, and section 200 of the World War veterans' act, as amended.

"5. Cases wherein a disability was noted at time of enlistment which increased in degree during service, but wherein it has been impossible to show that the aggravation was directly the result of war service and in line of duty as distinguished from the natural progress of disease."

and inquire (1) whether such disabled emergency officers are entitled to ratings for permanent disabilities under the war risk insurance act as amended (40 Stat. 373; 42 Stat. 153, 1522), or the World War veterans' act as amended (43 Stat. 607, 1305; 44 Stat. 793), and (2) whether their disabilities were incurred "in line of duty" and resulted "directly from such war service."

When the emergency officers' retirement act was enacted on May 24, 1928, the Veterans' Bureau was operating under the World War veterans' act as amended. Hence, the language "rated in accordance with law" refers to the World War veterans' act as amended, rating schedules, regulations, and general orders pursuant thereto not inconsistent with the provisions of the emergency officers' retirement act. It may also have reference to the war risk insurance act. For example, if prior to June 7, 1924 (the date of the World War veterans' act), a disabled officer had been rated correctly, under the war risk insurance act, rating schedules, regulations, and general orders in effect at the time, at not less than 30 per cent permanent disability, and such officer has never been reexamined and rerated under the World War veterans' act, he is clearly one of those within the meaning of the language, "who have been * * * rated in accordance with law at not less than 30 per cent permanent disability."

The emergency officers' retirement act provides, in effect, that no one shall be entitled to its benefits unless he has (1) "incurred physical disability in line of duty" (2) "resulting directly from such war service."

The phrase "in line of duty," as used in section 300 of the war risk insurance act (40 Stat. 611), was interpreted by Attorney General Palmer in an opinion of the Secretary of the Treasury (32 O. A. G. 12).

Section 300 of the war risk insurance act provides (40 Stat. 611):

"That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct: *Provided*, That for the purposes of this section said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service. * * *."

In construing the above section Attorney General Palmer said (pp. 19, 22, 23):

"The mere fact that an injury or disease is coincident in time with service is not sufficient to class it as suffered or contracted 'in line of duty.' It must have been caused by the presence of its victim in the line of duty when it was received or contracted. But the relation of causation is sufficiently shown when it appears that the victim was at a place and doing what was required or permitted by his duty as a soldier, and that, between his presence and conduct and the injury or disease, no adequate and sufficient cause, for which he is responsible, intervened * * *."

"While in the active service and submitting to its rules and regulations he is, in general, in the line of duty, and an injury suffered or disease contracted under these circumstances is suffered or contracted in the line of duty unless it is actually caused by something for which he is responsible which intervenes between his services or performance of duty and the injury or disease. * * *."

I think the above interpretation is the correct one, and applies equally to the phrase as used in the emergency officers' retirement act.

Section 300 of the war risk insurance act, as amended, was repealed by section 200 of the World War veterans' act of 1924, as amended. Section 200, as amended by the act of July 2, 1926 (44 Stat. 793, 794), provides:

"For death or disability resulting from personal injury suffered or disease contracted in the military or naval service on or after April 6, 1917, and before July 2, 1921, or for an aggravation or recurrence of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation was suffered or contracted in or such recurrence was caused by the military or naval service on or after April 6, 1917, and before July 2, 1921, by any commissioned officer or enlisted man * * * the United States shall pay to such commissioned officer or enlisted man * * * or, in the discretion of the director, separately to his or her dependents, compensation as hereinafter provided; but no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct: * * * That for the purposes of this act every such officer, enlisted man * * * shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of or prior to inception of active service, to the extent to which any such defect, disorder, or infirmity was so made of record: *Provided*, That an ex-service man who is shown to have or, if deceased, to have had prior to January 1, 1925, neuropsychiatric disease and spinal meningitis, an active tuberculosis disease, paralysis agitans, encephalitis lethargica, or amœbic dysentery developing a 10 per cent degree of disability or more, in accordance with the provisions of subdivision (4) of section 202 of this act, shall be presumed to have acquired his disability in such service between April 6, 1917, and July 2, 1921, or to have suffered an aggravation of a preexisting neuropsychiatric disease and spinal meningitis, tuberculosis, paralysis agitans, encephalitis lethargica, or amœbic dysentery in such service between said dates, and said presumption shall be conclusive in cases of active tuberculosis disease and spinal meningitis, but in all other cases said presumption shall be rebuttable by clear and convincing evidence; * * *."

It will be observed that the phrase "in line of duty" which appeared in section 300 of the war risk insurance act does not appear in section 200 of the World War veterans' act, as amended. Instead there appear the words "in the military or naval service" and "no compensation shall be paid if the injury, disease, aggravation, or recurrence has been caused by his own willful misconduct." Considering this language in the light of what Attorney General Palmer said about the meaning of the phrase "in line of duty" as used in section 300 of the war risk insurance act, it appears that the words "in the military or naval service" are not any broader in scope than the words "in line of duty." Nor does it appear that Congress intended by the use of the words "in line of duty" to exclude disabled emergency officers from the benefits of the emergency officers' retirement act who have been or may hereafter be awarded compensation and rated, under sections 200 and 202 (4) of the World War veterans' act, at not less than 30 per cent permanent for "injury suffered or disease contracted in the military or naval service."

When the first emergency officers' retirement bill was introduced into Congress almost 10 years ago it contained the words "in line of duty." At that time the Veterans' Bureau was operating under section 300 of the war risk insurance act, which section also contained the words "in line of duty." During each succeeding Congress emergency officers' retirement bills were introduced, each of which contained the words "in line of duty." All of them proposed to confer their benefits upon those disabled emergency officers who had been, or might thereafter, within a specified time, be awarded compensation and receive a certain rating under sections 300 and 302 (2) of the war risk insurance act. In 1924 section 300 of the war risk insurance act was repealed by section 200 of the World War veterans' act. The words "in line of duty" were left out of section 200 and instead were inserted the words "in the military or naval service." Notwithstanding this change in phraseology, the original or similar bills were reintroduced each succeeding Congress subsequent to the repeal of section 300 of the war risk insurance act without any change in the words "in line of duty."

Although these bills were reintroduced by those who were Members of Congress when section 300 of the war risk insurance act was repealed by section 200 of the World War veterans' act, there is nothing to indicate that after the repeal of section 300 those Members, by continuing to use in such bills the phrase "in line of duty," intended to deny their benefits to any disabled emergency officer who had suffered injury or contracted disease "in the military or naval service."

That Congress intended to confer the benefits of the emergency officers' retirement act upon all disabled emergency officers who suffered injury or contracted disease "in the military or naval service" and "who have been, or may hereafter, within one year, be," awarded compensation and rated, under sections 200 and 202 of the World War veterans' act, at not less than 30 per cent permanent disability, is clearly indicated by the legislative history of the act which will be referred to hereinafter.

Hence, all disabled emergency officers "who have been, or may hereafter, within one year, be," awarded compensation and rated, under sections 200 and 202 of the World War veterans' act, at not less than 30 per cent permanent disability, are entitled to the benefits of the emergency officers' retirement act unless excluded therefrom by the phrase "disability resulting directly from such war service."

Notwithstanding this legislation had been pending for over nine years and the act was passed on May 24, 1928, the language "resulting directly from such war service" appeared for the first time in Senate bill 777 (which became the act under consideration), by amendment on March 15, 1928. On the latter date, Senator HALE offered several

amendments, including one embodying the language "resulting directly from such war service," the effect of all of which he said would be "to bring the officers of the Navy and Marine Corps under the provisions of the bill (CONGRESSIONAL RECORD, vol. 69, pt. 5, pp. 4799, 4800).

Up to the time of such amendments only emergency Army officers came within the scope of the bill. The Secretary of the Navy thought that emergency Navy and Marine officers should be entitled to the benefits of the act, and he proposed to Senator HALE, chairman of the Senate Committee on Naval Affairs, that they be included. In a letter to the Senator dated April 8, 1926, he said:

"The Navy Department believes that if the bill * * * is to be enacted that it should be amended so as to include former temporary and reserve officers of the Navy and Marine Corps who feel that they are entitled to retirement on account of physical disability alleged to have been incurred in line of duty during the World War. Accordingly, the Navy Department recommends that the following changes be made in the bill * * * so as to make the same applicable to former temporary and reserve officers of the Navy and Marine Corps.

"(1) In line 2 of the title of the bill, after the word 'Army,' insert a comma and add the words 'Navy and Marine Corps.'

* * * * * * *

"(5) In line 9, page 1, insert after the comma at the end of the line the words 'for disability resulting directly from such war service.'

* * * * * * *

"(16) In lines 19, 20, and 21, page 3, strike out the last proviso and substitute therefor the following:

"'*And provided further*, That the retired list created by this act of officers of the Army shall be published annually in the Army Register, and said retired lists of officers of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register.'"

There is nothing in the files of the Navy Department to indicate why that department considered it necessary to insert the language "resulting directly from such war service" into the act to enable emergency Navy and marine officers to obtain its benefits. Nor is it clear how that language could in any wise assist in accomplishing that result. In view of the purpose of the amendment "to include former temporary and reserve officers of the Navy and Marine Corps who feel that they are entitled to retirement on account of physical disability alleged to have been incurred in line of duty during the World War," the language "resulting directly from such war service" would seem to be redundant.

That Congress did not intend that language to deny the benefits of the act to any disabled emergency officer who otherwise would be entitled to the same by reason of having "incurred physical disability in line of duty," although the disabled emergency officer's case might be within one of the five classes mentioned in your letter, viz, statutory presumption, medical presumption, etc., is evidenced by the legislative history of the act, as set forth in the margin. It may be presumed that while Senate bill 777 was pending and at the time it was enacted into law, Congress knew that there were disabled emergency officers in the five classes set forth in the letter of the Director of the Veterans' Bureau to the Attorney General, dated November 3, 1928, who had been awarded compensation and rated, under sections 200 and 202 of the World War veterans' act, at not less than 30 per cent permanent disability by reason of having suffered injury or contracted disease "in the military or naval service." While this legislation was pending Congress from time to time called upon the Director of the Veterans' Bureau to submit lists of all disabled emergency officers who were rated at not less than 30 per cent permanent disability. The lists furnished contain the names of all emergency officers within the five classes set forth in the director's letter of November 3, 1928.

On March 14, 1928, Senator TYSON, coauthor of Senate bill 777, in explaining its provisions to the Senate, said (CONGRESSIONAL RECORD, vol. 69, p. 4687):

"I will state for the information of the Senate that a list of those who will be retired under the terms of the bill has been prepared by the United States Veterans' Bureau. Including all the officers of the Army and of the Navy and of the Marine Corps who have now been found to be 30 per cent permanently disabled there will be 3,251, and the actual expense to the Government, if the bill is enacted into law, will be $4,985,100 annually. We are now paying out in annual compensation to these officers $2,841,960. Deducting that from the total under the bill would leave $2,143,140 annual increased cost of retirement."

On March 15, 1928, Senator BINGHAM, member of the Committee on Military Affairs, made the following statement (CONGRESSIONAL RECORD, vol. 69, p. 4745):

"It is always difficult to speak in the abstract, but when we have concrete cases before us it is easier. Whenever we pass bills granting claims of any amount whatsoever to different persons, or when we pass an omnibus pension bill, we give to the country the names of the beneficiaries in order that the people, whose taxes we are expending, may know exactly who is benefited by the legislation. I have before me, Mr. President, the names of all those officers who were rated as permanently disabled at 30 per cent or more, together with the amount they are now receiving, their percentage of disability, and the amount which they would receive under the bill. I should like to have this list printed in the RECORD, without any reference to the nature of their disability, because I esteem their disability a private and personal matter, in which the public is not or ought not to be interested. I ask unanimous consent to have the list printed in the RECORD."

At the conclusion of which the President of the Senate ordered the list printed in the RECORD.

On March 30, 1928, Senator BINGHAM read into the CONGRESSIONAL RECORD a letter from the Director of the Veterans' Bureau, dated March 23, 1928, and accompanying estimate of the cost of the bill. The estimate bears the following heading:

"Emergency officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement December 31, 1927."

Under the heading appears a table showing the grades and the number of officers in each grade who will benefit by the act, the total number being 3,251. Then follows a statement which indicates that the table has been revised to March 21, 1928. The last statement following the table reads:

"This statement excludes the following arrested tuberculosis cases receiving a statutory $50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial: Army, 1,134; Navy, 66; Marine, 3." (CONGRESSIONAL RECORD, vol. 69, p. 5666.)

On page 4 of House Report No. 1082 on Senate bill 777, submitted by the Committee on World War Veterans' Legislation, there appears this statement:

"The number of disabled emergency officers to be benefited by this proposed act is estimated by the Director of the United States Veterans' Bureau under date of March 21, 1928, to be 3,251."

On page 4 of Senate Report No. 115 on the same bill, submitted by the Committee on Military Affairs, it is said:

"The number of disabled emergency Army officers to be benefited by this proposed act, together with its costs, are shown in the appended letter and table from the Director of the Veterans' Bureau dated January 19, 1928, which are made a part of this report."

In the letter to Senator REED of Pennsylvania, chairman of the Committee on Military Affairs, dated January 19, 1928, which was made a part of Senate Report No. 115, the Director of the Veterans' Bureau said (p. 6):

"The committee is advised that according to a recent study made in connection with this legislation it is estimated that there are at present 3,030 ex-emergency officers of the World War who are permanently disabled to a degree of 30 per cent or more and who are now receiving compensation totaling $216,436 monthly. The cost of retiring these men at 75 per cent of their pay rate would be $388,137.50 per month, or $4,657,650 annually, the total increased annual cost being $2,060,418. This statement does not include 960 officers who are now drawing compensation of $50 per month under statutory awards for arrested tuberculosis. These cases, if rerated under the schedule of disability ratings and found to be actually disabled to a degree of 30 per cent or more, would increase the cost approximately $118,931.50 per month, or $1,427,178 per annum.

"Were the bill amended to provide for the retirement of disabled ex-emergency officers of the Navy and Marine Corps as well as those of the Army, it is estimated that the total number of officers affected would be raised to 3,225, the monthly payment of compensation for that number now being $231,999, and that the cost of retiring this total number at 75 per cent of their pay rate would be $411,593.75 monthly, or an annual cost of $4,939,125, an increased annual cost of $2,155,137."

At the time this letter was written there were 3,030 emergency officers permanently disabled to a degree of 30 per cent or more. Also, at that time Senate bill 777 only contained the language "incurred physical disability in line of duty," the language "resulting directly from such war service" not having been incorporated into the bill until March 15, 1928, and then only for the purpose, as the Secretary of the Navy and Senator HALE stated, of including within the provisions of the bill "former temporary and reserve officers of the Navy and Marine Corps who feel that they are entitled to retirement on account of physical disability alleged to have been incurred in line of duty during the World War." This amendment having passed the Senate, the director submitted another list, revised to March 21, 1928, which showed an increase to 3,251 in the total number of officers permanently disabled to a degree of 30 per cent or more, instead of a decrease, as would be expected if the insertion into the bill of the language "resulting directly from such war service" had been for the purpose of denying the benefits of the act to some disabled emergency officers who otherwise would be entitled to the same by reason of having "incurred physical disability in line of duty."

The increase indicates as the director states that he did not exclude from the list, on account of the incorporation into the bill of the language "resulting directly from such war service," the five classes of cases set forth in his letter of November 3, 1928, viz, statutory presumption, medical presumption, etc.

No contention was made during the debates in either the Senate or the House that Senate bill 777 did not include cases of statutory presumption, medical presumption, etc. On the contrary, Senator REED of Pennsylvania, chairman of the Committee on Military Affairs, which had charge of Senate bill 777 in the Senate, pointed out to that body that the bill clearly included those who are by law presumed to have contracted their disabilities in the service. His statement follows (CONGRESSIONAL RECORD, vol. 69, p. 4731):

"Take just such cases as this: I had a friend who came to Washington on November 6, 1918, a civilian, with no military training whatsoever. He was given a commission as a lieutenant colonel in the Judge Advocate General's Department of the Army, and he was a member of the World War Army for exactly six days, because he was discharged the day after the armistice. Under the present legislation, which is intentionally liberal so as to make it easy for soldiers who suffer constitutional diseases traceable back to war time to connect their injury with their service, it is provided that insanity or tuberculosis occurring prior to January 1, 1925, is conclusively presumed to be due to one's war service. Apply that to this lieutenant colonel who served six days in uniform in Washington. If that man were to have gone crazy prior to the 1st of January, 1925, he would now go on retirement pay at $2,625 a year. * * * Now I want to call your attention to another case in Pennsylvania, which we will leave nameless for obvious reasons—another physician. He lives down near Philadelphia. He is now 54 years old. He never got anywhere near the front. He never left the United States. He is classed permanently totally disabled because he has diabetes; and the bets are a hundred to one that if he had never seen the Army, and if there had never been any war, he would have had the same case of diabetes that he has to-day. This bill advances that gentleman—and I am not making fun of him at all—from $100 to $150.

"Senator FRAZIER. If this man is given total disability for diabetes, it must be because the examining physician decided that it was caused by his service in the Army.

"Senator REED of Pennsylvania. It is because the first symptoms of diabetes occurred while he was holding his commission. It was an injury incurred in line of duty, therefore, or a disease contracted within the meaning of the law, and he gets the compensation, although the Senator knows, as I do, that the chances are a hundred to one that he would have had the same diabetes if there never had been any war at all."

In this connection the following statement of Senator BINGHAM is very significant (CONGRESSIONAL RECORD, vol. 69, p. 4697):

"But under the terms of the bill, even though a man may have served here in Washington but a week before the armistice and acquired tuberculosis since then and gets a 30 per cent rating of disability as many of us easily could, if he had had luck enough to get a commission as lieutenant colonel he would get for the rest of his life $225 a month instead of $30 a month."

Representative ROYAL S. JOHNSON, chairman of the Committee on World War Veterans' Legislation, which had charge of Senate bill 777 in the House, explained at length to the House the differences between the original bill of 10 years before and Senate bill 777, in the course of which explanation he emphasized the fact that the bill included those disabled emergency officers who are by law presumed to have suffered or contracted their disabilities in the service. His statement, so far as material here, is as follows (CONGRESSIONAL RECORD, vol. 69, pp. 8444, 8445, 8446):

"Its history, as has been said by other Members, begins early after the war, when the gentleman from South Carolina [Mr. STEVENSON] introduced the original measure. That measure, however, differed in form from this one, as shown in the RECORD published this morning. Later I introduced the bill in an entirely different form from the measure presented to the House to-day, affecting not nearly so many men and having very vital differences from the present proposed law.

"My reasons for introducing that measure are as clear to-day as they were 10 years ago. Together with a great many other men in the United States now living I happened to serve with some of the men affected, and in a hospital in France, in the fall of 1918, I saw different classes of officers being given entirely different compensation.

"The original measure was introduced to take care of what we knew at that time were battle casualties, and they should be taken care of by every country in this world, and particularly by this, the greatest and wealthiest country in the entire world. But conditions have changed again. In this Congress, the House and the Senate, in trying to do what ought to be done for disabled men, have been very liberal in some other degrees by presuming disabilities. For instance, the law has read, and now reads, that anyone who contracted tuberculosis, mental diseases, sleeping sickness, and some other diseases, whose technical names I shall not use, would be presumed to have secured those diseases in the service in line of duty if contracted prior to January 1, 1925. So the bill as it now reads, Senate bill 777, would take into this retirement list a large number of men that I do not believe any medical testimony in the world would say had received their diseases in line of duty and from the service. I have always thought—though I have not discussed the matter on the floor of the House to any great extent, because we have not had much discussion on this legislation—that probably not over 25 per cent of the men who were presumptively connected under the veterans' act and its amendments to be disabled, secured their disabilities in the service, but that it was better to compensate the other 75 per cent that medical testimony would not say had secured their injuries in line of duty than to allow the 25 per cent that medical testimony said might have secured their injuries or diseases in line of duty to go without compensation. For that reason I have favored the enactment of these presumptive statutes. But, as matters now develop, I think this proposed law needs amendment, and I am going to offer amendments if no one else does so (which he did but they were rejected).

"I now want to discuss some of the concrete cases under this law. It is very easy to talk about a law from an academic viewpoint, and theories sometimes are helpful. Concrete illustrations are the most instructive. There happen to be five men in the second congressional district of South Dakota—and every one of them is my close, personal, intimate friend—who served in the Army with me, and with many of them I served in the National Guard from the time I was 18 years old. They are all affected by this act.

"On page 4780 of the RECORD—and I presume that is in the minority report also—you will find a list of these men. One is Col. William Adam Hazle, who lives in my own city, whose office is right across the street from mine. * * *

"Right across the street from him is Alfred D. Haugen. I have known him for years. * * *

"In the same city lives Lester Kirkpatrick. * * *

"Another gentleman on this list was presumpted into a service-connected disability under one of the laws that I sponsored, and I do not think any medical testimony in the world would say that this gentleman did necessarily receive his injuries in the service, and yet this law would materially increase his pension."

Other Senators and Congressmen expressed the same view; none expressed a contrary view.

The legislative history of the act clearly indicates that Congress intended the language "incurred physical disability in line of duty" in section 1 of the emergency officers' retirement act to have the same meaning and effect as the language "injury suffered or disease contracted in the military or naval service" in section 200 of the World War veterans' act as amended and also that Congress believed and intended the effect of the words "resulting directly from such war service" to be merely, as Senator HALE stated, "to bring the (emergency) officers of the Navy and Marine Corps under the provisions of the bill," and not to limit the meaning, or change the effect, of the words "incurred physical disability in line of duty" by denying the benefits of the act to any emergency officer who otherwise would be entitled to the same by reason of having "incurred physical disability in line of duty."

Congress intended to confer the benefits of the act upon all emergency officers who suffered injury or contracted disease "in the military or naval service" and "who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability," and also intended to confer the benefits of the act upon all emergency officers who entered the service with a disability which increased in degree during such service and "who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent" more than they were disabled at the time of entry into the service, and where it is impossible to show that the aggravation was suffered or contracted in the service as distinguished from the natural progress of the disability or disease, the presumption is that the aggravation was suffered or contracted in the service.

My opinion, therefore, is that those disabled emergency officers of the first four classes mentioned in your letter of November 3, 1928, "who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability," are entitled to the benefits of the emergency officers' retirement act of May 24, 1928, and those of the fifth class, "who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent" more than they were disabled at the time of entry into the service, are likewise entitled to the benefits of the act.

Respectfully,

JOHN G. SARGENT,
Attorney General.

HON. FRANK T. HINES,
Director United States Veterans' Bureau,
Washington, D. C.

RATES FOR ELECTRICITY

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Hon. Alvin C. Reis, a member of the Wisconsin Legislature, published in the December, 1928, La Follette Magazine, on the subject, Ontario Points Way to Cheap Electricity.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

ONTARIO POINTS WAY TO CHEAP ELECTRICITY—WISCONSIN LEGISLATIVE COMMITTEE ON TRIP TO CANADA DISCOVERS THE TRUTH ABOUT LOW RATES—FACTS REVEALED ARE STARTLING

By Alvin C. Reis, member of Wisconsin Legislature

[Alvin C. Reis, Progressive floor leader of the lower house of the Wisconsin Legislature, and a member of a special committee appointed to investigate the power question, has just returned from a trip to the Government power plants of Ontario, Canada. Mr. Reis has recorded his findings in this article for La Follette's Magazine. Keeping in mind the situation in Wisconsin, Mr. Reis has made a comparison with existing conditions in Canada. Some of his findings are startling. It is one of the most readable and comprehensive articles on this subject which has been prepared.—Managing Editor.]

The greatest battle, not only of the 1929 session of the legislature but of the next quarter of a century, in Wisconsin will be to control and conserve for the people of this great State the water powers which God has put here.

Electric power is the greatest economic problem of a tangible nature before the American people to-day. The most far-reaching and intensive monopoly, barring none, is developing throughout the Nation in the business of producing and distributing electric power.

The national power situation may be summarized in one sentence: Twelve corporations representing ten billions of dollars control 65 per cent of the electric power of the entire United States. Three control Wisconsin.

Within the last two years it has been announced right here in our own section of the country that one single utility company had perfected mergers and consolidations which give it control of the utility service in 1,269 cities, towns, and villages.

RATES ARE EXTORTIONATE

Water power means more to the people of Wisconsin than to the people of almost any other State, with few exceptions. Forty-eight per cent of all electric power produced by public utilities in Wisconsin comes from water power. On the other hand, in Illinois, for instance, only 4⅕ per cent of electric power is water power. The rest is steam power. The problem of water power, in other words, is twelve times as important to the State of Wisconsin as it is to the State of Illinois.

What is the solution to this most important of all problems facing Wisconsin? The solution is that the State of Wisconsin must hold all of its remaining water powers and must recapture from the present owners those powers which have already been alienated, and must keep all of those water powers for the benefit of Wisconsin's people and their posterity.

THE ONTARIO SOLUTION

One other great government whose people and whose children and children's children can have the benefit of the waters which nature put there has taken action. The Province of Ontario, Canada, has invested $300,000,000 in the most gigantic and most successful water-power project in the world, and the government of the Province of Ontario to-day sells electricity to its people cheaper than the people of any other place in the world receive it.

The last session of the Wisconsin Legislature created a special legislative committee to investigate the water-power problem and report to the 1929 session. We have returned recently from an extensive trip through Ontario, and I am going to give you the results of my findings.

Let us start from Madison. The rate to the domestic consumers in Madison is 7½ cents per kilowatt-hour as the primary rate and 6½ cents as the secondary rate and then it drops for the large user. The ordinary domestic consumer does not get out of the first and second brackets. His rate averages 7 cents per kilowatt-hour.

Madison's rate is lower than the average in this section. The general manager of the Wisconsin Power & Light Co. stated before the committee at one of its hearings in the capitol that the average price paid to that company by the domestic consumer in its territory was 9.4 cents per kilowatt-hour.

ELECTRICITY IN ONTARIO

The first city in the Ontario system which you strike in entering Canada is Windsor, which is right across the river from Detroit. The rate at Windsor which the domestic consumer pays for his electricity is 1.6 cents per kilowatt-hour; 7 cents in Madison; 9.4 cents in the central part of Wisconsin; in contrast, 1.6 cents in Windsor, Canada, under a system operated by the provincial government and its municipalities.

The interesting fact about this figure of 1.6 cents is the reflection from it. The average consumption of electricity in a home in Madison or throughout this part of Wisconsin is from 25 to 30 kilowatt-hours per month. The consumption in Windsor, Canada, last year, was 189 kilowatt-hours per month. Seven times the use made of electricity by the home owner. Seven times the comfort. Seven times the cleanliness—and, in great measure, seven times the happiness in living.

Windsor and the border cities have a population of 100,000. There are 22,000 electric meters installed in homes. Counting every man, woman, and child and assuming the size of the average family, it is almost safe to say that the 22,000 homes which have electricity in this population of 100,000 cover just about every home that is in that city.

Another fact is even more startling. Of the 22,000 homes which use electricity, 19,000 have electric stoves. How many electric stoves have you ever seen in any city in Wisconsin?

If I asked you: "What do you use electricity for?" you would probably say: "For lighting my house." The main thing and practically the only thing that electricity means to the consumer in Wisconsin is lighting. We refer to our "electric light" bills. The official report of the Windsor power commission shows that the greatest use for electricity in Windsor is not lighting, but cooking.

USED FOR COOKING

In Madison and in general throughout Wisconsin the peak load, by which is meant the heaviest load that the power company has to supply, comes between 5 and 6 o'clock at night, at least in the wintertime, which is just the time when the lights are going on and when the factories or part of them have not shut down. The peak load at Windsor, Canada, throughout the year is between 11 o'clock and 12 o'clock noon when the housewives are cooking their dinners.

The great use of electricity in Windsor for cooking is not due to gas being expensive, for gas is as cheap there as it is here; but electricity is so much cheaper.

There is another interesting fact about Windsor. In the 22,000 homes which have electricity there are 5,000 electric water heaters. Have you ever seen an electric water heater in Wisconsin?

It may be noted in this connection that Madison's electricity comes from Prairie du Sac, which is 25 miles away, and sells for 7 cents to the domestic consumer. The electricity at Windsor comes from Niagara Falls, Canada, which is 238 miles away and sells at 1.6 cents to the domestic consumer. The distance of transmission is ten times as great, but the electricity sells for about one-fifth the price.

PRODUCING POWER IN ONTARIO

We went to Niagara Falls, Canada. We saw the tremendous Queenstown plant of the Ontario government, the largest and most magnificent water power generating plant in the world, in which the people of Canada have invested $76,000,000. It took 6,000 men three years to build this plant and canal. Here in a single plant is generated as much water power as is produced in the entire State of Wisconsin among all its plants.

It might be supposed that the reason for cheap power in Ontario is the existence of this single generating plant of such tremendous capacity and great operating efficiency.

And it is some reason, but how much? The cost of producing the power at the Queenstown plant in Ontario is about 3 mills per kilowatt-hour. This is very cheap. But the cost of producing water power in Wisconsin averages only 7 or 8 mills per kilowatt-hour. This difference of one-half cent does not explain the difference between a rate of 1.6 cents at Windsor, indeed, a rate of only 1.2 cents at Niagara Falls—and such rates as prevail in Wisconsin: 7 cents, 9.4 cents, 14 cents, and 16 cents.

There is a very interesting fact to be observed in this connection. Across the Niagara River at Niagara Falls is the International Bridge. The lighting of the Canadian half comes from the Canadian Government power plant. The lighting of the American half comes from a private American power plant. It is said to cost $4.10 per hundred watts installed per year to light the Canadian half. It is said to cost $12.31 per hundred watts installed per year to light the American half. The same bridge, the same river. Three times as much to light the American half as the Canadian half.

There is another interesting observation at Niagara Falls, Canada. A few hundred yards from the Canadian Government's plant is the plant of a privately owned Canadian power utility. Both plants are on the Canadian side of the river. The Canadian Government plant sends its electricity to Windsor, as I have said, 238 miles away and sells it at a price of 1.6 cents. This private Canadian utility sends its electricity to Buffalo, N. Y., 28 miles away, and sells it at good American prices, 6 cents or 7 cents. The same river, the same falls, the same power and plants within a few hundred yards of each other, on the same side of the river, shipping the same electricity, costing three or four times as much in an American city as it costs in a Canadian city ten times as far away.

TRANSMISSION OF POWER IN ONTARIO

If it is not production cost which creates the difference between Ontario and Wisconsin prices on electricity, it might be supposed that the difference lies in the cost of transmission and distribution. Reference may be made to the fact that in Ontario there is one big government system, one single set of transmission lines, no duplication of transmission lines, fewer transmission lines, and naturally the cost of getting the current to the consumer would be cheaper. A monopoly, it is said.

The answer is that we have the monopoly in Wisconsin, only it does not belong to the Government, it belongs to private interests. Three power companies control Wisconsin and they each have a practical monopoly within their own territory. Insull does not go into Byllesby's territory, Byllesby does not invade North American territory, North American does not intrude upon Insull's territory—to any appreciable extent. The duplication of lines is a theory. There is no more duplication of lines between Prairie du Sac and Madison than there is between Windsor and Niagara Falls, Canada, but the lines are ten times as long in Canada and the electricity at the end of the line is five times as cheap. The balance is fiftyfold in favor of Canada.

Let me say one thing on the cost of transmission. Recently I spoke at Boyd, Wis., which is served by the Northern States Power Co. Boyd is 18 miles from Chippewa Falls, where the Northern States Power Co. produces its power. The rate at Boyd is 14 cents. The rate at Chippewa Falls is 10 cents—4 cents difference for transmission of 18 miles, Windsor, Canada, is 238 miles from Niagara Falls, Canada, where the power is produced. The rate at Windsor is 1.6 cents. The rate at Niagara Falls is 1.2 cents—four-tenths of a cent difference for transmission of 238 miles.

Canada shipped the electricity thirteen times as far for one-tenth the cost! Do you mean to tell me there are one hundred and thirty times as many transmission lines between Boyd, Wis., and Chippewa Falls as there are between Windsor, Canada, and Niagara Falls?

The conclusive answer to the plea that the large overhead monopolistic operation of its transmission system is the thing which makes Ontario rates so cheap, was found when the committee reached the little city of Orillia in north central Ontario. Orillia has no connection with the provincial government's hydro system. Orillia is a little city of only a couple of thousand and has its own power plant. This plant is situated far away from the city and we had to go up the river for two hours in order to reach it. The city bears the entire cost of all the transmission and distribution system itself. And what do you think the rate at Orillia was?

The rate was 1 cent flat, with 10 per cent off for cash.

It is true that Orillia has no capital charges to pay on its generating plant, as that was paid for by the Federal Government in conjunction with Government locks which are operated in connection with the plant. But even considering the cost of generation as 8 mills—which is the average for Wisconsin—the most difference that saving the capital charges on generation could mean would be 5 or 6 mills, bringing the price back to 1.6 cents—which is the normal price for Ontario, large plant or small plant.

I met a man who had just come out of the Orillia Public Service office after paying his bill. I asked to look at his bill and when I saw it I asked him to give to me, and I have it.

There are two remarkable things about that bill. The first is that in the month of May he consumed in his home 1,330 kilowatt-hours. You will remember that the average consumption in Wisconsin is from 25 to 30 kilowatt-hours per month. He had consumed forty-five times that much in his home, not a factory. The second remarkable thing is that 1,330 kilowatt-hours cost him $12.77.

I suggest that each of you take your last month's electric bill and then figure out what it would cost you if you used forty-five times as much.

ELECTRICITY SO CHEAP IT IS WASTED

I asked this man how in the world he could use that much electricity in a month and he said they simply used it for everything, cooking, heating, washing, and ironing. And he added, "And I am frank to say to you that we waste it. We never turn off the lights. Nobody in Canada does any more. It is too much trouble."

And that appears to be about the truth. You travel that road from Windsor, Canada, to Niagara Falls, Canada, and the country stores are lighted up in a blaze of glory, inside and outside. Clusters of lights. And the filling stations! If you are on a straight road you can see them for miles away. Around all four gables are rows of lights so close that you could scarcely get another set of bulbs between them. They are 3 or 4 inches apart. From a distance these gasoline stations show up like lighthouses.

In fact, the greatest problem now facing the Canadian Government's water-power project is that the people are squandering electricity. The Government is no longer able to supply the load. It is bringing down 80,000 horsepower from the Ottawa River far up north, because the electricity has gotten so cheap that the people are using it for every conceivable purpose and in some cases, as has been said, are not even taking the trouble to turn it off. The members of the Provincial commission at Toronto told us that they could reduce the rates even lower, but that they are afraid to do so because the people will squander just that much more electricity and the Government will be unable to supply the demand with its present facilities.

GOVERNMENT GIVES REFUNDS

There are several other interesting facts relative to the conduct of the Ontario hydroelectric project. Recently the hydroelectric commission sent out 10,000 checks to farmers giving them a refund of eight months' service on their rural lines. The commission found that in spite of the rates charged they could not help building up a surplus, and since the Government is not in the business for profit but aims to sell only at cost, it has sent back, as I have said, to 10,000 farmers its checks covering a refund of eight months' service paid in cash. Incidentally the farmers in Ontario are using electricity—for pumping water, cutting wood, cutting silage, churning butter, even milking cows; and the farmhouses have electric ranges. Thirty-five cities did substantially the same thing that the hydroelectric commission did in the rural districts. These 35 cities gave their consumers receipted bills for six months' service. The city of Chatham, looking back over its last five years of operation, found that it had overcharged its customers to such an extent that it gave them a refund of 11 months' service. Eleven months free service in five years, practically one year in five free; and this in spite of the fact that the rate at Chatham is the standard rate throughout the Niagara system, namely, 1.8 cents.

ONTARIO LOCAL POWER COMMISSION

Mr. Sharp, chairman of the local commission at Midland, said to us in these words: "If we give them electricity any cheaper we will practically be giving it to them for nothing. We would give it to them more cheaply, but we are afraid to do so because we do not believe we could supply the load."

Mr. Lange, who is chairman of the local commission at Kitchener, said to us in these words: "If we could charge Buffalo rates for our electricity, the people of Kitchener would not have to pay a cent in taxes. We could make enough money off the operation of our water-power service to pay the entire cost of our city government."

You may be interested to learn about the personnel of these local commissions. In each city there is a local power commission consisting of four men who are elected and the mayor, ex officio.

Mr. Lange, who is chairman of the government ownership commission at Kitchener, is the largest manufacturer of leather in Canada. The other members of the committee are Mr. Cross, a button manufacturer; Mr. Doerr, a candy manufacturer; Mr. Kranz, an insurance man and the mayor, ex officio. We found in general that the members of these local government ownership commissions were the outstanding manufacturers of the city. In other words, Canadian manufacturers have some brains. They recognize that cheaper power means economy for them, and the public recognize that cheap power means not only cheaper electricity and more electricity in their homes, but it also means that the cost of operation of Canadian industries is less, and hence the price of the Canadian products to the public should be less.

WHY LOW PRICES IN ONTARIO?

What is the real reason for the Canadian Government's ability to sell electricity at low prices? I will not say that it is the reason, but I will call it a reason.

Guy Tripp, chairman of the board of directors of the Westinghouse Co., is authority for the statement that 80 per cent of the cost of producing electricity from water power is fixed charges. Mr. Gano Dunn, from a result of his compilations, says that 77.4 per cent of the cost of producing electricity by water power is fixed charges.

Fixed charges mean principally dividends on stock and interest on bonds (and normally depreciation, and perhaps some other elements, according to some methods of accounting, but the main factors in fixed charges are the capital charges, dividends on stock, and interest on bonds). And I repeat that 80 per cent of the cost of producing electricity by water power is the fixed charges.

Now, that is not true of any other business. In the ordinary manufacturing business the elements which go to make up the cost are principally labor and material. In the mining business it is practically all labor and transportation. Go into an ordinary manufacturing plant and you will find swarms of working men and piles of material.

Go into a power plant and you will find nothing sitting there but an investment. In the enormous plants along the Menominee River in Wisconsin you will find generally only one man around, and he really isn't necessary in most cases except as a watchman. The lower plants are run from the plant up above on the river. They are classed as automatic or semiautomatic. There is no labor cost. There is no material cost. There is no operating cost to any extent. Practically the whole cost of that electricity is paying the charges on the investment, the dividends on the stock, and the interest on the bonds.

REDUCES FIXED CHARGES

What, then, is the point? It is this: The Canadian Government, or the government of the State of Wisconsin, or the Government of the United States (which was recently authorized by Congress to take over Muscle Shoals) can borrow money at from 4 to 5 per cent. The private utility in Wisconsin is entitled to earn a return on its investment of 7, perhaps 8, per cent (and, indeed, under the recent decision of the United States Supreme Court is entitled to earn this on its reproduction value). Now, this difference between 4 or 5 per cent and 7 or 8 per cent—we will say an average of 3 per cent difference—would make a saving in rates in Wisconsin of $5,000,000 annually. The valuation of Wisconsin electric-power utilities in 1926 was $139,000,000. Three per

cent on that would be $4,170,000, and the valuations have recently been increased to such an extent that 3 per cent thereon will net $5,000,000 which could be saved to the consumers in rates each year if the State government financed electric powers instead of private utilities having the right to earn their rate of return upon them.

But that is not the important factor. The important one is this: That this 3 per cent amortized over a period of less than 20 years will retire the entire investment. Two per cent amortized over 25 years or so will retire the original investment completely.

CUTTING DOWN CAPITAL INVESTMENT

When you get rid of your original investment you then get rid of these fixed capital charges which apparently are the principal item in the cost of water power. If you retire your original investment down to only one-half you have still cut down your capital charges by one-half and are able to cut your rate accordingly.

And that is exactly what the Canadian system is doing. The provincial government system, which is the producing system, is financed on a debenture issue covering 40 years in some cases and 30 years in others. The local distributing systems are financed normally on a 20-year debenture basis, and part of that bond issue is retired annually. Indeed, 70 cities have completely retired their original investment and are absolutely debt free. They have no capital charges. Some have cut their indebtedness substantially but not entirely. For instance, the city of Midland has an investment of $250,000 and has $60,000 in bonds outstanding against it. Now, the 5 per cent which it has to earn on $60,000 is the same as about 1 per cent on a quarter of a million. In other words, if Midland was operating a private utility in Wisconsin, it would be entitled to earn 7 per cent on a quarter of a million, or even more if you consider reproduction value, but in Canada, with its investment appreciably retired, all it has to earn is the equivalent of 1 per cent on a quarter of a million—a saving of 6 per cent on a quarter of a million, thus practically wiping out its fixed charges. The city of Barrie has an investment of a quarter of a million and only $18,500 against it. All it has to earn is one-third of 1 per cent on its investment. The city of Owen Sound has an investment of $400,000. It has $50,000 outstanding against that, but it has built up a sinking fund of $40,000 and has $29,000 in the bank, so that it could pay off its obligations to-morrow and be absolutely free of capital charges.

Two hundred and fifty-two municipalities of Ontario in addition to the rural power districts are now linked with the Government water-power system. These municipalities, with total assets of $82,000,000 at the present date, have only $47,000,000 out against this figure.

Incidentally, it may be added that in the early years when the Government water-power system was new, the cities came in by a vote of their citizens of only 2 to 1, sometimes a bare majority; but to-day they are coming in by votes of as high as 14 to 1 and in some places by unanimous vote. And may it not be remembered that bankers and manufacturers and business men as well as poor people have votes.

WHAT ONTARIO IS DOING

To summarize, the Ontario water-power project, which is the greatest in the world, is doing three things:

First, it is setting aside a sinking fund to completely pay for its present system in a certain number of years and thus to render it free of capital charges which are the principal part of the cost of water power.

Second, it is setting aside a depreciation fund to entirely rebuild the present system when it needs rebuilding.

Third, in spite of setting aside these two funds, it is selling electricity at about one-third to one-fourth the price that prevails in Wisconsin.

Therein lies the happy outlook for Ontario. The rates in Ontario are going to go lower, as the investment continues to be wiped out and their fixed charges become lowered. In Wisconsin the holders of the $139,000,000 (or whatever the figure may be) in stocks and bonds in electrical utilities will never grow less—if anything they will mount higher and higher—and the fixed charges—the 7, the 8 per cent—will go on forever, as long as these utilities are in private hands.

WHAT WILL WISCONSIN DO?

What is the State of Wisconsin going to do? At the last session of the legislature it was my privilege to introduce joint resolution 81A amending the constitution to allow the State of Wisconsin to recapture and operate its water powers as a government project just as is done in Ontario, just as Congress has authorized the Federal Government to do at Muscle Shoals. That resolution passed the assembly 70 to 13. It was killed in the senate 20 to 10.

The defeat of that resolution in the senate led one newspaper to say editorially: "When conservation interferes with personal profits for some one the mock conservationists sneak to cover."

That resolution to amend the constitution must be passed by two successive legislatures and then be approved by the people. The ultimate accomplishment can therefore not come before the legislative session of 1933. Is it worth while to work on this problem?

WISCONSIN'S GREAT PROBLEM

The history of Wisconsin may be wrapped up in our water powers. Forty-eight per cent of the power supplied by public utilities in Wisconsin to-day comes from falling water. The electric lighting of half our cities is due to Wisconsin's rivers. Seventy-six per cent of the paper mills of Wisconsin are turned by water.

Wisconsin may also point to the unique fact that the first water-power plant in the world was built at Appleton in 1882.

We face this fact: Wisconsin has no coal. Wisconsin has no oil. Our sole natural source of mechanical enegry is water power.

What is the water-power situation in Wisconsin to-day? There are 48 water-power sites, and only 48, left in Wisconsin. Two-thirds of our water power has already been developed and is under control. One-third remains undeveloped—an unharnessed, as yet unutilized pool of power. Wisconsin, eighth State in the Union in amount of developed water power, stands first among the east North-central States in the quantity of remaining undeveloped potential power.

Wisconsin is to-day among the greatest of agricultural States. Producer of almost 80 per cent of the cheese of the Nation, 55 per cent of the canned peas—our 3,000 cheese factories, 800 creameries, and 164 canneries are demanding cheaper and more reliable power, particularly in the face of the fact that the national coal supply is constantly decreasing, with ever-increasing price and freight rates becoming ever more prohibitive.

Our industries from Milwaukee to Ashland and from Green Bay to La Crosse will need during the next 25 years more economical and stable power, and let it be borne in mind that a recent report of the tax commission shows that Wisconsin, thirteenth among the States in area and twenty-second in population, stands as the eighth in the number of manufacturing plants and amount of capital invested in manufacturing.

One million horsepower! That is the gift of nature to Wisconsin. No coal, but God has given us the Fox and the Wolf, the Chippewa and the St. Croix, the Flambeau and the immortal Wisconsin.

A writer in the New York Times uses these words: "Our great rivers have come to us like gods incarnate. Their rushing waters speak to us. To those who listen they make audible prophecy. They tell us what in the majesty of their power they are going to do with us and with our history."

In the beautiful plant of the Ontario government at Niagara Falls, Canada, the most picturesque of its kind in the world and a monument to the ability of its own government engineers, 300 feet above the roar of the rushing waters, on a tablet of bronze, are inscribed these words in Latin: "Dona naturae pro populo sunt"—"The gifts of nature are for the people!"

AMERICAN FEDERATION OF LABOR BROADCASTING STATION

Mr. McKELLAR. Mr. President, I have in my hand a statement from Hope Thompson, of Chicago, representing the American Federation of Labor and the Broadcasting Station WCFL. It is a very interesting statement, which I think ought to be printed in the RECORD, and I ask unanimous consent that that may be done.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

We wish to express our approval of the statement and attitude of Judge Robinson, chairman of the Federal Radio Commission, before this committee. We are in accord with the views he expressed.

The radio act of 1927 evidently contemplated that the commission could, within the first year of its existence, complete the substantial part of its duties as enumerated in section 4 of the act. On that assumption the act provided that the greater portion of the power and authority of the commission should at the end of the first year be vested in the Secretary of Commerce. Presumably Congress believed the administration of the act after the first year would be largely a routine matter which could readily be taken care of as a subordinate part of the duties of the Secretary of Commerce.

Before the first year had expired it was apparent that the work of the commission was so incomplete that Congress extended the previous authority for another year.

It is now proposed to extend this authority for yet another year.

We believe this should be done, provided the personnel of the commission shall be so changed as to assure an administration of the law in accordance with its true intent.

It is evident to all who are familiar with radio that the task originally assigned to the Federal Radio Commission is far more difficult, intricate, and important than it was assumed to be two years ago. The work of the commission seems to be increasing and unfolding as the art and the industry develop. Instead of having completed the major duties vested in it by the act, the commission is daily confronted with new problems, new controversies, old problems unsolved, old controversies unending, and perhaps an occasional criticism.

Like Sisyphus, the commission is doomed to a perpetual struggle to roll the stone up the hill, but never to reach the top.

We believe that at the proper time, but not now, Congress should create a permanent commission in charge of wireless and possibly wired communications. In the meantime it is of urgent importance that the Federal Radio Commission continue to function without interruption, confusion, or delay.

We appreciate the extraordinary difficulties and problems that have confronted the commission and the magnitude of the work it has had to do. We have no desire to indulge in fruitless criticism. Rather, in the hope of making a small contribution to the usefulness and efficiency of the commission, we call attention to the following matters, which we think it can and we hope it will do if granted another year of its present authority:

1. A substantial amount of engineering tests and surveys are necessary in order that the commission may have accurate information regarding radio interference, efficiency in the use of channels and frequencies, the relative advantages of high and low power, the utilization of short-wave frequencies, and many similar matters. The law can not be efficiently administered by anybody until a vast amount of accurate scientific data has been assembled.

2. Proceedings before the commission are quasi judicial. A hearing on an application for license usually involves two or more contestants, with witnesses, lawyers, decision, and appeal. For practical purposes, such a hearing is substantially equivalent to a hearing in court, with five judges on the bench. The issues involved may be of very great value to the litigants. If an appeal is taken, it must be on the record and evidence taken at the hearing. In view of all this, it would seem highly improper for a commissioner to permit one of the litigants to confer with him privately in regard to the controversy, to urge his claims, and possibly to present matters which are no part of the record or evidence in the case. So long as this custom continues, decisions will be subject to suspicion.

3. A study of the present allocation of broadcasting facilities, coupled with our own experience, convinces us that the commission has been influenced by matters not in the record. It can not be otherwise if the commissioners visit, or are visited by applicants or persons on their behalf, listen to their statements and persuasive arguments, and give consideration to privately acquired information or secret complaints. It is our belief that the commission should set up a system of procedure which will reduce to a minimum the attempts privately to influence its action, and which will insure that all decisions of the commission are based solely on the law and the evidence of record in each case.

4. The radio act provides for five commissioners, one to be chosen from each zone. But the duties and authority granted are granted to the commission as a body. Certainly it was not the purpose of Congress to authorize or permit the procedure now in practice, whereby each commissioner takes practically exclusive charge of radio affairs in his zone. This practice should be abandoned and a proper procedure set up by the commission in order that the spirit and purpose of the law may be carried out.

5. In allocating channels, power, and time of operation to broadcasters we think the commission has failed properly to apply the sole test provided by the radio act, viz, "the public interest, necessity, and convenience."

Many exclusive, cleared channels, with high power and unlimited time of operation, have been granted to great corporations and metropolitan newspapers. In fact, nearly all desirable channels have been so parceled out, leaving the proverbial "chips and whetstones" for all the rest of the country.

General Electric Co., Westinghouse Electric & Manufacturing Co., and Radio Corporation of America own some 11 stations with aggregate power of about 320,000 watts and have been granted seven cleared channels. These three great corporations already have a stranglehold on the radio industry by reason of some 2,000 patents which they have cross-licensed to each other. Whether or not they are violating the antitrust laws, as some allege, it seems too evident for argument that it is not in the public interest, necessity, and convenience to hand over to them so large a portion of the limited broadcasting facilities, while denying any adequate facility to other applicants, some of whom represent reputable and substantial citizens in very large groups.

Westinghouse Co. owns five stations, all in the National Broadcasting chain, on cleared channels, and three of them with high power. In fact, it has so many it leases KYW to the Chicago Herald-Examiner. This is a 5,000-watt station, located in the heart of Chicago in violation of the rules of the commission, and over our protest. It blankets our station, WCFL, which has 1,500 watts power. Another Westinghouse station, KDKA, at Pittsburgh, with 50,000 watts power on a cleared channel adjacent to WCFL, causes a great deal of interference with our progress.

Other illustrations might be cited of what appears to us to be a misapplication of the test of public interest, necessity, and convenience, as, for instance, the granting of so many exclusive channels with high power to influential metropolitan newspapers; the consideration amounting, as we think, to favoritism, shown for chain stations, of which there are now 108 stations in 78 cities in the National Broadcasting Co. and Columbia chains. In Chicago eight high-powered, cleared-channel stations are in these chain systems. All of these chain programs come out of New York. All of these stations—or practically all—are operating for profit, either directly or indirectly. There are many stations in the country which are not operating for commercial profit; but they have practically all been restricted to very limited facilities.

With full appreciation of the statement published by the commission on August 23, 1928 (F. R. C. report, p. 166), on this subject, it is our opinion that the commission has gone far astray in interpreting this crucial "public interest" clause in the statute, and even further astray in working out its proper application in the granting of licenses.

We believe this subject should receive a much broader consideration than has yet been apparent. We regard radio broadcasting as the most effective means known to man for influencing public opinion, for instruction, and education, as well as for entertainment. We believe it is destined to produce far-reaching results in the thinking, the habits, the culture, and the general welfare of our entire population. If this be true, then it follows that grave and serious consideration must be given to the sources from which radio programs emanate; the probable future sources and control of such programs; the probable effect they will have on the character and habits of the people; the diversity of programs generally, whether or not they give adequate opportunity of expression to and supply the needs of all the various fields of interest within the Nation, and many similar considerations.

Up to the present time it seems to have been assumed that if a station furnished entertainment popular with many people it was ipso facto, operating "in the public interest, necessity, and convenience," and that the station with the greatest number of listeners was the "best" station. Acknowledging that there is much to justify those who hold to this view, and with a full appreciation of the important element of entertainment in a radio program, we submit that popularity is an inadequate test for "public interest, necessity, and convenience." The most popular of entertainments is a prize fight. Next to that a ball game. The most popular books are usually sex novels. We offer no criticism of those things, but we do not regard them as standing first in the test of public interest, necessity, and convenience. We believe that radio is too great, too close to the daily lives of all of the people, to be devoted almost entirely to popular entertainment.

Some stations may well be devoted entirely to this kind of programs. Probably all stations should furnish some of it. But we think the public interest requires that radio cover many fields of human interest; that some stations may well be devoted to subjects that do not interest the multitude, and yet be rendering a greater public service than some others that entertain a great audience. The public interest may be more truly served if 10,000 people listen to a scientific lecture, than if 1,000,000 weep over "Old Pal."

To further illustrate: Suppose there were only 89 printing presses available in the United States for all kinds of printing, and these were under Government control, licensed to users. Would these presses be licensed solely, or chiefly, for printing "best seller" novels? Would any degree of "popular demand" for sporting news and murder stories prove that such publications were in the public interest, convenience, and necessity, to the exclusion of books of science, history, biography, and economics?

Certainly a wise licensing authority would make a broad study of the needs of all the people; it would allocate a reasonable service to entertainment, to news of the day, to books of all kinds; it would give opportunity for expression to every reputable and substantial class or group. It would not let any single user monopolize even one of these precious printing presses, even though he promised to print what he considered a "diversified" output. Such a licensing authority would not say to the millions of organized working men and women of the country: "You can not use any of these printing presses to promulgate your principles, ideals, and policies; they are all needed to supply the public demand for books of entertainment and metropolitan newspapers." Those printing presses would be treasured as the sacred heritage of all the people.

We think of the 89 radio broadcasting channels in the same way. We believe the Federal Radio Commission has yet to perform its greatest service in a true interpretation and application of the "public interest, necessity, and convenience" in the administration of the radio law. It is our hope that this will be done within the coming year and that there will be substantial changes in the allocation of broadcasting facilities.

6. The Federal Radio Commission has before it most serious problems relative to radio facilities outside of the broadcasting band. While less obvious to the layman, and almost unknown to the people generally, these so-called long and short wave channels are becoming daily more significant and may quite possibly overshadow the broadcasting band in their commercial value. This is a field requiring great study and statesmanship if the public interest is to be adequately protected.

It would be unfortunate if these great functions of the Federal Radio Commission, now in process, should be hindered or delayed. They should be in the exclusive care of the ablest men available with ample funds and adequate authority.

7. A further reason for continuing the commission another year is to keep the whole radio situation fluid under the control of Congress.

The art is new. It is developing rapidly. It is different from anything else in human experience. It is rigidly limited as to the number who may engage in it.

We believe it to be of the very first importance that there be more time for development, for study of the art and its problems, and for a better evaluation of all the elements involved before any permanent administration is established or any final policy adopted.

Another reputable witness on behalf of the National Association of Broadcasters has urged an early stabilization of administration. The National Association of Broadcasters may be designated as "the happy family." They have got what they wanted. They have no serious complaint. Now they want stabilization of administration and longer license periods. Why do they want this? The reason they give is for the purpose of protecting "capital investments" and "future commitments." We emphatically disagree. We see in this suggestion the advance guard of an army to protect "vested interests" in radio. The very suggestion is a warning. For our own station we claim no "vested rights" to continue broadcasting. We built our station with full knowledge of the law and of the possibility that an order of the Federal Radio Commission may render our investment worthless. That is a chance we and all other broadcasters took and shall take in future. The thing we most fear is that the claim of "vested rights," subtly suggested, and persistently urged, may result in "freezing" the broadcasting set up so that, notwithstanding the letter of the law, the result will be virtually to turn over to a few great corporations this immeasurably valuable public franchise in perpetuity.

Some broadcasters are now urging in court that any restriction of their broadcasting operations is an invasion of their "property rights." In effect they deny the power of Congress to regulate this new form of interstate commerce, at least without compensating them for alleged damages. We affirm that a broadcaster has no more property right to the use of a cleared channel, even if he was the first to use it, than had the man who first floated a raft on the Mississippi River to claim that river as his private highway.

General Electric Co., with a high-powered, exclusive channel station at Oakland, and another at Denver, is now in court demanding that its "property right" to operate a third station in New York with 150,000 watts power on a third cleared exclusive channel, be protected!

It is clearly evident that, even if the legal right be denied, there will be an almost irresistible demand, on alleged equitable, moral, political, and other grounds, that stations now on the air with high power and cleared channels be permitted to continue, and the theoretical short-time license will gradually metamorphose into a perpetual franchise.

We regard it of the utmost importance that the whole matter be kept fluid until Congress has had time adequately to study the subject and to enact suitable legislation. The whole matter is of such great and growing importance, the development of radio so rapid, and its possibilities so bewildering that we believe there should be a broad and extended study of the subject by Congress before the administration of the law or the law itself is permanently stabilized.

8. We believe the commission has most seriously misinterpreted the public-interest clause of the statute in establishing 40 cleared channels and permitting the use of so much high power. We have applied for a permit to build a 50,000-watt station and for the use of a cleared channel. If such high power is to be used by others, we want the same privilege, otherwise we shall be smothered. If cleared channels are to be granted to corporations, then organized labor, with millions of members and a real message for the world, wants a cleared channel. But we believe excessive power and many cleared channels are not in the public interest. They are in the interest of the corporation that owns them; they add to its power and prestige; they help to smother and destroy other stations; they bring good advertising contracts. But they are not in the public interest as they are now being operated, and in the present state of the art, and with private competitive conditions as they now exist in the industry. We do not say there should not under any circumstances be cleared channels and high power. It is probably desirable that there should be a few such stations; but we think they should be very few, and that exceptional care should be taken to make sure they are established and operated "in the public interest, convenience, and necessity," in the truest and broadest meaning of that clause of the statute.

We are ready to abandon our own high-powered station, even after it is built, and to accept part time with other stations, provided all are treated alike.

We believe the demand for ever greater and greater power will continue. Applications are now pending for 100,000 and 150,000 watts power. We think it is monopolistic, inefficient, unnecessary, unfair to other broadcasters and to the public.

In our judgment, and with all due respect for experts and radio engineers, the public will be better served throughout the years if the number of cleared channels shall be greatly reduced and the power of all or nearly all stations limited to relatively low wattage.

This statement is made as applying to the present state of the art and the present competitive conditions in the industry. Changes in either of these may justify cleared channels and high power.

Even if it could be scientifically demonstrated, which we think has not yet been done, that cleared channels and high power afford greater efficiency in the aggregate use of the limited radio facilities, still there remains the question as to whether or not a more than compensating loss may result from monopolistic control, from centralizing the source of radio programs, from depriving many communities, groups, and fields of interest of any opportunity for self-expression. Efficiency may take too great a toll.

We believe the certain tendency of high power, cleared channels, and chain hook-ups is to centralize and monopolize the industry; that the ultimate result will be to eliminate the smaller stations, to force all the rest into chains and central control, and so to place in the hands of a few great corporations the power to select the entertainment, choose the speakers, and determine the kind of messages that shall flow daily into the homes of the land. The power to do this insures the power to dominate the thoughts, habits, and culture of the Nation.

Granted that their musical programs are superb; that their talent is the best in the world; that at the present time there is no harmful propaganda. Still, is it in the public interest, necessity, and convenience for all the people of this Nation to be dependent for their radio programs on the city of New York and on a few great corporations? And for those corporations to control this marvelous new means of communication?

Quite likely the great majority of radio listeners prefer the chain programs. They care little who sings the song or tells the story. They have little information about it, except that it gives them pleasure. They have no true appreciation of its power to direct the thinking, the habits, and the culture of the Nation. They have no vision of the place radio will occupy in the coming years. Their interests and the interests of posterity must be guarded by those of you who have been "act as watchmen on the walls."

Organized labor of America is blowing the ram's horn.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the deficiency appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS] to the substitute amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. BLAINE. Mr. President, I understand there are under consideration three amendments to the deficiency appropriation bill.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. WARREN. I will say to the Senator that it is true—that there are three amendments. First is the amendment offered by the Senator from Washington [Mr. JONES], who proposed as a substitute a lesser amount than that contained in the original committee amendment. There is a further amendment submitted by the Senator from Georgia [Mr. HARRIS], which proposes the same language as the original except that it cuts off $1,000,000 from the appropriation, so that the amount proposed is $24,000,000 instead of $25,000,000. Then there is a third amendment, offered by the Senator from Virginia [Mr. GLASS], which puts the proposal in different language but with a lesser amount of money than the original amendment contemplated.

Mr. BLAINE. Mr. President, I have sought an opportunity to discuss the pending amendments. I understand they are open to debate.

I want to invite attention to the matter along lines which I suggested the other day. I observe that the amendment proposed by the Senator from Washington [Mr. JONES] proposes to appropriate $250,000 for the dissemination of information and an appeal for law observance and law enforcement. Mr. President, in my opinion, our Republic has come to a very sad state of affairs when it is proposed in a legislative body to appropriate money out of the Public Treasury to disseminate information appealing for law observance and law enforcement. That proposed amendment is the greatest indictment that has ever been brought against the people of any nation. It is also an indictment against a law which does not have the sanction of the public conscience. That is not my opinion alone, and I submit the amendment itself is proof of the assertion I have just made. The amendment is an attempt to charge the people of the country with being law violators—a charge not only against a part of the people but a charge against all of the people.

Can it be that there are Members of the Senate or others within the United States who proclaim themselves "holier than thou" and who propose to make their pretended holiness a subject for an educational campaign? The amendment fails to recognize either the origin of law or the development of law.

I presumed before the amendment was called to my attention that the subject of a political campaign was a matter within the voluntary action of the people themselves and that such a campaign would be financed by the people. But here comes a proposal to appropriate a quarter of a million dollars out of public funds in order to disseminate information, not as to the evil use of a thing, not as to the misuse of something in the interest of public health, but to issue public documents denouncing the widespread disobedience of law, such information to be disseminated by a political organization holding an official position, whose prejudices may be for the eighteenth amendment and the Volstead Act or whose prejudices may be against the eighteenth amendment and the Volstead Act.

Mr. President, this is the first time in the history of America when it has been proposed to place in the hands of a governmental department the authority to go forth and lecture the people of America. It is a misconception of the relationship of the people to their Government, and before I conclude I shall direct my remarks along that line. Moreover, this proposed amendment seeks to provide a million dollars with which to pay the expenses in connection with travel of Federal officers and employees "in attending meetings of sheriffs and chiefs of police and other meetings in the interest of law enforcement." In other words, it is proposed by this amendment to appropriate out of the public funds the traveling and other expenses and the salaries of Federal officials, so that, perchance, they may go to meetings of the Anti-Saloon League or the Ku-Klux Klan or the Lord's Day Alliance to aid them in their political propaganda. The amendment specifically provides for the payment of expenses in connection with travel of officers and employees, not only in attending meetings of sheriffs and chiefs of police but other meetings, indeed, any meeting in the interest of law enforcement. Could there be a more effective weapon placed in the hands of public officials than that with which to control the public opinion of America according to the personal views of such officials?

Mr. HARRISON. Mr. President, the Senator from Wisconsin, I presume, is speaking of the so-called Jones amendment, is he not?

Mr. BLAINE. I am speaking of the Jones amendment. I can not subscribe to that doctrine, and before I conclude I shall endeavor to outline the reasons why I can not subscribe to it.

I observed the other day that the distinguished Senator from Texas [Mr. SHEPPARD] directed the attention of the Senate to certain information which he submitted. That information purported to show the advance of the cause of prohibition upon the theory that the more prosecutions there are, the greater the number of men and women who are put in jail, the more fines there are collected, the greater is the success of the law. In my conception of a well-ordered community the fewer men and women who are put in jail, the fewer the fines that are imposed, the better is the evidence that the law is a just one. The information submitted by the Senator from Texas, however, proves conclusively that jails, imprisonment, fines, prohibition spies, agents provocateur have not deterred violations of the Volstead Act. It is a strange philosophy that would suggest that the greater the number of prosecutions the greater is the evidence of the law's efficiency. There is no relation whatever between the efficiency of law and the imposition of a large number of penalties. The less frequent the prosecutions the greater is the evidence as to the efficiency of any law, whether it be the prohibition law or any other rule of action prescribed by a legislative body.

Mr. President, there is something fundamental about this proposition. We are not going to get at the root of this question by appropriating more money for the enforcement of national prohibition.

There are two categories of crimes. One category includes those transgressions against organized society that involve a condition or, more properly speaking, a custom which has grown into written law that recognizes something as criminal per se that is bad of itself. That category of crimes or offenses was never created by any legislative body in this world; it developed out of the law of custom. From time immemorial, from the cave man on through the ages down to the time of the development of modern civilization, custom has determined that which is wrong in itself, that which is criminal per se. That is true of all crimes involving violence, involving cheats and frauds, involving the violation of the sanctity of human life. They were crimes to the same extent without the written statute as with it.

Through the growth and development of social organization, involving social compacts, certain measures became necessary for the protection of those compacts, and out of that necessity grew customs. In the higher developed state of civilization penalties for the violation of those customs is expressed in the written word; but the written word, the written law, does not add one iota of power and strength to those customs. All that written law does is to provide rewards for the obedience of the rules so established by custom and to prescribe punishment for their violation.

As has been said by the great writer on the origin of law, Mr. Carter, of the New York bar, law is custom; all custom, however, may not be the law. So that under the law or the custom that grew up in the gradual development and advancement of mankind it was regarded as wrong per se to kill a member of the organized community, of the social compact; and when there was no written law providing for the punishment of that offense against custom, the custom provided its own system of punishment.

And so with all other crimes or offenses. Take the case of stealing: When one tribe stole the domestic animal of the other tribe, or individuals within a tribe stole the common property of the tribe, punishment was inflicted, not by any written law, but by the custom of the organization, the undeveloped social compact. So with cheating, and fraud, and violence as against the person and as against the virtue and the chastity of members of the tribe.

Then we developed our legislative system. Then came the written law. Then came the writing of these customs into the law of this social compact. The written law provided its rewards and its punishments; but in all the development of law, in high and low estate, custom, of necessity, has been the basis for law.

Those customs included within their prohibitions that which was wrong of itself, that which the great majority found necessary for its self-defense, its self-preservation, and the preservation of the individual members. But it was a long process. Customs grew slowly, gradually, but certainly. But custom so developed never placed its taboo on those things which were not wrong per se, which were not wrong of themselves. Custom never indicated a prohibition or a rule against human action that was not conceded by everyone to be wrong, unrighteous.

Then came our modern machinery of legislation. We accepted the customs as law. We wrote into the books prohibitions against murder, against frauds, against cheats, against violence; but every one of those customs recognized as the fundamental basis for their sanctity and their force the agreement among men, the agreement of mankind, that what was prohibited was wrong. Consensus of opinion denounced those wrongs. It was the early inception of our written law; and all the written law did, as I have suggested, was to provide rewards for obedience to law and punishments for disobedience to law.

Then there began to develop in organized society a multitude of busybodies, men and women who wanted to do something to people and not for people, and then began a veritable diarrhea of legislation. Organizations grew out of the notion of some individual or out of the prejudice of some individual, and that individual proceeded to organize and to enforce his prejudices and his notions upon the body politic. And so these busybodies brought their grist to the legislative mill, and there it has been ground out, until to-day no country is so afflicted with legislation creating new sins and new crimes as is America. The end is not yet.

In modern times some of these organizations are undertaking to develop new crimes and new sins—things that are not wrong in and of themselves, things that are not criminal per se, things that do not violate any custom, until those new crimes and those new sins are written into legislation in violation of the unwritten law of customs.

What are some of these things? I am speaking of modern times. Humanity has been afflicted with these movements for the last 500 years. What are some of their aims and purposes?

The abolition of tobacco.

The prohibition of all Sunday sports.

Tabooing Sunday concerts or entertainments.

Prohibiting Sunday newspapers.

Prohibiting the opening of any store of any kind on Sunday.

Movements to prohibit motion-picture shows. These are quite modern movements. The earlier movements were to prohibit the legitimate theater from presenting the drama on Sunday.

Drastic restrictions of Sunday travel.

Even going into the domestic affairs of men and women in imposing somebody's notion on how the marriage ceremony might be performed—yes; even suggesting that there should be a single standard of morality wherein the best of us could be no better than the worst of us.

Then they intruded themselves into the private affairs of men and women to have certain forms of dress designated by law or

prohibited by law. There were other movements to prohibit criticism of the preachers.

They have even gone into the realm of the wooers in their wooing, and determined how courtship must be conducted. Attendance at divine service has proven a fruitful source for legislation and regulation. In their urge for legislation they scarcely forgot the weather.

What are some of these modern reform movements and organizations? We have the Lord's Day Alliance, the Women's National Sabbath Alliance, the International Reform Bureau, the National Woman's Christian Temperance Union, the National Anti-Divorce League, the Anti-Saloon League. If one will take the telephone directory of the city of Washington, he can name similar organizations almost by the score. It seems to be the pastime of these organizations to bring their grist to the legislative mill and here have it ground out and the law fed to the people, not as custom has proclaimed but as may be the misguided notion of some individual.

I want to quote just briefly two passages from that great Irish historian, Lecky, in his History of England of the Eighteenth Century. It is first stated that in Great Britain, where was born individual liberty, there were no official spies, no mercenary informers. The Englishman spoke with complacency, even with pride, of a substantive law that was not the decree of absolutism. Then it was recognized as the perfection of civil liberty. The historian Lecky says:

> This is the most perfect state of civil liberty of which we can form any idea. Here we see a greater number of laws than in any other country, while the people at the same time obey only such as are immediately conducive to the interests of society; several are unnoticed, many unknown, some kept to be revived and enforced upon proper occasions, others left to grow obsolete even without the necessity of abrogation.
>
> There is scarcely an Englishman who does not every day of his life offend with impunity against some express law and for which in a certain conjuncture of circumstances he would receive punishment.
>
> But the law in this case like an indulgent parent still keeps the rod though the child is seldom corrected.

This amendment providing for an additional $25,000,000 for the enforcement of the prohibition law is not merely the keeping of the rod, but it purposes to impose upon the people of this country the prohibition law, by force, and through a spy system. I shall discuss that in greater detail before I conclude.

I want to go back to the historian Lecky. He says:

> Few people do more mischief in the world than those who are perpetually inventing crimes. In circles where smoking or field sports or going to the play or reading novels or indulging in any boisterous games or in the most harmless Sunday amusement are treated as if they were grave moral offenses young men constantly grow up who end by looking on grave moral offenses as not worse than these things. They lose all sense of proportion or perspective in morals, and those who are always straining at gnats are often peculiarly apt to swallow camels.

Mr. President, that is the situation in which America finds herself at the present time. I desire to apply these observations on fundamentals to the proposed amendments. Let us have just a brief survey of prohibition as it relates to civilization.

There are two ways by which prohibition has been attempted. One way has been by legislation, the other through religious edict. The most outstanding examples of countries having prohibition either by legislation or by religious edict are Turkey and the United States of America. Every nation that has adopted prohibition as a national policy, either through legislation or religious edict, and has continued that policy through several decades, has become a decadent nation. That is the historical background, in brief. Let us search for the reasons just a moment.

The reasons do not lie in the fact that drink is prohibited That of itself is a very inconsequential element in the consideration of the prohibition question. There are other elements of far greater importance and yielding a far greater influence in relation to the question than the mere matter of the use or refraining from the use of liquors. I am not concerned about that aspect of the problem in this debate, but I am concerned about that which flows from this type of legislation which prohibits or undertakes to prohibit something which in and of itself is not a crime, is not a sin, and was not considered a sin until it was designated as such by legislative mandate. It not only was not a sin or crime but a custom so long in practice that it became necessary in the adoption of prohibition to overturn the custom of centuries and overnight turn our backs upon that custom.

What grows out of that kind of condition? What would naturally grow from that condition? I think the answer is plain. We had it in the Colonies three or four hundred years ago. It does not make any difference whether the prohibition is against the use of liquor or is against some habit that has prevailed through long centuries of practice until it has developed into a well-defined custom. It is not essential in the consideration of the question to enter upon a discussion of the use or misuse of that which has been prohibited. We have only to take another step until the same prohibition may apply to the use of other things, as it did during the colonial days.

I am not going to discuss the question of the degree to which men may go in eating, drinking, or dressing without doing themselves personal harm. That is not the question. That was not the question in Massachusetts, where some of the settlers, both Puritans and Pilgrims, believed in the feasibility of establishing what one author has described as "the kingdom of heaven on earth," nor was that the question when, through a method of legislation, there was an attempt to suppress "vain disputes which persons may beget as to religion."

Of course there was a legislative attempt to suppress such disputes in the name of peace and unity for the Colonies. But all of the peace and unity was to be followed only by the bitterest persecutions.

Then the people were commanded by legislative edict to "provide plentiful provisions of godly ministers." I come down through history to colonial legislation when the tobacco decree prohibited the use of tobacco even as to the drinking of the juice. Just to what extent there was that use of tobacco I do not know, but it was all prohibited, and any use of tobacco was prohibited, and as frequently as the legislative body passed such prohibitory law just as frequently was it violated.

In the colonial days the church controlled the electorate, and by law no one not a full member was allowed to vote. Severe punishments were inflicted for violations or attempted violations. Notwithstanding the Puritan's urge for more laws, there was no one who liked his tobacco so well, his drink so well, and hated his neighbor, who belonged to a different church, so much. While the laws were imposed upon themselves they repudiated the new-made sins.

What was true in one of the Colonies was true in all of the Colonies. The prohibitions extended to all of them, some in greater degree, some in lesser degree; but they all felt the heavy hand of the legislative miller in turning out the grist of new crimes and new sins.

But the opportunities for mischief-making in those days, Mr. President, were no greater than they are in these days. They went into every avenue of life. They regulated the dress of the women and if, perchance, some who still had the sense of artistic beauty chose to border their neckbands with a little touch of lace they were told the kind of lace they might use; but the restriction in most cases provided for the lawful use of only the most ugly adornment.

Restrictive laws were carried still further. The servant might drive his master to church, but beyond that he was compelled to sit in silence for the remainder of the Sabbath. Young men and young women were regulated as to the manner in which they should conduct their courtship. Every device of which the human mind was capable was resorted to in order to destroy the individual liberty of every human being and to reduce men and women to a standard where the best could be no better than the worst.

Then came into existence this category of sins and crimes—created by man and sanctified by legislation—until the moral stamina of the Colonies was threatened. The differences between those days and these days are not very great. The colonists soon made up their minds that one-half of the people, or less than one-half of the people, could not put all the other people in jail. The colonists knew that those things which were prohibited—their harmless Sunday amusements and entertainments, the expression of the artistic attainments of the young women and the older women in devising garments in which they at least might look natural instead of ugly—could not be prohibited indefinitely.

There is no legislative body now, there never has been a legislative body, and there never will be a legislative body that can succeed in making an act a crime and sin which is not in fact a crime and a sin.

So what happened to the taboos of the colonial days? I have briefly reviewed the results which flowed from the excesses of legislation, which were more sinful and more harmful than all of the new-found, new-made sins and crimes which were invented by legislation. What happened to them? That which will happen to any law that does not find its sanction in the conscience of the people, arrived at through a long process in the formation of a custom.

An individual may indulge in excesses; they may be harmful to himself; but so long as they do not offend against some one

else his punishment is one that should come from his own act, and it does so come without legislative mandate.

I can conceive that the prohibition of the eighteenth amendment might be extended to prohibit gluttony. I know of nothing which is more obnoxious than the personal habits of a glutton; but that personal sin, if it may be called a sin—I would prefer to call it "a personal vice"—brings its own punishment. If I do not like to be with him, I have the privilege of absenting myself from the presence of one who choses to indulge himself in gluttony. All such sins and crimes with which man is cursed are of his own choosing; and he has the opportunity to bring upon himself reward or punishment as he may be able to control his own appetite, whether it is an appetite for meat, for drink, or for dress.

What happened in the colonial history of our country when the personal affairs of mankind were subjected to punishment? I shall recall the fact that when the lawmakers found their petty prohibitions, impositions, and inquisitions ineffective, they provided for more severe penalties. They attempted to make the restrictive laws more drastic. They did not propose to leave a single loophole through which the colonial dames and gentlemen might escape. So they met in special session to repair every hole, every defect, in their legislative enactments; and still the law was not observed.

Then, because these ladies and gentlemen so flagrantly violated the sacred rules that had been laid down to regulate and determine the conduct of men and women, they proposed to make the penalties more severe, to change the fines into sentences to prison, to bring into effect the whipping post and the stocks and the hanging by thumbs. In fact, they adopted the most cruel punishments that could be devised.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment to ask a question?

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I do.

Mr. BRUCE. Is the Senator referring now to the prohibitive experiment made in England in the eighteenth century?

Mr. BLAINE. No; I was referring to the Colonies.

Mr. BRUCE. I happened to be out of the Chamber when the Senator began that part of his remarks.

Mr. BLAINE. The same thing took place in the Colonies in more or less severity.

Mr. BRUCE. Yes; I know it did. The experience of colonial Georgia is being repeated, as I understand, at the present time.

Mr. BLAINE. I want to pay a tribute to Georgia before I get through, if the Senator from Georgia will accept it; and I hope he will. I do not ask him to be bound in advance, however.

The culprit still existed. Then these same legislative bodies designed an espionage system and provided funds for spies to search out the crimes and the sins that had been manufactured by legislative bodies. But the spy system did not succeed. The contest went on between legislator and subject. The more numerous the restrictions, the severer the penalties; the more cruel the punishments, the swifter became the race; and thus, while the contest apparently was an unequal one, the people won. So these silly prohibitions and restrictions were either repealed or they went into decay through disuse, or, more often, the prohibitions were so openly violated that the violations of the prohibitions became the custom of the Colonies, and finally their law.

It was well, Mr. President, that that was so; for had the men and women of those colonial days yielded to the legislation of that day, their moral fiber would have been destroyed, and there could have been no America. Had a weak, spineless, indifferent people yielded to the nonsense of that day, we would not have had a people with sufficient courage and moral stamina to build this Republic.

But this urge for legislation and mischief-making did not cease with the colonial days. The struggle has been going on. I presume it will continue to go on. The decalogue of crimes has not been finished. There are other new crimes and sins to be created. There are a great many people who would like to create more and more and more. The eighteenth amendment is not the last. No one knows when the end may come to this urge—more laws, more legislation to create more sins, more crimes, more spies.

But the urge for the type of restrictive legislation to which I have referred is more serious than the mere creation of new sins and crimes. In their zeal for prohibition and like legislation, the proponents in and out of legislative bodies propose to extend a system of tyranny in disregard of the constitutional guaranties.

Prohibition has introduced into America the most vicious system of tyranny. The cossacks of Russia under the régime of the Czar, and the Black and Tan of the days before the Irish revolution, were no more to be detested than the spies and agents provocateur engrafted upon the American system.

Rome in her palmiest days, infested with 10,000 spies, became a decadent nation for a thousand years. Spy government is bad government. A government that must depend upon force is a weak government. There is a limit to all force. A government that must depend upon spies for the enforcement of its laws is facing a danger not unlike that of other countries under a spy system.

In the debate on this proposition it has been urged that the present prohibition law is not sufficiently enforced because of lack of enforcement agents. Mr. Mellon, Secretary of the Treasury, has been criticized severely for his failure to enforce the law. Here is a proposition where those who contend that Mr. Mellon has failed to enforce prohibition in the same breath declare that nonenforcement is due to lack of prohibition enforcement agents. No one who knows me can charge that I am a friend of the Secretary of the Treasury. I do not believe that Mr. Mellon has impartially enforced the prohibition law. I do not believe that he can enforce the prohibition law.

This law is characteristic of all that type of legislation which proposes to make a sin and a crime out of something which centuries have held to be sinless. The prohibition law is that type of law which breeds the very things that have been charged against Mr. Mellon. The enforcement of this law admits in the very nature of things abuses that can not be remedied so long as the law exists. The law admits of the gravest abuses for political purposes.

The prohibition law is one which affects the individual, a law which says that he must not indulge in drink; a law which says he must not touch a prohibited beverage; a law that deals wholly and exclusively with the individual use of intoxicating liquors; a law that has no sanction in custom; a law that has no sanction in the conscience of the people; a law, therefore, filled with opportunities for its abuse in any attempted enforcement of it; a law which political organizations may use to promote candidates for office and promote party success; a law that permits coercion and coercive methods in controlling large portions of the electorate of our country. It is a law which can be used in secret and a law the nonenforcement of which can be accomplished in secret.

What is bound to come out of that kind of a law? No good thing can come out of it. The most evil consequences flow from it. The Secretary of the Treasury may be so far removed from responsibility that not even a suggestion could be made as to his personal direction of its enforcement, yet the same abuses exist. Place in the hands of the official head of the Anti-Saloon League the enforcement of this law, make him responsible for it, give him the power, and he will be unable to prevent the abuses that flow from the law.

Let us look into just one or two features of this law along that line. The amendment offered by the Senator from Washington proposes to pay the traveling expenses of Federal prohibition agents in their conferences with State and local officers. During this debate some of the Senators have related their own personal experiences. I am going to take a similar privilege.

I had the honor of serving my State as governor. I remember that the President of the United States called a conference of the governors to meet at Washington. As I understood, at that conference it was proposed that the governors should take another oath of office, that they should pledge themselves to the kind of enforcement that might be suggested to them. I declined the offer. I had taken my oath under the dome of the capitol of the State of Wisconsin. I was bound by that oath, and I did not propose to take another oath.

Shortly after that conference the State of Wisconsin was asked to go into a conference with the Federal director of prohibition in that State. I was consulted. I said that I would regard such a conference as unfriendly to me. We did not join the conference. I knew that at the prior session of the legislature, the gentleman who was in charge of the enforcement of the Federal prohibition law was a member of our lower house, that he voted for every prohibition measure and to provide more drastic legislation, and I was reliably informed that he was hauled to his hotel in a taxicab after casting his prohibition votes. There is no harm in being hauled home in a taxicab, but the gentleman was in no condition to get home any other way.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BLEASE. The Senator does not think that is the only prohibitionist who ever got drunk, does he?

Mr. BLAINE. Oh, no; I am not thinking on that subject now. If a man leaves me alone, I do not regard it as any of my personal affair whether he drinks or remains sober.

Mr. BLEASE. But that was not the point to my question. I understood the Senator to say that this gentleman advocated prohibition but drank liquor. The Senator does not think that is an unusual matter, does he?

Mr. BLAINE. No; but that was not the point I was making. My State had been asked to join in a conference on prohibition enforcement over which that gentleman was to preside. I preferred not to join in such a conference.

My misgivings were justified, because it was not long after when that gentleman was sentenced to the Federal penitentiary for accepting a bribe as an official in the Prohibition Department of the Federal Government. They ask that the respective State authorities are to cooperate with the Federal department when not one, but many, of the Federal enforcement officers have served in Federal prisons for violation of the very law they had taken an oath to enforce! Nor have the Federal spies improved.

Mr. President, this does not surprise me. This is the result of a spy system of Government. Men who go into prohibition enforcement are not men of the highest character. There is no man of honor who desires to stoop to the practices of a spy. If perchance some honorable man should enter the service it is not long until he has lost his honor. There is no more detestable, despicable character than a spy. In war, when a spy is discovered or captured he is taken before the firing squad. Spies in peace times are as reprehensible as are spies in war times. These men who go into the enforcement bureau—oh, I do not damn them, I have sympathy for them—are creatures of environment and of a system. The training of the spy is along those lines that bring out the very worst characteristics of mankind, and so the spy, whether he is under the prohibition law or any other law, becomes a victim of the spy system. We are bound to have corruption, we are bound to have bribery. The whole system begets bribery and begets debauchery. No government can stand up under a spy system of government.

So, my objection to the Federal prohibition law and my objection to an increased appropriation under the existing law is my objection to the spy system of government. Yet there are honorable Members of this body who, condemning Mr. Mellon for his nonenforcement and condemning the enforcement agencies under him, are yet willing to appropriate $25,000,000 more to create a veritable army of more spies to produce more corruption and to engage in more bribery.

The prohibition law is not impartially enforced, because it is subjected to all the manipulations of politicians. It is charged, and has been charged in the public press in my own State, that those who vote right will receive immunity and those who vote wrong will be prosecuted.

I think it was suggested on the floor of the Senate—I confess that I could not find it in the RECORD the next day, however—that the oath of office of a Senator implied that he should support an appropriation for the enforcement of national prohibition. I find no such implication in the oath. I find no such duty devolving upon a Senator. The Constitution makes no such requirement. My own opinion is that if prohibition enforcement can be made effective it must be through local enforcement. My own opinion is that there is no law relating to police regulation, such as we understand it is within the power of the State to make, and such as the prohibition law, that can be effectively enforced by any centralized government. The Government of the United States was constructed along entirely different lines. Our Constitution provides that—

> The enumeration of certain rights shall not be construed to deny or disparage others retained by the people.

And it provides further:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The whole design of our Government as conceived by the Constitution builders, as conceived by Jefferson, as conceived by the fathers, was to leave police powers to the States. Those men were familiar with the origin and development of law, and with the organization of governments; and they knew that in the very nature of things it was necessary to create States and subdivisions of States in order that there should be effective law enforcement under the police power.

Why? The answer is plain; the reason is fundamental. The sanction for law abides in the people; there is no other sanction for law. Unless a great majority of the people believe in a law—I do not mean believe in it through coercion, but through conviction—unless the law has their sanction, there can be no enforcement. So Jefferson and the other Constitution builders appreciated that the police powers of government must rest in the States—to-day 48 States of the Union—and the States, in turn, delegate that power to local communities, to towns, cities, villages, counties, parishes, where the power may best serve the purpose of law enforcement. That is the logical arrangement of government. It is the only arrangement that can be made if we are to have any kind of enforcement of any law.

The Federal Government was designed along the lines of a Federal system. Therefore to it was intrusted the regulation of commerce among the States and with foreign nations, and the duty to take care of that which is Federal; to it were given all of those powers necessary to make a Federal Government possible. The Constitution builders recognized the weight of that necessity. That idea was the only one which could be read from our constitutional provisions until the adoption of the eighteenth amendment, when we departed from the theory of government observed by the fathers and recognized by history.

The difficulties, therefore, in the enforcement of prohibition come about because of the violation of the fundamentals out of which our structure of Government grew. Because we have departed from that system we have brought about the very evils that have been described on the floor of this Chamber. The centralized Government is too far away from the people, and so the centralization of power brings abuses and justifies the very criticism that has been made upon this floor. As the senior Senator from Arkansas [Mr. ROBINSON] said the other day, if I correctly understood his remarks, this thing of political control goes far deeper than the mere appointment of prohibition officers. It goes to the very proposition that under the prohibition law or any law of a similar character, which breaches the police powers of the States, the centralized Government may use that law for coercive purposes in political campaigns. That is another curse growing out of prohibition.

Out of the same situation grows another evil. In the earlier part of my remarks I called attention to a quotation from the historian, Lecky. It is recognized, I think, by all except the officers of the Anti-Saloon League, who desire to keep the prohibition question alive so that they may continue to receive their fat emoluments, that, as the debate has demonstrated, there is practically no enforcement, and my opinion is there can never be enforcement. This situation breeds disrespect for all law.

(At this point Mr. BLAINE yielded to Mr. CAPPER to request the consideration of Senate Joint Resolution 180, which was considered and passed.)

Mr. HEFLIN. Mr. President, with the permission of the Senator from Wisconsin, I should like to ask him if he knows what the program is? It is now 5.30 o'clock, and I wonder if we can not arrive at some agreement to take a vote on the so-called Harris amendment to the pending appropriation bill?

Mr. BLAINE. I have not as yet concluded, and I can not promise at what time I may conclude.

Mr. WARREN. I hope the Senator from Wisconsin may have time to finish his remarks.

Mr. BLAINE. I am not asking for that privilege.

Mr. WARREN. I hope it will be accorded to the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin will proceed.

Mr. BLAINE. Mr. President, before the interruption I suggested that the general, universal violation of the prohibition law was bringing about disrespect and violation of all law. The secret of that is well known. I want to read just a few lines from a very able author on this question of sanction for law.

Speaking of laws by which the most innocent actions of individuals are made crimes, and quoting from Mr. Towner, who wrote two very splendid volumes on the philosophy of civilization, he says:

> The psychological effect is tremendous. Popular feeling differentiates murder from all lesser crimes. It was so in republican Rome, where human life was notably safer than in any contemporaneous state where inquisitorial criminal procedure was employed to punish all offenses. It was equally so in England during the eighteenth and nineteenth centuries. The complacency with which Goldsmith viewed unpunished violations of a multitude of penal statutes did not extend to murder. In all English literature during this period murder occupies a position by itself. Hood's poem, Eugene Aram, is a fair example. School boys shivered as they declaimed the lines:
>
> "And Eugene Aram walked between
> With gyves upon his wrists."

That psychology is no longer possible under a system of legislation that creates a multitude of sins and crimes, contrary to the human conception of ancient customs. So, as Lecky said, we lose all sense of proportion or perspective in morals, and those who are always straining at gnats are often peculiarly apt

to swallow camels; and so the more serious crimes are looked upon with the same complacency as are the lesser crimes—sins which have been created by law, and law only.

I am not surprised, in fact I am not discouraged, as I listen to the criticism of the Secretary of the Treasury. I think I have made my remarks sufficiently emphatic to indicate clearly that I have no faith in the rectitude of the present enforcement of prohibition. I think the case against Mr. Mellon has been established. There has been no impartial enforcement of the law. The law has become a political instrument, to be used and abused as those in power may choose.

You may appropriate millions upon billions, but you will not change that which characterizes the law to-day and that which condemns its enforcement.

Nor do I look upon its nonenforcement as a weakness of government. I have endeavored to demonstrate that this type of legislation is not capable of enforcement. I know there are those who will protest against that philosophy; but let me call your attention to a few pertinent facts of history.

I recall the history of the Civil War. I recall how some of the northern armies marched through the South into the State of the distinguished Senator from Georgia, into Mississippi, into Alabama, into South Carolina; how homes were pillaged, cities burned, and the little belongings of the inhabitants carried away. Then following the success of the northern armies came the surrender of General Lee and the signing of the terms and conditions of surrender. There was a conquered people, their lands laid waste, their cities destroyed, even some of the choicest and dearest personal possessions of their women carried away; and then what? Then came the force bill, and with the force bill went the carpetbaggers. They went into the fair South, political puppets, subservient to the worst gang of political marauders that ever controlled America, there took possession of the State governments, and endeavored to force upon a conquered people their whims and their prejudices and their oppression.

What happened? There were yet men of honor in the South, conquered as they were; but when the conquering powers attempted to impose upon them a repressive government, an unjust government, an unholy government, the glory and the honor of the men of the South, through their courage, beat it back.

Sometimes it became necessary for them to resist the oppressors by force, sometimes by nonresistance; but the force bill and some of the so-called reconstruction bills, with the decree of carpetbaggers, were laws that found no sanction in the hearts of the people either in the South or in the North. Those legislative acts were held as naught by all the Nation. Thank God that the red blood in the veins of the North and South made it possible to throw off the curse of that oppression! The laws of Congress, the commands of the carpetbaggers, and all the tyranny that was attempted upon the Southern States was as naught, because those laws found no sanction in the customs of civilization or in the conscience of the people of America.

So with your prohibitory laws, in the enforcement of which you attempt to destroy every constitutional guaranty. Why, the zeal of some men is such that they would break down the constitutional guaranty against search and seizure. They would break down the constitutional guaranty against the invasion of the home. They would break down the constitutional guaranty of the right of trial by jury. There are some so violent in their zeal for the enforcement of this unholy and unjust imposition that they would call out the armies and the navies to enforce it.

Mr. President, when a people are confronted with that sort of thing, the spirit of our fathers, the brave men of the North and the South, returns to us. Tyranny, whether in the name of prohibition or any other name, will never be able to make its power felt in America.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. BRUCE. I want to ask the Senator whether his attention has been called to the fact that there has been a fourth individual in the last day or so sentenced to imprisonment for life in the State of Michigan for violation of the Volstead Act?

Mr. BLAINE. Oh, yes; some, in their zeal, would advocate prison sentences for life, some would advocate hanging. They are already advocating that the death penalty be imposed.

Mr. BRUCE. In that connection, I will ask the Senator to allow me to refresh his memory to the extent of reminding him that in the recent essays written pursuant to the competition that was invited by Mr. Durant, not a few of the essayists even advocated torture, and whipping, and all sorts of extreme physical penalties, for violation of the Volstead Act, all of which, it seems to me, tends to bear out the famous historic statement of the Senator from New Hampshire [Mr. MOSES] that the Volstead law is a jackass law.

Mr. HEFLIN. Mr. President, will the Senator yield to me to make the point of no quorum?

Mr. BLAINE. I choose to conclude my remarks for the day so far as they apply to the particular question I am now discussing. I would like to close that part of my remarks without the interruption caused by the call of a quorum.

Mr. WARREN. I hope the Senator may be given time to complete what he wishes to say.

Mr. BLAINE. I thank the Senator from Wyoming.

Mr. HEFLIN. Considering the tenor of the debate, I am sorry that the other Members of the Senate are not here. They would be enlightened and inspired, and I would like to have them come in and hear the debate.

Mr. BLAINE. Mr. President, following my remarks upon the impotency of legislation, the sanction for which does not abide in the people, as I have demonstrated by the recitation of very recent history, I want to discuss the question of repeal.

If I understand the origin of law, if I have any conception of what constitutes the sanction for law, I conceive that there are four ways by which a law may be repealed. A law may be repealed indirectly, and in effect, by a common consent, by permitting the law to become a mere rod to be placed back of the clock, but to be used sparingly, if at all. That is one method for the repeal of a law, and a method that has been often practiced in America and in all English-speaking nations.

Another method is by nonresistance, a method which I have described as applied to the force law, and some of the reconstruction laws following the Civil War.

There is another way—that is, by revolution, by the overturning of the government. That method has been observed in many countries and at many times. We have had that method observed in very recent history.

The period of revolution that impresses us the most obtained in Europe about the time of the French Revolution, out of which grew the overthrow of many governments.

There is the fourth method—that is, by direct repeal by the legislative body creating the law.

There may never come the day when repeal of the Volstead Act or renouncement of the eighteenth amendment will be by legislative act, but if the debate on this amendment is any measure of the prospect of repeal by nonresistance and by common consent, the time is drawing near when the Volstead Act will be effectually repealed and prohibition held as naught. The "noble experiment" is going the same way as the noble experiments of the colonial days.

As I sat here and listened to the debate on this proposition it appeared to me that the repeal of the Volstead Act and the nullification of the eighteenth amendment are being effectuated by the method of nonresistance, and by common consent that the law shall not be observed. So I conclude that any law can not be enforced when one-half of the people must put the other half in jail.

ARRANGEMENTS FOR PRESIDENTIAL INAUGURATION

During the delivery of Mr. BLAINE's speech—

Mr. CAPPER. Mr. President, will the Senator from Wisconsin yield to me for a moment?

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. BLAINE. I yield.

Mr. CAPPER. I ask unanimous consent for the immediate consideration of Order of Business No. 1476, being Senate Joint Resolution 180. It is the joint resolution which authorizes the necessary arrangements to be made for the inauguration of the incoming President.

Mr. McKELLAR. Let the joint resolution be read.

Mr. CAPPER. I will say to the Senator it merely authorizes the inaugural committee to use certain grounds and equipment and to build reviewing stands. It is similar to joint resolutions which have been adopted in past years to provide for the presidential inauguration. The passage of the joint resolution is asked for by the inaugural committee and the District Commissioners and the legal department of the Government.

Mr. MOSES. Let me ask the Senator if that is the joint resolution which was brought to his attention by Commissioner Dougherty?

Mr. CAPPER. Yes; it has the approval of Commissioner Dougherty.

Mr. MOSES. The joint committee on arrangements is very familiar with the joint resolution. As the Senator from Kansas has stated, it is one of the routine measures in connection with the inauguration ceremonies.

Mr. WARREN. Mr. President, I shall have to object if the consideration of the joint resolution leads to any debate.

Mr. MOSES. There will not be any, I will say to the Senator from Wyoming.

Mr. McKELLAR. Mr. President, let me ask the Senator if the joint resolution was reported unanimously by the committee?

Mr. CAPPER. Yes; and it has been on the calendar several days, but I have been unable to secure consideration for it because of the executive session. The failure to act on it is delaying the inaugural program in the city.

Mr. MOSES. The joint resolution is in the same form, I will say to the Senator from Tennessee, that was employed in connection with the passage of similar joint resolutions for the inaugurations of 4 years ago and 8 years ago and as far back as 16 years ago.

Mr. McKELLAR. I have no objection to the consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. WARREN. I will have to object if it shall lead to debate; otherwise, I have no objection.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole proceeded to consider the joint resolution (S. J. Res. 180) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment in section 4, page 5, line 10, after the word "Company" to insert "the Chesapeake & Potomac Telephone Co., and radio broadcasting companies," so as to make the joint resolution read:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1929: *Provided*, That in his opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee, and in accordance with the plans and designs to be approved by the engineer commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after March 8, 1929, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1929: *And provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, and signal numbers, etc., belonging to the Government of the United States—except battle flags—that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances, ensigns, flags and signal numbers, etc., to said committee shall not take place prior to the 23d of February, and they shall be returned by the 9th day of March, 1929: *Provided further*, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances, and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co., the Chesapeake & Potomac Telephone Co., and radio broadcasting companies to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

FIRST DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BLAINE having concluded his speech for the day,

Mr. CURTIS. I understand the Senator from Georgia [Mr. HARRIS] does not care to discuss his amendment further, and I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow; that a vote be had on the pending amendment, and all amendments thereto, by 1 o'clock to-morrow; that a vote be had on the McKellar amendment at not later than 3 o'clock to-morrow; and that after 3 o'clock all debate be limited on the bill and amendments to 10 minutes.

Mr. BLAINE. Mr. President, I can not consent to all of those conditions, and I make this suggestion: There are very few Senators present at this time; there are many Senators, perhaps, interested in this matter, although I do not know, as I have not conferred with them, and I think that in fairness to the absent Senators, the Senator from Kansas is taking in altogether too much territory. Therefore I would object.

Mr. CURTIS. Then I want to make another suggestion.

Mr. WARREN. I would find fault with the Senator from Kansas because he does not ask enough. I do not know what my friend the Senator from Wisconsin could want more than to allow Senators after a while to express their opinions through their votes. He must be aware of the fact that every Member of the Senate knows how he is going to vote. Why keep Senators waiting two or three days?

Mr. BLAINE. I am not in that fortunate situation where I know how the Members of the Senate are going to vote or how many may want to debate the proposition.

Mr. CURTIS. Mr. President, no notice was given of a meeting to-night, and I think it would be unfair to hold for a night session the Senators who are here.

Mr. HEFLIN. Mr. President——

Mr. CURTIS. Just a moment. I hope the Senator from Wyoming who is in charge of the bill will give notice now that upon to-morrow he will insist upon Senators staying and have a night meeting, if necessary, until we can dispose of the bill.

Mr. WARREN. I shall certainly ask when we meet to-morrow that we shall remain in session until the bill has been disposed of.

Mr. CURTIS. I shall take it upon myself to notify Senators in person, or have them notified, that they will be asked to remain to-morrow until the bill shall have been disposed of.

Mr. HEFLIN. I believe that if the Senator would leave out the 10-minute limitation, we might agree on the vote at 1 o'clock and the vote at 3 o'clock. We can probably get an agreement to-morrow on a 10 or 15 minutes' limitation. I would not combine that with the other two requests. I believe we can agree on the other two. I will agree, so far as I am concerned.

Mr. BLAINE. As to the suggestion of the Senator from Kansas that the Senator from Wyoming ask that the bill be taken up at 12 o'clock to-morrow and proceeded with until it is disposed of, I shall not object to that; but I do not want a unanimous-consent agreement in regard to it. I am perfectly willing, however, to go ahead and finish this measure if it takes all winter.

Mr. WARREN. I take it from that that the Senator is willing, when we start work to-morrow, to remain at work until we finish the consideration of the bill, although it may be as late as we are working to-night or even later. So far as I am concerned, it would not matter if the Senators wish to debate the bill until any hour in the night. I should enjoy it, of course, as I have already enjoyed being here many hours last week and several hours this afternoon listening to Senators debate the bill.

Mr. GEORGE. Mr. President, may I suggest that we might be able to get an agreement to vote on the pending amendment and the substitute amendment therefor and all amendments thereto, omitting any reference in the agreement to the McKellar amendment?

Mr. CURTIS. At not later than 1 o'clock to-morrow.

Mr. MOSES. Meeting at 12 o'clock?

Mr. HEFLIN. I suggest that the Senator make it a quarter after 1. We might have a quorum call and that would take some time.

Mr. BLAINE. My understanding is that there are other Senators who wish to debate the pending question. That was my understanding this afternoon. I do not know that I should have undertaken to consume so much time to-day.

Mr. CURTIS. Does the Senator object to the last suggestion made?

Mr. BLAINE. I think the suggestion of the Senator from Wyoming is good, that we recess until 12 o'clock to-morrow. Then the Senate will have charge of the matter, and if it is necessary to remain in session at night to finish the consideration of the bill, I think we will be willing to stay here for that purpose.

Mr. MOSES. We can do that anyway without any agreement.

Mr. BLAINE. The attendance is too small now to agree otherwise.

Mr. MOSES. Even with or without the acquiescence of the Senator from Wisconsin, we can do that.

Mr. BLAINE. Oh, I may be able to persuade the leaders to follow me in the matter.

Mr. HEFLIN. I wonder if the Senator from Wisconsin would object to voting on the Harris amendment not later than a quarter after 1 to-morrow?

Mr. BLAINE. I object to any unanimous-consent agreement for voting.

Mr. MOSES. It is not a final vote on the bill, the Senator understands.

Mr. BLAINE. I understand, but the only important issue is the amendment and not the bill itself.

Mr. MOSES. Oh, no; the question involved in the contention of the Senator from Tennessee [Mr. McKELLAR] is quite as important.

Mr. HEFLIN. That involves the refund of taxes. There is quite a big fight involved in that matter.

Mr. BLAINE. I have not debated that question yet, and the Senator from Tennessee has not debated it.

Mr. HEFLIN. But the Senator from Tennessee is going to debate it before it is disposed of.

Mr. GEORGE. That is why I suggested that the two be not coupled together, because the McKellar amendment will necessarily call for quite a good deal of discussion. Might we not have a limitation of debate to-morrow on the particular amendment now pending and all amendments to it?

Mr. MOSES. Recalling the attempt for negotiations between the Senator from Wisconsin [Mr. BLAINE] and the Senator from Kansas [Mr. CURTIS] the other day with reference to fixing a time for a vote on the nomination of the Secretary of the Interior, possibly they can agree now to arrange for an hour to vote.

Mr. SIMMONS. I think 1 o'clock is rather too early. I would suggest to the Senator that he make it 3 o'clock and a limit on debate to 15 minutes.

Mr. MOSES. Why not 2 o'clock?

Mr. SIMMONS. I do not object to 2 o'clock, but let us limit debate to 15 minutes.

Mr. BLAINE. If we had a larger attendance at this time I would not object, but I do not want to barter away the rights and privileges of the absentees. I am disposed to object to the proposals for unanimous consent in toto.

Mr. WARREN. I wish the Senator might do that, not so much because I care whether it is 1 o'clock or 2 o'clock or 3 o'clock, but I think we would accommodate many more Senators in that way than otherwise.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Blaine	Curtis	McNary	Sheppard
Bingham	Fess	Metcalf	Simmons
Blease	Frazier	Moses	Smith
Bratton	George	Neely	Steiwer
Brookhart	Hale	Norbeck	Trammell
Bruce	Harris	Nye	Tyson
Burton	Hastings	Phipps	Vandenberg
Capper	Heflin	Reed, Pa.	Warren
Copeland	Jones	Sackett	
Couzens	McKellar	Schall	

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness.

The PRESIDENT pro tempore. Thirty-eight Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. GLASS answered to his name when called.

Mr. SHIPSTEAD entered the Chamber and answered to his name.

Mr. BRATTON. I wish to announce that my colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness.

The PRESIDENT pro tempore. Forty Senators have answered to their names. There is not a quorum present.

RECESS

Mr. CURTIS. Mr. President, it is apparent that no quorum is going to be obtained at this time. I move, therefore, in accordance with the agreement already entered into, that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate took a recess, the recess being under unanimous-consent agreement, until to-morrow, Tuesday, January 22, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 21 (legislative day of January 17), 1929

SECRETARY OF THE INTERIOR DEPARTMENT

Roy O. West.

UNITED STATES DISTRICT JUDGE

Robert R. Nevin to be United States district judge, southern district of Ohio.

POSTMASTERS

ILLINOIS

William Hayes, Ogden.
Daniel Reeder, Payson.

IOWA

Leslie E. Kislingbury, Alta.
George H. Falb, Elgin.

OKLAHOMA

Ella M. Harding, Pryor.

WISCONSIN

Herman F. Barth, Cashton.
John W. Bell, Chetek.
Selmer J. Tilleson, Clintonville.
Bertha S. Wild, De Soto.
Jerome F. Franklin, Eland.
Henry E. Steinbring, Fall Creek.
Wellen G. Hartson, Greenwood.
Rudolph Zimmer, Hilbert.
John H. McNown, Mauston.

Frank Wachter, Melrose.
Walter H. Smith, Mondovi.
Fred M. Neumann, Norwalk.
William F. Sommerfield, Oakfield.
Jessie S. Hammond, Onalaska.
James R. Stone, Reedsburg.
Harry W. Field, Rice Lake.
Alfred H. Fischer, Ripon.
George H. Drake, Rothschild.
Leo Joerg, South Milwaukee.

HOUSE OF REPRESENTATIVES

MONDAY, *January 21, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We believe that the steady, sustained mercy with which we are blest has its fountainhead in Thee, O God. Yesterday has gone, to-day is here. In our labors inspire us to pursue the good and the wise with energy and devotion, that they may bring blessing to our fellows and ennoblement to ourselves. As selected servants and leaders of the people, Oh, may we carry their needs in our hearts. Let us be very, very sure that we live to serve them. We most earnestly ask for the master mind and for the master heart; then mercifully lead us to put ourselves in line with the best possible progress. Whatever may betide, we pray not to allow us to lose heart beneath a gray sky. Whatever fails us, whatever may thrust itself upon us, we thank Thee that it shall not be able to separate us from the love and mercy of our Heavenly Father, who blesses our common devotion, our common effort, and our common sacrifice. Amen.

The Journal of the proceedings of Friday was read and approved.

DEATH OF A FORMER MEMBER

Mr. MAPES. Mr. Speaker, I ask unanimous consent to proceed for three minutes to announce the death of a former Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan. [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Speaker, I desire to announce the death on Wednesday, January 16, 1929, at his home in Grand Rapids, Mich., of a former Member of the House, Capt. Charles E. Belknap.

Captain Belknap had a distinguished career. He rendered honorable and conspicuous service to his city, State, and Nation, both as a soldier and in civil life. Born at Massena, St. Lawrence County, N. Y., October 17, 1846, he came to Grand Rapids in 1855, where he lived until his death. He enlisted as a private in the Civil War in August, 1862, before he was 16 years of age, and served throughout the remainder of the war. He was successively promoted to sergeant, sergeant major, second lieutenant, first lieutenant, and captain, being commissioned captain January 22, 1864, when he was barely 18 years of age. His three commissions were by special mention for merit by Gen. Phil Sheridan.

He was a Member of this body from 1889 to 1893 during the Fifty-first and Fifty-second Congresses and served his city and State in other official positions. Whether in public or private life he was always active in every movement to promote the welfare of the public. He was an authority upon the pioneer history of his city and State and was constantly called upon to write and speak about it. For many years he was an active and inspiring leader in the Boy Scout movement and was remarkably alert and active in mind and body up to the very beginning of his last illness a few months ago. He was wont to speak of himself as being 80 or 81 years young and he lived the part. His wide circle of acquaintances, old and young, had an affectionate regard for him. He has been referred to as "Grand Rapids's best-loved citizen." He will be greatly missed by the community in which he lived for so many years and of which he was such a component part.

MEMORIAL SERVICES

Mr. FRENCH. Mr. Speaker, on behalf of the Committee on Memorials I offer a resolution, which I send to the Clerk's desk, and move its adoption.

The SPEAKER. The gentleman of Idaho presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 295

Resolved, That on Wednesday, February 20, 1929, immediately after the approval of the Journal, the House shall stand at recess for the purpose of holding the memorial services as arranged by the Committee on Memorials under the provisions of clause 40a of Rule XI. At the conclusion of the recess the Speaker shall call the House to order and then, as a further mark of respect to the memories of the deceased, he shall declare the House adjourned.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask the proponent of the resolution a question, why the date has been fixed for Wednesday, which is Calendar Wednesday?

Mr. FRENCH. I will say to the gentleman that Wednesday, February 20, is so near the end of the session that under the rule it is no longer Calendar Wednesday. It is within two weeks of the end of the session.

Mr. JOHNSON of Washington. I see. Still reserving the right to object, I am curious about the way Calendar Wednesday is so frequently set aside that certain committees are never reached on the calendar. The committee of which I have the honor to be chairman has not been reached on Calendar Wednesday call for several years.

Mr. FRENCH. I will say to the gentleman, so far as our choosing this day is concerned, it does not interfere with Calendar Wednesday, because the last Calendar Wednesday, under the rules, would be a week prior to this date.

Mr. JOHNSON of Washington. That relieves the gentleman from Idaho from any disloyalty toward this very sacred day.

Mr. TILSON. Will the gentleman yield?

Mr. JOHNSON of Washington. I have not the floor.

Mr. TILSON. If the gentleman has any legislation pending before his committee that he desires to get through and the committee is not reached on Calendar Wednesday, he might see what can be done toward obtaining a special rule. If it is very important legislation, let us see if we can not attend to it under one rule or another.

Mr. JOHNSON of Washington. I have had several requests, some of them in writing, before the Rules Committee and the steering committee for the consideration of legislation which has been on the calendar for one year.

Mr. SNELL. May I ask the gentleman a question? The gentleman came to me several days ago and said he was going to rewrite and then present the legislation. The gentleman said that he himself was going to rewrite it in a week.

Mr. JOHNSON of Washington. Certainly; but I would like to have an assurance from the committee.

Mr. SNELL. You can not consider it without its being rewritten.

Mr. JOHNSON of Washington. I have a bill on the calendar which is in the form of a deportation law which the country is clamoring for. The reason why I am proposing the rewriting of it is because the bill in its present shape seems to get no consideration, although it is needed.

Mr. CLARKE. I call for the regular order, Mr. Speaker. Let us end this confusion from lack of knowledge.

The SPEAKER. The regular order is called for.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent that all Members of the House be given 10 legislative days, following the day fixed for memorial services February 20, for extension of their remarks on the life, character, and public services of former Members of the Congress in whose memory the services will be held.

The SPEAKER. The gentleman from Idaho asks unanimous consent that all Members of the House be given 10 legislative days for the extension of their remarks as indicated. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of this week may be in order on Thursday instead of Wednesday. I make this request because a number of Members, including some members of the Committee on Public Lands, wish to attend the launching of a ship on Wednesday, that committee having the call; and for this reason they would like to exchange days.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, by direction of the committee I present a privileged report from the Committee on Appropriations on the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Nebraska presents a privileged report from the Committee on Appropriations, accompanying the bill making appropriations for the District of Columbia, which the Clerk will report.

The Clerk read as follows:

Report (No. 2151) accompanying the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

Mr. GRIFFIN. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to proceed for one minute out of order.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

BENICIA ARSENAL

Mr. McSWAIN. Mr. Speaker, our colleague, Mr. CURRY, of California, who is physically unable to be here, is very deeply interested in a bill that passed the Senate in December and which was referred to the Committee on Military Affairs of the House and after careful consideration on our part has been reported favorably to this House. When it was reported to the House it was placed on the Private Calendar, and being on the Private Calendar it can not come up on the Consent Calendar.

This is a matter of great public importance, Mr. Speaker, ladies, and gentlemen of the House, because of the fact that it involves a very important improvement by the Southern Pacific Railroad for the benefit of the public. It involves the right of way over the Benicia Arsenal, 40 miles out of San Francisco, and in compensation for the right of way the railroad agrees to build two new ammunition magazines and to grant 100 acres of land to constitute a safety zone between the right of way and the arsenal.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. BEGG. How did the bill get on the Private Calendar—by error?

Mr. McSWAIN. I presume it was put on there properly, because it grants public property to a private corporation, and while it is in consideration of certain benefits received by the Government it did not so appear on the face of the bill, but it does so appear from the evidence. I ask unanimous consent that a bill of such public importance and so vitally affecting our friend, Mr. CURRY, of California, be taken from the Speaker's desk and be passed by unanimous consent.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I would like to have a chance to read that bill. If the gentleman wants to put it on the Consent Calendar, where it will be reached in its order, I shall not object. I shall not object to the request if I have a chance to examine the bill.

The SPEAKER. The Chair thinks this bill is properly on the Private Calendar.

Mr. BEGG. Then it can not be transferred to the Consent Calendar.

Mr. TILSON. It may be properly on the Private Calendar, as it certainly is on its face, but it would appear that the United States is going to get great benefit out of this legislation.

Mr. McSWAIN. Yes; a greater benefit than any private corporation.

Mr. CRAMTON. If the gentleman from Connecticut supports the bill on that ground, I withdraw my objection.

Mr. TILSON. I am familiar with the provisions of the bill and the conditions surrounding the property in question, and I believe that it will be of distinct benefit to have this railroad cross the Benicia Arsenal grounds, as it is to be placed in accordance with this bill.

Mr. BEGG. Is not the right way to deal with this by unanimous consent, which dispenses with all rules?

Mr. TILSON. The bill being on the Private Calendar can not be placed on the Consent Calendar. The Speaker has stated that the bill is properly on the Private Calendar.

Mr. BEGG. Yes. The Speaker has just said it is correctly placed on the Private Calendar.

Mr. TILSON. It is, it is true, on the face of it of a private nature, but the substance of the bill reveals the fact that it is really quite as much for the benefit of the United States as for a private party.

Mr. BEGG. There is no excuse for not following the rules of the House. Why not ask unanimous consent to do what is desired?

Mr. SNELL. Why could we not suspend the rules and pass the bill?

The SPEAKER. Ordinarily, as Members know, the Chair does not recognize requests for unanimous consent to pass private bills, unless it appears there is a real public emergency. The Chair thinks, from what he has heard about this bill, that it is of such emergency that he can properly recognize the gentleman to ask unanimous consent for its present consideration.

Mr. SNELL. We could either do that or suspend the rules and pass it.

The SPEAKER. The Chair will recognize the gentleman from South Carolina for the purpose of asking unanimous consent for the present consideration of the bill. The Clerk will report the bill (S. 4712).

The Clerk read the title of the bill.

Mr. McSWAIN. Mr. Speaker, as the report will show, after a very careful personal examination by myself of this case, I am convinced that it is not only in the interest of the United States Treasury, but it is in the interest of the convenience of the general public of the United States, in that it will shorten transportation from San Francisco east or from the east into San Francisco at least 30 minutes by enabling the Southern Pacific Railroad Co. to construct a railroad bridge rather than to use the present ferryboats over the bay. Now, here is the emergency. This Congress has authorized the construction of a bridge over the bay. The railroad company is in the position where now it must either renew its ferryboats, which are old and have virtually been condemned, or commence at once the construction of the bridge.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. LaGUARDIA. All this bill does is to give this railroad company a right of way over a military reservation?

Mr. McSWAIN. Exactly.

Mr. LaGUARDIA. Why does not the gentleman say so?

Mr. McSWAIN. I am now saying so, but I wanted to make it perfectly plain that we were not giving anything away but that we were getting a valuable consideration. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, does this bill only give the right to construct a bridge or does it also permit the laying down of rails through a military reservation?

Mr. McSWAIN. It gives the right to construct a railroad track over a Government reservation, and the right to construct a bridge over navigable waters has already been granted by Congress.

Mr. SCHAFER. About how many miles of railroad track will be laid?

Mr. McSWAIN. The railroad itself is 3,000 miles long but this particular section is only 1,800 feet.

Mr. SCHAFER. That is all I wanted to know.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the Southern Pacific Railroad Co., a corporation, incorporated and consolidated under the laws of the States of California, Arizona, and New Mexico, its successors and assigns, under such terms and conditions as may be approved by the Secretary of War, a right of way over and across the Benicia Arsenal Military Reservation, Calif., for railroad purposes, with full power to locate, construct, and operate railroad tracks, structures, telegraph, telephone, or signal wires and other railroad appurtenances, appendages, and adjuncts, the location and width of such right of way to be determined by the Secretary of War: *Provided*, That the land shall not be used for other than railroad purposes, and when the property shall cease to be so used it shall revert to the United States.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table (H. R. 14818).

A similar House bill was laid on the table.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, some of us feel that bills which have heretofore been passed over without prejudice should be objected to in order to clear up the calendar, so we can get to the other end of the calendar. I have no objection to this bill at all.

Mr. BLACK of Texas. I will say to the gentleman from New York that I am making this request at the suggestion of the Member who is interested in the bill.

Mr. LAGUARDIA. I will say I shall not object now, but from now on all bills that have heretofore been passed over without prejudice will be objected to on request to hold them on the calendar, so we can get to the tail end of the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Texas that this bill may be passed over without prejudice?

There was no objection.

OSAGE INDIANS OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the Indian Affairs Committee has a calendar day in another week, and I think it much better that this bill be reached on that day. Therefore I ask unanimous consent that this bill be passed over without prejudice at this time.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. CRAMTON. Then, Mr. Speaker, I must object to its present consideration.

COPYRIGHTS

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. LAGUARDIA. Reserving the right to object, will the gentleman dispose of the bill the next time? This is a very important measure.

Mr. VESTAL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

IMPROVEMENT-DISTRICT BENEFITS AGAINST PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road, drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill is now before the House on Calendar Wednesday. Therefore I will object in order to get it off the calendar.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, I suggest that this bill will probably be considered on Calendar Wednesday and will probably be passed. In that event it disappears from this calendar. If something happened and it was not passed on Calendar Wednesday—if some other bills were called up instead of it, and the bill was not reached—then it would be only fair to the gentleman who has the bill to let it come up the next unanimous-consent day. I think we ought to let it keep its place for this one day. I am satisfied it will disappear from the calendar.

Mr. LAGUARDIA. It will disappear, one way or the other, the next consent day?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I shall not object.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

INTERSTATE COMPACTS

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill and the one following, H. R. 7027, may be passed over without prejudice.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, these bills have been passed without prejudice several times. Is there any prospect they will be disposed of?

Mr. TAYLOR of Colorado. Yes; I think the gentleman from Nebraska [Mr. SIMMONS] and I are trying to come to an agreement upon this matter. We are consulting our constituents about it, and we hope to come to an adjustment in the near future, and I am quite anxious to have these two bills passed at this session.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INTERSTATE COMPACTS—COLORADO-UTAH

The next business on the Consent Calendar was the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, there is an amendment which I expect to offer which has been accepted to similar bills and which I understand is agreeable to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. I may say, Mr. Speaker——

Mr. LEATHERWOOD. Mr. Speaker, further reserving the right to object, I would like to join with the gentleman from Michigan [Mr. CRAMTON] in saying I do not intend to object, but I have an agreement with the gentleman from Colorado that this bill may be taken up without further objection. We have jokingly agreed, in view of the fact we do not require any law for these two States to get together, that when the State of Colorado comes over and talks to us about a compact they will come without company.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not understand just what the gentleman from Utah has in the way of a side agreement. I know what the bill proposes.

The Constitution requires the consent of Congress before a compact is entered into between States, and this bill gives consent to the States to negotiate such a compact, and as it is drawn it is stated that no such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

I know it is claimed and was so stated in Mr. Delph Carpenter's brief that was printed in the RECORD in the Senate proceedings of December 14, that granting the consent to negotiate the compacts, so Mr. Carpenter contends, does away with any necessity of having the compact approved; but this bill especially reserves that question and makes it clear that the compact is not binding until the Congress has approved it.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEATHERWOOD. I think the gentleman must have misunderstood me, or else I did not use the language I intended to. I do not want to be understood that the gentleman from Colorado is bound by any agreement. In rather a joking manner I suggested that when they came to discuss the question of water allocation they come without company. Further, let me say to the gentleman from Michigan that there is no question but that if the authority is granted by Congress to the States to negotiate that when they have negotiated and the terms are

fixed they must come to Congress for ratification. There is no question but that the courts have decided that the States may in the first instance agree upon the terms of a compact, and in that event they must come to Congress for ratification.

I do not want the gentleman to misunderstand me because I say that, in any event, the Congress has the last say in ratifying the agreement. The point I wish to emphasize is that the courts of last resort have decided that it is not necessary to get permission in advance from Congress for the States to negotiate.

Mr. CRAMTON. I can not agree with the gentleman about getting consent in advance, but Mr. Carpenter, the water commissioner, representing the State of Colorado, has made the claim that if the consent was given in advance the ratification of the compact afterwards by the Congress was not necessary. But evidently the gentleman from Utah does not agree with that statement.

Mr. LEATHERWOOD. No; they have still to get the consent of Congress.

Mr. CRAMTON. The bill guards against it, because it says that such consent is given them on the condition that the representatives of the United States from the Department of the Interior to be appointed by the President shall participate in the negotiations and shall make report to Congress of the proceedings of any contract or agreement entered into. I have an amendment to make it clear as to the expenses of that representative.

Mr. TAYLOR of Colorado. I have no objection to that amendment. Of course, Mr. Delph Carpenter's brief does not affect the terms of this bill or the action of Congress. This bill is exactly the same language that has been used in a half dozen other similar bills, and I ask to have the bill considered now. It is a very important measure to prevent litigation and strife between those two States in the near future. It is in the interest of the best and most harmonious development of those States by the waters of five or six large streams that they are mutually interested in.

Mr. LEATHERWOOD. I am not going to make any objection, because we are not bound by the terms of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

H. R. 7028, Seventieth Congress, first session

A bill granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and Utah to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislatures of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

No. 895. Amendment by Mr. CRAMTON: Page 2, line 6, after the word "into," insert the following: "Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative is authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

KINGS MOUNTAIN BATTLE FIELD PARK

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report of the commission on the proposed Kings Mountain Battle Field Park.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following report of the commission on the proposed Kings Mountain Battle Field Park, except maps, pictures, and appendixes not necessary to print herein:

UNITED STATES ENGINEER OFFICE,
Customhouse, Charleston, S. C.

Subject: Report of proposed Kings Mountain Battle Field Park.
To: The Secretary of War, Washington, D. C. (through the Quartermaster General, United States Army, Washington, D. C.).

The commission appointed by the Secretary of War to inspect the battle field of Kings Mountain, S. C., and to report on the feasibility of preserving and marking for historical and professional military study this battle field, has the honor to submit the following report:

1. Law authorizing investigation: This report is made pursuant to the provisions of the following act of Congress:

"[Public, No. 246, 70th Cong.]

"An act (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C.

"*Be it enacted, etc.*, That to assist in the studies and investigations of battle fields in the United States for commemorative purposes, authorized by an act approved June 11, 1926 (Public, No. 372, 69th Cong.), a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a citizen and resident of York County, State of South Carolina; (3) a citizen and resident of Cleveland County, State of North Carolina; (4) a citizen of Cherokee County, S. C.

"SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Kings Mountain, S. C., and the historical events associated therewith.

"SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Kings Mountain, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1928.

"SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

"Approved, April 9, 1928."

2. Personnel of commission: In accordance with the act quoted above, the Secretary of War appointed the following commission:

Member from York County, S. C., Mr. A. M. Grist.
Member from Cleveland County, N. C., Mr. G. G. Page.
Member from Cherokee County, S. C., Mr. Jacob F. Hambright.
Engineer officer, Maj. N. Y. DuHamel, Corps of Engineers, United States Army, district engineer, Charleston, S. C.

3. Meetings of the commission: The commission met on the battle field at Kings Mountain, S. C., July 6, 1928, at which time it was organized. All members were present.

Such other meetings and investigations as were necessary have been made by the members of the commission and by those employed by them to secure the necessary information required for this report.

4. Object and character of report: The commission is directed to report on the feasibility of preserving and marking for professional military study the battle field of Kings Mountain, S. C.

The desirable effects to be expected from the marking and preserving of the battle field are in part briefly as follows:

(1) The marking and preserving of the battle field for historical and professional study.

(2) Preserving and making accessible to the present and future generations the scene of an important historical event.

(3) Commemoration of the action of the armies on these fields.

(4) Aid in the development of patriotism.

(5) The Battle of Kings Mountain has been considered the turning point of the Revolutionary War, in so far as the operations in the area included in the States of North Carolina, South Carolina, and Georgia are concerned, but the scene has been somewhat inaccessible and has received but little recognition by the Government. The marking and preserving of the battle field by the making of a park would assist materially in changing this condition and bringing the event properly before the people.

(6) Such a development should have a desirable commercial effect for the adjacent communities.

In the plan proposed the execution will necessitate studies, surveys, detailed plans, and adjustments to make the plan fit unexpected conditions that may arise.

5. Location of battle field: The battle field is located in York County, S. C., in latitude approximately 35° 8′ north and in longitude approximately 81° 23′ west. The nearest railway station is at Grover, N. C., on the main line of the Southern Railway. The distance from this station to the battle field is about 4 miles by unimproved road.

6. Summarization of battle: The Battle of Kings Mountain took place on October 9, 1780. The United States forces, between 900 and 1,500 in number, served as units under their individual leaders, the senior of whom was Col. James Williams. The British forces, approximately 1,100 in number, were commanded by Maj. Patrick Ferguson. The engagement lasted about one hour, and the total killed and wounded on both sides are believed to amount to 475.

7. Classification of battle field: In House Document No. 1071, Sixty-ninth Congress, first session, Kings Mountain has been classified as a class 2 battle field; however, the importance of this battle field and the Revolutionary struggle in the South has long been felt, and was given early recognition by monuments having been erected by local people as early as 1815, by the States of North Carolina and South Carolina in 1880, and by the United States in 1909. "The Battle of Kings Mountain was the turning point of the War of the American Revolution." (Thomas Jefferson.)

8. Historical places: The commission inspected the points of historical interest on the battle field. Some of the main historical features are the following:

(a) A monument erected by the United States Government marking the site of the Battle of Kings Mountain. This monument was erected in 1909. It is in good condition and is now in the custody of the Kings Mountain Battle Field Association of South Carolina. (Photograph of the monument is shown in Appendix C.)

(b) A monument erected by the States of North Carolina and South Carolina marking the site of the battle field. This monument was erected in 1880. It is in fair condition and is in the custody of the Kings Mountain Battle Field Association of South Carolina. (Photograph of the monument is shown in Appendix D.)

(c) A granite marker indicating the spot upon which Major Ferguson was killed. This was erected by the Kings Mountain Battle Field Association of South Carolina, its present custodian, in 1909. It is in good condition. (Photograph of the marker is shown in Appendix E.)

(d) A granite marker indicating the spot where Major Ferguson was buried. This was erected by the Kings Mountain Battle Field Association of South Carolina, its present custodian. It is in good condition. (Photograph of the marker is shown in Appendix F.)

(e) A granite marker indicating the graves of Maj. William Chronicle, Capt. John Mattocks, William Robb, and John Boyd. This was erected in 1815 by the Kings Mountain Battle Field Association of South Carolina, its present custodian, and is in poor condition. (Photograph of this marker is shown in Appendix G.)

(f) A granite marker alongside of the one mentioned in the preceding subparagraph was created by the Kings Mountain Battle Field Association of South Carolina, its present custodian, in 1909, to serve for the same purpose as mentioned in subparagraph (e) above. It is in good condition.

(g) A cliff under which the American troops left their horses before engaging in battle.

9. Attitude of the residents: The residents of Cherokee and York Counties, S. C., and Cleveland County, N. C., are highly enthusiastic over the creation of the battle-field park and have the support of the citizens of North Carolina, South Carolina, and Tennessee.

10. Local cooperation: The counties of Cherokee, York, and Cleveland have constructed roads leading to the site of the battle field in order that it might be accessible to visitors. York County is planning to improve its road leading to the battle-field ground in order to take care of an increasing number of visitors. The Kings Mountain Battle Field Association has offered to give to the Government free of cost a plot containing approximately 40 acres which includes the most important part of the battle-field area.

11. Land: The estimated value of the land on the site of the battle field varies from $20 to $25 per acre. The investigation shows that not only little difficulty is to be expected in obtaining the necessary land but that a portion of that desired will be donated without cost to the Government. In the estimate of costs the maximum present estimated values of the land have been taken, but for any plan provision should be made for accepting a donation of land as well as for condemnation and for purchase by agreement. The details of land values and a description of the plots recommended for inclusion in the proposed park are given in Appendices A and B.

12. Maps: There is submitted with this report a plot showing on a scale 1 to 5,000 the land recommended by the commission to be acquired by the United States to serve as a park. There is also included a topographical sketch of the immediate vicinity of the proposed battle-field park, the topography of which is based upon the United States Geological Survey Quadrangle of Kings Mountain.

13. Parks: The marking and preserving of a battle field can best be accomplished by creating a park. By doing so such development of the land as will change its topographic features is prevented and vandalism in the destruction of foliage and markers is minimized. The area under discussion is not extensive, and the cost of the land is very small. The site being 4 miles from the Bankhead National Highway, is on the road of dense tourist travel. Anything which is done toward marking and preserving the battle field improves both its historical and recreational value. There are included within the area recommended for acquirement as a park five springs, which make the spot attractive to travelers and ideal for social gatherings.

14. Plans for battle fields: Plan of the battle field is shown on the attached map and is a development based on the Gettysburg system for a memorial park. In this battle the British held a position and surrendered to an American attack. The area recommended to be acquired is shown by a broken line on the map. It includes the British position, the ground on which the actual fighting took place, the spot at which the American forces left their horses, and the area within which was formerly located the major portion of the road followed from that place to the British position. It is proposed to improve the springs on the battle field and to construct paths and a road, making them and the historical points more accessible to visitors. It is recommended that the park be inclosed by an ornamental iron fence and that a dwelling house be provided for a caretaker. The monuments referred to in paragraph 8 have all been erected within the boundaries of the proposed park. It contains 201.47 acres.

This plan has the following advantages:

(1) Its area permits a fitting marking and preserving of the battle field.

(2) It includes the localities which were the scenes of important action during the battle.

(3) The cost is moderate.

(4) The roads and paths will render accessible all parts of the area, and markers and monuments show the location of important points and events.

(5) It is sufficiently comprehensive in park area to permit its development as a memorial to troops engaged by furnishing a suitable setting for such monuments and memorials as may be desired.

15. Estimate of cost:

Land:	
161.58 acres, at $25 per acre	$4,050
39.89 acres	Donated.
Roads: 18-foot disintegrated granite, 4 miles, at $17,000 per mile	70,400
Paths: 5,000 feet, at $0.50 per foot	2,500
Clearing underbrush	10,000
Improving springs	100
Tablets and markers:	
5 tablets, large, at $200	1,000
20 markers, at $50	1,000
Fence: 22,704 feet, at $4 per foot	90,816
Dwelling house	6,000
Surveys and maps	3,200
Studies and planning	530
Overhead and contingencies (10 per cent)	18,950
Total	208,546

16. Estimate of cost of annual maintenance:

Roads	400
Grounds and paths	3,000
House	120
Fence	900
Caretaker's salary	1,200
Total	5,620

17. Findings: The commission finds that the marking and preserving for historical and professional military study of the battle field of Kings Mountain is feasible and it recommends that:

(a) The tract of land including such plots described in Appendix B and comprising 201.47 acres be acquired by the United States.

(b) That the battle field be marked in a manner similar to the battle field of Gettysburg by placing markers where necessary to mark the important points.

(c) By the construction of roads and paths so that the more important points be made reasonably accessible.

(d) That by the improvement of existing springs and clearing of underbrush the natural attractiveness of the area be increased.

(e) That by the construction of a fence and caretaker's dwelling that provision be made for its protection and maintenance.

(f) The estimated cost is $208,546, with an estimated yearly maintenance cost when completed of $5,620.

(g) That an allotment of $208,546 be made in a lump sum.

Respectfully submitted.

G. G. PAGE, *Chairman.*
A. M. GRIST.
JACOB F. HAMBRIGHT.
N. Y. DEHAMEL.

LOIS I. MARSHALL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1156) granting a pension

to Lois I. Marshall, together with the amendment of the Committee on Pensions.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

S. 1156, Seventieth Congress, second session

An act granting a pension to Lois I. Marshall

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lois I. Marshall, widow of Thomas R. Marshall, late Vice President of the United States, and pay her a pension at the rate of $5,000 per year from and after the passage of this act.

With the following committee amendment:

Page 1, line 7, strike out the figures "$5,000" and insert "$3,000."

The SPEAKER. Is there objection to the present consideration?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was the read third time, and passed.

On motion of Mr. KNUTSON, a motion to reconsider the vote was laid on the table.

INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this bill would establish a very bad precedent, and I object.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I will be very glad to have the gentleman let this go over just once more. The Governor of Alaska is here now, and I want the opportunity to go over this matter with the Governor of Alaska and with the gentleman from Washington [Mr. JOHNSON].

Mr. LAGUARDIA. It does not affect Alaska at all.

Mr. CRAMTON. It has to do with the insane of Alaska.

Mr. LAGUARDIA. It does not affect Alaska at all.

Mr. CRAMTON. I would be glad to have that opportunity, and I ask unanimous consent that the bill be passed over without prejudice.

Mr. JOHNSON of Washington. Mr. Speaker, I would like to have a minute here. I do not like to have it go unchallenged that this bill does not affect the citizens of Alaska. These have to be bona fide citizens of Alaska, and all that is asked is that something be done.

Mr. LAGUARDIA. And I say, Mr. Speaker, with all due deference, that this bill does not affect the Territory of Alaska. That is my opinion.

Mr. JOHNSON of Washington. What is a bona fide citizen of Alaska?

Mr. LAGUARDIA. I am talking about the Territory of Alaska.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, by request I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

OSAGE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, for the reasons stated as to the other Indian bill, I ask unanimous consent that this bill go over without prejudice. Also, I ask unanimous consent that the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes, Calendar No. 996, also go over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bills S. 2360 and H. R. 7204 go over without prejudice. Is there objection?

There was no objection.

PICATINNY ARSENAL, DOVER, N. J.

The next business on the Consent Calendar was the bill (H. R. 14156) to authorize an appropriation for a construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I remember that the gentleman from New Jersey [Mr. ACKERMAN] not long ago objected most strenuously to the continuance of the arsenal at this location, and now it is proposed to appropriate more for construction there?

Mr. ACKERMAN. Yes.

Mr. LAGUARDIA. Some weeks ago the gentleman asked to have this matter go over so that he could look into the local conditions?

Mr. ACKERMAN. Yes; and I have seen the gentlemen from the War Department, and they have explained the matter satisfactorily to me; and the chamber of commerce wants it. I have no objection.

Mr. LAGUARDIA. It is the gentleman's home town and it is his district, and the responsibility is his.

Mr. ACKERMAN. Yes.

Mr. LAGUARDIA. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $125,000 for the construction of a cannon powder blending unit at Picatinny Arsenal, Dover, N. J., to replace the one destroyed by fire on July 31, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDITING OF OFFICIAL PAPERS OF TERRITORIES OF THE UNITED STATES

The next business on the Consent Calendar was the bill (S. 1168) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object for the purpose of informing the gentleman from Ohio and his Committee on Revision of the Laws that the law referred to is not indexed in the United States Code of Laws; and, also, I would inquire the necessity for this bill and the reason for appropriating $125,000. Has there been any demand for these reports?

Mr. DAVENPORT. Mr. Speaker, may I reply to the second part of that inquiry of the gentleman from New York? These are the State papers of the various Territories which now constitute the early history of 30 States of the Union. They are scattered about in various bureaus and departments in Washington, practically inaccessible to students of history. It will be of immense value not only to historians but to the States themselves to have the papers collected, edited, and printed, so that they may be gotten at for ready historical reference. A calendar volume of these papers has already been compiled by the Carnegie Institution of Washington. Nine thousand documents are involved and the volume shows the immense importance of these papers to the students who are investigating the historical background in 30 different States of the Union.

Mr. LAGUARDIA. The purpose of the amendment is to provide distribution of these reports.

Mr. DAVENPORT. It is my opinion that the matter of distribution could be handled better than it is in the bill. Instead of free distribution it would seem that the persons interested in securing copies of the documents might be willing to pay a small amount to the Government Printing Office and thus help to defray the expense of printing. However, the bill itself is sound and ought to pass.

Mr. LAGUARDIA. The gentleman knows that if they are simply available for distribution, requests are made very often by people who have no particular interest in them, and then they are wasted.

Mr. DAVENPORT. Yes.

Mr. LAGUARDIA. Has the gentleman any amendment prepared to carry out his suggestion?

Mr. DAVENPORT. Not at the moment, but one can easily be prepared.

Mr. CRAMTON. Mr. Speaker, I have not been enthusiastic about the method of distribution, but I have hesitated to upset the distribution fixed for Members of Congress. But I observed through the adoption of the committee amendment there will be several hundred copies unprovided for out of the 1,950. The bill as amended does not use all the 1,950. I have prepared an amendment to take up that slack and to make it possible to reach certain people, certain organizations that ought to be able to get these, if anyone, without cost. I will read the amendment I have in mind:

One thousand nine hundred and fifty copies for the Department of State, of which 6 copies shall be delivered to each Senator and 2 copies to each Representative, and 8 copies for each State or Territory, to be distributed to historical associations, commissions, museums, or libraries, and to other nondepository libraries therein designated by the governor of each State or Territory, 4 copies for the library of the Department of the Interior, and the remainder of said 1,950 shall be—

Mr. DAVENPORT. That is satisfactory to me.

Mr. LAGUARDIA. It equalizes the distribution.

Mr. CRAMTON. Then I have in mind where it says "$125,000, to be available until expended," that is a detail that Congress can take care of in making the appropriation. I would make that read, "not more than $125,000," and omit the provision "to remain available until expended." Appropriations of that kind are lost sight of and not checked up.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. I will ask the gentleman from Michigan regarding his amendment. What value would these Territorial papers be ordinarily to Members of Congress? Why the large number printed for distribution in that manner?

Mr. CRAMTON. My judgment is, to the average Member two copies will be of dubious value. But that was a provision I was not sure about upsetting. Of course, the cost is not very great, to print a thousand copies or such a matter. But what I was trying to do was to make sure that these State historical associations, commissions, museums, and so forth, could receive them.

Mr. LAGUARDIA. In all likelihood, Members would send their two copies to the local historical societies, and so forth, in the Eastern States.

Mr. BLACK of Texas. I believe I will ask that this bill go over until next time.

Mr. LETTS. If the gentleman will yield, I hope the gentleman will not make that request. This is a matter of much concern to the country, historical associations, and societies.

Mr. BLACK of Texas. As I recall, several years ago Congress printed 15 volumes of the testimony of the Industrial Commission at a cost of more than $90,000. Those were distributed to Members of Congress and——

Mr. LAGUARDIA. And very valuable.

Mr. BLACK of Texas. So far as the testimony is concerned it was of no practical benefit; the report of the Industrial Commission was all right. There was no need whatever of printing the testimony and it cost a very large sum of money.

Mr. LETTS. I will say to the gentleman there has already been expended by the State Department $20,000 on that work and the value of that work and that expenditure will be lost unless this work is completed.

Mr. BLACK of Texas. There is no immediate hurry that I can see for the completion of this work.

Mr. LETTS. The historical societies and librarians over the country are very anxious to obtain this.

Mr. BLACK of Texas. I object.

COTTON FUTURES

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I do not think this is a proper subject for the Consent Calendar.

Mr. VINSON of Georgia. I hope the gentleman will not interpose an objection.

This bill, while somewhat long, simply does for the cotton producers exactly what has already been done for the grain producers. We are adopting the features of the grain law and applying them to the cotton exchanges.

Mr. LAGUARDIA. This is a bill which the gentleman himself would not want to be considered by unanimous consent.

Mr. VINSON of Georgia. This bill has been unanimously reported by the Committee on Agriculture, and the Secretary of Agriculture has approved it, and it is approved by the Budget Bureau. The purpose of it is to do for the cotton producers what is now being done for the producers of grain.

Mr. LAGUARDIA. What is the attitude of the stock tickers?

Mr. VINSON of Georgia. This does not involve the stock tickers.

Mr. LAGUARDIA. It ought to.

Mr. VINSON of Georgia. It affects the cotton exchanges and carries out the very purpose of the grain futures act. Let me call the attention of the gentleman to the statement of the former president of the New York Cotton Exchange, when this subject was discussed before the Agricultural Committee.

Mr. LAGUARDIA. Is he for it or against it?

Mr. VINSON of Georgia. Let me read it. He says in part:

The New York Cotton Exchange realizes that your committee wishes to report a bill which will forever preclude the possibility of the cotton market being manipulated by scheming minds, to the prejudice of the public welfare. The exchange, without legislative assistance, is powerless to prevent such abuses.

Mr. LAGUARDIA. Does the gentleman say that the president of the New York Cotton Exchange is for this bill?

Mr. VINSON of Georgia. That is what Mr. Hubbard said. Of course, he is not for it entirely. The committee did not adopt all of his viewpoints, but that is his opening statement which I have quoted. He offered a great many suggestions, but he made the general statement that it is necessary to have legislation to prohibit the abuses.

Mr. LAGUARDIA. I can not imagine any community of interest existing between the cotton producers and the exchanges, and therefore if the exchange is not against it, I object.

Mr. VINSON of Georgia. I hope the gentleman will not object, because we are trying to improve the condition of the cotton producer.

Mr. SCHAFER. Of what value is this bill to the cotton growers of the South?

Mr. VINSON of Georgia. It is to put the cotton exchanges under the jurisdiction of the Department of Agriculture, just as Congress has done respecting the corn and wheat exchanges.

Mr. LAGUARDIA. Then it restricts the market?

Mr. VINSON of Georgia. No. It will have the effect of stabilizing the cotton market.

Mr. SCHAFER. Is it like the grain futures act?

Mr. VINSON of Georgia. Yes. The only difference is that it protects the cotton producer instead of the corn and wheat raiser. The grain futures act is copied in its entirety. The only change in that act is the substitution of the words "cotton exchange" for "board of trade," and "cotton" for "grain."

Mr. SCHAFER. I shall not object, since it is to protect the cotton farmer.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of the "cotton futures trading act."

(a) For the purposes of this act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "cotton" shall be construed to mean lint cotton in bales. The term "future delivery," as herein used, shall not include sale of cash or spot cotton for deferred shipment or delivery. The words "cotton-futures exchange" shall be held to include and mean any exchange, association, or board of trade, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling cotton or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof, or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purpose of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any cotton shall be considered to be in interstate commerce if such

cotton is part of that current of commerce usual in the cotton trade whereby cotton is sent from one State with the expectation that it will end its transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Cotton normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

SEC. 2. Transactions in cotton involving the sale thereof for future delivery as commonly conducted on cotton-futures exchanges and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling cotton in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of cotton and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, manufacturers, and others engaged in handling cotton in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of cotton on such cotton-futures exchanges are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton in interstate commerce, and that such fluctuations in price are an obstruction to and a burden upon interstate commerce in cotton and render regulation imperative for the protection of such commerce and the national public interest therein.

SEC. 3. It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of cotton for future delivery on or subject to the rules of any cotton-futures exchange in the United States, or for any person to make or execute such contract of sale, which is or may be used for (1) hedging any transaction in interstate commerce in cotton, or (2) determining the price basis of any such transaction in interstate commerce, or (3) delivering cotton sold, shipped, or received in interstate commerce for the fulfillment thereof, except: (a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners or growers of cotton or of such owners or renters of land; or (b) where such contract is made by or through a member of a cotton-futures exchange which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing, which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery and otherwise comply with section 5, 7, or 11 of this act: *Provided,* That each exchange member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any duly authorized representative of the United States Department of Agriculture or the United States Department of Justice.

SEC. 4. The Secretary of Agriculture is hereby authorized and directed to designate any cotton-futures exchange as a "contract market" when, and only when, such cotton-futures exchange complies with and carries out the following conditions and requirements:

(a) When the governing board thereof provides for the making and filing by the exchange or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the exchange, or the members thereof, either in cash or spot transactions consummated at, on, or in such exchange, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the exchange or the members of such exchange, as the Secretary of Agriculture may direct, showing the details and terms of all cash or spot and future transactions entered into by them, consummated at, on, or in a cotton-futures exchange, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any duly authorized representative of the United States Department of Agriculture or the United States Department of Justice.

(b) When the governing board thereof provides for the prevention of dissemination by such exchange or any member thereof, or any person using the facilities thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cotton in interstate commerce.

(c) When the governing board thereof provides for prevention of manipulation of prices or the cornering of any cotton by the dealers or operators upon such exchange.

(d) When the governing board thereof does not exclude from membership in, and all privileges on, such cotton-futures exchange, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in spot or cash cotton business, or any duly authorized representative of any organization acting for a group of such cooperative associations of producers, if such association or associations have complied, and agree to comply, with such terms and conditions as are or may be imposed lawfully on other members of such exchange: *Provided,* That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by any such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(e) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph b of section 12 of this act.

(f) When the governing board thereof provides that members of such exchange shall require that any nonmember filing for execution an order for the purchase or sale of cotton futures shall comply with all the requirements and regulations applicable to members of such exchange.

(g) When the governing board thereof provides that the futures contracts traded in on such exchange shall name as places of delivery of the cotton covered by such contracts not less than two, and not more than six, bona fide spot cotton markets, designated as such by the Secretary of Agriculture under this act, which designation by the Secretary of Agriculture shall include Charleston, S. C.; Norfolk, Va.; Savannah, Ga.; New Orleans, La.; Houston, Tex.; and Galveston, Tex., and such other places as he may from time to time deem advisable; and shall further provide that the cotton delivered on each contract must be delivered in its entirety in one storage place; and shall further provide that notice by the seller of intention to deliver must be issued not less than 10 days prior to the date of delivery, and must specify the place of delivery and the grade and staple of the cotton to be delivered on such contract; and shall further provide that any cotton contract market located on the Atlantic coast shall have among its delivery points at least two Atlantic ports named as delivery points, which ports shall be designated spot markets; also provided, that any cotton contract market located on the coast of the Gulf of Mexico shall have among its delivery points at least two ports on the Gulf of Mexico named as delivery points, which ports shall be designated spot markets: *Provided,* That any cotton contract market located in the interior shall have among its delivery points at least two ports either on the Atlantic coast or the Gulf of Mexico named as delivery points, which ports shall be designated spot markets.

For the purposes of this act the word "manipulation" shall be construed to mean, among other things:

(1) Shipping or transferring to any contract market any cotton for the purpose of delivery on such contract market at an obvious loss on the transaction for the purpose of artificially influencing prices.

The purchase in one contract market of a given number of bales of cotton for delivery in one month and a corresponding sale in the same contract market of a like number of bales of cotton for delivery in a later month, accompanied by the receipt of any cotton on the purchase and the tender of the same or other cotton on the sale, when such transaction is done at an obvious loss, for the purpose, and with the effect, of artificially influencing the price relationship of the two months.

(2) Tendering and repeatedly retendering on futures contracts in any designated contract market notices of delivery of the same cotton for the purpose of artificially influencing prices upon such contract market.

(3) The tender upon futures contracts more than once by the same person in the same calendar month of notices of delivery of the same cotton, or otherwise trafficking in notices of delivery for the purpose of artificially influencing prices.

(4) Engaging in straddle operations in and between various markets designated by the Secretary of Agriculture as contract markets, with the apparent purpose of artificially influencing the movement of prices in any such designated contract market.

For the purposes of this section a straddle shall be understood to mean the purchase in one contract market of a given number of bales of cotton for delivery in one month and a corresponding sale in the same or another contract market of a like number of bales for delivery in another month, or the purchase in one designated contract market of

a given number of bales of cotton for delivery in one month and the sale in another designated market of a like number of bales for delivery in the same month.

The foregoing definitions of manipulation shall not be held to exclude from the operations of this act other forms of manipulation not herein specifically described.

SEC. 5. That each contract of sale of cotton for future delivery under this section shall:

First. Be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved without giving the weight each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided,* That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the average actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that if white is below the grade of low middling, or if extra white, cotton that is below the grade of low middling, or if yellow tinged, cotton that is below the grade of strict middling, or if yellow stained, cotton that is below the grade of good middling, or if spotted, cotton that is below the grade of middling, or if light yellow stained, cotton that is below the grade of good middling, or if gray, cotton that is below the grade of strict middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is blue stained according to said official standards, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is not of sound staple character, or cotton that is irregular, weak, and wasty, or cotton that is "gin cut" or reginned or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed" shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the tenth business day prior to delivery, the person making the tender shall give to the person receiving the same a written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers identifying each bale with its grade: *Provided,* That where any cotton to which any such notice of the date of delivery shall apply shall have been previously certificated, such notice of the date of delivery shall state the total number of bales of each grade and staple to be delivered.

Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. Samples representing cotton classified and certified by such officers for the purposes of this section shall be made available for examination to any person, whether he be a member or a nonmember of a cotton-futures exchange, upon the payment of such fees and upon compliance with such regulations as the Secretary of Agriculture may prescribe. All moneys collected as costs hereunder may be used as a revolving fund for carrying out the purposes of this subdivision.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to the cotton futures trading act, section 5."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

SEC. 6. (a) That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in settlement of a contract of sale for the future delivery of cotton shall be, for each grade, the average of the actual commercial differences in the spot markets of not less than five places designated from time to time by the Secretary of Agriculture, as determined and quoted in each such market from actual sales of spot cotton, or, in the absence of actual sales of spot cotton, from bona fide bid and offered prices, upon the eleventh business day prior to the date fixed in accordance with the sixth subdivision of section 5 for delivery of cotton on the contract: *Provided,* That for the purposes of this section such values in the said spot markets shall be based upon the official cotton standards established by the Secretary of Agriculture.

(b) The Secretary shall prescribe regulations for the determination of the actual commercial differences and the actual commercial staple premiums and discounts in the spot markets in the places designated by him, and for the publication of the quotations thereof. Whenever the Secretary shall find that in any such spot market the quotations of such differences, or of staple premiums or discounts, have not been made in accordance with his regulations or do not reflect the actual commercial differences, staple premiums, or discounts, he may, for such period as he shall deem necessary, determine such actual commercial differences, staple premiums, and discounts in any such market and publish the quotations thereof. The quotations so published shall be deemed the quotations of such market.

(c) Any person who shall fail or refuse to furnish any information in his possession requested by such Secretary under paragraph (b) of this section shall not be heard to complain in respect of any quotation published by such Secretary.

SEC. 7. In case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of any contract under this section, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered; and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein, and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section 5 hereof not inconsistent with this section: *Provided,* That nothing in this section shall be so construed as to authorize any contract in which, or in the settlement of, or in respect to which any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this act.

Contracts made in compliance with this section shall be known as section 7 contracts. The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to the cotton futures trading act, section 7."

Section 11 of this act shall not be construed to apply to any contract of sale made in compliance with section 7 hereof.

SEC. 8. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

SEC. 9. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton seven-eighths of an inch in length of staple and the differences between the prices or values of middling cotton seven-eighths of an inch in length of staple and of such other grades and staple lengths of cotton for which standards shall have been established by the Secretary of Agriculture as the Secretary of Agriculture may require in regulations prescribed by him in furtherance hereof: *Provided,* That if there be not sufficient places in the markets of which are made bona fide sales of spot cotton of grades and staple lengths for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial

differences in the value of spot cotton of the grades and staple lengths established by him as reflected by bona fide sales of spot cotton of the same or different grades and staple lengths in the markets selected and designated by him from time to time for that purpose, and in that event differences in value of cotton of various grades and staple lengths involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations: *Provided further,* That it shall be the duty of any persons engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $500.

SEC. 10. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, character, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "official cotton standards of the United States": *Provided,* That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further,* That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary. Any moneys received for or in connection with the sale of cotton purchased for the preparation of such practical forms and condemned as unsuitable for such use, or with the sale of such practical forms, may be expended for the purchase of other cotton for such use, and for travel and transportation and all other necessary expenses incident thereto.

SEC. 11. All contracts under this section shall comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-offs" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to the cotton futures trading act, section 11."

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

SEC. 12. Any cotton-futures exchange desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the foregoing conditions, and with a sufficient assurance that it will continue to comply with the said requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months, or to revoke the designation of any cotton-futures exchange as a "contract market" upon a showing that such cotton-futures exchange has failed or is failing to comply with any of the above requirements, or is not enforcing its rules of government made a condition of its designation as set forth in section 4. Such suspension or revocation shall only be after a notice to the officers of the cotton-futures exchange and upon a hearing: *Provided,* That such suspension or revocation shall be final and conclusive unless within 15 days after such suspension or revocation by the said commission such cotton-futures exchange appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such cotton-futures exchange will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the cotton-futures exchange, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the cotton-futures exchange that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such cotton-futures exchange for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further,* That if the Secretary of Agriculture shall refuse to designate as a contract market any cotton-futures exchange that has made application therefor, then such cotton-futures exchange may appeal from such refusal to the commission described herein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act, or is attempting to manipulate the market price of any cotton in violation of the provisions of section 4 hereof, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets, until further notice of said commission, refuse all trading privileges thereon to such person. Said hearing may be had in Washington, D. C., or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing, and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this act, the provisions including the penalties of section 12 of the interstate commerce act, as amended, relating to attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission or said referee in proceedings under this act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just, by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition, praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission; and the findings of the commission as to the facts, if supported by the weight of the evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

SEC. 13. Any cotton-futures exchange that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of

Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least 90 days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such cotton-futures exchange, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said cotton-futures exchange can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application.

SEC. 14. For the efficient execution of the provisions of this act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding any unfair practices or abuses upon, and regarding the general operations of, cotton-futures exchanges whether prior or subsequent to the enactment of this act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any cotton-futures exchange or of the transactions of any person found guilty of violating the provisions of this act under the proceedings prescribed in section 12 of this act: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of cotton, including supply and demand, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers and distributors, by means of regular or special reports or by such methods as he may deem most effective, information respecting the cotton markets, together with information on supply, demand, price, and other conditions in this and other countries that affect the markets.

SEC. 15. Further to effectuate the purposes of this act the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to cotton and contracts for the purchase and sale thereof shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purposes of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding $500.

SEC. 16. The Secretary of Agriculture is authorized and directed from time to time, after investigation, to fix, prescribe, and publicly announce the maximum limit of open interest which may be held by any individual, firm, or corporation, or his or its affiliations in contracts of purchase or sale of cotton on any contract market for future delivery in any month or in specified months, and it shall thereafter be unlawful for any individual, firm, or corporation, or his or its affiliations, to acquire or hold such on open interest in excess of the maximum limit so fixed: *Provided*, That in fixing and prescribing any maximum limit of open interest hereunder the Secretary of Agriculture shall give due consideration to any recommendation submitted to him by the governing board of such contract market: *Provided further*, That such limitation of interest shall be for the purpose of preventing the forcing of any month or any futures market out of proper parity with other months, or other futures markets shall not be used for the purpose of arbitrarily limiting the legitimate merchandising operations of any individual, firm, or corporation, or his or its affiliations, and the Secretary of Agriculture may from time to time increase or reduce the maximum limit if upon investigation he finds that the interests of the cotton industry will be best served by so doing: *Provided further*, That no reduction in such limitation shall affect contracts already entered into within the limit theretofore fixed.

SEC. 17. Any person who shall violate the provisions of section 3 or 16 of this act, or who shall fail to evidence any contract mentioned in said section 3 by a record in writing as therein required, or who shall deliver for transmission through the mails or in interstate commerce by telegraph, telephone, or wireless, or other means of communication false or misleading reports concerning crop or market information or conditions that affect or tend to affect the price of cotton in interstate commerce, or any person or persons who shall manipulate or attempt to manipulate prices of cotton or who shall corner or attempt to corner any cotton in futures-contract transactions upon any cotton-futures exchange designated as a contract market under this act, or any person who shall knowingly submit to any officer of the United States Department of Agriculture for classification under this act any reginned, repacked, false packed, mixed packed, or water packed cotton without informing such officer that such cotton is in fact reginned, repacked, false packed, mixed packed, or water packed; or any person who shall interfere with or influence improperly or attempt to influence improperly any person employed in the administration of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

SEC. 18. No fine or imprisonment shall be imposed for any violation of this act occurring within 60 days following its passage.

SEC. 19. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 20. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

During the reading of the bill—

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with, and that it be printed in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VINSON of Georgia, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT TO FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to call the gentleman's attention to page 2, line 13, where it is provided, "Except that such branch bank may loan direct to borrowers, and subject to such regulations as the Federal Farm Board may prescribe."

I suggest that you put in parenthesis "chapter 7 of section 4 of the United States Code," which relates only to the subject matter of this bill.

Mr. McFADDEN. I accept that amendment.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BLACK of Texas. In view of the disaster that has overtaken Porto Rico, does the gentleman think it would be wise to extend the limit of amount on farm loans in that territory?

Mr. McFADDEN. I do think it is wise and proper. The matter has been canvassed very carefully. The local manager of the Federal land bank in Porto Rico has recommended the passage of this act, and the Federal farm land bank in Baltimore has recommended it. The storm, of course, did not take the land away. This amendment does not increase the amount that may be loaned to an individual in Porto Rico beyond that which may be now loaned in the mainland, but $10,000 less. I think it is only fair and right, and will render great service to those people down there in rehabilitating the devastated territory. On that point I would like to read from a telegram which I have just received. It says:

SAN JUAN, P. R., *January 10, 1929.*

Congressman McFADDEN,
Washington, D. C.:

Your project asking Congress to increase loans of Federal land bank from a maximum of $10,000 to $25,000 for Porto Rico is the best economic solution presented for the relief of Porto Rico. The island being agricultural, every business depending on agricultural returns will recover from the effects of the recent disastrous cyclone which devastated the agricultural section in a much shorter time than through any other source. The fact that this increase will assist all agricul-

tural interests is of unestimated value. It will also loosen up money that is tied up in farm mortgages for general commercial purposes. We recommend with greatest vigor and urge that your bill be presented and passed at the earliest opportunity. We consider this of vital importance to the rehabilitation of our economic situation.

(Signed) R. ABOY BENITEZ,
President-Treasurer Porto Rico Sugar Producers' Association.
JOSE L. PESQUERA,
President Porto Rico Farmers' Association.
J. J. SOUTHER,
President Porto Rico Fruit Union.
HERBERT BROWN,
President Porto Rico Fruit Exchange (Inc.).
L. VENEGAS,
President Porto Rico Bankers' Association.
COLIN C. MACRAE,
President Porto Rico Clearing House.

Certified.

J. RUIZ SOLER,
Vice President-Treasurer Porto Rico Sugar Producers' Association.

Mr. BLACK of Texas. Congress passed a bill recently, if I recall, creating a loan fund for Porto Rico, to be administered by a commission. I doubt the wisdom of extending the limit on farm loans in Porto Rico. The most important thing to be regarded as to the farm-loan system is the solvency of its bonds. I figure that we do not assist the farm-loan system and do not advance its utility when we step out too far in extending the loan limit. Conservative policy as to loans made by the farm-loan system will much better secure the success of the system than otherwise.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. The provisions of the Porto Rican relief bill permit loans to be made to individuals only.

Mr. BLACK of Texas. Oh, yes; I know that, and it was to take care of an emergency situation. This amendment now offered is permanent.

Mr. McFADDEN. I will say to the gentleman that this amendment to the present law will help the farmers rehabilitate themselves, whereas the recent appropriation was of a different nature. I will say further, in answer to the gentleman, that the records show, and they are confirmed by the manager of the Federal land bank in San Juan, that the loans to Porto Rican farmers are the best loans in the Federal farm-loan system, and instead of this weakening that system and perhaps having inferior security back of the bonds, in my judgment, it will increase the security back of the bonds by this privilege of increasing the amount of these loans, and will help a great deal in cutting down the average operating expenses, as there is less expense in caring for the larger loans—hence the average expense will be lessened.

Mr. BLACK of Texas. Can the gentleman give us any information as to the average value of land there for loan purposes?

Mr. McFADDEN. Under the law there is a limitation as to the amount that can be loaned on those lands. There is a high price value on those lands, and that is one of the additional securities that will be gained by making loans on that high-priced land, because the loans are made at a low rate of valuation. The value of sugar lands is $500 to $600 per acre, coffee lands $250 to $300, and tobacco lands about the same, and so forth.

Mr. BLACK of Texas. I understand that this Porto Rican bank is a branch of the Baltimore bank, and if the Baltimore bank is observing a reasonable valuation for the making of loans and is not taking into consideration what might be termed the inflated value of some of these lands, and if the gentleman has satisfied himself on that point, I shall not object to the bill.

Mr. McFADDEN. I am satisfied that the business of that bank is being conducted properly and that the loans are made on proper valuations.

Mr. BURTNESS. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BURTNESS. Is it true that this bill does not contemplate an increase in the amount that will be borrowed on the individual acre but is rather an increase in the amount that can be borrowed by any farmer, so that he may get money borrowed upon the entire farm or plantation which forms the average unit?

Mr. McFADDEN. That is the idea.

Mr. BURTNESS. And there is no disposition, if I understand correctly, to increase the amount in so far as the individual acre is concerned?

Mr. McFADDEN. No; the gentleman is correct.

Mr. CRAMTON. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. CRAMTON. As I understand, the present law applies to the Territory of Alaska, and it is now proposed to include Porto Rico. What is the situation with reference to the Territory of Hawaii?

Mr. McFADDEN. It is purely an administrative matter in Hawaii, and I do not think this legislation affects them at all.

Mr. LAGUARDIA. The only difference is it changes $10,000 to $15,000.

Mr. McFADDEN. This does not change the original act at all, except as to the amount to be loaned to each individual borrower at $15,000, whereas in the States here the limit is $25,000.

Mr. CRAMTON. The gentleman understands that the law does apply to the Territory of Hawaii?

Mr. McFADDEN. The present farm loan law does, yes; but this amendment does not affect Hawaii at all, but leaves that situation just as it is.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 4 of the Federal farm loan act, as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land-bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

With the following committee amendment:

Page 2, line 11, strike out "$25,000" and insert "$15,000."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer two amendments.

The SPEAKER. The gentleman from New York offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. LAGUARDIA: Page 1, line 4, after the word "act," insert "(U. S. Code of Laws, title 12, sec. 672.)"

Page 2, line 13, after the word "act," insert "(ch. 7 of title 12, U. S. C.)"

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 14803) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 5240, an identical bill, for the House bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to substitute Senate bill 5240 for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge across the Mississippi River at or near the city of Natchez, Miss., authorized by the act of Congress approved May 3, 1926, entitled "An act granting the consent of Congress to the Natchez-Vidalia Bridge

& Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.," be, and the same is hereby, extended to May 3, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE AT SAN BENITO, TEX.

The next business on the Consent Calendar was the bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment which I am going to suggest. It is simply the form taken from the model bills presented by the gentleman from Illinois [Mr. DENISON] sometime ago, providing what should go into the valuation in the event the State should take over the bridge. The author of the bill is not on the floor just now.

Mr. DENISON. We have never authorized the taking over of an international bridge.

Mr. LAGUARDIA. Then it will not do any harm; but if at any time the State of Texas should take it over, I am simply embodying a new section, which is the formula used by the gentleman in his model bill. If there is no objection to the amendment, I shall not object, but I would like to have a little understanding about it.

As the author of the bill is not in the Chamber at this moment, Mr. Speaker, may we have this bill and the three following bills go over without prejudice?

Mr. DENISON. No; just pass them over temporarily.

Mr. LAGUARDIA. I will ask that they be passed over temporarily, until the gentleman from Texas returns.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill and the three following bills (H. R. 15005, H. R. 15006, H. R. 15069) may be passed over temporarily. Is there objection?

There was no objection.

RELIEF FOR GRAIN ELEVATORS

The next business on the Consent Calendar was the resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I understand the bill will be amended by providing that the Comptroller General shall make the examination; is that correct?

Mr. PEAVEY. I have not any amendment to offer, I will say to the gentleman.

Mr. SINCLAIR. The gentleman from Kansas, chairman of our War Claims Committee, has such an amendment.

Mr. BLACK of Texas. Let us have the bill go over. It should have more consideration than we will have to give to it to-day.

Mr. LAGUARDIA. I am ready to agree to pass it, only there is an understanding it will be amended so as to provide that the Comptroller General shall make the examination.

Mr. BLACK of Texas. May I ask the Member who is in charge of this bill a question? It is my understanding that the general law which Congress passed several years ago provided a method for settlement of claims of this kind and that a certain number of such claims were in fact settled and paid. May I inquire why these claimants did not collect their claims, if they are so worthy and correct, or why ought they now to be paid? Why did they not collect their claims in the manner provided by the Congress?

Mr. STRONG of Kansas. I am advised by the subcommittee that held the hearings on this bill that these little elevators, generally run for the farmers by one man, did not understand that they had to press their claims. The Government furnished them with blanks to report on the amount of wheat in storage, and at the end of each week or two weeks they sent in such report, and they thought the Government would send them the money as provided under their contract. When the period of the contract had passed, the big elevator men and the group elevator men and the line elevator men went in with their auditors and got the money due them from the Government Grain Corporation under the contract. The farmers' elevators and the little elevator men did not understand what they should do and did not get their money, and all they are asking is that an audit be made of the Government's own books and whatever the books of the Government show is due them under the signed contracts shall be paid them, and I have an amendment from the committee to offer asking the Comptroller General to make the audit.

Mr. SCHAFER. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER. Would the gentleman have any objection to putting in an amendment to limit attorneys' fees to 10 per cent?

Mr. STRONG of Kansas. I do not represent any of these men and I do not know anything about that. I will just say that I understand the farmer elevators, of which there are several hundred, have finally grouped their claims and have got some farm organization to take charge of them. I do not know whether there are any attorneys' fees involved in it or not.

Mr. SCHAFER. But the gentleman is chairman of the committee that reported out this bill, and does not the gentleman think a limitation of 10 per cent would be fair and proper?

Mr. STRONG of Kansas. I do not know whether it would be fair or not. A lot of these claims are for $10, $20, $50, $100, and so forth, and I do not know of any of them over $200 or $300. So if fees are a consideration, 10 per cent would be very small.

Mr. HUDSON. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. HUDSON. I have been objecting in the Committee on Indian Affairs to legislation that did not limit the fees of attorneys, and if this bill does not contain a limit on attorneys' fees, for one I shall object.

Mr. LAGUARDIA. I will draft such an amendment.

Mr. BLACK of Texas. Mr. Speaker, I object to the bill. I think this bill that involves 4,000 claimants at a probable cost of more than $1,000,000 ought not to come up in this manner. It can not receive the careful consideration which should be given to a bill of this kind.

Mr. STRONG of Kansas. If the Government has already paid the big claimants why should not the little fellows be paid?

Mr. BLACK of Texas. The Government provided a method which was clearly set out in the statute, but it was ignored by these claimants. They had their remedy and did not pursue it.

Mr. STRONG of Kansas. Because they did not know anything about it.

Mr. BLACK of Texas. Now, I understand the claimants' "attorneys" are working this thing up.

Mr. KNUTSON. No; this only involves a number of small claimants.

Mr. SCHAFER. I reserve the right to object, Mr. Speaker.

Mr. HUDSON. I shall object unless they are willing to let the bill go over.

Mr. CRAMTON. Reserving the right to object, I have heretofore stated to gentlemen interested some changes I have in mind. I do not think the resolution on its face ought to declare that there are sums due these people, unless the comptroller so determines under the proposed amendment. I had in mind an amendment to strike out the words "now justly due said claimants" and insert in line 4, page 3, after the word "amount," "if anything." Let it be determined whether there is any amount due them or not. Then, I think there should be an amendment with reference to attorneys' fees. I had in mind also limiting the total amount, but I understand it involves only a few hundred thousand dollars at the most.

Mr. BURTNESS. I agree thoroughly with the gentleman from Michigan, and I think we can obviate any objections the gentleman from Texas has. The intent of the resolution is not that Congress by this particular act directs the payment of the claims. The intent of the resolution is that an effort shall be made to determine definitely whether these people have any money coming to them or not.

Mr. BLACK of Texas. If the gentleman will read the bill, he will find that it not only gives the authority to adjust but also authority to settle and pay these claims. The gentleman need not be doubtful about the fact that the bill will entail a considerable charge on the Public Treasury. The very fact that so many Members are suggesting amendments for the protection of the Government enforces what I say, that a bill of this importance, involving 4,000 claimants, at a probable cost of a million dollars, ought not to come up on unanimous consent. For that reason I think I ought to object.

Mr. BURTNESS. The amendment of the gentleman from Michigan will amply safeguard every objection that the gentle-

man has indicated. The gentleman from Michigan discussed the proposed amendments with me, and while I do not represent the committee and am not on the committee, I have been in touch with the people interested in these claims. I know what they are up against, and I think I know something about the problems involved. The amendments that are proposed will not only take care of the situation but they will safeguard the Public Treasury. If the people have any money coming to them, let it be determined. The Government has the evidence in its possession and there ought to be some way of finding out what that evidence is.

Now, I am not familiar with the statute referred to by the gentleman from Texas, and I can not say whether any steps could have been taken under it or not. I want to call attention to the fact that this deals not with the Government but with a specific corporation that was set up in which the Government owned the stock, and I entertain serious doubt whether the statute to which the gentleman referred covers this situation.

Mr. BLACK of Texas. The report itself admits that the statute provided a clear method of settlement, and these claimants did not pursue that method at law; and now at this late day, 10 years after the war, come to Congress and ask that the Government authorize the payment of the claims.

Mr. STRONG of Kansas. This contract was made between the Grain Corporation on the part of the Government and the elevator people who were seeking to charge 5 cents a bushel for the storage and insurance on the grain held because of the shortage of cars. They went to the elevator people and said, "We will pay you seven-twentieths of a cent per week for the storage of the grain and cost of insurance," which was agreed to. The big elevator men had auditors and kept track of the amount due them and presented their claims in due form; and the little elevator fellows, the small elevator, that only had one man to run them, took their blanks which the Government furnished them and sent in the report and thought that was sufficient. They never presented their claims until long afterwards, and then they learned that they were too late and payment was refused.

Mr. BLACK of Texas. How did they learn that they should have presented their claims?

Mr. STRONG of Kansas. The big fellows had been paid, and the little fellows found that when they made application they were turned down.

Mr. BLACK of Texas. Why were they turned down?

Mr. STRONG of Kansas. For various reasons—for one, the statute had run against them. Then it was held that there was no way that their claim could be paid, and now they ask the Government to pay them what is due them under the written contract made with them by the Grain Corporation on behalf of the Government as shown by the books of the Government Grain Corporation. It seems to me eminently just and fair. This money is in the hands of the Government, turned into the Treasury by the Grain Corporation.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLACK of Texas. Mr. Speaker, I shall take the responsibility of registering one objection. I do not believe the bill should pass.

Mr. SCHAFER. Mr. Speaker, I reserve the right to object until we find out whether the committee will accept an amendment limiting attorneys' fees.

Mr. LaGUARDIA. I have such an amendment ready.

Mr. STRONG of Kansas. There will be no objection to such an amendment.

The SPEAKER pro tempore. Are there any other objections except that of the gentleman from Texas? If there are no other objections, the Clerk will read the joint resolution. The Clerk will read.

The Clerk read the joint resolution, as follows:

Senate joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President

Whereas it is provided in the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel (ch. 53, 40 Stat. L., approved August 10, 1917, and ch. 125, 40 Stat. L., approved March 4, 1919), wherein the President was authorized to determine and fix a guaranteed price, to be paid producers of wheat, and wherein the President was further authorized as follows:

"Whenever the President shall find it essential in order to carry out the guarantees aforesaid, or to protect the United States against undue enhancement of its liabilities thereunder, he is authorized to make reasonable compensation for handling, transportation, insurance, and other charges with respect to wheat and wheat flour of said crops and for storage thereof in elevators, on farms, and elsewhere"; and

Whereas the President by an Executive order (No. 3087), dated May 14, 1919, in pursuance of the power conferred on him by said act, did order as follows:

"I further find it essential and hereby direct that in order to carry out the guarantees made producers of wheat of the crops of 1919, and to protect the United States against undue enhancement of its liabilities thereunder, the United States wheat director utilize the services of the Food Administration Grain Corporation (now the United States Grain Corporation by reason of a change of name authorized by Executive order) as an agency of the United States, and I authorize the Food Administration Grain Corporation * * * to enter into such voluntary agreements to make such arrangements and to do and perform all such acts and things as may be necessary to carry out the purposes of said act"; and

Whereas the United States Grain Corporation, in pursuance of said Executive order, and, for the purpose of carrying out and making effective the guaranteed price, made, and entered into, a certain contract, known as "the Grain Dealers' Agreement," with various independent and farmer grain firms and grain elevator companies in Montana, North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Iowa, Missouri, Wyoming, and Oklahoma, and wherein it was agreed as follows:

"Fourth. In case the dealer (the elevator firms) shall be unable, after using every effort and all diligence to ship in any week such total of grain as makes the equivalent of at least 20 per centum of the amount of wheat in his elevator and owned by him at the beginning of such week, the grain corporation shall pay to the dealer to cover insurance and interest for such week seven-twentieths of a cent per bushel on the wheat in the elevator owned by him at the beginning of such week"; and

Whereas the President, in an Executive order, dated August 21, 1920, did approve, ratify, and confirm all acts done or authorized by the said United States Grain Corporation in carrying out and making the guaranteed price effective; and

Whereas a number of claims of the said grain dealers, for money earned under said contract, still remains unpaid, and are now justly due said claimants: Therefore be it

Resolved, etc., That the President be, and he is hereby, authorized to ascertain the amounts due on said claims, and he is further authorized to adjust and pay said claims, as ascertained to be due said claimants, out of any funds now in the hands of the United States Grain Corporation, and belonging to the United States, or out of the funds in the United States Treasury, not otherwise appropriated, and the President is authorized to make payment thereof therefrom to the several persons entitled thereto, as their respective interests may appear.

Mr. STRONG of Kansas. Mr. Speaker, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Mr. STRONG of Kansas offers the following committee amendment: Page 3, strike out all after line 2 and insert the following:

"That the Comptroller General of the United States be, and he is hereby, authorized to ascertain the amount due on said claims, if any, and he is further authorized to settle and adjust said claims, and to certify same to the Secretary of the Treasury for payment to the several persons entitled thereto, as their respective interests may appear, together with the reasonable and necessary expenses incident to the administration of this resolution, out of any funds now in the hands of the United States Grain Corporation and belonging to the United States, or out of the funds in the United States Treasury not otherwise appropriated."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, as I understand it, the preamble is to be left in, so I move an amendment in the last paragraph of the preamble to strike out the words "and are now justly due said claimants."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. STRONG of Kansas. Mr. Speaker, I have no objection to that amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 3, in the second last line of the last preamble, strike out the words "and are now justly due said claimants."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LaGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: At the end of the amendment offered by Mr. STRONG of Kansas strike out the period, insert a colon, and add the following: "*Provided*, That attorneys' fees shall not exceed 15 per cent of the amounts recovered."

Mr. STRONG of Kansas. Mr. Speaker, I have no objection to that amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

COLUMBIA BASIN RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (S. 1462) providing for the necessary surveys, studies, investigations, and engineering of the Columbia Basin reclamation project, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and that it retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. LEATHERWOOD. Mr. Speaker, reserving the right to object, let me ask the gentleman from Washington whether he expects to have this bill up under suspension of the rules, if it is objected to now?

Mr. SUMMERS of Washington. I do.

Mr. LEATHERWOOD. To-day?

Mr. SUMMERS of Washington. If we reach it.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have certain amendments to the bill, which I would like to offer. I think without those amendments or something like them the bill ought never to pass under suspension or otherwise. If the gentleman will follow me with his bill, I shall be glad to state the amendments I have in mind to suggest whenever the matter comes up for consideration.

Mr. LEATHERWOOD. Mr. Speaker, if the gentleman will permit, I believe I have the floor.

Mr. CRAMTON. I beg the gentleman's pardon. I am glad to yield the floor.

Mr. LEATHERWOOD. I just want to ask a question or two. Has the gentleman from Washington given consideration to the fact that the War Department is about to begin a survey of the Columbia River, involving an expenditure of $660,000, which covers practically all of the things provided for in the Senate bill now on the calendar?

Mr. SUMMERS of Washington. I have given consideration to the surveys to be made by the War Department but must disagree with the gentleman. They do not cover the matters which the Department of the Interior insists shall be investigated.

Mr. LEATHERWOOD. Has the gentleman taken up with the Bureau of Reclamation the question of whether or not there can be some cooperation between the Bureau of Reclamation and the War Department?

Mr. SUMMERS of Washington. Undoubtedly they will avail themselves of all information that is furnished by any other department of the Government.

Mr. LEATHERWOOD. I quite agree with the gentleman from Michigan [Mr. CRAMTON] that this bill ought to be amended if we are to protect the Treasury of the United States. I have not anything further to say at this time. If the gentleman from Washington is going to insist on bringing it up in a different form, I shall object to its consideration at this time.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am very much surprised to hear it is expected to bring up this matter under suspension of the rules to-day if there is objection. This is the first time it has been reached. The House has very little information on the subject. This is a matter of very great importance, running up into the hundreds of millions of dollars, and I am strongly opposed to anything passing here now that carries on its face any suspicion that the Government is by the passage of this act committing itself to the construction of this vast reclamation project under present conditions.

Mr. SUMMERS of Washington. If the gentleman will yield, it does not commit the Government——

Mr. CRAMTON. I want to bring to the gentleman's attention certain amendments, and I hope if he brings it up under suspension or otherwise he will find these amendments satisfactory:

On page 1, line 8, after the words "Columbia Basin reclamation project," to insert the words "if authorized and constructed." No use of our going on and naming it unless it is authorized.

On page 2, line 4, amend the committee amendment by adding, after the word "project," in line 7, the following: "And whether the said project is feasible and its construction is desirable at this time." When we put up the money to investigate and report we want a report as to the feasibility and advisability of undertaking the project.

Mr. SUMMERS of Washington. Does not the gentleman think that is covered in the language of the bill?

Mr. CRAMTON. I want it very clear and definite.

Page 2, line 8, after the words "appropriation of," insert the words "one-half of." In other words, this investigation will continue just as previous investigations, half to be paid by the Government and half out of the State or other sources.

Mr. SUMMERS of Washington. At that point I do not believe it has been customary for the State to pay half for surveys; but the State has paid out large sums——

Mr. CRAMTON. I have one more amendment: Page 2, line 10, after the word "authorized," insert "from the reclamation fund, such appropriation to be available only when matched by equal amounts contributed by the State of Washington or by other sources." And this amendment ought to be adopted. I think the Nation would not suffer if the investigation of this great scheme was to be halted here, but I do not want to urge my point of view too strongly. I am not prepared to oppose the continuation of this investigation if it is made clear that in such investigation we are not in any way committed, but that the expenses would be shared in by this wealthy association or the State of Washington.

The SPEAKER pro tempore. Is there objection?

Mr. LEATHERWOOD. Mr. Speaker, under my reservation and in view of the fact that it is a useless expenditure of money, I object.

BRIDGE ACROSS THE RIO GRANDE AT SAN BENITO, TEX.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to take up Calendar No. 1039 on the calendar. A few moments ago this bill and three other bills were passed temporarily to give me an opportunity to confer with the gentleman from Texas [Mr. GARNER], the author of the bill. I am now informed by the gentleman from Illinois [Mr. DENISON], who reported the bill, that the amendments are acceptable.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Rio Grande del Norte Investment Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near San Benito, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Rio Grande del Norte Investment Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Rio Grande del Norte Investment Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Rio Grande del Norte Investment Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to offer.

The SPEAKER pro tempore. The Clerk will first report the committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the language "and its operation, and maintenance of such bridge."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 13, add the following new section:

"SEC. 5. If such bridge shall at any time be taken over or acquired by the State of Texas or by any municipality or other public subdivision, or public agency thereof, by purchase, condemnation, or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the remainder of the bill.

The Clerk read as follows:

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to change the number of that section to number 6.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE RIO GRANDE AT OR NEAR DONNA, TEX.

The next business on the Consent Calendar was the bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with. It is exactly like the other bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Donna Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Donna, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Donna Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Donna Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Donna Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LAGUARDIA. Mr. Speaker, I offer a similar amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 9, add the following new section:

"SEC. 5. If such bridge shall at any time be taken over or acquired by the State of Texas or by any municipality or other public subdivision, or public agency thereof, by purchase, condemnation, or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

By unanimous consent the Clerk was authorized to change the number of the last section to 6.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE RIO GRANDE AT OR NEAR LOS INDIOS, TEX.

The next business on the Consent Calendar was the bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, this bill is in general the language of the bill just read, and I ask unanimous consent that the first reading be dispensed with.

Mr. LAGUARDIA. And I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill reads as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Los Indios Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has judisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Los Indios, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Los Indios Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Los Indios Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Los Indios Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or persons.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment offered by Mr. LAGUARDIA is as follows:

Page 3, after line 10, add the following section:

"SEC. 5. If such bridge shall at any time be taken over or acquired by the State of Texas or by any municipality or other public subdivision, or public agency thereof, by purchase, condemnation, or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements."

The amendment was agreed to.

By unanimous consent the Clerk was authorized to change the number of the last section to 6.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. Without objection, the Clerk will renumber the bill.

There was no objection.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the Rio Grande City-Camargo Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Rio Grande City, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the Rio Grande City-Camargo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas upon making just compensations therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Rio Grande City-Camargo Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Rio Grande City-Camargo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, after line 12, add the following new section:

"SEC. 5. If such bridge shall at any time be taken over or acquired by the State of Texas or by any municipality or other public subdivision, or public agency thereof, by purchase, condemnation, or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements."

The amendment was agreed to.

By unanimous consent the Clerk was authorized to change the number of the last section to 6.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL WAR MEMORIAL MUSEUM

The next business on the Consent Calendar was the bill (H. R. 7206) to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, this bill calls for the expenditure of $100,000.

Mr. ZIHLMAN. It authorizes it.

Mr. UNDERHILL. It authorizes the expenditure of $100,000 to perpetuate a memorial to a murder. That is really what it does.

I have no objection to the expenditure of money for the purpose of properly housing these relics of President Lincoln. But, Mr. Speaker, I think it is a most gruesome idea to foist upon the public a building which only recalls memories of one of the greatest tragedies the world ever saw. It approaches that thought with a morbidness I abhor.

The proper place for this collection of relics of this great man and merciful martyr would be the Congressional Library, the Smithsonian Institution, or the National Museum. I can not conceive that the people of this country would approve of the taking of Ford's Theater—now used as a storehouse—as a place to house this collection, especially when they learn it is proposed to reconstruct the box in which Lincoln was shot. [Applause.]

Mr. ZIHLMAN. I will say to the gentleman, if he will permit, that the Government already owns this theater. This theater was bought shortly after the tragedy occurred so that it could never be used for theater purposes. The Government also owns the Oldroyd collection which it is proposed to house in this building in addition to the other relics which may be received by donations or otherwise, the Government paying $50,000 for that collection. I will further say to the gentleman that this legislation was proposed and very earnestly advocated by our late colleague Henry R. Rathbone, of Illinois. I have no doubt the bill would have been passed except that he asked to have the bill go over in order that he might make an address upon it when it was presented to this House.

The gentleman from Illinois [Mr. YATES] is very desirous of placing before the House some information in reference to this celebrated collection of Lincoln's relics, and I hope the gentle-

man will withhold his objection and give the gentleman from Illinois an opportunity to present the reasons for this legislation.

Mr. UNDERHILL. Mr. Speaker, that does not in any way, shape, or manner answer my objection to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Further reserving the right to object, I believe this collection of relics can properly be housed elsewhere. If the Government owns this building, it would be much better to tear it down than to allow it to remain standing in the city of Washington, almost adjacent to that wonderful and magnificent memorial erected to this man whose memory is enshrined in the hearts of the people of every section of this land.

As I say, Mr. Speaker, it is abhorrent to me to think of perpetuating that tragedy which brought sorrow to the whole world. I remember my first visit to Washington. As I came through one of the railroad stations I saw marked on the floor of the station the spot where President Garfield fell when he was shot, and I well remember the feeling of horror that came over me at that time. I can not conceive how anyone could be so morbid as to want to view this collection of the personal effects of the martyred President in this gruesome surrounding.

I am not going to object, because that would be taking, I consider, an unfair advantage of the rights which I have here to defeat the legislation, but I could not let this bill go by without calling the attention of the House to the fact that this is not a monument to the memory of Lincoln; that this in no wise protects, destroys, or disturbs the relics of Lincoln, but its effect is the perpetuation of a monument to John Wilkes Booth. I will leave it there.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. ZIHLMAN. Will the gentleman from Wisconsin withhold his objection in order to give the gentleman from Illinois [Mr. YATES] an opportunity to read a letter from Colonel Grant, superintendent of Public Buildings and Grounds.

Mr. SCHAFER. Mr. Speaker, I will reserve my objection.

Mr. YATES. Mr. Speaker and gentlemen of the House, this is a bill to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater, and the bill provides that there may be such alterations and repairs to the building known as Ford's Theater as may be necessary to permit the use of such building for the following purposes:

First. As a museum for war relics and other articles of national and patriotic interest;

Second. As a permanent repository for the Oldroyd collection; and

Third. Under rules and regulations prescribed by the director, as a national headquarters of the Grand Army of the Republic and of other veterans' organizations.

This bill passed the committee, I understand, with only one dissenting vote, and is here now because not of myself but because of former Congressman Rathbone. My late lamented colleague from Illinois Congressman Rathbone presented this bill, argued it, and if he were here now would say a thousand times more in its behalf than I could possibly muster the words to imitate him.

I am going to confine myself for about five minutes to reading a certain letter which I received only yesterday from Col. U. S. Grant, 3d, Director of Public Buildings and Public Parks. I had written to the committee asking them for any statement they might give me in regard to the cost and other conditions proposed in this matter, and I received this letter in reply:

PUBLIC BUILDINGS AND PUBLIC PARKS
OF THE NATIONAL CAPITAL,
Washington, D. C., January 18, 1929.

Hon. RICHARD YATES,
House of Representatives, Washington, D. C.

Subject: Housing Lincoln collection in Ford Theater Building, H. R. 7206.

MY DEAR MR. YATES: In accordance with a telephone request received this morning from the House Committee on the District of Columbia, I am sending you herewith a copy of a letter to Mr. UNDERHILL, which contains the estimate of the cost of housing the Lincoln collection in the Ford Theater Building.

Very respectfully,

U. S. GRANT, 3d, *Director.*

I am sure my friend from Massachusetts [Mr. UNDERHILL] will pardon me if I seem to be at all indelicate in quoting what Colonel Grant wrote to him. I would like to have it understood I am reading now only what Colonel Grant wrote to a Member of this House in reference to certain objections:

JANUARY 17, 1929.

Hon. CHARLES L. UNDERHILL,
House of Representatives, Washington, D. C.

Subject: Housing Lincoln collection in Ford Theater Building, H. R. 7206.

MY DEAR MR. UNDERHILL: On your verbal assurance that you would be interested in a short but specific summary of the purpose and scope of H. R. 7206, I venture to submit the following information:

Addressing myself first as to your doubt as to the advisability of perpetuating the Ford Theater because of the horrible act it naturally commemorates and the fear that it may help to keep alive sectional feeling in the country, permit me to point out that President Lincoln is one of the two outstanding northern figures toward whom the South has come to have a feeling of respect, sympathy, and even affection. Therefore any shrine to Mr. Lincoln's memory actually becomes a focus about which the northern and southern sympathies gather and which is sure to become a help in doing away with sectional feeling rather than in accentuating it.

Careful inquiry of the custodian of the collection confirms my own view that as much interest and sympathy is shown with this very personal collection, gathered about various incidents and contacts of Mr. Lincoln's whole life, by southern visitors as by northern. I have been surprised to find how much human interest the collection has for many Americans, particularly those plain people upon whom Mr. Lincoln himself put such great reliance. However, the interest has not been limited only to the plain people, Mr. Ford himself having at one time made an offer of $65,000, subsequently raised to $70,000, to buy the collection. The interest of the collection is largely due to the fact that so many personal relics are gathered together, and separated in the Library of Congress and the National Museum it would largely lose this interest. It has the kind of intimate public interest which the Victor Hugo and Chatalet Museums have in Paris. From the outset the commission charged by Congress with the purchase of the collection had in mind that its custody and care should be a function of the National Museum, provided it could be kept together. The authorities of the Smithsonian Institution have formally stated to the commission that they did not wish to take it over, that they did not have room or facilities for caring for it, and that the preservation of only a very few items in the collection would be in accordance with their policies and duties.

The building in which the collection is now housed, 516 Tenth Street NW., is in a very bad state of repair, offers a very great fire risk, and is structurally in such condition that the number of visitors admitted at a time has to be limited, and it is not safe to turn the collection open to schools and crowds. The Ford Theater Building has gradually deteriorated through a long period of years. Summer before last the annex had to be torn down because it was in danger of falling down, and material changes will have to be made to it if it is to be put to further use by the Government. The items in the estimate covered by this bill would, therefore, have to be paid by the Government anyway in the next year or so, except the cost of reproducing the old theater auditorium, $34,000, and that of a more adequate display and insuring the preservation of the collection by the purchase of new cases, $10,000.

It is noteworthy that additional items are constantly being offered by people having relics and finding that their preservation would be pretty well assured in this way. Moreover, Mr. Oldroyd himself has a considerable collection of other Civil War items, not directly connected with Mr. Lincoln, which he would gladly donate free of any cost if there were room for their display and preservation. By leaving the collection where it now is during the few remaining years of Mr. Oldroyd's life the Government is forfeiting the possibility of securing this interesting and valuable accretion. There are also some other Lincoln relics which I have collected from various Government establishments, such as a very interesting contemporary picture of a reception at the White House, a desk which Mr. Lincoln used when visiting at the Soldiers' Home, a clock which was in the room he used at those times, etc. These are now deteriorating in such storage as we can afford them and can not be made available until a new place is found to house the Lincoln Museum.

The estimate of $100,000 covered by the proposed bill was based on doing the following work:

New roof	$26,540
Auditorium	34,000
Plumbing, including 4 new toilet rooms	6,500
Exhibiting Oldroyd collection (cases, etc.)	10,000
Partitions	1,500
Repairing and replacing floors	4,000
Repairing tile floors	500
Plastering	1,640
Painting	1,650
Lighting	750
Boiler repairs	750
Linoleum	3,000
Total	90,830
Personal services, including design, engineering, and contingencies	9,170
Grand total	100,000

In view of the above, I hope that you will withdraw your objection to the bill, both because it will provide the most economical, safe, and fitting way of preserving a collection bought by the Government in a building already owned by the Government, and also because it will tend to put up a shrine at which visitors from both sections of the country will find themselves united in a common sympathy for the great man who outlined in his second inaugural address the way the wounds of the Civil War could best be healed and the Union reunited. I fully agree with you as to the feeling of horror at the memory of the assassination, which is necessarily suggested by the Ford Theater. But still this assassination is itself in great measure the cause for the union of sympathy already referred to, and the memory of it can not be erased by merely doing away with the remaining physical structures. Should the Government adopt the other possible solution (tear down the Ford Theater Building and sell the ground), some private owner would undoubtedly buy it, rebuild a replica there, and commercialize the memory which attaches to the locality. This would undoubtedly be much worse. Furthermore, the Government would have to go to the expense of buying land elsewhere and building a suitable fireproof structure for the collection it has acquired. Whether this structure were in the form of an addition to the National Museum or a separate structure elsewhere it would be enormously more expensive than merely repairing and putting in condition the building now owned by the Government; and no location could be found as convenient to the visiting public as the present location on Tenth Street. Moreover, a building elsewhere could never have the same public interest and intimate connection with the collection housed within it as the Ford Theater.

Very respectfully yours,

U. S. GRANT 3d, *Director.*

You understand this bill does not appropriate anything. It is simply an authorization for an appropriation, and, of course, would come back to the House after the Committee on Appropriations as well as the Bureau of the Budget have passed upon it.

As I have said, this is not my bill; but as I understand it, this is the proposition, and I am in deep and hearty sympathy with the thought and the spirit and the animus back of the matter.

I believe almost without exception the Members of this House feel that instead of having the effect and having the appearance and being considered as a reminder simply of an awful murder that it will go far—very far, indeed—toward bringing about a wonderful increase of southern and northern sympathy, which we are all in favor of.

Mr. DYER. Will the gentleman yield?

Mr. YATES. Yes.

Mr. DYER. After the building has been repaired, as per the outline of the gentleman's remarks and the letter of Colonel Grant, it will still be a building that is liable to be destroyed any time by fire; in other words, it will not be a fireproof building, and you are putting into it a very valuable collection relating to the life and services of Mr. Lincoln. Does not the gentleman feel that these relics should go into a building such as indicated by the gentleman from Massachusetts [Mr. UNDERHILL], where they will be absolutely safe from destruction by fire?

Mr. YATES. I think there might possibly be some danger of that kind, but I understand that with the proposed repairs it will be as nearly fireproof as we could perhaps desire; and, furthermore, I do not think it would be well to scatter these most valuable things and put them partly in the Smithsonian and partly in the National Museum, which I understand from another portion of Colonel Grant's letter would be the only alternative.

Mr. BURTNESS. Will the gentleman yield?

Mr. YATES. Yes.

Mr. BURTNESS. Does not the gentleman think it would be more appropriate to put this valuable and historic collection in the National Museum, for instance, or some similar place, or even in the Congressional Library, rather than in that boxlike structure down there on Tenth Street, which at best can only be repaired? It will still be a rather unsatisfactory building. Should we not get the collection away from that stage where this awful tragedy occurred? Would it not mean more to the people of the United States, the general public, who come here to view the collection, if they could view it under pleasant surroundings rather than under the tragic and morbid surroundings which will always exist at Ford's Theater?

Mr. YATES. I will say in answer to the gentleman that I am very biased and prejudiced and bigoted, perhaps, in one particular. I hail from the home and the tomb of Lincoln, and at great expense the State of Illinois has done everything it possibly could to separate these things from the ordinary museums, and to-day hundreds of thousands of people—I think 200,000 people last year—come from the remotest towns and boundaries of the Republic and are glad to find these things separate and apart and not mixed up with the other State museums, which are very wonderful.

Mr. UNDERHILL. Will the gentleman yield right there?

Mr. YATES. Yes.

Mr. UNDERHILL. On that very proposition, why could we not tear down Ford's Theater and for $100,000 or a little more, or even ten times as much, if that is necessary—and I will vote for it—build a proper place for these relics? Why spend $35,000 in a nonfireproof building for the reproduction of the stage and the box and the auditorium which commemorates nothing but a tragedy? That is my objection.

Mr. YATES. So I understand.

Mr. UNDERHILL. Mr. Speaker, I would like to insert in the RECORD a portion of the letter I wrote in reply to Colonel Grant. It is as follows:

I agree with you in most of your arguments, particularly that President Lincoln's memory has the respect and affection of both the North and the South. I also agree that the collection of his personal effects under one roof is desirable.

My objection that I emphasize is that the Ford Theater is not the proper place because of the tragic memories it perpetuates of this merciful martyr. My objection is not so deep-seated as to lead me to actively oppose this proposition.

Mr. YATES. It seems to me the gentleman's argument would obliterate all the monuments to Lincoln in the United States.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

BATHING POOLS

The next business on the Consent Calendar was the bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SIMMONS. Reserving the right to object, I have no objection to the main purpose of the bill, but I want to give notice that if the bill passes the objection stage and is considered, I shall offer as an amendment to the bill a proviso that the appropriation shall be made as other like appropriations to the District of Columbia have been; and after section 2 a proviso that the fees collected at the pools shall be paid into the Treasury of the United States to the credit of the District of Columbia.

Mr. LAGUARDIA. I want to inquire of the two gentlemen, the gentleman from Nebraska and the gentleman from Maryland, the best authorities on the District of Columbia, what happened to the other bathing pools authorized?

Mr. ZIHLMAN. I will say to the gentleman that when the bathing pools at the Tidal Basin were abolished it took away from the people of the District the only facilities of this nature available. Congress passed a bill which is now a law, and which this bill still seeks to amend, providing for the erection of two large bathing pools, one for the white and one for the colored population. They were to be subject to the approval of the Fine Arts Commission and the National Planning Commission. The National Planning Commission, after consultation with the late chairman of Appropriations Committee, Hon. Martin B. Madden, recommended that there should not be constructed two large pools which would increase the transportation difficulties, and interfere with traffic, but rather that there should be smaller pools in connection with playgrounds and recreational places. This bill authorizes the appropriation for the needed construction of small pools which is in accordance with the recommendation of the Park and Planning Commission, and agreeable to the subcommittee of the Committee on Appropriations having in charge District of Columbia appropriations.

Mr. LAGUARDIA. You are going to put local small pools throughout the District?

Mr. ZIHLMAN. In connection with the playgrounds.

Mr. LAGUARDIA. And then every year we will have to go through with this fight that we always have in connection with those pools.

Mr. ZIHLMAN. We have two pools authorized, but instead of constructing two large pools, which they say will interfere with transportation and traffic in certain sections of the city, the planning committee recommends to the Appropriations Committee that a number of small pools be erected. The two pools have been erected, but they are small pools.

Mr. LAGUARDIA. What are the sizes of the pools that have been built?

Mr. ZIHLMAN. I have not the exact dimensions; perhaps the gentleman from Nebraska can give them.

Mr. LAGUARDIA. Are they big enough to swim in? [Laughter.]

Mr. ZIHLMAN. Oh, yes.

Mr. GARRETT of Tennessee. Twelve pools at $200,000 each would be $2,400,000.

Mr. ZIHLMAN. The two pools now built cost about $75,000 apiece, to the best of my recollection. And we had authorized $345,000 for the construction of two large pools, but that was changed to two smaller pools, which, as I say, cost about $75,000 apiece.

Mr. GARRETT of Tennessee. It seems to me that this is a big proposition to go through as a Consent Calendar bill.

Mr. ZIHLMAN. This bill does not appropriate any money. It simply authorizes them, as the authorities feel they are needed. I have no objection to the gentleman proposing to limit the number.

Mr. GARRETT of Tennessee. I have not sufficient knowledge of the matter to feel justified in suggesting a modification of the number. I have not been on a committee that has considered it at all. That is one of the points I make. It seems to me that it is a bill that ought to come up in the regular way and be considered so that we can have the benefit of all of the information as to sites and everything proposed.

Mr. ZIHLMAN. If we can not get consideration of it in this way at this time the legislation will probably fail. The bill came up several weeks ago and the gentleman from Nebraska [Mr. SIMMONS], chairman of the subcommittee of the Committee on Appropriations having in charge District appropriations, objected to it. He has drafted several amendments, so that the cost of these pools will be paid entirely out of the District revenues under the fiscal arrangement now existing.

Mr. GARRETT of Tennessee. The gentleman means the cost of maintenance and minor repairs?

Mr. ZIHLMAN. I mean the cost of construction.

Mr. GARRETT of Tennessee. And he has an amendment to do that?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. Mr. Chairman, I propose to offer at the end of section 1 a proviso, following the word "authorized"—

to be paid in like manner as other appropriations from the revenues of the District of Columbia.

Mr. GARRETT of Tennessee. That does not provide for repayment to the Government of the amount that is expended for construction.

Mr. SIMMONS. No. They would become District property.

Mr. ZIHLMAN. Under the plan the Congress has adopted, where they appropriate a lump sum toward the government and maintenance of the District of Columbia, anything above the lump sum is from the District revenues.

Mr. GARRETT of Tennessee. I thought the gentleman stated that the amendment of the gentleman from Nebraska would provide that there would be a refund eventually to the Government of the construction costs out of the income from the use of the pools.

Mr. ZIHLMAN. The gentleman from Nebraska has another amendment, which would provide that all fees must be paid into the Treasury of the United States.

Mr. GARRETT of Tennessee. As I read the bill, the only assurance is that there will be a charge made by the Director of Public Buildings and Public Parks, or by whoever may operate them under the terms of the bill, which will pay for maintenance and minor repairs. The capital cost, so to speak, is never to be repaid either to the Federal Government or to the District government?

Mr. ZIHLMAN. No. This is a public accommodation; it is a public bathing pool. It is a facility for the use of the people.

Mr. SIMMONS. The second proposal that I had to offer follows section 2, and strikes out all of the language of line 24 and thereafter and inserts a provision that the fees collected shall be paid weekly to the collector of taxes or deposited in the Treasury to the credit of the revenues of the District of Columbia. In other words, that the cost of these pools is to be paid from the District revenues, and the receipt shall go back to the Treasury, and then the cost of operation and maintenance will be appropriated for annually as are other expenses of the District of Columbia.

Mr. GARRETT of Tennessee. So far as I am concerned, I do not know enough about this subject to feel justified in objecting to consideration of the bill; but it is a great big proposition to pass by unanimous consent, authorizing an expenditure of $2,400,000 for bathing beaches.

Mr. ZIHLMAN. I have no objection to changing the number. This legislation is brought here by the National Capital Park and Planning Commission, who have serving on it four citizens who are eminent engineers and city planners, who serve the Government without pay.

Mr. HUDSPETH. How about the cost of the site? Is that paid out of the District revenues?

Mr. ZIHLMAN. The original bill provides that these pools shall be erected on land owned by the District or the United States Government.

Mr. HUDSPETH. And not to be acquired through condemnation of private lands?

Mr. ZIHLMAN. It is not proposed in this legislation that they shall be built on privately owned land but on land already owned by the District or the Federal Government.

Mr. GARRETT of Tennessee. I call the attention of the gentleman from Maryland, and of the House generally, to this fact: Here is a District bill involving a very large expenditure. Under the rules of the House the District Committee has, or has an opportunity to have, a day every two weeks. It does not seem to me that it is right for a committee that has that high privilege to take up the Consent Calendar with bills that so many of us are doubtful about, as we are about this particular bill. I realize that this is an important matter. I do not know enough about it to take the responsibility of objecting, but I do wish it could be taken up in some other way. Is not the District going to have a day before the adjournment of this Congress?

Mr. ZIHLMAN. The rules of the House provide for two days a month to be set aside for the consideration of District legislation. That is subject, of course, to the will of the House. I have no assurance that the House is going to give us the days provided by the rules.

Mr. DYER. The District Committee has not had any lately.

Mr. ZIHLMAN. They have had no days this session.

Mr. GARRETT of Texas. The gentleman has waived his District day by giving unanimous consent to have them passed.

Mr. ZIHLMAN. Probably I have been negligent.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BOYLAN. I am in sympathy with the purposes of the bill, but it appears to me that inasmuch as these are public pools and beaches, no fees should be collected from the people. Why collect a fee?

Mr. ZIHLMAN. It is necessary to have a small fee for the maintenance of public bathing pools. The gentleman knows that.

Mr. BOYLAN. That is true.

Mr. ZIHLMAN. Do you not charge a small fee in New York?

Mr. BOYLAN. For the use of towels and soap. We do not charge for the use of pools or for bathing.

Mr. ZIHLMAN. It is for the maintenance and care of the bathing pool, for the use of towels, lockers, and so forth.

Mr. BOYLAN. It would seem a small fee for that use, towels, soap, and so forth, would be permissible, but I do not think it proper that any fee should be charged for the use of the pool, in bathing.

Mr. ZIHLMAN. There is no fee exacted.

Mr. HUDSPETH. If the gentleman will yield, will the gentleman state whether the bathing pools are built on land owned by the Government?

Mr. ZIHLMAN. On land owned by the Government; one near Rock Creek Park——

Mr. HUDSPETH. Where are they located?

Mr. ZIHLMAN. One at Twenty-fourth and Rock Creek Park in the rear of the junior colored high school. The other pool is being constructed on the grounds of the McKinley High School, R Street NE.

Mr. McSWAIN. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. McSWAIN. Has there not been strong opposition of the residents immediately near the McKinley High School to the location of the bathing pool there?

Mr. ZIHLMAN. I will say to the gentleman that to every site considered for the erection of the existing bathing pools there has been much opposition.

Mr. McSWAIN. If there is going to be opposition of those to be benefited, why should we force anything upon them?

Mr. ZIHLMAN. The gentleman knows large municipalities provide bathing facilities, and those facilities we have had in this city for many years. It is only when the controversy arose over the construction of a colored bathing beach pool at the Tidal Basin that the appropriation was withdrawn, and the city has been without those facilities.

Mr. SPROUL of Kansas. Regular order!

Mr. COLLINS. Mr. Speaker, I object.

The SPEAKER pro tempore. It takes three objections.

Mr. SPROUL of Illinois, Mr. COLLINS, and Mr. RAYBURN objected.

EXEMPTING EMPLOYEES, PUBLIC-SCHOOL SYSTEM, FROM SALARY-LIMITATION PROVISION

The next business on the Consent Calendar was the bill H. R. 12531, a bill to exempt employees of the public-school system of the District of Columbia from the $2,000 salary-limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object. The normal schools are turning out more pupils than can be absorbed, and many of the teachers lack an opportunity to teach in the different schools. Now, this bill is prompted by school politics, where day teachers want to hold jobs and get extra compensation by extra teaching.

Mr. SIMMONS. I think the purpose of this bill is not to do what the gentleman says. The purpose of this provision, as I understand it, is not to do what the gentleman from New York fears, but to enable employees of the Federal Government to teach in night schools, pupils of which are largely adult people who otherwise would not be able to go to school in the daytime, and for the use of the services of Federal employees. Many in the departments are acquainted with specific subjects, and this would allow those people to teach in the night schools.

Mr. JOHNSON of Washington. Are the employees of the various departments of the Government earning more money by the teaching of matters pertaining to their line of work?

Mr. SIMMONS. In the night schools in part; yes, sir.

Mr. JOHNSON of Washington. I object to the consideration of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

Mr. SCHAFER. I object.

The SPEAKER pro tempore. The gentleman from Washington, the gentleman from Wisconsin, and the gentleman from New York object. The Clerk will report the next bill.

FREE TEXTBOOKS, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT. Reserving the right to object, Mr. Speaker, this bill applies only to the high schools. I think that it is economically unsound. The majority of the pupils are children of well-to-do families, and I think it is economically unsound and socially unwise. I wish to object.

The SPEAKER pro tempore. The gentleman from Kentucky objects. It takes three objections.

Mr. MILLER. Mr. Speaker, reserving the right to object, I see by this report that the bill entails an initial expenditure of $242,000 the first year and $100,000 each year thereafter. It is a pretty good-sized proposition to come up before the House on the Consent Calendar.

Mr. ZIHLMAN. I will say to the gentleman that there was a bill on the Consent Calendar for his State involving an expense of $200,000,000.

Mr. MILLER. We will take that up when the time comes. Many of the States have active laws regarding the public use of textbooks. Primarily I am in favor of the public supplying the textbooks where the parents are in indigent circumstances and where the guardianship funds are not sufficient at their disposal to supply textbooks, and where in cases where the children are wards of the court they are unable to supply the textbooks. Besides that, in this city there are in schools here large numbers of children who reside outside the District, living in States which are amply competent to furnish the children with schools and free textbooks. I do not think it is appropriate to authorize an expenditure of $242,000 this year and $100,000 each year thereafter to supply textbooks to the high schools. I therefore object. In justification of my objection I may say that in several States the children of indigent parents are furnished clothing for their children—sufficient clothing, I may say, that will enable the child to make a presentable appearance in school. This in addition to textbooks and school supplies. With the immense amount of money the Government, out of the Federal Treasury, contributes toward school buildings and schools of the District of Columbia, it strikes me that the people of the District should not expect the people of New York, Massachusetts, Ohio, California, Washington, and all the States to buy the school textbooks and school supplies for their children in the high schools. They are just as able to supply their own children with school books as are the citizens of any State or any other city.

It will not do to say that it will break the pride of any parent to make the proper showing provided for in my proposed amendment. Human pride is not that sensitive.

Large numbers of boys and girls in the high schools as well as in the graded or ward schools come from outside the boundaries of the District simply because the people outside the District will not tax themselves to build the proper schoolhouses and maintain their own schools.

The SPEAKER pro tempore. Objection is heard.

Mr. CRAMTON. Mr. Speaker, as to the matter the gentleman suggests who has just spoken with reference to pupils residing outside of the District, we have been making an effort to reduce that number, and the number has been reduced. I think it is only a matter of a little time when that unfairness to the District shall have ended. But that ought not to cause us to take action here to make it more difficult for the children of parents of limited means to get a high-school education. We have gotten to the point where a high-school education is just as necessary for competitive reasons as an eighth-grade education was a few years ago, and in the case of the child of limited means, when it gets to that period of entering the high school, where his age makes it so that the pressure is stronger for him to go out and earn a living, we ought not to add to that pressure by reason of the cost of textbooks. These textbooks will be cheaper for the taxpayers to pay in this way than for each pupil to have to buy textbooks that at the end of the year are totally lost and wasted. Under this bill this year they are used by one child, and next year by another, and there is not that economic waste.

Mr. MILLER. Mr. Speaker, we already at public expense provide textbooks for the children of the District of Columbia; at public expense in the primary grades, which are the essential parts of education. I shall object to this bill unless an amendment such as I now propose shall be embodied in the bill. The amendnrent provides "that in the case of indigent parents, the absence of sufficient funds in the estates of wards of the court and of guardianships, and in all other cases where the parties in charge of children of school age are unable financially to provide the schoolbooks, supplemental schoolbooks, educational books and supplies, such books and supplies shall be furnished; all cases of such indigency and inability to be determined by the Board of Education of the District of Columbia upon application, a showing of which must be made in a permanent record thereof, preserved by the Board of Education."

Mr. COCHRAN of Missouri. Mr. Speaker, I can not conceive of three men objecting to the consideration of this bill. I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. MILLER. I object.

Mr. GILBERT. I object.

Mr. DAVIS. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are heard. The Clerk will report the next bill.

TEACHERS' SALARY ACT, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12956) to amend certain sections of the teachers' salary act approved June 4, 1924, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT. Mr. Speaker, reserving the right to object, I want to answer certain criticisms that I have heard around me here of the District Committee having so many bills on the Consent Calendar. That is true. It would be better if we had them on some other calendar. But the House should remember that other cities of comparable size to Washington have city councils in session throughout the year.

The only city council Washington has is now assembled. It has not had a day this session, and the probability that it will have a call on the regular calendar seems remote. Certain emergencies arise in every city, and this being the home of Congress and the home of the Government, we necessarily have to give more time to it than otherwise would seem necessary. With that explanation I do not object.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object, Mr. Speaker.

AMENDMENT OF THE CODE OF LAWS FOR THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws

for the District of Columbia relating to degree-conferring institutions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have one or two amendments to offer to this bill. One of my amendments would prevent any of these institutions from issuing diplomas while they are under investigation and another amendment would prevent them from issuing diplomas while they are taking an appeal to the court of appeals. I do not think there can be any objection to those amendments. But here is an amendment to which I want to call the attention of the gentleman from Maryland. On page 3, line 2 after the word "art" I insert the words "or in law," so as to make the same requirement for a correspondence school in law as is made for a school of medicine. If the gentleman will accept those amendments I shall not object. I think something ought to be done about these diploma mills. I think this bill will do it and it is necessary, it seems to me, to protect the people from getting fake diplomas in law as much as in medicine.

Mr. ZIHLMAN. I will say to the gentleman from New York that the gentleman from Wisconsin [Mr. NELSON] is very strenuously opposed to this bill. I had a talk with him about it and was to go into the matter further with him. In view of the fact that I have not had this further conference with him and that he is not here to-day, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that this bill go over without prejudice. Is there objection?

Mr. DYER. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia be amended by adding the following new sections:

"SEC. 586a. The fee payable to the recorder of deeds for filing the certificate of incorporation under this subchapter shall be $25.

"SEC. 586b. No institution heretofore or hereafter incorporated under the provisions of this subchapter shall have the power to confer any degree in the District of Columbia or elsewhere, nor shall any institution incorporated outside of the District of Columbia or any person or persons individually or as a partnership or association or otherwise, undertaking to confer any degree, operate in the District of Columbia, unless under and by virtue of a license from the Board of Education of the District of Columbia, which before granting any such license may require satisfactory evidence—

"1. That in the case of an individual or any unincorporated group of individuals he, or a majority of them, or in the case of an incorporated institution, a majority of the trustees, directors, or managers of said institution are persons of good repute and qualified to conduct an institution of learning.

"2. That any such degree shall be awarded only after such period of residence and such quantity and character of work as are usually required by reputable institutions awarding such degrees.

"3. That applicants for said degree possess the usual high-school qualifications at the time of their candidacy therefor.

"4. That considering the number and character of the courses offered, the faculty is of reasonable number and properly qualified, and that the institution is possessed of suitable classroom, laboratory, and library equipment.

"SEC. 586c. Application for the license referred to in the preceding section shall be in writing upon forms prepared under the direction of the Board of Education, and shall be filed with the secretary of the said board, whose duty it shall be, in case the institution so licensed is incorporated under the laws of the District of Columbia, to forward a copy of said license to the recorder of deeds for the District of Columbia, who shall indorse upon the certificate of incorporation the fact that said license has been issued. The Board of Education is hereby authorized to employ the personnel of the public-school system of the District of Columbia, so far as the same may be necessary, for the proper performance of its duties under this act, and it shall be the duty of all public officers and bureaus of the Federal Government concerned with educational matters to render such advice and assistance to the Board of Education as it may from time to time consider necessary or desirable for the better performance of its duties under this act.

"SEC. 586d. A license once issued may be revoked by said Board of Education for noncompliance on the part of any individual or individuals, association, or incorporated institution so licensed with the provisions of section 586b of this act. Upon the revocation of any such license it shall be the duty of the secretary of the Board of Education, in the case of an institution incorporated under the laws of the District of Columbia, to forward a copy of the revocation to the recorder of deeds for the District of Columbia, who shall cause a notation to be placed upon the certificate of incorporation to the effect that its authority to confer degrees has been revoked: *Provided, however,* That 30 days' notice shall first have been given to such individual or individuals, association, or to the trustees, directors, or managers of said institutions, with full opportunity to be heard by said Board of Education at either a public or nonpublic session thereof, as may be desired by such individual or individuals, association, or the institution threatened with revocation of its license, and the evidence upon which said board shall act in the revocation of such license shall be committed to writing under the direction of the board, and upon application therefor a copy thereof furnished to such individual or individuals, association, or the institution whose license has been revoked: *And provided further,* That any party aggrieved by the action of said board in refusing to license or in revoking a license previously granted may have the action of the said Board of Education reviewed by the Supreme Court of the District of Columbia at an equity term thereof.

"SEC. 586e. No institution incorporated under the provisions of this subchapter shall use as its title, in whole or in part, the words "United States," "Federal," "American," "national," or "civil service," or any other words which might reasonably imply an official connection with the Government of the United States or any of its departments, bureaus, or agencies, or of the government of the District of Columbia, nor shall any such institutions advertise or claim the power to issue degrees under the authority of Congress or otherwise than under the authority of the license granted to them by the Board of Education as hereinbefore provided. The prohibition in this section contained shall be deemed to include and is hereby declared applicable to any individual or individuals, association, or incorporation outside of the District of Columbia which shall undertake to do business in the District of Columbia or to confer degrees or certificates therein; and any such individual or individuals, association, or incorporation violating the provisions of this section shall be subject to the penalty hereinafter in section 586f provided.

"SEC. 586f. Any person or persons who shall, directly or indirectly, participate in, aid, or assist in the conferring of any degree by any unlicensed individual or individuals, association, or institution, or by any individual or individuals, association, or institution whose license has been revoked, or shall advertise or claim any authority to confer any such degree, except in pursuance of the provisions of this act, or who shall violate the provisions of the section of this act immediately preceding shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Supreme Court of the District of Columbia shall be punished by a fine of not more than $2,000 or imprisonment for not more than two years, or both."

With the following committee amendment:

On page 2, in line 15, strike out all of section 2 and insert in lieu thereof the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided,* That if more than one-half the requirements for any degree are earned by correspondence or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further,* That no diploma shall be issued conferring a degree in medicine or any healing art for study pursued or work done by correspondence."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. LAGUARDIA: On page 2, in line 22, after the word "degree" and before the colon, insert "and approved by the Board of Education of the District of Columbia."

The amendment to the committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer another amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: On page 3, line 2, after the word "art," insert the words "or in law."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 5, line 7, strike out the period, insert a colon, and add the following: "*And provided further*, That after notice has been given as hereinbefore provided and during said 30-day period or during the time said decision is under review by the supreme court, no diploma shall be awarded or degree conferred by the licensee."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL COMPENSATION TO THE ASSISTANTS TO THE ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7341) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I notice that the committee report does not give any information which would indicate that this bill is necessary. Could the chairman of the District Committee give us any information which would justify the passage of this bill?

Mr. ZIHLMAN. I will say to the gentleman that officers in the United States Army, who are assigned here as assistants to the engineer commissioner, receive the salary of their rank in the Army. They are assistants to the engineer commissioner and assigned to his office, and some of the assistants to the assistant engineer and those in other offices have been rated under the classification act at $5,600 and $6,000. This bill would only involve an additional expenditure of some $2,500, approximately, per year. It will increase the salaries of the Army officers assigned to the District of Columbia as assistant engineer commisisoners from the pay of their present rank to $6,000 per annum, which would be comparable with the heads of other divisions who have been classified under the classification act.

Mr. SCHAFER. In other words, it would discriminate against all other officers in the same service, those who are connected with Mississippi flood relief work, and so forth?

Mr. ZIHLMAN. It would give them an additional salary while they were assigned to duty in the District of Columbia as assistant engineer commissioners. I will say to the gentleman that living is higher here than it is in a great many places to which officers are assigned, and the salary of the assistants in some instances is higher than the salary of the officer in charge of that particular branch or division.

Mr. SCHAFER. While the living cost is higher, the advantages are greater and there does not seem to be any opposition from Army officers to being stationed here.

Mr. ZIHLMAN. The assistant engineer commissioners here have been men who have rendered excellent service. One of the assistants affected by this bill is Captain Whitehurst, who is assigned here with the rank and pay of captain. He has done very exceptional work in connection with the street-improvement program of the District of Columbia.

Mr. LAGUARDIA. The gentleman might add right here that assistant engineers of a city of this size doing this kind of work would get more than $6,000 a year.

Mr. SIMMONS. Mr. Speaker, reserving the right to object, I think I can explain why this bill possibly has some objection. It applies to Captain Whitehurst, to Major Davison, and Major Atkins, who are all three of them very efficient officers assigned to duty with the District of Columbia. The bill gives these three men, one a captain, two holding the rank of major, the pay of a lieutenant colonel during this period of service. There are other Army officers assigned to duty with the District of Columbia that this bill does not affect. Major Somervell, who has charge of the Harbor of Washington, a very efficient officer, as are these other men, is not benefited by it. The salary of Colonel Grant, in charge of public buildings and parks, is just a trifle above $6,000. He has under him two other officers who serve the District of Columbia, that this bill does not benefit. So my objection to the bill is, first, that it creates a discrimination between the Army officers that serve the District of Columbia now; and in addition to this, when it is passed, it will create a very serious discrimination between Army officers stationed in Washington whose duty it is to serve the District of Columbia, and Army officers stationed in Washington whose duty it is to serve the United States. They are being paid the pay of their rank and they are obeying the orders and performing the duties that go with their rank, and I see no reason for giving some of them greater pay than the others are receiving.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. ZIHLMAN. Does not the gentleman's committee each year appropriate additional sums to pay the difference in the salary of the engineer commissioner? The object of this bill is to put the assistants to the engineer commissioner on the same basis.

Mr. SIMMONS. Congress appropriates each year a sum for the engineer commissioner so that he draws the same pay as the other commissioners, but I would suggest that there are certain social obligations and other matters of that kind that are necessary that the engineer commissioner has to perform that justify that payment. If the gentleman's committee would see fit to authorize a reasonable allowance in excess of their salaries out of District funds to those who are serving——

Mr. ZIHLMAN. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. ZIHLMAN. I would like to ask the gentleman what he considers a reasonable allowance? We are only attempting to raise the officers to whom he refers and who, he says, are rendering splendid service, $400.

Mr. SIMMONS. You are giving two of them about $300 and one of them about $2,000 additional.

Mr. ZIHLMAN. That is not the information before the committee.

Mr. SIMMONS. I think the salary of Captain Whitehurst is four thousand one hundred and some dollars and this will give him $6,000. He is an efficient officer.

Mr. ZIHLMAN. He receives, I will say to the gentleman, according to the information placed before the committee, $4,150.

Mr. SIMMONS. This bill would give him an increase of some $1,800.

I object, Mr. Speaker.

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 12530) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain, in a word, what the bill does.

Mr. ZIHLMAN. I will say to the gentleman that under decisions of the courts here, where the members of the Board of Education have been held liable for acts of the board, the judgment rendered against the board has also been entered against them as individuals. This has embarrassed them and has tied up their property. The purpose of the bill is to relieve them from personal liability for their official acts as members of the Board of Education.

Mr. DYER. In that instance, if a man secured a judgment against the board, how would he be paid?

Mr. ZIHLMAN. It would be paid by the District of Columbia, as it is now being paid, but pending that the judgment is against the individuals and all their property.

Mr. DYER. But when the District has paid it, that relieves them entirely?

Mr. ZIHLMAN. Oh, yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3828, may be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That Public Law No. 254, approved June 20, 1906, be amended by adding, at the end of section 2 of said act, the following:

"The members of the Board of Education of the District of Columbia shall not be personally liable in damages for any official action of the said board performed in good faith in which the said members participate, nor shall any member of said board be liable for any costs that may be taxed against them or the board on account of any such official action by them as members of the said board; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

VAGRANCY IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 7971) to define and punish vagrancy in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HOOPER. Reserving the right to object, I notice that the bill, in section 2, page 2, says that the defendants' personal recognizance shall not be accepted. I would like to ask the gentleman if that is not, under the circumstances, a rather harsh provision. There are circumstances where a man might be convicted, or, under a plea of guilty, might find himself totally unable to furnish a bond, and the magistrate, taking all of the particulars into consideration, might want to let him go on his own recognizance. Would it not be better, and would not the gentleman accept an amendment allowing the magistrate that discretion?

Mr. JOHNSON of Washington. There is a large colored population in the District of Columbia, and the result of this bill might be that they would arrest a large number of the negro population who are not quite vagrants.

Mr. HOOPER. That may be; there are dangers that may be incurred in making it too restrictive. Let me ask the gentleman: Is this the first bill on vagrancy that there has been in the District of Columbia?

Mr. ZIHLMAN. No; there is a vagrancy statute, but under court decisions it is ineffective and worthless. This bill was sent up here by the major and superintendent of police. Since the bill was reported the major and superintendent has submitted a much more drastic bill and ask that it be considered in lieu of the legislation on the calendar. In view of the fact, I ask unanimous consent that the bill go over without prejudice until the next unanimous-consent day, when we may have an opportunity to consider the other bill.

Mr. LAGUARDIA. Reserving the right to object, I shall not object to the bill going over in order to consider the other bill, but I want to call the attention of the House to the fact that there is a provision here that in these days of unemployment where you seek to cure the employment situation—where you seek to cure the unemployment situation with a jail sentence—that you can not cure the economic conditions by jail sentences. Section 4 provides that all persons who do not have sufficient means to maintain themselves or themselves and their families, and live idly and without employment and who are able to work and refuse to work are vagrants. How can a man prove or how can he bring witnesses that he has been looking for a job and could not find it? How is he going to bring witnesses to that? How can you say that he refuses to work unless the District offers him the job? This is punishing poverty, which is absolutely absurd.

Mr. HOOPER. I want to give notice to the gentleman from Maryland that if another bill is introduced I shall offer the amendment that I suggested.

Mr. COCHRAN of Missouri. Mr. Speaker, I object to the consideration of the bill.

Mr. LAGUARDIA, Mr. BLACK of Texas, Mr. DYER, Mr. JOHNSON of Texas, Mr. GILBERT, and Mr. HUDSON also objected.

CONSTRUCTION OF ADDITIONAL UNITS OF THE ARMY MEDICAL CENTER, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 14154) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to call the attention of the House to the fact that this does not complete the project. There will be $660,000 more asked at some time in the future, because the estimate is for $2,000,000. You have already appropriated in 1921, $500,000, and you are now asked for $840,000, and that leaves under the original plan to be built $660,000. Are the sponsors of the bill ready to assure the House that this appropriation now asked will complete all the buildings?

Mr. McSWAIN. This authorizes and will complete the particular addition.

Mr. LAGUARDIA. That is, the wings.

Mr. McSWAIN. The wings that are contemplated. I want to say that after objection was made when this was stricken from the calendar I made a careful personal investigation, and, much to my surprise and gratification, Captain Foley, of the Army Medical Corps, had made such a careful set of plans and such a thorough computation based on the unit of cost that it seemed to me entirely reasonable and probable and that the appropriation would cover the present addition.

Mr. LAGUARDIA. The wing?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. So that some time in the future this House may be asked to consider another bill for another wing?

Mr. McSWAIN. For another wing?

Mr. LAGUARDIA. One wing has been completed.

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. The estimate for the entire project is $2,000,000, so that this does not complete the original plan?

Mr. McSWAIN. I did not understand the gentleman. This does complete one additional wing that is now planned, the plans for which have been drawn.

Mr. LAGUARDIA. And that gives you two wings?

Mr. McSWAIN. Yes.

Mr. LAGUARDIA. So that you would still have the administration building?

Mr. McSWAIN. The administration building for the Army Medical School. That is distinct from the hospital administration building.

Mr. JAMES. I have a letter here from General Ireland, and he says that it was explained to the committee when the $500,000 was given that it would complete one wing of the building, and that the entire building would cost in the neighborhood of $1,250,000.

Mr. LAGUARDIA. But your own report says $2,000,000.

Mr. JAMES. This is $1,250,000. I shall put the entire letter in from General Ireland:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, January 15, 1929.

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In compliance with your telephone request of this morning I have the honor to make the following statement with reference to the necessity for the completion of the Army Medical School at the Army medical center, a bill to accomplish this purpose, H. R. 14154, having been introduced into the House on December 3, 1928.

First. The act of June 5, 1920 (41 Stat. 122), making appropriation for the Army under the head of "Construction and repair of hospitals" appropriated $500,000 toward the erection of a building for the Army Medical School. It was explained to the committee when the $500,000 was given that it would complete one wing of the building and that the entire building would cost in the neighborhood of $1,250,000. The south wing of the building was constructed and was occupied by the Army Medical School in 1923. The building as constructed is only large enough for a part of the activities that should be housed in it, namely, the laboratories and the school for the Army Medical Corps. In the meantime the Army Veterinary School, the Army Dental School, the Army School of Nursing, and the Army School for Physiotherapy and Occupational Therapy Aides are of necessity conducted in temporary buildings, and it will be necessary to continue them in temporary buildings until the Army Medical School is completed. The activities mentioned are now carried on in temporary buildings as follows: Army Dental School, 35; Army Veterinary School, 35; Army School of Nursing, quarters 5; School for Physiotherapy Aides, 76; School for Occupational Therapy Aides, 96, 97, and 98.

Second. The contracts have just been let to complete the construction authorized for the Walter Reed Hospital and money has already been appropriated to construct a psychiatric service. All of this construction should be completed within a year. When that is completed every patient under treatment at Walter Reed Hospital will be in modern fireproof construction, and if the money for the completion of the Army Medical School is authorized and when the nurses' quarters now under construction are completed, every activity at the Army medical center will be housed in modern buildings except the enlisted personnel on duty at the hospitals, part of whom will still be in temporary construction. This statement, of course, does not include the quarters for the officers on duty at the hospital.

If we are to ever get rid of the temporary buildings at Walter Reed Hospital, thereby removing the fire hazard and the enormous expense of the upkeep of these temporary buildings, I think it is of the greatest importance that the completion of the Army Medical School should be authorized.

Very sincerely,

M. W. IRELAND,
Major General,
The Surgeon General, United States Army.

I take it for granted that when we pass this bill there will not be any more money requested, except the balance of $300,000 for nurses' quarters—we have already authorized $600,000 for

this purpose—and some money needed to take care of the enlisted men in temporary buildings.

Mr. LAGUARDIA. Let us understand each other. This will complete the center. It will furnish a wing to the wing built with the appropriations in 1921, give us the administration building, and it completes that unit?

Mr. JAMES. Yes.

Mr. LAGUARDIA. And you are not coming back for $660,000 to bring it up to the $2,000,000 originally estimated?

Mr. JAMES. I have placed the whole letter in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $890,000, to be expended for the construction and installation at the Army medical center, District of Columbia, of such buildings, utilities, and appurtenances thereto as may be necessary, as follows: Completion of Army Medical School, $840,000; addition to power plant, $50,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS TO DISTRICT JUDGES

The next business on the Consent Calendar was the bill (H. R. 12526) to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, this is a bill making the United States a party defendant in certain suits?

Mr. LAGUARDIA. Oh, no; this is a bill which simply adds the word "marriage" to the degree of relatives who can not be employed. The reason for that is this. We had a case down in Oklahoma where the judge employed his own wife, and we are seeking to prevent that.

Mr. HOOPER. I withdraw my reservation of objection.

Mr. CRAMTON. Further reserving the right to object, does not the bill also add something else? What hurt does it do for a judge to have employed as his clerk somebody who is related to him?

Mr. LAGUARDIA. Because they do not work.

Mr. CRAMTON. It is a highly confidential position, and I can see that possibly the judge might have a niece who would be competent for the position.

Mr. LAGUARDIA. I do not think the niece would come within the consanguinity of a first cousin. He may employ his niece.

Mr. CRAMTON. Or even a first cousin.

Mr. LAGUARDIA. We had a case where the judge employed first his daughter, then his wife, and then another daughter, and no one of them did any work except to sign the pay roll.

Mr. CRAMTON. If the gentleman can devise a law that will make a Federal employee work under all conditions, he will have to go much further than this.

Mr. DYER. And some of these people were on the pay roll, but never did respond in service.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended) is hereby amended to read as follows:

"No person shall be appointed to or employed in any office or duty in any court or as a stenographer or clerk to a district judge or to a judge of the Circuit Court of Appeals who is related by affinity, marriage, or consanguinity within the degree of first cousin to the judge of such courts. No such person holding a position or employment in a circuit court on December 21, 1911, shall be debarred from similar appointment or employment in the district court succeeded to such circuit-court jurisdiction."

With the following committee amendments:

Page 1, line 9, after the word "affinity," strike out the comma and the word "marriage"; and in line 10, page 1, after the word "courts," insert the words "or by marriage."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHICAGO WORLD'S FAIR

The next business on the Consent Calendar was House joint resolution (H. J. Res. 365) authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLACK of Texas. Yes.

Mr. CRAMTON. Reserving the right to object, I have an amendment to the joint resolution which I submitted to the gentleman from Illinois [Mr. CHINDBLOM], which he is willing to accept.

Mr. BLACK of Texas. My objection is based on this ground: Our experience with the Philadelphia Sesquicentennial Exposition, I think, has convinced the Congress and the country that we have passed beyond the day of world's fairs, and that they are an unjustifiable public expenditure.

Mr. CRAMTON. Let me suggest to the gentleman from Texas that very possibly my amendment may help to meet his objection.

Mr. BLACK of Texas. If you are not in favor of a proposition of this kind, the time to exert whatever opposition you have is right at the outset.

Mr. CRAMTON. My thought has been, if the gentleman will yield to me, that the time to make it clear what part, if any, we are going to take in the world's fair is now; and as I understand, what I propose in this amendment is in harmony with the present program and quite agreeable.

I think that will remedy the danger the gentleman has in mind. I propose to add a new section to read as follows:

That the Government of the United States is not by this resolution obligated to any extent in connection with the holding of such world fair and it is not hereafter to be so obligated other than for suitable representation thereat.

Mr. BLACK of Texas. That section would not be effective. It would be a mere gesture. Future Congresses are not bound. There are plenty of ways to get around a declaration of that kind. I think the experience in Philadelphia's Sesquicentennial Exposition ought to be convincing.

Mr. CRAMTON. Well, our experience in that is different from what is considered here. We know this exposition is going to be held, that many millions of dollars are going to be raised, and I have faith that Chicago will make a success of it where Philadelphia was not successful. I think it is proper for us to invite other nations to attend, and if we do it is proper for this Government to have representation there as we are to have at Seville, Spain, next year. This does not bind any future Congress. It does make it clear that we do not now expect to be committed by this action to some great expenditure for the conduct of the exposition, and I was in hopes this amendment would meet with the objection of the gentleman.

Mr. CHINDBLOM. Mr. Speaker, I would like to have the attention of the House for a moment. The proposed exposition in Chicago in 1933 will commemorate the centennial of the establishment of that city as a municipality. Hearings were had on the bill before the Committee on Ways and Means. This exposition will be altogether different from any held heretofore on a broad scale. This will not be a competitive exposition of products and manufactures of various industries and interests. It will be entirely an exposition of the history of the progress, development, and growth of industry, science, and art, and it is proposed to take each industry, each mode of art, and each industrial science particularly, including agriculture, and show its history from the beginning to the present time, especially during the last 100 years. The National Research Council has been engaged to take charge of the planning of this exposition. At the hearings before the Committee on Ways and Means Vice President Dawes and Senator DENEEN, of Illinois, appeared, and, as appears in the print of the hearings, they stated specifically that no amount of money will be asked and there is no purpose of calling for any aid from the Federal Government for the expenses of this undertaking.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. ALLGOOD. Who is going to finance that?

Mr. CHINDBLOM. The Chicago World's Fair Centennial Celebration Corporation, which has been organized under the

laws of the State of Illinois as a corporation not for profit. The President, under the terms of the bill, will not invite nations to participate until $5,000,000 has been actually paid into the capital of that corporation, and it is planned to raise a total of $30,000,000 for the purposes of the exposition. The State government and the city of Chicago will participate in the plans for holding the fair. The bill even provides for the expenditure which the Government will undergo in the Customs Department by assigning men to handle the collection of customs duties upon goods brought in for exposition and subsequently sold. It provides that the expenses for handling exhibits in bond shall be paid for by the corporation. It provides that the corporation will reimburse the Federal Government for every item of such expenditure. Some objection was raised in the Committee on Ways and Means on the ground that the Government should pay these expenditures, but the committee was convinced that the plan proposed by this organization was feasible and proper.

I will further say this to the gentleman from Texas [Mr. BLACK]: We all realize that exhibitions and expositions of the old character probably will not be successful hereafter, but this exposition is on a large scale, covering all industries and all sciences and all arts, upon the same plan and along the same lines as was the transportation exhibition given by the Baltimore & Ohio Railroad Co. in Baltimore last year, where they showed the entire history of railroad transportation from the beginning of railroad building in the United States up to the present time. There were present at that exhibition a larger number of people than at the Sesquicentennial Exhibition at Philadelphia.

Mr. LAGUARDIA. The gentleman will understand how the Members of the House feel after the experience with the Philadelphia Sesquicentennial.

Mr. BLACK of Texas. Would the gentleman object to this bill going over? I would like to consult the hearings for more information. I have not had the time yet to read the hearings.

Mr. CHINDBLOM. I will have to consent, of course, if the gentleman insists.

Mr. BLACK of Texas. I will request that of the gentleman.

Mr. CHINDBLOM. A similar exposition was held recently at Dusseldorf, Germany, to show the progress of mineral science. It attracted 7,500,000 people. Already a large number of corporations and firms have indicated their desire to participate in this exposition at Chicago.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

Mr. SCHAFER. I object.

Mr. BLACK of Texas. I ask for the regular order if the gentleman will not permit the resolution to go over.

Mr. SCHAFER. I reserve the right to object.

Mr. CHINDBLOM. I do not think the gentleman from Wisconsin or the gentleman from Texas wants to prejudice this matter. I am satisfied that they will not object when they understand that the entire membership of the Committee on Ways and Means, including the gentleman from Texas [Mr. GARNER], the gentleman from Mississippi [Mr. COLLIER], and the gentleman from Georgia [Mr. CRISP] approve it. All the members of the Committee on Ways and Means supported this bill. I do not see how any ground can be found for opposition. The financial responsibility of the people controlling this enterprise is such that there will be no question of coming to Congress for aid.

Mr. SCHAFER. If at a future time a bill should be introduced in Congress providing for a couple of million dollar subsidy, as was done, for instance, in the case of the Philadelphia exposition, will the gentleman oppose it?

Mr. CHINDBLOM. I will oppose it. The amendment of the gentleman from Michigan [Mr. CRAMTON] states fully the position of the men who are promoting this enterprise at Chicago.

Mr. BLACK of Texas. I am not going to take the responsibility of objecting. I remember all these assurances were given us at the time the Philadelphia exposition was provided for. I think practically all the assurances were given at that time that the gentleman has given us to-day. Yet in due time the Philadelphia exposition came to Congress for a large appropriation. I hope that such will not happen in the case of this Chicago exposition. I shall not object to consideration of the bill.

Mr. CHINDBLOM. I thank the gentleman.

Mr. Speaker, under the leave granted by the House, I insert in the RECORD at this point the report of the Committee on Ways and Means, through its chairman, Mr. HAWLEY, to accompany House Joint Resolution 365:

The Committee on Ways and Means, to whom was referred the joint resolution (H. J. Res. 365) authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes, having had the same under consideration, report it back to the House with amendments and recommend that the amendments be agreed to and the joint resolution as amended do pass, the amendments being as follows:

Strike out the preamble.

On page 2, line 6, strike out the words "the celebration" and insert in lieu thereof the following: "a world's fair to be held in the city of Chicago, in the State of Illinois, in the year 1933, to celebrate the one hundredth anniversary of the incorporation of Chicago as a municipality."

The joint resolution provides that whenever it shall be shown to the satisfaction of the President that a sum of not less than $5,000,000 has been raised and is available to the Chicago World's Fair Centennial Celebration Corporation, for the purposes of a world's fair to be held in the city of Chicago, in the State of Illinois, in the year 1933, to celebrate the one hundredth anniversary of the incorporation of Chicago as a municipality, the President is authorized and requested, by proclamation or in such other manner as he may deem proper, to invite the participation of the nations of the world in the celebration; that articles may be imported from foreign countries for the purpose of exhibition at said celebration, free of duty, customs' fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe, but that articles so imported may be sold for delivery at the close of the celebration subject to such regulations for the security of the revenue as the Secretary of the Treasury shall prescribe, and that all such articles, when sold or withdrawn for consumption, shall be subject to any duty imposed thereon by the revenue laws in force at the date of their importation and to the terms of the tariff laws then in force; and that all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Chicago World's Fair Centennial Celebration Corporation under regulations to be prescribed by the Secretary of the Treasury.

The city of Chicago was incorporated as a municipality in the year 1833, with a population of 28 white persons and some native Indians. It now has within its metropolitan area more than 4,000,000 people and is growing at the rate of about 90,000 per year.

In 1893 the World's Columbian Exposition was held in Chicago to commemorate the four hundredth anniversary of the landing of Columbus on the American Continent. It was probably the most successful exposition held prior to or since that time. All world's fairs or expositions have hitherto been held upon the basis of competitive exhibitions of the products of agriculture, industry, science, and art. The citizens of Chicago, who have organized the Chicago World's Fair Centennial Celebration Corporation as a corporation not for profit under the laws of the State of Illinois, propose to celebrate the centennial of their municipality by the holding of a world's fair celebration along entirely new and novel lines.

The greatest progress in the world's history has doubtless been made during the 100 years marking the rise of Chicago. It is therefore planned to "portray intelligently, entertainingly, and educationally the modern spirit underlying the progress of each industry, and of agriculture, art, drama, and sport" during this period. It will be a scientific and historical display of the inception and progress of every element in human endeavor during the past century. In the language of its sponsors, "it will express the new spirit of the world to-day, which is the utilization for the work of man of the knowledge which science has accumulated, and the application of it through collective and coordinated effort and action in industry, agriculture, and social organization." It is said that it will "supplant the old exhibition idea by the natural evolution of a new generation, a new thought of presenting a panoramic picture, beautifully adorned, of what science and industry have achieved for the world, and may yet achieve." It is further reported that "the National Research Council, which is the organization of the scientific intelligence of the Nation, has indorsed this idea, pledged its support, and appointed a committee of its distinguished members to aid in the preparation and development of the plans."

The financial success of the undertaking seems assured. Before the President will act under the resolution, he must be satisfied that a sum of not less than $5,000,000 has been raised and is available for the celebration, and the corporation is preparing to accumulate a total available capital of approximately $30,000,000 for the expenses of the enterprise.

It is the belief of the sponsors, as voiced by Vice President Dawes at the hearing before the committee, that this method of exhibition, which has had very successful forerunners on limited scales, will attract the attention of the civilized world to such an extent that if it is not held in the near future, as proposed, in Chicago, some other city, or some other country, will enthusiastically appropriate the idea. An exhibition at Dusseldorf, Germany, showing the progress of medical science, drew an attendance of 7,500,000 people, and the Baltimore & Ohio Railroad recently exhibited the progress of transportation in the United States at an exposition in Baltimore, which attracted more people than attended the Sesquicentennial Exposition at Philadelphia.

Your committee believe that the centennial celebration of the marvelous growth of the metropolis of the Middle West, and the plan proposed for the very unique, attractive, and valuable exposition of the world's progress, during the last hundred years, merit the attention and support of our own, as well as foreign governments, and also believe that the usual facilities for bringing foreign objects into this country for exhibition should be granted to the Chicago enterprise.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 365) authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes

Whereas there has been duly incorporated, under the laws of the State of Illinois, by citizens of the said State, an organization designated as the Chicago World's Fair Centennial Celebration for the purpose and with the object of preparing and holding a world's fair in the city of Chicago in the year 1933, and of celebrating fittingly the centennial of the incorporation of Chicago as a municipality through a portrayal in an intelligent, entertaining, and educational manner of the modern spirit underlying the progress of the various industries and of agriculture, art, drama, and sport; and

Whereas this observance by the city of Chicago is coincident with the two hundredth anniversary of the birth of George Washington; and

Whereas the celebration as proposed would unquestionably be of great benefit to the commercial interests of the United States and of the nations participating, and of educational value to the people of the United States and of the world: Therefore be it

Resolved, etc., That whenever it shall be shown to the satisfaction of the President that a sum of not less than $5,000,000 has been raised and is available to the Chicago World's Fair Centennial Celebration Corporation, for the purposes of the celebration, the President is authorized and requested, by proclamation or in such other manner as he may deem proper, to invite the participation of the nations of the world in the celebration.

SEC. 2. That all articles which shall be imported from foreign countries for the purpose of exhibition at said celebration shall be admitted free of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful during said celebration to sell for delivery at the close thereof any goods or property imported and actually on exhibition therein, subject to such regulations for the security of the revenue as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles when sold or withdrawn for consumption shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of their importation and to the terms of the tariff laws in force at the time.

SEC. 3. *And provided further,* That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Chicago World's Fair Centennial Celebration Corporation, under regulations to be prescribed by the Secretary of the Treasury.

With a committee amendment as follows:

Pages 1 and 2, strike out the preamble.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the other committee amendment.

The Clerk read as follows:

Page 2, line 6, after the word "of," strike out the words "the celebration" and insert "a world's fair, to be held at the city of Chicago, in the State of Illinois, in the year 1933, to celebrate the one hundredth anniversary of the incorporation of Chicago as a municipality."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

SEC. 2. That all articles which shall be imported from foreign countries for the purpose of exhibition at said celebration shall be admitted free of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful during said celebration to sell for delivery at the close thereof any goods or property imported and actually on exhibition therein, subject to such regulations for the security of the revenue as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles when sold or withdrawn for consumption shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of their importation and to the terms of the tariff laws in force at the time.

SEC. 3. *And provided further,* That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Chicago World's Fair Centennial Celebration Corporation, under regulations to be prescribed by the Secretary of the Treasury.

Mr. CHINDBLOM. Mr. Speaker, I suggest to strike out section 3, because the proviso really belongs to the preceding section. In some way the wrong number was put in; I do not know how. I move to strike out the words "section 3" and make the proviso a part of section 2.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 3, line 9, strike out the word and figure "section 3" and make the remainder of the paragraph a proviso to the former section.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment which I send to the Clerk's desk, to be placed at the end of section 2, to be known as section 3, as follows.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, after line 14, add a new section, as follows:

"SEC. 3. That the Government of the United States is not by this resolution obligated to any expense in connection with the holding of said world's fair and is not hereafter to be so obligated other than for suitable representation thereat."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF TRANSACTION ON COTTON FUTURES EXCHANGES

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the bill, H. R. 13646, was engrossed, read a third time and passed, for the purpose of offering an amendment to section 4, on page 8, line 23, which amendment would be as follows:

Page 8, line 23, after the word "Texas," where it appears for the first time, insert the following: "Augusta, Ga.; Dallas, Tex.; Memphis, Tenn.; Little Rock, Ark."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. CRAMTON. Mr. Speaker, I would like to know what the bill is. Could the gentleman from Georgia give us the calendar number?

Mr. VINSON of Georgia. It is H. R. 13646, the bill regulating cotton transactions. This amendment merely includes the interior designated cotton markets, which were omitted from the bill.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, are those the only ports mentioned?

Mr. VINSON of Georgia. No. I will state to the gentleman from New York that the seaboard ports are mentioned, but the interior ports were by inadvertence left out.

Mr. O'CONNOR of New York. What does it do with reference to those ports?

Mr. VINSON of Georgia. It merely puts them in the same position as Charleston, Savannah, Houston, New Orleans, and Galveston.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 8, line 23, after the word "Texas" where it appears the first time, insert the following: "Augusta, Ga.; Dallas, Tex.; Memphis, Tenn.; Little Rock, Ark."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION THAT THE UNITED STATES BE MADE A PARTY DEFENDANT IN CERTAIN CASES

The next business on the Consent Calendar was the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri whether this bill carries these cases to the United States court where a lien of this character is involved regardless of the amount that is involved in the proceeding.

Mr. DYER. Yes. It can be taken to the United States court for that purpose only and then it is transferred back to the State court.

Mr. HOOPER. It would not be limited to the jurisdictional amount that is now involved in the ordinary case?

Mr. DYER. No.

Mr. LAGUARDIA. That is not the purpose of the bill. The purpose of the bill is to bring the United States into a foreclosure action where the United States has some lien.

Mr. HOOPER. I know, but I wanted to know whether it involved the jurisdictional amount or not.

Mr. LAGUARDIA. It is only referred to the Supreme Court for the purpose of getting the required jurisdiction to wipe out a lien of the United States.

Mr. MILLER. And where there is absolutely no statutory proceeding at the present time by which the lien can be removed.

Mr. HOOPER. I have no objection.

The SPEAKER pro tempore. Is there objection?

Mr. SPROUL of Kansas. Mr. Speaker, reserving the right to object, what is there to prevent the United States Government going into the State court?

Mr. DYER. These cases go into the State courts and then afterwards it is found the Government has a lien, a secondary lien, which has come in after the prior lien, and in order to have that determined they can take it into the Federal Court for the purpose of having the United States lien fixed and decided upon and then it goes back to the State court and is then determined in the State court.

Mr. SPROUL of Kansas. I understand that to be the procedure proposed, but why do that? The plaintiff in an action to foreclose the first and prior lien begins his suit in the State court.

Mr. DYER. Yes.

Mr. SPROUL of Kansas. When it may be known by him that the Federal Government has a second and a junior lien, why may not the Federal Government, which is interested in collecting its lien-secured debts, appear as a party in the State court and allow the State court to complete all the proceedings necessary to be transacted in the action? Why transfer the action to the Federal court for the determination of the priority of the two liens?

Mr. DYER. It is in order to have a Federal matter determined by a Federal court.

Mr. LAGUARDIA. The answer to the gentleman's question is this: A foreclosure action is an action in rem and the Federal court in itself has not jurisdiction in a local foreclosure case. The United States simply happens to be one of the necessary party defendants by reason of its lien on this particular piece of property, and in order to have the rights of the United States, if any, established, it is shifted to the Federal court to determine that one question.

Mr. SPROUL of Kansas. I understand that, but why may not that be done in the State court?

Mr. LAGUARDIA. Because the United States does not wish to submit to the jurisdiction of a State court.

Mr. SPROUL of Kansas. Oh, that is it. Personally, I do not think that is sufficient reason.

Mr. LAGUARDIA. I think that is very important.

Mr. DYER. There is no other way, I will say to the gentleman from Kansas, by which this matter can be determined, and it is in the interest of the property owners.

Mr. SPROUL of Kansas. Why does the gentleman say there is no other way?

Mr. DYER. There is no other way.

Mr. SPROUL of Kansas. The United States simply does not want to submit to the jurisdiction of the State court.

Mr. DYER. It can not submit.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CRAMTON. Mr. Speaker, if anyone is interested in hearing the bill read, I shall not press the request; but because of the number of bills to be reached, I ask unanimous consent that the bill be considered as read.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That whenever, under any law of the United States, a lien shall be created and made a matter of record in pursuance of the provisions of section 3186 of the Revised Statutes of the United States (title 26, sec. 115, U. S. C.), or otherwise, upon or against any property, real or personal, against which any prior lien or encumbrance shall exist in favor of any person, firm, or corporation, and the person, firm, or corporation holding such prior lien or encumbrance shall desire to foreclose the same, or to proceed to a judicial sale thereon, the United States may be made a party defendant to any suit or proceeding which may be removed to any United States district court under the provisions of sections 4 and 5 of this act by the holder of such prior lien or encumbrance for the purpose of foreclosure or sale: *Provided, however*, That the United States shall not be made a party to any suit or proceeding in any court of any State until after removal of the same to the United States district court as hereinafter provided.

SEC. 2. That in all suits or proceedings which may be removed under this act the process of the court shall be served upon the United States district attorney for the district in which the same shall be pending.

SEC. 3. That no judgment for costs shall be rendered against the United States in any suit or proceeding which may be removed under the provisions of this act, nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

SEC. 4. Whenever the prior lien or encumbrance referred to in section 1 of this act shall have been proceeded upon in a State court, and it shall appear that there is filed of record a lien in favor of the United States, entered after the creation of said lien or encumbrance, it shall be lawful for the said plaintiff or plaintiffs before or after the entry of a judgment or decree in such suit or proceeding to have the said suit or proceeding, including said judgment or decree, if any, transferred from the said State court to the United States district court for the district where the property subject to the lien shall be situated; and the procedure for such removal shall be the same as that now required for such transfer in other cases where the United States district court has jurisdiction. After removal of the said suit or proceeding to the United States district court, it shall be lawful for the said court, on petition of the plaintiff or plaintiffs, setting forth the fact of such removal, and the grounds for the same, to enter an order expressly authorizing the addition of the United States as a party defendant therein, and providing for the issuance and service upon the United States of such writ, order, or other process appropriate for making the United States a party and proceeding to a hearing upon the question of the priority of the lien of the plaintiff or plaintiffs over the lien held by the United States, and also providing within what time an appearance and answer shall be filed by the United States after such service. In case a judgment or decree had already been entered in said suit or proceeding in the said State court, the said order so entered by the United States district court, after such removal, shall expressly authorize such judgment or decree to be opened for the sole purpose of permitting the United States to be made a party, and the said order shall also provide for service of process on the United States and for appearance and answer by it as aforesaid. Excepting for the right of the United States to appear and answer therein, and excepting as the United States district court may limit the operation of said judgment as against the rights of the United States, the judgment or decree so opened shall remain in full force and effect as of the date of its original entry in the State court. After the filing of an answer by the United States, the United States district court shall proceed to a finding as to whether or not a lien of the United States exists in fact upon or against the property, real or personal, covered by the foreclosure proceedings in the State court and in what amount and whether or not such lien is subordinate to the lien of the plaintiff or plaintiffs in such suit, and after the ascertainment of these facts and the status of the lien, if any, as to priority shall forthwith remand the case to the State court from whence it was transferred so that the State court may proceed to execution and sale, subject, however, to such order as may be entered by the United States district court limiting the judgment in the suit or proceeding in the State court as against the rights, if any, of the United States.

SEC. 5. Whenever the prior lien or encumbrance mentioned in section 1 of this act arises solely as a result of a judgment or decree of a State court, which is not entered by way of foreclosure in a suit on a preexisting lien, and the only proceeding necessary to enforce the lien of such judgment or decree is the regular execution process provided for by the laws of the said State, such judgment or decree may be removed to the said district court of the United States by proceedings as provided in section 4 of this act. After such removal, a rule to show cause shall, upon petition of the plaintiff or plaintiffs therein, be granted by the said district court, returnable at such time as the court may direct,

requiring the United States to show cause why such execution should not issue and a sale be made thereunder according to law. The said rule shall be served upon the United States district attorney of the district aforesaid, and after a hearing upon such rule the said court, being satisfied with the priority of the lien of said judgment or decree over the lien held by the United States, shall enter a final order so finding, making such rule absolute, and ordering the suit or proceeding entered therein forthwith to be remanded to the State court for execution process to issue for the sale of the property covered by the said liens, with like effect as hereinafter provided in section 6 of this act.

SEC. 6. After the entry of a final order by the United States district court in any suit or proceeding transferred thereto from a State court under this act in which the United States has been made a party under the provisions of this act, pursuant to a finding in the court that a lien exists in favor of the United States and that such lien is subordinate to the lien of the plaintiff or plaintiffs in such suit, the effect of any sale which may thereafter be made, by writ of execution or otherwise, in the said State court subject to the terms of the said order of the United States district court, shall be the same, as to the discharge from the property sold of liens and encumbrances, and otherwise howsoever, as shall be provided by the law of the State in which the said property is situated, in connection with such sales in the courts of that State; and the lien of the United States upon such property shall be subject to discharge from said property by such sale, in the same manner as may be provided by such State law as to other junior liens, and shall be relegated to the fund produced by such sale.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MEMORIAL TO MAJ. GEN. HENRY A. GREENE

The next business on the Consent Calendar was the bill (H. R. 12404) authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Henry A. Greene Memorial Association, a corporation organized and existing under the laws of the State of Washington, be, and is hereby, authorized to erect and maintain a suitable building, under such regulations as the Secretary of War may prescribe, in and upon the United States military reservation at Fort Lewis, Wash., the plans of such building to be first approved and to be constructed in such location as may be prescribed by the Secretary of War: *Provided*, That the use of such portion of the ground floor of said building as may be necessary shall be given to the Post Office Department of the United States, free of charge, for the post-office service of the reservation.

Mr. LAGUARDIA (during the reading of the bill). Mr. Speaker, I could not hear the title when this bill was called. I suppose the time has passed to raise any objection. I was listening and trying to hear, but I did not know this was the Greene bill. I wanted to ask some questions about it.

Mr. JOHNSON of Washington. Mr. Speaker, the bill has been read in part.

Mr. LAGUARDIA. The gentleman is absolutely within his rights. I know I am foreclosed if the gentleman insists upon his rights.

The Clerk concluded the reading of the bill.

Committee amendment: Page 2, line 4, after the word "reservation," insert the words "so long as said building remains on said grounds."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to correct the structure of the bill, an amendment which is agreeable to the gentleman in charge of the bill, page 1, line 9, after the word "and," insert the words "the building," it being the building and not the plans that is to be constructed.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 9, after the word "and," insert the words "the building."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF OLD POST-OFFICE PROPERTY AT BIRMINGHAM, ALA.

The next business on the Consent Calendar was the bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would not object to the bill if it read as originally introduced, but I do object to the committee amendment. The bill as introduced provided for public auction to the highest bidder. I believe the committee amendment is not in the public interest. I believe that the property should be sold no other way except to the highest bidder at public auction.

Mr. HUDDLESTON. I will say to the gentleman that the committee amendment was adopted at the request of the department, so that the sale might be in accordance with their practice.

Mr. LAGUARDIA. I do not like the practice, and the bill could not be passed without the consent of Congress. It is up to Congress to say what the sale shall be. I do not think this should be sold at a private sale.

Mr. HUDDLESTON. It will not be sold at private sale. The department has assured me that if sold it will be sold after due notice, so that all parties interested who want an opportunity to bid may do so; they want a little more latitude than that allowed by the bill as originally introduced. They want permission to sell on sealed bids or at public auction.

Mr. LAGUARDIA. I am in entire accord with the original bill, and to carry out that purpose I provide for alternative sale at public auction. This authorizes the sale in any manner in the discretion of the Secretary of the Treasury.

Mr. HUDDLESTON. Will not the gentleman allow the bill to come up and then offer an amendment in the House? What I want is to get the property sold. I am not particular as to the details of sale.

Mr. LAGUARDIA. If the gentleman will support my amendment, I will be glad to withdraw any objection.

Mr. HUDDLESTON. I shall be glad to support the amendment, but I have no right to speak for the committee. I introduced the bill in the form I though was best for the public interest. The department wanted it modified, and the committee agreed to the amendment.

Mr. LAGUARDIA. Very well, Mr. Speaker, without committing the gentleman from Alabama I shall not object and will offer my amendment later.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 14466) to provide for the sale of the old post-office property at Birmingham, Ala.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to sell the Government property situated in the city of Birmingham, Jefferson County, Ala., known as the old post-office property and described as being all of lots 12, 13, 14, and east 20 feet of lot 15, in block 87, according to the Elyton Land Co.'s survey of property in Birmingham, Ala., and more particularly as beginning at the northeasterly intersection of Second Avenue and Eighteenth Street, running thence with the line of Second Avenue 170 feet, thence in a northwardly direction 140 feet to an alley, thence with the line of said alley 170 feet to Eighteenth Street, thence with the line of Eighteenth Street 140 feet to beginning. Said property shall be sold to the highest bidder upon the following terms: One-fourth cash; balance payable in four equal payments 1, 2, 3, and 4 years after date of sale with interest on each payment at 6 per cent per annum, with option to the purchaser to pay balance at any time without interest beyond the date of such payment. Not less than 30 days' notice shall be given by publication in some newspaper published at Birmingham, Ala., that sealed bids for the purchase of said property will be received upon a date certain, and after such date all such sealed bids shall be opened and the property sold to the highest bidder thus ascertained. The proceeds of said sale shall be paid into the general fund of the Treasury.

With the following committee amendment:

On page 2, lines 7 to 17, inclusive, strike out and insert in lieu thereof the following:

"To be sold in the discretion of the Secretary of the Treasury, at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchasers thereof by the usual quitclaim deed."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment as a substitute for the committee amendment:

The Clerk read as follows:

Page 2, line 7, after the word "bidder," insert the words "or by public auction," and in line 17, after the word "ascertain," insert the words "or of the sale of said property by public auction."

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from New York for the committee amendment.

The question was taken, and the substitute was rejected.

The SPEAKER pro tempore. The question now is on the committee amendment.

The committee amendment was agreed to.

Mr. HUDDLESTON. Mr. Speaker, it is necessary to amend the description of the property. There was an error as carried in the bill, and I offer the following amendments.

The Clerk read as follows:

Amendments by Mr. HUDDLESTON: Page 1, line 6, after the word "lots," insert the number "11." Also, in line 7, page 6, strike out the word "east" and insert the word "west" in lieu thereof.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

PERMITTING CITY OF NEW YORK TO ENTER CERTAIN UNITED STATES PROPERTY

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the consent of Congress is hereby granted to the city of New York to enter upon, for the purpose of constructing a rapid transit railway, any and all property of the United States situated within the area described as follows:

Beginning at a point on Wall Street in the city of New York on the southern boundary of the property belonging to the United States and occupied wholly or partly by the Subtreasury Building, said point lying either at the southwest corner of the Subtreasury Building or in a southerly direction therefrom on a line in prolongation of the westerly wall of the Subtreasury Building and extending thence northerly along the westerly wall of the Subtreasury Building, or along a line in prolongation thereof, beginning at the southwest corner of the Subtreasury site, being the intersection of the northerly line of Wall Street with the easterly line of Nassau Street, running thence northwardly with the line of Nassau Street along the westwardly side of the Subtreasury area coping a distance of 40 feet to a point in the line of Nassau Street; thence in an eastwardly direction approximately 5.17 feet to the westwardly wall of the Subtreasury Building; thence in a southwardly direction with the westwardly line of the Subtreasury Building a distance of 40 feet to a point in the north line of Wall Street; thence with the north line of Wall Street along the southerly side of the Subtreasury area coping a distance of 5.17 feet to the point or place of beginning.

The subway structure, within the space hereinbefore described, shall be designed and constructed by the city of New York to carry the highest building that could be constructed on this property of the United States in accordance with the New York building code, and in default thereof the authority hereby granted shall cease and be null and void.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FEDERAL BUILDING AT DES MOINES, IOWA

The next business on the Consent Calendar was the bill (H. R. 13957) to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last three paragraphs of section 20 of the act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of cites for public buildings; and for other purposes," approved March 4, 1913, as amended, are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LENDING CERTAIN WAR DEPARTMENT MATERIAL TO GOVERNOR OF NORTH CAROLINA

The next business on the Consent Calendar was the bill (H. R. 15427) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Charlotte, N. C., June 4, 5, 6, and 7, 1929, 300 pyramidal tents, complete with all poles, pegs, and other equipment necessary for their erection; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the business manager of the said entertainment committee, Mr. Edmond R. Wiles: *Provided further*, That the Secretary of War, before delivering such property, shall take from said Edmond R. Wiles, business manager of the Thirty-ninth Annual Confederate Reunion, a good and sufficient bond for the safe return of said property in good order and condition and the whole without expense to the United States.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read. These amendments I have discussed with gentlemen who are interested. The amendment is to strike out the name of the chairman of the committee because if for any reason there should be a change in chairmanship, as the bill stands it would not be operative. It is best not to mention the name.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 2, line 11, strike out the words "Mr. Edmond R. Wiles"; page 2, line 13, strike out the words "Edmond R. Wiles."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LENDING CERTAIN WAR DEPARTMENT EQUIPMENT TO AMERICAN LEGION

The next business on the Consent Calendar was the bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend, at his discretion, to the Eleventh National Convention Corporation, American Legion, for use at the eleventh national convention of the American Legion, to be held at Louisville, Ky., in the months of September and October, 1929, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, and 10,000 mattresses or bed sacks: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the American Legion, Department of Kentucky, through the director of the eleventh national convention of the American Legion, Reau Kemp: *Provided further*, That the Secretary of War, before delivering said property, shall take from the said Department of Kentucky, the American Legion, a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 2, line 7, strike out the words "Reau Kemp."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELEVENTH ANNUAL AMERICAN LEGION CONVENTION

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks upon the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, in behalf of the legionnaires of America I was very glad to introduce and to press for enactment H. R. 15472, which has to-day passed the House by unanimous vote. The bill has for its purpose the loaning by the Secretary of War of certain War Department equipment for use at the eleventh national convention of the American Legion to be held at Louisville, Ky., on September 30 and October 1, 2, and 3, 1929. The measure fully explains its purposes, and indicates the character and quantity of equipment to be loaned, and it is set forth as follows:

A bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend at his discretion, to the Eleventh National Convention Corporation, American Legion, for use at the eleventh national convention of the American Legion to be held at Louisville, Ky., in the months of September and October, 1929, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, and 10,000 mattresses or bed sacks: *Provided,* That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the American Legion, Department of Kentucky, through the director of the eleventh national convention of the American Legion: *Provided further,* That the Secretary of War, before delivering said property, shall take from the said Department of Kentucky, the American Legion, a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

At the tenth annual convention of the American Legion held at San Antonio last fall, Louisville was chosen as the meeting place for the eleventh annual convention to be held next fall. I have the very great honor to represent the Louisville district, and I know that the people of Louisville, and her sister cities at the falls of the Ohio River, as well as those of the entire State of Kentucky, feel highly complimented because of the selection of Kentucky's metropolis as the meeting place for the next annual convention of the Legion. We shall be very proud and happy to welcome there, as warmly as we may, the hosts of ex-service men and women who, but a few years ago, offered all that freedom might endure. Louisville is a great, progressive city, whose citizens are dominated by the world-famed spirit of Kentucky hospitality; and as the people of Kentucky and the southern Indiana region, which lies adjacent to Louisville, are all filled with the same spirit, the legionnaires and their friends who shall attend the forthcoming convention at Louisville, may expect to find and receive there a genuine, old-fashioned Kentucky welcome.

I may add that the Jefferson Post, at Louisville, is the largest American Legion post in the entire country, and it goes without saying that its members will do everything within their power for the comfort and enjoyment of their old comrades in arms in attendance upon this convention.

Louisville is near the center of our American population, and stands in the midst of a region rich in historic and scenic interest. The city is fully equipped in every way to care for all who may care to attend this convention, however large the number may be. Hence, a tremendous gathering is expected and assured. In fact, we, who live in Louisville and in the Louisville region, are pleased to believe that this will prove to be the largest and most successful annual convention of the American Legion ever held.

Permit me, therefore, at this time and in this way, Mr. Speaker, not only to extend to you and the other Members of Congress the heartiest possible invitation to attend this convention and "break bread" with us in the "Old Kentucky Home", but, also, to repeat to the legionnaires and their friends throughout our great Republic, the invitation which has already been formally extended to them in behalf of the city of Louisville, and the State of Kentucky. Come, and let us join together in the patriotic exercises of this occasion; let us there receive renewed inspiration from the noble contacts which shall be ours; and let us there, under the flag of our country, consecrate and dedicate ourselves anew to the great ideals for which that flag has always stood, and for which it must ever stand.

EASTERN BAND OF CHEROKEE INDIANS

The next business on the Consent Calendar was the bill (S. 4488) declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I rise to ask the gentleman in charge of the bill for some information as to the necessity of such legislation in view of the act of 1924. The report does not include any report from the Bureau of Indian Affairs. Did the committee have such a report before it?

Mr. LEAVITT. The committee did have such a report, and why it was not included in the committee report I do not know. Its purpose is set forth in the report from the Secretary of the Interior as follows:

The purpose of the bill is to remove any doubt that may exist as to the conferring of full citizenship on these Indians by the provisions of the act of June 2, 1924. Recommendation is made that it receive your favorable consideration.

Mr. LAGUARDIA. From what is the gentleman reading?

Mr. LEAVITT. From the report of the Secretary.

Mr. LAGUARDIA. We have not that report.

Mr. LEAVITT. I did not make the committee report and I can not say why the member of the committee making the report did not include the report of the Secretary, which the committee has.

Mr. LAGUARDIA. Does the gentleman believe that it is good legislation to pass a bill declaring the purpose of a previous act? If the act of June 4, 1924, puts in doubt the act of June 2, 1924, the proper legislative procedure would be to amend the act of June 4, 1924, by declaring that nothing therein should be construed to repeal the provisions of the act of June 2, 1924. To come in and declare the purpose of a former act seems to me very poor legislation.

Mr. CRAMTON. As to the effect, that act of 1924 was supposed to grant citizenship complete to every Indian. Personally I think it was unfortunate legislation. We were not ready for it. That became the law, and the purpose was to take care of every Indian. I know of no reason why these Eastern Cherokees should be excluded. If there is a doubt as to the purpose, then, I see no objection to the legislation.

Mr. HOOPER. Is it good practice to have a legislative declaration of a legislative intention in a statute?

Mr. LAGUARDIA. I think the practice is bad.

Mr. HOOPER. I think it is always better to amend the statute that you are construing.

Mr. LEAVITT. That is very likely true, and I agree as a general matter. But the particular matter before us is that the bill was passed by the Senate in this form, and we had a favorable report from the Secretary of the Interior and this is simply to clear it up.

Mr. LAGUARDIA. Of course, the Senate did that. The proper method would have been to take the act of June 4, 1924, and amend it so as specifically to provide that nothing contained therein shall be construed as amending the act of June 2.

Mr. HASTINGS. Or by direct legislation making these Indians citizens.

Mr. LAGUARDIA. Exactly. I shall not object, but I think it is poor legislation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That it was not the purpose of Congress when passing the act of June 4, 1924 (43 Stat. 376), to repeal, amend, modify, or abridge the provisions of the act of June 2, 1924 (43 Stat. 253), entitled "An act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians," which conferred full citizenship upon the Indians composing the Eastern Band of Cherokee Indians, located in the State of North Carolina, and that the citizenship of said Indians be, and is hereby, confirmed.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EQUALIZING PAY OF CERTAIN CLASSES OF OFFICERS, REGULAR ARMY

The next business on the Consent Calendar was the bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the gentleman from New York [Mr. TABER] desired to be here when this bill came up, so I shall object or ask that it be passed over without prejudice, either one.

Mr. WURZBACH. I would rather have the regular order.

Mr. CRAMTON. Well, I object.

SITE FOR GOVERNMENT BUILDING, NEW ORLEANS, LA.

The next business on the Consent Calendar was the bill (H. R. 15468) to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 11 of the act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved June 25, 1910, is hereby repealed.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO DEVELOP POWER AND LEASE INDIAN STRUCTURES, IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 15213) to authorize the Secretary of the Interior to develop power and to lease, for power purposes, structures of Indian irrigation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill deals with matters of a great deal of importance. I have a great deal of confidence in the gentleman from Montana and his associates and am pretty familiar with what they have in mind to do, but I am not sure the bill as it stands might be a little too broad and still has left some features in question. I have certain amendments to it that I have discussed with the gentleman from Montana, who understands them, and he is not opposed to them.

Mr. LEAVITT. They are clarifying amendments that do not, in my judgment, weaken the bill in question and accomplishes the purpose for which it is intended.

Mr. CRAMTON. I was in hopes my amendments would strengthen them. Page 1, line 4, after the word "any," insert the word "irrigation," so it has to do only with an irrigation project. Line 6, strike out the word "under" and insert the words "as an incident of," so that this will have effect only where power is developed as an incident to an irrigation project.

Page 2, line 3, after the word "may," insert the following:

Such credit not to be used to lessen annual payments for construction or operation or maintenance charges by other than restricted Indians: *Provided further,* That after such construction charges are paid such revenues shall be chargeable on the annual maintenance and operation costs of said irrigation projects.

And then on line 5 strike out the word "and" and insert the word "at."

I will say, Mr. Speaker, that I do not feel entire certainty as to the adequacy of the legislation; that is the problem of saying what shall become of the power revenues after the construction charges are paid off. I think that by accepting the amendment and providing that the power treated here is to be devoted only as an incident to the project, it probably takes care of the situation. So I have provided what the bill has not provided for, still leaving open what shall be done after the construction charges are paid. That may be a good many years hence. My proposal is that after the construction charges are paid it will go to reduce the maintenance cost. With the consent of the gentleman from Montana to those amendments I would not feel opposed to the bill.

Mr. LEAVITT. Mr. Speaker, the purposes of the bill were presented to the Department of the Interior, and the measure was drawn as the result of my request that the interests of the Government and of the Indians be fully protected. I see nothing in these amendments that would change that situation in any way, and they would probably resolve some uncertainty as to the outcome. I have no objection to the amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under any project undertaken or constructed on Indian reservations, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not to exceed 10 years, giving preference to municipal purposes, any surplus power or power privilege, and the money derived from such leases shall be covered into the Treasury of the United States as a credit of the construction cost of the power development and of the irrigation project on which such power development is made: *Provided,* That no lease shall be made of such surplus power or power privileges as will impair the efficiency of the irrigation project: *Provided further,* That the said Secretary may lease any irrigation structure of such projects for said period for development of hydroelectric power by lessees under such terms and conditions as he may deem proper, and said proceeds of such leases shall be deposited as heretofore provided.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 4, after the word "any," insert the word "irrigation."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 6, strike out the word "under" and insert in lieu thereof "as an incident thereof."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 3, after the word "made," insert the following: "such credit not to be used to lessen annual payments for construction and operation and maintenance charges by other than restricted Indians: *Provided,* That after such construction charges are paid such net revenues shall be applied only to the operation and maintenance of the irrigation project."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

EXTENSION OF TIME FOR SUITS BY CHEROKEE, SEMINOLE, CREEK, CHOCTAW, AND CHICKASAW INDIANS

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, Seminole Indians, the Creek Indians, and Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the time within which suits may be instituted under the act of Congress approved March 19, 1924, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes"; the act of Congress approved May 20, 1924, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes"; the act of Congress approved May 24, 1924, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes"; and the act of Congress approved June 7, 1924, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes," shall be extended to June 30, 1931, to permit each Indian nation or tribe mentioned in said acts of Congress

to institute suits as provided in said acts and the joint resolution approved May 19, 1926 (Public Resolution No. 27, 69th Cong.)

Mr. HASTINGS. Mr. Speaker, I have an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 2, line 14, strike out the figures "1931" and insert in lieu thereof the figures "1930."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CONFEDERATE VETERANS' REUNION AT CHARLOTTE, N. C.

The next business on the Consent Calendar was the bill (H. R. 15324) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Charlotte, N. C.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, can the gentleman from North Carolina state what is the expected attendance?

Mr. BULWINKLE. We expect an attendance of somewhere around 7,000 or 8,000 veterans. They, of course, will bring members of their families. It is estimated that between 50,000 and 75,000 or more people will be present.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to permit the United States Marine Band to attend and give concerts at the Thirty-ninth Annual Confederate Veterans' Reunion, to be held at Charlotte, N. C., June 4 to 7, inclusive, 1929.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary.

With a committee amendment as follows:

Page 2, after the word "necessary," on line 2, insert a colon and the following: "*Provided*, That the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

The next business on the Consent Calendar was the bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask my colleague the gentleman from New Jersey if this is not a private bill for the relief of one particular contractor, although the title would make it appear as a bill amending existing law?

Mr. FORT. I assume the gentleman is, perhaps, correct as to its effect, although I do not know that to be a fact. It is an amendment to existing general legislation, and therefore it seems properly on this calendar.

Mr. LAGUARDIA. Of course, there was only one United States courthouse in the District of Columbia within the period mentioned.

Mr. FORT. There might be a subcontractor.

Mr. LAGUARDIA. The subcontractor has been taken care of and the only question now is to take care of this contractor whose trouble, it seems, comes from having filed his bid on the morning of April 7 instead of April 6, 1917.

Mr. FORT. That is correct.

Mr. LAGUARDIA. I am very chary about these war claims 10 years after the war. The Secretary of the Treasury takes pains to say that he makes no recommendation, and he refrains from recommending this bill one way or the other. Will the gentleman tell us whether he has inquired about other claims and whether, if we allow this bill to go through, there may be a flood of other bills seeking adjustments because of war conditions?

Mr. FORT. I have not inquired by advertisement in the press or otherwise, but I have never heard of any other bill or any other claim to which this will open the door, directly or indirectly, nor do I know of anyone who knows of any other claims.

Mr. LAGUARDIA. I would not expect the gentleman to advertise in the papers. I had never heard of any claim until this one came in, and perhaps this is the result of an advertisement in the papers. Mr. Speaker, I ask unanimous consent to have this bill passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

Mr. SCHAFER. Mr. Speaker, I object to that request.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

SETTLEMENT OF DAMAGES TO PERSONS AND PROPERTY BY ARMY AIRCRAFT

The next business on the Consent Calendar was the bill (H. R. 7939) to authorize settlement of damages to persons and property by Army aircraft.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That within the limits of appropriations made from time to time, the settlement of claims, not exceeding $250 each, is authorized for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer at the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF THE REVISED STATUTES OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 13345), to amend section 4826 of the Revised Statutes of the United States, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? This bill requires three objections.

Mr. BARBOUR, Mr. CRAMTON, and Mr. HOOPER objected.

ADDITIONAL JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF THE STATE OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (H. R. 16034) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

JOINT-STOCK LAND BANKS

The next business on the Consent Calendar was the bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I do not see the necessity for this bill.

Mr. McFADDEN. Mr. Speaker, I will explain to the gentleman that if the Federal farm loan act had been in operation when this antitrust act was passed, in all probability an exception of joint-stock land banks would have been made. The situation existing now is that a reference was made to the Attorney General of the United States, and in the opinion he

handed down—I think quite erroneously—he included the joint-stock land banks under the provisions of the Clayton Act. The situation now is impractical because of the fact that some of the joint-stock land banks are finding it difficult to get on their boards of directors men who understand their operations, and in some instances bankers who should be on those boards are deprived of the right of serving on the boards because of this opinion of the Attorney General. It was never intended under the law to cover directors of banks like the joint-stock land banks. They are not in competition with commercial or savings banks or those other institutions which come under that law.

Mr. LAGUARDIA. Except that if you put the directors of these other banks on the board of directors of the joint-stock land banks they will take the good business for their own banks and give the bad business to the joint-stock land banks.

Mr. McFADDEN. No; I do not think so. I might say also that this amendment has been given very careful consideration. It has been recommended by the Federal Reserve Board and the Federal Farm Loan Board.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I feel I want an opportunity to study this bill more carefully. I should be obliged to object if it should come up to-day.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

FEDERAL RESERVE BANK BUILDING, LOS ANGELES, CALIF.

The next business on the Consent Calendar was the resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I hope not to be obliged to do so. I have not had opportunity to make the investigations I would like, but it is my recollection there was an amount of criticism that almost amounted to scandal with reference to the construction of some of these buildings heretofore where unlimited power was given with no supervision, and buildings out of all reason were put up. It is true we do not make the appropriation, but somebody has to pay for them. By reason of this I am a little loath to give this same kind of unsupervised discretion to the Federal reserve bank in further instances.

I am frank to say, Mr. Speaker, that it is my recollection that the Federal reserve bank has quite misunderstood the purposes of Congress and has overrated its power of discretion.

I think it would greatly help this bill if there was to be added at the end of line 3, page 2, the end of the bill, "and the Secretary of the Treasury," so that their action would be subject to further approval by the Secretary of the Treasury as to the construction of the building.

Mr. McFADDEN. I may say to the gentleman that this bill has had the very careful consideration of the Committee on Banking and Currency. They have heard the officers of the Federal Reserve Bank of San Francisco, of which the Los Angeles branch is a part. It has had the consideration of the Federal Reserve Board, a member of which, ex officio, is the Secretary of the Treasury. It has the approval of all these people.

I might say, in addition, while there was some criticism some time ago about the expenditures of the Federal reserve banks for buildings, the very provision which makes this legislation necessary was made so that these banks can not proceed without explaining to Congress just why they are expending the money and what it is for.

In regard to the Los Angeles situation, I am personally familiar with the situation there. I have been on the ground. Their present quarters are very inadequate. Their vault facilities are bad. Los Angeles is a large city, growing rapidly, and there is much need for the protection which will be afforded by proper vaults in a proper building such as this bill provides for.

It is the conclusion of our committee—and we have held this matter up for over a year—that they are not extravagant in this request. They own their own site. This is a reasonable appropriation for a suitable building in which to house this institution, in this growing city, which is the most important branch of the Federal reserve bank on the Pacific coast.

Mr. CRAMTON. If the gentleman will permit me a word in my time, if this is such an overwhelmingly desirable case, so clear and so definite, why has his committee held it up for a year before they concluded to let it out?

Mr. McFADDEN. We wanted to make sure that the expenditures were proper and all right, and also to hear the governor of the Federal Reserve Bank of San Francisco. He had previously appeared before the Federal Reserve Board and our committee wanted to make sure that the amount of money they were asking was adequate and not extravagant.

Mr. CRAMTON. The gentleman makes it appear that he has had as much doubt as I have had, and he has had much more knowledge of the situation than I have, and I presume his doubts were better founded than mine. Did it take a year to get that governor of the Federal reserve bank to come here?

Mr. McFADDEN. No. I will say to the gentleman that this matter came up in the closing days of the last session of Congress and most of this year's time that you speak of has elapsed because of the fact that Congress was not in session. This is a very meritorious bill.

Mr. CRAMTON. What evidence has the gentleman or his committee, outside of the men who are interested in having this building put up and who are to have palatial offices in it——

Mr. McFADDEN. I would not say they are to be palatial offices. We have the reports of those competent to advise us in regard to the requirements of the Federal reserve system.

Mr. CRAMTON. Could the gentleman state as to whom those reports are from?

Mr. McFADDEN. They are from the Federal reserve officers at Washington, San Francisco, and the local branch officers of the bank, and I think the Los Angeles Chamber of Commerce also.

Mr. CRAMTON. Has the Architect of the Treasury been consulted as to whether this amount of money is an amount that seems to be necessary?

Mr. McFADDEN. This is not a matter that comes under the jurisdiction of the Architect of the Treasury.

Mr. CRAMTON. I think it ought to come under his jurisdiction.

Mr. McFADDEN. It does come under the supervising architect of the Federal reserve system.

Mr. CRAIL. Will the gentleman yield?

Mr. CRAMTON. In just a moment.

Mr. McFADDEN. These plans have all been submitted to the Federal Reserve Board and have been approved by them.

Mr. CRAMTON. Does the Federal Reserve Board have its own supervising architect?

Mr. McFADDEN. Yes.

Mr. CRAMTON. Why should it have its own architect any more than the Post Office Department?

Mr. McFADDEN. Because it has been engaged in very large building operations and it has been necessary for the system to keep itself advised.

Mr. CRAMTON. But the Post Office Department has building operations far beyond what the Federal Reserve Board has had, but theirs is done under the Supervising Architect of the Treasury.

Mr. McFADDEN. I may call the gentleman's attention to the fact that the 12 Federal reserve banks are not Government institutions.

Mr. CRAMTON. Well, not strictly, but in effect, yes.

Mr. McFADDEN. The only jurisdiction the Government authorities have over this bill is because of the limitation in the present law confining any expenditures to $250,000.

Mr. CRAMTON. Why is any legislation necessary if they are private institutions? Why do we not let them go along and spend money as they want to? If they are Government institutions, and we are to pass on the question of whether $800,000 is proper, I would like the word of the Supervising Architect of the Treasury who passes on other Government expenditures of this character.

Mr. LAGUARDIA. I think if the gentleman from Michigan will compare the buildings put up by the Federal Reserve Board with the buildings put up by the Supervising Architect of the Treasury he will see the wisdom of the Federal Reserve Board hiring competent architects.

Mr. CRAMTON. Then let us turn it all over to them.

Mr. McFADDEN. I will say to the gentleman that there is no extravagance being displayed in connection with this building.

Mr. LAGUARDIA. And will the gentleman from Pennsylvania [Mr. McFADDEN] add that the money spent on these buildings is carried as assets of the bank?

Mr. McFADDEN. Yes; the gentleman is quite correct in that respect. In case of liquidation of these Federal reserve banks these bank buildings would be part of the assets of the bank.

Mr. CRAIL. A building of this kind built by the Architect of the Treasury Department would cost double the money that this building will cost under local architects. In southern California we do not have wind and electrical storms; we do not have snows and ice. We do not have the severe cold or the intense heat. We do not have to take care of various

climatic conditions that architects figure on in other sections of the country. The Architect of the Treasury would put up a building out there that would cost double what local architects would provide for.

Mr. CRAMTON. Let me ask one question, Is the gentleman satisfied that a building of this type is really needed?

Mr. CRAIL. It is very much needed. The present quarters are rented at Third and Spring Streets. They are inadequate; they can not keep a large amount of money or securities there because it is not safe to do so, and they really need double the space they now have.

Mr. CRAMTON. I will say to the gentleman that I will not object, for I have more confidence in his recommendation on a question of this kind than I have of the recommendation of the Federal Reserve Bank Board. [Laughter.]

Mr. CRAIL. I sincerely appreciate my colleague's confidence in me. I thank him kindly and again I assure him that this is a worthy measure.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I notice at the end of line 5, beginning with line 6, "for its Los Angeles branch on the site now owned." Owned by whom?

Mr. McFADDEN. By the Los Angeles branch of the Federal Reserve Bank of San Francisco.

Mr. COOPER of Wisconsin. Most all property is owned, but this does not say by whom. I shall move to amend by inserting "by said bank."

Mr. McFADDEN. I have no objection to that.

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I think I heard the chairman of the committee say a moment ago that the Federal reserve institution was not a governmental institution. Am I correct?

Mr. McFADDEN. The gentleman is correct.

Mr. HOWARD of Nebraska. If that be the case, why come to Congress for permission to erect a building?

Mr. McFADDEN. I will say that a Member of the body at the other end of the Capitol caused to be introduced and passed an amendment some time ago limiting the expenditures of the Federal reserve banks for the erection of buildings to $250,000, and because of that provision whenever an expenditure in excess of that is now sought to be made they have to come to Congress to secure consent.

Mr. HOWARD of Nebraska. If it is a private institution, what business has Congress limiting their expenditures?

Mr. McFADDEN. I will say quite frankly that I think it was a mistake, but in the frame of mind that Congress was at that time they felt justified in doing it.

Mr. LaGUARDIA. They are under the regulation and jurisdiction of Congress. Congress can provide what they shall do with their surplus funds.

Mr. HOWARD of Nebraska. I am only seeking information. I regard the Federal bank as the master American criminal.

Mr. STEVENSON. Will the gentleman yield? I want to enlighten him as to the situation when that amendment was adopted. The surplus earnings of the Federal reserve bank belong to the Government.

Mr. HOWARD of Nebraska. I thought so.

Mr. STEVENSON. The more they spend in building Government buildings the less the Government receives. They had a plan of building branch banks until the Federal reserve bank in the gentleman's own district had all of its capital stock invested in branch bank buildings. The Congress thought it was poor business to allow the institution which some day they hope to pay the Government something to spend their capital and surplus in building branch bank buildings, and so they put a limit of cost on it and said, "If you want to expend more than $250,000 on a building for a branch, exclusive of the vaults and site, you must come to Congress and get permission." I do not know about this bill. I was not in committee when it was reported out. I do not know whether they are asking for too much or too little. Los Angeles is a big place and they deal with big figures.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Federal Reserve Bank of San Francisco be, and it is hereby, authorized to contract for and erect a building in the city of Los Angeles for its Los Angeles branch on the site now owned, provided the total amount expended in the erection of said building, exclusive of the cost of vaults, permanent equipment, furnishings, and fixtures shall not exceed the sum of $800,000: *Provided, however,* That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to amend by inserting on page 1, line 6, after the word "owned," the words "by said bank."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the word "owned," insert "by said bank."

The amendment was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INDIANA HARBOR SHIP CANAL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take up out of order the bill H. R. 16169, to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind. This bill proposes to deed to the War Department 2.032 acres of land for the improvement of what is known as the Indiana Harbor Ship Canal. They are making improvements there at the present time, and in order to make the improvements what they should be, to accommodate the rapidly increasing large vessels, it is necessary that this additional land be had. There is a general law for the acceptance of donations of land with respect to certain projects. There is some question, however, whether or not they have a right to accept this under the existing statute. General Jadwin, the Chief of Engineers of the War Department, has asked that a special bill be passed, in order that there shall be no question about the legality of its acceptance. The War Department is in favor of this and it has been submitted to them. The engineers have reported in favor of this.

The SPEAKER. Does the gentleman from Indiana state that a real emergency exists as to this legislation?

Mr. WOOD. Yes; there is a real emergency.

The SPEAKER. The gentleman from Indiana asks unanimous consent to consider the bill out of order. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, does this involve any cost to the Government of the United States?

Mr. WOOD. There is no cost to the Government of the United States so far as the land is concerned. That is donated by the real-estate corporation.

Mr. SCHAFER. And the passage of this bill will not in any way create a charge on the Treasury of the United States?

Mr. WOOD. Not so far as the land is concerned. Of course, the improvement that is being made of necessity will be a charge and will incur expense on the Treasury.

Mr. SCHAFER. Has the Director of the Budget indicated that the passage of this bill is not in conflict with the financial program of the President?

Mr. WOOD. No; I have not consulted him.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, on behalf of the United States, is authorized and directed to accept from the East Chicago Co. title, free and clear of all encumbrances and without cost to the United States, to a tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind., and described as follows:

Part of the southeast quarter section 20, township 37 north, range 9 west of the second principal meridian, in the city of East Chicago, Lake County, Ind., described as follows, to wit: Beginning at the point of intersection of a line parallel to and 100 feet west of the east line with a line parallel to and 100 feet south of the north line of said southeast quarter section 20; thence west on last-described line 450 feet; thence southeasterly on a straight line 644 feet to a point in a line parallel to and 100 feet west of the east line of the southeast quarter section 20 aforesaid; and thence north on last-described line 450 feet to the point of beginning, containing 2.3237 acres.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COAST GUARD STATION, QUILLAYUTE RIVER, WASH.

The next business on the Consent Calendar was the bill (H. R. 14151) to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to learn from the gentleman who reported the bill what provision is made for the expense of this additional Coast Guard station? The bill does not provide any. In fact, that is proposed to be stricken out of the bill by a committee amendment.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I would like information as to why some of the language of the bill is stricken out.

Mr. HOCH. I did not report the bill, but, as I recall the bill, it simply authorizes the construction of a Coast Guard station.

Mr. LAGUARDIA. The language of the bill is "to establish a Coast Guard station."

Mr. HOCH. I am not sure whether that is the usual language used in authorizing a station or not, but I am under the impression that it is, because we were informed, as I recall the hearings, that there are 15 stations that have now been authorized, and the Coast Guard considers this one so important that if appropriations are given it will put this at the head of the list. I take it they use the same language they have always used with reference to the establishment of these stations.

Mr. CRAMTON. But this language which was in the bill as introduced the committee proposes to strike out by amendment:

and appropriations for the establishment and construction thereof are hereby authorized out of any money in the Treasury not otherwise appropriated.

The department report makes no reference to that, nor does the committee report. Possibly there is a general law that covers it, but, if so, it would be nice to have the committee tell us so.

Mr. HOCH. I recall that another bill was introduced by the gentleman from Washington [Mr. JOHNSON]—this is Mr. HADLEY's bill—and his bill carried a limitation of cost of $75,000, as I recall. The Secretary stated that that much money would not be needed. One reason why Mr. HADLEY, who was called out just a few moments ago—and perhaps I should not speak for him—put in this language is because he did not want to put in any limitation of cost. He put in the general language. The opinion of the committee was that the language is not necessary; that the bill authorized the establishment of this station, and that gives authority; and that then it is up to the Appropriations Committee to determine how much should be appropriated.

Mr. LAGUARDIA. Except that if this is not correct and you establish the station, you will simply come back here with more legislation.

Mr. HOCH. It might make it clearer to say "establish and construct"; and if the gentleman desires to offer an amendment to that effect, I think it would do no harm.

Mr. LAGUARDIA. Perhaps they will have just a ship station.

Mr. HOCH. Oh, there is a small building for the men, and a small boathouse, and perhaps some other buildings and the equipment. I recall testimony as to the approximate cost of these stations to be about $40,000 to $45,000. It is similar to all of these many stations along the Atlantic and Pacific coasts.

Mr. LAGUARDIA. I do not think the bill so provides.

Mr. HOCH. If there is no objection, in order to make it certain, insert the words "and construct" after the word "establish," and there can not be any doubt about that covering it. However, I do not think the amendment necessary.

The SPEAKER. Is there objection to consideration? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the Pacific coast at or in the vicinity of the mouth of the Quillayute River, in either Clallam or Jefferson County, State of Washington, in such locality as the captain commandant of the Coast Guard may recommend, and appropriations for the establishment and construction thereof are hereby authorized out of any money in the Treasury not otherwise appropriated.

The committee amendments were read, as follows:

Page 1, line 7, after the word "the," strike out "captain."

Line 8, after the word "recommend," strike out all of lines 8, 9, 10, and 11.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COAST GUARD CUTTER "BEAR"

The next business on the Consent Calendar was the bill (H. R. 14452) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to donate, without expense to the United States, to the city of Oakland, Calif., the historic Coast Guard cutter *Bear*, now no longer fitted for service after 54 years and replaced by another boat.

The committee amendment was read, as follows:

Page 1, line 6, strike out all of lines 6 and 7 and insert in lieu thereof "for museum and exhibition purposes without charge for admission."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 9961) entitled "An act to equalize the rank of officers in positions of great responsibility in the Army and Navy," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 12538) entitled "An act for the benefit of Morris Fox Cherry," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3162) entitled "An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. CAPPER, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. NYE and Mr. PITTMAN members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

THE CONSENT CALENDAR

COAST GUARD ACADEMY

The next business on the Consent Calendar was the bill (H. R. 16129) to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is this the bill providing for an appropriation of $1,750,000?

Mr. HOCH. This bill authorizes that amount for the construction of the necessary buildings. The site, however, is to be donated, a very valuable site, by the city of New London.

Mr. SCHAFER. What is the matter with the present buildings?

Mr. HOCH. The present academy is housed in two very inadequate, unsafe, wood, temporary, poorly constructed barracks which were put there during the World War for temporary purposes. I am sure the gentleman, if he knew the situation, would be glad to support this bill.

Mr. SCHAFER. There has been an increase in personnel of the Coast Guard since it enforces the eighteenth amendment and the Volstead Act, and that is no doubt somewhat responsible for the necessity of this bill.

Mr. HOCH. I am sure the gentleman would want proper quarters even for men to help enforce the Volstead law.

Mr. LAGUARDIA. These are all nice boys and the academy is going to be located right next to a ladies' seminary.

Mr. SCHAFER. Perhaps they will be able to be trained not to fire on and injure people on yachts, thinking they may be rum runners, if this bill is passed.

Mr. HOCH. There is no finer class of men, in my judgment, in the Government service than the commissioned officers of the Coast Guard Service.

Mr. SCHAFER. Generally speaking, I agree with the gentleman. However, let me say there has been much complaint in the past about some of the Coast Guard boats firing at private launches, thinking they were rum runners when they were not.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, let me ask the gentleman in charge of the bill if he will consent to strike out the last clause of the bill, "all at a total cost not to exceed $1,750,000." Of course, the action of the committee reporting it with that amount makes it clear it is not contemplated that this present program shall exceed that amount. If the time is going to come when some additional building will be required—five years, perhaps—I do not think it ought to be necessary to run to the gentleman's committee to get authority for that particular building. If the gentleman will drop off that clause, then it will be so that when the Government sees in the future it needs some additional building a special act of authorization will not be necessary.

Mr. HOCH. Speaking for myself personally, I would have no objection to that, since this language simply fixes a limit of cost.

Mr. BLACK of Texas. Is it not customary to provide an appropriation without fixing a limit of cost?

Mr. CRAMTON. For a permanent institution, which we know must not only be continued from year to year but must be added to from time to time, a general authorization would seem sufficient. Thereafter any request for a new building would not have to run the gantlet of Congress and of the Budget.

Mr. BLACK of Texas. The gentleman will probably recall different appropriations for War Department activities, including those for West Point, where there was always a specific limit fixed by Congress.

Mr. CRAMTON. If there is any criticism, I would not press it, but what the gentleman speaks of is the thing I have in mind. If they must come to Congress every time they want an ice house for the War Department institutions, I think that is not desirable. I shall not object, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to acquire a suitable site at New London, Conn., and to construct and equip thereon such buildings and appurtenances as he may deem necessary for the purpose of the United States Coast Guard Academy, all at a total cost not to exceed $1,750,000.

With a committee amendment as follows:

In line 4, after the word "acquire," insert "in fee simple without cost to the United States."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment. After the figures "$1,750,000" insert this language: "which amount, or so much thereof as may be necessary, is hereby authorized to be appropriated."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: At the end of line 9, after the figures "$1,750,000," insert: "which amount, or so much thereof as may be necessary, is hereby authorized to be appropriated."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TRESTLE IN HENDERSON INLET NEAR CHAPMAN BAY, WASH.

Mr. JOHNSON of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. I ask that we consider one more bill.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 15382) to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, we may have to have a roll call on this bill.

Mr. JOHNSON of Washington. It is not important.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the trestle, log dump, and boom built by the Weyerhaeuser Timber Co. in Henderson Inlet, State of Washington, on the westerly side near the mouth of Chapman Bay and the mouth of Woodards Bay, which is about 7 miles northeast of the city of Olympia, in the State of Washington, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said trestle, log dump, and booming ground: *Provided*, That any changes in said trestle, log dump, and booming ground which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments as follows:

Page 1, line 8, strike out the word "is" and insert in lieu thereof the word "are."

On page 2, line 4, strike out the words "booming ground" and insert the word "boom." In line 6, strike out the words "booming ground" and insert the word "boom."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash."

THE FEDERAL INCOME TAX

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting statements by Mr. Mills and Mr. Bond of the Treasury Department on the administration of the Federal income tax.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing statements made by the Undersecretary of the Treasury, Mr. Mills, and by Mr. Bond on the subject of the administration of the Federal income tax. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of the Hon. Ogden L. Mills, the Undersecretary of the Treasury, on the subject of the administration of the Federal income tax; and also an interview with Hon. Henry H. Bond, the Assistant Secretary of the Treasury, on the subject of Federal income-tax refunds:

THE ADMINISTRATION OF THE FEDERAL INCOME TAX—SPEECH DELIVERED BY UNDERSECRETARY OF THE TREASURY MILLS BEFORE THE BAR ASSOCIATION OF THE STATE OF NEW YORK ON SATURDAY EVENING, JANUARY 19, 1929, AT THE HOTEL ASTOR, NEW YORK CITY

In recent weeks we have heard much discussion of the refunds of Federal income taxes, coupled with a suggestion, in some quarters, that they constitute a basis for criticism and suspicion of the administrative practices of the Treasury Department. The sound and wise administration of our tax laws, and faith in the integrity and wisdom of those who administer them, are of such vast importance to our people that I feel that a discussion of what the Treasury is seeking to accomplish in the way of reform will be of interest to a group of professional men such as this.

Let me say, however, that it is neither my purpose nor desire to promote or encourage the more active interest of lawyers as a class in income-tax matters. Quite the contrary. From my standpoint, lawyers who like litigation—those representing the Government as well as those representing taxpayers—have had altogether too much to do with the income tax, from the very outset. What was fundamentally an administrative problem developed almost at once into an unlimited and in-

terminable series of legal battles. The substitution of administration for litigation is the essence of our present income-tax problem.

Leaving aside the obvious political aspects and motives, the most interesting feature of the recent criticism of the Treasury in connection with refunds is the insistence of our critics that, even though the department, after careful consideration, has decided that the taxpayer has paid more to the Government than he should, under the law, nevertheless he must be compelled to go to court to obtain what is rightfully his. What they would do, in short, is to substitute our Federal judges for the executive officers of Government charged with the duty of collecting the revenue, and have the income tax law administered by the judicial rather than the executive branch of Government. Such a proposal violates every sound rule of taxation and of good government. It is the very bog from which the Treasury seeks to extricate the income tax.

How did the recent discussion arise? The Commissioner of Internal Revenue decided that the United States Steel Corporation was entitled to a refund of $15,000,000, plus interest. To be sure, this is a large sum—which seems to me to be utterly beside the point, even leaving out of consideration the fact that this particular taxpayer paid $173,000,000 in taxes for the year in question, and that if we were dealing in thousands rather than millions and with some small corporation rather than the Steel Corporation the question in all human probability would never have been raised. To be sure, the $975,000,000 of back-tax refunds paid during the course of the last 12 years is an immense sum, but the public is not told that during the same period the Government assessed more than $4,000,000,000 in back taxes and that refunds constitute but 2½ per cent of the total amount of $39,000,000,000 collected—a very good showing, indeed, if you take into consideration the enormous difficulties of the war and early postwar period. Can it fairly be contended that it is quite proper for the Government, after audit and review, to assess $4,000,000,000 of additional taxes on the income-tax payers of the country but when, by the employment of the same methods the very same Government officials determine that the taxpayers have paid more than they should, the latter should not be repair except by virtue of a court decision? Of course not. And if I am right, the obvious, sound, and proper course to pursue is for the Commissioner of Internal Revenue to assume the responsibility of making a decision, and when the decision is in favor of the taxpayer, to refund the amount he determines to have been illegally collected. This doesn't mean that some cases, where really doubtful points of law are involved, will not have to be litigated; but they should be the exception and the rule.

What gives rise to refunds, and why should taxpayers ever overpay their tax? Under our income-tax system, the taxpayer prepares his return and pays his tax as he estimates it to be. The Bureau of Internal Revenue audits his return and examines the various elements involved. It then decides whether the return is correct or whether the taxpayer has overestimated or underestimated his tax. If underestimated, a deficiency is assessed; if overestimated, he is entitled to a refund. The bureau's determination of a deficiency, of course, is not and should not be final; so that, if he pays, he is then entitled to seek a judicial determination and to claim a refund. Perhaps the best way to answer the second question, as to why any man should ever be guilty of the folly of paying more in taxes than he actually owes, is to give some actual illustrations.

Case No. 1: Taxpayer A made his return claiming a deduction of $600,000, which was his pro rata share of the New York transfer tax as a legatee of a deceased relative. Such a deduction was held improper by the Supmere Court in the case of Keith *v.* Johnson. Thereafter the revenue act of 1928 was passed, and under the provisions of section 703 such a tax, if claimed as a deduction by the legatee and not by the estate, was made an allowable deduction to the legatee. Therefore a refund of $300,000 was made.

Case No. 2: Taxpayer B, on behalf of himself and the other stockholders, sold all the capital stock of a certain company, of which he personally owned two-thirds, for a net price of $20,000,000. About $15,000,000 was distributed to the stockholders, including the taxpayer. The remaining $5,000,000 was set aside to meet undetermined tax liabilities of the corporation. Later, when these were determined, the balance of this $5,000,000 was distributed to the stockholders. The taxpayer reported his share of this balance in the year when he received it. The bureau ruled that it was taxable in the year of the original sale of the stock. Therefore a deficiency was assessed for the year of sale, 1925, and an overassessment certified for the year 1926, which was credited against the additional assessment for 1925.

Case No. 3: Taxpayer C, a taxi corporation, originally claimed depreciation at the rate of 1 cent a mile. Subsequently the actual records of the life and total mileage of taxicabs showed that the correct rate of depreciation was 2 cents a mile. These records were submitted and verified, and the result was refunds of $40,000 for 1924 and $50,000 for 1925.

Case No. 4: Taxpayer D, a steamship corporation, failed to claim amortization on its original returns for 1918 and 1919. Later, within the time as extended by Congress itself, claims were duly filed and after careful audit were allowed, giving deductions of $700,000 for 1918 and $300,000 for 1919. The result was an overassessment of $50,000 for 1918, which was credited against taxes for other years, and a small balance refunded, and $20,000 refunded for 1919.

It is apparent from these illustrations, which were selected at random, that neither the taxpayer nor the Government was to blame for the situation creating the necessity for a refund. In the first case, the refund resulted from a change in the law; in the second, from a misinterpretation of the law by the taxpayer; in the third, from a more accurate ascertainment of the facts, which turned out to be more favorable to the taxpayer; in the fourth, to the failure of the taxpayer upon his return to take advantage of a provision of law enacted by Congress for his relief and later extended to him.

What I would emphasize is that under a tax law which deals with such a great variety of circumstances, reaches so many people, and produces so much revenue, even under the most favorable conditions, without any fault on the part of the taxpayer or the administrators, cases must arise where the taxpayer finds that he has either overpaid or underpaid the Government. If the first, he is entitled to be repaid; if the second, the Government is entitled to an additional tax. In neither case is there any occasion for criticism or for belief on the part of the public that it is confronted with anything abnormal, unexpected, or alarming. Quite to the contrary. If you were to examine our revenue laws, you would realize at once the many constantly recurring situations which can be met only by refunds, and the many provisions which can be administered, and must have been intended by Congress to be administered, solely by refunds. Furthermore, any system of revenue collection under which payments are compelled prior to final determinations must necessarily be based upon the principle of refunding overpayments. This is true, for instance, of the English system, which is frequently and properly pointed to as a model of sound income-tax administration, under which their credits, drawbacks, and refunds amount to about 15 per cent of the collections.

Refunds are but a part of a much larger problem. The present discussion will have served a very useful purpose if it presents to the country in a reasonably clear light the very definite and simple issue: Should the income tax be treated as all other taxes, as an administrative problem with responsibility definitely lodged in the proper executive officers, or is it to be singled out and considered as not susceptible of anything but judicial interpretation and decision? In so far as I know, no other country has ever considered the assessment and collection of income taxes through the judiciary as necessary or advisable, nor do I know of any case of any one of our States taking such a position, though many of them have enacted and enforced some extremely complicated tax laws, particularly in the field of corporate taxation. Though in the State and city of New York we raise annually immense sums through taxes, I have never heard it suggested that we could not trust the decision and judgment of our tax officials, but must compel them to refer all doubtful questions, whether of law or fact, to the courts. In the case of the Federal income tax, however, it is undeniable that until recently there has been a very definite tendency to lean heavily on the courts. Administrative officers have been unwilling to assume the responsibility of making final decisions.

The Government has been inclined to settle all doubtful points in its own favor and force the taxpayer to appeal to the court for relief; while, on the other hand, the taxpayer, finding that the Government was prepared to litigate all doubtful questions, found it very much to his advantage to do likewise. Perhaps all this was unavoidable, considering the novelty of the problems presented, the intricate facts surrounding practically every transaction of importance, and the staggering amount of the sums involved. In any event, the attitude of both the taxpayer and the Government was in large measure responsible for much of the delay in settling cases which has occasioned so much complaint, and for the protracted litigation which we have come to associate with the income tax law, thus depriving this very sound method of raising revenue of the two essential qualities of a sound tax, namely, certainty and promptness.

Moreover, there grew up the strange fiction that questions which by their nature are not susceptible of mathematical or logical determination could be settled with mathematical accuracy and pure logic—leaving no room for the exercise of judgment. Attempts were made to determine such questions as the valuation of natural resources, the valuation of intangibles, the amortization of war facilities, and the computation of depreciation by the use of formulas and with mathematical accuracy. There persisted, and persists to-day, the belief that the determination of a tax liability can be determined in each case with precision and exactness, and if the bureau has any doubt as to its ability to reach this ideal, it should let the Board of Tax Appeals or the courts attempt it.

Now, the truth is that many questions can not be solved with exact precision, and sound policy demands that they should be disposed of by administrative action on the basis of the best judgment of competent officials. It is true, of course, that important questions of law must be left to the courts for determination, but in so far as the great mass of problems that arise are concerned, we can not hope to settle them by a series of legal decisions. Experience has shown that conditions are so varied, complex, and changing that hardly a day goes by

without developing some new problem only remotely related to those already decided. A final court decision five years from to-day is of no help in reaching present-day determinations.

But, leaving aside all argument and theory, here are some facts which indicate clearly enough the danger which threatens the income tax in this country, a danger which no true friend of the system can afford to minimize. After a strenuous and successful effort to bring the work of the Bureau of Internal Revenue to a current basis, after disposing of an accumulation of 3,000,000 cases, in accordance with the old strict method, we found ourselves faced with over 22,000 cases, involving over $700,000,000, pending before the Board of Tax Appeals—five years' work, without taking into consideration new cases.

The clean-up in the bureau was apparently not all that it appeared to be. Difficult cases were evidently being disposed of by driving the taxpayer to the board, there to wait in patience and uncertainty. What both the taxpayer and the Government want is to have the case settled and closed, not simply transferred from the Bureau of Internal Revenue to the Board of Tax Appeals. Obviously litigation is not the key to the successful administration of a tax law which each year reaches over 2,800,000 persons and produces annually over $2,000,000,000. Moreover, we found that the Government was successful in sustaining only about 50 per cent of the assessments appealed to the board. What did this show? It showed clearly enough that the administrative officers were failing to assume the responsibility which was theirs. The taxpayer was entitled to many more decisions in his favor than they were making. The trouble was not, as has been suggested, excessive use of discretion on the part of administrative officers, but a failure to exercise courageously their own judgment and to dispose of these cases without the necessity of court action.

To allow such a condition to continue and grow worse was to subject the income tax law to such a storm of just criticism as would inevitably bring it into disrepute. Accordingly, with the war years pretty well back of us, with every prospect that we had reached a period of stability where the law could be considered as in more or less permanent form, we determined to return to sound tax principles and to treat the collection of an income tax as primarily an administrative rather than a legal problem. The ideal we are aiming at is to have cases closed fairly, promptly, and finally. We want to get away from the old spirit of claiming everything for the Government and letting the taxpayer protect himself by litigation. We want the taxpayer to meet us half way in a similar spirit of fairness and with an appreciation that litigation, both for himself and the Government, is the most unsatisfactory and expensive method of determining his tax liability. All we want of him is what, under the law, he owes the Government. As a plain matter of common sense, in the long run, how is that amount more likely to be determined accurately and equitably? By mutual fairness, frankness, and full disclosure at the start, or by suspicion, secrecy, distrust, and arbitrariness, ending in litigation? Always remember that in the field of taxation promptness and certainty are frequently infinitely more important than meticulous accuracy.

Our immediate problem was to relieve the Board of Tax Appeals, which was in serious danger of breaking down. In the summer of 1927 the so-called special advisory committee was created to apply settlement methods not only to pending appeals but to cases in which a 60-day letter had been sent out. The committee consists of 14 members, and a number of conferees both in Washington and the field. These conferees are carefully chosen and trained. They confer with the taxpayer and attempt primarily to settle cases where facts are in dispute. The work accomplished during the course of the last year has demonstrated the soundness and value of such a method. In that period the committee has considered 5,748 appealed cases and 2,777 cases about to be appealed. Of the appeals 3,288 and of the 60-day letter cases 2,088 have been recommended for settlement. The combined cases proposed for settlement resulted in additional assessments totaling almost $37,000,000.

The success of this committee was such that early last year plans were perfected for the creation of a similar agency in the general counsel's office to attempt similar settlement work in cases involving primarily questions of law and mixed questions of law and fact. Many cases involved a number of issues, each of which is a fairly close question of law without procedure and not of general importance. On some of these questions the bureau may profitably yield in exchange for similar concessions by the taxpayer. It is, in a word, the introduction into the realm of tax administration of a businesslike method for adjusting disputes. Litigation is proving expensive and, on the average, unprofitable both to the taxpayer and to the Government. Settlement methods serve to keep the tax problem on an administrative basis, where it belongs, to reach results promptly, with benefit to the Government and the taxpayer, and in the long run to produce more revenue. These two agencies, no matter how effective they may prove to be, are necessarily limited in the scope of their activities, but the success of their efforts, the educational work which they are satisfactorily contributing by bringing the conferees and auditors into direct contact with them, the exchange of auditors, meetings for general discussion and the reading of the committee's recommendations in specific cases, are all contributing to the introduction of a new point of view and a new method of approach to the solution of their problem in the bureau itself.

If litigation is to be avoided, if tax cases are to be settled with promptness and certainty, the ultimate responsibility must definitely rest on the Bureau of Internal Revenue. Its employees must recognize that responsibility and be willing to assume it, and they must receive the whole-hearted support and encouragement of those at the top. There need be no fear of laxity, carelessness, or failure to protect the interests of the Government. We are proceeding cautiously, slowly, and with adequate checks and review in all cases. The bureau is at least as well equipped as the courts to reach sound determinations.

I do not want to convey the impression that what we are undertaking is something revoluntionary. We are not compromising determined or admitted tax liabilities of solvent taxpayers. We are applying common sense to their determination. Once determined, every penny must be paid. We are simply seeking to establish the administration of the income tax on the very definite basis on which it should have rested from the start, on the very basis on which every tax which has ever been imposed or collected in this or any other modern country has rested. Nor do I want to raise your expectations too high. Progress must necessarily be slow. An attitude of mind which has existed for 10 years both on the part of the taxpayers and of Government officials can not be changed overnight. But we believe we have made a good start in bringing about a general reform in the field of Federal taxation. We can not succeed without public support. That support will be lacking without a full understanding of what we seek to accomplish. I know of no group of men that can be more helpful than you gentlemen in promoting that understanding, and in thanking you for your patience and courtesy this evening, I appeal most earnestly for your whole-hearted assistance and support.

WHY REFUNDS?

An interview with Hon. Henry Herrick Bond, Assistant Secretary of the Treasury

In an interview to-day, Henry Herrick Bond, Assistant Secretary of the Treasury, explained in detail why refunds of taxes are made. A summary of his statements follows:

"Attention has been focused recently upon the refunding of Federal taxes. During the fiscal year ending June 30, 1928, there were about 168,000 refunds of internal revenue taxes, principally income taxes, which ranged in amounts from 1 cent to $3,600,000. The refunds totaled $142,393,567.17, so it will be seen that the average amount was approximately $8,500. For the current fiscal year $130,000,000 was originally appropriated for this purpose and Congress has now been asked for an additional $75,000,000.

"A very proper question is raised in the minds of the public. The public is entitled to know why taxes which have once been paid are being refunded or paid back. The answer is simple.

"The system prescribed by Congress for the collection of Federal revenues is based upon the proposition that the needs of the Government demand and justify an insistence upon immediate payment of taxes. Any dispute over the amount to be paid must not be permitted to postpone payment. It can be settled thereafter. The soundness of this long-established policy is not open to question (though it has been relaxed considerably by the creation of the Board of Tax Appeals). The conveniences of the individual must be subordinated to the public necessity. An obvious corollary requires a refund of any payment in excess of the amount finally determined to have been due.

"The principal steps in administering an income tax are not difficult to understand. A taxpayer makes his return, computes the amount he thinks is due, and pays. His return is then audited and his transactions examined. One of three results follows: (1) His return may be found correct, or (2) he may owe an additional amount, or (3) he may have paid too much. If the first, his case is considered as closed, though, of course, it may subsequently be reopened, if necessary; if the second, we proceed to collect a deficiency; and, if the third, we proceed to refund or credit against an amount owing for another year. It is rather significant that our collections of additional taxes far exceed our refunds of overpayments.

"Why should a taxpayer ever overpay his tax? Let me counter with a question: Do you understand every provision of our income tax laws? Or, assuming you are a 'superexpert,' does everyone agreed with your interpretations and applications? But you are entitled to a more specific answer. A few of the more important reasons are: Mathematical error; failure to appreciate or present important facts; ignorance of the law; inability to determine the proper interpretation of the law, because of complexities, ambiguities, or omissions; payment in accordance with Treasury regulations or interpretation subsequently reversed, either by the Treasury itself or as a result of final decisions of the Board of Tax Appeals or the courts; legislation which has retroactively reduced the tax liability; or a provision of the law is held to be unconstitutional.

"During the war years the Government was under the necessity of collecting more than $4,000,000,000 annually, under an entirely new

form of tax, from taxpayers having no conception of the meaning of the law. Collections had to be made. It was at times necessary to be somewhat arbitrary in the preliminary determinations. 'Time was of the essence,' as the lawyers would say, and so the public poured into the National Treasury large amounts, the legality of which was in dispute. In part these payments were made because of the 'payment-first' principle which I have described, and in part it was due to patriotism. There was always, however, the realization that ultimately these payments would be analyzed, that correct interpretations would be applied, and that a readjustment would be made and overpayments promptly refunded.

"Who should make the final determination? Should it be made by the Commissioner of Internal Revenue, a highly important and responsible official of the Treasury, upon the advice of a corps of experts and legal counsel, or should he shirk the responsibility and force taxpayers into the courts, facing the costs and interminable delays of litigation? I am personally convinced that the determination and adjustment of tax liabilities must be primarily an administrative function. Our judicial system, sorely burdened even now with calendars crowded with cases in which taxpayers have not agreed with the Government's determination, could not possibly survive if any other course were pursued. The Board of Tax Appeals is years behind and it reviews only additional tax determinations and not refunds. I would be pleased indeed at an opportunity to present this issue more fully to the public.

"But should the commissioner hesitate and refuse to refund just because the amount is large? Most of the discussion has been occasioned, I believe, by a refund of $15,000,000 to one taxpayer. It has been frequently overlooked that this taxpayer paid over $217,000,000 and that the net amount of its taxes for the year involved is in excess of $173,000,000. Suppose we were talking in terms of thousands rather than millions; would anyone question or criticize? Should we pay interest upon an amount which a court would clearly direct us to refund? I would approve without fear any settlement clearly in the best interests of the Government. Cases of this kind are most carefully considered. The Treasury is fully appreciative of its duty as trustee for all taxpayers to guard zealously the public's interests. By far the greater amount is refunded pursuant to court decisions. I am confident that taxpayers who have obtained refunds will testify that it is no simple undertaking to convince the Treasury officials that the refund was properly allowable.

"We must not overlook the size of the job carried on by the Bureau of Internal Revenue. The bureau has collected since 1917 almost $39,000,000,000, has assessed more than $4,000,000,000 of back taxes, and has refunded almost $1,000,000,000. The total refunds made during the past 12 years and 3 months ($975,012,356.33) are only approximately 24 per cent of the total amount of additional assessments and collections resulting from office audits and field investigations ($4,061,769,209.91) which have been made during the same period, and but 2.5 per cent, approximately, of the total internal-revenue receipts during the period in question ($38,715,757,522.36). It should be remembered that most of these refunds have been with respect to the excess-profits tax years 1917 to 1921, inclusive, and, therefore, refunds in future years should steadily diminish.

"Why refunds? Simply because we find we have money to which we are not entitled. We may learn this from the taxpayer himself, we may learn it from our own examination of his return, or we may be told by the authoritative voice of the court. To magnify this fact and distort it is unfair. Emphasis rather should be laid upon the creditable record of the bureau in collecting additional taxes far in excess of the amount of refunds in each year, and upon the willingness of the bureau to assume the responsibility of closing cases once and for all."

THE CONSENT CALENDAR

RELIEF OF CONTRACTORS AND SUBCONTRACTORS

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that H. R. 13857 be restored to the calendar and retain its place on the calendar unprejudiced. A few moments ago I objected to the unanimous-consent request that it retain its place on the calendar. Its calendar number is 1077.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill mentioned may be restored to the calendar and retain its place on the calendar without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 15968) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by act of Congress approved February 16, 1924, and amended by acts approved February 7, 1925, and March 1, 1926, to be built by the Chicago, Milwaukee & St. Paul Railway, its successors and assigns, across the Mississippi River, within or near the city limits of St. Paul, Ramsey County, and Minneapolis, Hennepin County, Minn., are hereby extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 6, strike out the word "and," and after the figures "1926" insert "and March 10, 1928."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SPRING RIVER

The next business on the Consent Calendar was the bill (S. 4976) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Randolph and Lawrence, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Black Rock, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SPRING RIVER

The next business on the Consent Calendar was the bill (S. 4977) granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the Spring River, at a point suitable to the interests of navigation, at or near Imboden, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (S. 5038) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near Baton Rouge, La., authorized to be built by the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, by the act of Congress approved February 20, 1928; are hereby extended one and three years, respectively, from February 20, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE WABASH RIVER

The next business on the Consent Calendar was the bill (S. 5039) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Wabash River, at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress approved March 3, 1925, heretofore extended by the acts of Congress, approved July 3, 1926, March 2, 1927, and March 29, 1928, are hereby extended one and three years, respectively, from March 29, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MCCORMACK, for 10 days, on account of important business.

Mr. MAAS, at the request of Mr. KNUTSON, on account of death in family.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, January 22, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 22, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Sugar, molasses, and manufactures of, January 22.
Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Favoring the ratification by the United States Senate of the Kellogg peace pact (H. Res. 264).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To establish load lines for American vessels (S. 1781).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To increase the minimum fine for certain offenses under the interstate commerce act (H. R. 15971).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc. (H. R. 450).

To amend the act approved June 1, 1925, authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components (S. 1833).

COMMITTEE ON THE TERRITORIES

(11 a. m.)

To authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska (H. R. 13240).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

Authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

751. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, for the Capitol power plant, under the Architect of the Capitol, for the fiscal year 1930, in the sum of $100,250 (H. Doc. No. 517); to the Committee on Appropriations and ordered to be printed.

752. A letter from the national president of the American War Mothers, transmitting report of the American War Mothers, 1927 and 1928; to the Committee on World War Veterans' Legislation.

753. A letter from the Secretary of the Interior, transmitting report of an accumulation of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

754. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927; to the Committee on Naval Affairs.

755. A letter from the Secretary of the Navy, transmitting communication relative to bill (H. R. 13750, 70th Cong.) concerning radio automatic alarm signal device to handle ship-distress messages; to the Committee on the Merchant Marine and Fisheries.

756. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Carters Creek, Lancaster County, Va. (H. Doc. No. 518); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

757. A letter from the Secretary of the Navy, transmitting report on disposition of useless papers in the files of navy yards, naval stations, etc., during the calendar year 1928; to the Committee on Disposition of Useless Executive Papers.

758. A letter from the Director of the United States Veterans' Bureau, transmitting list of useless papers in the Veterans' Bureau and which the bureau recommends for destruction; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SIMMONS: Committee on Appropriations. H. R. 16422. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2151). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Pensions. S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps"; with amendment (Rept. No. 2158). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 16352. A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes; with amendment (Rept. No. 2159). Referred to the House Calendar.

Mr. BOYLAN: Committee on Military Affairs. S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

with amendment (Rept. No. 2160). Referred to the House Calendar.

Mr. BOYLAN: Committee on Military Affairs. H. R. 13038. A bill to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior; with amendment (Rept. No. 2161). Referred to the House Calendar.

Mr. BURDICK: Committee on Naval Affairs. H. R. 480. A bill for the relief of certain officers of the Dental Corps of the United States Navy; without amendment (Rept. No. 2162). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Nebraska: Committee on Indian Affairs. S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; without amendment (Rept. No. 2166). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 12325. A bill to authorize and direct the United States Employees' Compensation Commission to pay compensation to Mrs. Annie Gaffney for the death of her son, William Leo Gaffney; with amendment (Rept. No. 2152). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. H. R. 13132. A bill for the relief of J. D. Baldwin, and for other purposes; with amendment (Rept. No. 2153). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 14823. A bill for the relief of the Meadow Brook Club; without amendment (Rept. No. 2154). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 200. An act for the relief of Mary L. Roebken and Esther M. Roebken; without amendment (Rept. No. 2155). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 584. An act for the relief of Frederick D. Swank; without amendment (Rept. No. 2156). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2821. An act for the relief of Capt. Will H. Gordon; without amendment (Rept. No. 2157). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on the Public Lands. H. R. 13582. A bill authorizing and directing the Secretary of the Interior to issue a patent to Lucile Scarborough; with amendment (Rept. No. 2163). Referred to the Committee of the Whole House.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 16406. A bill to repeal the provision of law granting a pension to Annie E. Springer; without amendment (Rept. No. 2164). Referred to the Committee of the Whole House.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 16407. A bill to repeal the provision of law granting a pension to Lottie A. Bowhall; without amendment (Rept. No. 2165). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 2255. A bill for the relief of Joseph Franklin; without amendment (Rept. No. 2167). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 3282. A bill for the relief of Frank Fanning; without amendment (Rept. No. 2168). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 15220. A bill for the relief of Francis X. Callahan; with amendment (Rept. No. 2169). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16244) granting an increase of pension to John G. Jackson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16401) granting a medal of honor to William McCool, United States Navy; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMMONS: A bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BOX: A bill (H. R. 16423) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. MANLOVE: A bill (H. R. 16424) granting pension to certain persons who served in the military service of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 16425) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16426) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBSION of Kentucky: A bill (H. R. 16427) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. McREYNOLDS: A bill (H. R. 16428) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Illinois: A bill (H. R. 16429) granting the consent of Congress to the city of Savanna, State of Illinois, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 16430) extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16431) extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLGOOD: A bill (H. R. 16432) granting the consent of Congress to the highway department of the county of Etowah, State of Alabama, to construct, maintain, and operate a toll bridge across the Coosa River; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Nebraska: A bill (H. R. 16433) to extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. FURLOW: A bill (H. R. 16434) to establish the Wright transcontinental airway; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: A bill (H. R. 16435) providing for the collection from passengers of half fares on all street cars, busses, or other public conveyances, in the District of Columbia, where there are no vacant seats, requiring half-fare tickets or tokens to be issued for sale, and providing a penalty for violation; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 16436) to provide for the repatriation of certain insane American citizens; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 16437) to set aside certain lands for the Leech Lake Band of Chippewa Indians in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. LEHLBACH: A bill (H. R. 16438) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and for other purposes; to the Committee on the Civil Service.

By Mr. MANSFIELD: A bill (H. R. 16439) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. SABATH: A bill (H. R. 16440) relating to declarations of intention in naturalization proceedings; to the Committee on Immigration and Naturalization.

By Mr. WEAVER: A bill (H. R. 16441) to incorporate the distinguished service foundation of optometry; to the Committee on the Judiciary.

By Mr. WOLVERTON: A bill (H. R. 16442) providing for the retirement of enlisted men of the Navy and Marine Corps who become physically incapacitated for active duty as an incident of their service; to the Committee on Naval Affairs.

Also, a bill (H. R. 16443) authorizing pay of warrant officer on retired list for transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who served as commissioned or warrant officers during the World War; to the Committee on Naval Affairs.

Also, a bill (H. R. 16444) correcting status of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who served in higher enlisted ratings during the World War; to the Committee on Naval Affairs.

Also, a bill (H. R. 16445) authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty; to the Committee on Naval Affairs.

Also, a bill (H. R. 16446) providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospital without expense to the reservist; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 16447) authorizing a second 5-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 16448) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. REECE: A bill (H. R. 16449) authorizing an appropriation with which to pay part of the cost of paving and curbing an approach to the Mountain Branch, National Home for Disabled Volunteer Soldiers, where the approach abuts on the grounds of the home; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 16450) to afford permanent protection to the watershed and water supply of the city of Ashland, Jackson County, Oreg., and for other purposes; to the Committee on the Public Lands.

By Mr. DOMINICK: A bill (H. R. 16451) to provide for the inspection of the battle field of Star Fort, S. C.; to the Committee on Military Affairs.

By Mr. GARRETT of Tennessee: Resolution (H. Res. 296) providing for a legislative clerk for the minority leader of the House of Representatives; to the Committee on Accounts.

By Mr. REED of New York: Resolution (H. Res. 297) providing for the consideration of S. 1731, a bill to provide for the further development of vocational education in the several States; to the Committee on Rules.

Also, resolution (H. Res. 298) providing for the consideration of H. R. 15211, to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, as amended; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial from the Legislature of the State of Minnesota, memorializing the President of the United States and the Congress of the United States relative to the passage of H. R. 7729; to the Committee on Labor.

Memorial from the Legislature of the State of Texas, favoring a fair and adequate tariff rate on all products of both farm and ranch, with special attention to the interest of the farmer and stock raiser; to the Committee on Ways and Means.

By Mr. CARSS: Memorial of the Legislature of the State of Minnesota, memorializing the President of the United States and the Congress of the United States relative to the passage of H. R. 7729; to the Committee on Labor.

By Mr. CHRISTOPHERSON: Memorial from the Legislature of the State of South Dakota, urging Congress to pension volunteers in South Dakota who participated in Messioh war in 1890 and rendered active service in subduing uprising of Indians; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 16452) granting a pension to Mary Von Ezdorf; to the Committee on Pensions.

By Mr. ADKINS: A bill (H. R. 16453) granting a pension to William N. Eastin; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 16454) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.); to the Committee on Claims.

By Mr. BACHMANN: A bill (H. R. 16455) granting an increase of pension to Samantha A. Sloan; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 16456) granting a pension to Hannah E. Van Meter; to the Committee on Invalid Pensions.

By Mr. BOX: A bill (H. R. 16457) for the relief of Orange Car & Steel Co., Orange, Tex.; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 16458) granting an increase of pension to Mary E. Koogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16459) granting an increase of pension to Mary S. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16460) granting a pension to Prudence Simpson; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 16461) granting an increase of pension to Frances E. Bull; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 16462) granting an increase of pension to Mary A. McMillen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16463) granting an increase of pension to Thomas Devine; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 16464) granting a pension to Ella R. Dansbery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16465) granting an increase of pension to Mary J. Mitchell; to the Committee on Invalid Pensions.

By Mr. FORT: A bill (H. R. 16466) for the relief of Thomas A. McGurk; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 16467) granting a pension to Annie E. Spooner Kimball; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16468) granting a pension to Eunice E. Rhoads; to the Committee on Pensions.

By Mr. GIFFORD: A bill (H. R. 16469) granting an increase of pension to Martha B. Rounsville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16470) granting an increase of pension to Bessie M. Ward; to the Committee on Pensions.

Also, a bill (H. R. 16471) for the relief of Sidney Morris Hopkins; to the Committee on Naval Affairs.

By Mr. GILBERT: A bill (H. R. 16472) for the relief of Effie Mills; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 16473) granting an increase of pension to Sallie M. Seaman; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 16474) granting an increase of pension to Emily Chapman; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16475) granting an increase of pension to Sallie Ireton; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 16476) granting an increase of pension to Douglas D. Powell; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 16477) granting a pension to Anna P. Denny; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 16478) granting an increase of pension to Mary Jane Stead; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 16479) granting a pension to Mary E. Hartwell; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16480) granting an increase of pension to Sarah A. Niles; to the Committee on Pensions.

By Mr. SCHAFER: A bill (H. R. 16481) granting a pension to Caroline Carleton; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 16482) granting an increase of pension to Mary A. Phillips; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 16483) for the relief of Albert Kimble; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 16484) granting an increase of pension to Amanda Grayson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16485) granting an increase of pension to Jane Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16486) granting an increase of pension to Drusilla Hanna McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16487) granting an increase of pension to Anna M. Dieringer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 16488) granting a pension to Ott Campbell; to the Committee on Pensions.

Also, a bill (H. R. 16489) granting a pension to Carlie D. Watters; to the Committee on Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to Charles O. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 16491) granting an increase of pension to Martha E. Collins; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16492) to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 16493) granting a pension to Robert J. Edwards; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 16494) granting an increase of pension to Ida Emmott; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 16495) granting a pension to Jennie Cousins; to the Committee on Invalid Pensions.

By Mr. WHITTINGTON: A bill (H. R. 16496) granting a pension to Sarah L. McClane; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 16497) granting a pension to Robert H. McCullagh; to the Committee on Pensions.

Also, a bill (H. R. 16498) granting a pension to Red Owl; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8318. Petition of New York Zoological Society, urging Congress to acquire all private timberlands within the boundaries of our national parks; to the Committee on the Public Lands.

8319. Petition of George E. Garrett, Alexandria, Va., representing a meeting of citizens of Virginia and the District of Columbia, favoring the passage of the Cramton bill (H. R. 15524); to the Committee on Public Buildings and Grounds.

8320. Petition of Sentinels of the Republic, of Massachusetts, opposing Senate bill 3151; to the Committee on the Judiciary.

8321. Petition of Sentinels of the Republic, of Massachusetts, urging Congress to support the Garrett amendment to the Constitution; to the Committee on the Judiciary.

8322. Petition of Sentinels of the Republic, of Massachusetts, opposing House bill 12241; to the Committee on Education.

8323. Petition of Sentinels of the Republic, of Massachusetts, opposing the Newton bill (H. R. 14070); to the Committee on Interstate and Foreign Commerce.

8324. Petition of Sentinels of the Republic, of Massachusetts, thanking Hon. FINIS J. GARRETT for his proposal of the constitutional amendment bearing his name; to the Committee on the Judiciary.

8325. By Mr. BARBOUR: Petition signed by citizens and residents of Kern County, Calif., urging a tariff on imported crude oil; to the Committee on Ways and Means.

8326. Also, resolution adopted by Department of California of the American Legion, urging an increase in hospital facilities for that State; to the Committee on World War Veterans' Legislation.

8327. By Mr. BOYLAN: Letter from Manhattan Commission Co., protecting against an increase of duty on shelled peanuts; to the Committee on Ways and Means.

8328. Also, resolution adopted by Philippine-American Chamber of Commerce, opposing any restriction or limitation to the free movement of products between the United States and the Philippines; to the Committee on Ways and Means.

8329. Also, resolution adopted by Forty-first Annual Convention of the Savings and Loan Associations in the State of New York, urging the adoption of House bill 13981; to the Committee on the Judiciary.

8330. By Mr. CANNON: Petition of Kingdom Post, No. 210, American Legion, Fulton, Mo., asking an appropriation for Hospital No. 92 at Jefferson Barracks, Mo., to provide for additional hospital facilities; to the Committee on World War Veterans' Legislation.

8331. By Mr. CARSS: Petition of the Winnibegoshish Band of the Chippewa Indians of Minnesota, for a $100 per capita payment to them out of money held in trust for them in the Treasury of the United States; to the Committee on Indian Affairs.

8332. By Mr. ESTEP: Petition of United States Grand Jury for western district of Pennsylvania, January 12, 1929; to the Committee on the Judiciary.

8333. By Mr. GARBER: Petition of the National Foods (Inc.), New Orleans, La., urging opposition to House bill 10958; to the Committee on Agriculture.

8334. Also, petition of the Philippine-American Chamber of Commerce, stating opposition to any proposed restriction or limitation to the free movement of products between the United States and the Philippines; to the Committee on Ways and Means.

8335. By Mr. GARRETT of Tennessee: Petition signed by citizens of Dyersburg, Tenn., asking that a bill be passed that will establish a moritorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, etc.; to the Committee on Irrigation and Reclamation.

8336. By Mr. GRIEST: Petition of Pomona Grange No. 71 of Lancaster County, Pa., favoring special session of Congress to consider tariff revisions and farm relief, and approving rational interpretation of prohibition enforcement; to the Committee on Ways and Means.

8337. By Mr. KVALE: Petition of Christian Olson, president, and members of Norwegian National League of Chicago, protesting against permitting the national origins section (so-called) of the immigration act of 1924 to become operative and effective on July 1, 1929; to the Committee on Immigration and Naturalization.

8338. Also, petition of State Agricultural Society of Minnesota, opposing the construction of the Nicaraguan canal; to the Committee on Military Affairs.

8339. By Mr. LEAVITT: Petition of the Chamber of Commerce at Missoula, Mont., urging adequate tariff protection for the beet-sugar industry of the United States; to the Committee on Ways and Means.

8340. By Mr. LINDSAY: Petition of Manhattan Commission Co., New York, N. Y., urging defeat of movement to increase duty on shelled peanuts, and seek opportunity to present evidence in support of contentions before Ways and Means Committee; to the Committee on Ways and Means.

8341. Also, petition of National Almond Products Co., 129–31 Patchen Avenue, Brooklyn, N. Y., urging defeat of plan for an immediate increase in duty on peanuts; to the Committee on Ways and Means.

8342. By Mr. McREYNOLDS: Petition of residents of Warren County, Tenn., protesting against the enactment into law of the compulsory Sunday observance bill (H. R. 78), etc.; to the Committee on the District of Columbia.

8343. By Mr. O'CONNELL: Petition of Binney & Smith Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8344. Also, petition of E. F. Drew & Co., New York City, opposing the passage of Haugen oleomargarine bill; to the Committee on Agriculture.

8345. Also, petition of the Bright Star Battery Co. (Inc.), Hoboken, N. J., favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8346. Also, petition of the Philippine-American Chamber of Commerce, opposing any restriction or limitation to the free movement of products between the United States and the Philippines in either direction; to the Committee on Ways and Means.

8347. Also, petition of the Eugene (Ltd.), New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8348. Also, petition of the Ajax Rope Co., New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8349. Also, petition of the Maritime Association of the Port of New York, favoring the passage of House bill 11886 and Senate bill 3721, to establish the office of captain of the port of New York and define his duties; to the Committee on Interstate and Foreign Commerce.

8350. Also, petition of the National Foods (Inc.), New Orleans, La., opposing the passage of the Haugen oleomargarine bill (H. R. 10958); to the Committee on Agriculture.

8351. Also, petition of the New York State League of Savings and Loan Associations, Albany, N. Y., favoring the passage of House bill 13981, to permit the United States to be made a

party to actions to foreclose mortgages or other actions in respect to real estate; to the Committee on the Judiciary.

8352. By Mr. O'Connor of New York: Resolution of the Savings and loan associations in the State of New York, urging passage of House bill 13981; to the Committee on the Judiciary.

8353. By Mr. WHITTINGTON: Petition of C. D. Terrall, C. D. Patterson, sr., and others for relief for drainage districts; to the Committee on Irrigation and Reclamation.

SENATE

TUESDAY, *January 22, 1929*

(Legislative day of Thursday, January 17, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fess	McMaster	Shortridge
Bayard	Fletcher	McNary	Simmons
Bingham	Frazier	Mayfield	Smith
Black	George	Metcalf	Smoot
Blaine	Gerry	Moses	Steck
Blease	Gillett	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Glenn	Norris	Swanson
Brookhart	Gould	Nye	Thomas, Idaho
Broussard	Greene	Oddie	Thomas, Okla.
Bruce	Hale	Overman	Trammell
Burton	Harris	Phipps	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Wheeler
Edge	Keyes	Sheppard	

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is necessarily absent on account of illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution of the Senate:

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

The message also announced that the House had passed the following bill and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 1156. An act granting a pension to Lois I. Marshall; and

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

The message further announced that the House had passed the following bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 2366. An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; and

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7028. An act granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested;

H. R. 7939. An act to authorize settlement of damages to persons and property by Army aircraft;

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.;

H. R. 12526. An act to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended);

H. R. 13646. An act for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes;

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases;

H. R. 14151. An act to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River, in the State of Washington;

H. R. 14154. An act to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes;

H. R. 14156. An act to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear;*

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15213. An act to authorize the Secretary of the Interior to develop power and to lease for power purposes structures of Indian irrigation projects, and for other purposes;

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.;

H. R. 15382. An act to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the

United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indian Harbor Ship Canal, at East Chicago, Ind.; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

PETITIONS AND MEMORIALS

Mr. JONES presented memorials of sundry citizens of Tekoa and Wenatchee, in the State of Washington, remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. FLETCHER. Mr. President, I ask permission to have printed in the RECORD a telegram from the Leesburg Post of the American Legion favoring the cruiser bill. I ask that the telegram may lie on the table.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LEESBURG, FLA., *January 22, 1929.*

Hon. DUNCAN U. FLETCHER,
United States Senate:

Last night Leesburg Post, American Legion, voted themselves unanimously in favor of 15-cruiser bill and instructed me to wire you requesting you do all in your power to get passage on this bill.

RANDOLPH F. BLACKFORD,
Adjutant.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 5229) to amend section 876 of the Revised Statutes, reported it without amendment and submitted a report (No. 1482) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania (Rept. No. 1483);

A bill (H. R. 8551) to create an additional judge in the district of South Dakota (Rept. No. 1484); and

A bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York (Rept. No. 1485).

Mr. WATERMAN also, from the Committee on the Judiciary, to which was referred the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit, reported it with an amendment and submitted a report (No. 1486) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14659) to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York, reported it with amendments and submitted a report (No. 1487) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12811) to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina, reported adversely thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests, reported it without amendment and submitted a report (No. 1488) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES (for Mr. GOFF):

A bill (S. 5476) granting a pension to Bertha H. Barnes (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5477) granting an increase of pension to Charles W. Paul; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5478) granting an increase of pension to Eleanor E. Gerry (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5479) for the advancement on the retired list of the Army of certain enlisted men; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 5480) for the relief of Thomas A. Dwyer; to the Committee on Naval Affairs.

By Mr. KEYES:

A bill (S. 5481) granting an increase of pension to Ida Emmott (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HARRIS:

A bill (S. 5483) granting an increase of pension to Elizabeth E. Carpenter; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5484) to authorize the President to reconsider the case of Leland C. McAuley and to reappoint him a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 5485) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 5486) for the relief of the widow of Rudolph H. von Ezdorf; to the Committee on Appropriations.

By Mr. NORBECK:

A bill (S. 5487) granting a pension to Louis P. Mousseau (with accompanying papers); to the Committee on Pensions.

A bill (S. 5488) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies or tularemia in predatory or other wild animals, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ROBINSON of Arkansas:

A bill (S. 5489) to create a national memorial military park at Helena, Ark.; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 5490) granting an increase of pension to Clara J. Gillespie; to the Committee on Pensions.

A bill (S. 5491) for the relief of Annie Gaffney; to the Committee on Claims.

LOIS I. MARSHALL

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1156) granting a pension to Lois I. Marshall, which was, on page 1, line 7, to strike out "$5,000" and insert "$3,000."

Mr. ASHURST. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AMENDMENT OF SECTION 876 OF REVISED STATUTES

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (S. 5229) to amend section 876 of the Revised Statutes, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to House bill 16301, the independent offices appropriation bill, which was ordered to lie on the table and to the printed, as follows:

On page 39, line 6, insert the following:

"No part of the sums appropriated in this act shall be used to maintain the sea-service bureau."

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. CAPPER submitted an amendment proposing to increase the appropriation for cooperative agricultural extension work

from $1,300,000 to $1,580,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed.

MULTILATERAL PEACE TREATY

Mr. FLETCHER. Mr. President, I ask leave to have printed in the RECORD a brief communication from James H. Paine, a veteran Florida Democrat, giving the situation as he views it from the watchtower which he has been over 90 years building. His public spirit, patriotism, and sagacity have been long recognized, and his wise counsel always welcome and regarded as important and in the highest degree helpful.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

ST. PETERSBURG, FLA., *January 15, 1929.*

DEAR SENATOR: There is every indication that a vast majority of American voters (the women nearly unanimous) favor adhesion to the peace pact without reservation or qualifications. Any expression of aggressive war upon America or on the Monroe doctrine, at least during the present century, is looked upon as utterly improbable and suicidal on the part of aggressors. In fact, another "World War" would result in world-wide and irretrievable bankruptcy financially and socially.

Another war, if it comes, will not be fought on land or water but from the air, and would be utterly destructive, relegating humanity to the dark ages, when every man's hand was against his neighbor's. "Bolshevism" in its deadliest aspects would run rampant everywhere and revolution here and elsewhere would overturn all existing safeguards of civilization. No longer can the old warlike slogans stir the masses to mutual destruction, and the war would only be engineered by professional militarists until chaos resulted. The only hope is for America to join whole-heartedly in every possible "gesture" or influence leading to peace.

Politically this course should appeal to every southern Democratic leader, for there isn't the slightest doubt it would again help to "solidify" the South; and I am convinced enough Northern and Western States would recur to the world-peace ideal of Woodrow Wilson to gain a majority in the Electoral College of 1932. Democratic Senators, if they will "keep their ears to the ground," will refuse to be dragooned by administration leaders into "pulling their chestnuts from the fire," for the masses are demanding peace and disarmament.

J. H. PAINE.

THE OKEECHOBEE DISASTER

Mr. FLETCHER. Mr. President, I ask permission to have printed in the RECORD an article by Mr. P. S. Day, of Coral Gables, relating to the Okeechobee disaster and dealing somewhat with the problems therein involved.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OKEECHOBEE DISASTER

About 40 miles west of Palm Beach, in the northern portion of that vast expanse of marshland known as the Everglades which spreads across southern Florida, lies Lake Okeechobee. It is a large body of water, so large that a person out in the middle of it in a launch is out of sight of land. Its normal area is about 730 square miles but its banks are so low and flat that the fluctuation of a few feet in the water level will vary the area by more than a hundred square miles.

Around its shores, particularly on the southern side, are rich black lands of extraordinary fertility. Like all the rest of the Everglades they are muck lands consisting of a thick layer of from 6 to 12 feet of a black friable soil over an underlying rock formation. While there are millions of acres of Everglades muck, the peculiar composition of most of it offers some difficulties to its agricultural use, and the experimental stage has not been passed. But here on the south shore of Lake Okeechobee the muck is tempered with the alluvial deposit of the lake, which for thousands of years before the advent of settlers and the building of dikes overflowed in the annual rainy season spreading out freely over the glades. The result is a soil of well-nigh perfect natural proportions which without artificial fertilization is highly adapted to the raising of vegetables and which will produce one swift crop after another when the principal trucking areas of the country are not in production.

In addition to the superior advantages of the soil, it is claimed that the large body of the lake provides an effective insulation against frost. This is an enviable immunity, for few seasons pass without one or two killing frosts coming out of the north to cause widespread crop damage throughout the State.

Small wonder then that the region has attracted farmers. They have been coming into the district to settle ever since the State's drainage operations reached a point where there was no longer an annual saturation and flooding of the lands adjacent to the lake. A string of half a dozen little farming settlements grew up around the southern shore of the lake. A road along the top of the dike connected those on the southeastern side from Canal Point to South Bay and another road has been under construction across the south end of the lake to Clewiston and Moorehaven.

Canal Point is more pretentious than the rest. It lies at the junction of the Palm Beach drainage canal with the lake. The cross-State Connors Highway passes through the town. There are some substantial-looking buildings, a sugar mill, a Government experiment station, and as it is a shipping point it is quite the center of agricultural activity in the whole section.

South of Canal Point, a few miles apart, are the settlements of Pahokee, Belle Glade, Chosen, and South Bay. They are more or less alike; a few stores, filling station, perhaps a "hotel," school, and church, with small outlying homes of the farmers. The negro population normally exceeds the white, nearly all of them living in small, flimsy dwellings scattered over the large farms in groups of two or three, or sometimes a dozen or more.

In the middle of September, 1928, seasonal activity was getting under way in this section. Considerable outside colored labor had come in, for the first crop after the hot summer dormant season was being started and road work was being pushed. Times were hard, but with the planting of the fields came the perennial optimism of the farmer. Things were "looking up." And then on the 16th of the month descended calamity.

Few cataclysms of nature have cut such a long and devastating swath as the West Indian hurricane of September, 1928. Its destructive force was felt in various degrees of intensity along a path nearly 3,000 miles in length from Guadeloupe of the French Windward Isles to Atlantic City.

Originating in that cradle of such unregenerate monsters, the North Atlantic east of the Caribbean Sea, it first struck the island of Gaudeloupe, which lies 300 miles southeast of Porto Rico. A swirling tidal wave swept into the coastal towns, causing 855 deaths and untold destruction. The next day, September 13, it reached the Virgin Islands, and then Porto Rico, where with the unprecedented fury of 150 miles per hour it reduced that beautiful tropical island to a pitiable state of desolation. A half a million people were rendered destitute and 300 lives lost.

From Porto Rico the storm continued its relentless march northwestward toward the Florida coast. Apprised for days ahead of its approach shipping scuttled to safety and suffered no loss. But the communities along the east coast of Florida from Titusville to Key West could only wait for the impact wherever it might come, making what preparations could be made to withstand the shock and hoping that some beneficent deflection of nature might change its course.

On the afternoon of September 16 it struck the coast a little south of Palm Beach. On a 50-mile front it gathered human lives and habitation into its maw. The Palm Beaches estimate their loss at $50,000,000.

Still moving westward, but nearing the vertex of its parabolic path, it passed over a sparsely settled area of the Glades to the region of Lake Okeechobee. Here, in the district described above, it exacted its greatest toll—the awful total of more than 2,000 human lives. From Okeechobee it gradually bore to the north and then to the northeast as the accelerating air currents of the North Temperate Zone had their effect, and with a diminishing but still potent intensity, it swept up the Atlantic seaboard, leaving havoc in its wake.

The reason for the appalling loss of life in this limited area near Okeechobee was, of course, the sudden release of flood waters. There is nothing so destructive to human life as a swift-moving wall of flood water descending upon an inhabited district. Witness the storm tide at Guadaloupe which caused nearly three times as many deaths as in the densely populated Porto Rico, where the damage wrought was mainly from the wind and rain. From fire, earthquake, hurricane wind itself, even the flow of molten lava from a volcano in eruption, there is more chance of escape than from a 9-foot wall of inrushing water.

Moreover, in a rural area the death percentage will run considerably higher than in a city where higher and more stable structures afford some refuge. The wave that engulfed Galveston in 1900 cost 6,000 lives, a frightful figure, but in proportion to the population of the flooded area much less than in these Okeechobee towns. From Pahokee to South Bay more than half were killed. The same thing may be said of the Johnstown flood, the only other American disaster with a loss of life exceeding this one.

The great Mississippi flood of 1927 with its enormous destruction to property had a comparatively low death list of 289. That water was not storm driven. At Okeechobee the hurricane-lashed waters of the lake rose in a tremendous sheet, which not only inundated the surrounding lands but dashed to pieces nearly everything before it. And for hours the wind and waves continued to beat and destroy.

It is not understood by many why the people in the Okeechobee district did not evacuate the area, inasmuch as they received various warnings of the storm's approach. It is true that for more than 24 hours it was known that a severe storm was headed in their general direction. The first advices came on Saturday, September 15. Late that night the wind became brisk and continued all day Sunday with increasing force until the hurricane was upon them.

There is this to be said about it: Every year from June to October, hurricane warnings are issued perhaps six times along the southern coast of Florida. Nearly all of the storms curve harmlessly off to sea with only a local effect of high winds. Moreover, the actual path of the storm is not known within close limits far ahead of time, and in the last few hours communication is usually paralyzed. For instance, in this case the people in the lake section did not know on Sunday afternoon at 5 o'clock that Palm Beach, 40 miles east, was at that moment bearing the full brunt of the storm. If they had known it, they would have been certain that it would strike them with hurricane force. But under the existing physical conditions there was little that they could do to escape the menace of the lake in those last few hours. There was no line of retreat for them. There was no passable road around the south end of the lake and the only road to the north was along the top of the dike. A journey over that would be fraught with danger, if not impossible, in the darkness. All that was left to them was to move toward Palm Beach over an exposed highway along the canal bank into the teeth of the storm—a most hazardous proceeding, although in the light of subsequent events it could not have been worse than to have remained.

But even if the storm struck, no one foresaw such an overwhelming catastrophe. Its center passed through Pahokee. And if its course had been, say, 15 miles farther south, the toll in the afflicted area between Pahokee and South Bay would probably have been reduced 90 per cent, at least as far as human life was concerned. The winds of a hurricane whirl in a counterclockwise direction so that the area north of the vortex received the winds successively from the northeast, east, and southeast, always blowing lakeward, while south of the center they were received from the great sweep of the lake. The left-hand rear quadrant of the storm brought the water over the dikes. Canal Point was more in the path of the storm than South Bay, but because it was always north of the center its storm tide had no such crest and the comparatively light flood damage it did suffer was from water backing up from the south.

The tragedy of September 16 on these shores makes the property damage in the track of the hurricane pale into insignificance. Those who lived through it, many of whom had members of their families literally torn from their arms and whose lives in many instances hung by a thread, have known hours of horror beyond description. The unceasing roar of the storm with its awful gusts rising to tremendous heights of intensity, each gust seeming to break something of human stability from its moorings; the constant deluge from the skies; the swift inexorable rise of all-engulfing water and blackness all around, pierced by the cries of the living going to their death; in truth, a scene which could not have been more diabolically contrived for the shattering of human fortitude.

All day Sunday, the 16th, there was a feeling of apprehension. However, some reports came in that the storm had verged to the north. As darkness came on the rain and wind increased steadily. By 7 o'clock everyone knew that the full fury of the storm was upon them. Those who could, made their way to the more substantial dwellings, the church, or schoolhouse. The ones living at greater distances out on the flats hardly knew what to do. If they started out in the direction of some refuge and the lake came over before they reached it, they would be helplessly caught by the flood. So most of them clung desperately to the little shelter that they had, holding their families together as long as they could.

Some time after 9 o'clock the lake burst over the dikes. In 20 minutes it was a raging flood 5 to 9 feet deep from Pahokee to the south end of the lake. Nearly everything was washed away in this terrible tide. The flimsy homes of the negroes were demolished; hardly a trace was left of them. Most of the more substantial homes were carried away from their foundations and with a human cargo of 25 or 30 in the loft or clinging to the rafters floated far from the original site, sometimes coming to rest in safety as much as a mile away, sometimes breaking up.

To the survivors that was an eternal night. Hundreds of them spent the long hours clinging to pieces of wreckage, many being carried so far off that they were unable to get back to the settlements for days. Toward morning the wind gradually abated, but the storm was not over until long after daylight.

The scene which the light of day revealed was one of utter desolation everywhere. The flood had reached back more than 25 miles from what had been the shore of the lake. As far as the eye could see there was nothing but water. The highest elevations, such as the roads along the dikes, were partially exposed and piled high with debris. In other places they were completely washed out and under water. The few buildings still standing, like everything else which had offered stability, were clustered with refugees. A construction barge in the canal at South Bay was a haven for over 200. A tractor in a field had served as moorings for a family of four. And on all sides floated the bodies of the victims of the deluge.

Slowly and with difficulty those who were left alive made their way through the downpour to places of safety. Most of them were either stupefied or hysterical, many of them injured and exhausted. They were in a state of extreme helplessness. Nothing could be accomplished without boats, and there were very few of them in the entire district. They had no motor transportation and were practically cut off from West Palm Beach, which was itself in dire need of assistance.

However, word of their plight reached Miami, and some time late Monday a small relief party arrived from that city with food and medical supplies. By Tuesday various agencies of relief were on the scene. A tremendous task confronted them and bad weather for several days made organization difficult. Due to continued rain the water was rising again. Motor boats and seaplanes were brought in, but systematic recovery of the dead did not get under way until Wednesday. Up to that time the care of the living taxed every resource. All refugees except the able-bodied men were removed to West Palm Beach and Miami.

As the days passed the realization came that the tragedy was much worse than at first believed. The death list rapidly mounted as the bodies continued to be found. It was not long before identification became virtually impossible and as a sanitary measure it was necessary to cremate them in piles near where they were found.

On Friday Governor Martin and members of his staff visited the afflicted territory. His inspection of the ghastly scene convinced him that the number of dead would reach 1,500. But that was before the horrible discovery at Pelican Bay. Nearly a week after the storm it was found that a negro village of 450 inhabitants at Pelican Bay (between Pahokee and Belle Glade) had been completely wiped out. They had been trapped in a veritable sluiceway formed by a dike on one side and a railway embankment on the other converging to a point on the south which formed a death pocket from which there was no escape. The water was still 5 feet deep over the whole locality.

The official death list numbered about 2,000, but six weeks after the flood they were still finding bodies. The exact number who perished will never be known, but it is believed by those who handled the work to be considerably in excess of that figure.

Nearly 80 per cent of the casualties were negroes. Very few of their dead were identified. A large number of them were transient laborers who had come into the district to work on the farms and the roads. They were scarcely known to their employers or to each other by anything more than "Jim" or "Charlie." Besides, when they got to them it was too late. If they were missing their relatives counted them as dead.

One old negro known as "Uncle Ben" at Belle Glade who lost the seven members of his family was credited with recovering 80 bodies in one day. Finally he came across the body of his youngest daughter. Kneeling before the workers he pleaded to be allowed to prepare a grave for his child and his plea was granted.

Slowly order was brought out of chaos. The Red Cross, assisted by the American Legion, Coast Guard, National Guard, State and local officials, and citizens, performed heroic service. Fortunately the country has a natural resiliency. At the time of this writing, six weeks after the hurricane, many of the acres which were submerged are in beans, and within 45 days money will begin to flow into the region. But while the productivity of the soil and the indomitable spirit of man are great restoratives, it is too much to expect that a permanent population can live and prosper under the conditions of insecurity which have existed. Two lake disasters in as many years can not be gainsaid by volumes of statistics showing the improbability of the next one. It is time to throw such hallucinations overboard and get down to the actual ways and means of removing or at least reducing the hazard.

The Okeechobee flood problem is not new. It is part of a very complicated and baffling problem which includes the drainage of the entire Everglades. This problem of drainage has been recognized for 20 years, and during that period $15,000,000 have been spent toward its solution. There have been acute political and financial ramifications. At the present time the gigantic project is but a fraction completed and the indications are that there will be a great deal more of the same before its consummation.

However, the menace of the lake during the storm season was not widely realized until the hurricane of 1926. The path of that storm whose center passed over Miami was south of the recent one and only the southwest corner of the lake was severely affected. The town of Moorehaven received the brunt of it. A storm tide swept over and through the inadequate levee, causing over 200 deaths in that little farming community.

After that came the realization that something must done. Numerous meetings were held and committees formed of State officials and interested parties. The State drainage engineer submitted a plan. An engineering board made a survey for the State and submitted recommendations which, in so far as the control of the lake was concerned, did not differ materially from those of the drainage engineer. But unfortunately in the two years that followed, little was done except to repair the existing works which had proved so woefully inadequate.

The engineers' plans called for the immediate construction of a greatly enlarged and safeguarded levee on the southeastern, southern, and southwestern shores. But these plans which were available nearly two years before the 1928 storm, and which, if carried into effect, must have gone a long way toward preventing the second tragedy, were not acted upon. The estimated cost was about a million and a half dollars.

But the control plans were not considered apart from and primary to the rest of the project, as the exigency required. Instead, the drainage problem as a whole was attacked, but the complexities involved in a $20,000,000 program were such that it never got under way.

Lake Okeechobee is the key to the drainage of the Everglades. The lake is the drainage basin for a watershed of over 4,000 square miles area lying to its north in the Florida uplands. The water is delivered into the lake by the Kissimmee River and two or three minor streams. The natural outlet for the lake, if it can be said to have one, is the broad slough, 40 miles wide and a hundred miles long, which gently slopes southward to tidewater at the extremity of the peninsula, and which is called the Everglades. The entire area is so nearly level, and the elevation of the lake above the sea is so little (about 16 feet) that no natural channels have been eroded. Consequently, in the flood season, the water from the lake and from the rainfall has simply spread out in a great sheet over the surface of the Glades, where it remained until it gradually worked its way to the southward or passed off by seepage and evaporation.

Thus the land adjacent to the south end of the lake originally, under all conditions of high water, became inundated, and for long periods of time would remain in a flooded condition. Since drainage operations have begun, the level of the lake has been somewhat reduced, but at the same time the lowering of the water table has caused a remarkable subsidence of the surrounding mucklands, in one recorded instance as much as 4.6 feet in 15 years. This has, of course, aggravated the condition which it is sought to improve.

The principal drainage works to date are six canals from the lake to the sea. All of them, except the St. Lucie, the last one built, are too long to be effective discharge outlets for the lake. The rate of fall, 2 or 3 inches to the mile, is insufficient for the necessary flow, and during the rainy season they are loaded to capacity by the run-off from the large tributary areas through which they pass.

The St. Lucie, which cuts directly east to the Atlantic, a distance of only 25 miles, is about a third as long as some of the others, and has a discharge capacity greater than all the rest combined. It is upon this waterway that the control of the lake now depends. It is contemplated to maintain the lake stage within a margin of 3 feet between elevations 14 to 17 feet above sea level, no easy task under the conditions of wet and dry seasons prevailing in Florida.

For the protection of life and property on the south shore of the lake, levees have been built from Moorehaven to Canal Point. These levees are about 5 feet above normal high-water stage and have a narrow cross section, just wide enough for a roadway along the top.

It is clear to the people of south Florida, and especially the residents within the affected area, that the entire control system must be extended and enlarged. Not only the levees but the outlet canal is insufficient. For a month or more after the September, 1928, storm the lake continued to rise with the St. Lucie Canal discharging at full capacity. Even if there had been no storm tide the level of nearly 19 feet which the lake attained was enough to cause a complete saturation and flooded condition of the adjacent territory with attendant damage to crops and property.

It is true that the rainfall in August and September, 1928, which included two storms of flood-producing character, was without precedent since records have been taken in the lake area. The enormous discharge into the lake would have taxed a system with twice the capacity. But it is for the extraordinary and unexpected that protective works must be designed if these disasters are to be prevented, and the economic practicality must be subordinated to that end.

The economic justification of spending great sums on the Everglades problem at this time has been questioned. There is no denying the fact that there is plenty of good, high, unoccupied farm land in south Florida and will be for some time whether the Glades are reclaimed or not. It lies around the rim of the great saucer which holds the Everglades. And the lowering of the whole water table, which is the result of drainage operations, has been a distinct disadvantage to these lands. It has simply meant more irrigation. So the claim has been made that the Glades should not be drained at the expense of the higher lands.

But it is largely the lateral system of drainage canals which affect the ridge land adversely and not the control features in the lake region. Moreover, the Okeechobee country is not unoccupied and undeveloped land. It is unexcelled farm land and it is populated. For these reasons it is entitled to proper safeguards of life and property. And, as in the Mississippi Valley, the land protected should not be expected to bear the entire burden of the cost of the control works. Public funds are constantly being used and legislation invoked to foster and protect industries which are, strictly speaking, uneconomical. Is the protection of life and property any less important?

FARM RELIEF

Mr. FRAZIER. Mr. President, I ask permission to have printed in the RECORD a speech by Hon. SMITH W. BROOKHART, delivered recently before the National Republican Club of New York City, on farm relief.

There being no objection, Senator BROOKHART'S speech was ordered to be printed in the RECORD, as follows:

Some people, mainly in Wall Street, say there is no farm problem, but here are the facts:

About one-third of the American people are farmers. These farmers now own less than one-fifth of the property values of the country, and they are getting less than one-tenth of the national income.

Since the deflation of agriculture in 1920 there are about sixty billions of capital investment and about 12,000,000 workers, not counting women and children. This capital and these workers produce a gross value of about $12,000,000,000.

There are about forty billions of capital in manufacturing, or only about two-thirds as much as in agriculture; and there are fewer than 9,000,000 workers, or fewer than three-fourths as many as in agriculture; but, after deducting $16,000,000,000 for difference in raw-material costs, this smaller amount of capital in manufacturing and smaller number of workers produced a gross value of $44,000,000,000 as against $12,000,000,000 for agriculture. Since labor got only $11,000,000,000 in wages in manufacturing it is only fair to say that high wages were not the cause of this discrimination.

Valued by the same rule as the farms the railroads are less than one-third of agriculture and the number of workers about one-seventh, but they produce a gross revenue of more than half as much as the farms, and again labor gets only about one-half.

Iowa lands went down over two and a half billion dollars and railroad stocks went up more than that amount at the same time. Iowa is only typical of all the States and railroad stocks are only typical of the big stocks in general.

Recently brokers' loans have passed the six and a third billion dollar mark, or nearly one-third of the bank deposits of the Federal reserve bank members. Since 1920 these loans have scarcely been below $3,000,000,000. Until the last year this vast reserve of surplus credit was accumulated at the rate of about 4 per cent, while the farmers of the country were compelled to pay 6 to 12 per cent. Recently the demands of this speculative bubble have become so great that it has raised the rate as high as 12 per cent for call money, and it has further increased farm rates even in the Federal land bank.

A National City Bank bulletin shows that in 1925 the national banks of the country earned 8.34 per cent upon capital, surplus, and undivided profits. The National Industrial Conference Board shows that from 1920 to 1925 agriculture earned only 1.7 per cent upon its capital investment, without adequate allowance for labor or depreciation.

In 1926 the farmers of the United States sold 41,000,000 hogs. In 1928 they sold 48,000,000. They got $200,000,000 less for the 48,000,000 hogs than they got two years previously for the 41,000,000. This in spite of the fact that the foreign demand was increasing; that the number of hogs in Denmark had been decreased 10 per cent, in the United Kingdom 5 per cent, Germany 2 per cent, and in the Netherlands 20 per cent. For a whole generation farmers have been receiving less total money for a big crop than for a little one.

The public utilities as a whole are earning more than 7 per cent and the courts are allowing them that rate or higher, while agriculture gets only 1.7 per cent, and that upon an unfair bookkeeping.

Massachusetts has 3.69 per cent of the population, produces 3.92 per cent of the national wealth, but gets 5 per cent of the national income. New York has 9.83 per cent of the population, produces 9.81 per cent of the wealth, but gets 14.79 per cent of the national income. Iowa has 2.27 per cent of the population, produces 3.48 per cent of the wealth, and gets only 1.99 per cent of the national income. Again, Iowa is only typical of the agricultural States, and Massachusetts and New York are only typical of the industrial States.

According to the Manufacturers Record, the deflation policy of the Federal reserve bank reduced agricultural values by $32,000,000,000 and other business by only $18,000,000,000. This means that agriculture was deflated six times as much in proportion as other business.

Since 1920 farm lands have declined nearly $20,000,000,000, while in industrial centers real estate has advanced more than that amount.

The farmers of the United States receive about $9,000,000,000 for what they sell; but the consumers pay over $30,000,000,000 for it.

Since 1910 farm bankruptcies have increased by more than 1,000 per cent, while commercial bankruptcies remain about the same.

These facts show a national calamity for agriculture without parallel in the history of the country. It is the highest duty of the statesmanship of this time to determine the causes of this great discrimination against agriculture, and to prescribe an efficient remedy. It is the duty of the new administration to solve this question and not take up a decoy bill upon the specious plea that it has a chance and we can get nothing better. All parties have pledged agriculture equality with other business, but in spite of this pledge the farmers might as well know that they will get no adequate relief during this administration, and it is a waste of time to fight for anything but a genuine solution of the farm problem. It is worse than a waste of time, because when they finally win they will be given an inadequate bill and then blamed for its failure besides.

In presenting the causes of this great discrimination against agriculture I shall center my arguments around the fact of the total wealth production of our country and a just distribution thereof.

Since 1912 the new wealth added each year has amounted on an average to about 5½ per cent; prior to 1912 and back to the Declaration of Independence it has averaged less than 4 per cent a year. This means all the work of all the people, all the earnings of all the capital, and all unearned increment or increase in property values added to all depreciation of the dollar amounts to only 5½ per cent a year. If all the wealth production of the whole country went to capital and there was an even distribution, the return of capital would only be 5½ per cent. These are Mr. Hoover's figures, and I have with me the bulletin on which they are based.

From these facts it appears certain that there is only 5½ per cent in this American pool. If, therefore, any block of capital is able to dip from the pool more than this 5½ per cent, there will be as much less for an equal block of capital. If capital is assisted by the laws of the United States in taking more than its just share in this wealth distribution, it is the duty of Congress to correct these laws. In my judgment, nearly all of the cause of this great discrimination against agriculture is due to laws of Congress.

Let us consider the transportation act. By law it authorized the Interstate Commerce Commission to work out a value for the railroads as a basis for rate making. When this value was completed it was over $7,000,000,000 more than the market value of the railroad securities at the time. The railroads of the country are collecting about $400,000,000 a year in excess rates, a large part of it, of course, from the farmers, to pay a return upon this excess capital. Besides, the subsidiary corporations of the railroads, through the excess profits they collect, are adding two or three hundred million dollars a year more to the operating expenses of the roads which must be paid in excess rates. The capitalization of unearned increment, which ought to be denied to every public utility, adds two or three hundred million dollars more. The waste of competition, on the admission of the highest railroad authorities 10 years ago, amounted to over $400,000,000.

Notwithstanding all these facts, I have never attributed over about one-tenth of the cause of the farmers' present troubles to excess railroad charges. In ordinary times I think it might be 25 per cent, but the deflation of the farmers by the Federal reserve banking system in 1920, in the gigantic figures I have shown, is the greatest cause of the farmers' troubles. His interest rate and the depletion of his capital together are, in my judgment, 65 per cent of the cause of this agricultural depression.

This leaves 25 per cent to be accounted for, and I think it is due to the tariff laws which enable the manufacturer to fix the price of his product at his factory without foreign competition and to the patent laws which enable him to fix his price without any competition, either foreign or domestic. In this way the prices the farmers must pay are fixed, while in his own production he has a surplus of about 10 per cent, on an average, which goes abroad and is sold in the competitive markets of the world. The price is fixed by that sale, and that price fixes the domestic price the same, less the freight and expense of reaching the foreign market. Agriculture is the only business that has no voice in the price which it must pay for what it needs and no voice in the price it must get for what it sells. I think this is the other 25 per cent of the cause of the farmers' troubles.

All these causes have developed under the laws of the Congress of the United States. Men will cry out against putting the Government into business and then put it in to fix both the valuation and return for the railroads. They will cry out against paternalism and then demand tariff laws and patent laws for purely paternalistic protection. They cry out against price fixing and then demand banking laws that give them a monopoly in the control of surplus credit with power to fix the interest rate, while the farmers who produce 70 per cent of their raw material must compete with all the world.

The law has created corporations without number. This is usually done by laws of the State, but the Constitution gives to Congress jurisdiction and control of interstate and foreign commerce. More than 85 per cent of the railroad transportation of the country is in interstate commerce, which indicates a like proportion of our business is interstate. These corporations are creatures of the law. They have no life and no existence except through the law. Congress by silence has turned them loose in interstate commerce as birds of prey without regulation. I am well aware that 40 per cent of them have operated at a loss since 1922 and that they are preying upon each other.

Nevertheless every corporation charter is a charter of special privilege as against the farmers of the United States and as against everybody else outside of the corporations. When any stable corporation takes more than 5½ per cent in profits upon its capital, it is practicing extortion against all other people of the country by virtue of the law.

I said 5½ per cent, but that gives to capital all the wealth production of the country, but I do not think capital is entitled to all. I think some part should go to labor, to invention, to genius, and to management. The percentage would therefore be much less than 5½ per cent.

This situation calls for an agricultural remedy by law. In fact there can be no other permanent remedy. The law must give agriculture an equal opportunity with the other industries of the country.

The most immediate demand in this remedy is the control of the farmers' surplus. This can only be done in his interest, and speedily, by a Government export corporation. It must have capital enough to bid and if necessary to buy from the farmer his surplus at the cost of production and a cooperative margin of profit. In its exportable form this surplus averages about $2,000,000,000 a year, but some of it would turn quickly. Mr. Hoover operated two such corporations during the war without a subsidy and without an equalization fee, and in the wheat corporation he turned $59,000,000 profit back to the Treasury of the United States.

Such legislation as this is opposed as class legislation in favor of the farmers, but the railroad law guaranteed to the railroads war-time profits the first six months after they were turned back, and under the law the Treasury wrote a check for $529,000,000 to make this guaranty good. Add to that the profits of the wheat corporation, which belong to the farmers, and the Treasury of the United States owes the farmers at least $600,000,000 if it is to give them an equal opportunity with the railroads. In my judgment this would run an export corporation, handling all of the exportable surplus of agriculture, more than 10 years. Some of the very best financial experts in the Senate believe it would suffice indefinitely.

This export corporation should in the beginning operate exactly as Hoover operated them during the war. The Agricultural Department should determine the average cost of production. It is doing that now, but is not allowing a sufficient depreciation nor sufficient return for the labor and management of the farms. With these items figured in, its present work would be satisfactory. If this price were bid to the farmers themselves, then they would get the benefit of it and there would be no argument with middlemen or profiteers.

The next question arises, Would there be a loss upon these operations? There was no loss during the war nor after the war, and a part of the time, especially after the war, there was more danger of loss than in ordinary peace time. On many of the products there certainly need be no loss. Cotton is the biggest item. Let us take three years ago when we had the big cotton surplus. Suppose this export corporation had been in operation then. Suppose the Department of Agriculture had ascertained the average cost of production, including a 5 per cent cooperative profit on capital and it had been 26 cents a pound. Suppose that price had been bid to the cotton farmers of the United States. It would certainly have raised the whole price level to that figure. The farmers would have received 26 cents a pound instead of 10 or 11 cents, which they did receive. This would have made great prosperity in all the Southern States. It would have been a magnificent support for prosperity in the city of New York; and would there have been any loss to the Government or this export corporation? This exportable cotton amounted to about 65 per cent of all the exportable cotton of the whole world. Anybody who has 65 per cent of the world's demand bought and paid for is in reasonable control of the world market itself. If the bank can not call his notes and the sheriff can not sell him out, he is in position to ask and to obtain his price. I have talked to many experts and all have agreed that this cotton would already have been disposed of without loss. It would be possible even to take a profit over above cost and expenses.

Wheat is the next biggest item of agricultural export. It would work out about the same way. The United States and Canada together had 55 per cent of the world's wheat production in 1925. Perhaps this year it would amount to 65 per cent. Canada already has a sufficient pool, and even the working of that pool has favorably affected the world price. If the United States would join Canada, the two together could have about as much influence upon the world market of wheat as the United States could alone on cotton. Since their interests are the same, it is perfectly easy for them to join together in this cooperative movement.

The livestock products are a harder proposition, because they must be processed to be preserved. Mr. Hoover successfully handled pork products during and after the war, and successfully maintained the price of hogs to the farmers of the United States. Accompanied with the same authority, power, and capital which he had then, he can do it in time of peace.

This is not doing by legislation any more so far as results are concerned, nor as much as the tariff laws and the patent laws have done for the protected industries. Neither is it doing any more than the banking laws have done for the banks, nor as much as the railroad laws have done for the railroads.

As a final solution of this problem it is my idea that cooperative organizations should subscribe for stock in this great export corporation upon substantially the same plan that the farmers have subscribed for cooperative stock in the Federal land bank.

The Government furnished all the money to start this land bank. As the farmers took out their loans they were required to subscribe 5 per cent of each loan in cooperative stock. Already they have subscribed and paid in more than enough to liquidate the entire advancement by the Government. That land bank is owned cooperatively to-day

by the farmers of the United States, and it is the greatest land bank that has ever existed in the world. It is still under Government control, which at this time means Wall Street control, and the farmers are not getting the benefit of as low interest rates as they are entitled to get. Neither will they get their just dues until the surplus of credit of the country is taken from speculative and gambling business and turned over to legitimate business, including agriculture.

We therefore have a precedent in the law for everything that I want to do with reference to the farm problem.

In conclusion I want to say that these great cooperative organizations can not succeed and can not perform the full service they should perform to the farmers of the country until they have a cooperative credit system of their own with deposit banks, reserve banks, and all under their own control.

That the Federal reserve bank is inadequate for agriculture is now conceded in the law itself. The law has established another reserve bank. Most people do not think of it by that name, and in fact do not consider it from that standpoint. However, the intermediate credit bank is a reserve bank. The business it does is practically all reserve bank business, but it is a dehorned and denatured bank. It should be given all the power of the Federal reserve bank changed only by the requirements of cooperative banking.

Cooperative banking is the safest and the soundest in the world because it never lends money for speculative purposes. The reserve banks thus created should be permitted to organize national cooperative deposit banks to become members of the cooperative reserve. The law should also permit the little banks in the agricultural and labor sections to join this cooperative reserve bank instead of the Federal reserve bank. The United States is the only civilized country in the world that by law prohibits farmers and labor people from organizing their own savings in a cooperative system of their own under cooperative control. The farmers and laboring people have just as good a right to have a system of laws that will permit them to organize such a banking system as the commercial system has to permit them to organize a commercial banking system with its governmental reserve.

With these things done, and the proper adjustment of tariff schedules, and with a solution of the transportation problem on the lines of the Canadian National Railway, the farmers of the United States would have something like an even chance with other industries.

AMENDMENT OF THE DISTRICT CODE

The PRESIDING OFFICER (Mr. HASTINGS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2366) to amend subsection 1 of chapter 18 of the Code of Laws for the District of Columbia, relating to degree-conferring institutions, which were, on page 2, to strike out lines 15 to 18, inclusive, and insert:

2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree and approved by the Board of Education of the District of Columbia: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence or extramural study such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in law, for study pursued or work done by correspondence.

And on page 4, line 22, after the word "thereof," to insert:

And provided further, That after notice has been given as hereinabove provided and during said 30-day period or during the time said decision is under review by the Supreme Court, no diploma shall be awarded or degree conferred by the licensee.

Mr. BLAINE. I move that the amendments of the House be referred to the Committee on the District of Columbia.

The motion was agreed to.

FEDERAL RESERVE BANK BUILDING, LOS ANGELES, CALIF.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 142) authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif., which was, on page 1, line 6, after the word "owned," to insert "by said bank."

Mr. SHORTRIDGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. p. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. p. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railway Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.;

H. R. 1320. An act for the relief of James W. Pringle;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1930, and for other purposes; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I ask that the deficiency appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS] to the substitute amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. TYSON. Mr. President, I wish to suggest to the senior Senator from Georgia [Mr. HARRIS], with regard to his amendment, that after the figures "1930" he strike out the period and insert a comma and add the following, in order to meet the objections made by the Secretary of the Treasury that he has no discretion in regard to the amendment offered by the Senator from Georgia; that is, to make it read:

To be used by the Secretary of the Treasury in his discretion and for the improvement of the Coast Guard and the Customs Service of the United States, for the board of patrol, and such other and any other agencies, including allocation to the Department of Justice, as in his discretion the Secretary of the Treasury shall determine to be proper.

Mr. HARRIS. Mr. President, I am very glad to have the suggestion of the junior Senator from Tennessee. I ask permission to modify my amendment, and I ask that the clerk may read the amendment as modified.

The VICE PRESIDENT. The clerk will read the amendment as modified.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment, on page 16, beginning in line 16, insert:

For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930.

Mr. WARREN. Mr. President, I desire only a moment to say that we have had before us all of last week and thus far this week the urgent deficiency appropriation bill. Usually such a

bill is passed during the first few days of the session. I feel that it is necessary that debate should come to a close before very long and I expect to be able to-day to complete consideration of the bill. In fact, I shall insist that we do so. I hope it will be by agreement at an early hour in the day, but if it is not agreed upon early in the day we must remain in session until we finish the bill.

Mr. HARRISON. Mr. President, may I ask the Senator from Wyoming whether it is the plan that all the general appropriation bills are to be sidetracked as soon as the deficiency appropriation bill is out of the way so that the cruiser bill may sail to a successful conclusion?

Mr. WARREN. I presume the Senator has tried to make that agreement, but I do not think it has been made.

Mr. HARRISON. No; I have not tried to make it, but I saw in the papers that the leadership on the other side of the aisle, if there is any, have agreed on that plan, and I wondered if that is to be the plan.

Mr. WARREN. I have not heard of it.

Mr. HARRISON. I could not recall an occasion where the distinguished chairman of the Appropriations Committee permitted himself to be sidetracked in order that other legislation might be passed.

Mr. WARREN. Thanks to the Senator.

CLAIMS FOR REFUNDS OF TAXES

Mr. WALSH of Montana. Mr. President, a few days ago the Senator from Wisconsin [Mr. BLAINE] submitted to the Senate from the Committee on the Judiciary a report on the bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refund of taxes. In that report certain strictures were made upon a former Solicitor of the Bureau of Internal Revenue, from whom I have a telegram this morning referring to the report and making what he claims some corrections in statements contained in it. I ask that the telegram may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

NEW YORK, N. Y., *January 21, 1929.*

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.:

I thought you might be interested in the following telegram which I have to-day sent Senator SMOOT:

"I am directing this telegram to you as chairman of the Finance Committee of the Senate and a member of the Joint Congressional Committee on Internal Revenue Taxation for the purpose of correcting erroneous statements made in the report of the Committee on Judiciary on the bill S. 5319. The statements in the report concerning the settlement of the tax liability for 1917 of the United States Steel Corporation were given currency in yesterday's newspapers. The report states, referring to the year 1920: 'So that year we have this United States Steel Corporation case settled in the solicitor's office.'

"And the report proceeds to state that reassessments of $17,000,000 were made by the solicitor's office in the same year, after which I resigned as solicitor, and with one of my assistants 'soon after' filed a proceeding to obtain a refund of those taxes. The solicitor at that time was an officer of the Department of Justice whose duty it was to advise the Commissioner of Internal Revenue. The only matters which came before the solicitor were those referred to him by the commissioner. Neither the solicitor nor his office had authority to make assessments. The steel case was never before the solicitor's office during my incumbency, nor did I even know such a case existed. No assessment or settlement of any kind was ever made by me as solicitor, nor was anything in connection with the case ever before me during my incumbency. No claims for refund were filed by me or under my supervision for the corporation until about March 10, 1926, five and one-half years after my resignation. I had never been consulted by the corporation nor had I ever represented it in any capacity until about November, 1924, more than three years after my resignation, and then only on a specific question. Furthermore, no settlement of any kind was made in the steel case for 1917 until January 3, 1929. Prior to that time the entire case was being examined and reexamined. The final revenue agents' report, covering 2,584 pages, with exhibits, was not received until about January 1, 1926. Thereafter detailed claims for refund were filed and suits to collect were instituted to protect the corporation's rights about July 3, 1928. The payments on the original return and all others were made under protest. The report further states: 'This particular case was tried by three men of the general counsel's office or the solicitor's office, Mr. Service, Mr. Cardwell, and Mr. King,' and the report proceeds to say they were in the solicitor's office when the reassessments of $17,000,000 were made in 1920. Mr. Service in 1920 was a member of the committee on appeals and review, an organization wholly independent of the solicitor's office, and he did not at any time serve under me and is not in the general counsel's office now or at the time this case was tried. Mr. Cardwell is an auditor in the Income Tax Unit, an organization wholly independent of the solicitor's office, and he never served under me and is not in the general counsel's office now or at the time this case was tried. Mr. King was not appointed until after I had resigned. The statements herein contained apply as well to Mr. Alverson and my office. I understand all the papers in the case, including petitions, refund claims, briefs, and other data, were open to and examined by representatives of the joint congressional committee for almost a month before it was formally sent to the joint committee, giving them thereby about two months to consider the matter. This statement is made so that the correct facts may be known, and there the matter stands."

WAYNE JOHNSON.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Montana if the telegram which he has just had printed in the RECORD is from Mr. Wayne Johnson?

Mr. WALSH of Montana. It is.

Mr. SMOOT. I suppose it is similar to the telegram I have received from him.

Mr. WALSH of Montana. The telegram sent to me quotes the telegram of Mr. Johnson to the Senator from Utah. I ask the especial attention of the Senator from Wisconsin [Mr. BLAINE] to the statements made by Mr. Johnson. I am sure that he will be very glad to correct any misstatements of fact that are made in the report as charged by Mr. Johnson.

Mr. SMOOT. I have made an analysis of the report——

Mr. McKELLAR. Mr. President, I wish to state that the Senator from Utah will find when he examines the report and the letter of Mr. Johnson that the respective statements are of fact and are contradictory of each other. The statements which are contained in the report are on the sworn evidence of Mr. Bond, the Assistant Secretary of the Treasury, who testified in the matter, and it is those statements that Mr. Johnson questions.

Mr. SMOOT. Mr. President, the Senator from Tennessee is mistaken, because since hearing from Mr. Johnson I have had checked up the statements to which he objects in the telegram, and I find they are statements made in the report of the committee and not in the testimony. They may have been based upon certain testimony Mr. Bond gave, but, I repeat, they are statements made in the report.

Mr. McKELLAR. Mr. President, the Senator from Utah will find that the report is based upon the testimony of Mr. Johnson and Mr. Blair, and it is a question as to whether Mr. Johnson is correct about the matter or whether Mr. Blair and Mr. Bond, the Assistant Secretary of the Treasury, are correct about it.

Mr. WALSH of Montana. Mr. President, I should like to say that inasmuch as the report consists to some extent of strictures upon the office of the solicitor while it was occupied by Mr. Johnson, certainly an opportunity ought to be given to him to be heard.

Mr. McKELLAR. Absolutely; I have no objection to that. His telegram ought to be put in the RECORD, and I suggested to the Senator from Utah a while ago that it should go into the RECORD.

Mr. SMOOT. The criticisms are upon actions taken a year after Mr. Johnson had resigned.

Mr. WALSH of Montana. So he says in his telegram.

Mr. SMOOT. And we checked up that statement to see if it was the case.

Mr. McKELLAR. I have no objection to either of the two gentlemen being heard as to facts and dates.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 180) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

CLAIMS OF GRAIN ELEVATORS AND FIRMS

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, which were, in the last two lines of the preamble, to strike out "and are now justly due said claimants"; and to strike out all after the enacting clause and insert:

That the Comptroller General of the United States be, and he is hereby, authorized to ascertain the amount due on said claims, if any, and he is further authorized to settle and adjust said claims, and to certify same to the Secretary of the Treasury for payment to the several persons entitled thereto, as their respective interests may appear together with the reasonable and necessary expenses incident to the administration of this resolution, out of any funds now in the hands of the United States Grain Corporation, and belonging to the United States, or out of the funds in the United States Treasury, not otherwise appropriated: *Provided*, That attorneys' fees shall not exceed 15 per cent of the amount recovered.

Mr. SHIPSTEAD. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 7028. An act granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

H. R. 13646. An act for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 13936. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

H. R. 15213. An act to authorize the Secretary of the Interior to develop power and to lease, for power purposes, structures of Indian irrigation projects, and for other purposes; to the Committee on Indian Affairs.

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; to the Committee on Naval Affairs.

H. R. 12526. An act to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); and

H. R. 13981. An act to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;

H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.; and

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy; to the Committee on Public Buildings and Grounds.

H. R. 7939. An act to authorize settlement of damages to persons and property by Army aircraft;

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.;

H. R. 14154. An act to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes;

H. R. 14156. An act to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929;

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion; and

H. R. 16169. An act to authorize the Secretary of War to accept title to a certain tract of land adjacent to the Indiana Harbor Ship Canal at East Chicago, Ind.; to the Committee on Military Affairs.

H. R. 14151. An act to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear;*

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15382. An act to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.; and

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; to the Committee on Commerce.

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes; to the Committee on Indian Affairs.

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes; to the Committee on Finance.

FIRST DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS], as modified, to the substitute amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. GEORGE. Mr. President, I have no desire to discuss the merits or demerits of prohibition, for, if I rightly interpret the sentiment of the country, the people, the average citizens, do not care to hear discussion upon the merits or demerits of national prohibition. Indeed, where two or three American citizens gather themselves together the question of national prohibition is not infrequently under discussion, and it comes down finally, as it comes in this body, to the assertion on the one side and the positive denial on the other that the prohibition law can not be enforced. What the American people want with reference to national prohibition is action by the Government looking to its enforcement. Obviously we have reached a point in our arguments here and in the country where the answer, the decision, can only be predicated upon action by the Government to enforce the prohibition law.

What does it profit us here to enter into long discussions of this question when at last we wind up always with the assertion by those who oppose the law that the law is incapable of enforcement and with the counter assertion on the part of those who favor it that the law can be enforced. Manifestly nothing remains but an honest effort to enforce the law. So, Mr. President, when the Commissioner of Prohibition, Doctor Doran, suggested in a statement made before the House committee, which is free from any suspicion of afterthought or deliberation, that it would take $300,000,000 adequately to enforce the law in the United States, it seems to me that an amendment to some appropriate appropriation bill increasing the amount now appropriated for the enforcement of the law, which for direct enforcement is only $13,500,000 per annum, as I recollect, is timely.

It seems to me to be most unfortunate there should be in any quarter the charge of partisanship brought against any Senator who dares to offer an amendment, for he has taken the only logical course, the only course that can finally settle this question as the average American citizen wishes to see it settled.

There is much in the suggestion of Mr. Mellon, the Secretary of the Treasury, that we ought not to appropriate as much as

$25,000,000 to be expended in his uncontrolled discretion and to be allocated between different services having to do with the enforcement of prohibition as this one official might see fit to allocate it.

Mr. HARRIS. Mr. President, may I interrupt my colleague?

Mr. GEORGE. I yield.

Mr. HARRIS. I should like to say that my amendment has been modified so as to meet the objections of the Secretary of the Treasury so far as the allocation of the fund is concerned.

Mr. GEORGE. I understand that.

Mr. HARRIS. The amendment as modified leaves it to the President to expend whatever amount of the total appropriation he may deem to be necessary, and no more.

Mr. GEORGE. I understand the effect of my colleague's amendment, but what I was saying, Mr. President, was that there is some force in Mr. Mellon's suggestion and some force in his criticism. But we are faced by a condition. The Prohibition Commissioner has submitted his request for an appropriation of thirteen and one-half million dollars for the direct enforcement of the law. Some three or four million dollars of that is to be expended for overhead, leaving something like eight or nine million dollars for all of the field forces. Then he follows that by the statement which, as I have said, is free from any suspicion of deliberation or afterthought, that the enormous sum of $300,000,000 will be necessary to enforce the law if the Federal Government is to do the policing of the country. Therefore the suggestion that there should be an increased appropriation ought not to subject the Senator suggesting it to any charge of partisanship.

Mr. BRUCE. Mr. President, if the Senator will allow me to interrupt him for a moment, I should like to ask him a question.

Mr. GEORGE. I yield.

Mr. BRUCE. The Senator is aware, of course, that the States of the Union at the present time are not willing to contribute more in the aggregate than the sum of $700,000 toward prohibition enforcement?

Mr. GEORGE. Mr. President, I am not discussing the obligations of the States; I do not wish to be drawn into that field. Granted that Mr. Mellon's criticism is in a sense just and sound, since the Prohibition Commissioner himself has not and the Secretary of the Treasury himself has not allocated and asked for a reasonable and adequate sum for the enforcement of the law, what is the Senate to do but to act as it is now attempting to act and to appropriate a sum which, in its judgment, is at least adequate, as my colleague has done in his amendment.

There are obvious objections to placing in the hands of any officer of the Government the allocation and expenditure of so large a sum, particularly the allocation of that sum to departments over which he has no jurisdiction directly to preside, but we simply find ourselves faced by a condition, and that condition I have briefly brought to the attention of the Senate.

Mr. McKELLAR. Mr. President——

Mr. GEORGE. I yield to the Senator.

Mr. McKELLAR. There is a precedent for such action even at that, for I remember that two or three years ago Congress appropriated something like $100,000,000 at one time and has since appropriated perhaps several hundred million dollars more, or will do so, and turned it over to the Secretary of the Treasury not only for the purpose of erecting buildings throughout the country for his own department but for other departments of the Government, and, as I recall, I heard no objection then that the erection of such buildings was to be put in charge of the Secretary of the Treasury.

Mr. COPELAND. And he was to decide where they were to be located.

Mr. McKELLAR. Yes. He was to decide where the buildings were to be erected; he was given virtually absolute control of that enormous appropriation, several times larger than the one which is now proposed, the discretion as to which, he says, it is unwise to give him.

Mr. GEORGE. Mr. President, it is quite true that we did leave the discretion in the Secretary of the Treasury and the Postmaster General in connection with the expenditure of a much larger sum of money than is here proposed to be appropriated, and we left to them the discretion of selecting the sites and of approving plans and of making the several investments in public buildings throughout the country. However, I do not believe that that was a wise policy, and for that reason I am saying that I think there is something in Mr. Mellon's suggestion; but the suggestion ought not, in my judgment, to control the Senate in the circumstances in which it finds itself at this time with reference to this appropriation.

Conceding the full force of his objection, in the circumstances which we are called upon to act it seems to me that we should appropriate an adequate sum of money and call upon the Government to make an honest effort to enforce prohibition in this country.

Mr. REED of Missouri. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. Yes.

Mr. REED of Missouri. The Senator uses the term "make an honest effort." I think the Senator means an "effective" effort.

Mr. GEORGE. I will qualify the expression in that way, if the Senator desires me to do so.

Mr. REED of Missouri. An "honest" effort would seem to imply than an honest effort has not been made, and if it has not been made, then certainly the same officer is not to be trusted to carry it out.

Mr. GEORGE. I will qualify my statement in the way the Senator from Missouri has suggested.

Mr. President, we have recently passed through a campaign in this country. During that campaign those who supported Mr. Mellon were quick to say in almost every State that there had been an effective enforcement of the prohibition laws, the meager sum appropriated by the Congress of the United States being considered. Whatever other issues there may have been, and however greatly other issues may have influenced the result of the election, I have not the slightest doubt that this one question of national prohibition was itself sufficient, and in 1932 will be sufficient, to hold the balance of power between the political parties in this country, conceding that they are in any sense equally balanced when the issue is joined.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maryland?

Mr. GEORGE. I shall be glad to yield; but will the Senator let me make my statement?

Mr. BRUCE. Oh, certainly; if the Senator does not want to yield.

Mr. GEORGE. I therefore think, Mr. President, that the country does not want this question made a partisan issue; that it does not wish it made a political issue between the parties; that the American people want to see the efficient, the effective, enforcement of the law; and I think we have reached a point where nothing but a bona fide effort to enforce it, and to enforce it to the limit, will answer the arguments advanced upon the one side and met by as positive denial on the other side. It has come down, not to a question of logic, not to a question of speculation, but it has come down to a question of fact.

Why should not our Republican friends be willing to vote the appropriation? Senators have called attention to the fact that we did not hesitate to appropriate more than a hundred million dollars, leaving to the discretion of this very Secretary of the Treasury the allocation of that sum of money between all of those places in this country that desired customhouses, court buildings, and post offices. We abdicated, so to speak, our function in that particular instance. Why should we not leave to him the allocation and expenditure of one-quarter or less than one-quarter of that sum of money in an effort effectively to enforce national prohibition?

The time for argument is at an end. The American people do not want this question made a party or partisan question. I have never, in anything I have done or said, undertaken to make it a partisan issue or question. There are proportionately as many voters in the one party as in the other who are favorable to the enforcement of this law. I think that we ought to disregard the suggestion made by Mr. Mellon; that we ought not to be disturbed because of the conflicting views of dry leaders outside of this body; that we ought to face this problem, meet this problem, and solve it in the only way in which we can solve it—by making an adequate appropriation.

Mr. President, it would be entirely profitless to inquire how or in what manner the enforcement of prohibition may be improved. It is useless, it seems to me, to talk about diplomatic whisky in Washington. That particular factor may enter into the enforcement of prohibition locally. It is utterly impracticable, it seems to me, and all but useless, to talk about the proper functions of the General Government as distinguished from the proper functions of the State government. Every man must admit that if this law is to be adequately enforced there must be an adequate number of enforcement officers; and, moreover, there must be an improvement in the character of the enforcement officers. In other words, whatever may be the proper function of the General Government and the proper function of the State governments, so far as the eighteenth amendment and the national prohibition act are concerned, and whatever sugegstion may be made that may be helpful to the enforcement, the law never can be enforced until we have an

adequate personnel, and a high character in that personnel; and we can not get it on an appropriation of eight or nine million dollars for a country so large as ours, with 118,000,000 people.

We might as well face the issue squarely. It will take at least the amount that is suggested in this amendment, plus the amount now regularly appropriated for this service. I am speaking of the appropriation for the direct enforcement, and not those appropriations for other departments of the Government that also have to do with the enforcement of the law. If we are to enforce the law the appropriation must be increased. As I see it, there can be no embarrassment to the incoming President, because this appropriation must be expended, if not entirely, almost entirely during his administration. As I see it also, the investigation which he proposes to carry on will not be in the slightest degree retarded by this appropriation. I am glad that the incoming President has assumed the burden and taken the responsibility for that investigation—an investigation which he promised during the campaign. I think he should have it, and I think he should have it without let or hindrance upon the part of the Congress; but I do not think this appropriation will or can embarrass him. Moreover, Mr. President, if the appropriation is made, and, in the light of the investigation, when made, can not be judiciously expended, it still lies in the power of the Secretary of the Treasury to return to the Treasury—which in this instance would be a mere matter of bookkeeping—the unused portion of this fund.

That, Mr. President, is not an unheard-of procedure upon the part of the Treasury Department. My information is, though I do not speak advisedly, that even in the last fiscal year a portion of the appropriation made for the enforcement of national prohibition was not expended for that purpose, but, being unexpended, was properly returned to the Treasury.

So if the whole sum is not expended and can not be wisely and judiciously expended by the Secretary of the Treasury, he has the precedent in his own office of disposing of the unused portion of the fund. He has the precedent in his own office of making allocations of a sum more than four times the size of the proposed appropriation of $25,000,000; and therefore there is nothing embarrassing, and I presume there will be no criticism aimed at his allocation and use of this fund.

It seems to me to be obvious that the prohibition law can not be enforced unless and until we have an adequate personnel and until the character of that personnel is such as to commend itself, as far as possible, to the good judgment of the people of the country.

It is not at all surprising that there have been abuses and that corruption has been found in the prohibition forces. When the temptation is considered, when the possibility of earning vast sums of money by an underpaid personnel is taken into consideration, there can not be the slightest surprise upon the part of anyone that corrupt conditions have from time to time appeared.

We differ here in our judgments on the simple question of whether or not prohibition is being enforced, and each man views it very much according to his own environment. In some cities it must be admitted, as my colleague has said, the enforcement of prohibition is a farce. In other cities and in other parts of the country it can not be truthfully said that the enforcement of prohibition is a farce. We are presented with numerous statistics, large numbers of arrests for violations of the prohibition law. We leave out of sight altogether the high visibility of crime, particularly this particular offense against the statutes of the United States and of most of the States. We leave out of consideration the many, many years of campaigning, of speaking, of publicity turned in the direction of violations of the prohibition statutes. Those statistics do not dismay me, and they seem to me to have but very little bearing upon the general question now before the Senate; but if they serve any purpose, they serve the purpose which in the beginning I tried to make plain, and that is that you can answer this question, whether you be dripping wet or whether you be dry, in only one way, and that is by making every possible effort to enforce the prohibition law effectively.

I think the prohibition law ought to be enforced. I believe it can be enforced. I do not doubt that it can be enforced. It can not be enforced, however, if it is made a partisan issue; but it can be enforced if the Government of the United States, with the support of the men and women who believe that it is enforcible, believe in its wisdom, in both and in all parties, say that we will not make it a partisan issue, but we will see to its enforcement.

I do not care to indulge in any criticisms of Mr. Mellon. I do not care to repeat anything that has been from time to time said concerning Mr. Mellon. I have at least sufficient faith in Mr. Mellon to say that if he is intrusted with a large sum for the enforcement of the law, he will make more progress than has been made during the last few years in the enforcement of the law. He will at least demonstrate what we must ultimately know, whether this law can be enforced save by a President and by enforcement officers who believe in it from top to bottom. He will at least demonstrate that there must be an adequate number of enforcement officers, and that the funds must be sufficient to get the highest character obtainable for this work in the prohibition force.

Mr. President, I very much hope that during the morning hour we shall be able to enter into a unanimous-consent agreement that will lead to a vote on the pending question at some time during the day.

Mr. BRUCE. Mr. President, so far as the pecuniary aspect of the amendment of the Senator from Georgia [Mr. HARRIS] is concerned it is a matter in which I can truthfully say that I am not particularly interested. I have invariably voted for every appropriation made by Congress for the enforcement of prohibition, and I should vote for this additional appropriation of $25,000,000 but for the fact that the very highest fiscal officer of the Government, the Secretary of the Treasury, has said that no good use can be made of it at this time.

Of course, in feeling that it would be a mistake, in the face of that declaration of the Secretary of the Treasury, to make any such additional appropriation, I am also to some extent influenced by the fact that the general counsel of the Anti-Saloon League itself, Mr. McBride, the successor of Wayne B. Wheeler, says that he also deems it inexpedient that such an additional appropriation should be made just now. Certainly he is in about as good a position as any man in the United States to form an opinion as to how far it would be wise, even from the strict prohibition point of view, to have such an additional appropriation made by Congress. Nor am I unmindful of the fact that the Methodist Board of Prohibition, Temperance, and Morals, which has been one of the most powerful influences behind prohibition for years, agrees with Mr. McBride.

So far as I know, the only active spirits connected with any of the great private agencies in this country which have been seeking to enforce prohibition who are outspokenly in favor of the appropriation are Bishop Cannon and Mr. Crawford, the president and secretary of the Board of Temperance and Social Service of the Methodist Episcopal Church South.

In that state of circumstances I feel that I could not justify myself, from the standpoint of official duty, if I were to fly in the face of the advice of the Secretary of the Treasury, and vote for this appropriation. But if the Secretary of the Treasury will say that he favors the appropriation, with the modification suggested a few moments ago, then I will be very glad to vote for it.

Nor, to turn to the utterances of the Senator from Georgia [Mr. GEORGE] a few moments ago, am I one of those who believe that prohibition can not be enforced. I believe that it can be enforced if the Government will spend enough money and multiply enough judicial tribunals for the purpose of enforcing it, and will exhibit in every respect the ruthless disregard to the fundamental principles of American civil liberty which would be involved in extreme measures of enforcement. If the Government will make the machine of prohibition enforcement elaborate enough, highly organized enough, crushing enough, it can enforce prohibition; but, as I said a few days ago, it can enforce it only as the Spanish Inquisition enforced Catholicism in Spain.

To me there was something simply pathetic in the confessions of impotence that fell from the lips of the Senator from Nebraska [Mr. NORRIS], the Senator from Washington [Mr. JONES], and the Senator from Georgia [Mr. HARRIS], with reference to prohibition enforcement, in the current debate. The only trouble about prohibition enforcement, said the Senator from Nebraska, is that there is too much partisanship in its administration. That has certainly been true in the past, whether it is true at this moment or not.

The Senator from Missouri [Mr. REED] at any rate is not likely to forget what General Andrews testified before the Senate prohibition subcommittee in April, 1926, on that subject. I read from the printed testimony taken by that subcommittee. General Andrews said:

> I think that resulted in the dropping of about 300 (prohibition field agents) right there.
>
> Senator REED of Missouri. Three hundred out of 3,600?
>
> Assistant Secretary ANDREWS. No; out of about 2,000 field agents. And since then some of my administrators are very keen to make sure.
>
> Now we anticipate civil service. I believe that the Congress will pass it. My reorganization bill includes a clause that the appointments shall be made under civil service. We want to come up to the day when civil service is effective in our force, with high-grade men in the organi-

zation. You know just as well as I do how the men were selected, probably, in the past.

Senator REED of Missouri. No; I do not. I wish you would tell us.

Assistant Secretary ANDREWS. Don't you, really?

Senator REED of Missouri. I do not.

Assistant Secretary ANDREWS. Well, I am told that they were selected on the recommendation of the directors in the field and the field supervisors of the more mobile force, and that there was more or less political reason for their appointment in many cases.

Senator REED of Missouri. That is, you mean they were appointed generally on recommendation of somebody in politics or somebody who held office?

Assistant Secretary ANDREWS. Or some other organization, maybe.

Senator REED of Missouri. What other organization?

Assistant Secretary ANDREWS. Well, any that are interested.

Senator REED of Missouri. Well, can you name some of them?

Assistant Secretary ANDREWS. Yes; I could name the churches and the——

Senator REED of Missouri. What churches?

Assistant Secretary ANDREWS. All the churches, so far as I know. They are all interested in this law.

Senator REED of Missouri. And they have been recommending men?

Assistant Secretary ANDREWS. I think so. I have heard recommendations from them.

Senator REED of Missouri. Who else?

Assistant Secretary ANDREWS. The Woman's Christian Temperance Union, the Anti-Saloon League, or any of these organizations that are interested in the welfare of the community and the enforcement of the law.

Senator REED of Missouri. And who represented the Anti-Saloon League particularly?

A little later Senator REED brought out the fact that it was Wayne B. Wheeler. Of course, nothing but gross, crass, unscrupulous partisanship could result from such applications of the spoils system of patronage as those. How flagrant the results were is only too well illustrated in some observations by Maj. Chester O. Mills, who was at one time the Federal administrator of the State of New York, after he lost his position through the machinations of that partisanship. I quote from Major Mills:

Gen. Lincoln C. Andrews, who was then in charge of prohibition enforcement, had notified the public, as he had repeatedly assured me, that politics would have no place in enforcement. * * * Gradually orders to exclude politicians were modified. I was told to advise with the local party leaders regarding appointments to the force of 240 men working under me. * * * In scores of cases involving useless and venal agents, suspected alcohol promoters, and outlaw breweries I felt the working of the political machine, whose wheels do not grind slowly, although they grind exceeding fine. Through weeks and months contests with the politicians multiplied, bickering increased, until finally action taken against the worst agents I have ever encountered provoked the politicians into open mutiny. * * * They complained that out of the 240 men in my district, nearly one-tenth of the entire Federal dry force, 103 were Democrats. The full roster was submitted to the bosses for inspection. There were only 12 Democrats on the force. * * * General Andrews ordered me to consult Charles D. Hilles, the national committeeman of the Republican Party from New York. Mr. Hilles and I had a conference lasting two and one-half hours. * * * He pointed out that the patronage system prevailed in every prohibition district throughout the country and that my territory would not be an exception.

Of course Mr. Hilles and other politicians in the State of New York made the seat of Major Mills so hot that he had to vacate it.

It was because of partisan scandals and outrages like these that the prohibition element in this country found that it was necessary to bring forward the Cramton bill and to place prohibition agents within the Federal classified civil service. The Cramton bill is the only measure looking to the application of the merit system of appointment to any office, Federal or State, against which I have ever voted; and I voted against that not because I did not believe that it would work a very considerable improvement in the personnel of the prohibition field force, because I did believe that it would, but because I believed that even the salutary merit system of appointment would be unable to neutralize the depraving, the corrupting influence of prohibition, and that ultimately the only result of placing these prohibition field agents under the merit system of appointment would be to discredit that system even in its preexisting applications. Just as certainly as I stand here at this moment I believe that that will finally be the result.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Maryland yield to the Senator from Montana?

Mr. WHEELER. I desire to ask the Senator a question.

Mr. BRUCE. I am glad to yield.

Mr. WHEELER. A statement was made a moment ago by the Senator from Georgia [Mr. GEORGE] to the effect that in certain parts of the country the law is being enforced. I know the Senator has given a good deal of thought and attention to the statistics with reference to how the prohibition law is being enforced in the States. Will the Senator tell me of any State in the Union that he knows of where it is being enforced?

Mr. BRUCE. I do not know of one single, solitary State in the Union where this law is being successfully enforced. It is only recently that attention has been called to the tremendous growth of law violations as respects prohibition in the State of Kansas, a State which adopted State prohibition long before the adoption of the eighteenth amendment.

A most striking illustration of the extent to which the prohibition law is being violated in Maine, too, another prohibition State of long standing, has been recently brought to my attention through the press of that State. No less an authority than General Andrews himself—and he was about the ablest, frankest, and most courageous man that has ever headed the Prohibition Unit—is on record as saying that bootlegging was coextensive with the entire territory of the United States. I do not want to single out any particular section for animadversion——

Mr. WHEELER. I was going to suggest that the Senator from Georgia said that possibly in some cities the law is not being enforced. From my travels over the country it would seem to me that even in the smallest communities the law is being violated just as much as it is in the larger cities.

Mr. BRUCE. That is shown most strikingly by the annual reports of the Moderation League of New York. The directors of that league are men of the highest standing in the United States in the professions, including the clergy, and in business circles; that is to say, men like Bishop Fiske, of New York, Harvey Fiske, president of one of the great New York life insurance companies, and Elihu Root, the great lawyer, and others whom I might mention. The Moderation League has brought out an annual report for a good many years, and its last report came out only a few weeks ago. Those reports show that throughout the period covered by the reports arrests for drunkenness in more than 500 cities and towns of this country have steadily mounted up. It was only this morning that the Washington Post brought to our attention the fact that during the year 1928 there were more arrests for drunkenness in the city of Washington than in any year since 1911.

Mr. WHEELER. I noticed a statement in the paper by Mr. Howard, or some one in charge of or at the head of some prohibition organization, to the effect that before Congress appropriated any more money for the enforcement of prohibition it ought to see to it that the law is enforced here in Washington.

Mr. BRUCE. Yes; that is to say, here where the President has his palatial home, here where the Supreme Court sits, here where Congress convenes—even here the Prohibition Unit is powerless to enforce prohibition.

Mr. TYSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. BRUCE. I yield.

Mr. TYSON. I would like to ask the Senator from Maryland, that being the case and prohibition not being enforced, if he has any remedy for the situation?

Mr. BRUCE. I have no remedy for it except to appropriate $300,000,000 a year and to cover the whole face of the land with courts of justice, as Mr. Doran suggested.

Mr. TYSON. I would like to ask the Senator, if that is the case, why he is not in favor of appropriating at least $25,000,000 at this time?

Mr. BRUCE. I should most assuredly vote for it, as I said a moment ago when perhaps the Senator was not in the Chamber, had not the Secretary of the Treasury and others peculiarly interested in prohibition enforcement reached the conclusion that just at this time it would be inexpedient for the interests of prohibition itself that any such additional appropriation should be made.

Mr. TYSON. Does the Senator think the time ever will come when it will be expedient to make such an appropriation?

Mr. BRUCE. The Senator knows perfectly well, if we are going to get back to first principles in this matter, that I personally do not think that there ever will be a time before the crack of doom when it would not be an unwise thing for this country to enforce prohibition—and why? Because, as Edmund Burke once said in one of his sublime bursts of eloquence, "No; never did nature say one thing and wisdom another."

Mr. TYSON. Does the Senator think we can repeal the eighteenth amendment?

Mr. BRUCE. I do. Just as sure as God sits in His mighty pavilion in the skies, that unnatural and irrational amendment will some day be modified.

Mr. TYSON. Does the Senator feel that it ought to be enforced while it is on the statute books?

Mr. BRUCE. I do; and I have always voted to enforce it.

Mr. TYSON. I think the Senator ought to aid in getting some remedy for the enforcement which he says is not now being had.

Mr. BRUCE. I brought forward a provision for the appropriation of $270,000,000.

Mr. TYSON. We have one pending now providing for $25,000,000.

Mr. BRUCE. Then comes along the Secretary of the Treasury, the chief enforcement official of the Government, and says that at this time it could not be used to advantage.

Mr. TYSON. Some people might disagree with him on that question.

Mr. BRUCE. The Senator has the right to disagree. The Senator may disagree with Mr. Mellon. Some not only disagree with him but have not hesitated to misrepresent and traduce him. In that respect Mr. Mellon always reminds me of the story told by Benjamin Franklin. Some man in New England bought a lot of onions somewhere and stored them in his cellar. He could not sell them as soon as he expected to do and the consequence was that the onions began to sprout. Every day or so the owner would go down in his cellar only to find that they had sprouted still more than they had done the day before. Finally he succumbed in disgust and exclaimed: "Damn those onions. The more I curse them the more they grow." So it seems to me that the more Mr. Mellon is misrepresented and slandered the more he grows in public esteem and affection.

Some time ago I was at a great press gathering, one of the greatest in the country, and notwithstanding the high esteem in which I knew that Mr. Mellon was held by the American people, I was deeply interested to see that his rising elicited far more applause than that of any other member of the present administration who was present, and I said to one of the most distinguished newspaper correspondents at Washington, "Much as I know of the degree in which Mr. Mellon is esteemed by the people of the United States, I had not expected such a truly extraordinary ovation." "Why, Senator," replied the correspondent, "that is the kind of reception that is always given to him by the press." And I should like to know who is there in this land who knows better the virtues and the shortcomings, the worth and the lack of worth of public men, than the representatives of the press?

All that the Senator from Nebraska [Mr. NORRIS] could say, I repeat, was, "There is too much partisanship in the administration of the prohibition law," and that notwithstanding the fact that we only recently passed the Cramton bill for the very purpose of eliminating partisanship from the workings of that law.

Then followed the suggestion of the Senator from Washington [Mr. JONES] as to how prohibition is to be enforced. He said, "The thing to do is what I do. Whenever I secure the appointment of a prohibition agent I make him give me a written pledge that he will faithfully perform his duty." Think of that! No wonder that the sagacious, practical, hard-headed Senator from Virginia [Mr. GLASS] should at once have spoken up and said, "Well, if a man would not be bound by the official oath he has to take as a Federal officer, what reason is there to believe that he would be bound simply by a written pledge that he might give to the Senator from Washington?"

So far as I am concerned, because my true relations to prohibition remain yet to be fully understood, I have never had a man appointed to the Prohibition Service that my last word to him was not, if not literally, yet substantially, "Do not disgrace yourself or me by not doing the full measure of your duty as a prohibition agent, without fear or favor."

As to my friend, the Senator from Georgia [Mr. HARRIS], all that he could do in the course of this debate was helplessly to admit that there are now 50 bootleggers for every one of the old saloons.

Mr. HEFLIN. Mr. President, if the Senator will permit me——

Mr. BRUCE. I yield to the Senator from Alabama.

Mr. HEFLIN. I did not hear the Senator from Georgia make that admission, but if he did—and I am sure he did if the Senator from Maryland says he did——

Mr. BRUCE. I certainly thought he did.

Mr. HEFLIN. If that is the situation, I want to say that from my observation of the blind-tiger business and the bootleggers, and of the barroom business, all the blind tigers combined did not sell one-fiftieth of the amount of whisky the barrooms sold in the United States.

Mr. BRUCE. How can the Senator say that when in many communities there are more arrests for drunkenness to-day than there were during the preprohibition day? How can he say that when such an authority as Mr. Bigelow, of the State Health Commission of Massachusetts, has recently declared that the increase of deaths from alcoholism throughout the entire census registration area since the enactment of the Volstead law has been 500 per cent? How can he say that when the health records of the community in which I live, not to go any further, disclose such facts as these: Since the enactment of the Volstead law the death rate from alcoholism in the State of Maryland has risen from 2 per 100,000 population in 1921 to 11 in 1928? The statistics from which I quote are derived from the Census Bureau. In the State of New York cases of alcoholic insanity have trebled.

How can less liquor be sold and there be more arrests for drunkenness than ever, more deaths from alcoholism than ever, more cases of alcoholic insanity than ever?

While I am referring to conditions in the State of Maryland, I might add another illustration to show how utterly groundless is the idea that savings-bank deposits in this country go hand-in-hand with prohibition. Only a few days ago the press called attention to the fact that in Maryland, certainly a State that has given the prohibition authorities, in proportion to population, about as much trouble as any other State in the Union, the gain in savings-bank deposits per capita last year was not less than $37 per inhabitant. I might go on to show that the groundlessness of such a suggestion is also illustrated by Australian statistics that have been called to my attention. Prohibition does not exist in Australia. Yet, if I am correctly informed, savings-bank deposits in Australia are larger per capita than they are in the United States.

Mr. HEFLIN. Mr. President, will the Senator permit me to interrupt him there?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. BRUCE. I yield.

Mr. HEFLIN. Mr. President, I was in the House of Representatives when there were open barrooms in the city of Washington, and it was a rare thing to walk down the street in the afternoon and not to see from a half dozen to a dozen or more drunken men staggering out of saloons and getting into vehicles and going home or staggering on the streets. I have not seen a half dozen drunken men in Washington in a half dozen years.

Mr. BRUCE. I have just referred to the fact that there were more arrests for drunkenness in Washington last year than in any year since 1911.

Mr. HEFLIN. I should also like to say to the Senator that in those days when the barrooms were on trial; when the people were watching the barrooms, and an effort was being made to get rid of them, the barrooms controlled the local politics, they had their hands on the policemen, and men could get drunk and revel in whisky but there was no report made of it. Now, however, they have their sleuthhounds running everywhere and getting up every case they can in order to hurl it against the prohibition amendment. That is what I think of that.

Mr. BRUCE. That may be so down in Alabama, because, of course, activity has to be redoubled in order to deal with the situation which that State has to handle. I brought out the fact only a short time ago that there are 20 arrests for drunkenness per 10,000 inhabitants in the city of New York, while there is an average of 231 arrests for drunkenness per 10,000 inhabitants in three of the cities of Alabama.

Mr. HEFLIN. Mr. President, in my State, I think, the law is very well enforced. It is difficult to enforce it entirely in the large cities, but I dare say that in fifty-odd counties in the rural portions of my State the law is enforced, although, of course, not absolutely enforced. However, the conditions that obtain are so much better than those that obtained under the barroom system that the people would not even think of going back to the old system.

Mr. BRUCE. Well, drunkenness, of course, under present conditions is not as visible as it used to be, for the simple reason that there is no longer the open corner saloon that existed formerly, and, consequently, drunkards are not picked up by the police on their way from the corner saloon to their homes as formerly. Drinking has been shifted to no small degree to the home from the saloon. One of the very worst results of prohibition is that all kinds of brewing and fermenting operations are now being carried on in the home, under the very eyes of young children, which were not carried on under the license system.

Mr. HEFLIN. The difference is now, it is said, that men get drunk steadily in the home, while under the old barroom system they got drunk and went home and raised cain with the whole family.

Mr. BRUCE. The point I am making is that conditions are such that drunkenness is not so visible as it used to be, but it exists in the same or nearly the same volume that it did formerly, and is steadily increasing.

Mr. HEFLIN. Will the Senator permit me to interrupt him right there?

Mr. BRUCE. I will ask the Senator to excuse me for a moment. Take, for instance, a community like that in which I live. I asked the police commissioner of Baltimore city not long ago whether he had changed his regulations with reference to arrests for drunkenness—that is to say, whether the police of Baltimore city were now instructed to be more strict than formerly. He said, "Not at all; there has been no change of any kind in our police regulations with reference to arrests for drunkenness." Yet, at the same time, as I have said, we find that dreadful increase in deaths from alcoholism in Maryland to which I referred a few moments ago.

Mr. HEFLIN. To show the Senator how well the law is being enforced in some places in my State they tell a story about an old gentleman whom they call Uncle Johnnie. He lived down at Greenville, Ala., and they said, "Uncle Johnnie, you used to be all the time talking about prohibition and advocating prohibition; we do not hear you say anything about prohibition now. What is the matter with you?" "Well," he said, "by golly, it has got to be so that you can't get any for yourself." [Laughter.]

Mr. BRUCE. There is no such dearth, so far as my observation prevails. Furthermore, the Senator must bear in mind that, so far as certain elements of our social life are concerned, there is more temperance and self-restraint now than there was formerly in the matter of drink. Self-restraint in the matter of drink was becoming more and more marked, as the Senator knows, when the eighteenth amendment and the Volstead Act went into effect. I have seen many people drink a glass of wine since the enactment of the Volstead Act, but I have never seen any individual at a social entertainment since that time who did it in the slightest degree under the influence of drink. That being so, why, I ask, should all of us be deprived of the privilege of drinking in moderation? Unquestionably when not abused drink is a perfectly proper and legitimate source of human enjoyment. It quickens the human faculties, it mellows the human sympathies. I am speaking of drink unattended by excess. Why, therefore, should they who drink in moderation be deprived of the physical gratification of drink because of the comparatively small percentage of the entire community who can not drink without drinking immoderately, but would yet continue to drink under any circumstances, prohibition or no prohibition, law or no law?

Mr. HEFLIN. The Senator knows what St. Paul said about that?—

> If meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.

There are some people who can not drink in moderation.

Mr. BRUCE. I believe also that St. Paul recommended a drink to one of his contemporaries for his stomach's sake, did he not?

Mr. HEFLIN. That was when he was sick.

Mr. BRUCE. I do not recall that.

Mr. HEFLIN. The law provides that one may get a prescription at a drug store of good whisky, whisky made in a proper manner by a distillery, and he can get it every 10 days. One can also buy port wine, and various other kinds of liquor can be legally purchased under similar circumstances, because the law permits it. That is how I know.

Mr. BRUCE. How did the Senator find that out?

Mr. HEFLIN. If I needed it for medicinal purposes, I could get it, and so could the Senator.

Mr. BRUCE. I might say that there is no need of my falling back on any medical consideration so far as a harmless glass of wine or two are concerned.

Mr. President, the Senator from Montana [Mr. WHEELER] asked a very pertinent question as to what extent bootlegging prevails throughout the United States. I have some figures here, if I can only lay my hands on them, relating to that subject. Because the most strenuous and enthusiastic advocates of prohibition seem to come from the South, I called attention only a few days ago to the fact that in 1925, 70 per cent of all the distilleries which were seized by the Prohibition Unit were seized in the 11 old Confederate States; and, not to give too personal a direction to my remarks, I might say to the Senator from Georgia [Mr. GEORGE] that I brought out on the floor of the Senate about two or perhaps three years ago the fact—and I brought it out in the light of a number of communications which I had received from prominent citizens of Atlanta—that the preceding Easter Sunday in Atlanta had been marked by more drunkenness than had ever been known in the history of the city during either the pre or the post Volstead era. Now, I am going into a little detail.

Mr. GEORGE. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Maryland yield to the Senator from Georgia?

Mr. GEORGE. I do not know on what authority the Senator from Maryland bases his statement, but I do not think it can be true. I have seen more whisky come to my little town than is now coming there——

Mr. BRUCE. I am sorry that I can not yield, but the Senator a few moments ago was quite unwilling to accord me the privilege of asking him a question or so.

Mr. GEORGE. I regret very much that I did not do so.

Mr. BRUCE. If time were not such an urgent matter with me now, I would be glad to yield.

Mr. HEFLIN. I suggest to the Senator from Maryland that he referred to the Senator from Georgia and to his State.

Mr. BRUCE. If the Senator from Georgia will just let me complete the statement which I am about to make, I will be glad to yield to him. I must say, now that I am about to leave this body, that it is a source of great regret to me that I ever failed to yield at any time to any Senator when he asked me to do so.

Some time ago Mr. Lawson Purdy, the head, if I am not mistaken, of the Department of Taxation and Assessment in the City of New York, wrote an article for the New York Times headed Figures of Moderation League, showing that only 10 cities in the United States have a smaller number of arrests per 10,000 population (than New York). He has this to say about Georgia:

> Georgia, if we may believe Representative Upshaw, is a very temperate State and wishes to avoid the contamination of its neighbors. It is hard to get statistics from Georgia. We have statistics for only four cities with a population of 256,729 and 9,636 arrests, being 375 per 10,000—

As against 20 per 10,000 for the city of New York.

The trouble about our friends from the South—and I can speak about it freely in that connection, for I myself happen to be a southerner—is that they do not find statistics quite as agreeable reading as do the inhabitants of some other portions of the United States, and consequently, for that reason, they are not as familiar as they might be with prohibition statistics relating to the South.

Let me turn now to some of the other Southern States besides Georgia and compare the conditions in those States with the rate of 20 arrests for drunkenness per 10,000 inhabitants in the city of New York.

Before I do that, however, let me advert for a moment to Kansas and read what this article says about Kansas.

The writer says:

> Compare some of the States that vote dry with the city of New York, which votes wet. Kansas should afford a good comparison. Statistics for seven cities in Kansas with a population of 153,431 show 1,723 arrests, or 112 per 10,000—

That is not as bad as Georgia, it is true, but still it is more than five times as bad as New York—

> There is only one place in Kansas for which we have statistics that shows a lower ratio than New York, that is Newton—population, 9,781; 15 arrests. Wichita is the other extreme; it has 149 arrests per 10,000, more than seven times as many as New York.

Then passing from Kansas, where they have been trying for generations to enforce prohibition, and where things are worse to-day than they have been for some time, Mr. Purdy passes to what he calls the "wetness of the South." First of all, he takes up Arkansas:

> In Little Rock there were 695 arrests for drunkenness in 1925, or 107 per 10,000.
>
> Mississippi comes next with two cities. Columbus is very low in the list. There are only 45 cities in the United States with a lower record for drunkenness than Columbus; still it is almost twice as high as New York. Vicksburg had 173 arrests per 10,000, eight times more than New York's record.
>
> North Carolina follows, and the average for five cities is 136 per 10,000, nearly seven times that of New York.

Mr. TYSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. BRUCE. I will yield to the Senator from Georgia first. The Senator from Georgia desired me to yield, and I gladly yield to him. I should have yielded to him just after I made my reference to Georgia.

Mr. GEORGE. I beg the Senator's pardon for not having yielded to him in my time. I did wish to finish the statement I was making. That was the only reason why I declined to yield.

Mr. BRUCE. That is all right, Mr. President.

Mr. GEORGE. I do not want to interrupt the Senator, except simply to say that when we compare crime statistics, and particularly when we deal with the question of prohibition, we must take into consideration the character of the population.

Mr. BRUCE. Of course, we must; and there are special reasons why there should be more arrests for drunkenness in some sections than in others.

Mr. GEORGE. Yes, sir.

Mr. BRUCE. And if there were not, you would not have been the advocates of prohibition that you have been.

Mr. GEORGE. I think there is a good deal in what the Senator says; but the Senator's statistics, if they led to anything, would lead to the conclusion that New York is the soberest place in the country.

Mr. BRUCE. It is. It is the most civilized place in the country.

Mr. GEORGE. And the soberest?

Mr. BRUCE. And the soberest. In other words, they have more self-restraint in New York. They have more civilization, and consequently more self-restraint.

Mr. GEORGE. I make no reflection upon the city or the people of the city; but I can not think that, taking its population by and large, it is any soberer than other cities.

Mr. BRUCE. The Senator, of course, has not lived in a great cosmopolitan city such as I have lived in. Did the Senator ever move among large groups of Italians, for instance, and see them drink?

Mr. GEORGE. No.

Mr. BRUCE. Or French, and see them drink?

Mr. GEORGE. No.

Mr. BRUCE. They know how to drink without making beasts of themselves. In the first place, Italians as a rule drink only wine, and it is a point with them not to drink even that to excess. Of course the population of New York is largely a foreign population, and the habits of this foreign population have been formed in the Old World and brought over here. Consequently, if it is from countries like Italy it drinks with a degree of moderation and self-restraint that I am sorry to say is not characteristic of our native population.

Mr. GEORGE. It would be very difficult for me to believe, Mr. President, in the face of any statistics, that there is less whisky consumed per capita in New York than in Little Rock or almost any other city that might be mentioned.

Mr. BRUCE. I do not say less drinking per capita. I say less drunkenness.

Mr. GEORGE. There might not be as much open drunkenness, because you have a different population to consider. There might not be as many arrests.

Mr. BRUCE. Mr. President, I do not say that there is less drinking. I say that there is less drunkenness, because, of course, if my theory is right, prohibition is not indicative of a high order of civilization, but of a low order of civilization—that is to say, a state of society under which men have not the moral restraint to keep their appetite for drink within bounds.

Mr. GEORGE. I understand the Senator's contention about it; but I do not think there is anything in the Senator's statistics, and I do not think the country thinks there is anything in them.

Mr. BRUCE. There is a lot of drunkenness in them.

Mr. GEORGE. There may be lots of drunkenness in them; but no man who lives in the South could ever be persuaded that there is more whisky consumed there now than formerly.

Mr. BRUCE. I can judge only from the number of arrests for drunkenness that are reported from that section as well as from other sections, the number of deaths from alcoholism, and what not. It seems to me that you can not have people arrested for drunkenness, and dying of alcoholism, or lapsing into alcoholic insanity, without all the morbid sequels of every description that follow drunkenness.

Mr. GEORGE. You might easily have very much worse whisky, and you might easily have very many more deaths from consuming it.

Mr. BRUCE. No; the whisky of the South—I do not speak from personal observation, but I speak from highly credible testimony—the whisky that is used in the South as a rule is a pretty pure, good article. I know nothing about that of my own personal knowledge, I repeat; but I have had persons who do know say to me that the whisky that is manufactured by the southern stills is free from the toxic qualities that mark whisky that is manufactured in other portions of the United States, and can be drunk with a higher degree of impunity.

Mr. GEORGE. Let me make this statement to the Senator, and let him look on the other side of the picture just a little, whatever may be his views. I am not arguing from the standpoint of my view about anything, or how I would like to have this particular law operate; but let me ask him to take the other view of it.

Just before I came to the Senate last fall a car of ladies, one of whom is very dear to me, left one of the near-by cities of my State long after nightfall and traveled the distance of 65 miles to my home. That could not possibly have happened at the time when whisky was legally sold in that city or in that section of Georgia. There is not a man who would have permitted it. Those are facts that speak much louder than the gathered statistics of a few statisticians, spread about by a few newspapers whose representatives associate with about 1 per cent of the population of a city, and that 1 per cent within the realm where drinking is very much indulged in.

Mr. BRUCE. All I have to say is that the conditions were absolutely different in the southern community in which I was born and bred. I grew up on a plantation with a population of some 500 people, all of whom were negroes, with the exception of a mere handful of whites. I have been familiar with that plantation as boy and man for more than 60 years, and there never was a grave crime of any description committed on it. I recollect that two great big silver flagons used to stand on a table near the front door of the mansion house on that plantation night and day. Who would leave any silver flagons in the part of the world where I live, or in the parts of the world where most of my brother Senators live, exposed to theft in that manner? I say without a moment's hesitation that, so far as I know, the life of man and the honor of woman were just as safe in that old Virginia community before the adoption of the eighteenth amendment as they are to-day.

Now, let us pass on to North Carolina. I am still quoting Mr. Purdy; and here I must be very careful, of course, not to wound the susceptibilities of my friend the senior Senator from North Carolina [Mr. SIMMONS], for whom I entertain the very highest degree of respect:

North Carolina follows; and the average for five cities is 136 per 10,000, nearly seven times that of New York. Wilmington is the temperate spot, with 70 arrests per 10,000, and Durham is the wet spot, with 353 per 10,000. If New York had as many arrests as Durham, it would have over 180,000 instead of 11,011 arrests.

Texas is fourth on the list. We have statistics from eight cities, no one of them as temperate as New York; but one is very temperate, indeed, as cities go—Sherman, 15,031 people; 39 arrests; 26 per 10,000. The average for Texas is 199 per 10,000, with two cities vieing with each other for the record—Dallas and Galveston, with 286 per 10,000 each. The 8 cities of Texas have a population of 439,000. There were 8,786 arrests for drunkenness, or 199 per 10,000.

South Carolina comes next with seven cities. The average for the seven is 208 arrests per 10,000. Orangeburg is the most temperate with 82, and Greenville with the greatest number of arrests for drunkenness, 436 per 10,000. Just remember that New York has 20. If there were as many arrests in New York in proportion to population there would be over 230,000 arrests instead of 11,011. The seven cities in South Carolina have a population of 178,614. There were 3,718 arrests for drunkenness, which is 208 per 10,000.

Virginia comes next with nine cities having a population of 465,782. There were 10,462 arrests for drunkenness, almost as large a number as in New York. The average for the nine Virginia cities is 224 arrests per 10,000.

It gives me the greatest pleasure to call the attention of my friend the Senator from Virginia [Mr. GLASS] to the statement that follows:

The most temperate spot is Lynchburg—

That, of course, is the home of the Senator—

with 160 per 10,000, and at the other extreme is Roanoke with 503 per 10,000.

Lynchburg is not very far from Roanoke, and I can not help but suspect that some of its citizens slip over at times to Roanoke and help to run up the per capita number of arrests for drunkenness there.

It was possible to obtain statistics of arrests for drunkenness in only three cities in Alabama. The population of the three cities is 245,279; arrests for drunkenness, 5,684, being 231 per 10,000 of population. It is noticeable that these three cities—Birmingham, Troy, and Mobile—had half as many arrests for drunkenness as the city of New York.

Mr. HEFLIN. Mr. President, they must be very careless about getting up statistics in New York. I should think the number would be a hundred times more.

Mr. BRUCE. No; I think your people are a little careless about giving occasion for such statistics as I have been citing.

Mr. GLASS. Mr. President, is it not fair to assume that they are very careless about arresting drunken people in New York and very rigid about it in Virginia?

Mr. HEFLIN. Yes. I do not think they pay much attention to them.

Mr. BRUCE. If the New York police are careless about anything it never has been brought to my attention. The New York police force is supposed to be one of the finest police forces in the world.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. Yes.

Mr. SIMMONS. I do not wish at this time to get into any discussion with the Senator with reference to statistics; but I have been a little surprised, to express it mildly, that the Senator takes New York with which to compare the prohibition conditions in all the other States of the Union. I should like to ask the Senator from Maryland if the State of New York, in which the city is situated, or the city of New York in any way assist the Federal Government in the enforcement of the prohibition law there?

Mr. BRUCE. As I understand, they do. Indeed, facts have been brought to my attention frequently which show that the New York City and State police at times render the most effective assistance to the Federal prohibition agents.

Mr. SIMMONS. Does not the Senator know that the enforcement act adopted by the Legislature of New York was repealed a short time ago?

Mr. BRUCE. Yes, of course it was; but that did not do away with the duty, the Senator knows as a lawyer——

Mr. SIMMONS. And there is no cooperation with the Federal Government by the city of New York or by the State of New York in the enforcement of this law.

Now, I want to ask the Senator another question. Has he statistics to show how many Federal agents have been assigned to the enforcement of this law in that city of 6,000,000 people, where it is the general belief in this country that there is more violation of the enforcement law than in any State in this Union?

Mr. BRUCE. It is a mistake.

Mr. SIMMONS. I do not believe it is. From the information I have had from people who live in that city, and I believe the information is correct, there is no adequate enforcement there except by the Federal Government. I would like to have the Senator give the Senate and the country the statistics showing how many Federal officials are assigned to the enforcement of the law in that great center of crime in this country.

Mr. BRUCE. Of course, I deny that it is any such center of crime.

Mr. SIMMONS. It is.

Mr. BRUCE. It is the habit of many to picture New York as a painted Jezebel, the scarlet woman of the United States, and all that, a den of vice, and so on. It simply is not true. The Senator quite forgets that it is not the business of prohibition agents to arrest men for drunkenness. They arrest people for violations of the Volstead law. It is the duty of the State and city police to arrest men for drunkenness. I admit that there are not as many prohibition agents in the city of New York as proper prohibition enforcement calls for. Indeed, I brought out the fact only yesterday that in order to enforce prohibition in the State of New York Mr. Buckner, the former United States district attorney for the southern district of New York, stated that there would have to be 185 more courts and an expenditure of $75,000,000 a year.

Now I shall pass on to some other States.

Mr. SIMMONS. Mr. President, why would they need 185 more courts for the enforcement of prohibition if there were only 10,000 arrests a year there?

Mr. BRUCE. I do not see any reason for believing that there is not just as much effort to enforce prohibition in the city of New York as in other parts of the country. I think it can be freely admitted that there are not enough prohibition agents to enforce prohibition anywhere in the United States.

Mr. SIMMONS. A few days ago the Senator in his speech, laid great stress upon the fact that somebody—Durant, I believe—stated that if we were going to enforce the prohibition law there would be need of—how many judges was it, one hundred and some.

Mr. BRUCE. Mr. Buckner said 185 additional courts would be necessary.

Mr. SIMMONS. Additional judges in the State of New York?

Mr. BRUCE. Yes.

Mr. SIMMONS. Yet the Senator now tells the Senate that there are only 10,000 arrests in that State.

Mr. BRUCE. Prohibition agents do not make arrests for drunkenness.

Mr. SIMMONS. If so many more judges were appointed for the enforcement of the law, it would seem that there would be a judge in that State for a very small number of violators.

Mr. BRUCE. There is no use in my repeating that prohibition agents do not make arrests for drunkenness. Why should I cover that ground again, if I may say so without discourtesy to the Senator?

Mr. SIMMONS. If the Senator will pardon me——

Mr. BRUCE. I will have to ask the Senator to excuse me.

Mr. SIMMONS. I rather insist that after the remark of the Senator a little while ago, as a matter of courtesy—and I am sure the Senator does not desire to show me any discourtesy——

Mr. BRUCE. I have tried to answer the Senator.

Mr. SIMMONS. I should not have spoken as I did if the Senator had not referred the other day to these judges in connection with the congested condition of the courts in New York and the violations of the prohibition law.

Mr. BRUCE. I imagine that there is no more congestion there in proportion to population than there is elsewhere. Mr Doran said that to police prohibition fully the whole face of the country would have to be covered by courts, not simply the State of New York.

Mr. SIMMONS. I will say to the Senator now that we have only three Federal judges in North Carolina, and they have no difficulty whatever in disposing of the cases that come before them. In fact, I believe they have only about two or three sessions of their courts a year, which last never longer than two weeks, and they try not only prohibition cases, but every other infraction of the Federal law.

Mr. BRUCE. All I have to say in reply to that is that if all the judges in North Carolina feel it to be their duty, as did the judge whose communication was read here a few days ago, to express an opinion about the public policy of prohibition, it would be just as well if, instead of having three judges in North Carolina, they had only two.

Now let us pass on to Kentucky. Mr. Purdy states:

> We have statistics for six cities in Kentucky with a population of 387,288. The arrests for drunkenness were 9,285, which is 239 per 10,000. Ashland is the high spot, with 991 arrests per 10,000. * * *
>
> We have statistics for only three cities in Louisiana. Among their population of 417,404, arrests for drunkenness numbered 14,691—more arrests for drunkenness than in the city of New York.

Three cities in Louisiana. No wonder my friend the Senator from Louisiana [Mr. BROUSSARD] is such an ardent antiprohibitionist.

> Tennessee is the tenth on the list of the 12 Southern States. We have statistics for only three cities. The average is 355 per 10,000. The population of 417,404, arrests for 204,252; arrests for drunkenness were 7,263.

Then we come to Florida. Of course, everything grows in Florida with rank, tropical luxuriance.

> Last on the list is Florida. There was controversy in Tampa over the fact that Tampa has a high record of arrests for drunkenness. The population of Tampa in 1920 was 51,608. A Tampa newspaper contends that in five years Tampa doubled its population. Let us assume that it did, although disinterested observers do not credit it with so large an increase. Tampa would still have a record of 581 per 10,000, which is enough. The population of the three Florida cities in 1920 was 161,915; the number of arrests 9,598, which is 592 per 10,000.

That, I believe, completes the list of the Southern States. Immediately after leaving them, let me turn just for a moment to the statistics for Maine, where prohibition is supposed to have existed longer than it is supposed to have existed even in Kansas. This writer, Mr. Purdy, says:

> Maine has had prohibition for 77 years, and we have the statistics for 11 Maine cities. One of them has a better record for temperance than New York. Brewer; population, 6,064; arrests, 18 per 10,000. The high spot is Lewiston; population, 31,791; arrests, 290 per 10,000. The average for the 11 cities in the State of Maine is 158 per 10,000, nearly eight times the New York rate.

Mr. HEFLIN. Mr. President, I for one must challenge the New York rate. I do not believe that is correct.

Mr. BRUCE. The Senator does not want to believe that it is correct.

Mr. HEFLIN. No; I can not believe it is correct, because I know something about New York. I remember a very distin-

guished lawyer who closed a speech up there before a jury by saying:

Drunk on beer, wine, and rum,
New York, thy name is delirium.

Mr. BRUCE. That probably was composed by some Alabama poet.

Mr. HEFLIN. He was a very distinguished western lawyer, representing Thaw. I did not come from Maryland. I am inclined, however, to think that the people of whom the Senator speaks as being drunk down in Tampa, Fla., may have gone from up in this region somewhere.

Mr. BRUCE. No; the drift is all northward. Of course, as I said before, I am not bringing forward these statistics by way of invidious discrimination against the Southern States. Everybody knows that southern society is stratified, if I may use such an expression, in a wholly different way from society in other parts of the United States. I am happy to say that all the elements that make up its population are achieving a greater and greater degree of progress from year to year.

But one reason why the southern people are so strongly committed to the cause of prohibition is the peculiar composition of their population, which is essentially different from the social composition of other populations in the country. They have a large element in their population which in its earlier history simply could not be expected to exercise the proper degree of self-restraint, though it, too, I am glad to say, is making steady progress in every respect toward better things, and the result was that prohibition was precipitated on the South more rapidly than it would otherwise have been.

If I were to go through the rest of the country, there would be found not exactly the same conditions that are found in the Southern States as respect arrests for drunkenness per 10,000 population, but for all practical purposes very much the same conditions would be found, because, to repeat General Andrews's statement, bootlegging is coextensive with the entire territory of the United States.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. BRUCE. Certainly.

Mr. SIMMONS. Did the Senator say that the 10,000 cases of arrest in New York to which he referred were all for drunkenness?

Mr. BRUCE. Yes.

Mr. SIMMONS. In making the comparisons with other States, did the Senator give only the figures as to arrests for drunkenness?

Mr. BRUCE. I think Mr. Purdy's article deals exclusively with arrests for drunkenness.

Mr. SIMMONS. I was disposed to think that the Senator probably had gotten his statistics with reference to the other States mixed up, and referred not only to arrests for drunkenness but to arrests for moonshining and bootlegging.

Mr. BRUCE. Oh, no; this writer is simply rebutting the idea that New York is a particularly drunken place, to use his language; that is all.

Mr. NEELY. Mr. President, does the Senator know how the inebriety of New York compares with that of Pittsburgh and Philadelphia?

Mr. BRUCE. I could ascertain that without any difficulty. I am sure that it compares more than favorably, because New York is a very temperate community, relatively. Another thing Senators will be surprised to hear is that in the matter of the ratio of divorce to marriage the State of New York has a better record than most other parts of the United States.

Mr. SMITH. By whom were those figures compiled?

Mr. BRUCE. By the Department of Commerce.

Mr. BLEASE. We do not have any divorces in South Carolina.

Mr. BRUCE. No; I know you do not, and that was true down to the time of the reconstruction period. Then the alien carpetbagger came in and changed your law, and as soon as you kicked him out you reenacted your law, did you not?

Mr. BLEASE. That is right.

Mr. BRUCE. I wish every other State in the Union had a similar law, to forbid divorce except for one matrimonial offense.

Mr. BLEASE. I agree with the Senator; we would have more virtue in this country.

Mr. BRUCE. A Chicago sociologist predicted only a few days ago that during the coming year there will be one divorce in the United States for every five marriages. It seems to me it is to that field of human infirmity and shortcoming that the efforts of bishops like Bishop Cannon and Bishop Clarence True Wilson might well be directed rather than to the field of prohibition.

I grew up in a community where there was no such thing as divorce. I am speaking of the same southern Virginia community to which I referred a few minutes ago. With the exception of an occasional husband who made his wife and children unhappy by drinking to excess, there was no such thing in that community as marital estrangement. The old saying in southern Virginia was, "Once a wife always a wife," and I wish to God that day could return to rebuke the present generation.

It does seem to me that instead of clerical zeal in this country being so frequently headed, to use the striking words of the poet Keats, "for some false impossible shore" like prohibition, it would be much better if it were applied to the reclamation of the home from the degrading and disintegrating influences that are slowly, to all appearances, making the marital relation in this country a mere mockery. We rarely hear of one of the Anti-Saloon League ministers condemning divorce, notwithstanding that even in a southern community like that of the Senator from Texas [Mr. SHEPPARD], divorce has reached a ratio to marriage little less than appalling.

Divorce is too delicate a subject for them to take up with their parishoners. Speaking about that subject in their churches would be too much like talking about halters in the house of the thief, to recall the old Spanish proverb.

I am sorry that the Senator from Montana [Mr. WHEELER] was not here—he doubtless was called out of the Chamber by circumstances which he could not control—when I was bringing forward figures to show that bootlegging and arrests for drunkenness are coextensive with the entire territory of the United States.

Mr. WHEELER. Mr. President, will the Senator from Maryland yield

Mr. BRUCE. Certainly.

Mr. WHEELER. I know that when one makes any statement with reference to the enforcement of prohibition he is generally accused by some prohibitionist of being a wet, but this statement was given to me by one of the men who is an ardent prohibitionist in the city of Butte. He said that at the present time in the city of Butte there are more saloons or more places where liquor is sold than there were before the days of prohibition.

Mr. BRUCE. I saw a statement to that effect only a few days ago, and it was apparently an absolutely authoritative statement.

Mr. WHEELER. Apparently there is no attempt there upon the part of the authorities to enforce the law at all, because there is no excuse, where they are selling liquor openly in violation of law, for the enforcement officers not doing their duty.

Mr. BRUCE. No excuse whatever, and that brings me to my idea of why it is that the prohibition law is not enforced. Other Members of this body have tried their hands at finding an explanation. Perhaps I may be a little more fortunate in finding one that fits the case. I discovered it in the statement of General Andrews, the former head of the Prohibition Unit, that the greatest obstacle to the enforcement of the prohibition law is official bribery. To use a simile that I have previously employed, prohibition enforcement is a kind of mop that from official corruption becomes so dirty in the process of mopping that finally it is wholly unfit for its office.

The Senator from Washington [Mr. JONES] said, "Oh, there are special reasons why we must appropriate large sums of money for the enforcement of prohibition as distinguished from other things that are enforced by our Federal agencies." Now what are those things? We do not hear of any large additional appropriations by the Federal Government for the punishment of murder, for the punishment of counterfeiters, or even for the punishment of violations of the antinarcotic laws, unless since prohibition first began to stimulate the use of narcotics.

(At this point Mr. WARREN approached Mr. BRUCE and spoke to him sotto voce.)

Mr. BRUCE. The Senator from Wyoming says to me that I promised him last night that I would not speak for more than half an hour, but I answer that I am like Benedict in Shakespeare's play who declared that when he said that he would die a bachelor he did not know that he would live to be married. [Laughter.]

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. HEFLIN. I do not want to prolong the Senator's speech, because I know the Senator does not want to contribute to a night session any more than I do. But I want to say to him that while we do not enforce the law in some of the localities where there are a number of speakeasies or blind tigers, some States of the Union that want prohibition ought not to be deprived of it, because there are localities that do not want it and where the law is not enforced.

Mr. BRUCE. I agree with the Senator entirely, and that is why I proposed an amendment to the Federal Constitution pro-

viding that any State in the Union which desired prohibition should have it and that any State that did not want it should not be bound to have it. If the Senator will only follow in my wake, which he will never do, I could lead him up to that happy consummation.

Mr. HEFLIN. The Senator, perhaps, remembers the story of the epitaph on the old tombstone. It read:

As you are now, so once was I.
As I am now, so you will be.
Prepare for death and follow me.

And the bystander wrote just below it:

To follow you I'm not content,
Unless I know which way you went.

[Laughter.]

Mr. BRUCE. Could there be any possible doubt, after the six years during which I have been here, as to the direction in which I am headed? [Laughter.]

Mr. President, I am going to be considerate of the feelings of my good friend the Senator from Wyoming [Mr. WARREN] and conclude just a little earlier than I might naturally do under the circumstances. I want to say that the real reason why the prohibition law can not be enforced, except by the expenditure of hundreds of millions of dollars and by the creation of a vast number of courts and other judicial agencies, is because the prohibition law undertakes to make something criminal that is not criminal per se.

Mr. WHEELER. Does not the Senator think that we ought to appropriate this money so that we can have a fair test to see whether or not it really can be enforced?

Mr. BRUCE. I have no objection to that at all.

Mr. WHEELER. I heartily agree with the Senator's views when he says that the law is not being enforced in the country. I do not think it is being enforced in any part of the country any more than it is in some other part. But every time I tell some one that the law is not being enforced I am immediately told that it is because Congress does not appropriate the money or because of the fact that we do not give the enforcement officials sufficient money.

Mr. BRUCE. It is partly because Congress does not appropriate more money. Congress necessarily hesitates to appropriate $300,000,000 or $400,000,000 for prohibition enforcement and to cover the States of the country with courts. I have always said that if we were to appropriate all the money and to create all the courts, jails, and penitentiaries that prohibition calls for, it might, despite the amount of bribery that prohibition enforcement generates, be enforced.

But my point is that prohibition is not enforceable except by truly extraordinary agencies of enforcement, because, first of all, it commands no real respect at the hands of thousands and millions of the inhabitants of the United States, and, secondly, because the process of prohibition enforcement develops under the temptations of prohibition lucre so much official faithlessness.

Just think of it! Here we were told yesterday that no less than 180 customs officials had just been dismissed from the Federal service at the city of Detroit for conspiring with rum runners to violate the Volstead law. The truth is prohibition addresses powerful solicitations to the weak side of human nature. Millions of dollars are embarked in the illicit liquor traffic They are forever inciting the bootlegger to use a part of this fund for bribing prohibition agents, and forever subjecting prohibition agents to temptation, which is all the more urgent because they know that many of the most reputable citizens of the United States do not hesitate to patronize the bootlegger.

The prohibition law is not respected because it is not a respectable law, because it is an unnatural law, because it is an irrational law, because it should elicit no favorable response from any thinking mind or from any normal, healthy conscience. That is the true philosophy of the subject. Those are the reasons why prohibition can not be enforced except at the price of an expenditure of money that would be oppressive to the taxpayer in the highest degree and the creation of repressive Federal instrumentalities of such magnitude and searching operations as almost to forbode the death of civil liberty itself.

Just recall to what a pass this country has been brought in its futile, fruitless efforts so far to enforce prohibition! I saw in the press yesterday that the fourth poor wretch in the State of Michigan is now doomed to imprisonment for life for violations of the Volstead law; and that no fewer than 187 of the individuals who handed in essays in the Durant competition for the best essay relating to prohibition actually advocated capital punishment as a proper measure of punishment for such violations. Some of those essayists even went back to the dark ages and advocated torture, whippings, and other cruel and unusual penalties for them.

Mr. WHEELER. Mr. President, I should like to call the Senator's attention to the fact that during the Dougherty investigation Mrs. Remus, the wife of the notorious bootlegger who finally bought up 17 distilleries, came before the Senator from Iowa [Mr. BROOKHART] and myself, and with a handful of checks, stated that she had paid out, on behalf of her husband, $1,000,000 in bribes to officials in the State of Ohio, in the State of New York, and in the city of Washington, and that she was willing to testify to whom and how it was paid, providing that she would be given immunity. Of course, we were not able to give her immunity.

Mr. BRUCE. Think of that! That, however, is hardly worse than the condition of things that has been only recently disclosed in the city of Philadelphia, that city the moral welfare of which the good Gifford Pinchot is supposed to have had under his watchful supervision when he was governor of Pennsylvania, and where Gen. Smedley D. Butler was sent for the purpose of conducting his crusade, merciless in its beginnings and comical in its conclusion.

Let me call, for illustration, attention to a Philadelphia dispatch which appeared in the Baltimore Sun during the latter part of last year, under date of November 7:

Three police inspectors, 10 police captains, and 2 district detectives were discharged by the civil service commission to-day.

Two of the captains and the two district "specials" were served with subpœnas in the county prison, where they are serving sentences for extortion, conspiracy, and bribery in connection with the rum traffic.

Then this dispatch goes on to say:

The 13 men "beheaded" are among 22 whom the grand jury declared "unfit to hold any public office because of their unexplained bank accounts."

Then the dispatch continues:

The special grand jury questioned witnesses about large deposits in various banking institutions, specially the $9,000,000 supposed bootleg money in the Union Bank & Trust Co.

Mr. WHEELER. Mr. President, did the Senator from Maryland say $9,000,000?

Mr. BRUCE. I said $9,000,000. Last year the Detroit Free Press computes $50,000,000 worth of liquor was smuggled into this country largely through the connivance of Federal officers within a radius of 25 miles of Detroit.

Mr. WHEELER. The leading citizen in many communities is getting to be a bootlegger now, is he not?

Mr. BRUCE. Of course, for bootlegging is said to be a highly profitable occupation that promises, to use Doctor Johnson's expression, "potentialities of wealth beyond the dreams of avarice."

I turn to another later dispatch, dated November 8, from Philadelphia, which reads:

PHILADELPHIA, November 8 (special).—A police captain and a detective to-day joined the exodus of police bureau members described by the "racket" grand jury as "unfit to hold any public office," the civil service commission dropping them from the roster.

This brings the number of the latest "beheadings" of police officials to 17, 10 captains—

Ponder that—10 captains!—

three inspectors and two district detectives having been discharged by the commission yesterday.

Members of the district attorney's staff are preparing indictments against 21 policemen formerly attached to a South Philadelphia station who are accused of graft and extortion. The bills will be submitted to-morrow.

SIX SERGEANTS IN LIST

In the list are 6 sergeants, 3 detectives, and 12 patrolmen.

In other words, wherever we find a State enforcement law, wherever we find a liaison between State enforcement officers and prohibition agents, there we find the same kind of official faithlessness, depravity, and corruption that has recently been revealed in the city of Philadelphia. It is because of our knowledge of the moral ruin worked by the combination of State enforcement agencies with the Federal prohibition force that we in Maryland have been unwilling, and I trust shall always be unwilling, that our brave and honorable Baltimore policemen who have never been charged with one single, solitary violation of the Volstead Act since that law went into effect, so far as I can recall—should sustain any cooperative relationship whatever to the Federal Prohibition Unit.

Mr. TYSON obtained the floor.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. TYSON. I yield.

Mr. CURTIS. Mr. President, last evening I tried to get a unanimous-consent agreement, but was unsuccessful. I should like now to submit a request for unanimous consent. I ask unanimous consent that after 3 o'clock to-day debate on the pending amendment and all amendments thereto and substitutes therefor be limited to five minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

Mr. BLAINE. Mr. President, I could not hear the request of the Senator from Kansas.

Mr. CURTIS. The request has been objected to, so I withdraw it.

Mr. TYSON. Mr. President, I have listened with great interest to what the Senator from Maryland [Mr. BRUCE] has said. If the conditions in this country are as bad as he says they are, something ought to be done and done quickly.

I wish now to address the Senate as briefly as possible on the amendment of the senior Senator from Georgia [Mr. HARRIS] to the first deficiency bill, to appropriate an additional $25,000,000 for the enforcement of prohibition.

Mr. President, I believe that prohibition is the most important issue before this country to-day. There were many important issues in the last presidential campaign, but I believe prohibition was the paramount issue.

The last campaign put the prohibition question more fully before the country than it has ever been put before, and while the election was not a direct referendum on the prohibition question, it was sufficiently so to let everyone realize, if he had never realized it before, that this country is dry, that it believes in the eighteenth amendment, and that it is determined to have that amendment enforced.

Mr. President, I do not think we should delay action in this matter. Everyone appreciates that the prohibition law is not being satisfactorily enforced; that enforcement ought to be improved; that it is discreditable to Congress to permit the present conditions to go on.

It is proposed by some Members of the Senate to wait on Mr. Hoover; but if there is something we can do now, why not do it!

No one seems to know whether Mr. Hoover will call an extra session of Congress, and if so, no one knows when he will call it, nor whether he will take up the prohibition question. It has been intimated in the press that if a special session shall be called, the House will limit the questions that may be considered there, and I have not discovered that the prohibition question is one of those that will be permitted to be considered. Even if it should be considered, it may take six months before any action can be had upon prohibition measures so as to bring about a more thorough enforcement of the law.

If we wait on Mr. Hoover, it will probably be well into next year before anything is done.

No law can be properly enforced without providing the necessary organization and the necessary machinery for carrying on. Congress is charged with the greatest duty of all—to see that this necessary machinery and organization are provided. We have a condition here, Mr. President, and we must meet it.

As I see it, there never has been any topic about which there is so much exaggeration and misinformation and false statements, false propaganda, and malicious efforts to deceive as about prohibition.

I can not go as far as my distinguished friend the senior Senator from Georgia, the author of the amendment, and say prohibition enforcement is a farce; for, notwithstanding all complaints, I believe the law is fairly well enforced.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. HASTINGS in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. TYSON. I yield to the Senator.

Mr. HARRIS. The Senator from Georgia said that prohibition was a farce because Congress did not appropriate money enough to enforce the law.

Mr. TYSON. I accept the statement of the Senator from Georgia. I believe, however, that it has become more and more difficult to enforce this law because of the experience that bootleggers have had, the new and organized ways they have learned of evading the law and of reaching some prohibition-enforcement officers, the better means of transportation which they enjoy by reason of good roads and automobiles, together with the organized efforts on the part of those living in foreign countries to aid our citizens to evade and violate the law.

The Secretary of the Treasury has been criticized for the last eight years for failure to enforce the law. I will say that I do not believe Mr. Mellon has ever been sympathetic with the law, but I believe the Department of Justice should come in for its just share of this criticism.

I can not believe there has been any enthusiasm or zeal in the Treasury Department during the last eight years in the enforcement of the prohibition laws; but violators of the law must be tried and punished if the law is to have force and effect, and the courts of the country have permitted the dockets to become clogged with cases, and the sentences imposed have been largely a farce; and, in my judgment, the Department of Justice is as much to blame as is the Treasury Department.

There are 21,000 prohibition cases on the dockets now, and there have been about the same number on the dockets at the end of every fiscal year for the last eight years; and yet the Department of Justice has made no recommendations of importance to the Congress to relieve this condition, nor has the Treasury Department made recommendations to relieve the conditions along these lines.

The enforcement of the prohibition law is one of the most difficult if not the most difficult thing this country has ever undertaken. The people of the United States for 300 years have been in the habit of drinking alcoholic liquors whenever they desired. With many it was almost as much a part of their lives as their daily meals. Most people enjoy alcoholic stimulants; and the habit is so set upon millions of the present generation that they rebel against what they believe to be an intolerable tyranny and deprivation of their personal liberty.

The press of the country does not appear to be sympathetic to enforcement and is not helpful.

Under such circumstances efficient and complete enforcement is impossible. It is largely a matter of education, and it will take years to change the habits of the people, and a long campaign of education is necessary. But, Mr. President, we must be patient, and not be discouraged, and continue the work.

I sympathize deeply with anyone charged with the enforcement of these laws; but this is the law, and I believe a good law, and therefore we must go forward with it, and in time I am confident we will have efficient and satisfactory enforcement.

I have a very high opinion of Mr. Mellon as a Secretary of the Treasury and feel that he has been a great success in every department except the Prohibition Department. I think he can improve that department greatly; and I think he not only owes it to the country but he owes it to his own reputation as an executor and administrator promptly to improve the enforcement of the prohibition laws.

We are proposing here to give him a large sum of money and put it in his hands and give him carte blanche and ask him to get results. Who could wish for more?

The Secretary has not said he could not use this money.

The Secretary, in his letter to Senator WARREN, states:

> For instance, one of the major difficulties encountered in making the prohibition laws truly effective is the congestion in the United States courts occasioned in large part by numerous pending prohibition cases. It would seem desirable, therefore, if the Congress deems it advisable to appropriate an additional sum of $25,000,000 for this general purpose, that some consideration should be given to whether a part of this sum at least should not be allocated to the Department of Justice. As to the needs of the Department of Justice I am, of course, not in a position to express an opinion.

Mr. President, that is the reason why I suggested to the Senator from Georgia, who offered the amendment for an appropriation of $25,000,000, that he change his amendment so that the wishes of the Secretary in that respect could be complied with, and that he would have discretion in the expenditure of this great sum of money.

It will thus be seen that the Secretary of the Treasury is of the opinion that there are not enough courts, there are not enough assistant United States district attorneys, in all probability, and that there ought to be additional courts and additional United States district attorneys or assistant United States district attorneys.

Knowing of the great dissatisfaction throughout the country with the way in which the prohibition laws were being enforced, and believing it was largely due to the fact that the Prohibition Unit was in the Treasury Department, and that the law would be better enforced in the Department of Justice, I had a bill prepared at the beginning of this session to transfer the Prohibition Unit to the Department of Justice; but after the bill was prepared I made an investigation of the effect of it.

I saw Mr. Doran, the Commissioner of Prohibition, and many other men in his department, and also the heads of the Anti-Saloon League; and they convinced me that it would be a

mistake to transfer the Prohibition Unit from the Treasury Department, owing to the fact that the Coast Guard, the customs, the issuance of permits for alcohol, and the collection of revenue for liquor manufactured, were all under the Treasury Department, and if a change were made there would be less coordination and cooperation than there is now; and so I dropped the matter.

The Prohibition Unit has been newly organized under the new law. It has its own head, who appoints his principal subordinates. The employees are under civil service; and if the head of the Treasury Department will let us supply him with sufficient funds, and if he will then work out a program for the proper and efficient expenditure of these funds, I think we will have made a long step toward the enforcement of the law.

I believe all will admit that the present law, under which the Prohibition Unit is now operating, is the best we have had; and the two men at the head of the department, Assistant Treasurer Lowman and Commissioner Doran, I believe are sympathetic with the law and want to see it enforced.

I have made a study of the report of the Prohibition Commissioner, and I am convinced that there are not enough district judges in certain districts and not enough assistant district attorneys.

I send to the desk and ask unanimous consent to have inserted in the RECORD a chart showing all of the prohibition cases that have been prosecuted by the United States district courts for the year ending June 30, 1928. This chart gives the sentences, fines, and complete information, and is illuminating. I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Prosecutions under the national prohibition act in Federal courts, fiscal year ended June 30, 1928

Judicial districts and administrative districts	Terminations				Convictions					Sentences						Civil suits					
	Total terminations	Dismissals	Nol-prossed	Acquittals	Verdicts of guilty	Plead guilty	Nolo contendere	Total convictions	Per cent of convictions	Per cent of convictions receiving jail sentences	Years	Months	Days	Amount of fines	Average sentence imposed per each conviction: Days	Average sentence imposed per each conviction: Fines	Injunctions: Won	Injunctions: Lost	Libels: Forfeitures	Libels: Releases	Compromises: Number of cases	Compromises: Amount of compromise accepted
District No. 1:																						
Maine	235	44	12	1	5	173	0	178	75.7	52.8	27	11	10	$16,245.00	56.5	91.26			41	5		
New Hampshire	402	7	8	7	19	361	0	380	94.5	23.1	26	6	11	99,826.45	25.1	262.70	4		51	12		
Vermont	60	0	16	7	2	35	0	37	61.6	45.9	2	7	0	8,077.06	25.1	218.29			16	2		
Massachusetts	550	3	120	10	7	399	11	417	75.8	6.7	16	11	12	57,840.02	14.6	138.70	10	5	49	22		
Rhode Island	268	58	10	5	12	182	1	195	72.7	5.1	2	7	25	43,552.00	4.8	223.34	9		59	13		
Connecticut	129	1	4	2	1	115	6	122	94.5	4.1	0	7	0	28,080.00	1.2	144.00	1		9	1		
Total	1,644	113	170	32	46	1,265	18	1,329	80.8	18.2	77	2	28	253,620.53	20.9	190.83	24	5	225	55	216	$31,451.75
District No. 2:																						
Eastern New York	3,109	583	48	56	58	2,364	0	2,422	77.9	15.8	36	10	11	196,661.00	5.4	81.19	356	69	96	57		
Southern New York	9,084	931	100	27	25	8,001	0	8,026	88.3	1.6	15	2	9	208,954.15	.6	26.03	597	224				
Total	12,193	1,514	148	83	83	10,365	0	10,448	85.6	4.9	52	0	20	405,615.15	1.7	38.82	953	293	96	57	619	207,284.66
District No. 3:																						
Northern New York	2,455	152	470	3	4	1,826	0	1,830	74.5	9.5	34	3	27	405,105.00	6.7	221.36	77	21	380	20		
Western New York	1,319	214	589	9	16	491	0	507	38.4	6.3	4	1	0	71,221.00	2.8	140.47	63		18	1		
Total	3,774	366	1,059	12	20	2,317	0	2,337	61.9	8.8	38	4	27	476,326.00	5.9	203.81	140	21	398	21	34	11,512.18
District No. 4:																						
New Jersey	626	28	265	5	24	304	0	328	52.3	26.5	14	10	7	34,294.10	16.3	104.55	358	72	43	39	143	37,783.67
District No. 5:																						
Eastern Pennsylvania	513	3	127	51	56	275	1	332	64.7	28.9	23	4	22	41,420.00	25.3	124.75	32	8	274	107		
Middle Pennsylvania	406	4	91	34	103	174	0	277	68.2	16.2	7	8	10	38,650.00	10.0	139.53	26		1	1		
Total	919	7	218	85	159	449	1	609	66.2	23.1	31	1	2	80,070.00	18.3	131.47	58	8	275	108	123	46,080.00
District No. 6:																						
Western Pennsylvania	1,818	9	344	84	83	1,273	25	1,381	75.9	7.3	30	3	3	186,602.00	7.8	135.12	45	24	884	78		
Northern West Virginia	1,040	297	36	0	18	683	6	707	67.9	18.2	37	3	21	51,682.00	18.9	73.10	1	1	134	7		
Southern West Virginia	2,838	47	597	3	10	2,181	0	2,191	77.2	14.8	225	3	25	92,817.00	37.0	42.36			113	23		
Total	5,696	353	977	87	111	4,137	31	4,279	75.1	12.9	292	10	19	331,101.00	24.6	77.37	46	25	1,131	108	81	19,209.23
District No. 7:																						
Maryland	2,416	2	814	22	65	1,513	0	1,578	65.3	46.8	151	2	11	168,115.50	34.4	106.53	69	32	121	59		
District of Columbia	3,068	62	1,280	61	92	1,573	0	1,665	54.2	9.4	28	8	12	152,468.50	6.2	91.57						
Delaware	208	0	90	13	16	87	2	105	50.7	39.0	14	1	10	14,537.00	47.9	137.14			13	6		
Total	5,692	64	2,184	96	173	3,173	2	3,348	58.8	28.0	194	0	3	335,121.00	20.8	100.09	69	32	134	65	30	5,532.81
District No. 8:																						
Eastern Virginia	141	29	4	15	9	83	1	93	65.9	45.1	15	2	12	11,845.00	58.8	127.36		2	11	2		
Western Virginia	387	3	68	3	11	301	1	313	80.8	35.4	35	1	7	18,334.00	40.3	58.57			33	2		
Eastern North Carolina	627	24	72	96	245	190	0	435	69.3	54.4	108	0	25	31,410.00	89.4	72.20	3		4	4		
Middle North Carolina	819	20	70	88	199	432	10	641	78.2	39.4	112	10	16	40,500.00	63.3	63.18			15	13		
Western North Carolina	756	27	181	58	138	352	0	490	64.8	43.4	82	4	23	24,789.00	60.5	50.58	1		32	10		
Eastern South Carolina	215	1	91	19	24	80	0	104	48.3	33.6	13	1	1	8,976.00	45.2	86.30			3			
Western South Carolina	360	5	55	31	29	240	0	269	74.7	31.5	66	7	6	31,577.00	89.1	117.38						
Total	3,305	109	541	310	655	1,678	12	2,345	70.9	41.6	432	4	0	167,431.00	66.3	71.39	4	2	98	31	13	2,900.00

Prosecutions under the national prohibition act in Federal courts, fiscal year ended June 30, 1928—Continued

Judicial districts and administrative districts	Terminations				Convictions					Sentences						Civil suits					
														Average sentence imposed per each conviction		Injunctions		Libels		Compromises	
	Total terminations	Dismissals	Nol-prossed	Acquittals	Verdicts of guilty	Plead guilty	Nolo contendere	Total convictions	Per cent of convictions	Per cent of convictions receiving jail sentences	Years	Months	Days	Amount of fines	Days	Fines	Won	Lost	Forfeitures	Releases	Number of cases	Amount of compromise accepted
District No. 9:																						
Northern Georgia	1,270	158	69	71	159	813	0	972	76.5	33.3	110	5	26	$39,336.00	40.9	40.46			20	3		
Middle Georgia	1,179	21	387	49	98	624	0	722	61.2	48.6	144	10	15	29,664.50	72.2	41.08	5		23	7		
Southern Georgia	594	20	206	7	23	338	0	361	60.7	46.5	52	3	6	19,037.00	52.1	52.73			48	2		
	649	57	130	120	54	288	0	342	52.6	14.9	9	3	16	42,685.00	9.7	124.80	1		71	14		
Total	3,692	256	792	247	334	2,063	0	2,397	64.9	37.2	316	11	3	130,722.50	47.5	54.53	6		162	26	26	$2,966.00
District No. 10:																						
Northern Florida	254	2	94	5	4	148	1	153	60.2	25.4	4	11	3	12,830.00	11.5	83.85						
Northern Alabama	509	10	39	87	66	307	0	373	73.2	46.3	44	8	1	29,473.02	43.1	79.01			8	5		
Middle Alabama	96	24	0	15	1	56	0	57	59.3	3.5	1	3	1	1,935.00	7.9	33.94		2	3	2		
Southern Georgia	329	2	7	17	44	250	9	203	92.0	20.4	23	1	28	26,878.08	27.5	88.70			13	3		
Northern Mississippi	840	139	5	23	31	642	0	673	80.1	46.2	144	24	9	98,502.75	78.1	146.36	5		11			
Southern Mississippi	432	94	10	11	10	307	0	317	73.3	37.2	49	16	17	18,983.70	57.2	59.88	7		5			
Eastern Louisiana	1,331	68	25	38	15	1,184	1	1,200	90.1	11.1	42	1	26	208,796.00	12.6	173.99	1	11	42			
Western Louisiana	335	46	5	14	13	257	0	270	80.5	55.9	27	4	2	11,987.75	36.4	44.39	3		17	6		
Total	4,126	385	185	210	184	3,151	11	3,346	81.0	29.5	339	10	27	409,386.30	36.5	122.35	16	13	99	16	107	11,377.85
District No. 11:																						
Eastern Kentucky	4,339	51	490	443	664	2,691	0	3,355	77.3	21.2	442		14	354,084.00	47.4	105.53	3	4	1			
Western Kentucky	996	13	277	34	74	598	0	672	67.4	41.8	59	5	12	58,575.00	32.0	87.16	6	11	4	3		
Eastern Tennessee	905	37	111	73	112	564	8	684	75.5	41.9	83	5	17	77,446.00	44.1	113.22			20	2		
Middle Tennessee	1,065	59	136	128	121	616	5	742	69.6	42.5	138	4	6	58,352.89	67.1	78.64	8	8	8	10		
Western Tennessee	291	50	0	11	8	222	0	230	79.0	18.6	12		7	30,126.96	15.6	130.98	3	8		3		
Total	7,596	210	1,014	689	979	4,691	13	5,683	74.8	28.8	733	11	26	578,584.85	46.4	101.80	20	31	33	18	26	19,360.55
District No. 12:																						
Indiana	773	11	23	12	74	653	0	727	94.0	69.8	107	1	27	85,181.00	53.0	117.16	195	5	19	6		
Northern Ohio	1,875	109	42	23	108	1,591	2	1,701	90.7	63.6	317	1	10	278,683.03	67.1	163.83	341	209	86	47		
Southern Ohio	425	1	30	3	7	382	2	391	92.0	50.8	50	11	24	59,038.06	46.9	150.99	29	1	67	14		
Total	3,073	121	95	38	189	2,626	4	2,819	91.7	63.4	475	3	1	422,902.09	60.6	150.02	565	215	172	67	71	32,600.00
District No. 13:																						
Northern Iowa	283	59	0	1	2	221	0	223	78.7	12.5	4	5	5	50,825.00	7.1	227.91		1	14	2		
Southern Iowa	245	15	6	3	11	210	0	221	90.2	38.9	25	3	4	69,900.00	41.1	316.28	3					
Northern Illinois	1,567	562	17	68	95	819	6	920	58.7	39.1	60	6	18	191,395.85	23.6	208.03	398	42	91	37		
Southern Illinois	578	11	165	4	16	378	4	398	68.8	33.4	47	3	27	123,310.81	42.8	309.82	87	60	4	4		
Eastern Illinois	445	12	42	18	41	332	0	373	83.8	79.0	88	10		107,055.00	85.7	287.01	170	21		1		
Eastern Wisconsin	487	13	33	10	36	395	0	431	88.5	72.8	129	7	10	48,565.00	108.2	112.67	77	3	14	2		
Total	3,605	672	263	104	201	2,355	10	2,566	71.1	47.3	356	0	4	591,051.66	49.9	230.33	735	127	123	46	220	54,093.30
District No. 14:																						
Western Wisconsin	255	9	25	1	5	215	0	220	86.2	68.6	32	1	27	20,644.00	52.6	93.83	27		1			
Minnesota	1,268	8	157	3	16	1,083	1	1,100	86.7	62.2	213		20	204,336.00	69.7	185.76	225	29	10	7		
North Dakota	48	9		1	3	35	0	38	79.1	31.5	3	4	20	3,315.00	32.1	87.23	10	2	11			
South Dakota	193	52	5	1	5	130	0	135	69.9	28.1	11	8		15,025.00	62.2	111.29		4	2	1		
Total	1,764	78	187	6	29	1,463	1	1,493	84.5	59.3	260	3	7	243,320.00	62.7	162.97	262	35	24	8	93	12,272.51
District No. 15:																						
Northern Oklahoma	1,093	191	6	25	52	800	19	871	79.6	38.3	233	11	23	57,546.50	96.7	66.06						
Eastern Oklahoma	1,145	96	0	13	59	977	0	1,036	90.4	36.6	88	7	15	79,744.00	30.7	76.97			1			
Western Oklahoma	659	128	0	11	29	491	0	520	78.9	51.5	60	2		48,933.00	41.6	94.10	1		14	1		
Kansas	10	0	1	1	2	6	0	8	80.0	25.0		3		475.00	11.2	59.37						
Nebraska	611	131	25	7	7	441	0	448	73.3	26.5	11	2	20	49,162.65	8.2	109.73	6	7	12	8		
Total	3,518	546	32	57	149	2,715	19	2,883	81.9	38.2	393	2	28	235,861.15	49.1	81.81	7	7	27	9	15	2,050.00
District No. 16:																						
Eastern Arkansas	540	130	21	28	35	326	0	361	66.8	51.5	65	7		27,198.00	65.4	75.34						
Western Arkansas	157	7	30	6	8	106	0	114	72.6	24.5	6		5	6,390.00	18.9	56.05	1			2		
Eastern Missouri	914	68	7	4	12	820	3	835	91.3	51.6	74	8	1	173,381.94	32.1	207.64	1	1	7			
Western Missouri	621	31	36	2	19	522	11	552	88.8	61.2	92	6	3	65,328.00	60.3	118.34	27	13	2	1		
Total	2,232	236	94	40	74	1,774	14	1,862	83.4	52.2	238	9	9	272,297.94	46.1	146.23	29	14	9	3	121	15,902.09
District No. 17:																						
Northern Texas	1,387	261	0	53	93	980	0	1,073	77.3	35.1	59	1	6	129,846.55	19.8	121.01			9	5		
Eastern Texas	419	91	0	21	34	293	0	327	74.4	16.5	16	1	28	25,821.00	17.7	78.96	26	2				
Southern Texas	1,017	201	0	46	70	700	0	770	75.7	33.7	104	2	24	57,600.00	48.7	74.80	33		20	9		
Western Texas	1,328	199	0	25	73	1,031	0	1,104	83.1	41.8	255	2	23	91,677.50	83.2	83.04	26	4	25	11		
Total	4,171	752	0	145	270	3,004	0	3,274	78.4	35.2	434	8	21	304,945.05	47.8	93.14	85	6	54	25	87	11,452.50

Prosecutions under the national prohibition act in Federal courts, fiscal year ended June 30, 1928—Continued

Judicial districts and administrative districts	Terminations				Convictions					Per cent of convictions receiving jail sentences	Sentences						Civil suits					
															Average sentence imposed per each conviction		Injunctions		Libels		Compromises	
	Total terminations	Dismissals	Nol-prossed	Acquittals	Verdicts of guilty	Plead guilty	Nolo contendere	Total convictions	Per cent of convictions		Years	Months	Days	Amount of fines	Days	Fines	Won	Lost	Forfeitures	Releases	Number of cases	Amount of compromise accepted
District No. 18:																						
Colorado	362	102	44	16	49	151	0	200	55.5	67.5	59		2	$45,145.00	106.2	225.72	12	4				
Wyoming	108	10	8	3	0	87	0	87	80.5	17.2		11	13	14,010.00	3.9	161.03	7	4				
New Mexico	177	30	0	14	8	125	0	133	75.1	42.8	15	5	11	13,423.00	41.8	100.92	4	3				
Total	647	142	52	33	57	363	0	420	64.9	49.2	75	4	26	72,578.00	64.6	172.80	23	11			17	$1,825.00
District No. 19:																						
Montana	905	94	0	24	64	723	0	787	86.9	31.5	37	2	22	66,651.50	16.5	84.69	206	14	2	6		
Idaho	525	104	0	27	52	342	0	394	75	67.7	111	3		116,601.00	101.6	295.94	4	6		1		
Utah	124	42	1	18	8	55	0	63	59.4	33.3	6		15	6,635.00	34.5	105.31	14	22	9			
Total	1,554	240	1	69	124	1,120	0	1,244	80	43.0	153	6	7	189,887.50	44.41	152.64	224	42	11	7	49	3,749.12
District No. 20:																						
Eastern Washington	214	39	0	16	35	124	0	159	74.2	61.6	27	1	19	27,130.00	61.4	170.62	1	2	14	3		
Western Washington	1,558	522	39	145	183	667	2	852	54.6	49.1	200	4	27	336,874.52	84.6	395.39	5	18	35	65		
Oregon	434	75	0	8	20	331	0	351	80.8	53.8	59	8	20	47,651.25	61.2	135.75	2	2	14	12		
Alaska—																						
First	50	9	0	7	15	19	0	34	68	70.5	12	3		13,725.00	129.7	403.67		3	1	1		
Second	12	2	0	0	0	10	0	10	83.3					1,009.71		100.97						
Third	31	10	0	4	2	15	0	17	54.8	11.7	8			2,415.00	169.4	142.05	3	5	2	1		
Fourth	6	0	0	0	4	2	0	6	100	83.3	4	6	1	3,286.15	270.1	547.79						
Total	2,305	657	39	180	259	1,168	2	1,429	61.9	51.5	312		7	432,092.23	78.6	302.37	11	30	66	82	261	32,341.66
District No. 21:																						
Northern California	868	335	17	18	13	485	0	498	57.3	11.6	14	2	12	151,478.00	10.2	304.17	124	21	42	9		
Nevada	228	81	0	7	10	130	0	140	61.4	49.2	28	4	28	34,681.00	73	247.72	63	74				
Total	1,096	416	17	25	23	615	0	638	58.2	19.9	42	7	10	186,159.00	24	291.78	187	95	42	9	111	8,418.27
District No. 22:																						
Southern California	373	114	0	15	26	218	0	244	65.4	22.1	20	4	24	67,408.00	30	276.26	1	2	65	17		
Arizona	673	243	0	17	36	377	0	413	61.3	27.3	50	10	9	60,177.30	44.3	145.70			3	1		
Total	1,046	357	0	32	62	595	0	657	62.8	25.4	71	3	3	127,585.30	39	194.19	1	2	68	18	79	8,202.43
District No. 23:																						
Hawaii	403	4	150	10	5	234	0	239	59.3	4.1	5		10	39,055.00	7.5	163.41	3	8	17	4	112	4,225.00
District No. 24:																						
Porto Rico	1,411	9	0	105	20	1,277	0	1,297	91.9	11.8	12	9	22	20,142.61	3.5	15.53	1	3	19	7		
District No. 25:																						
Eastern Michigan	1,452	8	121	20	90	1,213	0	1,303	89.7	32.1	200	11		626,952.20	55.5	481.16	393	76	303	12		
Western Michigan	259	0	17	2	30	210	0	240	92.6	53.3	76		7	64,000.00	114	266.66	35	1	11	1		
Total	1,711	8	138	22	120	1,423	0	1,543	90.1	35.4	276	11	7	690,952.20	64.6	447.79	428	77	314	13	31	5,160.00
Bureau																					1,146	521,727.19
Grand total	77,799	7,643	8,621	2,722	4,350	54,325	138	58,813	75.5	28.5	5,631	6	24	7,031,109.66	34.4	120.00	4,268	1,160	3,639	843	3,831	1,109,518.82

Mr. TYSON. This chart shows that there were 77,799 cases brought before the district courts of the United States, and of that number 58,813 were convictions.

The average fine was $120, and the average jail sentence imposed was 34.4 days. The per cent of convictions receiving jail sentences was 28.5. There were 54,325 who pleaded guilty, and a total of 7,072 trials by jury, of which 4,350 were found guilty and 2,722 were acquitted. None received jail sentences except those tried by jury.

It will be observed that the number of cases tried by jury is less than 10 per cent.

I have been informed that in some of the districts the docket is so crowded that the lawbreakers largely control the fines that can be given them by refusing to plead guilty if the fine is to be large.

An examination of the chart will show that in the southern district of New York, for instance, where there were some 9,084 cases disposed of last year, there were only 52 trials by jury, and if all the cases are considered which were tried and convictions had that the average jail sentence was only six-tenths of a day and the average fine was $26. How can you expect enforcement with those pitiful fines? That is the farce; it is the sentences and the fines that the courts give for violating the law.

It is said that the reason for these low fines and small jail sentences was because of the fact that a compromise had to be made with the criminal in order to get the accused to plead guilty, and thereby avoid jury trials. If jury trials had been demanded, thousands of cases would continue to accumulate upon the docket, the witnesses would disappear, and the accused would give bond and never be brought to trial.

Mr. President, it is a deplorable condition when a criminal can go into a court and almost dictate his own sentence owing to the crowded condition of the docket.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. TYSON. I do.

Mr. REED of Missouri. How does the Senator reconcile the statement he has just made with reference to congestion of the courts with the assertions that have been repeatedly made on the floor, to-day and yesterday, that the courts have plenty of time to try these cases and that they are not really working?

Mr. TYSON. That may be the case, Mr. President; and I doubt very seriously if all the courts do work. I think that if there is any one thing in this country that ought to be investigated it is the workings of our courts.

Mr. REED of Missouri. I do not care to cavil. I just wanted to call attention to the situation. I understand the Senator now to say that these fines have been accepted and these pleas of guilty have been accepted because if they had jury trials the courts could not dispose of the cases. That, of course, conflicts with the statements that have been made by other Senators; and I just wondered how we, who are sitting here trying to get information, are going to reconcile these conflicting statements.

Mr. TYSON. I did not understand that there were any conflicting statements.

Mr. REED of Missouri. I have tried to make it plain that a number of Senators have insisted that the courts are not busy; that they are not congested; that there are plenty of courts to try the cases. The Senator has just told us that one reason why jury trials have not been had is that if we had jury trials the courts could not dispose of the business. I am not saying that the Senator has made conflicting statements, but I say that his statement conflicts with the statements of others.

Mr. TYSON. That may be true, Mr. President; I do not know exactly what other people have said, but I want to say that I take it that the Secretary of the Treasury ought to know more about this matter than anybody else, and what does the Secretary of the Treasury say about it?

Mr. REED of Missouri. I think the Senator is correct.

Mr. TYSON. I want to read this into the RECORD. It is in the letter which he wrote, I think, to Bishop Cannon, or some gentleman who had written to him, and it is published in this morning's Washington Post. The Secretary said:

As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition, but its success—

Mark the word "success"—

success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial.

POINTS OUT OTHER NEEDS

What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only, and restricts the uses by the bureau, with no discretion in the Secretary of the Treasury.

There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight.

The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard.

Furthermore he said:

I note that in your telegram you suggest that the restrictions be removed and that $25,000,000 be made available to the Secretary of the Treasury to spend as he sees fit.

Mr. President, I tried to remedy that by making a suggestion to the senior Senator from Georgia, and I think his new amendment will correct that defect.

This, of course, is not the Harris amendment now pending in Congress, and aside from the fact that it would make no provision whatsoever for relieving the congestion in the courts, which to-day constitutes one of the major problems in the field of prohibition enforcement, I want to suggest whether you consider it good practice to place so vast a sum in the hands of a public official with unlimited discretion as to its use?

What I wish to call to the attention of the Senate is the fact that the Secretary of the Treasury, perhaps for the first time, has brought in a report, and says that the major problem in the enforcement of the prohibition laws is the relief of congestion of the courts. That is the major problem. We are speaking about a lot of things, about arrests, and so on, but the problem is, after you get men arrested, to get them tried. What good would it be to have 10,000 policemen in Washington arrest 10,000 men, and have no means for having them tried and punished? I say that that is the meat and the crux of this law-enforcement question, and until we succeed in having a court that can try every offender within a reasonable time, we may expect not to have any proper enforcement of this law.

It is said that in the courts of the southern district of New York, where there are six judges, there were 9,000 prohibition cases last year, but it must be remembered that that was in addition to all the other cases. New York is a great city; there is a tremendous amount of civil business conducted there, and yet they had 9,000 prohibition cases. The courts could not possibly try those cases. They had to accept practically what those men were willing to pay, and that is the reason why those miserable little fines were imposed, and why practically no jail sentences were given. Until we punish men, they will not think they have committed any crime to amount to anything. That is the thing to which the Senate ought to give its attention. We ought to pass a bill at this session dealing with that subject. If we do pass this bill and permit this $25,000,000 to be appropriated, the Secretary of the Treasury can not create courts. He can only employ assistants, and if the courts are clogged so that the cases can not be tried, men can give bond and go out and continue to do the very things next day which they did yesterday.

It is a deplorable condition, Mr. President, when a criminal can go into a court in this country and almost dictate his own sentence owing to the crowded condition of the docket. I speak advisedly. I have discussed this matter with the Prohibition Unit, with men who have had actual experience in this matter, and they tell me these are the facts. If the Congress of the United States does not relieve this situation, then they should be held responsible for nonenforcement as well as the Secretary of the Treasury.

The Prohibition Unit informs me that this condition can never be overcome until we have more judges and more assistant United States district attorneys, whose special duty it will be to keep the docket cleared of prohibition cases.

Especially is this true when district judges are situated in populous cities where there is a great number of civil cases to be disposed of, as well as other criminal cases.

The Secretary further says in his letter:

The problem of smuggling is an important one. Its prevention is largely dependent, in so far as our sea coast is concerned, on the adequacy of the fleet maintained by the Coast Guard and in part on an adequate customs force at our various ports; and in so far as our land borders are concerned, on an effective patrol of the borders. On account of our failure thus far to secure a satisfactory agreement with Canada, which, in my opinion, would materially reduce the liquor traffic coming over the Canadian border, the necessity of a thoroughgoing survey as to the best means of increasing the effectiveness of our border patrol is apparent.

Mr. President, it is the duty of the Secretary of the Treasury, knowing these conditions, to set out to meet them. He is the man who is responsible. Responsibility can not be put on Doran or Lowman; it is the responsibility of the Secretary of the Treasury. When he sends men to the courts of this country to be tried, it is up to the Department of Justice to see that they are tried. We have a dual responsibility here. The Treasury Department insists that they are sending so many cases now to the Department of Justice that they can not get them tried. Therefore it is the Department of Justice that is largely at fault, as much so, in my judgment, as the Treasury Department.

The Secretary of the Treasury realizes that the prevention of smuggling could be largely aided by an increased force of the fleet maintained by the Coast Guard and an adequate customs force at our various ports, and, so far as our land borders are concerned, by an effective patrol of the border.

Mr. President, it stands to reason from these statements of the Secretary that he realizes that our Coast Guard is not sufficient and needs strengthening; that we have not an adequate customs force at our various ports; and that we have not an effective patrol of our borders.

We never can have prohibition until we stop the sources of supply, and this is the main source of supply in this country to-day.

With the money which we are proposing to give him he could strengthen the Coast Guard wherever he felt it necessary, increase the customs force at the various ports, and also increase the patrol at our border.

Until this is done, Mr. President, everybody must admit that we can not hope to keep liquor, and vast quantities of it, from coming in from Canada, Mexico, and elsewhere.

The Secretary further says:

Looking to the future, it will no doubt be advantageous to provide additional funds for increased border patrol of the Customs Service and an increased customs force at some of the principal ports of entry and increased equipment for the Coast Guard.

I ask, Mr. President, how are these things to be brought about unless there is an additional appropriation? As I understand the Budget as now made out, there is provision for the use of every single dollar that has been appropriated, so that if we are going to have any increase in enforcement, any increased efficiency in the Coast Guard, the border patrol, or the Customs Service we must have more money in order to carry those agencies forward.

It seems to me, Mr. President, that this is a positive statement by the Secretary of the Treasury that more money is needed.

He does not say how much, but when we appropriate $25,000,000 and put it in his hands to be used at his discretion, it seems to me that we have done all that he could possibly ask, and it shows our confidence in him.

I believe, furthermore, that the field men should have an increase in salary. As I understand it, these men now get $1,500 and $1,800 per year. This is entirely too little for men employed in such important and hazardous duties. I do not see how the department has succeeded in getting any suitable men at these salaries. They ought to be raised to $2,500 and $3,000.

Any man employed as an inspector or as a field agent has to be away from home a great deal and is put to unusual expense, and it is no wonder if some yield to temptation. It seems to me that the Government, by giving such small salaries, invites yielding to temptation, and is almost particeps criminis with the prohibition agent who falls by the wayside.

Mr. President, there are some twenty-five hundred prohibition agents throughout this country now. That is an average of about 50 for each State. What could 50 policemen or 50 deputy sheriffs do toward keeping down crime in any State of the Union, and especially in those States that have no State laws for prohibition enforcement?

I am in favor of appropriating this money and turning it over to the Secretary of the Treasury for better enforcement. I am confident if he has this great amount of money at his disposal, he, and those under him, will find a useful way to employ a part, if not all, of it.

It will be a spur to every official in the department to feel that the Congress of the United States is behind him. Double the amount of field men can be used and the great amount of liquor coming in from Canada and other foreign countries can be greatly decreased.

I have always believed that the Prohibition Unit was right in making its main effort against the source of supply, and this will require a great many more men than they now have, especially on the Canadian border.

I believe there will be no lack of applicants for civil service appointments if the department will go after this matter vigorously and let the public know that it needs men and will accept the applicants without undue partisanship.

I am willing to trust the Secretary of the Treasury with this money, and will trust him to use it economically, and if all is not used, it can be turned back into the Treasury. Pass this appropriation, and law enforcement will have made a long step forward.

I believe the paramount thing to do now in the enforcement of prohibition is to provide for additional associate judges and assistant district attorneys charged with the duty of looking especially after prohibition cases. If this is not done, it will be useless to continue to arrest great numbers of violators of the law who can never be brought to trial and thus tend to make a farce of the law.

It seems to me that the Congress, if it desires to see the law enforced, will readily see that without an increase in machinery to try these cases, enforcement will be no better no matter how much money we appropriate nor how many investigations we make.

The Secretary of the Treasury is being criticized because it is claimed he does not enforce the law. He says in effect it is necessary to clear the court dockets to make prohibition enforcement effective. The thing for Congress to do is to accept the opinion of the Secretary and remedy the situation by appointing additional forces for the trial of cases.

Mr President, I ask unanimous consent to insert in the RECORD a summary of the prohibition cases on hand October 31, 1928, by judicial districts; also a memorandum which I have had prepared relating to the condition of the dockets in the various judicial districts of the United States, showing that in some districts the judges seem to be very diligent and have tried hundreds of cases by jury, while in other districts they have tried but few. I simply want to submit these statistics for the consideration of the Senate and for the information of the public in order that, if possible, we might get better enforcement and a more diligent effort, if possible, on the part of the district judges of the United States to dispose of prohibition cases.

Mr. McKELLAR. Mr. President, do the Senator's figures apply to the whole country?

Mr. TYSON. Yes. There may be a few districts I have not been able to get, but the figures cover largely the entire country.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee is granted.

The summary and memorandum are as follows:

Fifty per cent of cases pending in following States

New York	5,245
Georgia	1,769
West Virginia	1,008
Illinois	986
North Carolina	923
Florida	811
New Jersey	772
Total	11,514

Cases on hand October 31, 1928, by judicial districts

Alabama:	
Northern	73
Middle	69
Southern	108
Alaska:	
First division	16
Second division	3
Third division	1
Fourth division	3
Arizona (one district)	198
Arkansas:	
Eastern	168
Western	40
California:	
Northern	143
Southern	164
Colorado (one district)	121
Connecticut (one district)	15
Delaware (one district)	19
District of Columbia (one district)	298
Florida:	
Northern	60
Southern	751
Georgia:	
Northern	988
Middle	242
Southern	539
Hawaii (one district)	32
Idaho (one district)	165
Illinois:	
Northern	678
Eastern	92
Southern	216
Indiana:	
Northern	159
Southern	84
Iowa:	
Northern	23
Southern	34
Kansas (one district)	29
Kentucky:	
Eastern	458
Western	69
Louisiana:	
Eastern	77
Western	29
Maine (one district)	32
Maryland (one district)	343
Massachusetts (one district)	171
Michigan:	
Eastern	339
Western	22
Minnesota (one district)	272
Mississippi:	
Northern	132
Southern	87
Missouri:	
Eastern	103
Western	203
Montana (one district)	445
Nebraska (one district)	219
Nevada (one district)	63
New Hampshire (one district)	17
New Jersey (one district)	772
New Mexico (one district)	38
New York:	
Northern	1,444
Eastern	812
Western	1,005
Southern	1,984
North Carolina:	
Eastern	117
Middle	381
Western	725
North Dakota (one district)	52
Ohio:	
Northern	365
Southern	91
Oklahoma:	
Northern	128
Eastern	199
Western	398
Oregon (one district)	73
Pennsylvania:	
Eastern	200
Middle	53
Western	338
Porto Rico (one district)	758
Rhode Island (one district)	82
South Carolina:	
Eastern	472
Western	62
South Dakota (one district)	125
Tennessee:	
Eastern	315
Middle	327
Western	74
Texas:	
Northern	271
Eastern	178
Southern	83
Western	127
Utah (one district)	60
Vermont (one district)	28

Virginia:	
Eastern	50
Western	107
Washington:	
Eastern	42
Western	314
West Virginia:	
Northern	172
Southern	836
Wisconsin:	
Eastern	204
Western	97
Wyoming (one district)	33
Total	22,602

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
Washington, December 7, 1928.

Memorandum

The following record of national prohibition cases and their disposition in certain judicial districts is presented for your information. In the perusal of these figures it should be borne in mind that the average number of cases thrown out of the United States courts during the last fiscal year was 15.6 per cent of the terminations. About 7 per cent of the terminations are trials by jury with the Government winning approximately two-thirds of the cases:

FIFTEEN-MONTH PERIOD ENDING SEPTEMBER 30, 1928

NORTHERN CALIFORNIA—TWO JUDGES

This district imposed jail sentences in only about 5 per cent of the convictions last year. Of the 10 persons convicted in conspiracy cases during the year but 1 person received a jail sentence which amounted to one day. Note the large number of cases nol-prossed and dismissed.

Commenced	1,044
Terminated	978
Convictions	692
Pleas of guilty	692
Trials by jury	21
Acquittals	7
Nol-prossed	2
Quashed or dismissed	277
Percentage of terminations nol-prossed and dismissed	28.5

DISTRICT OF COLUMBIA—FOUR JUDGES

Only 5 per cent of the terminations are trials by jury. Very low sentences are imposed and very few jail sentences given. Last fiscal year only 158 jail sentences imposed in 1,719 convictions. Note the large number of cases nol-prossed and dismissed.

[September report not received]

Commenced	3,129
Terminated	2,909
Convictions	1,852
Pleas guilty	1,783
Trials by jury	122
Acquittals	58
Nol-prossed	956
Quashed or dismissed	43
Percentage of terminations nol-prossed and dismissed	34.3

SOUTHERN FLORIDA—TWO JUDGES

Comparatively large number nol-prossed and dismissed.

Commenced	711
Terminated	439
Convictions	271
Pleas guilty	224
Trials by jury	107
Acquittals	60
Nol-prossed	19
Quashed or dismissed	19
Percentage of terminations nol-prossed and dismissed	24.6

NORTHERN GEORGIA—ONE JUDGE

Note the large number of cases handled. Results show an average per cent of convictions and jail sentences imposed. Fines are low.

Commenced	1,253
Terminated	1,137
Convictions	865
Pleas guilty	732
Trials by jury	187
Acquittals	54
Nol-prossed	35
Quashed or dismissed	183
Percentage of terminations nol-prossed and dismissed	19.1

MIDDLE GEORGIA—ONE JUDGE

Large number of cases for one judge and a large amount of cases thrown out of court.

Commenced	902
Terminated	1,215
Convictions	829
Pleas of guilty	724
Trials by jury	145
Acquittals	40
Nol-prossed	303
Quashed or dismissed	42
Percentage of terminations nol-prossed and dismissed	27.5

SOUTHERN GEORGIA—ONE JUDGE

Small number of trials by jury. Large number nol-prossed. Only 14 per cent of convictions get jail sentences. Average for country, 28.5 per cent.

Commenced	373
Terminated	511
Convictions	343
Pleas, guilty	325
Trials by jury	24
Acquittals	6
Nol-prossed	149
Quashed or dismissed	13
Percentage of terminations nol-prossed and dismissed	31.7

NORTHERN ILLINOIS—THREE JUDGES

Small number of cases for three judges. Low jail sentences imposed.

Commenced	1,063
Terminated	792
Convictions	643
Pleas of guilty	598
Trials by jury	52
Acquittals	7
Nol-prossed	2
Quashed or dismissed	139
Percentage of terminations nol-prossed and dismissed	17.8

MASSACHUSETTS—THREE JUDGES

Small number of cases for three judges. Very few trials by jury. Only 28 jail sentences during the year. Low average sentence.

Commenced	461
Terminated	476
Convictions	397
Pleas of guilty	393
Trials by jury	8
Acquittals	4
Nol-prossed	69
Quashed or dismissed	6
Percentage of terminations nol-prossed and dismissed	15.7

NEW JERSEY—FOUR JUDGES

Comparatively small number of cases. Low average sentences.

Commenced	711
Terminated	355
Convictions	250
Pleas of guilty	233
Trials by jury	21
Acquittals	4
Nol-prossed	98
Quashed or dismissed	3
Percentage of terminations nol-prossed and dismissed	28.4

NORTHERN NEW YORK—TWO JUDGES

Large number of cases. Very small number of trials by jury. Only 175 jail sentences imposed. Low average jail sentence.

Commenced	2,656
Terminated	2,301
Convictions	2,068
Pleas of guilty	2,048
Trials by jury	24
Acquittals	4
Nol-prossed	86
Quashed or dismissed	243
Percentage of terminations nol-prossed and dismissed	14.2

EASTERN NEW YORK—THREE JUDGES

Heavy courts; mostly pleas guilty. Average sentence per every conviction, $81.19 and 5.4 days.

Commenced	2,537
Terminated	3,240
Convictions	2,655
Pleas of guilty	2,579
Trials by jury	148
Acquittals	72
Nol-prossed	39
Quashed or dismissed	474
Percentage of terminations nol-prossed and dismissed	15.8

WESTERN NEW YORK—TWO JUDGES

Large number thrown out of court. Small number of trials by jury. Low jail sentences.

Commenced	1,011
Terminated	1,235
Convictions	524
Pleas of guilty	505
Trials by jury	31
Acquittals	12
Nol-prossed	581
Quashed or dismissed	118
Percentage of terminations nol-prossed and dismissed	56.5

SOUTHERN NEW YORK—SIX JUDGES

Very low sentences. Average last fiscal year per every conviction, $26.03 and 0.6 of a day. Average jail sentence based on number of jail sentences given is only 41.1 days. Average for country, 120.7 days. Small number of jury trials, about one-half of them resulting in acquittals.

[September report not received]

Commenced	10,231
Terminated	9,432
Convictions	8,604
Pleas of guilty	8,583
Trials by jury	39

Acquittals	18
Nol-prossed	291
Quashed or dismissed	519
Percentage of terminations nol-prossed and dismissed	8.5

WESTERN NORTH CAROLINA—TWO JUDGES

Small number of jury trials. Large number thrown out.

Commenced	1,063
Terminated	850
Convictions	479
Pleas of guilty	411
Trials by jury	112
Acquittals	34
Nol-prossed	146
Quashed or dismissed	181
Percentage of terminations nol-prossed and dismissed	38.9

WESTERN PENNSYLVANIA—THREE JUDGES

Low average jail sentence (7.8 days). Large number of pleas guilty. About one-half of the jury trials resulted in acquittals.

Commenced	1,188
Terminated	1,395
Convictions	1,154
Pleas of guilty	1,101
Trial by jury	99
Acquittals	46
Nol-prossed	189
Quashed or dismissed	6
Percentage of terminations nol-prossed and dismissed	13.9

EASTERN PENNSYLVANIA—THREE JUDGES

Small number of cases for three judges. About half of the cases tried by juries are acquitted.

Commenced	650
Terminated	482
Convictions	340
Pleas of guilty	275
Trials by jury	105
Acquittals	40
Nol-prossed	101
Quashed or dismissed	1
Percentage of terminations nol-prossed and dismissed	21.1

Conspiracy report of this district is interesting:

	1925	1926	1927	1928
Indictments filed	4	1	0	2
People involved	15	2	0	38
Convictions	0	[1]8	0	0
Acquittals	0	5	4	0
Nol-prossed	1	117	2	0

[1] Pleas of guilty.

MIDDLE PENNSYLVANIA—ONE JUDGE

Low average sentence, $139 and 10 days per every conviction last fiscal year. Forty-five jail sentences imposed during year, averaging 61 days each.

Commenced	363
Terminated	385
Convictions	280
Pleas of guilty	242
Trials by jury	65
Acquittals	27
Nol-prossed	77
Quashed or dismissed	1
Percentage of terminations nol-prossed and dismissed	20.2

EASTERN NORTH CAROLINA—ONE JUDGE

Fifty-one and three-tenths per cent cases are jury cases. Small number of acquittals. Average jail sentence per every conviction, 89.4 days.

Commenced	543
Terminated	530
Convictions	390
Pleas of guilty	185
Trials by jury	272
Acquittals	67
Nol-prossed	49
Percentage of terminations nol-prossed and dismissed	13.7
Quashed or dismissed	24

MIDDLE NORTH CAROLINA—ONE JUDGE

More than one-third of cases are jury cases. Average jail sentence per every conviction, 63.3 days. High per cent of convictions. Small number thrown out of court.

Commenced	632
Terminated	544
Convictions	441
Pleas of guilty	276
Trials by jury	206
Acquittals	41
Nol-prossed	34
Percentage of terminations nol-prossed and dismissed	11.3
Quashed or dismissed	28

WEST VIRGINIA—ONE JUDGE

Large number cases for one judge. Four hundred and eighty of the convicted were probated for five years each without any sentence being imposed. Small number of jury trials.

Commenced	2,752
Terminated	2,641
Convictions	2,145
Pleas of guilty	2,126
Trials by jury	22
Acquittals	3
Nol-prossed	404
Quashed or dismissed	29
Percentage of terminations nol-prossed and dismissed	18.6

Number of cases pending in Federal courts at the end of each year

1921	10,365
1922	16,713
1923	23,052
1924	22,380
1925	25,334
1926	20,434
1927	20,173
1928	18,005

Mr. HARRISON obtained the floor.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HASTINGS in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McNary	Simmons
Barkley	Fess	Mayfield	Smith
Bayard	Fletcher	Metcalf	Smoot
Bingham	Frazier	Moses	Steck
Black	George	Neely	Steiwer
Blaine	Glass	Norbeck	Stephens
Blease	Glenn	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Bratton	Greene	Oddie	Thomas, Okla.
Brookhart	Hale	Overman	Trammell
Broussard	Harris	Phipps	Tydings
Bruce	Harrison	Pine	Tyson
Burton	Hastings	Pittman	Vandenberg
Capper	Hawes	Ransdell	Wagner
Caraway	Hayden	Reed, Mo.	Walsh, Mass.
Copeland	Heflin	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Sackett	Waterman
Dale	Kendrick	Schall	Watson
Deneen	Keyes	Sheppard	Wheeler
Dill	McKellar	Shipstead	
Edge	McMaster	Shortridge	

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names a quorum is present.

Mr. CURTIS. I ask unanimous consent that at the conclusion of the remarks of the Senator from Mississippi [Mr. HARRISON] debate on the pending amendment and all amendments thereto and substitutes therefor be limited to 10 minutes for each Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARRISON. Mr. President, I was content to say nothing on the original amendment reported by the Committee on Appropriations carrying an appropriation or $25,000,000 for law enforcement, but the action of the distinguished Senator from Washington [Mr. JONES] and certain circumstances which have arisen since have provoked me into participating in the discussion.

It is a peculiar change of front upon the part of the leader from Washington to desire now to reduce the appropriation after he and others voted for it in the committee reporting it to the Senate. And it is a peculiar amendment that he now offers. Coming so soon after his conference with the late apostle of good will to South America, I am wondering whether it expresses the views of the next President of the United States. There is so much confusion existing about so many things at this particular time, including the question of who are to be members of the Cabinet presiding over the various departments of the Government, whether there is to be an extra session of Congress, what the new President's views are relative to this and that question, that I am almost at a complete loss as to just what the situation really is.

The Senator from Washington—and I am sorry he is not now in his seat—has always stood for large appropriations for enforcement of the prohibition law and has always allied himself with the prohibition forces of the country. I was delighted to hear him in his address the other day say that in the late campaign there was no prohibition issue. Of course, there were men and women in both of the great political parties who differed from their standard bearer touching this great question. I have differed with some of my best friends on it. I have differed with the leaders of my own political party respecting it. I recall that as a Member of the House on one occasion I voted to override the veto of a great Democratic President, one whom I delighted to follow, when he vetoed the Volstead Act. So we may have different views from those held by the leaders of our parties on this great political question, because long since the

American people concluded that as long as we keep the prohibition question in politics we will get nowhere respecting it. We have seen the same thing happen relative to our entrance into the League of Nations.

The Senator from Washington, in his proposed amendment reducing by some $24,000,000 the appropriation for the enforcement of the prohibition law, proposes to use this small sum in many different ways. For instance, he proposes to use a part of the $250,000 "for dissemination of information." What that means we are not yet told. He wants to use a part of it for "an appeal for law observance and law enforcement." Whether the particular apostles who went over the country in the late campaign misrepresented views, and so forth, are to be put under civil service we know not. It may be that the distinguished Senator from Washington wants to take care of some of those men so that they may go to some of the meetings and speak for law enforcement—

and for expenses in connection with travel of officers and employees in attending meetings of sheriffs and chiefs of police, and other meetings.

It is quite true, as the distinguished Senator from Wisconsin [Mr. BLAINE] has said, if that appropriation be provided under the language written by the Senator from Washington [Mr. JONES] the money could be used in sending officers to various meetings to post on billboards placards appealing to people to stand by prohibition and not be used, as it should be used, in providing for a larger number of men to go out and police the country, bring offenders to the bar of justice, and see that they are convicted of crime.

We are answered with a statement that the courts are clogged, that we need more courts.

Mr. President, since 1922 we have created 39 new Federal district judgeships in the United States. It was only a little while ago that we passed an omnibus judgeship bill here because it was said the necessity existed of enforcing this and other laws in the country.

However, be that as it may, both political parties in the last campaign stood for enforcement of prohibition as well as of other laws of the country. One party was just as strong in its expression, just as strong in its advocacy of enforcement as was the other political party. The leaders differed as to whether or not the law ought to be changed, and so forth. I did not agree with some of the leaders of my party, but I respect the views of other people on this question, because the American people have never been united on it, and I do not know that they ever will be united on it. However, the law is here, it should be enforced, and should not be stifled by either prohibitionists or by those who are lukewarm respecting its enforcement.

The Secretary of the Treasury says we ought to increase the facilities of the Coast Guard, and so on. I submit, Mr. President, that in the last bill covering that matter which we passed here and which, I think, is now a law, we increased the appropriation for the Coast Guard by $767,000; we gave to the Secretary of the Treasury every cent that he requested for the Coast Guard. The Appropriations Committee were liberal. The bill is now the law, and the appropriations carried by it for the Coast Guard have been increased to that amount. For the Customs Service we have appropriated every cent that the Treasury Department requested; indeed, we increased the appropriation this year over last year for that particular service by $1,816,000.

Every defect that might have been pointed out respecting the $25,000,000 appropriation proposed by the Senator from Georgia [Mr. HARRIS] has been remedied by his amendment as he has now modified it.

Mr. President, I said I did not know but that the Senator from Washington in moving to reduce this appropriation to $1,250,000 was expressing the views of the next President of the United States. Certainly there are Senators here who know his views; somebody has certainly been able to find out his views. When he spoke in the campaign he lauded the present administration to the skies.

It is said that on one occasion when he spoke by the time he was half way through his speech three-quarters of the audience had left. But his speeches were carried in all the newspapers of the country. He had a great interlocking radio-broadcasting system; and he spoke loudly and eloquently, as I have said, and with the utmost sincerity as to his faith in the administration, pledging his talents and his ability to carry on the policies of the Coolidge administration.

In those campaign speeches, Mr. President, there was not a single head of any department of this Government but was praised by the distinguished President elect. He spoke of the great granitelike ability of the distinguished Attorney General; he spoke of the fine work done by the Secretary of State, and also by the Secretary of the Navy, by the Postmaster General, and all of the other members of the Cabinet; but yet to-day after his return from South America, where he went on his censored good-will trip, everyone—if the newspapers can be believed—is in as much confusion as to what is going to happen as he was on the day of the election.

Mr. President, I ask why should there now be such confusion in other directions just as there is relative to his prohibition stand? The Republican candidate for the Presidency praised the fine constructive ability of the Secretary of State, lauded his work in putting through the peace pact, in the settlement of the Nicaraguan difficulty, and in the diplomacy displayed in our relations with Mexico, and yet among all the candidates who are mentioned for appointment to the high post of Secretary of State not a word is said about the incumbent—Frank B. Kellogg? We hear of Mr. Fletcher, who journeyed with the President elect through the peaceful waters of the Pacific, who made the long trip around the South American coast with him, spoken of as the next Secretary of State; we hear Mr. Dwight Morrow, who performed so well in Mexico, spoken of as the next Secretary of State; but no newspaper correspondent, no one who is close to the President elect, has ever suggested the name for appointment as Secretary of State of Frank B. Kellogg. Yet it was because of his conduct of foreign affairs during the last few years that the President elect in his campaign speeches lauded the Coolidge administration and said that he would carry on.

Take the Attorney General, the great friend of the President of the United States.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. HARRISON. Not just now, if the Senator will permit me to proceed.

The Attorney General came from the mountains of Vermont, and in many ways is somewhat like the President of the United States. If there was one appointment made by President Coolidge that was personal in its nature, it was the appointment of Mr. Sargent as Attorney General. His work was applauded by the President elect, who in his campaign speeches told how, since the Department of Justice had gotten rid of Daugherty, it had administered the law; it had enforced the law in all the courts of the land. Yet at this time, when the newspapers are publishing pages and columns about the next Cabinet, we find no mention of him.

They are mentioning Mr. Donovan, for instance, which brings to my mind certain facts and incidents which are not forgotten. Many of the prohibitionists of the country, perhaps, would like Mr. Donovan to be Attorney General of the United States, and there are many other elements in the country, perhaps, who would like to see him Attorney General. No doubt the distinguished Senator from Idaho [Mr. BORAH] would like to see Mr. Donovan appointed Attorney General of the United States. It will be remembered that, following an investigation by the Department of Justice, a jury acquitted and exonerated a distinguished Member of this body of certain charges that were brought against him after the sleuths of the department had gone out and conjured up tales to his detriment, although a committee of honorable Senators, headed by the distinguished Senator from Idaho [Mr. BORAH], had investigated the charges, gone to the bottom of the case, had unanimously agreed that there was nothing in the charges, and gave to the Senator from Montana [Mr. WHEELER] a clean bill. It was Mr. Donovan, of whom we hear so much to-day, of whom we read in the public press, that he may be named as the next Attorney General of the United States, who had something to do with that incident.

Then we read the next day that there is a timorous disposition about appointing him Attorney General; that he might fit in better as Secretary of War; and so the newspapers tell us that there is about to be kicked out the present Secretary of War who has reflected so much credit upon the present administration, who has molded the Army together and kept it upon a harmonious basis. In the campaign speeches by the President elect he was lauded as a great Secretary of War, and the work that he did in the Mississippi flood-control matter was cited; yet, as was done in the case of Mr. Culbertson, formerly a member of the Tariff Commission, he is to be transported overseas and given a diplomatic position.

We are told in the press that the present Secretary of War, one of the cogs in the great Coolidge machine, who was praised to high heaven and whose policies the President elect was going to carry on, is to be transported to some diplomatic place and Mr. Donovan is to be made Secretary of War. So we are left in a confused state as to whether Mr. Donovan

wants to take the position of Secretary of War or to be the Attorney General of the United States; but in all that we read and all that we hear no word has ever come from any friend of the President elect or from the President elect himself that John Sargent might be renominated as Attorney General of the United States.

Take the Secretary of the Navy, who, it is said, was appointed to his present position on the indorsement of Mr. Hoover. He has not secured his job. It is said that he whispers around to certain Republican leaders and asks them the question, "Have you heard anything about me?" [Laughter.] Other men, Mr. Robinson, of California, for instance, and Mr. Cramer, of North Carolina, are mentioned for the job of Secretary of the Navy.

Let us take now the Secretary of Labor. Was there ever a man who was more diligent, more persuasive in his eloquence, and more constant in his devotion to the candidacy of Mr. Hoover before the convention and afterwards than Mr. Davis? Mr. Mellon might have disagreed with him, but Mr. Hoover knows of the devotion of the Secretary of Labor. It is true the Secretary of Labor and Mr. Hoover have had some differences in the Cabinet. They differed, perhaps, about the national-origins test; they could not agree in their report to Congress as to whether or not it should be put into effect, and they may have differed about some other questions; but we know that every time the distinguished junior Senator from New York [Mr. WAGNER], when unemployment was rampant in this country, would make a speech and say there were four or five million men out of employment, Mr. Davis, as one of the apostles of the present administration, would give out a statement the next day and show that a million and a half men had gone to work the night before. [Laughter.] So Mr. Davis has been constant in his loyalty and devotion to the Coolidge administration; and yet in this confused state of political thought of all the men that we hear mentioned for the position of Secretary of Labor we never hear the present Secretary's name. We hear talk of Lewis, of Pennsylvania; of Mr. Doak, and of others; but this man who stood by the Coolidge policies, which Mr. Hoover in his campaign speeches pledged to carry on, is lost in the shuffle.

Now, take the Postmaster General. We love Harry New. He was one of us here once. He has made a good Postmaster General. He has appointed whom the Republicans wanted him to appoint; he has not paid so much attention to civil service, but there never was a Republican who did. [Laughter.] He inaugurated the air mail service of this country, broadened and enlarged it, and made it effective. He was appointed on the recommendation of JIM WATSON. Perhaps Will Hays wants to get the Postmaster Generalship again. That may be the fly in the ointment. We also hear of Bascom Slemp as a probable candidate for Postmaster General. It is quite true that he has certain qualifications for the position. [Laughter.] He knows the South and how to distribute patronage down there.

Mr. CARAWAY. Mr. President, did the Senator from Mississippi say Mr. Slemp knows how to distribute patronage?

Mr. HARRISON. Yes; distribute patronage.

Mr. CARAWAY. I did not understand the Senator.

Mr. HARRISON. And we hear of other distinguished Republican leaders, from Jim Good on; but nothing is mentioned about the present Postmaster General being reappointed to the Cabinet of President-elect Hoover.

Take the Secretary of the Interior. Of course, I know that you gentlemen are very proud of the last appointment to this place, and I will admit that it was a better appointment than some other appointments that have been made by the Republican administration to that office, but we hear nothing said now about reappointing Mr. West to this particular job. It is some one else. They do not know who it will be. It is said that the distinguished Senator from Utah [Mr. SMOOT] has a man in mind; that he wants to place one of his distinguished and loyal friends in that particular job. He is close enough to them down there now. There is no need for that; but of all the men we hear mentioned for it, we do not hear that the President elect is going to reappoint the man whom President Coolidge has appointed to carry out the Coolidge policies.

Take the Secretary of Commerce—the very man who was appointed, it is said, at the insistence of the President elect himself—Mr. Whiting. Do you hear his name mentioned for Secretary of Commerce? No. He is not mentioned for that place at all. But we hear much of the eager desire of Mr. Walter Brown to land that plum for services rendered.

And so you go down the line, and you come to the Secretary of the Treasury. Of course, he may be pushing himself a little bit in this particular controversy. He may be getting into a little deep water with some of his old allies in the campaign just closed. We read the other day in the papers that they have about settled their controversy; that Mr. Mellon is to go in and stay in for about 14 months, with the understanding that he is then to be given a long furlough, and Mr. Ogden Mills is to be appointed to the place.

But it seems that the New York political situation was not ironed out as well and as smoothly as we had thought it was in the beginning, because we heard a loud voice from over at the other end of the Capitol the very next day, the voice of the chairman of the Rules Committee, Mr. SNELL, and he says that the New York Congressmen must be consulted with reference to this matter.

But, Mr. President, this confusion that exists everywhere, this growing concern on the part of distinguished gentlemen who think they are entitled to a Cabinet position and who do not know yet whether they are going to be appointed to it, may be a part of the censorship that was imposed by the President elect in his recent "good will" trip to South America. We have all read of that censorship on the *Maryland* and on the *Utah*. The man who was placed in charge of it by the next President, Mr. George Barr Baker, is said to have been spoken of for one of these high Cabinet positions. It may be that there has been a change in the plans since the President elect requested the Appropriations Committee the other day to create a new position, carrying a salary of $10,000, and the chairman of the Appropriations Committee gladly acquiesced in it, and the distinguished Senator from Utah [Mr. SMOOT] acquiesced in it. Word came up to them that he said, "I shall need another secretary. I am going to have more correspondence than the present President. I need to take care of a certain fellow." Anyway, it may be said that that might have been in his mind. He wanted two secretaries. It is inexplicable why the distinguished Senator from Utah and the distinguished Senator from Wyoming did not comply with the request and give him two. That was the message that came to the Appropriations Committee—that he needed two additional secretaries when he became President of the United States. He wanted to take care of two fellows instead of one; and so it may be that there was some conflict, some confusion, as to whether Mr. Akerson or Mr. George Barr Baker was to get this particular place. It may be that something will be done about that at the next Congress.

It has been suggested that when the new President comes in he will ask of Congress a larger appropriation to enforce this law; that he will carry out his campaign pledges by doing that; and that you will then make the appropriation. I submit to you that that is impossible under your plan. If what we hear is true—and if there is any denial of it, I wish some leader would rise and deny it—when the extra session of Congress meets, under your plan or the plan of the House leaders, you are going to organize one committee or two committees—the Rules Committee and the Ways and Means Committee. It is said that you are not going to have the Appropriations Committee organized, so that you will not be bothered with all that; that you will not have the other committees organized to consider a whole lot of other legislation; but you are going to organize the Ways and Means Committee and pass a tariff bill, and organize the Agricultural Committee, perhaps, and bring the bills over here under those circumstances. So it matters not how the President in his inaugural address or his first message to Congress may appeal for increased funds to enforce the prohibition law; you will not have the agency with which to do it unless you change your plan and pass it during the extra session of Congress.

Mr. President, there is no politics in this proposition. Both political parties—and I think about 99 per cent of the American people—believe in the enforcement not only of the prohibition law but of every other law on the statute books. At least it is our duty to provide the means so that there can be an honest endeavor to enforce the law; and, so far as I am concerned, I want no alibi from anyone with reference to this great question. I am willing to vote the $25,000,000 and place it in the hands of the present Secretary of the Treasury if he is to be the next Secretary of the Treasury, or in the hands of Mr. Bill Donovan, if he is to be the next Attorney General of the United States and there should be a transfer of the Prohibition Unit over to the Department of Justice. Let them have the necessary money. This appropriation lasts until the 30th day of June, 1930, nearly a year and a half. If this appropriation is not made now it would be at least a year before an increased appropriation could be made to enforce this law: and it would seem to me that the least thing we could do is to adopt the amendment offered by the distinguished Senator from Georgia [Mr. HARRIS].

Mr. President, I desire at the close of my remarks to have inserted in the RECORD an article on censorship, and how it

worked during Mr. Hoover's recent trip around South America, as written by a distinguished newspaper correspondent, Mr. George H. Manning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. CARAWAY. Mr. President, before the Senator sits down, is it George Barr Baker that the Senator is talking about?

Mr. HARRISON. George Barr Baker is the censor.

Mr. CARAWAY. Is he the same gentleman who was peddling around those papers purporting to be diplomatic correspondence with Mexico, or at least had them and showed them to somebody?

Mr. HARRISON. He is the same gentleman. He used to be editor of Everybody's Magazine.

Mr. CARAWAY. Is he the one of whom Mr. Lane, I believe, said that they had to get these papers away from him with some difficulty?

Mr. HARRISON. That is the same George Barr Baker.

EXHIBIT A

[From the Editor and Publisher and the Fourth Estate for January 12, 1929]

CHARGE PRESS CENSORSHIP ON HOOVER GOOD-WILL TRIP TO SOUTH—WASHINGTON CORRESPONDENT CORPS REPORTED INDIGNANT AT DELETIONS IN COPY AND GENERAL ATMOSPHERE OF INTIMIDATION—THREE CORRESPONDENTS FORCED TO RISK LIVES IN AIR

By George H. Manning, Washington correspondent, Editor and Publisher

(By telegraph to Editor and Publisher)

WASHINGTON, D. C., January 10.—Washington newspaper correspondents who accompanied President-elect Herbert Hoover on his good-will tour of South America are indignant at censorship of their dispatches during the trip.

While the actual deletion of stories was not frequent or at great length, the atmosphere almost of intimidation which prevailed imposed psychological conditions which are regarded by the correspondents as far more important than the restriction actually practiced.

In many instances, they declare, no stories were sent or even written because the newspaper men felt that it would be useless to attempt to get them radioed from the ships which carried the party. Actual incidents which were not reported or which were inadequately handled for this season included the following as the most important items:

A series of opinions given Mr. Hoover and the party by American firms and native chamber of commerce at points the party stopped that the visit of American battleships for maneuvers in South American waters is a nuisance and threatens good relations.

The wounding of a native policeman by a member of the crew of the *Maryland* at Lima, Peru.

The storm encountered in the Pacific by the *Maryland*.

Journalistic circles here and in other cities have registered a protest that is still growing against the methods employed on the trip. No similar censorship has been attempted by Government officials within the memory of the oldest Washington newspaper man, it was said, and the Baltimore Sun characterized the proceedings as "insufferable."

"By what authority was a censorship established over the news writers who accompanied the President elect?" continues that paper. "They were sent on that trip by press associations and individual papers to report the important news that resulted from Mr. Hoover's appearance in the Latin-American nations. In that mission they had a status as independent and as necessary to the public as that of any other individuals or groups.

"They constituted the one instrument by which the people of this Nation could hope to have an impartial record of what occurred in a momentous series of contacts between their President elect and the nations of Latin America.

"By what authority, legal, political, moral, or other, were these men told 'thus far may you go in your dispatches to be read by the American people and no further?' Who declared them political appendages of the tour?"

Every news story written on board the *Maryland* and the *Utah*, the two American battleships which carried the good-will party, had to be submitted by the writer to George Barr Baker, press liaison officer for Mr. Hoover, according to the newspaper men who were on the trip.

Before news dispatches were transmitted over the ship's radio each of them was required to bear Mr. Baker's O. K. The ships operated as much as possible with the Washington naval station in sending the stories. They were turned over from there to the Washington bureaus of the papers or press associations or to commercial lines for delivery.

On the *Maryland*, which carried the party on the first leg of the tour, five copies of each dispatch were required from the reporters. One of these extra copies went into the Navy Department files, another was used for sending the story, and a third is reputed to have been for the inspection of Capt. Victor Kimberley, commander of the battleship.

Disposition of the remaining copies is a profound mystery to all the correspondents.

Demands on the reporters were lightened by one copy when the transfer was made to the *Utah*. In addition to this favor, the privilege was given the reporters of receiving a copy on which was marked the hour of transmission.

At the time of the transfer a mimeographed memorandum from Mr. Baker was placed in the reporters' hands with a brief direction, as follows: "The O. K. system will be continued." This reference to the submission of dispatches for approval was accompanied by data as to the hours of radio service.

This system resulted in the deletion, according to the correspondents, of words, lines, and even paragraphs in stories written by many of the correspondents.

One reporter representing a press association withdrew an entire article at Mr. Baker's "suggestion." This "suggestion" was that he "thought it would be better" to withhold the story at the time.

An Associated Press dispatch written by one of its two reporters who made the trip was delayed for five hours, it was declared. When ultimately sent, changes had been made in it, he charges; this dispatch concerned the storm which the *Maryland* weathered in the Pacific.

Deliberate suppression of facts is charged to the officers by the reporters on at least one occasion. This occurred at Lima when an enlisted member of the *Maryland's* crew became involved in an argument with a Peruvian policeman. During the trouble the policeman was shot. No correspondent was able to obtain any information as to how the man was wounded or as to the cause of the altercation.

"Policy" also demanded the exclusion from news dispatches of the numerous complaints received throughout the trip against the maneuvers of the Pacific Fleet in the waters of Latin-American countries.

Consequently no mention has been made of the apparent connection between these advices to Mr. Hoover and the order from Washington canceling the visit of the fleet.

These complaints included charges of riots consequent upon American battleships touching at the ports and strained diplomatic and commercial relations generally, and they are regarded by the newspapermen as having a direct bearing upon the decision of the Navy Department.

It was emphasized by the reporters that this censorship was not attempted on land when stories were sent by commercial cable or wireless. They also refused to discuss the restrictions during the trip, in the best interests of Mr. Hoover, with the consequent lack of publicity concerning conditions until the return.

They declare that there was some basis for the censorship aboard the *Maryland*, because of less modern radio equipment than the *Utah's*, and because of unsettled atmospheric conditions. The latter was the chief difficulty encountered in transmission at various times.

The newspapermen themselves met this situation by appointing a committee from their ranks to assign wire time for all dispatches and limit the number of words to be sent at one time.

No such difficulties were encountered, however, on the *Utah*, it is said, and there was no possible physical reason for the censorship after the change to that battleship. Evidence as to this is cited in the fact that Mr. Baker's approval or disapproval of dispatches was not related to their length but to what they said.

Mr. Hoover and his representative, Mr. Baker, take the position that their "suggestions" did not constitute a censorship, and that the policy was "merely advisory." Although Mr. Baker is a commander in the United States Naval Reserve, he did not accompany the party as a naval officer or representative, but was a member of the President-elect's personal party.

Aside from the censorship, which had both its annoyance and humor, the newspaper men on the party had many enjoyable and unfortunate experiences during the trip.

The correspondents, for the most part, deeply resented the action of the commander of the *Maryland* in leaving port at Antofagasta, Chile, and leaving behind three of the newspaper men who were a little late in returning to the ship.

When the Hoover party reached Antofagasta, which is close to the border of Bolivia, that country having no port, a delegation of Bolivian officials called on Mr. Hoover. A reception was arranged for them and it was announced that the newspaper men might go ashore for a time but should return by 12.30 p. m. About 12 or 15 went ashore.

When the Bolivian delegation left the ship about 1.30 and preparations were made for weighing anchor, a check-up revealed that Rodney Dutcher, of NEA Service; William Philip Simms, representing Scripps-Howard; and Price Bell, of the Chicago Daily News, had not returned from "shore leave."

Although Antofagasta is in the nitrate desert region and the town folk are not particularly kindly toward Americans, the *Maryland* steamed away, leaving the three American newspaper men behind. So

far as known no effort was made on the part of the *Maryland's* officers to ascertain if Dutcher, Simms, and Bell were ill or well, and the ship departed leaving the three newspaper men alone in a foreign country without preparation for a stay of more than a couple of hours.

It developed that they had been the guests of the commander of the port who had invited them uptown and continually protested that because of the office he held he could give full assurance that the *Maryland* would not leave until 3 o'clock. When they returned to the dock the *Maryland* was gone.

Next morning, with the sympathetic aid of Ambassador Culbertson and officials of the Chilian Government, arrangements were made to take them by rail, a gasoline hand car, and airplane to Santiago, the next port of call for the *Maryland*.

Two airplanes were placed at the disposal of the correspondents by the Chilian Government officials. One of them, an English plane, took Simms and Bell, because they were slim, and Dutcher, who is rather portly, took passage in the other, a rickety old American plane.

The plane carrying Simms and Bell made a chilly flight in a snowstorm over the Andes and placed them with the rest of the party in Santiago. The plane in which Dutcher attempted to make the trip stayed up only about 15 minutes and returned to the field without accident. The other plane made a return trip and carried Dutcher along to join the party on the following day.

The newspaper men are still laughing over what happened to one of their number who went out for the evening to one of the American embassies in Latin America to "visit" and left word behind with one of his colleagues to protect him if anything important happened. It did, and one of his associates filed 1,500 words for him on the incident under a special arrangement for expedition of the dispatch at the rate of $1 a word which cost the office $1,500. Another companion undertook to do a kindly turn for the socially inclined missing reporter and filed 1,200 words on the same story at a cost of about $250. It is reported that two more of his companions also filed stories for the missing man, but proof is lacking.

The object of the sympathetic attention of his colleagues is happy in the fact that the home office paid the tolls.

Eighteen reporters and seven news photographers accompanied Mr. Hoover on his good will trip to South America, which left San Francisco on November 19, and returned to Washington last Sunday.

Mr. BLEASE. Mr. President, I have been very much amused at some of the discussions upon this question, and I have been very much pleased indeed that some people who were so free to criticize any statement in reference to the violation of the prohibition act have now conceded that the law has not been enforced.

In the late campaign we were told all over this country that if Alfred E. Smith were elected President of these United States there would be no enforcement of the prohibition law; and when it was stated on the rostrum that the law was not now being enforced, but was a farce, those who said so were held up to ridicule and made fun of.

Mr. President, I shall vote for this amendment. I want to see this law and every other law enforced.

I hold in my hand a picture and an article clipped from this morning's Washington Herald. The picture shows a truck in the charge of certain policemen. I shall ask the clerk to read it, and shall ask that it be inserted at the end of my remarks. The heading is French Embassy Almost Loses Truck Load of Liquor to Police.

It is stated in this article that the Assistant Secretary of the Treasury, Mr. Lowman, ordered that this carload of liquor be released by the policemen of the District of Columbia and that it be turned over to the French embassy.

I shall never sit in this Hall contended and vote to allow these people who are not American citizens to have liquor and wine and beer, serve it to their guests, serve it in their homes, and, in some instances, sell it, under the protection of the men who say that they are enforcing the prohibition law; and at the same time, gentlemen of the Senate, if an American citizen born here, bred here, and who himself and whose people have fought the battles of this country and bared their breasts to the cannon of the country's enemies, after a hard day's work, possibly on a cold, rainy day, goes to his home in the afternoon and partakes of a drink of what is called whisky, he is immediately seized, arrested, locked up in jail, and possibly put on the chain gang, while these foreigners are allowed to have all the whisky they want.

The lawyers at their banquets have all the whisky they want. The newspaper people at their banquets have all the whisky they want. The doctors at their banquets have all the whisky they want. Who is it that is being deprived by this law? If prohibition is good enough for Henry Ford's workmen, it is good enough for Henry Ford; and if it is good enough for the poor people of this country, then I say the law should be enforced for all men alike.

The Senator from Nebraska [Mr. NORRIS] the other day made some remarks along this line. While I am not criticizing him, yet there is in his committee to-day, and has been since December, 1927, a bill asking that this law be enforced for all people alike. There is another bill before his committee asking that the ambassadors and other foreigners in this country shall not be allowed privileges not given to American citizens. Those bills have not been acted upon. Not one word has been said about them, yet this violation of the law goes on. Some little imitation of a man calling himself white runs over some girl here on the street and says, "I am an ambassador's servant." Our policemen must stand aside and let that man go free. Even though the man strikes a policeman, he dare not strike back as has been reported here time after time.

Mr. President, I ask the Senate in all good faith that if they make this appropriation they pass a bill something on the order of the one I have introduced providing that this law be enforced to all people alike—Americans, non-Americans, and all others—and that we do not continue to put ourselves in the position of depriving American citizens of rights and privileges given to other people.

Mr. President, proof of these things can be shown. It might pinch some people's shoes to show where they get their liquor. It might be shown that some of that liquor comes from embassies to their homes. It might pinch some people's shoes to have it known that they go to embassy receptions and drink liquor. Yet when it comes to voting you can not get a vote or a bit of assistance from them to stop what those same people are endeavoring to stop as to other people.

Let us be fair. Let us be men. If we are going to put this law on other people, let us abide by it. If we are going to let foreigners have liquor, and some of us go to the embassies and drink it and have it sent to our homes, then let us allow other people in America to have the same privilege.

I believe in fairness and equality in the enforcement of law. I believe all men should have equal punishment when they are convicted of violations of the law, and all men should have equal rights. I believe that if this law is going to be enforced it ought to be enforced to the letter.

I am in favor of the law; my people are in favor of it; we want it; but we want a fair enforcement and honest enforcement of it.

The senior Senator from Maryland [Mr. BRUCE] gave some figures here a while ago and referred to my State as one where whisky is drunk. We have people in my State who drink whisky, and I had hoped that the Senator would go a little further and show the quality of liquor consumed in my State, and the number of people who are killed by liquor in the various States. I think my State would stand pretty well in the quality of its liquor and in the small number of deaths from drinking it. Let our motto be, "Equal privileges to all."

Mr. President, I ask that the article which I send to the desk be read by the clerk.

The PRESIDENT pro tempore. The clerk will read.

The article was read, as follows:

[Washington Herald, Tuesday, January 22, 1929]

FRENCH EMBASSY ALMOST LOSES TRUCK LOAD OF LIQUOR TO POLICE

The French Embassy almost lost 624 quarts of choice liquor last night.

Twelfth precinct police interned a truck load from Baltimore marked for Jules Henry, secretary of the embassy, and arrested the two drivers on charges of transportation and possession when they failed to produce the necessary papers entitling them to proceed.

Diplomats scurried about pulling wires. An hour later an order from police headquarters released the two men, and a command came from Assistant Secretary of the Treasury Lowman to turn over the precious goods to the French Embassy.

Policemen T. F. Heide and John Berry, of the twelfth precinct, saw the heavy truck passing down Rhode Island Avenue, manned by Frederick David Trabing and Conrad Trabing, brothers, of Baltimore. The Trabings come through every week with French Embassy liquor, police say, but they could not produce any authorization for their journey last night.

Believing the embassy destination mark might be a "blind," police escorted the truck to the station. News of the capture spread and a large crowd soon was on hand, gazing wistfully, until legal technicalities were waived and men and goods discharged.

Mr. BLEASE. Mr. President, I ask that the four bills which I send to the desk be printed at the conclusion of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

S. Res. 287, Seventieth Congress, second session

IN THE SENATE OF THE UNITED STATES

January 5, 1929

Referred to the Committee on the Judiciary and ordered to be printed

Amendment intended to be proposed by Mr. BLEASE to the resolution (S. Res. 287) providing for the appointment of a committee of five Senators to investigate the enforcement of the eighteenth amendment to the Constitution of the United States, viz:

On page 1, line 4, after the words "United States," insert the following: "which shall include all ambassadors, embassies, members of legations, representatives of foreign governments, and all other inhabitants, citizens, and public officials, whether temporary or permanent of this or any other country, and of whatever nationality, race, creed, or color in the United States of America."

S. 785, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A bill to enforce the laws of the United States without fear or favor or partiality

Be it enacted, etc., That on and after the signing of this act by the President of the United States all officers of the law working under the Government of the United States or any department thereof, and at any point within the jurisdiction of the United States as hereinafter defined, shall enforce equally and without partiality or discrimination all of the laws of the United States against all persons, regardless of race or color, native-born or naturalized American citizens, visitors from any other nation, whether their visitation be temporary or permanent, all temporary residents of the United States, whether in official capacity or otherwise, and all other persons at any and all times and all places within the territory of the United States, which territory shall include all of the houses and lands of whatever kind and nature and all buildings or structures of whatever kind and nature, the same lying and being situate in that territory known as the United States of America and bound on the east by the Atlantic Ocean, on the north by the Dominion of Canada, on the west by the Pacific Ocean, and on the south by Mexico and the Gulf of Mexico.

SEC. 2. That any officer failing or refusing to perform his duties as set out in section 1 shall be guilty of a felony and shall be punished by immediate discharge from office, and upon conviction such fine and imprisonment in the discretion of the judge before whom he is tried.

S. Res. 31, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE submitted the following resolution; which was referred to the Committee on Finance, January 17, 1928. The Committee on Finance discharged, and referred to the Committee on Foreign Relations:

Resolution

Resolved, That the Assistant Secretary of the Treasury, Hon. Seymour Lowman, who is in charge of the enforcement of the Volstead Act, be requested to investigate immediately, and inform the Senate, whether or not whisky, wine, or beer has been served by any of the foreign ambassadors, ministers, consuls, or other agents of any other countries in Washington, District of Columbia, since the passage of the Volstead Act; and if it is now being done, and, if so, with the approval of the President of the United States or any other official whose duty it is to enforce the said law; and further, if it is true that the recent representatives of the Italian delegation to this country in reference to the settlement of its debt to the United States were permitted to bring into this country champagne, whisky, and beer, or either of them, and, if so, by whose permission, and if they did, why were they not promptly arrested as American citizens would have been?

Second. That a similar request be made of Hon. James M. Doran, Commissioner of Prohibition.

Third. That a similar request be made of the Secretary of the Treasury.

S. 786, Seventieth Congress, first session

IN THE SENATE OF THE UNITED STATES

December 6 (calendar day, December 9), 1927

Mr. BLEASE introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

A bill to prevent double prosecution for same offense

Be it enacted, etc., That from and after the passage of this act no person who shall have been tried and convicted in any State court of any offense, or of selling, transporting, or storing contraband liquors, whisky, wine, or beer, shall thereafter be tried for the same violation or offense in a Federal court; nor shall any person be subject for the same offense to be twice put in jeopardy of life or liberty in both the State and Federal courts. The conviction in either shall bar prosecution in the other.

Mr. HEFLIN. Mr. President, I shall not detain the Senate very long. I am in favor of the appropriation of an adequate amount of money to enforce the prohibition law. I think the amount ought to be increased at this time.

The prohibition law is being enforced in many places. If those Senators who are constantly attacking the law and its enforcement would travel through the States and attend the courts in the various counties they would find that the law is being enforced and that people are being prosecuted and convicted for violating it. Of course, the law is not enforced absolutely to the letter. I do not know of a single law upon the statute books that is. We have a law against murder, and it is being violated in every State in the Union.

The Senator from Maryland referred to an incident down in Atlanta where some whisky was being drunk and sold just before Easter Sunday, but the Senator did not tell about a young man, a college boy, who not long ago went out to get a thrill, and who wanted to kill somebody in order to have that peculiar kind of thrill, and murdered a drug clerk one Sunday night.

There are other laws that are being violated every day. We have a law against people running an automobile at a reckless rate of speed. Would the Senator repeal the law on that subject because it is not fully enforced? I do not know of a single law upon the statute books that is enforced to the letter.

Mr. President, when statistics are presented contrasting the old system with the new I grow exceedingly weary with certain Senators who tell us that more whisky is being drunk than was drunk under the barroom régime. It is not true. There is not one one-hundredth as much whisky being consumed now as was consumed in the United States under the miserable barroom system.

What did the barrooms do? They controlled the politics of many of the towns and cities of the country and they controlled the politics of some of the States of this Union. The barroom brigade was in control, and if a man ran for office and he favored putting down the whisky traffic, the barroom bunch would oppose him and encompass his defeat if it were possible to do so.

What were they doing? They were selling whisky, and at the time the eighteenth amendment was adopted the meanest kind of whisky.

I know something about that situation. In my State in many places we banished the barroom and set up the dispensary, and municipalities became corrupted by it. The men whose business it was to purchase the whisky for the town dispensary in many instances were accused of graft, and they bought from the whisky interests whisky that was very cheap and very sorry. There was some high-grade whisky, and some of the sorriest whisky they had had dope in it. I once saw an empty whisky barrel sawed in two by a gentleman who wanted to use it for washtubs. There was in that whisky barrel three times as much plug tobacco as my hat would hold. They had put it in the whisky and the whisky had absorbed the nicotine and tobacco juice and it swelled out those plugs until they were as thick as my wrist or thicker. They were selling all sorts of concoctions for people to drink in the barroom days. They were poisoning the people with that vile stuff.

I remember an instance at the capital of my State. A very fine young man who lived out in the State came over to the capital for something. He took two drinks in a barroom and was sitting down in a shoe shiners' chair sound asleep and two other men and myself had great difficulty in arousing him at all. He had taken two drinks of sorry whisky, which was being sold under license permitted by law.

I know of a case where in a drunken brawl in a barroom a young man's throat was cut from ear to ear, killed by his companion and friend in a drunken row. Both of them were drunk. And two sad and sorrowful families were bowed in grief over that awful tragedy of the barroom.

That is not all I have seen. When I hear gentlemen talk about denying the poor people and the laboring people the right to have whisky in abundance, I reflect that prohibition is the greatest blessing that has come to the poor people of America, the greatest blessing that has come to the toiling masses of our country. What are those particular people doing? They are living sober lives, and their sober boys are outstripping the drunken sons of the rich in college. Their boys are forging their way to the front and are becoming the heads of the industrial establishments of the country, and these sober, clear think-

ing, and clean-living boys are going to be the men of wealth and power in the near future.

If nothing else will do them, let those who want to drink and debauch themselves go on as they are going, and let the poor man's son be sober and live an industrious, upright, honest life, and he will become a very useful and influential man. You do not have to make a laboring man drunk in order to make him work and support his family.

I will tell you what I witnessed once at Birmingham, in my State. We had a campaign on to drive the barrooms out, and the wives and children of the laboring men of Birmingham were invited to parade the streets of Birmingham. They did so. It was a touching and pathetic sight. Why were they parading? They were appealing to the voters to drive the barrooms out, and why? Because many of them said, "On Saturday night, when our husbands start home with the week's pay in their pockets, they go by the barrooms. They take a drink or two; they are doped and made stupid; they are led into the poolroom, and they do not know anything else until they are locked up in the calaboose at midnight, the contents of their purses are gone, and their wives and little children waiting, waiting in the deep watches of the night, for the return of the husband and father, but he does not come." And he did not come, and they did not know where he was until Sunday, when they got word that he was in the lock-up. After the barroom bunch got his money they turned him over, drunk and penniless, to the policemen, and they locked him up. That is what happened in the cruel and wicked old days of the barroom. These women said, "We are trying to have the barrooms driven out of Birmingham." And they helped to drive them out, and what have we there now? We have the finest class of laboring men, sober, with heads erect and light upon their faces. They are putting money in the bank, they are building little homes on the mountain sides about Birmingham, and they are educating their children and providing well for their families. So we have a different order of things at Birmingham and other places all over the country.

Mr. President, I do not want to see the great mass of people who are being blessed and benefited by prohibition lose those blessings and benefits in order to furnish intoxicating drinks to certain lawless cities filled with foreigners who care nothing for American ideals and institutions.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. NORRIS. Mr. President, the Senator from South Carolina [Mr. BLEASE] in his remarks a few moments ago referred to four bills. Technically, one is a proposed amendment to the joint resolution introduced by the Senator from Washington [Mr. JONES], one is a resolution, and the other two, I think, are bills. The Senator has called attention to the fact that no action has been taken thereon by the Judiciary Committee.

There are, of course, many hundreds of bills referred to the Judiciary Committee, as is the case with other committees. I was satisfied that every bill and every resolution that the Senator from South Carolina had introduced and which had been referred to the Judiciary Committee had been, under the rule of the committee, properly referred to a subcommittee. I sent for the clerk of the committee and I was told by him that I was right in that belief, that each one of the so-called bills or resolutions to which the Senator referred was referred to a subcommittee and that the Senator was notified in writing that they were so referred and was given the names of the members of the subcommittee. I am satisfied that the subcommittee having charge of any bill or resolution which the Senator from South Carolina or any other Senator has introduced and on which he wants action will be glad to give him the privilege of a hearing. I am satisfied that every bill which has been referred to the Committee on the Judiciary has been referred to a subcommittee and given consideration by the subcommittee.

Mr. BLEASE. I did not intend any reflection on the chairman of the committee or on the committee itself, but the bill with reference to the whisky business to which I referred has been in the committee over a year. I have never been notified to appear before the committee or any subcommittee.

Mr. NORRIS. Has the Senator been notified of the appointment of a subcommittee?

Mr. BLEASE. I was notified just a few days ago.

Mr. NORRIS. If the instruction of the chairman of the committee is not followed I would be glad to have any Senator call my attention to it. It is for the clerk to notify the Senator introducing the bill of the appointment of a subcommittee and the names of the members of the subcommittee. The clerk is also directed to send the bill to the chairman of the subcommittee so that they can proceed to take action.

Mr. BLEASE. I simply called attention to the matter because I wanted to show that while this violation of the law is going on, while this exemption of foreigners is being allowed day after day, the Senate has had a bill before it for over 13 months and no action has been taken on it. I did not intend any reflection on the committee.

Mr. NORRIS. I am entirely in sympathy with the Senator in his efforts to get some action, if we can, to control the matter of the intoxicating liquor that is being handled by people connected with the embassies. I have taken the matter up with the Secretary of State and had quite an extended correspondence with him about it a year or two ago.

The incident to which the Senator refers is not the first instance of the kind where liquor has been seized by the police officials and has been sent back because some representative of an embassy, through our own Secretary of State, demands that it be done. The law is in existence providing punishment for the illegal sale of liquor. It applies to everybody. But there is a serious question as to how we can approach an abuse of the law when persons connected with embassies are not amenable to our laws, but only to the laws of some foreign nation.

I am going to take up with the proper enforcement officers the matter of a letter which I received since I addressed the Senate on this subject the other day. The writer gave me the name of an individual who, he said, is connected with an embassy. He gave the name of the embassy and said this individual is engaged in the bootlegging business in the city of Washington, and that if the officers will get after the man they will be able to convict him. That presents a little different case from the one to which the Senator from South Carolina referred and from the one I referred to the other day where a large quantity of liquor had been seized by the enforcement officers and they had released it upon the demand of our Secretary of State because he had been importuned to do so on statements made by representatives of an embassy.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. I realize that as old as intercourse between nations is the matter of courtesy extended by one nation to representatives of another nation, but under modern conditions does not the Senator seriously think there ought to be a curtailment of immunities granted, at least to the lesser of those employed or engaged in the service of some foreign nation here?

Just this morning I noticed an article from London indicating that there is to be a serious effort made to curb the immunity granted to representatives of foreign nations in England because of accidents so frequently occurring as the result of some reckless person driving an automobile and causing an accident. In this country I think somebody ought to take the initiative to curb the privilege that is now enjoyed in that respect. I am not at all certain that the day of diplomacy as we have had it heretofore is not already a thing of the past as far as any useful purposes can be served.

Mr. NORRIS. If the Senator will permit me, I should like to conclude, because my time is limited.

Mr. CARAWAY. I did not realize that his time was limited. I beg the Senator's pardon.

Mr. NORRIS. I agree with the Senator about the point he has just raised. I think that some of the privileges to which he has referred ought to be curtailed. The bootlegging of liquor is not the only question. The driving of automobiles in our streets, paying no attention to local regulations and local laws, is another question.

I want to say, however, that if any embassy wants intoxicating liquor as an embassy, and wants to use it according to its own ideas, I doubt very much whether it is wise in us to try to interfere. I would not want to interfere. But when somebody from the embassy, perhaps just an ordinary employee, goes out with liquor and bootlegs it and sells it or offers it for sale or makes a business of it, that is an entirely different proposition. I do not believe there is a foreign embassy in Washington the head of which would stand for that kind of business. I am really not criticizing them, but I am told over and over again that the condition exists; and in the particular instance to which I have referred I have the name of the man who it is alleged is engaged in the bootlegging business. That man is amenable to our law, and when he is arrested for selling liquor, no embassy ought to be allowed, by any of our officers in the State Department or by any court of any prohibition officer to secure immunity merely because he happens to be an employee at the same time of a foreign embassy.

These things we can properly reach, but there are, of course, questions involved different from that when we undertake to say to an embassy, "You shall not have liquor in your em-

bassy." I presume they have a right to have it if they confine it there. I have no disposition to interfere with that situation of course. They are in their own jurisdiction then and are not subject to our laws. But when an employee of an embassy sells liquor or when an employee of an embassy recklessly drives an automobile to the damage and injury of every other driver on the street, he ought to be amenable to the same law that I am or that anyone else is.

Mr. BLEASE. Did they not violate the law when they hauled liquor from Baltimore to an embassy just recently, when that liquor was not hauled by a foreigner connected with an embassy, but when American citizens not representing any embassy hauled it, and when it was being hauled by American boys on an American truck over American roads?

Mr. NORRIS. I should think they would be amenable to our laws. That would be my judgment of it.

Mr. BLEASE. Why should those men to whom the Senator would give this $25,000,000 be permitted to violate our liquor laws? Of course they are violating our liquor laws.

Mr. NORRIS. In the case I mentioned, another officer of the law ordered the liquor turned loose. In my judgment, as I said in writing to the then Secretary of State, when a consignment of liquor—in that case I think something over 11 barrels of whisky——

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

Mr. BRUCE. Mr. President, I desire to add just a word to what I have already said in the course of this debate for the purpose of protesting against the bulldozing telegram sent to Secretary Mellon by James Cannon, jr., chairman, and Eugene L. Crawford, secretary, of the Board of Temperance and Social Service of the Methodist Episcopal Church South, and Bishop Thomas Nicholson, president of the Anti-Saloon League. We all remember that only a short time ago the Hearst press unearthed the fact that the executive committee of the Anti-Saloon League had failed by only a single vote to indict President Coolidge for failure to do his duty in relation to prohibition enforcement, and now Bishop Cannon, Mr. Crawford, and Bishop Nicholson have called the attention of every Senator this morning to their "request"—to use their own term—to Secretary Mellon to give his approval to this additional appropriation of $25,000,000 for prohibition enforcement.

When their telegram is read it is found to be no request at all but simply another threatening and blustering communication such as the Anti-Saloon League has so often addressed to public officials. Who are these people anyway? Are they ministers of the gospel, or are they common politicians? Some French wit once said, "There are three sexes, men, women, and clergymen." Of course, that was a malicious thing to say. I have had the honor to know many clergymen who were distinguished from their fellow men only by the higher plane of moral superiority in every respect on which they moved. Among them were many evangelical ministers. Their lofty integrity, their purity of life, their dignity, their fidelity to the reserve of their sacred calling did them infinite honor. But divines like these Anti-Saloon League divines—if I can use such a term as divines in such a connection at all—do seem to belong to some kind of neuter gender.

They do seem to be some sort of tertium quid, lacking as they do the mental balance of men and the considerate gentleness of women.

When I think of them in connection with the evil influence that they have exerted over elections, legislative bodies, and the appointing power I am always reminded of the malignant observation of John Randolph of Roanoke in the Virginia constitutional convention of 1829–30 that no countries are so badly governed as countries that are governed by women, except countries that are governed by priests. God forbid that any clergyman of this kind should ever come near me for the purpose of exercising any office that appertains to his profession. If he were to sprinkle baptismal water upon the head of a child I should expect its scalp to be scalded rather than hallowed. If he solemnized the marriage of a maid I should not be surprised to see the orange blossoms that encircled her brow immediately wither and die under the scorching effect of his abusive breath. So far as I am concerned, just as soon would I have a raven perched upon the head of my bed as to have such a clergyman approach me in my last agony.

If he were to preach a funeral sermon over my corpse, I believe that, like Lazarus, I would throw aside the cerements of the grave and come back to life in indignant resurrection.

These three men come here and say to the Secretary of the Treasury:

> It will be difficult for the average citizen to believe there is much zeal or eagerness on the part of the Secretary of the Treasury to secure adequate enforcement if he refuses this opportunity to develop and carry out an adequate program.

In other words, they are arrogating to themselves the function of browbeating and berating no less a functionary than the Secretary of the Treasury.

In the year 1924 this Bishop Nicholson admitted in a speech that he delivered at Washington that whatever else the champions of prohibition might say they were obliged to admit that drinking among women was rapidly increasing. So it was, so it is, and so it will continue to do unless the moral shipwreck that is being worked in the case of so many individuals, men and women, by prohibition is brought to an end by the termination of the prohibition law itself.

This is the Bishop Cannon who came over to the Eastern Shore of Maryland during the presidential campaign and fanned the flame of detestable religious bigotry, sowed discord in the breasts of our people; and instead of teaching them how to obey the injunction of our Saviour "Love ye one another," taught them the devil's creed, "Hate ye one another." Not only did he under the mask of prohibition distill the poison of his anti-Catholic prejudice into the hearts of our people but he even undertook to cast calumnious reproach upon the Italians and Poles who make up no small part of our Maryland population.

Ah, how readily could he learn lessons of courtesy and self-restraint from our Italian population—men whose social relations are marked by the highest degree of politeness and gracious hospitality, and who can drink wine without the least excess. Much, too, could he learn from our Polish population, and the native Polish genius which has so often flowered out into brilliant achievements of art. But Bishop Cannon's object, as I have stated, was to create a bitter Pool of Marah in our midst, to do all he could to induce our people to forget what, after all, was the most glorious tradition in their history; that is to say, their tradition of religious tolerance, that thing which, in the language of the Scriptures, has been their very crown of glory, their very diadem of beauty. And he came not without success, for feelings of sectarian animosity were aroused by him and others like him in the breasts of our people that I am afraid will not die down for the next generation or so.

So as an humble follower of Christ, who has never failed to pray for forgiveness morning and evening since he learned to pray at his mother's knee, who has all his life been a regular church attendant, I say in that capacity, as well as in my capacity as a United States Senator, that I resent and reject with scorn the domineering interference of such men as Bishop Cannon in the public life of this Nation.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. SIMMONS. Mr. President, I hesitate at this late hour to have anything to say upon a question that has been so thoroughly thrashed out. My only purpose in taking the floor is to express my earnest interest and sympathy with this effort to contribute to the enforcement of the prohibition law.

Of course there are those who think that the prohibition law is vicious; who think that it ought not to be enforced. They are entitled to their opinion, but the great body of the people of this Nation, without reference to party affiliation or political creed, are deeply in sympathy with that law. At any rate, Mr. President, it is written into the Constitution of our country, and in that Constitution it is going to stay.

Complying with the mandate of that constitutional provision the two Houses of Congress, speaking the voice of the people of this country, have solemnly declared that the prohibition law shall be enforced. Many efforts have been made since the enactment of that law to secure its modification, but they have been without success. Every time this question has been presented before the people in any aspect whatsoever, as it was in the last campaign, they have reinforced their command to the Congress to see to it that the law shall be enforced. Not only is that true of the men but of the women of the Nation as well.

The Senator from Maryland inveighs against government by women. Mr. President, there is no government by women in this country, but the voice and the prayers of the women of America are a vital influence in the affairs of men, and that influence since they have been invested with the ballot has always been, and in my judgment always will be, exercised in the interest of higher standards of life and morality and government and not in the interest of lower standards.

Mr. President, this is not the place to enter into an acrimonious discussion as to whether prohibition is a good thing or a bad thing or whether the prohibition law ought to be enforced or ought not to be enforced because of its fundamental weakness and vice as some have contended. The one question before the Senate at this time is: Are we going to supply the

agents of the Government with sufficient funds in order to enforce this law adequately and efficiently? Cover it over by oratory, eloquence, and vituperation as you may, Mr. President, in the last campaign and before that campaign the consensus of opinion in this country was that the law was not being properly enforced, that it was not being as effectively enforced as it might be.

The answer then came to us and to the country in defense of that dereliction that the blame was upon the Congress of the United States because of its failure to supply the Treasury Department with sufficient funds with which to make the law effective. That was the defense advanced in the last campaign; that has been the defense during all of these years when the law was going unenforced—the lack of sufficient funds; the stinginess of Congress. Now, Mr. President, we come with open hands and say to the Secretary of the Treasury, the chief agent of enforcement in this country, and to his department, "We give you here more money than the Budget asked for the enforcement of the law, more money than you asked for its enforcement, in order that you may have no excuse to give to the people hereafter if you fail to exercise every facility, every agency that may possibly be employed to make this great law effective." Did I say "a great law," Mr. President? I wish to express my individual judgment that no law which has ever been written upon the statute books of this country at the command of the Constitution has been of as great importance to the masses of the people of the United States or has meant so much for the advancement of the moral standards of the people as has the prohibition law.

The officer of the Government who says he can not use money with which to make the enforcement of the law effective trifles with the people of America; he trifles with the intelligence of the country. If he can spend $13,000,000 ineffectually because it is not sufficient, he can spend this small additional amount more effectually, although it is not adequate to the task.

Mr. President, I have no patience at all with the arguments which have been made against this proposed appropriation. First, the argument is made that it is not needed. Thirteen million dollars are now available with which to enforce the law, the most difficult of enforcement of any law ever written upon the statute books of this country, a law which lends itself to violation by reason of the profits that are involved in its violation and by reason of the depraved appetites of a part of our people—$13,000,000 to enforce the prohibition law in 48 great States of this Union with a population of about 120,000,000, representing, apportioned among the States, about $250,000 to each State to enable the Federal Government to enforce the law.

If the Secretary of the Treasury can not use this money to make effective his efforts to enforce the law—which efforts everybody recognizes as having been futile and ineffective—he need not spend it. I do not particularly expect that the Secretary of the Treasury will spend it; but he has no mortgage upon the position which he occupies.

The PRESIDENT pro tempore. The time of the Senator from North Carolina has expired.

Mr. SMITH. Mr. President, I believe this is the first time that I have ever risen on the floor of the Senate to make any statement in reference to how I personally stand with regard to the eighteenth amendment.

I was a Member of this body when the question was voted upon for the submission of the amendment to the people. I was also a Member of this body when more than seven-eighths of the States promptly ratified it. I was also a Member of this body when, very recently, the people of America seemed to reindorse the position they took when, through their several legislatures, they indorsed it.

So far as my attitude upon this question goes, I am not very greatly concerned as to the position that may be taken in reference to it by any group of men, whether in the form of the organized church or whether in the form of a voluntary body such as the Anti-Saloon League. Certain things that individuals and groups may do may be deplorable, but that in no way affects your relation and mine to a great question which involves in itself either welfare or disaster to the country over which we are set up as the legislators. We must settle with ourselves individually the question as to how we stand in reference to a great issue that has been incorporated in the organic law of this country by perhaps the greatest and most immediate response from all the States that has ever been made in reference to the ratification of a constitutional amendment.

Now there come reports that the law has not been and is not being enforced. From its very nature it naturally would not be enforced in so great a measure as the sanguine proponents of the law might hope. It is in keeping with the very nature of the matter that it has not been enforced any better or to any greater extent than it has been. But the greatest vice-producing agent in Christendom is the manufacture and sale of intoxicating liquors, especially those known as distilled liquors.

The other day when the Senator from Nebraska [Mr. NORRIS] was discussing the matter and reading evidence which seemed to show that those charged with enforcement were not in sympathy with the law and were not trying to enforce it, the thought occurred to me that if the allegations made by the Senator from Nebraska and others were true—that those charged with the enforcement of the law were not in sympathy with it and were not zealously trying to enforce it—it was to the everlasting credit of the American people that it was being so splendidly enforced, in view of all the circumstances, without the sympathy and cooperation of the enforcing officers.

I shall not attempt any incursions into the question of whether or not prohibition is a proper subject of national legislation. It is already incorporated in the organic law of our country. It is a part of our Constitution. Whether or not it should have been placed there does not enter into this question. The question is not whether we are going to act in accordance with what some one outside says or the reports that come in but what is our attitude as a body? My attitude is, as long as I am a Member of this body, that if I err I am going to err on the side of trying to enforce the law, so far as appropriations for its enforcement are concerned.

I agree with the Senator from North Carolina [Mr. SIMMONS] that it is perhaps the greatest manifestation of the spirit of America that has ever occurred in its history that we have incorporated into the Constitution and the laws enacted for the purpose of carrying it out those things necessary to outlaw the immemorial crime-producing element of the manufacture and sale of intoxicating liquors. We are boasting of being the greatest Nation on earth, and I believe we are, morally, politically, and industrially. The crowning glory of America is the fact that she has outlawed and is using her best men and her best forces to bring about the cessation and to minimize the effect of the greatest social crime-producing, vice-producing element that ever has cursed humanity, and I shall cast my vote for the appropriation to carry on the work of eliminating from our organized society, as far as possible, the presence of this inherently pernicious element.

Mr. BRATTON. Mr. President, I think everyone concedes that prohibition is permanently a part of the law of the land. The whole discussion revolves around whether it can be enforced.

I doubt if any right-thinking man indulges in the well-considered hope that the eighteenth amendment will be repealed in your time or mine. That question has been so firmly settled and fixed that discussion of it would be entirely superfluous.

It is my belief that the people of this country are divided into three groups upon the question of prohibition:

One group desire a continuation of the present system.

One group desire to repeal the whole system and return to the preprohibition days.

A third group—and I think they are larger numerically than either of the two former ones—believe thoroughly in prohibition and subscribe wholeheartedly to it industrially, socially, civically, morally, and righteously; but they are both dissatisfied and unsatisfied with the enforcement accorded it ever since its inception and until the present time. I think they have cause to feel that way about it. I feel that way about it myself. I have voted for prohibition in every form in which it has been submitted from precinct to Nation. I intend to continue doing so until I am convinced that it can not be enforced. I am not yet convinced of that fact.

The argument revolves around the question of enforcement. As the junior Senator from Georgia [Mr. GEORGE] said to-day, people are arrayed in two groups, one asserting that it can be enforced, the other asserting that it can not be enforced; so that enforcement is the question with which we properly should be concerned. It is the question with which the citizenry of the country are concerned. Mothers and fathers who are interested in homes and sons and daughters are vitally concerned with the enforcement of prohibition.

The statement is made by prohibition officers all over the country that the reason the prohibition law is not enforced is because they have inadequate enforcement facilities and an insufficient number of enforcement officials. That statement is heard everywhere as an alibi, as an excuse, as an explanation for the failure to give us adequate enforcement. When the recently made statement of Doctor Doran is kept in mind to the effect that it will require $300,000,000 annually to enforce prohibition adequately, coupled with the further fact that we now appropriate only $13,500,000 annually, there is great force in the statement repeatedly made that it is not being enforced because

they have insufficient money and an insufficient number of men with which to enforce it.

I believe that the vast majority of the people of this country earnestly desire enforcement; I earnestly desire it. I, for one, am willing to place at the disposal of the enforcement officials $25,000,000 additional in order that they may be facilitated to give the country enforcement. Let us test the proposal, and see whether or not, with proper facilities and a good-faith effort, it can be enforced.

I am wholly unwilling to turn backward. I am unwilling to concede that it is unsound morally, righteously, civically, or industrially. Neither will I concede that it is a failure in this country, populated by the highest type of men and women that God Almighty ever created or prospered.

So, Mr. President, I shall support the proposal to place at the command of the Treasury Department $25,000,000 additional in order that the people of this country may have what they voted for when they adopted the eighteenth amendment, and what we supported when we passed the Volstead Act, and give the law a fair test and trial, in order that it may no longer be said that we have not enforced it because we have had insufficient men and insufficient money.

It is my belief that if $25,000,000 will bring about substantial enforcement it will be the greatest advancement industrially, commercially, socially, civically, morally, and righteously that the country has taken in a long while in the past.

I shall not detain the Senate longer; I merely desire to give the Senate the reasons upon which I shall cast my vote in favor of the amendment of the senior Senator from Georgia [Mr. HARRIS] to place this additional sum at the command of the enforcement officers of the country.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified, proposed by the Senator from Georgia [Mr. HARRIS] to the amendment proposed by the Senator from Washington [Mr. JONES] to the amendment proposed by the committee.

Mr. REED of Missouri. Mr. President, will the President pro tempore kindly have the proposition upon which we are now to vote read?

The PRESIDENT pro tempore. The amendment will be read for the information of the Senate.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the Senator from Washington [Mr. JONES] as a substitute for the committee amendment, on page 16, beginning in line 16, insert the following:

> For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930.

Mr. REED of Missouri. Mr. President, I think everybody has made up his mind on this question, but, following the example of the Senator from New Mexico, I would like to give the reason for my vote.

In the first place, I am completely at sea with reference to the position of the proponents of this amendment. We are told by one class of its proponents that prohibition is a success, that it has obliterated drunkenness, that it has produced sobriety, that it has brought prosperity into the homes of all of the people of their States, that labor is now bearing its money home to the wife and to the children, and that this is a blessing we already possess. Of course, if that is true, the job has already been done, and there is nothing left to be done except to continue on in the good way that has brought these happy conditions.

We are told by another class of proponents of this amendment that prohibition is a farce; that for 10 long years it has been a farce; that prohibition has never been enforced; that it is altogether a failure; and that an honest attempt has not been made to enforce it.

Both of those statements can hardly be correct. They are just as far apart as two statements can be. Nobody can reconcile them.

If the latter proposition is true, if there has never been an honest attempt to enforce this law, then we should not be appropriating any money to-day to be dishonestly used by men who have dishonestly conducted the business in the past. I am not saying that the charge is correct that they have been dishonest. Those who make the charge that the law is not enforced have said that identical thing in substance and effect.

It must be pretty well understood that the same man will enforce this law in the future who has been enforcing it for the last eight years, Mr. Mellon. It is pretty well understood that he is to remain in his present position. If he does remain there, and if he has been dishonest in the past, if he has not tried to do his duty in the past, why give him $24,000,000 more so that he can have that much more money to improperly or improvidently waste? There does not seem to be much answer to that, in my judgment, although I have no doubt that somebody can make some kind of an answer that will be entirely outside of the issues we are discussing here now.

I can not understand that kind of logic myself. If it were conceded that the Secretary of the Treasury had been an honest and efficient man, and if it were conceded that prohibition had not been successful, and if the Secretary stood here and said to us, "I can expend a certain sum of money in addition to that which has been allotted to me, and can do it wisely and providently and economically," then we would have an argument to appeal to us to pass this amendment. But the Secretary does not take that position.

Before I discuss that phase of it for a moment, however, let me revert to the statement of the distinguished Senator from Tennessee [Mr. TYSON]. He takes the position that the law has not been enforced, and he charges, not once, but many times, in his address, that it is impossible to enforce it because we have not enough courts.

That is denied, and it is said we do have the courts. But assuming that the Senator from Tennessee is right, and that we do not have enough courts, and already the courts are overburdened with business, and are congested, so that they can not handle the business that is now before them, what is the use of creating more prohibition officers to bring more business to courts which already have more business than they can attend to, as he says?

Manifestly the first thing to do would be to create the additional courts, to prepare ourselves so that when money was appropriated in the future, something could be done to bring a result from the expenditure of that money, and hence we would first create the courts, and not create the business, and, having created the business, wait until some indefinite time in the future to create the courts.

Then comes the further question. I have been a Member of this body now for nearly 18 years. That has been a long time for the country to endure me, and for my brother Senators to put up with me. But in that time I have observed the wisdom of other Senators, if I have not always followed it, and this is the first time I have ever known Congress to be forcing an appropriation upon a department which the department said it did not need and did not want. If this bill passes, appropriating money to a department which the department says it does not need and is not prepared to expend, it will be the first time in the history of the Senate, I think, that such a bill has passed.

If we were to pass a bill containing such a provision as this, and no good results came, the Secretary of the Treasury could well say, "I told you in advance that we were not prepared to use this money, that we did not have the machinery, the necessary preliminary steps have not been taken, and you have simply given an additional amount of money with full knowledge of the fact that the department was not prepared to expend it."

I have one further observation. I am opposed to appropriating money for vague, uncertain, and indefinite purposes, and putting it into the hands of the President, or putting it into the hands of any person, to expend according to his own volition and notion. Twenty-five million dollars is a considerable sum of money. It must, however, be added to an expenditure already of $59,000,000, for while thirteen and a half is the direct appropriation, it is admitted that the real expenditure is $59,000,000.

The PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. CARAWAY. Mr. President, I am inclined to believe that everyone has already made up his mind how he is going to vote with reference to this appropriation. Everyone who is opposed to the prohibition law and rejoices that it has not brought all the blessings its proponents had predicted will vote against the appropriation. There has never been a better time for anyone to go on record as favoring or disapproving prohibition, and Senators are going to vote according to their attitude toward the law. On the other hand, everybody who believes that the law itself is a good law, that prohibition is a blessing and not an evil, and that it can be enforced, is going to vote for the amendment.

Personally there are two reasons which would compel me to vote for it. In the first place, I believe prohibition is a blessing and not a curse. Secondly, I believe that the law can be enforced and will be enforced.

I believe that if there is no alibi we will see a very marked improvement in the enforcement of the law. If the money is provided under this amendment, it will not necessarily have to be expended if there is no demand for its expenditure. On the other hand, when the departments charged with the enforce-

ment of the law are confronted with a situation which compels them to enforce the law or to admit their inefficiency—in other words, when they have no longer an alibi—we are going to see the law enforced.

I have no doubt but that the law can be enforced. I have no patience with anybody who says this is a law that can not be enforced. I know it can be enforced if the instrumentalities for enforcement are put into the hands of those who want to enforce it. There is no reason why this law can not be enforced as well as any other law, except for one thing. There is no other law on the statute books to which so many people who were either instrumental in putting it on the statute books, or are now charged with its enforcement, are always denouncing and decrying the efforts made to enforce it and predicting its failure.

I do not think the law has been enforced, and I do not believe there is a Senator on this floor who believes there has been an honest effort to enforce it. If there has not been an honest effort to enforce it, there is a reason for that failure.

The only thing we can do at this time is to supply every instrumentality, and then, if the officers charged with the enforcement of the law do not do their duty, we can take other steps, and we will do so.

I have no fault to find with the people—I do not care whether they are preachers or laymen—who express their convictions, whether they are expressed to the Secretary of the Treasury or to Congress or to the President of the United States, that the law is not being enforced and that there is a growing public opinion charging some people in high places with a failure to enforce the law because they are out of sympathy with it. Anybody out of office is just as much interested in this Government as is the man in office. He has just as much right to his opinion and just as much right to express his opinion and certainly ought not to be criticized if he expresses an honest opinion. He has the right to criticize the Congress if we shall fail to supply every instrumentality that may be required to enforce the law, and say, "I do not believe Congress is in sympathy with the law, I do not believe that Congress wants the law enforced," and I shall not fall out with him for so doing if we turn down this amendment. He has a perfect right to express his opinion that the present Secretary of the Treasury is out of sympathy with the enforcement of this law and is not trying to do so. He would have had a perfect right to so express himself with reference to the President if he felt that way about it.

There is no immunity in this country going with the holding of office. There is nobody that is above the honest criticism, the honest censure of the humblest man or woman that walks the earth. So far as I am concerned, I do not fall out with a man when he uses that right and uses it with all the vigor he possesses. I do not believe there is an honest effort to enforce the law and I do not believe there ever has been.

I do not believe there is any sympathy with the enforcement of the law upon the part of some people who have been charged with it, just as I know there is no sympathy with its enforcement among certain Members who sit here in the Senate and who have denounced the law. I have not any doubt in my mind that there are men in jail to-day who got their inspiration and courage to violate the law because they heard it denounced by men who helped to make it.

This is a good time to say at last that we are in sympathy with the law we have made. If the instrumentalities have not been supplied, let us supply them, and when they are supplied then if the men charged with law enforcement will not enforce it, let us put others in office who are in sympathy with the law, so that we will have the law enforced.

Mr. SHORTRIDGE. Mr. President, we are on the eve of a new administration. I have faith in Herbert Hoover. The American people have faith in Herbert Hoover. In his address of acceptance of the Republican nomination for President, delivered at Palo Alto, Calif., he said:

> I recently stated my position upon the eighteenth amendment, which I again repeat. I do not favor the repeal of the eighteenth amendment. I stand for the efficient enforcement of the laws enacted thereunder. Whoever is chosen President has, under his oath, the solemn duty to pursue this course.
>
> Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.
>
> Common sense compels us to realize that grave abuses have occurred, abuses which must be remedied. An organized searching investigation of fact and causes can alone determine the wise method of correcting them. Crime and disobedience of law can not be permitted to break down the Constitution and the laws of the United States.

We have been given to understand, Mr. President, that he proposes to bring about an exhaustive study and survey of the whole situation. Let us await the result of such study and survey, and to the end that that survey and study may be exhaustive and thorough and searching, I submit that we shall perform our duty fully at this hour if we approve of and adopt the amendment proposed by the Senator from Virginia [Mr. GLASS]; in a word, if we authorize the sum named in the Senator's proposed amendment, $250,000, for the purposes indicated.

Mr. BROOKHART. Mr. President, I desire to present for the RECORD a little bit of information with reference to one phase of the prohibition question. I am not one of those who claim the law has been enforced in every detail or that it ever will be enforced in every detail. Nevertheless, I think it has been the most successful experiment in both an economic and a social way that we have ever undertaken in a national way in our country.

I think that the enforcement has not been what it should be. I am going to vote for the $24,000,000 amendment. I believe it should be used and used efficiently. I am not satisfied with the efficiency of the enforcement of the prohibition law, and the principal objection I have to that efficiency is the fact that a plan adequate to meet the situation has not been proposed or carried out by the Treasury Department. I think they have not been in sympathy with the prohibition law and have neglected it and not cared to enforce it as it should be.

While that is true, I realize at the same time that many of the charges against prohibition are groundless. I think one reason why we need more money is because some of the States have not complied with the mandate of the Constitution itself.

The eighteenth amendment puts the same obligation upon the State of Maryland to have an enforcement law that it places upon the Congress of the United States. Maryland has neglected that duty, but the people of Maryland are aroused to the situation. I have lived almost two years now out among the people of Maryland and they are on the dry side of the question. Those who are on the wet side who have not already been retired are going to be retired as fast as the people of Maryland get a chance at them.

Therefore, while the amendment should be adopted, I want to place in the RECORD a contradiction of some of the charges which have come here about the abuses of the use of liquor at this time. The claim is that drinking has increased in the colleges of the United States and that the young people are being debauched. I want to deny that statement. I say that they are in better condition and are living better and their purposes are higher than they have ever been at any other stage in the history of the United States. In support of that statement I submit an editorial from the Evening Journal of my home town, which contains a letter from Col. Morton C. Mumma, retired, of the Regular Army, who has had a long and intimate experience with college students among the universities of the country and who is able to speak as accurately as any man in the country of those conditions. I ask that the editorial incorporating the letter may be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington (Iowa) Evening Journal, January 11, 1929]

DRINKING IN THE COLLEGES

In a recent issue of the Des Moines Register there appeared an article by Rupert Hughes on the subject "College Students Drinking Too Much," which many people read, no doubt, and it is equally probable that some of them were unduly impressed by the Hughes article. There are some people to-day, as there have been in all periods of our history, who think that the young people of "this day" are going to the dogs just as fast as they possibly can and faster than ever before. The only exception may be their own children.

Many of our older people who remember the past, as it was, do not agree to that proposition, however. They believe in the young folks of this day; believe that they are the best ever, and they are. Such a rule must prevail, generally, else civilization would die. But it prevails, anyway, to-day by reason of the fact that the average of people are much more reasonable, better hearted, wiser, more sympathetic, more considerate, less superstitious, clearer brained than ever before.

Mr. Hughes, in his article, saw great debauchery in the colleges. If he was in any of the same colleges 30 years ago, 25 years ago, 20 years ago he saw more, much more. But he may have forgotten, or he may be one of those who sees no beauty in any present, but has distorted remembrances of the past, or he may, possibly, have had contact with an exceptional institution only.

At any rate, a week later, in the same paper there appeared an article by Col. Morton C. Mumma, challenging Mr. Hughes's diagnosis of the "college" case. Colonel Mumma has had a rare opportunity to observe "drinking in colleges," as his article will explain. The following is his letter:

"I am surprised that you would publish the writing of Rupert Hughes which appeared in the Sunday Register of December 23 with the accepted caption 'College Students Are Drinking Too Much.' The illustration heading the article and the article itself in its entirety constitute a slander on the good name of American youth, and especially of those in our colleges and universities. I presume this article was accepted as news, but I have always been of the opinion that the essential of news is truth.

"I do not know the extent of either Mr. Hughes's contact with or observation of college men and women, but I am quite willing to match my own experience with his, and in so doing I say positively that he is either blind to the truth or is prostituting it to meet his own desires. For 28 years I have been an official at athletic contests, especially football and baseball, in the East and Middle West. Since the advent of prohibition my activities in this respect have been confined, with a few exceptions, to the western conference and the Missouri Valley. For 4 years before the war, and for nearly 10 years since, I have been a resident on a college campus and in an unusual way have been brought in close contact with student life. Since the war I have officiated in football games at which there were approximately 4,000,000 people in attendance. I have observed students and alumni on trains going to games, watched them while they were wending their way to the stadium, traveled on trains with them after games, stayed in hotels occupied by them before and after games, and attended a great many fraternity parties after games, and to generalize, as Mr. Hughes has done, by saying that 50 per cent of the college boys and their friends were more or less drunk is a slander that merits the utmost contempt.

"No matter how impossible it is to say just what percentage are noticeably under the influence of liquor I want to emphasize that in my judgment I have not seen an average of one person in a thousand in that condition out of the vast throngs I have carefully observed.

"A few years ago in an Ohio city a prize fight was scheduled between two nationally known contenders—one white, the other colored. This fight was only a few miles from a military camp which I commanded, and many from my command attended. Because I knew that a large contingent of colored people would be in attendance—Ohio near this locality has a large colored population—I went over, being apprehensive that there might be some trouble after the fight. I arrived early and took station just at the entrance where I observed practically every one of the 40,000 attending. I had several other officers and noncommissioned officers with me instructed to observe especially for evidence of liquor. Not one of us saw a single person in that prize-fight audience who could be positively marked as intoxicated. This never happened in the days prior to prohibition—in fact, liquor concessions would probably have been a part of the receipts.

"In liquor days I spent one racing season as a reporter for a racing paper, visiting all the tracks of the grand circuit.

"My duties involved a visit to the stable of every trotter and pacer in the program. Drinking and drunkenness were evident everywhere; liquor was openly sold under every grandstand.

"Since the war I have attended several meetings on the same circuit. Drinking from pocket flasks may still be seen, but drunkenness, especially among the employees of a stable, is so rare as to cause comment.

"But to get back to the objects of Mr. Hughes's attack: In all the cities and college towns in which I have officiated in big games there has been just one occasion in the last 10 years when the evidences of liquor were such as to give rise to an opinion even approximating that expressed by him in his article. In this instance as in all others where drinking has been noticeable the offenders were almost invariably from the ranks of alumni and not students. Of course I am not blind to the fact that some students do have liquor and use it at times to excess, but by comparison with liquor days the instances are so rare as to cause comment. In too many cases, also, the offenders are numbered among the so-called respectable class, men who, because of their wealth and social position, feel secure in their violation of the law. According to my observation by far the greater number of cases of excessive drinking will be found in hotel rooms after a game and on special trains returning from games and not among students on the campus or in the fraternity houses. I have known 15,000 students on the campus of the University of Iowa and not one-tenth of 1 per cent of them have used intoxicating liquor to the extent that it has been noticeable. As I said earlier in this letter I had an unusual opportunity to know the facts. Rupert Hughes's expressed opinion may be ascribed to one of the following: He has poor powers of observation; he has observed and written about a particular and exceptional occasion; he has distorted the facts for literary purposes; or like most antiprohibitionists has an utter disregard for facts in order to influence opinion. Probably all of these have influenced his scandalous article."

Mr. BROUSSARD. Mr. President, when the Senator from Georgia [Mr. HARRIS] first offered his amendment I told him I would vote for it. Subsequently the Senator from Washington [Mr. JONES] offered an amendment which provided for a propaganda bureau in the Prohibition Department to which I am very much opposed. I wish to ask the Senator from Georgia now if his amendment as modified incorporates or retains the $250,000 for the propaganda work in that department?

Mr. HARRIS. My amendment strikes that out.

Mr. BROUSSARD. Does the Senator's amendment provide for any sum to maintain such a propaganda bureau in the Prohibition Bureau?

Mr. HARRIS. It does not.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia as modified.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

The Chief Clerk proceeded to call the roll, and Mr. BARKLEY answered to his name.

Mr. BRATTON. Mr. President, what is the exact question on which the vote is being taken?

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARRIS], as modified, to the amendment of the Senator from Washington [Mr. JONES] to the committee amendment on page 16, line 16.

Mr. BRATTON. Mr. President, if in order I would like to have the amendment read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment on page 16——

Mr. MOSES. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from New Hampshire will state the point of order.

Mr. MOSES. The roll call having been begun and a Senator having answered to his name, the roll call can not be interrupted.

The VICE PRESIDENT. The Senator is correct. The point of order is sustained.

Mr. BLACK. Mr. President, I ask unanimous consent that the amendment may be stated, so that we may know what we are voting on. I understood that we were about to vote on the amendment of the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. It is the amendment of the Senator from Georgia [Mr. HARRIS]. The clerk will proceed with the roll call.

The Chief Clerk resumed the call of the roll.

Mr. COPELAND (when his name was called). On this question I have a pair with the senior Senator from Ohio [Mr. FESS]. If he were present, he would vote "nay." If I were permitted to vote, I should vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness.

Mr. BLAINE (when Mr. LA FOLLETTE's name was called). My colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness.

Mr. RANSDELL (when his name was called). On this vote I have a pair with the junior Senator from Ohio [Mr. BURTON]. If he were present, he would vote "nay." If I were permitted to to vote, I should vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Indiana [Mr. ROBINSON] and vote "nay."

Mr. SMITH (when his name was called). I have a pair with the Senator from Indiana [Mr. WATSON]. If he were present, I am informed he would vote "nay," and if I were allowed to vote, I should vote "yea."

The roll call was concluded.

Mr. JONES. I wish to announce that the Senator from West Virginia [Mr. GOFF] is necessarily absent on account of illness. If he were present, he would vote "nay." He is paired with the Senator from Rhode Island [Mr. GERRY].

I also wish to announce that if the junior Senator from New Mexico [Mr. LARRAZOLA] were present, he would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness.

The result was announced—yeas 50, nays 27, as follows:

YEAS—50

Ashurst	Capper	Fletcher	Hayden
Barkley	Caraway	Frazier	Heflin
Black	Couzens	George	McKellar
Blease	Dale	Glass	McMaster
Bratton	Deneen	Harris	Mayfield
Brookhart	Dill	Harrison	Neely
Broussard	Edwards	Hawes	Norris

Nye	Schall	Swanson	Wagner
Overman	Sheppard	Thomas, Okla.	Walsh, Mass.
Pine	Shipstead	Trammell	Walsh, Mont.
Pittman	Simmons	Tydings	Wheeler
Robinson, Ark.	Steck	Tyson	
Sackett	Stephens	Vandenberg	

NAYS—27

Bingham	Gould	McNary	Shortridge
Blaine	Hale	Metcalf	Smoot
Borah	Hastings	Moses	Steiwer
Bruce	Johnson	Oddie	Thomas, Idaho
Curtis	Jones	Phipps	Warren
Edge	Kendrick	Reed, Mo.	Waterman
Glenn	Keyes	Reed, Pa.	

NOT VOTING—18

Bayard	Gillett	La Follette	Robinson, Ind.
Burton	Goff	Larrazolo	Smith
Copeland	Greene	McLean	Watson
Fess	Howell	Norbeck	
Gerry	King	Ransdell	

So the amendment of Mr. HARRIS in the nature of a substitute for the amendment of Mr. JONES to the amendment of the committee was agreed to, as follows:

In lieu of the matter proposed to be inserted by Mr. JONES as a substitute for the committee amendment, on page 16, beginning in line 16, insert the following:

"For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930."

The VICE PRESIDENT. The question recurs on the so-called Jones amendment as amended, proposed as a substitute for the committee amendment.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question is now on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GLASS. Mr. President, I gave notice of an amendment which I present now as an independent provision of the bill, to follow the amendment which has just been adopted.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. To be inserted in the bill after the amendment which has just been agreed to, it is proposed to insert the following:

For the purposes of a thorough inquiry into the problem of prohibition under the provisions of the eighteenth amendment of the Constitution, and laws enacted in pursuance thereof, $250,000, or as much thereof as may be required, to be expended under authority and by direction of the President of the United States, who shall make report of the result of such investigation to the Congress together with his recommendations with respect thereto, said sum to be available until June 30, 1930.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Missouri. There is a division of opinion among Senators as to whether we have adopted simply the Harris amendment, in the nature of a substitute, or have adopted the Harris amendment and also the Jones amendment, so that both appropriations stand.

Mr. ROBINSON of Arkansas. The Harris amendment was offered as a substitute for the Jones amendment.

Mr. REED of Missouri. Then it is substituted for it, and that is the amendment which stands.

Mr. ROBINSON of Arkansas. Yes.

Mr. McKELLAR. Mr. President, I offer the amendment which I send to the desk, and ask that it may be read.

The CHIEF CLERK. On page 16, line 9, it is proposed to strike out the proviso contained in lines 9 to 15 and in lieu thereof to insert:

Provided, That section 3220 of the Revised Statutes (title 26, sec. 149, p. 737, U. S. C.), as amended by act of Congress on May 29, 1928, be, and the same is hereby, amended to read as follows:

"SEC. 3220. In case of any claim filed with the Commissioner of Internal Revenue before the approval of this amendatory act for refund, credit, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes (whether such claim arises from illegality of assessment, of collection, of penalties, or of unjust or excessive taxation), the commissioner, under rules prescribed by the United States Board of Tax Appeals, shall, upon final action by him upon the claim, certify the claim to the board where the commissioner recommends a refund, credit, or abatement, and where the amount claimed or recommended for allowance is more than $10,000. The commissioner, under rules prescribed by the board, shall also certify with such claim all papers and proof in reference to such claim, with his recommendation and reasons therefor, in such form and manner as the board may by rule require. Where the amount claimed is more than $10,000, should the commissioner not recommend the refund, credit, or abatement in the amount claimed, the taxpayer shall have the right to institute, by petition to the board within such time as the board shall by rule prescribe, a proceeding for the determination of the claim, and in such cases the commissioner shall, upon order of the board, certify to the board the papers, proof, and recommendation and reasons therefor as above specified. The board shall have jurisdiction to hear and determine on the merits any claim certified to the board by the commissioner or instituted before the board by the taxpayer under this paragraph in the same manner as is provided for in cases of deficiencies, with the right of either the commissioner or the taxpayer to submit additional proof.

"Any such claim made after the approval of this amendatory act shall, where the amount claimed is more that $10,000, be instituted, within the period of limitation provided by law, only by petition for refund and/or credit or abatement filed by the taxpayer with the board. The board shall have jurisdiction to hear and determine the claim on the merits in the same manner as is provided for in cases of deficiencies; and in such cases the commissioner shall, upon order of the board, certify to the board all papers and proof in reference to the claim in such form and manner as the board may by rule require.

"The jurisdiction of the board under this section shall be concurrent with the Federal courts, and any judgment of the board determining any claim under this section shall be final unless within six months the taxpayer or the commissioner has filed a petition for a review of such judgment of the board in such manner as is provided for in cases of deficiencies.

"All judgments or decrees of a court or of the board for the refund of internal-revenue taxes, and all judgments of any court against any collector or deputy collector for any internal-revenue tax collected by him and the costs and expense of the suit, and all judgments for damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inpector in any suit against him by reason of anything done in the due performance of his official duty, shall be certified to the Congress for payment.

"All claims, whether filed before or after the approval of this amendatory act, for credit and/or refund, or abatement of income, war-profits, excess-profits, estate, or gift taxes, or other internal-revenue taxes, or penalties in connection therewith, illegally assessed or collected, or for refund of such taxes unjustly assessed, or excessive, or wrongfully collected, shall, where the amount claimed is not more than $10,000, be determined by the commissioner, and any refund, credit, or abatement therein shall be made by him, under regulations prescribed by the board.

"At the beginning of each regular session of Congress the commissioner shall make a report to the Congress, by internal-revenue districts and alphabetically arranged, of all refunds and credits authorized by him in excess of $500, and the board shall make a like report, with its findings and orders, of all refunds and credits or abatements authorized by it."

Mr. McKELLAR. Mr. President, this amendment for the present is offered under a suspension of the rules, of which I have already given notice, and I propose now to discuss the matter with that statement.

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him?

Mr. McKELLAR. I will.

Mr. WARREN. Of course the Senator knows very well that this amendment would have to be ruled out of order, as it is legislation.

Mr. McKELLAR. I know nothing of the kind.

Mr. WARREN. It proposes to alter laws already on the statute books having nothing whatever to do with the appropriations, so that it could not be considered in connection with the bill that is now before us. It has not been properly passed upon by any committee. It is merely a measure which the Senator introduced originally as a bill, and which he has since changed and put in the form of an amendment. As I have said, it has not been before the committee at all.

I do not wish to interrupt the Senator, because I understand that he proposes to move to suspend the rules.

The VICE PRESIDENT. A two-thirds vote is required on a motion to suspend the rules. The point of order lies against the amendment as general legislation. The Chair will hold that it is general legislation.

Mr. McKELLAR. I have offered the amendment under a suspension of the rules. When I offer it as an amendment not under a suspension of the rules I hope the Chair will permit the matter to be ruled upon at that time, and not now.

Mr. President and Senators, for a number of years I have sought in some way to correct the abuses that have grown up

about tax refunds, and I desire to explain to you very briefly the situation as it is disclosed by the evidence.

The other day, when this matter came before the subcommittee of the Committee on Appropriations, I secured the attendance of Mr. Blair and the Assistant Secretary of the Treasury, Mr. Bond, and Mr. Parker, connected with the Joint Committee on Internal Revenue Taxation, and took their testimony; and upon their testimony I want to speak to you now about what is contained in this amendment, and the reasons for the amendment.

It has been constantly stated by the Treasury Department for a number of years that the collections from additional assessments were about four times what was paid out in tax refunds. Instead of that being the fact, I find that during the last eight years there has been collected on reassessments in round numbers $3,900,000,000, while during the same period there has been paid out by the Internal Revenue Department in tax refunds, in credits—which means exactly the same thing—or in abatements—which means exactly the same thing—the stupendous sum of about $3,300,000,000. In other words, without regard to the cost of the collection of these reassessments, there has been about $600,000,000 difference between the entire amount collected and the entire amount paid out to favorite taxpayers during those eight years.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I do.

Mr. SWANSON. Do I understand that over $3,000,000,000 was improperly assessed against the taxpayers, and subsequently remitted? I should like to have an investigation of this kind, and I hope the Senator will amend his proposal so as to cover it, because I should like to vote for it. I think one of the worst features of this matter is the reckless, lawless way in which the representatives of the Treasury Department make assessments against people and compel them to hire lawyers to defend themselves against unjust taxes. If three billions of these taxes were imposed and then remitted, one of two wrongs has been done: Either they were unjustly imposed, and the taxpayer was oppressed, or they were improperly remitted.

I should like to see a more honest and better assessment of taxes; and I should like to have the Senator amend his proposal so as to cover that matter.

Mr. McKELLAR. If the Senator from Virginia will be just a little patient with me, I think I can demonstrate that he ought to vote for the measure that is proposed. I know he will agree, and I believe every Senator here will agree, that these abuses that have arisen in the Internal Revenue Department ought to be corrected.

Mr. SWANSON. Mr. President——

Mr. McKELLAR. I hope the Senator will let me go on for the present.

Mr. GLASS. Mr. President, adverting to what the Senator from Tennessee has just said, may I inquire whence he derives the figures he has given?

Mr. McKELLAR. I shall be delighted to tell the Senator. I can not say it all in one word; but I have it here on the indisputable evidence of the Treasury officials themselves—notably, Mr. Bond, the Assistant Secretary of the Treasury in charge of refunds, and Mr. Blair, the head of the department.

Mr. GLASS. I do not find it in the testimony, and I have read every word of it. I am a member of the subcommittee, but was unavoidably absent from the meeting at which this matter came up. Therefore I put myself to the pains of reading every word of the testimony.

Mr. McKELLAR. I am afraid the Senator did not get all of it. The Senator will recall that Mr. Bond was to give us certain additional information. What came out before the committee, let me say to the Senate, was this:

Mr. Blair and Mr. Bond both admitted that $935,000,000 had been paid back in cash to taxpayers up to 1928. So much for that. I then called upon Mr. Bond for further information and I hope the Senate will bear with me while I read a very short letter. This letter is dated January 11, immediately after the hearings before the committee:

Hon. H. H. BOND,

Assistant Secretary of the Treasury, Washington, D. C.

MY DEAR MR. BOND: I will be greatly obliged if you will send me down by special messenger in the morning a list of all those who have been allowed credits or abatements of taxes during the years from 1920 to date.

Notice, "from 1920 to date."

I have been reliably informed that there is such a list already compiled in your department, and I know it will not be much trouble. Of course, I want the amounts. If, under your interpretation of the law, you are unwilling to give me the names of the taxpayers to whom abatements, credits, or depletions have been allowed, I will be glad if you will give me the amounts of these credits, abatements, or depletions by year; in other words, the total amount from 1920 up to date.

I am sure from what I have been informed and from what I know about the necessity of the department for having such information for the Director of the Budget that the figures are available.

Your immediate attention to this will greatly oblige.

Very sincerely yours,

KENNETH MCKELLAR.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. Will the Senator pardon me for just a moment? I want to get these facts before the Senate.

I now have from Mr. Bond the figures as to the credits allowed. I want to call the attention of the Senate, however, to the fact that he starts in 1923 and winds up in 1928. He did not start in 1920, as I asked him to do. I am just going to read the millions in dealing with these figures. I will not go into the thousands and hundreds.

Mr. GLASS. I suggest that the Senator just give us the totals.

Mr. McKELLAR. There is another reason for giving them. This is very short:

1923, $306,000,000 in credits.
1924, $355,000,000 in credits.
1925, $226,000,000 in credits.
1926, $339,000,000 in credits.
1927, $262,000,000 in credits.
1928, $199,000,000 in credits.

The total of those six years is the stupendous sum of $1,679,000,000, which, by a simple calculation, added to the cash refunds, amounts to the enormous sum of $2,614,000,000.

Now I call your attention to the fact that the figures for 1921 and 1922 are not given. I call your attention to this further statement in the memorandum inclosed by Mr. Bond in his letter, from which I read:

It will be noted that in the latter years there has been a substantial reduction in the abatements and credits.

In other words, the 1923 abatements were $306,000,000. In 1928 the amount was $199,000,000. The Assistant Secretary seized upon that fact to indicate—though some of the amounts for other years in between were greater—that the amounts toward the end were less. If we will take 1921, and assume that they paid out the same amounts in 1921 and 1922 that they paid out in 1923, that will add over $600,000,000 more to this fund, which will produce the figure of about $3,300,000,000.

I stop here long enough to say that ever since this law went into effect the department has honeycombed this whole Nation with tax gatherers examining into the returns of every taxpayer in this country, from the smallest to the highest perhaps. They have gone over them with a fine-tooth comb; and one of the things that make the income tax law unpopular is the fact that this horde of tax gatherers are going out through the country——

Mr. WARREN. Mr. President——

Mr. McKELLAR. I decline to yield at this time. I will yield a little later to the chairman of the committee.

This horde of taxgatherers have been going out through the country examining into the income-tax returns of every business man, every corporation, every individual; and after examining them they have reassessed and collected $3,900,000,000, and they have paid out in secret, Senators—paid out in secret by committees in the Treasury Department that nobody knows——

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him? I wish to ask the Senator a question.

Mr. McKELLAR. I very much prefer to go on, because I do not expect to take a great deal of time, but I do want to explain this situation to the Senate.

Mr. WARREN. I simply desire to make a suggestion. The Senator made some remark about the witnesses who came before us.

Mr. McKELLAR. I hope the Senator will not go into that now. I am going to quote their testimony in so many words.

Mr. WARREN. If the Senator will not yield, of course, I will not interrupt him. I simply wanted to ask a question.

Mr. McKELLAR. I shall be very glad to have the Senator do so.

Mr. WARREN. I want to know if those witnesses who came before us acted the part of gentlemen and officers, and if they were open and frank in every way except where the law did not permit them to give figures?

Mr. McKELLAR. I am making no criticism of the two witnesses at all. I think very highly of the Commissioner of Inter-

nal Revenue. I had never met Mr. Bond before, but I think very highly of him. What I object to is the infamous system of secrecy, the system itself, not the individuals. I want it distinctly understood that I am not making charges against individuals. What I am attempting to do is to show the Senate and the country the outrageous system of making secret returns to taxpayers, which none of us know anything about, and are not permitted to know about.

Let me call attention to what is asked here now. The department asks for an additional appropriation of $75,000,000, an emergency fund, to pay these refunds for the balance of the year. We have already given them $130,000,000 this year. They said they had $22,000,000 left, and were paying it out so rapidly that between now and July they would need $75,000,000 more. I said, "Mr. Bond, what are the reasons for these refunds amounting to $75,000,000?" "I can not tell you."

"What claims have you to pay?" "I can not tell you."

"Mr. Blair, what claims do you propose to pay out of this $75,000,000?" "I am not permitted to tell you. The law prohibits me from telling you."

Think of it, Senators, they come and get a regular appropriation of $130,000,000 to pay out secretly in refunds, and then come back for an emergency appropriation of $75,000,000, to be paid out in like manner, and yet they are not willing to tell the Senate what claims are to be paid, and why they are paying that money out. Is it possible we are going to keep that up?

Mr. SMOOT. Will the Senator yield now for me to make a correction?

Mr. McKELLAR. I would rather go on and explain the matter, but if the Senator desires to ask me a question, of course, as the Senator from Utah is a member of the committee, and I am very fond of him, I will yield to him.

Mr. SMOOT. I wonder if other Senators got the impression I did from the statement the Senator made, that these were refunds on taxes beginning with 1920, and running through 1921, 1922, 1923, and 1924?

Mr. McKELLAR. I did not say anything of the kind.

Mr. SMOOT. The Senator must know that all of these refunds come from 1917.

Mr. McKELLAR. Oh, no; they come all the way through the years from 1917. I am glad the Senator has asked the question, and I would like to answer it. I will take the year 1917 and give the Senate a concrete example. In the year 1917——

Mr. ROBINSON of Arkansas. Mr. President, I make the point of order that the Senator from Tennessee has the floor and that the Senator is entitled to proceed with his remarks without conversation on the floor.

The VICE PRESIDENT. The Senate will be in order.

Mr. McKELLAR. I hope Senators will not indulge in conversation so that I can explain this matter which is very important. It is the most important matter that has come before the Senate this year, or any other year. No such enormous amount, in actual value, can be imagined. When I tell Senators that the secret rebates and credits which have been made in the last eight years amount to more than the entire value of every shred of property in the State of Louisiana, including New Orleans, including real estate, and every other kind of property, they will realize what this means. The entire wealth of the State of Louisiana is about $3,000,000,000, and the amount that has been paid out in the last eight years is over $3,000,000,000.

When I tell Senators that the entire wealth of the State of Alabama is less than $3,000,000,000, and that the amount which has been paid out in rebates is more than $3,000,000,000, they will realize what sort of a question is involved.

The question involves an enormous amount of credits and cash—and the credits are just exactly the same as cash—paid out secretly by the department. Mr. Blair, an honest man, as I believe him to be, said exceedingly frankly, "I never pass upon a claim"; and he does not. He did not know anything about any claim. There was not one case he claimed to know anything about. It is not the head of the bureau but clerks in the bureau who pass upon the claims, and I want to give a concrete example.

In the year 1917 the United Steel Corporation made its own voluntary tax return. Let us not forget the date; it made a voluntary tax return in 1917. I do not know what that return was; we can not find out. A Senator is not permitted to know. A Senator can not find out what they paid from that hermetically sealed department. But let us assume, for the sake of the argument, that the United States Steel Corporation voluntarily came forward and paid half a billion dollars in taxes of all kinds that year. I do not know what they paid; I am merely guessing at it and using that amount for the sake of the argument. They made a voluntary return. We suppose they made an honest return.

In 1919, two years later, what happened? The return was examined later on in the department—in the solicitor's office of the department, according to the testimony of Mr. Blair and Mr. Bond—and they found that mistakes had been made, and that the United States Steel Corporation should be assessed $7,000,000 more. They paid that, and I believe the record shows—I will not be absolutely sure about it—that they paid it without protest.

Mr. GLASS. No; the record shows that they paid it under protest.

Mr. McKELLAR. I think not; but that is immaterial. About a year later the department again reassessed the United States Steel Corporation $6,000,000 more, and they paid that.

Mr. NORRIS. The same year?

Mr. McKELLAR. A year later, but for the same year.

Mr. NORRIS. That is what I mean.

Mr. McKELLAR. I am not talking about anything else but the year 1917. In 1920 they reassessed it $320,000 again for the same year, 1917, and they paid that. In 1921 they reassessed it the fourth time, and they paid that fourth reassessment. Those several assessments amounted to $17,000,000. No claim for a refund was made as to that year then, either on the original investment or on the subsequent assessment—in the aggregate amounting to $17,000,000.

Mr. SMOOT. The assessments were paid under protest, and they paid them because if they had not done so they would have had to pay 6 per cent interest.

Mr. McKELLAR. The Senator may have private information, but there is nothing in the record about it.

Mr. GLASS. Right on that point I want to ask the Senator if he does not consider it a frightful indictment of the efficiency of the Internal Revenue Bureau that it takes all these years and all these different assessments to determine what ought to be the tax assessed against a great corporation.

Mr. McKELLAR. I agree with the Senator; but I have something that is so much more important than that at this minute that I want to give it to the Senate, if I may.

Mr. GLASS. I do not think there is anything more important than that the Internal Revenue Bureau shall accurately assess taxes against taxpayers and acquit them of their responsibility to the Government.

Mr. McKELLAR. In the erudite words of that distinguished statesman, Al Jolson, "You ain't heard nothing yet."

Mr. President and Senators, at the time those four assessments were paid there were five men in the solicitor's department. I do not know what the facts are, but Mr. Bond and Mr. Blair both testified, as appears in the record, that these claims were settled in the solicitor's office, as it was called then; it is now the general counsel's office. They testified. I do not know whether it is so or not, because it is hermetically sealed so far as I am concerned; but that is the testimony. There were five men in that department at that time. One was a Mr. Service, one was a Mr. King, one was a Mr. Cardwell, and they are still in that department. A fourth one was a Mr. Wayne Johnson, who was then the solicitor, or part of the time was the solicitor. Another one was a Mr. Alverson, who was his assistant.

On September 25, 1920, as I remember the date, Mr. Johnson resigned his office, and Mr. Alverson resigned a few days later; and on February 25, four or five months afterwards, those two gentlemen were admitted to the practice of law in the Treasury Department. In 1923, apparently when the two years had expired when they might file such claims of all the United States Steel Co.'s attorneys in this country, Mr. Wayne Johnson, formerly the solicitor, when these assessments were made, and Mr. Alverson, brought suit for the United States Steel Corporation to recover the $17,000,000 of additionally assessed taxes, with interest thereon, and also to recover, I believe, a hundred million dollars of the voluntary assessments and payments of taxes made by the company in the first instance.

Mr. CARAWAY. Did I understand the Senator to say that these were the men who made the assessments?

Mr. McKELLAR. They were in charge of that department. I am assuming that Mr. Bond and Mr. Blair testified to the truth, and I believe they did.

Mr. SMOOT. Mr. President——

Mr. McKELLAR. If the Senator will wait one minute, I will get to the matter.

Mr. SMOOT. I have the dates here, and Mr. Wayne Johnson——

Mr. McKELLAR. Mr. Wayne Johnson sent a telegram here denying what Mr. Bond and Mr. Blair had sworn to. I do not

know which is right. Mr. Wayne Johnson himself said they had nothing to do with the original assessments or reassessments. Whether they did or not, I am not advised, and I can not say. I am going on the record made by these two gentlemen.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. Referring to the interrogation addressed to the Senator by the Senator from Arkansas, I do not understand that the solicitor's office would have anything to do with the assessment in the first instance.

Mr. McKELLAR. The reassessments; oh, no.

Mr. WALSH of Montana. Or the reassessments.

Mr. McKELLAR. I do not know, but that is what Mr. Blair and Mr. Bond testified to, and I will read the testimony in a few minutes.

Let us see what happened. Here were five men in that bureau, in the solicitor's office, if you please, in the general counsel's office, if you please, and two of them became lawyers and the other three became the judges. The three—Mr. Service and Mr. King and Mr. Cardwell—became the committee which passed on these claims.

This is what happened: From 1923 to 1928 those claims were being tried before the department, and at the same time lawsuits were being brought in the Court of Claims for, I think, $150,000,000.

In 1928 this committee of three made an allowance. What testimony they had nobody knows; we could not find out. It was against the rules to tell us and against the law, they said. They allowed $15,000,000 principal out of the $17,000,000.

Mr. President, I should like to have a little order in the Chamber. I have a good, strong voice and I ask Senators to bear with me a little while. I assure them I am not talking against time. I am trying honestly and sincerely to lay the facts before the Senate as they appeared in the hearing. Will not Senators listen for a few minutes? If they want to uphold this secret method of paying out these enormous sums of money, it is no matter of mine. I can stand it as well as anybody in the Nation, but I would like to go on for a few minutes and at least lay the facts before the Senate.

These three men paid $15,000,000 out of the $17,000,000 reassessment and then gave them $11,000,000 more interest, amounting to $26,000,000. But is that all? Not at all. They went back and ripped up the voluntary assessment, and they allowed a credit on subsequent years to the Steel Co. of $28,000,000 more and $3,000,000 more in interest, making a grand total of $57,000,000 at one time for one year. The year 1918 has not been settled yet, and they have a claim of $50,000,000 to settle on similar grounds.

Mr. WALSH of Montana. Mr. President, I would like to ask a little explanation on that point.

Mr. McKELLAR. I am very glad to yield.

Mr. WALSH of Montana. As I understand the Senator, he spoke about a voluntary assessment?

Mr. McKELLAR. Yes.

Mr. WALSH of Montana. That is, the Steel Co. returned that they were obligated to pay so much?

Mr. McKELLAR. And paid it.

Mr. WALSH of Montana. And without any protest on their part at all?

Mr. McKELLAR. They did not seem to know whether there was a protest.

Mr. WALSH of Montana. The department looked it over and said, "You have reported too much and are entitled to a refund"?

Mr. McKELLAR. Ten years afterwards.

Mr. GLASS. Mr. President, if that were so, why should not the department say, "You are entitled to so much"? If the Commissioner of Internal Revenue or his agents assess me $50,000 of taxes and thereafter find that they have taken $10,000 of my money to which the Government is not entitled, why should not they voluntarily return it to me?

Mr. WALSH of Montana. They should; but that is not the situation, as I understand it from the statement now made by the Senator from Tennessee.

Mr. McKELLAR. Will the Senator pardon me a moment? I want to say that in making this argument I am not against the Government returning every dollar that it has unjustly or unlawfully taken from a taxpayer. It is the secret method to which I am objecting.

Mr. SMOOT. That is the law.

Mr. McKELLAR. It is being done secretly, with nobody, not even the Congress of the United States, having the power to find out about what the $75,000,000 is.

Mr. HEFLIN. The Senator wants to have it done in the open.

Mr. McKELLAR. I want to have it done in the open and not in secret.

Mr. ROBINSON of Arkansas. How many times was the assessment for 1917 audited?

Mr. McKELLAR. Four times, according to the record.

Mr. GLASS. And that is the very system that I say is the vice of the whole thing.

Mr. McKELLAR. It is one of the vices.

Mr. ROBINSON of Arkansas. Does the Senator remember within what period those several audits occurred?

Mr. McKELLAR. I will give the Senator the exact dates. I asked the witnesses that very question and can give the Senator the dates. The first of the audits was made on December 29, 1919, for $7,190,165.71. The second was made December 30, 1920, for $6,369,497.75; the third on February 14, 1921, for $167,073.30; and the fourth on August 29, 1921, for $4,000,000. These aggregated $17,000,000 plus. They were audited evidently by the department on four different occasions and each time they were audited an additional amount was required and an additional amount was paid.

Mr. WALSH of Montana. What explanation was made of the successive allowances?

Mr. ROBINSON of Arkansas. Just a moment, if the Senator please.

Mr. McKELLAR. I shall be glad to answer that question in just a moment.

Mr. ROBINSON of Arkansas. It has been quite a considerable period since I read this case, but my recollection is that in subsequent years several audits were made of the same assessment—perhaps in 1924, though I am not sure.

Mr. McKELLAR. They have been audited ever since, and the final credit and return by way of credit was $28,000,000, with $3,000,000 of interest, applicable on taxes for subsequent years—and credits are just the same as money—a total of $150,000,000 principal and $11,000,000 interest on reassessments.

Mr. ROBINSON of Arkansas. What I would like to understand is what explanation is given by the authorities in charge for the repeated audits, and why one audit should not have been sufficient to determine the issue.

Mr. McKELLAR. Let me explain just what they said.

Mr. GLASS. If I may answer the Senator from Arkansas right there, the reason was that at that time the system of income tax was new, just inaugurated, and the Bureau of Internal Revenue had to establish here in Washington a school to teach auditors how to audit accounts. That school, as I recall, was maintained perhaps for more than two years, and hundreds of persons had to be taught how to assess taxes and how to audit accounts.

Mr. ROBINSON of Arkansas. That does not reach the question I had in mind. As I recall it a suit was brought and was pending in court—in fact, I think it had gone to the Supreme Court of the United States—involving the issues respecting the taxes for 1917 of the United States Steel Corporation.

Mr. McKELLAR. So far as the record is concerned, it does not show that there was anything done with the suit except to bring it for a large amount in the Court of Claims. I suppose it is intended to dismiss it now though I do not know. We can not tell anything about it. They may prosecute the suit and get another refund. Who knows?

Mr. ROBINSON of Arkansas. Were there changes made in 1924?

Mr. McKELLAR. No; not in 1924. The first audit was made in 1919, and they called that an office audit and gave that as a reason for the new audit. Now I want to call attention to another remarkable part of this so-called refund system. Here is what Mr. Bond testified:

> Every large corporation knew that before its tax matters were finally closed its books would be audited with the greatest care and the work reviewed and their tax finally determined on the basis of those facts.

In another place he said that up to this good hour the moment one of the large corporations pays its taxes on its own assessment it at the same time files a petition for a tax refund. It has gone into the tax-refund business. It just continues to keep after them year by year until 10 years afterwards, in the case of the 1917 tax, it was still after them.

There is another element about the tax refund of 1917 that I want to call to the attention of Senators. There were about $12,000,000, including principal and interest, paid out in violation of the Secretary's own regulations in the matter, and admittedly so as shown by the record, $7,000,000 in principal and $5,000,000 in interest. The reason they gave for it was this—and the only reason why we have any facts about it is that this was

the one, single, and only case that ever went to the Joint Committee on Internal Revenue.

Mr. REED of Pennsylvania. O Mr. President!

Mr. McKELLAR. It is only one that they have ever passed on, then.

Mr. GLASS. The Senator means it is the only one they have commented on.

Mr. McKELLAR. I will give it to the Senator exactly in a moment.

Mr. GLASS. That shows, if the Senator will permit me, that the joint congressional committee is not worth a thrip.

Mr. McKELLAR. I tried to get the Senator not to vote for it at the time.

Mr. GLASS. I do not know that I did.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. McKELLAR. Certainly.

Mr. REED of Pennsylvania. Does not the Senator know that every refund involving $75,000 or more has gone to the joint committee since that act was passed?

Mr. McKELLAR. Of course, and let me tell the Senator how it is done. They have an agent and, by the way, he is a very delightful gentleman, and, I think, a man of some ability, too, a Mr. Parker.

Mr. WARREN. I hope the Senator will answer the question of the Senator from Pennsylvania.

Mr. McKELLAR. I am going to do it. Of course, I am going to do it. I have not the slightest notion of not doing it.

Mr. Parker is an agent of the committee. All these questions come to him and he says he has no authority to do anything with them. The matter comes to him and he looks at it and can make any suggestion he wants. But the Steel Corporation the last time, early in December, just last month, when its claim was before the committee, for some unaccountable reason brought about a different situation. I think Mr. GARNER is subject to the severest reprimand on the part of the House and the Senate and the department and everybody else, because he was inquisitive enough to ask something about it. He violated all the rules, of course, but he did. He was an inquisitive man and asked something about it, and Mr. Parker told him something about it, and in that way the horrible secret got out.

Mr. REED of Pennsylvania. Mr. President——

Mr. McKELLAR. Just a moment, please, because I am answering the Senator's question. I was examining Mr. Potter.

Mr. ROBINSON of Arkansas. Mr. Eresident, will the Senator permit me to ask the Senator from Pennsylvania a question about the point?

Mr. McKELLAR. Certainly.

Mr. ROBINSON of Arkansas. How many times has that tax assessment for 1917 been audited, if the Senator knows?

Mr. REED of Pennsylvania. It has been one continuous audit for about nine years. The file in the case in the Bureau of Internal Revenue occupies hundreds of thousands of pages. The final settlement letter rendered last year covers 2,700 pages.

Mr. ROBINSON of Arkansas. Does the Senator remember how many times it was said to have been audited and changes made in the assessment?

Mr. REED of Pennsylvania. Yes; it was at least five times.

Mr. ROBINSON of Arkansas. That was my recollection.

Mr. REED of Pennsylvania. In the first place, let me explain——

Mr. McKELLAR. No; I will get to that in a moment. I will yield to the Senator later to let him explain it. I want to read from the evidence now:

Senator McKELLAR. What cases are there now amounting to over $75,000—refunds of over $75,000—that are before the committee or that have been transmitted to your committee by the bureau?

Mr. PARKER. I am under the same limitations about naming those cases.

He could not name them because they were secret.

Mr. SMOOT. That is the law.

Mr. McKELLAR. Yes; that is the law. The Senator from Utah helped to enact the law——

Mr. SMOOT. So did the Senator from Tennessee.

Mr. McKELLAR. Hermetically sealing the Bureau of Internal Revenue in so far as any reports are concerned. I continue reading from the record:

Senator McKELLAR. Well, can you give me how many there are? Can you give me the number of them? If the name is so sacred, let us have the number.

Mr. PARKER. After all, they are coming up while I am sitting here. I can give you the number as of a certain date, or how many we have received up to a certain date.

Senator McKELLAR. Now, how in the name of Heaven has the United States Steel Corporation's name been given—how did it leak out; how did the people get hold of its name with regard to this matter, when the other names are so carefully preserved, except as to the Tobacco Co.? How in the world did you gentlemen ever let those two names of those two concerns get out?

Mr. BOND. Because Mr. GARNER got upon the floor and described the whole case. I do not say that in criticism, but because you ask the question.

Senator McKELLAR. Well, that is awful on Mr. GARNER's part, I should imagine. I think that he ought to be dealt with. I am speaking ironically, of course. I want the record to show that.

I spoke ironically a few moments ago. I think Mr. GARNER has performed a great patriotic service in his efforts in this matter to prevent a continuance of such a secret system of tax refunds.

Mr. GLASS. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Let me finish reading the extract and then I will yield.

So it was due to Mr. GARNER that those two names got out. It was over your protest, I suppose?

Mr. PARKER. No, sir; but Mr. GARNER is a member of this committee. Mr. GARNER has a right to see our records. He has a different standing from all others, except members of our committee, so far as our records are concerned.

Senator McKELLAR. He had a right to see any of these records?

Mr. PARKER. Yes.

Senator McKELLAR. Then it was not such a heinous offense to Mr. GARNER to disclose the names of these two concerns (pp. 42 and 43)?

Senator McKELLAR. Are hearings on these tremendous sums held and are they open to the public?

So we find that the principal case—I will speak of the Tobacco case in a few moments—is that of the United States Steel Co. It has claims for tax refunds, I suppose, for all the years, according to this testimony, from 1918. It has been testified that it had a claim for $50,000,000 for 1918.

Mr. GLASS. Mr. President——

Mr. McKELLAR. I promised to yield to the Senator from Pennsylvania; then I will yield to the Senator from Virginia.

Mr. REED of Pennsylvania. Mr. President, the Senator said that he did not know how the committee happened to take up the Steel Corporation case, and then he proceeded to guess that it was because Mr. GARNER had insisted upon it.

Mr. McKELLAR. No; I did not guess at all; I quoted from the testimony.

Mr. REED of Pennsylvania. I can show the Senator how the committee happened to take up the case. Mr. Parker, who had carefully investigated all the claims for refunds as they were turned over to the joint committee, with much more skill than any member of the committee could do it, came to this one, and thought it was so big and so important that he ought not to take the responsibility for it, and he suggested, very properly to the chairman, Mr. HAWLEY, that he call a meeting of the joint committee in order to learn the facts.

Mr. McKELLAR. Mr. Parker is to be commended for his action and it might have been a great pity that he had not called the attention of the committee to other cases, but evidently he did not do it, because this was the only claim of all the claims with which the joint committee undertook to deal. It considered the matter, I believe, for two days, according to the testimony, and at the end of that time left the matter where it was; it paid no further attention to it.

Mr. HAWLEY wrote a letter and said it was the unofficial opinion, I believe, of the committee, or the sense of the committee, that the bureau might as well go through with the claim, and that it might as well be allowed. The joint committee took no vote on it; they made no revision of it; they did not do anything with it except to express that sort of vague, indefinite opinion through the chairman of the committee, Mr. HAWLEY.

Mr. REED of Pennsylvania. O Mr. President, if the Senator will permit me to interrupt him, we had a very fully attended meeting of the joint committee for two days in succession, but no member was willing to offer a motion that this claim be disapproved. The Treasury said flatly that if our committee disapproved the settlement they would turn it down and force the case to go through to judgment in the Court of Claims, but no member of the committee, Republican or Democrat, was willing to offer such a resolution of disapproval. I am sure I was not.

Mr. GLASS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Virginia.

Mr. GLASS. In the very nature of things could a joint congressional committee dealing occasionally with tax assessments be supposed to know as much about them as the accredited

trained auditors of the Treasury Department? Therefore what is the use of the joint congressional committee?

Mr. McKELLAR. There is none whatever.

Mr. REED of Pennsylvania. Because we might have had a doubt about it after the very full and frank explanation that was given to us and after a study by our experts, and if we had any doubt about it we would have expressed that doubt, and then the claim would have gone to suit. They told us flatly they would not make settlement if we had any doubt about it.

Mr. GLASS. It is to be conceived that the one expert of the joint committee knows more about the intricacies, the difficulties, and the insuperable perplexities of tax assessments than the officials who are employed by the Government and trained for that very work?

Mr. REED of Pennsylvania. Yes. Mr. Parker is one of the ablest men in the United States on questions of internal revenue taxation.

Mr. GLASS. Why does not the bureau hire him then and stop all these difficulties?

Mr. REED of Pennsylvania. Because we do not want to let go of him.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. REED of Pennsylvania. This is a public fight.

Mr. McKELLAR. No, Mr. President; it is not a public fight.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Tennessee has yielded to me. I presume that one of the purposes of having the expert to whom the Senator has referred is to afford a check on the proceedings of the department?

Mr. REED of Pennsylvania. Absolutely, and we chose him because of his conspicuously fine work with the Couzens committee. Nobody could think that Mr. Parker was prejudiced in favor of the Treasury Department. He has rendered us loyal, faithful, and able service.

Mr. McKELLAR. Mr. President, since there has been some question raised, let us see what was the opinion of the joint committee. I will give it to the Senate. I read the following letter:

Washington, December 19, 1928—

I hope the Senator from Virginia will listen to this.

Mr. GLASS. Mr. President, I have read every line of it.

Mr. McKELLAR. I am glad the Senator has done so.

Hon. DAVID H. BLAIR,
Commissioner of Internal Revenue, Treasury Department,
Washington, D. C.

MY DEAR MR. COMMISSIONER—

This letter was written by Mr. HAWLEY, chairman of the joint committee—

The Joint Committee on Internal Revenue Taxation at two sessions held on December 17, 1928,—

The committee did not hold meetings on two days, as I thought, but two sessions on that one day—

considered some of the problems involved in arriving at the tax liability of the United States Steel Corporation for the year 1917, with special reference to the computation of the consolidated invested capital.

After considering the statements of your representatives, the preponderant opinion of the members of the committee was that the committee should not interfere with your bureau—

They did not pass on the claim—

in the determination made and the refund proposed.

The staff of the committee is still engaged in making certain mathematical checks of this case. If any questions arise in connection with such checks, they will be taken up in the usual way before the expiration of the 30-day period.

Very truly yours,

W. C. HAWLEY.

Just when that period began I do not know, but it was on the 19th of December when the letter was written, and during the early part of the present month the hearings were held——

Mr. NORRIS. Mr. President——

Mr. McKELLAR. Let me finish what I am about to say, and I will yield to the Senator in a few moments. Let me get the exact date of the hearing. It was on January 9, 20 days after the letter had been written, and then the amount had been paid. It was a rush case, an emergency case; as soon as Mr. HAWLEY said "Go ahead" the money went out of the Treasury.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to have the attention of the Senator from Tennessee and other Senators for just a moment.

Mr. McKELLAR. I will be glad to listen to the Senator from Nebraska.

Mr. NORRIS. We are now considering the most important proposition that we have had before us in connection with this bill. It is long past the time to quit; most of the Senators have gone to dinner; we ought not to expect to dispose of a matter such as this with the slim attendance we have here. It seems to me we ought either to take a recess or adjourn until to-morrow.

Mr. McKELLAR. I may say I will be very happy to have that done. I should like very much if this matter could go over until to-morrow.

Mr. WARREN. Surely we can take a few moments more to complete the work on this bill.

Mr. NORRIS. We can not complete this work this evening.

Mr. McKELLAR. It would be impossible to do that.

Mr. NORRIS. The Senator from Tennessee is not anywhere near through, and are those of us who remain going to vote blindly on this question without hearing it fully debated and having all the facts brought out? I do not want to interfere with the procedure, but it seems to me it is unreasonable to expect to proceed with this discussion this evening. Senators are talking among themselves—the few who are present—and wondering why we are going on with this farce, with practically no Senators here, and a question involving $75,000,000 or $80,000,000 in taxes before the Senate by an amendment which, if agreed to, will bring about a very important change in our tax-collecting system.

Mr. WARREN. Mr. President, this amendment has really nothing to do with the money that is sought to be appropriated by this bill. The Senator from Tennessee is seeking to attach to the appropriation bill a measure which has been reported by another committee, as the Senator from Nebraska knows.

Mr. NORRIS. This amendment has all to do with the law.

Mr. WARREN. As I have said, this amendment was before another committee and was reported by that committee as a separate bill. It is now proposed to engraft it as legislation on the pending appropriation bill.

Mr. NORRIS. If the Senator does not want to compromise or feel inclined to adjourn until to-morrow or recess until to-morrow—I do not care which, and I do not care at what time we may meet to-morrow—I protest that this is not the proper way to legislate; it is not the way in which the Senate ought to proceed.

Mr. WALSH of Montana. Mr. President, I should like to say with respect to the suggestion made by the Senator from Wyoming that, of course, even if we concede that the amendment is inappropriate under ordinary circumstances on an appropriation bill, the Senator from Tennessee has moved to suspend the rules, and certainly he has that right.

Mr. WARREN. That motion is before us, and we can vote on it in a few moments.

Mr. WALSH of Montana. But that is a debatable motion.

Mr. McKELLAR. I am going to explain the matter.

Mr. NORRIS. We are going to have full debate on it.

Mr. WALSH of Montana. The Senator from Tennessee is certainly within his rights in debating his motion and endeavoring to impress its importance and desirability upon the Members of the Senate.

Mr. WARREN. I am not complaining about that at all.

Mr. WALSH of Montana. From his remarks the Senator from Wyoming seems to think that this is an entirely inappropriate procedure and one that is of no great importance at all.

Mr. WARREN. Of course, it is important, as the Senator himself knows if he has heard the amendment read.

Mr. WALSH of Montana. Of course, and it is entirely proper under the motion of the Senator from Tennessee to suspend the rules.

Mr. WARREN. I am willing to have that motion put.

Mr. WALSH of Montana. Of course, but the Senator from Tennessee is not willing.

Mr. McKELLAR. No; I am not.

Mr. NORRIS. Mr. President, others of us are not, either; we want to know what the truth is about this question before we are required to vote on it. I do not want to vote blindly. I know that there is not a third of the Senate here, and we can not suspend the rules without a two-thirds vote.

Mr. WARREN. There are plenty of Senators about the Chamber.

Mr. NORRIS. I know there are Senators about, but they ought to be here and listen to the argument.

Mr. McKELLAR. Mr. President, I should like very much if this matter could go over until to-morrow. I would be perfectly willing to have the Senate meet at 11 o'clock to-morrow.

Mr. NORRIS. That is what I suggested some time ago.

Mr. WARREN. Mr. President——

Mr. McKELLAR. Just a moment. Every Senator here knows that I have been constantly interrupted, and very properly so because it is a matter of importance and I am glad to be

interrupted, but I can not give all the facts that I have within my knowledge without more time.

Mr. OVERMAN. Mr. President, this is such an important matter that I think the chairman of the committee ought to agree to a recess until to-morrow morning at 11 o'clock. Then we can take up this matter; Senators will be fresh; they can hear the argument and know what they are doing. Most of the Senators are absent now; they do not know the facts; they do not know how to vote; and if they vote under the present circumstances they will have to vote as someone else tells them to vote.

Mr. HEFLIN. Mr. President, the Senators who are here have been here all afternoon and they are tired, while many others are not here. I agree to the suggestion that the question which the Senator from Tennessee has brought before the Senate is the most important one that we have considered, and we ought to be informed on it. Senators who are not here ought to be here to listen to the discussion. This question is going to be discussed at length. I intend to discuss it to some extent, as do other Senators. If it could go over until to-morrow, I think we could finish it on that day.

Mr. WARREN. Mr. President, I will ask the Senator from Nebraska what has he to say about fixing a time for voting on the question.

Mr. NORRIS. I have nothing to say as to that. I am merely seeking light on the whole subject.

Mr. SMOOT. Mr. President, I had hoped that we might get a vote on this amendment to-night, perhaps for personal reasons as well as others. I have accepted an invitation to speak at Camden, N. J., to-morrow at the launching of the cruiser *Salt Lake City*, and I have to leave Washington at 8.30 o'clock in the morning. I can give the information which I have to the Senator from Pennsylvania and let him present it to the Senate, but I beg Senators, if we shall take a recess, not to make up their minds upon the basis of what has already been said. We have entirely satisfactory reasons for the action taken, and I want the Senate to understand them.

Mr. McKELLAR. If I have made any mistakes I want to be corrected, but I do not think I have made any.

Mr. SMOOT. The Senator has made mistakes in what he has presented to the Senate.

Mr. McKELLAR. I do not think so, but if I have I want them to be corrected.

Mr. SMOOT. If I had an opportunity to present the facts to the Senate, I think I could convince the Senator that he has made mistakes, and that he would so acknowledge.

Mr. McKELLAR. If I have made a mistake, I am willing to state publicly that it is a mistake.

Mr. COUZENS. Mr. President, I move the Senate adjourn.

Mr. SMOOT. Wait a moment.

Mr. McKELLAR. Just a moment, Mr. President.

Mr. COUZENS. Mr. President, the motion is not debatable.

Mr. ROBINSON of Arkansas. But the Senator from Michigan can not take the Senator from Tennessee off his feet.

Mr. COUZENS. I understood the Senator from Tennessee to say that he was willing that an adjournment should be had. I did not make the motion without having heard him say that.

Mr. McKELLAR. Why can not this matter go over until to-morrow?

Mr. WARREN. Mr. President, I should like to say a few words if the Senator from Tennessee will permit me.

Mr. McKELLAR. I yield to the Senator from Wyoming.

Mr. WARREN. We have other appropriation bills besides this to pass here. We have to quit on the 4th of March.

Mr. ROBINSON of Arkansas. We are going to have an extra session. I am in sympathy, however, with the Senator's desire to dispose of the appropriation bills.

Mr. McKELLAR. I am, too.

Mr. WARREN. If Senators think we are going to finish every night before this time, I am sure they are going to pass up unconsidered a great deal of proposed legislation. I think we ought to determine now whether we are willing to spend more than five hours in our daily sessions when we have such a short term.

I do not suppose Senators think it is any pleasure for me to stay here hour after hour each day. I do not believe it is any more pleasure to me than to anyone else. I did not expect any especial consideration when I consented to take the chairmanship of this committee; but there is no reason why a filibuster on the part of a Senator for an hour or two every day should keep me here every day and night.

Mr. NORRIS. The Senator does not intimate that the Senator from Tennessee is filibustering?

Mr. WARREN. No; not the Senator from Tennessee.

Mr. ROBINSON of Arkansas. There is no evidence of any filibuster.

Mr. NORRIS. That is right.

Mr. McKELLAR. I have been interrupted by 40 Senators here this afternoon.

Mr. ROBINSON of Arkansas. The Senator from Tennessee has not had 10 minutes in which to state his case.

Mr. NORRIS. No; he has not.

Mr. OVERMAN. Let us take a recess, and do the right thing.

Mr. NORRIS. Let us have a motion to adjourn if we can not get any agreement.

Mr. McKELLAR. I am a member of the Appropriations Committee, and I want to expedite this matter; but I want to say that it is so important, in my judgment, that we must have a reasonable time in which to discuss it, so that all the facts can be brought out.

Mr. GLASS. Yes; I am a member of the subcommittee, and I am not prepared to vote now. I should not like to vote on the ex parte statement of the Senator from Tennessee, however accurate it may be. I have read all the testimony, but I am not ready to vote.

Mr. McKELLAR. Mr. President, if I may, I move that we take a recess until to-morrow at 12 o'clock.

Mr. WARREN. Mr. President, if the Senator wishes to assume the management of the bill, of course, he is at liberty to do so. I had expected to ask unanimous consent for a recess until 11 o'clock.

Mr. ROBINSON of Arkansas. I think that is fair—to meet at 11.

Mr. WARREN. Objection is made by the Senator from Michigan [Mr. COUZENS]. I am perfectly willing to amend it to 12 o'clock, since we can not obtain unanimous consent to meet at 11.

Mr. McKELLAR. Wait one minute. Let the chairman of the committee make a unanimous-consent request that we recess until to-morrow at 12.

Mr. WARREN. I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Mr. NORRIS. Why does not the Senator move a recess now?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator from Wyoming asks unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Several Senators addressed the Chair.

Mr. WARREN. Mr. President, how can I make a motion with this mob about me?

Mr. REED of Pennsylvania. A point of order, Mr. President.

Mr. WARREN. I make the motion now.

Mr. NORRIS. Then, Mr. President, I will submit a motion that will take precedence of that, if that is the way the Senator is going to do. I move that the Senate adjourn.

Mr. McKELLAR. No; the chairman has moved a recess until to-morrow at 12 o'clock.

Mr. NORRIS. I have no objection to that.

Mr. McKELLAR. I hope the Senator will agree to that.

Mr. MOSES. Mr. President, a parliamentary inquiry.

Mr. HEFLIN. I hope the Senator from Nebraska will withdraw his motion for this reason: An adjournment will give a morning hour, while if we recess we will go right on with this bill.

Mr. NORRIS. I have no objection to a recess.

RECESS

Mr. WARREN. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, January 23, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 22, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful Father in Heaven, Thou who are so full of human tenderness and art forever renewing the face of this old earth, we praise Thee for this new day. Be so gracious as to remind us that personal responsibility is again with us; it presses upon us from every department of life and is always as evident as the air we breathe. Our supreme task is to always keep alive that divine spark within, namely, conscience. Our skill and knowledge aside from this are nothing. Put our liberty under the restraint of this divinity. Indeed may it be God within. Beyond all wealth and honor are the timeless virtues to which we are related; they are purity, love,

and truth. Their secret springs are in Thee; may they lavish themselves in all the streams of our beings. O Father of mercies, be with us in our daily walk that we may crown these virtues above all others. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. SIMMONS members of the joint select committee on the part of the Senate, as provided in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Veterans' Bureau.

HOUSE JOINT RESOLUTION 343

Mr. HASTINGS. Mr Speaker, on yesterday the House passed the resolution on the Consent Calendar (H. J. Res. 343), and we accepted an amendment to the bill which was offered on the floor but the title was not amended to conform with it.

I now ask unanimous consent that the Clerk may be permitted to amend the title of House Joint Resolution 343 so as to conform to the amendment offered to the bill on yesterday.

I ask unanimous consent that the RECORD and the Journal of yesterday's proceedings be corrected to show this action.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CIRCULATING FALSE REPORTS CONCERNING BANKS

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill (H. R. 15521) which I have introduced, proposing to amend section 5209 of the United States Revised Statutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD on H. R. 15521, a bill introduced by me to amend section 5209 of the Revised Statutes of the United States, I beg to make the following statement for consideration of Members of Congress.

This bill is to amend section 5209 of the Revised Statutes of the United States by adding at the end of this section the following paragraph:

> Whoever maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false report concerning any national banking association or any State bank if a member of the Federal reserve system which imputes, or tends to impute, insolvency or unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such bank, or which may otherwise injure or tend to injure the business or good will of such bank, shall be fined not more than $5,000 or imprisoned for not more than five years, or both.

When the bill H. R. 2, introduced by the gentleman from Pennsylvania [Mr. MCFADDEN], chairman of the Banking and Currency Committee of the House, to amend an act entitled "An act to provide for consolidation of national banking associations," known as the McFadden bill, was up for consideration in the House on February 3, 1926, I submitted an amendment to section 5209 of the Revised Statutes of the United States which is in the exact language of this bill. The amendment was defeated without any serious consideration of its merits, notwithstanding the fact that the chairman of the committee publicly stated on the floor of the House that he had no objection to the amendment, and the further fact that the amendment, as I am informed, had the approval of Colonel McIntosh, then Comptroller of the Currency, and the approval of the Federal Reserve Board.

After the bill reached the Senate the Senate Finance Committee amended the House bill by restoring the amendment rejected by the House, and the bill as thus amended by the Finance Committee of the Senate was reported to the Senate with recommendation that the same do pass as amended.

However, the amendment was eliminated from the bill by the conferees having charge of it.

This amendment was a part of the McFadden bill, though it was rejected by the Banking and Currency Committee of the House.

There is nothing whatever in the provisions of this bill to alarm any intelligent person. There is nothing within its provisions calculated to do injustice to any fair-minded and truthful person. No innocent man will suffer from it if the bill is enacted into law. Upon the contrary, it is a safeguard to every banking institution of this country over which Congress has jurisdiction. It is a substantial protection to every stockholder and depositor of national banks and State banks members of the Federal reserve system. It is the only legislation which Congress can enact in behalf of stockholders and depositors of such banks against one who utters and circulates false reports concerning their solvency.

The amendment is cautiously worded, and under its provisions no one can be convicted unless it is proven not only that the words uttered were false but that they were uttered maliciously or with intent to deceive. In addition to this, in order to convict one indicted for this offense the evidence must show that the words so uttered impute or tend to impute insolvency or unsound financial condition of a bank, or that the words so uttered may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such banks.

Whenever these elements of crime are proven against one, the guilty party should be put in the penitentiary, particularly if a bank fails as a result of uttering or publishing such false reports.

There is no existing Federal law to protect a bank against any person who utters such false reports. It is true we have different penal statutes in most of the States of the Union in respect of uttering such false reports, but none of them embrace the elements of crime as set forth in the bill I have introduced.

In the annual report of the Comptroller of the Currency, Hon. J. W. Pole, of date December 13, 1928, the following recommendation is made:

> I make the further recommendation that there be enacted a law making it a criminal offense to maliciously or with intent to deceive, make, publish, or circulate any false report concerning any national bank or any other member of the Federal reserve system which imputes insolvency or unsound financial condition, or which may tend to cause a general withdrawal of deposits from such bank or may otherwise injure the business or good will of such bank.

I hope that this recommendation may receive the serious consideration of Members of Congress as it is made by one of the fairest, most intelligent, and experienced men who have had the honor to hold this important office.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SIMMONS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes; and pending that I ask unanimous consent that time for general debate be not limited, but be divided equally between the gentleman from New York [Mr. GRIFFIN] and myself.

The SPEAKER. The gentleman from Nebraska moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, and pending that asks unanimous consent that general debate be not limited but equally divided between himself and the gentleman from New York [Mr. GRIFFIN]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16422, the District of Columbia appropriation bill, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman, this engagement to speak has been thrust upon me rather suddenly. It was my pleasure

to appear this morning before the Ways and Means Committee on the subject of blackstrap.

Mr. EATON. What is that—tobacco?

Mr. COLE of Iowa. Blackstrap, I will inform the gentleman from New Jersey, is the nonedible molasses from the cane mills and also from the beet mills. After the edible sugars have been extracted, both from cane and beets, there is a residue molasses that is called blackstrap.

We are large importers of this cheap molasses. Most of it comes from Cuba, but there is such a large demand for it in our country that it is being shipped in from Europe. Last year a single shipment of 1,500,000 gallons was brought to New York from Holland and Poland.

Blackstrap is used for various purposes. Its principal use in the past had been in the manufacture of stock foods. In these it is a valuable ingredient. To facilitate, and even promote, such use a low duty was placed on it in the last tariff act, the one now in effect. The amount of blackstrap in stock foods varies with the purpose. For fattening steers, I think, as much as 50 per cent is used. For feeding dairy cattle probably not more than 10 per cent. Cattle fed on such mixtures consume an increased amount of corn. That is, it acts as an appetizer. The more corn consumed the quicker the cattle are fattened.

But more recently blackstrap has been extensively used as a substitute for corn and other cereals in the manufacture of industrial alcohol. The alcohol makers have taken advantage of the low tariff on this product and they have absorbed so much of it that the price of it for stock foods has been advancing. Such use of this material for the displacement of corn was not contemplated when the Fordney-McCumber tariff was enacted. It makes this importation a very serious agricultural problem.

It was my privilege this morning to present this problem before the Ways and Means Committee in their hearings on the sugar schedules.

In my remarks before that committee I asked that when this blackstrap molasses is used for the making of alcohol that it shall bear a duty high enough to give the corn farmer a chance to compete with the cane growers of Cuba and the beet growers of Europe. I think we have a right to this protection.

Ladies and gentlemen, if we are not going to protect farm products in the new tariff bill, then for one I am in favor of helping to wreck the whole tariff system.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. COLE of Iowa. Gladly.

Mr. SNELL. Has there been any indication on the part of anyone that they are not going to give farm products very reasonable protection in every respect in connection with the new bill?

Mr. COLE of Iowa. None at all.

Mr. SNELL. I do not believe there will be any.

Mr. COLE of Iowa. I agree with the gentleman from New York, and I do not think there will be any opposition to this particular duty for which I am speaking.

Mr. SNELL. Then I would not make the statement I was going to help wreck the whole proposition when there is nobody against it. When everybody is on my side I would keep them there.

Mr. COLE of Iowa. Then by unanimous consent I will withdraw my statement.

Mr. SNELL. I will give my consent.

Mr. CLARKE. The gentleman is on the subject of alcohol, which may explain the intemperance of his remarks.

Mr. HOWARD of Nebraska. I hope the gentleman will not withdraw that remark, because I am so heartily in favor of his action in that respect.

Mr. COLE of Iowa. Then to please the gentleman from Nebraska I will let the statement stand. I do this the more willingly because I know that the gentleman from New York [Mr. SNELL] is correct, and we are going to get in the new tariff bill protection for farm products. [Applause.]

Of course, I do not want to see the protective tariff wrecked. It is the very basis of our American prosperity. What I said about wrecking the system was not intended as a threat so much as an expression of how deeply we feel on this subject of protection for agriculture. None of us want to wreck the system of protection. It would be like tearing down the roof of our house. But we want to make it certain that the roof shall shelter us all and not some more than others.

Mr. UNDERHILL. Will the gentleman yield?

Mr. COLE of Iowa. I will.

Mr. UNDERHILL. Will the gentleman enlighten me? I understood him to say that blackstrap comes from cane sugar and beet sugar. They are produced by the farmer. Does not the gentleman, then, want a tariff placed upon one product of the farmer in order that another product of the farmer may be benefited thereby?

Mr. COLE of Iowa. I am glad that the gentleman has asked that question, and I think I can enlighten him. The duty I am proposing will not work injury to any American farmer. It is not a duty for the benefit of the corn farmer at the expense of the cane or beet farmer. On the contrary, it will help the latter as much as the former. The cane farmer and the beet farmer are directly interested in this duty. The blackstrap from their mills is now in direct competition with that from the cheaper mills of Cuba and Europe. If we put a duty on imported blackstrap to that extent, we will be helping the American producers.

What is the effect of these importations of blackstrap on corn? I have not the statistics for last year. When I made a speech on this subject before this body in 1927 I spoke of 102,000,000 gallons of industrial alcohol manufactured mostly from blackstrap. Blackstrap at that time, as I recall it, was displacing 25,000,000 bushels of corn. It may be a much larger amount now. It probably is.

I recall also that after my remarks were printed an industrial chemist wrote me that I had underestimated the displacement of corn. He thought it was then nearer 40,000,000 bushels, and he predicted that it would soon be 80,000,000 bushels, so rapid was the development of such alcohol in the manufactures of America. It is that displacement of corn in favor of a cheap imported product that concerns us, speaking agriculturally.

Mr. HUDSON. Will the gentleman yield?

Mr. COLE of Iowa. I yield.

Mr. HUDSON. Would it not take a considerable duty on blackstrap brought from Cuba, because of the small expense of transportation? I understand that in Philadelphia they use a great deal of it because it is cheap and the transportation cost is low.

Mr. COLE of Iowa. They buy it cheap and get the benefit of the low transportation.

The same question was asked me in the Ways and Means Committee this morning; that is, as to what duty I thought ought to be placed upon blackstrap. My reply was that I am not competent to figure that kind of a duty; that that would have to be figured by an expert chemist, an expert in sugar. The duty ought to be placed high enough to enable the American corn farmer to compete with the Cuban cane planter. At least that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMMONS. I yield the gentleman five minutes more.

Mr. SNELL. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. SNELL. As I understand the gentleman, this blackstrap is molasses?

Mr. COLE of Iowa. Yes.

Mr. SNELL. And it is used for making industrial alcohol?

Mr. COLE of Iowa. Yes; largely so.

Mr. SNELL. Is it not used for feeding purposes?

Mr. COLE of Iowa. Yes; very extensively.

Mr. SNELL. What proportion is used for feeding stock and what proportion for industrial alcohol?

Mr. COLE of Iowa. A few years ago nearly all of it was used in the manufacture of stock foods. Its use for that purpose was so extensive that I went before the Ways and Means Committee when the Fordney tariff was under consideration asking that the duty be lowered. At that time I was interested entirely in stock foods. Now, I am interested also in alcohol. [Laughter.]

Mr. SNELL. The gentleman has changed his mind.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. HOWARD of Oklahoma. Is it not a fact that the use of blackstrap for cattle feeding has increased largely?

Mr. COLE of Iowa. Very largely.

Mr. HOWARD of Oklahoma. Wherever they grow soy beans, and in my part of the country they are growing them very largely and building mills in different towns, and mixing blackstrap with it, for feed for stock.

Mr. COLE of Iowa. It is not our purpose in advocating this duty to interfere with such use of blackstrap.

Mr. EATON. And the gentleman is not in favor of any duty on blackstrap when used as a stock food?

Mr. COLE of Iowa. I will say to the gentleman from Oklahoma [Mr. HOWARD] and also the gentleman from New Jersey [Mr. EATON] that when blackstrap is brought in for the purpose of mixing with stock food it shall retain the present low duty,

but when it is diverted to the making of industrial alcohol it shall then bear a duty that is compensatory so far as the corn farmer is concerned.

Mr. HASTINGS. Does the gentleman have any figures as to the selling price of this blackstrap per barrel?

Mr. COLE of Iowa. I heard the statement made this morning before the Committee on Ways and Means that the present price of blackstrap is around 10 cents a gallon, but it has been as low as 4 cents, and the cane growers of Louisiana are very much concerned about the price. It figures in their profits.

Mr. HASTINGS. The cotton growers of the South want to protect themselves against the boll weevil. They use a cheap grade of molasses with a mixture of calcium arsenate. I should think that they would be very much interested in this matter.

Mr. COLE of Iowa. We are asking for a duty on this particular product only when and where it is used to make industrial alcohol.

Mr. LINTHICUM. What! Does the gentleman want to make alcohol more expensive?

Mr. COLE of Iowa. I will say to the gentleman from Maryland that this alcohol is not fit to drink. It is industrial alcohol. I am in favor of making all that can be used industrially.

Mr. IRWIN. How would you go about determining, after this blackstrap is in the country, whether it is going to be used for cow feed or for alcohol? Would you not have to set up some complicated machinery to determine that?

Mr. COLE of Iowa. No. That question came up before the Committee on Ways and Means this morning, and one of the experts made the statement that there would be no difficulty in determining what the blackstrap would be used for, and that the tax could be levied on that portion of it which goes into alcohol without difficulty.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. SIMMONS. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HUDSON. Would the gentleman plan to protect the Virgin Islands and Porto Rico free from this duty? Everything that can be done to protect the Virgin Islands in their industries, of course, is essential.

Mr. COLE of Iowa. My understanding is that we levy no duties on imports from either Porto Rico or from the Virgin Islands. For such purposes they are considered as parts of the United States. Sugar and blackstrap from the Hawaiian Islands also come in free.

In closing, let me say that I hope that those of you who are interested in agriculture will not forget to keep this matter before the Committee on Ways and Means. The purpose of tariff revision this year is protection for the farmers, but we who want protection for agricultural products are not going to discriminate against any other industry. Whenever a higher duty ought to be levied we are in favor of levying it. But we do insist that, first of all, and most of all, this revision of the tariff shall be in the interest of agriculture. [Applause.]

If it were not for the agricultural interest in the tariff, no special session of Congress would have been considered. We who represent agricultural districts, and I think nearly all of us do, want to keep this matter before the proper committees. Those who represent districts in which corn is grown—and corn is grown in nearly every district in the United States—should make special mention of our special interest in the duty on blackstrap. We want the American farmer who produces corn to be placed at least on a parity with the planter who raises sugar cane in Cuba.

Mr. LINTHICUM. Will the gentleman tell me just how it is proposed to help the farmer by increasing the duty on this blackstrap?

Mr. COLE of Iowa. I have already explained that the blackstrap that is imported from Cuba and from Europe at the present time is displacing from twenty-five to forty million bushels of corn, and the industrial chemists are my authority for the statement that in the near future it may require at least 80,000,000 bushels of corn to produce the industrial alcohol that is needed for the industries of the country.

Mr. LINTHICUM. And you want to displace this blackstrap with corn?

Mr. COLE of Iowa. That is correct. If we can use an American farm product to make industrial alcohol, why not use it in preference to an imported one? We are not unmindful in this of foreigners, but we are simply doing that scriptural duty enjoined on us, providing for those of our household first. Are we not told that those who would do less are worse than the heathen?

There is another advantage, I may add, in this industry for the corn growers. In making alcohol soft corn can be used. In the old days the distilleries of Peoria were great markets for soft corn. We have this soft corn, more or less of it, every year. When we are overtaken by early frosts we have more of it. It does not have a high feeding value. If we can dispose of it to the manufacturers of industrial alcohol, we will be served in at least two ways.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. COLE of Iowa. I will.

Mr. MOORE of Virginia. The gentleman is now talking about tariff duties on blackstrap?

Mr. COLE of Iowa. Yes, sir.

Mr. MOORE of Virginia. Some time ago I saw a newspaper statement that the gentleman had been before the Tariff Commission in reference to tariff duties on corn itself?

Mr. COLE of Iowa. Yes.

Mr. MOORE of Virginia. Will the gentleman tell us what is the practical situation in reference to corn now, the volume of imports, and whether those imports are increasing or not?

Mr. COLE of Iowa. I think I can give the information that is asked for. The importations of corn are not increasing. We are not concerned about the quantity of corn that is imported at any time. It has never been large, even under the very low tariff which was in existence during the administration of President Wilson. The effect of a tariff on corn is more an effect upon prices. That is, when the price of corn goes up they begin to bring in corn from Argentina, or they merely threaten to bring it in, and that has a depressing influence on prices. It is not the actual quantity of corn that is imported that distresses the corn farmer. It is the effect that such importations have on prices.

Mr. HASTINGS. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. HASTINGS. Do not we regularly export a large quantity of corn?

Mr. COLE of Iowa. Hardly that. We export some corn, but the total amount is small compared with our total production.

Mr. HASTINGS. How much annual exportation is there on the average?

Mr. COLE of Iowa. I have not the figures at hand, but the quantity is small.

Mr. HASTINGS. Was it much more than we import?

Mr. COLE of Iowa. Oh, yes. We export more corn than we import, especially if we take into consideration the products of corn. But the amount of corn we export as corn is not very large. Our corn is not as good for export as the Argentine corn. The Argentine corn is a hard, flinty corn. Ours is a soft, starchy corn. American corn does not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLE of Iowa. Will the gentleman yield me two minutes more?

Mr. SIMMONS. I yield the gentleman five additional minutes.

Mr. COLE of Iowa. American corn is apt to deteriorate at sea. It is too soft and absorbs too much moisture. A personal investigation made in Denmark and other countries in Europe convinces me they prefer Argentine corn. It is a flint corn, hard, keeps well, does not absorb moisture, and is therefore much more desirable for their uses. When it comes to competing with Argentine corn in the markets of Europe we are at a very great disadvantage unless we could change to flint corn.

Mr. LINTHICUM. Will the gentleman yield?

Mr. COLE of Iowa. I will.

Mr. LINTHICUM. As I understand the gentleman's idea is to increase the tariff on blackstrap so as to require them to use corn instead of blackstrap to make industrial alcohol and so dispose of about 40,000,000 more bushels of corn?

Mr. COLE of Iowa. Yes.

Mr. LINTHICUM. How much per cent does the gentleman propose to raise the duty on blackstrap? How much will the tariff have to be for such purposes?

Mr. COLE of Iowa. That is a matter to be determined by experts. I might express an opinion that would be more or less political, or at least sectional. But the question ought to be submitted to the sugar experts of the Ways and Means Committee. I am willing to accept their conclusions. All we are asking is to have our corn for making alcohol placed on a parity with Cuban cane.

Mr. LINTHICUM. Is corn just as good for the manufacture of this industrial alcohol as blackstrap?

Mr. COLE of Iowa. I think it is better, although I have no precise information on which to base that statement. I have an idea that alcohol is always very much the same, no matter whence it is derived.

I thank you, gentlemen, for listening to these rambling thoughts. I was asked to occupy the floor, awaiting the coming of some more important orator. [Laughter.] That is why I merely rambled on, but I trust I have not wasted your time.

On the contrary, I think I have presented a matter of prime agricultural importance. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. HASTINGS. Mr. Chairman, while the District of Columbia appropriation bill is under discussion I think it is an appropriate time to invite attention to a bill (H. R. 16435) which I have introduced providing for the collection from passengers of half fares on all street cars, busses or other public conveyance in the District of Columbia, where there are no vacant seats, and requiring half-fare tickets or tokens to be issued for sale, and providing a penalty for violation.

I think everyone recognizes the necessity for some such legislation. Everyone appreciates that street cars during all hours of the day are overcrowded and that sufficient cars are not provided for the accommodation of the public. No passenger should be compelled to pay full fare who for miles must remain standing, jostled about, and holding to a strap.

It is intended by this bill to compel the street car companies, through a reduction of fares, to provide more cars. Of course the argument will be presented that the congestion is only at certain hours of the day, early in the morning and late in the afternoon, but from personal experience and observation I know this to be not true. There is congestion at all hours of the day and on practically all car lines. Street car companies are given unusual privileges. Their cars are permitted to occupy the streets and in return they owe adequate service to the public. I think everyone will admit that street cars and busses are overcrowded and that passengers must stand in the aisles, hang on by straps and remain standing oftentimes for miles. We should remedy this situation. Congress should lead the way in our Capital City. This bill provides that only half fares shall be charged or received from any passenger entering a street car, bus, or other public conveyance, where there is no vacant seat, and provides that where tickets or tokens are issued and sold to be used as fares, that half-fare tickets and tokens shall be issued and sold to passengers where no seat is provided, and provides a penalty for violation.

Everyone, of course, will appreciate that where a passenger enters a street car, bus, or other public conveyance, where a seat is not provided, he should not pay full fare. The only question in dispute will be whether the overcrowded condition of cars and busses is general. I maintain that it is, and I think that every person who patronizes the street cars in the city of Washington will be compelled to agree with me that a sufficient number of cars are not only not provided during the early morning and late in the afternoon, but that this congested condition extends throughout the entire day. This condition should be remedied. I am bringing it to the attention of the Committee on the District of Columbia in the hope that a thorough investigation will be made with the result that this condition will be remedied in the interest of the traveling public. My information is that busses do not permit passengers to enter when there are no vacant seats. Street cars should follow this rule or charge reduced fares.

I am attaching to my remarks a copy of the bill referred to.

A bill (H. R. 16435) providing for the collection from passengers of half fares on all street cars, busses, or other public conveyances in the District of Columbia where there are no vacant seats, requiring half-fare tickets or tokens to be issued for sale, and providing a penalty for violation

Be it enacted, etc., That no person, company, or corporation operating a street car line, bus, or other public conveyance for hire in the District of Columbia shall charge, receive, or collect from any passenger in excess of one-half the regular fare when no seat is provided in said car, bus, or other public conveyance for said passenger; and any person, company, or corporation operating a street car, bus, or other public conveyance charging, receiving, or collecting from any passenger a sum in excess of one-half fare where no seat is provided shall be guilty of a misdemeanor and fined in the sum of not more than $25.

SEC. 2. It shall be the duty of every person, company, or corporation operating a street car, bus, or other public conveyance for hire in the District of Columbia, where tickets or tokens are issued and sold, to issue and provide half-fare tickets and tokens to be sold to all passengers at one-half the regular fare, for use by all passengers entering a street car, a bus, or other public conveyance where no vacant seat is provided for said passenger; and any person, company, or corporation violating this section shall be guilty of a misdemeanor and fined in the sum of not more than $25.

Mr. SIMMONS. I yield 30 minutes to the gentleman from Ohio [Mr. ROY G. FITZGERALD].

The CHAIRMAN. The gentleman from Ohio is recognized for 30 minutes.

Mr. ROY G. FITZGERALD. Mr. Chairman and gentlemen of the committee, Congress on the 24th of last May passed what is known as the disabled emergency officers' retirement bill. It passed it over the veto of the President. The compelling voice of the American people was expressed in the terms of the bill. More than seven months have elapsed since the action of the Senate and House, and there has been such a storm of protest from all over the country criticizing the administration of the act that it seems to me the situation should be laid before the Congress, and Members who have been appealed to for help in securing the benefits which the act of Congress intended for these disabled veterans should know something of the circumstances.

I have before me a letter written from Clay Center, Kans., on the 12th of this month. Quoting from this letter, which accompanies a copy of another letter written to the man's own Congressman from Kansas, I read:

I thought perhaps you would like to know how your bill is being murdered by the emergency officers' retirement board, so far as the supposed beneficiaries thereof in Kansas are concerned.

Further along I read:

I have been paid 50 per cent permanent disability for years by the Veterans' Bureau and thought that I had been so rated "according to law." The compensation division of the Veterans' Bureau, including the local regional office at Wichita, has held that my accident was service connected and in line of duty. But the retirement board holds that if my accident occurred at all, it was not service connected, and the line-of-duty status is not shown, although I have drawn compensation, as above stated, for years.

There was published in the CONGRESSIONAL RECORD of March 16, 1928—whether properly or improperly I shall not venture an opinion—a list furnished by the Veterans' Bureau of the names and addresses of more than 3,000 unfortunate veterans of the World War, who were adjudged under the rulings of the Veterans' Bureau to be 30 per cent or more permanently disabled and who were prospective beneficiaries of the law being enacted. This publication was spread broadcast throughout the land, and it included, according to my correspondent, 40 of the emergency officers from the State of Kansas who had suffered disability in the World War. This man complains to me that although these many months have elapsed since the 24th of May, 1928, but eight members of that body of broken down, crippled, and mutilated Kansas men, whose names had been published as the prospective beneficiaries of the bill, had been retired.

I call attention to the publication in one of the daily papers of the city of Washington of a statement made by the Director of the Veterans' Bureau on the 10th of this month. I read but a line or two from it. Gen. Frank T. Hines said in the Washington Post of January 10:

The statement is made that although the Tyson-Fitzgerald bill for the retirement of disabled emergency officers passed May 24, 1928, the Veterans' Bureau is showing hostility toward this legislation. It is not believed this conclusion is justified by reason of the action taken in the entire group of cases which has been adjudicated.

Then follows the argument of the Director of the Veterans' Bureau in answer to the charge which seems to have been made throughout the country that the Veterans' Bureau is hostile to the act and that its administration has been colored by this hostility.

The director states that the total number of claims acted on was 2,890; allowed with pay, 1,179; allowed without pay—that is, put on the honor roll without retired pay—160; and adjudged not entitled to the benefits of the act, 1,551.

I have before me a statement with reference to the procedure in the Veterans' Bureau from which I desire to quote a number of extracts:

Section 10 of the selective service act of 1917 was a specific contract with the emergency officers of the World War. It provided that in the event of disability incurred in line of duty, they would be provided for on a parity with all other disabled officers of the World War as to retirement or pensions designed and provided for those disabled in the Regular Service. It developed, however, that the huge machinery of the War Department was set in motion against the disabled emergency officers and long, drawn-out, and heart-sickening delay faced these injured, mutilated, and suffering men. To overcome this delay the first measure designed for the immediate relief of these disabled officers was introduced in the first session of the Sixty-sixth Congress by Mr. STEVENSON, of South Carolina, H. R. 4381, June 2, 1919. On May 24, 1928, after nine years, lacking eight days, this long-pending question came to a final conclusion in the passage of this retirement law, but in the meantime over 600 disabled emergency officers had died.

Mr. PERKINS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Very gladly.

Mr. PERKINS. I understand that under the act about which the gentleman is speaking the rating must be within one year?

Mr. ROY G. FITZGERALD. Yes.

Mr. PERKINS. That would be one year from May 24, 1928?

Mr. ROY G. FITZGERALD. Yes.

Mr. PERKINS. What happens in case there is no rating within a year and no rating at all?

Mr. ROY G. FITZGERALD. In answering the gentleman's question I might say that shortly after the assembling of this session of Congress Senator TYSON and myself had an interview with General Hines at his office. There we were assured that the administration of the law would be so expedited that there would be no need for any extension of the time. There is an interpretation or construction of the law which probably would save the situation to those who actually make applications within the year, but these unfortunate veterans ought not to be relegated to that uncertainty. The law provides for two classes that shall get the benefits of this retirement, first, those who, at the date of the passage of the act, had been, in accordance with the law, adjudged to be 30 per cent or more permanently disabled and, secondly, those who within a year would be so adjudged. So the act divided the disabled emergency officers into two classes and there are many reasons why this should be so. The Veterans' Bureau has been very cautious, as it should be, in adjudging any veteran to be permanently disabled, especially if he carries insurance, and for the reason no payments of the soldier's insurance can be made under the law unless there is an adjudication of total permanent disability. Consequently, men have been carried for years as temporarily totally disabled who are really permanently disabled, either totally or to some unascertained degree in the hope and expectation—and, of course, that hope and expectation was shared by the man and his family—that he would recover and be entitled to no compensation or very little compensation because of a decrease in his disability or its complete cure. But the carefulness of the Veterans' Bureau brought about this condition, that a man might be—and many of them were—100, 80, or 75 per cent disabled and rated temporarily so, although it was known that a certain percentage—which it was difficult to determine at the time—was permanent disability. Consequently, this retirement act, as I say, divided the prospective beneficiaries into two classes—one class made up of those who had already been, according to law, adjudged to be permanently disabled, and another class made up of those who might be adjudged so permanently disabled within a year.

Now, the law provides that application shall be made by the disabled veteran within a year. Although this law was passed on the 24th of May, it was not until the 30th of June that the Veterans' Bureau issued an official form on which a man must make this application. However, informal applications were to be recognized as fixing the date if followed subsequently by formal applications on the forms prepared by the Veterans' Bureau. But here a very serious charge is made against the Veterans' Bureau.

I do not set myself up as a judge of the merit of the complaint, but the charge has been made, and plausibly, that although for every other purpose the regional offices of the Veterans' Bureau are recognized as the official places for correspondence, for applications, for all sorts of benefits, in this one particular instance there has been a ruling that an application for retirement made to a regional office does not come within the law and that the application will not count until it has been received at the Washington office. It does not make any difference whose neglect it is or how long the application has laid at the regional office.

Mr. PERKINS. Will the gentleman yield for a question right there?

Mr. ROY G. FITZGERALD. Very gladly.

Mr. PERKINS. May not that be due to the fact that in section 2 it is provided—

that the said director shall establish a register and applications made hereunder shall be entered therein as of the actual date of receipt in order of receipt in the Veterans' Bureau, and such register shall be conclusive as to date of receipt of any application filed under this act.

So there must be some definite place where the director can be considered to have acted at a definite time.

Mr. ROY G. FITZGERALD. I think the suggestion made by my friend from New Jersey has merit in it. I believe, however, the practical working out of this law, if the inclination was to be friendly to the persons seeking its benefits, would arrange for the applications received at the various regional offices to be checked and numbered and marked and transmitted immediately to the central office in Washington, because the Veterans' Bureau under the act of Congress now in force and under which it is operating, is divided into all these regional offices and the office is as much the Veterans' Bureau, although it is in Indianapolis or in Cleveland or in a city in the gentleman's own State of New Jersey, as it is here in Washington, and for every other purpose official transactions at the regional office are recognized as transactions with the Veterans' Bureau.

But I do not set myself up as a judge in this matter. I am merely here voicing some of the complaints that are made about the administration, and I am going to read into the RECORD:

In the absence of any formal application blanks the emergency officers themselves acting in strict accordance with standing bureau regulations and procedure filed letters of application known as informal applications with the nearest regional office of the Veterans' Bureau. Subsequent rulings by the general counsel of the bureau, approved by the director, held that date of receipt of retirement applications, informal or otherwise, would be from date applications were received in the central office. This has resulted in the effective dates of retirement being anywhere from a few days to a month or more after the disabled emergency officer filed his informal application with his regional manager, who in all other matters has been recognized as acting for the director. The reaction to this is that most of the men fortunate enough to have already been placed on the retired list are reluctant to protest about having been wrongfully deprived of anywhere from five to eighty dollars. However, the sum total of this saving to the Government from what Congress tried to give to these disabled men will make an appreciable sum and hence a handsome saving to be reported to the Director of the Budget.

I do believe that the Director of the Budget is very conscientious in his efforts to have all of the agencies of the Government thrifty and careful and forehanded in efforts to save even the smallest sums. In the administration there should not be waste, whether it is of a lead pencil or a broom or of more expensive equipment, but where the administration of a law passed by Congress is for either the repayment of a moral obligation or debt, or, if you look at it in another way, the extension of charity or kindness or relief to the suffering, then it seems to me that, perhaps, the influence of the Budget Director may be carried sometimes just a little too far.

The formal application required by the Veterans' Bureau, known as U. S. V. B. 544, did not appear until June 30, 1928, more than a month, as I have said, after the passage of the act.

Now, the first official retirement was not made until the 1st of August, 1928.

Here was a bill that had been before the Congress for some eight or nine years—discussed, checked over, estimates furnished by the Veterans' Bureau, the names of the prospective beneficiaries of the act published broadcast to the world, and the bill advertised as perhaps few other bills have been advertised, with preparation in the Veterans' Bureau coming from the fact that they have been appealed to by those in favor and those opposed to the bill repeatedly for information, for statistics, and for all that would go to make up the arguments for and against the passage of the bill—and yet, although 3,000 names were published of those who were advertised to the world as prospective beneficiaries under the bill, it was not until the 1st of August that a single retirement was made under the bill.

Mr. SWING. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Very gladly.

Mr. SWING. The gentleman knows why that was, I assume. The gentleman knows, I am quite sure, that the Veterans' Bureau ignored the clear intent of Congress in specifying two classes of beneficiaries, those who had theretofore been rated "permanent more than 30 per cent" and those who might thereafter and within one year be rated "permanent more than 30 per cent," and treated all applicants for retirement as belonging to the latter class, and as such therefore must be rerated after the act was passed. The bureau thereupon set up a large organization and devoted themselves for months to reexamining applicants, reopening and reviewing and rerating the cases, and making a new decision on each and every case, notwithstanding that some of them had been on their books for years with a rating of "permanent." All of this work, in many instances unnecessary and not called for by the law, is what delayed action in so many of these cases.

The act of Congress makes a direct grant of the privilege of retirement to those who were at the time of its final passage on the Veterans' Bureau rolls as permanently disabled more than 30 per cent, and the bureau had neither the power nor the privilege of rerating those cases in the absence of fraud or clear mistake of law or fact.

Mr. ROY G. FITZGERALD. I am pleased to get that statement from the gentleman from California.

Mrs. ROGERS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I am glad to yield to the lady from Massachusetts.

Mrs. ROGERS. Does the gentleman know how many officers have been retired to present date?

Mr. ROY G. FITZGERALD. I have some figures, but they are not up to date. I read a moment ago the number which General Hines gave to the public press on the 10th of this month. The total number retired up to the 10th of January, when this statement of General Hines was published in the Washington Post, was 1,179; and in addition there were 160 who were placed on the honor roll or retired without retirement pay.

Mrs. ROGERS. That is about one-quarter of the total number?

Mr. ROY G. FITZGERALD. It was as stated by this article, by the Director of the Veterans' Bureau, less than one-half of those whose claims had been acted upon, but only about one-seventh of the total number of claims which had been filed. There were 7,700 claims filed up to the 10th of January of this year, and of those 7,700 claims 2,890 have been acted upon. I am just informed that to-day a total of 7,971 claims have been filed. Of these, 3,708 have been adjudicated, 1,403 have retired with pay, 206 have been retired without retirement pay, and 2,099 have been rejected.

Mrs. ROGERS. One more question. Is it the gentleman's opinion that the Comptroller General will allow the payment of these claims now that the Attorney General has given a favorable opinion on the emergency officers' retirement act?

Mr. ROY G. FITZGERALD. I would not like to risk an opinion. I understand that there have been occasions on which the Comptroller General differs in his legal conclusions from the Attorney General, and does not consider the opinion of the Attorney General binding upon him. I may be wrong about that.

Mr. SWING. The gentleman is not wrong; the Comptroller General is the supreme court of the executive branch of Government, and even at times exercises the power of overruling the acts of the legislative branch.

Mrs. ROGERS. It may be, then, that we will have to appeal to the supreme court of the executive branches.

Mr. ROY G. FITZGERALD. If you will pardon a digression, I may say that the gentleman from California, Mr. Watson B. Miller, chairman of the national rehabilitation committee of the American Legion, and I went to the General Accounting Office on December 19, 1928, because we had heard that this was a sort of court of last resort, and because we were so anxious to expedite the administration of this law—we went to the General Accounting Office and there argued for a fair and what seemed to us lawful determination of these questions, so that this act might be administered fairly in accordance with the desires of those who had voted for the passage of the act in Congress.

There has been, so far as I know, no decision yet by the Comptroller General on this argument, but the same matters were, I believe, submitted to the Attorney General and his opinion was delivered Saturday. After the lapse of almost eight months since the passage of the law the questions raised by the bureau against veterans all over the United States were answered Saturday by the opinion from the Attorney General along the lines indicated by my colleague from California.

Mr. SWING. Will the gentleman yield again?

Mr. ROY G. FITZGERALD. I yield.

Mr. SWING. It was a full month ago that the gentleman and I and others presented this argument to the Comptroller General, and at that time the Attorney General's office had notified us that they were about ready to render an opinion. So it seems that they have held up their decision for quite a length of time.

Mr. PERKINS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. PERKINS. The gentleman has told us when the Attorney General rendered the opinion, but in all fairness to the Attorney General may it be stated when he was asked for the opinion.

Mr. ROY G. FITZGERALD. I have it in my papers and I will insert it in the RECORD if I can find the statement from the Director of the Veterans' Bureau when it was submitted.

Mr. SIMMONS. If the gentleman will yield, in the Senate yesterday the Attorney General's opinion was inserted in the RECORD. My understanding is that that will show on its face the date it was submitted to that office.

Mr. ROY G. FITZGERALD. I will look and ascertain the date. The opinion of the Attorney General appears in yesterday's CONGRESSIONAL RECORD, on page 1962, and it commences with these words:

SIR: I have the honor to acknowledge the receipt of your letter of December 1.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SIMMONS. I yield to the gentleman 10 additional minutes.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes; as soon as I finish this statement. "Although these complaints of delay and misconstruction of the law are made from all over the country, and many Members of Congress have been oppressed with the sufferings of many of these unfortunate men, some of them helpless and bedridden, although these months have elapsed since the passage of the bill, it was not until the 1st of December, over five months after the passage of the bill, that the Veterans' Bureau saw fit to seek the advice of the Attorney General.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. SIMMONS. Before we leave the Attorney General's opinion, do I understand that they are satisfactory to the gentleman from Ohio?

Mr. ROY G. FITZGERALD. I have not had an opportunity, as my colleague knows, to analyze this opinion thoroughly, because it has just been given out; but on a cursory reading I believe it is much more in accord with the law as Congress intended it than the interpretations which have heretofore been put on the law by the Veterans' Bureau. I am inclined to think that it will bring about a very much fairer administration of the act.

In the statement I have before me, to which I have alluded and which was so carefully prepared, it appears that "the present delay—January 17, 1929—now hinges on the decisions from the Attorney General's office." This, of course, was prepared before Saturday, when the opinion of the Attorney General was given out. General Hines, in his letter to me on December 18, 1928, says that he asked the Attorney General for an opinion on November 3, 1928; and again, on December 1, 1928, he submitted additional questions for his opinions about sundry interpretations. Eight months have almost elapsed since the passage of the law, with but little more than four remaining in which to adjudicate the applications in the year allowed by the law.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. WAINWRIGHT. With only four months left, and with a limit of a year to make applications, why should not the time be extended a reasonable amount for the applications to be made?

Mr. ROY G. FITZGERALD. In this interview to which I have alluded heretofore, when Senator TYSON and myself called on the director, I understood him to give positive assurance that there would be no reason for an extension of the time.

I am inclined to think that if the application is made within the year there might be an adjudication if this matter should go to court, that it would not make any difference if the actual rating of the man were beyond the 12 months, provided the application had been made within the year and the delay of adjudication were not the fault of the disabled veteran, but I am fearful of the situation, and I do not want to trust it. Something ought to be done to protect these veterans against the delays of the Veterans' Bureau, right or wrong.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. SCHAFER. Unless the time is extended you are liable to have this situation. Take a man who has had active tuberculosis, moderately advanced, for the past six or seven years, and who has never received a permanent rating. He might not go to a far-advanced stage of tuberculosis and receive a permanent rating until one or two years after this limitation, and you are going to preclude him from having the benefits of this act unless the time is extended.

Mr. ROY G. FITZGERALD. I am very much afraid that just such a condition may be brought about. Here are over 7,000 applications that are entitled to consideration. Here is, to my mind, an unaccountable delay by the Veterans' Bureau. General Hines repudiates the idea of hostility, but what explanation can we give for this course of action by the Veterans' Bureau? The very forms were not furnished for more than a month after the passage of the act, and where this law seemed to many of us to be plain upon its face, yet it seemed to the mind of the Veterans' Bureau Director and of those in authority to bristle with questions, all of which seemed to be decided against the right of the prospective beneficiary. Now, after months and months, not until November did the Director of the Veterans' Bureau appeal to the Attorney General for an opinion upon the questions of law, and not until the 1st of December

did he supplement it by further questions seeking help to enable him to deal intelligently with this law, if it is as complicated as he seems to think.

Mr. STRONG of Kansas. Mr. Chairman will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. STRONG of Kansas. I have always found General Hines very willing at all times to do everything possible to make the law fit as liberally as possible to the case and give the relief that Congress intended to give, but it is in the regional offices where I find the antagonism to doing what we want to do for the service men. There is where I have all of my trouble. I have even been advised that boys had been asked as to whether their Congressman were interested in the case, and if the Congressman had tried to look into the matter and assist the boy they seemed to feel that that was just cause for them to put every obstacle in the way of relief.

Mr. ROY G. FITZGERALD. It prejudiced the case in the regional office, did it not?

Mr. STRONG of Kansas. I fear so.

Mr. LAGUARDIA. Yes; and if the patient did not have somebody to push his case he would not get a hearing.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. SEARS of Florida. I have had an experience with one office, and I shall not call the name of the office, in which they wrote to the ex-service man and intimated that I did not know what steps to take. I want to join with my good friend from Kansas [Mr. STRONG] in the statement that General Hines is one of the fairest-minded men that I have ever met and had dealings with. He tells you no when you are not entitled to something, and he tells you yes when you are, and that is all that a Congressman wants. The difficulty is not in the Veterans' Bureau, but in many of the regional offices. This does not apply to Florida, because I have found the gentleman we have in control down there deeply interested in the ex-service men.

Mr. ROY G. FITZGERALD. I would like now to give a little of the set-up in the Veterans' Bureau machinery for action on these claims. I quote: "Take the retirement rating board and its working personnel. Conceding that this board reports on cases as expeditiously and in as reasonably fair a manner as possible, the thing that is most important, most exasperating, to the individual disabled emergency officer is delay in his case. I shall now tell you where that delay, and, most cruel of all, seems to be. It is centered in the advisory group of appeals, the close personal advisors to the director. All of the retirement machinery established to bring about the final conclusion on each application for retirement might just as well be nonexistent, except as instruments of delay, because of the fact that the director solicits and considers recommendations of the advisory group over recommendations for retirement by the retirement board.

"Disallowals sent by the retiring board to the director are perfunctorily O. K'd without question, except in rare cases. In other words, the advisory group on appeals is asked by the director to 'check' the retiring board and determine if the retiring board might not be in error in allowing the case, but rarely, if ever, to 'check' a disallowance. This action results in, first, further delay; and secondly, often an invited opinion dissenting from that of the retiring board. This precludes the necessity for the director immediately signing the award, and then there starts a 'back-and-forth' movement between the advisory group on appeals, as spokesman for the director, and the retiring board."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SIMMONS. I yield the gentleman 10 additional minutes.

Mr. SCHAFER. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Let me finish this:

Thus we find the sad and inexcusable situation, where a case has been pending in the bureau since August 3, the man's retirement having been recommended by the retiring board, but the advisory group on appeals by its peculiar position and delegated powers has been able to hold it up. So the long-suffering disabled emergency officer, after nine years, is still waiting for justice and relief promised him in 1917, and by mandates of Congress on May 24, 1928, and which should have been given him without further delay or bureaucratic excuses.

I am now very glad to yield to my friend from Wisconsin.

Mr. SCHAFER. Is there any real reason why an emergency officer's case should not go before the advisory group on appeals the same as that of a buck private's case? You could not expect the director to go through the whole of the millions of files, many of them a foot thick.

Mr. ROY G. FITZGERALD. My friend is exactly right. What is wanted is impartiality and fairness. The best men in the bureau were selected for the retirement rating board. Why should the decisions of this board be questioned without reason? The complaint is that where the retirement is refused to the veteran the case does not go to the court of appeals, but where the retirement is granted it is referred sua sponte to the board of appeals.

Mr. SCHAFER. If a buck private's case is rejected by the regional or central office board of appeals it does not go to the advisory group on appeals unless the claimant makes the request.

Mr. ROY G. FITZGERALD. Let it be understood it is only in cases where retirement is granted by the retirement board that resort is had to this advisory group of appeals. It brings delay in the first place and, secondly, it gratuitously injects question and doubts into the case.

Mr. SCHAFER. The bureau in many compensation cases refers the favorable rating of the regional office or of the central office board of appeals to the advisory group on appeals for final determination. In many cases such action is justified. The advisory group on appeals is composed of exceptionally qualified members who give careful consideration to the case.

Mr. SIMMONS. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. SIMMONS. Do I understand the gentleman to infer in his statement that the Director of the Veterans' Bureau refers these cases to the advisory group merely for the purpose of delay?

Mr. ROY G. FITZGERALD. Oh, no. I said it delays the case and probably saves money. But, of course, there is a hope if not a desire that the advisory board may find some reason to differ with the retirement board. It is not so when the retirement is denied.

Mr. SIMMONS. But the gentleman's statement was this, that he referred it to this advisory group either for the purpose of delay or a difference of opinion. I wanted to know whether or not you intended to assert that the Veterans' Bureau was deliberately delaying the adjudication of these cases.

Mr. ROY G. FITZGERALD. I let the facts speak for themselves. They act, apparently, from very good motives.

Mr. SIMMONS. It seems that the trouble is that you are trying to interpret the law after it is passed instead of before. When we discussed this bill before, it was stated that the proper time to find out what it meant was before it was passed, and the officials of the Veterans' Bureau, it was suggested, should be called in order to permit the Congress to find out the facts. The gentleman objected to that and blocked the attempt to secure an interpretation of the bill prior to its passage.

Mr. ROY G. FITZGERALD. I am glad the gentleman from Nebraska has brought that up, because we have the opinion of the Attorney General confirming the statements that I made on the floor of this House as to the interpretation when the bill was pending. He says, "This is what Congress understood it was doing," and Congress passed this law with this interpretation before it.

Mr. SIMMONS. Had we had that interpretation authoritatively given by the Attorney General and Veterans' Bureau prior to the passage of the law, instead of after, the delay you are complaining about would not have occurred.

Mr. ROY G. FITZGERALD. Oh, no. It would have occurred anyway. That did not cause them to postpone the getting up of forms until the 30th of June.

Mr. LAGUARDIA. Everyone in this House knows that the Attorney General will not render an opinion on pending legislation, and you can not get a construction of law until the law is passed.

Mr. ROY G. FITZGERALD. When I was a member of the Committee on the District of Columbia the Attorney General rendered an opinion that had taken a week or so to prepare—the substance of which was that he was not obligated to render an opinion on the constitutionality of pending legislation.

Mr. SIMMONS. There was nothing to prevent the calling of the officials of the Veterans' Bureau and having them determine what this bill was intended to do. But that was not done. It would have developed the facts.

Mr. ROY G. FITZGERALD. No. You do not understand the situation. I am informed that the legal adviser of the Veterans' Bureau advised long ago what is now the opinion of the Attorney General, and that his opinion was snubbed in the Veterans' Bureau.

Mr. SIMMONS. If you had called the legal adviser of the Veterans' Bureau before you when Members of Congress asked that it be done, and you would not do it, you would have had that opinion then instead of now.

Mr. ROY G. FITZGERALD. Of course, I am very happy to have the gentleman from Nebraska say that I forced the House to pass this bill. But that is not the case. It was passed by the House through a sense of justice and honor. That is what impelled the Members to pass the bill. The opinion of the legal adviser of the Veterans' Bureau was not called for nor would it have been more readily heeded then by the enemies of the bill than it has since been heeded and followed by the Director of the Veterans' Bureau.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. PERKINS. The question is not what was the intention of the Veterans' Bureau but what was the intention of Congress. It turns out that the Attorney General determined that the intention of Congress is exactly what we said and meant.

Mrs. ROGERS. What does it mean when a case is submitted to an advisory group for action? It means delay for the emergency officer. It means delay for the private or enlisted man who otherwise would be rated more expeditiously. In passing upon retirement cases the advisory group must of necessity fall behind in its regular work of acting upon compensation insurance cases for the enlisted men. I want to give General Hines, the Director of the Veterans' Bureau, credit for being entirely sincere and anxious to promptly secure justice to the veterans. He has in my opinion the most difficult position in the Government; but I am sure he does not appreciate fully the lapse of time that takes place in the adjudication of claims; also in the erection of hospitals and other matters. The rating of cases is progressing very slowly at the present time.

Mr. CRAIL. May I ask the gentleman from Ohio if the statement he refers to is in the hearings?

Mr. ROY G. FITZGERALD. I think not.

Mr. SIMMONS. Is it not true that all of these men are now receiving compensation from the Veterans' Bureau, so that the delay is in giving them an increase from the compensation that the enlisted man in the service gets and that which the officer would get under this bill?

Mr. ROY G. FITZGERALD. The delay complained of is the delay of administering this law; the delay in passing upon the claims filed. Delays caused by what seems to be an unwarranted rerating of disabled veterans whom the law provided should be retired.

In some cases reratings have been made under the pretext of this law and compensation reduced, or entirely taken away, so that the law in some instances has been used as a club of misfortune.

Mr. SCHAFER. The gentleman believes that the proper interpretation of this law would include the tubercular and neuropsychiatric cases which have been service connected under the presumptive sections of the World War veterans' act?

Mr. ROY G. FITZGERALD. Not all. Congress has set up an arbitrary presumption of service connection for tuberculosis for compensation. In cases where active tuberculosis existed prior to January 1, 1925, the man is entitled to compensation, it being presumed that his disability was incurred in the service. I do not believe that such a case would be entitled to retirement under this law without some further proof. Where a competent and trustworthy physician who is skilled in the treatment of tuberculosis says that the ravages of the disease of tuberculosis, the destruction of tissue, and other evidence indicates a contraction of the disease of tuberculosis before the veteran's discharge from the service retirement should be granted.

Mr. SCHAFER. We were told that this bill was to put the disabled emergency officers in the same standing as the Regular Army and Navy officers so far as retirement is concerned. But where is the Regular Army or Navy officer in the Regular Establishment who will receive retirement pay for disability that shows up seven years after discharge from the service?

Mr. LAGUARDIA. They still get it. When they incur it in the active ranks they get it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ROY G. FITZGERALD. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, on November 6, when the returns from the district which I have had the honor of representing for three terms in this House had been completed, it was discovered by the election officials that Mr. Hoover, the Republican candidate for President, had carried my district by approximately 44,000 votes. The returns also disclosed that while Mr. Hoover's majority was approximately 44,000, I was defeated by a gentleman running on the same ticket with him by approximately 5,400, demonstrating that I had run ahead of my ticket in the first Oklahoma congressional district by 38,527 votes. Of course, at least in my own mind, I can justify the thought that the retirement of myself from the Congress by that vote was accidental and not intentional. However, it was sufficient to place me in the category of being a "lame duck."

Mr. Chairman, I did not rise, however, to discuss election returns; but to discuss the term "lame duck." I note by a report made by the Clerk of the House that there is a considerable number of "lame ducks" in this session, and I thought it might be at least consoling to say to those who are in the same class with myself, whether they have been retired accidently as I was, whether they have retired voluntarily, or whether they have been retired in seeking higher honors, that while they call us "lame ducks," they really, my friends, have cast us into high society; because I remember that not long since the distinguished present Speaker of this House accidentally found himself in the "lame duck" coop.

I know the Speaker is probably saying to himself, like the black-faced comedian, "Why bring that up?" I do not bring it up, Mr. Chairman, for the purpose of causing you any unpleasant memories but for the purpose of impressing upon your constituency the wisdom displayed when, at the next election, they rectified that wrong and sent you back to Congress, and to call the Nation's attention to the great loss it would have been to it had they continued to make of you a "lame duck." Not only that, my friendly and neighborly pals of the "lame-duck" class, but others have been in our class. I also call the attention of you more fortunate ones to-day to the fact that unless you resign or die some day every one of you will be in the position we now occupy.

I recall, my friends, that once upon a time the distinguished gentleman who has been elected Vice President of the United States, through accident, similar to what happened to some of us who are "lame ducks," found himself limping back to Kansas looking for a job. I also find that the late great and lamented Champ Clark, Joe Cannon, whom we all loved, CORDELL HULL, Mr. HASTINGS, and Mr. MCKEOWN, from my own State, found themselves at one time in the same position that we now occupy.

I do not call attention to that, my friends, for the purpose of bringing to them any unpleasant memories, but rather to call the attention of the country and their districts to the fact that in political upheavals such as happened in 1928 they make a mistake when they pay so little attention to any part of their ticket except the head of it, as was the case in 1920 and 1928. I further call your attention to this for the reason that the records show that after these distinguished gentlemen I have mentioned had been placed in the class I now occupy, at the next election the people of their districts rectified their mistake and sent them back, and the records will probably disclose that in most instances those who succeeded them for two years mainly represented their constituencies by answering roll calls and visiting the office of the Sergeant at Arms on the first of every month for the purpose of getting their salary checks. As a matter of fact, in every instance, I think their districts only declared a moratorium as to service for their districts or the Nation for a period of two years.

Mr. Chairman, I further want to call attention to the fact that these upheavals, of which myself and some of my colleagues are the victims at this time, come about periodically, and I want to ask the question: Are they beneficial to the Nation? It is true that some good men and some statesmen have come to Congress on these upheavals, but as a usual thing the men who come on occasions like those mentioned come from the minority party in their district, and, in many instances, are only placed upon the ticket to fill it up and get a little advertisement, and then, like the driftwood thrown up by the tide, they find themselves honored and lifted into Congress unexpectedly and without knowledge themselves of why.

As I said, good men sometimes come along with those upheavals, but in the upheaval of 1920, which was the same as the upheaval of 1928, along with the good men and along with the statesmen there came into this House a halfwit and another gentleman whose beard was so long that it would have created a greater impression in a side show than he did on the floor of this House.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOWARD of Oklahoma. But, Mr. Chairman and gentlemen of the committee, I can not see—while I am not complaining—the application of the words "lame duck" to a man who

is retiring from Congress. I have tried to find out why we are called "lame ducks." I have consulted my dictionary. I find that the definition of lame is "to be crippled; to be halt; inefficient." I have not noticed any of the gentlemen who are "lame ducks" in this or in other sessions who are halt, who are crippled, who are inefficient. I have not noted amongst the officers of this House, amongst the Members of this House, amongst the heads and the employees of the Government at Washington one single person who tried to make a defeated Member of Congress appear either lame, halt, or inefficient.

And then, Mr. Chairman, I went further. I looked up the definition of duck. I find the duck to be defined as "a short-legged, web-footed, water fowl." [Laughter.]

I have been in this House for six years. I am fairly well acquainted with every Member. Some of them may be short-legged; none of them that I know of are web-footed. Many of them are so dry that under no conditions would they even take to water.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOWARD of Oklahoma. No; not now.

Others are so wet that I have never heard of them appealing even for a concoction so weak as water.

So I say that Members of Congress who have been defeated are not lame, Members of Congress who are still Members are not ducks, and why the application? But I guess it will continue and I have no objection, but I have this suggestion.

I looked further into the dictionary, and if you are "ducks" and if we are "lame," then the definition of a young duck is "duckling," and I suggest that if this session of Congress, by reason of the upheaval, is to be called a "lame-duck" session, that when you meet in April and these "ducklings" come in like the "ducklings" in a barnyard, untrained, unacquainted, and timid, that at least you do us the justice of calling that session the "duckling session." The same logic that designates this as a "lame-duck" session would make my suggestion as to the "duckling session" logical. [Laughter and applause.]

Mr. GRIFFIN. Mr. Chairman, I yield myself one hour. [Applause.]

Mr. Chairman, ladies, and gentlemen, this is the appropriation bill for the District of Columbia. It provides the amounts that are necessary in order to carry on the business of the District—schools, roads, lighting, fire and police protection, water, and all of the incidentals of municipal government.

An appropriation bill for a municipality has to follow along certain lines. Our committee got along very well in the consideration of this bill so long as we dealt with routine matters, but there are certain fundamental principles in connection with the administration of a municipality wherein I can not find myself in agreement with some of my colleagues.

CERTAIN ANOMALIES IN GOVERNMENT

For instance, the first anomaly we confront in connection with the District of Columbia is that every year the people of the District are taxed for a greater sum than is used for the purpose of carrying on the business of the municipality, and at that the tax rate is only $1.70 per $100, or $17 per $1,000.

THE PROGRAM OF PARSIMONY

Parallel with this anomaly—this vicious policy of collecting more money than is necessary for the administration of the affairs of the District—we find a parsimony and an incredible meanness in carrying out the planned improvements to make the Capital of the country beautiful or to make it comfortable to live in. We find the schools skimped year after year; the estimates of the commissioners reduced by the Bureau of the Budget and that action indorsed by a subcommittee of the House of Representatives.

THREE THOUSAND ONE HUNDRED AND SEVENTY-EIGHT HOMES WITHOUT SANITATION FACILITIES

We find large areas of the city of Washington without proper sewage facilities, and here is something that strikes at ourselves, that strikes at the very fundamentals of health and happiness in the District. There are 3,178 open privies in the District of Columbia, a shameful record of neglect that can not be equaled in any civilized city in our entire country; open latrines, no sewer connections, no water, depriving many thousands of families in over 3,000 homes of this necessary convenience of civilized society, endangering their own health and jeopardizing the health of every inhabitant within its purlieus against whom the tainted and polluted atmosphere of this section is blown by the varying winds.

I have taken up with the sewer department, not this year but every year, the proposition of what is necessary to be done in order to mitigate and finally remove these conditions. They have laid their estimates before the Budget. Our committee is familiar with the situation, but our hands are tied, because, forsooth, we dare not exceed the magic sum set forth by the Budget which must not be exceeded in the appropriations for the current year—or of any year.

Let me refer to this matter of sewers a little more in detail. I will not burden you with the obnoxious details, but I will take the liberty of putting in the RECORD this report on the latrine situation—I will use the refined term—and the sewer situation.

The estimate of the engineers was reduced this year from $400,000 to $346,000, even in the face of this menacing sanitary situation. Last year 88 of these privies were eliminated—think of it! Only 88 out of 3,178—and permits were granted for 25 more of these stench holes.

I have here in my hand a projected plan of sewers which will relieve the situation, and there is no reason in the world why this plan should not be put into execution.

COLLECTING TAXES NOT EXPENDED

It can not be claimed that the District of Columbia has not the money. Why, it was brought out at the hearings that there is a surplus fund of taxes collected and unexpended that is accumulating and lying dormant in the Treasury Department of the United States from which no human being derives any good except in so far as it may enhance the appearance of the Treasury daily balance. That amount is made up of the unused taxes that are collected from the people of the District. Now, whenever this question of the relations of the District with the Federal Government are brought up a good many of my colleagues shrug their shoulders and say, "Ah, do not bother yourself, the District is paying less than any other city in the country in real estate and personal taxes"—just as though it was a disgrace to have low taxation. Low real estate and personal taxes is not a rock in the harbor, but rather a haven toward which every ship should point. It is something to be desired, something to be achieved. My recollection is that New York City in 1895 had a tax rate of $1.58 on the $100 or $15.80 on the thousand, and the tax rate of New York City did not go up materially until after we launched those tremendously costly improvements, the new subways, the Riverside Drive, the great viaducts, and its wonderful array of bridges and tunnels.

Take the District of Columbia in comparison, and this Congress is the last body in the world that ought to complain about insufficiency of the taxes, because we give them nothing in return. If $1.70 is a sufficient amount to carry on the business of the District, what excuse is there to exact more? There are no costly municipal betterments in the District of Columbia to justify more. In other cities there are.

In New York City, for instance, we are bonded up to our capacity. Hundreds of millions of dollars are spent for subways, bridges, and tunnels. Taxpayers have to pay interest upon these tremendous amounts and in the District they are free. People say it is a good piece of legislation; they "pay as they go."

THE BUREAU OF EEFICIENCY REPORT

Now, on this question of taxation and the fiscal relations of the District, we set the Bureau of Efficiency to work, and they made a report. The other day my distinguished colleague from Nebraska [Mr. SIMMONS] got up on the floor and asked that it be printed as a public record. Now, I have taken from that report some interesting figures. This is going to affect nearly all of you and I hope you will give me your kind attention.

TAXES IN OTHER CITIES COMPARED

Cleveland, Ohio, with a population of 1,100,000, has a real-estate tax of $13.08 and a personal-property tax of $10.69.

St. Louis, Mo., with a population of 842,000, has a real-estate tax of $11.75 and a personal tax of $4.98.

Baltimore, Md., with a population of 830,000, has a real-estate tax of $11.77 and a personal tax of $4.93.

Milwaukee, Wis., with a population of 544,000, has a real-estate tax of $15.67 and a personal tax of $5.55.

Mr. SCHAFER. Will the gentleman yield?

Mr. GRIFFIN. I will be glad to.

Mr. SCHAFER. Where did the gentleman get his figures as to Milwaukee?

Mr. GRIFFIN. This is the adjusted tax rate.

Mr. SCHAFER. I do not think the gentleman's figures are correct. I just paid my taxes, and it does not correspond with his figures.

Mr. GRIFFIN. This is the adjusted tax rate, adjusted so as to bring the comparison in such a form that it can be compared with the Washington tax rate. The difference is due to the difference in the valuation of the property. You will find that explained in the report. I am dealing with the adjusted tax rates.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. COLE of Iowa. The tax rate depends largely upon the valuation.

Mr. GRIFFIN. Yes; entirely.

Mr. COLE of Iowa. If the property was assessed at 25 per cent value, then that lowers the rate of taxation.

Mr. GRIFFIN. Yes; that is what the Bureau of Efficiency has done. They have made the equalization, as they call it, because in some jurisdictions, as the gentleman says, the property is only assessed at 25 or 30 per cent of its value, whereas in other jurisdictions it is assessed at 90 per cent, or, perhaps, full value.

Now to continue: New Orleans, La., with a population of 429,000, has a real-estate tax of $11.53 and a personal tax of $9.30.

Cincinnati, Ohio, with a population of 414,000, has a real-estate tax of $16.41 and a personal tax of $12.13.

Indianapolis, Ind., with a population of 382,000, has a real-estate tax of $11.01 and a personal tax of $10.65.

Washington, D. C., with a population of 525,000, has a real-estate tax of $17 on a thousand, on one class, excluding the returns of Federal property, and $17.29 when the Federal property tax is taken into consideration; with a corresponding variation in the personal tax of $8.01 in the first instance and $5.85 in the second instance.

So after seeing how things are done in other cities, and that they are not at all ashamed to have low taxes on real estate, surely it does not become us to complain about the low rate of taxation in Washington. At least it does not justify us to be unjust in our dealings with the District. It does not justify us to be picayune and mean; it does not justify us in denying the public improvements that are necessary in order to make this Capital of the Nation a safe and comfortable place in which to live.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. BOYLAN. Does the gentleman not think that the buildings and the improvements here should be a model for the rest of the Nation?

Mr. GRIFFIN. I am very glad that the gentleman has expressed that thought.

Mr. BOYLAN. The people come here and see these beautiful things, and they are then inclined to emulate them back home.

Mr. GRIFFIN. That, I think, is the aim of every American citizen. The city of Washington ought to be a model city. It ought to be a city with broad streets and avenues, fine pavements, model sanitation, beautiful parks, and handsome buildings.

THE LUMP-SUM PROBLEM

We now come to the question of the lump-sum appropriation, an aggravating problem that has been bothering the people of the District for a good many years. When I tried last year to give my views on this lump-sum proposition before the House, I was shut off rather unceremoniously because it was supposed that I was going to take the usual stand of saying that the lump-sum appropriation of $9,000,000 was not sufficient. I never took that position. I am not saying that it is insufficient. I am not saying that it is either too much or too little. What I am saying, and what I have been persistently saying to those who would listen to me, is that it is an unsatisfactory, unreasonable method of ascertaining or setting a valuation upon the obligation of the Federal Government to the District for the benefits which the people of the United States derive from the District itself.

I will try to present the argument in a logical and coherent manner. This is my argument, and I think it approximates very closely to a mathematical demonstration.

At first blush it seemed that fundamentally the National Government should grant to the District at least the amount of the taxes on Federal property which a citizen deriving the same advantage from the District would have to pay on the property.

That proposition was universally conceded, but the friends and foes of the lump sum were not able to agree on the amount. Some maintained that the Federal Government's indebtedness on a tax valuation and assessment was over $10,000,000.

Last year I tried to work the proposition out myself, and I made a calculation which I put into the RECORD on Friday, April 20, 1928. My estimate of the tax indebtedness of the Federal Government to the District was $7,055,000. The chairman of our subcommittee last year made an estimate, and his estimate was $5,819,210. The lump-sum allowance to the District is $9,000,000. Let us ascertain what the indebtedness of the Federal Government is as a bare tax proposition. Deduct that from the $9,000,000 and what do you get? In my case you get the difference between $7,055,000 and $9,000,000, or $1,945,000. What does that represent? Follow me; I mean the difference between the tax indebtedness of the Federal Government to the District and the $9,000,000 lump sum. It means that that is the valuation of those vague, undefined benefits that the Government is supposed to get from the District. It is an appraisal, if you please. My appraisal last year was $1,945,000. What was the appraisal of our good friend, Mr. SIMMONS, the chairman of the subcommittee? His appraisal last year was that the indefinite, undefined indebtedness of the Federal Government to the District was $3,180,790.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. SIMMONS. I do not think that is a fair inference from what I said last year. What I said was that if we were to pay taxes on real estate we would reach a sum between $5,000,000 and $6,000,000. And that we were paying $9,000,000, and that whatever else the Government paid above that was to cover that.

Mr. GRIFFIN. The gentleman estimated the tax indebtedness of the Federal Government to the District at $5,819,210.

Mr. SIMMONS. Yes; but nowhere did I say that the balance of the $9,000,000 was a debt owing to the District government.

Mr. GRIFFIN. Oh, yes.

Mr. SIMMONS. Oh, no.

Mr. GRIFFIN. The gentleman surely implied that. That is the measure, as I take it, of what the Federal Government owes the District. That is an example of how indefinite, how vague and uncertain this lump-sum appropriation is bound to be in the very nature of things. At the meeting of the conferees between the House and the Senate last year we agreed that this matter should be referred to the Efficiency Bureau, and they produced this report that I have just referred to, and that report shows that the financial obligation of the Federal Government to the District is $7,440,000, or $385,000 above my estimate.

Now, here is the solution of the entire problem; this is the crux of the problem:

Having now the precise amount of the Federal Government's financial obligation to the District fixed at $7,440,000, we ought to ask ourselves, Is this all that the Government ought to contribute?

Are there no other obligations of the Federal Government to the community which has grown up around the Capital of the Nation—a community which has done so much to make the Capital so comfortable a place in which Government officials and visitors might abide?

Personally, I believe that when the Federal Government pays its taxes on merely its real estate and personal belongings it has not fulfilled its full obligation—but how much more it ought to contribute for those vague and intangible but nevertheless obvious benefits I am now unable to venture an estimate.

It is conceded that such benefits, although vague and indefinite, actually exist and have a material value. While I am not ready to appraise this value the upholders of the lump sum are ready on the instant to say that their value is the difference between the tax obligations of the Federal Government and the magic sum of $9,000,000.

Consequently when last year they maintained that the Federal Government's financial obligation to the District was $5,800,000 they in effect plainly admitted that the difference between that and $9,000,000 or $3,200,000 was the value of the vague and indefinite benefits accruing to the United States.

Now, this year, with the tax indebtedness of the Federal Government fixed by the Bureau of Efficiency at $7,440,000, they rather illogically, it seems to me, maintain that $1,560,000 is the proper Federal contribution to the District taxpayers.

The inexorable laws of logic have no influence on their minds; and the inherent absurdity of asserting last year that the contribution should be $3,200,000, but that this year it should be only $1,560,000, does not dawn on them.

No further elucidation of the illogical inconsistency of the lump-sum theory is needed. The mere statement of the situation answers its absurd pretentions.

Before we can answer the question, therefore, as to the precise financial obligation of the Federal Government to the District we are forced to the conclusion that the Bureau of Efficiency will have to be called in again to submit a report in detail as to the precise nature of what I have called the vague and indefinite benefits which last year were appraised at $3,200,000 and this year at only $1,560,000. Surely this obligation expressed in dollars and cents should not have taken such a spasmodic drop as that in one short year. Its very irregular and spasmodic variation from year to year shows its utter unreliability.

But, however that may be, I want to emphasize the position which I have consistently maintained from the beginning of the controversy. I hold simply that the amount of the Federal

Government's contribution should not be fixed inexorably at a hard-and-fast unchanging figure but should be varied from year to year upon some sound formula that would take the problem out of the realms of guesswork and make it a matter of simple calculation each and every separate year.

Furthermore, I want to emphasize what I may take the liberty of calling a novel proposition, namely, that the interests of the taxpayers are not so woven inevitably with the problems of obtaining gratuities as in obtaining justice. By this I mean that they ought not to be taxed to raise moneys which are not spent for their benefit and the benefit of the District.

Here is the outstanding injustice in congressional handling of the District budget: For years the tax rate has been arbitrarily set at a certain figure, and the income derived has not been spent, but has been covered into the Federal Treasury, where it has lain idle and profitless to the taxpayers.

This maladministration of the fiscal relations of the District has been of long standing. By 1925, $5,257,528.75 had accumulated in this dormant reserve, and it required the act of Congress of February 2, 1925, to release it and make it available for public schools and parks.

The next year the same thing happened. A new dormant reserve was started, because the moneys raised by taxation were not spent and were covered into the Federal Treasury, without benefit to anyone except to swell the daily balances of the Federal Government. The next year the same thing happened, and so on from year to year; so that on June 30, 1928, there was lying idle in this dormant fund $6,200,000 of the taxpayers' money from which they never received a cent of benefit. If this condition was not due to obviously stupid mishandling of the finances of the District, it might be very justly denounced as a downright fraud on the taxpayer.

Verily, congressional meddling with District finances has made stepfathers of us all.

By July 1, 1929, this excess or surplus of unused funds will have been increased another $1,000,000, and by July 1, 1930, under even the appropriations of the current bill there will be a further augmentation of this unused income of $1,726,000, making a total of $8,926,000.

Reserving out of this sum $4,000,000, the amount required to be held in reserve under the act of 1922 for the obligations of the "pay-as-you-go policy," and a further $1,000,000 to meet deficiencies and supplementary estimates, there will be lying in the Treasury on July 1, 1930, the end of the period covered by the present appropriation bill an unused balance of $3,926,000 or nearly $4,000,000.

With this unused balance in prospect, what occasion is there to scrimp and pinch and deprive the Capital of the Nation of the sanitary facilities necessary to assure the health of over a half million people?

Why should we be parsimonious, why should we refuse the necessary improvements, improvements that go to the comfort and happiness and health of the people of the District?

Mr. ARENTZ. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. ARENTZ. For what purpose is the Emergency Hospital operated? For the benefit of all the people?

Mr. GRIFFIN. Absolutely.

Mr. ARENTZ. People coming in on a visit, people who live here, and people who meet with accidents?

Mr. GRIFFIN. This is the Capital of the Nation.

Mr. ARENTZ. Should the District of Columbia and the Government pay for this hospital and all operating expenses?

Mr. GRIFFIN. Both should contribute.

Mr. ARENTZ. I understand the charity chest is to include an item—I forget the exact amount, but something around $50,000—of a deficit owing to the difference between operating expense and income of the Emergency Hospital. I call that picayunish.

Mr. GRIFFIN. So do I. There is a case, by the way, that comes under the head of what I call the vague and indefinite, but, nevertheless, highly social and moral obligations of the Federal Government to the District taxpayers. Hundreds of thousands of visitors from all over the United States come to Washington; they use the hospitals, the libraries, the parks; their autos wear down the pavements. If Washington was a country town, it would not have this annual influx of strangers who use its facilities without contributing in the form of taxation. The burdens which they impose on the District is a moral obligation of the Federal Government.

Mr. ABERNETHY. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. ABERNETHY. I was wondering if the gentleman was going to discuss the intolerable traffic conditions, particularly on Pennsylvania Avenue, where we have for one hour a day a traffic cop and another six hours we do not have any. I was wondering if the gentleman was going to enlarge on that subject?

Mr. GRIFFIN. I did not intend to, although it comes within the field, and perhaps we ought to consider it in the consideration of this bill under what the gentleman from Nevada refers to as picayunish. For instance, they have cut off several policemen in this bill.

Mr. ABERNETHY. I notice there on Pennsylvania Avenue a traffic cop will work along, and then he will go to dinner and nobody is there to take his place, or a man goes off to supper.

Mr. GRIFFIN. They have got to eat.

Mr. ABERNETHY. I understand they have; but what is going to happen to the traffic while they are eating?

Mr. GRIFFIN. You know some people go along and make a formula for themselves and say we have got to conform all human conduct to this particular formula. If traffic lights are set up on certain streets in Washington they say no police are necessary to be contiguous to them; therefore, they say, we will reduce the police force. If there were no fires during the last year they will say we have too many firemen, and they will say that having no fires last year we will take off a few firemen.

Mr. BOYLAN. Will the gentleman yield?

Mr. GRIFFIN. I do.

Mr. BOYLAN. I would like to call attention to the fact, with which the gentleman perhaps is familiar, that in the District jail, having an average daily population of 550, there would be no resident physician, no nurses, no hospital facilities, no emergency facilities but for the generosity of a philanthropic woman of the city of Washington providing so they can pay the salary of a doctor and nurses. Does the gentleman know those facts?

Mr. GRIFFIN. I do.

Mr. BOYLAN. Is the city of Washington depending on charity and holding out the hat to get somebody to do something they should do for themselves?

Mr. GRIFFIN. Yes. That is one of the things underlying my arraignment of the stepfather government we have here in the District.

But I want before I close to show that there is absolutely no necessity from the state of finances for the exercise of this contemptible shortsightedness and meanness in the administration of the affairs of this big city.

I said there will be a balance of $4,000,000 in this reserve; certainly enough to cover some improvements and meet some of the objections that are made here on the floor. I know at least that it is sufficiently large to remove any occasion for pinching and shaving and depriving the inhabitants of the Capital of the improvements and accommodations that are necessary to their health and happiness.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield there?

Mr. GRIFFIN. Yes.

Mr. UNDERHILL. How much of that $2,600,000 will be left after Congress passes my bill for purchase of land for the community center down here?

Mr. GRIFFIN. Your bill calls for an expenditure of $2,600,000?

Mr. UNDERHILL. That is only for half of it. The bill to which you refer and which the committee introduced lets out two squares fronting Pennsylvania Avenue in order that those two squares can be increased in value by reason of the Federal building program on one side and the District of Columbia building program on the other side, and after you get around to the price of those two squares you will find that the price will be greater than that of the four squares would have been, and then some.

Mr. GRIFFIN. The actual balance on June 30, 1930, will be $10,200,000. I have eliminated from consideration the $4,000,000 to carry out the pay-as-you-go policy and $1,000,000 in addition to pay for the deficiencies carried in the supplemental estimates.

Mr. UNDERHILL. So far as the Federal Government goes in taking the land in the District, you will find that $4,500,000 incident to their taking this land is not within three or four or five hundred per cent of what they will have to pay, because when the Federal Government and the District government attempt to buy land for public improvement in Washington they jack up the price of the land several hundred per cent.

Mr. GRIFFIN. I share the gentleman's view in connection with this great civic center, but I am particularly concerned that Congress should provide to-day for the health and safety of the people of Washington. I think the building of sewers to accommodate these three thousand-odd families who are without sanitary accommodations is a more pressing necessity than civic centers.

Another point I neglected to mention was the sewer in Rock Creek Park. That is where you send your children to play. After every storm the slime from the surrounding hills and connecting sewers is swept into the creek, and in the summer season I wonder how much of that pollution lingers on the banks of the creek to menace the health of the little children.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Certainly.

Mr. SIMMONS. About 95 per cent of that pollution to which the gentleman refers comes from the State of Maryland. That was shown in the hearings a couple of years ago. I do not recall whether the gentleman was a member of the subcommittee at that time.

Mr. GRIFFIN. It is a situation that we have to confront here; a situation that we have got to handle here nevertheless.

Now, aside from the question of the civic center, which I claim should give away to considerations of public health and happiness, I want to summarize this for your mature deliberation:

What apology can be made to the world for the existence of 3,178 open privies polluting the atmosphere of a civilized city?

What excuse can be made for insufficient sewers in Rock Creek Park so that every heavy rain causes them to overflow their repulsive drainage into that beautiful stream that is the playground of the children of this District?

What excuse can be made to the parents of 5,000 children in 221 part-time classes in our public schools?

What excuse is there for defective paving and lighting of the streets of the city whose condition would shame the capital of the most backward nation? [Applause.]

Mr. GRIFFIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York reserves the balance of his time.

Mr. SIMMONS. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. LETTS].

The CHAIRMAN. The gentleman from Iowa is recognized for 20 minutes.

Mr. LETTS. Mr. Chairman, it is my purpose to bring to the attention of the House a bill which I introduced in the first session of this Congress. It is H. R. 8226, a bill to authorize the Inland Waterways Corporation to construct and operate warehouses and elevators on the Mississippi River. In order that the provisions of this bill may be better understood, I ask unanimous consent to extend my remarks by inserting at this point a copy thereof.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The bill referred to is as follows:

H. R. 8226, Seventieth Congress, first session

A bill (H. R. 8226) to authorize the Inland Waterways Corporation to construct and operate warehouses and elevators on the Mississippi River

Be it enacted, etc., That the Inland Waterways Corporation is authorized, out of any money hereafter made available therefor, to construct, maintain, and operate warehouses and elevators for the storage of agricultural products for interstate or foreign commerce at such locations upon the Mississippi River as the corporation deems most beneficial for the producers and shippers of such products and most advantageous for the development of the transportation system operated by the corporation.

SEC. 2. Before commencing the construction of any such warehouse or elevator, the corporation shall obtain the approval of the Secretary of Agriculture of the plans and specifications of such warehouse or elevator.

SEC. 3. The corporation shall, out of the revenues derived from the operation of such warehouses and elevators, to the extent that such revenues are sufficient therefor, pay the expenses of maintaining and operating, and provide for the amortization of the costs of constructing such warehouses or elevators. Any amounts accumulated for the purpose of such amortization shall be held by the board subject to such disposal as the Congress shall hereafter direct.

SEC. 4. The corporation in the operation of such warehouses and elevators—

(a) Shall not be subject to any provision of the interstate commerce act, as amended, or to regulation by the Interstate Commerce Commission;

(b) Shall be subject to the provisions of the United States warehouse act, as amended, without making application as therein provided, except the provisions of such act relating to the issuance of a license to a warehouseman, to the suspension or revocation of such license, and to the furnishing of bond by a warehouseman.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the construction, maintenance, and operation of such warehouses and elevators upon the Mississippi River above St. Louis the sum of $40,000,000.

Mr. LETTS. The purpose of this bill is twofold. It is apparent that if the barge line which is authorized and now operating on the Mississippi River is to be a success facilities must be afforded for the loading and unloading of freight. Riverside elevators and warehouses will supply such need in part. The plan set up in this bill is in aid of producers of agricultural commodities. It will afford them a place where their products may be stored, dried, and cared for, thus enabling such producers to hold such crops for future and better markets. It will enable such producers also to avail themselves of water transportation or rail transportation, as they may elect.

It is proposed that such warehouses and elevators are to be administered under the Federal warehouse act. Such law provides for issuing a form of negotiable warehouse receipt which constitutes a specific, definite contract between the depositor and the warehouseman and also carries full information as to grade, weight, and condition of the grain. In other words, it gives all the information that a banker, whether in Iowa or New York City, needs in order to determine whether he can afford to make a loan. It furnishes the producer of grains so stored a high form of collateral, which he may take to his local banker, who in turn will find them acceptable for rediscount purposes at the metropolitan banks, the Federal reserve banks, and intermediate-credit banks.

The country bank can not loan to advantage against wheat or corn in the farmers' bin or crib. In fact, it should not and does not, but it loans on what the banker knows about the farmer and his moral responsibility. This does not furnish paper which is available to the local banker for rediscount purposes. With warehouse receipts, issued under the United States warehouse act, as collateral, a bank with limited capital can extend its loaning ability and make itself a better financial agent.

This plan has received the support of the Iowa Bankers' Association at two or three different times within the last few years, and I have been advised that the bankers of Iowa would receive warehouse certificates as collateral for loans up to 80 or 85 per cent of the value of the crop stored.

The plan has been twice indorsed by resolutions adopted by the Mississippi Valley Association. I ask unanimous consent to insert at this point the resolution adopted by such association on November 23, 1926, assembled in convention at St. Louis, and the resolution adopted by that association at its annual meeting at St. Louis in 1927.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to further extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Following are the resolutions referred to:

Resolution adopted by the Mississippi Valley Association at its 1927 annual meeting at St. Louis, November 15, 1927

As a constructive measure for farm relief and as a necessary part of the machinery of barge operation we believe in the plan proposed by the Iowa Bankers Association and heretofore approved by the Mississippi Valley Association to the effect that the Government erect large capacity grain elevators or commodity warehouses, as may be required—to be operated under the Division of Warehouses of the Department of Agriculture, at the main line rail crossings of the Mississippi and other rivers as soon as suitable for barge operation.

Resolution

Whereas the combined exports and imports of this country for the past 12 months has reached the amazing total of around $10,000,000,000; and

Whereas our farmers as a rule have not shared in this unprecedented tide of commercial activity; and in consequence the black rot of discontent now permeates the rural population of our country, especially so in its Mississippi Valley section, where the major crops are grown; and

Whereas the situation has become so acute that Congress has been importuned to take steps to render governmental aid to the stricken farmers, and in response to such appeal Congress, irrespective of party affiliations, has now under consideration various measures for so-called "farm relief," the fundamental purpose being to enable the farmer to realize better prices for his products, both for domestic consumption and for export; and

Whereas the item of transportation on the farmer's exportable surplus of grains has been materially reduced through the use of the Government owned and operated Federal Barge Line on the Mississippi River below St. Louis, and the operation of which above St. Louis is now scheduled for 1927, and to which operation the river bank grain storage elevator facilities are absolutely necessary, if the barges are

to benefit the farmers, and no adequate elevator facilities as herein contemplated are now in existence at any point on the river between St. Louis and St. Paul; and

Whereas the use of such storage facilities will not only aid the railroads in the orderly movement of crops at the harvest period by conserving their grain equipment; will not only stimulate the erection, in close proximity to the farms upon which the grains are grown, of conversion mills, and thereby make available to the farmers at the lowest cost the resultant by-products in the form of commercial stock foods, with their intensive secondary fertilizing ingredients—but such will likewise, through the medium of the well-known Government bonded warehouse receipt, make liquid much of the farmers' paper now classed as "frozen assets" in the hands of the country banker: Therefore be it

Resolved by the Mississippi Valley Association in annual convention assembled this 22d day of November, 1926, at St. Louis, That we urge upon Congress as a measure of constructive and permanent relief for at least a part of the farmers' troubles, the simultaneous erection by the Government at all upper Mississippi River crossings by the main lines of the Granger roads, of a system of big capacity storage elevators, to enable the surplus grains that leave the farm to be most advantageously moved, without lost motion, by either barge or rail, to ultimate destination, domestic or foreign; and that similar aid to agriculture be extended at all such points on the lower Mississippi, and all other rivers as soon as they shall be used for commercial navigation;

That until such time as the system can be transferred to private operation to the best advantage of the Government such elevators be operated by the Government, preferably as a division of the Department of Agriculture, under the provisions of the United States warehouse act of 1916–1919, to the end that regulation negotiable warehouse receipts shall be issued to the depositors of grains, thereby providing a form of liquid security that will enable the farmer to finance his crop requirements to the best advantage; and

That a copy of this resolution be forwarded to the President of the United States and to each Member of Congress, and that the executive committee of this organization be instructed to take all necessary steps to secure its adoption by Congress at its forthcoming session in December of this year, and at all subsequent sessions, until the purpose of this resolution shall have been finally accomplished.

Mr. LETTS. The Iowa Bankers' Association is at this time continuing its interest in this matter, and only a few days ago a meeting was held in my home city of Davenport at the instigation of Mr. J. K. Deming, president Consolidated National Bank of Dubuque, who now heads the committee of the Iowa bankers with respect to this particular subject. That meeting was presided over by Mr. Lee J. Dougherty, president of the Guaranty Life Insurance Co., of Davenport, Iowa, and was attended by the following persons: R. I. Clysbee, Clinton; H. W. Seaman, Clinton; Fred Kleeberger, Clinton; O. A. Reynolds, Dubuque; J. A. Kerper, Seippel Lumber Co., Dubuque; J. K. Deming, president Consolidated National Bank, Dubuque; Charles Bond, Burlington; R. W. Baxter, Schoff & Baxter Grain Co., Burlington; and A. F. Petersberger, Milton Hult, R. W. McCreery, Bert Dow, Louis Bein, and C. R. Miles, Davenport.

In 1927 the Iowa bankers made a statement of purpose of its "river development committee," which has been headed up by Mr. Deming, of Dubuque.

I wish at this point to read that statement of purpose:

In these days of seemingly high marketing expenses it becomes apparent that attention could well be spent to consider ways and means to develop better inland waterways facilities. Water transportation has always been cheaper than other ways. Observations show that our river ports need better barge facilities if inland water transportation ways are to reach their maximum practicalness. The barge accommodations should be accessible as may be needed for river boats and also railroad connections. A number of Iowa river cities have already begun, through their own local appropriate civic organizations, giving attention to developing better barge and warehouse facilities. And now it is the hope that the Iowa bankers, working through this committee, will take time by the forelock to work and cooperate with other agencies to make all Iowa river railroad ports better able to handle farm and other commodities originating in Iowa for shipment to points outside or even for State importation so that greater economy in the transportation of such commodities will result and inure to our farmers, business men, and all other Iowans. It would seem that a greater Mississippi Valley waterways system is in the making. If that is so, then Iowans should be enabled to get their share of the benefit. Thus the work to which this committee can direct its attention becomes important for the future welfare of Iowa, which should not lag while any great Mississippi Valley waterways system is in the process of origin or development.

The bill to which I have referred is designed as a form of farm relief and at the same time to be in aid of river transportation. Let me suggest that at the present time many producers of cash grain, who are renters with little equipment and no money, often find it necessary to sell their grain when harvested to pay interest, taxes, store bills, and other charges. By being required through the exigencies of their situation to sell their products immediately when harvested they are compelled to take the cheapest price of the year. By storing and using the receipt of a bonded warehouse as the basis for credit they may borrow and discharge their obligations and carry the certificate and sell on a better market.

It has been stated upon good authority that a proper use of the barge line will reduce the freight charges on agricultural commodities of the Mississippi Valley about 10 cents per bushel. The discussion of matters pertaining to agricultural relief has developed the general belief that the domestic price for American farm products, where a surplus exists, equals the world price less freight. If it is true that the price of the surplus so exported and sold in a foreign market has the effect of fixing the domestic price, then it must necessarily follow that such domestic price can be increased upon the whole crop through the use of water transportation in handling the surplus. It perhaps is needless for me to say that 10 cents a bushel on farm products can easily be the difference between success and failure.

While the Panama Canal has been a boon to the country as a whole and to the world, its operation has put us who live in the Mississippi Valley under a severe handicap. Manufactures in Davenport, Iowa, and Moline, Ill., to supply their trade on the west coast, ship by rail to New York and by water through the Panama Canal and up the west coast and save considerable money by thus avoiding rail freight from the Mississippi River to the Pacific coast. It is therefore apparent that we in the Mississippi Valley are, because of the Panama Canal, under a handicap as regards our competition with eastern industry the amount of the freight between the Mississippi River and New York City. A successful use of the barge line, giving us the benefit of the Panama Canal, will take us out from under such handicap.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. LETTS. I yield to the gentleman.

Mr. W. T. FITZGERALD. What is the difference in time on a shipment by water and by rail?

Mr. LETTS. The time through the canal is very much longer.

Mr. W. T. FITZGERALD. The gentleman does not know what the difference in time is?

Mr. LETTS. No; I would not know exactly, but is very much more. It is true, however, with respect to many things such as farm implements, which are manufactured in large quantities in Moline and some parts of which are manufactured in my city of Davenport, that time means very little. It is only a question of getting your order in early enough.

Mr. W. T. FITZGERALD. What are the charges on a certificate from the time it is issued until the time a farmer gets his money? He indirectly pays for it, does he not?

Mr. LETTS. The farmer would pay the warehouse charge, which is comparable to the charge that is made by the warehousemen who are operating as individuals or as corporations. There is no purpose for the Government to furnish this service free of charge to the farmer.

Mr. W. T. FITZGERALD. There would be a charge made from the time the wheat is stored until the time the wheat is sold, would there not? There must be interest paid, must there not?

Mr. LETTS. Oh, yes. The farmer would have to borrow on his certificate and pay the interest. It is simply a facility. It is not offering him anything in the way of a dole or anything that would take any money whatever out of the Treasury of the United States. It would simply put the Government into the business of running a warehouse or an elevator which would, in my judgment, be entirely proper in this case, because I believe it is a facility which naturally belongs to the operation of the barge line. It would increase the business of the barge line and at the same time offer the farmer a proper place in which to store his grain.

It is the history of our part of the country that in the early days, when the railroads first came out there, that elevators were built in these river towns, and they were designed to take care of shipments of grain that would come to the river. The river in those days was extensively used, but as the railroads have developed and taken control of the business out through that part of the country, they have rendered these storage elevators on the river worthless and have carried the grains into Chicago. They have done that, I venture to say, in

the interest of their own business. The long haul is the thing the railroads have sought and striven for all these years, and while the Mississippi River is the breaking point, the rate, as I understand it, is fixed by taking the rate to the river plus the short rate from the river into Chicago. It has made a very satisfactory piece of business for the railroads, and the railroads have prospered. I am not here fighting the railroads.

I want the railroads to be reasonably prosperous. I think they are necessary to our business life, but they ought to work in conjunction, in my judgment, with the experiment which the Government is putting on in operating this barge line, which represents a considerable investment on the part of the Government. We need some commodities, which ought to be floated down the river, to take care of the expenses of the downward journey. The boats bring up coal, salt, and commodities of that kind which can be handled in bulk and where time is of little or no consideration in the matter.

Mr. BOYLAN. Will the gentleman yield?

Mr. LETTS. Certainly.

Mr. BOYLAN. Is it not the gentleman's experience that the railroads discourage water-borne traffic?

Mr. LETTS. It is my experience that they have done that.

Mr. BOYLAN. And they are not going to cooperate in any way because they fear this competition, do they not?

Mr. LETTS. They fear the competition of water transportation, and yet I am happy to say that at least one of the great transcontinental railroads, through its president, has announced the purpose of his company to cooperate with any practical movement of this kind for the development of the inland waterways system.

The bill which I introduced in December, 1927, was referred to the Committee on Interstate and Foreign Commerce. No hearings have been held, chiefly for the reason that many of the friends of agriculture advised me against urging a hearing on the bill. This was done upon the belief that the measure of farm relief here presented was somewhat less in its scope than was desired and that it would be regarded as an interference with a full and complete consideration of the plan set up in the McNary-Haugen bill. I have never at any time wished to be in opposition to the sincere efforts of this House to come to the best solution of the difficulties involved in the farm problem. I do not now claim that this bill presents a full program for farm relief. Certain economic difficulties have arisen with respect to agriculture and its relation to industry and business in general. The plan herein suggested corrects some of the inequities that have arisen and is not in conflict with any theory or plan respecting cooperation and cooperative marketing. Indeed, it is fully in accord with any proper development of prevailing thought with respect to such matters.

If an extra session of the new Congress is called and its activities are limited by the organization of only a few committees, Ways and Means, Agriculture, and, perhaps, one or two others as has been suggested, I shall reintroduce this bill and ask that it be referred to the Committee on Agriculture so that it may have its proper consideration in conjunction with other proposals.

Grain elevators as now constructed are equipped with cleaning and drying facilities so that it is entirely conceivable that grains properly stored may be safely kept for a long time. The surplus in crops produced in the Middle West is not great and taken year by year such surplus would not distress the farmer. Most of our grains can safely be carried over from year to year. A surplus produced in a good year would be a blessing if carried over for use in a lean year. The difficulty in the situation is that of marketing. As I have intimated, many producers of cash grain find it necessary to dump their products on the market immediately when harvested. Thus is the case of the renter who has the grain but not the stock to eat it up and who is not financially able to carry the crop for a better market. He is at the mercy of his prospective purchaser, who, in many cases, is his neighbor, one who owns his own farm, has a bank account, and has his farm well stocked and who has not produced enough grain for his own purposes. This dumping process has been referred to as the glut in the market. It may be removed in a measure by avoiding the necessity for the immediate sale of cash grains. This can be accomplished if the grains may be held over as is contemplated in this bill and a warehouse receipt used for credit purposes.

In addition to the benefit which this plan would afford the farmer, I call attention to the fact that the Government is making a great experiment in the matter of river transportation and my proposal is in aid of that experiment as well as in aid to the farmer. The country is expecting a full and fair trial of the barge line. Much money has been spent in improving the channels of our inland rivers and much more should be expended in developing such waterways. It is a hope of the Middle West that the construction of the St. Lawrence seaway will give them a port for ocean-going vessels at Chicago and that the great Mississippi, the Ohio, the Illinois, and the Missouri Rivers may become useful arms of the sea. It is the hope of the Mississippi Valley that the handicap which has been placed upon her products through the economic use of the Panama Canal may be removed and that our corn and wheat and other products may be put on a fair and equal level of competition with other sections of the country.

To my mind the bill is worthy in all respects save one. I admit that it puts the Government in business—a thing not to be desired—and yet if the Government is justified in operating and owning a barge line it is justified in carrying on another business which is necessarily an auxiliary to it. When the Government has completed its experiment and determines to turn the barge line over to private industry, it may, if it wishes, make the same disposition of its grain elevators.

I trust the Congress will adopt this plan, which seems to have the approval of the bankers of Iowa as expressed in two annual meetings and of the Mississippi Valley Association, which is composed of many men of learning and thought, men who have studied the river, men who knew the old river, knew the business that was transacted on the river and realize the possibilities that are before us, men who realize what the saving in freight expense would be if the Mississippi River and its tributaries could be again harnessed and put to work for the benefit of the people who live in the contiguous territory. [Applause.]

Mr. CASEY. Mr. Chairman, during the temporary absence of the gentleman from New York [Mr. GRIFFIN], I yield 10 minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and gentlemen of the committee, I notice in the public press that there is quite a controversy going on between the Secretary of the Treasury and some political bishops about the use of an extra fund of $25,000,000 for the enforcement of prohibition. This is cited just to show the fanaticism of some men who are interested in prohibition enforcement.

I might say one of these political bishops claims to be the original "Hoovercrat" and also that he carries in his vest pocket the control of a great, sovereign State. Furthermore, I notice in the daily press that the Christian Herald, of New York City, has awarded him the prize for the most outstanding religious work for the year 1928.

I would like to suggest to the Christian Herald that instead of awarding him the prize for outstanding religious work they should amend it and properly say they have awarded it to him for outstanding political work.

The good Secretary of the Treasury says that if he used this additional $25,000,000 it would endanger the Budget. Well, these political bishops do not care anything about the Budget, especially when it comes to the enforcement of their particular fanatical ideas; that does not amount to anything.

The distinguished Secretary of the Treasury says that it would not help the courts; that it would not help the border patrol or the Coast Guard. Oh, that is immaterial. What do they care about the courts or the border patrol or the Coast Guard, so long as they get the additional $25,000,000 for prohibition enforcement?

The Secretary says, in part:

> I beg to acknowledge receipt of your telegram of January 18, in which you suggest that the appropriation of $25,000,000 for the Prohibition Bureau as contained in the so-called Harris amendment to the first deficiency bill be made available so as to be expended by the Secretary of the Treasury—

And so forth.

He goes on to say:

> As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not solely rest upon the Bureau of Prohibition, but its success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and what is even of more importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial.

Then he goes on to say that the courts are congested and that this would interfere with the Budget.

> Such a program—

He says—

> would break down the safeguards of the Budget system and the effective and proper control which Congress exercises over the expenditure of public funds.

Well, this does not mean anything to these political bishops, and, furthermore, Doctor Doran tells the Woman's Christian Temperance Union practically the same thing—

My department can not use this money because it has to be coordinated with various other branches in order to secure proper enforcement.

However, this does not mean anything to these political bishops. They only see one thing and that is enforcement of prohibition.

This is along the same line as something that has been done in one of our sovereign States, a State that has very many excellent Representatives in this House, and a State that usually is progressive and alert and in the forefront of anything tending toward the development of its resources or for the betterment of its people, and yet this great sovereign State has been so carried away by this prohibition-enforcement business that they send to prison for life, gentlemen, for life, a woman convicted of selling a pint of whisky! What a travesty on justice!

I have here in my hand a beautiful cartoon illustrating the development of civilization in the United States, particularly in the State of Michigan. This cartoon is from the Washington Daily News of Thursday, January 10, 1929. It depicts a poor, forlorn woman, the mother of 10 children, in the custody of gigantic bailiffs, arraigned before a judge armed with instruments of torture, who sentences her for life to the State prison for the selling of 1 pint of liquor. How very creditable all this is to the State of Michigan.

They sentenced the woman to prison for life, gentlemen—think of it—for selling 1 pint of liquor. With your permission I would like to have the cartoon inserted in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting the cartoon.

Mr. TILSON. Oh, no, Mr. Chairman; he can describe it as accurately as he pleases by words, but when it comes to putting it in the RECORD that can not be allowed.

The CHAIRMAN. Does the gentleman from Connecticut object?

Mr. TILSON. Yes; I object.

Mr. BOYLAN. I regret that the gentleman objects, as this is a very edifying and instructive cartoon. It would be well for the people of the United States to read the RECORD and see the cartoon. I regret exceedingly that the distinguished leader of the majority should press his objection.

Mr. TILSON. The gentleman will realize that cartoons are not published in the CONGRESSIONAL RECORD. It is not a discrimination against the cartoon to which the gentleman refers; it is simply not done.

Mr. BOYLAN. My purpose is an educational one. [Laughter.] This cartoon illustrates the progress and development of civilization in the State of Michigan, and I am sure the gentleman would like to have the people of the country enlightened on that subject.

Mr. TILSON. I have no objection to the gentleman using all his eloquence in describing the cartoon. He may use all of his fine powers of description to describe it so accurately that the people can see it in their mind's eye, but to reproduce the cartoon itself in the RECORD, no.

Mr. BOYLAN. The gentleman knows that this is the day of tabloids, that the people do not want to read much, they want to look at the pictures. But since the gentleman insists on his objection I will not press the matter. [Laughter.]

Now, I would like to read a letter from Henry H. Curran, president of the Association Against the Prohibition Amendment, on the occasion of the ninth anniversary of prohibition. It is as follows:

Now that nine years of prohibition are up, an accurate inventory of the blessings which it has showered upon us indicates that we have outdone Captain Kidd, because we now have not only the smugglers and pirates of the days of golden doubloons but we also boast a complete equipment of bootleggers, hijackers, racketeers, gunmen, and even the lowly but useful kibitzers. We are also blessed with speak-easies, hooch on the hip, bubbling vats, and steaming stills in the kitchens of the land, a bumper crop of drinking drys, and an interesting transformation of the churches of religion of yesteryear into the town halls of tyranny of to-day. And I nearly forgot the nightly movie of father and mother sitting up beside the family lamp and wondering whether daughter will get home from the hipmobile party in time for breakfast.

All of those things we have in the United States. No other nation in the world has them, except possibly Finland, which still staggers under prohibition, just as we do. Many of the other nations tried prohibition, but did away with it as soon as the racketeers and all the rest began to appear. Only the plain Finns over there and the poor fish over here still flop feebly in the net of the prohibitors.

Some day it will be different. We got ahead a little when President Coolidge first gave us leave to be opposed to the eighteenth amendment, and then a little later on told us that we might even say so. Much obliged. Some of us have been saying so for some time, with or without leave. Now, about 50,000,000 Americans are saying so nearly every day as they conduct their own little individual daily American revolutions against prohibition, even to the extent of rolling their own in the home if they can not obtain the ready-made product.

And all this about a glass of wine; sinners all! Next it may be a cup of coffee that incurs the ire of the prohibitors, or a cigarette, or the theater and the movies, or the short, short skirt and the long, long trousers.

All in all, it seems to me that on this ninth anniversary of prohibition day we should all give credit to the prohibitors for these blessings they have conferred upon us—and maybe there's more in the bag that we do not know of even yet.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I yield to the gentleman 10 minutes more.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNOR of New York. Has the gentleman seen any signs of prohibition in this country?

Mr. BOYLAN. I can answer the gentleman by saying that I have not. That is further emphasized by the fact that distinguished visitors from foreign lands visiting our shores after staying here several months say that they have seen absolutely no signs of prohibition, and they further say that they can get a better cocktail or highball here in the United States than they can at home. [Laughter.]

Now here is another letter that I would like to insert in the RECORD from Mr. C. C. Hanch, of Chicago, in relation to the practical solution of the liquor problem. It is not a cartoon, merely a 2-page letter, and with the permission of the House I would like to include it in my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert the letter indicated in his remarks. Is there objection?

There was no objection.

The letter follows:

JANUARY 14, 1929.

Hon. JOHN J. BOYLAN,
Washington, D. C.

MY DEAR SIR: On July 25, 1928, I wrote to you in part, as follows: "As a practical solution for the liquor problem I submit the following: Leave the eighteenth amendment alone. Amend or repeal the Volstead Act and provide by Federal law for the manufacture of old-fashioned, wholesome pre-Volstead beer, nonintoxicating in fact, and its sale to householders by the case and in reputable eating places by the bottle or glass, under suitable governmental regulation and taxation. Abolish the saloon in fact and not in theory, as has been done under the Volstead law. Provide by Federal law, under suitable regulation and taxation, for the manufacture of pure wines and intoxicating liquors by authorized concerns and for their sale by licensed druggists on prescriptions of physicians, who are members in good standing of a local, State, or national medical society, the by-laws of which limit its membership to ethical and reputable practitioners. Provide for the issuance of sacramental wines under proper and reasonable regulations. Home making (which is not manufacture) of wines and ciders for household uses and not for sale shall be permitted."

Since the above was written, 15,000,000 votes were cast for Hon. Alfred E. Smith on a personal platform pledging an amendment of the Volstead law giving a scientific definition of the alcoholic content of an intoxicating beverage and 21,000,000 votes were cast for Hon. Herbert C. Hoover on a party platform which made no reference whatever to the Volstead Act. Mr. Hoover said that he did not favor the repeal of the eighteenth amendment, that our country has deliberately undertaken a great social and economic experiment which must be worked out constructively and that grave abuses have occurred which must be remedied.

Since my solution was presented, a prominent citizen has offered a prize of $25,000 for the best and most practicable plan to make the eighteenth amendment effective. Over 23,000 plans were submitted. The selection of one plan by any committee of men is an unimportant incident, but the cross-section of public sentiment disclosed by the contest is very significant. The largest single group, consisting of 5,340 contestants, urged modification of the Volstead Act, while only 744 suggested modification of the eighteenth amendment.

My proposed solution is both constructive and practicable. It will compose the liquor controversy without having saloons or nullifying or violating the eighteenth amendment. It will promote temperance and discourage hip-flask toting. It will conserve public health by removing most of the incentive for production and consumption of

poisonous liquors. It will materially reduce violations of the statutes and result in much greater respect for law. It will meet the reasonable demands of organized labor—the working man's club. It will also aid materially in solving the farmers' problem by affording a market for surplus fruits and grains. This statement is supported by the fact that in 1918, according to Government statistics, $110,000,000 worth of farm products were consumed by breweries. In June, 1918, grain was being used in the brewing of beers at the rate of approximately 4,500,000 bushels per month. This consumption of surplus farm products was stopped by the Volstead Act, not by the eighteenth amendment.

Unfortunately the public has been led to believe that the Volstead Act and the eighteenth amendment are the same thing or at least inseparably connected. A recent check of 56 men in various walks of life disclosed that only 1 of the 56 knew the difference between the Volstead Act and the eighteenth amendment. Probably half or more of the voters privately believe that the Volstead Act is unreasonable and unwarranted without realizing that they have no just grievance against the eighteenth amendment if it is properly interpreted.

This alone accounts for the fact that the Volstead Act never has been and never can be successfully enforced. The only possible way to enforce the Volstead Act effectively would be to have a vast army of efficient and honest men for that purpose. Very few men who are both capable and honest will accept the job of enforcing the Volstead Act, unless they are prohibition zealots. The number of available zealots is small as compared to the number of men required to enforce the Volstead Act. If a man is both capable and honest he can readily obtain other employment more remunerative and less self-degrading than the work of enforcing the Volstead Act. Therefore, aside from prohibition zealots, the only people available as a rule to enforce the Volstead Act are those who are not both capable and honest. No matter how attractive the work may be to a prohibition zealot, the average man who is both capable and honest is not attracted by the job of pocket patting, snooping, spying, violating the law in order to procure evidence and similar activities which are more degrading to those who employ them than to those who are the victims.

Grave abuses will continue so long as the present system lasts. It must be amended and worked out constructively by the majority which is temperate in action and speech. It can not be done by catering to the intemperate drys or the immoderate wets.

A reply will be appreciated.

Very truly yours,

C. C. HANCH,

Mr. BOYLAN. In conclusion, gentlemen, I want particularly to invite your attention to the fanaticism that seems to possess some people when they come to discuss the problem of prohibition. It seems as if every law or rule or course of conduct is disregarded when this sacred subject is mentioned.

I do not say that for the mere purpose of saying it; it is not my say so, but it is evidenced by the fact, as I stated to you, that these two political bishops have it in their mind when they sent the most insulting communication by telegraph to our distinguished Secretary of the Treasury merely because he did not agree with them in seeking from Congress an additional appropriation for the enforcement of the prohibition law.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNOR of New York. Does the gentleman refer to the clerical gentleman named Cannon?

Mr. BOYLAN. He is one of the political bishops I refer to—the leading Hoovercrat of the South, he styles himself.

Mr. O'CONNOR of New York. May I call the gentleman's attention to a remark by a great statesman in New York. We had a Cannon here who proposed to control the destinies of the Government. And this statesman said, "He is not a Cannon; he is not even a toy pistol."

Mr. BOYLAN. I think the distinguished gentleman who said that spoke in modesty, because I think he was certainly a real Cannon, and this Cannon that I speak of, I think, would fall under the gentleman's appellation of the toy pistol or popgun.

Mr. Chairman, when distinguished men, men of broad learning, men who perhaps have traveled and been able to get away from their own little environment, men who are able to get out and rub shoulders with the world, men who probably have traveled over it—when such men take such a narrow viewpoint and stand it is indicative to my mind that it is due not to their real intellectuality, or their own personal thought, but that they take the position they do because of an association with which they are connected; an association, I am sorry to say, that wields a great influence over many members of the legislatures of the different States of the Union, and possibly, I may say, over some Members of this House; but, gentlemen, I feel that this thing will be carried so far by them that there will have to be a reaction. I welcome the day when the Members of this House will be able to throw off this octopus which is saddled on their shoulders and will exercise their own thought and be actuated by the dictates of their own conscience in the treatment of this and other subjects. I believe that no civic organization, no matter how laudable its purposes, should be held to be above the Congress of the United States, to be sort of a supergovernment, and yet this particular organization flaunts its power and delights in laying the lash on the backs of those who will not agree with their views. This is indicated by the insulting telegram sent by them to our distinguished Secretary of the Treasury. But from what I know of him I think he is going to stand up, he is not going to be at all perturbed by any admonition he may receive from this association. I sincerely trust that the Members of this House will follow his example in voting on this proposed legislation. [Applause.]

Mr. GRIFFIN. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, I have asked for time for the purpose of reading into the RECORD an article which lately appeared in the New York Times. That article is as follows:

WHO WAS THE FIRST PRESIDENT?

Seymour Wemyss Smith, editor of the Financial Digest, who has striven for three years to win national recognition for "The President we forget," John Hanson, is planning to carry his fight to the floor of the United States Senate, he announced recently. Mr. Smith maintains that John Hanson preceded Washington by eight years and that he has been overlooked in history's rush.

"John Hanson," Mr. Smith explains, "was the first President under the original Constitution—the Articles of Confederation—and was elected in November, 1781. There is an oil painting of him in Independence Hall at Philadelphia. George Washington," Mr. Smith goes on, "was the first President under what was known in his day as the 'new Constitution.' He was inaugurated in 1789, seven years after the close of Hanson's administration.

"It is a strange fact, indeed, that Hanson's name is not only unfamiliar to the average reader, but is not listed in the Britannica, the Americana, and other standard encyclopedias. He is likewise absolutely unknown to the majority of students of American history."

In one of several articles on John Hanson, which Mr. Smith has published, he says:

"The guns at Yorktown were thundering a month before John Hanson took office; the Articles of Confederation had just been signed; the first steps in the organization of the United States of America had been completed.

"And it was during the administration of President John Hanson that the first bank was chartered by Congress, that the United States Post Office Department was established, that the Consular Service was organized. It was John Hanson who officially thanked George Washington for his services as commander in chief of the Colonial forces.

"Yet John Hanson is forgotten. Hundreds of lesser figures have lived in history's undying pages. The United States has passed by its first Chief Executive, the stalwart guide who was at the helm of the ship of State during its initial voyage.

"In point of accomplishment few men in our history have done more, Hanson was elected President by Congress soon after the signing of the Articles of Confederation and a few weeks after Cornwallis had turned his sword over to Washington. Moreover, he was himself responsible for the terms of the settlement whereby the different States gave up their various claims to the vast lands in the West, thereby making possible a firm and lasting Union.

"John Hanson was a native of Maryland, his ancestors having come to this country from Sweden in 1655. His father, Capt. Samuel Hanson, became prominent in the life of his Colony and John Hanson himself, born on April 3, 1715, was one of the most prominent men in the Southern Colonies before the Revolutionary War, having served from 1757 to 1768, in the Maryland Assembly.

"At the beginning of the Revolution, the Province of Maryland had little cause for unrest, as the colonial governor, Sir Robert Eden, was a popular figure and the people had a representative government which satisfied them very well. John Hanson was one of the first prominent men in the Colony, however, to see that the Colonies must stand united in their resistance to the tyranny of George III and his militaristic advisers. Hanson was a delegate to a conference held at Annapolis in 1774 to consider the situation and he was a member of a committee appointed to act for the Colony, and later was its chairman. For three successive terms he represented Maryland in the Continental Congress.

"Then came the opportunity which brought John Hanson to the fore and resulted in his election as first President of our country. It was in 1777 that the plan for the Union of States was first proposed and within 15 months 12 of the States had agreed to form the new nation according to the plan as outlined. But one State opposed the Articles of Confederation as first proposed. That State was Maryland, and John Hanson was responsible for taking this stand, his attitude resulting in one of the greatest steps forward in American history and making possible the expansion of the United States on a sound economic basis.

"Under the original Articles of Confederation each of the States made claims to extensive Western lands. New York, Connecticut, Massachusetts, and Virginia, for instance, claimed ownership of what is

to-day the States of Michigan, Wisconsin, Illinois, Indiana, and Ohio. In other words, each of the larger States wished to be a sovereign power with vast possessions outside of its own borders. This would inevitably have resulted in bitter conflict, possibly civil war soon after the beginning of the new country. It would have greatly retarded expansion and reduced the great Midwestern States to the position of mere Colonies.

"John Hanson and Daniel Carroll, his associate on the Maryland delegation in the Continental Congress, absolutely refused to enter the new country under the above conditions and Hanson suggested the alternative plan. Maryland offered to give up forever its claim to western lands and to sign over its territories to the Federal Government if the other States would follow suit. One by one they fell into line and finally, in March, 1781, the 12 other States having already signed away their claims, John Hanson attached his signature as Delegate from Maryland, with the understanding that the new lands ceded to the Federal Government would be used to create new States as the expansion westward warranted.

"A few months after the signing of the Articles of Confederation, the British Army suffered severe reverses, and finally, in October, 1781, Conwallis surrendered at Yorktown. And as he passed over his sword, the English commander was actually giving up the last claim which Britain had to its vast American Colony.

"Then on Monday, November 5, 1781, John Hanson was elected President by Congress—his formal title being 'President of the United States in Congress assembled,' and in that capacity he not only presided over Congress but was in fact, as well as in name, the country's Chief Executive. In the brief interval between the signing of the Articles of Confederation and the election of Hanson, Congress had temporarily elected Thomas McKean, chief justice of the Pennsylvania Supreme Court, to preside over its sessions which were being held in Philadelphia. However, it was distinctly understood that he was serving in a temporary capacity and when Hanson was elected he was actually the first President of the United States.

"On November 29, 1781, John Hanson, over his signature as 'President of the United States in Congress assembled,' sent a message to 'Lewis the Sixteenth, King of France and Navarre, our great, faithful, and beloved friend and ally.'

"On Monday, March 11, a bill establishing the United States Post Office Department was read to Congress, this marking the beginning of our present system, forbidding the competition of private mail carriers and providing the franking privilege on Government correspondence.

"When the Congress assembled on April 15, it was announced that President Hanson was ill and unable to be present. During the five previous months the first national bank had been chartered, the Consular Service had been established, the Post Office Department had been organized, and scores of lesser matters had received the attention of the venerable Chief Executive, now in his sixty-eighth year.

"A motion to name a temporary chairman to preside over Congress during President Hanson's illness was made by John Morin Scott and was voted down; also a resolution by Samuel Livermore providing for a Vice President. A third motion to fill the vacancy was made by Thomas Bee, of South Carolina, and was adopted. It read:

"'That whenever the President—John Hanson—for the time being shall be prevented by sickness or otherwise from attending the House, one of the Members present shall be chosen by ballot to act as chairman for the purpose of keeping order only, but that all official papers shall nevertheless be signed and authenticated by the President as heretofore.'

"It is significant that Daniel Carroll, associated with Hanson as Maryland's Representative, was chosen for the place.

"Hanson returned to his duties a few months later, but he was tired with his work of the previous years, and in November, 1782, he retired as President and died in the following year. Elias Boudinot followed Hanson as 'President of the United States in Congress assembled.' John Hancock was elected to succeed Boudinot, but owing to poor health was unable to act, and Nathaniel Gorham, of Massachusetts, had the title for a brief period before the new Constitution went into effect.

"It is strange, indeed, that John Hanson, the stalwart statesman and first President, has been so greatly overlooked, particularly in view of the fact that the records of Congress prove the accuracy of the above facts."

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16422, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LOZIER, at the request of Mr. CANNON, for three days, on account of sickness in his family.

To Mr. MURPHY, at the request of Mr. COOPER of Ohio, on account of sickness.

INAUGURAL CEREMONIES

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 180, authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes, an identical House resolution being on the House Calendar.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table Senate Joint Resolution 180, which the Clerk will report.

The Clerk reported the title of the joint resolution.

The SPEAKER. The Chair understood the gentleman to say that a similar House resolution has been reported from the committee?

Mr. ZIHLMAN. Yes.

Mr. TILSON. Mr. Speaker, it seems to me that this is surely emergency legislation, and I think there should be no objection to it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Senate Joint Resolution 180

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the Committee on Inaugural Ceremonies for the use of any reservations or other public spaces in the city of Washington under his control on the occasion of the inauguration of the President elect in March, 1929: *Provided*, That in his opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the supervision of the said inaugural committee, and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Architect of the United States Capitol: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall after the inauguration be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage of any kind whatsoever upon such reservations or spaces by reason of such use.

SEC. 2. The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after March 8, 1929, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1929: *And provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, and signal numbers, etc., belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances,

ensigns, flags, and signal numbers, etc., to said committee shall not take place prior to the 23d of February, and they shall be returned by the 9th day of March, 1929: *Provided further*, That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration, such hospital tents and camp appliances, and other necessaries, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co., the Chesapeake & Potomac Telephone Co., and radio-broadcasting companies, to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies.

Mr. TILSON. Mr. Speaker, I understand that this is substantially the same resolution that has been agreed to on the occasion of former inaugurations. Is that correct?

Mr. ZIHLMAN. This resolution, I am informed, is in identical form to the resolutions that have been adopted for the past 20 years.

Mr. GARRETT of Tennessee. Mr. Speaker, I think it is in regular form. I just want to ask the gentleman from Connecticut if he does not think, however, that really we ought to postpone the passage of this resolution until after the counting of the votes in February, in order that we may know absolutely who was elected and who will be inaugurated? [Laughter.]

Mr. TILSON. If the gentleman thinks there is any serious doubt on that question there might be something to his proposition, but even so we shall have to inaugurate somebody, and we might just as well make preparation for it. [Laughter.]

Mr. GARRETT of Tennessee. Yes; but, of course, just what sort of an inauguration that person would want might also enter the question. [Laughter.] However, to speak seriously, the gentleman from Connecticut is not a member of the inaugural committee of the House?

Mr. TILSON. No; the chairman of the Committee on Rules was made the chairman of that committee.

Mr. GARRETT of Tennessee. At some of the inaugurations that I have witnessed there has been discrimination, so to speak, against those who were assembled at the Capitol stand in the matter of the parade. I do not think in the last two or three inaugurations that that has been the case. I understand that for this inauguration there will be constructed a platform at the east front of the Capitol which will accommodate quite a large number of people. That, of course, is exclusively under the control of the Congress. This resolution, I take it, deals more with matters down the Avenue and permits generally in the District of Columbia away from the Capitol Grounds. I think that those who have some responsibility in connection with the Capitol end of this proceeding ought to obtain from whoever may be in charge of the parade and its direction a very clear understanding that that parade will be formed at such a place on Capitol Hill as that it will pass the stands erected here for the benefit of the guests of the Members of Congress.

That has not always been done in the past and created a great deal of disappointment on the part of holders of tickets. I hope it will be done this year.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

A similar House resolution was laid on the table.

FISCAL RELATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 289

Resolved, That the manuscript submitted to the House by Mr. SIMMONS on January 11, 1928, entitled "Letter from the Bureau of Efficiency to the Appropriation Committees of Congress Transmitting Information in Regard to the Fiscal Relations Between the Government of the United States and the District of Columbia," be printed as a House document, and that 5,000 additional copies be printed, of which 4,500 copies shall be for the Committee on Appropriations of the House of Representatives and 500 copies for the House Committee on the District of Columbia.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PROCEEDINGS AT KITTY HAWK, N. C.

Mr. BEERS. Mr. Speaker, I present another resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 291

Resolved, That the proceedings at Kitty Hawk, N. C., on December 17, 1928, commemorating the twenty-fifth anniversary of the first airplane flight by Wilbur and Orville Wright shall be printed as a House document.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1320. An act for the relief of James W. Pringle;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913; and

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 23, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 23, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Tobacco and manufactures of, January 23.
Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the appropriation of the sum of $871,655 as a contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo (H. J. Res. 354).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchie River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

COMMITTEE ON PUBLIC BUILDINGS AND PUBLIC GROUNDS

(10.30 a. m.)

To enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project (H. R. 16209).

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

To amend section 5 of an act approved March 2, 1919, known as the war minerals act (H. R. 15861).

EXECUTIVE COMMUNICATIONS, ETC.

759. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting to Congress a program looking to early retirement of our national-bank note circulation, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 14457. A bill validating certain conveyances heretofore made by Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way in and in the vicinity of the city of Lodi and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356); with amendment (Rept. No. 2170). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Immigration and Naturalization. H. R. 16440. A bill relating to declarations of intention in naturalization proceedings; without amendment (Rept. No. 2171). Referred to the House Calendar.

Mr. DOWELL: Committee on the Territories. S. 4257. An act to authorize the payment of certain salaries or compensation to Federal officials and employees by the treasurer of the Territory of Alaska; without amendment (Rept. No. 2172). Referred to the House Calendar.

Mr. RANKIN: Committee on the Census. S. 4206. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics; with amendment (Rept. No. 2178). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 15328. A bill to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes; with amendment (Rept. No. 2187). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 5110. An act validating certain applications for and entries of public lands, and for other purposes; with amendment (Rept. No. 2188). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 2425. A bill for the relief of Annie McColgan; without amendment (Rept. No. 2173). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 7417. A bill for the relief of Clara E. Wight; with amendment (Rept. No. 2174). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 8253. A bill for the relief of the heirs of Viktor Pettersson; without amendment (Rept. No. 2175). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 10197. A bill for the relief of W. J. Shirley; with amendment (Rept. No. 2176). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 1121. An act for the relief of Grover Ashley; without amendment (Rept. No. 2177). Referred to the Committee of the Whole House.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 16500. A bill granting pensions and increased pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 2179). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 6613. A bill for the relief of T. J. Hillman; without amendment (Rept. No. 2180). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 10250. A bill for the relief of Christopher Cott; with amendment (Rept. No. 2181). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 10999. A bill granting an honorable discharge to S. W. Greer; with amendment (Rept. No. 2182). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 11614. A bill for the relief of Oliver Ellison; without amendment (Rept. No. 2183). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 11715. A bill to correct the military record of Charles W. Bendure; with amendment (Rept. No. 2184). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 12053. A bill to correct the military record of Samuel Slis; with amendment (Rept. No. 2185). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 14197. A bill for the relief of Dennis H. Sullivan; without amendment (Rept. No. 2186). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLAND: A bill (H. R. 16499) to extend the times for completing and construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. W. T. FITZGERALD: A bill (H. R. 16500) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. FISH: A bill (H. R. 16501) authorizing an appropriation of $50,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the flooded sections of Orange County, N. Y., and for other purposes; to the Committee on Agriculture.

By Mr. JAMES: A bill (H. R. 16502) to authorize appropriations for construction at military posts in Porto Rico and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 16503) to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 16504) to amend the act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, approved April 26, 1926; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. NEWTON: Memorial of the Minnesota Legislature, petitioning certain amendments to the prison made goods bill and if not so amended urging veto by the President; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 16505) granting an increase of pension to Seville Ambrose; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16506) for the relief of Elijah W. Leonard; to the Committee on Military Affairs.

Also, a bill (H. R. 16507) granting an increase of pension to Julia DeL. Jackson; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 16508) authorizing the President to present in the name of Congress a gold medal of appropriate design to Frank J. Williams; to the Committee on Coinage, Weights, and Measures.

By Mr. DOUTRICH: A bill (H. R. 16509) for the relief of Eleanor Freedman; to the Committee on Claims.

By Mr. ENGLAND: A bill (H. R. 16510) for the relief of William Homer Johnson; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 16511) granting a pension to Lydia A. Kurtz; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 16512) granting a pension to Etta Burdsall; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 16513) granting an increase of pension to Lucy E. Gettig; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 16514) granting an increase of pension to Lucy Jenkins; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 16515) granting a pension to Dorothy Sampson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16516) granting an increase of pension to Mary Ruse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16517) granting an increase of pension to Lieucettia J. Smith; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 16518) granting a pension to Ezilda Von Buelow; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 16519) for the relief of George W. Jackson; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 16520) for the relief of John H. Reardon, alias John Wilson; to the Committee on Military Affairs.

By Mr. WELLER: A bill (H. R. 16521) granting an increase of pension to Henrietta G. Godchaud; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8354. By Mr. BARBOUR: Petition signed by residents of Taft, Calif., opposing repeal of national-origins clause of the immigration act, and urging that immigrants from Mexico and Canada be placed under the quota; to the Committee on Immigration and Naturalization.

8355. By Mr. CANNON: Petition of Post 319, American Legion, Portage des Sioux, Mo., urging provision for additional hospitalization quarters at Jefferson Barracks, Mo.; to the Committee on World War Veterans' Legislation.

8356. By Mr. CARLEY: Petition of uncompensated veterans of United States Veterans' Bureau hospital, Castle Point, N. Y.; to the Committee on World War Veterans' Legislation.

8357. By Mr. CRAIL: Petition of the American Legion, Department of California, favoring additional hospital facilities at Soldiers' Home, Pacific Branch, etc.; to the Committee on World War Veterans' Legislation.

8358. Also, petition of sundry citizens of Los Angeles, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

8359. By Mr. CULLEN: Petition of the representatives of the savings and loan associations in the State of New York, urging the adoption of House bill 13981; to the Committee on the Judiciary.

8360. By Mr. ENGLEBRIGHT: Resolution of the executive committee of the American Legion, San Francisco, with reference to the rehabilitation problem in California; to the Committee on World War Veterans' Legislation.

8361. By Mr. O'CONNELL: Petition of national headquarters, United Spanish War Veterans, Washington, D. C., favoring the passage of the Knutson bill (H. R. 14676); to the Committee on Pensions.

8362. By Mr. RAINEY: Petition relative to damages caused by Illinois River flood drainage; to the Committee on Irrigation and Reclamation.

8363. Also, petition of R. A. Hilling and 40 other citizens of Manito, Ill., for relief of drainage districts; to the Committee on Irrigation and Reclamation.

8364. By Mr. SWING: Petition of residents of San Diego, Calif., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

8365. Also, petition of citizens of San Diego, Calif., protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

8366. By Mr. THOMPSON: Resolution of the Chamber of Commerce, Ottawa, Ohio, advocating an increased tariff on all foreign sugar imported into this country and advocating also legislative action to increase the rate on concessionary sugar from Cuba; to the Committee on Ways and Means.

8367. By Mr. WYANT: Petition of Vandergrift Branch, N. L. C., No. 894, recommending passage of Senate bill 1727, which provides for optional retirement after 30 years' service when the age of 63 years is attained, with annuities increased to $1,200 per year; to the Committee on the Civil Service.

SENATE

WEDNESDAY, *January 23, 1929*

(Legislative day of Thursday, January 17, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Simmons
Bayard	Fess	McMaster	Smith
Bingham	Fletcher	McNary	Steck
Black	Frazier	Mayfield	Steiwer
Blaine	George	Metcalf	Stephens
Blease	Gerry	Moses	Swanson
Borah	Glass	Neely	Thomas, Idaho
Bratton	Glenn	Norbeck	Thomas, Okla.
Brookhart	Gould	Norris	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Burton	Harris	Overman	Vandenberg
Capper	Harrison	Phipps	Wagner
Caraway	Hastings	Pine	Walsh, Mass.
Copeland	Hawes	Ransdell	Walsh, Mont.
Couzens	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ark.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Sheppard	Wheeler
Dill	Kendrick	Shipstead	
Edge	Keyes	Shortridge	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent by reason of illness. I will let this announcement stand for the day.

Mr. GERRY. I desire to announce that the junior Senator from Utah [Mr. KING] is absent, and has been absent for several days, on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

REPORT OF AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate a communication from the national president of the American War Mothers, transmitting, pursuant to law, the annual report of that organization for 1927–28, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Minnesota, which was ordered to lie on the table:

STATE OF MINNESOTA,
DEPARTMENT OF STATE.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of joint resolution memorializing the President of the United States and the Congress of the United States relative to the passage of H. R. 7729, approved January 17, 1929, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in St. Paul, this 17th day of January, A. D. 1929.

[SEAL.]

MIKE HOLM,
Secretary of State.

A joint resolution memorializing the President of the United States and the Congress of the United States relative to the passage of H. R. 7729

Whereas there is now pending in the Congress of the United States H. R. 7729, a bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which bill, if passed and approved by the President, will effectively cripple and destroy the twine and farm machinery industry now operated by the State of Minnesota at the State prison in Stillwater, Minn., for the reason that said plant can not be successfully operated if the products produced therein can not be sold to farmers in States outside of Minnesota; and

Whereas for many years past the farmers of the States of Minnesota, Wisconsin, Iowa, Nebraska, North Dakota, South Dakota, and Montana have saved many millions of dollars by reason of the operation of said twine and farm machinery industry by the State of Minnesota because they have been able to purchase said products at prices materially lower than the same could be purchased from any other source; and

Whereas the farmers of the Northwest, including the States above named, have for many years been laboring under many serious economic disadvantages and in particular have suffered seriously from high prices of all their requirements by reason of which the agricultural industry is seriously depressed. The fact that farmers in such States have been able to obtain twine and farm machinery manufactured and sold by the State of Minnesota constitutes the only real practical farm relief which has been extended to them; and

Whereas the farmers of the Northwest and of the State of Minnesota have by their constant watchfulness and support of the twine and farm machinery department of the State of Minnesota preserved the same from efforts which have been made from time to time by competitors and others to throttle and destroy said industry; and

Whereas said bill should be amended so as to permit twine and agricultural machinery to be manufactured and sold by any State upon its own account as distinguished from said products being manufactured by a contractor and that such products be permitted to be transported and sold in any other State or Territory: Therefore be it

Resolved by the Legislature of the State of Minnesota, That the Congress of the United States be, and is hereby, urgently petitioned to amend said bill as above indicated; be it further

Resolved by the Legislature of the State of Minnesota, That in case said bill is not so amended as to except therefrom twine, farm implements, and machinery manufactured by the State of Minnesota, that we most earnestly urge upon the President of the United States that said bill be returned to Congress without the Executive's approval, and that the same be vetoed unless the same be so amended; be it further

Resolved, That a duly authenticated copy of this resolution be transmitted to the President of the United States, to the presiding officers of the Senate and House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from the State of Minnesota in the Congress of the United States.

W. I. NOLAN,
President of the Senate,
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the senate the 15th day of January, 1929.

G. H. SPAETH,
Secretary of the Senate.

Passed the house the 16th day of January, 1929.

JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Approved January 17, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed January 17, 1929.

MIKE HOLM,
Secretary of State.

The VICE PRESIDENT laid before the Senate resolutions adopted by the annual meeting of the Sentinels of the Republic, favoring the adoption of the so-called Garrett resolution, proposing a constitutional amendment giving to the people of the United States a controlling voice in the matter of ratifying future amendments to the Constitution; the abolition of useless governmental bureaus and commissions and those representing Federal activities in fields properly belonging to the States, "such as the Board of Vocational Education, Home Economics Bureau, Children's Bureau, and Women's Bureau," and the repeal of the provision in the Federal estate tax law which allows an 80 per cent credit for State inheritance taxes paid, "because the admitted purpose of that provision is to coerce the States to levy inheritance taxes to the amount of the credit given," which were referred to the Committee on the Judiciary.

He also laid before the Senate a memorial of the Sentinels of the Republic, remonstrating against the adoption of the so-called uniform marriage and divorce amendment to the Constitution, "taking from the States the control of the marital relations of their citizens"; the so-called equal rights amendment "which in effect prohibits any legislation by the States recognizing distinctions between the sexes and invalidates all laws for the protection of women"; any amendment to the Constitution to permit Federal taxation of State securities; the proposed child-labor amendment to the Constitution; any amendment to the Constitution giving Congress the power to regulate hours and conditions of labor; the establishment of a Federal department of education, or the enlargement of the functions of the existing Federal Bureau of Education; the so-called Newton bill (H. R. 14070) to provide a permanent child-welfare extension service under the Children's Bureau; the so-called George-Reed bill (S. 1731–H. R. 12241) or any similar measure for further Federal aid for vocational education; the passage of the "so-called '50-50' or 'Federal aid' legislation by which the Federal Government assumes control of the States in their purely internal affairs"; the creation of new and useless bureaus and divisions in the Government, "such as the proposed division of safety in the Bureau of Labor Statistics of the Department of Labor"; pending legislation to impose woman suffrage on Porto Rico and the Philippine Islands, "in violation of the right of self-government in this matter already conferred on these dependencies"; incorporation by act of Congress of organizations for general humanitarian and political purposes "under the supposed authority of the 'general welfare' clause of the Constitution"; the passage of the so-called Norris bill (S. 3151) or any similar measure "which would take from the Federal district courts jurisdiction of suits arising under the Constitution or laws of the United States and suits between citizens of different States, which by the Constitution are placed under the judicial power of the United States," as being "an attempt to relieve the judicial branch of the Federal Government of responsibilities which properly belong to it"; which was referred to the Committee on the Judiciary.

Mr. ROBINSON of Arkansas presented a paper in the nature of a petition of the Arkansas Manganese Ore Co., praying for the retention of an adequate tariff duty on manganese ores, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of England, Ark., praying for the passage of the bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes, which was referred to the Committee on Irrigation and Reclamation.

He also presented a petition of members of the Pemiscot County Court, of Caruthersville, Mo., praying for the passage of the bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes, which was referred to the Committee on Irrigation and Reclamation.

DUTY ON ALFALFA SEEDS

Mr. ASHURST presented the following telegram, which was referred to the Committee on Finance and ordered to be printed in the RECORD:

YUMA, ARIZ., *January 23, 1929.*

Senators HENRY F. ASHURST and CARL HAYDEN,
Senate Office Building, Washington, D. C.:

We respectfully submit the following resolutions:

"Whereas climatic and irrigation conditions force the farmer of the Yuma project to grow alfalfa seed during the hot months instead of hay; and

"Whereas due to this fact about one-tenth of the alfalfa seed of the United States is produced in Yuma County; and

"Whereas the other legumes, namely, red clover, sweet clover, and alsike may be used as substitutes for alfalfa; and

"Whereas importation of seeds of these leguminous plants is erratic, depending on production in other countries, which fact presents a constant menace to profitable production in the United States: Be it

"*Resolved,* That regulation and high tariff are essential to the upbuilding of agriculture in the alfalfa seed-growing sections of the United States; and be it further

"*Resolved*, That the agricultural interests of this section do earnestly solicit consideration and protection in behalf of this leading industry and do request the enactment of immediate legislation increasing the duty on alfalfa, red clover, sweet clover, and alsike seeds to 8 cents per pound; and be it further

"*Resolved*, That copies of these resolutions be sent to C. A. Gray, Hon. W. C. HAWLEY, and to our Senators and our Representatives in Washington."

YUMA CHAMBER OF COMMERCE.
YUMA COUNTY WATER USERS.
ASSOCIATION YUMA COUNTY FARM BUREAU.
FARM BUREAU MARKETING ASSOCIATION.
WM. WESTOVER,
President Yuma Kiwanis Club.

ALLEGED CONSPIRACY AGAINST INDIAN COMMISSIONER BURKE

Mr. FRAZIER. Mr. President, I wish to submit a special report from the Subcommittee on Indian Affairs, and ask that the report may be read. It is very short.

The VICE PRESIDENT. Without objection, the report will be read.

The Chief Clerk read the report (No. 1490), as follows:

SURVEY OF CONDITIONS AMONG THE INDIANS OF THE UNITED STATES
JANUARY 23, 1929

Mr. FRAZIER, from the Committee on Indian Affairs, submitted the following special report of the subcommittee appointed by the committee to make a survey of the conditions of the Indians of the United States under authority of Senate Resolution 79, Seventieth Congress:

"Whereas on the 1st day of February, 1928, the Senate of the United States passed a resolution authorizing and directing the Committee on Indian Affairs of the Senate to make a general survey of the conditions of the Indians and of the operation and effect of the laws which Congress has passed for the civilization and protection of the Indian tribes; to investigate the relation of the Bureau of Indian Affairs to the persons and property of Indians and the effect of the acts, regulations, and administration of said bureau upon the health, improvement, and welfare of the Indians; and to report its findings in the premises, together with recommendations for the correction of abuses that may be found to exist, and for such changes in the law as will promote the security, economic competence, and progress of the Indians;

"Whereas the following subcommittee was appointed under the above resolution, to wit: LYNN J. FRAZIER, chairman; ROBERT M. LA FOLLETTE, Jr., W. B. PINE, BURTON K. WHEELER, ELMER THOMAS;

"Whereas pursuant to said resolution your committee, within the limits of its authority, sought to make the investigation called for therein and has held hearings in the States of Washington, Oregon, California, Utah, and has been and is now holding hearings in the District of Columbia;

"Whereas on the 7th day of January, 1929, in the course of a hearing being at that time conducted by your committee, Charles H. Burke, Commissioner of Indian Affairs, interrupted the proceedings with the request that he be permitted to make a statement. Permission was granted, and the following statement was made:

"'Commissioner BURKE. Referring to the testimony brought out before the committee this morning, I, Charles H. Burke, Commissioner of Indian Affairs, charge a conspiracy on the part of Senator W. B. PINE, of Oklahoma, to destroy me because James Hepburn, a certain Oklahoma politician, was not appointed Superintendent of the Five Civilized Tribes. Senator PINE is using his political appointees now in the Department of Justice, namely, Selby and Parmenter, to aid him in carrying out this dastardly conspiracy; and Senator PINE is cooperating with John Collier, a notorious Indian agitator, who is actively engaged in a campaign trying to destroy me and the Indian Service';

"Whereas in view of the seriousness of the charges, the Commissioner of Indian Affairs, Mr. Burke, was requested by the committee to produce evidence, if any he had, in support thereof, the committee agreeing to subpœna any witnesses requested by said commissioner and to defray their expenses to Washington. Thereafter Mr. Burke, represented by his counsel, E. O. Patterson, Solicitor of the Department of the Interior, appeared before the committee and he, the said commissioner, personally testified and was permitted to and did call before the committee such witnesses as he desired to substantiate the said charges as above set forth.

"After hearing all of the evidence in the case and after considering the brief filed by Mr. Patterson, counsel for Mr. Burke, the committee is of the opinion that there is not a scintilla of evidence to support or substantiate the charge of conspiracy, or any other charge as set forth or made by Commissioner Burke before the Subcommittee of Indian Affairs against Senator PINE or against Messrs. Selby, Parmenter, or Collier: Therefore be it

"*Resolved*, That the Subcommittee on Indian Affairs, which has under investigation the charges made by Commissioner Burke as against Senator PINE as above set forth, finds that Hon. W. B. PINE, of Oklahoma, is entirely innocent of the charges so made by said Commissioner Burke.

"Senator PINE and Senator THOMAS were not present and took no part in the findings of the committee.

"Respectfully submitted.

"LYNN J. FRAZIER, *Chairman.*
"ROBERT M. LA FOLLETTE, Jr.
"BURTON K. WHEELER."

REPORTS OF COMMITTEES

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3001) to revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, reported it with amendments and submitted a report (No. 1489) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 8341) to provide for appointing Clarence Ulery a warrant officer, United States Army, reported it without amendment and submitted a report (No. 1491) thereon.

Mr. EDGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 12995) for the relief of Etta B. Leach Johnson, reported it without amendment and submitted a report (No. 1492) thereon.

Mr. DILL, from the Committee on Patents, to which was referred the bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly, reported it with amendments and submitted a report (No. 1493) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day, January 23, 1929, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 3828. An act to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board;

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians;

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.;

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BINGHAM:

A bill (S. 5492) to amend the act approved July 2, 1926 (44 Stat. 784), relating to the procurement of aircraft supplies by the War Department and the Navy Department; to the Committee on Military Affairs.

By Mr. MOSES (for Mr. GOFF):

A bill (S. 5493) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; to the Committee on the Judiciary.

By Mr. FESS:

A bill (S. 5495) granting a pension to Emma Hall; and

A bill (S. 5496) granting an increase of pension to Catharine Henicle; to the Committee on Pensions.

Mr. BORAH. Mr. President, at the request of the State Department I introduce a bill.

By Mr. BORAH:

A bill (S. 5497) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914; to the Committee on Foreign Relations.

A bill (S. 5498) granting a pension to the minor children of Anatol Czarnecki; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5499) granting an increase of pension to Margaret C. Butler; to the Committee on Pensions.

A bill (S. 5500) for the relief of Antoine Laporte;

A bill (S. 5501) for the relief of Ebenezer H. Pratt; and

A bill (S. 5502) for the relief of Stephen Crotty; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 5503) to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended; to the Committee on the Judiciary.

A bill (S. 5504) authorizing amendment of the existing contract between the United States and the Northport irrigation district; to the Committee on Irrigation and Reclamation.

Mr. SACKETT. Mr. President, I introduce a bill, with the statement that it has been sent here by the Police Department of Washington, D. C., and that I do not take any responsibility for the bill. I ask that it may be referred to the District Committee for discussion.

By Mr. SACKETT:

A bill (S. 5505) to define and punish vagrancy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEELY:

A bill (S. 5506) for the relief of Matt Burgess; to the Committee on Claims.

By Mr. GREENE:

A bill (S. 5507) granting an increase of pension to Celestia Edwards; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5508) granting a pension to Mary Anna Cooper (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5509) granting an increase of pension to Woodville G. Staubly; to the Committee on Pensions.

A bill (S. 5510) for the relief of Richard C. Miller; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 5511) granting the consent of Congress to the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (with an accompanying paper); to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 5512) to provide recognition for meritorious service by members of the Police and Fire Departments of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BROUSSARD:

A bill (S. 5513) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 5514) for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.; to the Committee on Post Offices and Post Roads.

By Mr. MOSES:

A bill (S. 5515) to amend section 95 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. STEPHENS:

A bill (S. 5516) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes," approved June 7, 1924; to the Committee on Claims.

By Mr. STEIWER:

A joint resolution (S. J. Res. 203) to establish a joint congressional committee to study the public domain and the national forests and recommend a legislative policy in relation therewith; to the Committee on Public Lands and Surveys.

PROHIBITION ENFORCEMENT

Mr. HARRIS. Mr. President, during the debate the past few days on my amendment to the first deficiency appropriation bill having to do with prohibition enforcement, several Senators referred to the fact that business is so congested in the Federal courts that all the appropriation could not possibly be made use of and would not accomplish much good. I realize that there is congestion in some districts, but I do not agree that all the appropriation could not be used effectively. Mr. President, I introduce a bill providing for the granting of authority to United States district judges to designate United States commissioners to determine and decide cases involving first offenses against the prohibition law and make needful rules for procedure thereabout.

The bill provides that the accused when brought before a commissioner shall demand a trial in the district court as at present, or he may elect a trial before the commissioner, but should either the accused or the United States be dissatisfied with the judgment of guilt or innocence an appeal as of right may, within 24 hours after the judgment, be entered in writing with the commissioner, which may be tried in the district court. If either is dissatisfied with the sentence fixed, a protest may be filed and the judge shall review the sentence and confirm or alter same.

This bill was prepared by Judge Samuel H. Sibley, of the northern district of Georgia, one of the best men as well as one of the ablest judges in the United States. I am proud of the fact that it was on my recommendation that President Wilson appointed him. In his letter to me Judge Sibley refers to the relief of the district courts from this petty criminal work which takes only common sense to handle. He states that the accused is often poor, and that delays and expenses are unjust to him as well as to the Government.

Judge Sibley, in his letter to me, says:

> The troubles in the way grow out of the constitutional provisions guaranteeing a jury trial and requiring that judges hold office during good behavior and at fixed salaries. The act submitted aims, so far as possible, to avoid these difficulties by making the commissioner a mere arm of the original court, similar to the position of an auditor or master or referee in bankruptcy on the civil side, with his every act taking finality only by consent of the accused or by order of the district judge. The jury trial is assumed to be waivable.

Judge Sibley cites certain decisions which prove to his satisfaction that the measure is constitutional, and believes that if United States commissioners could handle the class of cases referred to we would get rid of much of the congestion in the courts and in the jails and save unnecessary expense.

I ask that the bill may be read at length and referred to the Committee on the Judiciary.

The bill (S. 5494) to provide a procedure before United States commissioners in prosecutions of misdemeanor offenses against the prohibition laws, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That the judges of the several district courts shall have power, when and for such time as they deem expedient, to direct that first offenses against the prohibition laws of the United States be tried as herein provided before such of the United States commissioners in their several districts as they may from time to time designate; and make needful rules for procedure thereabout.

SEC. 2. Such commissioners shall, in all such prosecutions as shall arise in the territory that may be assigned to them, respectively, proceed as follows: The accused on being brought before the commissioner may demand a trial in the district court, when proceedings shall be as now practiced. Or he may elect a trial before the commissioner, whereupon the commissioner shall have prepared an information as in the district court, upon which the election to try before the commissioner shall be entered, and after a reasonable time to prepare for trial, pending which bail may be taken, he shall in lieu of a preliminary hearing fully try the case, being empowered to compel the attendance of witnesses and the production of evidence and to report to the court for punishment all contempts before him which shall be treated as contempts of the district court; and he shall make in writing his judgment upon the case, and in the event of plea or judgment of guilty shall give sentence according to law. The information, judgment, sentence, and other proceedings shall, after 24 hours from the completion of the case, be filed, together with a brief report of the evidence, in the clerk's office of the proper division of the district, and constitute a record of the district court therein.

SEC. 3. Should either the accused or the United States be dissatisfied with the judgment of guilt or innocence, an appeal as of right may, within 24 hours after the judgment, be entered in writing with the commissioner, which shall be tried de novo as soon as may be in the district court. And if either is dissatisfied with the sentence fixed, a protest thereto may be filed in like time and manner, whereupon the judge shall review the sentence as soon as practicable and after such hearing as he shall allow, confirm or alter the same as may seem just. A sentence not protested shall be by the clerk promptly submitted to the judge and by him confirmed without further notice or hearing, unless

he shall specially order the same, after which he may alter such sentence.

SEC. 4. If an appeal or protest is entered the accused shall be granted bail or committed as on a preliminary hearing. Otherwise the sentence may be at once executed. If the trial develop that the case is a second offense, the commissioner shall treat it as a preliminary hearing only, and discharge or commit accordingly.

SEC. 5. The district court may order cases pending therein on indictments or information for offenses mentioned in section 1 to be transmitted to the commissioner for hearing as herein provided, upon consent of the accused.

Mr. HARRIS. I present Judge Sibley's letter bearing on this subject, and ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COURTS, NORTHERN DISTRICT OF GEORGIA,
Atlanta, Ga., July 10, 1925.

Senator WILLIAM J. HARRIS,
Washington, D. C.

DEAR SENATOR HARRIS: I beg to submit for your consideration an outline of an act looking to the relief of the district courts from some of their petty criminal work. The district courts in this State are overwhelmed with what is virtually police-court work, and handled with the informality and dispatch of such a court. It takes only common sense to deal with these cases and they are not such as ought to occupy the attention of a Federal judge or take the time of his court. The accused is often poor, comes a long distance with his witnesses, and in a crowded court is delayed several days, and perhaps misses a trial altogether. These expenses and delays are unjust to him. On the part of the Government, witnesses are now required to attend before a commissioner and then attend before the district court and perhaps have to attend through a term or two, making a similar burden of expense for the Government. It would be better for all concerned if a trial could be had at once before the commissioner, instead of a preliminary hearing, subject fully to correction and superintendence by the judge, where that was desired by the parties or appeared to be necessary to the judge. Indeed most guilty persons will admit their guilt if tried at once. Often it is after conference with lawyers and friends, with time, perhaps, to concoct a defense, that they decide to take a chance of trial in court. Most commissioners are capable of dealing with the run of these cases, and every consideration of economy, speed, and substantial justice seem to me in favor of their doing so.

The troubles in the way grow out of the constitutional provisions guaranteeing a jury trial and requiring that judges hold office during good behavior and at fixed salaries. The act submitted aims, so far as possible, to avoid these difficulties by making the commissioner a mere arm of the original court, similar to the position of an auditor or master or referee in bankruptcy on the civil side, with his every act taking finality only by consent of the accused or by order of the district judge. The jury trial is assumed to be waivable. On this point attention is called to these cases:

In Capital Traction Co. *v.* Hof (174 U. S. 1) it was recognized that a jury trial allowed on appeal was a sufficient fulfillment in civil cases of the constitutional guaranty.

In Callan *v.* Wilson (127 U. S. 540) the holding was that in a criminal case the jury trial must be afforded from the beginning and an appellate trial was not sufficient.

But in the Shick case (195 U. S. 66) it appears to be established courts here without question. (See Logan *v.* State. 86 Ga. 266; Lamar *v.* Prosser, 121 Ga. 153.)

By the Congress, in dealing with offenses in the national parks for which the same punishment is provided as for first offenses under the prohibition law, that is, a maximum fine of $500 or maximum imprisonment of six months, final trials before commissioners have been authorized. Perhaps these offenses are considered as mere petty offenses in which no jury trial is necessary. (See, however, as to Hot Springs Reservation, act of April 20, 1904, sec. 6, 33 Stat. 188, amended 34 Stat. 1218 and 36 Stat. 1086; as to Glacier National Park, act of Aug. 22, 1914, sec. 6, 38 Stat. 700; Mount Rainier Park, act of June 30, 1916, sec. 6, 39 Stat.; Crater Lake Park, act of Aug. 21, 1916, sec. 6, 39 Stat.)

The proposed act leaves it optional with the judge in each district to use or not use the plan, and leaves to him the selection of the commissioners fitted for the duty, with the right to assign them territory.

It was thought best to allow to the Government the right of appeal from the judgment of guilt or innocence, or the sentence, as well as to the accused, both to emphasize the subordinate status of the commissioner and his trial, and because a commissioner might go wrong in a particular case of importance, or because important evidence might appear on the trial to exist and not be at hand, which ought to produce a different result. Full control of the sentence in all cases is left to the judge, so that it is his discretion at last finally fixing the punishment. Only first offenses are triable before the commissioner. If it should develop on trial that a second offense was involved, he should simply bind over the accused, as now practiced.

It was thought well to let cases beginning in the district court be referred, in the discretion of the court, to the commissioner, if desirable.

As to compensation, fees for the commissioner under the present fee bill would probably be sufficient.

Judge Morton, of Massachusetts, expressed similar views in his speech before the judicial section of the American Bar Association July 7, 1925.

I would be glad if you would go over the matter and advise me whether you think it workable and desirable.

Yours truly,

SAML. H. SIBLEY.

Mr. HARRIS. Mr. President, I also wish to call attenton to a statement in regard to this measure:

Objection to Senator HARRIS's plan has been made that it would be unconstitutional, on the theory that police powers have not been granted to Congress among the powers enumerated to it by the Constitution.

But it was declared in Sims's case (7 Cushing, 731) that "the commissioners of the circuit courts of the United States are officers exercising functions of justice of the peace under the laws of the Commonwealth," and that "Congress might appoint justices without commissioning them as judges during good behavior or giving them fixed salaries."

That would take such justices from under the constitutional requirements as to Federal judges. Congress is empowered by the Constitution to give to them the jurisdiction and functions that it pleases.

The Supreme Court has decided (1 Wheat. 304, 337) that "Congress can not vest any portion of the [judicial] power in State courts, only in courts established by itself," but it can establish any form of court it sees fit to try offenses against Federal laws.

Hence, one available and most promising plan to forward and secure prohibition enforcement in more satisfactory fashion is to adopt the Harris plan.

I also present an article from the Atlanta Constitution of Saturday, January 5, 1929, by Sam W. Small, who was with the Anti-Saloon League for many years, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Constitution, Atlanta, Ga., Saturday, January 5, 1929]

SENATOR HARRIS OFFERS THE BEST PLAN YET TO PROMOTE EFFECTIVE PROHIBITION

By Sam W. Small

WASHINGTON, January 4.—The common sentiment here at Washington is that Mr. Durant's effort to purchase a prize solution of the prohibition problem has added absolutely nothing of value to the desired solution.

The reason is obvious. There is no practical solution as long as the law remains as it is.

The Volstead Act was outlined by the late Wayne B. Wheeler, general counsel and legislative agent of the Anti-Saloon League. He labored zealously and meticulously to draft into the act all the knowledge and experiences of his long career as the league's prosecutor of liquor-law violators in Ohio and as adviser of the league's prosecutors in other States of the Union. He had become the shrewdest antiliquor lawyer in the country and easily baffled the ablest and highest-paid lawyers who appeared for the liquor interests, even in the Supreme Court of the United States.

And he had the political backing to force his drastic law through both Houses of Congress and over the veto of President Wilson.

FIRED TO GO THE LIMIT

In our many years' association in the work of procuring the national prohibition amendment Wheeler had come to appreciate my life-long studies of the Federal Constitution and to regard me as a trustworthy conferee on its terms and the interpretations given to them by the Federal Supreme Court.

While he was framing the act for Representative Volstead to lay before the Judiciary Committee of the House Wheeler frequently called me into consultation. That is how I come to know personally how the first draft of the act was prepared and in what particulars it was changed in committee and on its passage through the Houses of Congress.

The constitutionality of its provisions was carefully studied in the conferences between Wheeler, Volstead, myself, and others—so carefully, indeed, that they have been consistently upheld by the Supreme Court in practically all the cases based upon the act that have come before it up to date.

Wheeler was determined to go the full limit that the Constitution would allow. He hated liquor and the supporters of the traffic in it with a spiritual ferocity such as I have never known another man to have against any person or practice. He felt it his duty to God to hate them just that way!

DOUBTS THAT ARE NOW VERIFIED

While having no doubts of the constitutionality of the provisions of the act, I did express serious doubts of the practical wisdom of some of them and of the ability of the Government to enforce them.

Those doubts have been verified substantially by the experiences of the people and the Government during the past eight years.

I argued strongly in our conferences against the definition of "intoxicating liquor" as being any liquor containing more than one-half of 1 per cent of alcohol. I felt that such definition was drastic and indefensible, both scientifically and experimentally, and that it would shut off from the people beverages not in fact intoxicating and would arouse great and troublesome opposition to the amendment and the enforcement act.

I also doubted the wisdom and practicality of making the mere police offenses against the act triable of juries in the Federal district courts, and advocated what has since been proposed from many sources—that those offenses be made simple misdemeanors triable and punishable with fines by commissioners of the Federal district courts. Only to-day Federal Judge Cant, of Duluth, declares that such offenses should be so dealt with by such commissioners or carried into the State courts.

SENATOR HARRIS SEES THE NEED

In a former session of Congress our Senator HARRIS, seeing the need for certain and speedy punishment of local distillers, home brewers, bootleggers, and road rum runners, proposed an act to confer police jurisdiction upon United States court commissioners, with as many of them in each judicial district as circumstances should suggest, and with authority to summarily try such small-fry offenders against the prohibition law.

Everyone at all conversant with the judicial features of prohibition enforcement knows that the greatest weakness lies in the failure of juries to convict and the judges to properly punish such as are convicted or lay down on pleas of guilty.

Senator HARRIS can do no greater service to the people of the entire Nation than to press his plan above mentioned upon the action of Congress. If he can succeed in having it enacted he will do more for the better enforcement of the amendment and the Volstead Act than has yet been done or than could be done under any of the plans submitted for the Durant prize. I have heard more commendation given to Senator HARRIS's plan than to any other remedy that has been proposed for present slack enforcement conditions.

THE PLAN IS CONSTITUTIONAL

Objection to Senator HARRIS's plan has been made that it would be unconstitutional, on the theory that police powers have not been granted to Congress among the powers enumerated to it by the Constitution.

But it was declared in Sims's case (7 Cushing, 731) that "the commissioners of the circuit courts of the United States are officers exercising functions of justice of the peace under the laws of the Commonwealth," and that "Congress might appoint justices without commissioning them as judges during good behavior or giving them fixed salaries."

That would take such justices from under the constitutional requirements as to Federal judges. Congress is empowered by the Constitution to give to them the jurisdiction and functions that it pleases.

The Supreme Court has decided (1 Wheat. 304, 337) that "Congress can not vest any portion of the [judicial] power in State courts, only in courts established by itself," but it can establish any form of court it sees fit to try offenses against Federal laws.

Hence one available and most promising plan to forward and secure prohibition enforcement in more satisfactory fashion is to adopt the Harris plan.

RELIEF OF HAY GROWERS IN CERTAIN TEXAS COUNTIES

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., which was ordered to lie on the table and to be printed.

MANUFACTURE OF STAMPED ENVELOPES

Mr. BROOKHART submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes, which was ordered to lie on the table and to be printed.

CHANGE OF REFERENCE

Mr. JONES. Mr. President, House bill 16129, to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy, was referred, evidently by mistake, to the Committee on Public Buildings and Grounds. It comes entirely within the jurisdiction of the Commerce Committee, and I ask that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill and that it be referred to the Committee on Commerce.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

INCREASING LIMIT OF EXPENDITURE FOR INDIAN SURVEY

Mr. FRAZIER submitted the following resolution (S. Res. 303), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the limit of expenditure to be made under authority of Senate Resolution No. 79, Seventieth Congress, agreed to February 1, 1928, providing for a general survey of the condition of Indians in the United States, is hereby increased from $30,000 to $60,000.

GRANVILLE AND DOROTHY M. PEARSON

Mr. DALE submitted the following resolution (S. Res. 304), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1928, to Granville M. Pearson and Dorothy M. Pearson, son and daughter, respectively, of Granville W. Pearson, late an employee of the Senate under the direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House agreed to the amendment of the Senate to the bill (H. R. 10472) to authorize the appointment of Master Sergeant August J. Mack as a warrant officer, United States Army.

LOAN OF WAR DEPARTMENT EQUIPMENT TO AMERICAN LEGION

Mr. REED of Pennsylvania. Mr. President, on the calendar is the bill (S. 5013) to authorize the Secretary of War to lend War Department equipment for use at the eleventh annual convention of the American Legion, for its national encampment at Louisville during the coming summer. The House has just passed and sent to the Senate a bill in exactly the same words, omitting only the name of the director of the convention. Its consideration will lead to no discussion I am sure. I ask unanimous consent that the Committee on Military Affairs may be discharged from the further consideration of the House bill, that the bill (H. R. 15472) may be substituted for Senate bill 5013, and that the House bill may now be considered and passed.

Mr. WARREN. I have no objection provided it leads to no debate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15472) to authorize the Secretary of War to lend War Department equipment for use at the eleventh annual convention of the American Legion, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend at his discretion, to the Eleventh National Convention Corporation, American Legion, for use at the eleventh national convention of the American Legion to be held at Louisville, Ky., in the months of September and October, 1929, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, and 10,000 mattresses or bed sacks: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the American Legion, Department of Kentucky, through the director of the Eleventh National Convention of the American Legion: *Provided further*, That the Secretary of War, before delivering said property, shall take from the said Department of Kentucky, the American Legion, a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 5013 will be indefinitely postponed.

REGULATION OF IMMIGRATION

Mr. BLEASE. Mr. President, there are on the calendar two bills, the bill (S. 5093) to authorize the issuance of certificates of admission to aliens, and for other purposes, and the bill (S. 5094) making it a felony, with penalty, for certain aliens to enter the United States of America under certain conditions in violation of law. Both measures have the unanimous indorsement of the Committee on Immigration, and, also, they have been indorsed by the Secretary of Labor and the Commissioner of Immigration. I desire to ask unanimous consent for their immediate consideration.

Mr. WARREN. I shall have no objection, provided they lead to no debate.

Mr. BLEASE. I do not think there will be any question about the passage of these bills.

Mr. REED of Pennsylvania. Mr. President, may I ask the calendar numbers of the bills?

Mr. BLEASE. They are Calendar Nos. 1483 and 1484. There is a unanimous report from the Committee on Immigration, and the bills are indorsed by the Secretary of Labor and the Immigration Commissioner. There are going to be some matters along this line taken up in the House on Friday. I had a talk with Chairman JOHNSON last night and he asked me to get the measures over to the House before then if I possibly could.

Mr. REED of Pennsylvania. Will the Senator be willing to withhold his request for half an hour to enable us to read the bills?

Mr. BLEASE. That will be agreeable to me. The Senator will find the reports with the bills.

Mr. BLEASE subsequently said: Mr. President, the Senator from Pennsylvania [Mr. REED] does not now object to the consideration and passage of the two bills which I asked to have considered a few moments ago. I now ask unanimous consent for the consideration of Senate bill 5093.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Is there objection to the present consideration of the bill referred to by the Senator from South Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5093) to authorize the issuance of certificates of admission to aliens, and for other purposes, which was read as follows:

Be it enacted, etc., That an alien who has been lawfully admitted to the United States for permanent residence and who has continued to reside therein since such admission, shall upon his application to the Commissioner General of Immigration, in a manner to be by regulation prescribed, with the approval of the Secretary of Labor, be furnished with a certificate made from the official record of such admission. Such certificate shall be signed by the Commissioner General of Immigration and shall contain the following information concerning such alien: Full name under which admitted; country of birth; date of birth; nationality; color of eyes; port at which admitted; name of steamship, if any, and date of admission. Such certificate shall also contain the full name by which the alien is then known, his signature, and his address. A photograph of the alien shall be securely attached to the certificate, which shall bear an impression of the seal of the Department of Labor.

SEC. 2. Such certificate shall be prima facie evidence of the lawful admission of such alien. A fee of $3 shall be paid by such alien to the Commissioner General of Immigration for each such certificate. The moneys so received by the Commissioner General of Immigration shall be paid over to the disbursing clerk of the Department of Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the General Accounting Office, and the said disbursing clerk shall be held responsible under his bond for such fees.

SEC. 3. This act shall take effect July 1, 1929.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BLEASE. I ask unanimous consent for the present consideration of Senate bill No. 5094.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law, which had been reported by the Committee on Immigration with an amendment, in section 2, page 2, line 9, after the word "hereunder," to insert the words "the clerk shall notify the marshal who has the prisoner in custody and he," so as to make the bill read:

Be it enacted, etc., That any alien who has been arrested and deported in pursuance of the provisions of the immigration act of February 5, 1917, or the immigration act of 1924, and who thereafter shall enter the United States in violation of law shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not to exceed $1,000 or by imprisonment for a term of not more than two years; and upon payment of the said fine or at the expiration of the term of said sentence shall be taken into custody upon the warrant of the Secretary of Labor and deported in the manner provided in the immigration act of February 5, 1917.

SEC. 2. That upon the conviction of any person or persons under the provisions of the above section, the clerk of the said court shall promptly notify the Secretary of Labor thereof, and of the terms, place, and date of the expiration of the said sentence; and upon the payment of any fine imposed in lieu of imprisonment hereunder, the clerk shall notify the marshal who has the prisoner in custody and he shall detain the prisoner for a period not to exceed five days if so much shall be necessary for his or her apprehension and being taken into custody under warrant of the Secretary of Labor as heretofore provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIMBERLANDS IN YOSEMITE NATIONAL PARK

Mr. WALSH of Montana. Mr. President, there is pending before the Congress, now in the hands of the conference committee of the two Houses, a bill which empowers the Secretary of the Interior to condemn any and all lands held in private ownership in national parks. It has been represented that there are certain timberlands in the Yosemite National Park which are likely to be logged out during the ensuing year. That is offered as the reason why urgency in that matter is necessary.

I am this morning in receipt of the following telegram:

LOS ANGELES, CALIF., *January 22, 1929.*

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.:

Referring to a dispatch from Washington in the Los Angeles Times of to-day, stating that the lumber company owning lands in Yosemite Park plans to begin operations within the park on April 1, next, I beg to advise you on behalf of Arthur H. Fleming and myself, who control the company referred to, Yosemite Lumber Co., that that company does not plan or intend to operate within the park at any time this year, and will not do so. We have so advised Senator SHORTRIDGE.

ROBERT C. GILLIS.

I ask that the telegram be referred to the committee of conference on the bill to which I have referred, the Interior Department appropriation bill.

The VICE PRESIDENT. Without objection, it will be so referred.

FIRST DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The question is on the motion of the Senator from Tennessee [Mr. MCKELLAR] to suspend paragraph 3 of Rule XVI for the purpose of proposing the amendment relating to tax refunds, which has heretofore been read.

Mr. MCKELLAR. Mr. President, on yesterday, when the Senate took a recess, we were discussing the question of tax refunds. I want to call the attention of Senators this morning to this situation: During the last eight years the Treasury Department, under its back-tax system, has collected $3,900,000,000, in round figures. The department has engaged in that work an army of back-tax attorneys and agents. How much that army of tax attorneys and agents cost the Government I do not know, but I think that during the time I have stated it may be safely estimated that the cost to the Government for that service has been not less than half a billion dollars. Frequently heretofore, when this subject has been brought up, the Internal Revenue Bureau has replied that it is true the service has cost a great deal of money, but that the refunds amounted to only about one-fourth, or 25 per cent, of the money actually collected.

Now, I wish to call the attention of the Senate to the fact that in connection with the collection of Federal back taxes no citizen knows when he is going to finish paying such back taxes. If he sells a piece of property he has to figure in making the contract the probable amount of back Federal taxes that may be assessed against the transaction. If he transfers stock he has got to make similar careful calculations. This puts the average taxpayer in an embarrassing and oftentimes in a hazardous situation. He is constantly under the menace of a re or back assessment. It is unfair and unjust to the plain, everyday, average taxpayer and business man. Frequently that situation interferes with the free sale of stocks or other personal property, and also of real estate, because the taxes are at times quite excessive. In other words, under our present system of the collection of back Federal taxes no man knows when his is going to get through paying the Federal reassessments.

A Federal agent goes to Richmond, for instance, and decides who, in his judgment, should pay additional back taxes. No one ever knows when he has finished paying. So the question of back Federal taxes has come to be one of the serious questions in business in this country. If it were necessary, if good

results came from this system, all well and good; if the gentlemen whose returns are reexamined have not been paying the proper amount of taxes, all well and good; but let us see what is the practical result of this system that has been going on in the Treasury Department for a number of years.

Mr. President, I will give the figures according to the admissions of department officials found in the testimony. Keep in mind that the amount collected since the institution of the system of back taxes is $3,900,000,000. What have they paid out according to their own figures? Let us add together the amounts they have paid out and see what the sum is. In the first place, they admit that up to 1928 they have refunded in cash under this secret system $935,000,000. We appropriated $130,000,000 more for 1929, and all of that sum is practically gone, and they are now asking for a deficiency appropriation of $75,000,000. The amounts paid out in cash up to 1928 and the appropriation for 1929, together with the deficiency appropriation now proposed, aggregate over a billion dollars. It is admitted in the testimony that they have allowed in credits and abatements $1,679,000,000, but that sum of $1,679,000,000 was allowed in credits from 1923 to 1928. They leave out 1921 and 1922. They say that the amount has been less each year, and that, in a way, is true. They paid out in 1923, in credits, $306,000,000. Assuming, according to the testimony of Mr. Bond, that the amount is lessening each year, then they must have paid out not less than $306,000,000 for 1922 and $306,000,000 for 1921. That adds $612,000,000 more. Department officials say the payments are continuing to lessen. The credits for 1928, according to their testimony, were $199,000,000; and, assuming that for 1929 they have allowed in credits only $150,000,000, the aggregate of those several sums is $3,506,000,000.

Now, listen to this: They have collected $3,900,000,000 in all this time; they have paid out in credits or in actual cash $3,506,000,000. In other words, when we take the expenses of running this vast machine under the appropriations which have been made year by year for the purpose of collecting back taxes from the American taxpayer and add them up it will be found that such expenses have amounted to more than $400,000,000 during that period. It will be found, therefore, that, instead of the system of collecting back taxes netting the Government money, the Government is losing money under the back tax and refund system combined.

In addition to that, it is all done in secret. All these sums are paid out in secret; nobody knows anything about them. When I asked the question on behalf of the committee as a member of the committee I was informed that it was against the law for any Treasury official to tell what the sums were, to whom they were paid, or anything about them. In other words, the bureau says to the Congress of the United States, "We demand $75,000,000 as a deficiency appropriation for this year," and when the question is asked, "What are you going to do with it?" the reply comes, "It is none of your business; you furnish us the money;" and it is proposed by this bill to furnish them the money under circumstances like that.

Why, Senators, we can not let this thing continue. These refunds are constantly mounting. To my mind we are violating our trust when we permit such a system to go on.

Now, Mr. President, I come to the next proposition.

The Secretary of the Treasury has written a letter in which he makes certain defenses of this system, and I want to call attention to that letter.

The first defense that the Secretary of the Treasury enters in this letter is that, he says, the proposed change is revolutionary. To my mind it is a revolutionary thing for this bureau to back-assess American taxpayers and collect out of them in reassessments $3,900,000,000, less the expenses, and pay it all out to other taxpayers secretly. I say that that is a revolutionary system; it is an un-American system; it is a system that none of us should vote to keep in vogue; it is a system that none of us can defend. Mr. Mellon, with all his ability, can not defend it. It is revolutionary, it is true; but the revolutionary part of it is in the conduct of this system and not in its abolishment.

We ought to abolish this secret system. We ought to abolish this system that is so fraught with danger to the American people—a system which each year turns over to taxpayers, we know not how, we know not to whom, we know not in what amounts except in two or three cases, this enormous sum of money. It is done within the four walls of the bureau, with nobody having any supervision of it, and, indeed, no one has ever appeared who has said, "I did it, and here are my reasons." The commissioner says he does not do it. The Secretary says he has nothing to do with it.

To be sure, we gave a supervision to the Joint Committee on Internal Revenue Taxation. We have seen their reports. They have never examined but one case, and they said they would not interfere with that, though $57,000,000 was paid out in that one case. Why, Senators, let me call your attention to the fact that greater amounts are involved and are being paid out every day by this secret committee or committees in the Bureau of Internal Revenue than are being passed upon, perhaps, by all the courts in the country. I doubt if the aggregate of every dollar passed upon by all the Federal courts in this country in the last eight years anything like reaches the enormous sum of $3,506,000,000 that has been paid out in this department within the same eight years.

But what is Mr. Mellon's next excuse? The next excuse is that the Board of Tax Appeals is now overburdened and that we ought not to give it any more jurisdiction.

The Board of Tax Appeals now has jurisdiction to pass upon and determine the cases where the taxpayer needs redress. Why should it not have jurisdiction of all the cases? Why should the Treasury Department, with this record of inefficiency, continue its present system? And, let me ask, what sort of a back income-tax system have we when the Secretary of the Treasury and his agents admit that they have made $3,506,000,000 of mistakes in the last eight years and they have to refund this enormous amount either by giving credits or by paying out the actual cash?

Are you satisfied with such a system? Is there a Senator here who is satisfied with it? If so, I should like to have him speak out here and now. I want to see who it is that is satisfied with a system of this kind. It is a system that can not be defended; and I take it that no Senator will rise in his place and undertake to defend this system.

The Secretary says, however, that the proposed change will give too much work to the Board of Tax Appeals. The Board of Tax Appeals is not complaining of it. We have heard nothing from the board against it. I have no doubt that it can do this work, and do it well. We have established that board to pass upon tax questions of exactly this kind where the taxpayer is involved. Why should it not pass upon the questions where the Government is involved as well? What reason can be advanced for not giving this board or some other board of similar character this power? This one is already established. It ought to have this jurisdiction. If it can not do all the work, we can add to its personnel or to its staff of assistants.

I wish to stop here long enough to say that I was not so certain when the Board of Tax Appeals bill was first proposed that the Board of Tax Appeals could do the job; I did not know but that it would be too much under the influence of the department; but apparently the Board of Tax Appeals has functioned well. Its members are seemingly trying to do their duty in an honest, straightforward way. I think one of the most noted cases that the Board of Tax Appeals had before it was the case where the Government—the Treasury Department, if you please; the Bureau of Internal Revenue, if you please—sought to collect from the senior Senator from Michigan [Mr. COUZENS] in back taxes a sum amounting, as I remember, to $10,000,000. It may have been eleven millions, but I think it was $10,000,000. Whatever the sum, it was a very large sum; and they were actually forcing him to pay it in when he took the matter to the Board of Tax Appeals, and the board determined not only that that back assessment was wrong, but that the Senator from Michigan was entitled to a refund of something like a million dollars.

I say that in this case and in other cases the Board of Tax Appeals has shown itself to be a fair-minded, uninfluenced, and unbiased judicial body, seeking to do its full duty by the people and by the Government. For heaven's sake, if we have a body of that sort, why can we not confer this power upon it? The work of that board is in the open. It is in the open light of day. There is no secrecy about it. Every taxpayer has the right to go before it. The Government has the right to have its agents there and its attorneys there in a fair, frank, open, honest way. There is no secrecy about it. They can make their proof. Both sides of the controversy have every right. Why should we not give this additional authority to that board? It is perfectly willing to take that authority.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield to the Senator.

Mr. GEORGE. Let me ask the Senator if his amendment would place any additional burden by way of expense upon the taxpayer?

Mr. McKELLAR. In my judgment it will save the taxpayer a very considerable sum. They have over 200 lawyers alone, according to this record, in the solicitor's office looking after tax refunds.

Mr. GEORGE. And it would not result in delay?

Mr. McKELLAR. Instead of delaying, it would expedite matters. I am glad the Senator has brought up that subject, because I want to take it up at this time.

I am talking about the Board of Tax Appeals now. The excuse the Secretary uses is that the Board of Tax Appeals is overburdened. That is an excuse that has been made in every case we have ever had. Whenever we want to give additional jurisdiction to a board that is already functioning and doing its duty, the excuse is made, "Oh, well, they have too much jurisdiction now. They have too much business before them. They can not do it."

The Board of Tax Appeals can do it, and at very little added expense. I doubt if it will be necessary to incur any expense, except for clerk hire and perhaps a few experts; but it would be infinitely less expensive than to keep up this enormous and expensive establishment that they now have in the Treasury Department.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLAINE. I desire to call attention to the fact, and—if the Senator from Georgia will give me his attention—to answer his question fully by saying that in the course of an investigation of this proposed amendment, as chairman of a subcommittee of the Judiciary Committee, I consulted with the board. I find, after consulting with them, that they are peculiarly well equipped to take care of the duties which are proposed to be conferred upon them. Their accountants and attorneys are all familiar with the very subject over which we propose that the board shall have additional power. I am informed by a member of the board that while they may need additional accountants and clerks for purely technical duties on account of the additional work that will come to them——

Mr. McKELLAR. In examining the files?

Mr. BLAINE. In examining the files—that between $50,000 and $100,000 will meet all the additional expense; and the Commissioner of Internal Revenue could be relieved of that much of the burden, and thus the expense of the commissioner would be reduced.

So the cost to the Government will be no greater than at present. In fact, in my opinion, by coordinating all this work on tax appeals, credits, and refunds, there will be a tremendous saving in expense, and it will expedite the actual work that the Tax Appeals Board now have before them.

Mr. McKELLAR. Absolutely.

Mr. BLAINE. In other words, the coordination of all these matters into one board will greatly aid in the efficient administration of the tax laws.

Mr. McKELLAR. Absolutely; and I thank the Senator for his contribution to this debate.

I want to say, further, that the Secretary next gives as an excuse that the proposed change will cause delay and the payment of additional interest. Think of it. Here is an official charged with making these refunds under the present law who is paying out the Government's money in millions, and paying out interest on it in millions. Here are the only two cases we have. I will call attention to both of them in a moment. One of them is the Steel Co. case, which has been unsettled for more than 10 years. Under the Secretary's department it has been delayed for more than 10 years. It has been delayed long enough to bring about an interest payment in the one case of $10,000,000; and the Secretary of the Treasury is saying that the adoption of an open system like this, where the thing can be done in order, where it can be done openly, where it can be done aboveboard, and expeditiously is going to result in the delay of claims, and an increase of interest payments, he says, of $13,500,000.

Why? The Secretary of the Treasury has just paid out, because of the delay in settling the one Steel Co. case, $10,000,000 in one case; and if the facts in other cases are as they are in that case, a very large part of these appropriations that we are making pell-mell, without any knowledge as to what we are doing, is being paid out in interest to certain large taxpayers of the country. I say that his excuse of it saving the Government interest is ridiculous and absurd, in the face of the undisputed facts. The idea of a man talking about these things being delayed, when the record shows many thousands of them have come over from 1917, and are still unpaid and unsettled.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. I am interrupting the Senator in a sympathetic spirit. I would like to know at what stage of the procedure for refunds a case would go from the commissioner to the Board of Tax Appeals.

Mr. McKELLAR. As soon as the commissioner settles it. If he settles it against the Government it goes before the Board of Tax Appeals as a matter of course. If the commissioner settles it against the taxpayer, the taxpayer, under rules and regulations established by the Board of Tax Appeals, can, by petition, take it there and have it settled. In other words, every right of the taxpayer and of the Government can be speedily settled in this way.

Mr. SIMMONS. Then the Senator's amendment simply means this, that after the department has, in the regular course of procedure there, settled a controversy between the Government and a taxpayer, either party to that controversy may ask that it be transferred to the Board of Tax Appeals?

Mr. McKELLAR. If it is decided against the Government, it goes before the board as a matter of course; if it is decided against the taxpayer, the taxpayer can take it up. Every case involving over $10,000 goes to the Board of Tax Appeals if it is decided against the Government.

I am now coming to the next excuse offered by the Secretary.

Mr. REED of Pennsylvania. Mr. President, before the Senator passes to another subject, will he submit to a question?

Mr. McKELLAR. I will, gladly.

Mr. REED of Pennsylvania. I would like to have the attention of the Senator from North Carolina. The Senator from Tennessee has answered the question of the Senator from North Carolina by saying that this would speed up the making of refunds where it was proper that refunds should be made.

Mr. McKELLAR. I think it would.

Mr. REED of Pennsylvania. I understand that at the present time the Board of Tax Appeals has about 20,000 cases on its docket undisposed of. How would it speed up the making of a refund to put a case at the foot of that docket of 20,000 pending cases after the administrative officials had decided that the refund ought to be made?

Mr. McKELLAR. Mr. President, the Senator has not kept up with the evidence, I am sure, or he would know that the great number of cases technically before the bureau now is the result of the fact that every large taxpayer—the Assistant Secretary, Mr. Bond, limits it to the large taxpayer—when he pays his initial taxes on his own report of what is due, at that very time files a claim for a refund, not that he is entitled to a refund, but because he hopes that some change in opinion in the department, some change in some ruling of the department, within the next five years, as the limitation is now, will enable him to ask, under such a ruling, for a refund in whole or in part.

Mr. REED of Pennsylvania. They would still continue doing that; would they not?

Mr. McKELLAR. Not at all. They would have to file their claims before the Board of Tax Appeals. They would not do it unless the Board of Tax Appeals failed to do their duty, and I do not believe they would fail.

Mr. GLASS. May I ask the Senator why every taxpayer does that now?

Mr. McKELLAR. I will give the Senator the answer of Mr. Bond. Mr. Bond says that the large taxpayer does it out of abundance of caution, for the purpose of taking advantage in the future of any change in ruling whereby the taxpayer can possibly get something back which he did not at the time of payment think he was entitled to.

Mr. GLASS. Does not the Senator know perfectly well that he does it because the Government itself has instituted a system of jeopardy assessments, assessing taxpayers twice as much as they know the taxpayers ought to pay?

Mr. McKELLAR. Yes, Mr. President; sometimes there are jeopardy assessments, of course.

Mr. GLASS. That is why any taxpayer with three grains of sense ought to make such reservation, when the Government is trying to take every advantage of the taxpayer that it can.

Mr. McKELLAR. Yes, Mr. President; and it just goes back to the iniquities of the present system. I am complaining of the system, this system of the Government undertaking to reassess all the taxpayers of this country, keeping their cases before them for a period of five years, and then saying to the taxpayer, "We have not attended to your matter, we have not examined into your matter; it is true it has been nearly five years, but unless you waive the statute of limitations we are going to put a jeopardy assessment against you." It is all wrong and it ought to be abolished. There ought to be an end to that iniquitous system. The matter ought to be closed up within one year, unless there is fraud on the part of the taxpayer. I think the system is indefensible.

Mr. GLASS. What I protest against is the criticism of the taxpayer by the Senator, rather than criticism of the Government.

Mr. McKELLAR. I am not criticizing the taxpayer. I have been standing here two days trying to protect the taxpayer against the iniquities of this system.

Mr. GLASS. Why should the Government be permitted to make these jeopardy assessments against taxpayers?

Mr. McKELLAR. It ought not to be. For the past 8 or 10 years I have been striving to correct that matter. I have offered an amendment to every revenue bill brought before the Senate to reduce the time limit within which these reassessments could be made. I think the taxpayer ought to know at some time that he has finished paying taxes to the Government.

To illustrate the effect of allowing the Internal Revenue Bureau to wait five years to take such action, let me take the return of the Senator from Pennsylvania five years ago.

Mr. GLASS. The limitation is two years now.

Mr. REED of Pennsylvania. The limitation is three years now.

Mr. McKELLAR. Three years.

Mr. GLASS. I think if he will examine the law the Senator will find it is two years.

Mr. McKELLAR. My amendment making it one year was voted down, and my amendment making it two years was voted down.

Mr. GLASS. I do not refer to the Senator's amendment, but I know that the Senator from South Carolina [Mr. SMITH] had an amendment attached to a revenue bill reducing it to three years, and I know that last year I had an amendment attached to a revenue bill reducing it still further to two years.

Mr. McKELLAR. Five years ago it was five years, anyhow, and I am going to give my illustration. A young man from the tax office would come to the Senator from Pennsylvania and say, "We have allowed nearly five years to pass by since you paid your taxes for 1923, and the time limitation will be up in a few days. We will make a jeopardy assessment against you unless you agree to waive the statute of limitations." In that way an assessment is made, and they go back year after year. The period of limitation of three years is virtually valueless. And may I add that interest is running against the Government all the time. The limitation of any number of years would be valueless. The taxpayer never knows when he gets through paying taxes under this system. It is a wrong system, an indefensible system.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. I want to see if I can elicit some information from the Senator from Tennessee on a point which I think very important. When complaints have been made to the department about these excessive refunds, the answer has generally been that the making of the refunds was the result of this great number of jeopardy assessments, which the department was forced to make in order to protect the Government. It is easy to see that where there is a jeopardy assessment the taxpayer may be very grossly wronged.

Mr. McKELLAR. That is true.

Mr. SIMMONS. And may be required to pay a very exorbitant amount of money to the Government without warrant of law. I want to ask the Senator whether he has made any investigation and is now in a position to afford the Senate any information as to what part of these enormous refunds about which he has been speaking is due to jeopardy assessments?

Mr. McKELLAR. I will give the Senator the best information I have, and that is from Mr. Bond himself. Heretofore, as I have already stated, the bureau has taken the position that they had paid out only $935,000,000 in refunds, and that was about one-fourth of what they had collected in the way of reassessments, and therefore this scheme of collecting back taxes was a money-making scheme. I asked Mr. Bond for the amount of credits, which is just the same as cash; they are allowed on taxes for future years, and amount to exactly the same thing as cash. Mr. Bond did not think he had the information, but I wrote him a letter and called his attention to the information, and told him where he could get it. Thereupon he gave me the information covering six years. But when he gave it to me he wrote me a letter in which he undertook to explain the very thing the Senator is now asking, and I hope the Senator will let me read Mr. Bond's letter. I want to say that, in bringing this matter up, I am not attacking Mr. Bond, or Mr. Blair, or anybody else. I am trying to get the facts before the Senate, because I believe the present system that we have in this country of collecting back taxes is an infamous system, and that it ought to be abolished. The taxpayer ought to know, after a reasonable time, anyhow, when he has finished paying his taxes. It is a let and a hindrance to every honest taxpayer in the land. The big taxpayer can get by under this system because the bureau regards his payment of taxes as provisional, as stated by Mr. Bond, and he can file his claim for refunds when he pays his tax, and knows he will receive 6 per cent interest on whatever he gets back. But the average taxpayer pays his tax as a payment, and he wants it to be final.

Mr. SIMMONS. Of course there are two ways by which the taxpayer gets the benefit. One is by the department simply making an estimate and abating so much, and the other is by actual refunding.

Mr. McKELLAR. Yes.

Mr. SIMMONS. Of course a rebate, if it is the result of a jeopardy assessment, would be in the same category, and would be equivalent to a refund.

Mr. McKELLAR. I will tell the Senator what Mr. Bond said.

Mr. REED of Pennsylvania. From what page is the Senator about to read?

Mr. McKELLAR. I am reading from the RECORD of January 14, page 1670. I intend to read Mr. Bond's letter. I think that is due him. He is a conscientious man. He just has a bad system, a secret system to deal with, that is bringing the department into disrepute, and has already brought it into disrepute. But I think his explanation ought to be read at this time, and I am going to read it. His letter states:

JANUARY 14, 1929.

MY DEAR SENATOR MCKELLAR: I inclose a memorandum from Mr. Mires, assistant to the Commissioner of Internal Revenue, which gives you most of the information which you requested in your letter of January 11. I regret that in the limited time it has not been possible to furnish more complete information. For the reasons that I explained at the hearing before the Senate Appropriations Committee the law does not permit me to give you the names of these taxpayers, even if it were possible to prepare the list within the time available.

I must point out to you in connection with this information that it is my opinion it is very misleading to submit a total of statements and credits. The reasons are several.

He states just one. What he is talking about is the item of $1,679,000,000 for the six years from 1923 to 1928, inclusive. Here are his reasons:

Many taxpayers included questionable items in their returns under the 1917 and 1918 acts and filed claims for abatement at the same time to protect their interests. As soon as these claims had been passed on many were promptly allowed and the tax abated.

That does not come into these figures, because he does not give us the figures for those years. But those abatements need not be considered. It would make the sum a very much larger sum if they should be considered.

Mr. REED of Pennsylvania. Surely the Senator does not mean that. The figures that are given show the amounts abated in these particular fiscal years. That is, the Steel Corporation abatement or refund will show in the fiscal year 1929, although it has reference to the 1917 tax.

Mr. McKELLAR. They were not included in this.

Mr. REED of Pennsylvania. Yes; they would be.

Mr. McKELLAR. No; they are not included in the figures I have given of $3,506,000,000. I read Mr. Bond's letter:

Many abatements have been made by reason of court decisions and in conformity thereto.

The amount that has been abated by reason of court decisions would be comparatively infinitesimal.

Mr. REED of Pennsylvania. Mr. President, will the Senator again yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. I would like to have the Senator give the figures if he has them.

Mr. GLASS. Mr. President, I submit——

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. GLASS. I submit that the Senate would like to hear Mr. Bond's letter. If we are to have a speech after every sentence of Mr. Bond's letter, I confess my inability to keep track of it.

Mr. REED of Pennsylvania. I agree with the Senator; if he refers to a speech and not a question. Will the Senator from Tennessee permit me to ask a question?

Mr. McKELLAR. I yield to the Senator. I happen to be reading Mr. Bond's letter and surely there is no rule against my commenting on it.

Mr. REED of Pennsylvania. In the decision of the Supreme Court as to the amount to be deducted in the case of income from insurance, over $35,000,000 of refunds was involved.

Mr. McKELLAR. Compare $35,000,000 with $1,679,000,000 and it will be found that my statement is fairly accurate.

Mr. REED of Pennsylvania. That is only one case out of a great many.

Mr. McKELLAR. Oh, no; that is the one specifically referred to in the letter.

2. Many abatements have been made by reason of court decisions and in conformity thereto.

And, of course, they should be excluded.

3. In the earlier years of the bureau when the work was congested it was often necessary to make many jeopardy assessments to protect the interests of the Government against the running of the statute of limitations and in these cases an amount sufficiently large to protect the Government was necessarily named, the excess being abated after the correct figure had been later determined.

4. Many abatements are made on the recommendation of collectors because assessments have proven to be uncollectible and this is the only way in which the collector can be relieved of his responsibility under his bond.

5. Many abatements are made because it is found that the tax should be assessed to a different person or corporation after the case has been carefully examined and the abatement is in effect a transfer of the assessment to another name.

6. At certain times it has been necessary to make assessments of the same tax to all of the corporations of a consolidated group or to a large number of transferees under section 280 of the 1926 act, and in these cases when the tax has been paid in full by one of the parties the assessment against the others are abated.

7. With respect to the year 1923 the revenue act of 1924 contained a retroactive provision which reduced the assessments by 25 per cent for the year 1923 and this excess had to be abated on all outstanding assessments.

I do not have the amount of that, but it was not as large as it was in the insurance cases, as I recall.

These are the principal reasons why these figures on abatements and credits seem to me to have no real significance and would be misleading. I trust that if the figures are used this statement of their lack of value may be read at the same time.

I am giving Mr. Bond's statement just as he wrote it, and to which I do not agree, because if the amount of abatement made under the exceptions noted by Mr. Bond amounted to a great deal, they would be placed here so we could have the information.

Mr. GLASS. Mr. President, if I may interrupt the Senator——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. GLASS. I call attention to the fact that the inquiry made by the Senator from North Carolina [Mr. SIMMONS] has been answered neither by the Senator from Tennessee nor by Mr. Bond's letter. What the Senator from North Carolina inquired was what proportion of the refunds or rebates applies to jeopardy assessments, and there is no word in Mr. Bond's letter to indicate what the proportion is, nor has the Senator from Tennessee told us what the proportion is. I conjecture that a very great proportion of it is due to the fact that the Government levies these unconscionable jeopardy assessments against a taxpayer, in which event it ought to be made to refund—in fact, it ought to refund without being made to do so and putting the taxpayer to the inordinate expense and trouble of having to hire actuaries and lawyers to recover his money.

Mr. SIMMONS. The Senator is absolutely right about that.

Mr. McKELLAR. I am frank to say that neither what I have said nor what the Assistant Secretary has written answers the question as the Senator from North Carolina asked it. He wanted accurate information. Neither the letter nor anything I can say gives that accurate information. The Assistant Secretary, if he had accurate information, did not give it. He ought to have it if the books are kept properly in the Treasury Department. He ought to have that information there, but he did not give it to me.

Mr. GLASS. The Senator did not ask for it.

Mr. McKELLAR. Oh, yes; I did ask for it.

Mr. GLASS. It does not appear so here. I have read every word of the testimony.

Mr. HEFLIN. The Secretary ought not to wait to be asked for it.

Mr. McKELLAR. No; he ought not. Mr. Bond was given every opportunity to make every excuse and give every reason why the large credits were paid out, and I am giving the best he had to offer. I am giving the Senate every excuse that he offered in the very words in which he offered it.

I can not get the information because when I, as a member of the Appropriations Committee, asked the question I met with refusal on the ground that "the law says we must not give you that information."

Mr. SIMMONS. It is not necessary to give any names to give the information.

Mr. McKELLAR. If the hearings are examined, it will be seen that time and again the officials of the Internal Revenue Office replied, "We can not give you the information because it is against the law."

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. GLASS. I apologize for interrupting the Senator so often, for the reason that I was a member of the subcommittee and being obliged to leave town I did not attend the meeting of the committee at which Assistant Secretary Bond and the Commissioner of Internal Revenue appeared. But to cover that disqualification of mine, I have read every line of testimony taken. Neither the Senator from Tennessee nor any member of the subcommittee asked for the information that the Senator from North Carolina desires, and I do not find that the Senator from Tennessee discussed with any one of the experts of the Treasury one solitary provision of the proposed amendment that is here now. Yet the Senate is expected to enter into these abstruse questions of taxation and procedure without the opinion of an actuary in the Treasury Department.

Mr. McKELLAR. I want to say in answer to what the Senator said that if he regards as an abstruse question the matter of the Bureau of Internal Revenue collecting $3,900,000,000 in back taxes, with an army of back-tax collectors going all over the country examining the books and papers of every income-tax payer in the country, if he regards it as an abstruse question when it is undisputed that that is done, and then when the facts are shown that they have been paid back in refunds and credits during the same period the enormous sum of $3,506,000,000—if he regards that as a vague, indefinite, abstruse question, then I disagree with him. I do not think it is. I think we have the facts on which we ought to base a change of the system. Any system of back-tax collecting which results in the collection from taxpayers of the enormous sum of $3,900,000,000 and the paying back to certain other taxpayers in secret of $3,506,000,000, I think needs revision. I do not concede that it is an abstruse question.

The Senator from Virginia complains that we have not got the amount of abatements, and that the jeopardy abatements ought to be given here. Why, if it is important, does not the Secretary give it to us?

Mr. SHORTRIDGE. Mr. President, the Senator regards it as important, does he not?

Mr. McKELLAR. Oh, I do not think it is very important. I doubt it very much.

Mr. SHORTRIDGE. I think it is very important.

Mr. McKELLAR. I doubt if it makes $100,000,000 difference in the figures.

Mr. SHORTRIDGE. Why not ask for the specific information?

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. GLASS. I have regarded as an abstruse proposition the fact that the Internal Revenue Bureau collects hundreds of millions of dollars every year from taxpayers in excess of what is really due. On the contrary, if there has been any Member of this body within the period of my service here who has oftener protested against that practice than I have, I do not know who he is. I have said in the present discussion that I regard as the chief vice of the whole system the taking from taxpayers of money that the Government has no right to take. I say when that is done it is the business of the Government to pay it back, whether it be the Steel Corporation or the Tobacco Corporation or the individual taxpayer. That is what I say about it.

There is nothing abstruse either about the collection of that money or about the paying back, but there is a great deal of abstruseness about the system of assessment and the system of paying back, and the actuarial processes involved, and I say that the Senate can not determine those matters in a random debate here.

Mr. McKELLAR. Yes; but we can give a board that is already instituted, for the very purpose of passing upon similar cases, jurisdiction over those cases to see that it may be done.

Mr. GLASS. How much assurance can the Senator give to the Senate that the actuaries employed by the board will be any more capable than actuaries employed by the Internal Revenue Bureau?

Mr. McKELLAR. It will be done in the open, at any rate. It will not be done in secret.

Mr. GLASS. The question of the openness of it has been brought to the attention of the Senate over and over again, and the Congress is responsible for the secrecy and not the Internal Revenue Bureau.

Mr. McKELLAR. I do not propose to let it be responsible any more if I can prevent it. If it is the fault of the Congress, then I propose that the Congress shall correct that fault.

Mr. GLASS. That is another question.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I yield.

Mr. ROBINSON of Arkansas. On the 4th of January, 1929, there was published in the Washington Post an editorial, which was inserted in the RECORD as of date of January 5, making particular reference to the case of the Endicott-Johnson Shoe Co., shoe manufacturers, in which, after a prolonged contest, that company recovered $851,808 as excessive taxes paid the Government. It appeared that in order to make the recovery the company expended $306,682 to lawyers and tax experts. There is something fundamentally wrong with a system, whoever may be to blame for it, which permits that sort of condition to arise and that sort of case to occur.

Mr. SIMMONS. I did not hear the Senator clearly. Does the Senator mean to say that the Government spent for attorneys——

Mr. ROBINSON of Arkansas. Oh, no; the taxpayer, in order to secure his rights and to recover a tax of $800,000 plus wrongfully levied and collected by the Government, was required or found it necessary to expend, in payment for the services of lawyers and tax experts, the appalling sum of $306,682.

Mr. McKELLAR. To get it back?

Mr. ROBINSON of Arkansas. Yes; in other words, to recover back what was wrongfully exacted from the taxpayer by the Government. Of course, there is a great deal of technical knowledge necessary in the assessment and in the collection of these taxes. An ordinary Senator can not make his tax return if he has any income. He usually secures the assistance of a deputy collector of internal revenue for that purpose, and if he does not do it he is more than likely to make mistakes, and he may make mistakes even if he does secure such assistance. It does appear that a process of simplification could be advanced by some one and, if legislation is necessary, let it be presented to the Congress and enacted into a law that would obviate the difficulty to which I am referring, and which would make unnecessary such cases as that of the Steel Corporation, which the Senator has been discussing, drawn out over a period of almost half a generation, involving all sorts of disputes and controversies, and never reaching a satisfactory end. The case of this shoe company emphasizes the assertion that there is need for a careful study of this subject and a simplification of the revenue laws and of the methods of administration. I realize that one administration may change its rules and regulations, but there ought not to be a hardship imposed upon the taxpayer because the Federal officer does not understand his business.

Mr. McKELLAR. I agree with the Senator from Arkansas and thank him for his interruption and for his facts.

Mr. REED of Pennsylvania. Mr. President——

Mr. McKELLAR. Just one moment. I agree entirely with what the Senator from Arkansas has stated. One of the best ways to get a simpler system would be to allow a reasonable time, say, six months or a year, in which the Government would have the right to scrutinize the tax returns of its taxpayers, and that be an end to it, except in cases of fraud, and stop this enormous refunding of taxes.

Mr. HEFLIN, Mr. REED of Pennsylvania, and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I will yield in a moment. I wish further to say that this system has brought about a new occupation in this country; it is the business of securing tax refunds, which has grown to be an enormous business, running into the billions of dollars, as we have seen. Some lawyers and some accountants, and some who are neither lawyers nor accountants but who have inside information, go to the taxpayer and make contracts with him, so I am informed.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me?

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I shall yield in just one moment. These men go to the taxpayer, and, on a percentage basis, they make large fees out of the business, so I am told.

Mr. SIMMONS. They take such cases on a contingent basis.

Mr. McKELLAR. They take them on a contingent basis. In the case cited by the Senator from Arkansas, there is no telling what fee the man to whom he referred received. He probably had an agreement for one-half of the amount recovered; apparently he had an agreement for half or one-third of it. Is it not a travesty upon justice and upon the taxpayers of the country that the Government pursues such a course as to make this practice possible?

Mr. ROBINSON of Arkansas. The man to whom the Senator from Tennessee refers evidently did not have an agreement for half of the amount, because the total sum paid lawyers and experts did not quite equal one-half of the $808,000.

Mr. McKELLAR. It may have been a third of it. Probably it should be figured out on that basis.

I was impressed with the excuses given by Mr. Wayne Johnson in the telegram which he sent here. How much more informative, however, it would have been if Mr. Johnson had told us what sort of a contract he had with the United States Steel Co. under which he and his associates recovered $57,000,000 from the Government in that case. I should like to know. I am told that the most lucrative business in which a lawyer or an accountant can engage in the city of Washington is that of securing tax refunds.

Mr. HEFLIN and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield, and, if so, to whom?

Mr. McKELLAR. The Senator from Alabama first asked me to yield. When I shall have yielded to him, I shall be glad to yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I have been asking the Senator to yield to me for 10 minutes.

Mr. McKELLAR. But even before the Senator from Pennsylvania rose the Senator from Alabama asked me to yield to him, and I now do so.

Mr. REED of Pennsylvania. "Truth crushed to earth shall rise again." [Laughter.]

Mr. HEFLIN. Mr. President, I think the Senator from Tennessee [Mr. McKELLAR] is to be commended by every patriot in the country for the fight he is making. He is waging an honest and fair fight for an open and a fair field to the American taxpayers and to the Government of the United States. The Senator's amendment should become a law, and I hope it may. We should have a record vote on it, and let the people of the country see who is on the side of the big taxpayers who have been compelled under law to bear their share of the burden of Government and then have their taxes handed back to them through a side door of the Treasury Department. The Senator from Tennessee is seeking to have this thing done in the open instead of having clerks single out a given file, reaudit it, and dig out what they think should be rebates, credits, and refunds, so that a big taxpayer may get half a million dollars or five million dollars or ten million dollars returned to him, as the Steel Trust got $26,000,000 at one clip.

Mr. McKELLAR. They got $57,000,000.

Mr. HEFLIN. The Senator from Tennessee states that the Steel Trust got $57,000,000. The Senator from Tennessee is asking that the doors shall be opened and that a court constituted by Congress—and that is what the Board of Tax Appeals is—shall determine these cases so that the public can be present and can ascertain how their money is being taken out of the Treasury and given back to favored taxpayers.

The Senator from Tennessee is not seeking to impose any burden upon any taxpayer; he does not want to withhold a dollar from the overrich. If they have paid it in when they should not have paid it in, the Senator from Tennessee wants it returned, and I want it returned.

Mr. President, the people of this Government—and it is their Government—have a right to know why every dollar in taxes has been returned to the taxpayer. The Senator from Tennessee, the able and brilliant and brave fighter from Tennessee, is asking for an open, fair fight on this question, so that the truth may be known to the public; I am with him, heart and soul, in the fight, and we are going to fight to the finish for the amendment of the Senator from Tennessee.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I can not yield to the Senator from North Carolina at the moment, because I promised the Senator from Pennsylvania [Mr. REED] to yield to him next.

Mr. REED of Pennsylvania. Mr. President, nothing that I could say could compare with the tribute that has just been paid by the Senator from Alabama [Mr. HEFLIN]. So I think I will withhold my remarks until later.

Mr. McKELLAR. I will be very glad to answer any question the Senator may desire to ask if I can do so.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Tennessee a question. The magnitude of the figures as to refunds and rebates which the Senator has given is really appalling.

Mr. McKELLAR. It is shocking.

Mr. SIMMONS. I join in saying that the Senator is rendering the country a service in bringing this matter to the attention of the Senate; but I think if the Senator has or can secure information with reference to what percentage of the total he gives as to rebates was because of jeopardy assessments that it would be enlightening to the Senate, and, as a mere matter of justice to the department, it ought to be done.

I myself am surprised, I wish to say to the Senator, that the department has not furnished those figures, because the department generally, as I understand, has defended its action with reference to refunds by alleging that a large part of them were due to jeopardy assessments.

Mr. McKELLAR. Mr. President, if the Senator from North Carolina will permit me to interrupt him for a moment, I should like to say that I have already sent to Mr. Bond, who is a very courteous and delightful and intelligent gentleman, and asked him to furnish the information for which the Senator has asked, because I should like to know and the Senator would like to know, as I imagine every other Senator would like to know, what portion of the total are jeopardy assessments.

Mr. SIMMONS. Mr. President, there is another thing——

Mr. REED of Pennsylvania. Mr. President——

Mr. SIMMONS. Let me finish my interrogatory, if you please. There is another thing which has not been brought to the attention of the Senate, though, of course, it is a matter of common knowledge, namely, that the courts have rendered a great many decisions. It would be unjust to the department, and we ought not to want to be unjust to them——

Mr. McKELLAR. Oh, no.

Mr. SIMMONS. It would be unjust to the department merely to enumerate in making this estimate the refunds made directly to the parties to actions in the courts, because when a court renders a decision upon a question raised as to rebates the department, I think in justice to the taxpayers, has adopted the rule of applying that principle to all other taxpayers who come under the rule laid down by the court. In order to ascertain how much of this money was returned under decisions of the courts we ought to find out not only the amount returned to the litigant under a particular decision but the amount returned to all the taxpayers of the country as a result of such decision.

Mr. McKELLAR. I hope the Revenue Bureau will give us the information.

Mr. SIMMONS. I hope the Senator, therefore, will enlarge his inquiry.

Mr. McKELLAR. I will be very glad to do so.

Mr. REED of Pennsylvania. Will the Senator from Tennessee permit just a sentence or two in an effort to answer the question of the Senator from North Carolina?

Mr. McKELLAR. Yes.

Mr. REED of Pennsylvania. As the Senator will remember, a claim in abatement would lie only in case of a jeopardy assessment. So long as claims in abatement were permitted by the successive revenue laws they could only be made where there had been jeopardy assessments; so that a very large part, I should say probably three-quarters, of the refunds shown in the table submitted by the Treasury were probably made on claims in abatement following jeopardy assessments.

Mr. SIMMONS. I think that is true as to goodly part of them, anyway.

Mr. REED of Pennsylvania. The Senator's second question was as to the amount which had been paid as the result of court decisions. If it is possible to compile that information, even approximately, we would all be glad to have it, but it would be very difficult, and I think quite impossible. In the Steel Corporation case, for example, the Treasury was confronted with four different rules for the calculation of invested capital under the excess profits law. One was a decision of the Court of Claims, one was a quite contrary decision by the Board of Tax Appeals, one was a Treasury regulation, and the last, as I recall, was an amendment to the Treasury regulation. So four different rules were urged. The settlement is a sort of compromise among all four of those rules, in which I think the Government got very much the best of it, but I do not know that my opinion is worth anything as to that. It would be very hard in that case to say how much of it was ascribable to a court decision; that is what I meant. I have tried to answer the question.

Mr. McKELLAR. Mr. President, I will answer the Senator from North Carolina in this way: So far as court decisions are concerned, the United States Steel Co. had filed a case in court to recover this money, and if it thought it would have gotten better results in the court than it could get in the department it would have been a very foolish company if it had not undertaken to prosecute in the court; but it did not do that. It knew its business.

Mr. REED of Pennsylvania. The suit in the court was for $161,000,000, including interest.

Mr. McKELLAR. Yes. It was like the case of a man getting a finger scratched and suing for $5,000 damages under the old system. The Steel Corporation probably asked for everything. Does the Senator know what taxes they paid in 1917?

Mr. REED of Pennsylvania. Yes; about $217,000,000, as I recall.

Mr. McKELLAR. And they got back $57,000,000. I think that is doing pretty well. I do not know whether the Steel Corporation got that much back because we have no means of telling what sort of contract the company had with its lawyers and accountants.

Mr. REED of Pennsylvania. I have no idea as to that.

Mr. McKELLAR. But I imagine, even if the corporation paid its lawyers and accountants the proverbial 50 per cent in cases taken on a contingent-fee basis, that it made a pretty good dividend out of that particular refund. But oh, what pickings for lawyers and accountants the present system affords!

Mr. President, if I may I wish to call attention to the last excuse given by the Secretary of the Treasury. He says—and I quote—

> The real issue is whether the income tax is to be administered by the executive branch of the Government in accordance with every precedent and every sound principle of government, or is to be turned over to the judicial branch. I have no hesitation in prophesying that the latter course spells the complete breakdown of the income tax. Any tax that can not be administered save by means of litigation and court decisions can not long survive.

Mr. President, no such question is involved as that in the proposal which I have made. The Board of Tax Appeals is a part of the Treasury Department; it is a part of the machinery by which back taxes can be adjusted, at least to a very considerable extent. The Secretary recommended the creation of that board; it was upon his recommendation that it was established. If he was right in recommending it as an administrative body in connection with a portion of these claims, why in the name of heaven is it not proper and right for it to pass upon them all or such of them as are of any importance? The Board of Tax Appeals is not connected with the judicial branch of the Government at all; it is in the administrative branch, in the very department of the Secretary of the Treasury and it is not proposed to take it out of his department. I am astonished at the Secretary taking such a position.

Now, I come to the next excuse.

The Secretary says:

> I have no hesitancy in prophesying the breaking down of the whole tax system.

As a matter of fact, the proposed change does not affect the ordinary revenues under the income tax. The income-tax payers of this country voluntarily, upon their own motion and on their own figures, pay in over $2,000,000,000 every year. The only thing that is affected in any way by this proposal is the back-tax system; and I want to say that if ever a system has been shown to have broken down under the present management, the back-tax system of the Federal Government has absolutely broken down. It brings no money into the Treasury. It probably is a drain upon the Treasury when we take into consideration refunds and credits and the costs of the system on the one side and the amounts secured from other taxpayers on the other.

I want every taxpayer to have his dues, whether he is large or small; but I know that under this system the great body of the tax refunds made and the tax credits given are to the very large taxpayers. The ordinary, everyday taxpayer is being hounded in this country by hordes of back-tax accountants and agents going all over the country seeking to recover additional

assessments from him. So I say that the Secretary of the Treasury is mistaken about the system breaking down. The back-tax system has nothing to do with the system of income taxes except to make it unpopular; to make it so that the taxpayer knows that when he pays his honest taxes, on figures given by himself, they may be ripped up at any time within 5 or 10 years, regardless of the statute of limitations, because the officials of the department disregard the statute of limitations in the way I have stated.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from California?

Mr. McKELLAR. I do.

Mr. SHORTRIDGE. Does the Senator propose a statute of limitations in his amendment?

Mr. McKELLAR. No; but it ought to be done. If I had my way, I would fix the statute of limitations at not exceeding one year, except, of course, as to fraud cases.

Mr. SHORTRIDGE. That is rather short.

Mr. McKELLAR. Even if the taxpayer commits a fraud upon his Government, the Government ought to find it out during one year after he has committed it. Then we would have a system by which a taxpayer would know when he had finished paying his taxes. It is a stench in the nostrils of every decent taxpayer in this country that he does not know now. It makes the system little short of infamous. Every taxpayer complains. They say openly, "I do not complain of paying an income tax. I am glad to pay it; but I never know when I get through paying it, because here comes a tax collector and examines my records, and he says that I owe him so much more one year, and two years afterward another collector comes back and examines the same books, has to go through them, taking a lot of time, taking my attention away from my business, and makes another assessment; and then, if they have not got enough, they come along and say, 'Your time is nearly out; you must agree to waive the statute of limitations fixed by the Government and give us a chance to go into your accounts again.'"

Senators, it is wrong. It is an outrageous system. It ought not to be permitted by the Congress, in my judgment, and we ought to take steps to do away with it, and now.

Mr. SHORTRIDGE. Mr. President, if the Senator will permit me——

Mr. McKELLAR. Yes; I yield.

Mr. SHORTRIDGE. I understand the Senator to hold, then, that there should be a statute of limitations?

Mr. McKELLAR. A very short statute of limitations.

Mr. SHORTRIDGE. Perhaps a year would be too short; but there ought to be, in my humble judgment, a statute.

Mr. McKELLAR. And the Government ought to say to them that the department is not allowed to disregard that statute by agreement. It ought not to be permitted.

Mr. HEFLIN. Mr. President, right there——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I do.

Mr. HEFLIN. They have gone back over a number of years to the war, to 1917. They are still considering old cases.

Mr. McKELLAR. Why, they have 12,000 of them.

Mr. HEFLIN. Yes. They are digging back in there and getting out money from the Treasury and giving it to their favorites, and I, for one, think they have given out millions that ought never to have come out of the Treasury.

Mr. McKELLAR. There are only two cases that I know anything about. We have paid out now, we have appropriated in the last eight years, over $1,050,000,000 for refunds, and there are only two cases that we know anything about. One is the Steel case that I talked about yesterday. The other is what is called the X Tobacco case. The agents of the Government were so afraid to give out information that they would not mention the name of the company.

You remember that I told you yesterday how the United States Steel Corporation got its name into print. They said it was through Mr. GARNER giving it out. They did not criticize Mr. GARNER, but they seemed to think that he had made a great error in giving the name of this taxpayer that had been refunded in secret $57,000,000 of the people's money, nobody knows how or why, or any reason for it, and we do not know to this day; but there is another taxpayer, just one other, that we have any information about. All honor and credit to Congressman GARNER for bringing out the facts!

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. McKELLAR. I do.

Mr. WALSH of Massachusetts. It is apparent that the Treasury Department practices its policy of secrecy better than the Senate.

Mr. McKELLAR. Infinitely better. I started to say something further, but I can not even make a remark about it. Anybody else can talk about what is done in the Senate in secret session, but, of course, a Senator can not, so I can not do it.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I do.

Mr. GLASS. Why can not the Senator make a remark? If a Member of Congress can literally violate the law, why may not the Senator violate a propriety?

Mr. McKELLAR. I do not want to violate it. It may be proper and right for me to do it, but I do not want to.

Now, let me come back to the Tobacco case. The witness before the committee puts in the X Tobacco case. The only information we could get about the Tobacco case was that it was designated as the "X Tobacco case."

The facts in the X Tobacco case were somewhat different. The X Tobacco case was thus stated by Mr. Parker as follows:

"Senator McKELLAR. Suppose that they had followed your suggestions made there, would it have made any difference in the amount paid to the tobacco company?

"Mr. PARKER. Well, this case is one where the refund was almost entirely due to the allowance of what is known as special assessment. That is the relief provision under the revenue act.

"Senator McKELLAR. Yes.

"Mr. PARKER. The courts have since held that it is a discretionary provision within the power of the commissioner, and the commissioner evidently in this case thought that this was a right determination.

"Senator McKELLAR. In other words, the Tobacco case was settled primarily upon a matter of discretion?

"Mr. PARKER. I do not think the taxpayer would have had any rights in this case in court."

Here the Commissioner of Internal Revenue is given a discretionary power to refund any taxes that he thinks are unjust. Five million dollars was returned to this tobacco company.

Mr. HEFLIN. And the witness admits that he does not believe that a court of justice would have done it?

Mr. McKELLAR. He not only admits it but this agent of the Government testifies that the taxpayer could not recover, and in another place he says it was admitted that he could not recover; and the only reason why it can not be gotten back by the Government is that the discretionary power being in the hands of the Commissioner of Internal Revenue, it can not be reviewed by the courts. Having been exercised, it can not be reviewed by a court under well-known principles.

Who knows whether that $5,000,000 was properly or improperly paid? That was a special assessment; and they want the money to pay claims of this kind! These are the only two the names of which we have, and we got them by accident.

I continue reading:

Senator McKELLAR. In other words, the Tobacco case was settled primarily upon a matter of discretion?

Mr. PARKER. I do not think the taxpayer would have had any rights in this case in courts.

Senator McKELLAR. Would not?

Mr. PARKER. He would not have now; at that time this other decision had not been rendered. He probably could not have enforced the collection in the courts.

Senator McKELLAR. And about $6,000,000 was paid out by the Secretary of the Treasury, or by the Internal Revenue Bureau, to the American Tobacco Co.—or, was it the American Tobacco Co.?

Mr. PARKER. Let us call it the X Tobacco Co.

They are asking for a $75,000,000 deficiency appropriation to pay claims of this kind without giving us a word of information in regard to them. How in the world can any Senator defend his vote in favor of the appropriation under circumstances of that sort?

Senator McKELLAR. To the tobacco company, in order to conform with your idea of secrecy, about $6,000,000 was paid out for which that company had no legal right to recover, according to your judgment?

Mr. PARKER. They had a legal right. The commissioner had legal authority.

And it can not be reviewed.

Mr. President, here are the only two cases the names of which we have. It is a matter of discretion. Nobody can change it. Ought there to be no supervision of that discretion?

Are we going to give an officer of the Government that discretion in the future? That may have been entirely right; that payment may have been perfectly proper; but, if it was proper, why should it not be open? Why should it be done in secret? Why should it be kept in secret? Why should the name of the company that receives it be kept secret? Is that the way to conduct a republican form of government? Is that the way in which we should carry out the affairs of this Government? I say it is not. I say it is undemocratic. I say it is revolutionary to have such a system.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. McKELLAR. I yield to the Senator.

Mr. WALSH of Massachusetts. Perhaps the Senator in the course of his argument has discussed the remedial legislation that has been presented to Congress. If he has not done so, I should like to have him name the proposals that have been made and state the history of the legislation that has been proposed.

Mr. McKELLAR. I shall be very glad to do so.

I think I began in 1923—or perhaps it was in 1922—to call the attention of the Senate and the country to this system of tax refunds that were just constantly mounting and have been doing it ever since. If the Senator will permit me, I will show him how they have mounted. I have a statement right here of the refunds. Just listen to this:

The refunds in 1917, where there was so much trouble and so many jeopardy assessments, and everything of that sort——

Mr. WALSH of Massachusetts. I am calling the Senator's attention to the legislation that has been proposed to deal with this matter.

Mr. McKELLAR. I know, and I am going to answer that.

Mr. WALSH of Massachusetts. What hearings have been held? What opportunity has been given to the Congress, other than the Senator's present motion, to remedy the conditions of which he complains?

Mr. McKELLAR. I shall be delighted to answer.

In 1917 there was a refund of $887,000, less than a million dollars.

In 1918 it ran up to $2,000,000, and that seemed to be a good, big sum.

In 1919 it went to $8,000,000.
In 1920 it went to $14,000,000.
In 1921 it went to $28,000,000.
In 1922 it went to $48,000,000.
In 1923 it went to $123,000,000.
In 1924 it went to $137,000,000.
In 1925 it went to $151,000,000.
In 1926 it went to $174,000,000.
In 1927 it was $103,000,000.
In 1928 it was $142,000,000.

This year we have already appropriated and spent $130,000,000, and they are asking for this $75,000,000 more.

That is only the amount of refunds. That is less than one-third of it. The credits amount to the other two-thirds, or more.

So I think it was in 1923 that I first offered an amendment requiring some sort of supervision, some sort of open supervision—not a secret system of payments; anything that was open and aboveboard. If it was right that the Government should pay back these sums, they ought to be paid back; but the people ought to know what is becoming of these enormous sums of their money that are collected by taxation in the way I have described. So I offered an amendment that year——

Mr. WALSH of Massachusetts. To what bill?

Mr. McKELLAR. To the deficiency bill, to put a limitation on it, to put some restriction on it; and it was defeated. I was just run over. Everybody just said, "Why, no, no. Leave it to the department."

In 1924 I made the fight again, and the result was the same.

In 1925 the same thing happened, and every year since. Heretofore we have not had the facts.

Mr. WALSH of Massachusetts. Has any special bill been introduced looking toward legislation along this line?

Mr. McKELLAR. Yes; I introduced a bill some time during the present session, which was referred to the Judiciary Committee and unanimously reported, to give the supervision of tax returns and tax credits and tax abatements to the Board of Tax Appeals, which the Secretary himself had recommended and which was a bureau in his department.

Mr. WALSH of Massachusetts. Is that bill on the calendar?

Mr. McKELLAR. That is on the calendar with a favorable report.

Mr. WALSH of Massachusetts. Why does not the Senator try to get action on it?

Mr. McKELLAR. I have been striving since yesterday afternoon at 5 o'clock with all the ability and with all the earnestness of which I am capable to get action, and there is but one way to get action—that is to have it put on this bill as an amendment, because otherwise it will be strangled in the House or it will not be signed by the President; and we will have no law in that regard. We might as well be perfectly frank about it; the only way we can get it into the law, the only way we can change this system, the only method by which we can bring about an open and an honest administration of this matter is by putting that measure on this bill as an amendment. I asked the committee to put it on, but they turned me down. I am now asking the Senate, and a point of order is made against it——

Mr. GLASS. Does the Senator say that he presented this matter to the committee?

Mr. McKELLAR. Indeed, I did.

Mr. GLASS. This amendment of h

Mr. McKELLAR. Indeed, I did.

Mr. GLASS. I see no record of it.

Mr. McKELLAR. Oh, yes.

Mr. WARREN. The Senator is mistaken about it.

Mr. McKELLAR. It was turned down in the committee immediately after the Harris amendment was adopted. Of course it was turned down. It had already been reported, and I offered it before the committee. I took all this proof on it. I offered it there, and the committee turned it down and refused it on the ground that it was legislation.

Mr. WALSH of Massachusetts. The Senator now states that the Committee on the Judiciary considered a bill which he had introduced seeking to remedy the conditions about which he is complaining, and unanimously reported it?

Mr. McKELLAR. Yes.

Mr. WALSH of Massachusetts. And the Senator can not get action?

Mr. McKELLAR. I can not get action. Suppose the Senate should pass that bill; what good would it do? It would go to the House, and in the short session it would go by the board.

Mr. GEORGE. As I understand it, the Senator's amendment incorporates that bill?

Mr. McKELLAR. It incorporates that bill, and a point of order is to be raised against that amendment by the chairman of the committee, on the ground that it is legislation on an appropriation bill, and for that reason it is not in order, and in order that I might even discuss it on the floor I have had to move to suspend the rules. Yesterday the Senator from Wyoming, the moment I offered the amendment, made a point of order, and the Vice President ruled it out of order, but under a provision in the rules I moved to suspend the rules, according to the RECORD, and it is now here before the Senate on my motion to suspend the rules and to put the amendment on this appropriation bill. Otherwise I could not even have discussed the question.

Mr. WALSH of Massachusetts. Was a report made by the Judiciary Committee?

Mr. McKELLAR. They reported it favorably.

Mr. WALSH of Massachusetts. I hope the Senator will put the report in the RECORD in connection with his remarks.

Mr. McKELLAR. It is in the RECORD, and has been in the RECORD several days.

The Senator knows that when one moves to suspend the rules, it requires a two-thirds vote. I have to get two-thirds of the Senate in order to put the amendment on this bill. It is the only chance that we have to put it on the bill, and I am going to do everything in my power to get that done.

Mr. GLASS and Mr. WARREN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I believe the Senator from Virginia rose first.

Mr. WARREN. I have a question to ask the Senator; but the Senator may proceed.

Mr. McKELLAR. I will yield to the Senator from Wyoming in just a moment.

Mr. GLASS. Mr. President, the point I make is that when the Senator appeared before the subcommittee of the Committee on Appropriations he did not discuss one single, solitary aspect of this proposed amendment. As far as I have been able to determine, he did not ask a single question of the Treasury experts that would enable the Senate now to determine what, if any, breakdown of existing processes this amendment involves. He did not give us any information himself, or elicit any information from the Treasury experts, that was not already immediately available to members of the subcommittee. He has presented this matter here without giving the subcommittee which

considered the matter an opportunity to examine into the actuarial aspects of his proposition, and here we are confronted by a letter from the Secretary of the Treasury saying that the adoption of this amendment would break down his system of income-tax collection. I do not know that that is true, but my grievance is that the Senator from Tennessee, when he appeared before the subcommittee on this particular matter, afforded us no opportunity to determine in advance whether or not it was true. He did not ask a single, solitary question of the Assistant Secretary of the Treasurer or the Commissioner of Internal Revenue that would have enabled the subcommittee to determine whether or not it would be judicious to adopt this amendment.

Mr. McKELLAR. Mr. President——

Mr. GLASS. Just another word. The Senator from Massachusetts said——

Mr. McKELLAR. I would like to reply to that.

Mr. GLASS. Very well, the Senator may if he does not want me to interrupt him further. The Senator has the floor. I just wanted to respond to the interrogatory presented by the Senator from Massachusetts as to whether or not any of these matters had been examined into by a committee of the Senate.

The Senator will recall that one of the most searching and thorough examinations into the Internal Revenue Bureau ever held, at least within my observation or experience, was directed by this body to be made by a special committee, known first as the Watson committee, but I believe the Senator from Indiana [Mr. WATSON] retired from it, and the Senator from Michigan [Mr. COUZENS] became chairman of the committee. That committee made a thorough investigation of every aspect of income-tax payments and income-tax refunds, and the Senator from Michigan made an elaborate, detailed report to this body, with which nothing has ever been done. He proposed, with his report as a basis, to have these things opened to public inspection, and the Senate would not even agree to that.

If the Senator from Tennessee wants publicity, just let him propose by a simple amendment to this bill of one sentence to let us have publicity. Instead of that, he presents a bill here which the committee had no opportunity to inquire into, and is asking the Senate to operate as a body of actuaries and tax experts upon a proposition of that sort.

I do not care anything about the United States Steel Co. The Steel Co. is perfectly able to take care of itself, and to hire all the lawyers in the United States. I do not care a continental about the steel company, except that I believe that inherently a wealthy corporation is as much entitled to the protection of the laws of this country and to be dealt with justly as is an individual. It is the individual taxpayer I am concerned about.

I long ago called the attention of the Senate to the fact that a little clerk up in the Internal Revenue Bureau positively maneuvered the Government into a position where it might plead the statute of limitations against a taxpayer in my State. I had to appeal personally to the Secretary of the Treasury to get him to cancel the order.

Mr. McKELLAR. That is a fine system!

Mr. GLASS. It is not a fine system; it is an outrageous system.

Mr. McKELLAR. I am glad to hear the Senator talk that way about it.

Mr. GLASS. What I am complaining about is that the Senator is trying to go about its correction in the wrong way.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. McKELLAR. In just a moment. I want to have something to say. The Senator from Virginia talks about the letter of the Secretary of the Treasury, and says that we ought not to go contrary to it.

Mr. GLASS. I said nothing of the kind. I said I did not know whether we should or not. I apprehend the Senator from Tennessee does not know any better than I whether we should or not.

Mr. McKELLAR. Perhaps not, but I want to call the Senator's attention to the fact that yesterday we had a letter from the Secretary of the Treasury advising against the system proposed in the Harris amendment, and the Senator from Virginia, as I recollect, disregarded the recommendation of the Secretary of the Treasury.

Mr. GLASS. Yes; I did; and I would disregard this recommendation if I knew whether I should or not.

Mr. McKELLAR. I hope the Senator will look into it.

Mr. GLASS. The Senator has not told me anything that convinces me that I should.

Mr. McKELLAR. Perhaps not. The Senator says I did not bring this matter up before the committee. We will see whether I did or not. I read from the proceedings of the committee:

The subcommittee met, pursuant to call, at 10 o'clock a. m., in the committee room, Capitol, Senator FRANCIS E. WARREN presiding.

Present: Senators WARREN (chairman), CURTIS, PHIPPS, KEYES, OVERMAN, and McKELLAR.

Also: Hon. Henry Herrick Bond, Assistant Secretary of the Treasury in charge of fiscal offices; David H. Blair, Commissioner of Internal Revenue; and others.

The subcommittee thereupon proceeded to the consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The CHAIRMAN. Senators, we have a quorum present, with those who have left their votes with us, so we will proceed to business. We have before us the urgent deficiency bill, which does not attempt to take up matters that will come up in the second deficiency bill. The amount is some $84,000,000; $75,000,000 is for the refund of taxes collected illegally or by error, and $5,000,000 is for the Post Office Department for carrying the mail by air under contract, so that the ordinary urgent deficiencies are reduced to a little over $4,000,000.

We have the Commissioner of Internal Revenue before the committee this morning, and I will ask Mr. Blair to inform us about the matter of the refund of taxes.

Thereupon Mr. Blair testified, and Mr. Bond testified, and the other gentlemen testified. Nearly all of the hearing is taken up with the testimony about these refunds of taxes, and the Senator from Wyoming [Mr. WARREN] made a statement, which appears somewhere—I can not lay my hands on it just at the moment, but it is here—to the effect that my amendment was before another committee, and ought to be considered there, and should not be considered before the Committee on Appropriations. That is the very contention that is being made here, that it is not in order, and the only way by which it can be held in order is by a suspension of the rules; and I have moved to suspend the rules. They disregarded my amendment and did not report it.

Mr. GLASS. There are 56 pages of inquiries and answers, and I ask the Senator from Tennessee to point to one single, solitary question directed to the experts of the Treasury Department as to whether his proposed amendment would create confusion and disturb existing processes down there.

Mr. McKELLAR. Why ask the men who are opposed to it any such question as that? I did not ask it.

Mr. GLASS. How does the Senator know they are opposed to it?

Mr. WARREN. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield to the Senator.

Mr. WARREN. Since the Senator is reading from the testimony, I wish he would read it all.

Mr. McKELLAR. Oh, no; it would take too long.

Mr. WARREN. Will not the Senator wait a moment? I did not break in on him.

Mr. McKELLAR. I shall be delighted to hear the Senator.

Mr. WARREN. There was nothing before us but a bill introduced by the Senator, referred to the Committee on Appropriations, with no intention, as far as was shown by the face of the bill, of offering it as an amendment to the appropriation bill.

Mr. McKELLAR. No; but it——

Mr. WARREN. Wait a moment. Under our rule we could not consider and put onto this bill as an amendment a measure of that kind, and bring it in here, without having it immediately sent back to the committee unacted upon. The Senator did not ask for anything of that kind. He asked to have certain witnesses brought in, and everyone he asked for was brought in, and every Senator sat in his place and let the Senator from Tennessee occupy the entire time asking the witnesses questions. He was particular to ask questions that would suit his particular purpose, and did not seem to care anything about other matters than that. We had a later meeting of the subcommittee, and the chairman addressed the Senator from Tennessee and asked if he had an amendment to bring before them on the subject, and he said no, that he would take up the matter in another way.

Mr. McKELLAR. Oh, no; the Senator held——

Mr. WARREN. I state the fact that I addressed the Senator and asked him if he had an amendment to bring before that subcommittee, and he said no, that he expected to take it up another way.

Mr. McKELLAR. The Senator is just mistaken in his recollection about it. This is what happened: I presented this bill, which had been favorably reported, and asked that it be put as an amendment on the appropriation bill. The Senator declared that it was legislation and out of order, and I said, "Well, I will take the matter up with the Senate," and that is just exactly what I have done.

Mr. WARREN. There was no report from any committee on the bill in connection with offering it for this or any appropriation bill before it came to us.

Mr. McKELLAR. I am not so sure about that.

Mr. WARREN. I have the documents right here.

Mr. McKELLAR. Anyhow, I offered the bill, and the Senator said it was out of order, and that he would make a point of order when I offered it in the Senate; and the moment I rose in my place yesterday and offered the amendment the Senator did make a point of order against it, just as he said he was going to do.

Mr. BORAH and Mr. WALSH of Massachusetts rose.

Mr. WARREN. I made the point on the floor of the Senate, and I would make it again if it should come up in that way.

Mr. WALSH of Massachusetts. Mr. President——

Mr. McKELLAR. Let me yield to the Senator from Idaho, who has risen once or twice.

Mr. BORAH. Is there going to be any opportunity for us to act on the question of publicity by the offering of an amendment which would result in the proceedings being made public?

Mr. COUZENS. I am going to offer an amendment looking to that end.

Mr. BORAH. The Senator from Michigan says he is going to offer an amendment to bring that about.

Mr. McKELLAR. I hope such an amendment will be offered, but it is not the province of my amendment to secure publicity. Its only province is to have refund cases tried in the open and not in secret.

Mr. CARAWAY. Mr. President, may I ask the Senator a question now?

Mr. McKELLAR. I must yield first to the Senator from Massachusetts, who rose several moments ago.

Mr. WALSH of Massachusetts. Am I to understand the Senator to state that the only opportunity the Senate will have to approve of the principle in the special bill which has been heard by the Committee on the Judiciary and unanimously reported is by now voting for his amendment?

Mr. McKELLAR. That is the only way the Senate will have of putting it in the law; because if we pass the bill——

Mr. WALSH of Massachusetts. The same principle is embodied in the bill reported unanimously by the Committee on the Judiciary as is embodied in the Senator's amendment?

Mr. McKELLAR. Word for word, every word of it. It is not changed in a single respect. It is absolutely the same, and is offered here as an amendment under suspension of the rules.

I am now glad to yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator's amendment does not seek publicity of tax returns and tax payments. It merely undertakes to say that wherever there is an amount involved of more than $75,000——

Mr. McKELLAR. No; over $10,000.

Mr. CARAWAY. That where the amount involved is more than $10,000, the trial shall be open to the public, so that everybody will know who is asking for a return above that amount and will have an opportunity to know what evidence has been offered and what decision has been reached.

Mr. McKELLAR. That is the purpose of the amendment. It provides for the open trial of tax claims involving amounts above $10,000 before the Board of Tax Appeals, which has been recommended to pass upon similar claims by the Secretary of the Treasury.

Mr. CARAWAY. In other words, unless a man is seeking to get something back, his tax returns remain secret, as they do now?

Mr. McKELLAR. It does not interfere in the slightest degree with the publicity of tax returns as it now exists, except where a man wants them made public.

Mr. CARAWAY. How in the name of common sense can that do any harm?

Mr. BORAH. Mr. President, will the Senator speak a little louder? We are unable to hear the questions of the Senator from Arkansas.

Mr. CARAWAY. I am curious to know, if it is only dealing with tax refunds above $10,000, how anybody can consistently say that it is going to disrupt the Income Tax Unit or income-tax organization in the Treasury Department?

Mr. McKELLAR. Of course, anyone can say what he pleases, but my mental make-up is not sufficient to understand an argument of that kind.

Mr. CARAWAY. I understand it but I do not believe it.

Mr. McKELLAR. I do not believe it at all.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. GLASS. Publicity is not the only effect of the proposed amendment. If we want publicity of tax returns, let us have it.

Mr. CARAWAY. This does not involve publicity of tax returns at all.

Mr. McKELLAR. It does not provide for it at all.

Mr. GLASS. I mean tax refunds or abatements. Let us say if we want it. If we want it, let us say that the record may be open to the inspection of the public or of anybody. That is simple enough, but that is not the effect of this amendment.

Mr. McKELLAR. That has been voted down by the Senate several times.

Mr. GLASS. If that has been voted down and the sole purpose of the pending amendment is to effect that purpose, why may not the amendment be voted down now?

Mr. McKELLAR. There is no publicity purposed in this amendment.

Mr. GLASS. Let me ask the Senator this question: The Senator, I think, admitted a while ago that the Board of Tax Appeals is a bureau of the Treasury?

Mr. McKELLAR. It is.

Mr. GLASS. A part of the Treasury?

Mr. McKELLAR. It is.

Mr. GLASS. Then, in effect, the whole thing to be accomplished by the amendment is to transfer from one bureau of the Treasury, with its employed experts, to another bureau of the Treasury, with its employed experts, the final determination of these cases. Is not that it?

Mr. McKELLAR. It is to transfer it to the other bureau where there will be no secrecy, where the claims are to be determined in the open.

Mr. GLASS. If the Senator wants publicity, why does not he offer a simple amendment to the bill providing for publicity?

Mr. McKELLAR. Because I am not engaged in that matter now. I am engaged in an entirely different purpose, which is to have these large claims involving more than $10,000 tried in the open. When a taxpayer comes and says, "The Government has done me an injustice and I want to correct it," I want him to have an open forum in which to try that case, a forum constituted by law.

Mr. GEORGE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Georgia.

Mr. GEORGE. The Board of Tax Appeals is appointed by the President and confirmed by the Senate; is it not?

Mr. McKELLAR. It is, but it is regarded as an independent bureau by the Treasury Department.

Mr. GEORGE. But the members of the board receive their appointments from the President?

Mr. McKELLAR. Of course. I think it is admirably set up and admirably fitted to perform the services that are necessary in the opinion of everybody.

Mr. GLASS. It is largely composed of former internal-revenue employees who are to pass upon their own work in many cases, so much so that I offered an amendment to the bill restricting appointments thereafter so that none of the attachés or former attachés of the Internal Revenue Board should be named to the board. It is strictly a Treasury proposition, and this is just simply a proposal to transfer from a bureau of the internal revenue, with its scores of hired experts, to a court or board whose calendar is already congested, it has been stated, with 21,000 cases not acted upon. This would add tenfold to the work of that board.

Mr. McKELLAR. At any rate they think they can do it. I want to say for the Board of Tax Appeals that, as I recall, when they were appointed by the President I did not know one of them personally. I do not know that I know more than two of them now; I could not say positively about it. I am sure that I know one, and I think possibly I know two of them. But they have agreeably impressed me. I think they are trying to function in an honest, fair, open way. I think they have agreeably impressed everybody in the performance of their duties and I think that they are admirably fitted for the work.

Mr. CARAWAY. At least that is a left-handed compliment the Senator is handing them.

Mr. McKELLAR. It is not a left-handed compliment, but I think they are qualified in every way and we would be better satisfied to have them handle this work than to have the matter determined in a secret way by a commission about which we know nothing.

Mr. CARAWAY. Mr. President, will the Senator from Tennessee yield to me to ask the Senator from Virginia a question?

Mr. McKELLAR. I am glad to yield to the Senator for that purpose.

Mr. CARAWAY. I want to ask the Senator from Virginia a question. He was at one time head of the Treasury. What real objection could anybody urge against a public trial in a

case involving $10,000 or more? What is wrong with that proposal? If a man is going to get that much money refunded, unless he is going to conceal it from his creditors, he ought not to be anxious to have it kept secret.

Mr. GLASS. I will say to the Senator that when a proposition of this magnitude, involving a sweeping reorganization of the processes and the work of the Internal Revenue Bureau, is presented to me without any further explanation than has been made here upon the floor, I would hesitate to agree to it in the face of the statement from the Secretary of the Treasury himself that it would tremendously confuse, if not actually break down, the system of income-tax collections. I think this is a matter which should have been presented in all its details to the subcommittee, that the experts of the Treasury who there appeared in person might have been asked with respect to these matters. I do not find from the record that they were asked anything about them.

Mr. CARAWAY. Let us say that ought to have been done, but what reason can be given against a public trial of cases involving such large sums of money?

Mr. GLASS. One of the reasons presented is that the dockets of this Treasury court, to which we are asked to transfer the final decision of these questions, are already filled up with 21,000 cases not yet acted on.

Mr. CARAWAY. Everybody can take his case there now under the law, can he not?

Mr. GLASS. No; not everybody.

Mr. McKELLAR. Everybody except the Government.

Mr. CARAWAY. Any taxpayer can, and the Senator himself brought about a strong indictment against the method when he said an employee there actually connived in bringing about a situation where the Government could plead the statute of limitations.

Mr. GLASS. Oh, yes. I am pleading for the taxpayer and not for the Government.

Mr. CARAWAY. I am too, and I want the taxpayer to get his money back if he is entitled to it. But he does not have much chance where men of that kind in secret can keep his money away from him, does he?

Mr. GLASS. Let us make it public. I did make this particular case public.

Mr. McKELLAR. And the Senator violated the rules of the department when he did it.

Mr. GLASS. I did not at all.

Mr. McKELLAR. The present officials say so.

Mr. GLASS. When did the department ever say that?

Mr. McKELLAR. Mr. Bond, in his testimony, stated they were not allowed to give any facts about any particular case.

Mr. GLASS. Oh, pshaw! The taxpayer knows all these facts.

Mr. McKELLAR. Mr. President, I believe I have said about all that I desire to say, except I have one further statement that I want to make in conclusion.

I am opposed to the system of tax refunds that has been carried on in the Treasury Department since 1921. I am opposed to it because it is a secret system. I am opposed to it because it is a class system. I am opposed to it because, whatever the intentions of those who may have been administering it, it has resulted, in my judgment, in great wrongs being perpetrated on the Government and grave injustices being done to the great body of taxpayers in the country.

I want to say that the system of back-tax collections in this country, taken in connection with refunds, has completely broken down. It means nothing to the Government except to give favors to a favored few.

I quote now from a statement by Mr. Bond on page 24 of the hearings. Just listen to this:

> Mr. BOND. Every large corporation knew that before its tax matters were finally closed, its books would be audited with the greatest care and the work reviewed and their tax finally determined on the basis of those facts.

At another place in the record, Mr. Bond stated in substance that the payment of taxes by large taxpayers was provisional only and that they immediately filed applications for refunds. In my judgment, Mr. President, this system is unspeakably wrong. The ordinary income taxpayer has no such agreement with the Government. The ordinary taxpayer is not thus favored by the Government. He pays his tax and that is an end of it. The system is rotten—rotten to the core. It gives rise, and will continue to give rise as long as it is maintained, to all kinds of improper practices. An official in the Treasury, who sees a chance for a back taxpayer to get out of a large portion of his tax, will constantly have the temptation to resign and go and tell the taxpayer in the hope that the taxpayer will recover and divide the amount with him. Such an eventuality, Mr. President, has too often happened.

Besides, the hearings are secret, and where there are secret hearings, there is every opportunity for wrongdoing upon the part of the agents of the Government. I do not mean to make the charge that there is any wrongdoing, but every opportunity is given the agents in the secret hearings for wrongdoing.

Again, Mr. President, the refunds are so large that, if they continue, they will seriously embarrass the Government. They are so large that large taxpayers everywhere must use every endeavor to secure these returns. More than that, Mr. President, what a political weapon and practice in the hands of the Treasury Department.

The tax refunds, including credits, during the last eight years have amounted to between four and five hundred million a year. They are in the nature of favors granted special taxpayers. Those who are on the inside know how to get the returns, or those who are able to employ those on the inside know how to get the returns. The way it is being conducted, it is really a species of graft, obtained in secret, bartered for in secret, the money paid in secret, and with Senate and House committees flouted when they ask for information. I do not say that it is used as a political weapon, but if a Commissioner of Internal Revenue desires to use his office politically, it is easy to see that under this system his power over the taxpayer would be almost unlimited.

Mr. President, the record shows that the amount of admitted tax refunds and credits during the last six years amounted to $2,614,000,000. We have not the records for the preceding two years. Mr. Bond says:

> In the later years there has been a substantial reduction of abatements and credits.

Assuming that he is correct and only estimating the first two years at the same rate as the last six, there would be added $896,000,000 to the total, which would make during the last eight years refunds and credits amounting to $3,317,000,000, or about $400,000,000 a year.

When what has been appropriated for 1929 is added it brings the aggregate up to over three and one-half billion dollars.

Mr. President, this is seven times the value of the oil involved in the oil scandals. Think of it—seven times the value of the oil involved in the great oil scandals. This amount that has been returned is more than the entire cost to the Federal Government of the Civil War. It is more than one-fifth of the entire remaining war indebtedness of the United States. It is nearly twice as much as the entire public debts of the 48 different States in 1927, according to the World Almanac. It is more than the entire cost of the Government from the beginning up until the year 1860. The Government expended $2,205,108,000 in the first 70 years of our history. It is more than the entire cost of the Government between the years 1880 and 1890. It just about equals the entire cost of the Government from 1880 to 1890. It is about the same amount that we expended on the cost of government from 1911 to 1915, inclusive.

It may be claimed that if a taxpayer is justly entitled to a refund he should have it. That is entirely true, and I want to say again, as I have said all along during the many years of this contest, that no one believes more firmly than I do that a taxpayer who is unjustly taxed and pays more than the law requires him to pay, of course, should have a refund; but, when that is done, it ought to be done in an open, fair, just, and painstaking way—in a way that will not give rise to scandal, in a way that is not open to scandal. It ought to be done by a regularly constituted court or a judicial body such as the Board of Tax Appeals.

Again I say that it is to the secret system of tax refunds that I am opposed. The present law permits the Commissioner of Internal Revenue to refund any taxes that he regards as unjust or excessive. This opens the door to unlimited refunds and makes it imperative that his discretion shall be subject to revision by another body.

Mr. President, there is another reason why this amendment should become a law. Nothing has ever made the income tax law more unpopular than the system which is known as back or reassessment of taxes. A taxpayer never knows under our Federal system when he is through paying taxes. I am not talking about the large taxpayer who makes a business of getting refunds but about the ordinary taxpayer throughout the country. He never knows when he may be back assessed. He never knows when he may be reassessed. The Government has an army of employees. I do not know the number, but I will undertake to get it later. There is, however, a vast army of tax employees going up and down the country from one end to the other—in villages, in cities, and everywhere—examining

tax returns and reassessing our citizens, and for what purpose? We find that during the last eight years these tax gatherers who are making the tax laws unpopular wading into men's business, always causing strife and trouble and loss, have collected about $4,000,000,000, or, to be exact, $3,968,000,000. On the other hand, the bureau paid out not less than $3,317,000,000 in refunds and credits. Taking the cost and expense of reassessments and collections, they do not collect enough to pay the refunds and credits in the Washington office. The result is that by this vast system of harassing the taxpayers, causing them no end of trouble, no end of expense in fighting these oftentimes unjust reassessments, the Government really makes nothing. In other words, it would have paid our Government to have accepted the original returns of the various taxpayers and stopped there. The expense would have been reduced to a minimum, the law would have been a popular law, and this vast preying on the public would not have occurred.

I am utterly astounded at the figures of the Commissioner of Internal Revenue. He states on page 7 that the total refunds are $935,804,343.27, and that the back assessments during the same period are $3,968,326.28, and that, therefore, the refunds constitute only about 24 per cent of the individual income taxes reassessed. Furthermore, since the figures on the credits, rebates, abatements, and depletion allowances have come in it is found that the one about offsets the other when the cost of collection is included.

Mr. President, the enormous sums paid out in the last eight years in the way of tax refunds and credits are larger than the entire material wealth of the State of Alabama, or the State of Kentucky, or the State of Louisiana, including the city of New Orleans, and almost as large as the entire State wealth of Tennessee. What an intolerable system of taxation we must have which requires an average of refunds and credits of $415,000,000 a year. I have tried to tell the Senate and the country to-day what an evil system of income taxation we must have when mistakes to the amount of $3,500,000,000 are made in a year. What an intolerable situation! What a miserably inefficient conduct of the income-tax system that is!

Mr. REED of Pennsylvania. Mr. President, the Senator does not mean that all of that amount is represented by mistakes?

Mr. McKELLAR. That amount represents refunds; the taxpayer has been deprived of $3,500,000,000 which subsequently had to be paid back to him. It is due to mistakes or something else.

Mr. REED of Pennsylvania. In many cases the amounts have been paid to the taxpayer because of retroactive legislation passed by Congress.

Mr. McKELLAR. I think that such amounts would represent but a small part of the total.

It is said that the British refund is large, but, Mr. President, it is but a fractional part as large as ours, and they have a different system. In other words, their taxes are collected at the source and the individual is afterwards given credit for such taxes collected at the source. I am informed that the real refunds, or credits, given by the British Government to their taxpayers are infinitesimal when compared with ours.

Again, Mr. President, what an opportunity there is for graft; what an opportunity there is for fraud; what an opportunity there is for favoritism in distributing governmental favors. I am not making any charge of that kind, but what an opportunity there is for it. The refunding of taxes in this way could make the Commissioner of Internal Revenue easily the most powerful factor in politics in the United States. Great interests would be afraid to say a word against any request he might make. It is a vicious system; it ought not to be allowed to stand for a moment longer than it will take the Congress to rectify it; and so I urge the adoption of my amendment.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield the floor, unless the Senator from Alabama desires to ask me a question.

Mr. HEFLIN. Mr. President, I was going to remind the Senator from Tennessee when he was talking about the opportunity for graft and corruption that, as he and other Senators will recall, when Mr. Doheny's taxes were refunded the clerk who so kindly served him, who reaudited his tax account, was by Mr. Doheny immediately taken out of the service, where he was getting $2,500 a year, and put upon Mr. Doheny's pay roll at $7,500 a year. I would not be surprised if that incident had not been repeated in the case of other favorite taxpayers.

Mr. President, the Senator from Tennessee, I wish to repeat, has rendered a great service to the Congress and to the country. The Senator is not seeking to withhold a dollar of refund from any honest taxpayer; he is not seeking to prevent the return of a single dollar that has been unjustly paid to the Government.

The Senator is pleading for a just and fair deal in this matter between the taxpayer and the Government. He is asking to take away from clerks in the Treasury Department the opportunity and the privilege which they now have of taking the files of big taxpayers and of reauditing them and recalculating them and discovering mistakes, if they be mistakes; and I do not think that hundreds of items hatched out from there are really mistakes. I am going to be frank and say to the Senate that I think that this situation down there has come to resemble an ugly form of graft. I can not see, to save my soul, how mistakes involving three or four hundred million dollars a year can be made in this country by two or three hundred thousand taxpayers.

Mr. President, when the first refunds were made and certain big taxpayers tasted blood, they insisted on having the system opened up generally, and it was opened up to them by their friends. And the big taxpayers begun their annual pilgrimage to the United States Treasury. So this species of favoritism has gone on year after year for the last 8 or 10 years, and the Government's representatives in the department have got it down to such a fine point that they come here in advance and tell us about how much they are going to need for the next year.

Think of that, Senators! Would you not imagine that honest officers digging into these tax returns with the idea of winding them up as fast as possible would be able to come and tell the Congress, "We will not ask for any more after the next time; we will be through." The Senator from Tennessee [Mr. McKELLAR], however, asked one of the witnesses on the stand how he could estimate in advance that a certain sum would be needed for this purpose, and the reply was, "We can estimate it by what we have been refunding in the past." That is the substance of his statement. Think of that! There is the gold mine; there are the files of the big taxpayers; here are the clerks; yonder are the agents outside being hired to get in touch with the clerks. The clerks have access to the files, a reaudit is had, and a judgment is rendered in secret in all cases under $50,000 without any board ever seeing it. What do you think of that, Mr. President? That is worse than a secret executive session where Senators sometimes tremble in their boots lest somebody outside finds out how they voted in secret. They have a sort of secret executive session arrangement down there in the Treasury Department. A little clerk goes in and gets a file in a big tax case and he immediately resolves that he will hold a secret session.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. HEFLIN. I yield.

Mr. NORRIS. I want to ask the Senator if he does not think that the executive session business in the department works very much more effectively than does ours, and if we could not improve our executive method of doing business if we appointed a committee to confer with the Secretary of the Treasury and obtain his plan for keeping all this public business secret?

Mr. HEFLIN. I think the Senator's suggestion is a good one, because we can not even get a list of the taxpayers to whom he refunds this money.

Mr. BRATTON. Mr. President, I should like to suggest that the Senator from Nebraska be made chairman of the committee to confer with the Secretary of the Treasury.

Mr. HEFLIN. I think it is a good suggestion to have the Senator from Nebraska made chairman of such a committee to confer with the Secretary of the Treasury. Then, at least, we will be told what the Secretary of the Treasury says. The Senator from Nebraska would be open and fair enough to tell us just what the situation was, but the clerks——

Mr. DILL. Mr. President——

Mr. HEFLIN. I yield to the Senator from Washington.

Mr. DILL. Does not the Senator fear that the Secretary of the Treasury might have some rule of secrecy that he would impose on the Senator from Nebraska?

Mr. HEFLIN. He might do that; but the Senator from Nebraska would even report that. He would report that he was not able to make any progress because of such a secret rule.

However, Mr. President, in the department a clerk takes out a file and goes into secret executive session with himself. He sits in a room to himself, I take it, and he uses a pencil—and he has an eraser on his pencil so that if the figures are not working out to his satisfaction he erases them and calculates again—and discovers, as in the case of the Steel Corporation, that a mistake has been made to the extent of $57,000,000.

Think of that, Senators! Do you think that money should have been returned; all of it? Do you not believe that there

was skullduggery worked in that? If you do not, you are mighty easy to fool. Of course, the Steel Co. did not make that many mistakes. That is a very careful and painstaking company. If the Steel Co. paid taxes that it ought not to have paid, I want the money refunded; but I can not believe that the Steel Co. could make a mistake against itself of $57,000,000. But here, after the case remains in the file for quite a while, a clerk is consulted, and suggestions are made about a refund, and the papers are telling about others getting refunds; and the Steel Co. is able to have returned to it in one fell swoop $57,000,000 of the tax funds of this Nation.

It looks to me as if it resolves itself into a situation where under our law we have compelled the men who are able to pay most to do so. We have had them follow the example laid down by the Master. The Master demanded more of the man with five talents than he did of the man with two. I think the man who has the most wealth ought to pay the most taxes. I do not think he ought to be burdened with taxes. I want to see his business prosper. I think every legitimate business ought to be permitted to prosper, whether it is big or little; but I do not think we ought to refrain from telling the truth about business because it is a big business and is a power in politics.

We need more men in public life who have courage enough to tackle wrong and injustice in big interests; more men who will stand in this Chamber, where they speak for a sovereign State, and dare to tell the truth about the misconduct of any and every interest, whether big or little.

If a big interest, by reason of its financial and political influence, can reach some clerk in a department and carry on this crooked work and take this tax money out of the Treasury, where it ought to remain unless it has been unjustly paid, then it is incumbent upon us to stand here as the representatives of the people and tell the truth about it, and make these big men toe the mark just as we would a little man. We should have one standard for the big and the little alike.

What are the department officials doing to cover up those mistakes? They are dishing out this money to these big millionaires by the shovelful, and they are sending a swarm of taxgatherers all around the country hunting out the small taxpayer and meddling in the small man's affairs. They are going in and demanding to see his books. They are spying into his business, and they are saying, "You have not paid enough." They are reassessing him; they are annoying him; they are burdening him; they are embarrassing him to get money back, to say, "While we have refunded this large sum to the big taxpayer we have offset it with what we have taken from the pockets of an army of small taxpayers." That is what you are doing.

You heard the argument of the able Senator from Tennessee that we had refunded $3,000,000,000 in credits and rebates and cash, and that we had collected $3,000,000,000 through this other source, altogether.

Mr. President, what sort of a farcical arrangement is that? It looks as if under our law we have reached the time where we have put on the statute books a requirement that these big men shall pay their portion of the taxes and the representatives of the Treasury Department wink at them and tell them, "That is all right; you will have to pay, but if you will go to the Treasury Department and have your file examined, and file your claim for a refund, you can get back a whole lot of it." Those taxpayers understand exactly what they mean, and they have been going up there regularly for the last 10 years and taking out this money by the basket full; and how many are there of those who receive such special governmental favors? A hundred thousand and a little more.

Mr. President, as I said before, this thing has reached the point where it has become a scandal in the refund of these Federal taxes. Let me read you a little of the testimony.

The Senator from Tennessee [Mr. McKELLAR] was examining Mr. Blair, the Commissioner of Internal Revenue.

Senator McKELLAR. I would like to know something about the cases and something about the claims which you are going to pay out of this $75,000,000.

Commissioner BLAIR. There is no way by which I can tell until a case is passed upon finally.

Senator McKELLAR. How did you come to decide that $75,000,000 is urgently needed when you have just received $130,000,000?

Commissioner BLAIR. We can judge pretty well what we will do the remainder of this fiscal year by what has now been paid. That is the best way we can give it to you.

Why, Mr. President, they already know in advance how many potatoes there are left back in the hill, without digging them out, because they have been digging out so many a year. They just know that the potato hills are there; they have been yielding so much each time they have dug, and they just guess at it, and estimate that they will yield that many more fat yams, yellow yams, gold yams, to those who enjoy these special favors.

Here is another:

Senator McKELLAR. You have not spent that at all?

Mr. BOND. No; that is not available until the next fiscal year.

Senator McKELLAR. Take the large appropriation of last year, which was made available for 1929.

Mr. BOND. That was the $130,000,000 that I am referring to. We began with that on the 1st day of July, 1928, and that is practically all expended.

Here is another interesting statement:

Senator McKELLAR. How much have you left?

Mr. BOND. My recollection is that before the Steel payment we had about $52,000,000; $26,000,000 was paid to the Steel Co., and there is still something like $21,000,000 or $22,000,000 available now.

Another time the Steel Co. had a refund; and the refunds together, both of them, amounted to $57,000,000.

Mr. President, I want to say just this word more:

I do not see how any Senator can excuse himself for voting against the amendment of the Senator from Tennessee. He is simply asking to have all these cases above $10,000 referred to this Tax Appeals Board. Let the tax adjusters, these men appointed to try the cases, try all these cases; and if a man has a claim for a refund—if John Jones has a claim against the Government—let him come in and file it in open court, and let him set forth the reasons for filing it, and let him be heard in the open, and let the judges sit in the open, and let the case be finally decided in the open and a record kept of all the proceedings, so that we can know who is receiving this money, and why it was returned, and in what amount it was returned.

There is not a Senator in this body who can name now a dozen taxpayers who have had money refunded to them and the amounts refunded. Think of that; yet some of you voted for the return or refund of over $900,000,000 in these measures that have passed here when the Senator from Tennessee and I were opposing them. You voted to appropriate this money, and you can not tell your constituents to-day to whom that money was refunded, and you can not get Mr. Mellon to give you their names and the amounts that were refunded. I challenge you to do it, any of you.

Mr. President, I submit to the Senate and the country that that condition of things reveals a terrible situation here—that a majority of Congress has been voting to hand out three and four hundred million dollars at a time to be turned over to the Treasury Department to be doled out to favorites who pay big taxes and are asking to have their taxes returned. A Senator will stand here and vote for that, and then you ask him, before his people:

"Did you vote for that?"

"Yes."

"Well, to whom were you refunding that money?"

"I do not know."

"How much did you refund to this man or that man?"

"I do not know."

"Well, who decided whether the refund was just or not?"

"I do not know."

"Was it tried in the open or in secret?"

"It was tried in secret."

"How was it tried?"

"Well, a clerk reaudited the papers, and he reported to somebody else, and another clerk approved it, and somebody entered an order that it should be paid, and that is how it is done."

"And you voted to appropriate three or four hundred millions at a time to pay claims like that?"

"Yes."

And then they will doubtless say: "Why did not you demand that every man asking for a refund of taxes be required to submit his case in the open and have the facts determined in the open?"

Your constituent will say, "You could not have put over these secret deals before any county commissioner's court in the Union," and you can not. You let a man come up in my county—Chambers County, Ala.—and say, "I have paid too much taxes; I want a refund," and the commissioners, with the judge of probate sitting, will say, "Well, let us hear your statement about that"; and anybody and everybody in the county can come in and hear, and the judgment is entered in the open, and a record is kept of the procedure, and anybody who is interested can come in and see the record and see what transpired.

I challenge any one of you to go down and see these records in the Treasury Department; I challenge any one of you to bring out of Mr. Mellon's office the records showing to whom these refunds have been made and the amounts in each instance.

Senators, what are we coming to in this body when Senators are standing here and seriously asking us to vote to continue this appropriation without giving us the facts that we are asking for to-day?

The issue here is plain. It is this, briefly:

One side is contending that these cases shall be determined behind closed doors and by clerks, as they are now determined. The other side is contending—and that is the position of the Senator from Tennessee and myself—that they shall be brought out into the open and tried in public, where the public can attend, and where the men already appointed and authorized to pass on tax cases shall pass on these cases. When you do that you make impossible the repetition of the Doheny Act. You will not have a big man get his refund made and then pat on the back the clerk that did it, and say:

"How much salary are you getting?"

"Two thousand five hundred dollars."

"Well, come with me and I will give you $7,500 a year."

Doheny did that, and others no doubt have done it, and they will do it in the future; and if they are not doing it in that way, improper doings and corruption is bound to come up in some other way; and I think it already exists. You will pardon me for being frank enough to tell you that I do not believe that a billion dollars in cash have been refunded to a few thousand taxpayers without there being graft in it all up and down the line. It is indeed an ugly situation and I am trying to remedy it.

What we need, Mr. President, is more of the heroic courage displayed at this Capital by "Old Hickory" Jackson against the corrupt and powerful Federal banking interests of his day. There is a combination of influential financial interests operating in Washington to-day. It is reaching into the United States Treasury and taking out millions of money through ways and means that can not be defended.

If there is nothing wrong in it, vote with us to compel them to come out in the open and say, "We are willing to accept McKellar's amendment and have a court of tax appeals to try these cases, where the public can see and hear what goes on." Then they will not have to hunt up a clerk to hobnob with in secret about the refund of millions of the people's money.

The Senator from Arkansas [Mr. ROBINSON] pointed out that one man had a refund made to him of a little over $800,000, and it cost him three hundred and odd thousand dollars to get the refund of $800,000. Who got that $300,000? Those are the things we ought to look into. Who knows but that some clerk in the department shared in that $300,000 of graft. That, I submit, is a very suspicious case, where one taxpayer pays $300,000 to get back $800,000. He had to give more than a third of it.

Let us fix a statute of limitations in this matter, and let the honest taxpayers know that they must make their claims for a refund within a certain time, and show the facts, submit their cases in the open, and come with clean hands, ready to abide the judgment of an honest court. Let them do that hereafter. But, instead of that, they want to continue this mysterious, star-chamber proceeding, where, behind closed doors, mysterious and accommodating clerks live and move and have their being. They slip and slide about noiselessly with a file for tax refund under their arms. They do a little penciling on a piece of paper, and it is passed to somebody else, and an order is issued and $400,000,000 is handed out to certain favorites in tax refunds, and the Senate to-day can not name a dozen men who have gotten these enormous refunds in the 10 years past. It is a terrible indictment against a majority of both branches of Congress. They ought to be ashamed of it.

Let us to-day put a stop to this thing. Let us adopt the amendment of the Senator from Tennessee [Mr. MCKELLAR]. Senators, the people back home in the States that we represent are entitled to have a fair deal in this important matter. These big fellows who hate the income tax law are the men who are trying to destroy it because it is the only arm of the law that reaches the big man who has his wealth in money and in securities so that the ordinary tax collector can not reach it. We passed a law to reach the class that had been escaping taxes, and it does reach them. Now, we are compelling them to pay and you are giving it back to them in secret through the back window and the back door, and I demand that it be stopped.

Mr. President, I want every man to pay his fair share of taxes. I would not have any citizen imposed upon by unjust taxes. I do not believe in hampering or burdening legitimate wealth. Wealth is important; it is a thing to be desired in any country, and if it conducts itself right it is a blessing to mankind, but if you permit it to go unbridled and it corrupts politics and seizes the reins of government, then it becomes an evil and a curse in the land.

This Government ought to be at all times big enough and courageous enough to say to the big man, as well as to the little man, "So far shalt thou go, and no farther." Let us say to these big men, "If you paid too much in taxes, we want you to have your refunds. Come right into court. We instituted the court for that purpose. Submit your evidence. Let us have the case tried in the open." Then we will do away with this secretive sneaking and slipping around, hunting out Government clerks and others, and having a man pay out a third of what he is getting back in taxes in order to get his refund. If a taxpayer has been required to pay taxes that he should not have paid, it ought not to cost him anything to have the matter adjusted and the money refunded.

Senators, we can wipe all this scandalous procedure out by doing our duty to ourselves, to the honest taxpayers, and our duty to our country by making this whole tax-refunding business open to the public.

There is no excuse for carrying this work on behind closed doors. Nobody can defend it. This secret-session business down there has got to stop. I want to make a prediction with regard to it, that if you do not right this matter you will not hear the last of it in politics until it is righted. Make a note of that. The people of this Nation who have to pay taxes and who are being annoyed, the average man, by this swarm of tax gatherers you are sending around to filch a little here and a little there, to fill up the till that you have just emptied in order to pay the mighty rich their refunds, are getting exceedingly tired of it. They want a fair deal. They are willing to pay their fair share of the taxes, but they are not willing to be gouged and hounded and reassessed and made to pay more while the big fellow pays his taxes in temporarily and has it returned to him with interest a little later on.

Did Senators know that interest is paid on these refunds? The Government does pay interest on these refunds. So, about the best investment a rich man can make now is to pay his taxes to the Government and let them lie there for two or three years, until their case gets a little old, until they can find a clerk who has the ability and disposition to reaudit it, and then he will go over it and the refund will be forthcoming, and the taxpayer will get interest on it for all the time it has been there. Is not that a nice banking arrangement you have for some of these big fellows?

Mr. President, there are going to be many questions propounded to Senators about this very question. This Government is supposed to be founded upon the rules of right and the laws of justice, and I submit that where one has to take his case into an open county court for a tax refund and proceed before the public with his testimony, and have his case adjudicated, he can not move to the Capital of the Nation and go behind closed doors, where the millionaire class is involved, and try the case in secret session with a little clerk to do the auditing and the ordering of the refund, and then have the Congress sit like a bunch of mummies and vote three or four hundred millions a year in refunds. I refuse to do it. When we asked Secretary Mellon to give us a tax list showing to whom he was refunding the money, what amounts were refunded, with a little line or two telling why they were refunded, he refused to do it. We can not get that information. I challenge any Senator here to get it. Now they are asking us to leave that situation as it is, when they will not give us this important information.

I introduced a resolution in the Senate asking for a list of those who had gotten refunds, and I could not get the resolution through until it was amended so as to cover those who had received refunds amounting to more than $25,000. We then got a few big concerns that paid the taxes for that year, and we have not a scintilla of information here this year, not a line.

Are you ready to vote, Senators, to continue the old system and for this additional amount for questionable future refunds? Why not do the fair and just thing and vote for the amendment of the Senator from Tennessee? In doing that you vote to deliver the honest taxpayer who is entitled to a refund from the secret snoopers and snipers who hold him up and rob him in secret of what is due him by his Government. Do you want to deny the honest taxpayer the right to have an honest court try his case in the open? If you vote to deny him that right, you vote to perpetuate the miserable secret-session system, the closed-door session, that they have down there. You are voting to keep this important testimony from the public. Every honest taxpayer who feels that his cause is just, that he is entitled to a refund of taxes, unjustly collected, will rejoice at the opportunity to present his cause in the open. He will rejoice at the opportunity to have his claim passed on in the open.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum. This is a very important matter, and more Senators ought to be here.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Simmons
Bayard	Edge	McKellar	Smith
Bingham	Fess	McNary	Steiwer
Black	Fletcher	Metcalf	Stephens
Blaine	Frazier	Moses	Swanson
Blease	George	Neely	Thomas, Idaho
Borah	Gerry	Norris	Thomas, Okla.
Bratton	Glass	Nye	Trammell
Brookhart	Glenn	Oddie	Tydings
Broussard	Gould	Overman	Tyson
Bruce	Greene	Phipps	Vandenberg
Burton	Hale	Pine	Wagner
Capper	Harris	Pittman	Walsh, Mass.
Caraway	Hawes	Ransdell	Walsh, Mont.
Copeland	Hayden	Reed, Pa.	Warren
Couzens	Heflin	Sackett	Waterman
Curtis	Johnson	Sheppard	Watson
Dale	Jones	Shipstead	Wheeler
Deneen	Kendrick	Shortridge	

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is absent on account of illness.

The PRESIDING OFFICER (Mr. FESS in the chair). Seventy-five Senators having answered to their names, a quorum is present. The Senator from Washington [Mr. DILL] is entitled to the floor.

Mr. DILL. Mr. President, discussion of the amendment submitted by the Senator from Tennessee [Mr. MCKELLAR] leads me to talk on the subject of secret sessions. It occurred to me that probably the Secretary of the Treasury got the idea of secrecy in the proceedings regarding tax refunds from the secrecy of the Senate in holding executive sessions. As was suggested in the speech of the Senator from Alabama [Mr. HEFLIN] it might be well to send some one down to the Secretary's office to get these secrets. It is noteworthy, however, that the secrecy imposed by the Secretary of the Treasury has been much more successful than the secrecy attempted in the Senate in keeping the names of Senators secret on the votes cast here in executive session.

One of my friends has suggested that it might be well, if the amendment of the Senator from Tennessee fails to pass, for the Senate to send to Mr. Mellon's office the newspaper man who secured the list of Senators who voted on the West case and see if he could not get the names for us; that he had had such success in ferreting out secret information in the Senate that he might be able to get secret information from the Treasury Department as to the list of names to whom refunds are made.

I hold in my hand an article from the Washington Post of this morning, copyrighted by the United Press, which purports to give the roll call showing how Senators voted on the confirmation of Mr. West for the office of Secretary of the Interior. I find my own name in the list and I am recorded as having voted against his confirmation. Under the rule of the Senate I dare not deny and I dare not affirm that report. That is true of every other Senator. I do not know whether the list is correct or not, and if I knew I would not dare to tell. I would be violating a rule of the Senate. Yet nobody is able to explain just how the list came to be as nearly accurate as it may be.

There are many methods, no doubt, of getting such information. Being one of those who have given some attention to radio, I have wondered whether it were possible that concealed in our desks there are sensitive microphones, or possibly there are in the carpets, woven wires of dictographs, so that all we say here in secret session is carried out to some unknown listening post. Or is it possible that in the ceilings of this sacred Chamber there are hidden electrical devices that carry out such information? I do not know.

I can not believe that any Senator would so forget his position as ever to tell any newspaper man how he voted on a great question. But the roll call printed this morning under copyright is evidence that we have reached a terrible state of affairs in the Senate. It is evident the time has come when men who have gone out to the people and secured their high position in this body in the open forum of politics can no longer get behind closed doors and cloak their actions so the world may never know what they do about the President's choice for Secretary of the Interior. Of course, if there is any office about which men might wish to be secret in confirmation of a nomineee, it would probably be that of the Secretary of the Interior. The records of certain Secretaries of the Interior of recent years might make Senators more desirous of not having it known how they voted on such a confirmation. Yet I submit it is a slander on the Senate that this list should be printed as correct and no Senator be able to rise in his place under the rule of executive sessions and state whether or not it is correct.

Mr. BRUCE. Mr. President——

Mr. DILL. I yield to the Senator from Maryland.

Mr. BRUCE. When we again go into secret executive session we might ask each and every Member of the Senate about it.

Mr. DILL. Suppose we were to ask each and every Member of the Senate, and a Senator said yes, he told somebody how he voted on the confirmation of Mr. West, would the Senator from Maryland then be in favor of expelling the Senator who had so violated the rule?

Mr. BRUCE. I do not say what I would be in favor of; but that is the rule, as I recollect. It provides for expulsion in case there is any violation of the rule relating to the business of a secret executive session. I was myself approached, as I suppose other Senators were, by members of the press to find out what the votes were. I believe if every Member of the Senate answered as I did, he declined to give any information whatsoever on the subject.

Mr. DILL. Now that it is printed, the Senator can not give any information about it either without violating the rule of the Senate.

Mr. GLASS. Would it violate the rule of the Senate if the Senator were to tell what did not happen in executive session?

Mr. DILL. If he told what did not happen, and it were different from what is reported to have happened, he would be telling that fact and revealing a secret of the Senate.

Mr. GLASS. No; the rule does not say that a Senator may not state what did not happen in executive session.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. DILL. I yield.

Mr. GEORGE. I trust it will never become a rule of the Senate that a Senator may not denounce as false any such statement by whomsoever made.

Mr. DILL. It will be seen that we soon come to the splitting of hairs as to the meaning of words, and I submit it is getting us into a most difficult position.

Mr. GEORGE. I do not think that is a splitting of hairs.

Mr. DILL. It only illustrates the embarrassment and chagrin and the pitiable condition, if I may use that expression, in which Senators are placed.

Mr. GLASS. May I ask, if a Senator should take the responsibility upon knowledge of saying that the list was inaccurate, would that be a violation of the rule of the Senate?

Mr. DILL. I do not know. I am not able to answer that question.

Mr. HEFLIN. That would at least give the correspondent an opportunity to make it correct.

Mr. DILL. It would at least give the impression that the Senator who made the statement felt that the part of it which related to himself was not correct.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. DILL. I yield.

Mr. NORRIS. I should like to suggest to the Senator a method by which he could escape the disability under which he is laboring in not being able to say whether it is right or wrong. Of course, in secret executive session the Senator would be at liberty to state whether it is correct or not. If he wants to be vindicated before the people, the way to do it is first to get the Senate to go into secret executive session and then, if he will there state the truth, the newspapers the next day will publish it, and in that way he will get vindication. [Laughter.]

Mr. DILL. I thank the Senator for the suggestion, but that not having been done I wanted to call attention to the condition in which Senators are placed.

I shall not read the list as it appeared in the Washington Post, and I shall not enter into any further discussion of the matter. Seriously, this incident is illustrative of what I think is a most ridiculous situation, in which men holding high office as Senators find themselves. Why any man elected by the people to represent the people and carry out the will of the people in the conduct of public business should want to keep it secret is beyond my understanding of the spirit of modern democracy and of the spirit of the people of America.

Mr. NORRIS. Mr. President, I desire at this time to discuss the amendment pending to the appropriation bill. I am reminded to do so by what the Senator from Washington [Mr. DILL] said when he was discussing secret executive sessions of the Senate.

As I look at it, the Senate and the House as the lawmaking body are to blame for the astounding things which the Senator from Tennessee [Mr. McKELLAR] has disclosed in his remarks, although it ought to be said that on several occasions, when we have had bills relating to the Internal Revenue Bureau before the Congress for consideration, the Senate has adopted a publicity provision. It has always been rejected by the House and has always gone out in conference. Sometimes the publicity amendment was defeated in the Senate itself. If we had succeeded in making the law as the amendment of the Senate on several occasions provided the law should be in regard to publicity, the reasons for the amendment of the Senator from Tennessee would to a great extent have disappeared. I do not see how any of us can listen to his narration of facts without being impressed with the astounding things that have happened in the way of the refund of taxes.

I am not claiming, Mr. President, that the refunds were illegally or wrongfully made. I do not know. I have no way of finding out. As a Member of the legislative body of the country, if I wanted to change the law I would not be able, as we ordinarily are able, to ascertain how it is working and to say how it should be improved if it needs correction. The big sin in it all is the secrecy, and involved in such secret methods are not millions but billions of dollars that have been wrung from the people of the United States by taxation.

Because a corporation is a claimant and because its claim is large, I concede it does not necessarily follow that a refund is wrong. If the corporation has overpaid its taxes, then it ought to be allowed to get back the overpayment; no one will dispute that; but, Mr. President, there naturally comes a suspicion in the minds of honest people when enormous amounts are refunded, and when they are refunded in secret, without the record of the case, so far as the application and the evidence are concerned, ever having been made public, it naturally brings to the ordinary mind a suspicion of something wrong. The history of civilization demonstrates that a secret method of doing the public business will ultimately lead to corruption. There has never been an exception to the rule that where secret methods of government have been carried on for a reasonable length of time such a result has followed. It may be that so far in these tax reductions there has been nothing wrong, no illegal act, but it follows as night follows day, especially where there are such large amounts involved, that the transaction of the public business in secret behind closed doors necessarily leads to corruption in government.

I do not want to say, "I told you so," but it was said over and over again in the various debates we have had on this question in the years that have passed, that we should get into difficulty if we provided, as we have by law, that income-tax returns should be secret. The Senator from Alabama [Mr. HEFLIN] gave an illustration of what would happen in his State, and the same thing I think could happen in every State in the Union. A citizen claiming that he has been overtaxed appears, in the instance mentioned by the Senator from Alabama, before the board of county commissioners. He has to make an affidavit; there is a sort of trial, with the doors open, with the public admitted, there being no secrecy about it. The board adjudicates the case, and even though a citizen in following the case might not agree with the judgment of the board, unless he believed there was corruption, or something of that kind, he would accept the judgment of the board as final; he would be satisfied. On the other hand, if the action were taken in secret, the whole county in the case to which I refer would be talking about it the next day, and saying that the board of county commissioners had given to Mr. John Jones a refund of a tax of a thousand dollars, that they had done it in secret, and had never given the reason why the application was made and the hearings held in secret. Multiply that by a million, and you have what is going on in the Treasury Department by officials, some of them minor officials, and clerks who are passing on questions in the result of which every taxpayer in the United States is directly interested. We have evidence before us, I think undisputed—at least, so far it is undisputed—that in 1917 the Steel Corporation made its tax return without any coercion; it did it willingly under the law; and later on applied for and received a rebate of several million dollars.

That may be all right; if we could look behind the closed doors and examine the application and the evidence we would know in our judgment whether it was all right. Not being able to ascertain the facts we can not say that it was wrong; but is there anybody, knowing the Steel Corporation, which is one of the greatest corporations in the world, who believes that when that corporation makes a tax return it will be at all likely to make a return detrimental to itself? It may do that; it may be perfectly honest about it; but the presumption will not lead one to that conclusion. The thing that would cure it all would be publicity.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. Of course I yield.

Mr. REED of Pennsylvania. I should like to suggest to the Senator that the first return was filed on April 16, 1918; and there was not anybody then living or now living who at that time knew how invested capital should be calculated. The law had just been passed; the special assessment section of the law, as it is called, had not been construed, and nobody knew what it meant. It was in the middle of the World War and there was no time for any tax board to get considered advice on it. I think the Steel Corporation was only one of a very large number of corporations which made larger returns than they should have done and paid more taxes than they should have paid. I think that is worth carrying in our minds.

Mr. WARREN. Mr. President, I should like to say to the Senator that in all these matters the officials of the department comply with the law. That is the testimony before the committee.

Mr. NORRIS. Yes; that is the testimony before the committee.

Mr. WARREN. That testimony was quite elaborate. I should like to say further, so far as secrecy is concerned, that when the question is stripped of other considerations, as it can be by reading the testimony, there is very little of it left, and what is left is because of legislation of the Congress. In giving their testimony the officials of the department were very careful, as I noticed once or twice, not to go further than the law permitted, but there seemed to be a disposition to go just as far as the law permitted them to go, at the same time obeying the law.

Mr. NORRIS. Exactly. I said in the beginning that Congress enacted the law as to secrecy, and I am not finding fault with any of the officials. I am trying now, if I can, in my weak way, to have Congress remedy the difficulty which the statement of the Senator from Wyoming on its face admits exists. He says these officials are very nice; they seem to be anxious to go just as far toward publicity as the law will let them go. That is an admission, to begin with, that there is a barrier set up by the law over which and beyond which these men dare not go without violating the law. That is the criticism I am making now. It is the law that is wrong.

However, I was calling attention to the fact that those of us who realized that secrecy was going to get us into difficulty tried to change the law. We have tried it, I think, in every tax bill that has ever been before Congress since prior to the beginning of the World War. Sometimes we were successful so far as the Senate was concerned, but at no time did we succeed in putting into the law a real publicity feature with teeth in it, a feature that those who advocated it believed to be anywhere nearly satisfactory. If we had publicity we would get rid of all suspicion, and we would get rid of what must sometimes come, if it is not here now, corruption in these matters. We can not continue secret methods indefinitely and keep corruption out. We would get rid of it if we had publicity and public business were not transacted behind closed doors in secret. When a committee of the Senate tried to get information from the officials whose very existence it provided and asked them on the witness stand to give information, they answered—and properly answered—"We can not tell you that, Senator; that is a violation of the law, the law that you passed."

No one was hurt because the small taxpayer mentioned by the Senator from Alabama—and whether it be the case of a little taxpayer or a big taxpayer matters not—had his tax refunded in a public manner. Is anybody trying to repeal that law? No; it is conceded to be right and to be necessary; but when it comes to the refund of Federal taxes, involving millions and hundreds of millions and billions, then it is said, "Drop the curtain; keep the people back; do not let anybody know the facts." One of the difficulties, though not the only difficulty, is that behind this curtain of secrecy in the Treasury Department they seem to be able to conceal from the bright newspaper men the things they do, whereas here in this august body we have not been able to do that. Perhaps we can learn from the officials in the Treasury Department or the officials in the Bureau of Internal Revenue how to do it. We certainly have not been able to do it as yet in this body, and I confess I am rather delighted that we have failed in our attempt. I do not feel very sorry about it.

Mr. GLASS. Mr. President, the pending proposition, as I understand, is to appropriate $75,000,000 in addition to what has already been appropriated——

Mr. WARREN. Mr. President, may I say to the Senator that the amount already appropriated is for the next fiscal year, and this appropriation is for the present fiscal year?

Mr. NORRIS. It is a deficiency.

Mr. WARREN. Yes.

Mr. GLASS. That, I will say to the Senator, does not affect what I was about to say. The pending proposition is to appropriate $75,000,000 additional to pay for refunds of taxes illegally and erroneously collected, and it has been suggested that all this is to be done in secret; but the text of the bill provides—

> That a report shall be made to Congress by internal-revenue districts, and alphabetically arranged, of all disbursements hereunder in excess of $500 as required by section 3 of the act of May 29, 1928 (45 Stat. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

I do not see, under this pending proposition, how any big taxpayer may escape publicity.

Mr. NORRIS. Mr. President, the provision which the Senator has read and all in the law to which that provision refers, if adhered to strictly, will not give publicity. There is but little advantage in saying when a refund is made, "We have given to Mr. Smith $50,000; we have given to Mr. Jones $100,000." That much will have to be reported; but that only, it seems to me, in one sense at least, adds to the difficulty. "Why did you give Mr. Jones $100,000? What was his claim? Why is it that Mr. Smith was entitled to $50,000?" "That is a secret; we can not give you that information." The whole transaction is shrouded in mystery at once.

As I remember, in the Couzens committee's investigation down here in the bureau, in the secret archives of it, you will find a decision perhaps in some man's case making a certain order, and a part of that decision will be, "This decision must not be used as a precedent."

What does that mean? What would any lawyer think that meant if he were investigating it and found it? The knowing ones who are inside and know that such an order has been made in secret, and that John Jones has gotten $100,000 by virtue of it, can, with a confederate on the outside—or, if necessary, by resigning and getting a confederate on the outside—say to Mr. Smith, who may have a similar case, "I know of a decision that will give you a hundred or two hundred thousand dollars in the way of a refund of tax"; and that leads to more corruption and unfairness.

What about the fellow who never hears of it? What about the man who has a just claim for a similar refund, assuming that the other one is just? Why should not his tax be refunded? It almost resolves itself to this as a practical proposition—that only those can get redress who are able to pay the enormous fees of these people who get information out through the closed doors of this bureau, assuming for the sake of the argument that in every case they are entitled to redress. There are other men who would get refunds of much smaller amounts, so small that one of these attorneys probably would not fool with them; and yet to such an individual a penny might mean more than a hundred thousand dollars to some other man. He is entitled to a refund, and ought to have it, but he never finds it out. He has no way of telling it. He can not read these decisions; he can not read these arguments that are made; he has no access to the tribunal that makes these immense refunds of taxes.

Mr. President, it may be that the amendment proposed by the Senator from Tennessee transfers this work to some place where it ought not to go. I myself have not been convinced that the Board of Tax Appeals is not an appropriate place to which to send it. The thing that moves me more than anything else is that if that happens there will be something in the nature of a trial. It will be public, and there will not be these suspicions, even though they be nothing but suspicions, which everybody knows in time will grow into realities, into proportions of fraud and wrong that will be almost immeasurable. For the sake of good government, honest government, we ought to put this matter somewhere where there will be a trial, and there will be a trial in the open.

Perhaps a better method can be devised. I should be glad to support one if it could be devised; but I should like to say that if the amendment which is now pending, and which will require a suspension of the rules, and therefore a two-thirds vote, is not agreed to, there will be an amendment offered that will not be subject to a point of order, that will in a modified form, at least as far as this appropriation is concerned, reach the dilemma.

It seems to me the better way would be to agree to the amendment of the Senator from Tennessee, and make it general, so that it will apply not only to this appropriation but to every other appropriation heretofore or hereafter made.

Mr. COUZENS. Mr. President, I have discussed this matter so much before the Senate from time to time that I hesitate to take the time of the Senate now, and particularly do I regret having to oppose the proposal made by the Senator from Tennessee [Mr. McKELLAR].

The proposal made by the Senator from Tennessee is very involved, and would, as stated by the Senator from Virginia [Mr. GLASS], greatly complicate the administration of the Income Tax Bureau.

There are some 12,000 claims still pending, as I am informed, before the bureau for old years; and under this proposal all of these cases, in addition to claims for rebates and credits and abatements, would have to go before the Board of Tax Appeals, who are already loaded up for years and years in advance.

It can hardly be contended that a legitimate claim should not be paid. No one contends that; and yet if these legitimate claims had to go before the Board of Tax Appeals it would be years and years before they would be paid, and there would be millions if not hundreds of millions of dollars of interest which would have to be paid by the Government by reason of the mere deferring of the settlement of these claims. It seems to me that under these circumstances other means may be adopted that will very largely accomplish the purpose desired with respect to proper publicity, or making these cases public records.

For that reason I dislike very much to resist the amendment proposed by the Senator from Tennessee, because his objective is correct. He has in mind a perfectly laudable object, and no one would like to see it attained any more than I would; but I think the attempt to attain it in this way is impracticable.

I desire for a moment to go into the question of the discretionary power and thereby the opportunities for privileges and favoritism that can be granted under the existing law and the existing practice.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Tennessee?

Mr. COUZENS. I do.

Mr. McKELLAR. I will say to the Senator that if he has a better way to effect the same purpose that I know both he and I have in mind, I shall be delighted to join him in effecting that purpose.

Mr. COUZENS. I thank the Senator very much, because I believe that we both have the same object in mind.

There is a general impression that the so-called Watson-Couzens committee was interested only in resisting refunds; that we had no interest in the taxpayer; that we had an interest only in seeing that refunds were not made, and complaining about irregular and improper tax refunds. That is not the case. The committee endeavored to point out that by these methods—methods provided by law—there was every opportunity in the world for favoritism and for fraud and deceit.

I have repeatedly said that if I were Commissioner of Internal Revenue, or in charge of that bureau, I could perpetuate any political party in power; and I repeat that statement. It is entirely possible, and I believe to an extent practiced, that every contribution to a political party may be secured out of the Treasury of the United States through a refund or an abatement or a credit to these corporations or individuals who contribute to campaign expenses.

I want to show you just a case here that has recently come before the tax commission. The tax commission was created by the act of 1926 or 1928, I forget which, when Congress passed a law providing that a commission should be appointed, constituted of five members of the House Ways and Means Committee and five members of the Senate Finance Committee. In the CONGRESSIONAL RECORD of January 5, 1929, you will find a number of tables and copies of letters which came from this tax commission, made up of Members of the House and Members of the Senate; and because of the secret records, which are not now secret, in fact, some of those papers deal specifically with the Reynolds Tobacco Co. The records and the statements in the CONGRESSIONAL RECORD refer to the "X Tobacco Co.," and the designation "X Tobacco Co." is used because at that time it was a violation of the law for the staff to use the name of the corporation; but when the refunds were filed it was disclosed that the Reynolds Tobacco Co. secured a refund in the amount paid to the company referred to as the "X Tobacco Co.," so under that process it was possible to develop the fact that it was the same company that was referred to.

The Senator from Pennsylvania [Mr. REED] yesterday commended the expert who is in charge of the work for this com-

mission; and in response to a comment from the Senator from Arkansas [Mr. ROBINSON] the Senator from Pennsylvania said:

We chose him—

That is, Mr. Parker—

because of his conspicuously fine work with the Couzens committee. Nobody could think that Mr. Parker was prejudiced in favor of the Treasury Department. He has rendered us loyal, faithful, and able service.

Now I want to comment on what Mr. Parker says with respect to this Reynolds Tobacco Co. case.

For example, when the papers first came to the tax commission Mr. Parker objected to the form of settlement that was proposed to be made. Remember that under the law the Bureau of Internal Revenue had to refer to this tax commission all claims in excess of $75,000, and when that was done the commission staff might have 30 days within which to audit and check the accounts; but they were given no authority to resist the payment or to stop the payment, and therefore the law was ineffective and is ineffective.

Mr. Parker wrote to Mr. Alvord, special assistant to the Secretary of the Treasury, under date of June 30, 1927. He says:

In connection with the refund proposed to the R. J. Reynolds Tobacco Co. for the years 1918 to 1921, inclusive, we would like to make an examination of the complete files in this case for the years noted. We respectfully request, therefore, that such files be delivered to our corporation auditor, Mr. Chesteen, in room 2653, Treasury Annex No. 2. The refund in this case is principally due to the computation of the tax under the special-assessment provisions, sections 327 and 328. The profits tax has been fixed in accordance with the rate paid by only one comparative company.

I want to emphasize that "one comparative company," because I am going to refer to it later.

The revenue act of 1916, section 328 (a), contains the following words:

"In the cases specified in section 327, the tax shall be the amount which bears the same ratio to the net income of the taxpayer in excess of the specific exemption of $3,000 for the taxable year as the average tax of representative corporations"—

Plural, "corporations"—

engaged in allied or similar trades or business bears to their average net income."

In view of the express provisions of the statute quoted above, it would appear that the use of one comparative in making a determination of tax under this section would be illegal.

In the first place, the word "corporations" is plural; and in the second place it is impossible to give a meaning to the word "average" if applied to only one comparative company.

We would appreciate it if some one of the general counsel's office would give us a legal opinion on this point, as it seems possible that it may have been overlooked. We wish to examine the files in this case, in order to see whether the total advertising costs have been charged to expenses during the years under consideration. Special assessment has been granted on the ground that advertising expenses should have been capitalized, and we are of the opinion, therefore, that at least during the years under consideration such costs should not be allowed to be deducted from income as an expense item.

What happened, in substance, was that both those things happened; they were permitted to deduct for expenses, and, in addition, expenses were capitalized for the purpose of computing excess profits.

Mr. GLASS. What was the response of the bureau to that request of the commission? Did the bureau give the expert of the commission access to the records in the case?

Mr. COUZENS. Yes; they had access to the records in the case, but there seems to be a dispute between Mr. Alvord and Mr. Parker as to whether a written response was made to this request. I find no record of a written reply, at least, having been made to that letter. I am coming to the point later on as to probably the reason for no written reply having been made; or, at least, I do not find it.

To get at this Reynolds Tobacco case and to show the power and the discretion of the Commissioner of Internal Revenue, and therefore the possibility for favoritism, on page 1219 of the CONGRESSIONAL RECORD of January 5, 1929, there is a table at the bottom of the page numbering 15 companies. They do not dare under the law to name the companies, but these are specific companies, numbered 1 to 15, all tobacco companies. All of these companies paid their taxes on the statutory basis, not under the special-assessment provision of the tax law.

Company No. 1 was a small company and had a net income of $29,531. They paid a profits tax of $12,725, or 43.09 per cent. I am not going to take up the time of the Senate to enumerate all of these. We will go down to company No. 5, which earned $66,102. They paid $41,981 in profits taxes, or 63.50 per cent.

Then we go down to company No. 15, and we find that they made $583,082 and paid a tax of $263,569, or 45.20 per cent.

The average of what those 15 companies, which were all small companies, earning during 1918 from a minimum of $29,000 up to $583,000, paid in excess-profits taxes was 41.86 per cent of their income.

For 1919 there is shown a table following substantially the same lines, only that the percentage of profit paid to net income during that year by 10 different companies was 14.78 per cent.

Take this "X" company, which is the Reynolds Tobacco case, for instance. In 1918 their statutory tax on excess profits would have been 50.37 per cent. The rate the bureau let them get away with was 26.09 per cent, while the average for these little concerns was 41.86 per cent.

In 1919 the statutory tax for the Reynolds Co. would have been 18.1 per cent. The Treasury let them get away with 6.16 per cent, while the average of the other companies was 14.78 per cent of their net incomes.

In 1920 the statutory tax of the Reynolds Co. would have been 11 per cent, and they settled on 4.67 per cent, while the average for that year for these other companies was 12.38 per cent.

The question arises, why was the Reynolds Tobacco Co. case settled on such a low rate, and why was such a large amount of refund made by the department?

Mr. Parker points out in the letter to which I have referred that the tax was fixed in accordance with the rate paid by only one company. So that left it discretionary with the commissioner or his staff to pick any particular company they liked for comparative purposes. The commissioner could have picked a little company which made a small return and compared the rate of the larger company with that, or he could have picked a large concern and compared it with that.

Mr. GLASS. That would not be a correct interpretation of the law as stated by Mr. Parker.

Mr. COUZENS. That is just exactly the point I make. I say that there is nothing mandatory that the department obey the law. Under this process they would have to obey the law. They can do anything they please, in defiance of law, and there is no way under the sun by which Congress, or any other body, when the taxpayer agrees, can question the payment.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. NORRIS. As I understand it, the law requires them to settle in accordance with an average of similar corporations.

Mr. COUZENS. Yes.

Mr. NORRIS. They settle, as a matter of fact, by taking one corporation.

Mr. COUZENS. That is correct.

Mr. NORRIS. Of course, as the Senator says, and says truly, that was a violation of the law, but it was done secretly.

Mr. COUZENS. Oh, yes.

Mr. NORRIS. That could not have happened if there had been publicity of those decisions.

Mr. COUZENS. I do not like the word "publicity," because the public seems to have misunderstood it. I mean that these records are public records. I do not care whether there is any publicity given to these settlements or not. All I want is that if I am in a like business I may be able to go to the records and see that I get the same kind of treatment my competitors get.

Mr. NORRIS. That is all that anybody wants.

Mr. COUZENS. That is all anybody wants; but the public mind and the minds of Members of Congress are confused between the words "public records" and "publicity." I do not ask for any publicity. I never approved of a publicity clause in revenue acts. What I want is for these records to be public records, so that if I am in the tobacco business and see my competitor, the Reynolds Tobacco Co., get $9,000,000 in refunds, with $2,000,000 interest, I want to be able to go down and see why I do not get the same kind of treatment.

Mr. NORRIS. If the Senator will permit me, on every occasion when we put an amendment in regard to publicity on a revenue bill it was not in the form in which it was written in the law; the provision finally adopted was a different proposition and did not amount to anything. The amendment we adopted simply provided that these returns should be public records and treated and considered as public records generally.

Mr. COUZENS. That is true.

Mr. NORRIS. That is all we tried to do.

Mr. COUZENS. That was true of the last revenue act.

Mr. NORRIS. Yes.

Mr. COUZENS. In previous revenue acts they jockeyed some sort of language into the law which provided that the internal-revenue collector should lay on the counter a list of income taxes which the newspapers could come and get. That was absurd and silly and defeated itself.

Mr. NORRIS. Will not the Senator permit me to explain just how that came about? That was the result of an amendment put on in the Senate which, as I remember it, was word for word with the language we wrote into a previous act. One was copied from the other. But when it was finally agreed to in conference the law had the silly provision in it to which the Senator has referred. Nobody asked for that. That was what the conference committee gave to us in the law. Those in favor of what is ordinarily known as "publicity" never advocated anything of that kind.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me to ask a question at that point?

Mr. COUZENS. I would like to complete my statement; but the Senator may go ahead with his question.

Mr. REED of Pennsylvania. I got the impression, from the questions of the Senator from Nebraska, that he had concluded that the Government had lost by reason of the secrecy in the tobacco case, and the use of only one comparative.

Mr. COUZENS. I was going on with the story.

Mr. REED of Pennsylvania. The Senator did not intend to give that impression, I am sure.

Mr. COUZENS. I had not completed my story. If I may do so, I think I will make that plain, and show that this works both ways, and that we are not only interested in seeing that the Government's revenues are protected but are interested in seeing exact justice done between all taxpayers, and the taxpayer and the Government.

Mr. NORRIS. Of course.

Mr. COUZENS. When they came to make a comparison for the purpose of computing the amount of the special assessment that should be made, I am informed that the bureau took the firm of Liggett & Myers, tobacco people, and they said, "There is what their earnings are, and we will compute the Reynolds Tobacco Co. tax on the same basis." They never went to any of the little concerns, or the other enumerated in the record to which I just referred.

I am informed by members of the staff—I doubt if there is a record here of it—that the reason they did not take the American Tobacco Co. and other cases was that had they done so, and added the rates together, and averaged the assessment on that basis, the refund to the Reynolds Tobacco Co. would have been $5,000,000 more. That is what the Senator from Pennsylvania means when he says that the Government was not gotten the best of in this settlement. In other words, if the Reynolds Tobacco Co. had gone in and been able to look over the records of the American Tobacco Co., or of the Liggett & Myers Co., or the other big companies, they would have said, "Here, take these comparisons, and if you do we will have $5,000,000 more of a refund coming." But they were not able to see those records.

Suppose the Reynolds Tobacco Co. had refused to contribute to the Republican Party and they were therefore compelled to pay $5,000,000 more taxes. I mean that is an example of the possibilities. I do not even claim that such possibilities exist; I do not know; but if I were in charge of the department, and I wanted to do so, I think I could make it so that it would not cost anybody anything to conduct a Republican campaign or a Democratic campaign, according to which party happened to be in charge of the administration.

The strange thing is that everybody is so involved in this matter. Every company has such a stake, whether it is a banking company, a publishing company, a manufacturer, or what not, they have all such a stake in the Treasury Department that they do not dare publicly to criticize the kind of settlements that are handed down in the department.

It is incomprehensible to me why anybody should oppose this. Distinguished Senators, like the chairman of the Finance Committee and the ranking member on the Democratic side, both wrote letters to the Reynolds Tobacco Co., pointing out that the law contemplated that that was the kind of a concern that was to receive the benefits of the special assessment taxes. The courts have ruled that this discretionary power in the Commissioner of Internal Revenue can not be reviewed by the courts. So that in the settlement of these cases the decision of the commissioner is final, it is not subject to review by anyone, not even the courts of the country can review them. They have already decided that, because they say it is wholly discretionary with the commissioner.

It is said that most of these refunds are based on decisions over which the bureau has no control. Twenty-five per cent of these refunds are based on claims under the special assessment statutes, and therefore it is entirely discretionary with the commissioner.

It may be said that the Congress is responsible for making that sort of a law. It is, in the initial stages, yes; but we have a right to assume, when we pass a statute of that sort, that discretion will be used with judgment, and I contend that in these cases there has been no kind of judgment used in the method of computing these special assessments, so that in the absence of that there has been all kinds of possibility and probability of favoritism.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. McKELLAR. The Senator recalls the testimony of Mr. Blair, the commissioner, that he had never exercised that discretion himself at all; that he had never passed on any case; and so the discretion that is being exercised must necessarily be that of some employee of the department.

Mr. COUZENS. That is true, but I think, perhaps, the commissioner overstated the fact, because I know the record shows cases in which he was conferred with, and complaint has been made that he has been dilatory in reaching a final conclusion in many of those cases and thereby caused delay.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. COUZENS. I yield.

Mr. PHIPPS. Having heard the testimony of the commissioner, I want to say that I did not derive the understanding from his statement that appears to have been derived by the Senator from Tennessee.

Mr. McKELLAR. I will read what he said so there can be no doubt about it.

Mr. PHIPPS. I do not think that point was definitely brought out.

Mr. McKELLAR. We will see about it. I will look it up and read it as soon as I find it.

Mr. COUZENS. Mr. President, it is always an unhappy thing to have to refer to one's personal experiences and his personal affairs in matters of this kind, but the Senator from Tennessee in discussion of the case this morning brought out the opportunities for the tax experts to mulct the public because of having inside information. There would not be any inside information if the records were public records. The decisions rendered by the solicitor would not have the statement in them that "this case is not to be used as a precedent for other cases." The decisions would all be made public, and like cases would get the same treatment.

I think it may be said that the anxiety of the Bureau of Internal Revenue at times to get revenue has caused them to do as much injury to the taxpayers as to the Government. I am not saying that the action of the Bureau of Internal Revenue has always been on the side of the taxpayer or always on the side of the Government. It is their lack of proper balance and proper judgment that I criticize. I contend that that would not be possible if the records were public records. I think in many cases the taxpayers have been done a great injustice, and I think in many cases favoritism to taxpayers has resulted in injury to the Government.

For instance, in 1922, before I came to the Senate, Mr. Thompson, of Black & Thompson, first presented to Mr. Mellon the so-called difference in valuation of Ford's stock valuation in 1913. He came to my office and said, "You were required to report a certain dividend in the year 1919 as income. I can get that put back into the 1916 or 1917 tax return." That would have carried with it a much lower rate than the 1919 rate, because the 1919 rate was the highest rate in all history. I said, naturally, "What will it cost?" "Oh, half a million dollars." I said, "What are you going to use a half million dollars for?" He said, "There is a lot of work to be done in the Treasury Department, a lot of people to see, expenses to incur, and so on. It will take half a million dollars to get that million-dollar refund or to get that dividend placed back in the year 1917 so you will have a lesser rate to pay." The difference, as I said, was approximately a million dollars.

Obviously, of course, I turned the proposition down and let the matter stay in the year in which the bureau had put it, as I thought the bureau was right and that it was placed in the proper year. It was one of the cases where the man with inside information could go around and solicit business. While I recognize it is a violation of the rules to solicit business, yet they do it, and the Senator from Virginia [Mr. GLASS] knows of cases where they have solicited business. I think everybody having any information at all on the subject knows that it is done promiscuously.

As I said, I do not want to take the time of the Senator unduly, but I can not possibly follow the Senator from Tennessee [Mr. McKELLAR] on his amendment, although his objects are highly desirable. However, I am afraid it would result in a worse condition than exists now. I believe the only cure for the situation is to decline any appropriations for refunds until the claims have been passed on by the bureau. Just think of the absurdity of making appropriations for nearly a billion dollars in advance of any information to the Senate or to the Congress as to how the money is to be used, to whom it is to go, and under what circumstances and why. If we make an appropriation for a judgment rendered by the Court of Claims we know the circumstances of the case and we decide from those circumstances whether we should make the appropriation.

But we have given the Bureau of Internal Revenue in the last eight years a blanket billion dollars and said, in effect, "Here is a billion dollars; do as you please with it; use it in secret; refund to whom you may desire." If the appropriation was eliminated and the Congress were to say that no appropriations will be made for refunds until the bureau has submitted the cases and the circumstances, the names of those to whom the money is to be paid, and so forth, there would be some sense to it. But Congress never expected, in my judgment, that the tax commissioner should be able to pass upon the matter intelligently without any delay or expense to the Government.

Mr. GLASS. Mr. President——

Mr. COUZENS. I yield to the Senator from Virginia.

Mr. GLASS. I quite agree with the Senator from Michigan that the object sought to be attained by the Senator from Tennessee and approved by the Senator from Michigan is an object I would like to see attained. The Senator has offered a practical solution of the situation. I do not think the proposed amendment submitted by the Senator from Tennessee is a practical solution.

Mr. COUZENS. I hesitate, as I said, to oppose it, because the object desired is one which I have very much at heart; but I am afraid his plan will not work.

Mr. GLASS. The Senator knows that Congress is responsible for the situation. The Internal Revenue Bureau is not responsible for it.

Mr. COUZENS. It is responsible for its lack of judgment.

Mr. GLASS. I mean the secrecy of the situation.

Mr. COUZENS. That is true.

Mr. GLASS. Effort after effort has been made here to make the records public, and the Congress is responsible for the failure to do it.

Mr. COUZENS. While we are on that subject will the Senator permit me to ask him a question? I quote from a statement he made a while ago:

> I long ago called the attention of the Senate to the fact that a little clerk up in the Internal Revenue Bureau positively maneuvered the Government into a position where it might plead the statute of limitations against a taxpayer in my State. I had to appeal personally to the Secretary of the Treasury to get him to cancel the order.

I would like to know from the Senator if the Secretary of the Treasury has the power to waive the statute of limitations? Has he the power, or did he merely exercise it on his own account?

Mr. GLASS. This occurred: A taxpayer in Virginia was notified that there was due on back assessments the sum of $2,384, it being a small corporation, and that if it were not paid within a given time the penalty would accrue. They were put to the necessity of coming to Washington and employing a lawyer and an actuary to go before the bureau and present his case. After the presentation of the case the bureau was compelled to come to the conclusion that instead of owing the Government $2,348, it had overpaid its taxes to the extent, as I recall it, of approximately $200. An attaché of the bureau so delayed sending out the Government's check for the refund of this erroneous assessment as to maneuver the Government into a position where it might claim the advantage of the statute of limitations and refuse the repayment of the $200.

Mr. COUZENS. Did they actually do it?

Mr. GLASS. They did actually do that. The matter incidentally came to my attention, and I felt so indignant about it that I went to the Secretary of the Treasury and stated the case to him. He agreed that it was an outrageous performance, and the next day I had a letter from the Internal Revenue Bureau, about as follows:

> DEAR SENATOR: I believe that you were somewhat interested in a tax case of a given corporation in your State. We find upon examination that a certain letter written by the corporation at a certain time may be construed as within the limitation, and we are pleased to tell you that a check for the overassessment has gone to the taxpayer as of this date.

Mr. COUZENS. Does the Senator suppose that anyone but a United States Senator would have received such consideration if he had gone down there?

Mr. GLASS. I do not know as to that. I know that the taxpayer had not gotten any consideration.

Mr. McKELLAR. Mr. President, will the Senator yield to enable me to place in the RECORD what Commissioner Blair said?

Mr. COUZENS. I yield.

Mr. McKELLAR. On page 2 of the hearings appears the following:

> Senator McKELLAR. You yourself do not actually review these cases?
> Commissioner BLAIR. No; I can not possibly do it.

Mr. REED of Pennsylvania. And on the following page appears the following:

> Senator McKELLAR. As a matter of fact, I do not suppose you have ever passed on one yourself, have you?
> Commissioner BLAIR. It very often happens that these cases are appealed to me, and in an important case, where the head of the unit is in doubt, he often comes to me and discusses the case. I do not go into them unless the people in the unit bring them to me, but when they are in doubt about a question they come very frequently and discuss these matters with me.

Mr. COUZENS. Mr. President, before I conclude I want to make a short reference to the Steel Corporation. I make reference to it because there has been a great deal of publicity about the large amount to be refunded to that corporation.

When the committee was appointed by the Senate to investigate the Bureau of Internal Revenue the situation with respect to the Steel Corporation was most deplorable and in such chaos that the committee could do very little with it. The committee examiners examined the case and the rulings that were then proposed to adjust and settle the taxes. The experts of the committee protested against some of the proposed decisions in the settlement. I recall one related to the Steel Corporation having claimed amortization on railroad property when railroad property was excluded from amortization under the law and no railroad company was enabled under the law to get any amortization by the expansion of their property for war purposes.

We protested against any allowance for amortization on the Steel Corporation railroad. I understand the bureau agreed that we were right and said they would not permit any amortization on the railroad property. There were other subjects, such as amortization of the steel plant depreciation and obsolescence. That was the best we could get out of it at that time. Senators will remember that we were under great pressure. The Treasury Department and the Senator from Pennsylvania [Mr. REED] were driving us to get out of the department. I do not know just why they were in such haste to get us out, but they put a limit on the time in which we could continue our investigation.

When we left, the case was then at the point of being reaudited and the property reappraised; and now that the settlement is about to be concluded, I am informed that under the able Mr. Parker—and everyone agrees that he is able—the settlement is not in accordance with the law and not in accordance with good practice or the prior decisions of the Bureau of Internal Revenue. I assume that the Senator from Pennsylvania [Mr. REED], who frankly admits he is attorney for the Steel Corporation, or at least did admit it at one time, will be able to tell us why the settlements are made. I assume that he, being a member of the tax commission, will be able to tell us why what we considered illegal and improper adjustments have been made.

Mr. REED of Pennsylvania obtained the floor.

Mr. HEFLIN. Mr. President, before the Senator from Michigan takes his seat——

Mr. REED of Pennsylvania. The Senator from Michigan has taken his seat, and for the moment I decline to yield. I might even rise to a question of personal privilege in response to the last remark of the Senator from Michigan.

Mr. President, since the Steel Corporation was organized in 1901 my firm has represented it in Pittsburgh. For decades prior to that time the firm, even before I was born, represented a number of the constituent companies of what is now the Steel Corporation, and I have no occasion to apologize for that.

Mr. COUZENS. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. I want to say that I imputed no improper motive to the Senator. I commended him, because when the

case came before the joint committee I am informed that he refused to express an opinion before the committee, because he was interested as an attorney for that corporation. I want to make that explanation because I am imputing no improper motives to him.

Mr. REED of Pennsylvania. I thank the Senator.

I never had a tax case for the Steel Corporation in my life. I did not know this case was pending until I learned about it in connection with the work of the joint committee and the so-called Couzens committee. I never talked to any officer of the Steel Corporation about it, and all I know about it I have learned from the Government's side. I did not sit in the session of the Joint Committee on Internal Revenue Taxation, of which I have the honor to be a member, until I had explained to the full membership in the presence of Government counsel my connection in other matters with the Steel Corporation, and I offered to withdraw from the meeting if any person there had any question about the propriety of my staying; and they were all good enough to say that they hoped I would not withdraw.

Mr. President, I do not know a blessed thing about this case that is not known to other members of the joint committee, nor do I know anything other than what I have learned in the open meetings of that committee. I have no interest in the Steel Corporation as a stockholder. It is a matter of indifference to me whether it gets a refund or pays an additional tax. I am sorry to talk so much about myself, but I felt driven to do it.

I wish to say a few words about the amendment of the Senator from Tennessee [Mr. McKELLAR]. The proposition is that wherever an overpayment of taxes is claimed by the taxpayer to have been made, if his claim exceeds $10,000, whatever the nature of his tax, he shall be driven to a lawsuit before the Board of Tax Appeals in order to get his money back.

At present the Board of Tax Appeals is disposing of about 2,000 cases a year. Last year it heard and disposed of 2,085 cases. At the present moment it has pending on its docket over 20,000 contested cases in which deficiencies are asserted against the taxpayer. The board is moving at a speed of 2,000 cases a year. Anybody can figure what that means. If this amendment shall be adopted, it will mean that over 4,000 additional cases per year will be thrown into the Board of Tax Appeals. Last year there were 4,052 claims for refunds of more than $10,000; in other words, if not another case of the type of which the board now has jurisdiction were brought before it in the future, if its present business stopped dead here, then the new business which would be brought to the board by the McKellar amendment would come in at twice the rate at which the board is able to hear cases and dispose of them; in other words again, we should have to double the membership of that board just to enable it to hear the cases that would come to it under the McKellar amendment alone.

Mr. McKELLAR. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. The Senator from Pennsylvania understands, does he not, that the Board of Tax Appeals takes a different view of that? The members of that board believe that with their present membership all cases can be disposed of with reasonable promptness.

Mr. REED of Pennsylvania. I should like to see some evidence to justify that faith. They have been falling behind at a great rate, and a couple of years ago it looked as though the Board of Tax Appeals would have to be abolished because it was serving simply as a dam that backed up the current work of the department.

Let me remind the Senate what this amendment would mean. Take the Steel Corporation case that has been talked about so much. The number of sheets of paper in the record in that case, which under this amendment would have to be certified to the Board of Tax Appeals, is over 100,000. The record in that case which the commissioner would have to certify to the Board of Tax Appeals is so voluminous that it could not be gotten into a committee room of the size of the Appropriations Committee room in which the hearings on the pending bill were held. Imagine certifying a record like that to the Board of Tax Appeals.

Mr. McKELLAR. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. The Senator recalls that the amendment provides on its face that only such part of the record shall be certified as under regulations of the Board of Tax Appeals shall be found necessary.

Mr. REED of Pennsylvania. Very good. I read the amendment to require the entire record to go there, but suppose it required only the decision? The decision in the Steel Corporation case covers more than 2,400 pages. How long would it take the members of the Board of Tax Appeals to read understandingly 2,400 pages of closely written typewriting dealing with the most difficult technical subjects? That is the proposition. If we want to sink the Board of Tax Appeals to the point where it will be utterly useless for any sort of functioning, that is the way to load it up, for inside of three months it would be so snowed under that it could not possibly perform the functions for which it was intended.

Do not let us blame the Commission of Internal Revenue too much; let us put a little of the blame where the blame belongs. Of all of the mysterious pieces of legislation that ever was passed in the name of a taxing system, the excess profits tax law, with which we tried to raise money in war times, is probably the worse. Lewis Carroll in Alice in Wonderland could not have done justice to the subject. Let me read to the Senate, by way of reminder, two sentences which form the basis of what is called the special-assessment action in the Reynolds Tobacco case, and then ask the Senate whether the commission is to blame for using what seems to be a vague discretion. I will read the order that went to him from the Congress of the United States in sections 327 and 328 of the tax law of 1918.

Mr. BRATTON. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from New Mexico.

Mr. BRATTON. Before the Senator from Pennsylvania proceeds further, I understood him to contend that the Board of Tax Appeals could not review these cases without doing an injustice to its present volume of work and without getting further behind.

Mr. REED of Pennsylvania. That is correct.

Mr. BRATTON. That is a procedural matter with which we might be concerned. It seems to me, however, that the principle with which we should concern ourselves is whether it is wise to have refunds of $10,000 or more reviewed by some tribunal in public. Will the Senator not give us the benefit of his views on that feature of the question?

Mr. REED of Pennsylvania. In a moment I will be glad to do so. In passing I may say that I do not think administrative action of the Government is improved by reposing a supervisory authority in the judiciary. I think that administration and the judicial action should be kept apart. I never have approved in theory of the joint committee having power to supervise tax refunds. I do not think that it is the business of the legislature to supervise current administrative action except for the sake of getting information. In this instance, of course, we need all the information we can get; but if we are expected to regulate current administrative action we are going beyond the wise limits of our power.

Mr. BRATTON. The point I had in mind was that if every controversy involving a claimed refund of $10,000 or more should be reviewed by some administrative tribunal and we also should think that the Board of Tax Appeals is incapacitated to handle the increased volume of business, whether we should provide a tribunal to hear and determine those matters.

Mr. REED of Pennsylvania. I beg the Senator's pardon. I agree that controversies over refunds of $10,000 or any other amount should be judicially determined. What I object to is sending to the Board of Tax Appeals cases as to which there is no controversy between the bureau and the taxpayer; and that is what this amendment would do.

Mr. BRATTON. Even though the matter might not be in open active controversy, if it involves a refund of more than a certain figure, substantial in size, does not the Senator think that the case should be reviewed by some tribunal where there could be publicity?

Mr. REED of Pennsylvania. The question of publicity is a different question entirely.

Mr. BRATTON. The general subject of publicity as applied to all matters involving the Internal Revenue Bureau is a different question; but confining ourselves to cases involving claimed refunds of more than $10,000, it seems to me that they are of sufficient magnitude and importance that the confidence of the country in Government would be enhanced by having the cases reviewed by some tribunal in such a way that the public may know the facts.

Mr. REED of Pennsylvania. I will grant that any controversy ought to be adjudicated by a tribunal as nearly impartial as we can make it, but certainly there is no ground calling for the action of the judicial department until there is something to adjudicate, and where all the parties at interest are agreed upon the action to be taken there is nothing to adjudicate; there is no controversy to be settled.

Mr. BRATTON. Yes; there is something to adjudicate. It is the contention of the taxpayer that he is entitled to a refund. Although it may not be defended actively by anyone on behalf of the Government, still the claim of the taxpayer is

a matter to be adjudicated. In my opinion, it is conducive to confidence in the bureau, confidence in the department, to have the contention reviewed by some authority where the facts can be made public.

I do not say that from any spirit of criticism or any lack of confidence in the bureau or department, but more in harmony with the idea of inspiring confidence in the Government and satisfaction with the results obtained.

Mr. REED of Pennsylvania. I agree with the Senator that the trust which our people have in the judicial department of the Government gives them confidence as to any matter on which that department has passed; our people have faith in the courts; but it would be possible to carry that suggestion to the extreme of saying that every income-tax return and every income-tax assessment should be supervised by a Federal judge. That would add confidence, and it could be supported by the same argument as could the contention that refunds should be submitted to a judge for revision.

But, after all, Mr. President, we draw from the same reservoir of human beings our administrative officials and our judges; and we ought, if we make the position of sufficient dignity, to be able to get as honest men and as able men in the administrative department as we get in the judicial department.

Mr. BRATTON. I believe the Senator, out of his ripe experience as a practitioner, will agree with me that the people of the country have peculiar confidence in the judiciary. I think the bulwark of our safety lies in their continued trust and confidence in the judiciary.

Mr. REED of Pennsylvania. I agree with the Senator.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I do.

Mr. McKELLAR. Under the peculiar situation surrounding this problem, there may be something in what the Senator has to say. I have prepared an amendment which will carry out the view that he has expressed, and I hope he will accept it, and will urge the committee to accept it:

Provided, That no part of the funds herein appropriated for tax refunds shall be paid out except upon hearings before any committee or officer conducting the same, which hearings shall be open to the public and the decision shall be public.

That conforms entirely to everything the Senator has said and everything that has been said here to-day, and takes away the entire argument of the Senator about the overburdened Board of Tax Appeals. If the Senator will accept that amendment, I will modify my amendment so as to read as I have just submitted.

Mr. HEFLIN. I hope the Senator will accept it, Mr. President.

Mr. REED of Pennsylvania. It is not for me to accept it. The Senator has the right to perfect his amendment in any way he pleases.

Mr. McKELLAR. Yes; but inasmuch as the amendment is in exact accord with the position that the Senator has just taken, I am quite sure that if the Senator would recommend it to the chairman of the committee we could get a unanimous-consent agreement to put it in the bill right away.

Mr. REED of Pennsylvania. Mr. President, the amendment now offered by the Senator effectually complies with all that I have heretofore said with regard to the unwisdom of throwing this matter into the judicial department; but it does not meet the objections that I have to unnecessary publicity of the private affairs of the citizen.

Mr. McKELLAR. But the Senator surely will agree that if a taxpayer thinks he has been done an injustice by the Government, and seeks to have that injustice remedied, the taxpayer ought to be willing to lift the veil of secrecy from that transaction. He ought to be delighted to lift the veil of secrecy from the transaction, so that it can be understood by everybody and by the Government, and the Government can repay the money.

Mr. REED of Pennsylvania. Mr. President, what I have to say will be very much abbreviated by the action of the Senator in modifying his proposal.

I desire to say just a word about the modified proposal which the Senator now offers.

A great many of these refunds arise not out of any mistake, not out of any dishonesty or attempted fraud on the part of the taxpayer, and not on account of any fault of the bureau itself. Let me give an illustration.

The successive tax laws passed since 1921 have made especially favorable treatment for insurance companies, allowing them to deduct from their income 4 per cent to be applied on account of reserve against their policies, and the companies being taxed only on the balance over that 4 per cent. Controversy arose as to whether their tax-exempt interest ought to be credited against that 4 per cent or not. The Supreme Court, after long litigation, held that the tax-exempt interest ought not to be. The bureau was trying to get the most money that could be yielded under any reasonable interpretation of that clause. That single decision of the United States Supreme Court compelled refunds of $35,000,000.

Again, the bureau during the war years took the position that a stock dividend was taxable income. It was strenuously argued that that was wrong, but there was a doubt about it; and the bureau did exactly right in resolving that doubt in favor of the Government until there should be a judicial decision. That was finally decided by the Supreme Court, and that decision cost the United States $70,000,000.

Suppose that I had been one of the taxpayers interested in that stock-dividend decision. Suppose I had been assessed on a stock dividend. I was not, as a matter of fact, but I might have been. Any of us might have been. In order to get the benefit of that decision of the United States Supreme Court, why should I be compelled to bare to all my rival lawyers in my home town all the details of my private practice?

Suppose the Reynolds Tobacco Co. had been the beneficiary of that decision. Why should it, at this time of most intense competition between these four great tobacco companies, be compelled to reveal to those other three all the details of its business, while they keep secret all that they are doing, merely because the one company has to come in to get the benefit of a Supreme Court decision where the bureau admits that they are right, and the other companies are not required to do that?

If everything in the Income Tax Unit, every paper that is filed there, is going to be made public, so that each competitor may know all about the others, so that every neighbor may know all the gossip about all his acquaintances; if publicity is to be completely applied, that is one thing; but merely to impose publicity on the unfortunate victim of an admitted overexaction by the bureau certainly is not fair. You punish him doubly then. First, he is mulcted for a tax which admittedly he is entitled to get back; and next, you say that he shall not get it back until he has been subjected to the second indignity of having his affairs bared to all the world.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED of Pennsylvania. I am glad to yield.

Mr. CARAWAY. This question of publicity of tax refunds differs altogether from publishing a man's tax returns. Everybody makes a tax return, and secrecy conceals that; but if a man believes that he has the right, if he goes into a court, of course it becomes public, if he is permitted to sue.

Now, this is in the nature of a suit in which the taxpayer alleges that the Government has money that belongs to him. By what process of reasoning do we say that he has a right to maintain this action to recover large sums of money and do it in secret when no citizen is privileged to litigate the question of a penny in a court of justice without opening it to the entire public?

Mr. REED of Pennsylvania. I quite agree with the Senator. If there is a controversy it has to be adjudicated, and it ought to be adjudicated publicly.

Mr. CARAWAY. Of course.

Mr. REED of Pennsylvania. But if there is no controversy, he has the same right to settle his——

Mr. CARAWAY. There is no refund unless there is a controversy, because, if you have the money and I demand it of you, that raises a question. It may be a friendly suit; it may be a suit about which there will be no dispute as to the facts, but it is a controversy that some third person settles; and having settled it in my favor or your favor makes no difference. It is a controversy that is settled, and the public has the right to know about it if there should be publicity about litigation of any kind.

There has been a theory always advanced by certain people that controversies ought to be secret; that courts should sit in secret, particularly concerning domestic relations; but the prevailing view is the other way. As long as that is the prevailing view with reference to any other controversy that is settled in any place where a man recovers something, I do not know any sacredness about these controversies about tax refunds.

Mr. REED of Pennsylvania. Mr. President, the Senator is putting several questions to me, and I would rather answer one at a time.

Mr. CARAWAY. I know I am. I have been trying to make an argument in the Senator's time. That is what I was doing.

Mr. REED of Pennsylvania. I agree with the Senator that every controversy ought to be litigated in the open; that if there is disagreement between the bureau and the taxpayer, whether that disagreement goes to the Board of Tax Appeals or to the Federal district court or to the Court of Claims, the record ought to be open.

Mr. CARAWAY. Well, why? Why?

Mr. REED of Pennsylvania. That is the Anglo-Saxon custom.

Mr. CARAWAY. The very fact, then, that it is the Anglo-Saxon custom ought all the more to cause that custom to prevail where the suit is a friendly suit, because the public has no protection against an unjust refund except publicity. If there is any reason at all for the publicity of a controverted question, all the more reason exists if there is not any controversy, but the man is to get the benefit of a refund.

Mr. REED of Pennsylvania. Then the same argument should apply to the original return and the original assessment.

Mr. CARAWAY. I voted for that at one time under that very theory. I yielded my better judgment because so many people contended that trade secrets and incomes and the ability of a man to finance his enterprises were disclosed and unfair advantages had. I yielded, I say, to that argument, and voted for the repeal of the publicity law; but I think there is a world of difference between a tax return and a request for refund after he has made his return and paid his taxes. He is like anybody else then. He has a demand against the Government. Having a demand against the Government, every citizen in America has an interest in that controversy.

But beyond all that, I think the Senator from New Mexico [Mr. BRATTON] put his hand on the sore spot. I am going to assume that the men in public office dealing with these tax refunds are honest men; that the Commissioner of Internal Revenue is honest; that the Secretary of the Treasury is honest. They need the protection of being able to disclose what they do against the sly insinuations and suspicions of people who do not agree with them. This proposed change is for their protection as much as it is for the protection of the taxpayer himself.

Mr. REED of Pennsylvania. Mr. President, a good deal has been said about the danger to the interests of the Government in these tax refunds and tax credits. May I suggest that that danger is comparatively small as compared with the danger of inadequate returns of taxation accepted without controversy by the auditing officials; that we can not apply to this matter of refunds any rule of publicity that should not logically be applied to the original return and the audit that is made of it.

Mr. CARAWAY. I recognize the force of that argument; but that argument failed in view of the other contention that more harm came than good. It was a compromise with anybody as to whether they should vote for complete publicity, or vote for partial publicity, or vote for complete secrecy. I can not conceive of the department not being delighted to make public these refunds, because its attitude is wholly different from that of receiving a man's assessment and passing it because it rested to a certain extent upon the honor of the man who made it. It does not rest upon the department's honor, but these refunds are wholly shifted; they rest upon the honor and integrity of the department.

Mr. REED of Pennsylvania. Yes, Mr. President; that is true. I think the Senator from Arkansas was not here; we tried to cover this before the Senator came in. If I seemed to be impatient, I hope he will indulge me.

Mr. CARAWAY. Certainly. I beg the Senator's pardon.

Mr. REED of Pennsylvania. There is such a large proportion of these refunds which are indisputably due, not to mistake, but due to some subsequent legislation, or to some general decision of the courts, that it seems unfair to penalize the taxpayer who already has paid too much by a second penalty of publicity.

Before the Senator came in, I called attention to the fact that $264,000,000 out of $935,000,000 of refunds that have been made in the past 10 years—$264,000,000 out of $935,000,000, about 28 per cent—were made because of decisions of the Federal courts, other than decisions of the Board of Tax Appeals. One case, which I need not go over again, relating to stock dividends, called for the payment of $70,000,000 to a large group of taxpayers. Another single case required the payment of over $35,000,000 to a considerable number of life-insurance companies. Obviously, it is unfair to single out the few companies which are affected by that decision and compel them to reveal to their competitors the secrets which they themselves can not get from their competitors.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. COUZENS. I wonder why there is objection to having these records made public records in that case, and yet, if the Government resists a claim, there is no hesitancy upon the taxpayer's part in going before a tribunal and exposing all his returns.

Mr. REED of Pennsylvania. I grant you that.

Mr. COUZENS. If the Government resists, what is the difference?

Mr. REED of Pennsylvania. It is just like a controversy between any two individuals. If we are in a controversy, to be settled judicially, we have to take it into open court, where all the world can hear. Moses sits at the gate and not inside some closed room. That is the penalty we pay for seeking a judicial decision of a controversy. But if we are agreed on a settlement we can make that settlement in the middle of the desert, and no man has a right to know how we do it.

Mr. COUZENS. Will the Senator yield for another question?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. COUZENS. Does not the Senator see the difference between the kind of a settlement between individuals, in which there is no public interest, and a settlement between a governmental bureau and a citizen, in which there is a public interest?

Mr. REED of Pennsylvania. Of course I do.

Mr. COUZENS. But the Senator ignores it.

Mr. REED of Pennsylvania. And I agree that the action of those governmental officials should be subject to the most intense scrutiny and criticism and check by any agency that the legislature reasonably may choose to act as auditor. But it does no good to anything but the lowest form of curiosity to blazon out the private affairs of individuals before the whole country.

Mr. BRATTON and Mr. McKELLAR addressed the Chair.

Mr. REED of Pennsylvania. Just a minute. I know all the arguments which have been advanced in favor of pitiless publicity, and they are plausible always, but it is an Anglo-Saxon proverb that a man's house is his castle, and that there are certain affairs of his that are his business.

Mr. COUZENS. Is it true that under the prohibition law his house is his castle?

Mr. REED of Pennsylvania. It ought to be.

Mr. COUZENS. Is it?

Mr. REED of Pennsylvania. I never had occasion to test it.

Mr. BRATTON. Mr. President, will the Senator permit me to direct one question to him?

Mr. REED of Pennsylvania. Certainly.

Mr. BRATTON. Let us assume that two business men have claims against the Government, each for a refund of $12,000. They submit their respective claims. The bureau agrees to the refund in one case and denies it in the other. Does the Senator think that the man whose claim has been denied occupies any different or less considerate position on the score of publicity from the man whose claim has been allowed?

Mr. REED of Pennsylvania. Not in the least.

Mr. BRATTON. If it violates the right of privacy in one instance, why does it fail to do so in the other? They seem to be on a parity so far as the right of privacy extends.

Mr. REED of Pennsylvania. It is violating the right to privacy, and that is something which one must suffer when he appeals to the courts for the adjudication of a controversy. Just because you bar the intimate domestic details of the life of John Smith in his divorce case is no reason why you should bare the details of anybody else's life who is not in the divorce court.

Mr. BRATTON. The difference is that in these matters of taxation you deal with the public, while in domestic affairs between two spouses you are dealing exclusively with private affairs.

Mr. REED of Pennsylvania. Each of them involves private rights and public rights as well.

Mr. CARAWAY. If they should get a divorce by friendly agreement, they would still get publicity, would they not?

Mr. REED of Pennsylvania. They should; yes.

Mr. CARAWAY. They would; so that is not quite a happy suggestion.

Mr. REED of Pennsylvania. The illustration could not be carried all the way through.

Mr. CARAWAY. No; it will not fit all the way down. I want to ask the Senator another question as to his statement that two individuals may settle their controversy in the desert, and it does not concern Moses, whether it be the Senator or somebody else. The unfortunate thing is that that is not two people dealing with their own affairs. One is an agent, dealing with the property of somebody else. Whether you call him a court or a bureau, whatever he is, he is dealing with a third person's property. He is settling a contention between two people. It is not a private controversy between him and somebody else, and they are not dealing with private affairs at all; they are dealing with public affairs.

Mr. REED of Pennsylvania. The Senator looks at it differently from the way I look at it. I think some cases of tax assessments involve controversies, and some do not.

In conclusion, Mr. President, I want just to remind the Senate whose is the fault that cases like the R. J. Reynolds case and others of that class have arisen. Will the Senate bear with me while I read a couple of sentences out of the old excess-profits tax law, which furnished the warrant for the action taken in the Reynolds case? Fortunately, this law has been repealed and no longer remains to disgrace our statute books. I ask the Senate to consider the responsibility we have laid upon the shoulders of the Commissioner of Internal Revenue and the vagueness with which we have defined that responsibility. This is what we say:

> Where upon application by the corporation the commissioner finds and so declares of record that the tax if determined without benefit of this section would, owing to abnormal conditions affecting the capital or income of the corporation, work upon the corporation an exceptional hardship evidenced by gross disproportion between the tax exempted without benefit of this section and the tax computed by reference to the representative operations specified in section 328.

The commissioner then may make a special assessment. This is in ascertaining the amount of the capital on which the corporation shall be permitted to earn about 8 per cent before incurring a special additional tax. If the commissioner, having nothing but his common sense and his faith in Heaven to guide him, finds "abnormal conditions," and "exceptional hardship," and "gross disproportion," whatever those three vague things may mean, then this is the rule that he is to try to apply, and this is the thing that I say sounds as if it came out of Alice in Wonderland and not out of an act of Congress:

> In the cases specified in section 327 the tax shall be the amount which bears the same ratio to the net income of the taxpayer (in excess of the specific exemption of $3,000) for the taxable year, as the average tax of representative corporations engaged in a like or similar trade or business bears to their average net income (in excess of the specific exemption of $3,000) for such year. * * *
>
> In computing the tax under this section the commissioner shall compare the taxpayer only with representative corporations whose invested capital can be satisfactorily determined under section 326 and which are, as nearly as may be, similarly circumstanced with respect to gross income, net income, profits per unit of business transacted, and capital employed, the amount and rate of to war profits or excess profits, and all other relevant facts and circumstances.

In other words, if the commissioner is unable to apply a rule which, for indefiniteness, is almost without parallel, then he shall have resort to this other rule, which says that the rate of taxation shall be the average paid by a lot of other corporations which he, in his discretion, must pick out to be representative comparative instances. Did anyone ever hear of a tax based upon the accumulation of so many uncertainties as in this case? Is it any wonder that the business men of America said that that would work havoc to every industry in the United States if it were continued longer on the statute books?

Imagine a coal company trying to calculate in its return what its tax should be. How could it know in advance, how could it provide against the possible decision of the Commissioner of Internal Revenue on so many items that were completely uncertain?

Mr. COUZENS. Mr. President, first, the taxpayer in making his return does not have to make it based on any such language as that.

Mr. REED of Pennsylvania. I quite understand that.

Mr. COUZENS. But the impression goes out that the taxpayer, if he makes his return, has to reach all of the conclusions the Senator read in the law just now. He has nothing to do with that. He makes his return, and then afterwards——

Mr. REED of Pennsylvania. How does he state his invested capital?

Mr. COUZENS. He states it, I assume, on the basis of his books, and then after making his return he may appeal to the commissioner to assess him under the special section of the law in which all these difficulties arise.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. SACKETT. If he does make an appeal to the commissioner, then does he not have to stand on that appeal and give up his return entirely, and take whatever comes out of the comparison with those other corporations? It has been so ruled, as I understand it. If he does appeal, he has nothing to go on but that law.

Mr. REED of Pennsylvania. That is true.

Mr. SACKETT. The commissioner may choose anyone. There may be 50 corporations to compare with, and he may choose any three or four, and make comparison with those.

Mr. REED of Pennsylvania. Absolutely.

Mr. COUZENS. I would like to ask the Senator from Pennsylvania if he construes the law as giving the commissioner the right to select one corporation?

Mr. REED of Pennsylvania. I have never considered that legal question, but I do know that the legal department of the Bureau of Internal Revenue has held that it does give him the right to select one comparative and does not force him to take the average of two or more. Whether that is sound or unsound I do not know.

Mr. GLASS. But we do know that the word "corporations" means more than one corporation. It is the plural.

Mr. REED of Pennsylvania. And we do know that the plural is more than the singular.

Mr. GLASS. And that a comparison with one corporation is not a comparison with more than the singular.

Mr. REED of Pennsylvania. We also may know that if there is only one corporation that fills the definition of the act of 1919, then the commissioner can not select two comparatives, but in order to comply with the act has to take one.

Mr. GLASS. But it does not happen, in the case we have been discussing, that there was only one. There were a great many.

Mr. REED of Pennsylvania. In the Reynolds Tobacco case, I believe, there were several that might have been taken. If they had been taken, the tax would have been less than that finally settled, and the refund would have been greater.

Mr. GLASS. Suppose it had been? If it ought to have been so, that is all right. The fact that the tax refund would have been greater makes it that much more desirable that the commissioner should have adhered to the law. If the taxpayer was entitled to a greater refund, he ought to have had it.

Mr. REED of Pennsylvania. Of course, I agree with the Senator in that statement; but the commissioner is not a lawyer. He has his legal department, and he submits the question to his legal department and is told that this is in obedience to law.

Mr. GLASS. I would not employ a lawyer who would tell me that "corporations" means a corporation.

Mr. REED of Pennsylvania. I do not know all the grounds that led him to that conclusion. Perhaps the question was not as simple as that when it was presented to him.

Mr. GLASS. The Senator from Kansas [Mr. CURTIS] suggests that I would never need to employ a lawyer anyhow. I accept the compliment.

Mr. REED of Pennsylvania. What I am trying to argue is that most of the cases which have aroused great interest here and which would seem to present cases of marked hardship are cases that arise, like the Tobacco case, from the old excess-profits tax law which has been repealed. It is a shocking thing that 1919 taxes should only now in 1929 begin to be definitely ascertained. Any taxpayer, whether he gets more tax to pay or a refund coming to him, has just complaint against such a system. We ought to get them cleaned up as fast as we can.

But what I want to call to the attention of the Senate is this—and I am sorry the senior Senator from Arkansas [Mr. ROBINSON] is not here so that I might now answer the question which I wanted to answer when he asked it this morning. The law does need simplification when it presents such paradoxes as this. The law needs simplification terribly when 1917 taxes can not be adjudicated until 1929. But we have already gone far on the path toward simplification.

We have improved the law very markedly in the four tax acts of 1921, 1924, 1926, and 1928, since that terrible excess profits tax law was adopted. Each of those four acts has simplified the law. We have tried to correct the greatest injustices by retroactive provisions, and by so doing we have let the Treasury Department in for refunds which are included in the total that is criticized here. That is our fault—our fault for enacting the law vaguely to begin with, and our fault for correcting it retroactively and thereby forcing refunds. We can not blame that on either the taxpayer or the tax gatherer. It is our fault.

So, Mr. President, the so-called scandal of the refunds is well on the way to disappearing. As the tax law becomes simpler, men will know more accurately what their tax liability is. Refunds and overassessments will cease to be the things of importance that they have been under a law which was as vague as the one under discussion.

Mr. NORRIS. Mr. President, as bearing in part on the question involved here, and that is the secrecy of doing public business, I would like to ask a question. Before I ask the

question I would like to say that it does not conclusively follow, of course, because we are doing public business behind closed doors, that there is any fraud in it; but, as I have tried to point out, a continuance of doing public business in secret will always lead toward fraud and debauchery, as it always has. It is the natural tendency. No one has tried to cast any reflection upon any official in this matter and nobody has claimed that any of the refunds ought not to have been made. No one can tell. The objection is that there is no way to find out how it was done and why it was done.

Now I want to ask a question of any Member of the Senate who was a member of the so-called Couzens committee making the investigation of the Bureau of Internal Revenue two or three years ago. It seems to me I remember that something of this kind occurred or was discovered, and it is only an incident as tending to show what the secret method of doing business will lead to. I see the chairman of the committee [Mr. COUZENS] honoring me with his presence, so I particularly want to ask him the question, Is it true that in the cases investigated by that committee instances were found where notations were made by somebody on the papers to the effect that the case was one in which Mr. Mellon was interested? Were there any such disclosures?

Mr. COUZENS. The testimony was taken some years ago, but, as I recall it, we came across one case in which there was a blue pencil memorandum, "This is a Mellon company," or something of the sort. I have forgotten the exact language, but it was something to that effect. It is in the record, but I do not have the record here. It was brought out in the early days of the investigation.

Mr. REED of Pennsylvania. There was nothing to indicate that Mr. Mellon had directed it to be done?

Mr. COUZENS. Oh, no; not at all; nothing of the kind.

Mr. NORRIS. I would not think of that, but that is what I want to speak about right now.

Mr. COUZENS. Notwithstanding that only one case was brought out that I recall, and no evidence whatsoever that Mr. Mellon requested it under any circumstances, I am informed by men who have worked in the bureau that it was the custom to advise the engineers and experts that "Mr. Mellon is interested in this particular company." That is all it amounted to. The memorandum would go through the department giving notice to the staff that Mr. Mellon was interested in a particular company. I do not say that it necessarily meant he was interested financially, but merely that he was interested in it.

Mr. NORRIS. That bears out my conception of the evil. Without making any charge against Mr. Mellon, whether he is instrumental in it or whether he is not, and assuming that he knows nothing about it, he is Secretary of the Treasury and has hundreds of people under him in all the various bureaus who are anxious to curry his favor. It would be so if anyone else were there in his place. It is not because it is Mr. Mellon, but it is one of the evils of secret government. The people working under him in the bureau or in his department would want to be in his favor and they would want to give him the best of any dispute that might arise under the law. It seems to me that very fact alone is a practical demonstration of the evils of this secret method of handling hundreds of millions, yes, billions of dollars belonging to the people or at least wrung from the people by taxation.

We can not escape it. It is only another demonstration of human nature and of something that is perfectly natural. There will be hundreds of people in the various bureaus and departments and boards under the head of any great institution of that kind who, if the business is done in secret, will take the opportunity to help men who are above them. Not all of them would do it. I am not making the charge of wholesale wrongdoing against anybody. I am only speaking of what every man must know in his own mind and in his own heart is perfectly natural in any business administered or carried on by human beings. It is one of the evils of secret government. It is one of the things that leads inevitably to corruption even when the beneficiaries themselves have no knowledge of it. It seems to me that we ought not to overlook any opportunity to have the business of the people transacted in the open before the entire world.

Mr. SMITH. Mr. President, before the Senator from Nebraska takes his seat may I say that I have been very much interested in the discussion participated in by those who are members of the Appropriations Committee. Just what are the arguments and what are the reasons that led to the establishment of this secret performance in reference to the settling of tax claims? There must have been some very weighty reason that I have not heard of at any time.

Mr. NORRIS. The Senator has heard the debate that has occurred whenever a revenue bill has been brought before the Senate and we have discussed the publicity of income-tax returns.

Mr. SMITH. Yes; I understand that the law requires secrecy, but I never have been fully satisfied of the necessity for a law requiring it unless there has been some reason for it that has escaped my notice. It must have been a very weighty reason to cause us to say that we must in secret, as has been developed here, settle so important a thing as the revenue of the Government from this very prolific source. I would like to know if there are any compelling reasons why the secrecy should be still further maintained. It is incorporated in the law. Is it likely to do injustice to some one by exposing his financial standing or his business in such a way as to lead to some misfortune to him?

Mr. GLASS. The Senator from Pennsylvania [Mr. REED] has been making that argument for the last three-quarters of an hour.

Mr. SMITH. I happened not to be able to be in the Chamber. I wish I had been here. I do not know whether there may have been some very potent reason that could have influenced us to incorporate in the law a condition that brings about results that would be more disastrous, it seems to me, to the income of the Government and to the morals of the people than to have the whole thing in the open. Unless there is some reason against it that is insurmountable, I shall vote for an open investigation, because I do not believe that it is advisable where such enormous sums are involved to depend upon those who can not be brought to book for the settlement of the cases. I do not think we have any right to delegate to any body of men the right to settle claims involving such tremendous amounts unless the public may be thoroughly advised as to the method, the amount, and the conditions surrounding the settlement.

Mr. HEFLIN. Mr. President, I trust that the amendment of the Senator from Tennessee, as modified, will be agreed to. If it shall be, we can end this controversy, I think, now; but if it shall not be, I think we ought to have a quorum and continue to discuss the amendment until to-morrow, if necessary, so that Senators may be sufficiently informed about this question to vote on it intelligently. A number of the Senators have not heard any of the discussion, though the question involved is one of great importance to the whole people of this Nation.

I do not see how any Senator can contend for a moment that proceedings affecting tax refunds should be in secret. They ought to be open, so that the people may know to whom the refunds are being made and the amounts that are being refunded.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. Mr. President, I ask unanimous consent to be permitted to modify my amendment by adding, on page 16 of the bill——

The PRESIDING OFFICER. Does the Senator from Tennessee mean to withdraw his motion to suspend the rules?

Mr. McKELLAR. I am asking unanimous consent that I may substitute for the amendment as proposed by me the following: After the word "each," in line 15, on page 16, I move to insert the following proviso:

Provided, That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting the same, which hearings shall be open to the public, and the decision shall be a public document.

As I understand, there will be no exception to the amendment as I have now modified it.

Mr. WARREN. Mr. President, may I ask the Senator if he will not fix the amount at $25,000 instead of $10,000?

Mr. McKELLAR. I have conferred with several Senators on the same side that I am, and they thought it unwise to change the amount. I hope the Senator will permit the figures to remain as I have proposed them.

Mr. WARREN. I think the Senator from Tennessee knows the difficulty with which we will be confronted in conference.

Mr. McKELLAR. For that reason I believe it would be better to leave the figures as they are at $10,000.

Mr. HEFLIN. I think they ought to be left at $10,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee as modified.

Mr. COUZENS. Will the Senator from Tennessee accept the suggestion that the amendment be further modified so as to exclude rebates and refunds made on the basis of court decisions?

Mr. McKELLAR. I will say to the Senator that the refunds of judgments of courts are paid in a different way. They are not paid through the Internal Revenue Bureau at all, but are paid by appropriations recommended by the Appropriations Committee.

Mr. COUZENS. Oh, yes; but the Senator did not understand my point.

Mr. McKELLAR. Perhaps not.

Mr. COUZENS. The point is that when a court construes a statute in its application to an income-tax case that construction is extended to other taxpayers regardless of whether they have themselves appeared before the court. So such refunds would come under this head.

Mr. REED of Pennsylvania. Mr. President, if the Senator will permit me the interruption, even the judgments of courts are paid out of this same title in the appropriation bill.

Mr. CURTIS. Mr. President, I think perhaps if we adopted this amendment and sent it to conference that the conferees might agree to a provision to take care of cases arising under court decisions. I think that would be the easiest way out.

Mr. COUZENS. I have no objection to that, but my experience has been that when the conferees are not in sympathy with a decision of the Senate they do not put up much of a fight to maintain the Senate amendment.

Mr. McKELLAR. I am sure the conferees will do so upon an amendment like this.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the question is on the amendment offered by the Senator from Tennessee as modified.

Without objection, the motion to suspend the rules is withdrawn and the amendment is agreed to.

Mr. McKELLAR. Mr. President, I have one further amendment which I desire to call to the attention of the chairman of the committee. Several days ago I gave notice of an amendment. I ask to modify that amendment by submitting the one to which I call the attention of the chairman of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 17, after line 15, it is proposed to insert:

OFFICE OF THE TREASURER OF THE UNITED STATES

The Secretary of the Treasury is authorized and directed to pay to H. Theodore Tate salary as Treasurer of the United States at the rate of $8,000 per annum from June 1, 1928, to January 17, 1929, both dates inclusive, from appropriations heretofore provided for salaries of the office of the Treasurer of the United States, fiscal years 1928 and 1929, the provisions of section 1761 of the Revised Statutes to the contrary notwithstanding.

Mr. WARREN. That amendment provides for paying the officer referred to the amount provided by the statute?

Mr. McKELLAR. Yes; it authorizes the Secretary of the Treasury to pay the amount. The amendment in its present form is different from the one which I first offered and is in lieu of it.

Mr. WARREN. The Senator is advised that no portion of the amount has been paid?

Mr. McKELLAR. None has been paid; and the amendment was prepared by the department.

Mr. WARREN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, in fairness to Assistant Secretary Bond I think I should put in the RECORD a letter I have just received from him in regard to jeopardy assessments. He has sent a letter here giving them by years. The total amount is $665,000,000, in round figures. I ask that his letter may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, January 23, 1929.

Hon. KENNETH MCKELLAR,
United States Senate.

MY DEAR SENATOR: In accordance with your telephoned request I have secured the following data giving the total amount of so-called jeopardy assessments for the fiscal years ending June 30, 1923, to June 30, 1928:

Fiscal year:	
1923	$132, 525, 380. 55
1924	161, 515, 217. 33
1925	144, 646, 530. 53
1926	148, 867, 165. 26
1927	32, 704, 156. 33
1928	45, 685, 725. 80
Total	665, 944, 175. 80

Trusting that these are the figures that you desired, and that if I can be of any further service to you you will call upon me, I am

Respectfully yours,

HENRY HERRICK BOND,
Assistant Secretary.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTIONS

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

COMPACT BETWEEN NEW MEXICO AND OKLAHOMA

Mr. PHIPPS. Mr. President, I ask unanimous consent to report from the Committee on Irrigation and Reclamation several small bills. First, from that committee I report back favorably, without amendment, the bill (H. R. 6496) granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested, and I submit a report (No. 1494) thereon. I call the attention of the Senator from New Mexico [Mr. BRATTON] to the bill. It merely authorizes the States of New Mexico and Oklahoma to enter into a compact for a division of the waters of the streams in those States.

Mr. BRATTON. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Colorado.

Mr. HALE. Mr. President, I inquire of the Senator if the consideration of the bill will involve any debate?

Mr. PHIPPS. I do not think it will. It is a House bill, and there is no objection to it, so far as I know.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Oklahoma to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Cimarron River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPACT BETWEEN NEW MEXICO AND OKLAHOMA AND TEXAS

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I report back favorably without amendment the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of

the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested, and I submit a report (No. 1495) thereon.

Mr. BRATTON. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico, Oklahoma, and Texas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, Pecos, and Canadian or Red Rivers, and of the streams tributary thereto, and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPACT BETWEEN NEW MEXICO AND ARIZONA

Mr. PHIPPS. From the Committee on Irrigation and Reclamation, I report back favorably without amendment the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested, and I submit a report (No. 1496) thereon.

Mr. BRATTON. I ask unanimous consent for the consideration of the bill just reported by the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of New Mexico and Arizona to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Gila and San Francisco Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPACT BETWEEN COLORADO AND NEW MEXICO

Mr. PHIPPS. From the Committee on Irrigation and Reclamation, I report back favorably without amendment the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested, and I submit a report (No. 1497) thereon.

Mr. BRATTON. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHORTRIDGE. Mr. President, what do these bills provide?

Mr. PHIPPS. The bills which I have reported, and which are now being considered, authorize certain States to enter into agreements for the division of the waters of the streams which flow through them. Commissioners are to be appointed by the States and a representative of the Federal Government is to act in conjunction with them.

Mr. SHORTRIDGE. Is there any provision that the agreement entered into shall be referred to Congress?

Mr. PHIPPS. Such agreements as may be entered into must come back to Congress for approval.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado and New Mexico to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Rio Grande, San Juan, and Las Animas Rivers and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative are authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPACT BETWEEN COLORADO, OKLAHOMA, AND KANSAS

Mr. PHIPPS. From the Committee on Irrigation and Reclamation I report back favorably without amendment the bill (H. R. 7025) granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested, and I submit a report (No. 1498) thereon.

I ask unanimous consent that the bill may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado, Oklahoma, and Kansas to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the Arkansas River and of the streams tributary thereto and of all other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States from the Department of the Interior, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than the compensation and expenses of such representative the United States shall not be liable for any expenses in connection with such negotiations, compact, or agreement. The payment of such expenses of such representative is authorized to be paid from the appropriations for cooperative and general investigations for the Bureau of Reclamation.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF CRUISERS

Mr. HALE. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 24, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 23 (legislative day of January 17), 1929

UNITED STATES COAST GUARD

Ensign (Temporary) Gordon P. McGowan to be a lieutenant (junior grade) (temporary) in the Coast Guard of the United States, to take effect from date of oath.

UNITED STATES DISTRICT JUDGE

Halsted L. Ritter, of Florida, to be United States district judge, southern district of Florida, vice Rhydon M. Call, deceased.

UNITED STATES ATTORNEY

Howard D. Stabler, of Alaska, to be United States attorney, district of Alaska, division No. 1, vice Justin W. Harding, appointed judge.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23 (legislative day of January 17), 1929

UNDERSECRETARY OF STATE

State Department

J. Reuben Clark, jr.

DIPLOMATIC AND FOREIGN SERVICE

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

William S. Culbertson to be ambassador extraordinary and plenipotentiary to Chile.

ENVOYS EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

H. F. Arthur Schoenfeld to be envoy extraordinary and minister plenipotentiary to Bulgaria.

Jefferson Caffery to be envoy extraordinary and minister plenipotentiary to Colombia.

Charles S. Wilson to be envoy extraordinary and minister plenipotentiary to Rumania.

Warren D. Robbins to be envoy extraordinary and minister plenipotentiary to Salvador.

To be consul generals

Thomas H. Bevan.
Felix Cole.
John K. Davis.
George K. Donald.
Paul Knabenshue.
North Winship.

To be vice consuls of career

Norris B. Chipman.
Gaston A. Cournoyer.
Cecil Wayne Gray.
Raymond A. Hare.
Robert O'D. Hinckley.
Frederick P. Latimer, jr.
Edward S. Maney.
Ralph Miller.
Sheldon T. Mills.
James B. Pilcher.
Horace H. Smith.
L. Rutherford Stuyvesant.
Mannix Walker.
Warren H. Kelchner.
R. Borden Reams.
Warren M. Chase.
Llewellyn E. Thompson, jr.
Robert English.
H. Merrell Benninghoff.

To be secretaries, Diplomatic Service

LaVerne Baldwin.
John B. Faust.
Edward P. Lowry.
James L. Park.
Clarence J. Spiker.

POSTMASTERS

ARIZONA

Charles C. Stemmer, Cottonwood.
Freda B. Irwin, Gilbert.
Raymond W. Still, Tempe.

CALIFORNIA

Charles F. Evers, Fortuna.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 23 (legislative day of January 17), 1929

UNITED STATES DISTRICT JUDGE

Crate D. Bowen, of Florida, to be United States district judge for the southern district of Florida, which was sent to the Senate January 19, 1929, Mr. Bowen having declined to accept the appointment.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 23, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Eternal One, from whom all blessings flow, Thou art still blessing us, though we can not comprehend just why. These days quiver with duty, which is our watchword. It comes to us in silence, when we are alone, where the crowd is not seen nor heard. Again it is with us when we are in the surging multitudes. O Thou, who are mighty in word and in deed, teach us the right thing to do and the right way to go. Our Blessed Heavenly Father, may our performance of duty be the outstanding quality that shall command respect throughout our beloved land. We pause at the mercy seat a moment. God be with the sorrow-stricken colleague. The sweet, calm, supplicating voice is still; the door is shut. Help us to believe that there never was a cloud so black but it carries with it, somewhere, a brightness, hidden only because we are not on the other side. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the Eleventh National Convention of the American Legion.

The message also announced that the Senate had agreed to amendments of the House to a bill and joint resolutions of the following titles:

S. 1156. An act granting a pension to Lois I. Marshall.

S. J. Res. 59. A joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1320. An act for the relief of James W. Pringle.

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913.

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes.

INAUGURAL CEREMONIES

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I did not happen to be on the floor yesterday when the resolution relative to the inaugural proceedings was passed. I notice the gentleman from Tennessee [Mr. GARRETT] made an inquiry relative to the parade. I want to say to the House that the Committee on the Inaugural Ceremonies of the Senate and House have made a definite request to have the parade pass across the plaza in front of the Capitol, and we have been assured by Colonel Grant and the gentlemen in command that such will be the case; that the parade will pass across the plaza.

In answer to several requests for information in regard to tickets, I will say that it is expected that we will build a grand stand out here of practically the same size as that of four years ago, to hold in the neighborhood of 8,000 people. After such distribution of tickets has been made to foreign embassies and representatives of other bodies as is customary on such occasions there will be about seven tickets for each Member, and in addition to that each House Member will have a ticket for himself, which will admit him to the Senate floor, and one ticket that will admit one guest to the Senate gallery. This ticket for the Member is rendered necessary for this reason: Four years ago, as gentlemen will remember, the Members of the House passed over to the Senate, and there was no place for them in the Senate, a great many people being on the Senate floor who had no right to be there. Each person here who is entitled to the privilege of the floor in the Senate at that time will be furnished with a distinctive ticket for that purpose. After the ceremonies in the Senate all the people on the Senate floor and in the Senate galleries will march out together to the central platform on the east side of the Capitol. Each Member of the House, as noted before, is provided with one ticket to the Senate galleries.

Down town, in what is known as the court of honor, on Lafayette Square, opposite the reviewing stand, there will be in the vicinity of 3,000 tickets reserved primarily for Members of the Senate and the House, and Members will have the first opportunity of buying those tickets up to three or four days prior to the inauguration.

Mr. GARNER of Texas. What will be the price?

Mr. SNELL. I do not know yet what the price will be.

I have here the program that was followed four years ago in connection with the ceremonies in the Senate. I do not know but that it would be proper to insert this program in the RECORD for the information of Members of the House. I do not know whether it will be absolutely followed. It is a tentative program.

Mr. GARRETT of Tennessee. Mr. Speaker, let me suggest to the gentleman that although it is likely that that will be the program, yet it might be confusing if changes should be made later. We will have the real program before long, and then that can be put in the RECORD. Otherwise it might prove confusing. However, I have no objection.

Mr. SNELL. I am not sure, of course, that it will be followed absolutely, and perhaps it would be just as well to put in that program a little later.

Mr. GARRETT of Tennessee. My experience has been that there is very little variation in the program from time to time, but some new conditions may arise to cause some slight change.

Mr. SNELL. So far as we know at this time, that will be the program for the 4th of March.

Mr. GARRETT of Tennessee. I just though it might be confusing.

Mr. SNELL. Then we will leave that out of the RECORD for the present.

Mr. POU. My information is that a great many inquiries have been made in regard to getting tickets for the inaugural stand out here. I understand there will be a record-breaking crowd in the city. Can the gentleman from New York give us an idea of how many tickets each Member will receive?

Mr. SNELL. About seven tickets. That will apply also to retiring Members, and each new coming Member elect will have two tickets.

Mr. POU. And in addition to the seven tickets for the Capitol stands the Members will have the preferential right to purchase tickets on the downtown stands?

Mr. SNELL. Yes; in the court of honor.

Mr. TILSON. The retiring Members will have the same number of tickets for the platform in front of the Capitol as the others, and the new Members elect, who are here for the first time, will have only two?

Mr. SNELL. Yes; that is correct.

Mr. TILSON. All Members of the House will march over to the Senate Chamber?

Mr. SNELL. Yes. They will march over, and each Member will have his ticket with him at that time. When the tickets are ready they will be distributed by the Sergeant at Arms of the House, and each Member will be called on to sign personally for those tickets.

APPOINTMENT OF MASTER SERGT. AUGUST J. MACK AS A WARRANT OFFICER, UNITED STATES ARMY

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table H. R. 10472, to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army, concur in the Senate amendment, and pass the bill.

The SPEAKER. By authorization of the Committee on Military Affairs, the gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 10472, with a Senate amendment, and concur in the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

Mr. GARNER of Texas. Mr. Speaker, may I ask the gentleman whether this is the unanimous request of the committee?

Mr. MORIN. Yes; I so stated in my request.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

REREFERENCE OF A BILL

Mr. MORIN. Mr. Speaker, I ask unanimous consent to refer the bill H. R. 16036, to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system, from the Committee on Public Buildings and Grounds to the Committee on Military Affairs.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to rerefer House bill 16036 from the Committee on Public Buildings and Grounds to the Committee on Military Affairs. Is there objection?

Mr. ELLIOTT. Mr. Speaker, reserving the right to object, that is the bill, as I understand it, which refers to land that is under the jurisdiction of the War Department and over which the Committee on Public Buildings and Grounds has no jurisdiction?

Mr. MORIN. Yes; it is land in New York.

Mr. GARRETT of Tennessee. Is that the New York bill?

Mr. MORIN. Yes.

Mr. GARRETT of Tennessee. It is land in a military reservation?

Mr. MORIN. Yes.

Mr. ELLIOTT. I have no objection.

The SPEAKER. Without objection, the rereference will be made.

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. SIMMONS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes. Pending that I ask unanimous consent that the time for general debate to-day be controlled equally by myself and the gentleman from Pennsylvania [Mr. CASEY].

The SPEAKER. The Chair thinks the agreement made yesterday with reference to general debate would hold to-day.

Mr. TILSON. But the gentleman asks that the control of the time be transferred to the gentleman from Pennsylvania [Mr. CASEY], the time yesterday being controlled by the gentleman from New York [Mr. GRIFFIN].

The SPEAKER. The gentleman from Nebraska moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 16422, and pending that asks unanimous consent that general debate to-day be controlled one-half by himself and one-half by the gentleman from Pennsylvania [Mr. CASEY]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Nebraska.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16422, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. SIMMONS. Mr. Chairman, I yield one minute to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman, I am asking this time merely for the purpose of presenting a letter which I received setting forth a proposition for a White House in the country. It comes from a reputable man and I think it is worthy of consideration.

Mr. BANKHEAD. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. BANKHEAD. Has the gentleman conferred with the gentleman from Massachusetts [Mr. UNDERHILL] with reference to this request?

Mr. COLE of Iowa. No; I have not, but I am sure the gentleman from Massachusetts would not think of offering an objection to this letter.

Mr. BANKHEAD. Well, he thinks of offering objections to requests of this sort.

Mr. COLE of Iowa. It is a short letter.

Mr. BANKHEAD. He has prevented a number of requests made on this side from being granted by his objections.

The CHAIRMAN. The time of the gentleman from Iowa has expired. Does the Chair understand that the gentleman from Iowa asks unanimous consent to extend his remarks by inserting the letter referred to?

Mr. COLE of Iowa. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to follows:

HOLLY STOVER (INC.),
Washington, D. C., December 17, 1928.

Hon. CYRENUS COLE,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: President Coolidge recently set forth many good reasons for the establishment of a permanent summer White House in the vicinity of Washington, and, in view of the general public interest in the proposal, this appears to be an appropriate time to call attention to an excellent site for the location of such an establishment.

Several prospective places have been mentioned, each of which has some of the qualifications that are necessary, but there is no more ideal spot in the world for such a home than at the summit of Cave Hill, at Grottoes, Va. Situated in the southern part of the Shenandoah Valley, Cave Hill commands a superb outlook on the surrounding valley that is bounded on the east by the beautiful Blue Ridge and on the west by the towering Alleghenies. At the foot of Cave Hill the Shenandoah River winds its way on toward the Potomac and offers the opportunity for boating, bathing, and fishing—forms of entertainment not to be found at many country locations. Cave Hill is close to the southern entrance to the Shenandoah National Park and, if located there, our future Presidents and their families would have easy access to the trails and highways in that national reserve.

The high altitude at Cave Hill assures comfort all through the summer months and the thin mountain air is pure and invigorating. Here will be found an abundance of fine mineral and lithia springs and just a short distance away are located some of the most famous of the Virginia springs.

In addition to its other attractions, the geographical location of Cave Hill commends it for such a purpose. It is just close enough to Washington, Charlottesville, Roanoke, and Staunton to make easy the transaction of necessary business, and yet it is far enough from these centers of population to assure the necessary seclusion. Here our Presidents' home would be hidden away from the idle curious, and they would be as free and happy as if they were on their own private domain. Three splendid highways from Washington lead directly to Cave Hill, and, by motor, only five or six hours are required for the trip. A station of the Chesapeake & Ohio Railway is close by and the journey from Washington on the Cincinnati express is but a short afternoon trip.

Cave Hill is a part of the acreage that belongs to Grand Caverns and it affords me pleasure to offer to the Government, free of charge, all the land that would be required for the establishment of the summer White House. Investigation will reveal the truth of the statements I have made here, and I am certain that the location will be found particularly desirable in all ways.

It will be greatly appreciated and esteemed a personal favor if you will convey our offer to the committee, or officials who will attend to the matter.

Sincerely yours,

HOLLY STOVER.

Mr. SIMMONS. Mr. Chairman, I yield myself one hour.

Last year in my discussion of this bill I went at length into the subject of fiscal relations between the United States and the District of Columbia. It does not seem necessary to take the time of the House for such a detailed statement at this time. I will, however, discuss briefly the Bureau of Efficiency report on fiscal relations and briefly outline the situation as it is affected by this bill.

On January 11, 1929, I presented to the House the report of the Bureau of Efficiency on fiscal relations between the United States and the District of Columbia. This report was made at the request of the late Martin B. Madden, chairman of the Committee on Appropriations. The Bureau of Efficiency had but one instruction, to report facts to the Congress. Mr. Madden believed that the Congress knew the facts, believed that the United States was dealing not only justly but liberally with the District of Columbia. He welcomed any fact not known, believing that the Congress in the possession of the facts would fairly decide this issue. Various studies have heretofore been made by Members of this House, none of which were acceptable to those citizens of Washington who in season and out constantly demand more and more from the Federal Treasury. The report from the bureau was asked for in the hope that, as an independent study, it might bring this constant complaint against the Congress to an end. The report has been made. The report accepts as its basis the premises heretofore outlined by District citizens as the proper ones on which to reach a decision—and from that basis the report in its determination of facts fully supports the position heretofore taken and maintained by the House of Representatives.

The report determines first that the liability of the Federal Government, were it a taxpayer, would in the fiscal year 1928 have been $7,440,939. It then states that after deducting this "tax liability" from the "$9,000,000 lump-sum contribution $1,559,061 was left to be applied against" the Federal Government's "liability on account of the loss of revenue and on account of extraordinary expenditures occasioned by the fact that Washington is the National Capital." In that statement the report grants to the District everything that the most enthusiastic opponents of the $9,000,000 lump-sum plan have demanded. It gives no credit to the Government of the United States for the use of buildings and land owned by the United States, a normal rental of which would be $150,000—see hearings, pages 44, 45, 46. It gives no credit to the United States for property given to the District last year amounting to $27,356.84—see hearings, page 48. It gives no credit to the United States for the services of 10 Army officers in municipal capacities at salaries amounting to $42,137—see hearings, page 46. It gives no credit to the United States for the services rendered to the District by such Federal agencies as the Bureau of the Budget, the Bureau of Efficiency, the Bureau of Standards, the Bureau of Public Roads, and the many services in one capacity and another rendered the District by the Federal Government that are too numerous to detail and impossible to estimate—all, however, being services not rendered to any other American city by the United States and services given to the municipal government without charge.

Last, but by no means least, the report does not even suggest that the United States should be given either credit or consideration for the maintenance here of the largest business in the world—the Government of the United States—the maintenance of an army of employees here at an ever-increasing pay roll of approximately $140,000,000 a year that is not affected either by flood or drought, or by famine or overproduction. Business depression does not reach it. Washington, due to the location here of the seat of government, is the only city in America that is assured of a permanent and growing prosperity. The business of the Government brings multiplied thousands to this city, spending millions in Washington annually; the tourist and those who come here to see their Government in action or to worship at her shrines bring other millions to the tills of Washington's business houses; still other thousands come to make this their home, drawn by the advantages, social, official, and educational, that the Government provides, all contributing vast amounts to the prosperity, the business, and the growth of Washington.

The report suggests no credit to the United States for the multiplied millions spent here in buildings, grounds, and shrines or those that hereafter will be spent. Likewise, the report suggests that the United States be charged with "taxes" on its property here—every dollar of it—completely ignoring the fact that no city in America save Washington has the temerity to ask that the Government of the United States contribute to its revenues in lieu of taxes. Every large city of America has valuable Government-owned properties in their midst from which no city revenue is derived. The Government even refuses to pave the streets in front of its own property in every city of America save Washington, and yet this report does not even suggest that the United States should have a deduction or "exemption" equivalent to that which it receives in other cities. Every dollar of Federal property in the District used for Federal purposes is to be "taxed" here in the Nation's Capital—entirely ignoring the exemptions that the Federal Government rightly enjoys in every city of America.

The report gives no credit to the United States for the great increase to the value of private property given by such Federal improvements as the new bridge across the Potomac, adding at least $15,000,000 to the taxable values of the District, the bridge itself a benefit for which the District makes no payment but receives all the advantages. Other illustrations without number may be used.

The report holds that we should pay in excess of a tax comparable to other property holders. It then suggests another and an indefinite obligation to pay other moneys to the District

but it gives no credit to your Government and mine for the benefit that this city receives from the Federal Government that no other city receives.

The report refers to a "liability on account of the loss of revenue" occasioned by the fact that Washington is the National Capital, and likewise refers to "extraordinary expenditures" occasioned by the same fact.

What revenues have been lost by the fact that Washington is the seat of government? None can be established. There are those who imagine that were this not the Nation's Capital that factories and other activities would come. Possibly so—but at best a rather unsatisfactory basis upon which to predicate a charge of "loss of revenue." Certainly to be set off against that are the definitely easily established millions of dollars that are drawn here by the "fact that Washington is the National Capital," that would not come here for any other reason. My own opinion is that the actual "loss of revenue" to Washington were this not the National Capital would be far greater than any imaginary "loss of revenue" caused by the fact that it is the Capital.

The charge that there is a "loss of revenue" here "by the fact that Washington is the National Capital" and that therefore there is a "liability" on the part of the United States to contribute to the District on account of that "loss." The loss, of course, can not be proven. The inference from the statement is that Washington, were it not the Capital, would be permitted a greater control of its own destinies; that industries would come, and so forth. The charge is that Washington, in comparison with other cities, is retarded in its growth, handicapped by the presence here of the Nation's Capital.

What are the facts? In 1906 Washington was the fifteenth city of the country on a population basis, with a population of 307,716. In 1911 Washington was the seventeenth city, with a population of 337,476. In 1916 Washington was the seventeenth city of the Nation, with a population of 361,329. In 1921 Washington was the fourteenth city of the Nation, with a population of 448,541. In 1926 Washington was the thirteenth city of the Nation, with a population of 525,000.

So it is clear that Washington is not only not being retarded by the presence here of the Nation's Capital but the city is rapidly gaining in population and is going ahead of "industrial" cities because of the fact that "Washington is the National Capital."

Considering the admitted fact of Washington's very rapid development in population and gain over other cities, may I refer to the statement of Mr. William P. Richards, assessor for the District, appearing on page 560 and following, from which I quote to show that Washington has had no "loss of revenues," and that there is no merit in that claim:

> The growth of real-estate values in any city will depend in great measure on the growth of its population. Many are led to think that moneys in bank, stocks, goods, and mortgages express the wealth of a community, but these are forms of wealth depending primarily on the use of land. In fact, the United States census in estimating the wealth of the country includes only real estate and tangible personal property. That is, the census listed physical properties and ignored evidences of debt or intangible values. For example, if real estate worth $10,000 has a mortgage of $5,000 attached to it, there can be no true measure of value in the sum of the two figures. Real estate is not only the foundation of our true wealth but the real-estate value of any city gives us an exact measure of its relative importance. We know that our large cities are our wealthy cities and that our small ones need hardly be mentioned as having wealth, yet when the real-estate value of a large city is divided by its population giving a per capita value we find that the small city will be in close accord in its per capita value.
>
> Therefore wealth as applied to real estate increases in all cities just as the population increases—that is, all cities that grow increase proportionately in value—and it is not surprising that the District of Columbia has increased in population and wealth at the same rate as shown by the growth of the United States.
>
> Washington and the District of Columbia have, therefore, from all indications a future in growth of wealth that seems to be assured and steady. We have no bonded debt to consume in interest a part of our taxes. We have a pay roll from the Government that is steady and certain from month to month and year to year. Depression in business is not felt within the District in the same manner as it is in other cities, and the program of national improvements, which is bound in some near future to be carried out, will be still more material gain to our District wealth.
>
> We are able to draw the following conclusions with respect to the changes of real-estate values, both here and elsewhere: That the real-estate values of a city will increase in direct proportion with its increase in population.
>
> That purchases of parks and playgrounds; the building of monumental public buildings; the improvement of public highways; model provisions for education and for protection to life and property; all when accomplished within certain bounds, will increase the wealth of a city and thereby attract population. But in the end the per capita wealth will have been changed very little.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. SIMMONS. Yes, sir.

Mr. KNUTSON. Who pays for the maintenance of our parks in Washington?

Mr. SIMMONS. Outside of the reservations around Federal buildings, they are carried in the District bill.

What are the "extraordinary expenditures occasioned by the fact that Washington is the National Capital"? In the hearings and report a year ago and in the subsequent discussions on the District bill, we took up and examined the claims of "extraordinary expenditures" advanced by the board of trade, chamber of commerce, and others, and one by one they were examined and one by one they were abandoned by their proponents.

These observations have been made not so much with the thought of "finding fault" with the bureau report as they have been made with the idea of demonstrating that the report, to say the least, is not unfriendly to the District and most certainly is not biased in favor of the United States.

It is not my purpose here to go into a detailed analysis of the tables in the report. They are printed and available as House Document No. 506. Two conclusions are readily drawn from the report:

First. That the United States is not only fully meeting and paying every obligation that could possibly come to it were it a taxpayer, but, in addition, is contributing over and above all that a considerable and generous sum and more than meeting its obligations toward the Capital City.

Second. That the city of Washington is not only not overtaxed, but, in fact, is undertaxed in comparison with other cities. That the low taxes here have not resulted in an undernourished city, but that, on the contrary, Washington, when compared with other cities, is developing in all its city activities without undue curtailment of funds.

The position of the House on fiscal relations and the contribution made by the United States to the District of Columbia is fully supported by this report. I commend a study of the report to those Members of the House who are interested in the details of city expenditures, and revenues generally, as well as in the Capital City.

It is interesting to note that the United States, on the basis of being a "taxpayer," has put 22.2 per cent of the "taxable" real property of the District, upon which the Bureau of Efficiency figure a "tax" of $5,452,767. Then the bureau arrives at a "tax" of $1,536,315 upon tangible personal property for the year 1928. It should be noted that the total collections for the District on tangible personal property in 1928 amounts to but $1,470,203. These figures charge the United States with 51 per cent of the taxable tangible personal property of the District. Clearly one of two things follow. Either the figure for the United States is excessive, or else the owner of tangible personal property in the District is escaping the payment of taxes on that class of property. Whichever conclusion is reached, it leaves the District taxpayer in an advantageous position as compared with the United States.

The Bureau of Efficiency then, by a purely arbitrary method with which I do not now quarrel, charges the United States with an intangible personal property tax of $451,857. The justice of "charging" the United States with an intangible personal "tax" is subject to serious question. But without discussing that, may I point out that in 1928 the District collected on intangible personal property $2,378,569.28, as against the $451,857 which the Bureau of Efficiency here charge to the United States. The Federal "intangible tax" is then 16 per cent of the whole.

We have then this table of percentages available on which to judge the fairness of the "tax charge" against the United States:

> Real property tax payable by United States, 22.2 per cent of the total.
>
> Personal tangible property tax payable by the United States, 51 per cent of the whole.
>
> Personal intangible property tax payable by the United States, 16 per cent of the whole.

I suggest that in view of the fact that the 22.2 per cent real property is based upon the District assessor's figures, that the same percentage could rightly be applied to tangible and intangible personal property in lieu of the method used which obviously reaches a result unfair to the Federal Government when compared with the comparative amount paid by the Dis-

trict taxpayer on personal tangible property. We would then have a charge or "tax" of—

Real property	$5,452,767
Tangible personalty	419,518
Intangible personalty	678,718
Total	6,551,003

I suggest that a total "tax liability" of $6,551,003 is far nearer correct than is the $7,440,939 proposed by the Bureau of Efficiency. This figure is somewhat larger than I arrived at last year due to the inclusion in part of intangible property. But either figure shows that.

Whichever of the three tables are accepted, the present contribution of the United States is shown to be not only fair but very generous to the people of the District.

The report discloses that in 1915 the Federal property, including park property, constituted 36.8 per cent of the whole. In 1928 it was but 28.3 per cent of the whole, or when park property is excluded in 1915 the Federal property was 28.2 per cent of the whole and in 1928 but 22.2 per cent of the whole.

Demand is made by District taxpayers that Congress return to a percentage basis of contribution instead of the lump sum now carried and that the percentage paid by the United States be 40 or 50 per cent of the total. These figures disclose the reason for the demand and also why, in fairness to the United States, neither of these requests can be granted.

If the ratio between privately owned and federally owned property remained constant year after year, then the percentage plan of payment would be as fair a basis of contribution as the lump sum. But the ratio does not remain constant. The percentage of federally owned property is constantly decreasing and the percentage of privately owned property constantly increasing. It is perfectly obvious therefore that a fixed percentage under those circumstances would inevitably mean relatively increased "taxes" to the United States and decreased taxes to the private property owner. That is likewise the obvious reason that the fixed percentage basis is demanded by the District taxpayer. If the United States in 1915 owned for Federal purposes 28.2 per cent of the property and in 1928 but 22.2 per cent of the property, then a percentage in 1915 that was fair both to the United States and the District taxpayer would in 1928 be unfair to the United States and decidedly favorable to the District taxpayer.

Likewise these figures clearly show why the Federal contribution has properly decreased comparatively during the recent years that have witnessed a rapid development of private property in the District. Demand is made that the United States carry 40 per cent of the cost of the city government, and yet this report discloses that the United States owns and uses for Federal purposes but 22.2 per cent of the property of the District. Is it fair to ask 22.2 per cent of the property to pay 40 per cent of the taxes?

The lump-sum contribution of $9,000,000 carried in this bill pays 28 per cent of the total paid from general revenues, which again discloses that the United States, owning but 22.2 per cent of the property, is carrying its full share of the load. This is approximately the same percentage as has been paid during the past two years.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. JOHNSON of Texas. I notice some contention in the public press that the percentage of Government-owned property is increasing, but I understand from the figures just given that the reverse of that is true.

Mr. SIMMONS. The reverse of that is true. In 1915 we used for Federal purposes, according to the assessor, 28.2 per cent of the property. Due to the increase in the values in the development of private property in the District, that figure is now down to 22.2 per cent.

What would the $9,000,000 Federal contribution pay?

Based upon this bill, the $9,000,000 contributed by the Federal Government to the District of Columbia would pay the cost of the police department, the fire department, the health department, the courts and prisons, the public buildings and parks, including $1,000,000 for the purchase of land under the National Capital Park and Planning Commission, and the Zoo. There is then left for the people of the District to pay the general salary items, contingent and miscellaneous expenses, street and road improvement and repair, sewers, collection and disposal of refuse, the electrical department, the schools, the public welfare. The water service is self-supporting. The gas tax pays $1,600,000 of the $3,785,100 carried in the street and road improvement and repair item.

Upon the items in the bill, if the 60-40 plan were in force, the District would be called upon to pay only for the general salaries of the city, contingent and miscellaneous expenses, street and road improvement and repair, public schools, the health department, and public welfare.

While the United States would be asked to pay for the sewer system, the collection and disposal of refuse, public playgrounds, the electrical department, including all street lighting, and so forth, police and fire departments, courts and prisons, parks and buildings, including the $1,000,000 for new park land under the National Capital Park and Planning Commission, and the Zoo.

To state it thus is to show how utterly absurd and unfair it is to ask that there be a return to 60-40.

Accepting the Bureau of Efficiency values of real, personal, tangible, and intangible property, we are charging in this bill against the United States the equivalent of a $2.10 tax rate while the District taxpayer enjoys a rate of $1.70 in comparison. If the 60-40 plan were returned to, the United States rate would be $3.15 and the District rate $1.15 in comparison.

Bear in mind always that the District tax rate included all taxes generally separated elsewhere into school district, sanitary district, city, county, and State taxes. If the 60-40 plan were accepted for the fiscal year 1930, the United States would be called upon to contribute $13,070,728 and the District would be called upon to contribute $21,091,092 from its general tax revenues, while under the lump-sum plan the United States contributes $9,000,000, plus other items mentioned elsewhere, and the District taxpayer contributes $26,151,820.

Tables upon which this is based will be inserted in the RECORD.

It is interesting to note that on a 60-40 basis the real property charge against District property would be $13,374,500, as against a Federal contribution of $13,070,728. Or the United States, under the 60-40 plan, would be called upon to pay $1 into the treasury of the District for every dollar collected from real-estate taxes in the District. The 60-40 plan, then, actually means a 50-50 so far as the average taxpayer in the District is concerned.

Mr. JOHNSON of Texas. Will the gentleman yield again for a question?

Mr. SIMMONS. Yes, sir.

Mr. JOHNSON of Texas. In answer to the question I asked a moment ago, the gentleman gave the percentage of Government-owned property and privately owned property in the District. Is that based upon the percentage of valuation or the percentage of area? I presume it is upon valuation.

Mr. SIMMONS. Percentage of valuation. I have accepted all through the assessor's values of the District.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. The gentleman stated just now that under the 60-40 plan the Federal contribution would be about $13,000,000?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. In that connection, if we returned to the old plan by which we had our 40 per cent share in the fines and fees and licenses, and so forth, there would be probably $800,000 or $900,000 coming back to us from the $13,000,000.

Mr. SIMMONS. No; that amount is exclusive of such receipts. The gross figure on a 60-40 basis is $14,060,728.

Mr. CRAMTON. That is what I wanted to be sure about.

Mr. SIMMONS. And that has grown now to about $1,000,000.

Mr. CRAMTON. But the $13,000,000 would be exclusive of that?

Mr. SIMMONS. Yes, sir.

Mr. TILSON. Will the gentleman yield there?

Mr. SIMMONS. Yes, sir.

Mr. TILSON. Has the gentleman a table showing the comparative taxation of property in the District as compared with other cities of the country of comparable size?

Mr. SIMMONS. That is all in the report of the Bureau of Efficiency, which has been printed and is available this morning. It comprises about 50 pages of printed matter.

Mr. TILSON. Then it does appear clearly in that report?

Mr. SIMMONS. It shows that the District, on the average, is under the average in tax loads and expenditures.

Particular attention should be called to the fact that the United States is not paying $9,000,000 out of the total of $41,265,250 carried by the bill. The United States is paying $9,000,000 out of $35,151,820.

The balance of the District revenues, to wit, $6,113,430, are derived from trust funds, the gas tax, water revenues, and miscellaneous revenues.

The total expenditures in this bill, including the supplemental estimates submitted by the Bureau of the Budget at our request, can all be paid out of the estimated 1930 revenues and leave a surplus of $1,863,180 to take care of deficiencies, new legislation, and so forth.

Tax rate for 1930 on assumption of 60-40 appropriation basis for that, based on total recommendations of committee

Amount recommended in bill		$41,265,250
Less trust and special funds and items payable from gasoline-tax fund and water fund		6,113,430
		35,151,820
40 per cent of divisible items payable by the United States		14,060,728
60 per cent of divisible items payable by the District of Columbia		21,091,092
		35,151,820
60 per cent payable by the District of Columbia		21,091,092
Tax on intangibles	$2,600,000	
Tax on public utilities, etc	2,200,000	
Miscellaneous revenues (less $1,015,000 to the United States)	1,985,000	
Tax rate of $1.15 on real estate (assessment of $1,163,000,000)	13,374,500	
Tax rate of $1.15 on tangible personal property (assessment of $107,000,000)	1,230,500	
		21,390,000
Tax rate of $1.15 on above basis would raise in 1930 excess revenue of		298,908

Tax rate for 1930 based on total of recommendations of committee ($9,000,000 contributed by United States)

Amount recommended in bill	$41,265,250
Less trust funds, gasoline tax fund items and water-fund items	6,113,430
	35,151,820
Add:	
Police and fire pensions	550,000
Refunding taxes	60,000
Street extension awards	500,000
District of Columbia part of accrued liability, employees' retirement fund	150,000
Freedmen's Hospital, one-half	115,000
Total	36,526,820
United States contribution	9,000,000
Tax on intangible personal property	2,600,000
Tax on public utilities, etc	2,200,000
Miscellaneous revenues	3,000,000
Tax rate of $1.70 on real estate (assessment of $1,163,000,000)	19,771,000
Tax rate of $1.70 on tangible personal property (assessment of $107,000,000)	1,819,000
Total	38,390,000
Excess revenues under $1.70 tax rate for 1930 (reserve for supplemental and deficiency appropriations, etc.)	1,863,180

Attention is called to the table on page 41 of the hearings. The United States, by the substitution of the $9,000,000 lump-sum contribution for the 60–40 plan, releases to the District government miscellaneous revenues which under the 60–40 plan would otherwise be credited to the United States. In 1928 those revenues amounted to $865,339. It is estimated that they will equal $895,000 in 1929, and in 1930, $990,000. This, of course, should be considered in addition to the $9,000,000 Federal contribution, for its revenues that the District would not receive under the 60–40 plan.

Mr. LINTHICUM. Will the gentleman yield for a question there?

Mr. SIMMONS. I yield to the gentleman.

Mr. LINTHICUM. Has the gentleman got the figures showing how much we collect from automobile taxes?

Mr. SIMMONS. The gentleman means automobile licenses?

Mr. LINTHICUM. Automobile licenses or taxes.

Mr. SIMMONS. I do not have it in this statement, but it is over $100,000 a year.

Mr. LINTHICUM. That goes into the improvement of the streets, I presume?

Mr. SIMMONS. Yes, sir.

Mr. LOWREY. The gentleman stated that the District is undertaxed, according to the report referred to. Can the gentleman tell us in about what proportion the District is undertaxed as compared with other cities of its size?

Mr. SIMMONS. That goes into the complete table of the Bureau of Efficiency report of about 50 pages separating the taxes into various groups, both revenues and expenditures, and you would have to study the entire report in order to arrive at that answer. The report is available in the committee room if the gentleman cares to have it.

I regret that the Bureau of Efficiency have not submitted to the Congress tables of the various other taxes that enter into the revenues of a city and the tax cost to its citizens. I am advised that this material will be submitted and included in the main report. In my judgment the charge for water in Washington is exceedingly low. How does it compare with other cities? The $1 a car auto-license cost in Washington is absurdly low. What do other cities pay? The gas tax here of 2 cents a gallon is the lowest rate charged by any tax body. Maryland charges 4 cents and Virginia 5 cents. License and gas tax revenues here are spent on the city streets. License and gas tax moneys collected in most cities are spent on country roads.

Mr. LINTHICUM. That is the item I wanted to know about—the gas tax.

Mr. SIMMONS. The gas tax amounts to about $1,500,000. I can not give the exact figures now.

Mr. LINTHICUM. I want to say to the gentleman that in Maryland a certain proportion of the gas tax and the license tax goes to the city of Baltimore and is not spent on the roads.

Mr. SIMMONS. Baltimore gets a division of it, but even a part of the money collected in Baltimore is spent on country roads.

Mr. LINTHICUM. Oh, yes.

Mr. SIMMONS. What advantage does Washington have as a result of it over other cities? No inheritance tax is levied in the District. What is the status of other jurisdictions?

What are the comparative corporation tax rates between Washington and other cities and States? Here few such charges are made.

The head of a family in the District has exempt from taxation household goods, and so forth, of the value of $1,000. What are the exemptions elsewhere?

The District levies no poll tax. What of other jurisdictions? Every State but five has one in some form.

What about license taxes and general franchise taxes?

Last year I discussed these questions briefly before the House on May 25, 1928, my remarks then being incorporated in House Document No. 330.

Mr. GIBSON. Will the gentleman yield there?

Mr. SIMMONS. Yes, sir.

Mr. GIBSON. Will the gentleman state what is received by the District from license taxes?

Mr. SIMMONS. That statement is in the hearings. I could not give it offhand.

Mr. GIBSON. I desire to call the gentleman's attention to the fact that I will introduce to-day a bill covering the levy of license taxes, which materially increases the amount that will be received by the District.

Mr. SIMMONS. They will crucify you, too.

Mr. GIBSON. Well, I am used to that.

Mr. SIMMONS. What other taxing jurisdiction in America gives an exemption from taxation to intangibles comparable to those given by the District and listed on page 23 of House Document No. 330?

Washington taxes tangible personal property at a rate of $1.70 a hundred; intangibles are taxed at 50 cents a hundred. Do other tax bodies give intangibles a rate of less than 30 per cent of the tangible rate?

Is there another city in America that receives contributions from the Federal Government toward its general expenses? Is there another city of the United States without bonded or other indebtedness? Is there another city of the United States with a cash free surplus of approximately $7,000,000?

Each Member may be able to answer these and other questions as they apply to his own State and be thereby able to judge of the tax burdens of Washington. The answer to some of them may be found in the report.

Clearly the report establishes that the lump sum, and not the percentage plan of contribution, is the proper one, and clearly the report establishes the fact that the present contribution is ample and generous to the District. The report, while favorable to the District in every basis of calculation, clearly supports the position taken and maintained by the House of Representatives.

Mr. MOORE of Virginia. Has the gentleman taken any pains to ascertain, or did the bureau which has made this report make any attempt to ascertain, how closely the tax on intangibles is collected here?

Mr. SIMMONS. No; we have asked for a supplemental study of that angle of it by them. It is not involved in this report so far as I have discovered.

Mr. MOORE of Virginia. About what is derived now from intangibles?

Mr. SIMMONS. About $2,500,000. I stated the figure a moment ago, and it is approximately that amount.

Mr. JOHNSON of Texas. On the question of surplus, did I understand the gentleman to say that the District has a surplus of $7,000,000 unexpended?

Mr. SIMMONS. Seven million dollars; yes. I am coming to that in a moment.

Mr. GIBSON. Will the gentleman yield for another question?

Mr. SIMMONS. Yes, sir.

Mr. GIBSON. Reverting to the matter of the amount received from licensing of automobiles, did the gentleman state the amount received by the District?

Mr. SIMMONS. It is over $100,000. It is $1 a car, and we have a little over 100,000 cars in the District.

Mr. GIBSON. We have more than 140,000 cars in the District, I think.

Mr. SIMMONS. The figure has grown. I am using figures of last year. I do not have the figures available for this year.

Mr. GIBSON. In addition to the $1 per car, is there not a personal tax levied?

Mr. SIMMONS. There is a personal-property tax levied, but practically in all instances not paid. We carry in this bill a provision which, if allowed to stay in the bill, will require that they shall show the payment of personal taxes on their cars before they can get their licenses for the next year. At the present time they go to the license bureau, give a fictitious address as their place of residence, get their licenses for their automobiles, and there is no way to follow up on the car to find it ever for personal taxes.

Mr. GIBSON. May I make this suggestion: If the same amount is collected in the District from automobile owners as is collected in my State, the District, in place of receiving $100,000, would receive a little in excess of $4,200,000.

Mr. HOLADAY. If the gentleman will yield, I want to say that the amount received in the District for automobile licenses was $156,000 plus.

Mr. SIMMONS. You will find in the hearings, page 572, the report of the Detroit Bureau of Governmental Research for 1928. This is a private and not a governmental study. It is not my purpose to comment at length upon it. Those who care to do so may compare it with the Bureau of Efficiency report. By comparison between the two reports it is very evident that the Bureau of Efficiency report is decidedly favorable to the District taxpayer.

Again the old cry is raised that the district is compelled to furnish "free water" to the United States. There is no truth in the statement and yet the newspapers and others repeat over and over again the charge, possibly hoping by repeated statements to cause some one to believe that it is so. Reference is made to the table inserted in the record on page 507. The water system of Washington is a self-supporting enterprise. Appropriations for salaries, extensions, and betterments for operation and maintenance are all paid out of the water revenues. No part of the cost is reflected in the tax bill of the District resident. Of the capital invested in the plant the United States has contributed $12,311,887.66. The District of Columbia has contributed $10,383,036.93. The plant then is owned jointly by the United States and the District of Columbia, with the United States, as usual, paying the greater share.

Twenty-six million one hundred and seventy-five thousand seven hundred and fourteen dollars and thirty-one cents of the cost of the system has been paid for by the application of earnings of the system to its extension and betterment. In the fiscal year 1928 the value of the water used by the United States was $251,175, while the value of the water used by the District of Columbia was $775,074.

On the basis of water used, the United States received a return on its investment in the system of 2.04 per cent. On the same basis the District of Columbia received a return of 7.46 per cent on its investment. It is therefore perfectly obvious that due to the generosity of the United States in furnishing more than 50 per cent of the capital invested in the water system, the District, as usual, occupies an advantageous position. These facts ought to dispose of the charge that the District gives "free water" to the United States. I have no hope that it will.

Likewise, due to the generosity of the United States in furnishing 54 per cent of the capital invested in the system, the domestic users of Washington receive a pure and ample water supply at one of the lowest costs in any American city.

Last year the committee in order to bring the employees of the District of Columbia up to the average of salaries in the same grades in the Federal service added $121,245 to the salary estimates received from the Bureau of the Budget, making a total of $175,000, stipulating that this payment should go to those grades where the lower salary rates applied. It was contemplated at that time that an additional increase this year of $170,000 in salaries would be necessary to secure the expressed desire of the committee. The increases granted last year have been made in accordance with the intention of the committee. Those salary increases affected approximately 50 per cent of the District force. At the time the committee took that action the passage of the Welch Act was not contemplated. The Welch Act, passed in the last few days of the session, applied to District as well as Federal employees. As construed and applied it granted pay increases to all employees of the District and to many employees two increases in pay schedules. Following the adjournment of Congress the question was raised as to whether or not the Welch Act superseded the "set-ups" given by the Congress in the last District bill. I advised the District officials that it was my opinion that the Welch Act increases were in addition to and not in lieu of the increases granted by Congress. The interpretation I suggested was followed. The net result of the whole transaction was that the District employees received under the increases carried in the District bill last year $175,641. The Welch Act added $557,802 to the pay roll of the District government over and above the $175,641 granted by the committee. The total of the two bills reached $733,433 in salary increases last year in the District government. All District employees during the last year received one increase in pay, better than 50 per cent received two increases, and many of them three increases.

Detailed studies of the salary schedules have again been made and appear in the hearings beginning on page 53. Particular attention is called to the statement beginning on page 57 of the departments and establishments of the Federal Government where the average is either lower or not higher than the District average of salaries. These tables show that the operation of the Welch Act and the increases granted last year by the committee have brought the average of the District salaries to an advantageous comparison with Federal salaries. The purpose of the committee has been accomplished; the salary increases contemplated last year have been already granted; additional increases are not justified and the committee has not granted them. In this connection it is proper to call attention to the fact that the amendment and liberalization of the Welch Act is being urged upon the Congress. No prophecy is ventured as to the effect of the new proposals.

Prior to the holding of hearings on this bill study was given to the fiscal condition of the District of Columbia. Briefly a very satisfactory situation exists. On June 30, 1928, the District of Columbia had on deposit in the Treasury of the United States, over and above all obligations, a free balance of $6,126,600. That free unobligated balance will be on June 30, 1929, approximately $7,186,752. The estimated revenues of the District for the fiscal year 1930 covered by this bill are $38,390,000. The bill as sent us from the Bureau of the Budget called for expenditures of $33,787,792 and thereby would have created this year an estimated surplus above expenditures of $3,227,000.

Without increases by way of deficiency appropriations or new legislation and assuming the passage of the bill sent us by the Bureau of the Budget there would have been a surplus in the Treasury on June 30, 1930, of approximately $10,400,000 over and above all obligations.

By the act of June 29, 1922, the District was required to create a surplus sufficient to keep on a cash basis at all times. That sum has been fixed at $4,000,000. I agree that the reserved amount is a proper one. It is customary likewise to reserve $1,000,000 to take care of subsequent appropriations and new legislation.

Deducting that $5,000,000 it is obvious that additional appropriations from $4,000,000 to $5,000,000 can be made without jeopardizing the finances of the District. In our judgment those appropriations should be made for needed betterments—they can be made without increased taxes in the District or the Federal contribution.

Accordingly we asked the city officials to submit their estimates of needed betterments. Informal conferences were then held with the Bureau of the Budget and at our request estimates for betterments in the District were submitted, as follows:

Public library, land	$35,000
District repair shop	205,000
Repairs to Anacostia River Bridge	120,000
Park View School	265,000
Buchanan School	120,000
School sites	109,000
Salary, supreme court	10,000
Nurses' home at Gallinger Hospital	150,000
Railing and walk at Hains Point	40,000
Additional park land	400,000
Reptile house at Zoo	120,000
Total	1,674,000

Mr. TILSON. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. TILSON. How much is recommended for the purchase of land to complete the Rock Creek Parkway connection between Potomac Park and Rock Creek Park?

Mr. SIMMONS. I expect to come to that later; but we are carrying this year a million dollars against $800,000 last year and $600,000 the year before.

Mr. TILSON. How is that paid?

Mr. SIMMONS. Out of the District revenue. For the actual work in Rock Creek Park we have given them this year $32,000

for material and $52,000 for labor in order that the driveway under Calvert Street Bridge may be completed during the coming year.

These additional betterments can be made out of 1930 estimated revenues.

It is the consensus of opinion that the city should purchase and begin the development of a municipal center. The President has approved the plan to purchase two blocks south of the present Judiciary Square. I have introduced the legislation that will authorize the appropriation of the needed moneys. The District has the money to pay the cost of this land purchase if the legislative committee will secure the authority for the appropriation to be made. I would like to see the appropriation carried in the last deficiency bill of this Congress to purchase the land and begin plans for the construction of this plant.

The expenditures carried in this bill by way of supplemental estimates plus the proposed expenditures for the municipal center will probably reduce the surplus as far as it should be reduced at this time.

I have introduced a bill authorizing the appropriation of $10,000,000 for additional school buildings and grounds. The bill is without condition as to when the appropriations are to be made or where schools are to be located or the kind of schools. It leaves the Congress free each year to appropriate to meet the needs then demonstrated. It binds neither the Congress nor the Board of Education to a fixed program for a series of years. It will allow the Congress to meet every situation as it arises, and in my judgment is the best way to secure the continuance of an efficient modern school system in this city.

Commenting upon this bill, the Washington Times on January 17, 1929, editorially stated:

Mr. SIMMONS has children of his own in the public schools of Washington, and he has personally studied conditions. He realizes that congestion in the schools is serious and that thousands of school children are being deprived of their rightful opportunities. He knows, beyond question, that many new school buildings are needed, and that many of those now in use are antiquated and practically unfit for pupils and teachers, lacking even proper sanitary and heating facilities.

I prefer to state my own position and ideas on the District schools. In certain parts of the city there is congestion due to rapid development of residential areas that could not have been anticipated. Adequate steps are being taken to relieve those conditions. There are 81,000 seats now in the District schools. When the building program now under way and carried in the bill is completed there will be a total of 90,000 seats. There are not to exceed 75,000 pupils in the District schools. So that there is space in the District schools for every student. The difficulty has been that in the shifting of the population, and the necessity for maintaining independent schools for both white and colored, often in the same neighborhood, that congestion has arisen in certain areas. That is being corrected, but on the whole the Washington schools are not congested, and no child is being deprived of educational opportunities in the District because of the building situation.

New buildings are needed to meet the requirements of a growing city; likewise, a policy of building replacements will be carried out. These conditions are to be expected in a growing, prosperous city. I do not see the schools in the gloomy way that this editor does. The condition is not as he describes it.

As an indication of the progress that is being made, let me cite one situation. In 1920 there were 360 part-time classes in the District schools. That number has now been reduced to 221, all of which are first or second grade pupils. The entire tendency now among school people is toward shorter school hours for the younger pupils. No material harm is being done these children. The condition of the schools is the best it has been for a long series of years, and they are constantly improving.

This bill provides for two additions to existing schools, not carried in the bill as it originally came to us—Parkview, $265,000, and Buchanan, $120,000. Estimates for these two schools were sent to the Congress by the Bureau of the Budget at the request of this committee. This committee wants to build schoolrooms, and no items have been denied that carried schoolrooms save an addition that was asked for the Lovejoy School. This is a colored school in a predominantly white neighborhood. The committee held conferences with school and citizen representatives of both races, and it was agreed by all that the addition there should not be carried in this bill; that the entire situation would be studied and a more satisfactory plan devised for the extension of both school systems in that area. The item for land to be added to the Giddings School contemplated the tearing down of both the Lincoln and Giddings Schools, with a total of 20 rooms, and their replacement with a new building. The buildings, while old, are serviceable and will be for a number of years. The plan would not increase the available classrooms. Accordingly that item was rejected, with the suggestion that in the study of the Lovejoy situation these buildings might be conserved and a platoon school built elsewhere for colored pupils. The bill also carries $100,000 for a site for a colored junior high school in this general area.

The Washington Times of January 17, 1929, editorial, elsewhere referred to, makes this statement:

The very committee of which Mr. SIMMONS is a valuable and prominent member readily accepts the dictates of the Bureau [of the Budget] even when it knows beyond question that the bureau should be overridden.

That statement is not true. The Bureau of the Budget is a branch of the Federal Government. It has fixed and definite duties to perform. It performs them. The Budget Bureau does not dictate to the committee. When the committee feels that the Budget is wrong, the committee overrides its proposals and follows its own judgment. Likewise, the Budget readily cooperates with this committee on this and other bills, as is shown by their acceptance of our request for additional estimates totaling $1,674,000. The difficulty has been that the District officials, as shown by the hearings, have failed to fully cooperate with the Budget in making up the items of this bill.

The Budget shares the view of this committee that more schoolrooms should be provided and fewer accessories in proportion to the total of the bill. New elementary rooms are needed in the area where the Business High School now is. With the abandonment of that school as contemplated by the erection of a new Business High School, the Budget felt that that building should be devoted to elementary school uses and the classroom condition in that area relieved. They have so provided in the bill. In that decision we concur. If at a later date a better use can be made of the building the provision can be changed. In the meantime we will not be losing on the number of elementary classrooms devoted to classroom work.

Since September 1, 1928, 73 new schoolrooms have been opened with sitting space for 2,100 pupils. Buildings now appropriated for, for which plans are being made or which are in the process of construction, provide for 132 additional rooms and additional sitting of 4,036 pupils. This bill carries the initiation of projects that will provide seating capacity for 3,343 pupils. The increase in school attendance this last year was 1,500. As rapid progress is being made in the building program as is warranted. [Applause.]

Unless there are questions about the bill I will ask unanimous consent to print the report on the bill as a part of my remarks.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks by printing a report of the bill. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Chairman, I reserve the balance of my time.

The report is as follows:

[H. Rept. No. 2151, 70th Cong., 2d sess.]

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1930

Mr. SIMMONS, from the Committee on Appropriations, submitted the following report, to accompany H. R. 16422:

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1930:

SCOPE OF THE BILL

The bill embraces all regular annual appropriations chargeable partly to the Treasury of the United States and partly to the revenues of the District of Columbia, including appropriations on account of park areas under the jurisdiction of the Director of Public Buildings and Public Parks, the National Capital Park and Planning Commission, the Zoological Park, and for certain work being performed under the supervision of the Engineer Department of the Army.

APPROPRIATIONS AND ESTIMATES

The estimates of appropriations upon which this bill is based were submitted by the President in the Budget for the fiscal year 1930, and will be found in detail in that document under Chapter XIII, pages 1309 to 1426, inclusive, and in supplemental estimates submitted in House Document No. 515.

There follows a summary of the regular annual appropriations for 1929, the Budget estimates for 1930, including the supplemental estimates, and the amounts proposed in the bill for 1930, separated in several funds so as to indicate in a general way the sources of revenue from which the appropriations will be met. The totals of the permanent annual and indefinite appropriations—amounts for which it is not neces-

sary to carry in the annual appropriation bill—are shown in the table at the end of the report and included in the grand total so as to show the final figures affecting the fiscal affairs of the District of Columbia:

Source of revenue	Appropriated, 1929	Budget estimate, 1930	Proposed for 1930	Increase (+) or decrease (−) for 1930 as against 1929	Decrease under Budget estimates
Payable from gasoline-tax fund	$1,802,900	$1,600,000	$1,565,600	−$237,300	$34,400
Payable from water revenues	1,531,710	1,495,330	1,495,330	−36,380	----------
Payable from District revenues, derived from taxes on real estate, tangible and intangible personal property, public utilities, banks, etc., and from miscellaneous sources	25,302,698	26,461,792	26,152,220	+849,522	309,572
Payable from U. S. Treasury	9,000,000	9,000,000	9,000,000	----------	----------
Total, regular annual appropriation	37,637,308	38,557,122	38,213,150	+575,842	343,972

The regular annual appropriations under which the District of Columbia government is operating for the fiscal year 1929 total $37,637,308, which includes $12,100 contained in the second deficiency act of 1928. The amount recommended for the fiscal year 1930 as contained in the President's Budget (and including the supplemental estimates amounting to $1,674,000) total $38,557,122. The amount that has been recommended by the committee in the accompanying bill is $38,213,150, an increase of $575,842 over the 1929 appropriations, and a decrease of $343,972 under the total Budget estimates submitted for the next fiscal year. The following table will show the distribution of these figures between the various divisions and services of the municipal government. An explanation of the committee's action in each instance appears under the appropriate heading in this report, and an itemized tabulation of the figures appears at the end of the report:

	Appropriations for 1929 (including deficiency amounts contained in the second deficiency act of 1928)	Budget estimates for 1930	Recommendations for 1930	Increase (+) or decrease (−) for 1930 as compared with 1929 appropriations	Increase (+) or decrease (−) recommended in the bill as compared with the Budget estimates
Salaries (including $3,800 in second deficiency act, 1928, and $240,000 in supplemental estimates for 1930)	$2,166,865	$2,609,701	$2,615,679	+$448,814	+$5,978
Contingent and miscellaneous	223,700	275,916	274,701	+51,001	−1,215
Street and road improvement and repair, and bridges (including $160,000 in supplemental estimates for 1930)	4,078,460	3,782,400	3,745,500	−332,960	−36,900
Sewers	1,526,000	1,451,000	1,476,000	−50,000	+25,000
Collection and disposal of refuse	1,576,740	1,613,900	1,613,900	+37,160	----------
Public playgrounds	190,610	198,060	198,060	+7,450	----------
Electrical department	1,140,180	1,145,055	1,140,430	+250	−4,625
Public schools (including $494,000 contained in supplemental estimates for 1930)	12,150,530	12,087,580	11,846,000	−304,530	−241,580
Metropolitan police	3,141,545	3,129,190	3,083,950	−57,595	−45,240
Fire department	2,130,015	2,209,140	2,171,790	+41,775	−37,350
Health department	399,455	425,590	427,590	+28,135	+2,000
Courts and prisons	790,693	846,380	842,340	+51,647	−4,040
Public welfare (including $150,000 contained in supplemental estimates for 1930)	4,322,020	4,529,580	4,486,580	+164,560	−43,000
Miscellaneous	230,400	232,900	232,900	+2,500	----------
Public buildings and public parks	1,006,335	1,102,400	1,139,400	+133,065	+37,000
National Capital Park and Planning Commission (including $400,000 supplemental estimate for 1930)	850,000	1,000,000	1,000,000	+150,000	----------
National Zoological Park (including $220,000 supplemental estimate for 1930)	182,050	423,000	423,000	+240,950	----------
Water service	1,531,710	1,495,330	1,495,330	−36,380	----------
Total regular annual estimates	37,637,308	38,557,122	38,213,150	+575,842	−343,972

SUPPLEMENTAL ESTIMATES

The original estimates submitted to the committee for its consideration amounted to $36,883,122, which represented a reduction of $754,186 under the current appropriations. The estimates as they first appeared for examination were lacking in many important items of a forward-looking character for improvement and development purposes. Investigation by the committee showed that, exclusive of a reserve cash working balance of $4,000,000 and a reserve of $1,000,000 to offset items under new law and possible deficiencies in current or prior year appropriations, there would still be a net cash surplus of revenues to the credit of the District of Columbia approximating $5,000,000. The commissioners, upon invitation by the Bureau of the Budget, had submitted to the bureau after the Budget of $36,883,122 had been approved, supplementary estimates which were not approved because of the type of a number of the items submitted, among them being provision for additional positions and salary increases. After this refusal, the Bureau of the Budget suggested that an alternative supplementary list be submitted, which was to include items more in the nature of permanent public improvements in the District. This the District Commissioners failed to do. The subcommittee, at the hearings, did not get any justification for the lack of planning in this respect. Having in mind the large idle cash surplus to the credit of the District of Columbia, and believing that the taxpayers of the District were entitled at least to the expenditure of a portion of this fund upon necessary projects from which they would derive a deserved civic benefit, the committee, after indicating the nature of improvements which it would consider, obtained from the District officials an estimate of primary items of importance totaling $4,979,700, paralleled by a secondary group amounting to $1,630,000, making a total of $6,609,700. The committee then cooperated with the Bureau of the Budget, and as a sequence to such action there was submitted to Congress a supplementary list of estimates (H. Doc. No. 515) covering important public improvements amounting to $1,674,000.

These supplemental estimates covered amounts for the library service, concentration of the highways department shops, repairs to Anacostia Bridge, school sites and buildings, Gallinger Hospital nurses' home, public parks, and a building at the National Zoological Park. The committee has recommended all of these items which makes the total of the bill (as heretofore stated) $575,442 over the current appropriations. Two additional projects, a municipal center (estimated at $2,400,000) and a new police court building (estimated at $300,000), were also given serious consideration. Action thereon has not been taken at this time due to lack of legislation for the civic center, and the opinion that a project of the magnitude of the police court building quite naturally is linked to the plans for a new civic center. Proposed legislation, recently introduced in the House of Representatives, is pending at the present time, and it is anticipated and hoped that action will be taken during this Congress, both of authorization and appropriation for this project.

FEDERAL CONTRIBUTION

The committee has recommended the Federal contribution of $9,000,000, which amount has been carried for the past several years. No increase in the current tax rate of $1.70 is made necessary by the total of the appropriations recommended in the accompanying bill. There has been recommended in the bill a provision continuing for the fiscal year 1930 the same tax rate on real estate and tangible personal property as has been maintained during the current year. The report made recently by the United States Bureau of Efficiency, at the request of the Committee on Appropriations, upon the fiscal relations of the District of Columbia in the opinion of the committee clearly discloses, first, that the contribution of the Federal Government meets fairly and generously all obligations toward the District government by the United States, and, secondly, it shows that when compared with other cities of similar size the District is in a very advantageous situation as to its tax burden and general fiscal condition. The committee finds no reason for changing the method of the Federal contribution, in increasing the amount, or decreasing the District's tax rate. Rather, as has been indicated by the committee's action in its recommendations in this bill, it feels that the District should very properly go ahead with a program of municipal betterments.

SALARIES OF EMPLOYEES

Last year, when the committee had the estimates for the District of Columbia under consideration, it went particularly into the question of the salaries of employees of the District of Columbia, under the classification act of 1923, operative at that time. The salary rates of teachers, firemen, or policemen were not included in the study, as these were and are all covered by legislation apart from the act mentioned. A comparison was made of the average number of employees, the average salary rates, and the total salary obligations for all employees in the District of Columbia, listed under the different Federal establishments, including the District of Columbia, for the years 1927, 1928, and 1929. With the exception of employees under public buildings and public parks of the National Capital—which service was hardly comparable, as most of those employees are grouped

under the custodial grades—the average salary for the employees of the District of Columbia was the lowest of that for the 33 departments and bureaus listed. The committee then ascertained the total amount that would be necessary to bring the salaries of the District employees up to the average salary rates of the grades specified in the then applicable classification act of 1923.

The amount having been estimated at $340,750, the committee at that time determined to appropriate this amount of money over a 2-year period, distributing it under the respective bureaus and divisions of the local government. A sufficient amount of money was included in the bill and appropriated last year over the Budget estimate, and there was actually expended or allocated during the current fiscal year, prior to the enactment of the Welch Pay Act, $175,641. The committee's action, of course, in planning this 2-year program of salary increases, was not predicated upon the passage and application of the pay rates contained in the Welch Pay Act. When this law became operative the effect of its provisions, so far as the salaries of the employees of the District of Columbia were concerned, was to add an additional net amount of $557,802 to the pay roll of the District government over and above the original $175,641. The total of these two amounts, therefore, $733,443, represents what actually has been obligated and allocated for salary increases during the current year, and the salary amounts covered in this bill for the next fiscal year maintain this schedule. When the District Commissioners submitted their supplemental estimates to both the Bureau of the Budget and to the committee this year, they included an item of $165,000, the purpose of which was to finish the second part of the 2-year salary-increase program which the committee had embarked upon last year. The Bureau of the Budget eliminated this estimate in view of the subsequent effect of the Welch Pay Act, and the committee in reporting out this bill has sustained that action. From data, testimony, and tables contained in the hearings this year (pp. 51–62) it will be observed that, in comparison with the Federal departments, the average salary rates of the District government employees are most favorable.

RETIREMENT OF DISTRICT OF COLUMBIA PERSONNEL

Officers and employees of the municipal government of the District of Columbia are eligible to the retirement provisions of the act of May 22, 1920, as amended, with the exception of school-teachers and others specially excepted from the provisions of the act. The District personnel contributes to the retirement fund by salary deductions the same as Federal personnel. Until the fiscal year 1929 no appropriation had been made by the Federal Government toward financing the accrued liability of the Government in the retirement fund, which accrued liability is estimated at approximately $400,000,000. For the fiscal years 1929 and 1930 Congress has appropriated approximately $20,000,000 each year toward financing the accrued liability of the Government. Included in this stated accrued liability of the Federal Government is the portion of the liability which was created by the participation of District of Columbia employees.

In order that the financing of that portion of the accrued liability which is properly chargeable to District of Columbia personnel may be borne by the District of Columbia instead of by the United States, the committee has recommended a separate section in the bill transferring from District revenues the sum of $300,000, composed of $150,000 each for the fiscal years 1929 and 1930, to the credit of the United States. For the next fiscal year and thereafter so long as it may be necessary, it is anticipated that a regular item for this purpose will be budgeted and carried annually to meet the District's share of the accrued liability. The sum of $150,000 for each of these years is based upon as accurate an estimate as it is now possible to make of the portion that should be borne by the District. As better data become available in future years the annual amount can be readjusted to meet the situation of the accrued liability then existing or to adjust any underestimate or overestimate of the District's share year by year.

ALLOWANCES TO EMPLOYEES FOR QUARTERS, MAINTENANCE, ETC.

At the various institutions of the District of Columbia for many years in the past it has been the practice and custom to allow quarters, maintenance, etc., for employees who are required to live at the institutions. The necessity for a large number of persons to live at the institutions is very obvious. The classification act of 1923 provides that in fixing salaries these maintenance allowances shall be taken into consideration. The rates of allowances and values in effect have been criticized by the Comptroller General as being too low in many cases. In order that these rates may be reviewed by the Personnel Classification Board, the central agency for allocating positions, and determination by them of the adjusted scale of allowances, the committee recommends a paragraph under the Board of Public Welfare continuing the present scale of allowances in effect pending a review and determination of the rates by the board. The institutions involved include the workhouse, reformatory, jail, hospitals, homes, and the various correctional institutions, and a proper and detailed study of the entire field will enable the board to evaluate the allowances in relation to the entire salary question.

CARE OF DISTRICT BUILDING

In the estimates for the care of the District Building, which item provides for the necessary expenses of maintenance and operation, including repairs, fuel, light, and power, there was contemplated the elimination of one employee at $1,428. This employee was one of five engineers, and it appeared his services were quite necessary. The committee, therefore, increased the appropriation to the extent necessary to include this position.

LICENSE BUREAU

Under the license bureau the committee has inserted the following proviso:

"*Provided*, That hereafter the superintendent of licenses of the District of Columbia shall not issue a registration certificate or identification tags for any motor vehicle upon which any personal taxes are due and unpaid to the said District.

In testimony submitted to the committee it was stated that a practice existed in the District where some of the inhabitants give a fictitious street address when applying for their registration certificate or identification tags for their automobiles, and this practice naturally obviates the collection later of personal taxes upon the vehicle. By the adoption of the above proviso, this subterfuge will be stopped and it has been estimated that approximately $70,000 additional in personal-property taxes will come into the District treasury.

OFFICE OF THE CORPORATION COUNSEL

The committee has increased the Budget estimate for the office of the corporation counsel by adding $1,500 to cover the salary of a messenger. At the present time there is no such employee in this office, and it was stated that such services are much needed.

HIGHWAYS DEPARTMENT

Including a supplemental estimate of $205,000, the amount recommended for the highways department for the next fiscal year is $420,690, which is the Budget estimate, and an increase over the current year of $222,840. The purpose of the supplemental estimate of $205,000 is to provide for the removal of the highways department shops, etc., to the Bryant Street pumping station, and in this connection, to make certain other desirable economical arrangements for servicing, repairing, and housing municipal automobiles. For many years the store yards and shops of the highways department have been located on United States territory in the center parking of Canal Street, between Second Street west and South Capitol Street. This property was transferred to the United States Botanic Garden under the act of May 11, 1922. The Botanic Garden development requires the early removal of the highways department shops to another location. It is proposed to consolidate the shops of the highways department with those of the water department at the Bryant Street pumping station. In order to accomplish this purpose, provide for the repairs of highways department automobiles at the District automobile repair shop across the street from the Bryant Street pumping station, and provide housing for these automobiles, it will be necessary to provide additional construction as follows:

Addition to District automobile repair shop	$40,000
New garage	135,000
Shop construction, including asphalt and cement laboratory, and removal of equipment from old to new location	30,000
Total	205,000

The additional construction will be on land already owned by the Government. It is contemplated also that the garage and shops of the trees and parking department, in buildings and on the grounds of the Gallinger Municipal Hospital, shall be moved to the Bryant Street pumping station.

MUNICIPAL ARCHITECT'S OFFICE

The committee by its own action has increased the Budget estimate for the municipal architect's office by $3,800, to provide for a manager of the District repair shop. At present the shop has no real executive head and it is believed that an employee with such ability to direct the large amount of repair work done under the District government will aid materially in increasing the efficiency of this service.

FREE PUBLIC LIBRARY

The total recommended for the Free Public Library and its branches is $390,940, which includes a supplemental estimate of $35,000. This is an increase for 1930 over 1929 of $58,005. The supplemental estimate proposes the acquisition of a site, to be approved by the Commissioners of the District and the board of library trustees, for a building for a northeastern branch library. The board of library trustees has considered that a branch library in the northeastern section of the city is most urgently needed, directing attention to the fact that in this section there is 1 junior high school, 18 graded schools, 3 parochial schools, the Gallaudet College, as well as many churches, and other organizations and institutions. The proposed library will serve a large commercial and residential area, and it is expected that when completed this branch library will benefit about 100,000 people.

RECORDER OF DEEDS

At the present time all expenditures under the office of the recorder of deeds are accountable only to the General Accounting Office and are not reviewed by the auditor of the District of Columbia government. This situation has existed for a number of years and at times has created conditions that do not lend themselves to the proper efficiency of this office. The committee is of the opinion that the expenditures of this office should, like all other units under the District government, receive the prior approval of the Commissioners of the District. Accordingly, a proviso has been inserted in the bill under the office of the recorder to bring about such an administrative review before audit by the General Accounting Office.

EMPLOYMENT SERVICE

The committee has increased the Budget estimate for personal services and miscellaneous and contingent expenses for maintaining a public employment service for the District by replacing one employee at $1,650, which had been eliminated. The committee is of the opinion that this service is rendering a distinct help in the District of Columbia in placing jobless individuals in positions, and that reducing the staff by one employee would work a real hardship, especially in view of the fact that the total pay roll represents only 8 positions, 2 Federal and 6 municipal.

STREET AND ROAD IMPROVEMENT AND REPAIR

The total recommended for the various items for street and road improvement and repair in the District of Columbia is $3,745,500, which includes a supplemental estimate of $120,000. These figures represent a reduction of $332,960 under the current year and $36,900 under the Budget estimate. The following table sets forth at a glance the different funds appropriated for under the general amount shown above:

Street and road improvement and repair

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease(−), bill compared with 1930 Budget estimates
Assessment and permit work, sidewalks, curbs, and alleys	300,000	300,000	300,000	----------	----------
Paving roadways under permit system	40,000	30,000	30,000	−10,000	----------
Gasoline tax, road and street fund	1,802,900	1,600,000	1,565,600	−237,300	−34,400
Grading	50,000	----------	----------	−50,000	----------
Condemnation—streets, roads, alleys, and purchase or condemnation of small parks	5,000	5,000	5,000	----------	----------
Streets, avenues, roads, or highways: Opening, widening, or extension of	(1)	(1)	(1)	----------	----------
Streets, avenues, and alleys, repairs	1,475,000	1,475,000	1,475,000	----------	----------
Sidewalks and curbs around public reservations, etc	10,000	15,000	15,000	+5,000	----------
Bridges, construction and repair (including $120,000 contained in a supplemental estimate)	77,060	207,500	207,500	+130,440	----------
Reconstruction and replacement of bridges	178,000	----------	----------	−178,000	----------
Trees and parkings	112,500	115,000	112,500	----------	−2,500
Public convenience stations	28,000	34,900	34,900	+6,900	----------
Total street and road improvement and repair	4,078,460	3,782,400	3,745,500	−332,960	−36,900

[1] Indefinite.

For paving, repaving, and grading, under the gasoline-tax road and street fund, the committee has eliminated two improvements which were contained in the estimates when they were examined. These items are the paving of Western Avenue NW., from Forty-first Street to Chevy Chase Circle, $21,000; and the paving of Admiral Barney Circle SE., $31,000. The committee, as is its custom, made the usual automobile trip over all street improvements contemplated in this bill and were unanimously of the opinion that from the present fair condition of these two projects they could very properly be postponed for a while.

The supplemental estimate of $120,000 proposes the reconstruction of the floor system and handrail of the Anacostia River Bridge. This bridge was built in 1908 and consists of six steel arch spans and a draw span. The roadway, 35 feet wide with two 6.5-foot sidewalks, carries two street-car tracks. The asphalt surface of the floor has rolled so that in places the curb height is reduced to 1 inch. This is a very inadequate protection to vehicular traffic, and the railing is not of sufficient strength safely to withstand the impact of modern traffic. The entire floor system is in need of replacement at a lower level to provide an increased height of curb.

SEWERS

The Budget estimate of $1,451,000 for the different activities of the sewer service in the District has been increased by the committee $25,000 to provide for continuing the construction of the Stickfoot Branch storm water sewer, a project that is, according to testimony submitted by interested citizens in that locality, quite desirable. The other funds remain approximately the same and propose the same amount of work for next year as is called for by the present program. The item for assessment and permit work shows an apparent reduction of $70,000, but this is offset by making certain unexpended balances of the current appropriation available for 1930.

The total amount recommended for the public schools, their maintenance, personal services, and buildings and grounds for the next fiscal year is $11,846,000, which includes a supplemental estimate of $494,000 for additional schools and school sites. The recommendations represent a reduction of $304,530 under the current year and $241,580 under the Budget estimates. This reduction, however, is merely a postponement to a future date of several school projects until certain elements incident to their construction are worked out.

Personal services of administrative and advisory officers: The committee has added $5,000 over the Budget estimate for the appointment of what is to be known as a business manager for the school department. During the hearings last year it was developed that there was lacking in the system an administrative business manager to supervise only the business administration and expenditures. A joint hearing was had between the House Subcommittee on Appropriations and the Senate Subcommittee on Appropriations handling District appropriations, with school officials and the school board, at that time. They were asked to study the suggestion of the creation of such a position and to report back this year. At the conclusion of the hearings this year it was decided to go ahead with the appointment of such a manager, to be chosen by the District Commissioners, the school board, and the superintendent of schools, the manager to be preferably one with an engineer's qualifications. By following out this proposal, it will relieve the superintendent of many matters of a business nature which he has to determine at the present time and concentrate under one proper supervision the manifold construction, engineering, and mechanical questions which naturally arise in carrying out the school-expansion program.

Teachers: The estimates examined by the committee proposed 33 new teacher positions, as follows: Eight, class 1A, at $1,400; 4, class 2A, at $1,800; 8 class 2C, at $2,200; and 13, class 3A, at $2,200. Of the number of teachers requested (33) the committee has recommended in the accompanying bill 15, or a net reduction of 18. Those included in the bill are: One, class 1A, at $1,400; 4, class 2A, at $1,800; 3, class 2C, at $2,200; and 7, class 3A, at $2,200. Those elminiated are 7, class 1A, at $1,400; 5, class 2C, at $2,200; and 6, class 3A, at $2,200. Those additional teachers recommended by the committee represent positions necessary in the establishment of new classes. Those additional teachers requested that were eliminated by the committee represented teachers that were not for new classes but in addition to their regular staff presumably because of oversized classes. The committee in making the reduction has followed the same policy that it adopted last year in following the recommendations contained in the school report of the United States Bureau of Efficiency, at which time it was quite apparent that there were ample teachers to take care of operating classroom needs. The situation presented to the committee this year indicates nothing to change this policy, except the appointment of teachers to new classrooms.

Public works: The total amount for public works (which includes both the building of new schools, additions to existing schools, and the purchase of new sites for proposed future schools) which is recommended for the school program for the next fiscal year is $2,242,000. This amount includes a supplemental estimate of $494,000.

For the erection of school additions and building new schools there will be available for 1930 a total of $1,835,000. This amount covers 10 actual projects, as follows:

Project	School	Amount
8-room addition and combination gymnasium and assembly hall.	Morgan School	(1)
Combination gymnasium and assembly hall.	John Eaton School	$50,000
Junior high school building (limit of cost, $500,000).	Reno section	200,000
Completing E. A. Paul Junior High School	Brightwood	250,000
Completing construction of elementary school building and combination gymnasium and assembly hall.	Nineteenth and Columbia Road NW.	225,000
Junior high school building (limit of cost, $500,000).	Vicinity of Kingsman School	200,000
Colored Health School	Undetermined	150,000
New Business High School (limit of cost, $1,500,000).	Site adjoining Macfarland Junior High School.	300,000
Addition to Park View School	Park View	265,000
4-room addition, including combination gymnasium and assembly hall.	Buchanan School	120,000
		1,835,000

[1] Unexpended balance.

School sites: For the purchase of sites for proposed new schools there is included in the bill $407,000, which contemplates the purchase of land, or portions of land, for eight new projects, the exact location of which is as yet undetermined.

POLICE DEPARTMENT

The bill carries a total amount for the police department of the District of Columbia of $3,083,950, which is a decrease of $57,595 under the amount for this year and a net reduction of $45,240 under the estimates contained in the Budget. The figures first presented to the committee included an amount of $36,300, involving the addition of 13 new privates at $1,800, 3 sergeants at $2,400, 1 lieutenant at $2,700, and 1 captain at $3,000. The committee has disallowed all of these 18 additional men for the force. It based its action upon the number of men now on the force, believing it to be amply sufficient properly and efficiently to patrol the city. The District force, under its present number, compares most favorably with other metropolitan cities. A report, made recently by the United States Bureau of Efficiency, states:

"Washington has a greater number of policemen per capita, regardless of the fact that it has no large foreign-born population and that it is neither an industrial center nor a seaport, than the cities of Chicago, Philadelphia, Detroit, Cleveland, St. Louis, Baltimore, Pittsburgh, Buffalo, Milwaukee, Minneapolis, New Orleans, Cincinnati, Kansas City, Mo., Indianapolis, and Toledo. Its per capita is only exceeded by New York City, Boston, and Newark."

This report does not take into consideration an additional force of 71 park police maintained under the Superintendent of Public Buildings and Grounds, the police force at the Capitol, House, and Senate Office Buildings, and the numerous guards stationed at all Federal buildings. If this additional police protection were taken into consideration no city in the United States could compare with the number of policemen per capita. The committee has also inserted a provision reducing the amount for extra compensation to members of the force who may be mounted on horses from $450 to $360 per annum; those mounted on bicycles from $70 to $50 per annum; and extra compensation for motor vehicles from $480 to $312, being of the opinion that the amount authorized under current law to be excessive. In reducing the estimate by 18 positions a corresponding reduction of $1,350 was made in the fund for uniforms.

A reduction of $4,000 in the estimate for the house of detention has also been made because in the original estimate for this service an allocation of $15,000 was made for rental, whereas recently the house of detention has been able to obtain quarters at a rate for the next fiscal year totaling $11,000 per annum.

Last year there was appropriated a sum of $52,000 for the erection of a building to be known as the fifteenth police precinct station house. No construction has as yet started on the proposed station, and in the conduct of the hearings this year officials of the police department failed to impress the committee with the immediate need for such a station house. Accordingly the committee has made available $2,000 of the appropriation for this purpose for the acquisition of additional land for the final site for this house when conditions warrant its erection and reappropriated and transferred the remaining $50,000 to another item in the bill.

FIRE DEPARTMENT

The committee has reduced the estimate presented to it for the fire department $41,775 under the current year and $37,350 under the estimate contained in the Budget, making a total amount available for the department for next year of $2,171,790. This reduction includes the elimination of 18 new firemen for six months, totaling $17,000; some new fire gear amounting to $21,000; and the uniform appropriation by $1,350. The committee substantiates its action as follows: Last year when the bill was before the committee for its consideration an amount was recommended for a site and for the erection and furnishing of a building for an engine company to be located in the vicinity of Sixteenth Street and Colorado Avenue NW. Injunction proceedings precluded the District officials from proceeding with this program, and the matter is still in the courts. Eighteen additional men and the requisite fire gear were recommended in the amounts carried in the bill for this new fire house. Despite the fact that there has been no fire house at which to station these men, they were appointed shortly after the money became available. In the estimates originally submitted to the committee, as has been stated, there were 18 new men included for manning a proposed fire house at Connecticut and Nebraska Avenues, which is recommended in the bill. The committee has eliminated these new positions and the apparatus and expects the department to use at this latter station the personnel and apparatus granted last year for the station the construction of which is held up temporarily pending the outcome of litigation.

HEALTH DEPARTMENT

The bill carries a total amount of $427,590 for the health department of the District, which is an increase of $28,135 over the current year. All of this increase is absorbed by salary readjustments under the Welch Pay Act. The committee has increased the appropriation for maintaining a child hygiene service by adding $2,000 to the Budget estimate, making the amount available for this purpose for 1930 $54,000. In reality this is an increase of $4,000 over the current year. The department contemplates the establishment of an additional hygiene station. The amount in the estimate did not appear sufficient, so the committee of its own volition raised the amount as indicated.

COURTS AND PRISONS

For the District courts, their expenses, and the support of convicts of the District of Columbia a total of $842,340 has been recommended for the year 1930. This amount reflects an increase of $51,647 over the current year and a decrease of $4,040 under the Budget estimates.

Juvenile court: The bill carries $65,740 for the activities of the juvenile court and its probation officers. The committee eliminated as unnecessary a proposed additional financial clerk at $1,620 per annum.

Police court: The committee reduced the amount for the police court by $2,420, making the total appropriation for 1930 $142,620. The committee's action in making the reduction referred to eliminated one night court clerk at $1,920, whose services were no longer necessary by reason of the committee's action last year in closing the night traffic court, and by reducing the general maintenance fund by $500. The committee was informed last year that by closing the night traffic court it would cause a reduction both in the amount needed for fuel and for gas, electric light, and power. In the estimated allocations under this fund for 1930 the amounts remained practically the same.

Municipal court: The Budget estimate of $83,270 has been recommended for the municipal court, an increase over this year of $8,734. This increase includes an additional bookkeeper at $1,800, the balance being absorbed by Welch Pay Act increases.

Supreme Court of the District of Columbia: Including a supplemental estimate of $10,000, covering the salary of an additional judge authorized by the act of December 20, 1928, the amount estimated in the Budget for the conduct of the Supreme Court of the District was $292,520. No additional employees are recommended over this year, the differentiation in amount between 1929 and 1930 being covered by salary increases under the Welch Act.

PUBLIC WELFARE

Including a supplemental estimate of $150,000 for a nurses' home at Gallinger Municipal Hospital under an estimated cost not to exceed $325,000, the estimates submitted for the various public-welfare activities total $4,529,580. The committee has recommended $4,486,580, which is an increase of $164,560 over 1929 and an apparent decrease under the Budget of $43,000. Actually, however, the committee increased the Budget amount by making available $50,000 of an unexpended appropriation for the purposes of the construction of permanent buildings at the reformatory, and thus releasing this amount from the set-up. This increase of $7,000 is covered by raising the item for a home for the superintendent at the Home for the Feeble-Minded from $15,000 to $20,000, and by increasing the appropriation for the Temporary Home for Union Ex-Soldiers and Sailors, $2,000, to cover the salary of a night watchman and repairs.

The committee has increased the amount to be available from the various funds at the District Reformatory, to act as a revolving fund, and known as the working capital fund, from $25,000 to $50,000. This fund was created last year upon recommendation by the Bureau of Efficiency, the purpose being to provide certain small self-paying industries at this institution to keep the men occupied and provide some means of remuneration for their labor. The initial success of this idea has induced the committee to increase the fund for the purpose of adding several other industries at the institution.

PUBLIC BUILDINGS AND PARKS

The committee has recommended for public buildings and parks for the District a total of $1,139,400, an increase of $133,065 over the current year and an increase of $37,000 over the Budget estimates. The item for salaries under public parks reflects a Budget increase of $49,540 over 1929. This increase covers $44,280 for increases under the Welch Act, and $5,260 for an increase of five laborers at the minimum rate. For salaries of the park police the bill carries $152,000 for 151 men, an increase of $2,000 and 1 officer for next year over 1929. Including a supplemental estimate of $40,000, and an increase by the committee over the Budget estimate of $37,000, the appropriation for general expenses for public parks is $570,000. The supplemental estimate is an initial amount for beginning the construction of a sidewalk and protective railing along the sea wall of East Potomac Park. At the present time a sidewalk and an iron railing now encircle the sea wall at Hains Point. The purpose of this estimate is to continue the walk and railing a considerable distance on both the Washington Channel and Potomac River sides of East Potomac Park. The $32,000 added by the committee over the Budget estimate covers an item for the purchase of road metal for the parkway between Massachusetts Avenue and the Zoo, which was eliminated from the estimates by the committee last year because the material would not be used at that time. An additional $5,000 was added by the committee for temporary labor.

NATIONAL PARK AND PLANNING COMMISSION

The original estimate submitted to the committee for the National Park and Planning Commission for 1930 for the purchase of park areas

was $600,000, a reduction under the current year of $250,000. A supplemental estimate of $400,000 was received later for inclusion in the amount recommended for 1930, bringing the total up to $1,000,000. This supplemental estimate is to expedite the purchase by the National Capital Park and Planning Commission of lands for the proper extension of the park and playground system.

NATIONAL ZOOLOGICAL PARK

Including a supplemental estimate of $220,000, the amount recommended for 1930 is $423,000, an increase over the current year of $240,950. The supplemental estimate is to provide the necessary housing facilities for the proper exhibition of collections of reptiles, amphibians, insects, and other invertebrates. At present reptiles and amphibians must be kept in the lion house under conditions unsuitable for their care and exhibition. This amount will provide for the most pressing need at the Zoo.

WATER SERVICE

Washington Aqueduct: The amount recommended has been increased from $425,000 for 1929 to $441,000 for 1930. The increase of $16,000 is required to cover increases of salaries due to the Welch Act, amounting to $8,400, and to the increased amount of water which will be consumed in 1930, the treatment and pumping of which will cost $7,600 additional.

Salaries and maintenance: The amounts carried in the bill for salaries is $154,800, an increase of $10,440 due to the Welch Act, and for maintenance $365,000, an increase of $30,000, $25,000 of which is due to increased per diem wages under the wage scale of August 6, 1928, and $5,000 general increase to provide for unforeseen emergencies.

The amounts for extension of distribution systems, $250,000; installing water meters, $30,000; installing fire and public hydrants, $50,000; and replacement of old mains, $50,000; all remain the same as the current year.

For the extension of water mains in different sections of the city there are five projects contemplated, at a total cost of $154,532.

LIMITATIONS AND PROPOSED LEGISLATION

Limitations with respect to expenditures or legislative provisions, not heretofore enacted, are recommended as follows:

On page 2:

"* * * and the tax rate in effect in the fiscal year 1929 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1930 * * *."

On page 4:

"*Provided*, That hereafter the superintendent of licenses of the District of Columbia shall not issue a registration certificate or identification tags for any motor vehicle upon which any personal taxes are due and unpaid to the said District."

On page 11:

"*Provided*, That no part of the appropriations contained in this act for personal services and other expenses of the office of the recorder of deeds shall be expended without the prior approval of the Commissioners of the District of Columbia, or under such regulations as the commissioners shall approve, and all expenditures from such appropriations shall be made and accounted for in the manner provided by law for the expenditure of other appropriations for the government of the District of Columbia."

On page 16:

"*Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services under available appropriations contained in this act."

On page 37:

"*Provided*, That beginning July 1, 1931, and thereafter, section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled 'An act to establish a normal school for the city of Washington' (sec. 42, ch. 57, of the Compiled Statutes in force in the District of Columbia), shall apply only to those graduates of the normal schools of the District of Columbia who shall at the time of their graduation rank within the first 25 per cent of their respective classes, arranged in order of their ratings received for their entire normal-school course."

On page 47, in connection with the appropriation for a new business high school:

"*Provided*, That upon completion of such building, the building now occupied by the Business High School shall be used as an elementary school for colored pupils."

On page 51, in connection with the appropriation for salaries of police:

"*Provided*, That hereafter no more than $360 per annum shall be paid as extra compensation to members of said force who may be mounted on horses, furnished and maintained by themselves; no more than $50 per annum as extra compensation to members mounted on bicycles; and no more than $312 per annum to members who may be called upon to use motor vehicles, furnished and maintained by themselves."

On page 60, in connection with the health department:

"*Provided*, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed $480 per annum for each inspector."

On page 60:

"The health officer of the District of Columbia is hereby authorized and directed to transfer all the marriage records in the health department, within 15 days after the passage of this act, to the clerk of the Supreme Court of the District of Columbia, who shall thereafter have the same control and custody of such records as he has now of the marriage records in the said clerk's office."

On page 67:

"The practice of allowing quarters, heat, light, household equipment, subsistence, and laundry service to officers and employees of the government of the District of Columbia who are required to live at the several institutions of such District may be continued at the rates or values in effect on the date of the enactment of this act pending review and determination of rates or values by the Personnel Classification Board as provided by law."

On page 76, in connection with the appropriation for additional land at the District Training School:

"If the land proposed to be acquired can not be purchased at a satisfactory price the Attorney General of the United States, at the request of the Commissioners of the District of Columbia, shall institute condemnation proceedings to acquire such land, the title of said land to be taken directly to and in the name of the United States, but the land so acquired shall be held under the jurisdiction of the Commissioners of the District of Columbia as agents of the United States, and the expenses of procuring evidence of title or of condemnation, or both, shall be paid out of the appropriation herein made for the purchase of said land."

On page 96:

"SEC. 7. Of the appropriations for the fiscal years 1929 and 1930, respectively, toward financing the liability of the United States created by the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts amendatory thereof, the sum of $150,000 for each of such fiscal years shall be charged to the revenues of the District of Columbia and such sums shall be transferred from the revenues of the District to the credit of the United States on account of the retirement of District of Columbia personnel under such acts."

DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL YEAR 1930

Comparative statement of the amounts appropriated for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the accompanying bill for 1930

[NOTE.—Appropriations for 1929 include amounts in regular annual, deficiency, and other acts]

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
SALARIES					
Executive offices, commissioners, clerks, etc	$247,380.00	$272,420.00	$272,920.00	+$25,540.00	+$500.00
District Building:					
Care of	63,070.00	68,626.00	70,054.00	+6,984.00	+1,428.00
Fuel, etc	34,500.00	37,500.00	37,500.00	+3,000.00	
Assessor's office	189,770.00	207,510.00	207,510.00	+17,740.00	
License bureau	19,320.00	19,820.00	19,820.00	+500.00	
Collector's office	43,550.00	46,450.00	46,450.00	+2,900.00	
Auditor's office (including $3,800 in the second deficiency act, 1928)	108,010.00	118,640.00	118,640.00	+10,630.00	
Corporation counsel's office	58,340.00	65,120.00	66,620.00	+8,280.00	+1,500.00
Coroner's office:					
Salaries	9,190.00	10,040.00	10,040.00	+850.00	
Contingent expenses	10,000.00	4,775.00	4,775.00	−5,225.00	
Weights, measures, etc., office of:					
Salaries	42,545.00	47,080.00	47,080.00	+4,535.00	
Contingent expenses	45,975.00	11,050.00	11,050.00	−34,925.00	

DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL YEAR 1930—continued

Comparative statement of the amounts appropriated for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the accompanying bill for 1930— Continued

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
SALARIES—continued					
Engineering department:					
Highways department (including $205,000 contained in a supplemental estimate)	$197,850.00	$420,690.00	$420,690.00	+$222,840.00	
Sewer department	178,360.00	193,200.00	193,200.00	+14,840.00	
Trees and parking department	19,720.00	22,880.00	22,880.00	+3,160.00	
Chief clerk, office of	26,040.00	28,000.00	28,000.00	+1,960.00	
Central garage	4,890.00	5,240.00	5,240.00	+350.00	
Municipal architect's office	53,740.00	59,900.00	63,700.00	+9,960.00	+$3,800.00
Public Utilities Commission	72,230.00	76,520.00	76,620.00	+4,390.00	+100.00
Incidental expenses	4,200.00	1,700.00	1,700.00	−2,500.00	
Board of examiners, steam engineers	450.00	450.00	450.00		
Insurance, department of	18,090.00	19,560.00	19,560.00	+1,470.00	
Surveyor's office:					
Salaries	79,050.00	84,690.00	84,690.00	+5,640.00	
Surveys, permanent highway system, etc	3,000.00	3,000.00	3,000.00		
Employees' compensation fund	28,000.00	31,000.00	31,000.00	+3,000.00	
Compensation to injured employees		63,000.00	63,000.00	+63,000.00	
Director of traffic	29,600.00	39,040.00	39,040.00	+9,440.00	
Purchase, maintenance, etc., of traffic lights	45,000.00	43,700.00	43,700.00	−1,300.00	
Free Public Library, including branches:					
Salaries	240,035.00	265,640.00	265,640.00	+25,605.00	
Substitutes, employment of	6,000.00	6,000.00	6,000.00		
Sunday opening	3,000.00	3,000.00	3,000.00		
Miscellaneous expenses (including $35,000 contained in a supplemental estimate)	83,900.00	116,300.00	115,450.00	+31,550.00	−850.00
Register of wills:					
Salaries	67,560.00	73,640.00	73,640.00	+6,080.00	
Miscellaneous expenses	10,000.00	11,500.00	11,000.00	+1,000.00	−500.00
Recorder of deeds:					
Salaries	96,000.00	104,020.00	104,020.00	+8,020.00	
Miscellaneous expenses	14,500.00	14,000.00	14,000.00	−500.00	
Rent	14,000.00	14,000.00	14,000.00		
Total, salaries	2,166,865.00	2,609,701.00	2,615,679.00	+448,814.00	+5,978.00
CONTINGENT AND MISCELLANEOUS					
Contingent expenses, general	50,000.00	36,350.00	36,350.00	−13,650.00	
Printing annual reports	4,800.00			−4,800.00	
Printing and binding		70,000.00	70,000.00	+70,000.00	
Motor vehicles, purchase, maintenance, etc	112,000.00	109,816.00	107,951.00	−4,049.00	−1,865.00
Postage	21,000.00	23,000.00	22,000.00	+1,000.00	−1,000.00
Judicial expenses	4,500.00	3,000.00	3,000.00	−1,500.00	
Advertising, general	8,000.00	8,000.00	8,000.00		
Advertising notice of taxes in arrears	6,000.00	10,000.00	10,000.00	+4,000.00	
Public employment service	9,650.00	8,000.00	9,650.00		+1,650.00
Historical places, marking tablets	500.00	500.00	500.00		
Emergency fund	4,000.00	4,000.00	4,000.00		
Refund of erroneous collections, including $2,000 in the first deficiency act of 1928	3,000.00	3,000.00	3,000.00		
Uniform State laws conference	250.00	250.00	250.00		
Total, contingent and miscellaneous	223,700.00	275,916.00	274,701.00	+51,001.00	−1,215.00
STREET AND ROAD IMPROVEMENT AND REPAIR					
Assessment and permit work, sidewalks, curbs, and alleys	300,000.00	300,000.00	300,000.00		
Paving roadways under permit system	40,000.00	30,000.00	30,000.00	−10,000.00	
Gasoline tax, road and street fund	1,802,900.00	1,600,000.00	1,565,600.00	−237,300.00	−34,400.00
Grading	50,000.00			−50,000.00	
Condemnation—streets, roads, alleys, and purchase or condemnation of small parks	5,000.00	5,000.00	5,000.00		
Streets, avenues, roads, or highways: Opening, widening, or extension of	(1)	(1)	(1)		
Streets, avenues, and alleys, repairs	1,475,000.00	1,475,000.00	1,475,000.00		
Sidewalks and curbs around public reservations, etc	10,000.00	15,000.00	15,000.00	+5,000.00	
Bridges, construction and repair (including $120,000 contained in a supplemental estimate)	77,060.00	207,500.00	207,500.00	+130,440.00	
Reconstruction and replacement of bridges	178,000.00			−178,000.00	
Trees and parkings	112,500.00	115,000.00	112,500.00		−2,500.00
Public convenience stations	28,000.00	34,900.00	34,900.00	+6,900.00	
Total street and road improvement and repair	4,078,460.00	3,782,400.00	3,745,500.00	−332,960.00	−36,900.00
SEWERS					
Cleaning, repairing, and operation of sewage-pumping service	255,000.00	250,000.00	250,000.00	−5,000.00	
Main and pipe sewers and receiving basins	195,000.00	210,000.00	210,000.00	+15,000.00	
Suburban sewers	600,000.00	600,000.00	600,000.00		
Assessment and permit work	410,000.00	340,000.00	340,000.00	−70,000.00	
Rights of way, purchase, condemnation, etc	1,000.00	1,000.00	1,000.00		
Upper Potomac interceptor	50,000.00	50,000.00	50,000.00		
Stickfoot branch sewer			25,000.00	+25,000.00	+25,000.00
Upper Anacostia main interceptor	15,000.00			−15,000.00	
Total, sewers	1,526,000.00	1,451,000.00	1,476,000.00	−50,000.00	+25,000.00
COLLECTION AND DISPOSAL OF REFUSE					
Street-cleaning division, salaries	126,740.00	138,900.00	138,900.00	+12,160.00	
Dust prevention, cleaning, and snow removal	500,000.00	500,000.00	500,000.00		
Refuse, disposal of	950,000.00	975,000.00	975,000.00	+25,000.00	
Total, collection and disposal of refuse	1,576,740.00	1,613,900.00	1,613,900.00	+37,160.00	
PUBLIC PLAYGROUNDS					
Salaries	101,230.00	113,180.00	113,180.00	+11,950.00	
Contingent expenses	51,500.00	46,000.00	46,000.00	−5,500.00	
Expenses of school playgrounds, summer months	25,000.00	29,000.00	29,000.00	+4,000.00	
Maintenance and operation of swimming pools	6,000.00	3,000.00	3,000.00	−3,000.00	
Bathing pools	6,880.00	6,880.00	6,880.00		
Total, public playgrounds	190,610.00	198,060.00	198,060.00	+7,450.00	

(1) Indefinite.

DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL YEAR 1930—continued

Comparative statement of the amounts appropriated for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the accompanying bill for 1930— Continued

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
ELECTRICAL DEPARTMENT					
Salaries	$117,160.00	$128,680.00	$128,680.00	+$11,520.00	
General supplies, repairs, etc	33,000.00	31,750.00	31,750.00	−1,250.00	
Placing wires underground for fire alarms, patrol boxes, etc	34,000.00	34,625.00	30,000.00	−4,000.00	−$4,625.00
Lighting	949,450.00	950,000.00	950,000.00	+550.00	
Equipment, new police precinct	4,570.00			−4,570.00	
Addition to storehouse	2,000.00			−2,000.00	
Total, electrical department	1,140,180.00	1,145,055.00	1,140,430.00	+250.00	−4,625.00
PUBLIC SCHOOLS					
Salaries:					
Officers	633,900.00	651,740.00	656,740.00	+22,840.00	+5,000.00
Clerks and other employees	127,540.00	146,940.00	148,560.00	+21,020.00	+1,620.00
Attendance department	32,800.00	36,900.00	36,900.00	+4,100.00	
Teachers	5,841,920.00	6,000,000.00	5,966,000.00	+124,080.00	−34,000.00
Vacation schools, playgrounds, etc	33,000.00	33,000.00	33,000.00		
Teachers' retirement fund	380,000.00	400,000.00	400,000.00	+20,000.00	
Night schools:					
Salaries	95,000.00	95,000.00	95,000.00		
Contingent expenses	4,500.00	4,500.00	4,500.00		
Deaf, dumb, and blind:					
Columbia Institution for the Deaf	27,500.00	27,500.00	27,500.00		
Colored deaf-mutes, instruction of	6,500.00	6,500.00	6,500.00		
Blind, instruction of indigent	10,500.00	10,500.00	10,500.00		
Americanization work	11,000.00	12,000.00	12,000.00	+1,000.00	
Community center department	41,000.00	42,000.00	42,000.00	+1,000.00	
Care of buildings and grounds	619,260.00	762,000.00	762,000.00	+142,740.00	
Care of smaller buildings, etc	7,000.00	6,500.00	6,500.00	−500.00	
Miscellaneous:					
Tubercular pupils, school maintenance	7,000.00	7,000.00	7,000.00		
Transportation of tubercular children	5,000.00	5,000.00	5,000.00		
Manual-training apparatus, equipment, etc	85,000.00	90,000.00	90,000.00	+5,000.00	
Fuel, light, and power	270,000.00	290,000.00	290,000.00	+20,000.00	
Furniture, etc., kindergartens, manual training, etc	22,000.00	194,500.00	194,500.00	+172,500.00	
Furniture, etc., McKinley Technical High School	350,000.00			−350,000.00	
Contingent expenses, furniture, stationery, etc	155,000.00	190,000.00	187,800.00	+32,800.00	−2,200.00
Textbooks and supplies	125,000.00	125,000.00	125,000.00		
Kindergarten supplies	10,000.00	10,000.00	10,000.00		
School gardens	3,000.00	3,000.00	3,000.00		
Physics, chemistry, and biology departments, apparatus, etc., for	14,000.00	16,000.00	16,000.00	+2,000.00	
Buildings and grounds:					
Repairs, etc	529,610.00	450,000.00	450,000.00	−79,610.00	
For renovating old McKinley High School	70,500.00			−70,500.00	
Rent of buildings	11,000.00	8,000.00	8,000.00	−3,000.00	
Equipment, grading, etc., playgrounds	10,000.00	10,000.00	10,000.00		
Public works (including $494,000 contained in a supplemental estimate)	2,612,000.00	2,454,000.00	2,242,000.00	−370,000.00	−212,000.00
Total, public schools	12,150,530.00	12,087,580.00	11,846,000.00	−304,530.00	−241,580.00
METROPOLITAN POLICE					
Salaries	2,840,470.00	2,876,850.00	2,836,960.00	−3,510.00	−39,890.00
Purchase of uniforms	67,075.00	68,400.00	67,050.00	−25.00	−1,350.00
Miscellaneous	211,000.00	145,500.00	145,500.00	−65,500.00	
House of Detention	21,000.00	36,440.00	32,440.00	+11,440.00	−4,000.00
Harbor patrol	2,000.00	2,000.00	2,000.00		
Total, Metropolitan police	3,141,545.00	3,129,190.00	3,083,950.00	−57,595.00	−45,240.00
Policemen and firemen's relief fund (payable from policemen and firemen's relief fund)	650,000.00			−650,000.00	
FIRE DEPARTMENT					
Salaries	1,904,040.00	1,923,440.00	1,906,440.00	+2,400.00	−17,000.00
Uniforms	30,975.00	31,750.00	30,400.00	−575.00	−1,350.00
Miscellaneous	140,500.00	141,000.00	141,000.00	+500.00	
Permanent improvements	54,500.00	112,950.00	93,950.00	+39,450.00	−19,000.00
Total, fire department	2,130,015.00	2,209,140.00	2,171,790.00	+41,775.00	−37,350.00
HEALTH DEPARTMENT					
Salaries	166,430.00	181,690.00	181,690.00	+15,260.00	
Contagious diseases, prevention of	43,000.00	45,000.00	45,000.00	+2,000.00	
Repair of clinics	8,000.00			−8,000.00	
Garfield and Providence Hospitals, isolation wards in	23,000.00	24,000.00	24,000.00	+1,000.00	
Tuberculosis dispensaries	20,000.00	24,200.00	24,200.00	+4,200.00	
Disinfecting service, maintenance of	5,500.00	3,700.00	3,700.00	−1,800.00	
Abatement of nuisances and drainage of lots	3,000.00	2,500.00	2,500.00	−500.00	
Drugs and foods, detection of adulteration of	100.00			−100.00	
Hygiene and sanitation, public schools	67,340.00	74,000.00	74,000.00	+6,660.00	
Free dental clinic	1,000.00			−1,000.00	
Bacteriological laboratory	2,500.00	3,000.00	3,000.00	+500.00	
Dairy-farm inspection	5,000.00			−5,000.00	
Contingent expenses	1,000.00	8,100.00	8,100.00	+7,100.00	
Public crematory, maintenance, etc	3,000.00	3,900.00	3,900.00	+900.00	
Pound service	2,225.00	3,500.00	3,500.00	+1,275.00	
Child Welfare Society, aid to	48,360.00	52,000.00	54,000.00	+5,640.00	+2,000.00
Total, health department	399,455.00	425,590.00	427,590.00	+28,135.00	+2,000.00
COURTS AND PRISONS					
Juvenile court	61,910.00	67,360.00	65,740.00	+3,830.00	−1,620.00
Police court (including $1,600 in the second deficiency act of 1928 for compensation of jurors)	142,350.00	145,040.00	142,620.00	+270.00	−2,420.00
Municipal court	74,536.00	83,270.00	83,270.00	+8,734.00	
Supreme court:					
Salaries (includes $10,000 in supplemental estimates)	74,900.00	86,100.00	86,100.00	+11,200.00	
Witness fees	33,000.00	32,000.00	32,000.00	−1,000.00	
Jurors, fees of	82,000.00	79,000.00	79,000.00	−3,000.00	
Bailiffs	41,903.00	44,620.00	44,620.00	+2,717.00	
Probation system	9,420.00	10,000.00	10,000.00	+580.00	

DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL YEAR 1930—continued

Comparative statement of the amounts appropriated for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the accompanying bill for 1930— Continued

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
COURTS AND PRISONS—continued					
Courthouse:					
Care of	$29,704.00	$35,000.00	$35,000.00	+$5,296.00	
Repairs and improvements	2,500.00	5,800.00	5,800.00	+3,300.00	
Court of appeals:					
Salaries	62,640.00	66,150.00	66,150.00	+3,510.00	
Building	7,800.00	9,120.00	9,120.00	+1,320.00	
Miscellaneous:					
Support of convicts	120,000.00	110,000.00	110,000.00	−10,000.00	
Writs of lunacy	8,530.00	8,720.00	8,720.00	+190.00	
Miscellaneous expenses	35,000.00	60,000.00	60,000.00	+25,000.00	
Printing and binding	4,500.00	4,200.00	4,200.00	−300.00	
Total, courts and prisons	790,693.00	846,380.00	842,340.00	+51,647.00	−$4,040.00
Board of Public Welfare: Salaries	97,770.00	107,900.00	107,900.00	+10,130.00	
Division of Child Welfare: Administration	5,000.00	4,000.00	4,000.00	−1,000.00	
Board and care of children	160,000.00	230,000.00	230,000.00	+70,000.00	
Home care for dependent children	125,290.00	133,200.00	133,200.00	+7,910.00	
Reformatories and correctional institutions:					
Detention of minor children	25,000.00	40,000.00	40,000.00	+15,000.00	
Jail	128,310.00	142,045.00	142,045.00	+13,735.00	
Workhouse and reformatory (administration)	15,400.00	17,000.00	17,000.00	+1,600.00	
Purchase of land	2,650.00			−2,650.00	
Workhouse	387,735.00	355,060.00	355,060.00	−32,675.00	
Reformatory	218,980.00	243,380.00	193,380.00	−25,600.00	−50,000.00
National Training School for Boys	40,000.00	40,000.00	40,000.00		
National Training School for Girls	72,140.00	77,100.00	77,100.00	+4,960.00	
Medical charities:					
Columbia Hospital	17,000.00			−17,000.00	
Children's Hospital	27,000.00	18,000.00	18,000.00	−9,000.00	
Providence Hospital	15,300.00			−15,300.00	
Garfield Memorial Hospital	15,300.00			−15,300.00	
Emergency Hospital	23,000.00	25,000.00	25,000.00	+2,000.00	
Eastern Dispensary	15,000.00	15,000.00	15,000.00		
Washington Home for Incurables	10,000.00	10,000.00	10,000.00		
Georgetown University Hospital	7,200.00			−7,200.00	
George Washington University Hospital	7,200.00			−7,200.00	
Columbia Hospital and Lying-in Asylum	55,000.00	15,000.00	15,000.00	−40,000.00	
Tuberculosis Hospital	125,860.00	140,000.00	140,000.00	+14,140.00	
Gallinger Municipal Hospital, including $150,000 supplemental estimate	816,155.00	708,600.00	708,600.00	−107,555.00	
District Training School	174,850.00	282,750.00	287,750.00	+112,900.00	+5,000.00
Industrial Home School (colored children)	57,125.00	62,960.00	62,960.00	+5,835.00	
Industrial Home School	53,150.00	55,500.00	55,500.00	+2,350.00	
Home for Aged and Infirm	115,910.00	171,900.00	171,900.00	+55,990.00	
Miscellaneous:					
Municipal Lodging House	6,360.00	6,660.00	6,660.00	+300.00	
Soldiers and sailors' homes	12,860.00	13,800.00	15,800.00	+2,940.00	+2,000.00
Florence Crittenton Home	4,000.00	5,000.00	5,000.00	+1,000.00	
Southern Relief Society	10,000.00	10,000.00	10,000.00		
National Library for the Blind	5,000.00	5,000.00	5,000.00		
Columbia Polytechnic Institute for the Blind	3,000.00	3,000.00	3,000.00		
St. Elizabeths Hospital, insane at	1,448,250.00	1,572,000.00	1,572,000.00	+123,750.00	
Nonresident insane, deportation of	5,000.00	5,000.00	5,000.00		
Poor, relief of:					
Medical attendance	8,000.00	7,500.00	7,500.00	−500.00	
Support of prisoners' dependents	2,500.00	3,500.00	3,500.00	+1,000.00	
Burial of indigent ex-service men	225.00	225.00	225.00		
Transportation of indigent persons	3,500.00	3,500.00	3,500.00		
Total, public welfare	4,322,020.00	4,529,580.00	4,486,580.00	+164,560.00	−43,000.00
MISCELLANEOUS					
Militia	50,400.00	52,900.00	52,900.00	+2,500.00	
Anacostia River and Flats	180,000.00	180,000.00	180,000.00		
Total, miscellaneous	230,400.00	232,900.00	232,900.00	+2,500.00	
PUBLIC BUILDINGS AND PUBLIC PARKS					
Salaries	355,460.00	405,000.00	405,000.00	+49,540.00	
Improvement and care of parks:					
General expenses	486,975.00	493,000.00	530,000.00	+43,025.00	+37,000.00
Protective wall (supplemental estimate)		40,000.00	40,000.00	+40,000.00	
Park police:					
Salaries	150,000.00	152,000.00	152,000.00	+2,000.00	
Miscellaneous	13,900.00	12,400.00	12,400.00	−1,500.00	
Total, public buildings and public parks	1,006,335.00	1,102,400.00	1,139,400.00	+133,065.00	+37,000.00
National Capital Park and Planning Commission	850,000.00	1,000,000.00	1,000,000.00	+150,000.00	
National Zoological Park (including $220,000 contained in a supplemental estimate)	182,050.00	423,000.00	423,000.00	+240,950.00	
Grand total, exclusive of water service	[1] 36,105,598.00	37,061,792.00	36,717,820.00	+612,222.00	−343,972.00
Amount payable from District revenues	[1] 25,587,992.44	28,061,792.00	27,717,820.00	+612,222.00	−343,972.00
Amount payable from United States Treasury	9,000,000.00	9,000,000.00	9,000,000.00		
WATER SERVICE					
(Payable from water revenues)					
Washington Aqueduct:					
Operation, salaries, etc	425,000.00	441,000.00	441,000.00	+16,000.00	
Water department:					
Salaries, inspection, and distribution branches	144,360.00	154,800.00	154,800.00	+10,440.00	
Maintenance	335,000.00	365,000.00	365,000.00	+30,000.00	
Extension of water mains	250,000.00	250,000.00	250,000.00		
Installation of meters	30,000.00	30,000.00	30,000.00		

[1] Includes $12,100 in second deficiency act of 1928.

DISTRICT OF COLUMBIA APPROPRIATION BILL, FISCAL YEAR 1930—continued

Comparative statement of the amounts appropriated for the fiscal year 1929, the Budget estimates for the fiscal year 1930, the amounts recommended in the accompanying bill for 1930—Continued

Object	Appropriations for 1929	Estimates for 1930	Amount recommended in the bill for 1930	Increase (+) or decrease (−), bill compared with 1929 appropriations	Increase (+) or decrease (−), bill compared with 1930 Budget estimates
WATER SERVICE—continued					
Installation of hydrants	$50,000.00	$50,000.00	$50,000.00		
Laying water mains, etc	297,350.00	204,530.00	204,530.00	−$92,820.00	
Total, water service	1,531,710.00	1,495,330.00	1,495,330.00	−36,380.00	
Grand total, including water service	37,637,308.00	38,557,122.00	38,213,150.00	+575,842.00	−$343,972.00
SUMMARY					
Salaries, including $3,800 in second deficiency act, 1928, and $240,000 in supplemental estimates	2,166,865.00	2,609,701.00	2,615,679.00	+448,814.00	+5,978.00
Contingent and miscellaneous	223,700.00	275,916.00	274,701.00	+51,001.00	−1,215.00
Street and road improvement and repair, including $160,000 in supplemental estimates	4,078,460.00	3,782,400.00	3,745,500.00	−332,960.00	−36,900.00
Sewers	1,526,000.00	1,451,000.00	1,476,000.00	−50,000.00	+25,000.00
Collection and disposal of refuse	1,576,740.00	1,613,900.00	1,613,900.00	+37,160.00	
Public playgrounds	190,610.00	198,060.00	198,060.00	+7,450.00	
Electrical department	1,140,180.00	1,145,055.00	1,140,430.00	+250.00	−4,625.00
Public schools, including $494,000 contained in supplemental estimates	12,150,530.00	12,087,580.00	11,846,000.00	−304,530.00	−241,580.00
Metropolitan police	3,141,545.00	3,129,190.00	3,083,950.00	−57,595.00	−45,240.00
Policemen and firemen's relief fund	[3] 650,000.00	(Indefinite.)	(Indefinite.)	[3] −650,000.00	
Fire department, including, for 1927, $32,000 in deficiency act	2,130,015.00	2,209,140.00	2,171,790.00	+41,775.00	−37,350.00
Health department	399,455.00	425,590.00	427,590.00	+28,135.00	+2,000.00
Courts and prisons	790,693.00	846,380.00	842,340.00	+51,647.00	−4,040.00
Public welfare (including $150,000 contained in supplemental estimate)	4,322,020.00	4,529,580.00	4,486,580.00	+164,560.00	−43,000.00
Miscellaneous	230,400.00	232,900.00	232,900.00	+2,500.00	
Public buildings and public parks	1,006,335.00	1,102,400.00	1,139,400.00	+133,065.00	+37,000.00
National Capital Park and Planning Commission (including a $400,000 supplemental estimate)	850,000.00	1,000,000.00	1,000,000.00	+150,000.00	
National Zoological Park (including a $220,000 supplemental estimate)	182,050.00	423,000.00	423,000.00	+240,950.00	
Total, exclusive of water service	36,105,598.00	37,061,792.00	36,717,820.00	+612,222.00	−343,972.00
Water service	1,531,710.00	1,495,330.00	1,495,330.00	−36,380.00	
Total, including water service	37,637,308.00	38,557,122.00	38,213,150.00	+575,842.00	−343,972.00
Permanent and indefinite appropriations:					
Refunding taxes	50,000.00	55,000.00	55,000.00	+5,000.00	
Extension of streets and avenues	175,000.00	500,000.00	500,000.00	+325,000.00	
Escheated estates relief fund	5,000.00	2,500.00	2,500.00	−2,500.00	
Teachers' retirement fund	340,000.00	390,000.00	390,000.00	+50,000.00	
Miscellaneous trust fund deposits	950,000.00	825,000.00	825,000.00	−125,000.00	
Washington redemption fund	500,000.00	550,000.00	550,000.00	+50,000.00	
Permit fund	50,000.00	55,000.00	55,000.00	+5,000.00	
Policemen and firemen's relief fund	650,000.00	675,000.00	675,000.00	+25,000.00	
Total, permanent annual and indefinite appropriations, District of Columbia	2,720,000.00	3,052,500.00	3,052,500.00	+332,500.00	
Grand total, regular annual and permanent and indefinite appropriations	[4] 40,357,308.00	41,609,622.00	[4] 41,265,650.00	[4] +908,342.00	−343,972.00

[3] Not included in total.

[4] Including $12,100 in second deficiency act, 1928.

Mr. CASEY. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, as a member of the subcommittee charged with the responsibility of looking into the fiscal affairs of the District of Columbia, I feel it is my duty to give to the House such information as I may have with reference to this matter. I desire to impress on the minds of the Members of the House that they should not be misled by the statements made by the gentleman from Nebraska [Mr. SIMMONS], chairman of the subcommittee, when he mentions that the committee did this or the committee did that, or the committee recommends this or the committee recommends that. The fact is that as far as I know the subcommittee had very little to do with the preparation of this bill or the report accompanying it that is now before you.

The first time I saw the bill or the report was when I appeared at a meeting of the full Committee on Appropriations to report the bill to the House. That is equally true of my colleague, Mr. GRIFFIN, of New York.

I feel that there is a system growing up in this House with reference to these appropriation bills, and particularly with reference to this District bill, that should be brought to the attention of the House, so that you may understand just what it is.

I was present in the city all the time during the hearings on this bill, with the exception of two days when it was necessary for me to go to Harrisburg, being president of the Pennsylvania Federation of Labor, to attend the State legislature's conference to prepare labor's legislative program to be presented to the legislature now in session.

I did not arrive in Washington on January 3, the first day of the hearings, because I had been seriously ill, but I have been in the city all of the time since my arrival on the 4th of January, with the exception of the two days I have just mentioned.

I know of no meeting having been called by the chairman of the subcommittee to mark up this bill; that is, to prepare the language that was to go into the bill or the report. I know of no meeting where the members of the subcommittee were called together to decide what items should or should not go into the bill. I do not know who wrote the bill. Neither do I know who wrote the report. You have before you a bill and a report accompanying it, supposedly prepared by the subcommittee. The report recommends the passage of the bill by the committee, when, as a matter of fact, the subcommittee never saw the bill or report until yesterday. I have no desire to quarrel with anybody; neither have I any desire to enter into personalities with reference to this matter. Personalities should not be indulged in during the consideration of legislation, but facts and systems should be discussed and that is what I propose to do in the short time at my disposal.

The committee's report would lead you to believe, and so would the statements of the distinguished chairman of the subcommittee, that the subcommittee had discussed this lump-sum appropriation and had arrived at a conclusion upon it. The fact is that since I have been a member of the subcommittee the subcommittee has never discussed this question. They have never been permitted to discuss it. I am not an advocate of the 60-40 plan or any other similar plan, because I do not believe they are fair to the Federal Government. I do not say that I am opposed to the lump-sum proposition of $9,000,000. I do say that I do not know whether it is right or not. Such investigation as I have made into this matter, the available information I could get upon it, leads me to believe that the person who guesses at a lump sum of $9,000,000 may be correct, but that he is no more correct than the man who would guess at lump sum of $15,000,000 or $5,000,000. We simply do not know, and while the present law provides that we shall pay on the 60-40 basis, the law has been set aside by the Congress upon the theory that the lump sum would save the Federal Treasury money, and because of that it comes within the Holman rule.

Much criticism has been made because of the report of the Bureau of Efficiency upon this question, criticism by the citizens and the newspapers of the District of Columbia. I am

not prepared to say whether this criticism is just or not, because I have not had the time to study the report as I would like to. I believe the report of the Bureau of Efficiency on the fiscal relations between the District of Columbia and the Federal Government is something that should be welcomed by everybody, because for the first time to my knowledge we have a concrete proposition laid before us by an impartial tribunal, which we can add to or take from, and in this way we may arrive at a satisfactory and equitable adjustment of this troublesome question of the fiscal relations between the Federal Government and the District of Columbia. I simply repeat that I do not know what the proper amount should be. I say our subcommittee has not discussed it, we were not permitted to discuss it, and I do not want the Members of the House to understand, from what the distinguished chairman of the subcommittee says in reference to this matter, that his statements carry with it the approval of myself or my colleague on the subcommittee, the gentleman from New York [Mr. GRIFFIN].

I find unfortunately both for the Congress and the people of the District of Columbia, that there is a misunderstanding that should be cleared up. Congress seems to be in the attitude of being against everything that the people of the District of Columbia want. This is unfortunate. Congress undertakes to criticize the people of the District because the tax rate is $1.70. That is held up as an illustration of why Congress should be hostile to the people of the District of Columbia. As a matter of fact the people of the District of Columbia have nothing to say about what their tax rate shall be. This House fixes this tax rate for the District of Columbia, and this House must accept the responsibility for the low tax rate in the District.

We provide in this bill that the authorities of the District of Columbia shall not have the authority to reduce the tax rate below $1.70, notwithstanding the fact that this tax rate has created a surplus that is accumulating in the Treasury, because Congress will not authorize the expenditure of sufficient money necessary for proper improvements in the District of Columbia. So long as we limit the expenditures of the District of Columbia as we do in this bill and every other bill and prevent the people of the District of Columbia from making the necessary improvements, it naturally follows we must in all fairness assume the responsibility. They are prohibited from spending any money other than that authorized by the bills passed by Congress.

Much has been said on this question, and I do not propose to go into it at any greater length, except to say that in my judgment you and I and the rest of the membership of this House are responsible for the low tax rate in the District of Columbia, and we should assume full responsibility for it and not try to shift it upon the citizens of the District. When we fix the amount that can be spent by the officials of the District we, of course, fix the tax rate.

You have been told that there is a surplus in the Treasury to the credit of the District of Columbia, and you have been told that there is no need for additional school facilities, notwithstanding that there are at the present time 6,000 children in the District of Columbia who attend school on what is called part time. That means that one child will go to school this morning and another child remain at home; the child who remains home in the morning will take the place of the child who went to school in the morning by going in the afternoon. This means that 6,000 children in the District of Columbia are being robbed of their education and additional and unnecessary burdens are being imposed on their parents. The hearings show, and the facts will demonstrate, that we have established a 5-year building program for our public-school system in the District of Columbia. The facts will also show that we are $3,500,000 behind in appropriations for providing for school facilities for the proper accommodation of the children in the District of Columbia; I believe this is a matter that Congress should be interested in.

The hearings will show that the school authorities have repeatedly asked for appropriations to keep abreast of the 5-year program, but notwithstanding their urgent requests we are $3,500,000 short of the 5-year program. In addition to this, we have approximately 75 or 80 portable schools that are moved from place to place to relieve the load in certain sections when conditions become so congested that they can not handle the school children—these shacks which are moved from place to place at best poorly lighted, poorly heated, poorly ventilated, and are nothing more than insanitary makeshifts in which we compel the children of the District of Columbia to attend school. I believe Congress should be interested in this matter, and I believe further that Congress should appropriate sufficient money for the erection of proper public school buildings in all parts of the District of Columbia so that these 6,000 children now on half time and these 3,000 or 4,000 children housed in these poorly ventilated, insanitary, portable buildings, may be put in proper schoolrooms and the makeshifts destroyed.

We also have a situation in the District of Columbia with reference to sewers to which I wish to direct attention.

We have, and the testimony will corroborate my statements, subdivisions in the District of Columbia with 35,000 or 40,000 people living in thickly populated and congested centers without a sewer or a water pipe, and where the outside toilets, or privy closets as they call them, are increasing year by year. There is no justification for a condition of that kind in the Capital City of the great United States, and, further, let me say that these insanitary privy closets which I am talking about, in many instances, because of the seepage from them, have destroyed the only source of water in those neighborhoods, viz, the wells that are located there. Further than that, you should know we appropriate approximately $25,000 a year to empty these privy closets of night soil, as it is termed in the bill, and what is done with this night soil? Is it dumped into the river? Is it cremated as it ought to be in sewage disposal plant or crematory or in any other sanitary way? No; it is not. It is sold to the truck farmers adjacent to the city of Washington and used as fertilizer to grow vegetables which are sold to the people of the District of Columbia. Is it not about time that Congress undertook to put a stop to this insanitary and unjustifiable condition?

Congress has a duty to perform in protecting the health of the people of the city of Washington. Congress should not sit idly by and permit these things to exist. Last year I called attention to the fact that beautiful Rock Creek Park, with that beautiful stream running through it, where you will find signs along its shore, "No bathing, no bathing," and where you will find during the summer months thousands of citizens of Washington and their families eating their dinners every Saturday afternoon and Sunday. I have seen them going to the creek and washing their plates, knives, and forks. And no doubt some of the children, not knowing any different, drink some of the water, and after eating their food their dishes are again washed in Rock Creek, which is an open sewer. That is why children and people are not permitted to bathe in it. No effort is made to eliminate these conditions. Congress, I repeat, should be interested. This House should be interested, and I believe it is about time they should do something of a practical nature to bring about the elimination of these conditions.

Mr. BYRNS. Will the gentleman yield?

Mr. CASEY. Yes. I yield to the gentleman from Tennessee.

Mr. BYRNS. Is not what the gentleman says more of an indictment of the officials of Washington, who are charged with the expenditure of this money, than of Congress, which makes the appropriation?

Mr. CASEY. In reply to the gentleman from Tennessee let me say that I have been going over the hearings very carefully and tried as best I could to place the responsibility, but in every instance it has led right back to the House of Representatives, because the officials say that they have not sufficient funds, and Congress will not give sufficient funds to eliminate those very bad conditions.

Mr. BYRNS. Now, if the gentleman will pardon me, let me say this: I have in mind a city which has in population over one-third and not quite half of the population of the city of Washington. I happen to know that that city has splendid sewers. It is properly taken care of, and so far as I know there is no particular complaint upon the part of the citizens of that city, and yet I dare say that the annual budget of that city is not one-tenth of that for the city of Washington. Now, I would like to understand why it is that this condition of which the gentleman complains exists, in view of the fact that appropriations are made for the city of Washington which in this particular instance are ten times more than the amount appropriated for the city I have in mind, although that city is over one-third as large as the city of Washington?

Mr. CASEY. Of course, there may be many reasons entering into it which I have not time to discuss. One factor is we set the tax rate here and we limit the expenditure. And in further reply to the gentleman from Tennessee, let me say that I can see no justification for the House of Representatives being bound by the recommendations of the Bureau of the Budget in the passage of this bill for the District of Columbia. I can see the necessity and appreciate the importance of following as closely as we can the recommendations of the Bureau of the Budget in the consideration of all other appropriation bills except this one, because the appropriations in the other bills come out of the Federal Treasury; but for this bill there is a

fixed sum, a rigid amount of $9,000,000. If the people of the District of Columbia want to build more schools, want to build more sewers, want to make this city more sanitary and more beautiful, then the people of the District of Columbia ought to be permitted to do it out of the taxes they pay.

They should not be estopped from doing those things—making those very necessary improvements—simply because we will not let them do it. That is no excuse, especially when the money for these improvements comes out of the taxes paid by the citizens of the District of Columbia.

I just want to take a moment or two on the question of the District employees' salaries, and then I have finished. When the bill for the fiscal year 1929 was before the House for its consideration it carried an item of approximately $170,000 for step-ups, as recommended by the Bureau of Efficiency, for the employees of the District doing like work to those in the Federal departments. At that time it was stated on the floor of the House by every member of the subcommittee and also by the report of the committee to the House that this was a 2-year program. The reason for that was that the Bureau of the Budget recommended to Congress in last year's bill an item of approximately $37,000 for necessary step-ups, as provided by law. When the subcommittee looked into the matter we found that instead of $37,000 being sufficient to comply with the law, it took over $340,000. This is the amount which rightfully belonged to these poorly paid employees of the District of Columbia and which had been taken from their pay envelopes—this amount of $340,000 rightfully belonged to these employees and should have, in all fairness, been given to them in the last bill; if this had been done as it should, there would not be any question about it at this time. The experts were put to work on this question, and the more they dug the worse it got.

Finally they arrived at the conclusion that the employees of the District of Columbia were the farthest below the average of their grade of any employees of the Federal Government in the District, or lower than the average in the 33 departments of the Federal Government, with the result that it was agreed that this $340,000 plus rightfully belonged to these employees; but at the suggestion of the distinguished chairman of the committee at that time, our good friend Mr. Madden, a 2-year program was agreed upon, to the effect that approximately half of the amount due these employees would go into last year's bill, with the solemn promise that the other half would go into the bill now before us for our consideration.

That promise has been broken. It is said that the Welch Act took care of this matter. That is not so. The understanding at the time this agreement was arrived at was that there was honestly and justly due the District employees $340,000 plus, and that it should be given to them in order to bring them up to the level of the average of their grade and put them on a comparable basis with the Federal employees in the District of Columbia doing like work, and that if the Welch Act or any other act passed by Congress increased the salaries of the Federal employees and the District employees, that this subsequent increase was to be added to the base pay set for the District employees by the addition of this $340,000.

You are told that since the passage of the last District appropriation bill the salaries of these employees have been increased twice, and in some instances three times, as a justification for keeping out of this bill the $165,000 that rightfully belongs to the employees of the District. They tell you that $500,000 or $700,000 has been added to their pay. But they do not tell you what their minimum salaries are. They do not tell you about the poorly paid employees of the District of Columbia, and that the salaries now paid, with these three increases, have not been brought up to the level of the average of their grade.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. I yield myself 10 minutes more.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. CASEY. The admission that they had to give these poorly paid employees three increases, to give these employees two or three additional step-ups in the past year, confirms every statement I made on the floor of this House during the consideration of the last bill providing for the expenses of the District of Columbia.

I want to say to you very frankly, my friends, that I sincerely trust a better understanding will be had between Members of this House and the officials and people of the District of Columbia. The people of the District of Columbia want to make these improvements but Congress will not permit them to do so. The responsibility is ours. An increase in taxes of 5 cents would put into the Treasury $600,000 or more per year. An increase of the taxes for the District of Columbia of 10 cents, making the tax rate $1.80 instead of $1.70, would put into the Treasury $1,200,000 which could be used for these improvements.

But it is not necessary to increase the taxes. With the tax rate now set by Congress, not by the people of the District of Columbia, of $1.70, they are able to pay for everything authorized in this bill or in the bill passed last year and still have a surplus which, according to statements made to you this morning, by July 1, 1930, will amount to $10,000,000.

Why should the people of the District of Columbia pay taxes to the extent that after paying for everything authorized by Congress there accumulates in the Treasury $10,000,000, while they have sections or subdivisions of the District without sewers or water mains, while there are 3,500 children housed in these poorly lighted and poorly heated and insanitary portable buildings called schools; while there are 6,000 children in the District of Columbia who are being deprived of an opportunity for an education because of the lack of proper school facilities and are only permited to attend school half time? Congress should look into this matter; it is a very serious question. If it was not so serious, I would be tempted to say it is a farce. But it has gone beyond that. It is a real tragedy, and unless it is corrected I apprehend that some day it will become a national scandal.

Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. SIMMONS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. HOLADAY] 20 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. HOLADAY. Mr. Chairman and gentlemen of the committee, before referring specifically to two or three objections that have been made to this bill, I feel that I should not allow to pass unnoticed the remarks of the gentleman [Mr. CASEY] who just preceded me with reference to the matter of hearings upon this bill.

During my legislative experience I have always proceeded on the theory that it was my duty to attend a committee hearing, and that if I did not attend that hearing I should not object to what occurred in that meeting; or, if attending the committee hearing and not understanding what was being done, I surely would not voice an objection after the conclusion of the hearing. The members of the subcommittee were notified that this committee would meet on the 3d day of January, and we did meet on that day, and on the completion of the hearing that day we adjourned to a certain hour on the following day; and that proceeding was followed until the hearings were completed, sessions being held generally in the forenoon and in the afternoon. I was present at all of these hearings with the exception of one session, when it was necessary for me to be absent, and I availed myself of the opportunity afforded to ascertain the character of the proceedings of the session which I did not attend.

After the hearings were completed the committee proceeded, page by page, to mark up this bill. The language of the bill was discussed. Certain matters that were subject to a point of order were discussed. The fiscal relations question was discussed. The report of the Bureau of Efficiency was received and discussed. As far as I am concerned, as one member of that committee who attended the sessions of the committee, I have no objection to the manner in which the hearings were had.

Yesterday the gentleman from New York——

Mr. CRAMTON. If the gentleman is leaving that part of his speech, does he mind an interruption?

Mr. HOLADAY. I yield.

Mr. CRAMTON. I am not sure that all Members quite appreciate the pressure under which a subcommittee handling an appropriation bill must work in order to suit the convenience of the House and keep these bills coming before the House in an orderly way. All of the appropriation bills contain many items, each of which requires examination and each of which is examined. In order to complete the hearings in the time that is permitted, get the bill whipped into shape and brought to the House it requires the most intense kind of application on the part of any subcommittee handling one of those bills. Now, as to the nature of the hearings, I have had some contact with the work of the Appropriations Committee for several years and some contact with the character of problems handled by this subcommittee. I want to say I do not believe there has ever been any committee of Congress that has developed the facts of a bill committed to its charge more thoroughly, more acceptably, and more capably than the subcommittee of which the gentleman from Nebraska [Mr. SIMMONS] is the chairman and the gentleman from Illinois [Mr. HOLADAY], the gentleman from Pennsylvania [Mr. WELSH], the gentleman from New York, and the gentleman from Pennsylvania [Mr. CASEY] are members. The House has in that set of hearings a splendid development

of the facts, and I think this subcommittee is entitled to a great deal of credit and commendation for its splendid work instead of any word of criticism.

Mr. HOLADAY. As I started to say, the gentleman from New York [Mr. GRIFFIN] on yesterday, in a somewhat lengthy speech, summed up his objections by asking three questions near the close of his remarks, and I think we may assume that in those three questions were embraced about all of his material objections to the bill. The gentleman who has just preceded me this morning has, in a large part, voiced the same objections.

The first question asked by the gentleman from New York was with reference to the sanitary and sewer conditions of the District of Columbia and especially with reference to outdoor box privies. We must remember that the District of Columbia extends out into the country and we have east of the Anacostia River a territory in which there are living approximately 30,000 people. In great part it is sparsely settled and undeveloped as yet. In that territory there are approximately 3,500 box privies. The hearings of the committee show that to forthwith eliminate all of those privies would cost $40,000,000, for the simple reason that in order to reach a house that may be situated out in the country, perhaps a quarter or a half mile from another house, yet within the District, it would be necessary to install a sewer for that one house. Now, what is being done with reference to the situation? This matter was especially called to the attention of the committee last year by the gentleman from Pennsylvania [Mr. CASEY]. An investigation was made, and this year, as a result of that investigation and in furtherance of the general development of the District, we are starting on a 3-year program for the elimination, so far as it is feasible, of those objectionable features. This 3-year program carries for that purpose $294,000—$70,000 for grading; $130,000 for sewers, and $94,000 for water. We must remember that before sewer connections can be made the streets must be laid out; they must be brought to grade; the water mains must be installed; and then the sewer mains. This territory is being developed by people of limited means. They have gone out of the higher-priced sections of the District and are locating their little homes there and they do not desire, in many cases, that at the present time they be burdened with the additional expense necessary to make their homes modern. But that work is now being carried on under a definite program.

In addition to the $294,000 expressly carried for this purpose, we are carrying an item of $1,475,000 for street repair, grading, and extensions, a part of which will be used in this territory. We are also carrying a general item for the extension and replacement of water mains of $320,000, a part of which will be used in this territory. We are also carrying an item of $600,000 for suburban sewers, practically all of which will be used in this territory. So the House should understand that the committee has not been negligent in this matter, but is proceeding with a well-defined program that will gradually eliminate these undesirable features.

The second question was with reference to the sewage conditions in Rock Creek Park. I am going to read to you a half page of the hearings. The gentleman from Pennsylvania undoubtedly will recall this, because this was the day on which he was present. I am now reading from page 192 of the hearings. This question was asked by Mr. CASEY:

What, if anything, has been done toward eliminating the sewage from Rock Creek?

This answer was made by Mr. Gordon, the head of the sewer department:

Nothing, except that a rather detailed report has been prepared by me, which report might be of interest to you. I am bringing out very clearly in this report the fact that the pollution in Rock Creek is probably from 95 to 99 per cent from Maryland and but 1 to 5 per cent from the District of Columbia, and that to remove this 1 to 5 per cent pollution that might be contributed by the District we would have to spend about $6,000,000.

The committee did not include the item of $6,000,000 for the removal of from 1 to 5 per cent of this sewage, because we did not think it was a feasible and proper expenditure:

Mr. SIMMONS. Is Maryland making any effort to remove its part of the pollution?

Mr. GORDON. They are making an effort to remove certain portions of it. There was created the Washington Suburban Sanitary District, embracing portions of the counties adjacent to the District of Columbia, and the commissioners of this sanitary district are empowered to sell bonds and levy assessments for the purpose of extending the sewer system in the sanitary district, and they are doing this. The Washington Suburban Sanitary District embraces about one-third of the drainage area of Rock Creek lying outside of the District. In other words, about 19 per cent of the entire drainage area of Rock Creek lies within the District and 81 per cent lies outside of the District. Of that 81 per cent, one-third is gradually having sewers installed by the Washington Suburban Sanitary Commissioners. This leaves about 55 per cent of the entire drainage area of Rock Creek, in which there are a number of growing communities, which will continue to pollute this stream.

The third question asked by the gentleman yesterday, and also mentioned by the gentleman from Pennsylvania this morning, was with reference to the school situation. Very recently Doctor Ballou, the superintendent of schools, furnished a report as of the date of November 1, 1928, in which he gave an itemized statement of the condition of school facilities and what was necessary to bring our school facilities 100 per cent up to date so that no new facilities would be needed. He lists the additional schoolrooms that are necessary to eliminate portables, 66; to eliminate rented quarters, 19; to eliminate undesirable rooms, 16.

Let me say here that those undesirable rooms are not all in one building, but they may be in a building that is in very good shape except that under pressure they are using one room or a hall or something of that kind that is not for the best interests. There are 16 in that class. To reduce oversized classes, 37; to eliminate part-time classes, 83; or a total of 221 rooms that are necessary.

Then he also sets forth a list of 90 rooms that should be, some time in the near future, abandoned, making a total of 341 rooms, of which 251 are recommended for immediate abandonment.

Now, remember, this is the report of the superintendent of schools, stating what is needed to bring the school system, so far as the housing facilities are concerned, up to 100 per cent, and this is all that is needed.

Now, what are we doing? Remember, this report was of November 1, 1928, and we needed 251 rooms.

School buildings that were opened between November 1, 1928, and January 17 this present month numbered 73 rooms.

Buildings appropriated for, plans now being drawn, or buildings under construction, 132 rooms.

This makes a total of rooms that have already been opened since the 1st of November or that are now under construction or that plans are being prepared for 205.

This bill carries additional buildings with a seating capacity for 3,343, or, at the usual average per room, 83 rooms.

So, when this bill is passed, with the rooms provided for in this bill, the rooms that are now under construction, and the rooms that have been opened since the 1st of November, we will have an additional 283 rooms, when the superintendent of schools has stated that it is only necessary that we have 251.

Let me now explain one other feature. Here is an item, for instance, of 66 portable rooms and an item of 16 rented rooms.

We find this condition: There is a new building constructed, we will say, of 16 rooms. When it is opened up it is 80 per cent filled. Gradually as two or three years pass by it reaches its maximum capacity, and then it begins to break over a little. It may be a building the normal capacity of which is 2,000, but it is breaking over, and it has an extra 100. This accounts for the oversized classes. We have 37 of them.

It may be that these oversized classes are one or two oversized—maybe six or eight—but it is not a feasible or an economical proposition to construct a new room to furnish accommodations for the one or two that come immediately at the break over.

So we will find that even with all the rooms constructed that we have now planned for we will continue, no doubt, to have here and there oversized classes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SIMMONS. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOLADAY. You may find in one building undersized classes, but across the city in another building there will be some oversized classes, because it is not feasible to take these children that distance and put them in the other school.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. HOLADAY. Yes.

Mr. MOORE of Virginia. How does the gentleman answer the question propounded by the gentleman from Pennsylvania [Mr. CASEY], who wants to know why we should not go along more rapidly in respect of the matter of sewers and water and schools, inasmuch as there is such a large surplus being accumulated to the credit of the District of Columbia?

Mr. HOLADAY. We are using up that surplus. We are going on with the schools as fast as the school board is presenting its plans for new rooms. We even urged them to go a little faster, and we hope, I may say, to provide in the deficiency

bill a provision for another building. The school board did not have their plans prepared with reference to the location of the building on account of certain conditions in relation to the location of white and colored schools.

On the whole, I think the city schools of Washington to-day are in better shape than they have been in many years, and that they are on a basis that will compare very favorably with the schools of any of our other cities. [Applause.]

Mr. CASEY. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including an article by J. Ramsay McDonald, ex-Premier of Great Britain, on the relations between America and England, which appears in the current number of the Nation.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, under leave granted to extend my remarks in the RECORD, I insert an article by J. Ramsay MacDonald, ex-Premier of Great Britain, on the relations between America and Great Britain.

The article is as follows:

AMERICA AND ENGLAND

By J. Ramsay MacDonald

LONDON, *January 10.*

The relations between the United States and Great Britain grow increasingly unhappy. The usual committees of friendship are being formed—always an ominous sign, and the usual signals of a faith in doubt are being flown, such as: "War between the United States and Great Britain is unthinkable." When I hear that I am reminded of the sailor who in dire peril expressed a thankfulness that his religion was still left. The plain fact is that a spirit is growing up in the two countries which is estranging them, and is encouraging a kind of squabbling criticism which destroys mutual understanding and forbearance. It is very curious that the behavior of young creatures in nurseries so often illustrates that of nations toward each other. What each of nations requires at this moment is a good robust call from manly common sense.

One type of mind is peculiarly pernicious in such circumstances, that of the apostle of the inevitable. It has an alluring air of detachment, and yet of stoical submission to the decrees of Providence. To-day it murmurs as in a drowsy trance that great economic empires have always clashed and fought, that capitalist competition has always brought armaments competition, and that that in turn has always brought war. Therefore all that the United States and ourselves can do is to go on temporarily with our struggle for markets and rivalry for possession of furniture and old masters, and wait for the inevitable clash and crash decreed since the beginning of the world. Against this superstition and misreading of history every backboned sentiment of morality and common sense must be up in arms. Given governments which have minds to form rational policies, and a public opinion which represents an active will and is not merely a spill drifting upon the currents, war is no more inevitable than the smallpox, and the causes of war are just as controllable as insanitary conditions.

The European war left for the United States and England times full of petty irritation. The burdens of debt, revolutions in industry and in world markets, the problems of political readjustment in a world which has undergone more change than people really imagine, and, in some respects, the even more difficult mental readjustments that are called for are not good for an equable temper. And when we come down to actual business, we find ourselves still more immersed in the strangeness of the change which has taken place. The whole world to-day is calling for peace and security against war, and when a simple declaration against war which avoids every practical difficulty is put before the world, the world hails it with acclamation, signs it—and relapses. To those of us who believe that to bring the nations out of the war age is the divine task of this generation, the temptation to lapse into cynicism rather than continue in an energetic faith is very great when we find that armament expansion both in Europe and America has been decreed by the same hands and the same pens as signed a solemn bond to eliminate forever the consideration of war from national policies. There is something wrong somewhere. Somehow, the distinction in Christian conduct between Sunday and the rest of the week seems to be creeping into international policies.

The first reflection which we are apt to make on such a situation is that some nation other than our own is perfidious. That has the demerit of leading us nowhere except up the dangerous way of self-appreciation and it also happens to be inadequate as an explanation. The fact is that every nation is rent between two opposing and hostile moods. Everyone wants peace, but no one will accept and pursue a policy based upon peace assumptions. The practical policy of the United States and Great Britain is exactly the same as that which preceded and prepared for the late war. Let us both get to close grips with reality. We have gone to Geneva to discuss naval armament, and we have both sent naval officers to do the negotiating. Both of us have begun with the assumption that war, involving our interests and safety, may break out. The duty of a naval officer is not to make peace, but to safeguard his nation's interests in time of trouble, and both you and we have an admirably able and honest body of men to advise us on that matter. At Geneva, it was not our mutual desire for peace that failed; it was not the impossibility of a peace policy that was demonstrated. It was a much simpler and very obvious thing. It was that, in the event of a war which brought us into conflict with each other, or that brought us separately into the strife, the naval arm that the United States would require for security would not be the same as that which England would require for security; that, indeed, if either the United States or England thought of security in relation to the hostility of each other, both of us would have to increase rather than diminish our shipbuilding. That was all that the Geneva failure proved. Was it really worth while going to Geneva for that purpose? Admirals as naval negotiators could not do other than bring out that obvious fact, and their negotiations could only expose the obvious. Then English papers and American started their fusillades. They missed completely the reason for the failure, and in good old-fashioned style went for the other side hammer and tongs. You patted yourselves on the back, kicked us, and we did exactly the same on our part; and the Atlantic became broader far and more stormy for both of us.

Then came our military—not only naval—agreement with France. For that I have nothing to say except that it illustrates the bungling of so much of our present Government's foreign policy. I do not believe that it was directed against the United States. It was simply stupid. It sacrificed our own national interests far more than it menaced yours. The country, irrespective of party, rose up and, following the lead of the Labor Party, rejected it. It would be highly improper for me to pass any opinion on the new American cruiser program; if I did so, it would quite properly be resented. But I may be allowed, as an outsider who is greatly concerned with the moral authority which every great State must possess if we are to secure the conditions of a world's peace, to say that the execution of that program will be a great blow to the Nation from which the Kellogg pact originated. You may consider it necessary to face that; but, make no mistake, the result will be the same as though my country had not declined to countenance the Anglo-French agreement. People will say: "Oh, yes; they boast of their declaration denying that war is to be a consideration in national policy, and with a simultaneous voice vote for a larger Navy," and if men can say that, it will be a bad thing for every movement seeking to establish a world peace.

Here in Europe those of us who are devoting our lives to the elimination of war from the national records of the times to come are nearer to the frontiers from which war alarms come than you are in America, and we, therefore, see phrases and words with a meaning in realistic policy somewhat different from the meaning you see in them. But we know that with America indifferent, or neutral, or pursuing its own way, our tasks are to be heavy and our defeat is to be more possible. Therefore it is imperative that steps be taken at once to end all this foolish and mischievous feeling which is alienating the United States from Great Britain.

The first thing to be done is to bring to a common table for discussion the reasons why ships are being built, why we both went to Geneva with the assumption we did, why we are thinking of trade routes being blocked, what there is between us that for immediate policy, newspaper writing, and political electioneering makes the Kellogg pact a mere collection of words strung upon a pious thread. The task of the statesmen is to make impossible the conditions upon which the masters of naval strategy spend their efforts. Why do not the statesmen act? If they are acting, why do they not give us comfort by informing us that they are? Is no attempt to be made, is none being made, to clear up the confusion of "the freedom of the seas"?

Has neither of us the courage to discuss with the other what the interests and obligations of both are in, and to, the world and each other? Have both of us failed to observe how easy it is for nations to slip into war for nothing, how ready popular imagination is to be set on fire by anyone—even an almost anonymous newspaper proprietor—who cares to light a match? This is no case for private and unofficial action and conferences. The governments must act. Both countries ought to appoint five or six of their most outstanding public men representative of the whole nation to meet and drag from the obscure corners of sulky suspicion the things which make difficulties between us. Let us know them. Mayhap fresh air would clean our minds of them. Governments are timorous, and if this be too solemn a proceeding for them to support, let them do something themselves, only we should like to be assured that they are aware of the mighty issues involved in a lack of real good will and confidence between the United States and Great Britain. No staging is too impressive for the importance of friendship between us, no pageantry too extravagant for the proclamation that difficulties have been removed. I want to involve the United States in no European escapade and no entanglements. It ought to praise its Creator night and day that that necessity is not imposed upon it, as it is, alas! upon us. But those of us whose lot is cast here,

and whose fate it is to struggle against the powers of militarism which have been wounded but certainly not killed in the late war, should like to feel that an American hand will always be placed in ours for encouragement, and that the relations between your country and mine can be held up to the world as an example of what we are striving to establish everywhere.

Mr. SIMMONS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, the CONGRESSIONAL RECORD to-day shows that $24,000,000 has been added to the deficiency bill for increasing the prohibition enforcement force, or such part thereof as the President may deem useful, to be allocated by the President as he may see fit to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930. This is the first step toward an annual expenditure of about $250,000,000 and an expenditure of over $1,000,000,000 before the American people will be convinced that the prohibition law simply can not be enforced. Prohibition will be successful when fermentation can be stopped by an act of Congress.

In the meantime friends of prohibition can not escape the responsibility of accepting appropriations and making an honest attempt to enforce the law.

The letter from Secretary Mellon to the Senator from Wyoming does not describe fully actual conditions. The Secretary of the Treasury, to whose department the enforcement of prohibition is intrusted, either seeks to avoid responsibility or else has not the courage to frankly state to the American people his conclusions after 10 years of prohibition. Mr. Mellon, like everyone else in this country, must know that the attempted enforcement has been nothing short of a farce and a complete failure. More than five years ago I stated to the House that it would take over $250,000,000 to commence to enforce prohibition. This estimate has been verified in the light of the experience of the past five years and the admission of Treasury Department officials.

After 10 years' experience the Treasury Department surely is in a position to know how it can at least commence to make a beginning at an attempt to enforce prohibition. If Secretary Mellon had been frank and honest about it, he would have stated that with $25,000,000 or $200,000,000 more the results would be about the same. Yet he should be able to immediately allocate additional funds and attempt to carry out the law to the extent that it is humanly and financially possible. His letter to the Senator from Georgia is evasive. He talks about the courts being congested. He seems to me to miss the point entirely that the additional funds can be used by him as a prevention to the commission of crime and not only for punitive purposes. In order that it might not be said that I am indulging in general criticism, I have prepared a tentative allocation of the $24,000,000 in such a way as to make a real test at strategic points of the bootleg industry and so assign the force as to prevent violations of the prohibition law rather than bringing in thousands of cases for the trivial offense of having a pint of liquor in possession. Mr. Mellon suggests a "thoroughgoing survey of the entire field." With that in mind I submit to Mr. Mellon and the Treasury Department the following suggestions:

One of the points which has been the source of wholesale importation where enforcement has been so feeble as to be ridiculous is the port of Detroit. At this point a sufficiently strong force of men must be assigned to create a blockade. Importation of liquor in or about Detroit has grown to be an established industry running into millions and millions of dollars. About 50 men have been assigned by the Treasury Department for the Detroit district where thousands are employed in the export, import, and transportation of liquor. Now, here is the plan for Detroit.

The strategic points on the Canadian side are Riverside, Ford City, Walkerville, Windsor, Sandwich, Ojibway, and La Salle. These are the principal bases of operation. It is necessary to place a patrol watching each one of these points, as follows: I am taking a minimum force of 30 men, which next year would have to be increased:

Riverside, 30 men (3 platoons equals 90 men); Ford City, 30 men (3 platoons equals 90 men); Walkerville, 30 men (3 platoons equals 90 men); Windsor, 30 men (3 platoons equals 90 men); Sandwich, 30 men (3 platoons equals 90 men); Ojibway, 30 men (3 platoons equals 90 men); La Salle, 30 men (3 platoons equals 90 men); roving patrol for Detroit district, 50 men; total additional force, at $3,000 per year (680 men)	$2,040,000
9 senior officers for this force, at $4,000 a year	63,000
1 commanding field officer	5,000
20 patrol boats	120,000
40 motor-boat men, at $2,000	80,000
Total for Detroit additional force	2,308,000

Experience has demonstrated that men exposed to patrol duty of this kind day after day should be worked in platoons of eight hours a day. It is necessary to have three platoons and a patrol on duty all of the time inasmuch as rum runners do not adhere to union schedule of hours and are on the job all the time. From past experience also it has been learned that fairly good pay must be provided. The men are in constant and daily temptations of bribe and corruption running into big figures. For this kind of work no less than $3,000 a year should be paid unless, of course, the Government desires to turn their enforcement forces into protection patrols for the rum runners. I want to make it clear that the assignment of this force, large as it may seem, will not stop the smuggling of liquor from Canada. It will show how difficult, costly, and impossible the problem is.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. You have not provided anything to pay the men who are to watch these 30 men. [Laughter.]

Mr. LAGUARDIA. That is for next year. We will come to that later.

The next spot where additional force is required in order to prevent violations is in and about the so-called denaturing plants. There are 82 denaturing plants in the United States. In 1928 no less than 159,689,378 proof gallons of alcohol were withdrawn for the purpose of being completely or specially denatured. To give an idea how this denaturing business has grown, it is only necessary to state that in 1907, 3,084,950 proof gallons of alcohol were withdrawn for that purpose. No matter who may be operating these denaturing plants, no matter how much they might have been investigated, no matter what supervision may be exercised over them at this time, the fact remains that this original source is not sufficiently controlled and supervised, and that there is an enormous leakage and diversion from this source. Honest plants will not complain of more rigid supervision. The others we need not worry about. Later on it will be necessary to increase the force, but for the present the department can start by assigning to each of these plants six additional men, as follows:

6 additional men to each plant (3 shifts equals 18 men for each plant); 82 plants times 18 equals 1,476 men, at $3,000	$4,428,000
6 supervisors, at $4,000	24,000
10 accountant-auditors, at $5,000	50,000
Total additional force, denaturing plants	4,502,000

These men can work under direct command of the zone administrators, and the supervisors would be used to check up on the men on a constant tour of inspection. The need of accountant-auditors is very important. While the men at the plant can physically watch operations, a great deal of the diversion is carried on by well-covered and seemingly honest business transactions. Auditors would have to check up on the raw material, follow the sales, verify destination, and in that way prevent covered diversions. There is so much at stake in this department that it would be unsafe to pay the employees any less than suggested.

BREWERIES

Last year there were about 308 breweries licensed to manufacture near beer. This number has now been reduced to 275. Everyone watching conditions knows that beer is flowing out of the kegs as fast as the law of gravitation will permit. This is especially true in Pennsylvania. The supervision at the licensed beer plants is apparently not sufficient. While some agents have been planted outside of breweries for a few hours a day, the work has been most ineffective. At least two additional men should be permanently placed at each plant manufacturing near beer. Of course, these men would also have to work in three shifts of eight hours each. This would be six men for each plant.

275 breweries times 6 men equals 1,650 men, at $3,000 a year	$4,950,000
10 accountant auditors for same services enumerated for denaturing plants above, at $4,000	40,000
20 chemists, at $5,000	100,000
Total additional brewery force	5,090,000

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WELSH of Pennsylvania. What amount of real beer does the gentleman say is sold in Pennsylvania, and where is it?

Mr. LAGUARDIA. In Philadelphia, Scranton, Wilkes-Barre, and all through.

Mr. WELSH of Pennsylvania. The gentleman does not mean to say that high-power beer is sold in large quantities in the city of Philadelphia?

Mr. LAGUARDIA. Yes; I do.

Mr. WELSH of Pennsylvania. The gentleman is mistaken in his information.

Mr. LAGUARDIA. I will take the gentleman in his own home town and we will go this week-end. [Laughter.]

I am assuming that recent reports from the Treasury Department and the Prohibition Division relative to the beer squads are correct and that these squads are functioning efficiently. Therefore I provided no additional force for the wildcat breweries and unlawful plants.

We now come to another source of diversion. The 82 denaturing plants deliver industrial alcohol to no less than 4,447 permittees, who may lawfully withdraw this denatured alcohol for ostensibly lawful purposes. It is these 4,447 manufacturers that use the millions of gallons of alcohol that the denaturing plants are supposed to provide. Many of the formulas are susceptible of being cooked and the poison partially taken out. At any rate, the fact remains that great quantities of denatured alcohol are diverted from its legitimate use and put into beverages. A greater part of these plants—I would say over 90 per cent of these plants—are without any supervision to speak of. Once in a while the perfunctory check up is made. If I were to suggest but 2 men to each plant working on a three-shift plan, that would require 26,682 men. I say now that if prohibition is to continue, the Government will be compelled to employ over 25,000 men to physically watch the operation of these four thousand-odd plants in order to prevent diversion. Now, instead of providing the full 26,682 men, I would take but one-fifth of that force. That will permit the four out of five permittees to continue their operation unchecked and uncontrolled. I repeat that the supervision now over these plants amount to nothing, and surely constitutes very little, if any, control. Here, too, we require a large force of accountant auditors. Perfume and soap houses sell to retailers and consumers who never receive an ounce of the products. It is all a bookkeeping fraud. Accountants will be able to follow up each sale, obtain canceled vouchers, and completely break up the system. By providing a force of 4,000 men, that would permit of less than one man for each plant. If plants are to be properly covered, it would permit the department to properly supervise but 366 of the 4,447 plants. By that I mean keeping the two men on the job throughout the day and night. Surely covering 366 plants out of 4,447 can not be said to be an unreasonable and wild estimate in order to ridicule the proposition; but just watch the cost:

4,000 men, at $3,000, is	$12,000,000
100 accountant auditors, at $4,000	400,000
25 supervising officers, at $4,000	100,000
Total for additional supervision of permittee manufacturers using denatured alcohol	12,500,000

So much for the general proposition of building a skeleton force, and my estimates here are simply for a skeleton force which will have to be increased each year as I have previously indicated.

Now, something ought to be done as an experiment to curtail the constantly increasing number of illicit stills. It would be impossible to start in the 48 States at one time. Although I believe that when the Government will start to suppress production of alcohol in all of the States, and will enforce the law particularly in the dry States, with the same annoyance, persistence, graft, and corruption that is now being carried on in some of the large centers of the country, there will be such a protest and such a wholesale conversion of drys to the wet cause as to bring about a speedy and sensible adjustment of this vexing question.

To get back to the estimates, I have chosen two States in which the experiment for the coming year might be tried. This honor should go, of course, to the State of the gentleman who championed this increased appropriation; that is the State of Georgia. For the other State I have selected the Western State of Idaho.

I have taken these States and divided them into zones of 500 square miles, and have taken as a basis 10 Federal agents for every 500 square miles. No military authority or police officer would accept a mission of patrolling or policing 500 square miles with 10 men. I knew that if I took the normal number of men required to properly patrol a State in order to suppress illicit stills, manufacturers of liquor, and the transportation of liquor, in accordance with accepted military or police formulas, the figures would be so large as to cause me to be immediately charged by my dry friends and dry colleagues with purposely distorting the proposition by the use of exaggerated figures. There are 59,265 square miles in the State of Georgia. That would provide about 110 zones. Allowing 10 men to a zone will bring it up to 1,110 men.

While, of course, a great part of the State is totally unpopulated, where no patrolling is required, this would permit of the shifting of men and increasing the patrols in the centers of population and in the zones where topography of the land is mountainous and difficult. Half of these men would necessarily have to be mounted. That would require the purchase of 500 horses and their maintenance and upkeep. Five hundred horses, at $165 a horse, the price paid for horses by the Army, $82,500. It would cost to stable and keep these horses about $12,500 a year. One thousand one hundred and ten men, at $2,500 a year, would be $2,750,000. Command of these men would add $50,000 more, making a total, not counting cost of the horses, $2,812,500. On the same basis, it would cost to put a small experimental Federal force in the State of Idaho, with its 83,888 square miles, excluding the cost of the horses, $4,240,000.

To summarize, without the cost of the force in Georgia and Idaho, but simply partially reenforcing supervision and doing only preventive work would require under the most conservative figures that I have given $24,400,000. If we add the two State experiments, it would bring an additional $6,252,500, or a total of $30,652,500. Now, I want to call attention to the fact that this does not take into consideration the patrolling of a single foot of Atlantic or Pacific or Gulf coasts. It would require thousands of men to prevent rum running along the Atlantic, Pacific, and Gulf coasts. Taking the eastern coast of Florida alone, with its 400 miles of eastern coast, would require a force of over 1,500 men. It would take right now, that the season is on at Miami and Palm Beach, a force of 750 men to simply prevent the daily importations for the daily consumption of those two fashionable resorts.

Mr. GIBSON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GIBSON. Does the gentleman's scheme contemplate the patrolling of the northern border and the southern border?

Mr. LAGUARDIA. Oh, we will have to do that gradually. This is only to absorb the $24,000,000 offered by the other branch of Congress.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The gentleman is an authority on the prohibition question. Does he not think that this Congress should enact legislation which will prevent the foreign diplomats from importing intoxicating liquors? If the gentleman will look at last night's Washington Star he will see that the police attempted to confiscate a truck load of 800 quarts consigned to the French Embassy, but were prevented because it is held that the prohibition law does not apply to foreign diplomats. Why should foreigners in the diplomatic service be permitted to have hard liquor when the working men of this country can not have 2¾ per cent beer?

Mr. LAGUARDIA. Eight hundred quarts of what?

Mr. SCHAFER. Hard liquor.

Mr. LAGUARDIA. The same conditions exist all along the coast, whether east, west, or south. If next year $25,000,000 more is added, it might be possible to build up the skeleton force for the coast patrol. Gentlemen, it is going to be costly to convince some of you that you are dealing with an impossible proposition. I hope that every dry will carefully observe prohibition enforcement in order to convince himself that no matter how many millions of dollars we appropriate, it will not be possible to stop the traffic in liquor and the use of alcoholic beverages. Millions of gallons of liquor are consumed in this country every month. Gentlemen, bear in mind, that we have this enormous traffic in liquor not because we have thousands of bootleggers but because we have millions of consumers. [Applause.]

Mr. McFADDEN. Mr. Chairman, ladies, and gentlemen of the House, I want to refer briefly to an occurrence in the House last Monday when the Consent Calendar was under consideration. I refer particularly to the colloquy had in respect to Senate bill No. 1462, when the gentleman from Washington [Mr. SUMMERS] was questioned as to the then present consideration of the bill by the gentleman from Utah [Mr. LEATHERWOOD], the gentleman from Utah asking the gentleman from Washington whether or not if the bill went over to the next consent day it would be called up for consideration later on. The answer was that it would be, and, if necessary, it was implied, that the bill would be considered under suspension of the rules.

I want to direct your attention for a few moments now as regards the question of expending the public money for reclamation projects in amounts such as are now taking place and as are apparently in immediate contemplation. It seems to me that it is very pertinent in connection with the problem for which the extra session of Congress is being urged, namely, the

consideration of farm relief legislation and the tariff. Certain it is in my mind, if these lavish expenditures are to be continued to reclaim additional lands for the purpose of increasing agricultural production, when the Congress is being called upon to finance surplus production it is time that we paid some very definite attention to the details of these various projects and understand the economic effect that such action has on the country as a whole.

Mr. Chairman, I desire to ask the question, Should the Government now, under the circumstances, undertake reclamation of any additional lands?

In considering this matter let us briefly review the present status of Government reclamation work as reflected in official reports. Since creation of the Bureau of Reclamation, the Government has expended down to June 30, 1927, a total of $183,887,241 reclaiming so-called desert lands. In 1927 the irrigable area of projects built by the Government was 1,956,910 acres, an increase of 112,360 over that of 1926. The gross value of crops grown on these projects in 1927 was $72,047,200, an increase of $11,677,580, compared with 1926. In addition to the above areas, the Government's reclamation projects supplied, under the Warren Act, water to 1,482,950 acres in 1927, an increase over the previous year of 153,930 acres. The gross value of crops grown on this Warren Act land was $61,160,010, an increase of $11,409,970 over that of the previous year. From the foregoing it will be observed that the total value of crops grown in 1928 on the 3,439,860 acres of irrigated land, furnished with water from the works of the Bureau of Reclamation, was $133,207,210, an increase of $23,087,550 compared with 1926. In 1927 the Government appropriated for construction the sum of $9,869,000, compared with $4,443,000 the previous year, both figures exclusive of reappropriations. During 1927 there was expended on construction $6,966,449, compared with $5,189,025 of the previous year. All works now under construction involve a further ultimate expenditure of $90,000,000.

During the year the Guernsey Dam on the North Platte was completed; the Stony Gorge Dam on the Orland project in California was 90 per cent completed; the Gibson Dam on the Sun River project in Montana was 50 per cent completed; the work was under way on the construction of the Echo Dam under the Salt Lake Basin project in Utah, and on the Easton Diversion Dam, and other works of the Yakima project in Washington; preliminary work was begun on the Harper Diversion Dam and other structures on the Vale project in Oregon; contract was awarded and preliminary work begun on the structures of the Owyhee Dam, under the project of that name in Oregon. This last-named dam, when completed, will be the highest dam in the world, 43 feet higher that the 362-foot Schraeh Dam in Switzerland. The estimated cost of this Owyhee Dam is $5,378,125. The estimated cost of the dams and structures above mentioned, either completed or under way in 1927, is approximately $11,000,000.

The Crisp bill, H. R. 8221, contemplates expenditure of $10,000,000 in the purchase of "swamp, cut-over, neglected, abandoned, or poorly farmed land" in 10 Southern States, and in the creation therefrom of not less than 2,000 demonstration farms to aid, so we are told, in the settlement of waste lands. The Columbia Basin bill, S. 1462, contemplates irrigation of 1,833,000 acres at preliminary cost estimate for construction of works of not less than $315,000,000.

Twenty-four Government reclamation projects are already in operation, with the products therefrom competing with those of agriculture produced from lands privately reclaimed.

This Government reclamation work has always been under the control of the Department of the Interior. The historical policy of the Department of the Interior has been to dispose of more lands to settlers. Under existing conditions the policy of the Department of Agriculture is to advise the curtailment of new land settlement and production of more crops—especially of those whereof we annually create a surplus. Is it sane for this Government to induce settlement of raw lands for further production at a time when it is urged that because of surpluses year after year the market prices for staple crops have been ruined? As a matter of fact, it is well known that for a long time past new settlers which the Government have been able to induce to occupy raw lands under these reclamation projects have mostly been either those little versed in farming pioneering or those who have through many inferences, and not a few positive relief acts of the Government, been led to believe that eventually the cost of reclamation charged against them will be canceled. The adjustment and relief furnished these settlers in the last fiscal year amounted to the sum of $5,613,750.36. For 15 years the Bureau of Reclamation has been struggling with little success to secure settlers on the Milk River, Lower Yellowstone, the Belle Fourche, and some of the other projects. In the 1928 Annual Report of the Secretary of the Interior appears the following with reference to the Milk River project:

> Efforts to secure settlers for unimproved land have failed. * * * The urgent need of this project is to secure more good farmers and place them on partially improved farms under conditions where they will succeed.

In the same report, referring to the Lower Yellowstone project, the Secretary states:

> It has been found almost impossible to dispose of any unimproved farms without buildings. * * * The urgent need is for creation of an agency which will make and finance these needed improvements on long terms and at a low rate of interest. * * * Those who have unimproved farms and who are in the greatest need of assistance can not get Federal aid.

In the same report, referring to the Belle Fourche project, the Secretary reports an increase of—

> Sixty-two resident operators over the low point of 1925. * * * These newcomers are principally tenants.

One of the objects of the Government undertaking reclamation work was to give the poor but worthy and aspiring farmer an opportunity to become a landowner, but apparently the conditions surrounding the reclamation efforts of the Government have all conspired to produce an increasing tenantry, instead of ownership. Thus, in 1927, we find that 39 per cent of the farms in the Yuma project were cultivated by tenants; that of the 1,768 irrigated farms under the Uncompahgre project in Colorado, 850 were cultivated by owners and 918 by tenants; that of the 182 irrigated farms in the King Hill project in Idaho, 121 were farmed by owners and 61 by tenants; that over 40 per cent of the farms under the Boise project were cultivated by tenants, and that tenancy in the Minidoka project increased from 41 to 44 per cent; that of the 584 cultivated farms under the Huntley project in Montana, 309 were cultivated last year by owners and 275 by tenants; of the 500 farms cultivated last year under the Milk River project, 262 were operated by owners or managers for owners and 238 by tenants; that under the Lower Yellowstone project, farm owners cultivated 270 farms and tenants 332; that under the Carlsbad project in New Mexico, 288 farms were cultivated by owners and 137 by tenants; that of the 4,669 farms in the Rio Grande project in 1927, 2,901 were operated by owners and 1,768 by tenants; that under the Shoshone project in Wyoming, 343 units were farmed by owners and 241 by tenants, and so forth.

Moreover, already it has come to pass that thousands of allotted units under the various projects can not be advanced further for lack of settlers with capital for needed building improvements, operation, and so forth. Thus, under the Belle Fourche project, 400 farms, according to the Secretary of the Interior, need building improvements before settlement can advance further, and quoting his words:

> To accomplish desired results a credit fund of $500,000 should be made available for these Belle Fourche project landowners for construction purposes. No money is available in this vicinity for real-estate loans, and short-time bank loans are made only on productive livestock at 10 per cent interest.

In all these cases, the Government having induced the settlement, what is the duty of the Government toward these settlers? And what should be the policy of this Government to avoid in the future recurrence of these positions, where the settlers demand and procure no interest charges under their purchase contracts, reduction of principal price, delays in making first payments, longer periods of amortization, and so forth? In his 1928 annual report the Secretary of the Interior states:

> Few settlers have the capital required to convert a tract of raw land into a productive farm, the cost of improving, equipping, and operating farms having doubled in recent years. Hence the bureau is seeking a better type of farmer with more capital and skill.

It has seemingly now become the policy of the Bureau of Reclamation to desire to incorporate as a part of construction costs the preparation for immediate farming of at least part of the lands comprising the different units; that is, to clear and level such lands, and so forth. Such a step is reported as in accord with the recommendations of the different economic boards appointed to consider these newer projects.

These boards make land classifications, determine the size of farms, work out a program of agriculture adapted to the climate and soil, investigate cost of clearing, leveling and preparing land for irrigation, make estimates of costs of buildings, fences, livestock, and farm equipment for minimum requirements, and also estimates of operating expenses and farm

income; but when all is said and done, and representations as inducements to settlers to purchase have been made, based upon the findings of these boards, it would appear that at least in several instances, were the Government an individual and had it as an individual promoter utilized United States mails for the making of such representations, it would have been subject to prosecution for the use of the mails to defraud. Such are the repeated reports from many settlers.

And has the poor but worthy farmer a chance under these new projects? Dr. Alvin Johnson, recently employed by the Bureau of Reclamation as a social and economic expert, says concerning settlers' conditions under one of the later projects:

> What they have now, what the bounty of the Government has given them, is only a Chinaman's chance—i. e., they have a chance, by subjecting themselves and their wives and children to a Chinese standard of living through four or five years, to come into the birthright of ordinary American citizens—an American standard of living.

Some time ago Congress was driven to the point where it prescribed as a condition precedent to the making of an allotment the possession by the contemplating settler of $2,000 in cash or its equivalent in livestock and equipment. Do these projects now being constructed or those contemplated in pending legislation offer possibility of success to a settler thus equipped? As an example, let us consider this big new Owyhee project. There the economic board reported that a settler with $2,500 capital could not succeed with even as small an allotment as 40 acres; that even were a settler with $2,500 placed on a 40-acre tract wholly cleared and one-half planted to perennial legumes he could succeed only with the aid of the land bank. And it is well known there is no Federal aid for the settler who finds himself thus situated.

No wonder that even though the Reclamation Bureau should now go into the business, added to its other undertakings, of clearing and leveling the land, or go so far as to plant a part of the land, the great difficulty of securing settlers would still exist. This bureau employs competent agents trained in settlement work and the science of irrigation farming, but they can not find these settlers who have, as they should have, according to the findings of these economic boards, from $7,500 to $10,000 to develop a 40-acre dairy tract.

It may be all right for the Congress to say that settlers with $2,000 in capital may be allotted units in these projects, but where can these settlers borrow an additional $5,500 to $8,000 to bring the smallest of these tracts into production? The Federal land bank makes loans only on developed farms from which the income is immediate and assured. Local banks can not make long-time loans. The director of reclamation economics of the Bureau of Reclamation in an address before the Oregon Reclamation Congress at Salem, Oreg., on November 15 last, stated:

> No one is optimistic enough to believe that settlers can be secured with from $5,000 to $7,500 in sufficient numbers to settle these large areas of unimproved land rapidly enough to pay operation and maintenance charges and construction charges which will follow soon after the construction of irrigation works.

There is no hope for State aid because investigation shows that in most States there are constitutional prohibitions against the giving of aid of such a nature, although experience has shown that the States wherein these projects are located are the chief beneficiaries of the Government's expenditures; that these nearly worthless desert lands, producing little or no taxes, are upon reclamation and settlement taxed locally upon high assessed valuations.

The value of the Government's lien on the lands in these projects depends wholly on settlement. In a farm-depression crisis like the present, shall the Government which has thus unwittingly gotten into business, proceed to settle this land effectively and create competing crops, by forgiving debts, delaying initial settlements, prolonging amortization periods, and so forth?

But what shall be said of a contemplated undertaking like that mentioned above in the Columbia River Basin, which involves an outlay equal to twice the total sum expended to date on all other projects put together—a sum squal to the structural costs of the Panama Canal? No matter what may be said as to the length of time involved in the construction of these great contemplated works, there can be no argument that at the end of such a period the lands thereunder will be required for production. The quickness with which pasture lands and cut-over wood lots responded to the war demands for production taught us that unless it can be vouchsafed there will be a huge demand for exports, we have nothing to fear from scarcity of supply for our normally increasing domestic population.

From time to time, there have been more or less half-hearted efforts made to stop this orgy of expenditures through the Bureau of Reclamation, but action taken has always been insufficient. Only the other day, the new Secretary of the Interior approved a large item of expenditure for new construction under an Idaho project involving creation of a power plant. It is interesting to note that as a side line in this reclamation business, the Government is in the power business, and that last year it sold surplus electrical energy under 50 contracts, receiving $654,564.37.

In the report of the Secretary of Agriculture to the President, dated November 3, 1927, we read:

> Although, like Canada and Australia, we formerly found it desirable to employ our land policy as a means of attracting immigration, we are now endeavoring to restrict immigration. Unlike some of the densely peopled countries of Europe, our output of farm products adapted to the climate is adequate and we have no scarcity of agricultural land. Although the Federal Government has disposed of practically all the lands of agricultural significance formerly in the public domain, there is still a vast area of potential crop land in private ownership. This area is estimated at more than 600,000,000 acres. A large proportion of this is fair to good land in woodland areas where only clearing is necessary. Such land, as well as large areas of potential crop land in semiarid regions, awaits only a sufficiently stimulating price for farm products to be brought quickly under the plow. In fact, this privately held land exerts at times an unfavorable influence on agricultural prosperity. * * * Temporary increases in farm commodity prices cause some of it to be brought into cultivation, and when prices fail there is no ready contraction in the new farm areas because of the difficulty of transferring the labor and capital put into them to other industries. Short-sighted expansion of the agricultural area in times of temporary prosperity is encouraged, moreover, by the potent influence of super-salesmanship exerted in the interest of land-selling agencies. * * * Experience has shown that when the outlook is sufficiently promising private enterprise can be depended on to reclaim new areas. * * * There is need for a comprehensive study of reclamation policies and of the reclamation projects now under construction or contemplated. The policy of giving settlers on Federal reclamation projects from 20 to upward of 40 years to repay construction charges without interest constitutes an extensive subsidy to agricultural expansion. * * * It was estimated in 1923 that on the basis of the terms of repayment of interest then existing the exemption of interest at 4 per cent amounted to nearly 46 per cent of the cost of construction. Since then the period of repayment has been greatly extended and the subsidy correspondingly increased. As no corresponding subsidy is enjoyed by private enterprise in the development and utilization of agricultural land the settlers on Government projects are given an important competitive advantage. * * *
>
> Federal activity in the promotion of farm-land expansion seems particularly unwise when we reflect that a number of Federal reclamation projects are suffering seriously from depression aggravated by heavy overhead charges growing out of high costs of construction. * * * In general, proposals to enlist the funds and initiative of the Federal Government in stimulating agricultural expansion must cause concern to all persons interested in the farmer's welfare. With a huge reservoir of potential agricultural land, and strong forces tending constantly to stimulate expansion of the farm area, our land problem at present is not how to force land under the plow as rapidly as possible, but how to achieve a wise and economical allocation of our available land among major uses, such as crops, forests, and extensive grazing, and in such a way as to make farming on that land profitable.

How can we coordinate this constructive criticism with the promotion ideas of the Bureau of Reclamation? Mr. Chairman, it can not be done. Either we are to bury farming deep and for decades to come under these huge contemplated land-reclamation projects like Boulder Dam and Columbia River, or we will, statesmanlike, hold these vast competitive resources in reserve and undeveloped until such time as, stimulated by assured profits from farm production, settlers seek these lands at prices and on terms which will justify the employment of private capital to construct the necessary works. A not unimportant feature of any program of farm relief must be the forsaking by the Government of all thought of additional land reclamation. The so-called "revolving fund" of the Bureau of Reclamation now consists of approximately $166,000,000, invested in long-term loans to settlers. As the payments under these loans are collected, they replenish this revolving fund, and thus such payments support new construction. Moreover, to such revolving fund is allocated a part of the funds received by the Government from sale of public lands.

Last year such allocation amounted to $705,822.66. Moreover, 52½ per cent of all cash received by the Government as royalties from oil leases goes to this revolving fund, and thus last year this revolving fund was increased $2,454,168.66 from such source. The total payment by settlers into this revolving fund last year was $5,299,149.55. Omitting such large items as income from sale of surplus power, rental of water rights, and

so forth, and yet there flowed into such revolving fund during last fiscal year nearly $10,000,000. When farming credit is not to be had and finances are needed for moving crops the farmers of this country can not understand their Government's diverting such funds year after year to the subsidizing of competition; nor can they understand the righteousness of their Government supporting an Agricultural Department advocating one policy and an Interior Department actively engaged in defeating such policy.

This question of further reclamation of arid lands is the least complex of any which will be presented for our consideration in formulating a correct legislative program for farm relief, but it is doubtful if even it can be correctly, thoroughly digested and solved by proper enactments at this session. Opportunity should be given for full presentation and consideration of all facts. I hope my remarks may put on notice those who would defend at the contemplated extra session the policy of further reclamation of lands by the Government.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. SUMMERS of Washington. I want to say that the bill to which the gentleman referred, which I had charge of on last consent day, does not contemplate at this time a reclamation project. It contemplates some investigations which must necessarily cover a number of years. The first unit of that project, when finally decided by the Bureau of Reclamation to be a feasible project and approved by the Congress and constructed, would go into cultivation about 20 years from now; and under the plan now contemplated the whole project would be developed in the course of about 40 years, when the population of the United States would be about 60,000,000 in excess of what it is now.

The production from that proposed project would take care of 1,000,000 of the 60,000,000 of increase, and would not interfere with consumption by the present population, nor of ten, twenty, thirty, forty, or fifty million of the increase of population. That project would only meet the needs of one-sixtieth of the increased population.

Mr. McFADDEN. Yes; but I say to the gentleman that this bill is the nose of the camel under the tent, and this will eventually involve a total expenditure on the part of the Government of probably $350,000,000.

Mr. SUMMERS of Washington. No such draft on the Treasury is contemplated by those in charge of the project.

Mr. CRAMTON. Will the gentleman yield?

Mr. McFADDEN. I will yield.

Mr. CRAMTON. I was not so fortunate as to hear all of the gentleman's remarks, but only the latter portion of them, in which I thought the gentleman raised the question as to the advisability of utilizing power developed as an incident to irrigation work. Is that the position of the gentleman?

Mr. McFADDEN. I was referring to the receipts from the sale of power originating on these propositions——

Mr. CRAMTON. Prior to that the gentleman made the remark about the Government going into the power business, and I got the very general impression the gentleman felt we ought to discontinue more——

Mr. McFADDEN. No; I was simply giving facts in regard to the returns on these developments indicating there were power developments coupled with the reclamation projects, the total income being some $600,000 last year.

Mr. CRAMTON. But prior to that?

Mr. McFADDEN. I was not specifically criticizing the developing of the properties once they had been acquired, and my remarks were directed generally to the policy of these large appropriations for the construction of reclamation projects, especially since the Congress is now about to take up the problem of dealing with the surplus products of the farms, and because we all know and understand that these great areas, so watered by these projects and otherwise improved, are produced in direct competition with the farm products of the whole country.

Mr. CRAMTON. I got that. I was more concerned about what seemed to be a criticism of the appropriations which have been passed by this House in reference to reclamation and the power developed in Idaho, for instance.

Mr. McFADDEN. I will say I believe much of that could be dispensed with at the present time, particularly when we are called upon to inaugurate a policy to provide for the marketing of the surplus products of the farms of the whole country.

Mr. CRAMTON. Just where would the gentleman draw the line as to the completion of the projects under way for furnishing needed water to settlers now on the land?

Mr. McFADDEN. If I was in charge I would have an examination made by proper engineers to determine what was best to do under the circumstances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. And the sooner we get at it the better.

Mr. SIMMONS. I will yield the gentleman five additional minutes. I understand the gentleman's statement is that these reclamation products are in direct competition with the rain-belt farmer and the other farmers throughout the country?

Mr. McFADDEN. I do not know that I included rain-belt farmers particularly.

Mr. SIMMONS. With the general products of the country?

Mr. McFADDEN. I am talking in connection with contemplated action being demanded for laws to govern marketing of the surplus crops of the farmer, and I will say to the gentleman all of these reclamation projects certainly produce agricultural products which come on the market and into competition with production, which is one of the reasons that necessitate action at this time, or at least Congress is being pressed for action at this time to solve the farm-relief problem.

Mr. SIMMONS. On part of it the gentleman is in error because the agriculturists on reclamation projects of necessity become specialists in farm production. Some are fruit farmers, of which there is no surplus in the United States. The project in my State is largely devoted to the growth of sugar beets, of which sugar there is no surplus in the United States. Following, the next crop is alfalfa, which is used with the refuse from the beets. We devote it to feeding cattle especially and that type of farm activities. I think a fair check on the reclamation projects of the country will develop that a great many of the products are not in competition and can not create a surplus in the United States.

Mr. McFADDEN. I appreciate what the gentleman says.

Mr. CRAMTON. If the gentleman will yield, the gentleman referred to that Idaho expansion. The largest expansion provided for in the pending Interior Department appropriation bill was in connection with the Minidoka project to furnish a supplemental water supply to the Gooding unit that is already developed. The settlers are there but are unable to prosper because of an insufficiency of a certain water supply. In such cases as that the gentleman does not ask that these settlers of Idaho should stay there and remain in deplorable financial condition just so that the farmers of Michigan and Pennsylvania shall prosper? Idaho is as much a part of the United States as Michigan and Pennsylvania.

Mr. McFADDEN. Oh, no. I only hold that Congress, when it deals with the general question of farm relief, should take reclamation into consideration as one of the factors involved.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. JACOBSTEIN. I thoroughly agree with what you say about the looseness in our uncoordinated policy. The Department of Agriculture advocates one thing and the Department of the Interior another. Should not these projects, so far as the production of agricultural products go, be O. K'd by the Agricultural Department before we proceed with them?

Mr. McFADDEN. Yes; I think so.

Mr. JACOBSTEIN. At present we have no coordination in the matter. As it is now the farmers' organizations themselves have recently gone on record in affirming the position of the gentleman from Pennsylvania.

Mr. McFADDEN. Yes. There is one organization that I have specifically in mind. The National Grange are upon record in support of my suggestion.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. STEVENSON. The gentleman from Nebraska [Mr. SIMMONS] enumerated several projects that he said would not be in conflict with the policy of preventing a surplus, as producing products in which there is no surplus. The Boulder Dam proposition was one where we were going to irrigate an enormous amount of land there to produce cotton. That, of course, would be in live competition with one of our basic crops.

Mr. McFADDEN. Yes. And the lands now made available for irrigation in Mexico will affect the growers of cotton in South Carolina, and if these cotton lands get into full production not only South Carolina will be affected but the whole South, because under existing conditions in Mexico cotton could be produced much cheaper than in the South, because of irrigation and cheap Mexican, Chinese, and Japanese labor.

Mr. JACOBSTEIN. The gentleman from Nebraska refers to fruits as not having a surplus. But we do have at times a surplus of fruits.

Mr. McFADDEN. Yes.

Mr. SIMMONS. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. SPROUL].

The CHAIRMAN. The gentleman from Kansas is recognized for 15 minutes.

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, I have been very much interested in the remarks of the gentleman from New York [Mr. LAGUARDIA] upon the importance of a threatened appropriation for the enforcement of the prohibitory laws of our country. I agree with the idea that $24,000,000 or $25,000,000 would be wholly inadequate to prevent the coming into this country of large quantities of intoxicating beverages if nothing further was done. His logic is quite good and quite clear and quite convincing to those who view the proposition from his viewpoint. But, ladies and gentlemen, the real prohibitionists of this country are not looking at the question through the glasses of the wet people. Those who have been students of governmental prohibition for approximately half a century know that not only he but others who look at the question as he does are looking at the question of enforcement from the wrong viewpoint.

The real prohibitionists of this country propose to destroy the market of the importer. The market of the importers, the gentlemen whom he would keep out if he were enforcing the law, is the inducement for bringing the liquor across the northern boundary line of this country. Whenever our laws are so constructed fundamentally that the consumers of liquor and the bootleggers, the importers' agencies, are put out of business, the question of importing and the cost of preventing it will have been solved.

So long, ladies and gentlemen of the committee, as our prohibitory laws tolerate the operation of distilleries in the private homes of our citizens, the importing question is not a very important one to the bootlegger and the consumer.

The only difference, perhaps, is in the quality of the goods bartered and consumed. By amending our laws which we have had for 10 years so that distilleries may not be operated in every home, and so that penalties and punishments may be imposed upon the violators of the law that will be really deterring; when we have amended our laws so that we can have inquisitions conducted whereby we can locate the violators of the law; whenever we provide additional courts in which the offenders against the law may be promptly tried—all of which will not require much money compared with the amount our friend from New York mentioned; and whenever we provide a court remedy which will be an effective substitute for the jury trial, as we can do if we only would, we will have destroyed the great inducement of our importers to bring the liquor within from without. These laws to which I have just referred are now being prepared for the consideration of both branches of this great Congress.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes; I yield.

Mr. SCHAFER. The gentleman from Kansas is a sincere advocate of prohibition. He also practices what he preaches. Now, can the gentleman give us any information as to what remedy we could apply which will prevent the foreign embassies and legations from transporting 800 quarts of liquor over the public highways and through the streets of the Nation's Capital? Does the gentleman think that it is fair that foreign embassies and legations be permitted to transport 800 quarts of liquor in a truck, as the newspapers of last evening stated, and at the same time prevent a workingman from having a glass of 2.75 per cent beer?

Mr. SPROUL of Kansas. I agree with the gentleman that a law can be enacted that will prohibit the maintenance and use of liquors at embassies.

Mr. SCHAFER. And the gentleman thinks it should be enacted?

Mr. SPROUL of Kansas. Yes; I think that laws should be enacted prohibiting the keeping and use of liquors of any kind at embassies.

Mr. SCHAFER. I am glad to hear that from one of the most sincere and leading advocates of prohibition in public life.

Mr. SPROUL of Kansas. This question of law enforcement requires not only fundamentally the right kind of laws but it also requires in office the right kind of officers.

No matter how strong, ladies and gentlemen, the law might be made by Congress, unless the executive officers of the country and the judicial officers of the country are disposed to enforce those laws, they will not be enforced, and the same thing can truthfully and correctly be said of every other part of our Constitution and every other law in our country.

Mr. STEVENSON. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. STEVENSON. I am interested in the gentleman's statement and I am as dry as he is, but the gentleman suggested a minute ago that there were measures pending which would enable us to deal with this by dispensing with jury trials and various other constitutional safeguards. I want to know whereabouts in this Congress that legislation is pending and what is the nature of it, because we have a Constitution which says something about that.

Mr. SPROUL of Kansas. Well, I meant to say, if I did not, and I thought I did, that bills are now being drafted to provide for an action in equity against a person conducting a business in violation of the Constitution.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. Does the gentleman advocate the padlocking of homes where they find distilleries?

Mr. SPROUL of Kansas. Yes; and I think that should include any Member of Congress. No exception should be made.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. HUDSPETH. I understood the gentleman, in response to the question propounded by my friend from Wisconsin, to say that he was in favor of 2.75 per cent beer?

Mr. SPROUL of Kansas. No.

Mr. HUDSPETH. Then I misunderstood the gentleman.

Mr. SPROUL of Kansas. No. I agreed with him about the embassies being prohibited from keeping and using liquors in Washington; that that should be done away with.

Mr. HUDSPETH. I understood the gentleman to say that would be fair.

Mr. SPROUL of Kansas. No. Only as I have stated.

Mr. BLACK of New York. Will the gentleman yield further?

Mr. SPROUL of Kansas. I yield.

Mr. BLACK of New York. Does not the gentleman think that in the case of Congressmen there ought to be two padlocks on dry-drinking Congressmen and one padlock on wet-drinking Congressmen?

Mr. SPROUL of Kansas. That could be just as the gentleman wishes. However, I think that if a Member of Congress sets up a distillery in his own home, in violation of the Constitution, it ought to be padlocked. I think the time may soon come, if the conditions within a certain few States and metropolitan cities, together with the attitude of those States toward the Federal Government and its laws do not change that our Chief Executive will follow the memorable example of President Andrew Jackson in challenging our attention to our duty as States with reference to the Constitution of the Federal Government.

I merely take this opportunity to call attention to our duty as a Congress, and that is to so strengthen our prohibitory laws, fundamentally and with reference to remedies for securing evidence, so that we can destroy the market of the bootlegger. We should put the bootlegger out of business, and whenever we have put the bootlegger out of business the wholesale importer will have no way of getting rid of his goods. His market will be destroyed and he will be put out of business.

Mr. BLACK of New York. Will the gentleman yield further?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. On the question of enforcement in the individual States I notice in Collier's current issue that Topeka, Kans., has become the beer center of the country instead of the city of Milwaukee. Would the gentleman suggest that we padlock Topeka; and after what the gentleman from New York said about Detroit, should we not give Detroit a life sentence under the Michigan laws?

Mr. SPROUL of Kansas. Absolutely. I should say this with reference to Topeka and the Collier article, that if there are in Topeka violators of the law they should be punished the same as anywhere else; but in Kansas we have laws ample to enforce prohibition, both State and National, and I think we have an executive there now who will see that the laws are enforced. The appropriation requested by him is not for buying evidence; not at all. There are ample laws, but we may lack officers not disposed to enforce the law.

Mr. SCHAFER. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. SCHAFER. Is not the State of Kansas, the gentleman's home State, the State where the governor had to specifically direct the State enforcement officers to enforce the prohibition laws, particularly with respect to the violators who are members of the legislature, who he claimed had been influenced by lobbyists at banquets where intoxicating liquors were freely served?

Mr. SPROUL of Kansas. No. I think the gentleman is not quite right.

Mr. SCHAFER. The press reports are incorrect, then?

Mr. SPROUL of Kansas. I think the gentleman misunderstood them or misconstrued them. In Topeka the law is violated when the executive officers are not discharging their duty, the same as it is anywhere else. There is a manifest disposition on the part of the present executive officers of the State to enforce the law, and there is plenty of law-enforcing machinery; there are plenty of courts, and the law will be enforced.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. Does the gentleman favor the Senate amendment to the deficiency bill for the $24,000,000?

Mr. SPROUL of Kansas. No; I do not favor it. I think the gentleman who proposed it was without knowledge as to the need for it. What we need is legislation. We need some additional courts and we need the fundamental law changed so that the penalties would be large enough to deter would-be violators. As I said before, we need laws prohibiting the maintenance of distilleries in private dwellings.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. LINTHICUM. I want to ask the gentleman what is the use of having more courts unless you appropriate for more jails, because you have not room enough now in the jails and penitentiaries for the persons who are being sent there?

Mr. SPROUL of Kansas. We would put the bootleggers out on the highways to work building roads.

Mr. LINTHICUM. But you have to have a place for them to stay at night.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

If there is no desire for further general debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

For incidental and all other general necessary expenses authorized by law, $1,700.

Mr. BYRNS. Mr. Chairman, the paragraph about which I want to ask the gentleman from Nebraska [Mr. SIMMONS] a question has been passed. The paragraph is at the bottom of page 4.

My attention was called by a colleague to this particular paragraph which relates to the issuance of registration certificates or identification tags for motor vehicles, with respect to the possibility of that provision applying to a temporary resident of the District who is paying a license upon his motor vehicle back in his home State and yet is required by law, after being here 30 days, to procure one of these license tags or certificates and being required to pay a tax here upon the same vehicle upon which he is paying a tax in his home State. I want to say, so as to rid the gentleman of any idea that it might apply to me, that I have no automobile in the District of Columbia, but I do know that a great many Members of Congress have their automobiles here. They come here in them and they take them back home. I assume the law of their State requires they shall submit to the tax assessor of the county a sworn statement of their personal property. They come here and use their automobiles during the sessions of the Congress. The law here requires after they have been here 30 days that they must have a license. When they go down to get this license they will be met with the statement, "You can not get your license unless you pay this tax." They are then put in the attitude of having to pay a tax both in their home State and here, although they are here only temporarily and are not actual citizens of the District. It seems to me there ought to be a qualifying amendment so as to protect those who are in this particular situation. This will be the situation if the gentleman who spoke to me has construed the paragraph correctly.

Mr. SIMMONS. This language is put in the bill, if the gentleman please, with the idea of requiring that a District resident shall pay personal taxes on his automobile. At the present time there are a large number of them who come to the District Building, give a fictitious address, and get a license so they can not be followed, and then they pay no personal taxes. Other thousands of them do not report their automobiles when they report their personal taxes. It is estimated that the District is losing from $75,000 to $100,000 a year on personal taxes on automobiles alone, and this, in spite of the fact that the license fee in the District is only $1.

I know of no requirement that a Member of Congress has to change his license plate from his home plate when he comes to Washington. We went into that at the hearings last year, upon the subject of reciprocity as between the District and the people who are here, as we are, on official business, and I think the gentleman will find that the statement of the traffic director is that there is no requirement that they shall take out a license here.

Mr. BYRNS. Then, as I understand, this registration certificate or identification tag does not refer to the license issued to the driver of the automobile?

Mr. SIMMONS. No; this is the automobile license for the car.

Mr. BYRNS. Of course I realize, under those circumstances, he could get his license tag from his home State.

Mr. SIMMONS. Yes, sir.

Mr. BYRNS. And he would not then be liable for this tax.

Mr. SIMMONS. This does not affect his driver's license at all.

Mr. BYRNS. But if he gets his license tag here, he will then have to pay the tax?

Mr. SIMMONS. If he is operating here under a District license, he pays the District tax.

Mr. BYRNS. I have no objection to that; but I did think it would work an injustice if it was construed as the colleague who talked to me about it this morning thought it might be construed; but, of course, the statement of the gentleman from Nebraska relieves that situation.

Mr. SIMMONS. This refers not to the driver's license but to the automobile tag.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LINTHICUM. Mr. Chairman, I rise in opposition to the pro forma amendment in order to ask the gentleman from Nebraska a question. Is the license tax $1 a year or is that permanent?

Mr. SIMMONS. The license tax is $1 a year. The driver's permit, about which the gentleman from Tennessee speaks, costs $3 and is good for three years.

Mr. LINTHICUM. Some time ago the tax was $1 and that was permanent, was it not?

Mr. SIMMONS. No; I think they have been paying $1 a year. They have been objecting to it, but they have been paying that.

Mr. LINTHICUM. I remember when we had to have two licenses, I got a District license and paid $1 for it, and, as I recall, it lasted me a good long time.

Mr. SIMMONS. Possibly, prior to the gasoline tax there was a different rate.

Mr. LINTHICUM. Does a man have to pay the tax on his car when he goes to get his license?

Mr. SIMMONS. What we are aiming to do is just what the State of Maryland now requires.

Mr. LINTHICUM. Yes; I know about that.

Mr. SIMMONS. When a man goes to get his automobile license he will take the receipt of the treasurer showing he has paid the personal tax on his car.

Mr. LINTHICUM. That is what we do in Maryland.

Mr. SIMMONS. Yes; and that is what we are aiming to do here.

The Clerk read as follows:

RECORDER OF DEEDS

For personal services, $104,020: *Provided*, That no part of the appropriations contained in this act for personal services and other expenses of the office of the recorder of deeds shall be expended without the prior approval of the Commissioners of the District of Columbia, or under such regulations as the commissioners shall approve, and all expenditures from such appropriations shall be made and accounted for in the manner provided by law for the expenditure of other appropriations for the government of the District of Columbia.

Mr. BACHMANN. Mr. Chairman, I make a point of order against the paragraph down to the end of line 24, as legislation on an appropriation bill.

Mr. SIMMONS. Mr. Chairman, I am not disposed to quarrel with the gentleman about the point of order, but I want to explain the purpose of the legislation, and then if he feels that he should make the point of order I am willing to have the Chair rule.

The purpose of the legislation is this—the recorder of deeds is one of two officers in the District of Columbia whose salary is paid by the District of Columbia, whose entire working force is paid from the funds of the District of Columbia, the rent of his building, the equipment, and supplies paid by the District of Columbia, and he performs a purely municipal function. However, he is one of two officers of the District appointed by the President and confirmed by the Senate.

The sole purpose of the legislation is that the auditor of the District may have an opportunity to check the proposed expenditure of the District funds before they are made, and after they are made to check them up and see if they comply with the authorization of the expenditures that Congress has made. The legislation has no other purpose, and if the gentleman wants to make the point of order I shall not resist.

Mr. BACHMANN. I insist on the point of order, Mr. Chairman.

Mr. SIMMONS. I am frank to say that my judgment is that the point of order is good.

The CHAIRMAN. In view of the statement of the gentleman from Nebraska and the fact that the proviso is legislation on an appropriation bill, the Chair sustains the point of order.

The Clerk read as follows:

Northwest: Sixteenth Street, Kalmia Road to District of Columbia line, $64,000.

Mr. SIMMONS. Mr. Chairman, with reference to Sixteenth Street and its extension from Kalmia Road to the District line, that is where the District is building our Sixteenth Street and the paving is to meet the paving by Maryland to the District line. The appropriation is carried with the understanding that it is not to be expended until the construction on the Maryland side has reached the District line. With that statement I ask unanimous consent to return to page 15, line 11, to correct the spelling of the word "public."

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

PUBLIC PLAYGROUNDS

For personal services, $113,180: *Provided*, That employments hereunder, except directors who shall be employed for 12 months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia appropriation act for the fiscal year 1924.

Mr. BANKHEAD. Mr. Chairman, I make a point of order against the proviso. It may be in proper form as reported from the committee but it is rather obscure.

Mr. SIMMONS. This language has been carried in the bill for several years and has not been changed; it is a proviso to which no point of order has been made.

Mr. BANKHEAD. I did not rise to make a point of order, but I would like to know what it means when it says—

except directors who shall be employed for 12 months, shall be distributed as to duration in accordance with corresponding employment provided for in the District of Columbia appropriation act—

And so forth.

Mr. SIMMONS. The explanation I have is that these playgrounds employ directors largely during the summer months, a part on full time, and this legislation is to spread out the expenditure over 12 months to suit their own convenience in carrying out the purposes of the act. I will say that the language heretofore has caused no trouble.

Mr. BANKHEAD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

For personal services in the department of school attendance and work permits in accordance with the act approved June 4, 1924 (43 Stat. 367–375), and the act approved February 5, 1925 (43 Stat. 806–808), $36,900: *Provided*, That beginning July 1, 1931, and thereafter, section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled "An act to establish a normal school for the city of Washington" (sec. 42, ch. 57, of the Compiled Statutes in force in the District of Columbia), shall apply only to those graduates of the normal schools of the District of Columbia who shall at the time of their graduation rank within the first 25 per cent of their respective classes, arranged in order of their ratings received for their entire normal school course.

Mr. BANKHEAD. Mr. Chairman, I make a point of order against this proviso; it is clearly legislation and there must be some purpose of incorporating a provision of that sort, and I would like some information as to why this arbitrary power should be given, making it 25 per cent in the respective classes. Evidently it would deprive all others who are not in that class of the opportunity of securing a position as teacher.

Mr. SIMMONS. The purpose of that is this: For a long number of years, dating back to 1873, the District schools in the elementary grades have been supplied with teachers entirely from the two normal schools of the District. It is an ingrowing system. We are now extending the course in the normal schools from two years to three years for elementary teachers, and beginning with the date of 1931, when the classes will have reached the full 3-year course of training, we seek here to provide that 25 per cent of the highest in the class shall receive a preferential status in the District schools. The other 75 per cent of those who graduate must compete with outside teachers on a competitive basis for positions, and this is done in order to enable the school officials of the District of Columbia to secure the best teachers they can get for the salaries which we pay. As the situation is to-day, the most mediocre teacher who graduates from the normal schools of the District secures a position in the elementary schools in preference to the best teacher that could come here from any place in the United States.

Mr. BANKHEAD. This proviso relates not only to the items carried in this bill but it undertakes to make absolutely permanent legislation with reference to this method of selecting teachers?

Mr. SIMMONS. Yes, sir.

Mr. BANKHEAD. And gives priority to the highest 25 per cent?

Mr. SIMMONS. At the present time they all have priority.

Mr. BANKHEAD. Is this a proviso authorized by existing law?

Mr. SIMMONS. No. The purpose of carrying it is to enable teachers that come, say, from the normal schools in the gentleman's State, if they can demonstrate they have an ability superior to the 75 per cent, to obtain a position here; that is, to enable the District officials to hire them. The language is the language submitted by the school officials, with one exception. The testimony of the school officials stated 25 per cent, but they submitted to us the language with a proviso that 50 per cent of the graduates should have a preference, and we put it back where the testimony of the officials placed it first.

Mr. BANKHEAD. Has the gentleman ever thought of the propriety of having legislation to this effect from the District Committee instead of putting the proposition into an appropriation bill? The gentleman admits that it is legislation.

Mr. SIMMONS. It could go to the District Committee, yes, and would, if the gentleman wants to take that position.

Mr. BANKHEAD. I want to reiterate a statement I made a few days ago, that if a member of the Committee of the Whole House, when an appropriation bill is under consideration, offers an amendment which is violative of the rules of the House, some member of the Committee on Appropriations or the subcommittee will rise to vigorously oppose it and will insist upon the point of order. It seems to me that in order to be consistent, when the committee itself is confronted with items that are patently out of order in an appropriation bill, under the rules of the House, they ought to carry the matter to the legislative committees and get substantive law to support their action.

Mr. SIMMONS. If the gentleman will turn to page 16 of the report of the committee he will see that we point specifically to the language to which he refers and state that it is legislation. There is no attempt made to hide anything. This is a proposition to enable the District of Columbia to get the best teachers it can get for the money that we pay.

Mr. BANKHEAD. Mr. Chairman, I shall not make the point of order against the proviso, but it seems to me that this Appropriation Committee, with the great power that it has, in accord with the policy that they have of always objecting to amendments that are offered by Members from the floor of the House, wherever it is possible, ought to secure legislation to conform to the requirements of the House and not be constantly themselves violating the rules of the House.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of troops other than Government employees, to be disbursed under the authority and direction of the commanding general, $9,000.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to return to line 6, page 82 of the bill, to strike out the word "bureau" and insert in lieu thereof the word "burial."

The CHAIRMAN. Without objection, the Clerk will make the change.

There was no objection.

The Clerk read as follows:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924 (43 Stat. 463–464), as amended, including not to exceed $100 for technical books and periodicals, not to exceed $45,000 for personal services in the District of Columbia, and not to exceed $3,500 for printing and binding, $1,000,000, to be immediately available and to remain available until expended: *Provided*, That not more than $300,000 of this appropriation shall be available for the purchase of sites without limitation as to price based on assessed value and that the purchase price to be paid for any site out of the remainder of the appropriation shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 87, line 3, strike out "$45,000" and insert in lieu thereof "$50,000," and in line 13, after the word "value," strike out the period, insert a colon and the following: "*Provided*, That no part of this appropriation shall be expended for the acquisition of land outside of the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16422, the District of Columbia appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SIMMONS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

VOCATIONAL EDUCATION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 297

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1731, to provide for the further development of vocational education in the several States. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT

Mr. TILSON. Mr. Speaker, if the House adjourns to-night without passing the appropriation bill that has been under consideration to-day it will come up for a vote on Friday morning, to-morrow being Calendar Wednesday under a special order made a few days ago.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to a bill and joint resolutions of the Senate of the following titles:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, January 24, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 24, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON FLOOD CONTROL

For improvement of navigation and the control of floods of Caloosahatchie River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

760. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

761. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately owned property and damages by collision with naval and lighthouse vessels in the sum of $48,135.29 (H. Doc. No. 521); to the Committee on Appropriations and ordered to be printed.

762. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1929 pertaining to the office of the Supervising Architect, $394,000 (H. Doc. No. 522); to the Committee on Appropriations and ordered to be printed.

763. A communication from the President of the United States, transmitting draft of proposed legislation to continue available until June 30, 1930, the unexpended balance of the appropriation of $50,000 made in the first deficiency act, fiscal year 1925, for the Federal Oil Conservation Board (H. Doc. No. 523); to the Committee on Appropriations and ordered to be printed.

764. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1928; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on the Public Lands. S. 1511. An act for the exchange of lands adjacent to national forests in Montana; without amendment (Rept. No. 2190). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on the Public Lands. H. R. 15919. A bill to authorize the issuance of patent for lands containing copper, lead, zinc, or silver, and their associated minerals, and for other purposes; with amendment (Rept. No. 2191). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. J. Res. 382. A joint resolution to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; without amendment (Rept. No. 2192). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Public Lands. S. 1577. An act to add certain lands to the Boise National Forest Idaho; with amendment (Rept. No. 2193). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 14472. A bill to extend the time for construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.; with amendment (Rept. No. 2196). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14479. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; with amendment (Rept. No. 2197). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 15201. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; with amendment (Rept. No. 2198). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 15714. A bill to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; with amendment (Rept. No. 2199). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 15851. A bill to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania; with amendment (Rept. No. 2200). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 16026. A bill to extend the times for the construction of a bridge across the Missouri River at or near Randolph, Mo.; with amendment (Rept. No. 2201). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 16035. A bill to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington; with amendment (Rept. No. 2202). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16162. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; with amendment (Rept. No. 2203). Referred to the House Calendar.

Mr. NELSON of Maine: Committee on Interstate and Foreign Commerce. H. R. 16270. A bill to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924; with amendment (Rept. No. 2204). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 16279. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; with amendment (Rept. No. 2205). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. S. 4721. An act to extend the time for commencing and completing the construction of a bridge across the Potomac River at or near Great Falls, and to authorize the use of certain Government land; with amendment (Rept. No. 2206). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 14460. A bill authorizing the Iowa-Nebraska Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa; with amendment (Rept. No. 2207). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 297. A resolution providing for the consideration of S. 1731, a bill to provide for the further development of vocational education in the several States; without amendment (Rept. No. 2208). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 13692. A bill for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians, and for other purposes; with amendment (Rept. No. 2209). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16209. A bill to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project; without amendment (Rept. No. 2210). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 16522. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 2189). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5264. A bill for the relief of James P. Cornes; with amendment (Rept. No. 2194). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 13737. A bill for the relief of Dennis W. Scott; without amendment (Rept. No. 2195). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 7282. A bill for the relief of George O. Pratt; without amendment (Rept. No. 2211). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KNUTSON: A bill (H. R. 16522) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. HAWLEY: A bill (H. R. 16523) authorizing J. C. Ten Brook, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Columbia River at or near Astoria, Oreg., to connect Roosevelt Military Highway in Oregon with Washington Ocean Beach Highway; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: A bill (H. R. 16524) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDRESEN: A bill (H. R. 16525) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes; to the Committee on Agriculture.

By Mr. GIBSON: A bill (H. R. 16526) to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

By Mr. LEAVITT (by departmental request): A bill (H. R. 16527) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests; to the Committee on Indian Affairs.

By Mr. CHRISTOPHERSON: A bill (H. R. 16528) providing restrictions in the computation of the amount due under any claim filed by a State, or subdivision thereof, against the United States; to the Committee on the Judiciary.

By Mr. ENGLAND: A bill (H. R. 16529) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va.; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16530) to authorize the President to consolidate and coordinate governmental activities affecting war veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16531) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Golconda, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. DREWRY: A bill (H. R. 16532) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or

destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927; to the Committee on Naval Affairs.

By Mr. WOLVERTON: A bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

By Mr. McMILLAN: A bill (H. R. 16534) to allow newspapers and other publications containing matter in respect of lotteries to be mailable in certain cases; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Concurrent resolution (H. Con. Res. 48) to provide for the printing of 2,500 copies of the hearings on "Tariff readjustment of 1929"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 or Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America; to the Committee on War Claims.

By Mr. BEERS: A bill (H. R. 16536) granting an increase of pension to Maggie E. Shearer; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 16537) granting an increase of pension to Ida M. Pratt; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16538) granting a pension to Frances A. Houston; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16539) granting an increase of pension to Emma W. Mitchell; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 16540) granting an increase of pension to Joshua J. Brown; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 16541) for the relief of Margaret Lemley; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 16542) granting a pension to William E. Emerson; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 16543) granting an increase of pension to Maria Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16544) granting an increase of pension to Amanda Dirrim; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 16545) granting a pension to Mary A. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16546) granting an increase of pension to Virgil O. Adams; to the Committee on Pensions.

Also, a bill (H. R. 16547) granting an increase of pension to Annie Groves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16548) granting an increase of pension to Lizzie Gasaway; to the Committee on Invalid pensions.

Also, a bill (H. R. 16549) granting an increase of pension to Olive Craig; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16550) granting a pension to George A. Credit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16551) granting a pension to Grover C. Pollard; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 16552) granting an increase of pension to Martha A. Osborne; to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 16553) to incorporate the Society of the Ladies of the Grand Army of the Republic; to the Committee on the Judiciary.

By Mr. NORTON of Nebraska: A bill (H. R. 16554) granting an increase of pension to Mary A. Fellows; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 16555) granting a pension to Theodore J. Hillman; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 16556) granting an increase of pension to Sarah J. Hamlin; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 16557) granting a pension to Beverly Sizemore; to the Committee on Pensions.

Also, a bill (H. R. 16558) granting a pension to Mealy Glancey; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 16559) granting an increase of pension to Isabella Allison; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16560) to correct the military record of Francis J. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 16561) granting an increase of pension to Ida R. Robinson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 16562) granting a pension to Leon R. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 16563) granting a pension to Elbina L. Poole; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 16564) granting an increase of pension to Julie Marie Krez and minor children; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8368. Petition of Samuel D. Hodgdon, chairman St. Charles free bridge committee, Clayton, Mo., relative to the handling of the bridge at St. Charles free; to the Committee on Interstate and Foreign Commerce.

8369. By Mr. BARBOUR: Resolution adopted by the Fresno County Council of American Legion Posts, Fresno, Calif., recommending that the Director of the Census collect data relative to the present number and residence of veterans of wars of the United States during the taking of the 1930 census; to the Committee on the Census.

8370. By Mr. BLOOM: Petition of New York State League of Savings and Loan Associations, approving and urging the passage of House bill 13981, to permit the United States to be made a party to actions to foreclose mortgages or other actions in respect to real estate; to the Committee on the Judiciary.

8371. Also, petition of the Philippine-American Chamber of Commerce, unqualifiedly opposing any restriction or limitation to the free movement of products between the United States and the Philippines in either direction; to the Committee on Ways and Means.

8372. By Mr. COOPER of Wisconsin: Petition of Chicago & North Western Railway employees, of Racine, Wis., protesting against the enactment of a law to prohibit the so-called "Pullman surcharge"; to the Committee on Interstate and Foreign Commerce.

8373. By Mr. GARBER: Petition of the Chicago Wholesale Fish and Oyster Dealers' Association (Inc.), Chicago, Ill., urging favorable consideration of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

8374. Also, petition of the American Maid Flour Mills, Houston, Tex.; Canadian Mill & Elevator Co., El Reno, Okla.; the Midland Flour Milling Co., Kansas City, Mo.; the Kansas Milling Co., Wichita, Kans.; the Enid Milling Co., Enid, Okla.; the National Soft Wheat Millers' Association, Nashville, Tenn.; and the Southwestern Millers' League, Kansas City, Mo., indorsing H. R. 16346, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8375. Also, petition of United Spanish War Veterans, urging support of House bill 14676; to the Committee on Pensions.

8376. Also, petition of E. F. Drew & Co. (Inc.), New York; the Ideal Food Products Co., Peoria, Ill.; and the Ed S. Vail Butterine Co., Chicago, Ill., in opposition to House bill 10958; to the Committee on Agriculture.

8377. Also, petition of the National Grange, indorsing House bill 10958; to the Committee on Agriculture.

8378. By Mr. KVALE: Petition of C. J. Swenson, president, and officers of Farmers' Shipping Association, Kandiyohi, Minn., urging enactment of legislation which will give the Secretary of Agriculture the same supervision over private markets which he now has over the public markets; to the Committee on Agriculture.

8379. By Mr. O'CONNELL: Petition of G. & W. Heller Co. (Inc.), New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8380. By Mr. QUAYLE: Petition of New York State League of Savings and Loan Associations, of Albany, N. Y., favoring the passage of House bill 13981, to permit the United States to be made a party to actions to foreclose mortgages or other actions in respect to real estate; to the Committee on the Judiciary.

8381. Also, petition of the Maritime Association of the Port of New York, favoring the passage of the LaGuardia bill (H. R. 11886), a bill to establish the office of captain of the port of New York and define his duties; to the Committee on Interstate and Foreign Commerce.

8382. By Mr. VINCENT of Iowa: Petition of Philippine-American Chamber of Commerce, opposing any restriction or limitation to the free movement of products between the United States and the Philippines; to the Committee on Ways and Means.

SENATE

THURSDAY, *January 24, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Spirit of Infinite Love, have mercy upon this Nation and look with favor upon the people Thou hast planted, for without Thee we stand uncrowned, truth is perished in the streets, and justice fallen at our gates.

If we have failed to acknowledge Thy guidance, forgive our foolish pride and suffer us not to trust in our own might, lest following selfish aims we invite the shame of disaster. Therefore come and abide in our midst, bringing peace to the hearts of men; come like a voice of stillness that calls us in the watches of the night; come like whispering winds that sway with slumbrous rhythm the branches of the trees; come like summer seas that lave with their silent tides earth's lonely shores. Come, breathe on us, Breath of God, and make us wholly Thine. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 17, 1929, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Mayfield	Smith
Bayard	Frazier	Metcalf	Smoot
Bingham	George	Moses	Steck
Black	Gillett	Neely	Steiwer
Blaine	Glass	Norbeck	Stephens
Blease	Glenn	Norris	Swanson
Borah	Gould	Nye	Thomas, Idaho
Bratton	Greene	Oddie	Thomas, Okla.
Brookhart	Hale	Overman	Trammell
Bruce	Harris	Phipps	Tydings
Burton	Harrison	Pine	Tyson
Capper	Hastings	Pittman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Dale	Jones	Sackett	Waterman
Deneen	Kendrick	Schall	Watson
Dill	Keyes	Sheppard	Wheeler
Edge	McKellar	Shipstead	
Edwards	McMaster	Shortridge	
Fess	McNary	Simmons	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. This announcement may stand for the day.

Mr. NORRIS. I wish to announce the absence of the junior Senator from Nebraska [Mr. HOWELL] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bill and joint resolutions, which has previously been signed by the Speaker of the House of Representatives:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of the final ascertainment of the electors for President and Vice President from the State of Nebraska at the election held November 6, 1928, which was ordered to lie on the table.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate, pursuant to law, the annual report of the Chesapeake & Potomac Telephone Co. for the full year 1928, which was referred to the Committee on the District of Columbia.

MONITORING RADIO STATION

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation authorizing the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes, advising that the department recommends its enactment into law, and also stating that the proposed legislation is not in conflict with the financial program of the President, which, with the accompanying paper, was referred to the Committee on Commerce.

SENATOR FROM NEVADA

Mr. ODDIE. Mr. President, I present the certificate of election of my colleague, Hon. KEY PITTMAN, as a Senator from the State of Nevada, and ask that it may be read.

The credentials were read and ordered to be placed on file, as follows:

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that at a general election held in the State of Nevada on Tuesday, the 6th day of November, 1928, KEY PITTMAN was duly elected by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929, having received the highest number of votes cast for said office at said election, as appears by the certificate of the duly constituted and qualified board of canvassers, now on file in the office of the secretary of state, at Carson City, Nev.

Witness: His Excellency our Governor, F. B. Balzar, and our seal hereto affixed at Carson City, this 19th day of December, A. D. 1928.

F. B. BALZAR,
Governor.

By the governor:

[SEAL.]

W. G. GREATHOUSE,
Secretary of State.

(The above certificate is accompanied by a proclamation of the Governor of Nevada relative to the results of the general election held in that State on November 6, 1928.)

PETITIONS AND MEMORIALS

Mr. WALSH of Montana. Mr. President, I present a brief letter from a constituent which I ask may lie on the table and be incorporated in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

YOUNG WOMEN'S CHRISTIAN ASSOCIATION,
Missoula, Mont., December 27, 1928.

CITIZENS' CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.:

I am certainly opposed to the cruiser bill. Let us build for peace, not for war.

Sincerely,

Mrs. KATHERINE H. MOORE,
General Secretary Y. W. C. A., Missoula, Mont.

Mr. NORRIS. I present resolutions adopted by the Senate of the State of Nebraska, which I ask may be read and referred to the Committee on Finance.

There being no objection, the resolutions were read and referred to the Committee on Finance, as follows:

A resolution against unrestricted importation of duty-free sugar from the Philippine Islands

Whereas the encouragement and protection of the beet-sugar industry is of utmost important to the agricultural prosperity of the State of Nebraska; and

Whereas the unlimited and constantly increasing importation of duty-free sugar from the Philippine Islands into the United States constitutes a grave menace to the continuation of the beet-sugar industry in this country and threatens the agricultural prosperity of the State of Nebraska: Now, therefore, be it

Resolved by the Senate of the State of Nebraska, That we do hereby record the sentiment of this body in favor of the passage of such laws by the Congress of the United States as will restrict and limit the amount of duty-free sugar imported yearly from the Philippine Islands into the United States to the end that the domestic beet-sugar industry may be adequately safeguarded against this hazard; and be it further

Resolved, That a copy of this resolution be forwarded to the Senators and Representatives in Congress from the State of Nebraska.

Mr. CAPPER presented a memorial of sundry citizens of Lawrence, Kans., remonstrating against the passage of the bill (H. R. 11526) to provide for the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

Mr. SHIPSTEAD presented memorials and letters in the nature of memorials of sundry citizens and organizations in the State of Minnesota, remonstrating against the passage of the bill (H. R. 11526) to provide for the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. BLAINE presented a resolution adopted by the Wisconsin Legislative Board, Ladies' Auxiliary to the Brotherhood of Railroad Trainmen, Milwaukee, Wis., indorsing the so-called Kellogg multilateral treaty for the renunciation of war, which was ordered to lie on the table.

Mr. SHEPPARD. Mr. President, I send to the desk a message from the National United Committee for Law Enforcement, Rev. Clinton N. Howard, chairman, and ask that it be read and referred to the Judiciary Committee.

There being no objection, the communication was read and referred to the Committee on the Judiciary, as follows:

NATIONAL COMMITTEE FOR LAW ENFORCEMENT,
Washington, D. C., January 21, 1929.

To the Congress of the United States:

The following resolution was adopted by 1,000 Washington citizens in mass meeting assembled at Calvary Baptist Church Sunday, January 20, under the auspices of the national united committee:

"Resolution

"*Resolved*, That we earnestly petition Congress during the present short session to enact a bone-dry law with teeth in it for the District of Columbia, with a sufficient appropriation to effectively enforce it.

"*Resolved*, That we commend the proposals made by the national united committee to secure the enforcement of the dry law in this city, and that a copy of these resolutions be presented to Congress."

* * * * * * *

NATIONAL UNITED COMMITTEE FOR LAW ENFORCEMENT,
CLINTON N. HOWARD, *Chairman.*

WITHDRAWAL OF PROHIBITION PETITION FILED IN 1917

Mr. SHEPPARD. Mr. President, I ask unanimous consent that I may be permitted to withdraw from the files of the Secretary of the Senate a memorial of 1,000 signatures for national prohibition, consisting of two volumes, presented by me to the Senate April 23, 1917, Sixty-fifth Congress, first session. This memorial was prepared and the signatures obtained by former Gov. E. N. Foss, of Massachusetts, assisted by Prof. Irving Fisher, of Yale. Ex-Governor Foss has written me that he desires to have the original volumes in order that he may place them among his own papers. Therefore I ask that I may be permitted to withdraw it.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Without objection, leave is granted. The Chair hears no objection.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4589) for the relief of Dan A. Morrison (Rept. No. 1499); and

A bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes (Rept. No. 1500).

Mr. WALSH of Montana also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands, reported it with an amendment and submitted a report (No. 1501) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 575) for the relief of Herman O. Kruschke; and

A bill (H. R. 2482) for the relief of John Jakes.

Mr. WATERMAN, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224; sec. 241, title 22, U. S. C.) (Rept. No. 1502); and

A bill (H. R. 14150) to amend section 279 of the Judicial Code (Rept. No. 1503).

Mr. COPELAND, from the Committee on Immigration, to which was referred the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, reported it with an amendment and submitted a report (No. 1504) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (S. 2213) providing against misuse of official badges for United States marshals and their deputies, reported it with amendments and submitted a report (No. 1506) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes, reported it with an amendment and submitted a report (No. 1505) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail, reported it without amendment and submitted a report (No. 1507) thereon.

EXECUTIVE REPORTS

Mr. BORAH. As in executive session, I ask unanimous consent to submit three reports for the Executive Calendar.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bill and joint resolutions:

S. 1156. An act granting a pension to Lois I. Marshall;

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President;

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 5517) to authorize the appointment of certain clerks at the Army War College as warrant officers; to the Committee on Military Affairs.

By Mr. PINE:

A bill (S. 5518) to amend paragraph 1 of section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 5519) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests; to the Committee on Indian Affairs.

By Mr. HARRIS:

A bill (S. 5520) to deny second-class mailing privileges to newspapers under common ownership; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Massachusetts:

A bill (S. 5521) granting a pension to Lizzie E. Goodrich; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5522) granting an increase of pension to Laura Cross; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5523) granting an increase of pension to Sallie Ireton; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 5524) granting a pension to John E. Sutton (with accompanying papers); to the Committee on Pensions.

A bill (S. 5525) authorizing the President to appoint Jack D. Thompson a captain of Infantry in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 5526) for the relief of Glenn W. Hanna; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 5527) for the relief of Frank T. Burch; and

A bill (S. 5528) for the relief of Theodor Knudson; to the Committee on Claims.

A bill (S. 5529) to add certain lands to the Crater National Forest; to the Committee on Agriculture and Forestry.

By Mr. DENEEN:

A bill (S. 5530) granting a pension to James S. McKinley;

A bill (S. 5531) granting a pension to Laura F. Gross;
A bill (S. 5532) granting a pension to Gertrude Taylor;
A bill (S. 5533) granting a pension to John A. Burke; and
A bill (S. 5534) granting an increase of pension to Alice L. Enloe; to the Committee on Pensions.

A bill (S. 5535) to provide for a survey of a route for the construction of a highway connecting certain places associated with the life of Abraham Lincoln; to the Committee on Agriculture and Forestry.

By Mr. WATSON (for Mr. ROBINSON of Indiana):
A bill (S. 5536) to correct the military record of G. W. Gilkison; to the Committee on Military Affairs.

By Mr. FLETCHER:
A bill (S. 5537) for the relief of Frederick V. Armistead; to the Committee on Military Affairs.

By Mr. BLAINE (for Mr. LA FOLLETTE):
A bill (S. 5538) for the relief of Matthias R. Munson; to the Committee on Claims.

A bill (S. 5539) granting a pension to Alice J. Phillips (with accompanying papers); and
A bill (S. 5540) granting a pension to May Smelker (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:
A bill (S. 5541) granting a pension to Elizabeth Casseday; to the Committee on Pensions.

By Mr. MOSES:
A bill (S. 5542) granting an increase of pension to Mary A. Gerald (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:
A bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BINGHAM:
A bill (S. 5544) to increase the membership of the National Advisory Committee for Aeronautics (with an accompanying paper); to the Committee on Military Affairs.

By Mr. NORRIS:
A bill (S. 5545) granting a pension to Pearl Rounds; to the Committee on Pensions.

By Mr. PHIPPS:
A bill (S. 5546) to provide for the advancement on the retired list of the Navy of Frederick L. Caudle (with an accompanying paper); to the Committee on Naval Affairs.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. HARRISON submitted an amendment proposing to increase the appropriation for market news service to $1,304,260, in lieu of $1,298,860, as reported by the Committee on Appropriations, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WHEELER submitted an amendment proposing to increase the appropriation under the Interstate Commerce Commission for authorized expenditures necessary in the execution of laws to regulate commerce from $2,834,464 to $2,887,000, and to increase the amount which may be expended for personal services in the District of Columbia, etc., from $2,209,464 to $2,250,000, intended to be proposed by him to House bill 16301, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

ADDITIONAL JUDGES, SOUTHERN DISTRICT OF NEW YORK

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York, which was referred to the Committee on the Judiciary and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion.

CHANGE OF REFERENCE—JOHN J. HELMS

Mr. BLACK. Mr. President, I ask unanimous consent to recall the bill (S. 5386) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms, from the Committee on Finance, to which it was referred, having that committee discharged from its further consideration, and to have the bill referred to the Committee on Military Affairs on the ground that it is a bill to remove a dishonorable discharge from the record of a soldier. It was improperly referred to the Committee on Finance.

Mr. SMOOT. Mr. President, I have no objection to the change of reference if that is the object of the bill. I have not seen it, so I will take it for granted that the Senator's statement is correct.

Mr. BLACK. It would affect the compensation of the beneficiary if the dishonorable discharge should be removed from his war record.

Mr. SMOOT. Let me ask the Senator from Alabama, did the soldier serve in the World War?

Mr. BLACK. He did.

Mr. SMOOT. All measures relative to compensation of soldiers of that war have always gone to the Committee on Finance.

Mr. BLACK. I will state briefly just what this case is, so that the Senate may understand it. The soldier was dishonorably discharged and shortly thereafter became insane. The Veterans' Bureau has taken care of the case so far as insanity is concerned, but it can not remove the dishonorable discharge. It can not be removed by the War Department except by a special act, and this bill is for the purpose of removing the dishonorable discharge. It will also indirectly affect the amount of insurance which the soldier receives.

Mr. SMOOT. I have no objection to the Senator's request.

The VICE PRESIDENT. Without objection, the Committee on Finance will be discharged from the further consideration of the bill and it will be referred to the Committee on Military Affairs.

Mr. NORRIS. Mr. President, has the order requested by the Senator from Alabama been made?

The VICE PRESIDENT. The order has been made.

Mr. NORRIS. It seems to me that a bill of this kind, referring to the insanity of some one, might reflect upon his posterity, and ought, therefore, to be considered in executive session. [Laughter.]

COMPACTS BETWEEN CERTAIN STATES

Mr. PHIPPS. Mr. President, I desire to make a request for unanimous consent. Last evening, just before the Senate adjourned, I reported from the Committee on Irrigation and Reclamation five bills authorizing certain States to enter into interstate compacts. Inadvertently I overlooked the fact that the committee had authorized a slight amendment by eliminating three or four words in the language of the bills which were passed. I now enter a motion to reconsider the votes by which House bill 6496, House bill 6497, House bill 6499, House bill 7024, and House bill 7025 were ordered to a third reading, read the third time, and passed, and I also ask that an order be entered requesting the House of Representatives to return to the Senate the bills to which I have referred.

The VICE PRESIDENT. Without objection, the motion to reconsider will be entered and the House will be requested to return the bills to the Senate.

DR. JOSEPH GOLDBERGER

Mr. RANSDELL. Mr. President, I ask permission to have published in the RECORD at this point a very brief bill, S. 5473, proposing a pension of $150 a month to the widow of Dr. Joseph Goldberger, and in connection with that to have printed a very fine brief editorial on Doctor Goldberger which appeared in the Washington News of the 22d instant.

The PRESIDING OFFICER (Mr. DALE in the chair). Without objection, it is so ordered.

The bill and editorial are as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Goldberger, widow of Joseph Goldberger, late surgeon, United States Public Health Service, and pay her a pension at the rate of $150 per month, in special recognition of the services of Doctor Goldberger in discovering the essential cause of pellagra and means of its cure and prevention.

[From the Washington News, January 22, 1929]

DEATH COMES TO A DOCTOR

Poking about among orphanages and asylums an idea began to dawn in the doctor's mind.

He observed that in some of the asylums the nurses' trays contained a glass of milk and a portion of fresh meat. The trays for the inmates lacked these two items. In some of the orphanages he discovered that the little codgers between 6 and 12 years of age got neither milk

nor meat. They were too old for babies' milk and too small to earn meat by doing chores. And in each case, or enough cases to be indicative, it was those on the meatless and milkless diet that had the red rash, sore mouths, and wretched nerves that go with the dread disease pellagra.

Lack of fresh protein, the doctor determined, causes pellagra. Adding milk and good meat will cure or prevent.

This conclusion he reached in 1915, but it required many years to establish his proof and convince the world. Seven times he risked his life and that of his wife to prove that pellagra is not caused by any germ in the blood or skin or internal organs. They and loyal fellow workers allowed themselves to be injected with the blood and material of dying pellagra victims. They swallowed pellets made from the same diseased substances. Observers marked them for death, but they did not die.

They proved their case. They had the cure for a disease that had defeated all scientific research for centuries.

But the doctor knew this did not mean that pellagra would be eliminated or even controlled. He knew much about life. Brought to this country by immigrant parents when he was 5 years old, he had spent his childhood and youth amid the poverty of East Side New York. He knew that fresh milk and meat were not to be had on every table. He studied and searched for a cheap food that would prevent pellagra. He found it in yeast. He proved that a small amount of this inexpensive food, fresh or dried, will prevent the disease. And he made this discovery in time to save thousands of lives of Mississippi River flood victims.

The solution of the pellagra problem was not this doctor's only contribution to science and to humanity. In his years of work in the United States Public Health Service, beginning as an inspector at Ellis Isle, he worked on other diseases—yellow fever, typhus, dengue, diphtheria, measles, and influenza. He made many discoveries—some again at risk of his life.

Dr. Joseph Goldberger died the other day in Washington. With his death the family income stopped. It is proposed that Congress grant a pension to the widow, the woman who aided his work and shared many of his dangers and hardships.

Congress scarcely can refuse.

AMERICAN SHIPS

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a very able address, in most of which I concur, entitled "American Ships," delivered at Jacksonville, Fla., by Mr. E. J. Adams.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GOVERNMENT OPERATION

It can be safely stated that the American people do not want their Government to engage in any business that can be successfully conducted by the people as individuals, copartners, or private corporations.

Government operation in any field of endeavor where private operation can function and survive is opposed by business men both large and small.

The position of President-elect Hoover against Government operation and for Government cooperation apparently meets with popular approval.

There are, however, some great essential public services that can not be rendered by private activity and must be supplied by the Government, and the cost, whatever it may be, borne by the people as a whole. Some of these are—

United States mail service (the largest business in the world).
Modern public highways.
River and harbor improvements.
The Panama Canal and Railroad.
Waterways from the Great Lakes to the sea.
The Alaska Railway.
Reclamation.
Flood control, and the
Maintenance of an Army and Navy for national security.

Most of these activities produce no revenue and others produce less revenue than sufficient to make them self-sustaining, yet they are all essential services to the public in the benefits of which all the people of our country share directly or indirectly.

The mail service incurs an annual deficit of about $20,000,000 and has the use of space, rent free, in public buildings owned by the Federal Government worth millions of dollars more.

Appropriations from the Federal Treasury authorized by Congress since 1916 for modern highways suitable for motor traffic amount to $765,000,000. Expenditures by States and counties for the same purpose during this same period have been many times this vast sum.

Total expenditures for public highways in the United States during the year 1925 exceeded $1,288,933,707. The average annual expenditure since 1925 has been about the same. From 1916 to 1925 it was less but very large.

No direct revenue is received from these highway investments, but the benefits accruing to all the people justify the cost.

Over $1,500,000,000 have been appropriated and expended in the development and improvement of our rivers and harbors to aid water transportation and the transfer of tonnage from cars and trucks to ships. No direct revenue flows from these expenditures, but who will say it is an unwise expenditure of public funds to improve shipping facilities that expedite the service and reduce the cost of transportation?

The annual appropriations for the military activities and other expenses of the War Department incident thereto are over $300,000,000, and for the United States Navy Establishment the appropriations for the ensuing fiscal year are over $350,000,000.

No revenue is received from these large expenditures, but the security of our Republic and the safety of our people in life and property at home or abroad demands adequate preparation for the defense of our Nation.

For construction, equipment, and defense of the Panama Canal over $350,000,000, and for the construction, equipment, maintenance, and operation of the Alaska Railroad over $60,000,000 have been appropriated from the Federal Treasury.

The Panama Canal is self-sustaining, and present revenues show good monetary returns on the investment and indicate a refund to the Federal Treasury of all the money expended for its construction within the next score of years. This is the one outstanding Government investment in an essential public service that shows a direct monetary profit.

Three great factors control the prosperity of the Nation and the happiness of her people—production, transportation, and markets. The United States leads all peoples in volume of production. Overland transportation in the United States, both rail and motor, is unequaled anywhere. The American markets are the best in the world because the American people have more, earn more, buy more, and enjoy higher standards of living than any other people in the world, and the foreign commerce of the United States has more than doubled since 1914.

One vital thing we need, and that is an adequate American merchant marine to deliver the goods we sell in foreign markets and bring home the things we require and do not produce in sufficient quantity to meet our requirements.

Factories, farms, and merchants, great and small, require trains and trucks of their own to deliver the goods they sell to their customers. To depend upon their competitors for delivery of their goods to common customers is little short of commercial suicide.

The same economic principles underlie the commerce of nations.

The United States has secured and now enjoys a splendid trade with many foreign countries. During the fiscal year ending June 30, 1928, our exports amounted to almost $5,000,000,000 ($4,877,000,000), and our imports slightly over $4,000,000,000 ($4,146,000,000), making a grand total of over $9,000,000,000 ($9,023,000,000). Over 60 per cent of our exports were products of the soil and about 37 per cent were annual crops. Five per cent were products of the forest and 24 per cent products of the factory which included 423,000 automobiles valued at $425,000,000, including accessories and parts exported. In 1922 we exported 52,000 automobiles valued at $80,800,000, an increase of over 500 per cent in six years in this one line of production alone.

Our imports consisted principally of rubber, silk, coffee, sugar, paper, pulp, tin fruits, nuts, and fertilizers.

In volume our foreign trade amounted to approximately 115,000,000 long tons (2,240 pounds) and required almost 6,000 ships, making an average of five round voyages each to transport it overseas. This means approximately 29,000 cargoes, equivalent to 4,500,000 carloads, or 35 freight trains extending from Chicago to New York or the Gulf of Mexico, or 45,000 trains of 100 cars each, or one solid line of loaded freight cars 35,000 miles long, equivalent to one and one-half times around the earth. Such is the volume of the present foreign commerce of the United States. To hold this trade in the markets of the world in the face of stronger and keener competition from rehabilitated Europe will require the best wisdom, skill, and devotion to our country's welfare.

Three things control trade—quality, cost, and delivery. In quality and cost the United States can meet all competition where mass production can be employed, but in delivery overseas the problem is difficult.

The people of the United States have all the factors required to hold and expand foreign markets for American goods save this one. They have the resources, power, skill, and energy to produce, the best overland delivery systems in the world, and the good will of buyers in foreign markets. The one thing lacking is the overseas link in our delivery system—an adequate American merchant marine.

Ships of all nations give first and preferred delivery service to the people of their own country, and it is considered the duty, established by custom of long standing, for the management and personnel in the operation of ships to serve, support, and secure the trade of the people in all ports for the producers of the country under whose laws the ships operate. This condition emphasizes the need for American ships in the American foreign trade.

The cost of building ships in the United States is approximately 50 per cent more than the cost in the principal foreign shipyards, and the cost of operation under the laws of the United States is about 50 per

cent more than under the laws of our principal competing nations. This forms a barrier, under normal conditions and low freight rates, that American ships can not surmount without aid and cooperation from the American Government and the loyal support of the American people.

A ship subsidy (cash payment from the Public Treasury to ship operators) has been many times proposed, discussed, and rejected.

During the World War our Government acquired 2,543 vessels of all kinds, steel, wood, and concrete, good, bad, and indifferent, some fit and some unfit for peace-time commerce, but they attracted the attention of our people as a possible foundation or starting point for the building of a great American merchant marine.

Congress, in the merchant marine act of 1920, directed the United States Shipping Board to do all within its power to foster and develop an American merchant marine, privately operated where possible, and Government operated where private operation could not survive the foreign competition.

The board was directed to sell or charter the vessels of the Government to American citizens who would agree to operate them in trade essential to our commerce.

Congress also directed the board to seek for trade routes where American ships could be used to develop, expand, and extend foreign markets for American production.

The United States Shipping Board found and established 37 trade routes and allocated 350 ships for operation over such routes.

As fast as these new trade routes show earnings sufficient to attract practical ship operators of the United States, they are sold and passed into the private ownership of citizens of the United States, but always with a guaranty on the part of the purchaser that he will continue the operation established by the Government, for the protection of shippers that have transferred their business from foreign to American ships and thereby assisted in building up the transportation service established by the Government.

Thirteen such established lines with 110 ships operating over them have been sold to citizens of the United States; and the Government still operates, through experienced contract operators, 24 lines with 250 ships.

Before the World War about 70 per cent of our foreign commerce was carried in tramp ships—ships that made any port where profitable cargo could be found.

The establishment of definite trade routes and the operation of ships on schedule time by the United States has done much to stabilize our foreign trade and induce private operators, both foreign and American, to give scheduled service over definite trade routes until now about 70 per cent of our foreign commerce is carried over definite routes on schedule time at reasonable rates.

To properly serve the producers and shippers of the United States we must have dependable service over definite routes on fixed schedules at reasonable and stable rates published in advance of their effective date a sufficient time to protect the buyer and seller at home and abroad in their sales contracts and delivery commitments.

To establish new trade routes and operate an American delivery service over these routes during the pioneer days of trade building and expansion in foreign markets for American products has incurred some deficits.

During the fiscal year ending June 30, 1927, the Government operated an average of about 300 ships, and in this operation incurred a deficit of slightly less than $13,000,000 ($12,773,667.01). During the fiscal year ending June 30, 1928, with low competitive freight rates, the deficit incurred by the Government in the operation of these ships, including insurance, maintenance, betterments, advertising, and administrative expenses, was slightly over $15,000,000 ($15,100,156.45).

The freight bill on our water-borne foreign commerce was about $760,000,000 per year ($750,266,892) in 1927. (Figures not available for 1928.)

Over $530,000,000 ($531,139,853) was paid to the owners of foreign ships and less than $230,000,000 ($229,127,029) to the operators of American ships, private and Government, in 1927.

The Government deficit in 1927 is slightly over 1½ per cent, and in 1928 is slightly less than 2 per cent of the freight bill.

With the Government out of the picture, an increase in freight rates by conference and agreement between shipowners, foreign and domestic, would be possible and probable. An increase of 10 per cent in rates for one year would equal the deficit incurred by the Government in the operation of Government-owned ships for several years.

In 1914 the exports of the United States amounted to $2,364,579,148, and the imports to $1,893,925,657. In comparison with the exports and imports of the United States during the fiscal year ending June 30, 1928, our exports show an increase of $2,512,420,852, and our imports of $2,252,074,343 in 1928 over the exports and imports in 1914.

The balance of trade in favor of the United States in 1914 was $470,653,491, and in 1928 it was $731,000,000, showing an increase of $260,346,509.

From a business man's viewpoint, it is worth something to increase his volume of trade and the same is true when applied to the foreign trade of a nation.

The deficit incurred in the operation of about 300 ships was about one-half of 1 per cent of the increase in the exports of the increase in the balance of trade in favor of the United States in 1928 compared with the balance of trade in 1914.

Two things have contributed vitally and materially to this large increase in the foreign trade of the United States. One is the work done by the Department of Commerce, under the leadership of President-elect Hoover as Secretary of Commerce, in seeking out and helping our producers to win the good will of foreign buyers and consumers and inducing them to buy more and more of American-made goods and products. The other essential thing has been the improved transportation overseas by the establishment of a dependable schedulized definite delivery service under the leadership of the United States Shipping Board.

Most any business man would consider it good business to improve his delivery system if he could show increases in the volume of his trade at a cost of one-half of 1 per cent of his increased sales, and less than 6 per cent of the increase in his net profits.

Without a delivery service equal to that of any other nation competing for business in the same foreign markets we could not hold the market for American products, much less expand it, and all the work done by the Department of Commerce would avail nothing.

Salesmanship as practiced by the Department of Commerce and American producers must go hand in hand with transportation under the leadership of the United States Shipping Board and the progressive, courageous American shipping men if our foreign trade expands in proportion to increased production in the United States.

If the establishment and maintenance of an adequate American merchant marine as an efficient delivery system for American producers that sell in foreign markets is an important factor in increasing our sales to the people of other countries, as we insist it is, the next step is to make it self-supporting as a Government activity in behalf of the best interest of all the people and pass the ships to citizens of the United States for private operation as fast as such operation can be made profitable and still maintain the service essential to the well-being and prosperity of the American people.

To hasten this process the people must aid by shipping and traveling on American-flag ships, whether privately owned or Government owned.

Unless the producers and shippers of the United States patronize and use their own ships—their own delivery system—when the service and rates are equal to those afforded by other ships, it will be impossible to build up an adequate American merchant marine.

The American people are loyal and prompt to respond in any national emergency. When they fully realize the economic value of an American merchant marine to the everyday producer of our land, both agricultural and industrial, they can be depended upon to give their wholehearted support to American-flag ships.

All that Congress and all the Shipping Board can do to build up an American merchant marine is not enough without the loyal support and patronage of the American people.

ORDER OF BUSINESS

The VICE PRESIDENT. Morning business is closed.

Mr. VANDENBERG. Mr. President, in strict conformity with the rule, I ask unanimous consent that I may be permitted to proceed for a few moments in explanation of a very important measure pending on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. Mr. President, reserving the right to object, I have no desire to interfere with the Senator from Michigan making the speech which, I understand, he desires to make; but, on the other hand, this is the first opportunity we have had to consider the calendar for 10 days or more. The Senate will recall that on the last occasion when the calendar was called the Senate was considering the joint resolution providing for surveys in Panama and Nicaragua, but, at the request of a Senator, I consented to postpone further action on the joint resolution at that time, with the statement that I would ask that the joint resolution be again considered at the first opportunity. It was more or less a gentleman's agreement that it would be again considered upon the first occasion when the calendar was called. I feel that the importance of the joint resolution in every way justifies that we consider it at this time. I was going to ask when the calendar was called that the joint resolution be taken up and considered by the Senate. I hope that it can be passed without opposition, as I think I have met all requests for amendments to the measure. The resolution as it stands merely provides for a survey of those two important projects, so that Congress may be informed and be able to give intelligent consideration to one of the most important problems that we are facing. I hope that the joint resolution may be passed without debate, but if there should be any objection to the joint resolution I propose to move its consideration, in which event, of course, the Senator from Michigan could make his speech. I should like

to have the regular order proceeded with so that this measure may at least be brought before the Senate.

Mr. VANDENBERG. Mr. President, if permitted to speak, I shall conclude my speech in ample time for the Senator from New Jersey to do what he seeks.

Mr. EDGE. I do not doubt that, but the introduction of another subject before the Senate naturally brings on more or less controversy, and in any way, shape, form, or manner it will not interfere with the speech of the Senator from Michigan by having the joint resolution brought before the Senate. If I can have it passed unanimously, then there will be nothing more to be done. If I can not have it passed without objection, then I shall move to take it up, and I assume that, under the understanding, the joint resolution will be laid before the Senate. Then, of course, the Senator from Michigan can speak upon the joint resolution if he cares to do so.

Mr. VANDENBERG. But in that event a Senator could speak only for five minutes.

Mr. EDGE. Oh, no; under the rules of the Senate the Senator could speak from now until 2 o'clock if the joint resolution shall be laid before the Senate on motion.

Mr. VANDENBERG. Not on the motion to consider the joint resolution.

Mr. EDGE. After the motion to consider the joint resolution shall be decided affirmatively, the Senator from Michigan can speak from now until 2 o'clock. Under those circumstances, without in any way interfering with the Senator's speech, and so that at least I may have the joint resolution brought before the Senate, in accordance with the understanding, so far as we can have understandings without a unanimous-consent agreement, I ask for the regular order, so that consideration of the calendar may at least be begun. Then I will ask for the immediate consideration of the joint resolution.

Mr. NORRIS. I should like to ask the Senator from New Jersey whether by taking up the valuable time of the Senate now he is filibustering against the cruiser bill?

Mr. EDGE. Mr. President, I assure the Senator that I will not take five minutes further to explain the subject matter of the joint resolution. I think the Senate is entirely familiar with it. I ask for the regular order.

THE CALENDAR

The VICE PRESIDENT. The calendar, under Rule VIII, is in order. The clerk will state the first bill on the calendar.

The CHIEF CLERK. A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war.

Mr. BRUCE. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. EDGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 785, being Senate Joint Resolution 117, the joint resolution to which I have just referred.

Mr. ASHURST. Mr. President, I must object, as I desire to have the calendar called from the beginning. I myself have a bill on the calendar which should be considered and which is just as important relatively as is the joint resolution of the Senator from New Jersey. I am in favor of his joint resolution, but I object to singling out one measure on the calendar; therefore let us begin at the beginning and go through the entire calendar. I ask for the regular order.

The VICE PRESIDENT. The regular order is called for. The clerk will state the next bill on the calendar.

BILLS PASSED OVER

The CHIEF CLERK. A bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

Mr. COPELAND. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. BAYARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, I ask that that bill go over. An amendment is being prepared to it which it is desired to submit later.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. MOSES. Over.

The VICE PRESIDENT. The bill will be passed over.

WITHDRAWAL OF MARINES FROM NICARAGUA

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

SEVERAL SENATORS. Over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Alabama if there is any necessity of having the joint resolution remain longer on the calendar? It is accompanied by an adverse report. Why may it not be indefinitely postponed?

Mr. HEFLIN. Mr. President, I am just wondering why our marines are not brought home now. The election in Nicaragua is over; the marines were to stay in Nicaragua until an election had been held and the Government of Nicaragua could function. We have gone in and set up their Government.

Mr. SMOOT. There is an adverse report on the joint resolution, and I think it should be indefinitely postponed.

Mr. HEFLIN. If the marines had been brought home earlier, the three boys who have recently lost their lives would not have been killed. I will let the joint resolution stay on the calendar for a while, because if something is not done to bring the marines home I am going to renew the fight later.

Mr. BRUCE. If the marines had been brought home from Nicaragua, how many Nicaraguans would have lost their lives?

Mr. DILL. When were we called upon to save the lives of Nicaraguans?

Mr. HEFLIN. And when were we called on to have American boys killed in order to save Nicaraguans?

Mr. SMOOT. I ask that the joint resolution go over.

The VICE PRESIDENT The joint resolution will be passed over.

BILLS PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. METCALF. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

ANDREW W. MELLON

The joint resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

Mr. HARRISON. Mr. President, was there objection to the reconsideration of Senate Resolution 173?

Mr. SMOOT. I asked that it go over.

Mr. HARRISON. I notice that this resolution expresses it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury. I merely wish to call attention of the Senate to the fact that if we are going to have action upon this resolution we had better act on it before the 4th of March, because we may not have an opportunity after that time to take the action proposed.

Mr. SMOOT. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FOREIGN TRADE ZONES IN UNITED STATES PORTS OF ENTRY

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. BINGHAM. Mr. President, I ask to have printed in the RECORD a resolution passed by the executive committee of the Connecticut Chamber of Commerce in relation to the bill the title of which has just been read.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution is as follows:

It was voted: That the following resolution be passed and forwarded to the Connecticut congressional delegation:

"Whereas there have been various bills, including calendar bill 729 and Senate bill 742, which bill is said to have the indorsement of the Treasury Department and the Department of Commerce, providing for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, which trade zones are to be either on Government land or on private land, and to be operated as private monopolies, and for the purpose of allowing foreign merchandise to be brought in and offered for sale, mixed, changed, repacked, without payment of duty, except such goods as are actually offered for consumption: Be it

"*Resolved*, That the executive committee of the Connecticut Chamber of Commerce, composed of over 1,100 members representing all branches of business, protests against the granting of such private monopolies, and also against the importation of merchandise to be offered for sale in competition with American production without the payment of duty."

Executive committee of the Connecticut Chamber of Commerce: Edward N. Allen, vice president Sage-Allen & Co., Hartford; Stanley H. Bullard, vice president Bullard Machine Tool Co., Bridgeport; John B. Byrne, vice president Hartford-Connecticut Trust Co., Hartford; F. S. Chase, president the Chase Cos., Waterbury; Frank Cheney, jr., Cheney Bros., South Manchester; Frank H. Johnston, president City Coal & Wood Co., New Britain; James T. Moran, president Southern New England Telephone Co., New Haven; Ernest E. Rogers, Lieutenant Governor of Connecticut; Henry Trumbull, treasurer Trumbull Electric Manufacturing Co., Plainville.

BILLS PASSED OVER

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Over.

The VICE PRESIDENT. The bill will be passed over.

PROPOSED NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. VANDENBERG. I object, for the purpose of permitting the Senator from New Jersey to make the motion which he desires to make.

Mr. EDGE. I will say to the Senator from Michigan that that procedure would, of course, afford him an opportunity to make a speech at this time, if the motion should carry; but I do not believe that the Senator really wants to object to the joint resolution from that standpoint, because he certainly will have an opportunity to make his speech during the morning, or, at any rate, during the day. So far as I have been able to learn, and after considerable consultation with other Senators, I think all objections to the joint resolution have been removed, and I had hoped that it could be passed without objection.

Mr. VANDENBERG. Then, the motion to consider the measure will promptly carry.

Mr. ROBINSON of Arkansas. I suggest to the Senator from New Jersey that he do not make the motion under those conditions.

Mr. ASHURST. Mr. President, I assume that there is no opposition to the joint resolution; so let the question be put.

Mr. EDGE. I hope that the Senator from Michigan will withdraw his objection. I think that he is in favor of the joint resolution.

Mr. VANDENBERG. The Senator from Michigan is entitled to protect his parliamentary rights. He feels that he has a matter to present to the Senate which is of fundamental importance, but the Senator from New Jersey has made it impossible—and entirely within his right——

Mr. ROBINSON of Arkansas. I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The Secretary will state the next bill on the calendar.

The CHIEF CLERK. The next bill on the calendar is the bill (S. 2097) to provide for the protection of the municipal watersheds within the national forests.

Mr. EDGE. Mr. President, I will speak for a moment on that bill.

Mr. President, before the regular order, I desire to reply to the Senator from Michigan, especially when we have similar interests in the measures now under discussion.

This joint resolution, in which I am interested as the chairman of the committee, as well as having made considerable study of the subject, has been on the calendar since March 21, almost a year. In fact, upon the request of Senators, usually based upon interests other than the measure itself, I have postponed action at least five times. It does seem to me now that the time has come when this very important joint resolution should not be used as a vehicle to force or press some other legislation; and I appeal to the Senator from Michigan to withdraw his objection, and permit the joint resolution to be passed at this time.

Mr. HEFLIN. Mr. President, if the Senator from New Jersey will permit me, I would suggest to the Senator from Michigan that as soon as the cruiser bill is taken up he can speak without limit, and get into the debate a little later. He would only have to wait until 2 o'clock anyhow.

Mr. MOSES. That is the voice of an expert, Mr. President.

Mr. VANDENBERG. Mr. President, the Senator from New Jersey suggested that upon objection he would move to take up this bill, which would permit a reasonable presentation of the subject matter that I wish to present. If he desires to pursue that course——

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President.

Mr. ROBINSON of Arkansas. I call for the regular order.

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. Order of Business No. 785, the joint resolution of the Senator from New Jersey, having been passed over, would a motion now be in order to take it up?

The VICE PRESIDENT. There is another measure before the Senate.

Mr. REED of Pennsylvania. Therefore, Mr. President, the suggestion of the Senator from Michigan being inapplicable, I ask unanimous consent that we revert to Order of Business 785.

Mr. ROBINSON of Arkansas. I object, Mr. President.

MUNICIPAL WATERSHEDS WITHIN NATIONAL FORESTS

The VICE PRESIDENT. Objection is made. Is there objection to the consideration of Senate bill 2097, Order of Business 791?

Mr. BLEASE. Let it go over.

Mr. DILL. Mr. President, I wish the Senator would withhold his objection for a moment. This is a bill for which the Interior Department has asked for a number of years. It is of extreme importance to the people of the West, where small towns are obtaining their water supply from forest reservations. It simply empowers the Secretary of the Interior in his discretion to protect those watersheds. If the Senator realized the situation in many of our small communities near these reservations, I think he would not object to the consideration of the bill.

Mr. BLEASE. I have some important bills here, too; and the Senator who is the author of this bill takes pleasure in keeping them from coming up. I object.

Mr. DILL. I am sorry the Senator objects on personal grounds rather than the merits of the bill.

Mr. BLEASE. When I am fought personally I am going to fight back personally.

Mr. BRATTON. Mr. President, let me say to the Senator from Washington that I have asked the Department of Agriculture to suggest some limitation to the power vested in the department under this bill; and I should feel compelled to ask that it go over until that could be worked out.

The VICE PRESIDENT. Objection being made, the bill will be passed over.

BILLS, ETC., PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. BLEASE and Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. BLEASE and Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. ODDIE. Mr. President, I propose to introduce an amendment limiting the time of service in any of the countries proposed in the bill providing for detail of engineers to not more than one year.

Mr. BAYARD. Is the Senator referring to Senate bill 1718?

Mr. ODDIE. Yes.

Mr. BAYARD. I have objected to that bill, I may say to the Senator, at the request of the junior Senator from Utah [Mr. KING], who can not be here to-day. He asked that I object to its present consideration.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, that whole subject is now under consideration. I ask that this bill and the bill that I reported, when we reach it, shall both go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

HYDROELECTRIC POWER DEVELOPMENT ON INDIAN RESERVATIONS IN ARIZONA

The bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Federal Power Commission is hereby authorized, in its discretion, to issue permits and licenses in accordance with the Federal water power act for the development of hydroelectric power on Salt River within the Fort Apache and the White Mountain or San Carlos Indian Reservations, Ariz.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ASHURST. I thank the Senate very much.

MILTON LONGSDORF

The bill (H. R. 8988) for the relief of Milton Longsdorf was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

The VICE PRESIDENT. This bill is the unfinished business, and will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes, was announced as next in order.

Mr. MOSES. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., was announced as next in order.

Mr. BLEASE. Mr. President, there will not be time to discuss this resolution adequately under the 5-minute rule. I therefore ask that it go over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. James Couzens, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. ROBINSON of Arkansas (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. PHIPPS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. FESS (and other Senators). Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. RANSDELL. Mr. President, I hope the Senator will withdraw his objection.

Let me say that this is a very important bill. It is a bill to create a national institute of health. The purpose of it is to have a systematic study made of the diseases affecting human beings.

The measure is an absolutely altruistic one. It has the unanimous support of the Public Health Service of the Treasury Department, and of all the scientific institutions in the country that know anything about it. I believe if the Senator understood the measure he would not oppose it, especially in view of the awful epidemic of influenza that is now sweeping over this country.

Ten years ago we tried to fight influenza. We did not succeed. It killed thousands and hundreds of thousands of people. To-day it is just as bad as it ever was, and we know no more about it than we did then.

This bill simply seeks, not to create a new department, not to create a new bureau, but to carry on in a broader, better way in the Public Health Service the investigation of the diseases affecting human beings and causing so much sickness, so much unhappiness, so much loss, millions of dollars of loss every year.

If there is any good reason for fighting this bill, let us have it; but I beg Senators not to object simply because they can object to this great measure, which has been on the calendar for a long time.

I hope the Senator from Delaware will withdraw his objection and allow this bill to be considered.

Mr. BAYARD. No, Mr. President, I will not withdraw my objection, because I can truthfully say there are thousands of institutions throughout this country which are pursuing the same course of investigation that this particular institution would pursue; and I am wholly unwilling for the Federal Government to indulge in an absolutely unnecessary expense, as I see it, when other institutions, not only in this country but throughout the world, are carrying on the same work that the Senator desires by this bill to impose upon the Federal Government.

Mr. RANSDELL. Let me say to the Senator that we will cooperate with those other institutions. They are all desirous of having this bill passed. Their representatives have appeared before the committee and given their testimony. We do not interfere with them in the slightest degree; but we will secure their cooperation, and we will cooperate with them.

Mr. SMOOT. I call for the regular order.

Mr. BAYARD. Mr. President, I admit that there is no interference of any kind, but the proposed institute, as I see it, is wholly unnecessary, and I object.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

Mr. RANSDELL subsequently said: Mr. President, in connection with a statement which I made this morning with reference to the bill to establish a national institute of health, I ask permission to have printed in the RECORD, following those remarks, a letter from Mr. Mellon, Secretary of the Treasury, addressed to the Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, dated the 21st instant.

The PRESIDING OFFICER (Mr. DALE in the chair). Without objection, it is so ordered.

The letter is as follows:

JANUARY 21, 1929.

Hon. WESLEY L. JONES,

Chairman Committee on Commerce, United States Senate.

DEAR MR. CHAIRMAN: Reference is made to S. 4518, which was introduced in the Senate by Senator RANSDELL May 3, 1928. Its provisions are as follows: Enlargement of the Hygienic Laboratory and change of its name to the National Institute of Health; authorization of appropriations as may be necessary to carry out the provisions of the act; acceptance of gifts to be used for the promotion of research; establishment of fellowships in the institute; appointment of scientists; utilization of the facilities of the institute by health authorities; and utilization by the personnel of the institute of the facilities of other scientific institutions wherever located.

The bill as now prepared does not create any new bureaus or new commissions, but utilizes existing governmental machinery. In reality it provides for orderly enlargement of the Hygienic Laboratory and aims to take advantage of its facilities for the training of scientific workers. In order to be substantial this enlargement will necessarily be gradual, depending on available facilities and the ability to secure properly trained personnel to carry on research.

The provision to create a system of fellowship is one of the most valuable parts of the bill. It will enable the National Institute of Health to encourage men and women of marked proficiency to devote their lives to the study of diseases of mankind. It will also supply contacts among scientific workers to collect and disseminate knowledge.

I am impressed by the authorization for the unconditional acceptance of bequests for the promotion of research. It should encourage private contributions toward the study of health problems, and insure their wise use for the solution of particular problems.

The principles of the bill have been indorsed by the leading scientific societies and many prominent scientists and physicians. These principles are meritorious, and I believe their enactment into law would be highly beneficial, in the promotion of research and the saving of life.

It may be added that the Bureau of the Budget advises that the proposed legislation is not in conflict with the financial program of the President.

Yours very truly, A. W. MELLON.

BILLS PASSED OVER

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. MOSES (and other Senators). Let that go over.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

SUPREME COURT REPORTS FOR COURT OF CUSTOMS APPEALS

The bill (H. R. 9049) to amend section 227 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, may I inquire of the junior Senator from Wisconsin [Mr. BLAINE], who reported this bill, as to the particular manner in which it amends the section of the code referred to?

Mr. BLAINE. Mr. President, under the present law the Attorney General has held that he has no authority to furnish copies of the United States Supreme Court Reports to the Court of Customs Appeals.

Mr. BRATTON. This is the bill which the Senator and I discussed, then?

Mr. BLAINE. Yes. It is simply to furnish that court with copies of the Supreme Court Reports.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAZING FACILITIES WITHIN NATIONAL FORESTS

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Let that go over.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection for a moment? I desire to say that this bill has been on the calendar for some time. The questions involved have been given very serious study over a period of years, and the Department of Agriculture is in accord with the main purposes of the bill. The only difference between the department and the committee at the present time, as far as I am aware, is the question of the fees to be charged for grazing stock in the national forests. That is a debatable question, of course, but the department is to-day collecting at least four or five times the cost of the administration in the national forests.

The stock industry to-day is in such condition that it is asking for relief as a part and feature of farm relief. My own feeling has been for some time that the grazing fees that have been charged over a period of years are as high as they should be, or at least that no advances should be made at the present time. If the department were to carry out its proposed program within the next two or three years, the rates now charged would be almost doubled, and I submit that the industry is not in position to stand that additional charge at the present time.

Mr. WALSH of Montana. I have written some constituents in regard to this bill and am awaiting a reply.

Mr. PHIPPS. I wanted to make the statement I have made so that the Senate would be informed, because at an early date I desire to bring the bill up for consideration in the regular way.

Mr. ROBINSON of Arkansas. Mr. President, I would like to make a suggestion to the Senator. It would seem to me that such a bill would be difficult of administration. It provides for the free grazing of livestock kept for domestic purposes. It seems to me that under it there would devolve upon the department the obligation of determining that the livestock permitted free grazing were kept for domestic purposes.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

INCREASES OF POSTAL SALARIES

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. MOSES. Mr. President, will not the Senator withhold the objection?

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. BLEASE. Yes, Mr. President.

Mr. MOSES. This measure, as will be seen from the notation on the calendar, is a House bill upon a subject which was considered by the Senate Committee on Post Offices and Post Roads and upon which the committee made a unanimous report. Evidently, when the substitution was made of the House bill for the Senate bill which was upon the calendar, the report accompanying the Senate bill was not left with the House bill as it stands on the calendar; but, briefly, the circumstances are these:

In the course of the legislation of February 28, 1925, revising the salaries of postal employees, the first-class postmasters were the only persons in the Postal Service who did not benefit by the legislation. With the growth of the postal business, especially of the first-class offices, it has seemed to the committee that an injustice was done to those men in that grade of the service.

The bill now on the calendar coming over from the House is a much more economical bill, I will say to the Senate, than that which the Senate Committee on Post Offices and Post Roads recommended, and the House bill represents, I think, a much more extended set of hearings on the subject than the Senate committee was able to give.

Both committees being in favor of the principle involved in the measure, the question was what schedule of salaries could be agreed upon, and while the schedule provided in the House bill is not as generous or as extensive as that provided in the Senate bill, it seemed, in order to advance the legislation, that the proper method was to substitute the House bill when it came over to the Senate, and now reaching it on the calendar, I hope Senators will not object to it.

Mr. EDGE. Mr. President, is it not also a fact that the Senate at a previous session passed a bill providing for salaries substantially as they were fixed in the Senate bill which the Post Office Committee later reported favorably? In other words, this legislation has passed the Senate?

Mr. MOSES. The essential features of the bill as reported from the Senate committee in the present Congress were contained in a bill passed in the Sixty-ninth Congress and sent over to the House, but which there failed of action.

Mr. DILL. Mr. President, at the request of the Senator from Utah [Mr. KING] I am compelled to object.

The PRESIDING OFFICER. The bill will go over.

TRAVEL PAY TO CERTAIN SOLDIERS

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. DILL. I object.

The PRESIDING OFFICER. The bill will be passed over under objection.

Mr. FRAZIER rose.

Mr. DILL. I am objecting to the bill at the request of the Senator from Utah [Mr. KING], I may say. Personally, I have no objection.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

FIFTEENTH AND SUBSEQUENT CENSUSES

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. BRUCE. Mr. President, I have a very important amendment on the table relating to that bill, and it would be impossible to discuss my amendment at any length of time the Senate would tolerate now, I am sure.

Mr. HARRIS. Mr. President, the delay in passing this legislation is interfering with the work of the Census Bureau, and I hope the Senator from Maryland will arrange at an early date for a consideration of the measure. When I was Director of the Census Mr. Steuart, the present director, was associated with me in that work, and he is one of the most efficient public officials I have known. Congress should pass this measure without delay.

Mr. BRUCE. I am ready to take the amendment up at any time at all. I have not the slightest desire to obstruct the

passage of the bill. On the contrary, I would like to promote and accelerate the passage of the bill, but this amendment I have offered is one which will take some time to discuss.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

IMMIGRATION QUOTAS

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws was anounced as next in order.

Mr. PHIPPS. Let the bill go over.

Mr. HARRIS. Mr. President, I hope the Senator from Colorado will withdraw his objection to the consideration of this bill. It has been unanimously reported by the committee, and is recommended by the American Federation of Labor, the American Legion, the Women's Auxiliary of the American Legion, and many other patriotic organizations. I hope the Senator will not object to the consideration of this measure. It is a matter of the greatest importance to the entire country.

Mr. PHIPPS. I regret that I must insist upon my objection. I would like very much to discuss the matter with the Senator.

Mr. HARRIS. I give notice that I will move to take this measure up at the earliest opportunity, and will urge its passage without delay.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

LEMUEL SIMPSON

The bill (S. 2192) for the relief of Lemuel Simpson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Lemuel Simpson, late private of Company C, Black Hawk Regiment Cavalry, Missouri Volunteers, and late corporal and second sergeant of Company K, Fifty-fifth Regiment Indiana Volunteers, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said Company C, Black Hawk Regiment Cavalry, Missouri Volunteers: *Provided*, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 27, after line 17, to strike out:

The name of Sarah E. Chandler, former widow of John H. Arbuckle, late of Company I, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 15, to strike out:

The name of Sarah E. Anderson, widow of John Anderson, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, after line 12, to strike out:

The name of Matilda Misener, widow of Jasper R. Misener, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to strike out:

The name of Mary E. Rankin, widow of William Rankin, late of Company B, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 2, to strike out:

The name of Missouri F. Sanders, widow of William G. Sanders, late of Company A, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 6, to strike out:

The name of Adaline B. Shiers, widow of Caleb H. Shiers, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to strike out:

The name of Mary E. Small, widow of William P. Small, late of Company I, Thirty-sixth Regiment Ohio Volunteer Infantry, and Company G, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 53, after line 23, to strike out:

The name of Mary M. Wilson, widow of Scott Wilson, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to strike out:

The name of Anna Blue, widow of George Blue, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, after line 12, to strike out:

The name of Louisa Reeves, widow of Oliver J. Reeves, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 91, after line 10, to strike out:

The name of Sarah M. Ferguson, widow of Edgar Ferguson, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 92, after line 17, to strike out:

The name of Alice J. McClelland, widow of Alfred J. McClelland, late of Company K, Eighty-sixth Regiment, and Company H, One hundred and thirty-fifth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 95, after line 9, to strike out:

The name of Alice M. Simmons, widow of Lester A. Simmons, late of Company A, One hundred and twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 96, after line 22, to strike out:

The name of Annie Donley, widow of John Donley, late of Company K, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 112, after line 17, to strike out:

The name of Orinda Carson, widow of Samuel S. Carson, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 114, after line 23, to strike out:

The name of Laura M. Kendig, widow of Henry B. Kendig, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 115, after line 12, to strike out:

The name of Luticia Seibert, widow of Adam Seibert, late of Companies I and A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 118, after line 11, to strike out:

The name of Eliza Parke, widow of James C. Parke, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 121, after line 4, to strike out:

The name of Hattie McKeehen, widow of David A. McKeehen, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 125, after line 8, to strike out:

The name of Theressa P. Hardy, widow of Henry H. Hardy, late of Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 145, after line 13, to strike out:

The name of Amelia A. Green, widow of Edward J. Green, late of Company A, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 173, after line 19, to strike out:

The name of Catharine T. M. Bachman, widow of Martin V. B. Bachman, late of Companies B and E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 189, after line 20, to strike out:

The name of Ernestine Roberts, widow of Palmer W. Roberts, late hospital steward, United States Army, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 197, after line 4, to strike out:

The name of America Pilchard, widow of John Pilchard, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 211, after line 4, to strike out:

The name of Ollie E. Carnaghan, widow of Archibald Carnaghan, late of Company I, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 222, after line 22, to strike out:

The name of Alice T. Cantwell, widow of Michael Cantwell, late of Company K, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 223, after line 2, to strike out:

The name of Sarah Henry, widow of William H. Henry, late of Company K, Thirty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 228, to strike out:

The name of Mary J. Bunker, widow of Charles A. Bunker, late of Company B, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 234, after line 21, to strike out:

The name of Mary Rogier, widow of Lambert Rogier, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 235, after line 12, to strike out:

The name of Julia E. Leming, widow of Taylor Leming, late of Company I, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 240, after line 16, to strike out:

The name of Minnie A. Bennett, widow of John W. Bennett, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 264, after line 14, to strike out:

The name of Susan V. Cornell, widow of Thomas Cornell, late of Company I, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 265, after line 13, to strike out:

The name of Catherine McDermitt, widow of Francis B. McDermitt, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 266, after line 9, to strike out:

The name of Margaret B. Parker, widow of Thomas Parker, late of Company H, First Regiment Maryland Volunteer Cavalry, and Company K, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 274, after line 2, to strike out:

The name of Ellen Russell, widow of Corydon Russell, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 283, to strike out:

The name of Anna E. Doty, widow of Orrin E. Doty, late of Company H, First Regiment United States Volunteer Sharp Shooters, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 289, after line 3, to strike out:

The name of Sarah A. Briggs, widow of George D. Briggs, late of Company A, Forty-second Regiment Ohio Volunteer Infantry, and Company G, Sixth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 293, after line 11, to strike out:

The name of Mary Bruce, widow of William H. Bruce, late of Company I, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 306, after line 16, to strike out:

The name of Sarah E. Hampton, former widow of Merriman Wayman, late of Company H, Thirty-seventh Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now received.

The amendment was agreed to.

The next amendment was, on page 337, after line 20, to strike out:

The name of Martha L. Palmer, widow of Thomas P. Palmer, late of Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 338, after line 8, to strike out:

The name of Dianna Ricketts, widow of Thomas W. Ricketts, late of Company C, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 345, after line 23, to strike out:

The name of Martha Schmelzle, former widow of Conrad Horn, late of Company A, Seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 361, after line 16, to strike out:

The name of Diantha Dean, widow of George Dean, late of Company H, First Regiment New York Dragoons, Nineteenth Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 383, after line 14, to strike out:

The name of Ellen Bott, widow of George L. Bott, late of Company H, Thirty-seventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 394, after line 4, to strike out:

The name of Sarah Howe, widow of Joel W. Howe, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 401, after line 15, to strike out:

The name of Henrietta Stackpole, widow of William T. Stackpole, late of Fifteenth Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 403, after line 5, to strike out:

The name of Ruth A. Hazzard, widow of Robert C. Hazzard, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 414, after line 6, to strike out:

The name of Sarah J. Roop, widow of Amos Roop, late of Company K, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 416, after line 12, to strike out:

The name of Sarah E. Hartley, widow of William H. Hartley, late of Seventh Battalion Indiana Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 444, line 8, after the words "widow of," to strike out "Joseph" and insert "John," so as to read:

The name of Carrie A. Speck, widow of John P. Speck, late of Company M, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 459, after line 22, to strike out:

The name of Clara L. Dawson, widow of Theobald M. Dawson, late of Company D, Eighty-fourth Regiment, and Company H, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 461, after line 7, to strike out:

The name of Roberta Salter, former widow of Samuel G. Abercrombie, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 463, after line 13, to strike out:

The name of Martha Jane Kendrick, widow of John F. Kendrick, late of Company K, First Regiment Nebraska Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 470, after line 14, to strike out:

The name of Beckie E. Hyman, widow of John A. Hyman, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 478, after line 4, to strike out:

The name of Elizabeth Jones, widow of Nelson Jones, late of Company C, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $70 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clarence W. Jones, helpless and dependent son of said Elizabeth and Nelson Jones, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Jones, the name of said Clarence W. Jones shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Jones.

The amendment was agreed to.

The next amendment was, on page 490, after line 20, to strike out:

The name of Ellen O'Neill, widow of James O'Neill, late private, United States Marine Corps, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 517, after line 17, to strike out:

The name of Catherine E. Russell, widow of John W. Russell, late of Company C, Sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 518, after line 23, to insert:

The name of Esmeralda Celeste Adams, former widow of Albert H. Buttrick, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Lenau, widow of Gustav Lenau, late of Battery A, First Regiment New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia L. McGoven, widow of Patrick McGoven, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Calista E. Clary, widow of Cornelius C. Clary, late of Company A, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Christine Klump, widow of Ferdinand Klump, late of Company B, Eighth Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Joseph H. Peterson, late of the United States Military Corps, and pay him a pension at the rate of $50 per month.

The name of Amelia Bee, widow of Joel Bee, late of Company M, Sixth Regiment Virginia Infantry, and Battery A, First Regiment Vir-

ginia Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ida M. Knox, widow of Alonzo Knox, late of Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ginevra Miller, widow of William H. Miller, late of Company A, First Regiment Mississippi Infantry, and Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Howsmon, widow of William H. Howsmon, late of Company E, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louise Lee Cunningham, former widow of Philip McD. Lee, late of Company H, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennie Gabelman, widow of Charles E. Gabelman, late of Company A, Forty-fifth Regiment Iowa Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susa A. Jones, widow of Noah D. Jones, late of Company A, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy E. Lindsey, widow of Leander B. Lindsey, late of Company H, Third Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine French, widow of Asa K. T. French, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie R. Goodman, helpless daughter of John R. Smith, late of Company A, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Annie P. Mercer, widow of John A. Mercer, late of Company K, Thirteenth Regiment Tennessee Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Gross, widow of Lorenzo Gross, late of Company H, Tenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Moore, widow of Richard Moore, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Turk, widow of Henry W. Turk, late of Company D, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie M. Gibson, widow of James S. Gibson, late of Company H, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Ellen Pierpont Jenks, widow of Orrin Jenks, jr., late of Military Telegraph Corps of the United States Army, Civil War, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Hunt, widow of Lewis W. Hunt, late of Company D, Twenty-second Regiment —— Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Frazier, widow of William Frazier, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna E. Dean, widow of George W. Dean, late of Battery E, First Regiment Rhode Island Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Anna S. Bennett, widow of Nelson P. Bennett, late of Battery C, First Regiment Rhode Island Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Jefferson, widow of Henry H. Jefferson, late of Company H, First Regiment Iowa Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Arminda Harlan, widow of Joseph Harlan, late of Company H, Forty-seventh Regiment Illinois Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary V. Doyle, widow of James Doyle, late of Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella I. Fisher, widow of Henry P. Fisher, late of Company B, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Armstrong, widow of George Armstrong, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month, to commence from the date of the approval of omnibus bill S. 2900, approved May 3, 1928.

The name of Cordie Vincent, widow of Noah Vincent, late of Company B, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie E. Drake, widow of James E. Drake, late of Battery F, Third Regiment New York Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Julia T. Goodhue, widow of Henry T. Goodhue, late of Captain Chandler's company, New Hampshire National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence E. Wilbur, widow of Orson E. Wilbur, late of Company C, One hundred and eighteenth Regiment Illinois Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Kenyon, widow of Charles S. Kenyon, late of Company F, Third Regiment Rhode Island Cavalry, and pay her a pension at the rate of $20 per month.

The name of Lillia M. Gallier, former widow of William H. Collier, late of Company —, United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta M. Bull, widow of Stephen Bull, late of Company C, One hundred and eighty-sixth Regiment New York Infantry, and pay her a pension at the rate of $20 per month.

The name of Paulina Williams, widow of Lloyd Williams, late of Company H, Seventh Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ruth Wyman, widow of Martin V. B. Wyman, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month until 60 years of age and $30 per month thereafter.

The name of Lucy Ross Guffin, helpless child of Ross Guffin, late of Company G, Fifty-second Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles H. McCoy, helpless child of Josiah B. McCoy, late of Headquarters Company, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Rachel Featherston, former widow of William Surber, late of Company F, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan I. Brown, widow of George E. Brown, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maggie Albert, widow of Alexander Albert, late of Company I, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emelie Sippel, former widow of Henry Sippel, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Fannie D. Abbott, widow of Benjamin F. Abbott, late of Company B, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Treadway, widow of Joseph Treadway, late of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha A. Mohler, former widow of Jeremiah Hornback, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Brown, widow of Joseph E. Brown, late of Company K, Tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Blue, former widow of Rolla Hofsteater, late of Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella L. Anderson, helpless child of James W. Benham, late of Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Long, widow of Alfred R. Long, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Annie Robins, widow of George W. Robins, late of Capt. John R. Cochran's Six-months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Ella Reynolds, widow of Clark Reynolds, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rella M. Lasater, widow of Absalom A. Lasater, late of Company K, Seventy-first Regiment Illinois Volunteer Infantry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sallie C. Driscoll, widow of Cornelius Driscoll, late of Company B, Eighth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louise A. Sefert, widow of Henry Sefert, late of Company F, Thirty-second Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Angelina Naper, widow of Jerome P. Naper, late of Company F, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Singer, widow of George W. Singer, late of Company I, Thirty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Justine M. Thrift, widow of William H. Thrift, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roberta M. Bukey, widow of John S. Bukey, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth White, widow of Francis H. White, alias Frederick F. Clifton, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Stites, widow of William C. Stites, late first lieutenant and adjutant, Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alma M. Schribner, widow of Prentiss S. Scriber, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosa A. Hall, widow of Nelson B. Hall, late of Company E, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $— per month in lieu of that she is now receiving.

The name of James R. Brown, late of the Telegraph Corps, Civil War, and pay him a pension at the rate of $50 per month.

The name of Susannah E. Tennison, widow of David Tennison, late of Company B, Phelps's regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William B. Haring, late of John S. Crain's regiment Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Virginia Whitehead, widow of James W. Whitehead, late of Company F, Fourteenth Regiment Missouri State Volunteer Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Gleason, widow of Benjamin C. Gleason, late of Battery B, First Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Abbie A. Abbott, ——— late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriett Lemmons, widow of Jacob Lemmons, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen F. Richards, widow of Thomas A. Richards, late of Company —, commissary sergeant, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara Bell Mathews, widow of William J. Mathews, late of Company —, United States Military Telegraphers Corps, during the Civil War, and pay her a pension at the rate of $30 per month.

The name of Martha Eldora Arnett, former widow of Lindley Arnett, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza F. Moran, widow of Alexander Moran, late of Company G, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha E. Irwin, widow of John M. Irwin, late of Company A, Twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie W. Averill, widow of William R. Averill, late of Company I, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara H. Morgan, widow of Albert W. Morgan, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah H. Morton, widow of Mark Pease Morton, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hattie L. Cram, widow of Leander E. Cram, late of Company E, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosa Gately, widow of Thomas Gately, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Julia Churchill, widow of James F. Churchill, late of Company D, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Absolom B. Colkitt, helpless and dependent child of Alexander Colkitt, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Jennie Waldron, widow of Samuel C. Waldron, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Georgie E. Keenan, widow of Samuel R. Keenan, late of Company A, First Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minna L. Waldron, widow of Henry O. Waldron, late of Company C, Fourteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Sheridan, widow of James Sheridan, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia F. Pease, widow of Francis Pease, late of Company I, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of A. K. V. Hull, late of United States Military Telegraphers Corps of Civil War, and pay her a pension at the rate of $50 per month.

The name of Sarah C. Kikendall, widow of John S. Kekendall, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Eliza Wilson, widow of William Joseph Wilson, late of Company K, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Kidd, widow of James Kidd, late of Unassigned Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sara F. Waid, widow of George A. Waid, late of Company C, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen Sullivan, widow of Michael Sullivan, late of Company M, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura B. Pogue, widow of John W. Pogue, late of Company E, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clarence W. Jones, helpless son of Nelson Jones, late of Company C, One hundred and thirty-sixth Regiment Indiana , and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Walter Hawkins, helpless child of Wesley Hawkins, late of Company F, One hundred and forty-second Regiment Illinois Infantry, and pay him a pension at the rate of $20 per month.

The name of Margaret E. Speed, widow of Sidney A. Speed, late of the Eighteenth Independent Battery, Regiment Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fredericka S. Albee, widow of George E. Albee, late of Company G, First Regiment United States Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

to commence May 24, 1928, inadvertently left out of bill approved last session.

The name of Debbie Beebe, widow of Byrum N. Beebe, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henriett B. Doak, former widow of James C. McDowell, late of Company F, First Regiment Ohio Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Coral Mahr, helpless child of John M. Mahr, late of Troop A, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Edith Vanforth, widow of George O. Vanforth, late of Company B, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Huffaker, widow of Lewis A. Huffaker, late of Captain Smith's company, Utah Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah T. Wilburn, widow of James M. Wilburn, late of Company D, Sixty-third Regiment Indiana Infantry, and pay her a pension at the rate of $30 per month.

The name of Clarissa Jane Snider, widow of Francis M. Snider, late of Captain Thomason's Stoddard and Dunklin Counties company Missouri Volunteer Militia, and pay her a pension at the rate of $30 per month.

The name of Emily J. Martin, widow of Albert J. Martin, late of Capt. John R. Cochrans's company, Six Months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Hahs, widow of Henry Hahs, late of Captain Tackes's company, Six Months Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Annie Benton, widow of Calvin R. Benton, late of the Twenty-first Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Lydia A. Hunt, widow of Aquilla Hunt, late of Troop L, First Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida Annette Dixon, widow of Edward H. Dixon, late of Company F, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy J. Graves, widow of Thomas J. Graves, late of Troop I, First Regiment Kentucky Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melissa F. Morris, widow of Walter M. Morris, late of Troop E, Third Regiment West Virginia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie G. Cook, widow of Perry T. Cook, late of Company E, One hundred and seventy-fifth Regiment Ohio Infantry, and pay her a pension at the rate of $30 per month.

The name of Emeline Riddle, widow of Joseph C. Riddle, late of Troop J, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clarissa M. Heaston, former widow of John McKinney, late of Company A, Third Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ada Beecher, widow of Jacob S. Beecher, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma D. Walker, widow of Samuel C. Walker, late of Company E, Twelfth Regiment West Virginia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. Carey, widow of Thomas B. Carey, late of Company H, Sixteenth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia F. Smith, widow of Dudley F. Smith, late of Company B, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma B. Patterson, widow of Ancil H. Patterson, late of Company C, Eighth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Silas N. Todd, alias Newton J. Todd, late of Company D, One hundred and fifty-sixth Regiment Indiana Infantry, and pay him a pension at the rate of $50 per month.

The name of Lizzie E. Kizer, widow of James Kizer, late of Troop F, First Regiment Illinois Cavalry, and pay her a pension at the rate of $30 per month.

The name of Emily Fisher, helpless child of William J. Fisher, late of Companies E and D, Seventh Regiment Massachusetts Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia A. Parsons, widow of George C. Parsons, late of Battery G, First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances M. Tripp, widow of John W. Tripp, late of Company C, Fifth Regiment Rhode Island Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth E. Harriman, former widow of Josiah D. Hines, late of Company C, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Leeder, widow of Charles Leeder, late of Company C, Eleventh Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Matilda Spain, widow of Abraham Spain, late of Company C, Twenty-third Regiment Wisconsin Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Mudgett, widow of George E. Mudgett, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Irma Crow, helpless child of Samuel B. Crow, late of Company E, Ninetieth Regiment Ohio Infantry, and pay her a pension at the rate of $20 per month.

The name of Aurelia M. Power, widow of Benjamin F. Power, late of Company C, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Tarbutton, widow of Eli Tarbutton, late of Company E, Fifth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia Ann Collins, widow of George Collins, late of Troop F, Sixth Regiment West Virginia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary R. Wood, widow of Marcus D. Wood, late of Company C, Fourteenth Regiment Missouri Infantry, and pay her a pension at the rate of $30 per month.

The name of Abigail J. Barton, former widow of John Shute, late of Troop D, Second Regiment Pennsylvania Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Cox, widow of Ulysses D. Cox, late of Company H, One hundred and twenty-third Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy M. Montrose, widow of Henry W. Montrose, late of Company B, Seventh Regiment Iowa Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Hopkins, former widow of George P. Benton, late of Company D, Forty-seventh Regiment Iowa Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cordelia Cummins, widow of Warren Cummins, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louise Koch, widow of John Koch, alias Phillip Wagner, late of Company K, Seventh Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary L. Tanner, widow of Wallace A. Tanner, late of Company C, Eighty-ninth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie L. Herbert, former widow of Henry Williams, late of Company F, Forty-third Regiment United States Colored Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie E. Edwards, widow of Theophilus R. Edwards, late of the Sixteenth Battery, Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret E. Roseboom, widow of Howard Roseboom, late of Company G, Ninety-fourth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Shea, widow of Edward Shea, late of Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Hoffman, widow of John S. Hoffman, late of Company G, Twenty-sixth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Flora Rotzler, helpless child of Fred Rotzler, late of Company K, Thirty-eighth Regiment Illinois Infantry, and pay her a pension at the rate of $20 per month.

The name of Esther A. Colwell, widow of William T. Colwell, late of Company F, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lena Lenning, widow of John Lenning, late of Company H, One hundred and fiftieth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Etta Brown Linn, widow of Arthur Linn, late of Company H, Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fannie Bonk, widow of Geike Johnson Bonk, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Cataret, widow of Exzivia Cataret, late of Company F, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora B. Keltner, widow of Robert O. Keltner, late of Troop C, Third Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie Curry, widow of George W. Curry, late of Troop L, Thirteenth Regiment Kentucky Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rue S. Donnohue, widow of Joseph M. Donnohue, late of Company K, Sixteenth Indiana Infantry, and Company A, Seventy-eighth Regiment Indiana Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lydia Keatley, widow of John H. Keatley, late of Company A, One hundred and twenty-fifth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie A. Riggs, widow of James S. Riggs, late of Company F, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now reeciving.

The name of Elizabeth S. Barker, widow of Timothy B. Barker, late of the Ninth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emilie M. Boyle, widow of George A. Boyle, late of Battery C, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John Whyte, late of Troop M, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Retta L. Pennington, widow of Josiah Pennington, late of Company C, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Williamson, widow of Randolph F. Williamson, late of Company I, Tenth Regiment Indiana Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan A. Miller, widow of David P. Miller, late of Company A, One hundred and sixty-third Regiment Ohio Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie M. Quinlen, widow of John P. Quinlen, late of Troop F, Ninth Regiment Iowa Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen L. Sarver, widow of William F. Sarver, late of Company A, Second Regiment United States Sharpshooters, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen Bruner, widow of John J. Bruner, late of Company G, One hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clyde Woodson, helpless child of John M. Woodson, late of Company B, Eighty-second Regiment, and Company C, Twenty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Susan H. Parker, widow of Hollan N. D. Parker, late of Company C, Thirty-fifth Regiment New York Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 2204) to amend section 284 of the Judicial Code of the United States was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserves, and Marine Corps Reserve was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

DENTAL CORPS, UNITED STATES NAVY, RETIREMENT

The bill (H. R. 12879) to repeal section 1445 of the Revised Statutes of the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1445 of the Revised Statutes of the United States is hereby repealed.

SEC. 2. Section 1444 of the Revised Statutes of the United States is hereby amended to read as follows:

"When any officer below the rank of vice admiral, including any officer of the Dental Corps, is 64 years old, he shall be retired by the President from active service: *Provided*, That the retirement of officers at the age of 64 years subsequent to August 29, 1916, is hereby validated."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES E. JENKINS

The bill (S. 1338) for the relief of James E. Jenkins was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$114" and to insert in lieu thereof "$69"; and on line 7, after the word "expended," to strike out the words "for clerical assistance," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $69 to reimburse him for money necessarily expended for medical services rendered Indian children under authority of the Bureau of Indian Affairs, and for drinking water at the Reno, Nev., office of said bureau.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUNDS OF TAXES

The bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. SMOOT. Mr. President, I want to ask the Senator from Tennessee [Mr. MCKELLAR], who introduced this bill, if he will not allow it to go to the Finance Committee. The whole subject has been handled by that committee. The matter was first considered in connection with a revenue bill, and it affects the revenues of our country.

Mr. MCKELLAR. I will let it go over to-day, and will confer with the Senator about it.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

E. L. F. AUFFURTH

The bill (H. R. 5953) for the relief of E. L. F. Auffurth and others was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAY ERNEST SMITH

The bill (H. R. 9509) for the relief of Ray Ernest Smith was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARL HOLM

The bill (H. R. 10974) for the relief of Carl Holm was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States was announced as next in order.

Mr. CARAWAY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 4125) to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia is hereby amended by striking out the provisions of said chapter in entirety down to subchapter 1 thereof and substituting in lieu thereof the following:

"CHAPTER XV

"CONDEMNATION OF LAND FOR PUBLIC USE

"SEC. 483. Land for District of Columbia: Whenever land in the District is needed by the commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of said District authorized to negotiate for the same, application may be made to the Supreme Court of the District by petition in the name of said commissioners for the condemnation of said land or said right of way and the ascertainment of its value.

"SEC. 484. Petition; what to show: Such petition shall contain a particular description of the property selected, with the names of the owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land to be taken.

"SEC. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box, and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safe-keeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial for condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as jurors in condemnation proceedings, and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation jurors from said special box there shall be in said special box the names of not less than 100 persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be eligible to serve as a condemnation juror who has served as such juror within one year.

"SEC. 485. Citation to owners: The said court, holding a district court of the United States, shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a jury of five capable and disinterested persons, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, appraise the value of the respective interests of all persons concerned in such lands.

"SEC. 486. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objection and to excuse any juror or cause any vacancy in the jury, when empaneled, to be filled; and after the jury shall have been organized and shall have viewed and examined the land and premises affected by the condemnation proceeding, they shall proceed, in the presence of the court, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their appraisement of the value of the interests of all persons, respectively, in such land where said appraisement shall be recorded. In making their decision the jury shall take into consideration, whenever a part only is taken, the benefit to the remainder of the tract, and shall give their appraisement accordingly.

"SEC. 487. The said court shall hear and determine any objections or exceptions that may be filed to any appraisement of the jury and shall have the power to vacate and set any appraisement aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed as in the case of the first jury: *Provided*, That if vacated in part the residue of the appraisement as to the land condemned shall not be affected thereby: *And provided further*, That the objections or exceptions to the appraisement shall be filed within 20 days after the return of the appraisement to the court: *And provided further*, That the appraisement of the new jury shall be final when confirmed by the court.

"SEC. 488. If the appraisement of the jury should not be objected to by the parties interested, it shall be confirmed by the court, or, if the appraisement of the new jury is confirmed by the court, the commissioners of said District shall pay the amount awarded by the jury out of the appropriation made therefore or deposit the same in the same manner as directed in section 491n of said Code of Law, and thereupon the land condemned shall become and be the property of the District.

"SEC. 489. In every case involving the condemnation of land in the District of Columbia, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or to report to the court the reasons why said verdict or appraisement can not be returned by the time fixed: *Provided*, That the court shall have the power, within its discretion, to extend the time for the return of the verdict or appraisement.

"SEC. 490. It shall be optional with the commissioners to abide by the verdict of the jury and occupy the land appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the same, without being liable to damage therefor.

"SEC. 491. Nothing herein contained shall affect any suit or proceeding heretofore begun, now pending, or hereafter to be instituted by or on behalf of the United States for the condemnation of land for any purpose; but all such suits and proceedings shall be conducted in accordance with existing law or such laws as hereafter may be enacted."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF HAY GROWERS OF TEXAS

The bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., was announced as next in order.

Mr. PHIPPS. Mr. President, that seems to be an important bill involving over $200,000. Let it go over.

Mr. SHEPPARD. Mr. President, in view of the objection I shall not ask for consideration of the bill this morning, but I ask that objection be withheld in order that I may offer an amendment. I do not believe that there will be any objection to the amendment. It limits attorneys' fees in connection with the claim. I ask for the adoption of the amendment.

Mr. BRUCE. What is the nature of that bill?

Mr. SHEPPARD. I do not ask for its consideration.

The PRESIDING OFFICER. The Senator from Texas asks for the consideration of the amendment before the bill goes over. The clerk will report the amendment.

The CHIEF CLERK. Strike out the period at the end of the bill and insert in lieu thereof a colon, and the following:

Provided further, That no part of the amount of any item appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. JONES. Mr. President, I think the amendment should be pending.

The PRESIDING OFFICER. Under objection, the amendment will go over.

Mr. BRUCE. What is the nature of the bill?

Mr. SHEPPARD. It is not the bill, it is an amendment that is now being considered.

The PRESIDING OFFICER. The amendment and the bill will go over, under objection.

Mr. SHEPPARD. The amendment will be pending?

The PRESIDING OFFICER. The amendment will be pending.

FISH CULTURE IN IDAHO

The bill (H. R. 13144) to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY PINCUS

The bill (H. R. 6704) for the relief of Harry Pincus was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTRAM LEHMAN

The bill (H. R. 6350) for the relief of Bertram Lehman was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT FAUSTINA AND JOHN ALEXANDER

The bill (H. R. 7411) for the relief of Gilbert Faustina and John Alexander was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEO SCHEUREN

The bill (H. R. 10125) for the relief of Leo Scheuren was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORETTA PEPPER

The bill (H. R. 10126) for the relief of Loretta Pepper was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPLOSION AT NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

The bill (H. R. 12236) to provide an appropriation for the payment of certain claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I think the bill should be explained.

Mr. EDGE. Mr. President, if I may have an opportunity briefly to explain it, the bill provides for the payment of the award which has been allowed by the Navy Department and the accounting department, amounting to $216,528.49, providing payment for personal injury and property damage because of an explosion at Lake Denmark at the naval ammunition depot, several years ago.

Mr. McKELLAR. Mr. President, may I ask the Senator if the bill includes all the claims?

Mr. EDGE. No; it does not include all the claims, but merely the claims which the accounting department has passed upon. It is approved by the accounting department and approved by the Navy Department, and has the unanimous support of the subcommittee of the Committee on Claims.

The people involved have been without any remuneration for over two years. The bill has the unanimous approval of all the departments and committees having responsibility.

Mr. ROBINSON of Arkansas. Mr. President, on the statement made, I think the bill should pass.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 5, to strike out "$161,622.10" and insert in lieu thereof "$216,528.49"; on page 2, line 5, after the word "session," to insert the words "and House Document Numbered 310, Seventieth Congress, first session"; and in line 8, after the numerals "1800," to insert the following proviso:

Provided, however, That should any of the civilian claimants in the above-mentioned documents decline to accept in full settlement the amounts so recommended, the Secretary of the Navy is hereby authorized and directed to reopen and reinvestigate such claims and transmit each such claim with supporting papers and a report of his findings of facts and recommendation to the Comptroller General of the United States who shall award the claimant or claimants such amount or amounts as he shall adjudge fair and just, according to the said act of March 2, 1927 (44 Stat. pt. 3, p. 1800).

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $216,528.49, or such portion as may be necessary, to enable the Comptroller General of the United States to make payment of claims in full settlement for property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, to the respective persons and in the respective amounts as recommended by the Comptroller General of the United States, and as fully set forth in House Document No. 202, Seventieth Congress, first session, and House Document No. 310, Seventieth Congress, first session, pursuant to the act of March 2, 1927 (44 Stat. pt. 3, p. 1800): *Provided, however,* That should any of the civilian claimants in the above-mentioned documents decline to accept in full settlement the amounts so recommended, the Secretary of the Navy is hereby authorized and directed to reopen and reinvestigate such claims and transmit each such claim with supporting papers and a report of his findings of facts and recommendation to the Comptroller General of the United States, who shall award the claimant or claimants such amount or amounts as he shall adjudge fair and just according to the said act of March 2, 1927 (44 Stat. pt. 3, p. 1800).

The amendments were agreed to.

Mr. OVERMAN. Mr. President, what is the reason for the increase in the amount allowed from $161,000 to $216,000?

Mr. EDGE. For the reason that a number of additional claims have been allowed by the Navy Department between the time the bill was introduced in the House at the last session of Congress and the present time. It is all covered in the report as an additional allowance because of additional claims approved.

Mr. OVERMAN. Presented and approved by the Navy Department?

Mr. EDGE. Yes.

Mr. McKELLAR. Can the Senator give any information with reference to how many other claims there may be?

Mr. EDGE. The report says there are, I believe, still 47 claims pending on which they have not had opportunity to make a complete examination.

Mr. WALSH of Montana. Mr. President, there is no report in my file. I want to inquire of the Senator if it is conceded on the part of the Government that there is liability?

Mr. EDGE. As a matter of fact I can not answer that directly. Of course, the causes of the explosion have never been successfully established, but the Navy Department after long inquiry, which the Senator may recall, decided without question that the personal and property damage to those who resided around the reservation, as recommended by their representatives, should be paid. Congress enacted the necessary legislation instructing the Navy Department to make the investigation and report the total of the awards.

Mr. WALSH of Montana. Let us suppose the explosion was occasioned by a bolt of lightning that struck the arsenal.

Mr. EDGE. After thorough and complete inquiry on the part of the Navy Department that possibility was never established.

Mr. WALSH of Montana. I merely instance that as one of any number of causes which might have occasioned the explosion without any kind of responsibility upon the part of the Government of the United States. I would like to know what is the basis upon which we are going to pay the property owners and those suffering losses in the various amounts involved?

Mr. EDGE. Mr. President, the Senator from Arkansas [Mr. CARAWAY] was a member of the subcommittee, and he can no doubt answer the Senator from Montana much better than I could.

Mr. CARAWAY. Mr. President, the liability was fixed by the department against the Government and has never been disputed by anyone. Congress enacted a law authorizing us to make the investigation as to the amounts the various people were entitled to receive.

Mr. FLETCHER. It was determined that there was foundation for the claims?

Mr. CARAWAY. There is no doubt about it.

Mr. FLETCHER. Was it referred to the Navy Department to ascertain the amount of the damages and then submit it to the Congress?

Mr. CARAWAY. I do not so understand. I do not think there is any question as to liability. I do not see how there could be.

Mr. WALSH of Montana. Apparently the liability of the Government has been conceded by the department, but I would

like to know whether that was conceded out of possibly the persuasive eloquence of the Senator from New Jersey or whether there was some foundation in fact for the conclusion that the Government was liable?

Mr. CARAWAY. I do not think there could be any shadow of doubt about the liability. I think it is conceded by everybody.

Mr. WALSH of Montana. Can the Senator tell us what is the basis of the concession?

Mr. CARAWAY. I do not have it now in mind, as it has been some time since I have had active connection with the matter. It came to the committee and was agreed upon, and the legislation was recommended and enacted providing for the investigation, and it then came back for this settlement. As to the method by which they computed the damage I can not enlighten the Senator. For instance, where one was injured personally, I understand they allowed him the amount of his doctor bills and his lost time, but allowed him nothing for his pain and suffering. I think they have been entirely too strict, and I think the settlement is made to the advantage of the Government and against the people who suffered the injuries and the loss of property.

Mr. EDGE. May I call the attention of the Senator from Montana again to the fact that on March 2, 1927, a bill passed by Congress was approved by the President instructing the Navy Department to make the investigation, apparently assuming the responsibility. The bill now before the Senate is the result of such investigation ordered by the Congress.

Mr. WALSH of Montana. That does not enlighten me as to the situation. Congress directed an investigation into the amount of damages which had been sustained and a report on that investigation has been made. It is reported that so much is due. Now, the question arises as to whether we should authorize the payment, and in order to do so it did seem to me we should have some kind of information indicating why the Government is in any way liable.

Mr. EDGE. The committee and the board of inquiry, as set forth in the report, raise no question as to the liability.

Mr. WALSH of Montana. But they were not called upon to investigate the question as to whether the Government was or was not liable. They were simply called upon to investigate the amount of damages.

Mr. EDGE. Will the Senator from Montana advise me how it would be possible for us to decide, after the inquiry had been completed and report made, whether it was an act of the Almighty through a bolt from heaven or because of the carelessness of some particular individual employed by the Government?

Mr. WALSH of Montana. If that question had been investigated by any judicial or other tribunal, of course, they would make a report to us giving us the facts, showing that there was liability upon the part of the Government of the United States.

Mr. EDGE. In my judgment the report fully sets forth the liability.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval amunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases."

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

The bill (H. R. 11725) for the apportionment of Representatives in Congress was announced as next in order.

Mr. BLEASE. Let the bill go over.

Mr. VANDENBERG. Mr. President, I move that the bill be taken up for consideration, if the motion is in order.

The PRESIDING OFFICER. The motion is in order.

Mr. VANDENBERG. On my motion, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN] which I transfer to the Senator from Kentucky [Mr. BARKLEY] and vote "nay."

The roll call was concluded.

Mr. MOSES. I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He being absent, I transfer that pair to the junior Senator from West Virginia [Mr. GOFF] and vote "yea."

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Mississippi [Mr. HARRISON] is necessarily detained on official business. If present, he would vote "nay."

Mr. SHEPPARD. I desire to announce that the Senator from West Virginia [Mr. NEELY], the Senator from Arkansas [Mr. CARAWAY], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from New Jersey [Mr. EDWARDS] are detained on official business.

Mr. ROBINSON of Arkansas. I desire to announce that the junior Senator from Utah [Mr. KING] is unavoidably detained by illness.

Mr. SMITH (after having voted in the negative). I rise to inquire if the Senator from Indiana [Mr. WATSON] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SMITH. I have a general pair with that Senator, which I transfer to the junior Senator from Utah [Mr. KING], and allow my vote to stand.

Mr. JONES. I desire to announce the necessary absence of the Senator from New Mexico [Mr. LARRAZOLO] due to illness. He has a general pair with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 53, nays 23, as follows:

YEAS—53

Ashurst	Gillett	Moses	Thomas, Idaho
Bingham	Glenn	Norris	Thomas, Okla.
Blaine	Gould	Nye	Trammell
Bruce	Hale	Oddie	Tydings
Burton	Hastings	Overman	Vandenberg
Capper	Hayden	Phipps	Wagner
Copeland	Johnson	Pittman	Walsh, Mass.
Couzens	Jones	Reed, Pa.	Walsh, Mont.
Curtis	Kendrick	Schall	Warren
Deneen	Keyes	Sheppard	Waterman
Dill	McMaster	Shortridge	Wheeler
Edge	McNary	Simmons	
Fess	Mayfield	Smoot	
Fletcher	Metcalf	Steiwer	

NAYS—23

Bayard	George	McKellar	Smith
Black	Glass	Norbeck	Steck
Blease	Greene	Ransdell	Stephens
Brookhar	Harris	Reed, Mo.	Swanson
Dale	Hawes	Robinson, Ark.	Tyson
Frazier	Heflin	Sackett	

NOT VOTING—19

Barkley	Edwards	King	Pine
Borah	Gerry	La Follette	Robinson, Ind.
Bratton	Goff	Larrazolo	Shipstead
Broussard	Harrison	McLean	Watson
Caraway	Howell	Neely	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11725) for the apportionment of Representatives in Congress.

Mr. VANDENBERG obtained the floor.

Mr. EDGE. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield to the Senator from New Jersey.

Mr. EDGE. Mr. President, now that the Senator from Michigan has been able to have his bill placed before the Senate upon motion, which motion, I may say, I supported, I am going to ask him if he will permit unanimous consent that we revert to Calendar No. 785, being the joint resolution (S. J. Res. 117) authorization an investigation and survey for the Nicaraguan canal, with the understanding that if there shall be any objection I shall of course withdraw the joint resolution, and if there shall not be any objection, then, we may vote on the joint resolution and accomplish what we have been endeavoring to accomplish.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. VANDENBERG. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I feel that the reapportionment bill is of such importance that nothing should intervene until it shall have been acted upon. Therefore, I object to the request of the Senator from New Jersey.

Mr. VANDENBERG. Mr. President, I greatly appreciate the courtesy of the Senate in permitting me to make a statement about the pending reapportionment bill. I thoroughly understand the intent of the permission, and there is no possibility, I am well aware, of passing the proposed legislation in the remainder of the morning hour. My sole purpose is to present to the Senate and the country my conception of what I believe to be, without any possible chance for argument, the fundamental constitutional challenge that lies at the bar of the Senate of the United States at this time.

Mr. President, it has been my privilege to report from the Committee on Commerce a bill for the apportionment of Representatives in Congress. A significant subtitle might appropriately describe it also as a bill for the honest apportionment of presidential electors. But a still more pertinent and all-inclusive definition can proclaim it a bill to validate the Constitution of the United States.

In this latter character it could not be outweighed in importance by any other legislation pending in the forum of the Senate. Other matters may seem, in the vicissitude of the moment, more immediately necessitous. But in the last analysis the Constitution stands, or nothing else matters.

This is my justification for intruding upon the Senate's conscience at a time when so many other momentous problems clamor for attention. I feel honor bound and oath bound to put the issue to my colleagues. Under the rules of the Senate and in consideration of present and prospective congestion on the calendar, I am forced to make my own opportunity for this presentation. I am persuaded that the issue warrants my action. When great States and great constituencies are outrageously victimized in their fundamental rights by the congressional evasion of basic and mandatory constitutional responsibilities, I am persuaded that the Senate will first condone and then welcome what otherwise it might classify as intrusion upon the regular order of business. Nothing can be paramount to the Constitution.

I listened within the past few days to an illuminating debate dealing with the necessity in many senatorial minds of finding new ways to bring the Nation into harmony with the eighteenth amendment to the Constitution. There have been many formulas proposed by distinguished gentlemen in the last few months for the purpose of attaining the same end. One proposes a $25,000 reward for the best means for enforcing prohibition; another offers $25,000 for the best formula for repealing prohibition. In my judgment, Mr. President, the formula this Nation needs is not for enforcement or repeal, but a formula that shall reevangelize the American people into an understanding that everything we have and are and can ever hope to be is dependent upon constitutional sanctity, and none of us can choose which section of the Constitution we shall honor and which section we shall scorn.

Mr. BRUCE. Mr. President——

Mr. VANDENBERG. Mr. President, I am very sorry I can not yield to the Senator from Maryland. I am anxious to conclude before the hour of 2 o'clock, and I do not propose to be detoured into a discussion of prohibition.

Mr. BRUCE. I merely desire to ask the Senator from Michigan a question.

Mr. VANDENBERG. I decline to yield, Mr. President.

Mr. BRUCE. Very well.

Mr. VANDENBERG. I raise the point solely to say that impulse and example in high places in our Government are the best factors of which I know for encouraging constitutional fidelity in the body of the Nation, and I find no such example, I find no such impulse when I confront the fact that for eight years a fundamental challenge at the very root source of constitutional guarantees has been ignored and evaded in these halls. I shall be as brief and concise as possible in presenting this issue. My sole purpose is to acquaint the Senate with the contents and the objectives of House bill 11725 and to amplify Report No. 1446, which has been filed with the Senate.

Mr. President, this is a measure passed on January 11 by the House of Representatives and reported without amendment to the Senate on January 15. It sets up a just rule for the reapportionment of the House, with a maintained limit of 435 Members, on the basis of the 1930 census. It seeks to protect this approaching census against a contemptuous repetition of eight years of failure or refusal to put the 1920 census to its mandatory constitutional usages. Thereby it seeks to order constitutional justice as between the States of the Union and to guarantee a cure for the insufferable trespass of nearly a decade past. It is an insurance policy covering the constitutional rights of the American people.

In order that interested Senators may not break my sequence I state at the outset the six phases of the problem which I shall treat. Thus, perhaps, any interrogatories may await their particular target, and I shall be glad to be interrupted at any time in respect to any of these concerns.

I shall briefly discuss:

First. The basic constitutional challenge as it confronts this Senate.

Second. The effect upon the Electoral College if nullifying contempts persist.

Third. The effect on seats in the House of Representatives.

Fourth. The wise decision to limit the size of the House to 435 Members.

Fifth. The proposed delegation of ministerial power to the Secretary of Commerce in the event any decennial Congress fails to act independently as the spirit of the Constitution requires.

Sixth. The use of the so-called "system of major fractions," which is involved in the mathematical problem of this hour.

These are the pertinent factors upon which the Senate must inform itself—if, indeed, it is not already informed beyond my powers of added illumination—in concluding that it should give early and decisive approval to this bill to validate the Constitution of the United States. So I hasten to pursue this schedule, always addressing the one objective, namely, that past defaults, which have been variously branded as "brazen defiance," as "tyranny in the raw," and as "insufferable political selfishness"—to borrow a few of the less invidious epithets—shall come to an end here and now.

CONSTITUTIONAL DUTY

Our first logical consultation in any matter of constitutional concern is the great charter itself. Therefore I ask the Senate to turn to Article I, and to turn there, I regret to observe, for the first time since August 8, 1911, when the last reapportionment act became a law. The very numeral which identifies the article is significant. It is No. 1. It is, in other words, the base, the starting point, the genesis, whence rises the entire subsequent structure of the Republic. No. 1 means No. 1—not only No. 1 in the foundation layers of the Constitution but No. 1 in the constitutional responsibilities of a faithful Congress. Omitting detail, here is this No. 1 mandate in the Constitution of the United States:

> Representatives * * * shall be apportioned among the several States * * * according to their respective numbers. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years * * *.

Mr. President, in the face of this mandatory language, particularly when it is read in the light of the vivid debates out of which it sprang, I can not see any rational escape from the conclusion that a regular decennial census and a regular, sequent, decennial reapportionment is the paramount constitutional responsibility resting upon Senators who take a special, and presumably binding, oath to support and defend this primary instrument of American Government. I should let this rest as an axiom were it not for the fact that it has been strangely attacked by some time arguments which have tried to chisel the mandatory challenge out of it, and were it not for the even more aggravating constitutional contempts which contemporaneously have spurned and flaunted and nullified it for the past eight sterile years.

Once more, note the precise language: "Actual enumeration shall"—not may—"be made within every term of 10 years" and "Representatives shall"—not may—"be apportioned among the several States according to their respective numbers."

If this language means anything at all, Mr. President, it means that there should have been a 1920 census—which there was—and an immediate reapportionment based thereon—which there was not, and which there has not been from that day to this. Such a lapse, I submit, raises what ought to be a question of constitutional privilege in the Senate when, at last, we are invited by the House of Representatives to join it in a warranty that 1930 shall be guaranteed against a renewal and a perpetuation of this constitutional affront, which popular complaisance will not much longer tolerate.

Does the Constitution require decennial census and prompt reapportionment based thereon? It does, not only in its letter but also in its spirit. Here are my reasons:

I rely first upon a reasonable construction of the actual language: "Enumeration shall be made" and "Representatives shall be apportioned." I rely, secondly, upon the expressed intent of the framers—the authors of this language—which may not be binding testimony in a court of law, but which is binding testimony in the court of public opinion.

The constitutional convention of 1787 almost broke upon the problem of representation. It resolved its hazardous perplexity by establishing a Senate in which every State, regardless of population, has equal voice, and a House of Representatives in which every unit of population is intended to have equal voice, regardless of its distribution as between States. The convention intended that one rule should be as sacred as the other, even though it threw extra protection around the smaller State and its right to two Senators. Indeed, the very fact that the less populated State has this special constitutional protection ought to emphasize the impropriety of any complaint upon its part when the more heavily populated State asks for its constitutional rights in the House of Representatives. Indeed, the heinous crime of attempting to reduce the constitutional representation

of a State in the Senate would be no greater ravishment of the theory of the Constitution than is the crime of robbing some other State of its constitutional representation in the House of Representatives. The former infringement would produce revolution. The latter, however, is supposed to produce only passing protest. What a tragic paradox!

I said I rely for my constructions upon the intent of those great men who framed the Constitution. James Madison declared to the convention that the States "ought to vote in the same proportion in which their citizens would do if the people of all the States were collectively met." His Virginian colleague, Mr. Randolph, proposed the census for the express purpose of creating an enumeration out of which equitable reapportionment should flow, and time and again he warned against the iniquity of permitting any divorce between these functions. Mr. Hugh Williamson, of North Carolina, declared it would be "the duty of the legislature to do what is right" in this respect, and that it could not be "at liberty to do or not to do it."

I shall not trespass with needless multiplication of these exhibits. Suffice it to add that the great Mr. Justice Story later declared that decennial reapportionment is "a duty positively enjoined by the Constitution." I believe it has been correctly said in a previous congressional report upon this subject that "the founders of our Government would have been amazed at a situation in which a population three times the population which existed at the time of the adoption of the Constitution is denied fair and equitable representation in the House of Representatives."

This leads me to my third reliance, when I declare that congressional failure to reapportion is an ugly constitutional default which the Senate should cure in this session, now that it is challenged by the House to do so, regardless of whether it does another single thing between now and the 4th of March, when a President will be inaugurated whose credentials spring from an Electoral College not constitutionally constituted because of this same poison at the well-springs of the American system. My third reliance is the existing fact of representative inequalities which make a travesty out of those pretended equalities which no man will deny that the Constitution presumably preserves.

The last apportionment in 1910 embraced 91,000,000 people. The 1920 census reported 105,000,000 people. The 1930 estimate is, speaking roundly, 123,000,000 people. The difference between 1910 and 1930 is 32,000,000 people. These latter people to-day are virtually disfranchised. The congressional structure made to fit 91,000,000 people is serving 123,000,000 people. Nothing could be more grossly un-American. Nothing could do greater violence to fundamental rights supposedly established in 1776 and supposedly stabilized in 1787.

I do not intend to permit invidious comparisons to intrude upon this argument. I hope I should be making the same argument if my own State of Michigan were one of the beneficiaries of this lapse instead of one of the chief victims. But, Mr. President, I set it down here simply by way of illustration that there are three congressional districts in Michigan which together had a population of 1,400,000 back in 1920, and which to-day probably have a population of 2,500,000, an average of over 800,000 to a district, whereas there are many other districts in other States with not more than 160,000 people. There are as many as 1,500,000 people in one congressional district in California represented by one Congressman, whereas there are whole States elsewhere in the Union approximating 1,500,000 people with as many as six or seven or eight Congressmen.

Surely there is no need to prolong or multiply this prejudicial arithmetic. I but state the obvious. The records are familiar and well known; but they are no more familiar or better known than the plain fact that it has been our constitutional duty for eight years to correct them, and that we dare not longer deny a prospective correction when it is now offered to us by the House itself. I repeat that it must have been the mandatory intent of the framers of the Constitution that this horrible travesty upon equality of representation never should persist. Temperate language can not assess the outrage.

One more—a fourth reliance—I submit in support of my constitutional interpretation.

Precedent and practice have something to do with the fixation of constitutional principles. From 1790 to 1910 Congress never permitted more than a maximum of two years to intervene between the completion of a census and its validation in a reapportionment. Frequently it has acted within one year. For 120 faithful years, in which constitutional oaths meant what they said, Congress never lapsed in this momentous duty. Then came the nullifying interlude. A sterile and deadly interim has evaded or ignored the plain and paramount mandate—mandate No. 1—in our great basic charter; and I am forced to put the chief responsibility where it belongs. It does not belong upon the House of Representatives. It belongs, let us confess, upon this Senate. The House did do its constitutional duty, entirely consonant with tradition, by promptly validating the 1920 census. It passed a reapportionment bill on January 19, 1921. This bill was received by the Senate on January 20, 1921, and sent to the then existing Census Committee. From that committee it never emerged alive. It was not embraced; it was embalmed.

I have found that many Senators have forgotten that dark entry on the record. I do not criticize them. It is not my right. The issue never was raised on the floor of the Senate; but such is the fact. I submit that it puts the Senate of to-day under special obligation to see to it that no legislative congestion upon the calendar or any other untoward event shall conspire to repeat such jeopardy to fundamental constitutional rights. Otherwise, we can not acquit ourselves of setting a dubious—yea, a lethal—example to a citizenship which must support and sustain the Constitution if our inheritance shall persevere.

All that we are, all that we have, all that we can ever hope to be, are finally dependent upon constitutional integrity. I have heard able Senators argue by the hour upon this floor over comparatively technical points of constitutional construction in a scrupulous effort to be meticulously faithful—technical points that have been as Greek to my layman's mind—technical points in law which there is a Supreme Court to decide. Surely they will not be less devoted when they confront a constitutional challenge so plain that a child can read and understand, yet a challenge upon which no Supreme Court can ever pass to protect the injured—a challenge resting wholly upon the conscience of this Congress.

I have been particularly struck by the observation upon this score of a distinguished Detroit jurist, Circuit Judge Alfred J. Murphy, who clearly labels failure to reapportion as a species of treason.

ELECTORAL COLLEGE

Here is another ominous consideration.

Mr. President, a just representation in the Electoral College is involved in a default in constitutional apportionment and this contemplation is quite as insufferable as the trespass upon congressional equities. Not only does a failure to reapportion pursuant to the mandate of the Constitution taint the validity of Congress; it also taints the validity of the Presidency itself. Thus does the challenge pyramid. We are indeed dealing with the well springs of republican institutions, the streams of which can rise no higher than their source. It is appalling that so vital a concern should have been even momentarily ignored. It is appalling that eight years should have come and gone—that four Congresses and two Presidents should have been chosen in the interlude without correction in this constitutional lapse. But it will be still more appalling if the Senate shall not now promptly join with the House, upon the latter's unselfish initiative, and bring this nullification to a decisive end. A jeopardized Electoral College is the final affront to constitutional integrity and ordered government.

The Senate is entirely familiar with the fact that presidential electors are apportioned to each State according to the combined number of their Senators and Representatives. Hence, ipso facto, if a State is robbed of its fair quota of Representatives, it is robbed of its fair quota of presidential electors. But let me remind you of the precise constitutional language upon this score. I am quoting Article II, section 1, paragraph 2:

> Each State shall appoint * * * a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

There is a grave question immediately raised as to the actual validity of a presidential election recorded through an Electoral College not composed of electors apportioned to the States according to the number of Representatives to which each State "may be entitled." Not the number of Representatives which each State actually has—do not neglect the exact language—but the number to which each State "may be entitled." Perhaps it will be replied that a State is "entitled" only to such a number of electors as it has been assigned by the process of law, however false to the Constitution the given law may happen to be. But it is not to be forgotten that when the junior Senator from Washington raised this point in a radio address last summer, there was widespread speculation over the baneful possibilities. No such defect could be successfully conjured when presidential results are as decisive as those of 1924 and 1928—I make this observation with entire sympathy for those upon the mourner's bench—but the fact remains that two Presidents have now been chosen out of Electoral Colleges in which many States have not had the voice to which they are "entitled" by the spirit, if not the letter, of the Constitution. If this infirmity persists until the presidential election of

1932, here will be a minimum of 23 misplaced electoral votes. Any time a President is chosen within the limits of these misplaced electoral votes—and it is interesting to note in passing that the presidential election of 1916 was determined by precisely this 23 margin—there is present the seed of trouble. Such a question never may be raised. But it is constitutional negligence to leave the question even remotely open.

Mr. President, we all remember historically the cataclysm that swept America in 1876, when a presidential election hung upon 1 electoral vote, and when the canvass had to be submitted to a special expedient branch of the American Government raised for that exigent purpose.

The late Vice President Thomas R. Marshall said to me that nothing prevented a second Civil War at that time except the selfless patriotism of Samuel J. Tilden. If we have behind us the unanswerable reminder that any doubt upon the validity of an electoral college can bring us that close to a breach, we are indeed negligent in a fundamental responsibility if we do not close the breach now that we have contemporary opportunity.

Mr. President, entirely regardless of the legal phase, the equitable phase is beyond palliation. Smaller States have their liberal right of spokesmanship protected by absolute and permanent equality in Senate membership. This in turn gives them a constitutionally sustained preference in the Electoral College under any circumstances. Again, merely for the purpose of illustration, let me point out that this gives Nevada one ultimate presidential elector for every 26,000 people, while the State of California, on the basis of 1930 estimates, will have but one presidential elector for every 365,000 inhabitants. I do not complain against this sort of seeming discrepancy so long as it is supported by constitutional warrant, and I heartily agree with the Constitution's theory that it takes something more than congested centers of concentrated population to make a nation. But after the smaller State has been freely and permanently awarded this tremendous advantage—this handicap allowance, as it were—I do most vigorously protest against a further allowance as a result of congressional indisposition to rectify the disparities disclosed by each succeeding census. It is not a pleasant task for the less populous States to give up an occasional Congressman, and thus also an occasional presidential elector, pursuant to constitutional order. But let the less populous States remember that they have special and peculiar protections embedded in this Constitution, and they should be the last to encourage any breach in the constitutional wall. This bill, while still leaving Congress to its own conscience in the first instance, puts an ultimate watchman on this wall and arms him with the power of vigilance if others sleep.

Just one more specific exhibit upon this particular score. If the existing apportionment were to persist into 1932, here are some figures that have been prepared to show relative discrepancies as between four States: Massachusetts will have one presidential elector for each 242,000 of its people; Texas will have one for each 281,000; Michigan will have one for each 317,000; and California will have one for each 365,000. The spread, in four States of comparable size, will be from a unit of 242,000 to a unit of 365,000.

If we reapportion on the basis that it is estimated this bill will work, the State of Massachusetts will have one for each 257,000 of its citizens; the State of Texas one for each 256,000; the State of Michigan and the State of California one for each 250,000 of their citizens. Under the present apportionment 123,000 more citizens are required to give California an electoral vote than in Massachusetts. Under the new system the entire range in those four States will be a matter of 7,000 citizens only.

I submit that this is a type of equity which the Senate must approve. We must be fair with each other, one State to another. We must accept our obligations as well as our privileges under the Constitution. Presidents and Congressmen must be chosen with a just regard for the constitutional rights of every State. They have not been for eight years. They will not be for an indefinite time to come if this bill is not passed by the Senate, because the practical fact is that no other bill can survive this session, and each succeeding session will face progressively multiplying obstacles, and every Senator familiar with the facts knows that both of these statements are absolutely true.

ESTIMATED EFFECT ON DISTRIBUTION OF REPRESENTATIVES

It is somewhat speculative to anticipate what the congressional effect of this bill will be on the basis of the 1930 census. The only possible prospectus is that of the Census Bureau itself, which prophesies a 1930 population of 122,537,000 for the purpose of this reapportionment. The population base in 1920 was 105,000,000. In 1910 it was 91,000,000.

The 1930 estimate may not be precise. But the Census Bureau is sufficiently accurate in its past performances to make the use of its figures reliable for present purposes.

On this base this bill will change 23 seats in the House of Representatives. Eleven States will gain. Seventeen States will lose. Twenty States will be unaffected.

I dislike, however, to discuss this bill in terms of "loss" and "gain." No State may truthfully be said to have "gained" anything when it merely stabilizes its equality of rights pursuant to the guarantees of the Constitution. No State may accurately be said to have "lost" anything when it settles back to a basis of constitutional equalities.

It is only the Constitution itself which "gains" or "loses" in this contemplation. It "gains" strength and stability when it is scrupulously obeyed and faithfully honored. It "loses" vitality and life when it is ignored or evaded—no matter how plausible the expedient excuse.

Perhaps there is still another "loss and gain," namely, in the prestige and dignity and honor of the Congress itself. We "gain" the respect of the Nation when we obey the instrument of which we are the oath-bound creatures. We proportionately "lose" when we are guilty of constitutional contempts against which the people cry out in protest and outrage.

I dare to believe that no Senator will vote upon this bill pursuant solely to the effect of its arithmetic upon his State. Any such opportunism would reduce constitutionalism to the basis of mere huckstering.

The prospective effect of this reapportionment is as follows. Eleven States gain as follows:

Arizona	1
California	6
Connecticut	1
Florida	1
Michigan	4
New Jersey	2
North Carolina	1
Ohio	3
Oklahoma	1
Texas	2
Washington	1

Seventeen States lose as follows:

Alabama	1
Indiana	2
Iowa	2
Kansas	1
Kentucky	2
Louisiana	1
Maine	1
Massachusetts	1
Mississippi	2
Missouri	3
Nebraska	1
New York	1
North Dakota	1
Pennsylvania	1
Tennessee	1
Vermont	1
Virginia	1

Twenty States are unaffected: Arkansas, Colorado, Delaware, Georgia, Idaho, Illinois, Maryland, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, South Carolina, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming.

Without intending invidious comparisons in any degree, an analyst is bound to emphasize the spectacular demonstration of constitutional fidelities made by the majorities in those House delegations from some States which will have fewer Congressmen as a result of the expected operations of this bill, yet which are recorded on this recent roll call in favor of the bill. They are from the States of Maine, Massachusetts, New York, and Pennsylvania.

SIZE OF THE HOUSE

This bill decides, at least for the time being, that the total membership in the House of Representatives shall not exceed the existing limit of 435. If it had nothing else in it the bill would be emphatically worthy and challenging upon this score alone. To register the decisive opinion of the present Congress that it is time to stop the everlasting expansion in House membership to suit mere political exigency would be a tremendous service to American institutions. One distinguished Member of this body told me recently that he thought efficiency and effectual democracy would be promoted if the limit could be set back to 200. In other words, he correctly distinguishes between quality and quantity in the measure of democracy. As practical men we must recognize the impossibility of any such present pursuit, however. If it has taken 8 years to get an agreement in the House to retain the existing limit, it would take 80 years to get an agreement for a large and revolutionary reduction. To defeat the attainable for the sake of straining for the unattainable would be a

distinct disservice to the Constitution and to the principle of limitation itself.

There is nothing sacrosanct about this number 435. It simply happens to be the contemporary limit upon which the House itself has taken a courageous stand, refusing all efforts to blow it higher. If the House, with the acute self-interest of its own Members at stake, is willing to register this principle of limitation, it would be a tragic lapse if the Senate should neglect or refuse to agree.

Heretofore the usual method for obtaining agreement to decennial reapportionment has been the expedient recourse of increasing the total membership in a sufficient degree to permit every sitting Member to retain his seat. As a result of this elastic pursuit of the course of least resistance the size of the House has doubled in less than 100 years. The greatest rate of growth has been in the more recent decades. On the basis of 1930 estimates it would require a House of 534 Members—an increase of nearly 100 in 20 short years—to permit a ratio of representation under which no State would lose a Member. It requires no wrench of the imagination, if these expedient trends be not stopped, to foresee a comparatively early day when the size of the House would approach sheer chaos. Already benches have had to be substituted for desks in the other Chamber to accommodate the distinguished throng. Soon they must hang out the "standing room only" sign. It would consume nine 8-hour days to permit each Member to make a 10-minute speech on one subject. The result is not greater articulation for democracy. The result is less, rather than more, freedom of action. Indeed, freedom of action, which, after all, is the true measure of democracy, already has become a legend. The distinguished junior Senator from Ohio, who returns to this body after another honorable turn of service in the other House, openly declared as long ago as 1921 that after a membership in the House under four apportionments the one outstanding thing with which he was impressed was "the diminished prestige of the House and the diminished standing of the individual Member." Here, in this pending bill, is the golden opportunity for the Senate to join the House in the declaration of the great and essential principle of limitation.

We do not thus depart from the intent of the founders of the Nation, Mr. President. Rather, we validate their prescient warnings. Innumerable proofs are available. I content myself with two. I take it that none will deny the authority of the Federalist Papers as an interpretation of what was in the minds of the constitutional fathers. In their tenth chapter is this admonition:

> Representatives must be raised to a certain number in order to guard against the cabals of a few, and, however large it may be, they must be limited to a certain number in order to guard against the confusion of a multitude.

Precisely that sensible limitation the Senate now is invited to join the House in registering. Again—and this is tremendously significant and pertinent—the Federalist Papers in their fifty-eighth chapter have this to say:

> In all legislative assemblies, the greater the number composing them, the fewer will be the men who will in fact direct their proceedings. * * * The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

I am sure the argument requires no further amplification upon this score. A correct reflection of constitutional intent and of contemporary necessity is plain as day. The House has decided for itself that it wants limitation upon its total membership. This is the first time since 1840 that so courageous and salutary a disposition has been evidenced. The Senate, which is itself a limited body, can not in conscience and public duty do less than agree. The pending measure invites us to join in this contribution to the best welfare of America's effectual democracy.

The PRESIDING OFFICER (Mr. DALE in the chair). The Senator from Michigan will suspend while the Chair makes an announcement which, the Chair will state, does not take the Senator from the floor.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, the so-called cruiser bill.

Mr. VANDENBERG. Mr. President, I shall conclude very briefly, and I am sorry to intrude even for 15 minutes upon the time of the unfinished business, which I support with all my heart and soul.

DELEGATION OF POWER

Now we come to a feature of the apportionment bill which is the subject of some attacks which, while no doubt well meaning, are imaginary rather than real. They provide an excuse rather than a reason for opposition. I refer to the ministerial rôle assigned to the Secretary of Commerce, who is directed to do a specific problem in arithmetic subsequent to each decennial census. This arithmetic ultimately controls a reapportionment only in the event that the next Congress after the completion of a census fails promptly to meet its own independent constitutional responsibility to make its own reapportionment on the basis of any arithmetic which it chooses to consult. In other words, there is no external intervention unless and until Congress fails to do its own constitutional duty—as it has failed for eight sterile years—and even then the external intervention is merely the automatic operation of a rule which Congress itself ordains and which Congress subsequently can revoke whenever it is thus minded.

Here is the theory of the pending measure as approved by the House in respect of its own affairs. If Congress fails to reapportion in 1930–31, then automatically the House is reapportioned in accordance with the tabulation transmitted by the Secretary of Commerce in his ministerial capacity as provided in the bill and as now ordered by this Congress. In such an event he has no latitude or discretion of action. He enjoys no legislative function. He is told by Congress to take the 1930 census count, and by the method of so-called "major fractions" to divide it among the States into 435 congressional seats. There can be no speculation as to the result. There is only one result which any mathematician can reach. Congress thus subordinates its independent wisdom only to fundamental arithmetic, which not even a congressional filibuster could succeed in denying. Two and two inevitably make four in spite of sound and fury.

Mark you, Mr. President, this arithmetic does not become authoritative until after Congress has had a full, free, fair chance to write its own reapportionment law on this or any other basis which it may see fit to embrace. It is only in the event that Congress again persists in contempt of the constitutional mandate to "apportion Representatives among the several States, according to their respective numbers," that an automatic reapportionment occurs on the basis of the arithmetic done by the Secretary of Commerce. In other words, the bill in this particular boils itself down to this simple proposition. The 1930 census must result in constitutional reapportionment either (1) by the next Congress, according to its own free will and accord, or (2) according to a formula which Congress now expresses the belief is the proper and suitable formula.

What are the conjured objections?

First, it is argued by some distinguished gentlemen that this is an unwarranted and even an unconstitutional delegation of power to the Secretary of Commerce. But the truth is that it is no delegation of "power" at all. It is the delegation of an immutable problem in arithmetic and nothing else. It is the delegation of the task of doing a straight sum in mathematics to which there can be but one answer. This is purely ministerial. It is not legislative. It is not discretionary. Compare this with the wide and vital discretions which Congress has sublet to the Interstate Commerce Commission or to the President under the terms of the flexible tariff law. This latter delegation of power goes to the very heart of congressional prerogatives. Yet it has been upheld by the Supreme Court of the United States, in J. W. Hampton, Jr., & Co. against the United States, a decision rendered on April 9, 1928. The rôle of the Secretary of Commerce under this bill is but the lengthened shadow of his rôle when he takes the census itself. Congress does not iniquitously sublet its constitutional functions when it permits the Commerce Department to enumerate the people. No more does it violate any sensible rule when it asks him to apply a divisor, named by Congress, to the results of his enumeration. I am forced to say that gentlemen who criticize the alleged questionable constitutionalism of this simple process which is aimed to cure the larger and fundamental and paramount unconstitutionalism of continuing denial of the first article in the Constitution, seem to strain at a gnat and to swallow a camel.

A second alleged objection is that we are attempting to bind a future Congress and to strip it of autonomy. Such solicitude

is touching but irrational. Every law we pass, Mr. President, binds a future Congress unless and until a future Congress changes it. We do not wipe out all the statutes every two years. We amend or repeal that which proves serially objectionable. Precisely the same authority stays with any future Congress in respect to this reapportionment rule. We simply say that if a future Congress does not want to establish its own rule in its own untrammeled right, then this present rule shall apply. We do not estop independent action in the future. We merely protect the integrity of the Constitution against inaction; and such inertia, I am persuaded, is not a congressional prerogative, even though it may be a habit.

For myself, Mr. President, I only regret that we can not establish a rule which does bind the future in relation to this constitutional fundament which involves the root sources not only of the representative arm of the Government but also the root sources of the Executive arm, as controlled by the Electoral College. There is no doubt about what the resurrected founders of the Republic would say if they were here. Mr. Randolph, of Virginia, bluntly put it to the framers of the Constitution in the Convention of 1787. He declared his apprehension lest "a pretext should never be wanting to postpone alterations in apportionment and keep the power in the hands of those who possessed it." He frankly argued his fears that "if the legislatures are left at liberty, they will never readjust the representation." He intended, in respect of these legislatures, to "tie their hands"—note the literal phrase borrowed from Randolph himself—"in such a manner that they could not sacrifice their trust to momentary consideration." He specifically warned that "if a fair representation of the people be not thus secured, the injustice of the Government will shake it to its foundations." I could support him by many other quotations from the great men who sat in that God-inspired forum. Suffice it at this point, however, to drop down to March 1, 1832, and to note prophetic words from the lips of John Quincy Adams:

> I should hope that a great and inveterate defect in the apportionment laws might be remedied. I would not prematurely despair of the Republic, but my forebodings are dark, and the worst of them is in contemplating the precipice before us.

No, Mr. President, if there is any legitimate criticism of a weakness in this bill it is not that it does bind future Congresses to obey the Constitution and to save us from the mockery and the anomaly of unrepresentative representation. It is, rather, that it does not thus bind. It does not bind any more than precisely the same type of legislation in 1850 prevented a subsequent Congress from going back to the old practice. This bill is no novelty. It had its forerunner, I repeat, in 1850. Neither on the basis of precedent nor logic can it be assailed to-day simply because it undertakes to invoke an automatic reapportionment in the event that the next Congress fails to initiate its own interpretation of the 1930 census.

Ah, but it is thus wrong because it is anticipatory, another critic says. But, Mr. President, better that great victimized constituencies, robbed of their constitutional rights for nearly a decade, should be permitted at least to "anticipate" justice at the hands of Congress than that they should see and hear nothing but grandiloquent gestures which "keep the word of promise to the ear and break it to the hope." Personally I should prefer, even at this late day, a straight-out reapportionment, with a 435 limit, based upon the 1920 census. Thus there would be no break in the continuity of congressional fidelities. But it were silly, or even hypocritical, not to face the realities.

The realities are these: First, this is the only reapportionment legislation which the House will approve in the present Congress; second, the next Congress will face the 1930 census, under which shifts in population will prove to have been so much greater than under the 1920 census that the human difficulties which have prevented a 1920 reapportionment will be multiplied to an extent to make 1930 reapportionment all but impossible; third, thus we shall drift to 1940—drifting all the while toward such resentments as in other days led our forefathers to actual revolt against the tyranny of taxation without representation.

We face a condition, not a theory. Senators who in such circumstance cling to theory and ignore conditions may be utterly conscientious—and I never quarrel with conscience—but they put us at the mercy of a quorum of mere words. Candor compels us to judge the future by the past. If this bill fails on the responsibility of the Senate, then all reapportionment fails for many years to come. Thus constitutionalism fails. Those who may be content to embrace the counsels of perfection as an excuse for rejecting the realities of fact in this vicissitude assume a hazardous responsibility.

MAJOR FRACTIONS

The bill provides that "the method of major fractions" shall be used in handling the arithmetic incident to the ultimate computation and allocation of Representatives. It is a specific and standard method with an identified meaning for mathematicians. I confess that it is something like an income-tax return in baffling the layman. But so is any other of the possible fraction methods that might be embraced. In other words, "major fractions" suffer no greater infirmity upon this score than would any other kindred recourse. I will endeavor to submit the contemplation in the plainest language possible.

Since 1790 there have been three different "fraction methods" used in determining apportionment among population remainders in the States after populations have been divided by the accepted quota figure.

So-called "rejected fractions" were used from 1790 to 1830. Since they were long since "rejected" in fact as well as name, it is needless to dwell upon them. They permitted no representation for any fraction, large or small.

Then so-called "major fractions" were used in the single reapportionment of 1840. This was the only reapportionment which actually reduced the total size of the House.

Then from 1850 to 1900 the so-called "Vinton method" was substituted. It broke down in certain ultimate anomalous situations in which it became evident that the larger the fraction the smaller the chance of its recognition.

In 1910, the last year that any reapportionment bill passed both branches of Congress, despite the plain mandate of the Constitution to the contrary, Congress returned to "major fractions." It was used in 1921 in the House bill which the Senate pigeonholed. It is used in the present bill. It is the method under which the sitting House was chosen. It is the method which the House has refused to change in connection with the present legislation. It is a refinement of the 1840 method as improved under the auspices of Prof. Walter F. Willcox, of Cornell University, who has been chief statistician for the Bureau of the Census.

The only controversy to-day is between so-called "major fractions" and a new system of so-called "equal proportions." The difference between the two methods is this: "Major fractions" reapportions the House absolutely on the basis of straight population. "Equal proportions" reapportions on the basis of a ratio between the individual in a given State and the whole population of that State.

Suppose Congress should want to make the total House membership 436 instead of 435. Who would get the 436th Congressman? According to "major fractions," that State would get the 436th Congressman which has the largest absolute number of unrepresented people—in other words, the State with the largest actual remainder. According to "equal proportions," that State would get the four hundred and thirty-sixth Congressman in which its own unrepresented portion bears the highest ratio to the total population of the State. "Equal proportions," in other words, is a mathematical subterfuge to cheat actual equality in the consideration given to citizens in different States. "Major fractions" is the method whereby every citizen, regardless of habitat, has the same weight in the apportionment to remainders. Under "major fractions" every State with more than 50 per cent of a remainder after its population is divided by the key apportionment number, gets a Congressman. A State having less than a 50 per cent remainder never gets the extra Congressman. Under "equal proportions" the reverse may be true.

The actual net difference between the two methods, of course, is small. It would have affected the seats of but three Congressmen on the basis of the 1920 census.

I submit that we should retain "major fractions": (1) Because it is the method approved by the House which should control its own problem in this respect; (2) because it is the method of the last reapportionment, the one under which the present Congress sits; (3) because it is the only method by which unadulterated recognition is given to straight population comparisons between the States—and it was the constitutional intent that population should be paramount in dictating House membership and apportionment; (4) because any other method now available would be an untried experiment. We learned through the "Vinton method" how treacherous these experiments may be. Certainly it is no time to embrace experiments when we are writing what purports to be a permanent and automatic system for future reapportionments.

CONCLUSION

Mr. President, I have concluded my analysis and discussion of this bill. I shall hope that the Senate shortly will permit it to come to a vote. I have omitted nothing pertinent to the real issue before us—namely, the practical possibility of getting

legislation that will cure the existing constitutional mockery. By the same token I have refused to follow detours into irrelevant matters. For example, I have not discussed the interesting suggestion that the enumeration for apportionment purposes should count "citizens" instead of "people." That proposition must stand upon its own subsequent merits. It requires a constitutional amendment. It does not belong in this debate. Neither have I discussed the much-mooted fourteenth and fifteenth amendments to the Constitution. This question of the alleged denial of suffrage to certain citizens raises an issue of fact—namely, Is the right of suffrage unconstitutionally abridged?—a fact violently controverted; it raises an issue of law—namely, if the denial were proven to exist, does not the fifteenth amendment direct offended parties to the Supreme Court for relief, instead of to the Congress, as might have been the case if the fourteenth amendment stood alone? James G. Blaine specifically made this latter deduction in his great Twenty Years of Congress.

I repeat, Mr. President, that I have deliberately omitted such collateral considerations in this discussion, precisely as I think it is the duty of the Senate to omit them from the scope of its immediate decision. Our immediate problem deserves to be settled without complication. The paramount importance of the basic challenge entitles it to an unhampered day in the forum of this parliament. All such by-products were excluded from the bill by the House most intimately affected by its terms. We do well to emulate this example.

The bill may not suit all Senators either in detail or prospectus. It is not altogether such a bill as I should have preferred. For example, I repeat that I dislike to leave a 10-year blemish on the constitutional record of the Congress by failure to have reapportioned pursuant to the 1920 census. But that blemish merely would be hidden—it could not be cured—by eleventh-hour repentance on the eve of another census. Infinitely greater will be the blemish if in a quarrel over past iniquities we here create a further and continuing iniquity which this bill would cure. Pride of opinion in such a moment deserves to be subordinated to pride of accomplishment.

Ever since I arrived in this Chamber, where I now gratefully acknowledge my colleagues have been uniformly considerate and hospitable, Senators have told me that reapportionment was simply awaiting House initiative. Although I disagreed with the attitude, I repeatedly heard it said that this is inherently "the business of the House." You know the familiar idiom, "When the House acts the Senate will agree."

Well, Mr. President, the House did act in 1921 and the Senate did not agree, although in times past the Senate passed 8 out of 13 House reapportionment measures without amendment. Once more the House has acted. Once more we are put to the proofs of the good faith with which the Senate has excused its own share of responsibility for eight years of failure to validate the fundaments of the Constitution. The Senate committee to which this bill was referred reported it back without amendment in 24 legislative hours. I dare to hope that the Senate now will discharge its own final responsibilities to the Constitution with like wisdom and like decision.

Abraham Lincoln found it possible to utter this confident challenge in his first inaugural message:

> Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied.

It is a hapless commentary that Lincoln, if here, would not dare to repeat that challenge in this modern day and age. It is doubly dangerous that he could not utter it within this congressional sanctuary.

Senators, such a situation can not go on. Its implications are too hazardous. The country must find here in its Congress a dependable example in fidelity. Here and now the Senate confronts an acid test. We and we alone can save this situation. The Constitution pleads with us for friendly ears.

> It was not made with the mountains,
> It is not one with the deep:
> Men, not gods, devised it,
> Men, not gods, must keep.

Mr. WALSH of Massachusetts. Mr. President, I wish to join with the Senator from Michigan in urging prompt and favorable action upon the measure which the Senate by a record vote agreed to consider. I can conceive of no responsibility resting upon the public servants of the American people greater than that of preserving representative government as defined in the Constitution of the United States. We may err about this or that piece of legislation; we may make mistakes in other features of our public service; but if we lack the capacity and the purpose to meet our basic obligations as defined in the Constitution providing for the preservation of real representative government, we are unworthy of the confidence of the American people.

I consider it a blot upon the record of the Congress of the United States that for eight years we have failed to comply with a plain primary duty intrusted to us by the Constitution of the United States. The apportionment of Representatives in the Congress is not a political question; it is a patriotic question. It is a question of public servants showing to the American people their faith in and observance of the very essence of the fundamental law. The worst nullifier of the Constitution of the United States for the past eight years has been the Congress of the United States. Its conduct has been nothing else but plain, deliberate, intentional nullification, disregard, and disrespect for the people's chief political safeguard and guaranty of liberty, the Constitution. Some of those responsible for this condition are those who go about through the country preaching about the sacredness of the Constitution, pleading that it must be preserved in its integrity, and accusing men who suggest remedial changes in our Constitution as being enemies of our Government and enemies of our Constitution and of giving expression to Bolshevistic views. Some of the people claiming to be "holier than thou" in Americanism are the very persons who are responsible for this outrageous nullification.

Mr. President, I come from a State which, under this apportionment bill, will lose one of its Representatives. What has that fact to do with this question? How can I justify nullification from selfish motives? It makes the offense less condonable. Massachusetts should lose one of its Representatives, if other States have increased in population in excess of the increase that has been made in the State which I have the honor in part to represent. It is not a question of which State shall have the largest number of Representatives, which State shall lose Representatives, or which State shall gain Representatives; it is a question of giving honest representation to the States entitled to such and ending false and dishonest representation in the Congress. It is a question of preserving and giving expression to the plain terms and obligations of the Constitution. It is a question of preventing a clique in the Congress from setting up a government that supersedes constitutional government.

Mr. President, this question, it seems to me, is primarily one that we would ordinarily expect the House of Representatives to settle for itself. The House has given us its judgment; its verdict is here. Why should we hesitate to accept that judgment on a matter which very intimately and very particularly relates to the future composition and membership of that branch of the Congress?

Let us abandon dilatory tactics on this measure; let us hesitate to filibuster upon a question that tests our capacity to give expression and fidelity to a fundamental principle of our Constitution. Let us demonstrate to the people of this country that we are sincerely intent in our purpose to preserve, I repeat, representative government—true representative government—in America. That is the chief and in fact the only question that is at issue here. I plead with my fellow Senators in the case of this one particular measure to show the American people that we are not lacking in capacity to perform a plain, simple, and elementary duty that preserves to them one of their most sacred constitutional rights.

I sincerely hope that early action will be taken, and I suggest to the Senator from Michigan that he try to reach an understanding with the leader of the majority party to hold night sessions, to make this bill a special order for certain nights, when it will be discussed and debated, if debate is to be held, and that final action be had upon this measure if upon nothing else during this session. I place this bill in importance above every other measure before the Senate of the United States, and in saying that I am not unmindful of the importance of other pending measures.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. WALSH of Massachusetts. I yield.

Mr. BROOKHART. I should like to ask the Senator a question as to the urgency of action on this bill. I see the bill itself does not contain any provision that will affect the next election of Members of Congress; that it does not take effect really for four years. Why should we get in such a hurry to act on it? The bill provides that action shall be taken after the next census, the taking of which has not even commenced. We have not even passed the law to provide for the taking of the next census. There are two sessions of Congress before anything can happen under this bill. The bill itself is four years dilatory.

Mr. WALSH of Massachusetts. The bill is eight years dilatory. An apportionment bill should have been passed eight

years ago. I suppose anyone can find excuses or reasons for postponing action, but we have waited eight long years for the judgment of the House of Representatives. They once gave it to us six years ago, but by dilatory tactics we defeated that bill. It is asserted we are going to do that now; it is asserted that a handful of Senators here propose to prevent action upon this bill, and that the Senate will again have the responsibility of delay. We have, I repeat, the judgment of the House of Representatives, the body primarily interested, the branch of Congress which is particularly affected by this proposed legislation. How any Senator other than one actuated solely by considerations of selfish motives and selfish interests can oppose this amendment is beyond my understanding. I can not conceive why there should be any more delay here on the bill than there was in committee, which, to its credit, within 24 hours unanimously reported in favor of the passage of this measure. If we could fully realize what this measure means in the example of respect for law, in this instance fundamental law, it would illustrate to the country, we would in 24 hours pass the bill and go on record as favoring the action taken by the House.

Mr. BROOKHART. Then why not make it effective at once by applying it to the present census?

Mr. WALSH of Massachusetts. I should be very glad to make it effective at once, so far as I am concerned, but I repeat that would only mean that the Senate would be differing with the House, and that the House could accuse us of trying to substitute our judgment as to the composition of that body for their own judgment, and we would be in chaos once more. It seems to me the thing to do now, having their judgment, is not longer to delay acting on the measure.

Mr. BROOKHART. The Senator approves of the House action in postponing the time for the taking effect of the bill for two years?

Mr. WALSH of Massachusetts. I do, sir, because there is nothing else to do under the circumstances. If I had my way and was drafting this bill—and I would have presented it long ago—I would have had it applied to the census of 1920; but, I repeat, the bill reflects the judgment of the House of Representatives, and there is nothing else for us to do, it seems to me, but to act and act promptly, and that I urge.

Mr. BROOKHART. Would not this bill be a direct precedent for approving the passing over of a whole 10 years after the taking of a census without a reapportionment?

Mr. WALSH of Massachusetts. Whatever this bill may do, I hope our action will not be a precedent; I hope the action of the Congress in delaying its plain duty all these years will not be a precedent. The country should be spared any further exhibition of defiance of liberty, for liberty must begin with respect for law by lawmakers. Had the amendment to the Constitution which the Senator from Nebraska [Mr. NORRIS] proposed been adopted by the House during the last six years we would not have, in my opinion, some of the criticism that exists in the country to-day because of the failure of the Senate to act promptly on a good many measures.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to say to the Senator that, while I do not agree with him that we should avoid making an amendment to the bill if we think there ought to be one, I do most heartily agree with the Senator that this measure is very important, and I should like to ask him why he thinks we ought to pass the bill in the exact form in which the House passed it.

Mr. WALSH of Massachusetts. I have not urged that, sir. I have said that this bill represented the judgment of the House and that we ought not to interfere with it by amendments in such a way as to cause a deadlock between the two branches and cause the bill to fail.

Mr. NORRIS. Of course, that might occur.

Mr. WALSH of Massachusetts. But the fact that the members of the Senate committee, representing both political parties, including a number of Senators from States most affected by this bill, have unanimously approved it has great weight with me.

Mr. NORRIS. It has with me also; I am not considering the report of the committee lightly, but all legislation here, no matter whether it affects the Senate directly or the House of Representatives directly, it seems to me, ought to be considered on the basis of what is the consensus of opinion and the judgment of the Senate as to what is wise in the matter of amendment.

Mr. WALSH of Massachusetts. I think the Senator will agree with me that this is somewhat different from the average bill; that this measure is particularly and intimately connected with and associated with the work and the composition of the House of Representatives.

Mr. NORRIS. That is true.

Mr. WALSH of Massachusetts. And while it is true we ought to examine it with care and make amendments if we think it advisable to do so, yet such action on our part should not delay the passage of the bill.

Mr. NORRIS. But the country is also directly and intimately interested in anything that concerns the House of Representatives. I do not mean any disrespect to them; I do not know that I would favor an amendment such as suggested by the Senator from Iowa [Mr. BROOKHART]; but, at least, it is perfectly proper to debate it, and I would vote for an amendment if I believed it would improve the bill. If we should amend it, the House would have the opportunity of agreeing to our amendment or of disagreeing and putting it into conference and thrashing out the difference.

Mr. WALSH of Massachusetts. I am very glad to get the Senator's view. I would expect a Senator who has stood so valiantly in this country for pure representative government to be militantly supporting a measure of this kind. It seems to me at least that those of us who have claimed to represent an intent to protect representative government should do our utmost to secure favorable action in the Senate upon this measure.

Mr. NORRIS. I am wondering from what the Senator has said if there is opposition to this bill from some Senators on the ground that some States would lose membership in the House of Representatives.

Mr. WALSH of Massachusetts. That is brazenly declared in the press and it is whispered about here, and it is said that that opposition comes from the group which has opposed apportionment bills in the past from the particular States whose representation would be diminished.

Mr. NORRIS. The Senator will have to modify that statement. I was a Member of the House of Representatives when we passed a bill of this kind, and I was strongly opposed to the bill which we passed, on the ground that it increased the membership at that time, and I did not think the membership ought to be increased. The number of Representatives was something over 300 then. I do not think the membership of the House ought to be increased now, although, like the Senator, I in part represent a State that would lose one Representative if this bill should pass. I should like to vote for an amendment that would cut down the membership.

Mr. WALSH of Massachusetts. So should I if there was any hope of getting the House to concur.

Mr. NORRIS. I have just been talking with a Member of the House of Representatives who opposed this bill in the House, and yet he frankly admitted to me that the House of Representatives ought to be cut down in membership. He had other reasons for his opposition to it. There is no disguising the fact, however, that the House of Representatives is too large to do good work as a legislative body. I have always been afraid that we would get a bill over here that would increase the membership of the House, and I should hate to see that kind of a bill passed.

Both the Senator from Massachusetts and the Senator from Michigan [Mr. VANDENBERG] agree that this is a very important measure, and I think much more important than the cruiser bill that is now the unfinished business; and yet both the Senator from Massachusetts and the Senator from Michigan have been discussing this bill while the cruiser bill was officially before the Senate, and it is before the Senate now. If the reapportionment bill is of this importance, why does not the Senator from Massachusetts or the Senator from Michigan make a motion to take it up, and let up dispose of it officially? We can not get very far with it if we do our debating while some other bill is before the Senate.

Mr. WALSH of Massachusetts. I think the Senator will agree that I have not consumed very much of the time of the Senate in discussion of this bill. I think I have had the floor about 15 minutes, half of which time has been devoted to answering questions.

I can well understand, in view of the Senator's attitude toward the cruiser bill, why he should welcome a motion to have that bill displaced. This is a bill that I should vote for to displace the cruiser or any other bill. I do not care at this time to assume authority for its direction and leadership, however. The Senator from Michigan is responsible for that; and if the Senator from Nebraska can induce him to make a motion to that effect I shall be glad to join with the Senator in voting for it. In conclusion, let me urge with special emphasis that we act promptly and favorably upon this bill. We owe it to ourselves, to the prestige and dignity of the Senate, and above all to our fellow countrymen to act.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. HALE. Mr. President, the unfinished business which is now before the Senate is a matter of very great importance to the national defense.

I reported this bill from the Committee on Naval Affairs of the Senate last May. Since that time I have been trying to get action on the bill almost every day that the Senate has been in session. Hitherto I have not been successful.

I realize that debate on the bill is legitimate, and I expect that there will be debate on it; but I should like to ask the Senate to stick as closely as possible to the subject matter of the bill. There are a number of very important appropriation bills that have to go through at this session, and I do not want to see them blocked. If Senators will give their attention to this bill, and will stick to the subject matter, we can get action on it, I think, within a very few days.

I have already, on January 3, made a speech explaining the purposes of the bill. The senior Senator from Virginia [Mr. SWANSON] has made a very able and full explanation of the bill. So has the junior Senator from Maryland [Mr. TYDINGS]. I am now ready to go ahead with the bill and with the amendments to the bill. There is but one committee amendment; and unless Senators wish to talk on the general subject matter of the bill at this time I should like to go ahead with that amendment.

Mr. BORAH. Mr. President, I desire to discuss a matter which becomes relevant by reason of an amendment which I propose to offer later. I can either present the matter now or I can present it at a later time, whichever best suits the convenience of the Senator from Maine.

Mr. HALE. It will be entirely satisfactory to me if the Senator will present it now.

Mr. BORAH. Mr. President, the amendment which I propose to offer reads as follows:

First. That the Congress favors a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea.

Second. That such restatement and recodification should be brought about if practically possible prior to the meeting of the Conference on the Limitation of Armaments in 1931.

There are two phases of this question of preparedness. One is the mechanical side, we might call it, that of armaments. The other is the economic side, or, as we might call it, the human side.

Mr. WATSON. Mr. President, will the Senator permit an interruption?

Mr. BORAH. Yes.

Mr. WATSON. Does anybody object to the Senator's proposed amendment?

Mr. BORAH. It was not reported by the committee.

Mr. WATSON. Was it before the committee for action?

Mr. BORAH. It was.

Mr. WATSON. The Senator does not provide, I notice, by the terms of his amendment, as to how this recodification shall be brought about. Does he intend to explain how that should be done?

Mr. BORAH. Yes.

I did not put into this amendment a specific provision that the President should call the conference, for the reason that it is not necessary to do that. My desire is to have an expression of view upon the part of the Senate as to the wisdom of doing so. I could put in, as I did formerly with reference to the disarmament conference, an authorization for calling one; but such authorization is not essential to the President's action. He may do so as well without it as with it.

Mr. President, I think we are on the eve of a naval race with Great Britain. The situation is not dissimilar to the situation existing between Germany and Great Britain from 1905 to 1914. Of course, so far as the governments are concerned, there will be, as there always is, the assertion of the utmost friendliness, and that there is no intention to engage in a naval race. That was true with reference to the expressions of the Governments of Germany and England from 1905 to 1914. The fact is, however, that we are building a navy looking at England, and England is building a navy looking at us; and the discussions here and the discussions in Great Britain show unmistakably that the two Governments are building with reference to each other's action.

The basic principles for a naval race are already admitted in this discussion. There must be some reason for this. I assume that neither Government would wish to expend large sums of money for the building of battleships or cruisers unless there really was some justification for it. Whether or not that justification is a sound one, it is a controlling one, in my judgment, in this particular situation.

Before stating what I conceive to be the controlling reason for this, let me call attention to a book which has just been published by Commander Kenworthy, who is now a member of the British Parliament.

In discussing the subject of naval building in this book, entitled "Peace or War," we find statements which are exceedingly interesting in view of the fact that they can be almost duplicated from the literature between Germany and England from 1905 to 1914.

At page 112 of this book he says:

The European nations, on the other hand, resent the supposed superiority complex of the United States, hate her for demanding repayment of the debts, and are jealous of her wealth and material prosperity. Is what I say doubted? Ask any American tourist or business man who knows Europe. If events move in the next 10 years as they have moved in the last 9 years, England will stand at the head of a European federation, a federation of mutual mistrust and disappointment with America.

Farther on, I read:

When the English newspaper with the largest circulation and probably the greatest individual influence began to attack America in its columns, just as it had attacked Germany before the war, and France at the beginning of the century, official influence was brought to bear on its owner who, hurriedly, over his own signature, wrote an article in another of his newspapers denouncing the criticism and praising the United States. The successful editor, with great prestige in British journalism, who had initiated the attacks on America was dismissed, and it was hoped the incident was forgotten. But now the attacks have begun again. "Let the eagle scream," say the hack writers in London and are answered by the brothers of the pen in the States.

At page 117 it is said:

For 300 years the English people have been schooled by a ceaseless propaganda into believing that their future lies upon the waters, that their bread and butter depends upon sea power and that only by an overwhelming navy can the prosperity, the power, and the very existence of the British Empire be maintained. So long as war is a legal process and the ultimate means of settling disputes between peoples, this doctrine is sound. Any nation threatening British hegemony at sea has incurred the hostility of the British ruling class and their lead has been followed by the British people. Spain, Holland, France, Germany, each in turn threatened British sea power, and each in turn was fought and overthrown.

In the periods of reaction after every war, the Admiralty has been hard put to it to extract the necessary money from a depleted treasury to maintain an overwhelmingly strong navy. In order to wring credits from Parliament, it has been necessary to point to a bogey, a menace to Britain's sea power. At the beginning of this century, France; yesterday, Germany; to-day, whom?

In the years immediately following the armistice, the British Admiralty automatically indicated America, the next strongest sea power, as the potential enemy, just as they tend to indicate America again to-day. Now the policy of the British Admiralty is simplicity itself. It is to maintain a navy, with the requisite fortified harbors and bases, of such strength as to be able to overbear any rival. * * * It must be realized that the Board of Admiralty is normally able to force its will upon any British government.

In recent years it forced its own shipbuilding policy upon the reluctant government of Ramsay MacDonald, the first socialist government in England. The Board of Admiralty knows not party politics; and when an overwhelming conservative majority, under Mr. Baldwin, took the place of the labor government, it coerced that government in council and inflicted a defeat on the Chancellor of the Exchequer, Mr. Winston Churchill, the most powerful individual minister in British political life, in the cabinet councils.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. In just a minute.

Again, on page 120, it is said:

Military tournaments, naval reviews, parades of troops, are becoming popular again in England. The annual aerial pageant, staged by the air force near London, is becoming a great national festival. It always winds up with a mimic battle in which dummy towns are blown to pieces by real bombs dropped by war airplanes. This part of the spectacle is the most popular with the crowds. True, there have been a few cinematograph films showing the horrors of war, and one film advertising the League of Nations. But they are not so popular as frankly propagandist films produced in England with the assistance of the British War Office and Admiralty glorifying war. Whilst British statesmen prate of peace £115,000,000 a year, far more than the taxpayers can afford, is spent on armaments.

I might take the time of the Senate to read equally significant statements from our own country, from the press, even from

some of the speeches in the Senate. We are repeating the arguments and reasserting the surmises of the old days before the World War.

To my mind the reason for this disturbance, for this uneasiness, and for this appeal which is being made successfully is the conditions with reference to sea law, or maritime law. When the great World War closed there was no such thing as a rule or a principle of law to guide and control the use and operation of commerce on the seas. That is the condition of affairs to-day. If a ship engaged in commerce puts out from one of our ports it has no assurance, if war breaks out anywhere, that the ship will not be intercepted or that it will not be dealt with under the rules of dominancy of the sea, and regardless of what the rights of a neutral ought to be. The legitimate foreign commerce of all nations has no protection other than that of force.

This is the one thing which enables those who are interested in building great navies to argue with success the necessity of a great navy. If there is no rule to govern the use of the seas save the rule of force, necessarily those who are engaged in commerce will look to their governments for protection based upon force, and the governments will necessarily supply it. Theories and plans for peace will give way before the demand of vast interests for protection, and the question is, Can that protection be given by law or must it depend alone upon navies? I want to try the protection of law.

Mr. EDGE. Mr. President, before the Senator started to discuss the subject matter of his amendment he made the statement, as I caught it, that he believed this legislation was the forerunner of a race between the nations for naval supremacy. I wanted to ask him how he believes it possible for the countries to engage in a race for naval supremacy when, as I understand the pending bill, we are providing for ships well under the maximum provided by the only successful disarmament conference the world has ever known, the one in Washington in 1920.

Mr. BORAH. That will end in 1931, and of course this is simply a preliminary to what will transpire, if some understanding is not reached for the removal of those things which seem to make large navies necessary. The Senator must admit that if there is no understanding with reference to the use of the sea by neutral ships for commerce, no law governing it, and if the protection to which they are entitled depends entirely upon navies, navies will be increased from time to time in accordance with the demands of those who are using the sea, for the protection of the commerce of the countries. It is my belief that while all obstacles can not be removed, and all controversies can not be put at ease, a vast amount may be done by a complete agreement as to the rights of neutrals in the use of the sea. I feel that we ought, not in the spirit of antagonism but in a spirit of friendliness, seek an agreement with the great naval powers on this question of maritime law.

Mr. EDGE. Mr. President, if the Senator will yield further, I have not indicated any opposition to the Senator's amendment. As far as I understand it, I can see no objection to having a clear definition of the law of the sea as proposed. I simply reverted to the statement the Senator had made in opening his discussion, that there was plain indication of a race for naval supremacy between the nations of the world, and in asking the question how that can be, with the limitations so clearly fixed by the only successful disarmament conference ever held, unless in some future conference, perhaps the one in 1931, as it is automatically to be called under the terms of the Washington conference, such increase should be permitted. At the present moment the increase is not permitted, and in 1931 we will sit around the table just the same as every other nation, I presume, and sincerely hope and trust against further increases, and, if possible, I certainly hope it will be that there will be further decreases.

Mr. BORAH. Mr. President, we are not building these 15 cruisers merely in order that we may comply with the treaty which we made. That has not been the basis of discussion. Nobody has referred to it. The discussion has been over the question, What is the size of England's Navy? Parity! The burden of every argument about cruisers is this—England has more than we have.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. There is no limitation imposed, as yet, on the construction of cruisers by agreement between nations.

Mr. BORAH. No. That is correct.

Mr. EDGE. That is true.

Mr. HALE. The Senator surely does not think we are trying to get a navy superior to that of England, does he?

Mr. BORAH. Yes; I do think so; but not by this bill. But that is the ultimate aim. What was the $800,000,000 proposed for?

Mr. HALE. Not by this bill, certainly.

Mr. BORAH. Let me make my position plain. If we can not have an agreement with reference to the use of the sea, if our commerce depends for its protection entirely upon our Navy, if England stays with the proposition that she proposes to dominate the sea, we will build a navy superior to England's undoubtedly. In my judgment, it is just as inevitable as time. If there can not be an agreement as to disarmament and an agreement with reference to the rights of neutrals, the United States will go forward until she will build a navy which will prevent interference with the commerce of the United States, in case any nation sees fit to undertake to interfere with it.

Mr. HALE. And the Senator thinks that we should not do that?

Mr. BORAH. I think we should, if that happens; but I think, in the first place, before we do that, and before we start on a naval race, we ought to make every effort possible, first, to bring about a complete understanding with the naval powers with reference to naval building; and, secondly, a complete understanding with reference to the freedom of the seas. If it is impossible to have an understanding with reference to the freedom of the seas, if it is impossible to have an understanding with reference to the size of navies, then, if it is for the protection of our commerce, we will undoubtedly build what we think is necessary to protect our commerce, and all the arguments in the world will not militate against the prime necessity of the United States protecting her commerce. We may protect it without building a navy, and I hope we can, but if we can not, we will undoubtedly build a navy. Let us try in every honorable way to avoid that program.

Mr. HALE. Mr. President, does not the Senator think that we would be in a better position to get such an agreement if we showed that we were strong?

Mr. BORAH. They know we are strong. There is no doubt in their minds that we are strong.

Mr. HALE. Yes; but just now we do not happen to be strong in the particular class of ships covered by this bill.

Mr. BORAH. If the Senator will strike out of this bill the time limit, so as to give the negotiating power complete freedom to negotiate during the coming year or two with reference to disarmament and the freedom of the seas, I will cease my discussion, and vote for the bill.

Mr. HALE. Does the Senator think we could get further with paper ships than with ships that are under actual construction?

Mr. BORAH. I think we could. I think that if we had the authority to build 15 ships, or more or less, whatever we thought was necessary, and if the negotiating power had that authority behind him, he could negotiate just as successfully as if we had started building the ships.

Mr. HALE. Why does the Senator think so?

Mr. BORAH. I think so for a number of reasons.

Mr. HALE. I can not conceive what they can be.

Mr. BORAH. There are a great many people who take a different view of it. But I think we can so proceed as to possibly secure what we desire without spending so much of the overburdoned taxpayers' money.

Mr. HALE. Does not the Senator think that Great Britain would rather have the status quo maintained, as far as freedom of the seas is concerned, as long as she has naval supremacy?

Mr. BORAH. I presume that is true, if that was all there was to it.

Mr. HALE. The Senator thinks that?

Mr. BORAH. I presume that is true, yes; if everything could stop there.

Mr. HALE. Then does the Senator think that England would be in any great hurry to enter into an agreement that would change that state of affairs?

Mr. BORAH. I think that the United States, with our strength and our capacity to do what will be necessary if no agreement is reached, can afford to be patient and considerate in her first efforts to secure an agreement. I believe we should make all reasonable sacrifice to avoid a great naval race.

Mr. HALE. Is there any better way we could show that than by going ahead and building ships?

Mr. BORAH. While we are conducting these negotiations I want to save the taxpayer, if it is possible to do so. I do not want to have the Government build 15 cruisers if it is not necessary to do so. In my judgment—and the Senator knows it is the judgment also of the administration, and I presume they are in a position to know as much about it as we are—with

this bill passed and the time limit taken out the President of the United States would be in a position to effectuate results as fully and completely as if we were building the ships, and in the meantime we would not have been to the expense of building them.

Mr. HALE. Does not the Senator think that if the time limit were taken out the President would still go ahead with the construction of the ships at the present time?

Mr. BORAH. No. If I thought so I would not ask to have it taken out. I believe the President would like to save this expenditure.

Mr. HALE. The Senator does not think so?

Mr. BORAH. No. I think he would seek first an agreement.

Mr. HALE. In spite of the stress the President has laid upon the importance of having not paper ships but ships?

Mr. BORAH. The President has said that he would like to see the time limit taken out.

Mr. HALE. Yes; the President has said that, and that has always been the President's view with regard to building cruisers. We had that question up before in connection with the matter of building the last three of the eight cruisers provided several years ago. The President took the same view then, and the Congress took the view that we were the ones to provide and maintain a Navy, and we did appropriate for the ships.

Mr. EDGE. Just one more question, Mr. President. Is it not well to consider the future in the light of our experience in the past? As I recall, when the successful disarmament conference was held in 1920, discussing the limitation of battleships, the position of the United States was one of having a larger number of ships of that character than other nations, or being stronger, and it seemed to have a very decided effect upon our ability to secure disarmament agreements, so far as they refer to those ships.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. The Senator from New Jersey is repeatedly referring to the great results of the Washington conference. When one analyzes the results of the conference, he must reach the conclusion that it merely postponed the real issues underlying the question of naval disarmament.

Mr. EDGE. The Senator admits that it made some headway, does he not?

Mr. ROBINSON of Arkansas. It is true that the United States made a great sacrifice. We destroyed a large number of first-class battleships in process of construction, and the competition in the building of other destructive war vessels, at least as far as other naval powers were concerned, went right ahead. What is the use of limiting one class of ships and leaving other classes of ships unlimited? What is the advantage to the United States in pursuing that system of limitation, particularly when it is made to apply to those vessels of greatest interest and value to the United States?

I say that a study of the results of the Washington conference, and the history of events subsequent to that conference, will convince one that he is not justified in boasting that the conference accomplished great results.

Mr. BORAH. Mr. President, as I said in my opening remarks, there are two sides to this question of preparedness. The only phase of it that the Senator from New Jersey and the Senator from Maine are willing to think about is that of building ships. I want security for our commerce but I feel that much may be done to enjoy that security aside from building cruisers. I feel, too, that we are under the highest obligation to protect the American taxpayer.

There is another side to this question aside from battleships, and I think I might read a paragraph from President Coolidge's message which I believe states it adequately. He said:

> The one weak place in the whole line [of our defense] is our still stupendous war debt. In any modern campaign dollars are the shock troops. With a depleted treasury in the rear no army can maintain itself in the field. A country loaded with debt is a country having no first-line defense. Economy is the handmaid of preparedness. If we wish to be able to defend ourselves to the full extent of our power in the future we shall decide as soon as possible to finish payment for the last war, otherwise we would face a crisis with a part of our capital resources already expended.

When we are building navies and organizing armies there is the other side of the question, and that is the extent to which we are depleting our economic power. Modern wars are wars of the people. They are no longer conflicts between armies and navies. They are conflicts between nations and peoples, and every element of national strength and every ingredient of strong and wholesome nationals are involved in wars in these days. The citizen and not the soldier is the true measure of the nation's strength in war as well as in peace. The economic and financial power of a nation will ultimately determine the question of victory. We should consider, when we are considering building programs, the question of our debt, of our taxes, of our economic strength, and of our financial power. Therefore, any program that postpones to a reasonable time the expenditure of money until we can know whether agreements can be had which remove the necessity of the expenditure seems to me a reasonable program of preparedness. It seems to me just and fair to those upon whom the burden of building falls.

It is for that reason that it has seemed to me we could very well afford to say that we will cut out the time limit in the bill and that we will then propose during the coming year a plan with reference to disarmament and a plan with reference to establishing the rights of neutrals at sea. If we are unable to secure it, having exhausted our means to bring it about and done the best we may to secure it, then we will know what our duty is and we will be prepared to discharge it. But before undertaking it, it is not only prudence but it is justice to the American people and the taxpayers, before we start upon that building program, to exhaust every means to avoid it.

Before we start upon this naval race, the consequences of which no mortal can foresee and few would be bold enough to prophesy, we should seek in all proper ways to avoid it, to minimize its extent, to remove as nearly as may be any justification for it. The great contributing cause is that nations must now carry their trade across the lawless ocean. That which God in His wisdom and mercy designed for the benefit of all, man would dedicate to the strong only. Here is the wicked incentive. We should lead out in removing it. Let us seek to shield our people from the unspeakable curse of a naval competitive race between the two branches of the English-speaking peoples. For myself, I want our Government and our people to stand before the bar of public opinion when its judgment shall in the future be rendered upon the result of the doings of these days, clean of every fault, free from connivance or negligence. If our people are to be burdened with more and yet more taxes and the whole world be menaced with another conflict springing from commercial rivalry, if the worst is to come, I want this country to enter no plea of confession and avoidance. I want it to be able to declare, "Not guilty"; to assert and to prove that it is free from every sinister purpose, every willful act. I would seek an understanding, first, with the leading nations, and, next, with all nations, reduce that understanding to the terms of treaties to the effect that those who would use the ocean for legitimate commerce and trade, for peaceful pursuits, come not behind, not subsequent, not subordinate, but prior to and ahead of those who would use it for war. I would assume that all nations would be willing to make such treaties. But if they are not, if such an understanding can not be reached, if the ocean is to be a place of lawlessness and force, then we shall know our task and understand how to meet it.

The Senator from New Jersey [Mr. EDGE] thinks because we are within the limits of the treaty, although the treaty does not cover this particular ship, but within its spirit we will say, that therefore we are not engaging in a naval race. If the Senator will go back and refresh his recollection with reference to the controversy between Germany and England from 1900 to 1914, and the constant assertions upon the floor of the House of Parliament and in the Reichstag of Germany that there was no naval race, that the relations of the governments were friendly, that there was no intention of building against each other, he will not be misled by these superficial statements or these surface indications. The fact is that in the discussions in the press, in the discussions upon the floor and everywhere else, we discuss our Navy in comparison with the size of the English Navy.

Mr. EDGE. The Senator will surely admit that there is some difference between the situation existing to-day, or since 1920, with some degree of agreement as to disarmament, and the situation existing between 1904 and 1914 when the World War commenced. Certainly we have made some headway. I agree with the Senator from Arkansas [Mr. ROBINSON] that we did not get as far as a large majority of the people, perhaps, would have had the conference go. Nevertheless we made a start, even though at a sacrifice to the American Navy; and certainly that condition did not exist from 1904 to 1914.

Mr. BORAH. Those conditions are not, in my judgment, going to affect the final result. I think that the naval disarmament conference to which the Senator refers did some good, and I have no doubt that those in charge of it did the best they could under the circumstances. But when they avoided entirely

the question of undertaking to adjust the rights of neutrals at sea, they left the thing about which we have been thinking and around which we have been organizing ever since.

What was it at Geneva that constantly disturbed the minds of the conferees and prevented them coming together? It was not the difference merely between 8-inch guns and 6-inch guns. It was the question of how they could protect their respective commerce at sea, one of them believing that it could be accomplished this way and another believing it could be better done in that way, but both of them thinking all the time about that which they did not dare to speak, and that was the question of what were the rights of those who want to engage in legitimate commerce when war breaks out. I am not one of those who believe there is any danger of Great Britain attacking deliberately the United States. I know that there is no danger of the United States deliberately attacking Great Britain.

But suppose Great Britain gets into war with any country, what becomes of our commerce under the conditions which now prevail at sea? It is not that we expect a direct conflict between the nations or an aggressive attack in one form or the other, but it is the condition which we leave open so that the moment war breaks anywhere our commerce is solely at the mercy of our ships, because there is no right of law and no rule by which they may be guided.

I want to go back for a moment. Benjamin Franklin as far back as 1783 undertook to have this written into our treaty of peace:

> All merchants or traders with their unarmed vessels employed in commerce, exchanging the products of different nations and thereby rendering the necessary convenience and comforts of human life more easy to obtain and more general, shall be allowed to pass freely unmolested.

That is the essential, indispensable element of maritime law, if we are going to avoid a naval race. If Great Britain and the United States and the naval powers are not willing to say that legitimate commerce, commerce engaged in carrying the products of the farm and of the manufacturers, can be carried the same in time of war as in time of peace, we may rest assured that nations like Great Britain and the United States, which have such stupendous commerce, will build navies necessary to protect their commerce in time of war. There is no limit to that building. When we think of the amount of damage which five or six little armed vessels of Germany did to the commerce of the world during the World War, and then undertake to build a Navy sufficient to protect our commerce, there is practically no limit to which the building may go.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. And we have not effected a very complete limitation of armament when we leave submarines, torpedo boats, cruisers, and all other classes of war vessels, surface and subsea, wholly unrestricted, save first-class battleships.

Mr. BORAH. The Senator is quite right.

Mr. ROBINSON of Arkansas. I can not understand, if the Senator will permit me to continue for just a moment, how anyone can think that the Washington conference accomplished any great and substantial benefit to the United States by reason of the fact that we threw upon the scrap heap or destroyed a large number of first-class ships on the theory that we were securing a limitation of naval armament, when the conference left the cheaper and more destructive forms of battleships wholly unlimited.

Mr. BORAH. Mr. President, permit me to read another statement. This is no new doctrine which I am advocating. Jefferson said:

> Reason and usage have established that when two nations go to war those who choose to live in peace retain their natural right to pursue their agricultural, manufacturing, and other ordinary vocations, to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual.

President Wilson in his address to the Congress in 1917 said:

> The paths of the sea must alike in law and in fact be free. The freedom of the seas is the sine qua non of peace, equality, and cooperation. No doubt a somewhat radical reconsideration of many of the rules of international practice hitherto thought to be established may be necessary in order to make the seas indeed free and common in practically all circumstances for the use of mankind, but the motive for such changes is convincing and compelling. There can be no trust or intimacy between the peoples of the world without them.

The sea belongs to all nations. It belongs to no one nation. It is a common of all people, and the idea which has grown up during the last centuries that any partciular power can dominate the sea and control it in time of war is so utterly at variance with all ideas of right and justice in the use of this great common that the time has come when we ought to ask the nations to come together and put aside the doctrine of those old days.

> The free, constant, unthreatened intercourse of nations is an essential part of the process of peace and of development. It need not be difficult either to define or to secure the freedom of the seas if the governments of the world sincerely desire to come to an agreement concerning it. It is a problem closely connected with the limitation of naval armaments and the cooperation of the navies of the world in keeping the seas at once free and safe.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. GLASS. I simply want to get the Senator's definition of the term "freedom of the seas." Great Britain professed during the peace conference never to have understood precisely what Mr. Wilson meant by "freedom of the seas." Does the Senator think that the term precludes the right of blockade during war?

Mr. BORAH. My idea of freedom of the seas is that it is the right of neutral nations to carry their commerce as freely in time of war as in time of peace except when they carry actual munitions of war or when they actually seek to break a blockade. But the blockade must be a blockade sufficient to prevent the passage of ships and not merely a paper blockade. But as to all legitimate commerce, outside of the actual munitions of war and outside of speeding to a particular port where it is blockaded, there ought not to be any interference with the neutral powers. A minimum of belligerent rights and a maximum of neutral rights.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. FESS. In exercising the right to search a vessel for contraband the freedom of the seas is, I think, violated by enlarging on the list of contraband articles during the war.

Mr. BORAH. The idea of making anything contraband that the dominant sea power wishes to make contraband is obnoxious to the idea of the freedom of the seas.

Mr. FESS. That is precisely the point I was raising.

Mr. BORAH. I am speaking now of the right to carry everything in legitimate commerce except actual munitions of war, and that is the only definition of the freedom of the seas, in my judgment, that will ever be satisfactory.

Mr. FESS. And that was one of the rights which was constantly violated during the World War, as to which we protested time and again.

Mr. GLASS. Yes; and then we proceeded to engage in the same violations after we entered the war.

Mr. FESS. That is probably so.

Mr. BORAH. Yes; we did; and, of course, Mr. President, if the question of the freedom of the seas shall never be settled we always shall.

Mr. NEELY. Mr. President, will the Senator from Idaho yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. BORAH. I yield.

Mr. NEELY. The eulogy of the senior Senator from New Jersey [Mr. EDGE] upon the Limitation of Armament Conference and the comments by the senior Senator from Arkansas [Mr. ROBINSON] upon the same conference, impel me to inquire of the able Senator from Idaho if he will not state the relative naval strength of Great Britain and the United States immediately before the Limitation of Armament Conference and at the present time?

Mr. BORAH. No; I am unable to state that with accuracy.

Mr. NEELY. Can the Senator from Idaho inform us of the value, first, as a fighting force, and then in dollars and cents, of the ships that the United States destroyed as a result of the limitation of armament conference?

Mr. BORAH. No; I can not.

Mr. NEELY. Would the Senator from Maine [Mr. HALE] or the Senator from New Jersey [Mr. EDGE] supply that information to me?

Mr. BORAH. Will not the senior Senator from West Virginia permit me to go ahead with the subject, and when those Senators discuss the bill, perhaps, he can get the information he desires from them?

Mr. NEELY. Very well; I do not want to divert the Senator.

Mr. BORAH. Mr. President, here is the situation as it is still contended for by Great Britain. I ought to say prelimi-

narily that the conditions under which the British Empire has been built up might justify in former times the contention which Great Britain has always made. But under present conditions that doctrine can not stand against the cause of peace and the right of those who want peace. I am not citing these matters for the purpose of attack, but I am calling attention to a situation that must be remedied if these two great English-speaking nations are to dwell in anything like proper relations toward each other. I hold in my hand a book which has been just published entitled "Freedom of the Seas," by an English writer, who says:

For whenever the pinch has come British sea power has made short work of rights of neutrals or the responsibilities of belligerents.

That is true. The minute war breaks anywhere, and the dominant sea power enters it, or becomes involved, it makes short work of the rights of neutrals; in other words, all the legitimate pursuits upon the sea must give way to the dominancy of the sea power which may be involved.

The Premier of England during the war said as to England:

We are not going to allow our efforts to be strangled in a network of judicial niceties. * * * Under existing conditions there is no form of economic pressure to which we do not consider ourselves entitled to resort.

A short time ago a debate took place in the House of Lords in which this matter was discussed at length, and some of the statements made by Lord Wemyss might well serve as the basis for the United States building an unlimited navy. If the doctrine which is here pronounced represents the views of the English Government, and the English Government is going to contend for that doctrine in the future, in my judgment, much as I should dread to see it, because I would regard a naval race as second only in disaster to a war, there is no way to prevent the United States, and I do not suppose anyone would undertake to prevent the United States, building a Navy sufficient to protect itself against such doctrine. Lord Wemyss says:

So long as our fleet is unhampered by diplomatic restrictions—

He was speaking then particularly of the Paris agreement of 1856.

So long as our fleet is unhampered by diplomatic restrictions this country is able on account of its peculiar conditions, the result of geographical position, to wage war in a manner which has been denied, either entirely or in a very large measure, to other nations—a manner which is swifter, surer, less destructive, and far less costly in the expenditure of either life or treasure than ever can be the case with war waged on land—at sea, by cutting off our enemy's supplies and refusing to him the use of those resources which alone make it possible for him to continue to wage war at all.

In other words, the moment war breaks all neutral nations must remain away from that region of the world in which Great Britain thinks it is inimical to her interest to have them.

What very few Englishmen understand is that our fleet, in common with all fleets, is possessed of a power other than that derived from its weapons, its guns and torpedoes, a power without which it would be unable to achieve its aim. I refer to the immemorial right of all belligerents to suppress entirely upon the sea all of those resources and supplies of the enemy upon which his continued resistance must always chiefly depend. It is not a self-arrogated right. It derives its existence neither from government nor from parliament but from an ancient, historic, and universally acknowledged rule of the law of nations, that international law which for centuries has by common consent regulated the actions of the civilized countries in their dealings with one another, especially in the matter of maritime war.

Up to the year 1856 a belligerent's rights in this respect were entirely unrestrained—that is to say, that he was empowered by this rule of the law of nations to seize, to confiscate for his own use, all his enemy's goods, whatever their nature, wherever they might be found, under whatever flag they might be found, with, of course, always due compensation to an innocent neutral carrier. It was a right which, from the very nature of things, could be fully exercised only by the belligerent which held the command of the seas. But the command of the seas is for this country essential.

That is to say, without the command of the seas they could not continue to wage war.

Mr. CARAWAY. Mr. President, will the Senator tell us when that declaration was made?

Mr. BORAH. It was made on the 10th of November, 1927. With all proper respect to the learned gentleman who made use of the term "command of the seas," I undertake to say, Mr. President, that that term has become obsolete or, if not obsolete, obsolescent. No nation is going to be permitted to enjoy the "command of the seas." The United States will not consent to its commerce being subject to the whim of some other power; and, in my opinion, Great Britain herself will soon be able to see that the old theory of the "command of the seas" will work to her detriment quite as much as that of any other nation. Suppose the submarine warfare had been carried just a little further than it was during the World War; the only salvation for England would have been the right of neutrals to carry food to her people. The conditions of warfare have so changed that neutral rights may be as essential to the preservation of England as the command of the seas was at one time.

Therein is to be found the reason for all those attempts which from time to time have been made to suppress those rights—

That is, belligerents' rights—

not by denying their necessity or impugning their legality—for of that there has never been, and can not be, any question—but by trying to get us to renounce them, either by threat or by persuasion or by means of negotiations with the promise of some imaginary return that might be of some use to us.

This is an illuminating paragraph.

A wavering neutral is all the more likely to favor in the end the British Empire successfully waging war with a full offensive force, than a British Empire hesitating and showing weakness, for it is strength and not weakness which attracts neutrals as was proven by the late war.

In other words, the dominancy of the sea or the command of the sea or the right of belligerents to destroy neutral commerce may not only be used for the purpose of defeating the actual enemy, but of forcing other nations to join with the dominant sea power for the purpose of bringing that about; and we all know how effectively that power was used during the war.

So, Mr. President, while we are considering this bill we really have in our minds the sole question of how we are going to protect our commerce. I do not think many think of the use of the Navy in any other light. I do not suppose for a moment that we expect, as I said a moment ago, a direct attack, but we do have this stupendous commerce scattered all over the world, and it is an essential part of our national life. It has been said that Great Britain would perish without her foreign commerce. The United States, if it should not actually perish, would suffer to such an extent without its foreign commerce that the American people would not for a moment abide by the result, but whether it is more acute and more direct in the case of the one or the other makes very little difference, because the moving, controling question is how to protect our commerce against the inroads of those who may be engaged in war. To protect commerce is to protect national life.

Mr. WATSON. Mr. President, would it interrupt the thread of the Senator's argument if I should ask him a question?

Mr. BORAH. No.

Mr. WATSON. The Senator has made two or three very significant statements. The first is that the old doctrine, if it may be called such, of the command of the sea, is either obsolete or obsolescent, and that the United States will not tolerate either Great Britain or any other nation having command of the sea in the future. I ask the Senator, in order that I may get his view, how are we to prevent that thing happening except by adequate preparedness on the sea?

Mr. BORAH. I presume the Senator was not in the Chamber a few moments ago.

Mr. WATSON. No; I was called out.

Mr. BORAH. In the first place, I would postpone the actual building of additional ships for the Navy until I could be absolutely satisfied, first, that there could be no agreement between Great Britain and Japan and the United States and the other naval powers with reference to the size of the respective navies; and, secondly, that there could be no agreement with reference to the rights of neutrals at sea. I would bend our energies to bring about those things. And I would proceed with such clarity and certainty of purpose that a failure to secure an understanding would and could be regarded as final and therefore a challenge for us to proceed.

I do not think the danger is so immediate and imminent as to necessitate any action other than an honest effort to come to an understanding with those nations.

Mr. WATSON. How, then, does the Senator construe the Geneva conference?

Mr. BORAH. As I said a moment ago, the thing that troubled the conferees in the Geneva conference was the question of commerce, just as I am speaking of it here.

Mr. WATSON. Certainly.

Mr. BORAH. We avoided the discussion of this matter at the disarmament conference in 1921—that is, the discussion of the rights of neutrals. We avoided a discussion of it at Geneva, and yet, in my opinion, the reason why we were unable

to get any limitation upon cruisers and submarines at the disarmament conference in 1921, and the reason why the Geneva conference failed, was because of the fact that they had no understanding with each other as to the right to the use of the sea. What both countries and all countries were seeking to do was to protect their commerce. That is what they had in mind. The method of protecting it by an agreement or understanding as to the rights of neutrals was not undertaken at either place. Great Britain thought she could protect her commerce by her 6-inch guns. She has her coaling stations and her naval bases scattered all over the world. She can coal where we can not.

Mr. WATSON. That is true.

Mr. BORAH. She does not need the size of cruiser that we do, or the size of guns that we do.

Mr. WATSON. That is true.

Mr. BORAH. But she had in mind protection of her commerce. It was not a question of the difference in the size of the guns, except as those guns are applied to the protection of the commerce of the country. When we came to consider our guns we again considered what was necessary to protect our commerce. There was no rule, no law, no guide for the protection of it. Both of them were thinking of their commerce. What I say is, let us make a determined effort to come to an understanding, first, upon this question of the freedom of the seas, and, secondly, as to the use of the Navy under those conditions.

If we can not reach an understanding—and we can well afford to be patient; we can well afford to bide our time; we can well afford to make any reasonable sacrifice to bring it about—then, if we can not get it, we shall know our duty and we will be prepared to discharge it.

Mr. WATSON. Mr. President, does the Senator really believe that the fact that Great Britain had more cruisers than we had, and would have been compelled to scrap some in order to come down to a common basis, had nothing to do with the outcome of the Geneva conference?

Mr. BORAH. I think the basic proposition was the question of protecting the commerce of the respective countries. Great Britain did not expect any deliberate attack from the United States that she would ever have to use her cruisers to repel.

Mr. WATSON. That is quite true; but at the conference in Washington she was entirely willing that we should scrap capital ships; in fact, she depended upon us to do that, she scrapping practically none and we hundreds of millions of dollars' worth, because at that time we were first in that kind of naval construction. At the Geneva conference she was first in cruiser construction. Is not that true?

Mr. BORAH. Yes.

Mr. WATSON. She would have been called on to make a great sacrifice as compared to anything we would have been called on to make, and she did not choose to do it and declined to enter into an agreement to do it. Is not that true, I ask my friend?

Mr. BORAH. Yes; I think that entered into the matter; but what was the moving power behind all of it?

Mr. WATSON. A desire to protect commerce.

Mr. BORAH. Exactly. If we can protect commerce in a different way than that of building cruisers, is not the Senator in favor of doing it?

Mr. WATSON. Why, yes; if there be any way to do it; but I do not know how it can be done unless we adequately prepare and let the world know that we intend adequately to prepare, just as they are doing. The Senator well knows, as well as anybody in the world, that both in letter and in spirit they violated the terms of the 1921 disarmament conference and we did not.

Mr. BORAH. No; I do not admit that. I do not feel that Great Britain has violated that treaty.

Mr. WATSON. And even after they entered into the Kellogg peace pact they paid no attention to it. They have gone on building since that time, regardless of the fact that they were entering into that pact.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. ROBINSON of Arkansas. The Senator from Indiana has made a very important statement. In what respect did the other parties to the Washington conference violate the agreement as to limitation of armaments?

Mr. WATSON. The Senator well knows what England proceeded to do after that agreement was entered into. It has all been set forth here. I have not the figures. They violated it, in spirit only, in this respect——

Mr. ROBINSON of Arkansas. Oh, well, now, wait just a minute.

Mr. WATSON. No; I want to answer the Senator's question.

Mr. ROBINSON of Arkansas. All right.

Mr. WATSON. In this respect only: We agreed to scrap to the basis of 5–5–3 with England and Japan. That is correct; is it not?

Mr. ROBINSON of Arkansas. No; we agreed to scrap——

Mr. WATSON. On capital ships.

Mr. ROBINSON of Arkansas. We agreed as to capital ships, battleships, first-class battleships.

Mr. WATSON. Yes; and aircraft carriers.

Mr. ROBINSON of Arkansas. Yes.

Mr. WATSON. We did come down to that common basis. There was no agreement as to cruisers.

Mr. ROBINSON of Arkansas. No.

Mr. WATSON. But they immediately started out to build cruisers on a great scale.

Mr. ROBINSON of Arkansas. Very well. There being no agreement as to cruisers, how can the Senator say that the building of cruisers by a party to the Washington conference was in violation of the agreement entered into there?

Mr. WATSON. In spirit.

Mr. ROBINSON of Arkansas. I do not think that statement is warranted. It is an important statement that the Senator has made.

Mr. WATSON. I think it is entirely warranted. In other words, my idea is that they took advantage of a situation in a manner in which they were not warranted in taking advantage of it.

Mr. ROBINSON of Arkansas. The Senator well remembers that there was a positive refusal upon the part of some of the parties to the Washington conference to enter into any agreement limiting cruisers or submarines and some other classes of vessels.

Mr. WATSON. That is quite true; but was there a single soul who attended the Washington conference who believed, or did the honorable Senator from Arkansas himself believe, at the time that conference was held, that growing out of that conference—animated, as it was, by a spirit of disarmament and of complete fairness on the part of all nations—England would immediately begin to build largely of cruisers, even though cruisers had not been mentioned in the contract?

Mr. SHORTRIDGE. Destroying the parity of 5–5–3; that is the point.

Mr. ROBINSON of Arkansas. Mr. President, having refused to enter into any agreement respecting the limitation of other than first-class battleships, having expressly declined to make a contract with respect to cruisers, I can not say that it was a violation of the terms of the Washington conference, either in letter or in spirit, for the parties to that conference to proceed with the construction of vessels which they had declined to limit in the conference. It is a queer process of reasoning that prompts the Senator from Indiana to conclude that having thrashed the matter out in the conference, and having failed or refused to enter into any agreement respecting the limitation of these other vessels, anyone might not have anticipated that the logical result would be the building of those vessels not limited.

The effect of the conference was that we were first in sea power by virtue of the battleships we then had and those that we had under process of construction. When we destroyed them, we assumed a subordinate position in that particular.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator yield to the Senator from California?

Mr. ROBINSON of Arkansas. I have not the floor. The Senator from Idaho has the floor. I shall be glad to answer the question if I can.

Mr. BORAH. I yield.

Mr. SHORTRIDGE. Was not the dominant, controlling thought and purpose of the agreement arrived at to preserve a certain relative strength of the three navies, namely, 5, 5, and 3? And while it is quite true that there was no specific agreement as to certain types of war vessels or war instruments, was not the spirit of the conference and the agreement to keep and maintain the relative naval strength at 5, 5, and 3?

I gathered that that was the idea of the Senator from Indiana.

Mr. WATSON. Precisely; entirely.

Mr. ROBINSON of Arkansas. In answer to the Senator's question, I do not think that any person can say truthfully or accurately that the effect of that conference was to impose the ratio of 5–5–3 on any other class of naval construction than that pertaining to first-class battleships; and the fact that the conference refused to enter into any such agreement is a sufficient answer to the Senator's question. They expressly limited first-class battleships and they declined to limit cruisers; and anyone with a reasonable knowledge of history might have anticipated that there would occur just what did happen.

We entered the conference with a greater sea power than perhaps any other nation, due largely to our supremacy in first-class battleships. We emerged from it in a subordinate position. There is not any doubt in my mind about that.

Mr. WATSON. That is entirely right.

Mr. ROBINSON of Arkansas. I do not think it is promotive of a proper understanding of this subject to insist that bad faith was displayed on the part of any party to that conference by pursuing a policy of naval construction with respect to ships that were not limited by that conference, particularly in view of the fact that no agreement was entered into in the conference after the whole subject had been discussed at great length. I think anyone might have anticipated that Great Britain would build cruisers, that Japan would build cruisers, and that by virtue of the conference the only limitation that would result would be in the ships in which the United States stood first.

Mr. BORAH. Mr. President, I think the very fact that they refused to be limited indicated what they were going to do.

Mr. ROBINSON of Arkansas. That is exactly the view I am taking and expressing; and I can not understand how anyone can express great disappointment at the building of cruisers by Great Britain in view of the fact that she refused to enter into any agreement to limit them.

Mr. SHORTRIDGE. I have expressed no disappointment.

Mr. ROBINSON of Arkansas. The Senator from Indiana has.

Mr. WATSON. As far as the letter of the agreement is concerned, they lived up to it.

Mr. ROBINSON of Arkansas. Yes.

Mr. WATSON. But so far as the spirit was concerned, which was one of disarmament and one of coming down on the sea to the parity of 5-5-3, I do not think Great Britain did live up to it.

Mr. GLASS. Does the Senator think, if I may inquire, that France has been guilty of bad faith because she has persisted in building submarines, when she expressly declined to permit submarines to be regarded as——

Mr. WATSON. If nations are to act in absolute good faith——

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. WATSON. Pardon me. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. WATSON. I obey the commands of the Chair. If nations are to act in absolute good faith, if nations come together with an agreement to disarm, and they agree in terms as to disarmament and as to how far it shall be carried, and then if, after that, certain nations proceed to arm along other lines, I think their action is a violation of good faith and of the real spirit of a conference of that character, which is disarmament on the sea.

Mr. GLASS. Does the Senator think France has been guilty of bad faith in persisting in building submarines?

Mr. WATSON. She may not be from her viewpoint. She is from mine.

Mr. GLASS rose.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. Let us get back to the subject.

I want to read a concluding declaration from Lord Wemyss's address, which says:

That declaration—

The declaration of Paris—

is a mere declaration of intention; it is binding, of course, upon its signatories so long as they remain signatories, but there is no reason, moral or legal, why any of them should not retract from it at any time they like. If, therefore, it could be decided by the Government, and by them made known to all the world, that in any future war in which we might unhappily be engaged our fleet would be used with its full effective strength, as in the old days—

Prior to the declaration of 1856, when there was no restraint—

our power in the world would become once more what it was in the past—a naval, and not a military one, not only securing us against the necessity of ever again having to break forth into vast military operations, but securing also Europe in a large degree from the continuation or the extension of any military conflagration that may break out there.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. Just a minute, and I will.

Here, Mr. President, is the clear declaration that it is to the interest of Great Britain to recur to the times prior to 1856, when there were no supposed limits upon the power of belligerents, when it was under no obligation to respect the rights of neutrals; that if that can be the policy of Great Britain again, Great Britain is coming into her own in complete supremacy of the sea, as she enjoyed that supremacy in those days. I think there is no question which presents itself to this body and to this country so serious as that question, as presented by the debate in Parliament which I have just read, Great Britain contemplating, through its spokesmen, the policy of utterly disregarding all neutral rights.

That being true, Mr. President, is it not incumbent upon us, in justice to our own people, in justice to our taxpayers, in justice to the future peace of the world, to inquire if that is to be the policy, or if the very opposite may not be established as the policy, to wit, the complete recognition of the rights of neutrals at sea? Unless we can have that understanding, while I do not like to engage in prophecy, I venture the opinion that in 1931 the last vestige of the disarmament conference will be wiped out, and the two great nations will engage in building navies according to what they believe is necessary to protect their commerce. And if we come to building a Navy to protect commerce we must not only build against England, but we must build against any combination at sea that England can make; and if that were the case, the future to me would have nothing in store save that of a fearful burden of taxation upon the American people, and possibly in the end another cataclysm like that of 1914.

Mr. HALE. Mr. President, with the purpose of the Senator's resolution I am entirely in sympathy. I find, on looking over the records of the Naval Affairs Committee, under date of May 3, 1928, the following:

The committee then took up the proposed amendment submitted by Senator BORAH with regard to the restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea, etc. It was agreed that the proposed amendment be not added to the bill; but that should Senator BORAH offer the same on the floor of the Senate when the bill is before the Senate, the chairman be authorized to accept it.

I am entirely willing to accept the amendment offered by the Senator from Idaho. I must say, however, that I can not agree in any way with the reasoning of the Senator——

Mr. BORAH. The Senator will remember the old English chancellor who said on one occasion that "Your reasoning is d—— poor, but your conclusions are all right."

Mr. HALE. I say, Mr. President, that I can not understand the reasoning of the Senator when he says that if we take out the time limit we are going to be in a stronger position to force Great Britain and other countries to enter into an agreement about the rights of neutrals.

Mr. BORAH. Let us defer that for the present. I want to complete this matter.

Mr. HALE. I thought the Senator had finished.

Mr. BORAH. No; I have not finished; I have not had a chance to finish.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator for a question.

Mr. SHIPSTEAD. The Senator has mentioned the agreement of Paris of 1856. In Paris an agreement was reached determining the rights of neutrals. If I am not mistaken, that agreement was again entered into by the declaration of London of 1909.

Mr. BORAH. The declaration of London went much further. It undertook to define conditional and unconditional contraband, and went much further; but the declaration of London was never accepted by Great Britain.

Mr. HALE. Or any other government.

Mr. BORAH. So she was never bound by it; but the declaration of Paris was accepted by Great Britain. But the United States never accepted, though we were willing to accept it if private property should be free from seizure at sea.

Mr. SHIPSTEAD. Did not Great Britain accept the declaration of London?

Mr. BORAH. No; Great Britain did not accept the declaration of London.

Mr. SHIPSTEAD. I thought there was a great deal of discontent among certain of the English people, because the British Government had signed that treaty with the United States.

Mr. BORAH. It was thrown out in the House of Lords. It never became binding on Great Britain.

Let me read the declaration of Paris, which the learned gentleman was discussing here, in order that we may have before us just what he had in mind when he said that they ought not longer to be bound by it. The declaration of Paris provided:

1. Privateering is and remains abolished.

2. The neutral flag covers enemy's goods, with the exception of contraband of war.

3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

That was the declaration of Paris, which they find onerous and too restrictive at this time.

Mr. SHIPSTEAD. May I ask the Senator another question? During the last World War we heard a good deal about the command of the seas. Was there anything done by Great Britain at that time that was not done prior to 1856, so far as control of commerce at sea was concerned?

Mr. BORAH. No; I think Great Britain used the same means to effectuate her ends that she would have used had the declaration of Paris never been made.

Mr. SHIPSTEAD. In fact, she had command of the seas?

Mr. BORAH. Yes; exactly. I do not want to leave the English side of the discussion without saying that there is a tremendous sentiment in England in favor of the freedom of the seas. Whether it extends to the present Government or not, I do not know.

Mr. WATSON. Mr. President, will the Senator be kind enough to define what he means by the expression "freedom of the seas" from the English standpoint?

Mr. BORAH. I can not, from the English standpoint.

Mr. WATSON. The Senator says that there is a great deal of sentiment in England for freedom of the seas. What does that mean from the English standpoint?

Mr. BORAH. If I may use now that subdivision of sentiment in England to which I am referring, then by "freedom of the seas" they mean exactly what I am contending for; that is, the right to carry all commerce except actual munitions of war, and to break a blockade.

This article in the Nation, under date of December, 1928, states:

At the root of Anglo-American differences there lies the question of sea law in time of war. At present there are wide differences of opinion as to the rights of a belligerent to interfere with neutral commerce; and very serious friction arose with the United States in the early years of the late war over the rights which we claimed and the way in which we exercised them. To us the Americans seemed exasperatingly small minded in badgering us, when we were fighting for our existence, with the miserable commercial grievances of this citizen of Boston or that citizen of Chicago. To the Americans, we seemed to be exploiting the fact that American opinion was prevailingly pro-Ally, and therefore unwilling to press its protests to the last extremity, so as to prejudice neutral rights, which represented in their eyes an important principle. This experience bit more deeply into the American consciousness than we perhaps realize, and explains many subsequent Anglo-American misunderstandings.

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In an able article in Time and Tide, of December 9, Mr. Leonard Stein quotes certain passages from Mr. Gibson's concluding speech at the Coolidge conference, and draws the following conclusion:

"Reading between the lines, it is fairly clear that what lay behind American obstinacy on the question of the 8-inch guns was—at least in large measure—a fixed determination to challenge, in any future war at sea, the unlimited interference with neutral commerce, which was an essential feature of the British blockade of Germany."

This does not, in our opinion, overstate the case. If ever again we attempt to exercise belligerent rights at sea, whether in execution of the covenant or otherwise, we shall have to reckon with that "fixed determination," to which Mr. Stein refers. It would seem wiser on every ground to reckon with it in advance of any such contingency, by coming to a clear agreement with the United States and other powers on the definition of sea law.

But, however that may be, how near a thing it was that the blockade hurt Germany more than the submarine hurt us! Just a slight change in the relative effectiveness of submarine attack and anti-submarine measures and the weapon of economic pressure would have been turned against us. Is not this a warning? If we are the strongest naval power in Europe, we are also the people which is easily the most dependent on uninterrupted supplies from overseas. If we have the most to lose in the former capacity from a restriction of belligerent rights, in the latter capacity we have by far the most to gain. Whether we stand to gain or lose on balance depends on the technical conditions of the time, which change, as all history shows, with extreme rapidity, and which, as the portent of the submarine suggests, are changing now in a way which diminishes the importance of what we stand to lose and enhances the importance of what we stand to gain.

But that is not all. There is a big difference in kind between what we stand to lose and what we stand to gain. We stand to lose in the power to exert economic pressure on other peoples—a weapon of offence, and, if it ever operates effectively, a very cruel one. We stand to gain in the security of our own people from starvation. Is not this latter object one which we should rate higher than the former, even from a narrowly self-interested standpoint?

There are public discussions of this matter which lead me to believe that there is a very strong public sentiment in England against the dominancy of the sea, or the assumed dominancy of the sea, which England has heretofore undertaken to maintain. But whether the sentiment is there or not, it seems wise upon our part to ascertain whether the English Government proposes to retain the dominancy of the sea established over the sea during the World War, because at the close of the war neutral rights were utterly destroyed; and all efforts to reinstate them, or to rehabilitate them, or to have an understanding concerning them since the war have utterly failed.

If that continues, the proposal will not be 15 cruisers, it will be many more than 15 cruisers, and there will be perfect justification for the increase. The United States, with her tremendous commercial interests, which she must protect just the same as she protects the property of her citizens on land which is entitled to the protection of our country, the United States, with her vast and increasingly great commerce, will protect that commerce. If she can not do it by understanding, by agreement, by law, she will do it by the supremacy of her Navy.

Mr. BRUCE. Mr. President, I wish to ask the Senator from Idaho a question. We are so far below the ratio that was fixed by the Washington conference that I ask if we could not consistently take up this question of the freedom of the seas just as well after we had built the 15 cruisers as before?

Mr. BORAH. Mr. President, I do not want to have the Government spend thirty or forty million dollars for a battleship if there is no need of it.

Mr. BRUCE. I look at it this way: That even if we agreed with England on the freedom of the seas, we should still need as many as 15 cruisers.

Mr. BORAH. We might or we might not. We might come to an understanding with reference to the limitation in regard to cruisers.

Mr. HALE. Does the Senator think England would scrap any of the new cruisers she has just built?

Mr. BORAH. I do not know whether she would or not.

Mr. HALE. From any indication that we have seen up to date in history, does the Senator think she would?

Mr. BORAH. I think that England, of course, will always maintain what she can maintain under any agreement that she may make with us. I would rely on her treaty agreement.

Mr. HALE. Even if a limitation were made as to the rights of neutrals, would not a navy still have to be kept up?

Mr. BORAH. A reasonable navy.

Mr. HALE. Would she not have to have a reasonably strong navy to establish an effective blockade and keep it up?

Mr. BORAH. What I am seeking to do is to avoid the necessity of building against England. If we can have an understanding with reference to our rights, I think that may be provided under certain circumstances. We will always have to have a navy. We will always have a reasonable navy. But a wholly different navy from what we will build if there is no agreement.

The Senator can understand my position, I think, which is that if we can not have any protection of commerce except that of the Navy, we will go ahead regardless of cost, regardless of the question of self-defense, and build according to our idea of what is necessary to protect our commerce.

Mr. HALE. I think it is generally considered that that means a Navy equal to that of any other nation in the world. Beyond that we do not care to go.

Mr. MOSES. Mr. President——

Mr. BORAH. I yield to the Senator from New Hampshire.

Mr. MOSES. If I understand the argument of the Senator from Idaho, he looks forward to a new conference on naval disarmament to take place within the current year or hopes that one may be brought about.

Mr. HALE. No; not on naval disarmament.

Mr. BORAH. I regard this as a part of the program of disarmament.

Mr. MOSES. They are all cognate questions.

Mr. BORAH. It is useless to talk about not building ships if we are not going to have some idea of free use of the seas.

Mr. HALE. The Senator's amendment does not provide for a disarmament conference.

Mr. BORAH. No.

Mr. MOSES. No; and in that view it seems to me it is well understood that no keel can be laid down under this legislation within the current year; that is, I assume that is the case, but if we had the authorization and the money appropriated so that we may lay down the keels, we will be in a much stronger position when we go into the conference which the Senator foresees and which I hope may take place, and in which I trust the question of the freedom of the seas will be finally disposed of and that the question of naval disarmament may be disposed of, and that the Senator's great dream of codification of international law may result. We will be in a much stronger position, I think, in a conference of that sort if we sit down at the table with a stack of blue chips rather than a stack of blueprints.

Mr. BORAH. The Senator is talking about "blue chips." I do not understand that language.

Mr. MOSES. Of course, I am speaking in the vernacular, and I know perfectly well none of my scholarly colleagues will understand it.

Mr. BRUCE. Mr. President——

Mr. BORAH. I yield to the Senator from Maryland.

Mr. BRUCE. I am really desirous of getting at the Senator's view of the subject. I am sometimes inclined to think that this effort of ours to arrive at some basis of naval parity with Great Britain is largely responsible for all the international misunderstanding and distrust which has sprung up between us and Great Britain. Sometimes when a man tries hard to fall asleep he finds it more difficult to do so than when he does not try at all.

Mr. BORAH. Especially if he has an uneasy conscience.

Mr. BRUCE. It seems that the disarmament conference of 1921, instead of resulting in anything practical in the way of real disarmament, simply inspires two nations, which had been on most friendly terms with each other, with a certain amount of mutual misconception and distrust. I do not know whether we will gain anything more, if, indeed, as much, from a similar conference in 1931.

Mr. BORAH. I would not want to take that view of it. It may be possible that we can not accomplish what we would like to accomplish, but would not the Senator feel better if we made an honest effort to bring that result about and failed? Would not he feel better with reference to the future, whatever expense we might incur or if any disaster should come, to know that we had done our part?

Mr. BRUCE. I unquestionably should feel that way if I were looking forward to the conference of 1921 and not looking back at it. But it seems to me that the results which flowed from the Washington conference have been truly unfortunate, so far as promoting anything like a good understanding between Great Britain and the United States. The Senator knows that until we had the Washington conference there was, except during the World War when we were smarting under British interference with our commerce, no distrust of the British people or of the British naval power, and that we had long been in the habit of regarding the British Fleet as a great safeguard to human civilization rather than a menace.

Mr. BORAH. I do not admit that I had been.

Mr. BRUCE. Before the World War came along and our commerce was interfered with, we never thought of trying to build up our Navy to a footing of equality with the British Navy, though some naval officers may possibly have wished that to be done. It can not be denied, I think, that during the World War, after all, the British Fleet was the most powerful arm that the liberty and civilzation of mankind had.

Mr. BORAH. I have heard that argument also made, but I am not going to accept it.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator from California.

Mr. SHORTRIDGE. In view of what the Senator has said, particularly in view of the expressions from the English newspaper and the Member of Parliament, as I assume he was, does the Senator think that there is ground for rational hope that we would accomplish what we all seek to accomplish, and what the Senator seeks to accomplish, by pursuing the course suggested in the proposed amendment? I agree with practically everything the Senator has said and my immediate question may be an idle one, but in view of all that has been stated does he think there is ground for rational hope that England will abandon the position which she appears to have taken?

Mr. BORAH. So far as we are at present situated, we are in the same position we were at the close of the war. I have no means, any more than any other Senator, of knowing what we might accomplish by it, but I know it is the right thing to do if we can, and if somebody does not undertake it, it will never be done. The United States is in position now, and England knows it perfectly well, to build any navy that the United States thinks is necessary to protect her commerce. If we make the proposition to protect it, in part at least, through law and by means of understanding as to what the law should be, it does not seem to me possible that England can refuse. It may be she is just as anxious as we to come to an understanding. Are not her people bending under their load of taxes? Is not there every reason why she should wish to lift that burden? Let us not assume the contrary until we have done our part.

Mr. SHORTRIDGE. If we are to pursue the course indicated by the suggested amendment, will the Senator be good enough to point out the steps to be taken?

Mr. BORAH. As I said in the beginning, I did not undertake to put into the amendment a direction or authority for the President to call the conference.

Mr. SHORTRIDGE. That is what I was leading up to.

Mr. BORAH. For the simple reason that it is not necessary. He may do so if he desires without that authority just as well as with it. But I do undertake to put on record the views of the Senate, the other member of the treaty-making power, with reference to the matter, which would be behind the President if he sees fit to undertake it.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. The Senator is making a very interesting argument. Will the Senator tell me what he means by "protecting American commerce"? Just what does that phrase mean? I have heard it used a great deal in the discussion here.

Mr. BORAH. I mean the right of American commerce to plow the seas undisturbed by any belligerent power unless that commerce is actually carrying munitions of war.

Mr. SHIPSTEAD. In time of war?

Mr. BORAH. In time of war.

Mr. MOSES. Mr. President——

Mr. BORAH. I yield.

Mr. MOSES. Does the Senator mean to limit it absolutely to munitions of war? The Senator will remember that in the early days of the World War a great part of our grievances with reference to our commerce upon the high seas arose with the expansion of the list of prohibited articles which might be carried in neutral bottoms.

Mr. BORAH. I was limiting it to actual instruments or munitions of war.

Mr. MOSES. The Senator will remember the numberless complaints, well founded in many instances.

Mr. BORAH. The Senator has either got to reverse my position or I will have to reverse his. I mean we shall carry all commerce undisturbed unless we are actually carrying munitions of war to the enemy.

Mr. MOSES. But the phrase "munitions of war" may be very narrow.

Mr. BORAH. No; they did not undertake to expand the munitions question. They undertook to expand the question of contraband to include mules and horses, food, and everything else.

Mr. MOSES. Yes; and rubber and cotton and many other commodities which only by a great stretch of the imagination could be considered as being contraband of war.

Mr. BORAH. I was not discussing contraband, which is a much wider term, but actual "munitions of war" is easily defined and well understood.

Mr. MOSES. If that is the Senator's proposal, of course nobody can question the right of a belligerent nation in that respect.

Mr. BORAH. Certainly not.

Mr. MOSES. But when we consider the great number of grievances which we had during the early years of the war, when the dockets of the Admiralty courts in British ports were clogged with cases due to the seizure of our bottoms which were dragged in there, and our consular and diplomatic seal violated more than once in the matter of the mails——

Mr. BORAH. That is what I would undertake to control.

Mr. MOSES. If we are going to have a conference it must take a wider view than that with reference to contraband and freedom of the seas. It should carry the very thing the Senator has been contending for the last 10 years to my knowledge, which goes back to codification of international law, especially with reference to the rights of neutrals on the high seas.

Mr. BORAH. I do not think there is any difference of view between the Senator and myself.

Mr. SHIPSTEAD. Mr. President, will the Senator yield again?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. Does not the Senator think our commerce was limited or interfered with by belligerents to the extent that we were doing business with the world practically under a license or under the authority of the French and British Governments?

Mr. BORAH. Undoubtedly.

Mr. SHIPSTEAD. Does that constitute protection of American commerce by obtaining a license from a foreign belligerent?

Mr. BORAH. Oh, certainly not.

Mr. SHIPSTEAD. Does not the Senator think it is the business of the Government of the United States to use its Navy to keep the channels of trade open to the United States in time of war, so long as we are a neutral?

Mr. BORAH. I think if we can not keep the channels of trade open by law or by agreement or treaty, then we will keep them open, if we can, by our Navy. I think we have the right, as has been the doctrine of this country from the very beginning, to trade in time of war just as we have to trade in time of peace.

Mr. SHIPSTEAD. I agree with the Senator.

Mr. BORAH. The Senator knows perfectly well that if we can not keep our channels of trade open by agreement and by understanding, into which we are willing to enter, we will have a navy sufficient to protect it.

Mr. SHIPSTEAD. Suppose we have a big navy and are strong enough at sea to keep the channels of trade open, and in the case of war our commerce is interfered with and the Government of the United States sends a note to the belligerent country interfering with our commerce, protesting against its interference, and then the American ambassador who happens to be at the seat of government of that country tells the foreign office of that country not to take the protest of the Government of the United States too seriously, that it is for home consumption, and that nation continues to interfere with our commerce. What good is the Navy of the United States under those circumstances?

Mr. BORAH. That hypothetical question involves a matter which might be very seriously disputed if it were submitted to an arbitral tribunal—that is, as to whether the ambassador did all those things or not. I would not want to say that he did.

Mr. SHIPSTEAD. Would the Senator deny it?

Mr. BORAH. No; I would not deny it, because I have no information upon which I could affirm it or deny it, but I have always had a very serious doubt about whether he did it or not.

Mr. FRAZIER. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. FRAZIER. The chairman of the Committee on Naval Affairs raised the question as to whether or not England might scrap any of her new cruisers if a disarmament conference might be held in the future. At the time of or after the 1921 disarmament conference the United States, as I understand it, scrapped quite a lot of new material. According to a statement of the Senator from Maine [Mr. HALE] a few days ago in a speech on this question 465,800 tons of new construction, on which $150,000,000 had already been expended, was scrapped by the United States. In view of the attitude we took at that time, it seems to me it would be unfair to question England's attitude that she might take in the event of another conference.

Mr. BORAH. Mr. President, I do not consider that we are proceeding upon the theory that the ships which we are proposing to build would really be sufficient to do anything in case of war.

Mr. HALE. They would be sufficient to do something, although not so much as should be done.

Mr. BORAH. Exactly. I think we must be proceeding upon some other theory than that of sufficient protection to our commerce in case of war. We are exercising our judgment as to what is reasonably safe, knowing at the same time that if war should break out it would not by any means be sufficient.

Mr. HALE. But eventually we would have to reach the point that would be safe; and this is at least a start in that direction. I should like to know when the Senator thinks we would be justified in going ahead and building? Since the Washington conference we have undertaken practically no construction, while the other nations of the world have gone ahead with great programs of construction. In the Senator's mind, when are we to begin?

Mr. BORAH. The Senator is considering solely the building programs of other governments.

Mr. HALE. Does the Senator think that we can let all of the other nations get ahead of us?

Mr. BORAH. Let me answer the Senator's first question, and then I will answer the second. The Senator is making a comparison. What I say is that if we could come to an understanding with them during the coming year, either upon the question of the freedom of the seas or as to naval armaments, we could avoid building in the future. It may be that we would want to build these 15 cruisers; it may be that we would want to build more; I do not know; it could be done according to agreement. The Senator does not anticipate that we will actually need these cruisers within the next year or two, does he?

Mr. HALE. Mr. President, we never know when we will need them.

Mr. BORAH. If the Senator really thought there was a possibility of war, and that we would therefore have need of cruisers, he would propose three times or four times the number he is proposing now.

Mr. HALE. I think, Mr. President, that if we have a sufficient number of cruisers there will not be any war, because, on account of our strength, the other nations will not want to have war.

Mr. BORAH. If the Senator really thinks that 15 cruisers would prevent war, I will vote for the bill.

Mr. HALE. I think that they will do a great deal toward preventing war.

Mr. BORAH. Let me call attention to some figures, then.

Mr. HALE. I think they will do a great deal toward preventing other countries trampling on our rights.

Mr. BORAH. Let us see.

Mr. ODDIE. Mr. President, will the Senator allow me to ask him a question?

Mr. BORAH. Just a moment; one at a time.

At the beginning of the war Great Britain had 128 cruisers; she commissioned 75 large armed merchant ships; she built during the war 40 cruisers; and in addition she had the help of the French, Japanese, and Russian cruisers. The Germans, with 4 light cruisers manned with 4-inch guns, sunk 200,000 tons of British shipping and 30,000 tons of allied shipping.

Again, at the height of the war, Great Britain had all together 4,000 armed ships of all kinds trying to prevent her merchant ships from being sunk; but Great Britain and her allies during that time lost 7,000,000 tons of shipping. Great Britain and her allies had 104 cruisers on two trade routes, and 70 of them were hunting for 1 German ship—the *Emden*. If we were building for war, for the protection in time of war, we would not build 15 cruisers, but many more. The Senator has compromised upon the proposition. What I am saying is that the Senator can well afford to defer the building until he makes an effort to see what we shall ultimately have to do.

Mr. HALE. I do not think we will get anywhere if we wait until we can see what we shall ultimately have to do.

Mr. BORAH. That is a difference of opinion between us. Therefore, I can well understand why the Senator wants to go ahead with his program. But I differ with him.

Mr. HALE. The Senator himself has said that he thinks Great Britain would rather have the present comfortable status quo—that is, with Great Britain in command of the seas—and the United States a much weaker nation so far as ships are concerned. If that be the case, why is she willing to enter into the agreement, which the Senator suggests?

Mr. BORAH. If Great Britain could have that condition continue permanently, of course, she would try to do so. I am not anticipating any such program as that. I will undertake to say that Great Britain must yield her dominancy of the sea, Great Britain must come to an understanding as to disarmament, or Great Britain then must build against the United States, which she would not do and she knows perfectly well she can not do it.

Mr. HALE. What is going to make Great Britain do that? Is it not the knowledge that we will otherwise go ahead and increase our Navy?

Mr. BORAH. I do not think that is a controlling proposition at all.

Mr. HALE. Why not?

Mr. BORAH. I have said that I do not think that is a controlling proposition with Great Britain at all. She understands what our program is; she knows perfectly well that we can build all the cruisers that are necessary; but we have made no proposition to Great Britain as to the freedom of the seas; we have not insisted upon any understanding with her; we have avoided the question; we shunted it aside at the disarmament conference; we avoided it at Geneva; we refused to discuss it; and Great Britain has the absolute control of the seas by reason of our acquiescence. Now, when we say that this is the sine qui

non to our ceasing to build ships in order to protect our interests it becomes then a proposition which she must consider.

Mr. MOSES. The Senator should not fail to add that we did not propose it at Versailles.

Mr. HALE. Mr. President, such arguments are heard every time we suggest doing something to increase our Navy; but the President has asked for this bill and high officials of the Navy have asked for it.

Mr. BORAH. The President has asked that the time limit be cut out.

Mr. HALE. But he stressed the importance of passing the bill. Every time we ask for action like this a pacifist movement comes along to thwart it.

Mr. BORAH. Why does the Senator say a "pacifist movement?" That is a worn-out phrase; it has done all the service in this country that it can possibly do.

Mr. HALE. The Senator knows that pacifists are very much interested in defeating this bill.

Mr. BORAH. The pacifists, so-called, have not the slightest influence, in my judgment, upon a single vote on this bill.

Mr. HALE. I do not think they have much, but they are doing their utmost to assert it.

Mr. BORAH. Whether or not there be pacifists in the United States, there are a lot of people who would go to war without hesitancy at all if war were necessary who, nevertheless, believe that the most solemn duty resing upon public men to-day is to avoid the necessity, if possible, and they would go to war just as quickly as would the Senator.

Mr. HALE. The people to whom the Senator refers who would go to war so quickly little realize that a nation can go to war in a prepared state only after years of preparation.

Mr. BRUCE. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. BRUCE. Does the Senator think that if we should enter into an agreement with Great Britain covering the freedom of the seas Great Britain would build any fewer cruisers? That she would not is what I fear. I do not mean to refer to Great Britain alone, but to any country that has a considerable naval armament.

Mr. BORAH. I do not want to take the position that would make my Nation a pharisee among the nations. We are no holier than the other nations. The other nations will keep their word, in my judgment, just as we will. It may be that there are admiralty men and a few leaders in England or in Japan and elsewhere who could compare with a few leaders and a few admiralty men in the United States, but the great mass of the people in England, the great body of the people in Japan, and the great mass of the people in Germany, just as the great mass of the people of the United States, want peace; they want to escape, if possible, the superhuman crushing burden of taxation, and they are just as liable to keep their word as we are.

Mr. BRUCE. I agree with the Senator absolutely; certainly, so far as Great Britain is concerned. She is as fully likely to do it; but that is not the point I had in mind. I am asking whether any great power could afford to stop building cruisers simply because there had been an agreement in relation to the freedom of the seas?

Mr. BORAH. If there is to be no understanding, if there is to be no agreement, if there is to be no law, if there is to be nothing in the way of adjusting our controversies except through force, I undertake to say that the men who are advocating a bill providing for 15 cruisers are not meeting the situation at all.

Mr. BRUCE. I will state to the Senator from Idaho, if he will allow me, that he misunderstands me. I am in favor of a most strenuous effort being made to arrive at an agreement with England as to the freedom of the seas, but I do not think that because we are seeking to bring about such an agreement we should in the meantime not make such a moderate—for that is what it is—addition to our Navy as 15 cruisers.

Mr. BORAH. I am frank to say that I am much more concerned with the question of having an understanding with Great Britain as to the freedom of the seas than I am with reference to 10 or 15 cruisers. That is a secondary matter with me. I would not want to cut this bill down below 10 cruisers at most, but as to that there is a question of judgment. I have talked with an officer who has as fine a record in the Navy, I think, as anyone, who has been in it for years, and he thinks that 10 cruisers would be ample for replacement and to keep our Navy up to what it is now. There is a difference of view.

Mr. HALE. Will the Senator give me the name of the officer?

Mr. BORAH. No; I will not give the Senator the name.

Mr. HALE. I have no desire to bring him under discipline. I am surprised to hear the statement, because I have never heard any statement of that kind coming from a naval officer.

Mr. BORAH. I have heard it.

Mr. ODDIE. Mr. President, will the Senator yield to me?

Mr. BORAH. Yes.

Mr. ODDIE. I should like to observe in connection with the statements that have been made that in this debate we should keep two important considerations before us in order that the question may be clarified and properly understood. The first is the necessity for a balanced fleet. To-day our fleet, in comparison with other great fleets of the world, is not balanced because of the lack of cruisers. The second consideration is that in case the necessity should arise to protect our commerce, under conditions that have been suggested, the cruiser is the ship with which to protect it.

Mr. BORAH. I understand, Mr. President, that the cruiser has really become the battleship of these days. If I were going to build any ships at all, I would build cruisers. I also understand the necessity of having a balanced fleet, but I have heard a great deal about it, and I have never yet known anybody to agree with anybody else as to what is a "balanced fleet." If, however, we ever ascertain what a "balanced fleet" is, I have no doubt that the enchanting beauty of that kind of fleet would justify us in making any appropriation necessary in order to build it—just to have a balanced fleet!

Mr. ODDIE. Mr. President, the maneuvers which our Navy, under all kinds of conditions, has conducted during the last few years have proved the importance and the necessity of having a balanced fleet. I can state, after talking to numbers of the best experts in the Navy, that our fleet is not balanced to-day because of the lack of cruisers.

Mr. BORAH. What therefore is the condition, the real situation at the present time, 10 years after the war? It is this: The highway of nations, the common inheritance of all people, knows no law save the law of force. The "great common," as Captain Mahan called the sea, this indispensable thoroughfare of the nations, is governed through lawlessness and might. When the exigency arises, when the interest is sufficiently strong, no nation may use it with safety unless it has power to compel respect from those who would dominate it. The situation is precisely the same as when Coke declared, in speaking for the King of Great Britain:

> Commanding the seas, he may cause his neighbors and all countries to stand upon their guard whensoever he thinks fit.

Legitimate commerce, the peaceful pursuit of trade, must have an end when the exigency of war suggest it. They may be driven from the ocean overnight. The legitimate fruits of industry, the reward of labor, may be outlawed upon the whim of the selfish edict of a single power. The ship which puts to sea to-day, bound upon a legitimate errand to a distant port, may, upon the coming on of or threat of war, be captured and find itself at the mercy of a stronger power. Could a situation be devised more calculated to plunge us again into a naval race, more fruitful of battleships, of cruisers and of submarines, more likely to bring at last war? When nations understand that all rules have been abrogated, all law rejected, must not they all necessarily arm if they expect to trade? Will they not in the face of all this be prepared to defend by force that for which they can receive no protection under the law? Would they regard that as protection which is less equal in strength than the greatest navy that floats the sea? In the light of these conditions, is there the slightest chance for the reduction of armaments? Is there not something to be achieved ahead of any further disarmament?

Mr. METCALF. Mr. President, I have been very much interested in the eloquent speech of the Senator from Idaho [Mr. BORAH] and the remarks which I desire to make are much along the same line as he has spoken in regard to the freedom of the seas. I ask the indulgence of the Senate for a very few minutes so that I may discuss one important aspect of the cruiser bill. The pacifists and internationalists who are exploiting their every resource to defeat or delay this bill are breeding war. Should they be successful in blocking this important legislation, or in bringing about its modification, we may some day pay a fearful price for our failure to maintain a reasonably adequate navy.

We do not want a navy that will strike fear into the hearts of the people of other nations. We do not want to assume the rôle of bully upon the sea, but we should have, and must have, for our own well-being, a navy approaching the strength of other nations of the world.

The source of all our foreign wars has been upon the sea. An examination of history will prove this to be a fact. It was the ruthless sinking of our ships that brought us into the last great conflict. Prior to our entrance into that war we were a neutral country, trading with neutral countries, and yet our ships were seized time and again by the navies of belligerent nations.

Since the inception of this Republic, freedom of the seas and the doctrine that free ships make free goods have been fundamental principles of our national policy. We have sought persistently, but in vain, to write them into international law. In the Great War the seas were less free than ever before, and all the belligerent European nations scoffed at the idea of either free ships or free goods.

That war closed with what had been termed euphonistically the laws of maritime warfare in a condition of chaos. That condition still exists to-day.

All that we can be sure of is that if Europe engages in another war, our sea-borne commerce again will suffer. We do not vision a war in which the United States shall be engaged. We have no quarrel nor basis for a quarrel with any power. But, unless we are strong enough in cruisers to protect our neutral commerce, and to prevent by show of arms the destruction or the seizure of our ships and our goods bound from neutral port to neutral port, inevitably we shall be drawn into a quarrel that can only end in war.

Our maritime commerce grows. It now totals the stupendous sum of over $14,000,000,000 each year. Imagine what would happen to it if another nation, possessing a powerful navy, should become embroiled with a fellow European power! Again would our ships and goods be seized. But if we have the warships to guard and protect that commerce, if we have a navy approaching in strength that of any, no nation will risk drawing us into the war as an adversary by repeating the outrages which we endured between 1914 and 1917. And if we have that parity of strength, for the first time in history it will become possible to bring about those international agreements for the freedom of the seas that we have sought for more than a century. Without this parity, is Great Britain going to surrender that privilege she so long has claimed—the privilege of ordering and controlling according to her desires all neutral sea commerce when she happens to be at war? Hardly.

Give us the cruisers adequately to protect our commerce when we are at peace and other nations are at war, and the possibility of our being compelled to fight decreases; the possibility of the writing of a new and more civilized code of the sea increases, and the possibility of war diminishes.

This Nation and all nations should insist, once and for all, upon the freedom of the seas for all vessels on peaceful missions. We have every right under the laws of God and man to assume that free ships make free goods when there is any question about their being contraband of war.

New York would be wise in dispensing with two-thirds of her police department or her fire department if the Senate would be wise in defeating, delaying, or modifying this cruiser bill. If a war should break out between England and Japan, between England and Italy, between England and Russia, or between any two of the foremost naval powers of Europe, our commerce would be subjected to seizure and interruption on the part of these powers; and as surely as the sun rises in the east we will be forced into any war which may break out between any two of these powers unless we have a navy with sufficient strength to render protection to our maritime commerce.

The Senate has just ratified a treaty which denounces war as a means for settling international disputes. Let us go a step further toward the guaranty of peace by guarding against the occurrence of international disputes.

Where are differences most likely to arise between America and foreign powers? In the rural districts of foreign countries? On the streets of foreign cities? In the shops of foreign business men? In the homes of foreign citizens? Hardly. They are most likely to originate upon the open seas by the interruption of our foreign commerce in time of war between foreign powers. It is the possibility of such differences that this legislation is intended to diminish.

The United States is now the wealthiest Nation in the world. If we are forced to build large navies, we can do so with less burden upon our people than can any other power. But we do not want naval competition. This is a gesture in behalf of peace. Our Navy is far inferior to that of Great Britain, and until it approaches equality we are inviting interruption in our foreign commerce. If we have an adequate navy, the freedom of the seas will assume the rôle of an inviolable and unwritten international law. By defeating this bill we are courting trouble. By passing it we are wooing peace.

Our foreign trade is increasing rapidly. We are increasing and should continue to increase the proportion of American ships carrying American goods. But our commerce can not continue to expand, and our prosperity can not continue its proportionate increase, until we can insure against interruption of that commerce.

The United States entered into the conferences of 1921 with wholesome spirit. We willingly sacrificed more than England and Japan combined. We will not be violating that spirit by building these few cruisers as a guaranty against our being forced into another war.

I do not question the sincerity of England's good will toward America; but a foreign trade of over $14,000,000,000 is too great and too important to remain at the mercy of a foreign power, however friendly that power may be. I would not urge the construction of a single cruiser for the purpose of war at this time, but I do urge the construction of at least 15 cruisers for the purposes of peace.

We all know that peace between nations is to a great extent dependent upon conditions within nations. There is not a man, woman, or child in the United States who would not be directly affected by any serious interruption of our foreign commerce, and if any foreign power should so menace the prosperity and happiness of our people we would have no alternative for war.

We can make even more remote the possibility of another war by building these ships. They will be floating symbols of the principle of freedom of the seas. They will mean that free ships make free goods.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. HALE. I ask unanimous consent that when the Senate concludes its session to-night it recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Can not the Senator make it 12?

Mr. HALE. The Senator from Tennessee is a member of the Appropriations Committee. He knows the pressure of the appropriation bills. I want to get through as fast as I can with this bill, and I think the extra hour in the morning will aid us in completing this bill at an early date.

Mr. McKELLAR. There is a great deal of opposition to meeting at 11 o'clock, and we usually lose about an hour before we get started anyway. I hope the Senator will make that 12 o'clock. I am just as earnestly in favor of the Senator's bill as he is himself, and I want to see it pushed through; but, really, I doubt if we can make any time by meeting earlier.

Mr. HALE. I hope the Senator will withdraw his objection.

Mr. McKELLAR. The leader on this side is not here. Has the Senator conferred with him about it?

Mr. HALE. I conferred with the Senator from Arkansas [Mr. ROBINSON] and he said he had no objection to a recess until that time.

Mr. McKELLAR. If he has no objection, I have none.

Mr. HEFLIN. Mr. President, I just want to suggest to the Senator from Tennessee that the session is drawing to a close. It is only a question of time when we are going to have to have night sessions, and I think we had better move up a little in the morning. I do not object to meeting at 11.

Mr. McKELLAR. I withdraw my objection.

Mr. HALE. I agree with the Senator. I will say that if this bill drags along, I shall certainly ask for night sessions also.

Mr. McKELLAR. I think the Senator ought to do so.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Maine?

Mr. BROOKHART. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. BROOKHART. I am interested in every phase of this discussion. I have a meeting of the Military Affairs Committee that I want to attend until noon to-morrow, and there are other Senators in the same situation; and nothing will be gained by forcing this matter. This bill will come to a vote quicker by open, full debate than in any other way.

Mr. HALE. That is what I want to see; and I think Senators can arrange their engagements so as to meet at 11.

Mr. BROOKHART. You will not get it by crowding the hours. It will be impossible for me to arrange mine—absolutely impossible; and so, if the Senator insists, I shall have to object.

Mr. HALE. If the Senator wishes, he can object.

The PRESIDING OFFICER. Is there objection?

Mr. HALE. I understand that the Senator from Iowa objects to making it 11 o'clock.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement requested by the Senator from Maine?

Mr. BROOKHART. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Iowa objects. The question is on agreeing to the committee amend-

ment. Those who favor the amendment will say "aye." [A pause.] Those opposed will say "no."

Mr. BROOKHART. Mr. President, as I understand, the amendment under consideration is the Dallinger amendment?

Mr. HALE. This amendment is the Dallinger amendment as amended by the committee. I will explain it if the Senator desires.

Mr. McKELLAR. O Mr. President, I did not understand that that was the amendment.

Mr. HALE. There has been no vote on it.

Mr. McKELLAR. But the Chair has just started to put the question on the amendment, and there is to be an amendment to that amendment. If the question has been put, I move that it be reconsidered. I ask unanimous consent to that effect.

Mr. HALE. I did not understand that the question had been put.

The PRESIDING OFFICER. It was not agreed to.

Mr. HALE obtained the floor.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. What is the matter immediately before the Senate?

The PRESIDING OFFICER. The Senator from Maine was recognized.

Mr. HALE. Mr. President, the matter before the Senate now is the Senate amendment to the so-called Dallinger amendment that was put in on the floor in the House of Representatives.

The Dallinger amendment, as adopted by the House, provided:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

The Senate Naval Affairs Committee put in the following amendment:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

The effect of the committee amendment is to stop what would otherwise prevail if the bill went through as it passed the House; that is, the obligation on the part of the Government to construct everything that has to do with these ships in the navy yards, no matter whether they were at the present time constructing them or not. For instance, a chronometer would have to be made in the yard, and all sorts of other appurtenances of ships. It is clearly out of the question to leave the matter as it was in the bill as it passed the House, and the Senate committee has taken care of that by the amendment we have offered.

Mr. McKELLAR. Mr. President, has not a similar provision been placed in naval appropriation bills before, and whenever it has been so placed in such a bill is it not true that the Secretary has found always that it was cheaper, according to his view, to procure the materials and parts by contract or purchase?

Mr. HALE. Mr. President, for a number of years the annual appropriation bills have contained a labor clause reading as follows:

And that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

That clause has been in the last four annual appropriation bills. Acting under that, the Secretary, as far as cruisers are concerned, has provided that three of the eight we already have building should be built in the Government yards, and five in private yards.

Mr. McKELLAR. Mr. President, the so-called Dallinger amendment provides:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

Now, it is proposed to amend that amendment by placing it in the discretion of the Secretary of the Navy to go to private yards for certain materials and parts thereof. Why do we build these yards, naval gun factories, naval ordnance plants, or arsenals of the United States, at great cost and expense, unless we are going to use them? Certainly we ought to use them to the extent that is provided in the original proviso.

Mr. HALE. We are going to use them.

Mr. McKELLAR. If we are going to do that, why put it in the discretion of the Secretary of the Navy, who heretofore has always used that discretion in behalf of the private plants? I do not believe we ought to do it.

Mr. HALE. I do not think he has.

Mr. McKELLAR. I want to say to the Senator that while I am in favor of his bill, I am going to fight this amendment to the Dallinger amendment until there is a vote on it. I do not intend to let it pass if I can help it.

Mr. HALE. With the amendment the Senate committee has put in, eight of the cruisers will be built in Government yards, and possibly more.

Mr. SWANSON. Mr. President——

Mr. SHORTRIDGE. The Senator is objecting to the proposed amendment to the Dallinger amendment?

Mr. McKELLAR. That is all; I am in favor of the Dallinger amendment.

Mr. SHORTRIDGE. The chairman can explain why that was put in.

Mr. HALE. It simply provides that certain parts which are to be used, which can be bought cheaper outside, may be bought outside.

Mr. McKELLAR. But it leaves it to the Secretary's discretion, and great complaints have been constantly urged before Congress to the effect that, without regard to the real expense, the Secretary of the Navy has uniformly, under a provision of this kind, held that the article can be gotten cheaper in a private plant, or by contract, than if procured in a Government plant. If we are going to maintain these Government plants, we ought to use them. We certainly ought to use them to the extent of 50 per cent. Here is a provision that gives the Secretary of the Navy an opportunity not to use them, and I do not propose that he shall be given that discretion if I can help it.

Mr. SHORTRIDGE. Will the Senator have the goodness to look at the language of the proposed amendment, "except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government." It may be that a Government yard may be unable to furnish the particular part necessary to the construction of a cruiser.

Mr. HALE. Does the Senator think that the Navy ought to go into the business of making chronometers, when they do not make them now, just because of this Dallinger amendment?

Mr. McKELLAR. Is that the only article that must be procured outside?

Mr. HALE. I am simply using that as an example.

Mr. McKELLAR. Oh, yes; the Senator is using that as a reason for this amendment, but the fact is that the amendment takes in all of the parts, and all of the material, if the Secretary should want to use his discretion to buy them outside, and that I am opposed to. I think that if we are going to have these navy yards and arsenals, we ought to use them, and if we are not going to use them, we ought to abolish them, because it costs the Government an enormous amount of money to keep them up.

Mr. HALE. But the Senator does not want to involve the Government in an unnecessary expense, does he?

Mr. McKELLAR. I have no doubt in the world that these parts and this material can be produced cheaper in Government plants.

Mr. HALE. Not all of them.

Mr. McKELLAR. I have no doubt that all of them can be, and if they can not, we have no business having these Government plants. They are a tremendous expense, a tremendous drain on the Government, and we ought not to keep those plants unless we are going to use them to the extent of at least one-half, as is provided in this bill.

What the amendment does is to provide that one-half of the cruisers shall be constructed in Government plants, and then to give to the Secretary of the Navy the discretion to have practically all the work done outside if he wants to, and I am opposed to that.

Mr. SWANSON. Mr. President, the bill as it passed the House contained what is known as the Dallinger amendment, which provides that half the cruisers shall be built in Govern-

ment navy yards, and half in private yards. I believe in such a division.

Mr. McKELLAR. Let us make that provision.

Mr. SWANSON. If the Senator will permit me—he would not let me interrupt him.

Mr. McKELLAR. I did not have the floor.

Mr. SWANSON. Let him be a little content while I explain this. A man must be equally generous with all in yielding time.

Mr. McKELLAR. If a man could not be generous to anybody as delightful and lovable as is the Senator from Virginia, he could not be generous to anybody in the world.

Mr. SWANSON. If the Senator will permit me, this is drawn in this way because there are a great many things which the private yards do not produce themselves. People have patents on certain things. There are certain bolts, there are certain settings, on which there are patents, and it is utterly impossible to provide all the materials in any navy yard, unless the Government should build new factories and install new machinery, and build everything new. That is why the amendment is drawn in this way.

We intended to have it drawn so that the navy yards could be on an equality with the private yards in competing and doing the work.

As the Senator has said, the amendment is possibly too broadly drawn. I do not remember whether I was present in the committee when this particular amendment was adopted or not, but I have insisted that the Government navy yards should be on an equality, so far as competition was concerned, with the private yards. There are certain materials which the private yards themselves can not manufacture as cheaply as they can buy them, and every navy yard has to buy them. The Government yards desire to have the matter fixed so that the private yards will not have an advantage over them in the matter of certain materials which the Government yards have no factories and no machinery for making at the present time.

I suggest that the amendment be allowed to go over until tomorrow, and in the meantime some language may be framed which will put the Government navy yards on an absolute equality in this respect with the private yards. If we do not do that, the officials will come in and say that the construction of the ships in the Government navy yards would cost 50 per cent more than if constructed in private yards.

I have an idea that this goes a little further than the suggestion that was made in connection with giving the navy yards a fair opportunity to compete with the private yards. I see how under this the navy yards might be made simply assembling plants.

Mr. HALE. The Senator was present when this amendment was adopted in the committee.

Mr. SWANSON. I do not remember being present, but if I was present I may say that any mistake that is made ought to be corrected. I am not willing to have the navy yards made nothing but assembly yards.

Mr. HALE. The amendment reads:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

Mr. SHORTRIDGE. What is wrong with that?

Mr. McKELLAR. That gives him the discretion to say that it may all be procured by private contract. In other words, it nullifies the Dallinger amendment. The Senator from Virginia is exactly right; if there is some article, such as a lamp burner, to which I believe the Senator referred a while ago, which the navy yard does not manufacture, I would be willing to have that excepted, because that would be a sensible thing to do. As I understand it, that is what the Senator from Virginia agreed to. But this, instead of carrying items of that sort, virtually puts it in the hands of the Secretary of the Navy to get these materials and parts—all of them—at private yards. Knowing the Senator from Virginia as I do, and being familiar with his knowledge of the Navy, I knew that this was not drawn by his fine Italian hand.

Mr. SWANSON. I gathered from what the Senator from Tennessee said that under this the Government navy yards might be made mere assembling plants, and I am not willing to agree to that.

Mr. HALE. The committee is not willing to have that done.

Mr. SWANSON. When I heard the Senator from Tennessee suggest that this might have that result, my suggestion was to let the amendment go over and see if we could not draw one that would get rid of the trouble that is found in the Dallinger amendment.

Mr. McKELLAR. I hope that may be done.

Mr. SWANSON. If what the Senator suggested were true, it would put the navy yards at a great disadvantage. When you try to remedy one provision you may destroy the effect of another by simply making the navy yards assembling plants. There is no use in doing that.

Mr. SHORTRIDGE. Of course, that was not the intention of the committee. I think the chairman has sufficiently explained the matter. A little careful reading, I say with respect, I think will show that there is no danger whatever unless Senators have no faith at all in the Secretary of the Navy.

Mr. McKELLAR. We know what he has done in the past under similar provisions.

Mr. SHORTRIDGE. Of course we do.

Mr. HALE. Does the Senator find any fault with the three cruisers that are being built now in the navy yards?

Mr. McKELLAR. I know what the Secretary of the Navy has done. He has decided against Government navy yards in favor of the private plants in a number of cases.

Mr. HALE. This is a fair proportion.

Mr. McKELLAR. The bill says that half of the cruisers are to be built in Government yards, and that is what ought to be done.

Mr. HALE. This goes a little further.

Mr. McKELLAR. Yes; it does, and it is a little more evenly divided. Does the Senator want to destroy the Government plants and arsenals?

Mr. HALE. No.

Mr. McKELLAR. He is taking the best means of destroying them.

Mr. GLASS. Mr. President, I would like to destroy some of them, because they are absolutely fictitious and are kept up by Government funds in a most uneconomical way. To that extent they are to the distinct disadvantage of those navy yards that are real navy yards, so that you do not have to build a channel to get a ship into them.

Mr. McKELLAR. There might be a lot in that.

Mr. SHORTRIDGE. Does anyone want to destroy the private yards?

Mr. McKELLAR. Not that I know of.

Mr. BROOKHART. I would like to call the attention of the Senator from Virginia to this proposition; I am not sure just what he meant by it. The way the Dallinger amendment is worded there will be no competition between the Government and the private yards with reference to the building of the ships at all. It arbitrarily gives certain ships to private yards, and the Government has no chance to say anything about the price whatever. Is not that giving them an advantage that ought not to be granted?

Mr. SWANSON. No. If the Senator will permit me, navy yards can not compete in the way the Senator has in mind. The position I take is that if we are going to build these ships in the Government navy yards, there is no use hampering them in such a way that the ships will cost more than if they were built in private yards. There is certain material which they can not supply for the ships unless we create new manufacturing establishments in the navy yards, which we do not want to do. We intended to modify the Dallinger amendment so as to enable them to purchase all material that could not be constructed in the navy yards. We know the Government yards would be at a great disadvantage if they were compelled to furnish every bit of the material. It would merely mean that the ships would cost 50 per cent more than if they were built in private yards. The only purpose of the committee was to get an amendment which would eliminate that difficulty and prevent the necessity for the creation of new manufacturing establishments at the navy yards to furnish all parts of the ships. Some of those parts we must necessarily buy.

Mr. BROOKHART. I think I did not make myself understood. As to those vessels which are built in the navy yards I assume they will be built as cheaply as possible by the Government. There will be no question about that. But it occurs to me that as to the other seven which are to be built outside there is some question.

Mr. HALE. There is nothing in the bill that provides that they must be built in private yards at all. The bill simply provides:

That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards.

Mr. BROOKHART. That I am not objecting to. But, now, read on and see what it says about the others.

Mr. HALE. It does not say anything about private shipyards at all.

Mr. SWANSON. The rest would be built in private yards or in navy yards.

Mr. BROOKHART. That is the point I did not understand. It seemed to me that the navy yards would have no chance to compete, and I thought there ought to be that opportunity.

Mr. SWANSON. The Government has not got the docks and the building ways in the navy yards to build all of them. It would cost a great deal of money to furnish them. I do not think they could build more than half of them without a vast expenditure of money on building ways.

Mr. HALE. As a matter of fact it could not be done anyway because we have not ways enough on which to build them.

Mr. BROOKHART. I had reached a different conclusion in reference to that language than the Senator from Maine seems to have.

Mr. HALE. The bill speaks for itself.

Mr. EDGE. Mr. President, may I make an inquiry? I just came into the Chamber as Senators were discussing the so-called Dallinger amendment. That is not under discussion at the moment for the purpose of adoption, as I understand, but the Senator was merely asking questions about it?

Mr. BROOKHART. Yes; for information more than anything else. I believe it is the question before the Senate for consideration and action, however.

Mr. EDGE. Mr. President, a parliamentary inquiry. What amendment, if any, is before the Senate at the present time?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). The committee amendment is before the Senate.

Mr. HALE. The committee amendment to the House bill, which includes the Dallinger amendment.

Mr. EDGE. As the Senator knows, there are a great many Senators absent who are interested in that particular amendment.

Mr. HALE. The suggestion has just been made that we put the amendment over until to-morrow. I will withdraw it for the present time, but there is one other matter I would like to take up now.

Mr. EDGE. Then the Senator will let the Dallinger amendment go over until to-morrow?

Mr. HALE. Yes; there will be no action taken on it to-night.

Mr. WATSON. Why not take a recess now?

Mr. HALE. Wait just a moment.

Section 5 of the bill provides as follows:

The Secretary of the Navy is hereby directed to present to the Congress on or before December 10, 1928, preliminary plans, specifications, and estimates of cost for the construction of two salvage vessels for use in ship disasters.

The date December 10, 1928, having gone by, it should obviously be changed. I therefore move to amend by striking out, on page 3, line 5, the numerals "1928" and inserting "1929."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 5, strike out the numerals "1928" and insert the numerals "1929," so as to make the section read:

SEC. 5. The Secretary of the Navy is hereby directed to present to the Congress on or before December 10, 1929, preliminary plans, specifications, and estimates of cost for the construction of two salvage vessels for use in ship disasters.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

RECESS

Mr. HALE. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Before putting the question on the motion, the Chair, under an order heretofore made, refers to the appropriate committees sundry executive nominations received to-day.

The Senator from Maine moves that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, January 25, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24, 1929

UNITED STATES ATTORNEY

Wilfred J. Mahon, of Ohio, to be United States attorney northern district of Ohio, vice A. E. Bernsteen, resigned.

PROMOTIONS IN THE NAVY

Lieut. Carl L. Hansen to be a lieutenant commander in the Navy from the 25th day of December, 1928.

Lieut. (Junior Grade) Kent H. Power to be a lieutenant in the Navy from the 3d day of June, 1927.

Lieut. (Junior Grade) Armand J. Robertson to be a lieutenant in the Navy from the 3d day of June, 1928.

Lieut. (Junior Grade) Corydon H. Kimball to be a lieutenant in the Navy from the 1st day of December, 1928.

Lieut. (Junior Grade) Robert W. Morse to be a lieutenant in the Navy from the 30th day of December, 1928.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 4th day of June, 1928:

Joe W. Stryker.

Clanton E. Austin.

Dental Surg. Harry D. Johnson to be a dental surgeon in the Navy, with the rank of commander, from the 1st day of April, 1927.

Passed Asst. Paymaster Tucker C. Gibbs to be a paymaster in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

Ensign Norman A. Helfrich to be an assistant paymaster in the Navy, with the rank of ensign, from the 3d day of June, 1926.

Pay Clerk Charles LeV. Smith to be a chief pay clerk in the Navy, to rank with but after ensign, from the 3d day of June, 1928.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 24, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Father, this moment, set apart and so sacred, may no rude alarm break in upon us, for Thy merciful condescension awakens in us the feeling of devotion. What shall it profit us if we suceed in one direction and fail in another? Make Thyself felt in every issue of our national life and endow us with every quality necessary for the good of the public service. Always enable us to give encouragement to those aspirations that move men's hearts and lend sympathy in those difficulties with which they are confronted. Again a Member has stopped. The shadow of a great loss is about him. May the agitated heart and the wounded spirit find peace in Him who denied it not to the poorest and the loneliest of the children of men. Through life and death Thou art all sufficient. We thank Thee that Thy promises are not tales of empty love nor words of fabled rest. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red River, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of

the waters of the Arkansas River and all other streams in which such States are jointly interested.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5093. An act to authorize the issuance of certificates of admission to aliens, and for other purposes; and

S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15848. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

JOINT REUNION OF THE NORTH AND SOUTH

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that I may be privileged to insert in the RECORD a little poem with reference to the proposed reunion of the armies of the Blue and the Gray.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks by inserting a poem. Is there objection?

There was no objection.

Following is the poem referred to:

JOINT REUNION, NORTH AND SOUTH

By Horace C. Carlisle

The pages of history never have told,
In all of the realm of unfortunate wars,
So startling a story as that which relates
To southern secession and war 'twixt the States,
Baptizing in anguish the Stripes and the Stars—
And yet the reunion, divine in the end,
Made each warring faction its enemy's friend.

The North and the South have their differences still—
Each section yet stages, apart and alone,
Its seperate reunion—to cherish anew
The long bloody fight 'twixt the Gray and the Blue—
Though sectional hate is now almost unknown.
The great Civil War might have never been fought
Had both sides but known what experience taught.

These separate reunions of both North and South
Are swiftly approaching expectancy's end—
The sickle of time has kept pruning away
The lessening ranks of the Blue and the Gray,
Till few of each faction are left to attend.
Each, judging the future alone by the past,
Knows every reunion is nearing the last.

If these two reunions, divergent in views,
Approaching so nearly their ultimate ends,
Might bury together their wounds and their scars,
Down deep in the folds of the Stripes and the Stars,
And meet in a last joint reunion like friends—
And then should adjourn "sine die"—the sod,
Baptized in His tears, would shout "Glory to God!"

Then out into history as they both pass—
So sweet from forgiveness's heart through its mouth—
All over the world, far and wide, back and forth,
The Star-Spangled Banner would ring from the North,
While Dixie might sing from the heart of the South—
And then, at the last farewell tap of the drum,
From God's great reunion would come home, sweet home.

STATEMENT OF HON. PEDRO GUEVARA, RESIDENT COMMISSIONER FROM THE PHILIPPINE ISLANDS

Mr. WILLIAMS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a statement made by Mr. GUEVARA, Resident Commissioner from the Philippine Islands.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The statement is as follows:

THE PHILIPPINE ISLANDS

Mr. Chairman and gentlemen of the committee, it is with deep regret on my part that I appear before this committee to discuss a question pertaining to the relationship between the United States and the Philippine Islands, as they were defined by the responsible and constitutional leaders of the American people and by the Congress of the United States itself.

Had this existing relation between the United States and the Philippine Islands been properly solved in one way or another by the sovereign power there would have been no occasion to engage in this discussion which is now provoked by the proposed limitation of entry of Philippine sugar and tobacco to the United States and the levying of a duty on coprax, coconut oil, and cordage.

The Filipino people as a whole are opposed to this proposition, though it may seem somewhat inconsistent with their stand in their aspiration for political independence. A thorough discussion of the question, however, will bring home to the members of this committee that the opposition of the Filipino people is fully justified and well founded.

First of all, I wish to emphasize the fact that the Filipino people do not claim any privilege which is not in consonance with the American principles. Furthermore, they are not inclined to claim any right which is not deeply rooted in the principles upon which the relationship between the United States and the Philippine Islands was founded.

The opposition of the Filipino people to the plan of limiting the free entry of Philippine sugar and tobacco to the United States and the levying of duty on coprax, coconut oil, and cordage is founded on the following grounds:

First. It violates the underlying principles of the free-trade relations between the United States and the Philippine Islands.

Second. It violates the fundamental rights of all the people living under the American flag to the pursuit of life, liberty, and happiness.

Third. It will be the beginning of economic slavery in the Philippine Islands and will announce to the world a policy of exploitation of a weaker and less fortunate people.

Fourth. It will lay down a policy on the part of the Government of the United States of setting aside the principle of equal opportunity to all and special privilege to none.

Fifth. It will give birth to a new American policy of extending a greater protection to foreign countries than those which, in the words of President McKinley, were brought by providential designs under the shades and protection of the American flag.

Sixth. The passage of the Timberlake resolution will not have the intended effect of encouraging the development and protection of the beet-sugar industry in the continental United States.

Seventh. It will open the American market to the flood of Cuban sugar to the injury of the beet-sugar industry in continental United States.

Eighth. It will cause an increase in the price of sugar consumed and needed in American homes.

Ninth. It will sanction the un-American principle of considering a country foreign for one purpose and domestic for another.

Tenth. It is against the policy of the Government of the United States to develop the Philippine Islands economically for the mutual benefit of both countries.

The present trade relations between the United States and the Philippine Islands should fall under the principle governing the interstate commerce. It was unhappily termed "free trade," probably because of the uncertain political status of the Philippine Islands under the American flag. To my mind, however, whatever may be the present political status of the Philippine Islands, it is evident and undeniable that that country is now under the American flag and sovereignty. To be under the American flag and sovereignty is, if I am not mistaken, a qualification to acquire those fundamental rights of American citizenship to pursue happiness, life, and prosperity. I will discuss this point later in the course of my remarks.

Now, under the terms of the free-trade relations between the United States and the Philippine Islands it is provided:

"That all articles, the growth or product of or manufactured in the Philippine Islands from materials, the growth or product of or manufactured in the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty." (Tariff act, 1913, Sec. IV, ch. 16.)

It is now proposed to amend this specific provision of the tariff act above quoted, as far as it concerns the sugar and tobacco produced in the Philippine Islands and the levying of a duty on coprax, coconut oil, and cordage, but not as to any product, articles, or growth and manufactured in the United States. The resolution would place the Philippine Islands in a very disadvantageous position as to its exportation to the United States, maintaining, however, the present already advantageous position of the United States as to its articles, the growth, product, or manufacture.

I look at this question as one that should command the most careful attention on the part of the members of this committee. It is worthy to

note that under the terms of the present trade relations between the United States and the Philippine Islands there is already a discrimination against the latter country. It does not establish, as it should, the absolute reciprocity which is the ruling principle in all free-trade relations. The plan suggested would give greater opportunities and advantages to the United States, which is much larger and wealthier than the Philippine Islands. This point alone should cause all fair-minded Americans to disapprove this unfortunate plan which the committee has now under its consideration.

Of course, I am ready to admit that the Congress of the United States, in the exercise of its constitutional authority and jurisdiction, could enact any law discriminatory to the Philippine Islands, notwithstanding the fact that it is under the American flag. The question, however, is, Should Congress pass such legislation, un-American in its nature and oppressive in its character? Should Congress pass any legislation discriminatory to any people because its Government has enough power and strength to enforce such a law? I refuse to believe that the Government of the United States will ever commit itself to such a policy.

This Government was the first to negotiate the treaty restoring to China complete tariff autonomy and guaranteeing its citizens against discrimination. This fact was particularly emphasized by President Coolidge in his message to Congress on December 4, 1928.

It is pertinent to point out that the Filipinos, even if not enjoying the privilege of American citizenship, are nevertheless for all purposes conationals, for they are under the protection of the same flag that protects American citizens and owe allegiance to the same Government. Why, then, should the Congress of the United States pass legislation discriminating against Filipinos who are conationals of American citizens?

At this point I wish to indulge my time now in briefly reviewing the motives and reasons for the occupation of the Philippine Islands by the United States.

It is common knowledge that the occupation of the Philippine Islands by the United States took place only as an incident of the war against Spain. After the American flag was hoisted in that country it was made necessary to define the reasons and motives for such occupation. And so President McKinley, in his message to Congress in 1899, said:

"We shall continue, as we have begun, to open the schools and the churches, to set the courts in operation, to foster the industry and trade and agriculture, and in every way in our power to make this people whom Providence has brought within our jurisdiction feel that it is their liberty not our power, their welfare and not our gain we are seeking to enhance."

Upon another occasion President McKinley said:

"We accepted the Philippines from high duty in the interest of their inhabitants and for humanity and civilization. Our sacrifices were with these high motives. We want to improve the condition of the inhabitants, securing them peace, liberty, and the pursuit of their highest good."

There is no more need to interpret these official utterances of President McKinley in the days when the Philippine Islands were first occupied by the United States, for they are very clear.

The plan proposed is in nowise in accordance with the reasons and motives which prompted the accupation of the Philippine Islands by the United States. It certainly will not foster industry, trade, and agriculture in the Philippine Islands as announced by President McKinley in his message to Congress in 1899. Nor will it make good the "sacrifices" asserted by the President for the high motive of improving the conditions of the inhabitants of the Philippine Islands and to secure them the pursuit of their highest good.

The fulfillment of a duty always presupposes sacrifices, and the plan proposed is a departure from the ideals and principles upon which the occupation of the Philippine Islands by the United States finds justification. It was for this reason that the free-trade relations between the United States and the Philippine Islands was established—to facilitate the pursuit of the "highest good" of the inhabitants therein. Should these free-trade relations be modified in the manner proposed, that "highest good" of the inhabitants of the Philippine Islands, which is the corner stone of the American sovereignty in those islands, will no longer be the ideal of this Nation. On the contrary, the adoption of the said plan will thereafter mean that the "highest good" of a few inhabitants of the United States and Cuba was the reason and motive for the American sovereignty in the Philippines. I have to admit, however, that it is also the duty of this Government to assure and ascertain the "highest good" of its citizens above all. But to my mind it is a question of honor and duty for the American people to cut the tie now holding the Philippine Islands under the American flag if their economic interests are really in conflict.

If the American people believe it injurious in their interest to adjust their policy with the reasons and motives given for holding the Philippine Islands under their sovereignty, there is no other alternative but to free the Filipinos from all political connection with the United States, unless there is a decided plan or purpose to hold them in bondage and oppression.

Ex-President Taft, on October 16, 1907, said:

"The policy looks to the improvement of the people (the Filipinos) both industrially and in self-government capacity. As this policy of extending control continues, it must logically reduce and finally end the sovereignty of the United States in the islands, unless it shall seem wise to the American and the Filipino peoples, on account of mutually beneficial trade relations and possible advantage to the islands in their foreign relations, that the bond shall not be completely severed."

If our present political relationship is no longer mutually beneficial on account of the competition that the industrial and agricultural products of the Philippine Islands may offer or actually offer to American commodities, then, in honesty and fairness to both peoples, the sovereignty of the United States in the islands should be ended, thus permitting the Filipino people to work out their own salvation and destiny. It is unthinkable even to imagine that the American people will be inclined to tie the hands of the Filipinos in order to deprive them of their needed strength and freedom to fight out their existence in these days of intensive and hard struggle for life.

The worst aspect of the matter now under discussion is that the policy proposed in the plan is sought only to be applied to the Philippine Islands, and not to her other outlaying possessions, and this fact alone will show to the members of this committee how resentful the Filipino people ought to be. In passing, I wish to quote what Governor Stimson, of the Philippine Islands, one of the most distinguished citizens and statesmen of this country, said in discussing the propriety of the Timberlake resolution. Addressing the American Chamber of Commerce of the Philippine Islands, on August 15, 1928, he said:

"No words can adequately express the depths of my feeling on that subject, because the attempt to restrict freedom of trade between the islands and the United States represents about the worst possible backward step that could be taken in American policy. It would mean going back to those old doctrines of colonial relations of 300 years ago, which held that the colonies of a country existed solely for the benefit of the mother country and could be exploited at will by that country. It would mean going back to a doctrine which caused the withering up throughout the centuries of the flourishing colonies of Portugal and Spain and would have done it for Great Britain if it had not been for the American Revolution."

Governor Stimson continued to say:

"Just think what it would do to that attempt on the part of America to cultivate oriental trade if our rivals could turn around and point to an attempt at unfairness and injustice to our own people under the American flag in these islands!"

The United States, from 1913 on, has wisely applied to the Philippine Islands the policy of quasi-tariff assimilation. Such a course was not possible before 1913, for, in accordance with Article IV of the treaty of Paris, it was agreed upon that for a term of 10 years from the date of the exchange of the ratification of the said treaty the United States is to admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States. Therefore the application to the Philippines of the policy of tariff assimilation would be injurious to the United States, for the Philippine Islands might become a spot from which Spanish merchandise could be sent to the United States duty free. After the expiration of 10 years agreed upon in the treaty of Paris, the United States immediately applied to the Philippine Islands the policy of quasi-tariff assimilation, thus establishing the free trade between the two countries.

The United States, in order to modify its tariff policy as applied to the Philippines, must concur in three important reasons, to wit: (a) International relations, (b) geographical influence, and (c) interest of consumers.

As far as I am aware, none of these reasons is now in existence to justify the modification of the tariff policy of the United States toward the Philippine Islands. It is but fair to ascertain how, when the United States in 1913 saw fit to apply to the Philippine Islands its present tariff policy, its framers thoroughly considered these three reasons the most important of all, being the international relations and the interests of the consumers, which seems to be the foundation of the tariff policy proposed to this committee.

As to my second point, that the plan violates the fundamental rights of all the people living under the American flag to the pursuit of life, liberty, and happiness.

In the Declaration of Independence of the thirteen Colonies it was declared that—"we hold as self-evident truth; that all men are created equal; that they are endowed by the Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

It is evident from this declaration that the Filipinos will be denied the right to pursue their happiness if the proposed plan is passed by the Congress of the United States. If the United States closes the doors of its market to the Philippine products and at the same time deprives them of the instrumentalities essential to the upbuilding of their markets abroad, it will be tantamount to hindering their economic progress, which is vital to their happiness, prosperity, and life.

The list of grievances of the thirteen Colonies against the British Empire recites among other things the following:

"For imposing taxes on us without our consent."

Under the slogan of "Taxation without representation" the American people fought the greatest and bloodiest revolution the world had ever witnessed, and when victory was attained they formulated and adopted the Constitution for the United States, which is the document from which all the nations take inspiration.

In that Constitution was written that "no tax or duty shall be laid on articles exported from any State" which is essential for the promotion of happiness, life, and liberty of the inhabitants therein. It may be suggested, as it was suggested by Mr. TIMBERLAKE, of Colorado, that the Philippine Islands has not yet acquired the status of a State. In reply to this argument I shall say that the framers of the Constitution, when it was formulated and adopted, never thought that the Union was to acquire outlying possessions by conquest or by any other title, pursuing the colonial designs of Great Britain, against whom they emancipated themselves through the force of arms. It is but logical to think that the framers of the Constitution have not had in their minds to bring under the American flag people to whom the right to pursue happiness, life, and liberty is to be denied. And so the Supreme Court of the United States, in the cases of De Lima *v.* Bidwell (182 U. S. 1) and Fourteen Diamond Rings *v.* United States (183 U. S. 176), said:

"With the ratification of the treaty of peace between the United States and Spain, April 11, 1899, the islands of Porto Rico ceased to be 'a foreign country' within the meaning of the tariff law."

The same doctrine was followed and upheld in the case of Fourteen Diamond Rings against United States, which was a direct discussion on the tariff status of the Philippine Islands.

The contentions in those two cases, as admitted to the court by the parties thereof, were:

"1. Porto Rico (or the Philippine Islands) was not in June or September, 1899, 'a foreign country' within the meaning of that term as used in the tariff act of 1897.

"2. Even if—in denial of the foregoing contention—the tariff act of 1897 had to be construed as in fact purporting to authorize the collection of duties on goods brought from Porto Rico into New York in June or September, 1899, then, in that aspect of it and to that extent, the act in question must be held unconstitutional and ineffectual to justify the exaction complained of in this case."

The fundamental constitutional points were raised in the discussion of those two cases, to wit: (a) Congress can not "lay and collect" any "duties" save such as are "uniform throughout the United States"; (b) "duties" collectible "on goods brought from Porto Rico into New York in June or September, 1899," would have been duties not "uniform throughout the United States," Porto Rico having been ever since the ratification of the treaty with Spain a part of "the United States."

When these two cases were argued before the Supreme Court of the United States very interesting and enlightening arguments were presented by both sides, and if I could have more time than that allotted me I would produce them before this committee. For my purpose it would be sufficient for me to quote here the high lights of the decision of the court. Justice Brown, who delivered the opinion of the court, said:

"The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union, presupposes that a country may be domestic for one purpose and foreign for another."

After the discussion by the court of several incidental facts of the case, it said:

"We are unable to acquiesce in this assumption that a Territory may be at the same time both foreign and domestic."

Therefore the court decided that Porto Rico was not a foreign country within the meaning of the tariff laws, but a Territory of the United States; that the duties were illegally exacted, and that the plaintiffs are entitled to recover them back.

I am aware, Mr. Speaker, of the arguments advanced that the Philippine Islands have not so far acquired the status of a State of the Union, and for this reason they can not claim the rights of any of those States guaranteed by the Constitution as to the uniformity of taxes and that "no tax or duty shall be laid on articles exported from any States."

In addition to the arguments I have already set forth, I wish to examine now the constitutional meaning of the words "the United States." When the Constitution refers to "the United States" it does not convey the idea that "the United States" is limited to the geographical boundaries of the States of the Union.

This very point was thoroughly discussed in the case of De Lima against Bidwell. The counsel for the plaintiff said in this respect the following:

"All territory lawfully acquired and taken under sovereign jurisdiction is a part of the United States. The Constitution is a charter or grant of powers conferred upon the Federal Government by the people of the United States. The Federal Government has no existence outside of this Constitution. Hence it is a confusion of terms to speak of territory to which the United States has acquired title as not being within our 'constitutional boundaries' or incorporated into the United States. It is a misapprehension of the nature of our institutions and of the function of the organic law of our national existence, known as the 'Constitution,' to speak of any part of the Nation being beyond its boundaries or to speak of its 'existence' over portions or over all of the national territory. There is no boundary to the Constitution other than the whole sphere of the activity of the Federal Government. Outside of that sphere, beyond that boundary, the Federal Government can only act by usurpation—a government of force, not of law—and officers assuming to act for the United States outside of the prescriptions of the Constitution are, however well-intentioned, outside of the law."

From what I have stated it does not necessarily follow that all the provisions of the Constitution of the United States are applied to its outlying possessions, like Porto Rico and the Philippine Islands. It is evident, however, that when Congress legislates for the outlying possessions its power and authority ought to be in harmony with the Constitution. For instance, Congress can not pass any law permitting in the Philippine Islands the practice of polygamy or the establishment of slavery. Yet these specific provisions of the Constitution are not applied to the Philippine Islands. The nonapplication of the Constitution to the Philippine Islands does not mean that Congress could pass legislation for the outlying possessions outside of the provisions of that Constitution.

The part of the Constitution of the United States which provides that "the trial of all crimes, except in cases of impeachment, shall be by jury," and woman suffrage is not applicable to the Philippine Islands. Congress, however, can not pass any legislation for the Philippine Islands prohibiting its local legislature to pass a law granting its inhabitants the trial by jury or granting suffrage to the women therein.

The theory that the Constitution does not follow the flag is not absolute. The principles embodied in the Constitution and symbolized by the flag go with it wherever it may be hoisted. But whether the Constitution does or does not follow the flag, it is self-evident truth that it remains in the United States as the fountain from which Congress should take inspiration in the exercise of its legislative authority.

No, Mr. Speaker, I hate to think that there is any overt or covert aim in the plan to establish economic slavery in the Philippines. I would rather prefer to believe that if this were the effect of the passage of the proposed plan it would have to be without the conscientious approval of its proponents. And yet it would be the effect, if passed. This point can be briefly demonstrated. The resolution limits to 500,000 tons the sugar that the Philippine Islands could export to the United States. It is also proposed to levy a duty on coconut oil, coprax, and cordage, and to put a limitation to Philippine tobacco. Above the limitation the full tariff wall will be applied. The United States will continue holding its right to export to the Philippine Islands all her products, growth, and manufacture duty free. This fact will compel the Filipinos to buy, by law of necessity, nothing but American products and merchandise for the reason that similar products and merchandise coming from foreign countries are in nowise able to establish in the Philippine Islands a competitive market. They will continue paying the customs duty they are required to pay now, and this will give an absolute monopoly of the Philippine market to American products and merchandise.

The American products and merchandise are now, in fact, without competition in the Philippine market, and if they so desire could dictate the price and hence absorb all the energy of the purchasing capacity of the people. What then? Now that the government of the Philippine Islands, through the help of American capital or Filipino capital, and now that the first step has been already taken in that direction by the able leadership of Governor Stimson, the wages will be at their disposal, for the people of the Philippine Islands, having been deprived of the benefit of the American market, the only one they could have under the circumstances for their major industries, will be plunged into poverty, reducing them to mere wage hunters. This picture of the situation to be created by the plan, if adopted, is baffling. It should startle any humanitarian government. Besides, this proposed limitation and levying of duty on coconut oil and copra will have the effect of giving more protection to foreign countries than the Philippine Islands, which is under the American flag. It is a well-known fact that Cuban sugar enjoys the privilege of preferential duty in the United States. The Philippine sugar, if the proposed limitation is adopted, will pay the full duty imposed on foreign sugar entering the United States above the 500,000-ton limit. This policy will operate to render more protection to Cuban sugar than that produced in the Philippine Islands. It will be a strange policy to be adopted by the United States, and it will upset all the previous benefits received by the Filipinos from this Nation.

It is alleged that the proposed limitation of importation of Philippine sugar to the United States is intended to encourage the development of its beet-sugar industry. This can be properly demonstrated to be fallacious. The beet-sugar industry in the continental United States can not exist without the importation of seasonal Mexican labor and seeds from Germany. Once the beet-sugar industry has been properly developed it has to employ American labor with the wage rate now enforced throughout the United States.

The cost of production of the beet sugar in the continental United States will be such as to cause the rise of the price of this commodity

used and needed in American homes. According to statistics, the cost of beet-sugar production in this country with the employment of seasonal Mexican labor is 3 cents per pound. (Report of the Federal Trade Commission on the beet-sugar industry in the United States May 24, 1917.)

The hearings from February 21 to April 8, before the House Committee on Immigration and Naturalization, on the bills regulating Mexican immigration, the hearings on the tariff before the corresponding committees of the Senate and the House, and the well-documented discussions before the United States Tariff Commission a few years ago conclusively established the fact that Mexican labor is indispensable in the beet-sugar industry in America. A man with his family working an acre of land is paid around $24 for the season, and according to experts, if a sugar-beet planter is asked to pay $100 per acre instead of $24, the industry can only exist at the expense of the consumer, who will be compelled to pay an unconscionable high price.

It has been reported by the child-welfare organizations that the sugar-beet industry is the heaviest employer of child labor. It is but fair to hope that a child labor law will be adopted by those States where the sugar-beet industry is in full development and the enlightened leaders of the industry can be depended on reasonably to observe both the ethics and the humanity of the case.

If the amount paid to a man and his family for producing 1 acre of beet sugar is $24, which makes the cost of production 3 cents per pound, then the conclusion is that paying $100 per acre it will cost at least 12 cents to produce a pound of this commodity. Adding to this the cost of production per pound of sugar, the cost of transportation, storage, taxes, administration, depreciation, and other expenses for its marketing, the result will be a tremendous and startling high price of sugar for the American consumer. Its effect would be that the Cuban sugar will flood the American market, for that country is able to produce sugar so much more cheaply than it can be produced in any other part of the world. Cuba in this case—to compete successfully—would not need the benefit of any tariff preference in the United States.

According to statistics the cost of production of sugar in Cuba is from 1.75 to 2 cents per pound. The transportation from Cuba to New York is estimated to be 15 cents per hundred pounds, or about three-twentieths of a cent per pound.

The cost of production of Philippine sugar per pound, delivered at New York, is from 3 to 3½ cents. A slight comparison of the cost of production per pound of the Cuban sugar to that of the Philippine sugar, both delivered at New York, will show that the Philippine sugar needs more protection than that of Cuba. I will not deal any further with this statistical matter, for General McIntyre has dealt or will deal with them with abundant data and figures.

Suffice for me to say that any restriction to be imposed on Philippine sugar and tobacco importation into the United States and any duty to be levied on coprax and coconut oil will be absolutely contrary to the announced policy of the Government of the United States to develop the Philippine Islands economically for the mutual benefit of both countries. The essence of the whole question now before this committee is one that affects the fundamentals of the existing relationship between the United States and the Philippine Islands. The United States would fail to fulfill its trusteeship over the Philippine Islands by discouraging the economic development of that country. The Philippine Islands and the inhabitants therein would be unhappy and discontented if held by the United States under her flag and sovereignty and were prevented by congressional action to enjoy the privilege of free trade with the mother country. Such a proposition is a challenge to American fairness and justice.

In passing it is worthy to note that it seems that the Philippine Islands is to be converted to a spot where even American citizens have to suffer from her anomalous political situation. The American citizens in the Philippine Islands were, and are, placed by the Congress of the United States in a disadvantageous and the worst position in comparison with other foreigners. They are subjected to double taxation by their own home Government.

In justice to them, I wish to call to the attention of this committee that President Coolidge in his message to Congress on December 4, 1928, emphatically pointed out the grim necessity of relieving those American citizens from double taxation, for which they are justly asking.

The Philippine Islands, under the present circumstances and conditions, and under the legislations enacted by Congress of the United States, is a better place in which to live for a Britisher, Japanese, French, German, or a Chinese than for an American citizen.

If the Philippine Islands should become independent, I am positive that they will see to it that American citizens occupy a place of parity, if not better, than any other foreigners in those islands.

I wish to take advantage of this opportunity to entreat this committee to devise some means of relieving those American citizens now residing in the Philippine Islands from double taxation, thus placing them at the same footing with their foreign competitors. This is but just and fair. Let it be known that those American citizens who have invested money in the Philippine Islands may be properly regarded as the forerunners of this Nation in the Far East. They have made sacrifices in leaving their homeland and those dear to them that they may unfurl in that part of the world the banner of prestige and glory of this great Nation. For this reason alone, if not for any other, they deserve most careful consideration on the part of the United States Congress.

FIRST DEFICIENCY BILL, 1929

Mr. HASTINGS. Mr. Speaker, the deficiency appropriation bill has just been reported to the House with Senate amendments. No request has been made to send it to conference, but it may be at any time during the day.

Now, I know that a great many Members of the House are very much interested in the amendment of Senator HARRIS in the deficiency appropriation bill which provides for an adequate appropriation for prohibition enforcement. I think there ought to be some notice given to the membership of the House as to when this matter may be called up, in order that the Members may be present, and in order that they may have the parliamentary situation fixed so that the House may be assured of a vote on that amendment and a debate on it.

I would like to know if there is anyone on the floor who is authorized to speak and say when it is expected to call up this appropriation bill, either for concurrence in the Senate amendments or to send it to conference?

Mr. TILSON. If the gentleman is directing his remarks to me, I will say that I have talked with the member of the Committee on Appropriations who is in charge of the bill, and asked him to let me know a day in advance of the time when he intends to bring it up.

Mr. HASTINGS. Then the House will be able to have some notice as to when it will be called up, so that we may be assured of some notice when it is to be called up?

Mr. TILSON. I do not think there is any intention of springing a surprise on the House. It was my purpose to notify the House a day in advance in order that the Members of the House may be here. There is no reason for imputing to anyone the purpose of springing a surprise on anybody.

Mr. HASTINGS. I thought the House was entitled to have notice given when it was to be brought up.

Mr. GARNER of Texas. Many gentlemen are interested in the question of when the deficiency bill will be sent to conference. Undoubtedly we can consult the gentleman from Indiana [Mr. WOOD], in charge of it, and get from him a statement as to when he intends to bring it up.

Mr. TILSON. I have already asked the gentleman from Indiana to let me know.

Mr. GARNER of Texas. The gentleman from Indiana, in fairness to the Members, could give notice as to when he intends to call it up. Some Members, I may say, desire to go away at the end of the week, but they do not want to go away if that bill is to be called up this week. In the interest of accommodation of various Members on both sides of the aisle, let me urge the gentleman from Connecticut to urge the gentleman from Indiana to give notice when he intends to call it up.

Mr. TILSON. I do not think that I should encourage Members to leave the city, but I asked the gentleman from Indiana to let me know in order that I might notify the Members of the House as to when it is intended to call it up.

Mr. GARNER of Texas. Could not the gentleman from Indiana say when he expects to call it up?

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Certainly.

Mr. CRAMTON. I think it is shown in the RECORD that this bill has only come back from the Senate within the last five minutes. It happens that the gentleman from Indiana [Mr. WOOD], who will be the House conferee in charge of the bill, is not now on the floor. I am sure no gentleman here needs to have any worry about the gentleman from Indiana giving every courtesy and consideration that may be desired. If this question is brought up when the gentleman from Indiana is here, I am sure there will be no hesitation on his part to so inform the House.

Mr. GARNER of Texas. Will the gentleman from Michigan undertake to get in touch with him to-day, so that the RECORD of to-day may show when he intends to call that up?

Mr. TILSON. It may be that the gentleman from Indiana has not yet determined when he will bring it up, but I have asked the gentleman from Indiana to let me know at least a day in advance when he intends to call it up.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman a question? The press this morning reports that the House administration has been asked to kill this prohibition amendment which was passed by the Senate. I want to ask the gentleman

if he does not think it fair to the membership of the House, in view of the fact that this question is one concerning which all of the people of the United States are interested one way or the other, that we be given a chance to debate the matter with the idea of giving our conferees definite instructions before they go to conference? That matter ought to be debated thoroughly before the matter goes to conference.

Mr. TILSON. The House is master of the situation.

Mr. BLANTON. Oh, but the gentleman is in control of the whole situation, and the gentleman knows a motion could be made to send this bill to conference without any debate at all.

Mr. TILSON. There would have to be a majority of the membership of the House present in order to carry that motion.

Mr. COLE of Iowa. Mr. Speaker, I call for the regular order.

The SPEAKER. Of course, this debate has been proceeding by unanimous consent.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. Is it now in order to submit a motion to instruct the conferees with respect to this matter?

The SPEAKER. No; not until the bill is called up.

MEMORIAL EXERCISES FOR HON. MARTIN B. MADDEN

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SPROUL of Illinois. Mr. Speaker, ladies and gentlemen of the House, some three weeks ago my colleague from Illinois [Mr. BRITTEN] asked and received unanimous consent to have Sunday, February 10, set aside as a day on which to hold memorial services for our departed Member, the Hon. MARTIN B. MADDEN. Since that time a resolution has been passed by the House appointing a committee to look after those memorial services. I have consulted the family of Mr. MADDEN and they want his services held in conjunction with the services held for other Members who have passed away. Therefore I ask unanimous consent that the order to make Sunday, February 10, a memorial day for the Hon. MARTIN B. MADDEN be vacated.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the order under which Sunday, February 10, was made a memorial day for the late MARTIN B. MADDEN be vacated. Is there objection?

There was no objection.

RESIGNATION

The SPEAKER. The Chair lays before the House the following communication:

JANUARY 23, 1929.

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Rules.

Very sincerely yours,

C. W. RAMSEYER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. To-day business which was in order yesterday is in order, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was called—

ASSESSMENT OF BENEFITS AGAINST PUBLIC LANDS AND LANDS HERETOFORE OWNED BY THE UNITED STATES

Mr. COLTON. Mr. Speaker, by direction of the Committee on Public Lands I call up H. R. 10657, to authorize the assessment of levee, road, drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States. This bill is on the House Calendar.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The parliamentary situation in regard to this bill is that it has been read twice, and if no amendments are proposed the question is on the engrossment and third reading of the bill.

Mr. COLTON. Mr. Speaker, there are some amendments to be offered and some changes made. When we brought up the bill on the last Calendar Wednesday there was considerable discussion, and a number of changes are to be recommended. I yield 10 minutes to the gentleman from Arkansas [Mr. DRIVER] for the purpose of having an explanation made concerning the bill.

Mr. DRIVER. Mr. Speaker, when this bill was under consideration on last Wednesday, a fear was expressed on the part of some of the Members that the permission carried by this bill to levy the assessment provided for was possibly too broad and would permit the accumulation of assessments on these lands, former public lands, before the title ripened in the occupant. It being my intention to fully protect against any such contingency I expressed then to the gentleman from Michigan [Mr. CRAMTON], who raised this question of doubt, my desire to eliminate all question about it. Therefore further conferences were held with Judge Finney, of the land department, and he has prepared a suggestion of amendments to take the place of sections 1, 2, and 3 of the bill which, in his opinion, will limit these assessments to the time when the title ripens in the occupant. Therefore, Mr. Speaker, I offer the following as an amendment to sections 1, 2, and 3.

The SPEAKER. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DRIVER to sections 1, 2, and 3 of the bill: Strike out all of sections 1, 2, and 3, and insert in lieu thereof the following:

"*Be it enacted, etc.*, That the consent of the Government of the United States to the levy of special assessments, based upon benefits estimated to be derived from local levee and drainage districts within the boundaries of the St. Francis levee district in Arkansas, within the State of Arkansas, is hereby expressed and given. The laws of the State of Arkansas, levying said special assessments and providing for the enforcement of such levy and the establishment of a lien and of all remedies pertaining thereto are expressly made applicable to the lands described in this act: *Provided*, That no levy, assessment, or collection of any special assessment shall attach or be applicable to any lands of the United States, nor permit the collection of any special assessment for such tax from the United States Government, nor from any entryman or person as to any such lands until the date when the entryman or purchaser shall become entitled to a patent from the United States for such land. Such levy, special assessment, or tax shall not operate against the Government of the United States, and shall only operate and take effect and be in force when and if the equitable title to any particular tract of land involved shall have passed from the United States to such entryman or purchaser, and such entryman or purchaser shall have become entitled to patent therefor.

"SEC. 2. That all the acts, levies, assessments, and proceedings in substantial accordance with the laws of Arkansas, and all levies and assessments of benefits against lands, the equitable title to which had passed as provided in section 1 of this act, are hereby cured and confirmed, and the same shall not be set aside, vacated, or annulled by any court for want of jurisdiction or any irregularity in the proceedings, based upon the want of authority now conferred by this act.

"SEC. 3. That this act shall be available to the St. Francis levee district of Arkansas, and to any drainage district within the boundaries of the St. Francis levee district heretofore or hereafter created, as expressing the consent of the Government to the special assessments fixed substantially in accordance with the laws of Arkansas and this act."

Mr. COOPER of Wisconsin. Mr. Speaker, may I ask the gentleman a question about the bill?

Mr. DRIVER. Yes; I yield to the gentleman.

Mr. COOPER of Wisconsin. I note that the title of the bill refers—I read:

to public lands and lands heretofore owned by the United States.

This language of the title would include any or all such lands wherever located.

Mr. DRIVER. There is an express exception, I will say to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Will the gentleman permit further? The body of the bill, however, relates specifically and exclusively to such lands within the State of Arkansas. Ought not the title to be amended to read "heretofore owned by the United States within the boundaries of the State of Arkansas," so that the title will also be specific and relate exclusively to lands within that State, as does the bill?

Mr. DRIVER. Yes. Under the suggestion made by Judge Finney I notice that is true, so I will ask that the title be amended so as to provide for that.

Mr. SNELL. I suppose the gentleman is going to explain the practical effect of this amendment?

Mr. DRIVER. I will be very pleased to. I made the explanation on Wednesday of last week, I will say to the gentleman from New York; but I will be glad to repeat it at this time.

Mr. SNELL. If the explanation has been made, I do not know that I want the gentleman to repeat it.

Mr. DRIVER. I will be very pleased to make it again. The purpose here is to provide for the assessment of drainage and

levy benefits on the heretofore publicly owned lands of the eastern part of Arkansas. The land is in two counties.

These lands were lowlands, the drainage basins for the higher lands of that section, at one time claimed under the laws of the State of Arkansas as riparian lands; and under the operation of that law the title of the shore owners extended to the thread of the stream.

Now, through certain reclamation work that was placed in that area, these lands were partially uncovered and the attention of the Government was called to the fact that they were at one time similar to the higher areas about them. They were created by that very remarkable earth disturbance of 1811, called the New Madrid earthquake, and when they were originally surveyed under the direction of the United States Government, the surveyors delimited these areas, meandered them, and marked them on the plat and surveys as lakes. In fact, they were land in place and through all these areas were elevations covered with the same character of timber that you find on the adjacent higher lands.

The Government then asserted title, successfully, to these lands.

Now, in the meantime, while the supposed riparian owners were in control, drainage districts and the levee district were organized and through the influence of these works the lands were uncovered and made valuable.

The Supreme Court of the United States a couple of years ago in a case pending at the instance of one who held a tract of this land, decided that if these lands were the property of the United States at the time of the organization of these reclamation works or districts, the lands would be forever exempted from their levees.

So we find ourselves in an attitude where these lands have become a part of the security for the issues of bonds that went into the construction of the works that made these particular lands valuable, because without them these basins could never have been cultivated.

No question had been raised by the people who were in possession of the property and paying their taxes until this particular man objected to collection of the tax.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DRIVER. So now we are trying to bring these lands within the provisions of our drainage laws that reclaimed them.

Mr. SNELL. Who has the title to these lands at the present time?

Mr. DRIVER. The occupants under homestead hold titles issued by the Government.

When these titles ripened we undertook to extend the law by adding to our State law, but the decision was such that it absolutely precluded us from getting that benefit and the result is these other lands must bear a burden that should properly be lodged against these lands, and we thought was legally lodged against them.

Mr. SNELL. That is the effect of the gentleman's amendment.

Mr. DRIVER. Yes. I will also say to the gentleman from New York that a few days ago another complication entered into the matter. Some of these parties actually went into the courts and asked that these districts be extended, and to the extent of those who have so petitioned, the Supreme Court of the United States just this past week decided they were subject to the doctrine of estoppel and therefore we have now those people in an attitude where they not only pay the amount they thought they were assuming but they must get under a proportion of the burden of those who stand in a like attitude.

Mr. SNELL. And the men who are on these lands now received a regular title under the homestead act to the lands from the Federal Government?

Mr. DRIVER. Yes.

Mr. SNELL. And the gentleman is simply asking that they pay their share of the drainage-district bonds?

Mr. DRIVER. Yes. I will say to the gentleman from New York that some question was raised the other day as to the original bill. It was expressed here in the way of a fear that possibly the bill was a little carelessly prepared and would permit the assessment to go back to the date of the organization of these districts and accumulate on these lands. The purpose of the amendment is to avoid that possibility and provide that an assessment be made only when the title is ripened in the occupant.

Mr. SNELL. It seems to me that it is a fair proposition.

Mr. DRIVER. It is more than fair.

Mr. CRAMTON. If the gentleman will yield, I observe that the question which I raised the other day with reference to this bill, and which has been properly stated by the gentleman from Arkansas, seemed, in the judgment of the Interior Department, to be corrected by the amendments which the gentleman from Arkansas has presented, and while the Interior Department had some question about the bill in its original form, they are in accord with the bill as presented and amended, by reason of the fact, as I understand it and as the department understands it, in the amendments now presented, instead of there being an opportunity for the accumulation of charges before the title ripens there can be no levy before the time comes when the title is in the homesteader.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DRIVER. I yield.

Mr. CHINDBLOM. How does the amendment reach the objection mentioned in the letter of the Secretary of the Interior of April 12, 1928, to Mr. Sinnott, then chairman of the Committee on Public Lands? The letter says:

> It is not believed that the Government of the United States should enact any law affecting or attempting to affect the title to any land that has passed from its jurisdiction.

These lands have passed from the jurisdiction of the United States and they have been acquired by these people under the state of the law then in existence. Now, here comes the United States, after relinquishing the title to the land and permitting it to pass under this law, it comes now and subjects the land to this burden. Has the objection of the Secretary of the Interior in that respect been cured?

Mr. DRIVER. No, sir; and it can not be by any amendment that this Congress can make. These people who have received the benefit of this work produced there should not escape the responsibilities that they should assume in common with the other people in the reclamation work.

Mr. CHINDBLOM. I appreciate the gentleman's frankness.

Mr. DRIVER. I am frank. I want to say to the gentleman that until this question was raised not a single one of the occupants of the land failed to pay promptly his assessment in common with his neighbor. But when this one man saw fit to resist and raise this legal question, then they stopped their payments.

In addition to that, here comes a decision of the supreme court of our State that the lands not exempted must not only pay the original assessment but assume a part of the assessment that the exempted class failed to pay. It is unfair to these men that such condition should go without relief on the part of Congress if they can be relieved.

Mr. CHINDBLOM. I think the gentleman's statement is answered adequately and admirably by the Secretary of the Interior, when he says further:

> If an unlawful tax has been levied against such lands under assumed authority of the State of Arkansas, the Government should not now, after having parted with title, attempt to ratify such illegal tax. In addition to the moral question involved there is grave doubt whether assent given by the Government, especially after the land has ceased to be Federal property, would validate a tax void for the reason that at the time the benefit accrued the title was in the United States.

I confess that I have not given the matter the thought that the gentleman from Arkansas has, but on general principles I would say that I thoroughly agree with the views of the Secretary of the Interior that the Government of the United States, having relinquished title to the lands under certain conditions and under the law as it then existed, ought not afterwards by its own legislation attempt to change the status of the people who acquired title.

Mr. DRIVER. I think the gentleman has overlooked an important feature. Under the decision in Lee against The Osceola Improvement District——

Mr. CRAMTON. If the gentleman will yield, I think it would interest the gentleman from Illinois to know that at the time the Secretary of the Interior dispatched that letter to Mr. Sinnott, at the time the letter was drafted, the department entertained a different theory as to the effect of the bill from what was intended by the gentleman from Arkansas; and that the purpose of the gentleman from Arkansas having been definitely put before the department, and having redrafted the first three sections and more clearly limited their scope, the department has changed its view of the situation.

Mr. CHINDBLOM. Mr. Speaker, I shall not try to interpose my judgment against that of the gentlemen who have framed and are so anxious to have passed this legislation, but the general principle that is involved here I think should be preserved.

Mr. DRIVER. It is a very unusual case.

Mr. COLTON. Mr. Speaker, I think the report of the Secretary of the Interior was drafted with the thought that these were cumulating assessments and he objected to the bill on that account.

Mr. CHINDBLOM. Oh, no, no. The language which I read does not refer to cumulating or noncumulating assessments. It refers clearly to the principle of the Government of the United States taking action in regard to questions affecting the status of the owners of lands after the Government has relinquished its title to those lands.

Mr. COLTON. And yet that was the basic objection of the department at that time.

The SPEAKER. The time of the gentleman from Arkansas has again expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman an additional 10 minutes.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. STEVENSON. Does the gentleman think that Congress has the power, after the Government has parted with the land, to turn around and add a burden to the very property that it has parted with? In other words, can a man sell land in fee simple and afterwards convert it into a life estate?

Mr. DRIVER. These burdens were already on the land, and the question has been raised as to the validity of that charge, much of which has been paid. All we ask is the consent of the Government that we may find the opportunity to bring these lands within the category of all lands which are charged with the improvement.

Mr. CRAMTON. I call attention to the fact that what the gentleman seeks to do now is not to confer an authority to tax but to relieve a lack of authority based upon a previous attitude of the Government.

Mr. DRIVER. Exactly.

Mr. CRAMTON. And so at the end of section 2 it is provided that the acts, and so forth, are confirmed and shall not be set aside, and so forth—

for any want of jurisdiction or any irregularity in the proceedings—

Then—

based upon lack of authority now conferred by the act.

Mr. COLTON. Mr. Speaker, if there is no further discussion, I move the previous question on the bill and all amendments thereto to final passage.

Mr. CRAMTON. There will be an amendment to section 4.

Mr. COLTON. Then I withhold my motion for the moment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. DRIVER. Mr. Speaker, I offer the following amendment, to be added to the end of section 4.

The Clerk read as follows:

Amendment offered by Mr. DRIVER: Page 3, line 21, at the end of section 4, strike out the period, insert a comma, and add the following: "In the areas in Mississippi and Poinsett Counties described in the act of January 17, 1920."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent that the title be amended to conform to the text of the bill.

The SPEAKER. Is there objection?

There was no objection.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DRIVER. Mr. Speaker, I ask unanimous consent, as a part of my remarks, to extend therein a letter from the Department of the Interior addressed to the gentleman from Michigan [Mr CRAMTON].

The SPEAKER. The gentleman from Arkansas asks unanimous consent to include in his remarks the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: I have tried to rewrite H. R. 10657, introduced by Mr. DRIVER, to express what I understand from the CONGRESSIONAL RECORD was his intent in drawing and introducing the measure.

The bill as originally drawn would apparently permit the levy of special assessments on public lands of the United States, or upon lands embraced in original homestead entries, upon which the entrymen had not so complied with the laws as to entitle them to a final certificate as a basis for patent. This might result in a heavy accumulation of unpaid assessments against vacant public lands or against lands the title to which had not been earned, which would have to be assumed by subsequent entrymen. Apparently, however, Mr. DRIVER was willing to have it apply only to lands to which the equitable title had passed from the United States, i. e., lands where entrymen had earned title by residence and cultivation and submission of final proof, and thereby secured an equitable title, which needed only the issuance of patent to convey to them the legal title.

With this thought in mind I have redrafted sections 1, 2, and 3 of the bill. As to section 4 I am not quite clear as to the scope or intent of the section. You will note in Secretary Work's report of April 12, 1928, he states that the only act recognizing the right of any district to tax unentered or entered public lands, for which patents have not issued, relates to specific areas in Mississippi and Poinsett Counties, and is restricted to local drainage districts (act of January 17, 1920, 41 Stat. 392). Personally, I do not like to see that provision of law extended to other unentered public lands, nor to see the provisions of section 4 extended to other unentered or unpatented public lands. Possibly it might be consistent to limit the application of section 4 to the lands described in the said act of January 17, 1920, which could be done by inserting in line 7, page 3, of H. R. 10657, after the words "that in all cases," "in the areas in Mississippi and Poinsett Counties, described in the act of January 17, 1920."

Very truly yours,

E. C. FINNEY,
First Assistant Secretary.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had ordered that the House of Representatives be respectfully requested to return to the Senate the following bills, to wit:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers, and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

Mr. COLTON. Mr. Speaker, by direction of the committee I call up the bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park in the State of California by exchange.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 11406. The parliamentary situation is that this bill was considered in the House as in Committee of the Whole when it was last under consideration. The entire bill has been read. Therefore amendments may be proposed only to the last section of the bill.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Utah yield to me for a moment?

The SPEAKER. Are there amendments to be proposed?

Mr. COLTON. Mr. Speaker, I understand that there are no amendments to be proposed. I yield one minute to the gentleman from Michigan.

Mr. CRAMTON. Mr. Speaker, I raised some question about the bill when it was under consideration last week, because of an attempt now being made to acquire by purchase or condemnation private lands in the parks. There is some question as to the necessity for this legislation, but after more thought upon the subject, and consultation with the Park Service, it seems to me it is desirable to pass this bill, because we are not sure what may happen to the other matter. This can not hurt anything, if it is not needed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXCHANGE CERTAIN PUBLIC LANDS IN THE STATE OF UTAH

Mr. COLTON. Mr. Speaker, by direction of the committee I call up House Joint Resolution 356. There was a mistake either in the printing or by the clerk of the committee in the bill and a star print has been made. I ask that the star print of the resolution be considered.

The SPEAKER. That will be the one considered. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 356) to authorize the exchange of certain public lands in the State of Utah, and for other purposes.

The SPEAKER. This resolution is on the Union Calendar.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands, surveyed or unsurveyed, within townships 8, 9, and 10 north, ranges 2, 3, 4, and 5 west, Salt Lake meridian, Utah, which in the opinion of the Secretary of Agriculture are chiefly valuable for the purposes contemplated under the act approved April 23, 1928 (45 Stat. L. 448), and in exchange therefor may patent not to exceed an equal value of surveyed or unsurveyed public lands in the State of Utah nonmineral in character: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands to be given in such exchange.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: On page 1, after the enacting clause, strike out all the language from line 3 down to and including line 10, page 1, and all the language on page 2, beginning line 1 down to and including line 11, and insert in lieu thereof the following:

"That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands, surveyed or unsurveyed, within township 7 north, ranges 2 and 3 west, and townships 8, 9, and 10 north, ranges 2, 3, 4, and 5 west, Salt Lake meridian, Utah, which in the opinion of the Secretary of Agriculture are chiefly valuable for the purposes contemplated under the act approved April 23, 1928 (45 Stat. L. 448), and in exchange therefor may patent not to exceed an equal value of surveyed unappropriated lands owned by the United States within the said townships nonmineral in character: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in the county in which may be situated any lands to be given in such exchange."

The committee amendment was agreed to.

The resolution as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the resolution was passed was laid on the table.

MISSOULA NATIONAL FOREST, MONT.

Mr. COLTON. Mr. Speaker, by direction of the committee I call up the bill H. R. 14148 and ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14148) to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont."

The SPEAKER. The gentleman from Utah asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.," be, and the same is hereby, amended by striking out the word "and" in line 81 of section 1 of said act, and inserting in lieu thereof the word "to."

Committee amendment: On page 1, line 7, after the word "to," insert the following:

"*Be it enacted, etc.*, That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Missoula National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas:

"East half section 19, township 11 north, range 7 west; sections 2 and 12, township 11 north, range 8 west; west half section 1, sections 2 to 11, inclusive, west half section 12, township 12 north, range 7 west; sections 1 to 17, inclusive, lots 5, 8, 9, 10, 11, 12, 13, 16, and 17, section 18, lots 3, 4, 5, 8, 9, southwest quarter northeast quarter section 20, sections 21 to 28, inclusive, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, section 33, sections 34, 35, and 36, township 12 north, range 8 west; lots 1, 2, 3, and 7, section 1, north half section 2, section 6, township 12 north, range 9 west; west half section 4, sections 5 and 6, township 13 north, range 6 west; all township 13 north, range 7 west; sections 1 to 5, inclusive, and 7 to 36, inclusive, township 13 north, range 8 west; west half northeast quarter, northwest quarter, lots 3 and 4, section 6, east half, southwest quarter section 8, south half section 10, north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, southeast quarter southeast quarter section 12, sections 13 to 36, inclusive, township 13 north, range 9 west; sections 1 to 5, inclusive, east half section 8; sections 9 to 16, inclusive, north half northeast quarter, southeast quarter southeast quarter section 17, east half northeast quarter, northeast quarter southeast quarter section 20, sections 21 to 27, inclusive, east half and north half northwest quarter section 28, section 33 north half, north half south half, section 34, section 35, and section 36, township 13 north, range 10 west; lots 4, 5, 6, and 7, section 6, west half section 18, township 14 north, range 5 west; sections 1 to 3, inclusive, north half, southeast quarter section 4, south half northeast quarter, lots 2, 3, and 4, southeast quarter section 7, south half section 8, southeast quarter northeast quarter, southeast quarter, south half southwest quarter section 9, sections 10 to 13, inclusive, north half southwest quarter, north half southeast quarter, southeast quarter southeast quarter section 14, sections 15 to 21, inclusive, north half southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 22, east half northeast quarter, north half northwest quarter, southwest quarter northwest quarter, southeast quarter southwest quarter, southeast quarter section 23, sections 24, 25, and 26, north half and southwest quarter section 27, sections 28 to 33, inclusive, east half northeast quarter, northwest quarter, north half southwest quarter, lot 1, northeast quarter southeast quarter, lot 4, section 34, all section 35, township 14 north, range 6 west; west half northeast quarter, northwest quarter, east half southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 2, south half southwest quarter section 3, south half northeast quarter, south half section 4, lots 5, 6, 7, and 8, section 7, northeast quarter, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 8, sections 9 and 10, northeast quarter northeast quarter, west half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 11, north half northwest quarter, southwest quarter northwest quarter, east half southwest quarter, southeast quarter section 12, sections 13 to 36, inclusive, township 14 north, range 7 west; lots 1, 2, west half section 4, section 24, south half southwest quarter section 32, township 14 north, range 8 west; sections 5 to 8, inclusive, west half section 17, section 18, west half northeast quarter, northwest quarter, southeast quarter, section 20, northeast quarter section 29, township 14 north, range 9 west; section 2, southwest quarter

northeast quarter, lot 4, south half northwest quarter, southeast quarter section 4, section 10, north half, north half south half, all section 12, east half, east half west half and southwest quarter southwest quarter section 24, south half south half section 26, southwest quarter northeast quarter and south half section 30, north half and southwest quarter section 32, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, and south half section 34, township 14 north, range 10 west; southwest quarter northeast quarter, west half, west half southeast quarter section 18, north half, north half southwest quarter section 30, township 15 north, range 5 west; lot 2, west half, west half southeast quarter, southeast quarter southeast quarter section 2, sections 3 to 6, inclusive, northeast quarter, lots 1 and 2, east half southeast quarter section 7, sections 8 to 11, inclusive, west half northeast quarter, west half, southeast quarter section 12, sections 13 to 17, inclusive, east half east half section 18, east half, lots 2, 3, and 4, section 19, sections 20 to 28, inclusive, north half, north half south half section 29, northeast quarter, northeast quarter southeast quarter section 30, sections 33, 34, and 35, township 15 north, range 6 west; lots 1, 2, 7, and 8, section 2, lots 1 to 14, inclusive, east half southwest quarter section 6, township 15 north, range 7 west; southwest quarter, west half southeast quarter section 2, sections 3 to 10, inclusive, southwest quarter northwest quarter and southwest quarter section 12, sections 14 to 22, inclusive, sections 26 to 34, inclusive, township 15 north, range 8 west; all township 15 north, range 9 west; sections 1 to 5, inclusive, northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 6, northeast quarter northeast quarter, south half northeast quarter, northeast quarter southwest quarter, lots 5, 6, and 7, northwest quarter southeast quarter, section 7, lot 4, north half, east half southwest quarter, southeast quarter, section 8, sections 9 to 15, inclusive, east half, southwest quarter section 17, sections 20 to 28, inclusive, north half, northeast quarter southwest quarter, southeast quarter, lots 3 and 5, section 29, east half northeast quarter, southeast quarter southeast quarter section 32, sections 33 to 36, inclusive, township 15 north, range 10 west; east half, east southwest quarter and lot 3, section 2, west half section 4, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, northwest quarter southeast quarter section 12, township 15 north, range 11 west, all Montana base and meridian.

"SEC. 2. The Secretary of the Interior is hereby authorized to consider and allow applications affecting any lands described in this act which were filed prior to April 1, 1926, under the stock raising homestead act of December 29, 1916 (39 Stat. 862)."

Mr. COLTON. Mr. Speaker, this bill is introduced for the purpose of simply changing one word in a bill which was passed last year that was occasioned by a clerical error, and I ask unanimous consent that the further reading of the bill be dispensed with, and that it be printed in the RECORD.

The SPEAKER. The gentleman from Utah asks unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The question was taken and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VALIDATING CERTAIN APPLICATIONS FOR AND ENTRIES OF PUBLIC LANDS

Mr. COLTON. Mr. Speaker, I call up the bill S. 5110.

The SPEAKER. The gentleman from Utah calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5110) validating certain applications for and entries of public lands, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

An act (S. 5110) validating certain applications for and entries of public lands, and for other purposes

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof compliance with law has been filed, upon the payment of all moneys due thereon:

Desert-land entry, Evanston, Wyo., No. 07863, made by Charles G. Jewett on January 5, 1922, for the east half of the southwest quarter and north half of the southeast quarter, section 26, township 34 north, range 114 west, sixth principal meridian.

Stock-raising homestead entries, Cheyenne, Wyo., Nos. 035367, 039066, and 042059, made by Edwin T. Pfister for the northeast quarter of the southeast quarter, section 34, and north half and north half of the south half, section 35, township 38 north, and lot 4, southwest quarter of the northwest quarter, and northwest quarter of the southwest quarter, section 1, township 37 north, range 62 west, sixth principal meridian.

Stock-raising homestead entries, Buffalo, Wyo., Nos. 024570 and 024571, made by James R. Rice on February 21, 1923, for the southwest quarter of the northeast quarter and the southeast quarter, section 30, and lots 1, 2, and 3, east half of the northwest quarter, southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter, section 31, township 52 north, range 70 west, sixth principal meridian.

SEC. 2. That stock-raising homestead entry, Billings, Mont., No. 029013, made by Vera M. Diers (now Vera M. Watts) on December 5, 1927, for the southeast quarter of the northeast quarter and east half of the southeast quarter, section 31, north half of the southwest quarter, section 32, township 7 south, range 58 east, lots 3 and 4, section 5, and lot 1, section 6, township 8 south, range 58 east, Montana principal meridian, be, and the same is hereby, validated.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to James C. Willox, of LaBonte, Wyo., for the north half of the northwest quarter, section 23, township 29 north, range 73 west, sixth principal meridian.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Lillian Badger, of Hollywood, Calif., a patent for lot 5 and the southwest quarter of the southwest quarter, section 26, and lots 1 and 2, section 35, township 15 south, range 35 east, Mount Diablo meridian, California, such patent to contain the terms and conditions of section 24 of the Federal water power act: *Provided*, That Lillian Badger make payment for the land within 90 days after notice of the approval of this act at the rate of $1.25 per acre.

SEC. 5. That the Commissioner of the General Land Office be, and he is hereby, authorized to quitclaim to Paris M. McPhetridge the south half of the southeast quarter, section 24, township 5 north, range 13 west, San Bernardino meridian, California.

SEC. 6. That homestead entry, Santa Fe, N. Mex., No. 044344, made by Carolina Salazar on February 14, 1923, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. 862), embracing the south half of the south half, section 12, and the west half of the east half, section 13, township 7 north, range 16 east, New Mexico meridian, be, and the same is hereby, validated.

During the reading of the bill—

Mr. COLTON. Mr. Speaker, with the exception of the committee amendment, this is what is known as an omnibus bill, correcting certain irregularities that have arisen in the General Land Office. The bill has been carefully gone over by the committee, and I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, after line 3, insert the following new section:

"SEC. 7. That no qualified homestead entryman who, prior to November 1, 1928, made bona fide entry upon lands of the United States in Moffat, Rio Blanco, and Routt Counties, Colo., under the provisions of the homestead laws of the United States, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land subsequent to the incursion of swarms of crickets or grasshoppers upon said land or in the vicinity; but such entryman shall, within 90 days after issuance of notice by the Secretary of the Interior that the emergency occasioned by such insect invasion has terminated, file in the office of the register of the local land office an affidavit that he has reestablished his residence on the land, with the intention of maintaining the same for a period sufficient to enable him to make final proof: *Provided*, That any entry heretofore canceled within said counties may, subject to intervening adverse rights, be reinstated on a proper showing by the entryman that a leave of absence under this act would have been warranted: *Provided further*, That no such entryman shall be entitled to have counted as a part of the required period of residence any period of time during which he was not actually upon said land prior to the date of the notice aforesaid."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the last vote was laid on the table.

Mr. COLTON. Mr. Speaker, I move that the similar House bill lie on the table.

The motion was agreed to.

EXCHANGE OF CERTAIN LANDS IN MONTANA

Mr. COLTON. Mr. Speaker, I call up the bill H. R. 15724.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15724) to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept on behalf of the United States title to any lands now owned and held by the State of Montana within the exterior boundaries of the district described in the act of Congress approved March 29, 1928 (Public, No. 210, 70th Cong.), and in exchange therefor may patent to said State of Montana not to exceed an equal area of unreserved public land within the State of Montana surveyed and nonmineral in character: *Provided*, That before any such exchange is effected, notice of the contemplated exchange shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be given in such exchange. Lands conveyed to the United States under this act shall, upon acceptance of title, become subject to the provisions of said act of March 29, 1928.

With committee amendments as follows:

Page 1, line 8, strike out "(Public, No. 210, 70th Cong.)" and insert "Forty-fifth Statutes at Large, page 380."

On page 2, line 1, strike out the word "equal" and after the word "area" insert the words "of equal value."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SNELL. Mr. Speaker, this is quite a wide bill, covering considerable territory. I think the chairman of the Committee on the Public Lands ought to explain it.

The SPEAKER. The Chair recognizes the gentleman from Utah.

Mr. COLTON. Mr. Speaker, this bill has been introduced by the gentleman from Montana [Mr. LEAVITT], and I yield to him to make the desired explanation.

Mr. LEAVITT. Mr. Speaker, this bill is the result of the difficulty encountered in putting into effect a law enacted by the Seventieth Congress, in the first session. I refer to the enactment of H. R. 425, which became Public Act No. 210, and which authorized the Secretary of the Interior to enter into a cooperative agreement with the State of Montana and private owners of land within an area of about 100,000 acres between Mizpah and Pumpkin Creeks in southern Montana for the purpose of leasing the area for grazing purposes. It includes railroad lands and lands in other private ownership, and belonging to the State of Montana and to the Federal Government. A permit covering 10 years is intended to be issued by the Secretary of the Interior, following an agreement made with those other owners.

It is a particularly important thing that it be worked out, because it points to some conclusions as to the administration of public grazing lands. It has worked out that about 10 sections of State lands can not be included in any practical way because of a State law which requires that the rental of State lands leased to stockmen and others must bring a return which will be too large to enable them to measure these sections with the public and other lands and bring about that kind of a joint lease. The solution reached in conference with the stockmen involved, and with the Montana State land board, and agreed to by the Secretary of the Interior, and by the committee after consideration, is that the State lands within the area, comprising about 10 sections, should be exchanged for Government lands of the same value elsewhere in the State, and thus make the lands in public ownership in this grazing area entirely Federal, so that the Secretary will have to deal only with private owners, and not with the State.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. SNELL. It is limited to this area?

Mr. LEAVITT. Yes.

Mr. SNELL. It does not give a general right to exchange any land up there?

Mr. LEAVITT. No.

Mr. SNELL. But it is all confined within one area?

Mr. LEAVITT. Yes. The bill as it is drawn states that the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States title to any land held by the State of Montana within the boundaries of the district described in the act of March 29, 1928.

Mr. SNELL. There are only 10 sections in any way affected by this bill?

Mr. LEAVITT. Yes; and it is limited to this area, which is set aside for the purpose of grazing lands.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COOPER of Wisconsin. This land within the park is to be exchanged for other land of equal value?

Mr. LEAVITT. Yes.

Mr. COOPER of Wisconsin. Who is to determine the value of that land?

Mr. LEAVITT. That, of course, is done, as a matter of practice that has been in effect in making such exchanges, through agreement between the Secretary of the Interior and the State land board. There must be a meeting of minds before the exchange is consummated.

Mr. COOPER of Wisconsin. The State land board, then, would be a party in determining the value?

Mr. LEAVITT. Yes, indeed.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. ENGLEBRIGHT. As I take it, the area that will be exchanged may or may not be equal in size to the present area and it is the value of the land rather than relative areas?

Mr. LEAVITT. Yes. The bill as it was introduced had to do with area and that was approved by the Secretary of the Interior in his report, but it was the judgment of the committee that the policy which has been generally followed, of making these areas of equal value, should be substituted, and that is the form in which the bill comes before the House, and it is an entirely acceptable form.

Mr. COOPER of Wisconsin. There is one other thing that occurs to me.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman may have two additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Wisconsin. The land within this area is owned by the State.

Mr. LEAVITT. That is, 10 sections out of a little over 108,000 acres.

Mr. COOPER of Wisconsin. But that is not the important point in this matter. The important thing is, When the exchange is made how is the value of the new land which is to be received to be determined? The land now in the area is owned by the State and the State board is to consider the value of the new land which the State is to receive.

Mr. LEAVITT. Not the State board acting alone.

Mr. COOPER of Wisconsin. The State board represents the State which owns the property, and the State board is to determine the value of the land which is to be received?

Mr. LEAVITT. No; not acting alone. There must be a meeting of minds between the State and the Federal Government.

Mr. COOPER of Wisconsin. And the Federal Government is to be represented by a man 2,000 miles away, who does not know anything about the land. There have been Secretaries of the Interior who sometimes were not careful about such transactions.

Mr. LEAVITT. That latter is the reason, I will state, for the amendment which was written in by the committee, that there have been at some times considerably in the past scandals when the exchanges were made on the basis of area, and that rather worthless land was received in exchange for lands which later proved to be very valuable from the standpoint of minerals, timber, and so on.

Now, in order to avoid the possibility of anything of that kind the committee provided that the exchange should not be on the basis of area but on the basis of value, and, of course, either party, either the State of Montana or the Federal Gov-

ernment, can stop that exchange by failing to agree to the matter of the areas being of equal value. The interests of the Federal Government in attempting to work out the problem of handling the grazing areas under this form of leases on the one side and of Montana in thus increasing the value of the area for the purposes contemplated by the development of her stock industry and in ultimately making taxable other lands that are not now as productive as they should be make it certain that there will be a reasonable agreement on the question of value.

Mr. COOPER of Wisconsin. Of course, I always have confidence in what the gentleman from Montana says, but what occurred to me in making the suggestion I did make was this: That in dealing with Government property——

The SPEAKER. The time of the gentleman from Montana has again expired.

Mr. COLTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COOPER of Wisconsin. As I started to say, in dealing with Government property every sort of safeguard ought to be thrown around an exchange of this kind, because there will be a strong temptation to get everything to which the State might be reasonably entitled on an exchange like this and something more. This Government property in Montana belongs, at least in theory if it does not in fact, to my constituency and to that of every other Member of the House, and they are interested in transactions like this.

Mr. LEAVITT. Indeed so.

Mr. COOPER of Wisconsin. Therefore we do not want any more Government area outside of this property given up than is reasonably fair, and we want the people who determine the value to be thoroughly disinterested, so I wondered whether the State board under those circumstances was the proper one to make the valuation.

Mr. LEAVITT. Of course, there are two sides to that question. The other side is that the State of Montana now owns these 10 sections, and it is entitled, if it makes an exchange, to receive lands worth as much as these 10 sections. So we have two parties, the Federal Government and the State, both interested in seeing that this exchange is a fair one. It is done openly, and there is a provision in this bill as follows:

Provided, That before any such exchange is effected notice of the contemplated exchange shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be given in such exchange.

Thus complete publicity for a period of one month is necessary, with ample opportunity for parties on either side to insure that the interests of all concerned are taken care of.

Mr. WINTER. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. WINTER. May I suggest further that the Secretary of the Interior and his office have complete and detailed knowledge of the character of both of these classes of areas or lands.

Mr. LEAVITT. That is true.

Mr. WINTER. In other words, the Secretary is not at any disadvantage with respect to complete knowledge in an exchange.

Mr. LEAVITT. That is true in this particular case especially because of the fact that in the enactment of the previous law a detailed study of the area was made as to the value of all of the land within the prescribed limits.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS OWNED BY RELIGIOUS ORGANIZATIONS

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 16352) providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of the Government to purchase through condemnation shall not apply to lands within any national park now owned by any religious organization and used exclusively for religious purposes.

With the following committee amendment:

Amend the title so as to read: "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation by the Government, and for other purposes."

Mr. COLTON. Mr. Speaker, as one of the gentlemen of the House who is interested in this bill has just stepped out of the Chamber, I ask unanimous consent that the further consideration of the bill be deferred, and I shall call up another bill.

The SPEAKER. Without objection, the bill is withdrawn.

There was no objection.

CONVEYANCES OF LANDS BY CENTRAL PACIFIC RAILWAY

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 14457) validating certain conveyances heretofore made by Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way in and in the vicinity of the city of Lodi and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356), and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. COLTON. Mr. Speaker, this is a bill affecting principally the State of California, and the gentleman from California [Mr. ENGLEBRIGHT] will make an explanation of the bill.

Mr. ENGLEBRIGHT. Mr. Speaker and gentlemen of the House, this bill was introduced by my colleague from California [Mr. CURRY] for the purpose of clearing up a cloud on the title of certain lots in the vicinity of the city of Lodi, and certain agricultural lands along the right of way of the Central Pacific Railway.

Under the act of July 1, 1862, the Central Pacific Railway was granted a right of way 400 feet in width from Ogden, Utah, to San Francisco, Calif. In many places along the route of the said right of way the railway company only utilized and claimed 50 feet on each side of the track, or a strip of right of way 100 feet in width.

After the railway was constructed there were various titles given to lands overlapping the 400-foot right of way. Homesteads were granted, cities were laid out, and city lots sold that conflicted with the railway's right of way granted by Congress.

In order to clear the title to these lands this bill proposes to validate the quitclaim deeds that have been given by the railway company to the various landholders.

There is not any controversy on the bill so far as the railway company or the landholders or the State of California is concerned. It is purely a matter to clear up the title whereby the owners of these lots can secure loans or have extensions made of loans that are now on the lands, and to give a clear title to many farmers and landholders whose lands happen to overlap the 400-foot right of way.

The SPEAKER. The Clerk will report the bill.

Mr. COLTON (during the reading of the bill). Mr. Speaker, the bill is largely a description of the lands affected by the bill, and I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Utah asks unanimous consent to dispense with the further reading of the bill. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the conveyances hereinafter particularly described and heretofore executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interests therein, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, and forming a part of the right of way of said Central Pacific Railway Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (vol. 12, U. S. Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862" (vol. 13, U. S. Stat. L. 356), are hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyances by the corporations making the same under absolute fee simple title.

The conveyances, recorded in office of county recorder of San Joaquin County, Calif., in book of official records, which are hereby legalized, validated, and confirmed, are as follows:

1. September 6, 1928; Mary A. Larson; volume 247, page 211.
2. September 6, 1928; Pacific Fruit Exchange, a corporation; volume 247, page 213.
3. September 6, 1928; San Joaquin County Table Grape Growers' Association, a corporation; volume 247, page 214.
4. October 3, 1928; San Joaquin County Almond Growers' Association, a corporation; volume 247, page 260.
5. October 3, 1928; National Fruit Products Co., a corporation; volume 247, page 261.
6. October 3, 1928; Beckman, Welch & Thompson Co., a corporation; volume 248, page 480.
7. September 6, 1928; C. C. Bidwell; volume 249, page 371.
8. September 6, 1928; Bert Rinfret; volume 249, page 373.
9. August 28, 1928; Joseph P. Gilbeau, also known as J. P. Gilbeau; volume 249, page 374.
10. September 6, 1928; Annie T. Kels; volume 249, page 376.
11. August 28, 1928; Theodore H. Beckman; volume 249, page 377.
12. September 6, 1928; J. Henry Pope; volume 249, page 379.
13. September 6, 1928; Frank H. Buck Co., a corporation; volume 249, page 380.
14. September 6, 1928; Silas W. Hopkins; volume 250, page 302.
15. September 6, 1928; Emma Corbin; volume 250, page 303.
16. September 6, 1928; Vineyard Farming Co., a corporation; volume 250, page 304.
17. September 6, 1928; county of San Joaquin, a political subdivision of the State of California; volume 250, page 306.
18. October 3, 1928; The Lodi Canning Co., a corporation; volume 250, page 354.
19. October 3, 1928; John C. Bewley; volume 250, page 356.
20. September 6, 1928; Lawrence Holding Co., a corporation; volume 255, page 216.
21. September 6, 1928; Theodore H. Beckman; volume 255, page 218.
22. September 6, 1928; Pacific Gas & Electric Co., a corporation; volume 256, page 173.
23. September 6, 1928; Union Ice Co., a corporation; volume 256, page 174.
24. September 6, 1928; Adolphus Eddlemon; volume 256, page 175.
25. September 6, 1928; Nellie R. Henderson and Georgia H. Garner; volume 256, page 177.
26. September 6, 1928; Sarah J. Graham; volume 256, page 178.
27. September 6, 1928; C. R. Van Bushkirk; volume 256, page 179.
28. September 6, 1928; George Le Feber; volume 256, page 181.
29. September 6, 1928; city of Lodi, a municipal corporation of the State of California; volume 256, page 182.
30. September 6, 1928; George Kaiser and Mattie M. Stein; volume 256, page 184.
31. September 12, 1928; California Trust Co., a corporation; volume 256, page 192.
32. October 3, 1928; Henry C. Beckman, also known as H. C. Beckman; volume 256, page 248.
33. October 6, 1928; Lee Jones; volume 256, page 262.
34. September 6, 1928; George W. Ashley; volume 257, page 241.
35. September 6, 1928; John N. Ballantyne and John C. Bewley; volume 257, page 243.
36. September 6, 1928: Lodi Fruit Growers' Association, a corporation; volume 257, page 244.
37. August 28, 1928; A. V. Friedberger, Leo Friedberger, Maurice Friedberger, Ray Friedberger, and William Friedberger; volume 257, page 246.
38. September 6, 1928; Security Building and Loan Association, a corporation; volume 257, page 247.
39. September 6, 1928; Herschel T. Mason; volume 257, page 249.
40. October 3, 1928; Earl Fruit Co., a corporation; volume 257, page 320.
41. October 3, 1928; The Citizens' National Bank of Lodi, a corporation; volume 262, page 16.
42. October 6, 1928; Lodi Storage & Milling Co., a corporation; volume 262, page 32.

Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right of way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established and maintained: *And provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 7, after line 4, insert a colon and the following: "*And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

ISSUANCE OF PATENTS FOR LANDS CONTAINING COPPER, LEAD, ZINC, SILVER, ETC.

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 15919) to authorize the issuance of patents for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes.

The SPEAKER. The gentleman from Utah calls up the bill H. R. 15919. This bill is on the Union Calendar, and the House resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk reported the bill, as follows:

A bill (H. R. 15919) to authorize the issuance of patent for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes

Be it enacted, etc., That, in the discretion of the Secretary of the Interior, locations made under the lode mining laws of the United States upon unreserved public lands claimed to contain, at depth, copper, lead, zinc, or silver and their associated minerals, the actual existence of which can be demonstrated only through deep shafts or other deep underground workings, may be passed to patent upon evidence satisfactory to him of the mineral character of the land, without the requirement that applicants show an actual discovery of mineral upon or within the limits of their claim or claims: *Provided*, That not to exceed 640 acres of land may be located, held, applied for by, or patented to any one individual or corporation under the provisions of this act.

SEC. 2. That the Secretary of the Interior is authorized to make any rules and regulations necessary to carry this act into effect.

With the following committee amendments:

In line 2 of the title, after the word "zinc," insert the word "gold,".

In line 6, after the word "zinc," insert the word "gold,".

On page 2, in line 3, after the word "that," strike out everything up to and including the word "act," in line 6, and substitute the following: "all the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further*, That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 640 acres."

Amend the title so as to read: "A bill to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes."

Mr. COLTON. Mr. Chairman, I yield to the gentleman from Arizona [Mr. DOUGLAS] such time as he may need to explain the bill.

Mr. DOUGLAS of Arizona. Mr. Chairman, under existing mining laws, a mining claim of 20 acres can not be located, and the patent for the claim can not be issued, until actual discovery of mineral in place has been made. Under the law a person in locating a claim must establish a discovery and expend on the location $50, and thereafter must expend, to hold the claim by virtue of the location, an annual amount of $100. To obtain a patent for that claim he must expend $500 in improvements and must establish the actual discovery of valuable rock or mineral in place. The term "in place" is used to distinguish mineral as an integral part of solid rock from that floating on the surface.

There are certain well-established and well-known mining areas in which there is no surface evidence of mineral deposits—areas in which deposits are known to exist, in which deposits are now being worked, but in which there is no surface evidence of deposits. Under existing law and regulations the department has ruled that there is not sufficient authority vested in the Secretary of the Interior to grant a patent for a claim located in such areas, because of the fact that it is impossible to make an actual discovery except through sinking a deep shaft at an expense of a good many thousand dollars—running

frequently into hundreds of thousands of dollars—and without expending considerable money, possibly, in diamond drilling, which in certain areas is useless for the purpose of actual discovery of commercial deposits.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I will.

Mr. ENGLEBRIGHT. Even though a shaft might not be sunk by diamond drill work, it might be evident from geological conditions that a valuable deposit did exist under the land if it was of a mineral character.

Mr. DOUGLAS of Arizona. That is a fact; and recently instruments have been developed which although not conclusive yet, nevertheless, may establish a strong reasonability of the existence of a deposit. These instruments are used in cases where there is no actual surface indication of mineralization.

Under existing law claims in such areas can not be patented. There is no limitation imposed upon the area which can be located or the number of claims for which patents may be issued, provided the other requirements of the law are fulfilled.

For the purpose of rectifying the conditions which now exist, which prevent mining prospectors who have held claims for years from obtaining patents, and which prevent any mining company from obtaining patent, this bill was introduced. It grants the Secretary of the Interior the authority to issue a patent for a mining claim when satisfactory evidence has been introduced—that is satisfactory to him and to the department—that the claim is actually mineral in its character. It authorizes him to issue a patent for such a claim without evidence of actual discovery in place. It imposes a limitation of 640 acres on the acreage which can be so patented.

It is provided that all other requirements of the lode mining law must be complied with. That is the explanation of the bill.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. ENGLEBRIGHT. When the gentleman stated it relieves evidence of actual discovery does not he mean in the bill itself there is something better than evidence of the discovery, and that is the actual existence of the mineral?

Mr. DOUGLAS of Arizona. Under the bill it would not be required that there be established the existence of a commercial deposit.

Mr. ENGLEBRIGHT. No; I don't mean that.

Mr. DOUGLAS of Arizona. It simply means that in well-known mineralized areas in which ore bodies have been worked profitably, and probably now are being worked profitably, mining claims can be patented without compliance with that portion of the present law, which requires the discovery of mineral in place.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. MORTON D. HULL. What is the test for the exercise of the discretion which is vested in the Secretary of the Interior under the terms of this proposal.

Mr. DOUGLAS of Arizona. The test under the terms of this proposal is simply that he must be convinced of the mineral character of the land. In his letter on the subject he refers to existing mineralized areas. There are many such areas. There is one, for example, in Bisbee, Ariz., in which probably two or three of the many great ore deposits appeared on the surface either by way of actual appearance of ore or appearance of some evidence of ore, though not ore itself. The other many and valuable deposits have no evidence of outcropping on the surface in any way whatever, and yet it is recognized here in the department, and recognized everywhere for that matter, that a certain large area in that district is distinctly mineral in character. Yet, under existing law no patents can issue.

Mr. MORTON D. HULL. Under existing law there is a real test, is there not?

Mr. DOUGLAS of Arizona. There is a real test of the discovery of minerals in place.

Mr. MORTON D. HULL. But under this proposal there is no real test in the exercise of the discretion by the Secretary.

Mr. DOUGLAS of Arizona. For the reason that there can be no test, unless one is required to spend $250,000 or $300,000.

Mr. MORTON D. HULL. My question goes to the further question as to whether there is not some test that can be applied. The gentleman thinks there is no test?

Mr. DOUGLAS of Arizona. I doubt very much whether there is a test that can be made applicable to such cases which will not involve an expenditure of many thousands of dollars, as compared with the expenditure of $500 under existing law.

Mr. MORTON D. HULL. This does not include oil?

Mr. DOUGLAS of Arizona. No; this does not include oil.

Mr. COLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Chairman, for the benefit of the RECORD, I want to make a few remarks regarding this bill. The need for it has been apparent for some years, if the advice of the Secretary of the Interior is to be taken into consideration. The location of a claim is done in the following manner at the present time: You must make a discovery of mineral in place, and you locate a claim 600 feet wide by 1,500 feet long. The claim may be less than 300 feet, but it can not be more than 300 feet on each side of the point of discovery. Any claim less than 300 feet wide is called a fraction of a claim. A claim comprises 20 acres. If a number or group of claims are located along the lode, or along the line of the outcropping of the ore, a man or a company or a partnership desires something more than this. They want some protection ground on both the upper and the lower side of their claims. They want some protection on each end, so that if in the pursuit of their ore underground they encounter ore which falls out of their side or end line, they would be protected from encroachment by somebody else, where some one will claim an apex and file suit for all ore extracted. So it is necessary to have ground outside of the group that you think actually contains mineral. Secondly, when you have performed a hundred dollars' worth of work on each claim, and you have performed that annual work for five years, or have made $500 worth of improvements on each claim, you make application for patent. It is customary to not only include the 2 or 4 or 10 claims that you may have along the strike, but in making application for patent you also include this protection ground on the upper and lower sides and on each end. When it comes to the General Land Office they say, "We can not give you a patent for any land unless it contains a known discovery."

The General Land Office will send out experts, members of the Geological Survey, and also from the General Land Office, mineral division, and they examine the land and may find that only two claims in the group contain known deposits of ore; ore in place; and they will give a patent for only those two claims and exclude the others. The man applying for the patent or the firm or partnership is willing to pay $5 an acre for each acre of ground, and the lawyers' fees and the other fees, which amount to as much more. He is perfectly willing to pay $200 a claim, but the Land Office under their present ruling can not give a patent to this protection ground on each end and each side, so that the man may be safeguarded in the development of his property, whether he spends $10,000 or $10,000,000.

In addition to this actual discovery, there are known to exist what we call disseminated ore bodies, ore bodies which are not in the form of lodes but which are spread over a large area and are impregnated with known minerals, principally copper, so that we may have an outcropping of copper-bearing porphyry on two claims and on an area underground, under the wash, of hundreds if not thousands of acres. But there is no provision in the General Land Office at this time permitting a patent to such ground. In the past patents have been given to such ground under rulings made by the Secretary of the Interior, but within the past 10 years, and possibly in view of possible suits that may be brought by different claimants, the Secretary of the Interior has been very careful and has rendered but few patents to land that has not actually contained discovery of mineral in place.

For fear this bill would be misinterpreted by some future Secretary of the Interior or by some future Commissioner of the General Land Office, I wanted it strictly understood that the provisions of the present mining law were not being changed, and also that a claim shall still consist of 20 acres, shall still consist of an area 600 feet wide by 1,500 feet long, and that a man must do his assessment work of a hundred dollars a year on each claim, and that he must do $500 worth of work on each claim in order to get a patent, and must locate claim after claim, depending on the number of claims that he wants.

Under the provisions of the present law without this new legislation a number of men can locate on any number of claims they want and string it out anywhere from 5 to 20 miles and locate all in that area. They can locate 640 acres or 1,280 acres. This bill specifically states that 640 acres can be patented to any one man or firm or corporation or locator, the word "locator" is the correct word, without a discovery being made. Then the provisions of this law will authorize that this area or this exterior land of nonmineral character may be located and patented to a claimant without actual discovery of ore in place—a lode—and also permit the locator to obtain the land, mineral in character but minerals located hundreds of feet beneath the surface. It must be proven to the General Land

Office and the Secretary of the Interior that that mineral actually exists. Now, consequently, he must dig in order to find whether it is mineral or not.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. ARENTZ. I will.

Mr. EVANS of Montana. How, under this bill, can the claimant or locator do the assessment work if he does not find any mineral in place on a known lode or lead?

Mr. ARENTZ. The gentleman from Montana is striking at the keynote of this thing. The gentleman has gone to the crux of the situation and comes to a thing I have been questioning for some time. That point has naturally come to my mind, and possibly has come to that of the gentleman, and in time the proponents of mining legislation will say, "What is the use of us digging a hole and spending $100 on that hole when it is only gravel? What is the use of going into a territory we know does not contain mineral except two or three hundred feet deep and have to dig and spend $100 on assessment work?"

Let us do something else and put this money in roads or put the $100 to something else. Now, I am opposed to that sort of thing. What I want to do is to have the money that is demanded for assessment work actually put on the ground. I think under this bill possibly the thing will be done. Set up a drilling outfit and start a hole 6 or 8 inches in diameter and send it down to a point where the mineral is expected; and if we do not find it at that point put another here and another there, and in time we will find the mineral if it exists. I would not be in favor of doing away with the $100 worth of work, because I have frequently stated on the floor of this House and in committee that you can only make a mine by the magic point of the pick and the sweat of a man's brow. I do not want to change all this now at the expense of the prospector and small operator. I do not want to harm the old prospector in his effort to make a livelihood; he it is who has kept alive these ghost cities of the West, and through his effort over a long term of years the attention of capital is being drawn to these old camps. If assessment work is done away with, you eliminate the prospector from the picture.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. ARENTZ. Mr. Chairman, I would like to ask for five minutes more.

Mr. COLTON. I yield to the gentleman five minutes more.

Mr. EVANS of Montana. Then I understand it is the gentleman's theory that before a patent can be issued assessment work equal to the assessment work required under the present law must be done?

Mr. ARENTZ. I had the honor to present this amendment, and I think it safeguards the situation; and if it does not, I know that the gentleman from Arizona is strictly in accord with the idea of making this thing conform to the present mining laws; and I know he is sincere about that; and if the wording of this amendment does not do that thing, he wants your help, and I hope he will get it. The amendment provides:

> All the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further,* That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 320 acres.

Mr. EVANS of Montana. In other words, if a locator could prove to the satisfaction of the Secretary of the Interior that there is ore within a given tract of land on which he has expended the amount of money now required by law, which is $500, he can get a patent?

Mr. ARENTZ. Yes. Under the present law if he applies for a patent he has got to lie in order to get a patent to land nonmineral in appearance; and further than that, in many sections of the West, where all the easy locations discoverable have been made, you may find an area of porphyry thoroughly leached but containing certain secondary minerals, indicating to the practical eye that there is in all likelihood secondary enrichment at depth which has produced low grade but commercial ore over a considerable area that there may be mineral there. He says: "If this ore is mineral in character, as proven by drill holes, then the area surrounding, which may be a thousand acres in extent, may be mineral also."

Mr. LEATHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. LEATHERWOOD. Does the gentleman advocate the doctrine of geological inference?

Mr. ARENTZ. If the gentleman will refer to the hearings on the Utah school lands bill in regard to the mineral character of these lands, as determined by the General Land Office, he will find that I have been absolutely in favor of not too broad an interpretation of mineral character of land through geological inference.

Mr. LEATHERWOOD. Mining engineers and others have led me to believe that geological indications are not always a sure basis of judgment.

Mr. ARENTZ. Only to a limited extent. I think we should use the utmost care in applying the principle of geological inference. You can get two or three men together and one man will say that a coal deposit, for instance, extends a certain distance under the surface area, where other men may be convinced that it may taper out or be nonexistent. We should be very careful in bringing into the case the doctrine of geological inference.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. ARENTZ. Mr. Chairman, may I have five minutes more?

Mr. COLTON. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. ARENTZ. As I understand this bill, it compels you to do exactly as is done now under the present law, under which you may apply for 60 claims for patent if you wish. But in this case it limits an applicant for patent to 32 claims. Under the old law you could make 60 or 100 or more. This gives you the right to apply for patent for 32 claims. Under the old law you must make proof of discovery on each claim of actual ore in place. Under this proposed law you do not need to have this evidence, but you must prove your contention to the satisfaction of the examiner.

Mr. LEATHERWOOD. Could you do that without showing any mineral in place in a 640-acre tract?

Mr. ARENTZ. This is the exact meaning of the law. As I told you, my amendment was offered to the bill, and there seemed to be no objection to it in the committee. I think the amendment safeguards against any wrong interpretation that may be put on the bill by the Secretary of the Interior.

Mr. LEATHERWOOD. The gentleman has had a good deal of experience under the operation of the old law. Are the old-time prospectors and miners who went out in the past and located great mines in sympathy with the provisions of this bill? Is the gentleman in sympathy with them?

Mr. ARENTZ. I am in sympathy with the old-time prospectors and miners, and I will not object to the old-time prospectors and miners holding on to the claims they have and obtain as many more as they are willing to hold. I do not want to see them curtailed in any respect in regard to their operations. No old prospector is in the habit of prospecting until he has reasonable promise of ore in sight. I would be opposed to the bill if it were not for this amendment.

Mr. LEATHERWOOD. Is the old-time miner for this bill?

Mr. ARENTZ. My friend, the old-time prospector and miner is interested in bringing money into the community, and I feel that this bill, safeguarded as it is by my amendment, should be enacted, compelling the big man—I think you are talking about the prospector in his relation to the big man—so that the big man will come into every mineral section of any State where there is a reasonable chance of his developing a paying mine, but no matter how large an area the operator locates the claims must be not to exceed 20 acres in extent; $100 must be expended at each claim every year until application is made.

Mr. LEATHERWOOD. I appreciate that and I applaud the motives of the gentleman, but are the old-time miners in favor of this bill?

Mr. ARENTZ. I want you to ask that question of the gentleman from Arizona [Mr. DOUGLAS]. I have safeguarded their interest through the adoption of my amendment.

Mr. YON. Will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. YON. Is the gentleman for the bill or against it?

Mr. ARENTZ. In its present form I am in favor of the bill. I am in favor of it with the amendment I have offered to it.

The CHAIRMAN. The time of the gentleman from Nevada has again expired.

Mr. COLTON. Mr. Chairman, I yield five minutes to the gentleman from Arizona [Mr. DOUGLAS] in order that he may answer the question propounded by the gentleman from Utah.

Mr. DOUGLAS of Arizona. Mr. Chairman, I can answer that question very shortly; yes.

Mr. LEATHERWOOD. That is what I wanted to know.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. WILLIAMSON. Will not the result of this bill be that a good many 640-acre tracts will be patented upon which there will be no mineral discovery? What then becomes of the title to that land?

Mr. DOUGLAS of Arizona. In the well-known mineral areas there are not as many as 640 acres frequently open to patent.

Mr. WILLIAMSON. Then, the result might be that we might patent 640 acres, and in the end there would be no mineral discovery.

Mr. DOUGLAS of Arizona. Under existing law you can patent a claim on which you have discovered mineral in place, but still find no commercial deposit; in fact, the great, great bulk of patents so issued are issued for claims on which no commercial deposit has been discovered.

Mr. WILLIAMSON. Does that transfer to the one who files a claim the title in fee, regardless of whether a discovery is made or not?

Mr. DOUGLAS of Arizona. After a patent has been issued, yes; and the same condition exists to-day. I can go out on any number of places and make a discovery of mineral in place, do my $500 worth of work on that claim and obtain a patent for it, yet I may never discover a commercial deposit there.

Mr. WILLIAMSON. Can a man sell and transfer that land the same as any other tract of land?

Mr. DOUGLAS of Arizona. He can sell and transfer it, yes; but, of course, it would be valueless unless he had discovered some deposit.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. LEATHERWOOD. I think, perhaps, I am in accord with that, but I am interested.

Mr. DOUGLAS of Arizona. It is an interesting bill.

Mr. LEATHERWOOD. As a matter of fact, does this not make it possible for an individual who goes out and makes a lode location on mineral in place to then monopolize the immediate neighborhood? Does it not do that?

Mr. DOUGLAS of Arizona. No; it does not.

Mr. LEATHERWOOD. Why?

Mr. DOUGLAS of Arizona. Because the mere existence of mineral in place on one claim can not be taken as satisfactory evidence that all the surrounding claims are likewise mineral in character.

Mr. LEATHERWOOD. I think that is very true, as we have found to our bitter experience.

Mr. DOUGLAS of Arizona. And I have found it to my very bitter experience to be true.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, in the discretion of the Secretary of the Interior, locations made under the lode mining laws of the United States upon unreserved public lands claimed to contain, at depth, copper, lead, zinc, or silver and their associated minerals, the actual existence of which can be demonstrated only through deep shafts or other deep underground workings, may be passed to patent upon evidence satisfactory to him of the mineral character of the land, without the requirement that applicants show an actual discovery of mineral upon or within the limits of their claim or claims: *Provided,* That not to exceed 640 acres of land may be located, held, applied for by, or patented to any one individual or corporation under the provisions of this act.

With the following committee amendments:

Page 1, line 6, after the word "zinc," insert the word "gold."

Page 2, line 4, after the word "That," strike out the remainder of the line and all of lines 5, 6, and 7 and insert: "all the requirements, conditions, and limitations of the lode mining laws shall apply to locations, applications for, and patents made or issued under this act, except the requirement of an actual discovery of mineral upon or within the limits of the claim or claims: *And provided further,* That locations made, patents applied for, or issued under this act shall be in the form and manner required by applicable mining laws, and the total aggregate acreage of land which may be so located, held, applied for, or patented to any one individual or corporation under the provisions of this act shall not exceed 640 acres."

Mr. YON. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. YON: On page 2, line 17, after the word "exceed," strike out "640 acres" and insert in lieu thereof "320 acres."

Mr. DOUGLAS of Arizona. Mr. Chairman, that amendment is acceptable to me.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendments as amended.

The committee amendments as amended were agreed to.

The Clerk read as follows:

SEC. 2. That the Secretary of the Interior is authorized to make any rules and regulations necessary to carry this act into effect.

Mr. COLTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. SNELL, Speaker pro tempore, having assumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15919) to authorize the issuance of patents for lands containing copper, lead, zinc, or silver and their associated minerals, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

EXCHANGE OF GOVERNMENT LAND IN BOX ELDER COUNTY, UTAH

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal number of sections of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes.

This bill is on the Union Calendar, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to exchange 18 sections of Government land located in Box Elder County, Utah, for an equal number of sections of Utah State land, the exchange being made for the purpose of experimental sheep growing, the experiments to be conducted by persons designated by the director of the Utah Agricultural Experiment Station, the work to be carried on in cooperation with the Utah Agricultural Experiment Station.

With the following committee amendments:

On page 1, line 4, strike out "Government land" and insert in lieu thereof "surveyed, vacant, unreserved, and nonmineral public lands"; and in line 7, strike out the words "sections" and "land" and insert in lieu thereof the words "lands of the same character"; and amend the title.

Mr. COLTON. Mr. Speaker, there is evidently an error. The word "value" should be substituted there. The committee amendment also included or should have included the striking out of the word "number" in line 6 and inserting the word "value," so that it would read "for an equal value," and I offer an amendment to that effect.

The SPEAKER pro tempore. The gentleman from Utah offers an amendment to the committee amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON to the committee amendment:

On page 1, in line 6, strike out the word "number" and insert in lieu thereof the word "value."

The amendment to the committee amendment was agreed to.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Amend the title so as to read: "A bill to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes."

BOISE NATIONAL FOREST, IDAHO

Mr. COLTON. Mr. Speaker, I call up the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho.

This bill is on the Union Calendar and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. McMILLAN. Mr. Speaker, reserving the right to object, will the gentleman state the character of the bill?

Mr. SMITH. It proposes to place in the national forest about 12 townships of land that are near the mountain tops, and which are now outside of the national forest, in order that the stream flow may be protected. Under existing conditions it is pastured without any control, and the stock tramps out the underbrush, permitting the snow to melt much more quickly than if properly protected as are lands in the national forests.

Mr. EVANS of Montana. May I ask the gentleman what State this land is in?

Mr. SMITH. In Idaho.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. COLTON (during the reading of the bill). Mr. Speaker, the rest of the bill is just a description of the land, and I ask unanimous consent that the further reading of the bill be dispensed with, with the understanding that the bill will be printed in the RECORD in its entirety.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill is as follows:

Be it enacted, etc., That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flows may, with the approval of the Secretary of the Interior, be included within and made a part of the Boise National Forest by proclamation of the President, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests:

The west half of section 2; all of sections 3, 4, 5, 6, 7, 8, 9, 10; the west half of section 11; all of sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, in township 4 south, range 2 west, of the Boise meridian, State of Idaho. All of township 4 south, range 3 west, of the Boise meridian, State of Idaho. All of what will be when surveyed of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, in township 4 south, range 4 west, Boise meridian, State of Idaho. All of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 4 west, Boise meridian, State of Idaho. All of sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 3 west, Boise meridian, State of Idaho. All of sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, township 5 south, range 2 west, Boise meridian, State of Idaho. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 6 south, range 2 west, Boise meridian, State of Idaho. All of township 6 south, range 3 west, Boise meridian, State of Idaho. All of township 6 south, range 4 west, Boise meridian, State of Idaho.

The SPEAKER pro tempore. The Clerk will report the committee amendment:

The Clerk read as follows:

Page 1, strike out all of lines 3 to 10, inclusive, and insert in lieu thereof the following:

"That subject to any valid existing claim or entry all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made part of the Boise National Forest, to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL FORESTS IN MONTANA

Mr. COLTON. Mr. Speaker, I call up the bill (S. 1511) for the exchange of lands adjacent to national forests in Montana.

This bill is on the Union Calendar, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Utah asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. SEARS of Florida. Mr. Speaker, reserving the right to object, have the Democratic colleagues of the gentleman been conferred with with respect to these bills?

Mr. COLTON. I did not catch the gentleman's question.

Mr. SEARS of Florida. Have the members of the committee on this side been notified what bills would be brought up?

Mr. COLTON. I think so, and the ranking member of the committee on the Democratic side is here.

Mr. SEARS of Florida. I am speaking of the bills as a whole and not this particular bill.

Mr. Speaker, I make the point of no quorum. I think we ought to have the Members here.

Mr. COLTON. Mr. Speaker, will the gentleman reserve his point for a moment?

Mr. SEARS of Florida. Yes; I will reserve it.

Mr. COLTON. I just want to explain that these bills have been reported out by the unanimous vote of the committee and the ranking member of the committee on the Democratic side is here.

Mr. EVANS of Montana. And it is my desire that the bill come up.

The SPEAKER pro tempore. The gentleman from Florida makes the point of order that there is not a quorum present. Evidently there is not a quorum present.

Mr. COLTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed, the Sergeant-at-Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 15]

Abernethy	Dickstein	Knutson	Rainey
Aldrich	Doyle	Kunz	Ramseyer
Anthony	Drewry	Lindsay	Reed, Ark.
Auf der Heide	Estep	Lozier	Reid, Ill.
Bacon	Fish	Luce	Rogers
Beck, Pa.	Fitzpatrick	Lyon	Sirovich
Beck, Wis.	Garner, Tex.	McClintic	Spearing
Beedy	Gasque	McCormack	Stalker
Berger	Glynn	McSwain	Stedman
Black, Tex.	Golder	Maas	Stobbs
Boies	Graham	Major, Mo.	Strother
Britten	Griest	Manlove	Sullivan
Browne	Hadley	Martin, La.	Swick
Buchanan	Hale	Mead	Taylor, Colo.
Buckbee	Hall, N. Dak.	Monast	Taylor, Tenn.
Bushong	Hammer	Montague	Temple
Carew	Haugen	Mooney	Tillman
Carley	Hawley	Moore, Ky.	Timberlake
Celler	Hill, Ala.	Moore, N. J.	Treadway
Clancy	Howard, Okla.	Moore, Va.	Underwood
Cole, Md.	Hudspeth	Morin	Updike
Collins	Hughes	Morrow	Vestal
Combs	Hull, Tenn.	Murphy	Vinson, Ky.
Connolly, Pa.	Igoe	O'Connor, N. Y.	Ware
Crisp	Jeffers	Oliver, N. Y.	White, Kans.
Crosser	Johnson, S. Dak.	Palmer	Wilson, Miss.
Crowther	Johnson, Wash.	Palmisano	Wolverton
Culkin	Kearns	Parker	Wood
Cullen	Kelly	Parks	Woodrum
Curry	Kent	Peery	Wurzbach
Darrow	Kiess	Pou	Wyant
Davey	Kindred	Pratt	Yates
DeRouen	King	Quayle	

The SPEAKER pro tempore. Two hundred and ninety-five Members have answered to their names; a quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WAINWRIGHT. Mr. Speaker, the gentleman from Pennsylvania [Mr. MORIN], the gentleman from South Carolina [Mr. McSWAIN], and the gentleman from West Virginia [Mr. HUGHES] are at an important hearing by the Subcommittee on Military Affairs, and ask to be excused.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to revise my remarks on the District appropriation bill and to include therein an editorial in the Evening Star of yesterday.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks on the District appropriation bill, and include therein an editorial from the Evening Star. Is there objection?

Mr. UNDERHILL. I object.

The SPEAKER pro tempore. The gentleman from Utah calls up the bill H. R. 1511, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of March 20, 1922 (42 Stat. L. 465), entitled "An act to consolidate national-forest lands," are hereby extended to include any suitable lands in the State of Montana situated within 6 miles of a national-forest boundary. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. GRIFFIN. Mr. Speaker, I renew my request for unanimous consent to revise my remarks on the District appropriation bill, eliminating the editorial in the Star.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise his remarks on the District appropriation bill. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, for two days the House has had under consideration the District of Columbia appropriation bill. It had the "usual consideration"; that is, there were from 20 to 30 Members out of a legislative body of 435 Members who took enough interest in the subject to honor the proceedings with their presence.

No more significant or pregnant commentary than that can be made on the folly of committing the government of the District to the National Congress—and I do not use the language in a deprecatory sense.

The conclusion is obvious that a huge and unwieldy body, constituted as Congress is, has not the temper nor the inclination to devote the care and attention to municipal local matters that the subject peremptorily requires. The membership of the House is elected primarily for the handling of national affairs and, of course, largely confines its activities within those limits.

Excepting the members on the District legislative committee and the five members on the subcommittee who handle the appropriations for the District there are few in the House who feel disposed to take any interest in District government, and that, in my opinion, shows very conclusively that some plan of government must be worked out to accord to the people of the District a voice in their own affairs.

The Members of the House who take a live interest in District matters may talk until they are black in the face. No matter how logical their reasoning, their arguments are futile when the matter is put to a vote, for the bulk of the membership go through the cavortings of the old childhood game of "follow the leader." The issue is settled by force and not by reason.

I have some vital objections to the present bill, which I dwelt upon in my speech of the 22d instant.

I showed the folly of the invariable annual lump-sum method of settling the obligations of the Federal Government to the taxpayers of the District by an argument that is unanswerable. The Washington Star in a leading editorial yesterday accepts my reasoning, as do many of the Members who have given the subject careful study. The trouble is that there are not enough of them to take the pains to study the question.

I also dwelt on the neglect of Congress to provide adequate sewers to furnish sanitation facilities to 3,178 families who are compelled to use open privies and who are compelled to use well water, probably polluted.

I dwelt upon the insufficiency of the sewerage facilities to protect the beautiful Rock Creek Park from pollution.

I dwelt upon the fact that in this Capital of the Nation there are 221 part-time classes necessitated by the failure of Congress to provide school accommodations.

I dwelt upon the defective paving and the insufficient lighting of the Capital streets.

My colleague from Pennsylvania [Mr. CASEY] dwelt upon the failure of the Budget Bureau to assent to the request of the Commissioners of the District that the plan we inaugurated in last year's bill be fulfilled by appropriating in this year's bill the balance of the money justly due the employees of the District to bring their pay up to the basic pay of other employees in the Federal service of the same grade.

Being opposed to the bill before us on these grounds, the question arises whether, in moving to recommit the bill, I ought to embrace all of them or confine the motion to one amendment.

I have decided on the latter course, and in order that the House may have some inkling of its import I want to make this brief argument:

THE MOTION TO RECOMMIT—WHAT IS IT ALL ABOUT?

Last year, in considering this appropriation, we found it would take $340,000 to provide step-ups in the pay of District employees to bring their basic pay up to the level of that accorded to similar employees in over 30 departments of the Federal Government doing the same grade of work.

This sum was not due them as a mere gratuity but was due them as a matter of law. The law required it; yet the bill of last year as submitted to us only provided for $37,555. Our committee, after conference with our late friend and colleague, Mr. Madden, then chairman of the Appropriations Committee, raised this particular item to $175,000, with the distinct understanding that the balance, or $165,000, would be included in this year's bill.

This understanding has not been lived up to, and the excuse is offered that the Welch bill has in the meantime raised all the salaries and has therefore made a further fulfillment of our obligations unnecessary.

This excuse will not bear analysis. The Welch bill took the basic pay of all of the employees—those that had been fixed in accordance with the law, as well as the basic pay of those unfortunates whose pay had not been adjusted in accordance with the requirements of the law—and gave all a simultaneous parallel raise.

The result is that those orginally discriminated against are still discriminated against—they got a little more pay through the Welch Act, but so did those employees whose higher salaries were in conformity with the law. Thus the Welch Act only accentuated the discrimination instead of removing it as was intended.

The disparity in the two classes of employees was not eliminated. What we want to do and what we ought to do is, first of all, to put the salaries of the discriminated employees on the same legal level with that of the favored classes of employees so that the Welch Act may operate with fairness. It will take $165,000 to do this—in other words, comply with the law—and that will be my motion to recommit.

LANDS OWNED BY RELIGIOUS ORGANIZATIONS

Mr. COLTON. Mr. Speaker, I call up the bill (H. R. 16352) providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of the Government to purchase through condemnation shall not apply to lands within any national park now owned by any religious organization and used exclusively for religious purposes.

With the following committee amendment:

Amend the title so as to read: "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation by the Government, and for other purposes."

Mr. COLTON. Mr. Speaker, I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, this is the bill in regard to which I gave notice a week ago to-day, when the Interior Department appropriation bill was under consideration. At that time, you will recollect, the question was up as to condemning, if necessary, the private lands within the national parks. I gave notice at that time of my intention to introduce a bill which would exempt lands now owned by religious organizations and used exclusively for religious purposes from the right of the Government to condemn. It would not do away with the right of the Government to acquire these lands by agreement or by purchase of any part that might be agreed to by the Government and by the religious organizations, but it would make it impossible for the Government to step in and by condemnation proceedings take away from the religious organization land which it now owns and uses exclusively for religious purposes.

The situation was brought about by this fact, and it is the only situation that I have checked up with the park administration that would come within the intent of the bill: In the Glacier National Park there is an area of 75 acres that belongs to the Methodist Church organization of Montana and is used by that organization as a summer institute for young people.

It was acquired by that organization through the fact that the original homesteaders, an old Montana couple who had gone onto that land long before it became a national park, who homesteaded it, and lived there the life of pioneers, desired to do something fine for the young people of the State of Montana. They made it possible for this church organization to acquire that area, to be used by that organization for the benefit of the young people of Montana. The provision in the Interior Department bill with regard to the situation existing where private owners have lands of this kind in national parks, and where it is intended to give back to them a lifetime lease to enable them to continue to use those lands for summer-home purposes could not be made to apply in this case, because it belongs to an organization. Therefore I have written a bill in form that would allow that church organization to continue to use that area entirely for religious purposes, so long as it uses it for that purpose, and that purpose only, and it would not exempt this land just as soon as it passed into any other ownership or just as soon as it is used for purposes other than religious.

I have had this matter up with different officials of the Park Service in order to secure a report from the Department of the Interior, and I find that there is no objection in the Department to the principle of the bill. I shall not for a moment hide the fact that there are some connected with the Park Service who would like to have the bill much more restrictive than it is at the present time. An amendment is going to be offered by the gentleman from Michigan [Mr. CRAMTON] to reduce the area and to put around it further restrictions. But let us not lose sight of this fact, that this is an area belonging to an organization which was in private ownership before the park was established, and that it is not in the hands of a private party, so that giving back a lease extending through their lifetime would not be possible to meet the situation.

This Congress, when we created the Big Smoky National Park and the Shenandoah National Park in the Southern States, made exemptions of lands belonging to religious organizations and used for religious purposes, lands belonging to educational institutions and used for educational purposes, and cemeteries, and we did not impose any restriction cutting down those areas in any arbitrary way by any action of Congress. We are confronted with a clear-cut proposition of exempting this one area of land from the condemnation proceedings, and allowing that church which now owns it, coming almost as an inheritance from a couple desiring to leave a memorial to the young people of Montana, to continue to use it for religious purposes.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. WILLIAMSON. I have it in mind to offer an amendment at the conclusion of the gentleman's bill to this effect:

So long as such lands shall continue to be used exclusively for religious purposes.

Mr. LEAVITT. Mr. Speaker, I have prepared an amendment, after discussing this matter with the Park Service, which, on line 5, would strike out the word "and" and insert the word "while," which would mean the same thing, and also to strike out the word "purchased," in line 3, and insert the word "acquired," so that the bill would read:

That the right of the Government to acquire through condemnation shall not apply to lands within any national park while owned by any religious organization and used exclusively for religious purposes.

Mr. WILLIAMSON. That would be the same thing.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MORTON D. HULL. What is a religious purpose? Is using it as a summer camp, using it for religious purposes?

Mr. LEAVITT. It is used for a summer camp, a summer institute. During a comparatively short period, for about five years, it has been used in the summer. Meanwhile they are building this into what they hope to make a fine institute, where educational classes and religious work is to be done, and the young people of the Nation may be brought there for an outing under a religious influence.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COLE of Iowa. Would the gentleman object to a regulation in the bill requiring the submission of plans for additional improvements on these ground to the park commissioner?

Mr. LEAVITT. In that connection I have not offered any particular objection to an amendment in that form, because I do not think any possible question would arise with regard to that, but I have the statement from the Director of the Park Service in which consideration was given to that kind of a proposal, and it was determined through discussion with the law officer and the Director of the National Parks that that sort of thing would not really add anything to the current law. They were perfectly willing, in view of the character of this organization, to take their chances on an agreement which could be reached and with the statement being made that they had approved this bill with the understanding that there would be that sort of a conference in all such matters.

Mr. COLE of Iowa. But you are enacting a law, and setting a precedent, and would it not be well to put a clause in to that effect, so that this organization may not erect a building that would be out of harmony with the rest of the park? I hope the gentleman will put such an amendment in the bill.

Mr. LEAVITT. The amendment that is being proposed by the gentleman from Michigan [Mr. CRAMTON] does contain that sort of a provision, as I understand it.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. STRONG of Kansas. If the Government should feel that it needed any of this land, or, say, an easement on the land, like putting a road across it or to bridge over a canyon, would the gentleman's bill prevent that sort of action by the Government?

Mr. LEAVITT. The location of the road is settled and there are no canyons on the land. There is no possibility of that question arising.

Mr. STRONG of Kansas. But it would preclude the Government condemning or taking any easement to or on the land?

Mr. LEAVITT. It possibly would. So I would have no objection to having that point cleared up.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. BANKHEAD. I understand this merely relates to that particular instance in the State of Montana?

Mr. LEAVITT. That is the only case I know of.

Mr. BANKHEAD. But does the gentleman's bill by language make it a general act and applicable to all forest parks?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COLTON. I yield the gentleman five minutes additional.

Mr. LEAVITT. I will say the bill was drawn in general language before I knew this was the only area. The Park Service says this is the only area.

Mr. BANKHEAD. The gentleman can answer the question categorically. Does the gentleman's bill in language make it a general act applicable to all national parks?

Mr. LEAVITT. Yes; it does; and I see no reason why it should not if a similar situation exists elsewhere.

Mr. BANKHEAD. Suppose an institution owns a large acreage in a national park, say a thousand acres or 5,000 acres, acquired ostensibly for religious purposes, and builds some institution upon it accommodating only a few people. Would not that prevent the Government, under the terms of the gentleman's bill, from coming in on this land, although the institution itself only requires a small part of the acreage for its particular purposes?

Mr. LEAVITT. It would not, for the simple reason that the bill is written only to apply to the land now occupied by a religious institution, and only applies while they are used for religious purposes, and does not extend into the future.

Mr. BANKHEAD. That is all I desired to ask the gentleman.

Mr. LEAVITT. Mr. Speaker, I do not desire to take up the time of the House with a further statement, unless there are questions.

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I desire to propose an amendment; and I ask the chairman of the committee if he is willing for me to propose the amendment and then discuss it later?

Mr. COLTON. Yes; for the purpose of having the amendment reported.

The SPEAKER pro tempore. The gentleman from Arkansas offers an amendment for the information of the House, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WINGO: Page 1, line 6, after the word "purposes," strike out the period and insert a comma and add the following language: "or now owned by any fraternal organization and used exclusively for fraternal purposes."

Mr. WINGO. Mr. Speaker, I will explain to you why I have introduced that amendment. My colleague the gentleman from Arkansas [Mr. REED], who represents the Hot Springs district, is ill at home. This is a general bill. Inside the Hot Springs reservation, which was turned into a national park, my recollection is that there is a Hebrew hospital, maintained by some Hebrew organization—I forget which particular one. You have got an Elks' building, a lodge hall. The Masons, I think, have

a site. Whether or not they have erected a hospital or other building I do not for the moment recall. But you see the necessity for this amendment if you are going to exempt church property. There would be certainly more necessity for this kind of a provision for Hot Springs National Park than there would be for this land that is inside this national park in Montana, or wherever it is. Because in the Hot Springs National Park these properties are right there in the heart of things; and under the law which you passed the other day the Secretary of the Interior could condemn them. I do not think you want to do that. I think in most cases we donated the land for these fraternal buildings; and that is the reason why I offered the amendment.

Will the gentleman from Utah permit that amendment to be offered now? I presume the gentleman from Michigan [Mr. CRAMTON] would rather have that disposed of first. He has a substitute which he proposes to offer.

Mr. CRAMTON. The gentleman's amendment will probably be voted on before my substitute. It would be well to have it pending.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The Clerk read as follows:

Amendment offered by Mr. WINGO: Page 1, line 6, after the word "purpose," strike out the period and insert a comma and add the following language: "or now owned by any fraternal organization and used exclusively for fraternal purposes."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. COLTON. Mr. Speaker, I yield to the gentleman from Montana [Mr. LEAVITT] for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from Utah yields to the gentleman from Montana for the purpose of offering an amendment, which the Clerk will report.

Mr. DOWELL rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I rise to suggest a point of order. If the gentleman from Utah [Mr. COLTON] desires to occupy the floor and yield the floor to the gentleman from Montana for the purpose of permitting him to offer an amendment, the gentleman from Montana offering the amendment will have the floor. I merely call the attention of the Chair to the fact that when the gentleman yields the floor for the purpose of allowing the gentleman from Montana to offer an amendment, he actually yields the floor.

Mr. COLTON. Mr. Speaker, I ask unanimous consent at this time that the gentleman from Montana [Mr. LEAVITT] may offer his amendment in order that the whole proposition may be before the House, and in the meantime I retain the floor.

The SPEAKER pro tempore. It seems to the Chair that all that the gentleman has to do is to yield to him for the purpose of offering an amendment.

Mr. COLTON. I yield to him for that purpose.

Mr. DOWELL. I want to keep the RECORD straight. If this is going to be the ruling of the Chair——

Mr. LEAVITT. All that I am interested in is in having the completed bill perfected. My amendment changes only two words.

Mr. DOWELL. The only question I am interested in at all is the question of order; whether or not one having control of the time may yield for the purpose of another offering an amendment and then proceed again in command of the time. My contention is that this is not in order and that the gentleman who yields the floor for an amendment to be offered yields the floor.

The SPEAKER pro tempore. The Chair thinks that is correct. The Member to whom he yields for the purpose of offering an amendment has the floor for one hour on that amendment if he wanted to take it.

Mr. DOWELL. That would be true if he takes the floor on the amendment.

Mr. WINGO. Mr. Speaker, may I submit a unanimous-consent request to take care of it? The gentleman yielded to me. I ask unanimous consent that the control of the time and the control of the situation shall not be affected by his having yielded to me for my amendment.

The SPEAKER pro tempore. The gentleman's amendment has been disposed of.

Mr. WINGO. I ask, in order to clear the parliamentary situation, that the control be not changed by reason of that action.

The SPEAKER pro tempore. As the Chair understands it, the gentleman from Utah [Mr. COLTON] yielded to the gentleman from Montana [Mr. LEAVITT] for the purpose of offering an amendment. The Chair will rule that when the Member in charge of the bill yields to another Member for the purpose of offering an amendment, he also yields the floor. The Member who offers the amendment is then entitled to an hour to debate his amendment. The Chair will say that this ruling follows the decisions that are found in Hinds' Precedents, Volume V, sections 5029, 5030, and 5031.

Mr. DOWELL. That is what I contend.

Mr. COLTON. Mr. Speaker, in view of that ruling of the Chair—and I think it is correct—I offer the amendment which has been sent to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 1, line 3, after the word "to," strike out the word "purchase" and insert "acquire"; and on page 1, line 5, after the word "organization," strike out "and" and insert "while."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Utah.

The amendment was agreed to.

Mr. COLTON. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 15 minutes.

Mr. CRAMTON. Mr. Speaker and ladies and gentleman of the House, this bill, while it is intended to reach one particular situation in one national park, is broad enough in its language to affect every national park.

Now, it is a fact that neither the committee nor anyone here knows what the conditions are, definitely, in all the parks. No one knows how far-reaching this bill may be. We do have some information as to the particular situation in Glacier National Park, but there has been no study and no examination with reference to the parks as a whole.

My theory of a national park is that it is an area of land that is set apart perpetually to be used in common by all the people, and anyone or any organization that owns a part of that area and who is given the exclusive right to the use of that area to that extent is encroaching upon the national park and defeating the fundamental purposes of that park.

There may be reasons why sometimes consent might well be granted. We have seen fit to permit religious organizations to have a place where a church could be built and religious services held.

But to say to any one religious organization, "You can have not only enough land for a church but you can have 70 or 80 acres of land," means that every religious organization is entitled to that same privilege. To say that we are going to grant that privilege for religious purposes—as the House just demonstrated when it accepted the Wingo amendment—means that every fraternal organization as well ought to have the same privilege, and by the time you have taken care of the different kinds of church organizations and fraternal organizations, perhaps the next organizations we should take care of would be political organizations, and others. In other words, it is rather questionable whether a national park is to be an area set aside for the common use of all the people, or whether it is to be a place maintained by the Federal Government for the benefit of some individual landowners and organizations owning lands within the park.

By reason of the fact that this bill is only intended to reach an emergency in the Glacier National Park, if we are going to pass the bill at all it ought to be limited to the Glacier National Park, and we should take care of other parks as any emergency may arise.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. BANKHEAD. In answer to my interrogation of the gentleman from Montana a moment ago with reference to the scope of this bill, he stated very distinctly that the language of this bill only applied to property now in the possession of religious organizations, and if that is true I do not see how the argument just made by the gentleman with reference to an extension of this right could be a valid argument.

Mr. CRAMTON. There are two angles to that. In the first place, no one knows—that is, the information has not been made available—how much land is owned by religious organizations in other parks. In the second place, when you have passed a law saying that the Methodists of Montana shall have the right perpetually to set aside nearly 80 acres of land in Glacier Park, if the Baptists of Montana should come here, or the Catholics,

the Jews, the Quakers, or anybody else, and say they would like to have an area in this national park—because there is a lot of privately owned land in Glacier Park—or wanted the privilege of buying 80 acres alongside of the Methodists, I do not see how Congress could reasonably refuse to extend the privilege to the Baptists, to the Catholics, or the Jews which we are now proposing to extend to the Methodists.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. TAYLOR of Colorado. If we pass this bill, would it not be an invitation for such organizations to acquire lands in these national parks, which are largely enhanced in value by reason of the money the Government spends on the parks?

Mr. CRAMTON. Oh, yes. We maintain the roads in the parks and all these other things.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. Has anything of that kind taken place while the doors have been wide open, with no restriction whatever, and privately owned lands available in the national parks? Does the gentleman know of any other religious organization that is in the situation that it is intended to reach in this bill?

Mr. CRAMTON. No; and the gentleman from Montana is not sure as to what the situation is in other parks. But I know this: That when I asked the Park Service as to how much acreage was involved in this particular case it took some research for them to determine that fact.

Mr. LEAVITT. Is not this true or a reasonable conclusion, that if there were any considerable areas in other parks belonging to religious organizations, such as the gentleman has referred to, the Park Service would know something about it themselves?

Mr. CRAMTON. Oh, no. I do not say they do not know whether religious organizations hold lands, but the area of them and the nature of their use has not been checked up.

Now, Mr. Chairman, I would like to be permitted to proceed in my own way and make a connected statement, after which I will be very glad to yield.

Mr. BEGG. Will the gentleman yield to me for a question?

Mr. CRAMTON. Yes.

Mr. BEGG. I would like to ask the gentleman if there is any restriction placed on this organization if they should decide 5 years or 10 years from now to sell this land to a private individual?

Mr. CRAMTON. Under the amendment which has been adopted, in my judgment, the lands would be subject to condemnation if they should sell to others.

Mr. BEGG. After it is sold; but in the interim, suppose it were discovered that there were rich mineral deposits on this acreage?

Mr. LEAVITT. Let me say to the gentleman from Ohio that the mineral laws as such do not apply to the national parks.

Mr. CRAMTON. Mr. Chairman, I can not yield further, because I would like to make a connected statement. As I have said, if we are going to pass this bill we should pass it in such form as to take care of this one park and then take care of other situations as they develop. Now, let us see about the situation in this one park. A certain organization, I understand the Methodists, own a tract of land that is 73.94 acres in extent. They hold there annually, I am told by the Director of the National Park Service, for about 10 days some kind of a meeting, either an institute or something of the kind. Now, by reason of this temporary use for about 10 days each year it is proposed that they shall perpetually have the exclusive use of nearly 80 acres.

The bill says that the right to condemn land—and you understand there is no proposition pending to arbitrarily evict these people, and you ought to understand that the National Park Service has never shown any disposition to be arbitrary or harsh in its treatment of the public, and so there is no pending eviction against these people—but this bill provides that perpetually, hereafter, the general right of the Government to condemn property for public use shall not apply to lands now owned by any religious organization while, as the bill now provides, used exclusively for religious purposes.

Now, with 73.94 acres you have to give the term "religious purposes" a pretty liberal meaning in order to justify in anyone's mind that their occupancy of that amount of land is "exclusively for religious purposes."

It happens that the area they hold is located in a very attractive section of Glacier Park. As I understand, it is immediately upon Lake McDonald and extends up to the Transmountain Highway now under construction, and in their use of it they hold this annual meeting and they have been erecting shacks upon their land, scattered more or less about it, unattractive, disappointing-looking structures, some conspicuous from the highway, constituting an undesirable picture in one of the most attractive sections of Glacier National Park. I do not understand that all of this array of disagreeable shacks is necessary for their use of it for religious purposes. On the other hand, if they did not own an acre of land up there, there would be no difficulty about their going there annually and holding the kind of camp they want.

Why, everybody is urged and encouraged to go to these national parks and set up their own little camp and avail themselves of the privileges there afforded. They are encouraged to do this, and, certainly, any worthy organization that wants to go into a national park and set up a camp will have no difficulty. They will not have to own the land and will have no difficulty about it; but they will have to conform to the regulations of the National Park Service so as to be sure that their use of the land does not interfere with the pleasure of others in using the park.

I have tried to get an agreement with the gentleman from Montana [Mr. LEAVITT] to reduce this area, inasmuch as they are in the park, to an area that might reasonably be thought to have some relation to the religious use rather than to a whole aggregation of summer homes. I thought that 5 acres would certainly cover as large an area as they could want to use for religious purposes. But for them to set up their own little park for their own individual, denominational use in the midst of a national park, hardly seems to me the right policy for us to follow.

Mr. LINTHICUM. If the gentleman will permit, I would like to ask what is the total area of the Glacier National Park?

Mr. CRAMTON. Oh, it is a very large area. I do not know—it is probably as large—well, it is a very large area and, of course, 73 acres as compared with the total area of the park is nothing. It does happen, however, it is rather conspicuously located.

Mr. DALLINGER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DALLINGER. Why should there be any land in a national park, no matter by whom owned, that can not be taken by the Government if necessary?

Mr. CRAMTON. There ought not to be an acre of land in any national park that is not entirely under the control of the Government and devoted to the common use of everyone.

Mr. DALLINGER. Then why should the bill be passed at all, for 5 acres, or 20 acres, or 70 acres?

Mr. CRAMTON. In my judgment, the bill really ought not to pass at all [applause]; but I have tried to get an agreement. I am never sure just what the House will do with a bill, and I have tried to work out a way to minimize the harm that this would do.

It is true that when the gentleman from Montana [Mr. LEAVITT] consulted with the Park Service and presented this bill, the Park Service did not disapprove of the bill. This in itself is a demonstration of the attitude of the Park Service. They have no thought of running these people out of the park, or anything of that kind. But they would like the authority to regulate the kind of structures that will be put on this land.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. COLTON. Mr. Speaker, I yield the gentleman an additional five minutes.

Mr. CRAMTON. But the land now belongs to this organization. Of course, the only way we can acquire it is by purchase or through condemnation proceedings. The Park Service held they could not put in the bill just a straight-out requirement that plans for development of structures should be approved by the Park Service, but when I suggested to them that this exemption from condemnation be only extended to that land after they filed a statement stating its use would be for religious purposes, and that if exempted from condemnation the character of the structures would be subject to approval of the Park Service, they concluded that could be done; and so, at my request, they drafted a substitute which I have in mind to offer.

Understand this substitute represents my views rather than the views of the Park Service, although I am sure they would be quite in sympathy with this sort of a bill.

I have in mind to offer this as a substitute. Personally, I think the gentleman from Wisconsin [Mr. COOPER] is quite correct that we would be better off if we did not pass any bill. But I realize that it has become a matter of some discussion in Montana and there has been an effort in some quarters to make more or less a political issue of it.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. COOPER of Wisconsin. The gentleman refers to "the gentleman from Wisconsin." The gentleman who made the

interruption and the statement was the gentleman from Massachusetts [Mr. DALLINGER]. But the gentleman from Wisconsin, now speaking, heartily indorses the position of the gentleman from Massachusetts. [Laughter.]

Mr. CRAMTON. I am glad to hear that and glad that I made the mistake. [Laughter.]

Without desiring to be obstructive to what the gentleman from Montana is trying to do, I drafted this provision to minimize the situation.

That the right of the Government to acquire through condemnation shall not apply to any lands up to 5 acres within the Glacier National Park now owned by any religious organization while used exclusively for religious purposes: *Provided,* That before such lands shall be exempt from condemnation under the aforesaid provision said organizations shall file with the Secretary of the Interior a statement in writing certifying that particular land not exceeding 5 acres is needed and used, and shall continue to be used exclusively for religious purposes and agreeing to secure prior approval of the said Secretary of the Interior of all structures of any kind whatsoever hereafter proposed to be placed thereon as far as their location, design, and sanitation are concerned, and should such use of the land be discontinued or the said agreement withdrawn or violated then the provisions of this act shall no longer apply.

I think I have said, Mr. Speaker, all that I care to say unless there are some further questions.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. COLE of Iowa. The gentleman proposes to give certain rights to those who are there now. By what reason can you deny similar right to those who come afterwards?

Mr. CRAMTON. I think it is a dangerous precedent.

Mr. COLE of Iowa. You have no right to set a time limit.

Mr. CRAMTON. I think it is a dangerous precedent; I think because those from Montana who are near by and got in early and got a piece of land, later the Boy Scouts of Michigan or the Girl Scouts, when they want to have some place where they can go will say, "Well, you let them in," and there would be a good deal of justice in their plea.

Mr. COLTON. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I realize that a bill of this kind is in danger through discussion of abstract principles rather than of the actual situation. If we were to consider a new national park and determine whether privileges of this kind should be given it would undoubtedly not be justified. But we have a situation here that is going to be met in one way or another. We have an area of land in this national park that has been acquired when the acquiring of that land was entirely proper, entirely legitimate, and with the added situation that it was given to this organization in the desire of a pioneer family in that State to do something for the young people. The situation has existed for a number of years, and without any of these things that are being feared having taken place.

On the contrary, I have a statement here dated January 23, yesterday, signed by Mr. Albright, Director of the National Park Service, in which he says this:

In connection with request received in the department from Hon. DON B. COLTON, chairman of the Committee on the Public Lands of the House of Representatives, for a report on H. R. 16352, "A bill providing that no lands owned by any religious organization within any national park can be purchased by condemnation or otherwise by the Government, and for other purposes," which was referred to this service for preparation of reply, careful consideration has been given to the advisability of recommending the addition of the following proviso to the bill:

"*Provided,* That structures of any kind within 300 feet of any highway built by the Federal Government shall be subject to the approval of the National Park Service as far as their location, design, and sanitation are concerned."

As far as is known in the service, the right of the Federal Government to restrict buildings and other construction projects on privately owned land within the national parks has never been definitely determined, either judicially or otherwise, and therefore the question as to whether such right exists is not entirely free from doubt. Notwithstanding the aforesaid status of this question, it is not believed that any legislative language to this effect could legally give the Federal Government any authority in this connection should it be found that the same does not already exist. In other words, it is believed here in the service that if the Federal Government has authority to restrict the use of privately owned lands within the national parks so as not to interfere with the scenic views in the parks, that such rights may be exercised by the park administration, whether or not the proposed legislative language is included in the bill and enacted into law.

I will state at this point that the senior Senator from Montana stated to the House subcommittee of the Committee on Appropriations when these matters were before it this year that in his judgment that power now exists on the part of the Federal Government, even to zoning or controlling the character of structures on private lands within the national parks, speaking particularly of the Glacier National Park, and having in view the fact that jurisdiction had been ceded by the State to the Federal Government. Then the letter goes on, and I call particular attention to this:

On the other hand, we do not anticipate any difficulties with religious organizations on the land within the national parks in this respect, as we have always found such organizations highly cooperative in the administration of these areas, and it is believed that if word is given out by you and other Members of Congress to these organizations to the effect that the National Park Service agreed to or approved this proposed legislation only on condition that these organizations would extend fullest cooperation in the use of their land in conformity with national park ideals, that this would have all the effect that would be desired.

HORACE M. ALBRIGHT, *Director.*

Here is the statement from the head of the Park Service, after having dealt for years with this situation, and the situation is not as it has been presented with regard to a large number of unsightly edifices on this land. It is possible there might be a difference of opinion as to the character of some of them, but they have erected there a rustic temple, costing about $6,000, and they have attempted, as the statement has been made to me by the superintendent of that park, to keep those places clean and in proper condition.

I can see very plainly that this situation is likely to be confused with the general situation having to do with the use of lands for strictly private purposes. There are in the national parks areas belonging to individuals, and it is proposed by the action taken by the House the other day that those lands be subject to condemnation, and that the owners be given a lifetime lease as long as they live, for the use of those lands for summer-home purposes and purposes not without the purpose of the national parks themselves. That is the proposition. The House has acted upon it. How are you going to apply that to a religious organization that owns the land just as completely as do those private owners own their land. You can not say to them, "As long as you live you can have this." You must put it in other language to give them the same treatment. This is no special treatment, this is an effort to give this church organization the same treatment that is being proposed with regard to private owners in respect to their summer homes. As long as this is used exclusively for religious purposes, as long as it is owned by this organization and so used, it will not be subject to condemnation. Just the moment that it passes to other ownership or is put to other uses, it then becomes subject to condemnation and purchase by the Government, just as would be the case when the private owner of a summer home dies. It then becomes subject to acquirement by the Government.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The gentleman has not quite appreciated the situation. The bill to which the gentleman refers does not exempt private lands from condemnation at all until the present owners die. It provides for condemnation, but it does authorize the Park Service, when they are acquiring those lands through negotiation, not through condemnation, to give back a life lease, and that is taken into consideration in the price they pay for the lands. But we do not exempt them. The department has authority to proceed, if they desire, to condemnation.

Mr. LEAVITT. The gentleman misunderstood me. I did not say they could not condemn the land. They can buy the land under the present law if the bill is finally passed as it went through the House, and as the House conferees were instructed, and then the Government can give back this lifetime lease; but that sort of provision will not meet the situation of an organization like this, that is just as legitimately in there as any private owner. What I am trying to do is to give them the same privilege, not something different, but the same privilege we are proposing to give to private owners of land used for other purposes. I am providing that as long as they remain a religious organization and use the land exclusively for religious purposes they can retain title to it. The only difference is that with these other people they do not retain the title, but they get a permit. This would automatically do away with any uses of that area or any part of it not exclusively religious, and in a few years will work out its own solution, in my judgment, in the fact that this church organization would not be able to use some portions of this land as it may now plan as a producer of revenue, but would find it more advisable to sell to the Government. Further, the moment it was disposed of otherwise it would become subject to purchase by the Government through

condemnation or otherwise. It is not giving them any special privilege, but is giving them, as near as we can do it, the same kind of privilege we propose to individuals.

The writing in of the restrictions proposed by the gentleman from Michigan [Mr. CRAMTON] I can see no objection to. The opinion of the Park Service is that they do not really need them for the protection of the area, and I do not believe the owners of that land would object to having it in there. I do not believe they would object to being required to enter into an agreement as to the form of construction and sanitation.

Mr. MORTON D. HULL. What did the gentleman say about the use of the land for revenue-producing purposes?

Mr. LEAVITT. They might have in mind the use of some of it for those purposes, and if they did it would not be different from the use of some other lands in the parks where the owners lease for summer homes. In my interpretation of the bill it is that they would have to use the land for religious purposes exclusively in order not to have it subject to condemnation.

So far as the area is concerned, I see no reason for reducing the area or limiting it. I do not think 5 acres would be enough. If the gentleman from Michigan would make it 10 acres, I do not believe that I would object under the circumstances. I have talked with my colleague [Mr. EVANS], in whose district this area is, although many of the people are in my district, and he says he thinks it would be good judgment on our part to accept an amendment at 10 acres. What we are trying to do is not to create a special privilege but to give these people the same kind of privilege that we are proposing to give to everyone else.

Mr. COLTON. Mr. Speaker, may I ask how much time remains?

The SPEAKER. The gentleman has 14 minutes remaining.

Mr. COLTON. I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I am not sure I even want five minutes but I want to direct the attention of the House to what I think the bill does, and not being an attorney maybe I am entirely in error. The people holding this land to-day have the same right to it that every man owning land under a deed has and no greater right as I understand it, and that being the case the Government, under certain conditions, can take the property by due process of law under the right of eminent domain. I want to raise the question if by special legislation you deny the Federal Government the right to take any or all of this property under the right of eminent domain, have not you given a vested right which we can not take away.

I will raise that question—and not being a constitutional lawyer or any kind of a lawyer, I can not argue, I raise another question. They are building small homes there. Who is building, private individuals or the church organization? If the church organization is building them they perhaps and are undoubtedly charging a reasonable rental. Now, if they can get away with building cottages and operating a summer resort for 10 days or 2 weeks, or whatever it is, I submit to you if they discover oil on it they can sink an oil well and have a derrick every 100 yards without violating the provisions of this law. They can do more than that, they can open up any kind of a mine if they have a vested right to the land by special legislation. I do not believe this Congress wants that done in any of our national parks. I do not believe Congress wants to deny these people the right of having a summer conclave or of any kind they want, but it strikes me as a layman you are running dangerously near legal difficulties, and if in the future we should want it for any purpose, and I can conceive it might be an absolute necessity almost to condemn the right of way for a railroad or a highway through this property with this legislation. I raise that question and direct it to the attorneys of the House. Could you go through?

Mr. EVANS of California. Will the gentleman yield?

Mr. BEGG. I yield, but will the gentleman be brief?

Mr. EVANS of California. Does the gentleman believe this Congress could waive the right of eminent domain, which is a constitutional right?

Mr. BEGG. I simply can not discuss that, but I have my own opinion; but it is not legal and it is probably a waste of time to give it to the House. Personally I do not think we can.

Mr. STEVENSON. Will the gentleman yield?

Mr. BEGG. I will.

Mr. STEVENSON. Certainly, if Congress can waive a right, it can repeal the waiver.

Mr. BEGG. Of course, you can repeal this law——

Mr. STEVENSON. Of course, we would not be in a position where we could not rescind the waiver.

Mr. BEGG. And Congress can undo anything without question under certain procedure, but you can not take away a vested right without compensating the person owning same. Hence the danger of this legislation.

Mr. LEAVITT. Will the gentleman yield?

Mr. BEGG. I will.

Mr. LEAVITT. It would give added protection to this organization in the use of this land for simply religious purposes without further action of Congress, and they should not arbitrarily be deprived of this area.

Mr. BEGG. They can not arbitrarily be deprived of it now.

Mr. LEAVITT. Yes; they can.

Mr. BEGG. No; not without due process of law and condemnation and compensation. Now, if we pass this bill, as I say, I think we are creating a vested right, but at the same time we are not depriving them of the right to sell this whole proposition to a private individual.

Mr. COLE of Iowa. Oh, yes.

Mr. BEGG. No; you are not. You are not putting any kind of curb on it.

Mr. LEAVITT. They could sell it just as they can now, the same as other private owner. But when they sold it, it would immediately come out from under the protection of the Government.

Mr. BEGG. Yes; I grant all that. There is no reason why this church organization, if they wanted to do it, can not under the guise of a church organization go and establish a college.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BEGG. Mr. Speaker, can I have half a minute more?

Mr. COLTON. I yield to the gentleman half a minute.

Mr. BEGG. And if they were to establish that college, all they would need to do to bring it under the protection of this bill would be to say it is a religious college, and thereby you would have granted them privileges over other institutions in the United States. I think it should be drafted in clearer language or else not passed.

Mr. CONNALLY of Texas. Does not the gentleman think it ought to be recommitted?

Mr. BEGG. Yes. I think it ought to be rewritten.

Mr. CRAMTON. Mr. Speaker, I desire to offer an amendment as a substitute to the bill.

Mr. COLTON. Mr. Speaker, let me say, before the gentleman offers his motion, that I think the fears of the gentleman from Ohio [Mr. BEGG] are groundless. The passage of this bill will not enlarge the rights already owned by the church. It will not change the right one way or the other. It simply provides that so long as the land is used exclusively for church purposes the right of eminent domain shall not be exercised against this property.

Mr. BEGG. It enlarges their right by the gentleman's own admission.

Mr. COLTON. It is a question whether the right of eminent domain can now be exercised in national parks. This simply provides that if it is invoked—and we shall probably authorize its exercise in another act now pending before Congress—it shall not lie against this particular land. I can think of no other way to put this church on an equality with private individuals who will probably secure lifetime leases if their land is condemned.

Mr. CRAIL. If this bill becomes a law, who is to decide, or how is it to be decided, whether the use to which the land is being put is a religious use?

Mr. COLTON. If there was any question or dispute about it I suppose it would be judicially determined. I do not anticipate that action of that kind would be required. Now I yield to the gentleman from Michigan.

Mr. CRAMTON. I have no desire to debate beyond one minute, but I would like to offer a substitute.

The SPEAKER. Does the gentleman from Utah yield to the the gentleman from Michigan for the purpose of offering an amendment?

Mr. COLTON. I yield to him one minute for that purpose.

The SPEAKER. The parliamentary situation is that otherwise the gentleman from Michigan could occupy an hour.

Mr. CRAMTON. I have no desire to do that. I accepted the suggestion of 10 acres instead of 5. It cuts down the acreage from 74 to 10. It limits the application of the law to the Glacier National Park instead of all national parks, and it gives the Park Service the authority to regulate the character of the use of the land.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Strike out all after the enacting clause and insert: "That the right of the Government to acquire

through condemnation shall not apply to any land up to 10 acres within the Glacier National Park now owned by any religious organization while used for religious purposes: *Provided*, That before such lands shall be exempt from condemnation under the aforesaid provision said organizations shall file with the Secretary of the Interior a statement in writing certifying that particular land, not exceeding 10 acres, is needed and used and shall be used exclusively for religious purposes, and agreeing to secure prior approval of the said Secretary of the Interior of all structures of any kind whatsoever hereafter proposed to be placed thereon as far as their location, design, and sanitation are concerned, and should such use of the land be discontinued or the said agreement be withdrawn or violated, then the provisions of this act shall no longer apply."

Mr. COLTON. Mr. Speaker, I yield one minute to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker, I wish merely to say this: I am sure that the language proposed by the gentleman from Michigan [Mr. CRAMTON] puts around it every restriction that the Government could expect; more than has been asked for by the Park Service itself. I am willing to accept it as meeting the situation.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I do not wish to occupy five minutes. But I am opposed to the amended proposition of the gentleman from Michigan [Mr. CRAMTON] that this area shall be 10 acres instead of 5. That change from 10 to 5 does not, in my judgment, at all tend to reconcile this bill with the great principle upon which this Government is based—the absolute separation, under all circumstances, of church and state. We should not exempt property from condemnation proceedings upon religious grounds.

The gentleman from California [Mr. CRAIL] propounded a very pertinent question. He wanted to know who is to define the expression "religious purposes." I know some people who say that the Methodists in their religious tenets do not practice religion. [Laughter.]

These people may be very benighted, and I think some of them are. Nevertheless this is a Government of Catholics, Protestants, infidels, and Jews. All of these classes pay taxes, and we have no right to exempt from condemnation for public use the property of any one of them because of its particular religious faith. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. LEAVITT) there were—ayes 39, noes 37.

So the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LEAVITT) there were—ayes 30, noes 55.

Mr. LEAVITT. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 202, not voting 155, as follows:

[Roll No. 16]

YEAS—71

Adkins	Fitzgerald, Roy G.	Letts	Smith
Allgood	Gasque	Linthicum	Strong, Kans.
Almon	Hall, N. Dak.	Lowrey	Summers, Wash.
Arentz	Hill, Wash.	McKeown	Swing
Bowman	Hogg	McSwain	Tarver
Burtness	Hooper	McSweeney	Tatgenhorst
Butler	Hudspeth	Michener	Taylor, Tenn.
Cannon	Hull, Wm. E.	Miller	Thurston
Clancy	Irwin	Moore, Ohio	Tilson
Clarke	Johnson, Okla.	Morgan	Updike
Cochran, Pa.	Johnson, S. Dak.	Morin	Vestal
Colton	Jones	Purnell	Vincent, Iowa
Culkin	Kading	Quin	Whitehead
Douglas, Ariz.	Kearns	Reed, N. Y.	Williamson
Dowell	Ketcham	Rowbottom	Winter
Englebright	Kopp	Sandlin	Wright
Evans, Mont.	Lankford	Schafer	Yon
Fisher	Leavitt	Simmons	

NAYS—202

Allen	Black, Tex.	Briggs	Carter
Arnold	Bland	Brigham	Cartwright
Bachmann	Blanton	Browne	Casey
Barbour	Bohn	Browning	Chapman
Beers	Bowles	Bulwinkle	Chase
Begg	Box	Campbell	Chindblom
Bell	Brand, Ga.	Canfield	Clague
Black, N. Y.	Brand, Ohio	Carss	Cochran, Mo.
Cohen	Garrett, Tex.	Larsen	Schneider
Cole, Iowa	Gibson	Lea	Sears, Fla.
Collier	Gifford	Leech	Sears, Nebr.
Combs	Gilbert	Lehlbach	Seger
Connally, Tex.	Glynn	Luce	Selvig
Connery	Goldsborough	McDuffie	Sinclair
Cooper, Wis.	Goodwin	McFadden	Snell
Corning	Gregory	McMillan	Speaks
Cox	Green	McReynolds	Sproul, Ill.
Crail	Griffin	Magrady	Sproul, Kans.
Cramton	Guyer	Major, Ill.	Steagall
Crisp	Hale	Major, Mo.	Steele
Dallinger	Hall, Ill.	Mapes	Stevenson
Davis	Hall, Ind.	Martin, La.	Strong, Pa.
Deal	Hancock	Martin, Mass.	Sumners, Tex.
DeRouen	Hardy	Menges	Swank
Dickinson, Iowa	Hare	Monast	Taylor, Colo.
Dickinson, Mo.	Harrison	Moorman	Thatcher
Dickstein	Hastings	Morehead	Tinkham
Dominick	Haugen	Morrow	Tucker
Doughton	Hersey	Nelson, Me.	Underhill
Douglass, Mass.	Hickey	Nelson, Mo.	Vincent, Mich.
Drane	Holaday	Niedringhaus	Vinson, Ga.
Drewry	Hope	Norton, Nebr.	Wainwright
Driver	Houston, Del.	Norton, N. J.	Warren
Dyer	Howard, Nebr.	O'Brien	Wason
Edwards	Huddleston	O'Connell	Watres
England	Hudson	O'Connor, La.	Weaver
Eslick	Hull, Morton D.	Oldfield	Welch, Calif.
Evans, Calif.	Jeffers	Oliver, Ala.	Weller
Fenn	Jenkins	Parks	Welsh, Pa.
Fitzgerald, W. T.	Johnson, Ind.	Patterson	White, Colo.
Fletcher	Johnson, Tex.	Peavey	White, Me.
Fort	Kahn	Porter	Whittington
Frear	Kemp	Prall	Wigglesworth
Free	Kendall	Ragon	Williams, Ill.
Fulbright	Kerr	Rankin	Williams, Mo.
Fulmer	Kincheloe	Ransley	Williams, Tex.
Furlow	Korell	Reece	Wilson, La.
Gambrill	Kurtz	Romjue	Wolfenden
Garber	Kvale	Rutherford	Woodrum
Gardner, Ind.	LaGuardia	Sanders, N. Y.	
Garrett, Tenn.	Langley	Sanders, Tex.	

NOT VOTING—155

Abernethy	Darrow	Knutson	Rayburn
Ackerman	Davenport	Kunz	Reed, Ark.
Aldrich	Davey	Lampert	Reid, Ill.
Andresen	Dempsey	Lanham	Robinson, Iowa
Andrew	Denison	Leatherwood	Robsion, Ky.
Anthony	Doutrich	Lindsay	Rogers
Aswell	Doyle	Lozier	Sabath
Auf der Heide	Eaton	Lyon	Shallenberger
Ayres	Elliott	McClintic	Shreve
Bacharach	Estep	McCormack	Sirovich
Bacon	Fish	McLaughlin	Somers, N. Y.
Bankhead	Fitzpatrick	McLeod	Spearing
Beck, Pa.	Foss	Maas	Stalker
Beck, Wis.	Freeman	Manlove	Stedman
Beedy	French	Mansfield	Stobbs
Berger	Garner, Tex.	Mead	Strother
Bloom	Golder	Merritt	Sullivan
Boies	Graham	Michaelson	Swick
Boylan	Greenwood	Milligan	Taber
Britten	Griest	Montague	Temple
Buchanan	Hadley	Mooney	Thompson
Buckbee	Hammer	Moore, Ky.	Tillman
Burdick	Hawley	Moore, N. J.	Timberlake
Busby	Hill, Ala.	Moore, Va.	Treadway
Bushong	Hoch	Murphy	Underwood
Byrns	Hoffman	Nelson, Wis.	Vinson, Ky.
Carew	Howard, Okla.	Newton	Ware
Carley	Hughes	O'Connor, N. Y.	Watson
Celler	Hull, Tenn.	Oliver, N. Y.	White, Kans.
Chalmers	Igoe	Palmer	Wilson, Miss.
Christopherson	Jacobstein	Palmisano	Wingo
Cole, Md.	James	Parker	Wolverton
Collins	Johnson, Ill.	Peery	Wood
Connolly, Pa.	Johnson, Wash.	Perkins	Woodruff
Cooper, Ohio	Kelly	Pou	Wurzbach
Crosser	Kent	Pratt	Wyant
Crowther	Kiess	Quayle	Yates
Cullen	Kindred	Rainey	Zihlman
Curry	King	Ramseyer	

So the passage of the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Wurzbach with Mr. Pou.
Mr. Buckbee with Mr. Kindred.
Mr. Pratt with Mr. Abernethy.
Mr. Wolverton with Mr. Lindsay.
Mr. Wood with Mr. Spearing.
Mr. Treadway with Mr. Rainey.
Mr. Griest with Mr. McClintic.
Mr. Eaton with Mr. Hull of Tennessee.
Mr. Ackerman with Mr. Lozier.
Mr. Johnson of Illinois with Mr. Bloom.
Mr. Graham with Mr. Carew.
Mr. Leatherwood with Mr. Mead.
Mr. Manlove with Mr. Moore of Kentucky.
Mr. Ramseyer with Mr. Peery.
Mr. Murphy with Mr. Hill of Alabama.
Mr. Zihlman with Mr. Aswell.
Mr. Thompson with Mr. Lanham.
Mr. Watson with Mr. Boylan.
Mr. Perkins with Mr. Montague.
Mr. Newton with Mr. Davey.
Mr. Parker with Mr. Cullen.
Mr. Temple with Mr. Greenwood.
Mr. Timberlake with Mr. Rayburn.
Mr. Robsion of Kentucky with Mr. Howard of Oklahoma.
Mr. Reid of Illinois with Mr. Igoe.

Mrs. Rogers with Mr. Shallenberger.
Mr. Shreve with Mr. Reed of Arkansas.
Mr. French with Mr. Ayres.
Mr. Hughes with Mr. Kunz.
Mr. Kelly with Mr. Moore of Virginia.
Mr. McLeod with Mr. Jacobstein.
Mr. Beedy with Mr. Collins.
Mr. Golder with Mr. Moore of New Jersey.
Mr. Christopherson with Mr. Fitzpatrick.
Mr. Denison with Mr. Auf der Heide.
Mr. Cooper of Ohio with Mr. Mansfield.
Mr. Davenport with Mr. Celler.
Mr. Elliott with Mr. O'Conner of New York.
Mr. Connolly of Pennsylvania with Mr. Hammer.
Mr. Dempsey with Mr. Quayle.
Mr. King with Mr. Cole of Maryland.
Mr. Michaelson with Mr. Underwood.
Mr. Bacharach with Mr. Sirovich.
Mr. Hoffman with Mr. Byrns.
Mr. Wyant with Mr. Vinson of Kentucky.
Mr. Yates with Mr. Crosser.
Mr. Woodruff with Mr. Wingo.
Mr. Britten with Mr. Kent.
Mr. Aldrich with Mr. Wilson of Mississippi.
Mr. Bacon with Mr. Palmisano.
Mr. Andrew with Mr. Sullivan.
Mr. Darrow with Mr. Buchanan.
Mr. Andresen with Mr. Lyon.
Mr. Beck of Pennsylvania with Mr. Tillman.
Mr. Hadley with Mr. Bankhead.
Mr. Crowther with Mr. Ware.
Mr. Curry with Mr. Somers of New York.
Mr. Kiess with Mr. Milligan.
Mr. McLaughlin with Mr. Doyle.
Mr. Lampert with Mr. Stedman.
Mr. Knutson with Mr. Busby.
Mr. Johnson of Washington with Mr. Carley.
Mr. Burdick with Mr. McCormack.
Mr. Chalmers with Mr. Sabath.
Mr. James with Mr. Oliver of New York.
Mr. Merritt with Mr. Berger.

Mr. CONNERY. Mr. Speaker, my colleague the gentleman from Massachusetts, Mr. McCORMACK, is unable to be present. He asked me to state that if he were here he would vote "no."

The result of the vote was announced as above recorded.

STOCK-RAISING HOMESTEADS

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to call up the bill (S. 3949) to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.), a public lands bill, that has been reported.

The Clerk read the title of the bill.

Mr. TILSON. Mr. Speaker, I understand this bill is from the Senate, but that a similar bill has been reported out by the Public Lands Committee; is that correct?

Mr. ARENTZ. This has been fully considered by the Public Lands Committee and reported favorably.

The SPEAKER. The Chair understands that the report was not filed in sufficient time to make it in order to-day except by unanimous consent.

Mr. COLTON. That is correct.

Mr. SCHAFER. Reserving the right to object, was the vote of the Public Lands Committee unanimous?

Mr. COLTON. It was.

The SPEAKER. Is there objection to the request of the gentleman from Nevada [Mr. ARENTZ]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following be added as an additional proviso to section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.):

"*Provided further*, That the withdrawal from entry of lands necessary to insure access by the public to watering places reserved hereunder shall not apply to deposits of coal and other minerals in the lands so withdrawn, and that the provisions of section 9 of this act are hereby made applicable to said deposits in lands embraced in such withdrawals heretofore or hereafter made, but any mineral location or entry made hereunder shall be in accordance with such rules, regulations, and restrictions as may be prescribed by the Secretary of the Interior."

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COLTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague the gentleman from Kentucky [Mr. VINSON], on account of the illiness of his wife.

The SPEAKER. Without objection, granted.

There was no objection.

ARTICLE BY CLAYTON F. MOORE

Mr. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff question.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SMITH. Mr. Speaker, under permission granted to extend my remarks in the RECORD I submit the following article which appeared in the January issue of the Tariff Review. The author, Mr. Clayton F. Moore, is a recognized authority on the tariff, and in view of his long occupancy of the position of clerk to the Ways and Means Committee, House of Representatives, has had a wide experience in the framing of tariff legislation which is probably not exceeded by any other person.

His romantic story of how a tariff law is framed is filled with the most interesting and valuable information which should be preserved in the CONGRESSIONAL RECORD, especially as this subject is now uppermost in the minds of the people and will occupy the attention of the next Congress for some time.

HOW THE TARIFF LAW IS MADE

By Clayton F. Moore, clerk to the Committee on Ways and Means, House of Representatives

Tariff making is one of the most intricate and fascinating functions of the legislative arm of the Government. The tariff is the stabilizer of the Nation's business. Without tariff differentials high enough to guarantee the United States market to the United States producer, economic independence can not prevail, nor can the average person enjoy the comforts and luxuries of full-time employment at adequate wages. Upon the prosperity of the country depends the extent to which taxes may be collected to carry out the all-important functions of government. Thus, tariff making is at the very root of the machinery of government. Prosperity, resulting from a sound tariff policy, furnishes not only necessary funds for the conduct of government but a contented people, well employed, well able to meet governmental tax requirements, and opposed to radicalism, which is always the outgrowth of discontent.

There are two types of economists in the United States—the theoretical and the practical. The theoretical economist, living in the musty documents of history, evolves from deductions the ideal he expounds. The practical economist separates the nonessentials from the ideal and applies the theory, in the light of his knowledge of the actual facts regarding our farms, factories, and workshops, to the everyday practices of the average citizen. The one is the economy of a dreamer; the other of the man on the street; and it is with this practical phase of our modern economics this article will deal.

"How does Congress make a tariff bill?" "What shall I do and how shall I tell my story to the Congress?" These and similar questions come across my desk daily, and I shall endeavor to tell, in this article, how these things are done.

When our far-seeing forefathers wrote the Constitution they adopted the theory that taxes should be with the consent of the governed. In other words, they declared as a basic principle that the people themselves shall tax themselves, and therefore provided that all bills raising revenue should originate in the House of Representatives, since Members of the House, being elected every two years, are the direct representatives of the people. The Senate, originally designed as the representative of the State governments, whose Members are elected for terms up to six years, was given the right to amend but not to originate.

The House of Representatives, however, is a large body of men, each with a multitude of duties to perform, and it is mentally and physically impossible for each Member to know everything about every subject coming before Congress. Congress, therefore, created committees, each committee to specialize in the work assigned to it and report back to the House of Representatives its best judgment as to what should be done.

The Ways and Means Committee is the oldest of these standing committees. It was created in 1789 for the purpose of "ascertaining the ways and providing the means" by which the revenue could be raised so that the Government could function. The first tariff bill was under consideration and pending in Congress before George Washington was inaugurated President. Even in those days the protective-tariff question was a leading issue, for we find in the Annals of Congress for April 11, 1789, that Congressman Smith, of Maryland, presented a petition from the "tradesmen, manufacturers, and others, of the town of Baltimore," asking Congress to impose "on all foreign articles which can be made in America such duties as will give a just and decided preference" to American manufacturers and workers.

From the very first a tariff bill differs from other bills in the way it is introduced in Congress. The ordinary bill is introduced by a Member and referred to a committee, which reports it back to the Congress with certain recommendations. A tariff bill, on the other hand, is a bill of national policy, involving thousands of articles of commerce with which no one man can be familiar. It is, therefore, prepared by all of the members of the Committee on Ways and Means and introduced by the chairman. Under the rules of the House, it is privileged legislation and has the right of way over all other bills in that branch of Congress.

Modern tariff making is as different from the tariff making of the colonial times as day is from night. Prior to 1922 the machinery for gathering the information necessary to tariff revision was inadequate and widely spread out among the various Government agencies. Facts assembled by one agency often conflicted with the same facts gathered by another. Little cooperation was given these agencies by the busy manufacturers or the toiling farmer. Trade associations were not properly organized and paid little attention to fact gathering. There was no central Government agency through which the facts could clear. Statements that came from the manufacturers and importers themselves were based upon individual, rather than group, experience. Often the facts presented were so conflicting that the question of a fair rate of duty was largely a matter of compromise or guesswork.

To-day a new order prevails, and by a coordinated system of fact gathering through various Governmental bureaus and the Tariff Commission—agencies in which the public, after years of education, has confidence—Congress will have before it the most complete data that was ever assembled for the making of any tariff law.

The Committee on Ways and Means is composed of 25 members—15 Republicans and 10 Democrats. At this writing there is a vacancy in the Republican ranks due to the death of Hon. Charles L. Faust, of Missouri, a few weeks ago. These men are the practical economists of Congress.

The actual work of preparing the bill will be in the hands of the 15 Republican members of the Committee on Ways and Means. Of these, 6 participated as members of the committee in drafting the tariff act of 1922; 5 of the others were Members of Congress at that time and aided the passage of that act through the House, while the remaining 3 members, 1 of whom is the son of the coauthor of a famous tariff law, are receiving their first baptism in the fire of tariff making.

Contrary to the belief that has been held in some quarters, these men have made a continuous study of the tariff question since coming to Congress, and most of them were thoroughly schooled in the fundamentals before then. Many of them spend their spare time in mills and workshops and on the farms, becoming familiar with the practical machinery of industry and agriculture. Most of them have visited the customhouses of our great ports and have familiarized themselves with the actual operation of a tariff law. They were picked for the committee because of their ability to examine the facts in a national light, rather than from the standpoint of their individual districts.

The platform of the Republican Party pledged an examination and, where necessary, a revision of the tariff act of 1922. These 15 partisans will attempt to carry out that pledge with the least possible delay. Since the policy of tariff making has been placed in their hands by Congress, they must define the policy and keep the faith. They will weigh the facts impartially and arrive at a solution which will meet the wishes of the great majority.

The first step, therefore, was to decide upon general hearings. The known conditions in industry, mining, and farming, and the platform pledge warranted that step. Accordingly, the committee notified the public at large that hearings would be held, beginning on a certain date, and that those interested in articles now subject to duty or upon the free list could come to Washington on specified dates and present their problem to the committee. These hearings are public and no one who has information to present is barred from submitting his case orally or in the form of a brief.

For five hours and more daily these members will sit, along with their 10 Democratic colleagues, and listen to what the public at large has to say about tariff revision. In a tentative form a record of these proceedings will be printed daily, and those who can not attend but who may have an interest may ascertain what is being said by a simple request for a copy of those hearings.

Upon what is developed during the course of the hearings will depend largely whether an extra session of Congress is to be called, and if the precedents of the past govern and certain facts develop, as it is now believed they will, there is no question, in the writer's mind at least, about an extra session.

"How may I obtain a hearing?" asks the uninitiated. "Should I write my Congressman, hire a lawyer, or what?" The way to obtain a hearing is to ask for it. A 2-cent postage stamp or the personal effort required to walk into room 321, House Office Building, Washington, D. C., and ask for it is all that is necessary.

You do not have to hire anybody or seek any political influence to obtain a hearing, provided the request is made at the time the schedule of the tariff act in which your item appears is under consideration. Do not bother your Congressman. He is a busy man, and he can not master the details of every factory or farm in his district. When you have had your hearing or presented your case by filing a brief, then tell your Congressman what you have done and leave the matter in his hands. His service for you begins when the hearings are over.

When the hearings have been concluded, subcommittees of the majority members of the Committee on Ways and Means will begin the intricate work of preparing the legislation. This is the second step. Shortly after Congress adjourns on March 4 these 15 Members will sit down around the conference table and dissect the facts that have been presented. This will be done in executive session. Personal comfort and convenience will be thrown aside, and these men will labor long and patiently over the mass of statistics and other important data that has been presented.

In addition to its own staff, the committee will call in experts from the Tariff Commission to straighten out discrepancies as to the volume of imports, costs of production, transportation and distribution difficulties, and such other factors as enter into the problem presented by the testimony. Upon the result of this examination they will determine the rates of duty to be applied.

In the past the allegation has frequently been made that the large contributors to political campaigns have had the greatest influence in tariff making. It has been alleged that the representatives of these groups, or of great combinations of industry, make their own rates. Such statements are far from the truth. The attitude of the present Members of Congress is "I'm from Missouri; show me." That, in a nutshell, is the answer. The modern tariff bill is based upon facts. If great industries fail to furnish the facts or endeavor to cover up the truth, they have no chance with the Ways and Means Committee. They can not enter the tariff bill by a back door. In fact, great corporations which are seeking tariff changes must be prepared to expect the closest scrutiny of their industries, and their requests must be based absolutely upon facts which may be substantiated by the various investigating organizations of the United States Government.

The subcommittees may, and occasionally do, call into executive session the representatives of contending factions, in an effort to compromise differences or obtain the truth. Such individuals, however, are infrequently called, and then only at the invitation of the subcommittee and not on their own request.

The small corporation and the individual farmer are on an equal footing with the greatest industries and their problems will receive the same careful consideration. In other words, financial standing is wiped out, and each class stands before the committee on an absolutely equal footing.

"What will happen if I am satisfied with the existing law, fail to make a statement to the committee, and some one else proposes a change? Is my case closed?" The answer is "No." If you will assemble the facts and forward them to the committee before the bill is drafted, they will receive due consideration. Certain facts are often developed after the hearing. No one is barred from presenting them in the form of a communication to the committee.

We often hear this expression, "I'm too busy to look into this matter now. I'll wait for the later hearings before the subcommittee." This is a mistaken idea evidently emanating from bad advice given by a Washington lobbyist. There will be no later hearings and no hearings before these subcommittees. Tariff revision comes once in several years. Unless there are gross discrepancies in the law which requires immediate attention, the policy has always been not to disturb the business of the country by piecemeal legislation.

Whenever the platform of a great political party makes a promise on the tariff question it is generally the first promise to be kept, if that party is victorious in the election. That is a matter of history. And when both political platforms made definite promises last June and July it was notice to the country to be prepared. The committee notice that was given to the country at large on December 5 was, therefore, a foregone conclusion, and that notice was given one month in advance of the hearings. If the Congress is to act promptly, there must be a limit upon the hearings; otherwise the hearings would never be closed and the time wasted would result in great financial loss and much inconvenience both to the individual and to Congress.

When the subcommittees have concluded their labors they will report back to the full majority membership of the Ways and Means Committee. Line by line and paragraph by paragraph the work of these subcommittees will be examined, amended, or approved. This done, the chairman will be authorized to introduce a bill. When introduced it will be referred back to the committee. A meeting of all the members of the committee will then be held and, by a strictly party vote, the bill will be ordered reported to the House.

When the bill is introduced the rates become public. It is at this time that the dissatisfaction arises among the interested parties. "I am not taken care of in the bill," wires a manufacturer. "What shall I do?" The answer is, "Take it up with your own Congressman."

It was, as has already been pointed out, unnecessary to bother your Congressman in the matter of a hearing before the Ways and Means Committee, but should you now be dissatisfied you have a legitimate right to request your Congressman to defend your position on the floor of the House of Representatives. If your position is fair and what you ask is just, it is possible that your Congressman can straighten the matter out by an amendment to the bill at the proper time, but if the committee had considered your case and discarded your request because the facts presented did not warrant it, it is unlikely that your Congressman can succeed in having the amendment adopted.

The rules of procedure of the House of Representatives provide a simple method for handling legislation of this or any other character. A revenue bill, having the right of way, may be called up by the chairman of the committee at any time after it is favorably reported. Usually when this is done there is a period of general debate, when all phases of

the bill are discussed. If the debate becomes acrimonious, prolonged, and dilatory the House leaders generally bring in a rule to limit it. At the conclusion of this general debate the bill is read under the 5-minute rule for amendment. At this time amendments are offered and their sponsors are permitted five minutes in which to state their reasons for the amendment. Replies are made in the same manner. This is what is called the consideration of the bill in the Committee of the Whole House on the state of the Union.

After such consideration is concluded the Committee of the Whole House rises and reports the bill back to the House, with or without amendments. The House then approves the amendments en bloc, or votes on them separately, and if a motion to recommit the bill to the committee with certain instructions—which is usually made by the minority party—fails, then the bill is voted on and passed.

"But," a dissatisfied applicant for tariff consideration may say, "my rate is still out of the bill. What can I do about it?" The answer is, "Go to the Senate." After the bill passes the House it is received in the Senate as a message from the House and referred to the Committee on Finance. The Committee on Finance will then hold hearings on the House bill. Those who are dissatisfied with certain phases of the bill may then appear. After those hearings have been concluded, the Finance Committee will go into executive session and consider the evidence that has been presented.

In the event that the evidence justifies the contention made, the committee will amend the paragraph. When the Finance Committee has completed its consideration of the bill it is then reported to the Senate.

Some interested person may now discover that the tariff bill affects him and that there is nothing in the bill which will give him relief; he still has a chance. He can go to his Senator, who, if the facts justify, may offer an amendment on the Senate floor. If the amendment is accepted, it becomes a part of the bill, which in due course passes the Senate.

This brings us to the final stage of the legislation. What happens next?

When the bill passes the Senate certain rates are different from those that were in the House bill. New rates and new language appear. What is to be done about it? The House and the Senate each appoint conferees, who, sitting together, constitute a committee of conference. That conference committee consists of the five ranking members, three Republican and two Democratic, of the Committee on Ways and Means of the House and a like number of members of the Committee on Finance of the Senate. Those 10 men will iron out the differences between the two Houses of Congress. They can not rewrite the bill, nor change any rate or language which both Houses approved. They are limited to the differences between the two bodies, and in settling those differences they may adopt one of three positions. They may agree to accept the House rate in the bill, in which case the Senate would yield its amendment. They may agree to accept the Senate rate, in which case the House would yield; and, lastly, they may compromise by fixing a rate between the two.

Once these labors are completed and the differences ironed out, each group of conferees presents a report to their House and defends the understanding of the whole conference committee. That branch of Congress which accepted the conference acts upon the legislation first. When this is done the other branch of Congress acts; and if the meeting of the minds of both Houses is complete, the bill then goes to the President for signature; and when signed by the President the tariff bill becomes the tariff law.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate:

The Clerk read as follows:

Ordered, That the House of Representatives be respectfully requested to return to the Senate the following bills, to wit:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

Mr. TAYLOR of Colorado. Mr. Speaker, as the author of two of the bills referred to, I may say that I have no objection to the bills being returned to the Senate.

Mr. SNELL. Mr. Speaker, as I understand, these are bills that were messaged over to-day?

The SPEAKER. They are bills that came over this morning. The question is on complying with the request of the Senate.

The request was complied with.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. LANHAM, for the balance of the week, on account of illness.

Mr. TAYLOR of Tennessee, for one week, on account of personal business.

Mr. LOZIER, indefinitely, on account of death in family.

CAPT. GEORGE FRIED

Mr. GIBSON. Mr. Speaker, I ask unanimous consent for permission to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. The leading news item of the day portraying an outstanding achievement of American men of the seas fills every heart with pride.

Few of us appreciate the perils of the deep when waves are lashed into fury by winds and storms. We can not visualize the full meaning of a call of distress across hundreds of miles of almost impassable storm-tossed waters. Then stout hearts, clear heads, and calm judgments are necessary for effective action.

It is a matter of deepest gratification that these have been found in rare coordination in an American officer and American seamen of the United States Lines sailing under the flag of our country. [Applause.]

All hail to Capt. George Fried, of the *America*, a great navigator, a brave man, an outstanding hero of the seas and of his country, and above all a fine gentleman! All hail to his brave crew, to whose lot comes glory only through peril! [Applause.]

The congratulations of the people of the Nation are due the officers and men, who performed wonders of seamanship in the hazardous rescue of the crew of the S. S. *Florida*.

At the proper time appropriate action should be taken by the Congress expressive of the appreciation that is in the hearts of our people for the performance of an act of great heroism. [Applause.]

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the Eleventh National Convention of the American Legion.

ADJOURNMENT

Mr. COLTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, January 25, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 25, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Agricultural products and provisions, January 24, 25, 28.
Spirits, wines, and other beverages, January 29.

Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

765. A letter from the Acting Secretary of Commerce, transmitting additional item which it is requested be incorporated in House bill 16030 as section 5 thereof, "The Secretary of Commerce may detail superintendents of lighthouses and engineers in the Lighthouse Service to duty at the Bureau of Lighthouses at Washington without change of status"; to the Committee on Interstate and Foreign Commerce.

766. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1929 required to meet the adjustments in compensation of the officers and employees within the District of Columbia and in the field services under the act approved May 28, 1928 (45 Stat. 776–785), amounting in all to $17,364,196 (H. Doc. No. 524); to the Committee on Appropriations and ordered to be printed.

767. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929 pertaining to the Customs Service, $900,000 (H. Doc. No. 525); to the Committee on Appropriations and ordered to be printed.

768. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Labor for the fiscal year ending June 30, 1929, pertaining to the Bureau of Immigration, $121,990 (H. Doc. No. 526); to the Committee on Appropriations and ordered to be printed.

769. A letter from the Acting Secretary of Commerce, transmitting draft of a bill to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes; to the Committee on Public Buildings and Grounds.

770. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1930, for the Navy Department, amounting to $1,344,200 (H. Doc. No. 527); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ARENTZ: Committee on the Public Lands. S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.); without amendment (Rept. No. 2212). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALE: Committee on Naval Affairs. H. R. 7930. A bill to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; without amendment (Rept. No. 2213). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 15011. A bill authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr.; with amendment (Rept. No. 2214). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 15012. A bill authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr.; with amendment (Rept. No. 2215). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 15525. A bill authorizing Thomas E. Brooks, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Garniers Bayou at or near the point where State Road No. 10 crosses the said Garniers Bayou, in the State of Florida; with amendment (Rept. No. 2216). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 15570. A bill authorizing S. R. Cox, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; with amendment (Rept. No. 2217). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 15715. A bill authorizing the construction of a high level bridge across the Maumee River at or near its mouth; with amendment (Rept. No. 2218). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 15849. A bill authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.; with amendment (Rept. No. 2219). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16205. A bill authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; with amendment (Rept. No. 2220). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16206. A bill granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River; with amendment (Rept. No. 2221). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 16345. A bill authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River near Morristown, N. Y.; with amendment (Rept. No. 2222). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry to White County, Ill.," approved May 1, 1928; without amendment (Rept. No. 2223). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.; with amendment (Rept. No. 2224). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARDNER of Indiana: A bill (H. R. 16565) authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: A bill (H. R. 16566) to validate devises, bequests, and gifts from alien enemies to American citizens; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 16567) to provide for the deportation of certain aliens, and for the punishment of the unlawful entry of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT (by departmental request): A bill (H. R. 16568) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; to the Committee on Indian Affairs.

By Mr. SCHNEIDER: A bill (H. R. 16569) authorizing a per capita payment of $100 each to the members of the Menominee Tribe of Indians of Wisconsin, from funds on deposit to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. VESTAL: A bill (H. R. 16570) to provide for the regulation of ownership of inventions devised by Government employees and the control and administration of Government-owned patents, and for other purposes; to the Committee on Patents.

By Mr. BLACK of New York: A bill (H. R. 16571) to express the appreciation of Congress to the officers and crew of the steamship *America;* to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16572) granting an increase of pension to Mary Phelps; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16573) granting an increase of pension to Bell Butters; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 16574) for the relief of Miguel Pascual; to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 16575) granting a pension to Cordelia Hunsaker; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 16576) for the relief of Franklin L. Hamm; to the Committee on Claims.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 16577) authorizing the Secretary of War to award a congressional medal of honor to Lieut. Col. Frederic E. Windsor and to place his name on the Army and Navy medal of honor roll; to the Committee on Military Affairs.

By Mr. CULKIN: A bill (H. R. 16578) granting an increase of pension to Mary A. Hall; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16579) granting an increase of pension to Mary W. Ryan; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 16580) granting a pension to Sophia Hamlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16581) granting a pension to Florence Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16582) granting an increase of pension to Effie E. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16583) granting an increase of pension to Nannie A. Gooch; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 16584) for the relief of Granville W. Hickey; to the Committee on Military Affairs.

By Mr. GAMBRILL: A bill (H. R. 16585) for the relief of Benjamin C. Lewis and Bessie Lewis; to the Committee on Claims.

By Mr. GOODWIN: A bill (H. R. 16586) granting an increase of pension to Harriet Wilkins Dibble; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 16587) for the relief of Peter R. Wadsworth; to the Committee on Claims.

By Mr. WILLIAM E. HULL: A bill (H. R. 16588) granting a pension to Isabelle Holland; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 16589) granting an increase of pension to Catherine A. Ryan; to the Committee on Pensions.

By Mr. McLEOD: A bill (H. R. 16590) providing for the examination and survey of the old channel of the River Rouge; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16591) granting a pension to Clara B. Koch; to the Committee on Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 16592) granting a pension to Mary F. Brown; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16593) granting a pension to George A. Forsyth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16594) granting a pension to Katy Douse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16595) granting an increase of pension to Hannah Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16596) granting an increase of pension to Callie R. Graf; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 16597) granting an increase of pension to Harriet A. Fairman; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 16598) granting an increase of pension to Cora L. Dickerson; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 16599) granting an increase of pension to Katie Currier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16600) granting an increase of pension to Edith Doty; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 16601) granting an increase of pension to Florence A. Prince; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16602) granting an increase of pension to Louisa Flack; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 299) for the payment of additional compensation to Bingham W. Mathias, clerk to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8383. Petition of board of directors of the American Society of Civil Engineers, favoring the equipment of a hydraulic laboratory in the Bureau of Standards; to the Committee on Rivers and Harbors.

8384. By Mr. CARTER: Petition of the American Legion, Department of California, urging better hospital facilities for veterans; to the Committee on World War Veterans' Legislation.

8385. Also, petition of the Buffalo section of the American Society of Civil Engineers, urging the establishment of a national hydraulic laboratory at the Bureau of Standards; to the Committee on Rivers and Harbors.

8386. Also, petition of the Philippine-American Chamber of Commerce, opposing any restriction or limitation to the free movement of products between the United States and the Philippines in either direction; to the Committee on Ways and Means.

8387. By Mr. GARBER: Petition of 1,000 Washington citizens, indorsing the proposals made by the National Committee for Law Enforcement to secure the enforcement of the dry law in Washington, D. C.; to the Committee on the District of Columbia.

8388. Also, petition of the Enid Milling Co., Enid, Okla., indorsing House bill 16346, a bill to amend the tariff act of 1922; to the Committee on Ways and Means.

8389. By Mr. GARRETT of Tennessee: Petition from the citizens of Humboldt, Tenn., asking that a bill be passed to establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, etc.; to the Committee on Irrigation and Reclamation.

8390. Also, petition from citizens of Dyersburg, Tenn., asking that a bill be passed to establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, etc.; to the Committee on Irrigation and Reclamation.

8391. By Mr. KING: Petition signed by the landowners in the South Quincy drainage and levee district, Adams County, Ill., petitioning Congress to pass House bill 14116, or one of like contents; to the Committee on Irrigation and Reclamation.

8392. By Mr. O'CONNELL: Petition of B. T. Babbitt (Inc.), New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8393. Also, petition of the National Parks Association, Washington, D. C., opposing the passage of House bill 5729; to the Committee on the Public Lands.

8394. By Mr. SABATH: Resolution adopted by the Prosperity Lodge, No. 781, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, indorsing Senate bill 1727, to amend the now existing retirement law for civil-service employees, also Senate bill 3281, providing for a 44-hour week in the Postal Service; to the Committee on the Civil Service.

8395. Also, resolution adopted by the Building Service Employees International Union, to which 6,000 members have subscribed, urging the Federal Radio Commission that a through channel, with unlimited time for broadcasting, be granted to station WCFL, the organized labor radio station; to the Committee on the Merchant Marine and Fisheries.

8396. By Mr. SINCLAIR: Petition of North Dakota Cooperative Wool Marketing Association, against a reduction in the present wool and mutton tariff or to a change in the form of its application; to the Committee on Ways and Means.

SENATE

FRIDAY, *January 25, 1929*

(Legislative day of Thursday, January 24, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blaine	Gerry	Moses	Steiwer
Blease	Gillett	Neely	Stephens
Borah	Glass	Norbeck	Swanson
Bratton	Glenn	Norris	Thomas, Idaho
Brookhart	Gould	Nye	Thomas, Okla.
Broussard	Greene	Oddie	Trammell
Bruce	Hale	Overman	Tydings
Burton	Harris	Phipps	Tyson
Capper	Harrison	Pine	Vandenberg
Caraway	Hastings	Pittman	Wagner
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Sackett	Warren
Dale	Jones	Schall	Waterman
Deneen	Kendrick	Sheppard	Watson
Dill	Keyes	Shipstead	Wheeler

Mr. GERRY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily detained from the Senate by illness.

I also wish to announce the unavoidable absence of the Senator from Utah [Mr. KING] on account of illness.

Mr. NORRIS. I wish to announce the absence of my colleague [Mr. HOWELL] owing to illness.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent on account of illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

TIME LIMIT ON CONSTRUCTION OF CRUISERS—PERSONAL EXPLANATION

Mr. HALE. Mr. President, in this morning's New York Times, in the headlines, the statement appears that I have dropped the time-limit provision of the cruiser bill. There is nothing in the context of the article or in the debate which has been held on the floor of the Senate which in any way would bear out this statement. I wish to state here and now that I have not dropped the time-limit provision, that I regard it as one of the most important provisions in the bill, and that I shall make every fight that is in my power to see that it is retained in the measure.

REVENUES OF UNITED STATES PUBLIC HEALTH SERVICE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of proposed legislation providing for the disposition of revenues arising from operations of the United States Public Health Service, and for other purposes, which was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolutions of the Legislature of the State of Pennsylvania, which were referred to the Committee on Public Buildings and Grounds:

IN THE HOUSE OF REPRESENTATIVES,
January 15, 1929.

Whereas His Excellency Calvin Coolidge, President of the United States, in a recent utterance urged the advisability of the establishment of a summer White House to be used by the President and his family during the summer months; and

Whereas the President further suggested that such summer residence should not be erected at too great a distance from Washington; and

Whereas the Blue Ridge Mountain section of this Commonwealth, by reason of its elevation, climatic condition, the beauty and grandeur of its scenery, and its accessibility to the city of Washington, would furnish an ideal, healthful, and advantageous site for the location of such summer residence: Therefore be it

Resolved (if the senate concur), That the General Assembly of the Commonwealth of Pennsylvania extend to the Federal Government an invitation to consider the Blue Ridge Mountain section of Pennsylvania in any action taken to select a site for a summer White House; and be it further

Resolved, That a copy of this resolution be furnished by the secretary of the Commonwealth to the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives of the Congress of the United States.

The foregoing resolution was adopted in the house of representatives January 15, 1929, and concurred in by the senate January 15, 1929.

E. F. WHITE,
Chief Clerk, House of Representatives.
JOHN E. MCKIRDY,
Chief Clerk, Senate.

Approved the 22d day of January, A. D. 1929.

JOHN S. FISHER, *Governor.*

Mr. VANDENBERG presented the following resolutions of the Senate of the State of Michigan, which were referred to the Committee on Finance:

Senate Resolution 22

Whereas the United States Veterans' Hospital, No. 100, at Camp Custer, Mich., is crowded with "N. P." sufferers of the World War, and many have been temporarily placed in private and State sanitariums and hospitals awaiting admission to this Government hospital: Therefore be it

Resolved, That the State Senate of Michigan hereby unanimously indorses and supports the appeal to Congress by the Department of Michigan, the American Legion, for funds to immediately add 300 beds to this United States Veterans' hospital at Camp Custer, Mich., and that copies of this resolution be sent to the President of the United States, to the Michigan delegation in Congress, to the National Director of the United States Veterans' Bureau, and the national legislative committee of the American Legion at Washington, D. C.

Senate Resolution 23

Whereas American prosperity is primarily founded upon the principle of protection for native industries and the safeguarding of American products for American markets against the ruinous competition of products produced by coolie labor and in areas especially favored by nature: Therefore be it

Resolved, That we urge immediate and helpful action by Congress for the beet-sugar industry of the United States by increasing the import duty on raw sugar to 3 cents and by restricting the duty-free importations of cane sugar from the Philippine Islands, and that copies of this urgent appeal be sent to the President of the United States, to the Michigan delegation in Congress, to the chairman of the Committee on Ways and Means of Congress, and the United States Tariff Commission in Washington, D. C.

Mr. VANDENBERG also presented resolutions adopted by the common council of the village of L'Anse, Baraga County, Mich., favoring an immediate investigation of the matter of constructing a breakwater to protect L'Anse Bay from northerly winds and drifting sands, and as a further protection to existing highways that run along the southern shore of L'Anse Bay, which were referred to the Committee on Commerce.

He also presented a resolution adopted by the City Commission of Grand Rapids, Mich., favoring the naming of one of the new proposed naval cruisers after the city of Grand Rapids, Mich., which was referred to the Committee on Naval Affairs.

THE CHICAGO WORLD'S FAIR

Mr. DENEEN, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 365) authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes, reported it without amendment and submitted a report (No. 1508) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WAGNER:

A bill (S. 5547) to equalize retired pay of Army officers who were over 45 years of age when originally appointed; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 5548) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River; to the Committee on Commerce.

CHANGE OF REFERENCE

On motion of Mr. RANSDELL, the Committee on Pensions was discharged from the further consideration of the bill (S. 5473) granting a pension to Mary H. Goldberger, and it was referred to the Committee on Finance.

ADMINISTRATION OF EMERGENCY OFFICERS' RETIREMENT ACT

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 301, calling for certain information from the Veterans' Bureau. I have submitted the resolution to the Senator from Kansas [Mr.

CURTIS] and the Senator from Pennsylvania [Mr. REED], and they have no objection to it. I am sure it will not take any time at all.

Mr. HALE. Mr. President, may I ask the Senator from Tennessee if it will lead to any debate?

Mr. McKELLAR. It will not.

There being no objection, the resolution (S. Res. 301), submitted by Mr. McKELLAR on the 19th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Director of the Veterans' Bureau be, and he is hereby, requested and directed to furnish the Senate at the earliest possible moment the following information:

First. The names and addresses of all emergency officers in the Army who at the time of the final passage of the Tyson-Fitzgerald bill were disabled, as shown by the records of the bureau, to the extent of 30 per cent or more.

Second. The names of all officers to whom the benefits of that act have been awarded by the bureau since the passage of the act.

Third. The names of all officers who were drawing disability pay because of disabilities of more than 30 per cent at the date of the passage of the Tyson-Fitzgerald Act who have been denied the benefits of that act.

Fourth. The names of all emergency officers drawing pay at the time of the passage of the act because of disabilities of more than 30 per cent whose disability pay has been reduced since the date of the passage of said act.

Fifth. Whether or not examinations were held in each case where application for retirement has been filed to determine again the percentage of disability.

TRIBUTE TO CAPTAIN FRIED AND OTHERS OF STEAMSHIP "AMERICA"

Mr. COPELAND. Mr. President, I am sure the country was thrilled at the bravery of Captain Fried and the other officers and crew of the steamship *America* two days ago. I send to the desk a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 305), as follows:

Whereas two days ago the steamship *America* stood by the sinking ship *Florida,* took off 32 men in the face of a terrific gale, and established a maritime record for physical bravery and endurance; and

Whereas the country has been thrilled by this latest story of bravery at sea and has another occasion to hail an achievement of George Fried, captain of the steamship *America:* Be it

Resolved, That the Commerce Committee be requested to inform the Senate what appropriate action should be taken by the Congress to commemorate the noble deeds of Captain Fried, Chief Officer Henry Manning, and all other officers and men of the steamship *America* who rescued the crew and passengers of the sinking *Florida.*

Mr. COPELAND. This is a request to the Commerce Committee to notify the Senate what appropriate action shall be taken. I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. I believe the resolution should go to the Commerce Committee, and then let that committee report it.

Mr. COPELAND. Very well.

Mr. SMOOT. The committee can report it very quickly. Let it be referred to the committee at this time.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committe on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana; and

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

The message also announced that the House had passed the bill (S. 1577) to add certain lands to the Boise National Forest, Idaho, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 14457. An act validating certain conveyances heretofore made by the Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356);

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; and

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes.

The message returned to the Senate, in compliance with its request, the following bills of the House:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red River, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

DEATH OF FORMER SENATOR OSCAR W. UNDERWOOD

Mr. HEFLIN. Mr. President, I know that Senators will be profoundly shocked and grieved to learn of the sudden death of a former Member of this body and a former leader of the Democratic side, Hon. Oscar W. Underwood, of Alabama, who passed away this morning at 11 o'clock.

Mr. President, because of his long and distinguished service in Congress and his able leadership in this body, I suggest to the majority leader [Mr. CURTIS] that it would be a very fine and fitting thing for the Senate to adjourn out of respect to his memory.

Mr. CURTIS. Mr. President, I think it would be most fitting for the Senate to adjourn as a mark of respect to the memory of former Senator Underwood, whose death we all deplore.

Mr. HEFLIN. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The resolutions (S. Res. 306) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate Resolution 306

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. Oscar W. Underwood, formerly a Senator from the State of Alabama.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Accordingly (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 26, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 25, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God and our Merciful Father, we would turn aside for a moment to reflect upon personal responsibility, and even upon the vanity of human greatness. As we stand before our country may the sense of obligation call forth the activity of our highest and finest powers of thought and expression. Do Thou richly endow us with a refined and chastened feeling toward all men. Bless us with a helpful and a profound influence that shall be exerted in shaping the minds and in determining the characters of those with whom we associate. Give us an overflowing passion for the good and for the enrichment of the Republic. Above everything else, our Father, may we never rest content to leave uncared for the things of the life to come. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 5953. An act for the relief of E. L. F. Auffurth;

H. R. 6350. An act for the relief of Bertram Lehman;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 8988. An act for the relief of Milton Longsdorf;

H. R. 9049. An act to amend section 227 of the Judicial Code;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

The message also announced that the Senate has passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 12236. An act to provide an appropriation for the payments of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1338. An act for the relief of James E. Jenkins;

S. 2192. An act for the relief of Lemuel Simpson;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.; and

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, before beginning business this morning I wish to make a unanimous-consent request as to the business of to-day. This is the fourth Friday of the month, one of the regular days on which omnibus pension bills are in order. I am informed that there are a number of these bills, but that they will not take anything like the entire day. I therefore ask unanimous consent to consider during the remainder of the day bills on the Private Calendar unobjected to, and to consider them in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that bills on the Private Calendar unobjected to may be in order to-day, to be considered in the House as in Committee of the Whole House. Is there objection?

There was no objection.

AUTHOR OF POEM ON JOINT REUNION OF NORTH AND SOUTH

Mr. HOWARD of Nebraska. Mr. Speaker, I rise to a question of personal privilege. Among newspaper men and writers generally no charge is ever considered so hideous as the charge of plagiarism. This morning I have been kindly greeted by several Members of the House and complimented on the authorship of a most beautiful poem, which the House was kind enough to permit me to insert in the RECORD yesterday morning.

The lines are beautiful, the sentiment is noble, and I should like ever so much, Mr. Speaker, if I might claim the authorship of those lines. But they were not mine; I did not intend to deceive; I did not intend to commit the hideous crime of plagiarism.

The name of the author of the lines was plainly printed, but through some accident in the Printing Office the slug bearing the name of the author appears to have been eliminated, and it is quite natural, as it now appears, that I should have been credited with the lines. I desire to make this statement in justice to the gentleman who wrote the poem. I have met him only briefly. He lives here in Washington, and his name is Mr. Carlisle. I do not know his initials. I want my fellows in the House, and particularly my own newspaper fellows, to know that I could not rest under the implied charge of plagiarism, and I ask that the RECORD be so changed that it may show the name of the author of the beautiful poem with reference to the proposed reunion of the survivors of the armies of the Blue and the Gray. [Applause.]

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HOWARD of Nebraska. Certainly.

Mr. OLIVER of Alabama. The gentleman, the author of the poem, is an Alabamian.

Mr. HOWARD of Nebraska. I am glad to hear that, because the soul of poetry once lay near Alabama, and Mr. Carlisle has brought some of it to Washington. [Applause.]

LEGISLATION ON APPROPRIATION BILLS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to use three minutes in calling attention to something in the making of appropriation bills which I hope will not be too often repeated. When the Budget plan was put into effect the then membership of the House was a little afraid that under the Budget system, together with a large Appropriations Committee, a great deal of power would be given to some Members, and others deprived of certain rights. The House that passed the Budget measure was solemnly assured that legislation would not be attached to appropriation bills.

For a considerable time that order of things was observed. Then, as occasion created the necessity, little items of legislation were put on the appropriation bills and smoothed along to final passage. The practice has been increasing, until now, when the House membership has been pretty well lulled to sleep, appropriation bills are being sent through the House in race-horse speed. Unless some parliamentary watchdog is particularly on the lookout, and unless the minority Member who reserves all points of order against items in the bill is fearlessly on the job new legislation such as we see on this particular District bill will be passed through the House, and Members who have not been in their seats and watchful of a bill supposedly carrying only appropriations for the District we will find ourselves confronted with legislation such as in this bill for the District of Columbia affecting school-teachers, and which should have been in a legislative bill coming from some other committee. There can be but one motion to recommit, and that motion will be made, I understand, with regard to another subject. We of the rank and file are thus estopped. If the practice grows, then those not on the Appropriations Committee are still further set back. I hope it will stop. [Applause.]

THE LATE OSCAR W. UNDERWOOD

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker and my colleagues of the House, the sad intelligence has just reached me of the death this morning at his residence in Virginia of one of the very greatest men of his generation, a former Member of this House, a former Senator of the United States, Hon. Oscar W. Underwood. I make this announcement with the profoundest regret. I shall not attempt at this time to enter into any elaborate statement of the late Senator's public services. At a later day I am sure consent will be granted to some one in the House to place in the CONGRESSIONAL RECORD a proper statement along that line.

To most of us here Senator Underwood was personally known. With him a very large number of us served in the House of Representatives—a place in which for a time he became to a certain extent its most distinguished figure. His career here covered a long period. He was for 20 years a Member of this House and for 12 years a Member of the Senate. He became the chairman of the great Committee on Ways and Means, and as such, under the practice of that time, the leader of his party on the floor. Subsequently he became the chosen titular leader of his party in the Senate.

The strength of Senator Underwood lay in many things—his great intellectual capacity, his profound knowledge of the fundamentals of government, and then, in one of the very greatest, if not the greatest, factor, the superb moral and mental courage which enabled him always to stand by the convictions he entertained. He contributed as much as any man of his generation to government, to the public weal, to the maintenance of the integrity, the purity, and the glory of our great institutions of government. I know that all join in the expression of deep regret at the death of this preeminent statesman and publicist.

POST-OFFICE BUILDINGS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, before we take up the business of the House, I wish to say that I was one of those who, when the public building bill was before the House, believed that during a Republican administration some of our Democratic districts might be overlooked in their necessity for post-office buildings. For several years the cities of Sweetwater and Coleman, in my district, have had public-buildings sites given the Government by the people of those cities, given with the expectation that buildings would be erected upon them. In Sweetwater this past year the postal receipts were of $30,000 profit, over and above all expenditures connected with the office, such as would warrant the construction of a building as an economy for the Government. I had been opposing the bill, and when it was under consideration I had assurance from my good friend the gentleman from Indiana [Mr. ELLIOTT], the chairman of the committee, and my friend FRITZ LANHAM, of Texas, on the minority side, that the Post Office Department and the Treasury Department would give these two cities buildings; and with that assurance, and with the promise from those two departments, I supported the bill. With the usual delay on account of red tape in governmental affairs, no step has been taken as yet to erect those buildings.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SNELL. Do I understand the gentleman to say publicly that he supported that bill because it was definitely agreed that he should have those buildings?

Mr. BLANTON. Yes, I did; and that is what we all do. Everyone of us votes here because we expect some good to come to our constituents and to the people of the Nation by reason of our vote.

Mr. SNELL. The gentleman said that he was going to have two post offices in two specific places.

Mr. BLANTON. Yes.

Mr. SNELL. That is a better promise than they made to any Republican.

Mr. BLANTON. I got that promise on the floor from Mr. ELLIOTT and from Mr. LANHAM.

Mr. SNELL. Then the gentleman ought to vote for the bill, because he got more than any Republican did.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ELLIOTT. I think you are stretching this proposition just a little too far.

Mr. BLANTON. Did not the gentleman give me that assurance?

Mr. ELLIOTT. I did not. I told the gentleman on the floor of this House over here that he had some propositions that would probably be taken care of under the terms of the bill, but I did not make any proposition to the gentleman from Texas, nor to any gentleman from any other place in this universe, that any building would be built in his district.

Mr. BLANTON. Mr. Speaker, I am glad to know that the gentleman is frank enough now to take a position that is not borne out by the RECORD. I am going to put in the RECORD in connection with my speech a copy of the colloquy that occurred between the gentleman and myself on the floor at the time the building bill was under consideration, and between me and my friend, Mr. LANHAM.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, in answer to the gentleman from Texas, I say this: I never had any authority from this House or any other place to make a promise on the floor or anywhere else to any Member of Congress, and I did not do it.

Mr. BLANTON. Mr. Speaker, I want to use my minute myself. The gentleman came to me before the building bill came up and said, "BLANTON, your position is not well taken; you Democrats are going to be cared for and provision has been made for your two offices," and upon that assurance from the gentleman and from the assurance from the two departments and the assurance of my colleague from Texas [Mr. LANHAM] I gave my support to that bill, because I had been opposing it theretofore, not believing that we were going to get the buildings.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. The gentleman should realize that as Texas is now a Republican State, there is no further reason for political discrimination. [Laughter.]

Mr. BLANTON. No; and I am not surprised at all that proponents should take this stand now that they have their bill. We were foolish to vote for it, we Democrats and Republicans.

The SPEAKER. The time of the gentleman from Texas has again expired.

DISTRICT OF COLUMBIA APPROPRIATION BILL

The SPEAKER. When the House adjourned on Wednesday the situation in regard to the District of Columbia appropriation bill was that the previous question had been ordered on the bill and all amendments to final passage. Is a separate vote demanded on any amendment?

Mr. SIMMONS. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 17]

Abernethy	Doutrich	Lindsay	Reed, Ark.
Allen	Doyle	Lozier	Reed, N. Y.
Anthony	Fish	Lyon	Reid, Ill.
Auf der Heide	Fitzgerald, Roy G.	McClintic	Robsion, Ky.
Beck, Pa.	Fitzpatrick	McCormack	Rogers
Beedy	Fulbright	Maas	Sirovich
Berger	Furlow	Major, Ill.	Spearing
Boies	Garner, Tex.	Major, Mo.	Stalker
Bowles	Golder	Mead	Stobbs
Boylan	Graham	Michaelson	Strother
Britten	Griest	Montague	Sullivan
Bushong	Hammer	Mooney	Taylor, Tenn.
Canfield	Haugen	Moore, Ky.	Tillman
Carew	Hawley	Moore, N. J.	Underwood
Carley	Hill, Ala.	Moore, Ohio	Updike
Cole, Md.	Hull, Morton D.	Norton, N. J.	Vinson, Ky.
Combs	Igoe	O'Connell	Ware
Connery	Jacobstein	O'Connor, La.	Weller
Connolly, Pa.	Kearns	O'Connor, N. Y.	White, Kans.
Crail	Kelly	Oliver, N. Y.	Wilson, Miss.
Crosser	Kemp	Palmer	Wingo
Crowther	Kent	Palmisano	Wood
Cullen	Kiess	Prall	Wurzbach
Curry	Kindred	Pratt	Yates
Darrow	King	Quayle	
Dempsey	Kunz	Rainey	
Dickstein	Lanham	Reece	

The SPEAKER. On this call 322 Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; was read the third time.

Mr. GRIFFIN. Mr. Speaker——

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. GRIFFIN. I am opposed to the bill, and I desire to offer a motion to recommit.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GRIFFIN moves to recommit the bill H. R. 16422 to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: On page 3, after line 22, insert the following paragraph: "For increases in salaries of employees, except commissioners, in accordance with the efficiency rating to be allocated by the Commissioners of the District of Columbia to the several branches of the government of the District of Columbia, $165,000."

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, reserving the right to object, and I shall not object to the gentleman from New York speaking because he was not present on the floor when this matter was passed in the Committee of the Whole House on the state of the Union. If he wishes to discuss it now, I ask unanimous consent that there shall be coupled with his request the right on my part to reply.

Mr. GARRETT of Tennessee. The whole matter is in control of the gentleman from Nebraska. He has the right to move the previous question.

Mr. SIMMONS. The previous question has already been ordered.

The SPEAKER. The gentleman from New York [Mr. GRIFFIN] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. GRIFFIN. I ask unanimous consent, Mr. Speaker, that I may have five minutes, and that the gentleman from Nebraska [Mr. SIMMONS] may also address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that he may proceed for five minutes, and that the gentleman from Nebraska may also proceed for five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York is recognized.

Mr. GRIFFIN. Mr. Speaker and colleagues, last year when the District of Columbia appropriation bill was up for consideration we found that the District employees had not been given the step-ups required by law. We found that the wages of the clerks and the mechanics and the different employees of the District were under those of every other governmental activity in the District of Columbia. We inquired as to the amount that was necessary to give these men and women the salaries to which they were entitled, and we found that it was $340,000. Then we conferred with our late esteemed chairman of the Committee on Appropriations, Mr. Madden, and agreed with him that we would divide that amount practically in half and carry in the bill of last year $175,000. That was done. One hundred and seventy-five thousand dollars was allocated to the employees of the District.

Now note the injustice here. Objection is made in this year's bill to carry out that agreement by giving the other $165,000 to make the step-ups; and the excuse given is that the Welch bill has given a raise of salary for the employees of the District and the various branches of the Federal Government. That is so, but it does not relieve the inequality. It does not remove the discrimination that existed between District employees and Federal employees.

This fact was brought to my attention this morning by the auditor of the District, who tells me that the $175,000 allowed last year had been allocated to certain employees. About half of the employees got the benefit of it. The $165,000 embraced in my amendment will accord that step-up to the other employees. The District employees that got the $175,000 allocated to them also got the benefit of the Welch bill. They got the benefit of that. Now it is up to us to be just and fair, and to give the other employees the benefit of this step-up that is provided by law.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield there?

Mr. GRIFFIN. Yes.

Mr. JOHNSON of Washington. In other words, this amendment is absolutely needed to carry out the mandate of Congress when it passed the Welch bill?

Mr. GRIFFIN. Absolutely; without equivocation. That is conceded everywhere. The only excuse, the only apology given, is that the Welch bill has given certain raises. But the Welch bill is like trying to build a third story on a house that is without a second story. For instance, take two buildings built together, one a 1-story house and the other a 2-story house. You say you must add an additional story. You add an additional story to one of the houses and leave the other house without an additional story, and it makes one the equivalent of a 3-story house and leaves the other still a 1-story house.

Mr. CASEY. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. CASEY. Is it not a fact that it is absolutely necessary to vote to recommit this bill with instructions to include in it the $165,000 necessary to put these poorly paid District employees on an equality with the other employees? Otherwise there will be a discrimination to the amount of $165,000 against these employees?

Mr. GRIFFIN. That is the idea exactly.

Mr. CELLER. Your amendment does not increase or widen the scope of the Welch bill?

Mr. GRIFFIN. No. It does not touch the Welch bill at all. It simply provides that these men and women shall receive the step-up accorded to them by law.

The SPEAKER. The time of the gentleman from New York has expired. The gentleman from Nebraska [Mr. SIMMONS] is recognized.

Mr. SIMMONS. Mr. Speaker and Members of the House, last year when the District of Columbia appropriation bill came before the House Committee on Appropriations from the Bureau of the Budget it contained $37,000 for salary increases for the District employees, numbering slightly over 3,000. After conference with Chairman Madden and with the Budget Bureau and with District officials, the committee included in the bill last year a sufficient sum, so that last year Congress gave the District employees in the District bill $175,000 plus in salary increases, coupled with the statement that it was the intention to carry this year $170,000 more in this bill, with the express purpose then stated that we wanted the District employees to be brought up to the average of the salaries of the Federal employees in Washington, stipulating also that that salary increase last year should be given to the lower-salaried grades on efficiency ratings. The Welch Act at that time was not contemplated. The Welch Act later was passed. It carried $553,000 increases to District employees, and that increase, Mr. JOHNSON, has been made, and this amendment has nothing to do with the Welch Act.

Mr. JOHNSON of Washington. I object to being addressed by the speaker by name.

Mr. SIMMONS. Very well; the gentleman from Washington. Every dollar that the Welch Act calls for with respect to the District employees is carried in this bill as it came from the committee. After the Welch Act was passed——

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. SIMMONS. I can not. After the Welch Act was passed then this question arose: Is the Welch Act in lieu of the step-ups provided by Congress last year? I advised the District officials that, in my opinion, the step-ups we gave last year were in addition to any advantages which the Welch Act conferred upon the District employees, so that last year the three thousand two hundred and some odd employees of the District government received salary increases of $733,000, and that $733,000 is continued in this bill, and this amount includes the Welch Act payments and the step-ups provided for last year.

Now, the only question is this: Have we by those two acts brought the District employees to the average of the Federal salaries? Every bit of evidence before this committee and before the Congress is that we have.

Mr. GRIFFIN. Will the gentleman yield?

Mr. SIMMONS. I can not yield just now. You will find in the hearings, on page 53, comparative tables showing the salaries paid to District employees and employees of the Federal Government, and there you will find that the lower-grade District employees are well on an average with the employees in the Federal service. You will find on page 57 of the hearings a tabulated statement, grade by grade and salary by salary, as to employees in the Federal departments and branches of the Government, and there is a comparison with the employees in the District government.

Mr. GRIFFIN. But the fact is that the $175,000 provided last year was allocated to half of the employees.

Mr. SIMMONS. Yes. Last year every employee in the District service received one increase in pay. Last year better than 50 per cent of the District employees received two step-ups in pay and many of them three step-ups. Now, if you

should include this $165,000 in this bill, you will put the salaries of the District employees on an average above the salaries paid in the Federal service, and that is all that is involved in it.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. COCHRAN of Missouri. Was the money appropriated last year—and I am not speaking of the money appropriated under the Welch Act—allocated among all the District employees or a portion of them?

Mr. SIMMONS. There is a table in the hearings showing how it was allocated, and it went, by the direction of the committee, to those who received the lower-grade salaries on efficiency ratings.

Mr. COCHRAN of Missouri. But it was not allocated among all the employees?

Mr. SIMMONS. It went to the lower-salaried employees on efficiency ratings.

Mr. SUMMERS of Washington. Is there an inequality on account of the amount of the appropriation made last year?

Mr. SIMMONS. No, sir.

Mr. SUMMERS of Washington. If it only went to a part of the employees, why is there not?

Mr. SIMMONS. Because it went to the employees in the lower-salary grades on efficiency ratings.

Mr. GREEN. Is there anything in this appropriation which will have to do with a change in the decisions and ratings made by the Comptroller General?

Mr. SIMMONS. In this motion?

Mr. GREEN. In this appropriation.

Mr. SIMMONS. No, sir.

Mr. GREEN. Does it affect any of his decisions and ratings in any way?

Mr. SIMMONS. No, sir.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for two minutes. Is there objection?

Mr. CLARKE. Mr. Speaker, I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. GRIFFIN) there were—ayes 48, noes 180.

Mr. CASEY. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-one gentlemen have risen, not a sufficient number.

So the yeas and nays were refused.

So the motion to recommit was rejected.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. I do not know whether this is the opportune time or not. If it is not, the Chair can so inform me and I will present it later. When a motion for the previous question has been adopted upon an appropriation bill, with all amendments thereto, to final passage, and following the adoption of the amendments and the third reading of the bill a motion to recommit is made, is it, under those circumstances, the rule of the House that the previous question applies to the motion to recommit without further debate?

The SPEAKER. So far as debate is concerned, it does. The motion to recommit, however, is open to amendment but not to debate. In other words, as the Chair understands it, the motion to recommit with instructions is treated in the same category as an amendment to the bill, and the previous question having been ordered on the bill and all amendments thereto to final passage, the motion to recommit is then not debatable.

Mr. TILSON. And, Mr. Speaker, if any amendments are offered to the motion to recommit, those would not be debatable.

The SPEAKER. They would not be debatable. The Chair has before him a precedent and will call the attention of the gentleman from Tennessee to 5571 of Hinds' Precedents, which is exactly in point.

The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SIMMONS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. JOHNSON of Washington. I object, Mr. Speaker.

INVALID PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I call up the bill (H. R. 16500) granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill.

This bill is a substitute for the following House bills referred to this committee:

H. R. 573. Julia Taylor.
H. R. 781. Mary Hadcock.
H. R. 1520. Adelaide H. Barr.
H. R. 1521. Kate Congdon.
H. R. 1527. Alice F. Webster.
H. R. 2542. Jane A. Crawford.
H. R. 2622. Ida Brown.
H. R. 2985. Mary J. Frogg.
H. R. 3472. Sarah E. Foose.
H. R. 3488. Josephine H. Wardwell.
H. R. 3792. Emma E. Tittle.
H. R. 4354. Armina Smith.
H. R. 4478. Helen A. Ackerman.
H. R. 4519. Catherine Appolt.
H. R. 4523. Amanda Anderson.
H. R. 5055. Ella L. Patterson.
H. R. 6950. Mary E. Kennedy.
H. R. 7579. Marietta Love.
H. R. 7603. Phebe R. Weaver.
H. R. 7840. Fannie Baker.
H. R. 8096. Sarah Arabelle Mann.
H. R. 8386. Inez B. Degler.
H. R. 9383. Lizzie Taylor.
H. R. 9600. Anna M. Bennett.
H. R. 10521. Jacob Louis.
H. R. 10723. Georgia L. Vroman.
H. R. 11815. Mary E. Grant.
H. R. 11908. Mary S. A. Hatcher.
H. R. 12166. Mary J. Watson.
H. R. 12832. Mary J. Smith.
H. R. 13007. Eliza Jane Buckles.
H. R. 13088. Rachel L. Deems.
H. R. 13091. Belle F. Smith.
H. R. 13496. Finis R. Wilhite.
H. R. 13552. Alice J. Warrett.
H. R. 13725. Christina Satterfield.
H. R. 13840. Katherine Belcher.
H. R. 13895. Mary S. Hall.
H. R. 13960. Isadore Hitchcock.
H. R. 14028. Sarah Hayden.
H. R. 14055. William M. Keiffer.
H. R. 14167. Martha A. Whitford.
H. R. 14168. Sarah A. Smith.
H. R. 14169. Catherine Quayle.
H. R. 14170. Henrietta E. Southern.
H. R. 14174. Hulda Yohe.
H. R. 14178. Mary S. Froman.
H. R. 14179. Emma M. Baker.
H. R. 14180. Idell Blackburn.
H. R. 14181. Jane Jenkins.
H. R. 14182. Rhoda Matthews.
H. R. 14183. Anna L. Wylde.
H. R. 14184. Jennie C. Van Volkinburg.
H. R. 14191. Emma J. Reed.
H. R. 14192. Emma Truax.
H. R. 14193. Frances C. Salisbury.
H. R. 14195. Pauline J. Smith.
H. R. 14199. Helen J. Murray.
H. R. 14200. Jennie F. Wox.
H. R. 14201. Nancy E. Hess.
H. R. 14209. Margaret E. Beaston.
H. R. 14210. Mary McKinstry.
H. R. 14211. Sarah Rock.
H. R. 14212. Alice M. Leightley.
H. R. 14213. Emma A. Henderson.
H. R. 14214. Sarah Roof.
H. R. 14215. Sarah M. Green.
H. R. 14216. Mary A. Showers.
H. R. 14217. Amanda J. Charles.
H. R. 14218. Elizabeth B. Graves.
H. R. 14219. Maggie B. Maben.
H. R. 14220. Mary E. Sayre.
H. R. 14221. Noah Judy.
H. R. 14224. John Carr.
H. R. 14229. Indiana Fulton.
H. R. 14237. Minerva J. Birtciel.
H. R. 14244. Roseanna Riley.
H. R. 14248. Henry Snider.
H. R. 14250. Lewis Baumann.
H. R. 14251. Lavina C. Jennings.
H. R. 14255. Rachel R. Hilyard.
H. R. 14257. Melvina Hunter.
H. R. 14265. Maria Griffith.
H. R. 14266. David A. Long.
H. R. 14267. Sarah H. Axe.
H. R. 14268. William E. Long.
H. R. 14270. Mary C. Dagley.
H. R. 14271. Mary A. Ferguson.
H. R. 14274. Dovey A. Huffman.
H. R. 14276. Erminia F. Whitlock.
H. R. 14282. Mary A. Knote.
H. R. 14283. Elizabeth J. Rock.
H. R. 14285. Margaret Felton.
H. R. 14286. Catharine Hartley.
H. R. 14288. Lucena K. Moore.
H. R. 14293. Elizabeth N. White.
H. R. 14296. Johanna Wettengel.
H. R. 14297. Eveline L. Pinch.
H. R. 14303. Ella F. Higgins.
H. R. 14307. Frank Kyer.
H. R. 14308. Frances McGowan.
H. R. 14309. Edward McKeels.
H. R. 14311. Mary J. Neal.
H. R. 14312. Eliza North.
H. R. 14313. Mariah Powell.
H. R. 14317. Mary Stauffer.
H. R. 14319. Mary E. Vance.
H. R. 14321. Phebe Zeigler.
H. R. 14322. Parmelia E. Deering.
H. R. 14325. Margaret Thomas.
H. R. 14326. Mabel G. Thomas.
H. R. 14327. Charles N. Pollard.
H. R. 14332. Harriet P. Washburn.
H. R. 14341. Susan Sims.
H. R. 14342. Dalphus King.
H. R. 14346. Sarah M. Phelps.
H. R. 14347. William Rains.
H. R. 14349. Lily B. Rice.
H. R. 14354. Elisha White.
H. R. 14361. Martha V. Kirby.
H. R. 14368. Malinda E. Luttrell.
H. R. 14369. Fannie L. Garland.
H. R. 14375. Mary A. Champion.
H. R. 14377. Hannah Stewart.
H. R. 14379. Lizzie J. McMillion.
H. R. 14382. Martha J. Rader.
H. R. 14408. Hattie E. Vernocom.
H. R. 14409. Mary E. Mefford.
H. R. 14410. Lena M. Stevens.
H. R. 14415. Martha E. Dodson.
H. R. 14416. Elma A. Stoddard.
H. R. 14419. Ada G. Pollock.
H. R. 14420. Catherine J. Muller.
H. R. 14425. Ellen J. Rusco.
H. R. 14430. Icie Smith.
H. R. 14431. Sarah J. Rigdon.
H. R. 14432. Esther J. Conklin.
H. R. 14434. Mary Harmon.
H. R. 14437. Idella Hescock.
H. R. 14440. Adaline Hord.
H. R. 14443. Mary A. Spond.
H. R. 14444. Omer D. Sovey.
H. R. 14445. Lydia O. Ely.
H. R. 14484. Joseph Nowland, alias James Rogers.
H. R. 14485. Agnes Matthews.
H. R. 14492. Anna Koll.
H. R. 14499. Rachel Parish.
H. R. 14510. Martha E. Ralston.
H. R. 14511. Eveline Johnson.
H. R. 14512. Ellen Murphy.
H. R. 14513. Amanda C. McNeil.
H. R. 14523. Ida Mae Phipps.
H. R. 14527. Dora A. Jones.
H. R. 14533. Elizabeth Snider.
H. R. 14534. Sarah E. Cook.
H. R. 14539. Rhoda J. Croghan.
H. R. 14547. Fannie Hudson.
H. R. 14548. Sarah J. Melross.
H. R. 14556. Dora Robb.
H. R. 14557. Naomi E. Lineback.
H. R. 14561. Caroline Smith.
H. R. 14562. Philip L. Conrad.
H. R. 14563. Mary A. Brooks.
H. R. 14564. Jemima A. Bunner.
H. R. 14566. Mary E. Collins.
H. R. 14567. Emma J. Minerd.
H. R. 14568. Malinda Johnson.
H. R. 14569. Dorotha Murray.
H. R. 14571. Mary A. Stacer.
H. R. 14573. William J. Anderson.
H. R. 14574. Christina C. Fraker.
H. R. 14576. Elizabeth Segall.
H. R. 14581. Caroline L. Howard.
H. R. 14582. Angie Carson.
H. R. 14584. Myrtle M. Marshall.
H. R. 14585. Margaret Pearson.
H. R. 14586. Mary Larkin.
H. R. 14588. Frances D. Laird.
H. R. 14589. Helen M. Mouthorp.
H. R. 14595. Lucinda M. Goodsell.
H. R. 14600. Hannah Phillips.

H. R. 14602. Annie L. Lampman.
H. R. 14603. Julia A. Baldwin.
H. R. 14605. Maria R. Low.
H. R. 14606. Marion Crowley.
H. R. 14609. Nancy A. Parker.
H. R. 14610. Jane Freeman.
H. R. 14612. Burgess E. Singleton.
H. R. 14613. Sarah A. Longberger.
H. R. 14617. Franc C. Brightman.
H. R. 14618. Mary J. Travis.
H. R. 14619. Cora E. Pierce.
H. R. 14620. Amelia A. Owen.
H. R. 14623. Laura L. Shrode.
H. R. 14624. Sarah P. Kookendoffer.
H. R. 14625. Mary E. Lancaster.
H. R. 14627. Sallie Bales.
H. R. 14628. Elizabeth White.
H. R. 14629. Sarah E. Robinson.
H. R. 14630. Pollie A. Cato.
H. R. 14633. Mary R. Coffey.
H. R. 14634. Sarah C. Blume.
H. R. 14635. Eliza Townsend.
H. R. 14636. Mamie Bashaw.
H. R. 14638. Adaline A. Gholson.
H. R. 14639. Annie W. Johnston.
H. R. 14641. Mary A. Dougan.
H. R. 14643. Dora Horine.
H. R. 14647. Elizabeth Ratcliff.
H. R. 14649. Laura E. Tansey.
H. R. 14650. Susanah Thornburgh.
H. R. 14652. Minerva F. Ward.
H. R. 14654. William S. Chapman.
H. R. 14658. Annie Young.
H. R. 14681. Ellen M. Greenough.
H. R. 14685. Emma S. Greenwood.
H. R. 14687. Martha B. Beldin.
H. R. 14688. Ella Holt.
H. R. 14689. Matilda Tibbetts.
H. R. 14719. Mary J. Sherman.
H. R. 14721. Florence Hughes.
H. R. 14733. Virgil V. Wilson.
H. R. 14734. Phebe J. Burrows.
H. R. 14735. Emily Shillinburg.
H. R. 14741. Benjamin H. Hartnagel.
H. R. 14751. Catherine M. Reamer.
H. R. 14764. Mary E. McGough.
H. R. 14768. Albert J. Owen.
H. R. 14770. Mary J. Hipsley.
H. R. 14771. Charlotte Thomas.
H. R. 14773. Elizabeth C. Ford.
H. R. 14778. Gunhild Sophia Holland.
H. R. 14780. Dellia Van Ness.
H. R. 14784. Anna M. Hey.
H. R. 14786. Fidelia Hale.
H. R. 14787. Nancy A. Dilbone.
H. R. 14791. Ellen Drake.
H. R. 14792. Barbara Mehner.
H. R. 14793. Elisabeth Hann.
H. R. 14794. Susan E. Henry.
H. R. 14795. Emma R. Duncan.
H. R. 14796. Celina L. Depriest.
H. R. 14797. Mary J. Stendts.
H. R. 14798. Dora Slonaker.
H. R. 14799. Mary A. Steiner.
H. R. 14826. Sarah M. Davis.
H. R. 14827. Nancy M. Hurst.
H. R. 14828. Cornelia Powell.
H. R. 14831. Harriet E. Bowens.
H. R. 14832. Ada M. Cory.
H. R. 14833. Jennie Brewer.
H. R. 14834. Matilda Marrow.
H. R. 14837. Irene M. McMathan.
H. R. 14839. William H. Woodbeck.
H. R. 14842. Alice Gray.
H. R. 14843. Ida M. Brewer.
H. R. 14845. Nettie Graves.
H. R. 14846. Martha J. Sweet.
H. R. 14848. Mary A. Cochrane.
H. R. 14851. Cornelia A. Parsons.
H. R. 14857. Frances J. Templeton.
H. R. 14862. Jennie I. Williams.
H. R. 14866. Sarah M. Minson.
H. R. 14875. Ida Leonhardt.
H. R. 14877. William D. Embick.
H. R. 14884. Sarah Love.
H. R. 14887. Sallie Curtis.
H. R. 14888. Annie E. Kasey.
H. R. 14894. Florence J. Tomlinson.
H. R. 14900. Margaret Gatz.
H. R. 14905. Susan J. Williams.
H. R. 14916. Nancy A. Lamm.
H. R. 14918. Eleanor R. Shepherd.
H. R. 14941. Lamira E. Albro.
H. R. 14942. Anna M. Kabel.
H. R. 14943. Hattie L. Daly.
H. R. 14946. Mary E. Jenkins.
H. R. 14947. Lida J. Lawrence.
H. R. 14948. Emma Purnell.
H. R. 14949. Elizabeth J. Hinkson.
H. R. 14950. Margaret Ivers.
H. R. 14956. Addie R. Thomas.
H. R. 14964. Sarah M. Sadler.
H. R. 14965. Huida Johnson.
H. R. 14967. Martha J. Underwood.
H. R. 14970. Melvina Cannon.
H. R. 14971. Emma B. Haines.
H. R. 14980. Lydia H. Barr.
H. R. 14982. Laura V. Drais.
H. R. 14993. Malinda J. Cross.
H. R. 14996. Mary Kynette.
H. R. 14997. Wilhelmina Wilson.
H. R. 14999. Clara I. Birt.
H. R. 15014. Roena Matteson.
H. R. 15017. Margaret Mekeel.
H. R. 15019. Nancy J. Lockwood.
H. R. 15020. Augustus W. Nohe.
H. R. 15024. Esther Dibble.
H. R. 15025. Daisy Andrews.
H. R. 15038. Leah D. Farler.
H. R. 15041. George K. Baker.
H. R. 15046. Louisa Goodson.
H. R. 15047. Lydia A. Mock.
H. R. 15049. Julia Miller.
H. R. 15051. Susan Lovell.
H. R. 15052. Louisa Ridgell.
H. R. 15053. Comfort E. Booher.
H. R. 15055. Eliza Oster.
H. R. 15058. Victoria Merritt.
H. R. 15059. Elizabeth Conway.
H. R. 15063. Martha C. F. Blankenbeker.
H. R. 15099. Loretta R. Heck.
H. R. 15100. Mary E. Harper.
H. R. 15101. Minnie M. Sweezy.
H. R. 15102. Maggie M. Wolf.
H. R. 15104. Nannie A. Elliott.
H. R. 15106. Nancy J. Harris.
H. R. 15114. Susannah Dibble.
H. R. 15116. Benjamin Robinson.
H. R. 15118. William Glover.
H. R. 15119. Mary A. Farrell.
H. R. 15121. Melise Wise.
H. R. 15123. Emma Collard.
H. R. 15124. Wilda Ross.
H. R. 15125. Sarah E. Morris.
H. R. 15134. Charlotte C. Lace.
H. R. 15136. Mattie E. Ormsby.
H. R. 15137. Catherine J. Cooper.
H. R. 15138. Andrew J. Lynch.
H. R. 15139. Mary J. Trotter.
H. R. 15140. Rachel E. Arthur.
H. R. 15141. Elizabeth Erdle.
H. R. 15144. Catherine McDonald.
H. R. 15150. Elnora M. Scott.
H. R. 15151. Margaret E. Hager.
H. R. 15152. Charlotte N. Thacker.
H. R. 15155. Rebecca Lash.
H. R. 15156. Amanda G. Dew.
H. R. 15157. Eliza Ann Abrams.
H. R. 15158. Charlotte Bredenkamp.
H. R. 15159. Mary Gerardy.
H. R. 15160. Sarah A. Hutchison.
H. R. 15166. Julia O. Allen.
H. R. 15169. Kate Griffith.
H. R. 15172. Adella Harper.
H. R. 15173. Elizabeth Heise.
H. R. 15175. Mary E. Jaco.
H. R. 15176. Althear S. Jones.
H. R. 15177. Carrie Miller.
H. R. 15179. Mary E. Ryerson.
H. R. 15181. Adelphia L. Weaver.
H. R. 15182. Sarah A. Williams.
H. R. 15183. Rosette I. Fletcher.
H. R. 15184. Margaret Rhinehart.
H. R. 15193. Ollie S. Truax.
H. R. 15194. Florence Connerly.
H. R. 15196. George Ann Swarts.
H. R. 15221. Ednah A. C. Ross.
H. R. 15230. Alice French.
H. R. 15238. Anna N. Carson.
H. R. 15246. Mary E. Fox.
H. R. 15247. Matilda Cranmer.
H. R. 15248. Mary A. Ford.
H. R. 15249. Etta F. Penrod.
H. R. 15251. Emma Turner.
H. R. 15252. Mahala Ann Thompson.
H. R. 15253. Sarah C. Rambo.
H. R. 15256. Martha Hammond.
H. R. 15257. Mary Evans.
H. R. 15258. Margaret Bailey.
H. R. 15259. Phoebe E. Baker.
H. R. 15260. Caroline Ball.
H. R. 15261. Victoria E. Boring.
H. R. 15263. Ellen McCabe.
H. R. 15264. Ellen McQuade.
H. R. 15275. Margaret A. Douthit.
H. R. 15276. Nancy E. Stanley.
H. R. 15278. Rebecca A. Walter.
H. R. 15285. Mary Gallion.
H. R. 15296. Eliza Fox.
H. R. 15298. Lucy J. Carr.
H. R. 15299. Tillie J. Smyser.
H. R. 15300. Ella M. Reed.
H. R. 15301. Caroline Clements.
H. R. 15304. Sallie Nelson.
H. R. 15305. Anna M. M. Kerperin.
H. R. 15308. Catherine L. Lawrence.
H. R. 15311. Mary Hughs.
H. R. 15313. Ruth M. Robbins.
H. R. 15314. Sarah A. Jackson.
H. R. 15315. Agnes R. Jacocks.
H. R. 15318. Barbara A. Stewart.
H. R. 15321. Dell Toy.
H. R. 15345. Lucy A. Wilson.
H. R. 15346. Elida A. Zook.
H. R. 15352. Mary C. Forlow.
H. R. 15358. Mary E. Priddy.
H. R. 15362. Huldah W. Lentz.
H. R. 15364. Julia McConkey.
H. R. 15365. Martha A. Lawhorn.
H. R. 15366. Lillian Plum.
H. R. 15368. Mary A. Reynolds.
H. R. 15373. Nancy J. Patton.
H. R. 15375. Alida A. Marshall.
H. R. 15376. Harriet E. Fowler.
H. R. 15396. Mary Jane Eagan.
H. R. 15398. Mary J. Chetney.
H. R. 15406. Emma A. Safley.
H. R. 15407. Catherine Armstrong.
H. R. 15432. Rosa A. Bower.
H. R. 15447. Mary E. Gudgen.
H. R. 15452. Mary E. Brock.
H. R. 15453. Sarah A. Baker.
H. R. 15454. Nellie Thompson.
H. R. 15455. Louise Wing.
H. R. 15476. Sarah V. Sanders.
H. R. 15479. Margaret E. Reid.
H. R. 15480. Mary L. Cleaveland.
H. R. 15485. Ida M. Uline.
H. R. 15486. Eliza A. Stukey.
H. R. 15496. Sarah A. Woodrum.
H. R. 15508. Hulda Marshall.
H. R. 15512. Emma R. Daggett.
H. R. 15513. Susan Enos.
H. R. 15514. Emma H. Woolsey.
H. R. 15515. Victoria Davis.
H. R. 15516. Lillie M. Humphreys.
H. R. 15534. Teresa Matson.
H. R. 15535. Sarah Pearce.
H. R. 15536. Alice C. Bean.
H. R. 15541. Sarah E. Wells.
H. R. 15549. Alice Bunnell.
H. R. 15551. Sarah Mick.
H. R. 15559. Martha C. Sharp.
H. R. 15565. William R. Campbell.
H. R. 15566. Nellie A. R. Sykes.
H. R. 15584. T. Abraham Hetrick, alias Abraham Hetrick.
H. R. 15585. Helga Ida Maria Gouraud.
H. R. 15589. Mary J. King.
H. R. 15592. Mary Turner
H. R. 15594. Melissa J. Ramsey.
H. R. 15596. Lucinda L. Kitrel.
H. R. 15597. Laura E. Adams.
H. R. 15598. Julia Tremain.
H. R. 15599. Dessie M. Davis.
H. R. 15601. Martha A. Nugent.
H. R. 15605. Lawson T. Green, alias Losson T., and L. T. Green.
H. R. 15606. Surilda J. Slavens.
H. R. 15612. Sarah E. Ellington.
H. R. 15615. Amelia Blosser.
H. R. 15619. Elizabeth Glardon.
H. R. 15620. Lucy Alvira Coonen.
H. R. 15634. Mattie M. Johnson.
H. R. 15640. Mary Lukemire.
H. R. 15645. Amanda Bean.
H. R. 15647. Nancy J. Darling.
H. R. 15650. Emma M. Woodbury.
H. R. 15658. Mabel C. Hickman.
H. R. 15660. Wesley Borror, alias Boer.
H. R. 15661. Mary E. McLane.
H. R. 15668. Florinda Harris.
H. R. 15683. Laura Myers.
H. R. 15684. Malinda Bolinger.
H. R. 15685. Mary L. Roberts.
H. R. 15694. Effie M. Britton.
H. R. 15695. Lavinia Imhoff.
H. R. 15696. Benjamin F. Gay, alias John Robison.
H. R. 15697. Edith McCann.
H. R. 15704. Harriet J. Davis.
H. R. 15705. Joshua A. Tate, alias Joshua Tate.
H. R. 15706. Laura A. Cram.
H. R. 15711. Elizabeth J. Malone.
H. R. 15743. Isabel Wilson.
H. R. 15744. Mary Catharine Kuppenheffer.
H. R. 15746. Eveline Weekley.
H. R. 15747. Matilda A. Stoops.
H. R. 15748. Charles W. Thurston.
H. R. 15749. Mary C. Gallagher.
H. R. 15757. Mary M. Booth.
H. R. 15763. Sallie Hartzell.
H. R. 15767. Huldah Deavers.
H. R. 15768. Alice A. Ogborn.
H. R. 15770. Theda Elder.
H. R. 15788. Rosella Leighton.
H. R. 15789. Angeline Goodman.
H. R. 15792. Emma Satterthwait.
H. R. 15810. Myrtle Millington.
H. R. 15811. Sallie A. Hollister.
H. R. 15814. Mary A. Crosby.
H. R. 15817. Elizabeth B. Asherst.
H. R. 15825. Angeline S. Skinner.
H. R. 15830. Elizabeth Alford.
H. R. 15831. Anna M. McAfoos.
H. R. 15832. Annie S. Aul.
H. R. 15838. Hannah M. Burtt.
H. R. 15841. Harriet Nelson.
H. R. 15842. Frances V. Aspy.
H. R. 15847. Cordelia S. Lakin.
H. R. 15863. Sarah A. Matlock.
H. R. 15864. Rachel A. Yates.
H. R. 15866. Alwildia Charlton.
H. R. 15871. Josephine Smith.
H. R. 15874. Emma T. VandeWater.
H. R. 15880. William Hinkle.
H. R. 15886. Alice Adams.
H. R. 15912. Margaret B. Winer.
H. R. 15927. Inez L. Hoxsie.
H. R. 15933. Florence S. Smith.
H. R. 15938. Emeline Wheelock.
H. R. 15955. Clement Shepherd.
H. R. 15964. Martha J. Roberts.
H. R. 15974. Mary A. Hinger.
H. R. 15980. Anna Green.
H. R. 15981. Alfred Bryant.
H. R. 15992. Mary E. Wilson.
H. R. 16003. Sarah J. Bates.
H. R. 16006. Susannah Sims.
H. R. 16010. Rosa Bare.
H. R. 16015. Margaret A. Bullock.
H. R. 16017. Helen E. Harrod.
H. R. 16019. Hannah Stice.
H. R. 16020. Nancy Garringer.
H. R. 16021. Sarah C. Gillespie.
H. R. 16022. Elizabeth McCurdy.
H. R. 16037. Cyrene Baker.
H. R. 16039. Mary J. Gibbs.
H. R. 16049. Louisa A. Vansickle.
H. R. 16067. Mary C. Childers.
H. R. 16077. Mary Ann McManus.
H. R. 16091. Ellen E. Phillips.
H. R. 16094. Alice M. Clouser.
H. R. 16095. Lizzie Olsen.
H. R. 16101. Hester A. Jones.
H. R. 16103. George A. Sence.
H. R. 16108. Margaret McMullen.
H. R. 16115. Mary A. Hilton.
H. R. 16119. Almira Justice.
H. R. 16123. Delta J. Dressler.
H. R. 16139. Katharine Wallace.
H. R. 16160. Martha F. Brown.
H. R. 16171. Annie E. Showalter.
H. R. 16182. Sarah L. Colegrove.
H. R. 16189. Jane Hartley.
H. R. 16221. Sarah E. Ellis.
H. R. 16263. John Hensley.
H. R. 16264. Jacob S. Flinchum.
H. R. 16496. Sarah L. McClane.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 16522) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. SNELL. Mr. Speaker, is this a general omnibus pension bill from the Committee on Pensions?

Mr. KNUTSON. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill.

This bill is a substitute for the following House bills referred to said committee:

H. R. 1586. Emma R. Walters.
H. R. 2388. John S. McIntyre.
H. R. 4705. Laura Eva Ehrenfield.
H. R. 5060. Joseph Houser.
H. R. 5909. Frances McLeod.
H. R. 6563. Oscar W. Clark.
H. R. 6811. Dudley R. Sloan.
H. R. 7436. Charles F. Bobo.
H. R. 8205. Benjamin Bothwell.
H. R. 9507. Clotilde Holderby.
H. R. 9592. Charles W. Howrey.
H. R. 9897. Celia Shetais.
H. R. 10456. Serena Oleson.
H. R. 10972. George Y. Dudley.
H. R. 10991. Mary Karnehm.
H. R. 10994. George P. Durham.
H. R. 11007. Ida Wilkinson.
H. R. 11739. Walter B. Ward.
H. R. 11828. Frank P. Lilley.
H. R. 11831. Myrilla Mullen.
H. R. 11832. Sallie Dixon.
H. R. 11834. Ellen Black.
H. R. 12264. Mary E. Gaffney.
H. R. 12271. Zora B. Stinson.
H. R. 12275. Andrew P. Cole.
H. R. 12335. Nathan Ain.
H. R. 12369. Emily Bard.
H. R. 12669. Samuel Inklebarger.
H. R. 12845. Annie Luther.
H. R. 12975. Margaret E. Patton.
H. R. 12998. Katherine Nelson.
H. R. 13050. Milan S. Mathews.
H. R. 13309. William D. Pearson.
H. R. 13348. Elizabeth Horton.
H. R. 13431. William A. Paulsen.
H. R. 13443. Joseph Rombach.
H. R. 13474. Edward L. Mosier.
H. R. 13475. John A. Miller, jr.
H. R. 13532. Raymond E. Slocumb.
H. R. 13533. James J. Fitzgerald.
H. R. 13603. Alfred McClellen.
H. R. 13655. Eleanor A. M. Pugh.
H. R. 13771. Frank V. Griffith.
H. R. 13843. Mary R. Johnson.
H. R. 13918. Angeline Woolsey.
H. R. 13947. Marine P. Wilson.
H. R. 13961. Elvira Burton.
H. R. 13967. Nancy R. Gibbs.
H. R. 14053. Philip Koerper.
H. R. 14087. Richard B., George L., Park M., and Albert M. Brooks.
H. R. 14143. Charles H. Heller.
H. R. 14171. Jessie M. Downer.
H. R. 14247. Mary J. DePartee.
H. R. 14269. Luther Jay Cole.
H. R. 14277. Marshall R. Spiker.
H. R. 14278. Alonzo Tomlinson.
H. R. 14318. Fannie S. Stevens.
H. R. 14333. Fenton H. Stover.
H. R. 14400. Ira Begley.
H. R. 14403. Mike Grubb.
H. R. 14405. James M. Howard.
H. R. 14442. Mary Wright.
H. R. 14486. Ellison Parker.
H. R. 14504. Oscar M. Simpkins.
H. R. 14505. Laurence L. Percy.
H. R. 14524. Maggie Crecelius.
H. R. 14536. Charles Franz.
H. R. 14546. Ruth E. Kincheloe.
H. R. 14549. Arthur Searls.
H. R. 14587. John W. Kahl.
H. R. 14614. Kenneth Morford.
H. R. 14725. Thomas Robinson.
H. R. 14753. Irving R. Southard.
H. R. 14755. Charles Sabins.
H. R. 14757. Rosanna Waters.
H. R. 14776. Margaret Cock.
H. R. 14790. Luella V. Fisher.
H. R. 14840. Earnest J. Wolter.
H. R. 14861. Marion O. Fulcher.
H. R. 14883. Polie Hamby.
H. R. 14886. Dena Phillips.
H. R. 14891. Mary F. Liles.
H. R. 14907. Stephen H. Green.
H. R. 15026. William A. Ott.
H. R. 15056. Harry L. Dye.
H. R. 15062. Lulu A. Davis.
H. R. 15284. John S. McClanahan.
H. R. 15303. Christopher C. Hamilton.
H. R. 15359. Ellen Batters.
H. R. 15392. Elfred P. Graves.
H. R. 15419. Quessie Burns.
H. R. 15437. Roscoe Morrow.
H. R. 15458. James A. Quinn.
H. R. 15483. Mathilda F. McLard.
H. R. 15537. William D. K. Shelmire.
H. R. 15613. Woodward Hensley.
H. R. 15639. Alban D. Philson.
H. R. 15693. Charles H. Phillips.
H. R. 15765. Vernon L. Johnson.
H. R. 15774. Isabelle Herrley.
H. R. 15791. Vonny A. McClaren.
H. R. 15887. Thomas M. Stroud.
H. R. 15889. Sophia A. Beers.
H. R. 15915. Mary A. Clarke.
H. R. 15966. John G. Heck.
H. R. 16008. William E. Bjork.
H. R. 16227. Alfred L. Gross.
H. R. 16288. Susie G. Ganbin.
H. R. 16290. Stephen Cole, alias Steven Cole.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. SNELL). Under the special order of the House, the Clerk will call the Private Calendar. Under the order, one objection prevents consideration of the bill.

MICHAEL PATRICK SULLIVAN

The first business on the Private Calendar was the bill (H. R. 929) for the relief of Michael Patrick Sullivan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. I object, Mr. Speaker.

GEORGE CALDWELL

The next business on the Private Calendar was the bill (H. R. 3724) for the relief of George Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON and Mr. WARREN objected.

J. H. S. MORISON

The next business on the Private Calendar was the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object, Mr. Speaker.

HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 8806) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army, retired, to the position and rank of major, Coast Artillery Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN and Mr. ROWBOTTOM objected.

WILLIAM HENRY JUDSON

The next business on the Private Calendar was the bill (H. R. 2525) for the relief of William Henry Judson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

ALBERT F. SMITH

The next business on the Private Calendar was the bill (H. R. 9213) granting relief to the widow of Albert F. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert F. Smith, deceased, who was a member of Company F, Second Regiment Rhode Island Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of July, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIE G. CHAPMAN

The next business on the Private Calendar was the bill (H. R. 9721) for the relief of Willie G. Chapman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM, Mr. LAGUARDIA, and Mr. WARREN objected.

J. W. ANDERSON

The next business on the Private Calendar was the bill (S. 1387) for the relief of J. W. Anderson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. I object.

RUSSELL & TUCKER

The next business on the Private Calendar was the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. I object.

PORTER BROS. & BIFFLE

The next business on the Private Calendar was the bill (H. R. 4083) authorizing Porter Bros. & Biffle and others to bring suit against the United States of America for loss and damage sustained through erroneous certification by the Bureau of Animal Industry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. I object.

CLARA PERCY

The next business on the Private Calendar was the bill (H. R. 11045) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I have an amendment to this bill. It has not come over yet, and I ask unanimous consent that it be postponed and taken up later.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the bill be postponed and taken up later. Is there objection?

There was no objection.

MAJ. WALTER REED

The next business on the Private Calendar was the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM. I object.

JENNIE BRUCE GALLAHAN

The next business on the Private Calendar was the bill (H. R. 8388) for the relief of Jennie Bruce Gallahan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there obection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

ROSSETTA LAWS

The next business on the Private Calendar was the bill (H. R. 3728) for the relief of Rossetta Laws.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, William Laws, who was a member of Company F, Twentieth Regiment United States Colored Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 6th day of October, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRIETTA SEYMOUR

The next business on the Private Calendar was the bill (H. R. 8079) for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon the widows of honorably discharged soldiers, Joseph H. Seymour, deceased, shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company H, Second Regiment Missouri Volunteer Infantry, on the 15th day of March, 1863: *Provided*, That no pension, pay, or allowance shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, strike out "*Provided*, That no pension, pay, or allowance shall accrue prior to the passage of this act," and insert: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MAJ. WALTER REED

Mr. WAINWRIGHT. Mr. Speaker, when No. 557 on the calendar (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever, was called, I happened to be out of the Chamber. An objection was made to it. Certain amendments have been agreed upon which will be offered to the bill, which I think will meet the objection, and I ask unanimous consent that the bill may be treated as having been passed over temporarily, as I would like to have the bill called later.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill referred to may be treated as having been passed over temporarily. Is there objection?

Mr. WARREN. Mr. Speaker, reserving the right to object, has the gentleman talked with the gentleman from Nebraska [Mr. SIMMONS] about that bill?

Mr. WAINWRIGHT. I have, and with Mr. TILSON and Mr. KNUTSON, and the amendment to the bill will be offered by the chairman of the Committee on Pensions, Mr. KNUTSON.

The SPEAKER pro tempore. Is there objection?

There was no objection.

JOHN W. LEICH

The next business on the Private Calendar was the bill (H. R. 11854) for the relief of John W. Leich, alias John Leach.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Leich, alias John Leach, who was a member of Company G, Sixty-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 12th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 6, strike out the initial "G" and insert the initial "B."

The SPEAKER pro tempore. Without objection, the committee amendment will be agreed to.

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, I move to strike out the last word and ask unanimous consent to proceed for five minutes out of order.

The SPEAKER pro tempore. Is there objection?

Mr. BACON. Reserving the right to object, has this last bill been passed?

The SPEAKER pro tempore. No; it has not. The Chair hears no objection.

Mr. SEARS of Florida. Mr. Speaker, for years the Florida delegation has been working hard to secure flood control of the Everglades, and since December I have been busy not only on these bills but with department matters.

I understand there are about 300 witnesses to appear before the Committee on Ways and Means, and it will therefore be practically impossible for me to appear before that committee. Perhaps it is better that I should speak to my colleagues and let it go in the RECORD. I ask unanimous consent that this telegram petitioning for a tariff on palm-leaf fiber may be printed in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The telegram referred to is as follows:

PALATKA, FLA., *January 23, 1929.*

Hon. JOE SEARS,

House Office Building, Washington, D. C.:

This is to request that you use your efforts toward having protective tariff placed on imported palm-leaf fiber. Understand hearings on this subject now under way by Ways and Means Tariff Committee. Imported palm-leaf fiber free of duty detrimental to moss-products industries and its future development. Your efforts along this line will be greatly appreciated.

PUTNAM COUNTY CHAMBER OF COMMERCE.

Mr. SEARS of Florida. Mr. Speaker, it is a rather unique thing for a Democratic Member of Congress to appear before his colleagues asking for a tariff, but this is not the first time that I have done so. The Tariff Commission will bear out the assertion that I have been very vigilant in an effort to secure a tariff on tomatoes and vegetables grown in the State of Florida. We are now getting a half cent a pound, but this is no protection at all. We must have at least 3 cents a pound in order that we may even compete with Mexico and their cheap labor. Unless we get this relief the tomato growers of Florida will be put out of business.

Mr. COCHRAN of Missouri. The gentleman mentions Mexico, with its cheap labor. He fails to mention Texas. I understand that it is Texas that is causing the Florida people all of the trouble, because that State is raising a great amount of citrous fruits and also vegetables. The difficulty is not with a foreign country.

Mr. SEARS of Florida. Texas does not bother us. It is Mexico.

Mr. ROWBOTTOM. Mr. Speaker, will the gentleman yield?

Mr. SEARS of Florida. I do not want to have all of my time taken up by others.

Mr. ROWBOTTOM. Will the gentleman vote for the bill if they give him 3 cents?

Mr. SEARS of Florida. I shall not vote for the bill because I will not be here. Recently I was chided by my friends for seeking a tariff on tomatoes and at the same time voting against a tariff on agricultural products.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield? Of course the gentleman is now representing Republican Florida instead of Democratic Florida.

Mr. SEARS of Florida. I doubt that. So many intelligent Republicans have moved to my State and become Democrats that they will have to show me in the future whether they remain or not. Most of the intelligent ones become Democrats. The point I was making was this: The charge was made that I talked for a tariff on tomatoes but voted against it. The person who started that report, as all of my colleagues know, simply made a willful misstatement of the truth; because the CONGRESSIONAL RECORD, as you know, clearly shows SEARS of Florida voted for the resolution urging the Ways and Means

Committee to report out a tariff bill with the hope of securing protection on Florida vegetables, while SEARS of Nebraska voted against it. Fortunately, or unfortunately, there are two SEARS in Congress. By this I do not intend to reflect on Judge SEARS of Nebraska, because there is no Member of Congress whom I hold in higher esteem than he, for he is one of my best friends and I consider him one of the ablest Members in Congress. So I say the one who first started the report knew it was not true. There are hundreds and perhaps thousands of citizens in my district who thought it was SEARS from Florida who voted "no." I simply wanted to make that statement in fairness to myself, and I sincerely hope my colleagues in this House will have incorporated in the next tariff bill which will be passed, a tariff of not less than 3 cents a pound on tomatoes and a tariff on palm-leaf fiber and such other products in Florida which need protection. Gentlemen, I thank you. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARENCE D. CHAMBERLIN AND CHARLES A. LEVINE

The next business on the Private Calendar was the bill (S. 3944) authorizing the President to present in the name of Congress gold medals of appropriate designs to Clarence D. Chamberlin and Charles A. Levine.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

DEPENDENTS OF OFFICERS AND MEN WHO LOST THEIR LIVES ON THE SUBMARINE "S–4"

The next business on the Private Calendar was the bill (H. R. 13542) to authorize the payment of the sum of $2,500 to the dependents of the officers and men who lost their lives on the submarine *S–4*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER and Mr. WELSH of Pennsylvania objected.

JOSEPH M. HANCOCK

The next business on the Private Calendar was the bill (H. R. 12339) authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to grant to Joseph M. Hancock, of Chandler, Okla., a patent to the northeast quarter and the east half northwest quarter, section 35; and the southeast quarter and the east half northeast quarter; and the southwest quarter northeast quarter and the southeast quarter northwest quarter and the east half southwest quarter, section 26; all in township 5 north, range 17 east, New Mexico meridian, New Mexico, such land having been entered by Joseph M. Hancock under original stock-raising entry, Santa Fe 041923.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH MARKO

The next business on the Private Calendar was the bill (H. R. 11844) for the relief of Joseph Marko.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

ROBERT TOQUOTHTY

The next business on the Private Calendar was the bill (H. R. 8830) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, does this bill have the approval of the Director of the Budget?

Mr. LEAVITT. Yes. It has a favorable report from the department, as will be found on the second page of the report accompanying the bill, coming from the department, and being favored under the rules requiring that these matters be referred to them.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. SCHAFER. Were there any attorneys in this case who presented it to Congress?

Mr. LEAVITT. Some attorneys may be interested in the case. A former Senator from that State spoke to me about the matter. I do not know that he is engaged as an attorney, but I think so.

Mr. SCHAFER. I shall have to object unless an amendment is inserted limiting the attorney's fee to 10 per cent. Will the gentleman offer that amendment?

Mr. LEAVITT. I will offer that amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that identical Senate bill, S. 2362, be considered instead of the House bill.

The SPEAKER pro tempore. The Senate bill does not seem to be here.

Mr. LEAVITT. I asked to have it held on the desk. It was there at the time.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to consider the Senate bill 2362 instead of the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 2362) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, under such terms and conditions as he may prescribe, to pay to Robert Toquothty, Comanche allottee No. 3413, the sum of $16,339.69 from the moneys now on deposit in the United States Treasury to the credit of the Kiowa, Comanche, and Apache Tribes of Indians under joint resolution of June 12, 1926 (44 Stat. L. 704).

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

Mr. LEAVITT. Mr. Speaker, my amendment is not prepared in writing. It is as follows:

Provided, That no attorney's fee paid in connection with this case shall exceed 10 per cent of the amount stated in the bill.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: At the end of the bill S. 2362 insert the following: "*Provided*, That no attorney's fee paid in connection with this case shall exceed 10 per cent of the amount stated in the bill."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar House bill was laid on the table.

CLARA PERCY

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to return to Calendar No. 540, the bill H. R. 11045.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to return to Calendar No. 540. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11045) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I have an amendment to the bill. I ask unanimous consent that it be read in lieu of the bill.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that his amendment be read in lieu of the bill. Is there objection?

There was no objection.

Mr. UNDERHILL. If it is necessary, I desire to have the Senate bill substituted instead of the House bill.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to substitute the Senate bill 3453 for the House bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The bill is as follows:

A bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy

Be it enacted, etc., That within one year from the enactment of this act a petition may be filed with the Court of Claims by or on behalf of Clara Percy for a hearing upon a claim for damages suffered by the said Clara Percy on account of the death of her husband, Elmer Charles Percy, who was struck and fatally injured by a United States Government truck in Balboa, Canal Zone. Jurisdiction is hereby conferred upon such court to hear and determine such claim and to render a judgment or decree thereon in a sum not to exceed $10,000: *Provided,* That said cause shall be tried and judgment rendered upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided further,* That notice of the suit shall be given to the Attorney General of the United States, and upon such notice it shall be the duty of the Attorney General to appear and defend for the United States.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered by the court.

Mr. UNDERHILL. I ask unanimous consent to offer an amendment.

Mr. BLANTON. It is in place of the Senate bill. Should it not be offered in this way: "Strike out all after the enacting clause"?

Mr. UNDERHILL. Yes.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Clara Percy on account of the death of her husband, Elmer Charles Percy, who was struck and fatally injured by a United States Government truck at Balboa, Canal Zone."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The House bill was laid on the table.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to amend the title.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting certain excerpts from the RECORD which I referred to in debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. Has the gentleman conferred in regard to it with the gentleman from Indiana?

Mr. BLANTON. I do not know that I have to refer to him. I forgot to ask permission to insert, when in debate I said I would.

Mr. MICHENER. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

THE PRIVATE CALENDAR

PETER SHAPP

The next business on the Private Calendar was the bill (H. R. 13988) for the relief of Peter Shapp.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 4927 be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to substitute Senate bill 4927. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Peter Shapp $1,245.02, out of any money in the Treasury not otherwise appropriated, for his shares in per capita payments made to the Western Miami Tribe of Indians in the years 1889 and 1891, which shares were erroneously paid to another Indian of the same name.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARENCE STEVENS

The next business on the Private Calendar was the bill (H. R. 14761) for the relief of Clarence Stevens.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Clarence Stevens, Crow allottee, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

With the following committee amendment:

Page 1, line 5, after the word "allottee," insert the figures "1259."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPHINE LAFORGE

The next business on the Private Calendar was the bill (H. R. 14981) for the relief of Josephine Laforge (Sage Woman).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Josephine Laforge (Sage Woman), Crow allottee, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

With the following committee amendment:

Page 1, line 5, after the word "allottee," insert the figures "1254."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. O'CONNOR

The next business on the Private Calendar was the bill (H. R. 1468) to correct the military record of John J. O'Connor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John J. O'Connor, who was a member of Company K, Forty-third United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal of that organization on the 15th day of November, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued by the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

ADRIAN VAN LEEUWEN

The next business on the Private Calendar was the bill (H. R. 7887) placing Cadet Adrian Van Leeuwen on the retired list.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

WILLIAM L. BRUHN

The next business on the Private Calendar was the bill (H. R. 11869) for the relief of William L. Bruhn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William L. Bruhn, who was a member of Battery I, Second Regiment United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 11th day of November, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EVERETT A. DOUGHERTY

The next business on the Private Calendar was the bill (H. R. 14242) for the relief of Everett A. Dougherty.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Everett A. Dougherty, who was a member of the United States Army Hospital Corps, Fort Wayne, Mich., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 7th day of June, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. BALDWIN

The next business on the Private Calendar was the bill (H. R. 14378) to authorize an appropriation to cover damages to an automobile of William H. Baldwin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $212.15 to reimburse William H. Baldwin for damages to his automobile while traveling under orders as an employee of the Engineer Department, United States Army, November 8 to 11, 1927, on duty relating to the floods then prevailing in the vicinity of Ludlow, Vt.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAWRENCE FISHER

The next business on the Private Calendar was the bill (H. R. 15561) to correct the military record of Lawrence Fisher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lawrence Fisher, who was a member of Company G, First Regiment Ohio Volunteer Infantry, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 29th day of October, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

LEO B. THOME

The next business on the Private Calendar was the bill (H. R. 11963) for the relief of Leo B. Thome.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Leo B. Thome, who served in Company G, Sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of October, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEON FREIDMAN

The next business on the Private Calendar was the bill (H. R. 3044) for the relief of Leon Freidman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Leon Freidman, out of any money in the Treasury not otherwise appropriated, the sum of $2,750, the amount of a fine paid by Leon Freidman in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. EDWARD BURKE

The next business on the Private Calendar was the bill (H. R. 3047) for the relief of J. Edward Burke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I do not think I shall object, but I want to ask a question. When this bill was submitted to the Attorney General by the chairman of this committee for report, the Attorney General, as shown by the committee report, returned the bill with the statement that before he reported he wanted to hear from the Budget. What did the Budget do about it?

Mr. UNDERHILL. The Budget rendered a report that it was not in conflict with the financial program of the President.

Mr. BLANTON. Why did not the chairman, with his usual efficiency, incorporate that report in this report?

Mr. UNDERHILL. I think the gentleman will find, on page 2——

Mr. BLANTON. That letter from the Budget is not here.

Mr. UNDERHILL. At the top of page 2 there is the statement—

in this connection it may be added that the Director of the Budget has advised that the payment of the claim is not in conflict with the financial program of the President.

Mr. BLANTON. By putting in this letter from the Attorney General and not putting in the letter from the Bureau of the Budget I thought may be there was something else in the letter.

Mr. UNDERHILL. Oh, no.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to J. Edward Burke, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, the amount of a fine paid by J. Edward Burke in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me, upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES P. GALLIVAN, DECEASED

The next business on the Private Calendar was the bill (H. R. 7173) granting compensation to the daughters of James P. Gallivan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, upon what theory is this money to be paid to the daughters of this beneficiary?

Mr. UNDERHILL. He left no widow, and the two daughters were entirely dependent upon him.

Mr. EDWARDS. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Marie E. C. Gallivan and Alice C. Gallivan, of New Haven, Conn., as compensation for the death of their father, James P. Gallivan, who was killed by the falling of a stone from the pediment of the Federal building in New Haven, Conn., February 7, 1927.

With the following committee amendments:

In line 5, strike out the figures "$10,000" and insert in lieu thereof "$5,000"; and in line 7, after the word "Connecticut" add "in full settlement against the Government."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STEAMSHIP "W. I. RADCLIFFE"

The next business on the Private Calendar was the bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Wynnstay Steamship Co. (Ltd.), a British corporation, owner of the steamship *Radcliffe*, is hereby authorized to bring suit in personam against the United States within one year after this act becomes law to recover damages for any injury to the said steamer *Radcliffe* which may have been caused by the U. S. S. *Sylvan Arrow* on December 1, 1918; and jurisdiction in admiralty is hereby conferred upon the District Court of the United States for the Southern District of New York to hear, consider, and determine such suit upon the principles of liability and in accordance with the practice obtaining in like suits in admiralty between private parties, and to enter a decree or judgment for or against the United States or said Wynnstay Steamship Co. (Ltd.), including costs and interest at 4 per cent per annum.

SEC. 2. That either said Wynnstay Steamship Co. (Ltd.), or the United States, as parties to any suit commenced as authorized above, may offer in evidence testimony heretofore taken on behalf of either of the said parties under the libel heretofore filed in the United States District Court for the Southern District of New York by Wynnstay Steamship Co. (Ltd.) against the steamship *Sylvan Arrow* and others, which said libel was dismissed by an order of the court entered on May 18, 1922, only on jurisdictional grounds under a decision of the United States Supreme Court.

SEC. 3. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended, in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

SEC. 4. That in case a final judgment or final decree is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay such final decree, which shall be paid to Wynnstay Steamship Co. (Ltd.), or its duly authorized attorneys, by the Secretary of the Treasury upon presentation of a duly authenticated copy of such final judgment or final decree.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the claim of the Wynstay Steamship Co. (Ltd.), a British corporation, owner of the steamship *Radcliffe*, against the United States for damages alleged to have been caused by collision between said steamship *Radcliffe* and the U. S. S. *Sylvan Arrow*, on December 1, 1928, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Wynstay Steamship Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRENCH AUXILIARY BARK "QUEVILLY"

The next business on the Private Calendar was the bill (H. R. 11699) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the owners of the French auxiliary bark *Quevilly* are hereby authorized to bring suit in personam against the United States within one year after this act becomes a law to recover damages for any injury which may have been received by the French auxiliary bark *Quevilly* on January 26, 1917, in collision with the U. S. torpedo boat *Sampson* in the Atlantic Ocean outside of the entrance to New York Harbor; and jurisdiction in admiralty is hereby conferred upon the District Court of the United States for the Southern District of New York to hear, consider, and determine such suit upon the principles of like suits in admiralty between private parties, and to enter a decree or judgment against the United States for the amount of such damages as may be found due to the owner of the said bark *Quevilly*, including interest and costs.

SEC. 2. That the suit herein authorized shall be brought and prosecuted in accordance with the provisions of the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, as amended, in so far as such provisions are applicable thereto, unless otherwise provided herein. The right of appeal and review shall be afforded as now provided by law in like suits in admiralty between private parties.

SEC. 3. That in case a final decree or judgment is rendered against the United States, there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay such final judgment, which shall be paid to the owner of the French auxiliary bark *Quevilly* or its duly authorized attorneys of record, by the Secretary of the Treasury, upon the presentation of a duly authenticated copy of such final decree or judgment.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the claim of the owners of the French auxiliary bark *Quevilly* against the United States for damages alleged to have been caused by collision between said steamship *Quevilly* and the U. S. torpedo boat *Sampson* in the Atlantic Ocean outside of the entrance to New York Harbor on January 26, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said owners of the French auxiliary bark *Quevilly*, by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN H. AND AVIE D. MATHISON

The next business on the Private Calendar was the bill (H. R. 12502) for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, the sum of $5,000 to John H. and Avie D. Mathison, parents of Charles W. Mathison, who lost his life through the burning of marine barracks at Mare Island, Calif., on the night of May 28, 1919.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the World War veterans' act, 1924 (ch. 10, title 38, U. S. C.), as amended, Charles William Mathison shall be held and considered to have been a private in the United States Marine Corps at the time of his death on May 28, 1919."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MINNIE A. TRAVERS

The next business on the Private Calendar was the bill (H. R. 13521) for the relief of Minnie A. Travers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $5,000 to Minnie A. Travers, as reimbursement for the destruction of her home by a naval airplane on March 24, 1928.

With the following committee amendment, which was agreed to:

In line 6 strike out the figures "$5,000" and insert in lieu thereof "$4,410.75."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RUTH B. LINCOLN

The next business on the Private Calendar was the bill (H. R. 13632) for the relief of Ruth B. Lincoln.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $600 to Ruth B. Lincoln, as reimbursement for personal injuries as a result of the crashing of a naval airplane on March 24, 1928.

With the following committee amendment:

In line 6, strike out the figures "$600" and insert in lieu thereof "$200."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHARLES M'COOMBE

The next business on the Private Calendar was the bill (H. R. 13888) for the relief of Charles McCoombe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of $800 to Charles McCoombe, as reimbursement for damages to his property as a result of the crashing of a naval airplane on March 24, 1928.

With the following committee amendment, which was agreed to:

In line 6, strike out the figures "$800" and insert in lieu thereof "$600."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

R. WILSON SELBY

The next business on the Private Calendar was the bill (S. 1364) for the relief of R. Wilson Selby.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of R. Wilson Selby, of Middleburg, Va., one United States coupon note in the denomination of $100 of the Victory Liberty loan 4¾ per cent notes of 1922–23, with interest at the rate of 4¾ per cent per annum, from June 15, 1920, to May 20, 1923, the said note, together with coupons due December 15, 1920, to May 20, 1923, inclusive, having been destroyed by fire, charred fragments of which have been presented to the Treasury Department: *Provided*, That the said note shall not have been previously presented or ascertained to be in existence and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said R. Wilson Selby shall file in the Treasury Department a bond in the penal sum of double the amount of the principal of said note and the unpaid interest which had accrued when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the note or the coupons thereof hereinbefore described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES J. WELSH AND OTHERS

The next business on the Private Calendar was the bill (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, Jr., Dredging Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

JOHNS-MANVILLE CORPORATION

The next business on the Private Calendar was the bill (S. 1547) for the relief of Johns-Manville Corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. I object.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman reserve his objection?

Mr. HUDSON. Yes.

Mr. CHINDBLOM. Has the gentleman read the documents incorporated in the report?

Mr. HUDSON. I have.

Mr. CHINDBLOM. And upon them does he not think that this is an equitable claim?

Mr. HUDSON. I do not think that I would want to go into the RECORD as saying that the claim under the form of the bill ought to be paid.

Mr. CHINDBLOM. The Navy Department states that while they do not specifically recommend the passage of the bill, there is equity and merit in the claim.

Mr. HUDSON. In reply to the gentleman, I read from the report:

The Comptroller General in his decision takes the position that the contractor waived these delays by commencing the work on each building after notice so to do. This point of view has been followed by the Court of Claims in a decision in the case of the Detroit Steel Products Co., where the work was done on the same buildings concurrently with that of the claimant in this bill.

Mr. CHINDBLOM. Certainly. If these people could get relief in the courts, they would not come here. If they could get relief from the Comptroller General, they would not come here. All of these claims brought before Congress are brought here in the nature of petitions, to seek from Congress redress and relief where it can not be procured in a suit in the courts or in a proceeding before the Comptroller General. In this case this company proceeded to erect under contract a large number of buildings. The delays which prevented them from proceeding with the work were entirely the fault of the Government. The very same document from which the gentleman read to us states:

The work was very much delayed through no fault of the claimant, and the number of days equivalent to the delay was allowed the contractor as provided by the contract.

Further on it says:

The contract under which this work was done specified the number of days that should be occupied in completing each of the four buildings after notice to proceed with the work. The specifications gave the approximate days upon which the buildings would be ready for roof-deck work and roofing, for the information of bidders and not guaranteed. The date on one building was August 1, 1919, and on the other three September 1, 1919. This contemplated the probability of reasonable continuance of work for the contractor after it had placed its machinery and working force on the ground. As a matter of fact, the work could not be started until several months after the dates estimated, while on one building there was a delay of 17 months.

This corporation, of course, could have refused to go ahead with the construction. They could have said to the Government, "You have delayed us in proceeding and it is going to cost us extra money, and we refuse to proceed," and the Government would have had to advertise for a new contract, and in all probability would have paid a great deal larger sum than is claimed in this bill. But instead of that, they proceeded at the request of the Government and erected these buildings and took a chance on Congress or some one else relieving them of the additional cost which was occasioned by these unreasonable delays. When a construction company makes a bid to start the erection of buildings it certainly does not contemplate being delayed 17 months by the owner or representative of the owner in proceeding to begin to execute the contract.

Mr. HUDSON. The gentleman from Illinois must realize that this company, with its nation-wide reputation and standing, must know the provisions under which the contracts are made, and they knew that they were possibly running up against the very circumstances they did.

Mr. CHINDBLOM. Of course they knew that they were being delayed in the performance of the contract; but they relied, as well they might, upon the sense of fairness of the Government representatives in the first place and of Congress in the second place, if it became necessary to come here.

Mr. HUDSON. The gentleman would not want to say that all contractors engaging in work for the Government can rely on the generosity of Congress adjusting any claims for them.

Mr. CHINDBLOM. This is what the Chief of the Bureau of Yards and Docks said:

While the claim has been held to lack legal standing, it would appear to the bureau, from the viewpoint of equity, to have merit, and relief in the sum of $6,338.61 is recommended.

The Secretary of the Navy takes practically the same position, and the Director of the Bureau of the Budget says that the report of the Navy Department submitting the facts to Congress without a recommendation is not in conflict with the financial program of the President. The claim is therefore submitted to Congress by the executive department without prejudice, addressed solely to our judgment as to the equities.

Mr. UNDERHILL. Mr. Speaker, in justification of the committee's report, this only follows the line of procedure that has met with the approval of the Congress for the last four or five years in adjusting these claims which can not be adjusted through the comptroller's office, because they do conflict with the letter of the law. It is largely a technical matter. I feel that the comptroller could frequently relieve contractors if he would, but having taken that stand, we are obliged to hear these claims and report according to the evidence submitted.

Mr. HUDSON. Will the gentleman from Illinois or the chairman of the committee permit an amendment which would take from this sum the amount of $1,267.72, which is the item to cover overhead?

Mr. BLANTON. Mr. Speaker, if the gentleman from Michigan does not object, I shall object to the bill.

Mr. HUDSON. With that amendment I am quite willing to permit the bill to pass.

The SPEAKER pro tempore. Objection is heard.

JOHN B. MOSS

The next business on the Private Calendar was the bill (S. 2989) for the relief of John B. Moss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Moss, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 as full compensation for death of his minor son, Neal Moss, on April 1, 1926, caused by the explosion of shell which he found in the ground at Camp Blackjack.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

S. L. ROBERTS

The next business on the Private Calendar was the bill (S. 3741) for the relief of S. L. Roberts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to S. L. Roberts, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, as full compensation for services rendered in 1919 to the Alien Property Custodian by the firm of Crandall & Roberts in auditing the books of the Columbia & Northern Fishing & Packing Co.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARLISLE COMMISSION CO.

The next business on the Private Calendar was the bill (H. R. 10774) for the relief of the Carlisle Commission Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, I ask what has become of the Weymouth Kirkland bill which precedes that—No. 758?

The SPEAKER pro tempore. We have not reached No. 758 yet.

Mr. HUDSON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HUDSON. I ask unanimous consent that the House return to the first notice of this bill in order that the chairman of the committee may explain somewhat in regard to it. Here is a bill calling for $38,000. I think there should be divulged in connection with the bill the amount of interest on the claim, and so forth.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDSON. Reserving the right to object, I wish the chairman would explain in relation to the items of this bill.

Mr. STRONG of Kansas. This is a bill where the Carlisle Commission Co. entered into contract to furnish hay to the Government during the war. They furnished the Government with 200,000 tons of hay and received their pay in full with the exception of $179,302.88. Later, December 17, 1920, the Government approved the claim as a legal debt, but they held back 20 per cent of the claim to cover errors which might have escaped the auditor of the department. They thought that good business and good practice, so they held back 20 per cent. These people have waited all this time for their money. Now, the War Department says that they found no error, and have owed it since the 17th day of December, 1920, and approve the claim. There is no doubt about the justice of it.

Mr. HUDSON. If the gentleman from Kansas will allow, does this carry an interest charge?

Mr. STRONG of Kansas. It carries an interest charge since the date the Government approved the claim because the claimants have not had the money all of this time. I would like to say further these claimants are practically bankrupt as a result of their contract with the Government.

Mr. UNDERHILL. Will the gentleman yield?

Mr. STRONG of Kansas. I will.

Mr. UNDERHILL. Is it the practice of the Committee on War Claims, in spite of the fact it is well established, to allow interest on claims?

Mr. STRONG of Kansas. We never allow interest on claims except under an express contract with the Government when goods are furnished under contract with the Government and the Government withholds payment without just cause.

Mr. UNDERHILL. I do not wish to interfere with the policy of the War Claims Committee, but it is well established and recognized absolutely, so far as I know, that the Government does not pay interest outside of its securities.

Mr. STRONG of Kansas. The Government does not pay interest on claims we, as committees, grant on equitable matters, but this is a claim where the Government absolutely received the hay and approved the claim in 1920. They admitted they owed it at that time and they withheld the 20 per cent in case of any emergency that might come up. These claimants are practically bankrupt, and the Government admits they owe the money and should have paid it back in 1920. And if you read the report of the War Department they approve the payment of interest since December 17, 1920. It is certainly a just claim.

Mr. HUDSON. Why the interest at 6 per cent rate from the time they admitted they owed the money?

Mr. STRONG of Kansas. It is certainly just.

Mr. HUDSON. Why did the committee make the rate 6 per cent?

Mr. STRONG of Kansas. Because that is the going rate. The claimants having been paying that much or more for money they have had to borrow while the Government has been wrongfully withholding their money.

Mr. HUDSON. We loan money to the Government at less rates than that, do we not?

Mr. STRONG of Kansas. I expect we do. But this man has paid 6 per cent interest or more.

Mr. HUDSON. Unless the gentleman is willing to adjust that interest charge I must object.

Mr. STRONG of Kansas. Make your amendment at 4 per cent. I do not want to be guilty of it.

Mr. BLANTON. The Government has already paid this man $180,000 on this identical claim, and paid it years ago. The gentleman is asking for $38,000 more.

Mr. STRONG of Kansas. I would like to have the gentleman from Missouri [Mr. COMBS], who introduced the bill, make a statement as to that.

Mr. COMBS. Mr. Speaker, it may be he accepted the $180,000 from the Government in lieu of the full amount, but he was in financial straits, being pressed by his bankers.

Mr. BLANTON. Does not the gentleman believe that when a man is dealing with the Government and agrees to accept $180,000 in full settlement of his claim he ought to be held to the same rules of law that govern him when he deals with his fellow men?

Mr. COMBS. There is no question that both on legal and ethical grounds this settlement was a coercive settlement; that it was obtained by legal duress at a time when the man was on the verge of bankruptcy. But it seems to me the Government expressly acknowledged that it owed the full sum.

Mr. BLANTON. The War Department does not usually do that way. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

WEYMOUTH KIRKLAND AND ROBERT N. GOLDING

The next business on the Private Calendar was the bill (H. R. 13638) for the relief of Weymouth Kirkland and Robert N. Golding.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Weymouth Kirkland and Robert N. Golding the sum of $5,155.76 for legal services rendered to the Railroad Labor Board, under the direction and approval of the Department of Justice.

With a committee amendment as follows:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES ROBERT CONROY

The next business on the Private Calendar was the bill (H. R. 15060) to reinstate Charles Robert Conroy in the West Point Military Academy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

J. H. SANBORN

The next business on the Private Calendar was the bill (H. R. 5286) for the relief of J. H. Sanborn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury and not otherwise appropriated, to J. H. Sanborn, of Ontario, Calif., the sum of $5,699.37, in full settlement of all claims against the Government and as compensation for injury and damage to him resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

With committee amendments as follows:

Page 1, line 6, strike out "$5,699.37" and insert in lieu thereof "$1,077.55."

On line 8, of page 1, after the word "for," insert the word "personal" and after the word "injury" strike out the words "and damage."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ETTA C. SANBORN

The next business on the Private Calendar was the bill (H. R. 5287) for the relief of Etta C. Sanborn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury and not otherwise appropriated, to Etta C. Sanborn, of Ontario, Calif., the sum of $5,000, in full settlement of all claims against the Government and as compensation for injury and damage to her resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless,

and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

With committee amendments as follows:

Line 6, strike out "$5,000" and insert in lieu thereof "$3,434.08."

On line 8, after the word "for," insert the word "personal" and on the same line after word "injury," strike out the words "and damage."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM F. KALLWEIT

The next business on the Private Calendar was the bill (H. R. 5288) for the relief of William F. Kallweit.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Reserving the right to object, what is the relationship between the people mentioned in the two preceding bills? What is the bill, may I ask?

Mr. SWING. They are husbands and wives.

Mr. EDWARDS. May I ask the gentleman for an explanation of the bill?

Mr. SWING. These two bills and the two bills which the House has just passed grew out of an accident in which a Government-operated automobile ran into the machine carrying these two men and their two wives, destroying the machine and putting the four people in the hospital.

Mr. EDWARDS. It damaged both the husbands and wives?

Mr. SWING. Absolutely.

The SPEAKER pro tempore. Is there objection?

Mr. GREEN. Mr. Speaker, reserving the right to object, I noticed in the papers recently that the former standard bearer of the great Democratic Party has gone to my State to bathe in the sunshine and surf; that the President elect has gone to that great climate to select his Cabinet, and that President Coolidge will soon go down there, so that it seems to me it should be termed a tranquil refuge for migratory Presidents. We welcome them to Florida. Mr. Speaker, I shall not object.

Mr. TILSON. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. TILSON. Is this a controversy between California and Florida?

Mr. HUDSPETH. It seems to be.

Mr. GREEN. I was just suggesting that it was a migratory land for Presidents and a haven of refuge, by the way.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William F. Kallweit, of Ontario, Calif., the sum of $1,000, in full settlement of all claims against the Government and as compensation for personal injuries to him, resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

With the following committee amendment:

Page 1, line 6, strike out the sign and figures "$1,000" and insert the sign and figures "$299.33."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LORETTA KALLWEIT

The next business on the Private Calendar was the bill (H. R. 5289) for the relief of Loretta Kallweit.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury and not otherwise appropriated, to Loretta Kallweit, of Ontario, Calif., the sum of $1,000, in full settlement of all claims against the Government and as compensation for personal injuries to her, resulting from a collision on the 5th day of June, 1927, caused by the reckless, careless, and unlawful operation of a Government automobile by Frank L. Montague, jr., while in the service of the Department of Commerce.

With the following committee amendment:

In line 6, strike out the sign and figures "$1,000" and insert in lieu thereof the sign and figures "$193.22."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

N. P. NELSON & CO.

The next business on the Private Calendar was the bill (H. R. 13992) for the relief of N. P. Nelson & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to N. P. Nelson & Co., of Bozeman, Mont., as subcontractors of the Pioneer Construction Co., the sum of $1,180 in full settlement of all claims resulting from the requisitioning of the road construction crew of N. P. Nelson & Co. employed on the Paola section of the Belton-Java, Mont., highway project, by the forest supervisor for fire-suppression work in connection with the Lost Johnnie Creek forest fire in 1926.

With the following committee amendments:

In line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

In line 7, strike out the sign and figures "$1,180" and insert in lieu thereof the sign and figures "$1,760.31."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK FOWLER

The next business on the Private Calendar was the bill (H. R. 1393) to correct the military record of Frank Fowler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frank Fowler, who was a private in Company B, Sixth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment November 10, 1902: *Provided*, That no bounty, pension, pay, or allowance shall be held as accrued prior to the passage of this act.

With the following committee amendments:

In line 5, after the word "company," strike out the words "B, Sixth Regiment Illinois Volunteer" and insert in lieu thereof the words "L, Twenty-second United States."

In line 10, after the colon, strike out the proviso ending in line 1 on page 2 and insert in lieu thereof the following: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

REBECCA J. RIDER

The next business on the Private Calendar was the bill (H. R. 6204) for the relief of Rebecca J. Rider.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles O. Rider, who was a member of Company C, Nineteenth Regiment Indiana Volunteer Infantry, shall hereafter be held and consid-

ered to have been honorably discharged from the military service of the United States as a private of that organization on the 20th day of June, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "20th" and insert "30th."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARTHA J. TONGUET

The next business on the Private Calendar was the bill (H. R. 6892) for the relief of Martha J. Tonguet.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Larkin Tonguet, who was a member of Company F, Fiftieth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of January, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM FISHER

The next business on the Private Calendar was the bill (H. R. 12424) for the relief of William Fisher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Fisher, who was a member of the Fifth Company, Third Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of May, 1926: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

In line 5, strike out the word "the Fifth Company, Third Regiment, United States," and insert in lieu thereof the words "Company A, Third United States."

In line 10, strike out the figures "1926" and insert in lieu thereof the figures "1906."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SYLVESTER S. THOMPSON

The next business on the Private Calendar was the bill (H. R. 14972) for the relief of Sylvester S. Thompson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the War Department states that this kind of a discharge was granted this soldier because of an order from high authority and because his service was not honest and faithful. Under that kind of a report I would like to ask the gentleman from Washington why we should override it?

I know lots of these bills are passed, and I dislike to object to the gentleman's bill; but there is that kind of a report—that his service was not honest and faithful.

Mr. JOHNSON of Washington. If the gentleman will read the entire report, he will find the service was faithful.

Mr. BLANTON. I mean that is what the department says about it. The report states, "In a cablegram dated November 4, 1902, the Secretary of War directed the discharge without honor for the good of the service of all soldiers whose services had not been honest and faithful," and this man was one of them, he states.

Mr. JOHNSON of Washington. Well, we have been sitting here listening to the passage of a number of these bills.

Mr. BLANTON. I know that a lot of them have gone through, but there has not been this situation disclosed with reference to them.

Mr. JOHNSON of Washington. The very next letter is a letter from the man himself, and this letter has been verified carefully. In very warm weather and in a climate entirely different from that to which he was accustomed he was called on sentry duty at 2 o'clock in the morning and fell asleep at a time when there was an insurrection there, but there was no danger in his particular locality. This was his offense.

Mr. BLANTON. We are passing lots of these bills, and it occurs to me that the committee has been a little careless concerning them. I shall not object to the gentleman's bill, because some of the others are just as bad as this one.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Sylvester S. Thompson, who was a member of Companies E and K, Twenty-sixth Regiment United States Infantry, and Company K, Twenty-seventh Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of Company K, Twenty-seventh United States Infantry, on the 30th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE PRESS

The next business on the Private Calendar was the bill (H. R. 14493) for the relief of George Press.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Press, who was a member of Company B, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 24th day of March, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLYDE CALVIN RHODENBAUGH

The next business on the Private Calendar was the bill (H. R. 1071) for the relief of Clyde Calvin Rhodenbaugh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clyde Calvin Rhodenbaugh, who was a member of Troop C, Third Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 10th day of October, 1905: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. WARREN. Mr. Speaker, it seems to me if this man's record is to be corrected it should be done as suggested by the War Department and I offer an amendment, which I send to the desk.

The SPEAKER pro tempore. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WARREN: In line 6, strike out the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS GAFFNEY

The next business on the Private Calendar was the bill (H. R. 8575) for the relief of Thomas Gaffney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Gaffney, who was a member of Company I, Twenty-seventh Regiment Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of September, 1900: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ARTHUR MOFFATT, DECEASED

The next business on the Private Calendar was the bill (H. R. 5932) for the relief of Arthur Moffatt, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Arthur Moffatt, who was a member of Company G, Sixth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of July, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out the word "July" and insert in lieu thereof the word "September."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN BURKET

The next business on the Private Calendar was the bill (H. R. 13673) for the relief of John Burket.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Burket, who was a member of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on or about the 21st day of June, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 306

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. Oscar W. Underwood, formerly a Senator from the State of Alabama.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

THE PRIVATE CALENDAR

JACOB SCOTT

The next business on the Private Calendar was the bill (H. R. 14722) for the relief of Jacob Scott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. I object.

JAMES D. POTEET

The next business on the Private Calendar was the bill (H. R. 14781) for the relief of James D. Poteet.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws James D. Poteet, who served as a private in Company F, Fifth Regiment Tennessee Volunteer Mounted Infantry, from November 25, 1864, to May 1, 1865, shall hereafter be held to have been discharged honorably from the military forces of the United States on May 1, 1865; but no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. HUDSON. Mr. Speaker, I objected to Calendar No. 775, a bill for the relief of Jacob Scott, thinking I was objecting to Calendar No. 776, a bill for the relief of James D. Poteet.

The SPEAKER pro tempore. We have passed 775 and 776 also.

Mr. HUDSON. I want to withdraw my objection to Calendar No. 775, the bill of Jacob Scott, as I objected under a misapprehension.

The SPEAKER pro tempore. Without objection we will return to Calendar No. 775.

Mr. TARVER. Mr. Speaker, if the request of the gentleman is to return to Calendar No. 775 there is no objection, but if he desires then to make an objection to 776 I shall object.

Mr. HUDSON. I was objecting for my colleague, who was called out of the room. I supposed I was objecting to Calendar No. 776.

Mr. TARVER. The gentleman does not ask to return to Calendar No. 776?

Mr. HUDSON. No; I suppose I have lost my right to object to that.

JACOB SCOTT

The SPEAKER pro tempore. Is there objection to returning to Calendar No. 775, H. R. 14722, for the relief of Jacob Scott?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Jacob Scott, who was a private of Company B, Fourth Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 8th day of March, 1863, and as a member of Company M, Second Regiment Arkansas Volunteer Cavalry, on the 15th day of December, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

J. M. GRAY, JR., CO.

The next business on the Private Calendar was the bill (H. R. 3677) for the relief of J. M. Gray, Jr., Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. M. Gray, Jr., Co., of Milwaukee, Wis., the sum of $2,500, being the amount of damages incurred between the 12th day of December, 1921, and the 31st day of March, 1922, by reason of the action of the Engineering Department of the Government shutting off the water and steam at well being drilled at the Edward Hines, Jr., Hospital, Maywood, Ill.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof as follows:

"That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow the F. M. Gray, Jr., Co. the

sum of $2,460.92 in full settlement of all claims under or arising out of contract dated September 21, 1921, for drilling a well at United States Public Health Service Hospital No. 2, Chicago Broadview Hospital, Maywood, Ill., and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,460.92 with which to pay the claim."

Mr. SCHAFER. Mr. Speaker, I offer the following amendment to the committee amendment:

The Clerk read as follows:

At the end of the committee amendment strike out the period and insert a comma, and insert the following:

"*Provided*, That no part of the amount appropriated in this act in excess of $100 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered, or advance or advances made in connection with said claim.

"It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, or withhold, or receive in any sum which exceeds $100 of the amount appropriated in this act on account of services rendered or advance or advances made in connection with said claim any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. CONNALLY of Texas. Mr. Speaker, I rise to discuss the amendment and to ask the gentleman from Wisconsin [Mr. SCHAFER] why he offered that amendment. Is there a contract in his case with some attorney?

Mr. SCHAFER. I will say to the gentleman that to my knowledge there is no contract. The case in question was brought to my attention by the president of the company. I believe, however, that bills of this nature should have an attorney's limitation. There was no attorney's work performed in presenting this case to Congress, and I want to be certain that money appropriated does not go to attorneys for services that they did not render.

Mr. CONNALLY of Texas. Is the gentleman himself an attorney?

Mr. SCHAFER. I do not happen to be one.

Mr. CONNALLY of Texas. What is the gentleman's prejudice against attorneys?

Mr. SCHAFER. I am not prejudiced against attorneys; but I am prejudiced against shyster attorneys that get many claims before Congress on a 40, 50, and 60 per cent basis.

Mr. CONNALLY of Texas. The gentleman from Wisconsin is the author of this bill. He says the president of the company, as I understand it, called his attention to the matter of having this amendment adopted. Is that right?

Mr. SCHAFER. Yes.

Mr. CONNALLY of Texas. That to my mind is pretty good evidence that the president of this company probably has a contract with some lawyer, and he is trying to use the Congress of the United States to pull his chestnuts out of the fire and prevent the fulfillment of the contract with this attorney.

I do not know who the attorney is, but it seems to me that this is an unfair and an unjust thing for this Congress to do. If this company has entered into a contract with some lawyer to present its claims and get the claim through, it ought to be held to that obligation. I do not think it is just to have an open season for attorneys simply because they happen to be attorneys. I dare say that attorneys sometimes earn their compensation, and I say to the gentleman that this habit of preventing attorneys from getting fees for services rendered in cases of this kind frequently operates to the detriment of the person having the claim. For instance, in cases in the Veterans' Bureau we prevent attorneys from taking fees. The result of that is that many times meritorious cases do not get proper attention from the Veterans' Bureau because the claimant can not employ an attorney to look after his case. [Applause.] Members of the House and Senate can not prepare these cases frequently as they ought to be prepared; they are not on the ground; they can not get the proof; they can not know the testimony; and so, through this maudlin, sickening sentiment that manifests itself through a fear that some attorney somewhere is going to get a dollar out of the Treasury for services actually rendered, many hardships on claimants have been caused. I am not in sympathy with the gentleman's amendment. Here is a bill that is to compensate a corporation. That corporation is supposed to have men at the head of it who have intelligence, who have business capacity. They do not have to enter into any contract with an attorney; but if they do, they ought to be held to that contract, to the liability which they voluntarily assume.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. They are able to protect themselves. They do not have to have guardians. I yield to the gentleman.

Mr. SCHAFER. I introduced this bill, and have given it very careful consideration. No attorney, to my knowledge, has performed legal services, and I do not see why there should be objection to this limitation. If there is a contract I say that it should not be enforced, since no attorney has presented the case to Congress.

Mr. CONNALLY of Texas. That is the difference between the gentleman from Wisconsin and myself. I believe in the validity of contract, but if the attorney has not performed any services in carrying out that contract, of course he could not get compensation.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. UNDERHILL. There are two sides to this question. It has not been the practice of the Committee on Claims to urge a provision of this character in small bills, but the Committee on Claims and other committees of this House are continually bothered by claim agents, or lawyers in the city of Washington, who are digging up all kinds of claims, writing to some one who knows that he has not any real justification for a claim, agreeing to take the proposition on a contingent fee, on a 50-50 basis. There have been many instances where bills have passed the Congress which were just in their character, but where the attorneys have collected unconscionable fees. One instance I might call to the attention of the gentleman was the Oliver case. There never was a greater injustice done a citizen of any country than was done to Mr. Oliver, of Kentucky, by his Government. Congress took that view and made Mr. Oliver an award of several thousand dollars. The attorneys in the case, who had not appeared before the committee or in any way, shape, or manner added one single dollar of value to the claim, collected over $40,000.

Mr. CONNALLY of Texas. I remember that claim. It passed the Congress all right. Mr. Oliver got his money.

Mr. UNDERHILL. He got only a part of it.

Mr. CONNALLY of Texas. He got what we passed here. The chances are that that claim would not have been properly presented to this Congress if Mr. Oliver had not asked the aid of legal assistance.

Mr. UNDERHILL. Oh, no. The only reason that claim was presented to Congress and eventually went through was because of the hard work of one of our colleagues.

Mr. CONNALLY of Texas. I am not disparaging his merits. Let us take up this claim. Does the gentleman think it is fair when the president of a company comes to his Congressman and urges to amend it so that no lawyer can get anything out of the claim? Does not that——

Mr. SCHAFER. The president of the company did not make any suggestion whatever as to this amendment. He does not know this amendment was even contemplated. If I said that, I did not understand the gentleman's question correctly.

Mr. CONNALLY of Texas. I thought he suggested the amendment.

Mr. SCHAFER. No; he does not know it is even contemplated.

Mr. CONNALLY of Texas. What did prompt the gentleman to offer this amendment?

Mr. UNDERHILL. If the gentleman will permit, this has been the practice of the gentleman since he has been a member of the committee.

Mr. SCHAFER. If the gentleman was a member of the Claims Committee he would see many cases where the attorneys get 50 per cent and the wife and children get 50 per cent, without the attorneys doing any work.

Mr. CONNALLY of Texas. I am not speaking of those cases. Here is a corporation. If a president wants Members of Congress to prohibit that company from paying out any claim in which attorney fees are involved—I do not know whether they have a contract or not, but I do not think that would be fair.

Mr. ROY G. FITZGERALD. I agree with the gentleman from Texas that the amendment proposed should not be inserted in the bill, and I agree most heartily with what the gentleman said in regard to a limitation of the fee, but there have been many cases involving technical points of law and fact where lawyers have been the means of enabling men to secure the compensation to which Congress has said they were entitled but without whom claimants would have been helpless against the clever and able men in some of our bureaus who act as guardians of the Public Treasury and deem it no part of their duty to point out to an inexperienced person how proof may be perfected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I ask for an additional five minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ROY G. FITZGERALD. And I might add that one of the great difficulties with my good friend from Wisconsin—and is one I share with him—is the realization that many claimants do not have the benefit of the tireless advocacy which he gives without stint or recompense to the war veterans of his district. He represents a district with a branch of the National Military Home, in which there is a great concentration of veterans of our wars, and especially of the late war. This colleague of ours from Milwaukee has maintained at times an office at the soldiers' home at Milwaukee, and he works indefatigably on these claims of the veterans and renders an extraordinary service. I have some appreciation of what he does, because the Central Branch of the Soldiers' Home is in my district, and I know of the great amount of gratuitous work which must be done in order that veterans may receive their rightful pensions and equitable compensation. He has a right, possibly, to have a suspicion of lawyers who may seek to exact compensation from these unfortunate men in return for inadequate service. Many veterans in other parts of the country are not blessed as are those at Milwaukee with a Congressman who has made such a thorough study of the pension and compensation laws and the procedure in the Pension and Veterans' Bureaus and who gives the time and exacting care to the veterans' claims as our friend from Wisconsin. There ought to be a way to separate the good from the bad. Unless some of these veterans and others having claims involving intricate questions of law and facts and requiring time, patience, and persistence to secure the convincing-evidence demand are permitted to employ and pay skillful lawyers, they will never succeed and justice will be denied them.

I believe that this amendment should not be adopted. It would seem to invite repudiation of a possible contract, and possibly a perfectly fair one.

Mr. LAGUARDIA. Mr. Speaker, I ask for recognition. Gentlemen, I think it is well that it should be known that in the general run of claims cases it is not necessary to retain a lawyer. The Claims Committee sits as a quasi-judicial body and carefully passes on all of these claim bills. It has an established system of investigation and all claims get a fair hearing. Now, if we establish a system or, rather, let it be known that it is the sense of Congress that out of these payments arising from claims bills a lawyer could come in and establish an ambulance-chasing business and take these claims on a contingent basis, you will create a condition which will bring in thousands of claims, and not meritorious claims. That is the situation.

As to the suggestion made by the gentleman from Texas, which was applauded by some of my colleagues, to the effect that it might be well to permit veterans to retain lawyers to press their cases, I say that the minute you create any such condition you will have runners and ambulance chasers following these boys, and it will so congest conditions in the Veterans' Bureau that you will destroy the very purpose of giving these men a speedy adjudication of their claims. If after going through a war a soldier or sailor fighting under the flag of the United States needs legislation requiring the services of a lawyer to press his claim, we are, indeed, in a very sorry state.

The trouble is not that the boys are not able to press their claims, but the trouble is that Congress has pampered the Veterans' Bureau. You have too much red tape in the Veterans' Bureau. We pamper them by giving them all they want for salaries, by countenancing their disgusting bureaucratic red tape. Let us establish by law that where a boy has received his injury in battle, where his disability is the result of gunshot wounds, that the Veterans' Bureau can not disturb the rating of that boy and call for a reexamination every six months or every year just to give idle people in the Veterans' Bureau something to do. You can do that without allowing lawyers to come in and press the cases of these veterans.

As to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER], it may not be necessary on this particular bill, but it will certainly assist in making lobby lawyers know that they will receive but little sympathy at the hands of Congress.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wisconsin [Mr. SCHAFER] to the committee amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SCHAFER. A division, Mr. Speaker.

The SPEAKER. A division is called for.

The House divided; and there were—ayes 23, noes 30.

So the Schafer amendment to the committee amendment was rejected.

The SPEAKER. The question now is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

YELLOW FEVER—MAJ. WALTER REED AND OTHERS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 557, on the first page of the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent to return to Calendar No. 557. Is there objection?

Mr. BLANTON. Let us have the bill reported.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WAINWRIGHT. Mr. Speaker, I ask for the consideration of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll, Jesse W. Lazear, Aristides Agramonte, John H. Andrus, John R. Bullard, A. W. Covington, William H. Deans, Wallace Forbes, Levi E. Folk, P. Hamann, James F. Hanberry, Warren G. Jernegan, John R. Kissinger, John J. Moran, William Olson, Charles G. Sonntag, Clyde L. West, R. P. Cooke, Thomas H. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of $250 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons:

Mrs. Walter Reed; Mrs. James Carroll; Mrs. Jesse W. Lazear; Dr. Aristides Agramonte; Pvt. John H. Andrus, Hospital Corps; Mr. John R. Bullard; Pvt. A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Pvt. William H. Deans, Troop B, Seventh Cavalry; Pvt. Wallace Forbes, Hospital Corps; Pvt. Levi E. Folk, Hospital Corps; Pvt. P. Hamann, Twenty-third Battery, Coast Artillery Corps; Pvt. James F. Hanberry, Hospital Corps; Mrs. Warren G. Jernegan; Pvt. John R. Kissinger; Mr. John J. Moran; Pvt. William Olson, Hospital Corps; Pvt. Charles G. Sonntag, Hospital Corps; Pvt. Clyde L. West, Hospital Corps; Dr. R. P. Cooke; Pvt. Thomas H. England, Hospital Corps; Pvt. James Hildebrand, Hospital Corps; and Pvt. Edward Weatherwalks, Hospital Corps.

With a committee amendment as follows:

On page 2, line 18, after the word "Lazear," insert "Mrs. William Crawford Gorgas."

Mr. KNUTSON. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER. Is it an amendment to the committee amendment?

Mr. KNUTSON. It is not.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 2, line 10, strike out everything after the semicolon following the word "Cuba" and insert in lieu thereof the following: "And in further recognition of the high public service so rendered by the persons hereinbefore named the Secretary of the Treasury is authorized and directed to cause to be struck

for each of said persons a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, and to present the same to each of said persons as shall be living and posthumously to such representatives of each of such persons as shall have died, as shall be designated by the Secretary of the Treasury. For this purpose there is authorized to be appropriated the sum of $5,000; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay the following-named persons during the remainder of their natural lives the sum of $125 a month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons: Private Paul Hamann; Private John R. Kissinger; Private William Olsen, Hospital Corps; Private Charles J. Sonntag, Hospital Corps; Private Clyde L. West, Hospital Corps; Private James Hildebrand, Hospital Corps; Private John H. Andrus, Hospital Corps; Mr. John R. Bullard; Dr. Aristides Agramonte; Private A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Private Wallace W. Forbes, Hospital Corps; Private Levi E. Folk, Hospital Corps; Private James F. Hanberry, Hospital Corps; Dr. R. P. Cooke; Private Thomas M. England; Mr. John T. Moran; and the widow of Private Edward Weatherwalks."

Mr. KNUTSON. Mr. Speaker, the purpose of this amendment is to equalize the pension that shall be paid to all those who took part in the experiments with yellow fever, and their widows. That is the whole thing in a nutshell.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADRIAN VAN LEEUWEN

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 737, H. R. 7887, a bill placing Cadet Adrian Van Leeuwen on the retired list. It is a bill which I introduced, but I was out of the House at the time the bill came up for consideration, and I understand there was objection to it.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to return to Calendar No. 737, H. R. 7887. The Clerk will report the bill by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I thought I objected to that bill.

Mr. STOBBS. Will the gentleman withhold his objection until I make a statement?

Mr. WARREN. I will.

Mr. STOBBS. Mr. Speaker, this bill was introduced for the purpose of providing some compensation for a West Point cadet who was discharged from the academy because of disability incurred in the course of service. This boy was one whom I had appointed to the academy. During his plebe year he suffered from hazing at the hands of some upper classmen, as a result of which some bones were broken in the back part of his neck. He was obliged to go to the hospital and he spent two or three months there. He was finally sent home with the idea of coming back the next year, because he had lost so much time away from his studies. A board of inquiry was held at the academy and at the time all the facts were gone into. The hazing was in the nature of the so-called bracing exercise, and this boy was compelled to go through that exercise an extraordinary number of times so that it caused the bones in the back of his neck to be broken. As the result of the inquiry held at the time the board on inquiry decided and found that this disability was incurred in the course of service, because the academy authorities frankly stated that they allowed a certain amount of corrective exercises to be given to these plebes by upper classmen and that, therefore, they had to take the responsibility for whatever occurred. One of the men who was guilty of the hazing was a sergeant in the Cadet Corps, and I think he was reduced in rank. I have forgotten what was done to the other man.

This man went back the following June to take up his course at the academy again. He tried to go back to duty, but after he had been there for three weeks he found he was unable to go back to duty and he was again sent to the hospital. He was there for several weeks and finally I went on, at the request of his father, to confer with the academy authorities.

I talked over the case with the surgeon in charge at the academy and I talked it over with Colonel Hodges, who was then commandant of cadets. They both advised that the boy could no longer continue at the academy because of what had happened and because of his disability and also because of a certain amount of mental reaction as a result of it. So they took the responsibility of discharging him by reason of disability actually incurred in service.

Now, that boy's future is ruined by reason of what happened at West Point. Then the question came up as to what ought to be done for him. The only precedent I could find was where a cadet at West Point had been injured in a cavalry drill, receiving a very severe injury to his back, and in that case there was a special bill passed by Congress placing that boy on the retired list as a second lieutenant of Cavalry.

I want to say to gentlemen here that the War Department approves this bill. It is with their consent and approbation that this bill has been put in. In talking it over with the representative of the War Department and the subcommittee of the Military Affairs Committee, which had this matter in charge, we worked out the problem in this way: That by analogy to allow this boy to receive the same compensation that a similar disability would be allowed by the Veterans' Bureau for a man who had incurred such disability in actual service. In other words, there is no money provided here in so many dollars and cents, but it is left to be worked out so that he shall receive just the same treatment as any other man who was in the service of the World War and shall receive the same amount of compensation from the Government that the Government would allow to such a man in the World War for a similar disability incurred in the course of service.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. LaGUARDIA. What machinery does the gentleman provide for ascertaining those facts and for payment in this particular case?

Mr. STOBBS. I have come into the Chamber very recently and I have not gone into the report on the bill. It was all talked over with the subcommittee and that was left with them to work out. Major Hammond and the Military Affairs Committee and the War Department are responsible for working out the phraseology and the form of the bill.

Mr. LaGUARDIA. I think the precedent which the gentleman cites of the case of the boy injured in cavalry drill and retired as a second lieutenant might well be followed, but I think it is very dangerous if we establish the precedent now of putting these cases into the Veterans' Bureau.

Mr. STOBBS. If the gentleman will pardon me, my original bill provided to place this boy on the retired list as a second lieutenant of Infantry.

Mr. LaGUARDIA. Yes.

Mr. STOBBS. But the members of the Military Affairs Committee felt that in view of the circumstances that was too much compensation for the injury. So it was at the request of the Military Affairs Committee, and with the approbation of the War Department, that the bill was put in its present form, and they are responsible for the draft of it.

I would be very glad, indeed, to have this boy made a retired second lieutenant of Infantry, and if the gentleman wants to offer such an amendment, I shall have no objection at all to that.

Mr. LaGUARDIA. Is the gentleman's reservation still pending, Mr. Speaker?

The SPEAKER. Yes.

Mr. LaGUARDIA. Further reserving the right to object, Mr. Speaker, I am quite sure if the gentleman will look into it he will find that the members of the Military Affairs Committee are sympathetic to his bill. The objection to putting anybody on the retired list comes from the War Department, and, unfortunately, the Military Affairs Committee is susceptible to the wishes of the War Department. I speak from my actual experience as a member of that committee some time ago. The gentleman's bill provides for this case following the precedent of the previous case, and I think if we pass the gentleman's bill as he introduced it and vote down the committee amendment, we will fully answer the purpose and will establish no precedent of referring nonwar or peace-time cases over into the Veterans' Bureau.

Mr. STOBBS. That is entirely satisfactory to me.

Mr. LaGUARDIA. There is a tendency now to do that, and we should resist it.

Mr. STOBBS. Will the gentleman offer an amendment to that effect?

Mr. LaGUARDIA. I will reserve the right to object unless the House will consent to vote down the committee amendment and retire this boy on the merits of the case, so that we can deal with each one of these cases on its merits without establishing the precedent of referring cases like this openly to the Veterans' Bureau.

Mr. WAINWRIGHT. Mr. Speaker, as the member of the Military Affairs Committee——

The SPEAKER. The gentleman must obtain recognition before addressing the House. For what purpose does the gentleman rise?

Mr. WAINWRIGHT. Reserving the right to object, Mr. Speaker, as the member of the Military Affairs Committee who reported this bill, I would say that I concur in everything that has been said by the gentleman from Massachusetts [Mr. STOBBS], but I can not agree that the provisions of the bill as originally framed would not establish a very much more unfortunate precedent than the provisions of the committee amendment.

We have never gone so far as to accord retirement in cases of this kind, and it seemed to the committee, well recognizing the very great claim that this young man has upon the tender consideration of the Government, as a practical way out of it, that he should be put in the same position and accorded the same benefits as a man disabled under the World War veterans' act. With this provision he would be compensated in proportion to the extent of his disability, and it seemed to us this would furnish a very much better precedent—realizing there was really no precedent for the case—than if we established the precedent that disabled students at the Military Academy, disabled in line of duty and through no fault of their own, should be put upon the retired list of the Army.

Mr. BLANTON. Will the gentleman yield?

Mr. WAINWRIGHT. Certainly.

Mr. BLANTON. The gentleman realizes now that in passing this bill he is establishing a precedent?

Mr. STOBBS. Will the gentleman yield?

Mr. BLANTON. I have not the floor, but the gentleman from New York, who is a military man and who loves to obey rules, because he did finally get permission of the Chair under proper excuse to speak, ought not to establish this new precedent applicable to the Naval Academy and the Military Academy.

Mr. WAINWRIGHT. I would say in answer to the gentleman that if we are going to accord any relief in this case we are establishing a precedent.

Mr. BLANTON. And you are going to establish a precedent no matter which way you act, whether you pass the bill as it is or whether you accept the suggestion of the gentleman from New York [Mr. LAGUARDIA].

Mr. WAINWRIGHT. Exactly; and we will be establishing a better precedent if we afford relief under the committee amendment rather than under the bill as originally framed.

Mr. STOBBS. Will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. STOBBS. For the benefit of the gentleman from Texas [Mr. BLANTON], perhaps he did not hear the statement made at the time. There is already a precedent here where a boy was injured while at the academy at cavalry drill, and there has been a bill passed putting that boy on the retired list as a second lieutenant of Cavalry.

Mr. BLANTON. And this enlarges the precedent by establishing another one.

Mr. STOBBS. No; it does not enlarge the precedent; it follows a precedent, I will say to the gentleman from Texas.

Mr. BLANTON. It provides that if a boy should be taken sick at either academy, this precedent can be followed.

Mr. STOBBS. No; if the gentleman from New York [Mr. WAINWRIGHT] will still further pardon me, this precedent would not apply to a boy who is sick. But here is a boy who is actually hazed by upper classmen, and the academy authorities take the responsibility of it because they allow the upper classmen to undertake these corrective exercises with the plebes.

Under these circumstances it is not a question of the boy being sick; it is a case of actually being disabled in course of service.

Mr. EDWARDS. Has this hazing been stopped at the academy?

Mr. STOBBS. Yes.

Mr. LAGUARDIA. Not this particular kind.

Mr. STOBBS. Mr. Speaker, if this discussion is to continue much longer, I shall call for the regular order.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Further reserving the right to object——

The SPEAKER. The regular order has been called for.

Mr. CONNALLY of Texas. Mr. Speaker, the gentleman from Texas did not call for the regular order; he said he was going to.

Mr. BLANTON. Mr. Speaker, I rise further to reserve the right to object.

Mr. BOX. I call for the regular order.

Mr. BLANTON. Then I object, because it will establish a new precedent.

CHARLES SILVERMAN

The next business on the Private Calendar was the bill (H. R. 9972) for the relief of Charles Silverman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HUDSON. I object.

Mr. BLOOM. Will not the gentleman reserve his objection?

Mr. HUDSON. I will.

Mr. BLOOM. Mr. Speaker, this is a case where a man has been in the Navy for 30 years, and after he was in the Navy 14 years he discovered that he had given the wrong age at the time of his enlistment. He is still in the Navy, and all that this bill seeks to do is to correct this one mistake in this man's career. He never discovered this mistake until he had been in the service for years; but when he did, he corrected it. Cases of this kind are on record where the mistake has been corrected by the man himself.

Mr. McSWAIN. As I understand, this man gave his age as older than he was at the time of the enlistment?

Mr. BLOOM. Yes.

Mr. McSWAIN. I do not think that is a very serious offense—it is rather an act of patriotism.

Mr. HUDSON. The record is as to his falsification with the Civil Service Commission; it is not in the Navy.

Mr. BLOOM. But the man corrected the mistake himself and is now in the Navy. His record is clear. The letters from the Secretary of the Navy and Admiral Plunkett show that this man's record is absolutely clear and has been for 30 years.

Mr. LAGUARDIA. What do you seek to do by the bill?

Mr. BLOOM. His record was corrected 16 years ago. The department has fined him 10 days' pay, and we are trying to correct it, as it is the only blot on his record of 30 years.

Mr. HUDSON. Mr. Speaker, I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $76 to Charles Silverman, supervising clerk, navy yard, New York, for the loss of 10 days' pay, due to his suspension by the Secretary of the Navy for said period of time (August 16–26, 1926), at the request of the United States Civil Service Commission, on account of an error made by him, in good faith, as to the date of his birth in a civil-service examination taken in September, 1898; and the Secretary of the Navy is hereby authorized and directed to remove this order of suspension from the record of the said Charles Silverman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD A. BLAIR

The next business on the Private Calendar was the bill (S. 1633) for the relief of Edward A. Blair.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. I object.

Mr. GAMBRILL. Will the gentleman withhold his objection?

Mr. LAGUARDIA. I will withhold it.

Mr. GAMBRILL. This is a bill to correct the record of Edward A. Blair and place him upon the retired list. He served in the Coast Guard from 1907 to 1908. Before entering the service he was examined physically. He was separated from the service of the Coast Guard because he failed in his examination in Spanish.

Then he went into the Marine Corps in 1909 and served until 1913, when he was retired by a retiring medical board that was under the impression that the trouble he was suffering from was congenital or hereditary. The disease caused a deformity of the bones. He is a helpless invalid and has been for some years. More recently, in 1927, he put himself under the care of Dr. William S. Baer, of the Johns Hopkins Hospital, the best-known orthopedic surgeon in the United States and possibly in the world. Doctor Baer has made an affidavit to the effect that this disease is not congenital or hereditary, but that it was caused by an infection incurred in the line of duty. I hope the gentleman will not object.

Mr. LAGUARDIA. He was in the Marine Corps from 1909 to 1913?

Mr. GAMBRILL. He was a lieutenant in the Marine Corps. The disability occurred in line of duty. That is the affidavit made by Dr. William S. Baer, one of the greatest surgeons of his kind in the world.

Mr. SCHAFER. The medical record in the Marine Corps showed a treatment for arthritis deformans.

Mr. GAMBRILL. It showed that he was examined by the medical board. That medical board came to the conclusion that the disease from which he was suffering was hereditary and congenital, but the Navy Department, in view of the high standing and well-known reputation of Doctor Baer, made its report on this case, and submitted the bill to the Congress without any recommendation. If you gentlemen will bear with me just a moment, I want to show the attitude of the Navy Department. A hearing was had on this bill, and Commander Wilkinson appeared before the Committee on Naval Affairs and was interrogated by the gentleman from New Hampshire [Mr. HALE], a member of the committee:

Mr. HALE. The Navy Department does not at this time make any recommendation in this matter?

Commander WILKINSON. No.

Mr. HALE. The department feels that a doubt exists as to whether the incapacity from which Blair now suffers was incurred in the line of duty?

Commander WILKINSON. That is true.

Mr. HALE. Should not the former officer have the benefit of that doubt?

Commander WILKINSON. I think so.

Mr. LAGUARDIA. Will the gentleman also read this, that while the young man was a cadet in the Coast Guard Academy, within three months of his appointment as a cadet, and was still at the school of instruction, Blair was observed to be unable to perform the physical drill satisfactorily, and that three weeks later, on February 17, 1907, both Cadet Blair and his father are reported to have stated that the defects noted were congenital and hereditary, an assertion accepted by the medical examiner as consistent with its findings?

Mr. HALE. If the gentleman from New York will continue on, he will find that the record shows that it was not until January 16, 1909, that the first entries of the record were made that showed any such condition. The former statement was merely a report.

Mr. LAGUARDIA. He was commissioned as a second lieutenant on January 16, 1909.

Mr. HALE. And within a few months after January 16, 1909, which was considerably more than a year after he was admitted to the service, he took a severe physical examination and passed it. It seemed to the committee a very meritorious case.

Mr. LAGUARDIA. But the gentleman weakens his own case by pointing out that in view of his medical history and statements made by himself and his father but a few months after his commission as second lieutenant in the Marine Corps he again reports as being unfit for duty. Seemingly this boy gave about three or four months' active service.

Mr. HALE. I think the gentleman from New York is mistaken. What he has quoted is a report given by some one, we do not know who, of what this boy is supposed to have stated. The best evidence is the record.

Mr. LAGUARDIA. True.

Mr. HALE. And the record does not appear until 1909 to show that he had any such disease.

Mr. LAGUARDIA. But he was commissioned on January 16, 1909, and within a few months after his appointment he is reported sick.

Mr. EDWARDS. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Edward A. Blair a second lieutenant of the United States Marine Corps and to retire him and place him upon the retired list of the Marine Corps with the retired pay and emoluments of that grade.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. L. A. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 10238) for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. L. A. Williams, Supply Corps, United States Navy, in the amount of $175.44, which amount represents funds deposited by Lieut. L. A. Williams with the Treasurer of the United States by order of the Secretary of the Navy covering payments made by Lieut. L. A. Williams to certain men of the United States Navy, these payments later disallowed by the Comptroller General of the United States.

With the following committee amendment:

Line 5, strike out "$175.44," and insert "$63.12."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WANG ERH-KO

The next business on the Private Calendar was the bill (H. R. 15279) for the relief of the family of Wang Erh-Ko.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I reserve the right to object—and I do not intend to do so—to call attention to a matter of procedure of the House. This bill was referred to the Committee on Naval Affairs, when it should have been referred to the Committee on Claims. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the appropriation is hereby authorized, out of any money in the Treasury not otherwise appropriated, of the sum of $875 as indemnity to the family of Wang Erh-Ko, late of the city of Peking, in the Republic of China, deceased, who was killed on January 4, 1927, by being struck by an automobile negligently operated, not in the line of duty, by members of the United States Legation guard in said Peking; such indemnity to be used for the purchase, on terms satisfactory to the American minister at Peking, of an annuity for the family of Wang Ehr Ko.

With the following committee amendment:

Line 12, at the end of the line strike out "Ehr Ko" and insert "Erh-Ko."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. H. S. MORISON

Mr. REECE. May I ask unanimous consent to return to Calendar No. 67, which was considered?

The SPEAKER. The gentleman from Tennessee asks unanimous consent to return to Calendar No. 67. Is there objection?

Mr. WARREN. Mr. Speaker, we will have enough time to consider the bill hereafter. There is no report at all, and I ask the gentleman to let it go over. There will be several considerations of private bills.

Mr. VINSON of Georgia. Regular order!

Mr. REECE. I beg the gentleman's pardon. I understood that the gentleman from New York was the one who made objection, and I spoke to him before making my request; otherwise, of course, I would have spoken to the gentleman from Georgia, who interposed the objection.

My reason for believing this bill is different from others which might be on the calendar and appear to be similar is that in addition to being an unusually qualified physician he is one of the few physicians who were awarded the distinguished service cross for bravery during the World War. This merely makes the authorization; it does not direct. If by chance the report is made and they do not find him qualified, they would be under no compulsion to commission him.

Mr. VINSON of Georgia. Mr. Speaker, regular order.

The SPEAKER. Is there objection to the request?

Mr. WARREN. I am going to ask the gentleman from Tennessee to let it go over. I think we ought to have a statement from the proper department. There is no report, and reports come in on the other bills.

Mr. REECE. The department made a report which is adverse. The department reported it adversely. An official report from the department will be adverse, because it is contrary to their policy.

Mr. WARREN. I could tell the gentleman the President vetoed a number of similar bills.

Mr. REECE. There is a difference, if I may say so. This bill relates to the Medical Corps——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.
The SPEAKER. Is there objection?
Mr. WARREN. I object.

TIMOTHY J. MULCAHY

The next business on the Private Calendar was the bill (H. R. 4770) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy.
The Clerk read the title of the bill.
The SPEAKER. Is there objection?
Mr. HUDSON. Mr. Speaker, reserving the right to object, I want to call attention to the report on this bill. We passed two bills before this in which the item was a very small amount, something like $63.12. Now, here is a bill calling for a payment of some $315 and some odd cents to correct the incapacity of a man to do his business correctly. Are we going to establish this precedent that every officer in the Navy or in the Army will not take his job seriously and has to come here for us to correct his negligence? We would not do such a thing in private business. Are we going to establish this precedent in Congress? Let me read you from the report:

Although the circumstances indicate that the relatively small overpayments would have been difficult to avoid in the process of work at the receiving ship, Philadelphia, Pa., yet the principle remains that the disbursing officer is responsible for the accuracy of his accounts. Any relief extended by private legislation of this sort to one disbursing officer would serve as a precedent for the relief of others and would tend to weaken the sense of personal financial responsibility in disbursing officers in general.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield there?
Mr. HUDSON. I agree with that, and it seems to me we ought to consider very thoroughly what precedents we are establishing.
Mr. VINSON of Georgia. Will the gentleman yield there?
Mr. HUDSON. Yes.
Mr. VINSON of Georgia. The gentleman has read the report of the Navy Department. As a matter of fact, there is a bill pending on this calendar of similar nature, where the department recommended that the paymaster should be relieved, and for that reason the committee applied to this case the principle that the Navy Department applied in the other case. One is a precedent which the Navy Department itself has set up by making the recommendation. Is the gentleman opposing the bill as one Member interested in these matters?
Mr. HUDSON. I will reply that the Navy Department does not recommend the passage of this bill.
Mr. BLANTON. Mr. Speaker, I call for the regular order.
The SPEAKER. The regular order is, Is there objection?
There was no objection.
The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, the sum of $315.65, to reimburse said officer for certain unauthorized overpayments to various enlisted men while he was acting in the capacity of disbursing officer at the United States receiving ship, navy yard, Philadelphia, Pa., which amount said officer refunded to the Government to remove the disallowance in his accounts because of such overpayments.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

REFERENCE OF CLAIMS BILLS

The SPEAKER. The Chair desires to refer to the suggestion made by the gentleman from Michigan [Mr. HUDSON] a short time ago in regard to the bill H. R. 15279, Calendar No. 781. The Chair thinks the gentleman was entirely correct.
Clause 3 of Rule XXI of the House provides that—

no bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

This is evidently a private claim, and should have gone to some other committee other than the Committee on Naval Affairs.
The Chair will remind the House that the Chair has no control over the reference of private bills by Members.
Under clause 1 of Rule XXII, Members have the sole right of reference of private bills. This right, however, is dependent upon the rules, so that if a committee reports a private bill over which it has no jurisdiction it is subject to the point of order as provided in clause 2 of Rule XXII.
Mr. EDWARDS. It is true that in the case of a great number of cases bills in behalf of citizens of foreign countries are referred to the Committee on Foreign Affairs, and the amounts carried are given to the foreign governments for the benefit of the claimants.
The SPEAKER. That may be.
Mr. EDWARDS. I think this one that the Chair referred to is for the benefit of a Chinese.
The SPEAKER. That is an obligation of the Government.
Mr. BLANTON. To keep the distinction clear, if this bill ought not to have been on the Private Calendar but on some other calendar, which would have given the Speaker a chance on it, that would not be the case after the committee reported it.
The SPEAKER. That is the case with public bills, but as to private bills the rule is this, quoting from page 375 of the manual in connection with clause 2 of Rule XXII:

Errors in reference of petitions, memorials, or private bills are corrected at the Clerk's table, without action by the House, at the suggestion of the committee holding possession. But in cases where the House itself refers a private House or Senate bill a point of order may not be raised as to jurisdiction.

The rule provides that—

An erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

Section 4382 of Hinds' Precedents, volume 4, reads as follows:

4382. The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole.

So that the rule is different in the case of private bills. The Chair thinks that the gentleman from Michigan [Mr. HUDSON] is correct.
Mr. HUDSON. A point of order would not now lie against it?
The SPEAKER. No; it would not. The bill has been passed.
Mr. UNDERHILL. Mr. Speaker, as chairman of the Committee on Claims, I have found in following these references that if the other committees will follow the general practice of the Committee on Claims this will not happen. I have not raised the point of order, although I have raised it is some instances.
The SPEAKER. The Clerk will report the next bill.

FRANK C. MESSENGER

The next business on the Private Calendar was the bill (H. R. 12390) for the relief of Frank C. Messenger.
The title of the bill was read.
The SPEAKER. Is there objection to the present consideration of the bill?
There was no objection.
The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the President is authorized to appoint Frank C. Messenger (retired), formerly chief gunner in the United States Navy, a lieutenant in the United States Navy, and place him upon the retired list of the Navy with the retired pay and allowance of that grade: *Provided*, That no back pay, allowance, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the last vote was laid on the table.
The SPEAKER. The Clerk will report the next bill.

PEDRO P. ALVAREZ

The next business on the Private Calendar was the bill (H. R. 13573) for the relief of Pedro P. Alvarez.
The title of the bill was read.
The SPEAKER. Is there objection to the present consideration of the bill?
Mr. HUDSON. Mr. Speaker, I rise for recognition, not to object, but to call again the attention of the House to the fact that here is a wrong reference. The bill should have gone to the Committee on Claims.
The SPEAKER. Is there objection?
There was no objection.
The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the

sum of $60 to pay to Pedro P. Alvarez, a physician and surgeon of Bluefields, in the Republic of Nicaragua, for medical services and hospital treatment of Señora Josefa Somarriba, whose foot was injured at El Bluff, in the said Republic, on October 10, 1927, by a motor launch attached to and operated by a crew from U. S. S. *Cleveland*.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

HUGH ANTHONY M'GUIGAN

The next business on the Private Calendar was the bill (H. R. 13658) for the relief of Hugh Anthony McGuigan.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $313, to Hugh Anthony McGuigan, formerly a fireman, United States Navy, for expense of medical attendance and hospital treatment incurred while he was on furlough from the U. S. S. *Cleveland*.

With a committee amendment as follows:

Page 1, line 6, strike out "$313" and insert in lieu thereof "$213."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GOLD MEDAL AWARDS

The next business on the Private Calendar was the bill (S. 4338) to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to award, in the name of Congress, gold medals of appropriate design to Lieut. Commander Albert C. Read, United States Navy, commanding officer; to Lieut. Elmer F. Stone, United States Coast Guard, pilot; to former Lieut. Walter Hinton, United States Navy, pilot; to Lieut. H. C. Rodd, United States Navy, radio operator; to former Lieut. J. L. Breese, United States Naval Reserve Force, engineer; and to former Machinist's Mate Eugene Rhodes, United States Navy, engineer, for their extraordinary achievement in making the first successful trans-Atlantic flight, in the United States naval flying boat *NC–4*, in May, 1919.

Mr. VINSON of Georgia. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 1, line 5, after the word "to," insert the words "Commander John H. Towers for conceiving, organizing, and commanding the first trans-Atlantic flight."

The amendment was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I offer another amendment.

The SPEAKER. The gentleman from Georgia offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: Page 1, line 6, after the word "officer," strike out the semicolon and add the following: "*NC–4*."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LEECH. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short statement with reference to the history of the preparation for and execution of that first trans-Atlantic flight.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEECH. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I insert a statement with reference to the history of the preparation for the execution of the first trans-Atlantic flight.

The statement is as follows:

THE NAVY'S TRANS-ATLANTIC FLIGHT

JANUARY 16, 1929.

The NC flying boats which were used on the trans-Atlantic flight marked the culmination of the war development of aircraft in the Navy. In August, 1917, Admiral Taylor, chief constructor, initiated the project of building the largest flying boats in the world, to be of novel construction, and to attempt to cross the Atlantic. This project was conceived with a view to getting antisubmarine planes into the war zone independent of shipping. The plan was to produce these great flying boats in quantity and to fly them across the Atlantic to the center of submarine activity. The armistice came before this plan could be carried out, but the trans-Atlantic flight which was undertaken in May, 1919, was strictly in line with the original purpose of the design and really in the nature of a service trial. These flying boats were designated NC, the N for Navy and C for Curtiss, because they were the joint production of the Navy and the Curtiss Engineering Corporation. The designers of the NC were Mr. G. H. Curtiss and Mr. W. L. Gilmore, of the Curtiss Co., and Commanders Westervelt, Richardson, and Hunsaker, of the Construction Corps of the Navy.

The hull of the NC was 45 feet long by 10 feet beam. The bottom was a double-plank V with a single step somewhat similar in form to the standard Navy pontoon for smallest seaplanes. Five bulkheads divided the hull into six water-tight compartments with water-tight doors and a wing passage for access. The bare hull, as completed by the builder and ready for the installation of equipment, weighed only 2,800 pounds, yet the displacement was 28,000 pounds, this giving a ratio of 0.1 pound of boat per pound of displacement. This lightness of construction was attained by a careful selection and distribution of materials. The keel was of Sitka spruce, while the bottom planking was of Spanish cedar. Longitudinal strength was given by two girders of ash braced with steel wire. To guarantee water-tightness and yet keep the planking thin there was a layer of muslin set in marine glue between the two plies of planking.

The wings carried a load of 11.7 pounds per square foot in the air but the structural weight was only 1.2 pounds per square foot. The total wing area was 2,380 square feet. The main wing spars were hollow spruce boxes. Each rib was a truss designed like a bridge consisting of continuous cap strips of spruce, corresponding to the upper and lower chords of a bridge truss, tied together by an internal web system of vertical or diagonal pieces of spruce. The ribs were 12 feet long, but they weighed only 26 ounces each. An interesting detail of the wing construction was the hinged leading edge which inclosed the control cables to the allerons. This eliminated the air resistance of these cables while at the same time they were accessible for inspection by merely swinging up the leading edge on its hinges.

The tail surfaces of the NC were made up as a biplane which resembled in general appearance and size the usual airplane. The NC tail was in fact twice as large as the ordinary complete single-seater fighting airplane. The tail was over 500 square feet in area and the structure was supported by three hollow spruce booms braced by steel cable in such a way as to remain clear of all breaking seas and to permit a machine gun to be fired straight aft from the stern compartment without interference. This method of support was a radical change from former American and foreign practice but resulted in several advantages besides an important saving in weight.

The four Liberty engines which drove the boat were mounted between the wings. At 400 horsepower per engine, the maximum power was 1,600 horsepower, or with the full load of 28,000 pounds, 17.5 pounds carried per horsepower. One engine was mounted with a tractor propeller on each side of the center line and on the center line the two remaining engines were mounted in tandem, or one behind the other. The front engine had a tractor propeller and the rear engine a pusher propeller. This arrangement was novel and had the advantage of concentrating weights near the center of the boat so that it could be maneuvered more easily in the air.

The NC flying boat weighed when fully loaded 28,000 pounds and when empty, but including radiator, water, and fixed instruments and equipment, 15,874 pounds. The useful load available for crew, supplies, and fuel was, therefore, 12,126 pounds, or over 43 per cent. The NC was capable of an endurance flight of 1,400 miles, carrying a crew of five men (900 pounds); radio and radiotelephone, 220 pounds; food and water, signal lights, spare parts, and miscellaneous equipment, 524 pounds; oil, 750 pounds; and gasoline, 9,650 pounds. The radio outfit was of sufficient power to communicate with ships 200 miles away. The radiotelephone could be used to talk to other planes in a formation or within a distance of 25 miles.

The first of the four NC flying boats which were constructed was completed and flown on October 4, 1918, or approximately one year from the commencement of the design. In this test, although the craft was somewhat tail-heavy, its operation as a whole was very

satisfactory and indicated that the work of the designers had been a success. It was found necessary to make slight changes in the position of the horizontal stabilizer to neutralize this tail-heavy condition, but otherwise no radical changes were required in the design or construction. The second NC boat, the *NC–2*, was completed in March, 1919, and the *NC–3* and the *NC–4* were completed in April, 1919. Due to injury to two outer wing sections while at anchor in a gale late in March, 1919, the *NC–1* was put temporarily out of commission. After the completion of weight-lifting trials on the *NC–2*, the outer wing sections of that boat were transferred to the *NC–1*, as no spares were available. As a result of this regrettable injury, only three NC boats remained available for the trans-Atlantic flight.

The three flying boats *NC–1*, *NC–3*, and *NC–4* were placed in regular commission on May 2, 1919, and Commander J. H. Towers, United States Navy, assumed command of the NC seaplane division 1, comprising these three boats. This was the first time in the history of the Navy that any aircraft had been placed in regular commission. In addition, Commander Towers was detailed to command the *NC–3*, which therefore became the "flagship" of the division; Lieut. Commander P. N. L. Bellinger was detailed to command the *NC–1;* and Lieut. Commander A. C. Read to command the *NC–4*.

The plans for conducting the trans-Atlantic flights were complete in every detail. In the first place the route from Newfoundland to Portugal via the Azores was chosen because its distances were the shortest and its areas of uncertain weather conditions the least. A patrol of destroyers was established along this route so as to reduce the danger to personnel to a minimum. At all ports of call mother ships were stationed in order to provide fuel, spare parts, repair facilities, etc., for the planes.

The actual start of the three airplanes, *NC–1*, *NC–3*, and *NC–4*, on their attempt to fly across the Atlantic, was made from the United States naval air station, Rockaway, Long Island, on May 8, 1919. The first leg of the flight was from this station to Halifax, Nova Scotia. Leaving Rockaway at 10 o'clock in the morning, all three airplanes preserved formation; everything went well until about 2.30 in the afternoon, when the *NC–4* was forced to drop astern because of engine trouble. Shortly afterwards additional engine trouble forced the *NC–4* to land about 80 miles east of Cape Cod and the plane was taxied under its own power to the naval air station at Chatham, Mass. In the meantime the *NC–1* and *NC–3* continued their flight to Halifax and arrived there around 7 o'clock in the evening.

As preparations for starting on the second leg of the flight from Halifax to Trepassey, Newfoundland, had just been completed on the morning of May 10 and the *NC–1* was taxiing about the harbor waiting for the *NC–3* to take off first, a starting motor on the latter broke. The *NC–1* was thereupon directed to proceed to Trepassey by itself and the *NC–3* started shortly afterwards. Both planes arrived at Trepassey in the late afternoon of May 10. These two planes were joined at Trepassey by the *NC–4* on May 15, the *NC–4* arriving there from Chatham via Halifax.

Personnel of the *NC–1* and *NC–3* immediately assisted the *NC–4* in changing one engine, fitting the airplane with new propellers, and getting her in all respects ready for departure the following afternoon. Reports from the Weather Bureau representatives at Trepassey all indicated very favorable weather and advised a start on the afternoon of May 16. A start was decided upon and all three airplanes took off that afternoon for Horta, a port in the Azores Islands.

Formation was assumed and was fairly well preserved during the afternoon and early evening. Later when it became dark and overcast, however, and the running lights of the *NC–3* stopped functioning due to grounding of the circuit by salt spray, the three planes were soon lost to each other and each continued the flight independently. A little before dawn the *NC–4* began flying much faster than either the *NC–1* or *NC–3* because its pilots did not feel entirely stable at the higher angle of incidence given by lower speed. About 8 o'clock in the morning the three planes encountered intermittent rainfalls and a very thick fog. As the Azores were approached the fog became thicker and thicker and interfered seriously in determining the course which was being flown, as it was impossible to obtain a reliable sextant altitude of the sun. Various altitudes were tried to avoid the fog, but it merged with the clouds which, most of the time, extended very high and made flying at any altitude over 1,000 feet very difficult for the pilots.

Shortly before noon the *NC–1* landed for the purpose of determining its position by taking radio-compass bearings on destroyers, but the water conditions were worse than had been expected and entirely too rough to take off into the air again. About a 22-mile wind was blowing, with a cross sea and a heavy swell. For four hours attempts were made to call to destroyers for aid by means of the radio but with no success. In the meantime the sea had carried away the elevators and a portion of the wings. Finally, late in the afternoon the crew of the *NC–1* were picked up by a passing steamer, the Greek ship *Ionia*, and taken to Horta while the plane itself was subsequently sunk to remove a menace to shipping.

At 1.30 p. m. on May 17 the *NC–3* also landed in order to obtain radio-compass bearings and was unable to take off again due to the rough sea and to damages received in landing. The plane's position was obtained, however, by means of radio-compass bearings as being 34½ miles southwest of Horta. Due to injury to the radio apparatus evidently received while landing, the *NC–3* now found itself able to receive messages but unable to send any except on a short-range battery set. Those messages, however, were not intercepted by the ships. A heavy storm arose that afternoon and for two and a half days the *NC–3* fought that storm and endeavored to utilize the very limited sailing qualities of the *NC–3* toward getting to the island of San Miguel. This was finally accomplished and on the evening of May 19 the *NC–3* reached the port of Ponta Delgada.

The *NC–4* reached Horta safely on the afternoon of May 17, completing the distance of 1,200 nautical miles from Trepassey to Horta in 15 hours and 18 minutes. The *NC–4* was thus the only plane left to continue the flight. The personnel of the other two planes were taken aboard the *Bainbridge* to Lisbon and thus to Plymouth via the *Rochester*.

The *NC–4* was held at Horta by fog and later by a gale until May 20. On the afternoon of this day the flight from Horta to Ponta Delgada was accomplished, the trip consuming about two hours. Here the *NC–4* waited six days for favorable weather and sea conditions, as the plane was too near its goal to take any unnecessary chances for the sake of completing the flight a day or two sooner. Finally, early in the morning of May 27, the *NC–4* departed from Ponta Delgada for Lisbon, and arrived at Lisbon late in the afternoon of the same day.

On the 30th of May the *NC–4* got an early morning start for the last leg of the trip from Lisbon to Plymouth. After about two hours of flying, however, a leak of unknown origin was discovered in the port engine and it became necessary to land in the mouth of the Mondego River near Figueira, Portugal, to make repairs. These repairs were soon completed and the *NC–4* left about 2 o'clock in the afternoon for Ferrol, Spain, as it was too late by this time to attempt to make Plymouth before dark. Ferrol was reached about half past 4 in the afternoon. The following morning the *NC–4* left Ferrol for Plymouth and at half past 1 that afternoon (May 31) arrived safely at Plymouth, England, thus being the first aircraft to cross the Atlantic Ocean by air.

THE PRIVATE CALENDAR

WILLIAM D. GHRIST

The next business on the Private Calendar was the bill (H. R. 14572), for the relief of William D. Ghrist.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a case where a postmaster cashed counterfeit war-savings stamps to the amount of $2,875 and now we are reimbursing him. Was there any great amount of counterfeit war-savings stamps cashed during the period after the war?

Mr. UNDERHILL. There was a very large amount.

Mr. BLANTON. What has been done about it?

Mr. UNDERHILL. Nothing could be done about it, because they have never been able to discover the counterfeiters.

Mr. BLANTON. And the fellows who cashed them have gotten away with it?

Mr. UNDERHILL. No; the fellows who cashed them did not get away with it, but the counterfeiters got away with it. The fact is the counterfeits were so nearly perfect that for a long, long time even the Treasury Department and its corps of experts did not discover them.

Mr. BLANTON. You may remember that there were brought before a committee of Congress hundreds of thousands of dollars' worth of so-called counterfeit Liberty bonds. They were shown to have been duplicates, and so recognized by the Government, both sets of them. That was quieted down, shunted aside, pigeonholed, and nothing was ever done about it, and I thought maybe this was another series of duplicate war-savings stamps.

Mr. UNDERHILL. Not at all. This was done outside, and the Treasury Department, the Post Office Department and its officials or employees have never been charged with this counterfeiting.

Mr. BLANTON. And our efficient Secret Service has never been able to find the counterfeiters?

Mr. UNDERHILL. No; they have never been able to find out who did the counterfeiting.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of William D. Ghrist, postmaster at Uniontown, Pa., in the sum of $2,875, being an amount charged in the postal account due to the cashing of war-savings stamps in year

1924, which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account, for which amount the postmaster was in no way responsible, the loss having occurred without negligence on his part.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FLORENCE P. HAMPTON

The next business on the Private Calendar was the bill (H. R. 15004) for the relief of Florence P. Hampton.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, reserving the right to object—and I shall not—it seems to me Congress has been most liberal in granting the gratuities which we are constantly voting here. This is a case of Federal prohibition officers going down to Florida and asking one of the citizens there to accompany them on a raid. He was killed, and we now propose to pay his estate $5,000. We are much more liberal with individuals than we are with those who are in the service of the Government.

Now, here is another side of the picture. Two years ago there was called from my district in North Carolina and sent down to Florida a young man in the very vigor of health and activity. He was brought down there as a member of the Coast Guard because they needed a brave, courageous, and honest man to perform the particular business that he was ordered there for. He had not been there 10 days before he was shot down like a dog by rum runners, and then his Government turns to his widow and three little baby children and says, "If you can show your dependency, we will give you six months of your husband's pay."

Now, that widow and those three little baby children are in destitute circumstances to-day, and yet Congress time after time has refused to recognize this noble service for humanity by placing the Coast Guard under the pension laws of this country on the same plane as the Army and Navy. The great Committee on Interstate and Foreign Commerce which has jurisdiction over this subject should bring in a bill and permit the House to grant long-delayed justice to these noble men.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Florence P. Hampton, on account of the death of her husband, Henry Alfred Hampton, who was killed in Calhoun County, Fla., September 6, 1928, while deputized as a prohibition enforcement officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WINSTON W. DAVIS

The next business on the Private Calendar was the bill (H. R. 15039) for the relief of Winston W. Davis.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is another bill to pay a postmaster $13,100 for counterfeit war-savings stamps which he cashed. Our friend the gentleman from Pennsylvania [Mr. KENDALL] tells me that these counterfeiters were caught and were sent to the penitentiary.

Mr. UNDERHILL. My information may have been incorrect. I understood they had not been apprehended.

Mr. BLANTON. The gentleman from Pennsylvania [Mr. KENDALL] tells me they have been sent to the penitentiary.

Mr. UNDERHILL. In this case I understand that is the fact.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Winston W. Davis, former postmaster at Johnstown, Pa., in the sum of $13,100, being an amount charged in the postal account due to the cashing of war-savings stamps in the year 1924 which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account, for which amount the postmaster was in no way responsible, the loss having occurred without negligence on his part.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARLISLE COMMISSION CO.

Mr. COMBS. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 10774) for the relief of the Carlisle Commission Co., Calendar No. 757.

Mr. SCHAFER. Reserving the right to object, has the Member who made the prior objection withdrawn his objection?

Mr. COMBS. Yes; it is my understanding he has.

The SPEAKER. The gentleman from Missouri asks unanimous consent to return to Calendar No. 757. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Carlisle Commission Co., the sum of $38,403.43, with interest at 6 per centum, to reimburse the said Carlisle Commission Co. for losses incurred by it in the carrying out of certain war contracts calling for the supplying of hay and straw and the furnishing of other services to the forage branch of the War Department, which sum represents the difference between the amount claimed by the Carlisle Commission Co. of $218,903.43, which claim was approved by the War Department Claims Board, appeals section, on October 25, 1920, and the amount of $180,500, being the sum actually paid the said company by the War Department.

With the following committee amendment:

Page 1, line 7, after the word "centum," insert the words "from December 17, 1920."

The committee amendment was agreed to.

Mr. EDWARDS. Mr. Speaker, this bill was to be amended also, as we understood, to go at 4 per cent instead of 6.

Mr. COMBS. Will the gentleman yield?

Mr. EDWARDS. Yes.

Mr. COMBS. I understand that the gentleman who interposed objection also withdrew that objection.

Mr. EDWARDS. There were several of us who insisted on that, and it should be so amended in all good faith.

Mr. COMBS. If the gentleman will offer such an amendment, of course, I will accept it.

Mr. EDWARDS. I offer the amendment now, that it be made 4 per cent instead of 6 per cent.

The SPEAKER. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS: Page 1, line 7, strike out the figure "6" and insert in lieu thereof the figure "4."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM W. HEAD

The next business on the Private Calendar was the bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to permit the heirs of William W. Head, deceased, as transferees of Henry W. Grable, within one year from the approval of this act, to select 160 acres of surveyed, nonmineral, unreserved public land of the United States and receive a patent therefor: *Provided*, That the said heirs of William W. Head, their heirs or assigns, shall file a relinquishment of all their right, title, or interest in and to the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the lots 2 and 3, section 3, township 1 south, range 20 east of Willamette meridian, in the State of Oregon.

With the following committee amendment:

Page 1, line 5, after the word "within," strike out the words "one year" and insert in lieu thereof "six months."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MACKENZIE MEMORIAL HOSPITAL, ETC., TIENTSIN, CHINA

The next business on the Private Calendar was the bill (H. R. 13428) for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the appropriation is hereby authorized, out of any money in the Treasury not otherwise appropriated, of the following sums to reimburse hospitals at Tientsin, China, for care and treatment of Chinese nationals injured by motor vehicles of the United States Marine Corps, and for indemnity to one of those nationals for personal injuries received by him because of the negligence of the driver of a Marine Corps motor cycle: To Mackenzie Memorial Hospital, $15 for care of Chiu Kuei Ching; to Mackenzie Memorial Hospital, $7.50 for care of Chang T'ung Chin; to Mackenzie Memorial Hospital, $48 for care of Liu Yu Fang; to German-American Hospital, $401.38 for care of Lau Ye Kun, Chinese policeman; to Lau Ye Kun, Chinese policeman, $100, in full for indemnity for his pain and suffering because of being struck by a motor cycle of the United States Marine Corps; in all, the sum of $571.88.

SEC. 2. The said sums may be disbursed under the direction of the commanding general, Third Brigade, United States Marine Corps.

With the following committee amendment:

Page 2, lines 9, 10, and 11, strike all of those lines.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEONIDAS L. COCHRAN

The next business on the Private Calendar was the bill (H. R. 15651) for the relief of Leonidas L. Cochran.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to Leonidas L. Cochran, of St. Andrews, Fla., lots 1 and 10, section 10, township 4 south, range 15 west, Tallahassee meridian, Florida: *Provided*, That the said Leonidas L. Cochran pay for the land described at the rate of $1.25 per acre within six months after the approval hereof.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized and directed to amend the final certificate issued to Leonidas L. Cochran on October 8, 1928, pursuant to the act of Congress approved April 5, 1928 (Private, No. 57, 70th Cong.), so as to describe lot 17 of section 10, township 4 south of range 15 west of the Tallahassee meridian, Florida, in lieu of lots 9 and 13 of section 11, said township, and to issue a patent thereunder: *Provided*, That said Cochran, within six months after the approval hereof, pay at the rate of $1.25 per acre for the difference between the area now described in the final certificate and the area of said lot 17."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALFRED L. DIEBOLT, SR., AND ALFRED L. DIEBOLT, JR.

The next business on the Private Calendar was the bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the chairman of the committee if this does not go beyond the limits that the committee has adopted and been proceeding under?

Mr. UNDERHILL. Not at all.

Mr. BLANTON. You are paying $25,000 to one family.

Mr. UNDERHILL. Not to one family; it is for two deaths and one permanent injury, and in that case the injured person had better be dead.

Mr. BLANTON. The committee allows $5,000 for the loss of each life, and here you are paying $10,000 for an injury and $15,000 for loss of life and for personal suffering.

Mr. UNDERHILL. No; not for personal suffering.

Mr. BLANTON. The bill indicates that.

Mr. UNDERHILL. My colleague [Mr. COCHRAN of Pennsylvania] has devoted much time and attention to the study of this case and the mass of evidence, although I am perfectly familiar with it myself——

Mr. BLANTON (interrupting). Then this is not an enlargement of the committee's rule?

Mr. UNDERHILL. Not at all; it is the most harrowing case that was ever brought before the committee.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alfred L. Diebolt, sr., the sum of $12,500 in full settlement for the death of his wife and child; and the sum of $10,000 is hereby appropriated for personal injuries and hospital expenses of Alfred L. Diebolt, sr., and his son, Alfred L. Diebolt, jr., said deaths and injuries and expenses having occurred as a result of a collision between the automobile operated by Alfred L. Diebolt, sr., and an Army truck on the Plattsburg highway near Chazy, N. Y., September 17, 1927.

With the following committee amendment, which was agreed to:

In line 6 strike out the figures "$12,500" and insert in lieu thereof "$10,000."

After the word "the," in line 7, add the word "additional."

After the word "his," in line 9, add as follows: "family; and a further sum of $5,000 is hereby appropriated to be paid to the legal guardian of Alfred L. Diebolt, jr., for the loss of an eye of said Alfred L. Diebolt, jr., and for pain, suffering, and disfigurement."

On page 2, in line 4, strike out the period and add a colon and the following:

"*Provided*, That no part of the amount of any item appropriated in this bill in excess of $200 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered or advances made in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which exceeds $200 of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANNIE M. LIZENBY

The next business on the Private Calendar was the bill (H. R. 2659) for the relief of Annie M. Lizenby.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Annie M. Lizenby, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to compensate her for injury and damage sustained at Tacoma, Wash., December 14, 1922, when she was struck by a motor truck belonging to and operating under authority of the United States Army.

With the following committee amendments, which were agreed to:

Line 5, after the comma after the word "appropriated," insert the words "and in full settlement of all claims against the Government."

Line 6, strike out the figures "5,000" and insert in lieu thereof the figures "3,000."

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARGARET VAUGHN

The next business on the Private Calendar was the bill (H. R. 12548) for the relief of Margaret Vaughn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to Margaret Vaughn, mother of Cornelius Vaughn, late boiler maker, first class, United States Navy, an amount equal to six months' pay at the rate received by such Cornelius Vaughn at the time of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES M'GOURTY

The next business on the Private Calendar was the bill (H. R. 13734) for the relief of James McGourty.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of James McGourty, a civilian employee of the Quartermaster Corps, United States Army, who has become permanently disabled by reason of tuberculosis contracted in France while engaged in searching for and locating the graves of soldiers of the United States who were buried on the battle fields in France, and his case is hereby authorized to be considered and acted upon under the remaining provisions of such act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. A. SMITH

The next business on the Private Calendar was the bill (H. R. 14728) for the relief of J. A. Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to pay to J. A. Smith, out of any money in the Treasury not otherwise appropriated, the sum of $68, being the amount of check No. 131507, issued by the Veterans' Bureau to Ernest Britt, 3501 Kenesaw Avenue, Dayton, Ohio, but mailed to and received by Ernest Britt, Route 1 B 68, Dillon, S. C., for whom it was cashed by J. A. Smith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MATTHIAS R. MUNSON

The next business on the Private Calendar was the bill (H. R. 14897) for the relief of Matthias R. Munson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this is a bill to credit the account of a postmaster with $14,224.37 on account of stamps lost in a burglary. This is just one of the scores of such bills. The Post Office Department has a rule, and it is very liberal and generous to postmasters, whereby it protects them when they conrply with the regulations. When they do not comply with the regulations, the Post Office Department turns them down. These bills are coming to us by the score from all over the country. The postmasters get lax and have improper employees under them, and the stamps disappear and then the Congress is asked to reimburse a postmaster.

Mr. SCHAFER. But those stamps were not lost; they were stolen in a burglary of the post office.

Mr. BLANTON. Yes; but sometimes these burglaries occur in the building at lunch time, with safes improperly locked, and sometimes they occur in the afternoon, when the regulations of the department require them to be properly taken care of at all times.

Mr. UNDERHILL. In this instance, and in practically all instances the committee has reported all of the regulations and the rules of the department have been complied with.

Mr. BLANTON. Were they in this case?

Mr. UNDERHILL. They were.

Mr. BLANTON. If they were in this case, I have no objection, but the postmasters of the country ought to be given to understand that they must comply with the rules, or that Congress is not going to relieve them.

Mr. UNDERHILL. What the postmasters of the country ought to have is an armed guard there all of the time.

Mr. BLANTON. They ought to watch and properly protect the property that belongs to the people.

Mr. SCHAFER. The gentleman would not expect the postmaster to stand over his safe at night with a machine gun?

Mr. BLANTON. No; but I would expect him to properly lock the safe and put the combination on it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Matthias R. Munson, postmaster at Prairie du Chien, Wis., in the sum of $14,224.37, due to the United States on account of stamps lost in the burglary of the post office at Prairie du Chien, Wis., September 12, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FIRST NATIONAL BANK OF PORTER, OKLA.

The next business on the Private Calendar was the bill (H. R. 15292) for the relief of the First National Bank of Porter, Okla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and there is hereby, authorized to be appropriated the sum of $500 in settlement of the error made by the Treasury Department in crediting to the account of the First National Bank of Keota, Okla., on May 27, 1909, instead of to the account of the First National Bank of Porter, Okla., the sum of $500 on account of the bank's 5 per cent redemption fund.

With the following committee amendment:

Line 3, strike out "That there be, and there is hereby, authorized to be appropriated" and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT B. MURPHY

The next business on the Private Calendar was the bill (S. 3327) for the relief of Robert B. Murphy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, their widows, children, and dependent relatives, Robert B. Murphy shall be held and considered to have been honorably discharged as a seaman, United States Navy, on May 28, 1899; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

SEC. 2. The Secretary of the Navy is hereby authorized and directed to grant to such Robert B. Murphy a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JESS T. FEARS

The next business on the Private Calendar was the bill (S. 4454) for the relief of Jess T. Fears.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jess T. Fears, of Greer, Ariz., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $60 in full compensation for a loss sustained by him by reason of a horse, owned and used by him in the performance of his official duties as forest ranger, being killed by unknown parties.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWIN I. CHATCUFF

The next business on the Private Calendar was the bill (H. R. 13721) for the relief of Edwin I. Chatcuff.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to correct the naval-service record of Edwin I. Chatcuff, storekeeper, first class, United States Navy, so as to restore to him the rating of storekeeper, first class, United States Navy, from date of disrating, July 15, 1926, to and including date of discharge, February 21, 1928, allow him the pay of his rating for this period, have such time computed as time served in the United States Navy in a duty status, and further, to make appropriate entry upon the naval record showing his conviction of oral coition was in error and due to mistaken identity.

The committee amendment was read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Navy is hereby authorized and directed to correct the naval-service record of Edwin I. Chatcuff, storekeeper, first class, United States Navy, so as to restore to him the rating of storekeeper, first class, from July 15, 1926, to February 21, 1928, with the pay of that rating during this period, and so as to have such period of time computed as time served in the Navy in an active-duty status."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, considerable progress has been made to-day in the consideration of the Private Calendar, so that all bills that were reported more than a week ago have been called. Those Members who have been specially following these bills have about reached the limit of the bills they have thus far had an opportunity to study. I think, therefore, that we should not go further with the calendar to-day. I wish to say that it is my hope and purpose to have at least two or three more days hereafter on which these bills may have a fair opportunity to be considered.

Mr. Speaker, I now ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday. Is there objection? [After a pause.] The Chair hears none.

LAUNCHING OF SCOUT CRUISER "SALT LAKE CITY"

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to be allowed to extend my remarks in the RECORD touching the launching of the scout cruiser *Salt Lake City* at Camden, N. J., on last Wednesday, and to include as part of my remarks the address delivered on that occasion by the Secretary of the Navy, Hon. Curtis D. Wilbur.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker, on last Wednesday, the 23d of this month, there was launched at the yards of the New York Shipbuilding Co., in Camden, N. J., the U. S. scout cruiser *Salt Lake City*.

This event was notable for many reasons. Particularly, it emphasized the return of our Nation to a naval construction program that has been held in a state of suspended animation since the Washington limitation-of-naval-armaments treaty. While, under that treaty, the tonnage and armament of this cruiser have been limited, yet this practical beginning of the work of carrying into effect the policy of further naval construction, is most heartening. The *Salt Lake City* is the first of eight 10,000-ton cruisers, which we are building under existing congressional authorization; and it is to be hoped that pending legislation providing for the construction of 15 additional cruisers of like construction, and one airplane carrier, may be shortly enacted. If and when such additional authorization and construction may be effected, all told, our Navy will yet be below its prescribed ratio of 5–5–3 fixed by the Washington conference. How, then, can there be raised any valid objection to the construction of these additional cruisers? A failure to provide, in a reasonable manner, for our national defense, is an act of omission which can not be excused. Such failure not only invites trouble, but leaves us at the greatest disadvantage when trouble arises. Our country is no longer insulated, and it must not be permitted to become impotent.

We have legitimate interests in every sea and in every quarter of the globe; and the moral worth of an adequate naval force will serve to provide and insure—without the necessity of a recourse to arms—protection to these interests.

I do not mean to advocate any blind or unlimited program of naval construction. What is being done, and what is now proposed in Congress in the way of a naval construction program, are features of what I believe to be a wise and reasonable policy—a policy that is inspired neither by the spirit of jingoism nor by that of pacifism, but, alone, by the spirit of sound Americanism.

The sight of this new cruiser—slim, graceful, and fleet as a thoroughbred racer—as it smoothly slipped from the sheds into the tidal waters of the Delaware River was most inspiring; and as one who in Congress had supported the necessary legislation and voted for the necessary appropriations which made this launching possible, I was greatly gratified.

A distinguished figure in evidence on this occasion was our able and patriotic Secretary of the Navy, Hon. Curtis D. Wilbur, and in his address, then and there delivered, he dealt with the subject of adequate defense so concisely and effectively that I believe his speech is well worthy of a place in the CONGRESSIONAL RECORD; and under leave granted me to do so, I include it as a part of these remarks:

ADDRESS OF THE HON. CURTIS D. WILBUR AT THE LAUNCHING OF THE U. S. S. "SALT LAKE CITY," CAMDEN, N. J., JANUARY 23, 1929

The launching of the *Salt Lake City* is significant, as it is the first posttreaty cruiser to be launched by the United States. Its tonnage and its armament are limited by a treaty with the great naval powers. If we were to build the type of cruiser most needed by the United States its tonnage would be 40,000 instead of 10,000 tons, and its guns would discharge 2,100-pound projectiles instead of 250 pounds, such as the *Saratoga*, which was building in this yard at the time of the limitation of naval armament, one of whose guns was vastly more powerful than all of the guns of the *Salt Lake City* combined. The war and the Washington treaty left us with an unbalanced fleet. This was because of the exigencies due to the submarine war. We abandoned cruiser construction and devoted all our shipbuilding activities to the construction of a vast merchant marine, which we expected to be sunk by submarines, and a great number of destroyers and submarines to protect our transports and the Allied merchant marine. We still have these destroyers and submarines, but with the lapse of time they are rapidly approaching obsolescence.

The treaty of Washington required us to scrap all our partly completed battle cruisers, as well as our uncompleted battleships, except the *West Virginia* and the *Colorado*, now with the fleet. We did complete ten 6-inch gun cruisers, and this represents our entire cruiser strength of vessels under 20 years of age.

Notwithstanding our shortage in cruisers we have proceeded hesitantly, and even reluctantly, to build new cruisers, not because they are not urgently needed, but because we hoped that either by our example or by further limitation the cost of naval armament to the naval powers might be further reduced.

Other powers to the treaty—Great Britain, Japan, France—however, proceeded to round out their fleets by the construction of the much needed cruisers. We are about to launch our first 8-inch gun cruiser. Great Britain has launched 16 (counting four 7½-inch), Japan 8, France 2, completed. We should regard this construction by these powers as evidence of the greatest possible weight as to the value of and the need of cruisers in national defense. Those who are unwilling to accept the evidence and the judgment of our own officials charged under the Constitution with our national defense, those who discount the official declarations of the President and of his Navy Department, should be persuaded by this tangible evidence, the best possible proof, by other naval powers, as to such need. Nor are we driven to the necessity of inference from actual cruiser construction, however plain and manifest that inference, but we have the most formal and solemn statement of British needs, made in friendly conference at Geneva, that she needs, must have, and is constructing with all reasonable diligence 600,000 tons of cruisers.

The unanimous testimony of all naval authorities thus agrees to the positive need of cruisers.

Conclusive as this expert evidence is, the average layman does not need it, if he is aware of the nature and extent of our world commerce and the utility of cruisers for its protection. Commerce is the economic blood of the Nation, and foreign commerce is as much a part of our circulatory system as interstate and intrastate commerce. We can be bled to death economically as well by severing lines of international commerce as by severing the interstate lines. Prosperity depends upon the maintenance of the whole circulating system.

This cruiser is named for a city remote from the sea, and apparently remote from its interests, and yet, day and night, the commerce of the Orient passes through her portals. It is doubtful if in ancient times, or even in more recent times, the proudest seaport received so great a volume of foreign commerce as now passes the portals of Salt Lake City and Ogden. Nor can we readily appreciate the vast increase in that

commerce to be expected in the near future; nor is Utah alone interested. The panacea offered for farm relief is international commerce and disposition of our farm surplus abroad. Naval needs are heeded in Iowa and Nebraska, Dakota, and Minnesota as never before. If we are to have foreign commerce it must be protected, not only upon the high seas but its agents annd emissaries must be protected wherever they may be. Their lives and their property must be secure. It is our policy to do that. Three of our 10 cruisers have visited Central American waters to supplement the 5 obsolete cruisers there, and 6 have visited Chinese waters on this mission.

Some of our enemies at home and abroad have characterized such protection as "dollar diplomacy" and demand that human rights be placed above property rights. We are asked to forego such protection and bring home our citizens to avoid controversy and thus advance human brotherhood. But we may ask, What is brotherhood worth that will not stand actual contact? Without contact, brotherhood is a mere sentiment of no real significance. Brotherhood finds its only real value and expression in working out the problems of actual contact. Modern commerce not only demands such contact and the solution of such problems, but also furnishes the best means for the development of real brotherhood. We have done much and will do more by missionary effort to extend adherence to the teachings of the Prince of Peace, but this development of international interest and contacts by commerce, and the honest and fair conduct of its activities, and the just adjustment of its differences will do more. The real question is not what do we teach, but how do we act. We have no quarrel with those who do not believe in the right of self-defense; with those who feel no obligation to defend helpless women and children; with those who believe it a duty to stand idly by, while ignorance or brutality or hatred destroy their loved ones; but we do deny the right of such to advise or counsel the Nation on its needs for national defense. We deny their competency to measure the means to be used for self-defense.

We can admire the man who will suffer death rather than resist aggression. He pays the penalty for his own folly. But what patience can we have for him when he attempts to disarm those who must and will fight for home and country. For such a man to be thoroughly good, must he add murder to suicide? For to deprive a man of weapons when he is about to fight an armed man is to aid and abet his murder, for such it would be.

It is only by asserting that there will be no more war, no more armed conflict, that we can escape the consequences of disarming our Navy, and yet one of our boys, a marine, Everta Rector, was killed yesterday in Nicaragua. I speak for the man in uniform, not for his ambitions, not for his profession, but for his life, when I say that to the man who has sworn to protect this Nation against all enemies, foreign and domestic, we owe the plain and unmistakable duty of providing him with the means for the performance of his sworn duty, the means for his own protection while so doing. The first duty of a nation, sometimes overlooked or neglected, is that of protecting our protectors. I am speaking not only for the man in uniform to-day but also for your children and grandchildren yet unborn. The life of this ship is 20 years. Most of the men who will man her in 1949 are yet unborn. For them I now give thanks that their fathers and mothers, with their other fellow citizens, have provided for their protection and for the protection of the Nation this splendid ship, with ten 8-inch guns and engines capable of developing over 100,000 horsepower.

B. C. MILLER

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11859 and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11859) for the relief of B. C. Miller.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, for the present I object.

Mr. MICHENER. It is not my bill and I have no personal interest in it.

LEAVE OF ABSENCE

By unanimous consent, Mr. DOYLE was granted leave of absence, indefinitely, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5953. An act for the relief of E. L. F. Auffurth;

H. R. 6350. An act for the relief of Bertram Lehman;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;

H. R. 9049. An act to amend section 227 of the Judicial Code;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 8988. An act for the relief of Milton Longsdorf;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10974. An act for the relief of Carl Holm;

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana; and

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.) the House, under its previous order, adjourned to meet on Monday, January 28, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 26, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

For Monday, January 28

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Agricultural products and provisions, January 28.
Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton (H. R. 14938).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(11 a. m.)

To license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any loans (H. R. 16310).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the making of loans to drainage or levee districts on alluvial or swamp lands (H. R. 14116).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for conveyance of mails by air in foreign countries (H. R. 16131).

For relief of present and former postmasters and acting postmasters (H. R. 16305).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

771. A letter from the Secretary of the Treasury, transmitting draft of a bill to provide for the disposition of revenues arising from operations of the United States Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

772. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1929 in the sum of $6,500, to provide for two additional secretaries to the President from March 4 to June 30, 1929 (H. Doc. No. 528); to the Committee on Appropriations and ordered to be printed.

773. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment under the Architect of the Capitol for the fiscal year 1930 in the sum of $3,725 (H. Doc. No. 529); to the Committee on Appropriations and ordered to be printed.

774. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment under the Architect of the Capitol for the fiscal year 1929 in the sum of $40,204.24 (H. Doc. No. 530); to the Committee on Appropriations and ordered to be printed.

775. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture for the fiscal years 1929 and 1930, amounting to $1,560,000 (H. Doc. No. 531); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 354. A joint resolution authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo; without amendment (Rept. No. 2225). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAAS: Committee on Foreign Affairs. H. J. Res. 384. A joint resolution to provide for the expenses of delegates of the United States to the First International Congress on Sanitary Aviation, to be held at Paris, France; with amendment (Rept. No. 2226). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. J. Res. 386. A joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929; without amendment (Rept. No. 2227). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 16274. A bill to provide for the establishment of a municipal center in the District of Columbia; with amendment (Rept. No. 2228). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; without amendment (Rept. No. 2234). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. S. 3723. An act to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; without amendment (Rept. No. 2235). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. J. Res. 368. A joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; with amendment (Rept. No. 2236). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. H. R. 16502. A bill to authorize appropriations for construction at military posts in Porto Rico, and for other purposes; without amendment (Rept. No. 2237). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 16503. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2238). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 16355. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2243). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 15330. A bill authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia; without amendment (Rept. No. 2244). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 9001. A bill to correct the military record of Henry E. Thomas, alias Christopher Timmerman; with amendment (Rept. No. 2229). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 13263. A bill for the relief of William H. Johns; without amendment (Rept. No. 2230). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 15493. A bill for the relief of George W. Posey; with amendment (Rept. No. 2231). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 16117. A bill to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *O'Brien;* without amendment (Rept. No. 2232). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 1618. An act for the relief of Margaret W. Pearson and John R. Pearson, her husband; with amendment (Rept. No. 2233). Referred to the Committee of the Whole House.

Mr. WRIGHT: Committee on Military Affairs. H. R. 6884. A bill for the relief of Thomas F. Sutton; with amendment (Rept. No. 2239). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 12498. A bill granting an honorable discharge to Chancy L. McIntyre; with amendment (Rept. No. 2240). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 13806. A bill for the relief of Adelaide (Ada) J. Walker Robbins; with amendment (Rept. No. 2241). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 16466. A bill for the relief of Thomas A. McGurk; with amendment (Rept. No. 2242). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14186) granting a pension to Belle Brown, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROBSION of Kentucky: A bill (H. R. 16603) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Arat, Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16604) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Center Point, in Monroe County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16605) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Creelsboro, in Russell County, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16606) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Neelys Ferry, in Cumberland County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H. R. 16607) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to

provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. ELLIOTT: A bill (H. R. 16608) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HUGHES: A bill (H. R. 16609) extending the time for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: A bill (H. R. 16610) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Randolph County, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 16611) to provide recognition for meritorious service by members of the police and fire departments of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BOX: A bill (H. R. 16612) granting the consent of Congress for the construction of dam or dams in Neches River, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: A bill (H. R. 16613) to express the appreciation of Congress to the officers and crew of the steamship *America;* to the Committee on Coinage, Weights, and Measures.

By Mr. PORTER: Joint resolution (H. J. Res. 390) to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HOOPER: Memorial of the legislature of the State of Michigan, memorializing the Congress of the United States for funds to add 300 beds to the United States veterans' hospital at Camp Custer, Mich.; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 16614) granting an increase of pension to Mary C. Connelley; to the Committee on Invalid Pensions.

By Mr. CLARKE: A bill (H. R. 16615) for the relief of Joseph Pulitzer; to the Committee on Claims.

By Mr. COLLIER: A bill (H. R. 16616) for the relief of dependents of Max Grady Sullivan, deceased; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 16617) granting a pension to Lainey A. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16618) for the relief of Harry J. Thiessen; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 16619) granting an increase of pension to Maggie A. Broomall; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 16620) granting a pension to George W. Adams; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 16621) granting an increase of pension to Elizabeth Gault; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16622) granting an increase of pension to Mary D. Cromwell; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 16623) granting an increase of pension to Margaret A. Harris; to the Committee on Pensions.

Also, a bill (H. R. 16624) granting a pension to Joseph Brown; to the Committee on Pensions.

Also, a bill (H. R. 16625) for the relief of Alpha Newell; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16626) granting a pension to Anna Lozier; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 16627) granting an increase of pension to Julia A. Hobson; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 16628) granting a pension to Harriett E. Whinery; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16629) granting an increase of pension to Sarah S. Whitney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16630) granting an increase of pension to Pearl I. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16631) for the relief of John H. Lindstrom; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 16632) for the relief of Mary M. Dowling; to the Committee on Claims.

Also, a bill (H. R. 16633) granting a pension to John Brown; to the Committee on Pensions.

Also, a bill (H. R. 16634) granting a pension to John Johnson; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 16635) granting an increase of pension to Lita Mills; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16636) granting a pension to Nancy C. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16637) granting an increase of pension to Bettie R. Ruston; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 16638) granting a pension to Jacob J. Waltz; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 16639) granting a pension to Elizabeth Birchfield; to the Committee on Invalid Pensions.

By Mr. CELLER: Concurrent resolution (H. Con. Res. 49) tendering vote of thanks to Captain Fried, Chief Officer Manning, and eight members of the crew of the steamship *America;* to the Committee on the Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8397. By Mr. CRAMTON: Resolution adopted at a meeting held January 22, 1929, in the office of the Michigan commissioner of agriculture, by representatives from beet-sugar manufacturing interests and of beet growers, urging an increase of at least $1 per hundred in the tariff on sugar from Cuba, or the furnishing of other means of protecting the beet-sugar industry from the cheap sugars of foreign countries or insular possessions; to the Committee on Ways and Means.

8398. By Mr. O'CONNELL: Petition of the Perseverance Social Benefit Association and Perseverance Social Club (Inc.), of Buffalo, N. Y., and Italian Civil Liberties Club, of Buffalo, N. Y., opposed to Fascist propaganda in the United States; to the Committee on Immigration and Naturalization.

8399. Also, petition of the National Live Stock and Meat Board, Chicago, Ill., favoring a higher duty on meat and meat animals; to the Committee on Ways and Means.

8400. Also, petition of the National Committee on Wild-Life Legislation, New York City, favoring the passage of Senate bill S. 1271, for the establishment of a national policy for the creation of inviolate sanctuaries for ducks, geese, and other migratory birds; to the Committee on Agriculture.

8401. By Mrs. OLDFIELD: Petition of J. P. Doyle and others, of Strawberry, Ark., urging the establishment of a moratorium for the payment of drainage bonds; to the Committee on Irrigation and Reclamation.

8402. Also, petition of C. C. Huskey and others, of Saffel, Ark., urging the establishment of a moratorium for the payment of drainage bonds; to the Committee on Irrigation and Reclamation.

8403. By Mr. SPROUL of Kansas: Petition of citizens of the State of New York, favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

8404. By Mr. TEMPLE: Petition of Bible School Adult and Bible Class of the Christian Church, Waynesburg, Pa., in support of House bill 78, Lankford Sunday rest bill; to the Committee on the District of Columbia.

8405. Also, petition of Rev. John M. Betts, Methodist Episcopal Church, Fredericktown, Pa., in support of House bill 12002, to amend the national prohibition act to make possible heavier penalties for violation of the Federal liquor laws; to the Committee on the Judiciary.

8406. By Mr. WHITTINGTON: Petition of J. I. Lundy and others, of Greenwood, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8407. Also, petition of H. V. Clark and others, of Greenwood, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8408. Also, petition of D. C. Hill and others, of Sidon, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8409. Also, petition of T. A. Guy and others, of Greenwood, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8410. By Mr. WINTER: Resolution from the Cody Club, Cody, Wyo., opposing the construction of the Red Lodge-Cooke City Road and suggesting the Clarks Fork Canyon route; to the Committee on Roads.

8411. Also, resolution from the Alfalfa Commercial Club, Worland, Wyo., urging protection of sugar-beet growers and increase of tariff on sugar; to the Committee on Ways and Means.

SENATE

SATURDAY, *January 26, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Merciful God and Heavenly Father, who hast planted our feet in a world so full of change that we know not what a day may bring forth, and hast curtained every day with night and rounded our little lives with sleep, look with loving pity, we beseech Thee, upon the sorrows of the loved ones and friends of him whom Thou didst but yesterday call to his reward. In the service of his country he bravely upheld the right and generously lived for others' good.

Help us, therefore, to use with all diligence the span of our appointed time, so that when our summons comes we may receive that blessing which Thy well-beloved Son shall then pronounce to all who love and fear Thee, saying, Come, ye blessed children of my Father, receive the kingdom prepared for you from the beginning of the world. Grant this, O Father, through Jesus Christ, our Mediator and Redeemer. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MARKET NEWS SERVICE OF THE BUREAU OF AGRICULTURAL ECONOMICS (S. DOC. NO. 209)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Agriculture amounting to $5,400 for the fiscal year 1930, to enable the Secretary of Agriculture to extend the market news service of the Bureau of Agricultural Economics from Montgomery, Ala., to Jackson, Miss., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";

H. R. 14457. An act validating certain conveyances heretofore made by the Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356);

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; and

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes.

COMPACTS BETWEEN CERTAIN STATES

Mr. PHIPPS. Mr. President, on Thursday I entered a motion to reconsider five bills which had previously been reported from the Committee on Irrigation and Reclamation and which had passed the Senate. I explained at the time the reason for requesting their return from the House. The bills have now been returned, and I call up my motion to reconsider the votes by which the bills were ordered to a third reading and passed.

The VICE PRESIDENT. Without objection, the motion to reconsider is agreed to, and the Chair lays before the Senate the bills in question.

The bills were read by title, as follows:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red River, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

Mr. PHIPPS. Mr. President, I ask for action on the amendments of which I gave notice.

The VICE PRESIDENT. The question is upon the adoption of the amendments offered by the Senator from Colorado, to strike from the bills the words "from the Department of the Interior."

Mr. PHIPPS. That is correct.

The VICE PRESIDENT. Without objection, the amendments suggested by the Senator from Colorado [Mr. PHIPPS] will be considered as having been agreed to, and the bills, as thus amended, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following telegram from the president of the Porto Rico Chamber of Commerce, which was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., *January 26, 1929.*

UNITED STATES SENATE, *Washington, D. C.:*

Chamber Commerce, Porto Rico, strongly indorses House bill 13936, increasing $25,000 limit individual loans our local Federal land bank and requests its passage early date. Such action would be important factor economic rehabilitation island from effects recent disastrous cyclone.

DOMENECH, *President.*

Mr. TYSON presented petitions of sundry citizens of Dyersburg and Humboldt, Tenn., praying for the passage of the bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes, which were referred to the Committee on Irrigation and Reclamation.

ELECTRIC-LIGHT RATES IN CANADA AND THE UNITED STATES

Mr. NORRIS. Mr. President, I desire to detain the Senate for just a few moments to put into the RECORD some statistics in regard to a comparison of electric-light rates in a few places along the Canadian border in Canada and in the United States.

Some one sent me a few days ago a copy of Barron's Financial Weekly of December 3, 1928. The leading article on the front page of this publication had for its burden a demonstration that the hydroelectric commission system of generating and distributing electricity in Ontario, Canada, was a failure; that the people of that Province are tired of it and were about to put it out of business, and that they were all praying for the blessed initiative which comes with the private development and distribution of electricity.

These statements have as a matter of fact no basis of truth to substantiate them. The commission has been killed by representatives of the Power Trust every year for the last 20 years. Since I have been killed so often and am still living, I rather enjoy their predicament. But in the article a demand was made that the way to compare electric-light rates on the United States side of the border and on the Ontario, Canada, side was to get definite bills which were actually paid on both sides or get the bills on one side and figure out the cost for the same amount of electricity on the other side. It seemed to me that that was a fair proposition.

It is said with a great deal of force, I think, that it was not always fair to pick out a favored locality and compare the rates charged there with the rates in some localities not favored by nature. So within the last few days I have gathered together a few actual bills on both sides of the line where the generation and the distribution of electricity takes place under exactly the same physical conditions.

I have a bill from a man who lives in Niagara Falls, N. Y. The Senate will remember that there is a Niagara Falls, N. Y., and there is a Niagara Falls, Canada, just across the river. They are supplied with electricity coming from Niagara Falls. On the American side it is done by private initiative and the efficient methods of private ownership and private distribution and private generation. On the Canadian side it is done by the publicly owned hydroelectric commission. Here is the bill of a man who lives in Niagara Falls, N. Y. The bill is for the month ending January 2, 1929. That is not ancient; it is the last bill he has received. He lives in a 7-room house. He has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. For the month of December, 1928, he consumed 256 kilowatt-hours of electricity. That is quite a large amount of electricity for a 7-room house. The ordinary consumption of electricity in a house of that size where they use electric lighting only would be between 40 and 45 kilowatt-hours, but having all these electric appliances he consumed in that little modest home 256 kilowatt-hours. He paid a bill for that amount of electricity of $6.44. As rates go in the United States that is a cheap rate. But he had no discount on that bill. That was net. In fact, if he did not pay it within 10 days a 10 per cent penalty was added.

Now let us see what that man would have had to pay for the same amount of electricity for the same service if he had lived just across the line in Niagara Falls, Canada. His bill then would have been $3.28, with a discount of 10 per cent if he paid it within 10 days, making a net bill of $2.96 on the Canadian side as compared with the net bill of $6.44 on the American side for the same service, the power coming from the same water from the same river from the same Niagara Falls.

I have another bill from a man who lives in the same city of Niagara Falls, N. Y. He lives in an 8-room house, and has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. He consumed for the month of December, 1928, 493 kilowatt-hours of electricity. He paid a bill of $9.64. That is net, with no discount. Had he lived across the river in Niagara Falls, Canada, for the same electricity for the same month, generated from the same water from the same river, he would have had to pay $5.77, with a discount of 10 per cent if he made prompt payment, so that his net payment would have been $5.20—$5.20 on the Canadian side as against $9.64 on the American side.

Mr. OVERMAN. Mr. President, perhaps I misunderstood the Senator from Nebraska, but I understood him to say the bill would be $9 plus on the Canadian side and $5 plus on the American side?

Mr. NORRIS. Let me repeat my figures in answer to the question of the Senator from North Carolina. The electricity cost $9.64 on the American side and $5.20 on the Canadian side.

I have here a bill rendered on the Canadian side. This bill is for two months' service. The consumption was 1,130 kilowatt-hours. A gross bill of $12.50 was rendered. If the customer took advantage of the discount of 10 per cent, he would have had to pay $11.25. Had he lived over on the American side, for the same amount of electricity consumed in those two months at the American rate charged in Niagara Falls, N. Y., he would have had to pay $22.22. On the American side he would have had to pay $22.22, and on the Canadian side he would have had to pay $11.25.

Here is the bill of a photographer. His place of business is Niagara Falls, N. Y. He consumed for the month for which this bill was rendered 224 kilowatt-hours, and he paid a bill of $7.60. If his place of business had been just across the river in Canada, and he had secured his electricity from the publicly owned hydroelectric commission service, and had taken advantage of the 10 per cent discount for prompt payment, his bill would have been $2.69—$2.69 on the Canadian side as against $7.60 on the American side.

Mr. HEFLIN. Mr. President, why is it that such a great difference exists at the two places, one just across the river from the other?

Mr. NORRIS. In the one case, on the Canadian side, the generation and distribution of electricity is a public enterprise, while on the other side, the American side, it is a private enterprise. It can be produced, however, just as cheaply on the American side as it is produced on the Canadian side.

Mr. HEFLIN. If I understand the Senator from Nebraska correctly, then the rate paid on the American side, just across the river, for the same service is three times, or a little more than three times, the rate on the Canadian side?

Mr. NORRIS. It is about twice the cost on the Canadian side.

Niagara Falls, N. Y., is pointed to as one of the places where, under our method of producing and distributing electricity, one may get cheap electricity. I have referred to the article in Barron's Financial Weekly, in which it was said comparisons should be made of actual service and actual prices under the same conditions. It would be difficult to find places where conditions are more similar than in those I have given, but I can give another instance where the conditions, perhaps, are even more similar. In the city of Hamilton, Ontario, a city of about 125,000 people, some of the people are served by the hydroelectric publicly owned commission and others of the people are served by a private corporation, which was doing business in the city prior to the commencement of the hydroelectric publicly owned commission service. The top rate for domestic service in Hamilton is 2 cents a kilowatt-hour for the first 60 kilowatts; for all over that the rate is 1 cent a kilowatt-hour. The private company is supplying its patrons with electricity at the same rate as is the publicly owned system. By the way, a year or two ago I saw the report of the manager of that privately owned concern to the stockholders, in which he gave rather a glowing account of the prosperity and financial condition of the concern. They were making money. That is a demonstration that the privately owned companies can produce and distribute electricity cheaper than they are producing and selling it to the people of the United States. That is one of the reasons, as shown by the evidence adduced by the Federal Trade Commission in the investigation now going on, for the enormous profits of the Power Trust, enabling it to spend literally millions of dollars for propaganda purposes.

But let us make another comparison along the border. In this case the hydroelectric commission does not enter into the equation. Along the Minnesota boundary line between America and Canada is located, on the American side, International Falls. There is a bridge there. The river is the boundary. The bridge crosses to Canada, where there is a town named Fort Francis. There is a dam right at the bridge, owned by the Backus interests, with which many Senators are somewhat familiar. It is true that to comply with the Canadian law they had to incorporate on the Canadian side, so there are two corporations—one on the Canadian side and the other on the American side—but both of them are entirely owned by Backus and his associates on the American side. They distribute electricity to International Falls and South International Falls, which adjoins International Falls, and a little town called Ranier, that is within a mile or two of International Falls. The same private corporation sells electricity to the town of Fort Francis, Canada, but there the electricity is distributed through a municipally owned distributing plant. I might add that both on the Canadian side and on the American side this corporation has steam stand-by plants to help out during periods of low water. Let us see what the rates are. Incidentally I might remark as I go along that this privately owned plant sells to the Canadian town of Fort Francis very cheap electricity. It sells them their electricity at $14 per horsepower per year, which is a very cheap rate. The question might be asked, Why does this concern sell the electricity so cheaply on the Canadian side? It is because Fort Francis is in Ontario, where the hydroelectric commission operates, and the consumers there would be able to hook in with the hydroelectric system and get cheap electricity in that way. So the privately owned concern meets that competition, comes down in its price, and can make money when it is doing so.

Now, let us see what the rates are there. In Fort Francis, Canada, they charge a flat rate for light, regardless of how much may be consumed, of 3 cents per kilowatt-hour, with a minimum charge of 60 cents. They supply electricity for heat at 1 cent per kilowatt-hour, with a minimum charge of $1. They have a sliding scale for power purposes, starting with

3 cents per kilowatt-hour for the first hundred kilowatts, 2½ cents for the next hundred, 2 cents for the third hundred, and 1½ cents per kilowatt-hour for all over 300, with a minimum charge of $1.50. Now, let us see what the rates are at South International Falls, just across the river on the American side. The rates there are the same for light, heat, and power; for the first 60 kilowatts, 12 cents per kilowatt-hour; for the next 120 kilowatts, 11 cents; for the next 540 kilowatts, 9½ cents; all over 720 kilowatts, 8 cents. Those are the rates for South International Falls.

The service is a little cheaper at International Falls, which adjoins South International Falls. For the first 60 kilowatts the rate is 10 cents per kilowatt-hour; for the next 120 kilowatts, 9 cents per kilowatt-hour; for the next 540 kilowatts, 7½ cents per kilowatt-hour; for all over 720 kilowatts, 6 cents per kilowatt-hour. Those are the rates in International Falls.

Mr. SIMMONS. Mr. President, is the Senator in both cases referring to the price paid by the consumer?

Mr. NORRIS. I am referring to the price paid by the consumer.

Mr. SIMMONS. In both cases?

Mr. NORRIS. In both cases.

At Ranier, a mile or two away, the same private Backus Co. charges the following rates: For the first 60 kilowatt-hours, 13 cents per kilowatt-hour; for the next 120 kilowatt-hours, 12 cents per kilowatt-hour; for the next 540 kilowatt-hours, 10 cents per kilowatt-hour; for all over 720 kilowatt-hours, 9 cents per kilowatt-hour.

I have here some bills rendered consumers on both sides of the river. I have first a bill rendered to a consumer on the Canadian side taking electricity from the publicly owned municipal plant, the electricity coming from the same dam and from the same river and owned by the same people who furnish the power on the American side. Here is the bill of the Royal Theater in Fort Francis for light for one month. They consumed 60 kilowatt-hours and their bill was $1.80. Had that theater been operating just across the river on the American side and had it consumed the same amount of electricity in that month its bill would have been $7.20—$1.80 on the Canadian side where there is a publicly owned distributing plant, as against $7.20 on the American side where the plant is owned by a private corporation, with blessed private initiative in complete control. That bill was for light.

The same theater—the Royal Theater, of Fort Francis—took electricity for heating purposes from the municipally owned distributing plant. I do not mean to say that the theater was heated with the electricity the year around, but only during the evenings in the summer, when in that region it was too cold without heat, or in the early fall or late spring. For that same month the theater consumed 175 kilowatt-hours of electricity for heating purposes and paid $1.75 for it. If it had been on the American side and consumed an equal amount for such purpose it would have had to pay $16.35.

Here is the bill of a consumer on the American side who consumed during the month 44 kilowatt-hours. I presume the bill was for light only, although it does not so say. The rate on the American side is the same for light, heat, and power. The consumer in this instance had to pay $4.40 for 44 kilowatt-hours. He got a discount, so that his net bill was $3.96. Had he been over on the Canadian side, at Fort Francis, he would have had to pay—this was for light—$1.32. If it had been for heat he would have had to pay $1. If it had been for power he would have had to pay $1.32.

Here is a bill, now, over in South International Falls, which adjoins International Falls on the American side. This man consumed 31 kilowatt-hours. He paid a net bill, after getting his discount, of $3.35 for 31 kilowatt-hours of electricity. If he had been on the Canadian side, for light—and this bill was for light—he would have had to pay 91 cents instead of $3.35. If it had been for heat, he would have had to pay $1. If it had been for power, he would have had to pay $1.50.

Here is a bill from Ranier, almost adjoining International Falls. The consumer consumed 14 kilowatt-hours of electricity. You will notice that these people on the American side consume very small amounts of electricity. They have not sweepers and ironers and washers and electric ranges. They have no electric fans, because electricity is too expensive. This man consumed only 14 kilowatt-hours, and he paid a net bill of $1.64 for it. If he had been across the river in Canada, and if this bill was for light, he would have had to pay 60 cents. That is the minimum over there. He would not have consumed enough to come up to the minimum. If it was for heat, he would have had to pay $1, because he had not come up to the minimum. If it had been for power, he would have paid $1.50. I think it is fair to assume that all these bills are for light only, because the amount is so small. So, assuming that this bill was for light, on the Canadian side he would have paid 60 cents and on the American side he actually paid $1.64.

Mr. HEFLIN. Mr. President, the American plants referred to by the Senator are in the State of New York, are they not?

Mr. NORRIS. No; these that I have just been comparing are at International Falls, Minn., and Fort Francis, Canada. They are away up along the northwestern boundary of Minnesota, where, the Senator will remember, quite a number of years ago Congress passed a bill permitting the Backus people to build a dam at International Falls. This electricity on both sides of the river is generated from the dam that we authorized that corporation to construct.

Mr. HEFLIN. The plants referred to earlier in the Senator's speech are in the State of New York?

Mr. NORRIS. Those plants are at Niagara Falls, in the State of New York; yes, sir.

Mr. BLAINE. Mr. President, before the Senator takes his seat, I think he referred to one case where the consumption was 256 kilowatt-hours.

Mr. NORRIS. Yes.

Mr. BLAINE. I did not get the charge that was made in Canada and the charge that was made for that amount of electricity in the United States.

Mr. NORRIS. I can give the Senator that information.

That was the bill of a man who lived in Niagara Falls, N. Y., for the month of December, 1928. He lives in a 7-room house. He has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. He consumed during that month 256 kilowatt-hours. His bill was $6.44, from which there is no discount. If he did not pay it promptly, 10 per cent was added as a penalty. If he had lived across the river in Niagara Falls, Canada, and consumed during that month the same amount of electricity, his net bill, after getting the benefit of a 10 per cent discount for prompt payment, would have been $2.96.

Mr. BLAINE. Mr. President, if the Senator will permit me, I desire to call his attention to a situation that is much more aggravated than the comparison he has made.

In my own State a farmer who consumed 256 kilowatt-hours in December, 1928, for light for the house, barn, and other buildings, power for washing machine, ironing, milking machine, cream separators, feed grinder, and electricity for a small electric range would have paid, if he had consumed 256 kilowatt-hours—and I am figuring this from an actual contract—$26.50, made up of these two items: $24.17 for the electric consumption, and then a surcharge equal to the amount allowed to the utility as a return of 7 per cent upon $400 made as an advancement, which would be $2.33 per month, making a total of $26.50 for the consumption of 256 kilowatt-hours.

Mr. NORRIS. I thank the Senator from Wisconsin for the information he has given us; and for his benefit I think I ought to say that it would be very easy to give many instances of greater glaring discrepancies between electricity in the United States and Canada. I explained when I began, however, that I am following a suggestion made in Barron's Weekly Financial Review in which they condemn the Ontario system and say that it is about to go out of business and say that we ought to compare places that are under exactly the same conditions. Hence I have taken only those places, and I have done this within the last three or four days. I could get hundreds of others; but the instance, for example, of Niagara Falls, N. Y., is a place where, as electricity goes in the United States, they have very cheap rates; and yet I have taken those cheap rates, among the cheapest that can be found anywhere in the United States, and compared them with the rates charged by the publicly owned system just across the river, and the results are as I have given them.

CONDITIONS OF INDIANS IN UNITED STATES

Mr. PINE. Mr. President, I ask unanimous consent to have printed in the RECORD an article in the current issue of Good Housekeeping. This article is written by Vera L. Connolly, and is entitled "The Cry of a Broken People." It contains information regarding the treatment received by the Indian wards of the Government.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

THE CRY OF A BROKEN PEOPLE—A STORY OF INJUSTICE AND CRUELTY THAT IS AS TERRIBLE AS IT IS TRUE

By Vera L. Connolly

(On, and ever on! That has been the story of the Indian ever since the white man began to covet his lands. To-day, when he can be driven no farther, he is oppressed, mistreated, robbed, starved. Shall we allow this injustice to continue until the Indian is gone forever? The answer is with us.)

The solemnity of that roomful! Never shall I forget it!

It was in the Indian pueblo of Taos, N. Mex., in July, 1928. A council of grave import was being held for us by the headmen of the tribe.

All around the bare, whitewashed walls ran a narrow seat. On this we sat, tense and waiting, a few palefaces in a long line of silent, dignified Indian men.

In a corner by the fireplace stood a table with a small lamp. Beside this sat the Indian "governor" of the pueblo—a man of majestic stillness, with a hawk face and quietly folded arms. He wore a shirt of faded red that glowed softly in the lamplight. His hair hung forward over his shoulders in two braids twisted with colored strands. Near him, crouching on the floor, respectful, silent, was the Indian interpreter.

In a rear room huddled the women and young girls. They had greeted us when we arrived with the gracious gestures of an ancient race. Then, soft voiced, charming in their vivid shawls, they had quietly withdrawn. The council is not for Indian women.

The room after that had commenced rapidly to fill with sober-faced Indian men. Like Arabs they had come slipping in, swathed in their white cotton blankets, and had taken their seats solemnly around the wall. Now every inch of the encircling seat was occupied. And the doorway was filled with shrouded figures, beyond whom, on the moonlit desert without, we could faintly discern a throng of other still forms.

The seated men had thrown off their white blankets, and the room glowed with the soft colors of their shirts—faded blue, sage green, pale vermilion. Some wore turquoise earrings and a few had about their necks strings of old Indian jewelry—wampum, coral, and silver beads—in some cases the owner's sole wealth. For though self-supporting and of regal dignity, these were poor Indians.

Presently the governor raised his hand. The council began.

He first addressed the Indians, speaking in the native tongue. He told them that we, their white visitors, had heard in New York City that all was not well with the Indian people, wards of our Nation. We had come out to the West to learn if these rumors of misery and injustice were true.

When he had finished speaking the interpreter repeated the words to us in English. And again a sober silence fell. Outside on the moonlit rooftops an Indian drum sounded softly, and then a low, minor chanting began and drifted in at the doorway.

Suddenly, one by one, the Indians commenced to speak. They spoke heatedly, rapidly, with gestures. Yet their passion was so restrained that no voice ever rose above a tense monotone. Each addressed the governor, who in turn asked the interpreter to translate for us.

It was a passionate plea for just one thing—better treatment of Indian children in the Government boarding schools. The other wrongs the race may have suffered in the past at our hands—loss of lands, water rights, and personal freedom—obviously signified nothing in their eyes compared to the sufferings of the 27,000 Indian children in the Government boarding schools to-day.

These children, it was explained to us, are taken forcibly from their mothers' arms, as early as 6 years of age in some Indian communities, and sent away to distant boarding schools to stay till 18. There they are underfed, roughly treated, and required to work half of every day at hard industrial labor in the fields or in the laundry, in addition to the half day of school.

It was a story of frightened, lonely, hungry, exhausted childhood they told. Of children poorly housed in crowded dormitories, with so little protection against disease that infections rage through the schools. Of children cruelly overworked. Of children so underfed that they snatch like famished little animals at plates of bread. Of children struck and thrown into the school "jails" for infringement of minor rules.

And these statements coincided with the rumors that has caused the editor of Good Housekeeping to send me West, to the Indians themselves, to ascertain the facts.

The governor told of visiting one of these schools himself in May, 1928, and finding the food not only insufficient in quantity but of the wrong kind for growing children forced to do hard work.

THE CHILDREN ARE HUNGRY

Another Indian, Alvino Lujan, described his visit to the Santa Fe School in 1928:

"I sat down to supper with the little boys," he said, "and when the bread arrived the boys grabbed all of it, yet were still hungry. No more was served them. I asked for some bread for myself and was given two thin slices. But when it came the little boy beside me kept staring so at my bread—he was so pitiful—I turned my head away. When I looked around again my bread was gone.

"At breakfast the same thing happened. The boys snatched the bread as though half starved. I went to San Ildefonso pueblo and asked some bread from the Indians and took it to the hungry boys at the school. All this is wrong! Those children work very hard! The night I slept there one boy was awakened at midnight to go out and work on some machinery."

A third Indian—Juan Archuleta—declared that the main meal at noon, when he visited the Santa Fe School in 1927, consisted of "gravy, a kind of tea just like water, and some bread and sirup." And "the boys did not have enough of this," he added. "They left the table hungry."

Antonio Mirabal, the interpreter—a man with a fine, thoughtful face—told with quiet compassion of his visit to the Albuquerque School in March, 1927. "Breakfast was oat meal with sirup, bread and coffee. The boys rushed for it. There was not nearly enough. So I ate nothing. I wanted them to have it all."

When the men had finally ceased speaking, some of the boys, home on vacation, told timidly of their treatment in the schools. Again it was a tale of loneliness, overwork, undernourishment, and brutal discipline. How tragic, thought the writer, for this cruelty to be inflicted on the boys and girls of a race noted for its love of children! One may wander all day about an Indian pueblo, up and down the ladders, in and out of the quaint, many-storied house, and never see a child struck or hear a harsh word spoken to it. Indian women, if one of their number scolds a child, derisively call her "white woman." Firm discipline of childhood, yes. That is to be found in the Indian household. But it is not the rule of fist and boot.

"The disciplinarian closed the door," said Fernando Romero, a schoolboy, in describing the punishment meted to him at the Santa Fe boarding school, because of a misunderstanding over the washing of some shirts, "and grabbed hold of my neck and tried to choke me. Then he struck my mouth, and it began to bleed. Then he grabbed me again and knocked my head against the door and told me to go back to work. I couldn't eat for two days, my mouth was so swollen."

Other boys told of the cruel jails at the schools; of little boys of 12 forced to dig ditches and do other work too hard for them; of boys hit in the face for coming late to work; of the terrible food—usually oatmeal, sirup, bread, and coffee for breakfast; gravy and bread, potatoes and tea for dinner; and beans and bread and tea for supper. And never, never enough!

Leaving the council room, the writer slipped back for a word with the shy girls in the rear part of the house. They told a similar story, describing the long, exhausting hours in sewing room and laundry before the school day began. Girls were roughly punished, too; sometimes struck; sometimes made to kneel on the floor in the hall all night for being late to work.

Several girls had tubercular coughs.

"They never sick till they go away to boarding school," said a woman, with quiet despair, in broken English.

I recalled then some of the statements in the official reports I had recently seen—that the Indian boarding schools are overcrowded, unsanitary, and foul with two diseases—turberculosis, a gift of the white race to the Indian people, and trachoma, an eye disease closely connected with malnutrition.

I had read that often healthy children were brought to these schools and, after being subjected to years of hunger, unkindness, overwork, and infection, sent home dying of tuberculosis or half blind with trachoma to infect their helpless families and communities.

Could these things be? In the United States of America?

THEIR HOPE IS IN US

I returned to the council room. The meeting was over, and we departed, promising to tell white Americans—parents themselves—what the Indian child is suffering in the boarding schools, and promising to make a plea that day schools on the reservations be substituted for these distant boarding schools.

When we passed out the door the white-robed, Arablike forms fell back respectfully, and we walked between them across the plaza, upon which the centuries-old houses look down, to our waiting automobile.

As we drove away over the moonlit desert plateau we looked back at the Sacred Mountain, with ancient Taos pueblo crouching at its foot. From the roof tops there still reached us faintly the chanting of the singers. It was buoyant, confident singing! It was a song of good hope, explained one who was with us—a hope that the council meeting had not been in vain.

In the weeks that followed, the writer of this article visited many groups of Indians, not only in New Mexico but in Arizona, Colorado, Oregon, Washington, and Wisconsin. In all these States and in California, she also studied every official report she was able to obtain. Besides, she interviewed prominent white men and women who for years have been quietly battling for the Indian people.

Partly as a result of her own fleeting observations, but chiefly through her interviews and study of authentic reports, among them the one submitted a year ago by the Institute for Government Research after a 15 months' investigation made at the request of the Secretary of the Interior, the writer found abundant verification of all that had been claimed in the Taos Council regarding the boarding schools. And she also discovered that this wrong being done the Indian people is but one of many!

Gaunt poverty is apparent on almost all reservations to-day. And so is hunger. And so is contagious disease. And so is complete subjugation of person and property. Although all Indians to-day are citizens, made such in recognition of their voluntary service during the World War, the Indian Bureau, which for 70 years has had despotic

control over the Indians, pronounces 225,000 of them "incompetent." This bureau regards its acts as not subject to court review.

To quote from Congressman JAMES A. FREAR, of Wisconsin, in a recent issue of Plain Talk:

"The Indian Bureau holds itself above the law, and in the disposition of property belonging to 'incompetent' Indians considers that its acts are not reviewable by the courts. This arbitrary stand makes it impossible for the 225,000 'incompetent' Indians to prevent the wholesale wasting of their property. More than $90,000,000 in cash and securities and more than $1,600,000,000 in land and personal property belonging to Indians are under the exclusive control of the Indian Bureau, while the owners of the property are denied any voice in its disposal and often refused any share of the proceeds. As an inevitable consequence, the property of the Indians has literally been looted to the extent of millions of dollars."

SLAVERY STILL EXISTS

The American Indian can not sell his own lands. He can not worship in his own way. He can not rear his own children. If he leaves the reservation without permission, he can be tried by a "judge" appointed by the agent and thrown into jail for any length term in ball and chain. For him there is no jury trial unless he has been specifically charged with one of eight major crimes named in Federal law; in the latter case he may demand and get trial in the Federal courts, though the bureau controls his money for hiring attorneys and his choice of attorneys. For all other cases, for crimes and misdemeanors named or unnamed in law, or for simple disagreements with bureau officials the Indian may be and is arrested without warrant, imprisoned without (a) trial in any court of record; (b) advice of counsel; (c) right to be confronted by accuser or to compel attendance of witnesses; or (d) any right of court review. The Indian agent carries out the whole process—or an "Indian judge" appointed by the agent and paid $11 a month carries it out. There is no limit in any law of Congress to the amount of fine or length of imprisonment.

Virtual slaves, in a land where slavery was abolished years ago, victims of horrible diseases the whites have brought but will not bother to cure, deprived of the children they have borne, hungry and in despair, thousands of our Indian citizens present a spectacle that touches the heart.

"If Harriet Beecher Stowe were here," said Congressman FREAR before a Senate committee, on his return from a 4,500-mile trip at his own expense to 20 reservations, "she could write a story far worse than anything that ever appeared in Uncle Tom's Cabin."

The writer of this article found that the information she was obtaining was of three sorts—personal wrongs, maladministration of property, and suggestions as to a solution of the Indian problem. She has, therefore, prepared three articles, one devoted to each of these phases.

This first article will deal with the personal wrongs.

The maltreatment of the Indian child has already been touched upon, and will be referred to again later in this article.

Next, there is the dire poverty of the Indians. For most of them are poor, bitterly poor. A few tribes have discovered oil on their arid lands, and the sudden wealth of these has created the public impression that all Indians to-day are prospering. This is a mistake. Most of them are extremely poor. Some are starving.

Next to the threat of starvation, our greatest crime against the Indians to-day is our gross neglect of their health. This is of tragic importance. Not only is a lovable, picturesque race dying of contagious diseases we have bestowed on it—the Indian death rate increased 62 per cent from 1921 through 1925—but in dying the Indians are unconsciously wreaking on us, their white conquerors, a grim revenge for our century and a half of cruelty and neglect. For to-day many Indian settlements threaten to become dangerous sources of infection from which contagious diseases will spread to the surrounding white communities.

Such is the sober warning sounded in the institute report. It is the statement of all recent investigators. And it is my earnest warning, fleeting as were my glimpses, in six States of Indian life.

At Walpi, an ancient sky town of crazy, picturesque stone houses flung up in wild beauty against the heavens atop a mesa, or rock island, rising sheer from the Arizona desert, I saw a gifted people so afflicted with a virulent skin disease (impetigo) that some faces were literally covered with scabs. It is here that the famous snake dance is held, to which tourists flock from all over the world. The danger to the white race is obvious. And so is the needlessness of the situation. We are told in the Reference Handbook of the Medical Sciences that treatment of impetigo is simple and effective. It consists of "removal of the crusts by soaking in olive oil * * * after which an application of a 5 to 10 per cent ointment of ammoniated mercury completes the healing in a few days." Why were those Indians not receiving this treatment?

At Zuni, in the home of the pueblos' governor, while I listened to a story of contaminated drinking water, dysentery, and a reservation doctor who would not pay vists to sick Indians, I saw a young mother anxiously looking down into the face of the terribly sick baby in her arms. The child was covered with a scabby disease.

At Hotavilla, an Indian pueblo on the Arizona desert, I stopped to witness a ceremonial dance in the plaza. It was a colorful scene. The partly naked men dancers were painted and hung with green sprigs and animal skins; their heads were encased in grotesque masks; they carried gourd rattles which they shook as they danced. On the roof tops sat the Indian women, one blaze of color in mantas, kerchiefs, and shawls. And thronging the narrow street were white tourists under vivid parasols. Yet within 10 feet of me, in that crowd of Indians, I observed four women and five children in advanced stages of trachoma. This village is a favorite haunt of tourists.

TUBERCULOSIS RAGES UNCHECKED

As for tuberculosis—it was appallingly in evidence in all Indian settlements I visited, especially on the Bad River Indian Reservation in Wisconsin. Even on the blazing Arizona desert it seemed to me to be raging. Figures prove that my impression was correct, as the tuberculosis death rate among Arizona Indians is seventeen times the general rate for the country as a whole. This is partly due to the children returning from the boarding schools infected and giving tuberculosis to the adults.

Statistics show that the medical service provided by the Indian Bureau is hopelessly inadequate in virtually all Indian communities. In some settlements there is none at all. As a result 21 per cent of the Indians, or more than 60,000, have trachoma. And the average Indian death rate in the country as a whole is two and one-fourth times that of the general population.

At Pine Ridge, S. Dak., an investigator recently discovered two physicians serving 7,800 Indians scattered over 2,400 square miles. In the western Navajo jurisdiction one serves 8,000 Indians scattered over 5,000 square miles. At Soboba, in southern California, Dr. Allan F. Gillihan, who was making a survey for the State board of health, found one doctor serving 1,500 Indians, his territory extending 100 miles to the east of the hospital and 25 miles to the west and south. Doctor Gillihan had previously surveyed conditions in northeastern California. He offered the following conclusions regarding the California Indians:

"1. That the ill treatment of the Indians during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300. * * *

"2. That the Indians are now living a hand-to-mouth existence.

"(a) In houses not fit to live in.

"(b) Upon land that is useless.

"(c) Without water.

"3. That they are not receiving an education worthy of the name.

"4. That a great deal of sickness exists among them and they are receiving absolutely no care.

"5. That they are not receiving any advice, assistance, or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families."

At Odanah, Wis., on the Bad River Reservation, the writer talked to a number of Chippewa Indians and to two white missionaries. All declared health conditions on the reservation unspeakably bad.

"According to Government statistics," said W. H. Thompson, the Methodist missionary, "over 60 per cent on this reservation have venereal disease. Tuberculosis is rife here as well. I've been here four years, and 80 per cent of my funerals have been over tuberculosis victims. No effort is made to check these diseases. We have no doctor. We have no hospital. Conditions are pitiable!"

And Rev. E. P. Wheeler, a noted missionary and lifelong friend of the Chippewas, had this to say of the Bad River Reservation:

"Things are seriously, horribly wrong here. The reservation seems wide open to liquor and prostitution. Venereal disease is rampant."

MEDICAL SERVICE IS IMPERATIVE

Sometimes it is claimed that a good medical service would be wasted on the Indians, that they would not make use of it. Congressman FREAR quotes as follows Dr. Frances Sage Bradley, director of the State Division of Child Welfare, Montana. She is speaking of the Blackfeet Indians:

"Pathetic and hopeless is the physical condition of young children and the eagerness of the mothers for help. We have held what we call children's conferences on various reservations, and men and women have sledded their children 35 and 40 miles in snow on a level with their roofs, with the thermometer 14 below zero, to find out how to cure rickets, trachoma, tuberculosis * * * I want to state that nothing but a prompt, vigorous, baby-saving campaign can prevent the extermination of the Blackfeet."

If we wonder at this high mortality rate among the Blackfeet, perhaps we can find the explanation of it in the testimony given in 1927 before the Senate Indian Affairs Committee by William Madison, who had just returned from the Fort Peck, Blackfeet, and Flathead Reservations in Montana.

He tells of old Indians living in tents in the bitter cold, with no food but the flesh of horses found on the town dump or killed by passing trains. He describes one old woman who was refused food and help by the agent, the latter telling her to drown out gophers for meat to eat. He cites the case of a woman whose child died eight days after birth, and who, while the child was still in the coffin, and with the thermome-

ter at 30° below zero, was ordered with her husband to vacate the house, the exposure making her a hopeless invalid.

Hunger! Sickness! Maltreatment! They are to be found, apparently, in some form, from the Canadian border to the Pima Reservation in Arizona!

At Riverside, Calif., the writer interviewed the gallant, silver-haired white woman, Mrs. Stella M. Atwood, who is gratefully called "mother" to-day by Indians all over the United States. It was Mrs. Atwood who, in 1921, at the Salt Lake convention of the General Federation of Women's Clubs, informed the club women of America of the tragic plight of the Indian people. She was assisted in her plea by Mrs. Gertrude Bonnin, a beautiful and cultivated Indian woman. And so eloquently did the two plead that there was created the Indian welfare division of the general federation, with Mrs. Atwood at its head.

The torch Mrs. Atwood lighted was caught up by John Collier, already a student of the subject and a publicist, and thrust up before the public gaze. For over seven years these two pioneers have fought—Mrs. Atwood with the club women of America as a mighty force behind her, John Collier as executive secretary of the American Indian Defense Association. They have fought in season and out, at home and abroad, in Congress, among the Indians, among the whites. And they have blocked some of the most vicious legislation of recent years designed to rob the Indians.

An epitome of courage, strength, and motherly kindness, of all that is best in womanhood, Mrs. Atwood sat facing the writer in Riverside last August, telling of pitiable conditions among the Indians to-day.

"The health service," she declared, "is atrocious! Indian reservation doctors are, for the most part, derelicts. I found four doctors who were dope fiends the first month I was in this work, nearly eight years ago."

Many of the doctors, she went on to say, while not dope fiends or liquor addicts, are callously indifferent. Frequently they refuse flatly to respond to a summons. She cited an instance. A doctor on the Navajo Reservation in 1927 refused point-blank to drive 40 miles at night, with some white people who had come for him, to attend a Navajo woman dying of hemorrhages after childbirth.

FOOD FOR THIS STARVING PEOPLE

"But the first, the crying need of our Indians to-day," Mrs. Atwood exclaimed, and tears sprang suddenly to her eyes, "is food! Simply enough food to satisfy the pangs of semistarvation! About five years ago I was invited out to Arizona, to Sacaton, where the Indians and whites were celebrating San Carlos day. The agent—there are kind subordinate officials in the Indian Service as well as the other sort—was giving the Indians a feast that day, consisting of frijoles, beef, coffee, and bread.

"I walked with him to the place where the food was. And when I saw the Indians coming out with hungry, eager faces, and trembling hands, I exclaimed, 'Why, these Indians are famished!' He said, 'Yes; this is the only full meal they'll get during the year.' These were the Pima Indians, gentlemen and gentlewomen. Their proud boast is that they have never shed a drop of paleface blood. In the early days they always succored the whites, taking them into their homes when dying of thirst and nursing them to health.

"These Indians were starving because the whites had taken their water from them on the upper reaches of the Gila River. The Government had built a storage dam but had failed to put any laterals down to the Indian land. So for three successive years the Pimas had planted their crops and seen them wither and die. It was all a wicked injustice! They are such fine farmers that when they could get even a little water they took all the sweepstakes in prizes in State and county fairs."

But we are digressing! This article has to do only with personal not property wrongs. Just a word more about cruelty to adults, then we will consider again, briefly, the plight of the little Indian child.

Chain-and-ball treatment for both sexes—in one case an Indian woman was put in a 1-room jail with three men; semistarvation; the giving of spoiled food to helpless old Indians as "rations"; the refusal of reservation doctors to attend women dying in childbirth; permitted bootlegging and moral evils; these cruelties to the Indian race were reported in almost all sections I visited.

Mrs. Gertrude Bonnin—Zitkala-Sa, president of the National Council of American Indians, a descendant of Sitting Bull, and one of the most cultivated women of her race, made the following statement to me:

"During my visit this summer to various reservations, I saw, at one place, Indians bathing the corpse of a man. They cried aloud so hopelessly that I wept with them. The body of the dead did not have a bit of flesh on it. It was just skin and bones. He had starved to death. He had had no food and no proper medical care. I saw hungry Indians everywhere I went.

"Then, too, there is increasing immorality and drunkenness, due to slack supervision, on all reservations."

Now—one last word about the children! The writer is convinced that if the white children of this country, whose beloved outdoor clubs are based on Indian woodcraft and Indian folklore, could know of the treatment the little Indian child is receiving, there would be a modern children's crusade. Perhaps, when the facts are told, there will be a crusade of American white mothers in behalf of the Indian child, our ward.

Think what is required in an average American family to feed a white child one day. Then listen to this, taken from page 327 of the Institute report, regarding the Indian boarding schools:

"The average allowance for food per capita is aproximately 11 cents a day. * * * At Rice School (San Carlos Apache Reservation, Ariz.) * * * the average amount spent for food was 9 cents a day. The dietary was examined * * * and it was obvious that the children were not receiving an adequate amount of food even of the very limited variety supplied. Malnutrition was evident. They were indolent, and when they had the chance to play, they merely sat about on the ground, showing no exuberance of healthy youth."

Exuberance? In an Indian boarding school?

LABOR IS ENFORCED IN SCHOOL

I visited a number of these prison-like schools. Everywhere I found extensive provisions for child labor. Provisions for play were almost lacking. In two schools I was shown "recreation rooms." Both were gloomy, musty-smelling basement rooms. And this on the desert where sunlight and space are cheap! But the rooms showed no signs of use. Indian boarding-school children evidently have neither the time nor the vitality for play.

"The labor of children as carried on in Indian boarding schools," the report tells us further on, "would, it is believed, constitute a violation of child labor laws in most States."

And the report goes on to tell us:

"The laundry is an important feature of every Government school. It is one of the chief sources of labor for the pupils. * * * The space allotted to the laundry is often small. At one large school this fact is capitalized. The superintendent reported that he can get much more work out of the children if he keeps large piles of laundry before them. An inspection of the plant verified his statement. A number of small children were literally hidden behind great piles of wet laundry in a greatly overcrowded room filled with steam * * *."

Finally: "The prevalence of tuberculosis in boarding schools is alarming," the report informs us on page 206.

There is not room here to tell of half the horrors in these schools where our little Indian wards spend their lives from 6 to 18, virtually as prisoners, though they have committed no offense except that of being Indians instead of whites.

One investigator last year found 30 children sleeping two in a bed, in single beds, at one school. And at a school in Arizona the writer saw one dormitory which contained 18 beds and only two small outside windows. Bathing and sanitary facilities are usually of the very worst, and epidemics sweep the schools.

Dr. B. O. Thrasher, formerly the doctor at the Fort Apache Indian School, describes as follows the condition of the little Indian children being "civilized" hundreds of miles from their mothers' arms:

"Many of these small boys came to the clinics with their hair filled with nits. Some with crusted sores on their heads from lice. Many with clothing many sizes too large for them. Clothing of some stiff with dirt. Stockings tied up with pieces of string. Some were found using segments of automobile tubes as garters. These little boys were being criminally neglected * * * in their dormitory."

In the Towoac School, in Colorado, the cook discovered that the dried fruit was full of worms. The attention of the school principal was called to the situation, but he told her that when the water boiled it would sterilize the worms and it would not hurt the children to eat them. She was made to serve this food and also to cook and serve maggoty meat.

More light has been shed on this Towoac School by the former matron, who loved the children and was loved by them. The flour, she declares, which was stored in the basement, was infested with mice, rats, and weevils. In addition, when the floors above were scrubbed the dirty water would drip down on the flour. Finally she ordered all the flour removed. The school principal, hearing of this, declared that the flour was all right, in proof of which he thrust his hand into a sack. When he withdrew his hand it contained a number of small mice as well as flour. Yet he ordered a portion of the flour used for the children. The remainder was put in storage and given to the poor and old Indians.

The children, this former matron declares, were lice infested and pitifully underclad. Only cheap canvas shoes were provided, gingham dresses, and no petticoats, and only the thinnest of underwear. All were underfed. The food actually "smelled." There was much sickness, and the children received no care. She sent one very sick little girl to the hospital, but the doctor twice returned her, refusing to have her there.

The boarding schools! Everywhere the writer went among Indians she heard the pitiful plea:

"We don't want boarding schools away off; our children come home sick; we want day schools here."

And the bitter complaint from the children: "We work too hard. They don't give us enough to eat."

On the Colorado plain near Ignacio the Utes—in gorgeous bead and feather regalia, for it happened to be the last day of a 4-day sun dance—gathered around the writer and told their troubles. The

elders complained of injustice, of lack of medical care, of cruel neglect of aged Indians. The shy young people, home on vacation, told of harsh punishments in the distant boarding schools.

SCHOOL DISCIPLINE IS CRUEL

And as the writer continued to move about among Indians and whites in half a dozen States she heard more and more of the cruel discipline at the Indian boarding schools.

"I have seen Indian boys chained to their beds at night for punishment," Construction Engineer Russell, of Flagstaff, Ariz., has declared. "I have seen them thrown into cellars under the building which the superintendent called a jail. I have seen their shoes taken from them and they forced to walk through the snow to the barn to help milk. I have seen them whipped with a hemp rope, also a water hose, and forced to do servants' work for employees and superintendent without compensation, under the guise of industrial education."

W. Carson Ryan, jr., professor of education, Swarthmore College, one of the institute investigators, found these conditions on his trip to Wahpeton, N. Dak.:

"School supplies right down to rock bottom—not sure whether they can hold out, and superintendent may have to keep youngsters alive out of his own pocket. Rations consist of bread and mush. This and other schools in the Dakotas and Minnesota make one wonder if Dakota is not the Siberia of the Indian Service.

"The superintendent showed me a dungeon in the basement previously used for girls, up to his coming two years ago. 'I never locked up any Indian child yet, and I don't intend to begin,' he said. The dungeon is 18 by 8, absolutely dark. Girls told the superintendent of two or three of them sleeping there on mattresses and rats crawling over them at night. Their food was bread and water. Brick walls showed where the girls had worked holes through and escaped."

Finally Mrs. Bonnin made to the writer the following statement in regard to the Oglala School in South Dakota:

"Conquering Bear's two boys were in Oglala boarding school, and they ran away to Corn Creek, about 40 miles away. Policeman Jumping Eagle and the disciplinarian went after them and brought them back and gave them a severe beating. They were about 12 and 14 years at the time. Their heads were shaved, though it was winter. One of the boys had a ball and chain locked onto his leg and was locked to the bed at night. My informant saw this herself. The boys were in the jail above her room. They were in a dirty, filthy place, with a bucket to be used as toilet.

"She said it hurt her so to see all these things, such as this little boy carrying the ball when marching to meals, that she could not eat. The boy even went to school with the ball and chain on, and it bothered the other children. Many requests were made to the principal to have the disciplinarian take the chain off, but days went by before this was actually done."

And Mrs. Bonnin related this incident:

"A district-school teacher, still in the Indian Service, hitched 12 little boys together and plowed an acre of ground. When a boy lagged behind because of exhaustion he was prodded with a sharp stick. The father of one of the boys told me this during my visit last summer."

WHO IS RESPONSIBLE?

What of the Indian Bureau—the Indians' "guardian"—while these things are taking place? Are these frightful conditions never reported to the Indian Commissioner and Assistant Commissioner?

I am informed they are. That every now and then some bureau employee, placing loyalty to humanity above loyalty to superintendent or other petty superior, reports conditions directly to Indian Commissioner Burke.

For example: Dr. S. S. Warren, at the Leupp Boarding School on the Navajo Reservation, made such an appeal, in desperation, during an epidemic in 1925 to save the lives of little Navajo children. First, however, he notified the local superintendent of the epidemic, as follows:

"We have approximately 100 cases of measles and 7 cases of pneumonia. Having just gone through an epidemic of influenza, our nursing force of teachers and two nurses are worn out and unfit for duty."

For a time he made these appeals daily to the reservation superintendent, urging the desperate need of more nurses and medical assistance. He did not get either. Finally, as a last measure, with children dying all about him needlessly, he wired directly to Indian Commissioner Burke on April 29 in these words:

"We have had an epidemic of measles and influenza since March 17. Four deaths, and typhus suspect in hospital now. Dormitories and hospitals foul with contagion. No sanitary measures have been taken in conformity with public health and State laws to clean up. Children being bedded in and occupying quarters used for the sick, to the future detriment of health."

Doctor Warren obtained no aid. Six months later the following rebuke was sent him:

"In the Indian Service all matters of importance should be carried out through the superintendent as administrative officer. If you will inform the superintendent in writing as to what you believe should be done * * * your responsibility ceases. All such matters are checked up sooner or later, and should the superintendent fail in his duty he must take the consequences."

Checked up sooner or later? Ah, no doubt.

But the dying little Navajos had not been able to wait. They had gone on the long trail to hunting grounds which, we hope, were happier than those.

Edwin M. Stanton, Secretary of War in Lincoln's Cabinet, said in 1864, when Bishop Whipple, of Minnesota, was in Washington on behalf of the Sioux Indians:

"What does Bishop Whipple want? If he has come here to tell us of the corruption of our Indian system and the dishonesty of Indian agents, tell him that we know it. But the Government never reforms an evil until the people demand it. Tell him that when he reaches the heart of the American people the Indians will be saved."

CONSTRUCTION OF CRUISERS

Mr. JONES. Mr. President, I have here two letters in the nature of petitions. One of them is from Rev. Robert H. Lynn, pastor of the Sixth Avenue Baptist Church in Tacoma. The other is from former Judge Austin E. Griffiths, a very prominent citizen of Seattle. Each of these letters is in the nature of a protest against the passage of the cruiser bill. I merely want to make that statement, without asking that they be printed. I present these letters and ask to have them referred to the Committee on Naval Affairs.

The VICE PRESIDENT. They will be so referred.

REPORTS OF COMMITTEES

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 3233) authorizing the issuance of duplicates of certain notes to Harry E. Good, reported it with amendments and submitted a report (No. 1509) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2206) to amend section 260 of the Judicial Code, as amended, reported it without amendment and submitted a report (No. 1511) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, reported it without amendment and submitted a report (No. 1512) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5325) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa, reported it with an amendment and submitted a report (No. 1513) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5165) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn. (Rept. No. 1514);

A bill (S. 5301) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn. (Rept. No. 1515); and

A bill (S. 5337) to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind. (Rept. No. 1516).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5066) extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark. (Rept. No. 1517);

A bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla. (Rept. No. 1518);

A bill (S. 5194) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa. (Rept. No. 1519);

A bill (S. 5377) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River (Rept. No. 1520);

A bill (S. 5378) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa. (Rept. No. 1521);

A bill (H. R. 13502) authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn. (Rept. No. 1522);

A bill (H. R. 13976) granting the consent of Congress to the International Business Co. (Inc.), its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky. (Rept. No. 1523);

A bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River in the city of Pittsburgh, Allegheny County, Pa. (Rept. No. 1524);

A bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street, in Knoxville, Knox County, Tenn. (Rept. No. 1525);

A bill (H. R. 14451) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania" (Rept. No. 1526);

A bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa. (Rept. No. 1527);

A bill (H. R. 14481) granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind. (Rept. No. 1528);

A bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio (Rept. No. 1529);

A bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis. (Rept. No. 1530);

A bill (H. R. 15072) to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill. (Rept. No. 1531);

A bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa. (Rept. No. 1532);

A bill (H. R. 15269) to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La. (Rept. No. 1533); and

A bill (H. R. 15470) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn. (Rept. No. 1534).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska, reported it with an amendment and submitted a report (No. 1535) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3100) to facilitate and simplify the work of the Department of Agriculture in certain cases (Rept. No. 1536); and

A bill (S. 5058) for the relief of George A. Hormel & Co. (Rept. No. 1537).

Mr. FESS, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5360) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, reported it with an amendment and submitted a report (No. 1538) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 4811) for the relief of C. J. Colville, reported it without amendment and submitted a report (No. 1539) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 924) for the relief of Joe D. Donisi, reported it with an amendment and submitted a report (No. 1540) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 8748) for the relief of James W. Bass, collector of Internal Revenue, Austin, Tex., reported it without amendment and submitted a report (No. 1541) thereon.

Mr. PITTMAN, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project, reported it with amendments and submitted a report (No. 1542) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana; and

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

RIGHTS OF NEUTRALS AND FREEDOM OF THE SEAS

Mr. REED of Missouri. Mr. President, out of order I ask unanimous consent that Senate Resolution 294, which I introduced and had laid on the table, may retain its position on the table without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED of Missouri. I am not certain whether I introduced the resolution, which relates to executive business, in open executive session or whether I introduced it in legislative session. I ask that the order be broad enough to cover it in either event.

The VICE PRESIDENT. It was introduced in legislative session.

Mr. REED of Missouri. Very well; then the order is sufficient.

AMENDMENT OF THE RULES

Mr. JONES. Mr. President, I desire to give a notice pursuant to the rule, and I ask that it be read from the desk.

The VICE PRESIDENT. The notice will be read.

The Chief Clerk read as follows:

I hereby give notice that on Monday, or as soon thereafter as may be possible, I shall present a motion to amend Rule XXXVIII of the Standing Rules of the Senate relating to proceedings on nominations in executive session by adding an additional paragraph to said rule, to be designated as No. 7, as follows:

"7. Hereafter nominations shall be considered in open executive session, unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration."

POLICE PROTECTION DURING INAUGURATION

Mr. VANDENBERG. From the Committee on the District of Columbia I report back unanimously the usual joint resolution to provide for police protection and other general protection of life and property during the inauguration. I think there will be no debate on the matter. It is quite essential that it should have immediate action. I ask unanimous consent for its consideration at this time.

Mr. BLEASE. Let it be read, please.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929, as follows:

Resolved, etc., That $25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1929, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commis-

sioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof, to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise authorized, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths, during the period aforesaid, including the employment of personal services.

Mr. ROBINSON of Arkansas. Mr. President, I understand that this is the usual joint resolution which has been adopted on previous occasions.

Mr. VANDENBERG. It is the usual joint resolution adopted prior to 1924.

Mr. DILL. Mr. President, what is the total appropriation for expenses in connection with the inauguration?

Mr. VANDENBERG. Does the Senator mean the complete total, including everything?

Mr. DILL. I understand $45,000 has been already appropriated.

Mr. VANDENBERG. I am unable to answer the Senator. This provides for an ultimate maximum of $25,000, which I understand from the District Commissioners this morning is the limit appropriated prior to 1924, and they say it is not in conflict with the financial program of the President and has the O. K. of the Director of the Budget.

Mr. DILL. I do not want to dispute the commissioners, but it seems to me a very large sum for the simple purpose of moving platforms around and making other arrangements.

Mr. VANDENBERG. It is to defray the cost of bringing 200 policemen from Baltimore for one thing. That has been done heretofore.

Mr. ROBINSON of Arkansas. Mr. President, on these occasions I am told that it has been the custom to employ a large number of special police.

Mr. VANDENBERG. That is correct.

Mr. ROBINSON of Arkansas. Some of them are imported from other cities.

Mr. VANDENBERG. That is correct.

Mr. ROBINSON of Arkansas. The police duties have been very largely increased by the presence of so many Republicans in Washington.

Mr. VANDENBERG. There will be an unusually large number this year from States which usually have not contributed to our celebrations.

Mr. SACKETT. It is to protect the Democrats in Washington against the Republican hordes that are coming in.

Mr. BLEASE. Mr. President, I am not going to object to the consideration of the joint resolution; but I think it is a reflection on the American people that the Congress of the United States, because a man has been elected President, especially by the wonderful majority received by Mr. Hoover, must spend $25,000 in the face of these orderly Americans, to hire policemen to keep them from violating the law. As I have said, I shall not object; but I am really against it, and I think it is a reflection on the American people.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KILLINGS BY PROHIBITION OFFICERS

Mr. BRUCE. Mr. President, I would like to have inserted in the RECORD a summary from a publication known as the Minute Man of killings by prohibition officers, and also from the same publication another summary of murderous assaults and outrages by such prohibition officers.

In addition to these summaries I also desire to have inserted in the RECORD a newspaper account of the latest killing of the kind. It is the killing by a deputy constable of a little girl 6 years old at Clinton, Mo., on or about the 22d of this month.

The VICE PRESIDENT. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Greenville (S. C.) News, October 19, 1925]

KILLINGS BY PROHIBITION OFFICERS

J. D. PITTMAN

Justifiable homicide in self-defense was undoubtedly the view taken by Federal Judge Cochran of the killing of J. D. Pittman by Federal Prohibition Agent Seabrook and State Constable Harrington in Beaufort County last May. In directing a verdict of not guilty the judge expressed the view that the officers were within their rights in their methods of boarding the craft occupied by Pittman.

The decision undoubtedly is in conformity with the interpretation placed by the courts upon the rights of prohibition officers in making searches and seizures. The homicide is, nevertheless, an illustration of the trouble-making (sic) possibilities that frequently arise under the prohibition law and the efforts to enforce it.

The testimony adduced at the trial shows that the officers had information of the expectancy of a shipload of liquor in that vicinity. Seeing what they thought to be a signal, they approached Pittman's boat, which was on blocks. It was nearly midnight; and supposing the Pittman boat to be the one referred to in their source of information, they boarded it and were in the act of crawling along the deck when they were discovered by the owner. When Mr. Pittman discovered them the officers called out to him to hold up his hands, declaring that they were officers and desired to search the boat. Mr. Pittman, instead of doing as commanded, went into the cabin, got a gun, and fired, whereupon the officers returned the fire and killed him.

The investigation and trial established several facts. One was that the boat was not the one supposed to be carrying a quantity of liquor. The search revealed less than a quart of liquor. Several witnesses also testified that Pittman, to their knowledge, was not engaged in the liquor business, but made his living by hunting and trapping. Another fact fairly well established was that the boat was occupied by Pittman as his home, and that he had no other home. Still another fact was that the officers in boarding the boat to search had no warrant authorizing them to make a search.

It is well established, of course, that a man's home is his castle and can not be invaded, even by officers, without warrants. But while the boat may have actually been Pittman's home, there was nothing to indicate that it was a home, and the officers presumably entered it without knowing that it was such. They regarded it as a craft or vehicle, which it was to all appearances. While there was little liquor aboard, the officers may be construed as having had reason to believe that it was a craft transporting or having in storage a quantity of liquor in violation of the law.

The courts have held that where officers have good reason to believe that liquor is being transported illegally, they have the right to enter upon and search such suspected vehicles without a warrant. And this ruling is the reason why many fatalities and much serious friction have come about through natural errors made in the attempt to enforce the prohibition law.

Such an interpretation of the rights of officers would seem to be necessary if officers are to make any real headway in stopping the illicit transportation or storage of liquor. Yet it has cost the lives of many citizens. Officers' suspicions have often been unfounded; often untactful conduct is employed by officers; often a citizen is unduly (sic) resentful of the effort to search his effects; often, again, the citizen either fails to learn that the invaders are officers of the law, or, if he is so informed, may sometimes be in fear that highwaymen or bandits are using the ruse to rob him; and various combinations may lead, as they frequently have led, to fatalities for which there appears to be no legal blame.

The pint or so of liquor which Pittman had does not seem to enter into the grounds upon which this case was settled, and for the sake of an illustration let us suppose that Pittman had never violated the prohibition law at all, and had never drunk a drop of liquor. Suppose that officers under the mistaken belief that his boat was a vehicle being used for liquor, entered it under the legal authority of the prohibition law. Suppose that Pittman, on the other hand, regarding his boat as his home and his castle, determined to exercise his right to prevent an unlawful invasion of it by officers or anybody else. Under this illustration both parties would have been acting according to their legal rights, and either would probably have been freed for the killing of the other.

Many lives have been taken in the enforcement of the prohibition law through such combinations of errors (sic), many of them perhaps natural and perhaps unavoidable on both sides. Just what is to be done about it is a problem for wiser heads than ours to solve. Greater care and greater caution on the part of officers who, because of their duties, must initiate these events, may reduce, though it will not wholly remove the danger of such fatal clashes.

The situation appears to be peculiar to the prohibition law. The effort to enforce it thoroughly appears to make necessary the taking of a human life now and then.

In May last year a poor hunter and fisherman named Pittman, whose only home for years was his boat, was wantonly slain in the dead of night by a Federal prohibition agent named Seabrook and a State constable by name Harrington.

Seabrook and Harrington were tried for murder in a Federal court in October, 1925, and the learned Judge Cochran, under the authority of the Supreme Court decision in the Carroll case, directed an acquittal, although it was admitted that the officers had no search warrant, and further that they had no grounds for suspecting the boat to be a rum

runner, as it was on blocks and consequently on land and not a movable object.

On September 5, 1926, a drag-net raid took place in what is known as the Hell Hole section of Charleston, S. C., in which over 100 men took part, resulting in a bag of 33 men. The chief aide of the chief, Dunning, was an "undercover" man by name C. D. McKnight, a former "king of the rum runners" of that section.

Among the caught was Alonzo B. Seabrook, one of the killers of the poor, friendless Pittman.

We quote from the news account of what was unearthed in the Seabrook home:

"Prohibition Agent Seabrook was arrested at his home by Deputy United States Marshal C. H. Schaltz, who was accompanied by McKnight and several other prohibition agents. His house was searched.

"Officers claimed they found 14½ gallons of moonshine whisky in the house and $1,155 in bills, of which $390 was marked money, alleged to have been given to Seabrook by planted rum runners under Dunning's direction."

It is reported that Seabrook is a rich man, all of his money obtained since his appointment as a prohibition officer.

[From the Asheville (N. C.) Citizen, June 2, 1925]

STEPHEN S. HOLT

RALEIGH, June 1.—Stephen S. Holt, Smithfield attorney, was instantly killed this afternoon when Detective Jesse Wyatt, of the Raleigh police, fired on an automobile that failed to stop at his order.

The shooting occurred 3 miles out from Raleigh on the Smithfield Highway about 4 o'clock. Wyatt was accompanied by Police Chief Winder Bryan, and both in civilian clothes, suspected the car of carrying liquor. As it passed he signaled for it to stop, and when it failed to respond to his order he fired, the ball plowing through Holt's brain.

A jury impaneled this evening by Coroner L. M. Waring ordered Wyatt held pending action by the grand jury. The officer previously had been allowed to go to his home after reporting at police headquarters, but after the verdict of the coroner's jury he was arrested and confined. It was expected bond would be arranged.

Mr. Holt had been in Raleigh appearing before the Federal court and was on his way home. He was riding on the back seat with J. Will Wright and Joe Woodard, both of Smithfield, while Doc Woodard and A. H. Woodard were on the front seat, the latter driving.

The car halted about 3 miles out while one member of the party went into some woods near by. Wyatt and Chief Bryan, up the road some distance, saw it stop and in a few minutes start off again. That, according to reports on the shooting, was the basis for the suspicion that it was carrying liquor. When the machine passed the officers the order to stop was given.

The men in the car insisted that they did not recognize any signal to stop, nor did they particularly notice the officers on the side of the road, as they were not dressed in uniform.

Detective Wyatt said he fired at a rear tire, and suggested that the ball must have struck the pavement instead and glanced upward, penetrating the rear curtain, and striking Holt. An examination of the pavement revealed no evidence of an indentation such as a bullet might make, Smithfield persons who visited the scene afterwards said.

A search of the car disclosed no liquor, and no member of the party had been drinking, it is said.

Mr. Holt was 49 years of age and had been practicing law in Smithfield for many years. He leaves a wife, three children, and three stepchildren, besides brothers and sisters.

[Special to the New York Times]

OTTO ESKE

PLATTSBURG, N. Y., August 11.—Otto Eske, of 527 Timpson Place, New York City, was shot and killed to-day by Federal dry agents near Cooperville, a hamlet about 20 miles north of this city, while attempting to run an automobile laden with liquor past the Federal officials. Henry Denner was in charge of the Federal forces and was accompanied by Kenneth Bates, Edward Kearns, and Samuel Dickson.

Eske was driving one of three rum-running cars which had crossed the border a few minutes before the shooting. The Eske machine was the last of the three in line, and was met by a fusillade of bullets near a bridge outside the village. In the midst of the shooting Eske turned his automobile into a dirt road and was followed by the officers. About 2 miles from where the shooting occurred the car was found at the side of the highway with Eske still grasping his wheel, but dead, a bullet from one of the dry agents' guns having pierced his neck, severing the jugular vein.

The shooting has caused a sensation throughout this entire section, and threats are heard on all sides because of what is regarded as unjustified use of guns by Federal officers in the arrest of alleged violators of the law.

A quantity of Canadian ale was found in Eske's car.

[From the Cleveland Press, August 20, 1925]

UNBORN CHILD

Suit for $25,000 was brought in common pleas court Thursday against W. J. Patrick, East Cleveland dry raider, charging him with having by his conduct caused the death of an unborn child. The suit for $25,000 was brought by France R. Wiggins, 4716 Hough Avenue. He charges that Patrick and five men forcibly entered the home of his wife's mother at 3382 East One hundred and second Street while his wife was confined to bed. Despite his pleas, he charges, Patrick and his men disregarded his wife's condition, struck and pushed him, and ransacked the house, including the room in which she was. Alarmed by their presence, his wife fell from the bed, with the result that her child was born prematurely. The child suffered from a heart imperfection because of the operation, he said, and died on July 3.

[From the Newport News (Va.) Press, September 19, 1925]

UNNAMED NEGRO

Thursday night, while Representative JOSEPH T. DEAL, of Norfolk, was explaining to an audience in this city how the Constitution of the United States was being flagrantly violated in enforcing the eighteenth amendment, the body of a colored man was lying in his humble home in Elizabeth City County rigid in death, having been pierced by a bullet in the back fired by a county constable while the man was fleeing in an attempt to escape arrest, according to the verdict of the coroner's jury.

The man who was shot was apprehended in a place where a still was being operated and was fleeing to escape arrest, it is alleged, when the officer fired upon him. Under the Layman Act the operation of a still is made a felony, and the officer may have been justified in law in using his weapon. But every such killing prejudices the public more and more against the prohibition enforcement act.

[From the Chicago (Ill.) Tribune, August 4]

JOHN BUONGORE

John Buongore, a veteran of the World War and later an enlisted man in the Sixth Field Artillery at Camp Meade, was entrapped by two prohibition agents at Havre de Grace, Md. They gave him an order for liquor and he delivered two quarts of whisky to them. One of the agents was Joseph A. Ferbershaw, sent from Washington to Havre de Grace.

Buongore was placed under arrest and he asked permission to telephone his wife. He was allowed to do so, and took the opportunity to run away. Ferbershaw shot him twice in the back while he was running and a third time after he had fallen, killing him. The coroner's jury immediately held the agent for an unjustified killing and he was put in jail.

This was a brutal, inhuman killing. In spite of the rights which an officer of the law has to subdue a person resisting arrest or to stop one running away from him after arrest, it was murder done with official authority. It was dehumanized ferocity consistent with the history and precepts of fanaticism. The local authorities ought to seek for responsibility above the agent who did the killing, and if it is found that this man's superiors in Washington gave him instructions to shoot and kill on such occasions have them also indicted for murder.

There are many people in the United States who think that Buongore ought to have been killed if he tried to run away after selling two quarts of whisky. They do not believe that any methods of preventing the sale of intoxicants can be too severe. They have more sympathy for a man killer than for a violator of the Volstead Act. They indorse punishment by injunction and contempt proceedings and by trial without jury. They indorse search and seizure without writs, the invasion of homes without authority. They indorse double jeopardy. They indorse entrapment. They are contemptuous of all the protections which the law heretofore has put around the individual.

The former disposition of courts was to frown on a case or throw it out if the agents of the law had solicited the accused to commit the crime of which he was charged. It is frequently an easy way of getting evidence, but in many cases morally offensive.

The moral support given prohibition enforcement officers in any methods they care to use to take violators of this sumptuary law is indicative of the fanatic spirit of part of the country. Quick-trigger shooting has become one of the characteristics of enforcement, which has no regard for any of the old rights of the citizen. Pleasure yachts have been fired at by Government boats. The suspicion that they might be rum runners was enough. That has happened off the seacoast and in the Great Lakes. When the Yale and Harvard crews were in training on the Thames the coaches' boat was fired at. These incidents caused a great protest, as they should, and brought an order to stop it.

When law steps out of its proper field of activity it releases a multitude of disorders, and no law ever before let loose so many of them as the Volstead Act has. The rule of fanatics is a rule of terrorism.

[From the Newport News (Va.) Herald, July 2, 1925]

ROSCOE E. BRUNER

Roscoe E. Bruner, a youth 20 years of age, lies in a hospital in the town of Norton, Va., with a bullet hole in his back, put there, it is believed, by an officer of the law.

The youth was shot while riding in an automobile in company with his brother and another youth. The boys say they were returning to their home in Lee County after having attended a singing in the neighborhood, when they saw two cars parked on the roadside. One of the cars pulled out of the way and the boys drove on, but just as they passed a man jumped out of each of the parked cars and yelled at them to stop. Then one of the men fired at the car in which the boys were driving and young Bruner was shot in the back, as he was riding on the rear seat.

That is the story related to the sheriff by the boys, after which the sheriff started to the scene of the shooting. On his way he met five men, two of whom were officers. The officers professed to know nothing of the shooting, but the sheriff examined their pistols and found that both had been fired. The sheriff then called one of the other men in the party aside and asked him about the shooting. This man gave much the same account of the shooting as the boys had given, and the sheriff placed the officers under arrest. The sheriff further said that none of the boys had been drinking and he found no liquor in their car.

In a Richmond hospital is a youth from another State who was shot under similar circumstances.

In Newport News two nights ago a prominent citizen was driving quietly through the city in an automobile, accompanied by his wife and child, when a car came dashing up at a speed estimated to have been 50 miles an hour. At the corner of Thirtieth Street and Madison Avenue the approaching car struck the car in which the citizen and his wife and child were riding and turned it around, but, as if by miracle, no one was seriously hurt.

It turned out that the offending car was run at a breakneck speed through the streets because it was being chased by a police officer in another car, on the presumption that the car ahead was driven by a bootlegger.

[From the Charlotte (N. C.) Observer, June 22, 1925]

LEONARD TRIPLETT

BLOWING ROCK, June 21.—Leonard Triplett, about 20 years old, is dead, and H. W. Wooten, 40, deputy sheriff of Watauga County and former chief of police of Blowing Rock, is in jail at Boone under a charge of murder as a result of an affray about 2 miles northwest of there last night.

The affray had its inception in a raid made by Wooten and Chief of Police J. V. Bauguss on a small roadster occupied by Triplett and two companions, Hal Teague and Jack Hampton.

It seems from all information obtainable that Bauguss and Wooten, the latter of whom did police duty here in addition to his work as deputy sheriff of Watauga County, were out on a liquor raid. Wooten said in jail this morning at Boone that they had information that Triplett and his companions were bringing liquor into Blowing Rock. According to best accounts, they stopped the car bearing Triplett and his companions and searched it.

Finding no liquor, they ordered him to move on, and went to raid another car in the same party which contained six young men. No liquor was found here also, Wooten said. While they were raiding the second car, it is said that Triplett and his companions came up and began abusing the officers, who had raided them and found no whisky. Here is where the evidence conflicts.

The side represented by the officers states that Triplett and his crowd began assaulting Wooten, while the other side claims nothing of the sort was attempted.

Wooten stated this morning that seven of the men in the party jumped on him and that he tried to make for his automobile. He said that while he was on the running board of his car the crowd started at him again and that he shot in self-defense. The other side claims that Wooten addressed Triplett with an oath saying, "I'll get you, you * * * ," and forthwith shot. Death was instantaneous.

Wooten admitted none in either auto party was armed.

The body was brought back to Blowing Rock in the second car that was raided, and Wooten immediately made his way to Boone, where he gave himself into the custody of Sheriff L. M. Farthing, and is being held pending a hearing, which is scheduled for to-morrow.

Triplett's reputation here is of the best. He has been in the employ of the village on several occasions, but never before, it is said, has he run afoul the law.

JACOB D. HANSEN

Jacob D. Hansen, secretary of the Lodge of Elks, Niagara Falls, N. Y., was murderously assaulted by two ununiformed members of the Coast Guard hunting under orders for liquor. He had none.

He was shot through the head, the bullet putting out both eyes, this on the morning of May 6, 1928.

Jacob D. Hansen died in October, 1928.

ROSS W. HUGGINS

TUCSON, ARIZ., September 28, 1928.—Border-patrol officers shot and killed Ross W. Huggins, of Tucson, and an unidentified negro near Deming, N. Mex., yesterday, when the two failed to stop their automobile as ordered. The officers said the automobile in which the men were riding was loaded with liquor.

ELISHA NORTHCUTT

In Anderson, Ind., on August 8, 1923, Elisha Northcutt, of 1520 Hendricks Street, was shot and killed by Seth Ward, deputy State prohibition officer of Indianapolis; witnesses, Fred Pettigrew and Lex Bricker.

Ward attempted to search Northcutt's premises; he was asked by Northcutt to read his search warrant; witness Bricker states that Ward said he "needed no warrant to make the search"; Northcutt, resisting, was shot and killed by Ward.

THOMAS MONTEFORTE

In April, 1924, two Federal agents, Samuel Kupferman and Robert J. Owens (see comment below), went to the garage of Thomas Monteforte, 245 North Eighth Street, Brooklyn, searching for liquor. Monteforte resisted and was shot dead and his brother was shot in the back. No shots were fired except by the Federal officers.

Robert J. Owens figured as the chief of the Federal raiders in an unlawful search and seizure in the home of H. G. DeFritsch, New York City, some three months after this killing, conclusive proof that he had not lost standing as an officer of the law. He was dismissed from the service, and that will probably be his only punishment.

Chief prohibition enforcement officer for New York, Merrick, remarks that it was "an honest mistake."

JOE AND HERMAN BAZEMORE

SYLVANIA, GA., July 15 (Associated Press dispatch to the Evening Star, Washington, D. C.).—Joe and Herman Bazemore, brothers and prominent Screven County farmers, were shot and killed last night on a road about 4 miles from here by Policeman J. V. Dolan, who stopped the automobile, in which they were riding with two of their children, to search it for whisky.

The policeman, who brought the bodies to a local undertaking establishment and then reported the affair to county authorities, asserted that the Bazemores drew revolvers on him and a brother officer as they approached to explore the contents of the automobile. He said he fired, killing them instantly, when it became apparent that they intended to shoot.

J. TOM BRITT

On April 13, 1923, the automobile of J. Tom Britt was chased by officers near Columbus, Ga., who suspected it carried liquor. Mrs. Britt was driving, and not halting on their demand they fired and killed Mr. Britt, who was shot through the back. There was no liquor in the car.

LOUIS LIZOTTE

An Associated Press dispatch from Caribou, Me., May 14, 1925, reports:

"Louis Lizotte, of Connor, died in a hospital here to-day seven hours after he had been shot by a highway policeman, who opened fire on a speeding automobile in an effort to force the driver to stop. No liquor was found in the automobile."

[From the Chicago Tribune, September 8, 1926]

UNNAMED VICTIM

Another minister of the gospel has been taken in charge accused of murder in the first degree. The killing occurred in a raid upon a moonshine still in the neighborhood of Orting, Wash., the raid being initiated by the clergyman, the Rev. George A. Seeley, pastor of the Free Methodist Church and publisher of the Orting Oracle, who, suspecting or learning of the existence of the still, called upon Federal prohibition agents and led them to the spot. The Reverend Seeley asserts that he himself did no shooting, but was armed. He and the Federal agents say they were fired on and responded in self-defense. The victim was shot in the back, and the local prosecuting attorney calls it "a case of cold-blooded murder."

CARL STIERLE

Prosecutor Morris Parks, accompanied, so the account runs, by prohibition officers from Indianapolis, shot and killed on July 19, 1926, Carl Stierle, a suspected rum runner. Parks claimed he shot in self-defense; that Stierle had drawn a revolver and thrown it away after he was shot. No revolver was ever found; he was shot in the back and then threw his revolver away!

[From the Charlotte (N. C.) Observer, December 17, 1926]

UNNAMED MAN

Out in Arkansas, in which a sheriff and four deputies were out looking for moonshine stills, when an automobile occupied by four young

men went by. They told the driver to halt—were not heeded. Then the officers opened fire. At least 25 shots were directed at the automobile and one of the young men was killed. Then the sheriff and his posse found that the boys were not mixed up with whisky at all but were returning from a hunting trip.

Of course, the officers were sorry but their sorrow does not atone for the life of an innocent man nor for the outrage against the privileges of the highway. The sport of shooting into automobiles is not likely to be checked in States where the custom is not outlawed, as in North Carolina, until the courts begin sending the shooters to the penitentiary, or, in cases like that we have just narrated, to the gallows or electric chair.

PAUL PIETROWSKY

SEATTLE, WASH., June 3, 1927 (by A. P.).—Paul Pietrowsky, 70, skipper of an unnamed cabin launch, was fatally wounded by machine-gun fire from Coast Guard cutter 269 near Acorte, Wash., when he brandished a shotgun at guardsmen who sought to board his ship in search of liquor.

Boatswain John H. Davis ordered the gunner to fire at Pietrowsky when the aged skipper raised his weapon as the boarding party approached, according to a report received by Capt. F. G. Dodge, Coast Guard commandant here.

Pietrowsky died on board the cutter. No liquor was found on the boat, Davis reported.

[From the Scottsbluff (Nebr.) Republican, July 23, 1926.]

WILLIAM TRUTE

About the worst crime that has yet been perpetrated by so-called prohibition officers is the one at Tecumseh, where another bonehead ignoramus got smart with a gun and killed William Trute, a 48-year-old Tecumseh carpenter simply because Trute refused to throw up his hands when the bonehead shouted the order at him from the cover of a hayrack in Trute's own barn.

An officer named Hurtlett went to Trute's house to look for liquor. None was apparent so he left a fellow by the name of Holden guarding the barn while the officer went away, presumably for a search warrant. Before he returned Trute came home and went out to the barn to see who was prowling around. When he entered the barn Holden commanded him to put up his hands. Trute refused and started toward the hayloft and the lunatic in the loft shot him in the back. Trute died the next morning.

The officer who took Holden along with him is just about as much to blame as Holden himself. He left an armed halfwit in possession of a gun and obsessed with the idea that he was under the cloak of the law. The man was not even deputized. If Holden is a murderer, then Hurtlett is an accomplice.

[From the Jacksonville (Fla.) Journal, April 27, 1927]

ERMON H. JONES

MIAMI, FLA., April 26.—Three Coast Guard men were indicted on charges of first-degree murder by the Dade County grand jury yesterday afternoon. The guardsmen are Boatswain H. P. Parry and James Kazlon and M. E. Lowery, all charged with the death of Ermon H. Jones, of Miami, who died in a hospital here April 16 from the effects of a bullet wound in his head, received March 14, when coast guards are alleged to have fired on a pleasure yacht on which he was a passenger.

According to testimony at the coroner's inquest, Jones and three friends were on a small yacht in the bay south of Miami, when they sighted another small craft at nightfall. It proved to be a Coast Guard picket boat.

The occupants of the pleasure craft, however, thought it was another pleasure craft, they testified at the coroner's inquest, and started to race with it.

They heard no shooting, Brown, an occupant of the boat on the night of the shooting, testified, and did not know they were under fire until Jones staggered and slumped to the deck, holding his head.

The coast guards, in testifying, declared that they saw a number of flashes from the pleasure craft and thought it was pistol fire. Hallman and Brown declared it was the motor backfiring, but Parry, at the inquest, declared he picked up two empty cartridges on the boat. He did not produce them at the inquest.

[From the Nashville Tennessean, July 17, 1927]

(Special to the Tennessean)

WALTER LORRANCE

MANCHESTER, TENN., July 16.—W. B. Stone and Clay Conatser, United States prohibition agents, charged with the murder of Walter Lorrance, were bound over to the grand jury under bond of $10,000 Saturday afternoon in a preliminary hearing before Magistrates E. R. Holmes and J. W. Powers. The bond was executed.

Lorrance was shot and instantly killed on June 23 near the Cannon County line following a raid by the officers on a wildcat still at which it is alleged he was at work.

Testimony at the preliminary hearing purported to show that Lorrance was shot in the back, the bullet severing the spinal cord and going through the body. Witnesses said that Stone a few minutes after the shooting said, "We officers killed him. Lorrance turned on us with a knife and we had to take care of ourselves."

WILLIAM RISK

The Denver (Colo.) Post, September 12, 1925, reports that three Federal prohibition officers were charged with gross cruelty to a prominent Colorado cattleman, near whose ranch a mountain still had been discovered. The agents handcuffed him with his arms around a tree and then ordered him to confess that he was a moonshiner. L. A. Williams, the cattleman, has brought suit, alleging unlawful restraint, assault, torture, intimidation, and abuse. They also searched his ranch without warrant and found nothing.

According to the same paper, the three agents the day before killed William Risk, manager of the Harry Gehm Cattle Co. ranch, 11 miles from Divide, Colo., after seizing a mountain still. The coroner's jury in this case returned a verdict that the man was shot by Federal officers "in the performance of their duty," but the rancher made a dying statement declaring that he was shot in the back.

ROBERT H. BROOKS

LYONS, N. Y., October 17.—State Trooper Howard Spellacy is a prisoner in the Wayne County jail here charged with murder in the first degree for the shooting of Robert H. Brooks, a Savannah farmer. The shooting is admitted by Spellacy. He refused to explain his act, but it is believed the trooper mistook Brooks for a bootlegger. Coroner George D. Winchell will hold an inquest at Savannah next Thursday morning.

Information from which the warrant was drawn was based on the deposition of Mrs. Charles Rotach, who was riding with Brooks when he was shot. Her story is that Brooks drove his car into the ditch near here somewhere near midnight and that he awakened her to help him get back into the road. Then she went for a ride with him. She says Trooper Spellacy and another trooper followed them.

The bullet passed through the back of the car and entered Brooks's body between the shoulder blades. Brooks fell forward, according to Mrs. Rotach, and his coat sleeve, she thinks, caught the gas throttle, stalling the car.

[From the Associated Press, March 3, 1926]

D. C. SHANNON

In an attempt to establish a principle that violations of the liquor laws "are not capital offenses, punishable by death without trial," a coroner's jury to-day held a Coast Guard ensign and four of his crew for the crime of manslaughter.

The jury returned its verdict after listening to a score of witnesses who testified that D. C. ("Red") Shannon, rum runner, was shot last Wednesday night through the back while his hands were raised above his head, in token of surrender, and after he had shouted, "Don't shoot; I surrender."

Ensign P. E. Shaw, Boatswain P. S. Austin, Seamen B. C. Smith, E. McAuld, and Otis Meeking testified that they did not fire after they saw Shannon and his men hold up their hands. Their testimony, the jury found, was not convincing.

Warrants were issued by H. W. Penny, a justice of the peace. Capt. C. G. Porcher, Coast Guard commander, accepted responsibility for delivering the men. Bonds were fixed by Justice Penny at $5,000 for the ensign and $2,500 for the enlisted men.

Nine Federal men engaged in war on liquor traffic are now under State charges of either manslaughter or aggravated assault and robbery in this section of Florida. Four agents who raided suspects at Key West last week are now awaiting trial for assaults and for robbing their victims.

"Florida is interested to know if liquor violations justify summary executions," Attorney Bart A. Riley, who examined witnesses before the coroner's jury, declared. "And we will take this means of finding out.

"There is something wrong when law officers take alive men charged with murder, highway robbery, treason, arson, rape, or counterfeiting, but shoot and kill suspects when the liquor law is involved. The Volstead law does not provide a death penalty—yet. Even if it did, a trial would be more conventional."

[From the Portland (Oreg.) Telegram, November 1, 1927]

W. W. SMITH

Mrs. Helen Smith wants $7,500 from the prohibition officers who, she says, shot her husband in the back.

William W. Smith, 34, died last June from bullet wounds. The shots are alleged to have been fired by Sheriff John Manning, of Yamhill County, and Ray Amy, State prohibition officer.

Mrs. Smith sues as administratrix of the estate.

The two officers were searching for stills in Yamhill County, the complaint recites, and shot Smith in the back from ambush as he was walking on a public road.

[From the New York Times, July 3, 1925]

GIRARD KADENBACH

Girard Kadenbach, of Atlantic Highlands, was killed in a fight between the Coast Guard and two power boats off Sandy Hook. He was found unconscious in the bottom of his boat when the shooting stopped. There was no liquor on board. The dying man was transferred to Monmouth Memorial Hospital, Long Branch, N. J.

GEORGE HOFFMAN

VALLEY STREAM, L. I., July 21, 1925 (special to the Washington Post).—Frightened to death, according to his family, by two prohibition agents who arrested him, George Hoffman, proprietor of the Hoffman Inn, Valley Stream, was buried to-day.

The agents first went to Hoffman early last week. According to Mrs. Hoffman, they asked her husband where they could get whisky and he referred them to a man from whom they bought two cases. Wednesday they returned to the inn and meeting Hoffman told him he was under arrest. He fainted and did not recover consciousness before his death Saturday. Physicians said the shock brought on apoplexy.

[From the Washington (D. C.) Times, July 29, 1925]

ADAM BALLENGER

SPARTANBURG, S. C., July 29.—V. R. Grant, Federal prohibition officer, is to-day under $10,000 bond in connection with the death of Adam Ballenger, nephew of E. C. Ballenger and brother of Paul Ballenger, merchants of this city, whose body was found in a decomposed state near Saluda, N. C., late Monday with a bullet wound in the back.

Grant stated at the inquest that he and Federal Prohibition Agent Will Owen were looking for rum runners and when Ballenger was asked to halt, put on more speed, and later fired at him (Grant), and that he returned the fire.

He said that Ballenger ran into the woods and that when they examined the car they found 7 gallons of whisky, but that a search failed to reveal Ballenger. Upon the finding of the body Grant surrendered to Sheriff William Davis, of Henderson County, N. C.

Grant, the killer, claims he found 7 gallons of whisky in Ballenger's car; he didn't produce it as he said he had thrown it away on the spot.

Our readers will notice that in common with other reported prohibition killings the poor victim was shot in the back.

Grant, if tried at all, will be defended in a Federal court by the United States district attorney. He can not be tried by the State of South Carolina.

[From the Jackson (Fla.) Times-Union, March 8, 1927]

LAWTON CARROLL

VALDOSTA, GA., March 7.—Lawton Carroll, a young white man, is at a local hospital seriously wounded, shot in the back, and R. L. Hudson, jr., a young deputy prohibition enforcement officer, is under $5,000 bond, as a result of efforts made by a group of prohibition officers this morning to stop an alleged whisky automobile. Hudson is a son of R. L. Hudson, sr., enforcement officer working out of Valdosta.

According to information given, a posse of officers about 7 o'clock this morning saw Lawton Carroll coming into the city and attempted to search his car but he refused to stop. Hudson pursued in another car, and fired at the tires.

The first shot evidently missed the car. He claims that as he fired the second shot the car struck a bump and the bullet entered Carroll's left shoulder, just under the shoulder blade and came out in front.

When Carroll's car was stopped it was searched and no whisky was found in it.

[From the Asheville (N. C.) Times, July 26, 1926]

CECIL M'CLURE

"I have been informed that the shooting was almost without provocation," said Solicitor Grover C. Davis with regard to the killing of Cecil McClure, 17-year-old Cherokee County youth, by Prohibition Officer Joshua Crisp.

The facts in the case as reported are as follows:

Crisp and two other Federal agents, armed with legal warrant, went to the McClure home to search for whisky. They found a half gallon, and with it in possession sat down on the front steps of the house.

Young McClure, returning home, came up to the officers, saw the liquor, claimed it as his property and walked away with it without any action on the part of the three officers.

McClure entered the house, secured a shotgun which his mother took away from him. Regaining possession of the weapon, he started for the front door, his mother holding on to him and the gun.

McClure reached the doorway, his mother still struggling with him. Crisp fired a volley from his revolver into the boy, and he fell, mortally wounded, in his mother's arms.

The question whether it was necessary, when McClure appeared in the doorway, for Officer Crisp to shoot in defense of his life should not be answered without the most thorough investigation of all the facts and circumstances. It is for this that jury trials are provided.

But it is immediately apparent that this homicide could have been prevented had the three officers, all armed, placed McClure under arrest when he claimed the whisky. If the liquor was seizable, its owner was liable to arrest and should then and there have been taken into custody and held for trial.

Having made at least a criminally neglected botch of the task of law enforcement at the McClure home, leaving a stripling boy bleeding to death in his mother's arms, Federal Officer Crisp took to his heels, says the narrative, and disappeared around the side of the McClure barn. His brother officers also left the premises.

Feeling runs high in Cherokee County against the slayer of this young man, it is said. And resentment, righteous wrath, should run high, unless a half gallon of blockade liquor is worth more than a human life.

The unlawful liquor should, of course, have been taken; but the life of a boy could have been and should have been saved.

It is a serious undertaking to criticize officers for their efforts to enforce the laws. But it is the duty of citizens not only to stand for law and order but to protest against any enforcement policy, State or Federal, which has as its slogen "Shoot first and investigate afterwards." And that is the practice of Federal prohibition agents on land and sea.

[From the Nashville Tennessean, July 17, 1927]

HENRY A. M'CRACKEN

ATHENS, July 16.—Body of Henry Alec McCracken, 22, who died in a Chattanooga hospital Thursday afternoon from gunshot wounds received from officers in a raid made in the outskirts of this city June 15, was brought to Athens this afternoon on Southern train No. 42, and burial was made in Cedar Grove Cemetery.

Officers making the raid were D. C. Duggan, sheriff of McMinn County; J. S. Payne, deputy sheriff; Will Brown, constable of Etowah; and Cain Burnette, prohibition officer of Chattanooga.

It is alleged that the shot that wounded young McCracken and later caused his death was fired by Burnette. It has been stated that McCracken made a dying statement to that effect.

Deputy D. H. Stephenson, of Athens, who is also jailer of McMinn County, stated that three other boys were in the car with McCracken when apprehended, but all escaped except McCracken. Homer and Roy Swofford, who were later arrested and placed under $1,000 bond, and Cicero Henry, who is still at large, are alleged to have been the occupants of the machine.

[From the Philadelphia Inquirer, December 30, 1926]

IDA WALDMAN

Frightened at the appearance of four members of unit No. 1, who entered her home shortly after 4 p. m. yesterday and announced they were going to search the house for liquor, Mrs. Ida Waldman, 42 years old, wife of Louis Waldman, wealthy coal dealer, of 304 Carpenter Street, fell unconscious, and died a half hour later in the Mount Sinai Hospital from what physicians said was a dilated heart induced by fright or grief.

Mrs. Waldman was in the kitchen of her home with her two sons, Samuel, 21 years old, and Harry, 18, when the raiders entered and read her a "John Doe" warrant issued by Magistrate Violet E. Fahnestock on complaint of Policeman Mueller.

The woman was rendered speechless, her sons said later, and when both boys escorted the raiders to various parts of the house and cellar she fell unconscious, mumbling words about the disgrace to her family.

Abraham Waldman, a brother-in-law of the dead woman, who entered the house while the unit members were making their search, took her to the hospital in the automobile of a neighbor, while Harry, the younger son, ran for a physician in the vicinity.

The members of the searching party made no effort to interfere, while the frenzied sons rushed around in behalf of their mother.

They completed an exhaustive search of the dwelling and cellar and found no traces of liquor or other violations of the law and left empty handed.

Doctors at the hospital applied stethoscopes to Mrs. Waldman's chest when she was wheeled into the institution, and immediately diagnosed her illness as dilation of the heart, induced by a severe mental strain.

Neighbors of the dead woman said last night the family has lived in the Carpenter Street house for many years, and that Mrs. Waldman and her husband were widely known in the section as old-time residents of unquestioned good character.

PERLE S. THOMAS

Perle S. Thomas, of Fort Pierce, Fla., was a traveling salesman for the Loose-Wiles Biscuit Co. He was a peaceful, inoffensive citizen, living with his wife and children and supporting them out of the wages he received as a traveling salesman. On the night of the 4th of February, 1927, he was driving home in his car to spend the follow-

ing day—Sunday—with his family in Fort Pierce. About 4 miles south of Fort Pierce, in a lonely spot on the road, he was commanded to halt. A short time prior to that, while traveling over this same road and returning to his family at the end of his week's work, he was stopped at about this same point on the road and assaulted by two drunken men. When the order came to him to halt he speeded up his car, thinking that he was again to be assaulted. The men who commanded him to halt were United States immigration officers employed by the Bureau of Immigration at Washington. When he failed to stop the officers got in a high-powered car which they had parked by the roadside and quickly overtook him and passed him. They stopped the car ahead of him, blocking the road, and he was compelled to stop. Without any explanation to him as to the reasons for their attempt to stop him, they fired into his car and killed him. Soon afterwards these officials—six of them in number—were indicted by the grand jury of that county in Florida and were tried. Two of them were convicted of the crime of murder in the second degree and were sentenced to the penitentiary in the State of Florida for life. One of them was found guilty of murder in the first degree and was sentenced to death by electrocution. The case was dismissed as to two of them, and the case against the remaining officer has not yet been finally disposed of. The Department of Justice, under the direction of the Attorney General of the United States, without any examination into the merits of the case, sent an Assistant Attorney General to Florida to defend the murderers. Under the direction of the Attorney General of the United States a local attorney was employed for a very large fee to defend the murderers.

[From the Albuquerque (N. Mex.) Tribune, May 11, 1928]

FRANK AIELLO

Two peace officers, hiding in the dark by a highway near Fresno, Calif., Saturday night, turned their flashlights on the face of Frank Aiello as he sped by. Aiello did what any other person would have done under similar circumstances; he refused to halt. The officers opened fire and killed him.

It makes little difference that contraband liquor was found in Aiello's home or even that he was reputed to be a bootlegger.

Bootlegging is not yet a capital crime in this country. Nor are peace officers empowered to inflict the death penalty without judge or jury. No liquor was found in Aiello's car.

The other instance was in Yazoo County, Miss., Sunday night. A car occupied by a man, two women, and two children was fired upon by two county and two Federal officers when it failed to stop. The car shows bullet marks, and two bullets pierced the metal and entered the cushion of the rear seat, in which one of the women and her two children were riding. The officers are said to have had a tip that a booze car was to travel that way, and the car on which they fired fit the description.

FRED POWELL

JACKSONVILLE, N. C., June 18, 1928.—Charley Buckmaster, Coast Guard man, admitted to a coroner's jury late to-day that he fired the shot that killed Fred Powell, Carteret County young man, Saturday, as a Coast Guard boat, commanded by Capt. W. F. Piner and with Buckmaster and another Coast Guard man aboard, attempted to halt a gasoline launch they believed to be carrying liquor.

Buckmaster was given a preliminary hearing and bound over to the October term of Onslow County Superior Court under bond of $2,000. Buckmaster said he fired at the water merely as a warning to the occupants of the boat, and that he believed Powell was struck after the ball from his rifle had ricocheted off the water. He absolved Captain Piner of any connection with the killing, saying he fired without orders.

A warrant charging second degree murder was sworn out against Captain Piner yesterday, but had not been served to-day, and Coroner G. W. Jones said he expected it to be withdrawn.

Officers said Buckmaster probably would be tried only on a manslaughter charge.

CAPTAIN OF THE "ELENA" AND A MAN

SAN JUAN, PORTO RICO, July 26, 1927.—The prohibition enforcement unit here reports receiving advices from Curacao, Dutch West Indies, that the captain and one member of the crew of the Dutch schooner *Elena* have died from wounds received last week during a fight between the ship and prohibition officers.

A message states that the *Elena* refused to permit the prohibition officers to board her while she was in Porto Rican waters.

[From the Jacksonville (Fla.) Journal, August 13, 1927]

HARRY BOOTH

MIAMI, FLA., August 13.—Miami Beach police announced to-day that Harry Booth, 32, of Miami, whose body was found floating off Biscayne Point, Normandy Beach, yesterday, was shot and killed Thursday night by customs men who fired upon Booth and James Willis, also of Miami, when they passed the point in a boat en route to the Bahamas rum row for a cargo of liquor. Willis, who is now in custody, was shot through the cheek.

Customs officials informed Miami Beach police shortly before 11 o'clock this morning that the two officers who participated in the firing on the rum boat would be surrendered to municipal authorities.

Eighteen shots were fired at the rum boat, according to Willis, one of them hitting Booth behind the ear and knocking him overboard. Willis believes his companion died almost instantly.

Police say they corroborated Willis's story by obtaining a signed statement from Harry Smith, a witness to the shooting, who told police customs men threatened him with their guns and drove him from the beach. Smith's statement alleges that the customs men opened fire on the boat as soon as it came into sight without commanding a halt. There was no liquor in the boat.

[From the Nashville Tennessean, July 14, 1927]

MARCUS STONER

(Special to the Tennessean)

TRACY CITY, TENN., July 13.—Deputy Sheriffs Carroll Woodlee and Hugh Griswold are under bond here to answer a charge of murder growing out of the killing of Marcus Stoner, 24, driver of an automobile, who was fatally shot in the main street here in front of Louis Fults's drug store when he failed to heed the order of officers to halt for a search of his automobile.

A search after the shooting failed to reveal any liquor in the machine. Stoner, his brother, and a companion were in the machine at the time, and said they were returning from a trip to Collins River, where they gathered blackberries.

Woodlee, who is said by Jeff D. Fults, defense attorney, to have fired the only shots, claims that he sighted the three men in the automobile when they were leaving the Collins River section, that he ordered them to stop there, but that they escaped then, although he shot to puncture the tires of the machine.

When the three in the automobile arrived in Tracy City, they were lost in some back streets and a short while later were seen coming down the main street.

Griswold and Woodlee again ordered them to stop, it is claimed, and again the driver refused to heed their warning. Woodlee reopened fire, but instead of striking the tire at which he aimed one bullet went through Stoner's back. He died Tuesday morning.

Stoner is survived by his widow and three children. Funeral services were conducted to-day at his home.

[From the Charleston (W. Va.) Daily Mail of January 11, 1927]

MRS. A. D. MAY

Mrs. A. D. May, of Nellis, Boone County, died at 11 o'clock this morning in the McMillan Hospital of a bullet wound inflicted Sunday night when officers served a liquor warrant upon Fleming Ramsey, a boarder at the May home.

The officers, Sam Morrow, State prohibition agent, and Constable Clinton Carnes, of Peytona district, were arrested by order of the Boone County sheriff and placed in the county jail at Madison for hearing to-morrow afternoon before Magistrate C. F. Hager, of Scott district.

Last night Mrs. May signed a statement declaring that Sam Morrow fired the shot that hit her. This statement was mailed to the sheriff's office at Madison last night. Dr. W. A. McMillan telephoned there yesterday after Mr. May had told the story and the men were arrested upon that information. The officers were held without bail until the hearing.

Sunday night the officers appeared at the May residence and, producing a warrant, demanded the surrender of Ramsey. The man attempted to run from the house and escape. The officers then, according to Mr. May, fired several times. Ramsey stopped and he was taken at once to a district justice of the peace and arraigned for being drunk. May obtained medical aid for his wife and brought her to Charleston, arriving here early yesterday morning.

When arrested yesterday the officers said they did not know that Mrs. May had been shot during the raid.

Mrs. May was to become a mother soon, it was said at the hospital to-day.

OSCAR BROOKS

BRANTLEY, ALA., January 5, 1927.—Oscar Brooks, 45, farmer, was shot and instantly killed this afternoon when Town Marshal John Lord and a deputy attempted to raid his home in search of liquor and were resisted.

After firing the fatal shot officers proceeded to search the home and found one gallon of whisky. Brooks leaves a wife and four children.

JAMES LEE AND DAUGHTER

DETROIT, MICH., May 13, 1927 (by A. P.).—Taking his motor launch out for a trial trip on the Detroit River early to-night, James Lee and a

6-year-old daughter were killed when an unidentified Federal prohibition patrol boat crashed into it amidships while traveling at a high rate of speed.

Police of the harbor masters' division said the Government boat failed to stop after the accident.

[From the Charleston (W. Va.) Gazette]

FLORENCE DE PRIEST

A subscriber sends us the following from the Hinton Daily News, which quotes it from the West Virginia News:

"Acting on a reckless statement of an irresponsible roustabout we learn from newspaper and other well-supported reports that another outrage was perpetrated in the name of prohibition enforcement near Alderson. On Wednesday before Christmas, 1926, a snooper working under or with Federal Prohibition Agent Boggs, of Hinton, it is said, appeared in Alderson to see what he could find, and using the public's money to bribe youth into crime, a gross immorality recommended or rather dictated by those who govern the alleged great moral forces of the Nation, met one Howard Adkins, a youth, and initiated a deal with him for the sum of $2.50 whereby Adkins was to secure for this agent of the Government some moonshine liquor. Adkins is reported to have told his seducer that he would get the liquor from Hazel Adkins, who was staying at the home of a poor but respectable family.

"Howard Adkins failed to return with any liquor and the snooper reported to his chief in Hinton the circumstances. Agent Boggs immediately dispatched himself to Alderson and gathering a gang of State police, as is customary, so that the largest possible number of officers may claim their separate fees for making an arrest, and all attacked the house of Alex De Priest, the alleged abode of the man from whom some liquor was to be obtained. A minute search of the De Priest home was instituted in a thoroughly indecent and, it was believed, entirely lawless manner without warrant.

"In this poor home at the time were two critical cases of typhoid fever. Notwithstanding that a daughter of the family, Florence, aged 18 years, was desperately ill at the time, her bed was searched, both pillows and the mattress under her being ransacked over the protest of a public-health nurse who was in charge at the time. The man being hunted was not found in the home. No evidence that the De Priests were criminals was found.

"The youth with whom the immoral deal of the alleged agent of good morals was made was then hunted up. He was found in bed, and when roused admitted he had lied to obtain the money from the agent for Christmas spending.

"The young girl whose bed was violated in this lawless and indecent manner died later.

"These details come to us as facts."

[From the Braxton Chronicle]

CHARLEY SINGLETON

Written by his wife

GEM, W. VA., *January 23, 1927.*

EDITORS OF THE CHRONICLE: Will you please give me just a little space of your paper so as I can correct the horrible mistakes that are circulated in regards to the cruel and horrible way my husband was shot down and murdered before my eyes, and I was not even able to get up and go to him, for my little baby was only 3 days old. The officers reported they emerged from the woods to the house. They did not do so. They came up the road past my husband's father's that just lives a little distance below my home, and came all the way up the road to my home; and another report that was a mistake—my husband did not come from the barn. He was at his shop shoeing a horse for his uncle. He saw the officers coming and came to the house to inform me of it, so as I would not be frightened. I will tell you just as I saw it with my own eyes. Two officers entered the door by the front way, just facing my bed, and two came in the back way. My husband met the two at the front way and they commanded a search; and he asked them to read him the warrant, and one of them came from the kitchen way and took some papers out of his pocket. Him and my husband were talking. The warrant was not as much as opened until one of the officers that was standing just on the front steps pushed the other officer back a little and drawed his gun and fired. I screamed and cried for him not to shoot my husband, and he did, and so that was the first shot; and then there were several shots fired. I did not see my husband as much as draw his gun. They shot him down and my little children all standing around him screaming and crying. When the smoke went out of the house so as I could see, my husband was lying with his head almost in the fire just in facing of my bed. The officer never much as came back to see about me or my little children, to see if we were all right. Oh, if every officer only knew how it hurts me to know that my husband was shot down for an unjust cause, they would not be too hasty and there would not be so much heartache and sorrow. If they had just went ahead and searched, so as they would have been convinced that they took his life for nothing that day, for there was nothing to be found. There were several shots fired right past my face and my bed from the door that opens from the kitchen. The shots all went in his back, except the one that went in from his left side. Mr. Humphries reported that they could get no immediate assistance in this community in caring for the wounded. That is all false reports, for my husband's own uncle took them into his house and gave them a good cot to lay on and also sent team with them to Burnsville, and that was more than they done for me. I am left with 10 small children, the oldest one a cripple one, to make my way. Mr. Skidmore went as far as to say before my husband's cousin that if the other officers had not been too hasty that would not happened.

[From the Nashville (Tenn.) Evening Tennessean, Jan. 26]

EDDIE SIMMONS

(Special to the Tennessean)

FAYETTEVILLE, TENN., January 26.—Eddie Simmons, 22, of Smithland, died this morning as the result of a gunshot received in the back when he is alleged to have attempted to flee from officers who sought to arrest him near his home yesterday afternoon on charges of operating a still. Simmons's 16-year-old wife and his sister-in-law, Mrs. John Simmons, witnessed the shooting.

Conatser and Ashburn were members of a raiding party which further consisted of Sheriff O'Neal; his son, Robert O'Neal; and Deputy Knox Moore, all of the adjoining county of Franklin. According to reports the Federal man had asked the Franklin County officers to accompany him on the raid in the adjoining county.

A report issued from the office of Sheriff O'Neal this morning declared that Conatser and Ashburn, having discovered a still on Simmons's place, had separated themselves from the rest of the party to apprehend Simmons, whom they saw approaching his house at some distance. Twice they called to him to halt, and on the second order he paused. Then, the report goes, he ran, putting his house between himself and the officers.

A bullet was fired and the report from Sheriff O'Neal's office said it accidentally found its way into Simmons's back. He was brought to Lincoln County Hospital, and died this morning.

Later the raiding party declared two of the largest still worms that had come to their notice were found in the Simmons's home.

Simmons's 16-year-old wife and his sister-in-law, Mrs. John Simmons, declared, in a brief report, they had witnessed the shooting from the Simmons's home, and were pronounced in their statements that Ashburn fired the fatal bullet.

FAYETTEVILLE, TENN., January 31.—Brutus Ashburn, deputy sheriff of Franklin County, accused of murdering Ed. Simmons last Wednesday when he and a Federal officer rushed to the Simmons's home in Lincoln County in search of fugitives from a near-by still raid, was denied bail and bound over to circuit court by Magistrate J. R. Hancock, after preliminary hearing to-day.

Dr. R. E. McCown, physician, testified that the Springfield rifle bullet that killed Simmons entered the middle of his back and came out the breast, piercing the liver. Mrs. Ed. Simmons, 16, widow, and Mrs. Jim Simmons, sister-in-law of the victim, described the shooting.

The defense offered no evidence whatever.

United States District Attorney A. V. McLane, Assistant District Attorney Milton Davenport, and Prohibition Administrator W. B. Shofner were present, but took no part in the trial. Clay Conatser, Federal prohibition agent, was with Ashburn at the time of the shooting.

They said the officers made no statement of their business and did not show badges. Instead, they said, Ashburn, when he saw Simmons leaving the house, threw his gun to his shoulder and loaded it. Simmons saw the movement and started to run, according to the women, and was downed by a bullet in the back, fired by Ashburn, who was standing 150 yards away.

The two Mrs. Simmons denied Ed. Simmons had ever been engaged in making liquor, and said that he had been at the home a long time prior to the arrival of the two officers. He left his own house to go to the home of his brother, 300 yards away, they testified, to see a sick child, and then encountered the officers.

[From the Chicago Tribune Press Service, 1927]

E. P. W. INGMIRE

WASHINGTON, D. C., April 30—(Special).—Fifteen citizens slain by dry agents, and not one of the killers punished, thus far, is the record of the last 10 months under a prohibition-enforcement policy which invokes Federal court protection to balk State court prosecutions.

During the approximately eight years of prohibition the civilian death list chargeable to "hair trigger" liquor sleuths, has mounted to nearly 200. No estimate can be made, it is admitted by the Treasury Department, of the hundreds wounded or permanently disabled.

Although State courts have indicted dry agents for murder or manslaughter in many cases, the slayers, without exception, have found refuge in the Federal courts, where Federal district attorneys have acted under the revenue law, which gives the Federal courts sole jurisdiction in cases where revenue agents kill in line of duty.

Within the last week a Los Angeles (Calif.) Federal district judge, on the petition of the Government attorney, intervened to halt the State

court trial of Frank Farley and George Hudson, Federal dry agents, charged with the murder of E. P. W. Ingmire, an oil company official.

Farley and Hudson, drunk and driving recklessly through the city streets, it is charged, collided with a car in which Ingmire was riding and the latter was killed. Although supposedly on the lookout for liquor violators, the dry agents were not actually pursuing a bootlegger when the fatal collision occurred.

F. M. FERGUSON

Another similar instance is disclosed in the 10 months' report, made public to-day. On October 25, 1926, Mack B. Lilly, a prohibition agent, assigned to the Huntington (W. Va.) district, was driving at high speed in pursuit of a suspected bootlegger, when he ran down and killed F. M. Ferguson, of Huntington. Lilly was arrested and charged with manslaughter. The district attorney is prepared to ask for a writ of habeas corpus transferring the case to the Federal court, according to the report.

THREE AT A TIME

On August 5, 1926, Agents W. M. Simmons, C. F. Standau, A. C. Givhan, and J. H. Shirley, returning to Miami, Fla., after a series of raids, engaged in a gun battle with several men and three of the latter were killed. A coroner's jury exonerated the agents, who declared they were attacked and opened fire in self-defense.

WILLIAM NIEDERMEIER

On December 3, 1926, Agents E. L. Benway and G. B. Pratt, assigned to patrol work near Huron River, Mich., observed what appeared to be a liquor smuggler's boat approaching the shore. No attention was paid to their hails and the agents fired three shots at the boat and the two men operating it declared they would surrender. One of the men, William Niedermeier, was ordered to hand their guns, and when he hesitated the dry agents opened fire simultaneously, killing Niedermeier.

Benway and Pratt were arrested, charged with manslaughter in the case of Neidermeier and assault in the case of his companion. Both were found not guilty on the manslaughter charge, but Benway was convicted on the assault charge and the district attorney, who appeared to defend the two agents, is now preparing to appeal from the verdict.

WADE HAMPTON

Agents A. G. Sutterfield and P. T. Graves on September 25, 1926, entered a negro dance hall at Chestang, Ala., to search for liquor. One of the negroes, Wade Hampton, refused to be searched, drew a revolver, and fired at Sutterfield, who returned the fire, killing the negro instantly. A grand jury exonerated Sutterfield.

JEFF PITTS

On September 23, 1926, Jeff Pitts, of Wesson, Miss., was surprised by Agent W. S. Newman near a still and fled at the command to surrender. Newman fired once, killing Pitts, and thus far no prosecution has been instituted.

LEWIS GREGORY

In another case Agent W. B. Stone, operating near Graveltown, Ky., raided the home of Lewis Gregory, and finding a small quantity of liquor sought to arrest the latter. Gregory, unarmed, threw stones at the agent, who drew a revolver and fired once. Gregory died from loss of blood a few hours later, and Stone was released from custody on his assertion that he was forced to kill in self-defense.

THOMAS A. JOHNSON

On March 4, 1927, Agent E. S. Forsythe raided a still near Eleven-Mile Creek, Fla., Thomas A. Johnson fled as Forsythe approached and plunged into a creek. Forsythe called for Johnson to return, and fired several shots into the air, he declared. Johnson was apparently overcome by the cold water and drowned. Forsythe was charged with manslaughter on complaint of Johnson's father and released on bond pending a preliminary hearing, which has not yet been had.

In three other cases prohibition agents who pleaded self-defense were exonerated by coroners' juries or grand juries which investigated the killings.

JOHN H. ZOLLERS

On May 14, 1926, John H. Zollers was out riding with a schoolteacher, Miss Goldie Robb, and was automobiling in the country near North Platte in the evening. Two prohibition men, G. H. Runyon and Harry Johnson, of Omaha and North Platte, respectively, called on Zollers to halt. He didn't, and Johnson fired a shot which passed through Zollers's neck. Zollers continued driving, thinking the men were bandits; took Miss Robb home; drove to a hospital and died within an hour.

ANDERSON GREEN

Rev. G. W. Gant, of Knoxville, was, in 1921, superintendent of the Anti-Saloon League for east Tennessee and the executive secretaryship of the Knox County Enforcement League. On September 5, 1923, he was notified by Mayor Ellis, of Jefferson City, to rid the place of illicit liquor. He assumed the name of Mr. Shoot.

On September 28 of the same year he arranged to purchase some liquor from Sam Bailey, Anderson Green, and the latter's son, Claude Green. An argument arose. Green, the father, becoming finally exasperated, started to leave with the liquor on his shoulder when Reverend Gant drew a pistol and shouted to the three men to hold up their hands, at the same time firing a shot toward Green's feet. Green dropped the liquor and started to run, Gant running after him and firing several shots. A prohibition agent who had been hiding near by joined the chase and began firing as the other two men started to run. Green was shot in the back and died several days later. He made a deathbed statement saying that Gant was the man who killed him.

CHALMERS M'ALPINE

Sheriff Benton Adams and Federal Officers Hiram Allen, John Draper, Joe Stanford, and Robert P. Ferguson visited the township of Muscadine, Cleburne County, Ala., October 31, 1921, in search of a still. The officers said they found a still and were informed that Chalmers McAlpine, aged 20, had a partnership in it. They proceeded to McAlpine's place of employment and found the youth fixing an automobile. McAlpine started to run. Ferguson, using his left arm for a rest, fired three times, a bullet entering McAlpine's back and killing him instantly.

The Treasury report of this case states that McAlpine turned upon the officers with a pistol in his hand, but the facts remain that no pistol was found and that McAlpine was shot in the back.

FROM SHOT IN THE BACK—PLAIN TALK, DECEMBER, 1927, BY SENATOR EDWARD I. EDWARDS

We print an additional list of 13 killings taken from the Senator's article. Comments therein are those of Senator EDWARDS.

Turn to a very few of the camouflaging reports from the United States Treasury Department. Please note the phrases quoted:

JESS COFFEY—FACTS OF THE CASE

On March 28, 1923, Prohibition Agent Benjamin H. Crumption, accompanied by some sheriffs, raided an illicit distillery near Muscadine, Ala., operated by Jess Coffey. Coffey attempted to escape and Crumption "fired to his right trying to stop him. His foot slipped, causing the gun to swerve to the left, and as a result Coffey was shot and later died."

CARL THERNES—FACTS OF THE CASE

On March 26, 1925, Prohibition Agent Tucker, accompanied by two local officers, went to a farm where it was believed a still was being operated 6 miles from Britton, Okla. Upon arrival at the place the officers found one Albert Berry and one Carl Thernes operating two stills. After the moonshiners were placed under arrest Thernes started "to run away, at the same time, stooping over to pick up what was believed to be a weapon. Agent Tucker, believing that Thernes intended to fire at him from near-by bushes, shot and killed him."

MARCUS FARRELL—FACTS OF THE CASE

On the night of May 10, 1925, Prohibition Agents Mathew and Raney, accompanied by a citizen, went to a point 2½ miles from Raywick, Ky., where four men were found operating a still. The agents and man accompanying them surrounded the still. While Agent Mathew was attempting to take into custody one Evard Mattingley and one Marcus Farrell "his revolver was accidentally discharged," killing Farrel instantly.

There are a number of cases in prohibition killings in which the victim met his death by "accidental discharge" of weapons.

LESLIE BRITT—FACTS OF THE CASE

Agent J. G. Griffin while on a raid in Southampton County, Va., came upon a man by the name of Leslie Britt, "whom [sic] the agent believed was about to wound him." In self-defense Agent Griffin shot him and he died later in the hospital.

BEE LILLY—FACTS OF THE CASE

On April 1, 1925, Prohibition Agent Simmons, accompanied by three State officers surrounded a still on the headwaters of Beaver Creek, near Beckley, W. Va. Two men were seen operating the still. Upon these men ascertaining the persons of the officers they started to run. One of them carried in his hand "what appeared to be a rifle" and it was apparent he was seeking the shelter of a tree. The officers "believed he was about to fire upon them" from ambush and shot at him. He was instantly killed.

HARRY CARLTON

On March 11, 1920, Stewart McMullin, deputy revenue collector, accompanied by two other agents, shot and killed Harry Carlton in an East Side New York flat. In court McMullin testified that Carlton

attacked him and his two companions with a knife. That a man armed with a knife should attack three burly agents all armed with guns seems most improbable, and, of course, no knife was ever produced as evidence, and witnesses said that Carlton was shot while his hands were above his head. But this is not the half of it. McMullin, who did the shooting, had served four years in prison for passing bad checks in Fort Worth, Tex.; was sentenced to eight years for doing the same thing in Indianapolis, and was sentenced from five to nine years in New York for highway robbery.

Do you know how and when he got this job? He actually landed himself in the United States Department of Justice by "squealing" while he was incarcerated in Dannemora. His next step was to get himself into the narcotic squad and then into the Prohibition Unit. At this last work he received a salary of $125 a month and lived at the Hotel Claridge in New York City!

When he was 14 years old he killed a man by hitting him with a rock and was fined $50 and costs for involuntary manslaughter. McMullin had lived under various names: Stuart Nelson, John H. Ramsey, John Conway, and John Murphy.

A few days preceding the murder McMullin had arrested a man for taking $2,500 "protection" money from a bootlegger.

WILLIAM TILGHMAN

Over the main street of Cromwell, Okla., on the night of November 2, 1924, rattled a Ford touring car, carrying two men and two women. The driver of the machine parked in front of the Marie Murphy dance hall, got out, and, feeling gay and kittenish, fired a shot from his revolver. William Tilghman, peace officer, hastened out, and rushing over to the gun artist, grappled with him. A bystander came to the assistance of Tilghman and snatched the gun away from the owner of the Ford. Tilghman, thinking the man was now unarmed, was about to leave, when the gunman drew a second revolver and fired three shots into the body of Tilghman, who sank to the street as his assailant leaped into the car and sped away. The fallen officer died 15 minutes later.

Tilghman came to Cromwell in September, 1924, to act as city marshal. He also bore a commission from the governor. He was a prime mover in the breaking up of the Dalton gang, the Doolin gang, and the Al Jennings gang. The most daring act credited to Tilghman was the capture alive of Bill Doolin at Eureka Springs, after the outlaw had said he would never be taken while he breathed. It is said of Tilghman that he never in his life shot a man unless it was absolutely necessary. He was chief of police of Oklahoma City, and as late of 1915 he gave up his private affairs to the planning and capture of the notorious Henry Starr bank-robber gang.

Who was this skilled desperado who had slain him? None other than Wyley Lynn, member of the Federal prohibition forces.

W. F. DEMENT

In Washington, D. C., William Frank Dement, driver of an alleged rum-running Cadillac automobile, was shot down by Washington's flying police squadron on April 13, 1927, Policeman G. C. Deyoe, Motor Cycle Policeman William A. Schotter, and Sergeant Little participating. There was no gun in Dement's car. Sergeant Little's excuse was that the car threw up a smoke screen, but the car failed to reveal a device so costly that only navies and military airplanes can afford them.

Fifteen shots were fired by the police. The companion of Dement, Austin F. Jarboe, was not struck by bullets, but the police hauled him out of the car, then smashing him in the face, and knocking him unconscious to the ground. The police, when they turned in their report, failed to mention any shooting whatever.

LAWRENCE WENGER

On November 19, 1925, Federal Prohibition Agents John M. Barton, Robert D. Ford, Wilton L. Stevens, and E. Franklin Ely, accompanied by William Trabing, who acted as chauffeur, proceeded from Baltimore to Madonna in Upper Harford County, Md. They discovered what appeared to be, in the words of the Treasury Department, "a still in the process of construction," and secreted themselves to await the supposed owner. In a short time three men approached—Abraham Woods, James Patterson, and Lawrence Weger—all farmers. The prohibition agents jumped from their hiding place, and shots were fired. Patterson narrowly escaped death with a bullet through his coat. The agents decided to leave, apparently being satisfied with their day's labor. On their way to their machine they "discovered" Lawrence Wenger mortally wounded—shot in the back—under some bushes. He died within a few hours.

CHARLES B. GUNDLACH

Charles B. Gundlach, 67-year-old St. Marys County, Md., farmer, was shot and killed, 1927, by prohibition agents who raided his farm without a warrant and found no still. Prohibition Agents Randolph Brewer, Robert F. Cornet, Dano Jackley, and John T. Fisher say that the farmer fired on them as they came on his property. A man whose property is being invaded without a warrant is permitted under the law to use as much force as may be reasonably necessary to repel the invaders. "Reasonably necessary" may be interpreted in various ways. Actually, it means enough force under the circumstances of each case to evict the invader.

Gundlach warned the officers off the place before the shooting began and the officers did not heed the warning. Gundlach did not leave his porch, but stood on the threshold of his house, which, under the circumstances, he had a right to protect. After the shooting began Gundlach fell down wounded. His wife rushed out and took away his weapons, a shotgun and a pistol, and tried to drag him back into the house, but the rain of bullets was so sustained that she was forced to retreat. After this, while her husband lay prostrate, Brewer came up to the house, put his pistol to the head of the man and put a bullet through his brain, she said. Brewer entered the house. Facing only a woman, he apparently no longer needed a warrant. A physician testified that the bullet through the brain of Gundlach was the only one of four wounds which would have caused instant death. This from Dr. F. F. Greenwell, of Leonardtown, Md.

MURDEROUS ASSAULTS AND OUTRAGES BY OFFICERS

An enforcement agent, a married man, courted a 19-year-old girl and proposed marriage to her, with the object of entrapping her in a violation of the prohibition laws.

There is no question of the facts in the case, for they were brought out at a hearing before United States Commissioner Supplee in Baltimore on August 24, 1925. The agent in question was John T. Williams, working directly under Harry M. Luckett, chief of Washington dry agents, and almost directly under Gen. Lincoln C. Andrews, head of the dry enforcement department. Williams stated that Luckett ordered him to "go the limit" to secure the arrest and conviction of Miss Sallie Canada, daughter of Mrs. Sadie Canada, storekeeper and postmistress at Glen Echo, Md. Williams obeyed. He spent a month courting the girl, who had no idea of his identity as a "dry" sleuth. "I told her I loved her and asked her to marry me," he testified before the commissioner. Prior to that, according to the girl, he called her up four or five times a day, took her to hotels for dinner, brought her many boxes of candy, and told her he was a single man. Later on he "admitted" he was a widower with two children, but at length she discovered that he was married and told him "it was all off between them."

The evidence on which Williams had the girl arrested, after having wooed her up to the point of a marriage proposal, is given by the Washington News of August 28, as follows:

"One evening the couple were out driving in the agent's car. He said he wanted a drink and knew where to get it. Stopping the car at a certain point, he said he was afraid to leave it, and asked the girl to 'run down to the river' and get him a pint of whisky. She consented, and he gave her $4 for the purchase price. She came back with the liquor; he offered her some, which she refused, and then he drank most of it on the spot. A week or so later, on the pretext that he wanted half a gallon of gin 'for a party,' he asked her to get it at the same source of supply and to keep it for him until he called. The girl got the liquor and concealed it in the yard back of her mother's store.

"When Williams called he had a woman with him who, the girl learned afterwards, was his wife. He had brought his wife for a witness, although the trustful and, no doubt, somewhat enamored youngster, knew nothing about that and had no suspicion of her impending betrayal. She delivered the gin to Williams, who thereupon placed her under arrest and then proceeded to raid her mother's store. Not a drop of liquor was found on the premises."

To the credit of Commissioner Supplee, when the facts were presented to him, he threw the case out of court. He dismissed charges against Miss Canada of "possession and sale of liquor." "If all liquor cases were as hard as this to make," he observed, "there would be no need for employment of Federal agents to enforce the law."

The case created such a scandal in Washington and Baltimore that the Prohibition Department had to do something to clean its skirts. What did it do? Only a few days ago it dismissed Agent Williams from the service. Agent Williams, who was carrying out the order of his superior, Luckett, who is one of the chief of staff of Gen. Lincoln C. Andrews.

HARRY BROWN

CHARLESTON, April 20, 1925.—Harry Brown, 20 a school-teacher in the Flat Mountain School, a few miles from here, lies in a local hospital at the point of death as a result of being fired upon by prohibition agents as a result of his failure to heed their command to stop while driving an automobile from Pence Springs to Alderson about 10 o'clock last night. According to information obtained to-day by local authorities, six bullets were fired at Brown after he declined to stop, one hitting him, and became lodged in the base of his spine. Officials were told that he continued to drive his car for 3 miles after having been shot, when his injury rendered him unconscious. He has not since regained consciousness, and hospital authorities to-night held little hope for his recovery.

Brown is believed by officials to have taken the prohibition officers for hold-up men. His father is a prominent farmer at Dropping Lick, near Union, and is one of the best-known families in Greenbrier Valley. (Editorial from Wheeling Register, Wheeling, W. Va., April 21, 1925.)

The Charleston (W. Va.) Daily Mail of April 30 states that physicians have little hope for his recovery. He lies paralyzed in a hospital at Alderson.

[From the Louisville (Ky.) Post, June 20, 1927]

The shooting of three children near Olive Hill, Ky., by a constable and three deputies looking for bootleggers should again remind us that there are other laws than the Volstead Act, other rights than those of constables, and other dangers than those of moonshine. The Volstead law is the law and should be enforced. But, like every other law, it must be enforced lawfully.

The officers were looking for a bootlegger in a Ford. Imagine it, looking for a Ford. The children, 12 and 13 years of age, had been swimming. Driving home singing, they were told to halt, were fired upon, and all of whom were wounded.

The children were singing and could not hear the command to halt.

The fact is that the coming of the automobile and the bandit have altered the whole situation in which the law of warrant and search operates. Formerly persons were seldom stopped by officers at night, and when they were, when walking or driving a buggy, they could see that those who accosted them were officers of the law.

Now, it is impossible to distinguish a badge from a car at night, and the man who stops because some unknown orders him, is taking big chances. The Volstead law should be enforced, but not at all costs. If the Volstead law were the only law; if the right not to have liquor sold were the only right; if being shot were not quite as unpleasant as being half shot, we could put up with these fanatics with guns. It is bad enough when enforcement officers deliberately throw flashlights into the eyes of passing motorists, as was done one night this week on the Preston Street Road, with the result that a serious accident was narrowly avoided. But when enforcement of one law requires the shooting of singing children returning from the swimming hole it is time to call a halt.

Senator James W. Wadsworth, jr., on November 18, 1921, in a speech in the Senate told how a farmer, William E. Weisheit, and his son, of Glenmont, were held up by three ununiformed armed men at night, and because they did not halt when ordered, were fired at and the father was shot in the leg. They were returning from market, having disposed of their produce and having no liquor on their motor truck.

They believed they were held up by highwaymen. (See CONGRESSIONAL RECORD, vol. 61, 67th Cong., pp. 7886 and 7887.)

R. E. Ganter, chief Federal agent, is reported by the Albany Evening Journal to have said:

"That while the 'accident' was unfortunate, his men were justified in what they did, and he saw no way to avoid similar 'accidents' in the future unless every citizen ordered to halt by a prohibition enforcement agent obeyed promptly."

In December, 1921, Green Miller, a Federal agent, while conducting a raid on the premises of S. L. Dowd, 281 Watchung Avenue, West Orange, shot two young men, by name William Stanton, of West Orange, and James McFarland, of East Orange. Gustave G. Wolber, of G. Wolber & Co., Newark, N. J., states that he saw two young men running away when the shots were fired and he saw one fall.

Other witnesses state that the second man was hit in the back when fully 50 feet away. Both men were taken to the hospital, and for a while their lives were despaired of.

Miller was indicted by the Essex County grand jury, but was never tried, as the United States authorities took the case from the hands of the State of New Jersey, and there to this day the matter rests.

Was Green Miller prosecuted by the Federal authorities? He was not, but instead he was promoted to the office of chief prohibition officer of Kentucky, his native State. The Couzens committee can obtain complete data in this case from the prosecutor of the pleas, Newark, N. J.

The Newport News (Va.) Press, of September 18, 1923, in an editorial comments as follows upon an outrage committed by Federal agents in Warwick County, Va., shortly before that date:

Recently in Warwick County Federal prohibition officers shot up a law-abiding citizen while on his way to Newport News with a load of innocent farm products, and it was only by good luck that he was not killed by the bullets of his assailants. These officers were indicted by a Warwick County grand jury, but the case was arbitrarily taken out of the circuit court by a peremptory order of the judge of the United States District Court in Norfolk. This infamous assault was made upon a citizen of Warwick while traveling along the road in his own county. But the trial of his assailants is to be held in a Federal court beyond the confines of Warwick.

The other night two young women who are connected with the Y. W. C. A. of Asheville, N. C., were driving along the Greenville-Henderson pike. Suddenly two men sprang from the roadside and commanded them to halt. The young women, thinking they were about to be held up by robbers, put on speed in an attempt to escape, whereupon one or both of the men fired several shots at the rapidly moving car. One bullet punctured a tire, and the car came to a standstill. The men came forward and revealed their identity as prohibition agents. They thought the car containing the young women was being driven by them and that it contained whisky. With profuse apologies, the ladies were allowed to proceed. It is not stated whether the prohibition officers helped them repair their punctured tire. (Petersburg (Va.) Index, April 13, 1923.)

MRS. PETER SANDERS

GLENS FALLS, N. Y., January 7 (A. P.).—State Troopers W. G. Dashley and J. R. Cannon, of Troop B, Malone Barracks, were arrested to-day charged with first-degree assault for the shooting of Mrs. Peter Sanders, of Chestertown, on the highway near Loon Lake on the night of December 29. Dashley and Cannon waived examination and were held for the grand jury. They furnished bail of $5,000 each.

A warrant has been issued for the arrest of Hubert Holliwell, a deputy sheriff of Essex County, on the same charge. Holliwell was with the troopers when Mrs. Sanders was shot.

The woman, with her husband and two children, was driving their automobile when she was accosted by the troopers, who said they thought the car was transporting liquor. Mrs. Sanders, thinking the men were bandits, sped away. A shot was fired, and Mrs. Sanders suffered buckshot wounds in the head and neck. It is believed that she will recover.

[Authority: The Newark Evening News, June 7, 1923]

On the Whippany Road, near Columbia Road, a funeral party, returning from New Haven, Conn., was stopped and the vehicles (the hearse and an automobile) and the passengers were searched by State Trooper Smith for liquor—none was found. There were two women and two men in the automobile—they were searched.

MILFORD, CONN., October 17, 1923.—The local police, directed by Chief of Police Maher, held up the funeral cortege of James Fuller, a garage proprietor, of 526 Park Avenue, Weehawken, N. J., as it was passing through their town on its way to a cemetery in Litchfield to-day and hunted through the hearse and cars for liquor. None was found, but Mrs. May Fuller, the widow, fainted as the flowers and wreaths were taken from the coffin. The procession was delayed more than an hour by the searchers.

Chief Maher told members of the funeral party that a resident of Devon, through which the cortege had passed, had informed him that the casket and carriages contained thousands of dollars' worth of liquor being smuggled into the State. After the coffin had been rearranged and the flowers replaced Chief Maher apologized and the carriages were permitted to continue toward Litchfield. (New York Herald, October 17, 1923.)

[From the Norfolk (Nebr.) Daily News, July 8, 1925]

JAMES JONES

NELIGH, NEBR., July 8 (special to the News).—Under charges of shooting with intent to kill, Ernest Gallaway, special officer at Oakdale, who Monday night at Oakdale shot and severely wounded James Jones, a young Tilden man, was taken by Sheriff J. A. Sutton and Deputy Sheriff W. C. Finicle to the Dodge County jail for safe-keeping.

Gallaway fired several shots at the automobile which Jones was driving after ordering the car to stop. One bullet took effect, striking Jones in the breast, glancing upward, and passed through the upper portion of the lung and came out after passing through the arm. The bullet was found in the car.

The young man is in the employ of Will Harris, of Tilden, in the clothing store, is about 22 years of age, and an orphan. It is said that since his residence in Tilden he has gained an excellent reputation and is admired by many people of that place.

For the past two months or more Mr. Gallaway has been a special officer of Oakdale. He has gained quite a reputation during this time in causing the arrest of many liquor violators and making life a burden for alleged bootleggers, who in the past have caused endless grief at the community dances.

According to Mr. Gallaway, he surmised that liquor was in hiding in the vicinity of the Oakdale mill, where the officer was at the time the automobile drove along. In consequence, he ordered it stopped.

In case Jones dies, the charge against Gallaway will be changed to murder, it is said.

Jones, who was driving the car which was fired upon by Gallaway, said he stopped the car as soon as he could after hearing the officer's command.

The two boys, both of whom are highly respected in Tilden, were driving down a side street in Oakdale when Gallaway jumped out from a clump of bushes and ordered them to stop. Jones, he said, reached down to pull up the emergency brake in an effort to stop the car, but Gallaway fired two shots, which went wild. Then, according

to the story, Gallaway leaped upon the running board of the car and fired directly at Jones, the bullet entering his breast between the second and third shirt button and passed out in the armpit. Alva Saxton, the other boy in the car, was not struck by the bullets.

[From the Columbus (Ga.) Enquirer-Sun, June 16, 1926]

Harrison B. Collins, a Delaware farmer with his wife and children, was riding in his automobile along a highway on the night of May 25. He had no liquor in his car and he was violating no traffic law. Men on the side of the highway called to him to halt. Frightened by the unexpected demand, instead of obeying and risking a hold-up, he drove more rapidly. The men who had tried to halt him opened fire upon the car and its occupants, one of the bullets striking the shoe of Collins's young daughter. The men pursued the fleeing car and eventually overtook it, and, being prohibition enforcement officers, they searched it. There was no liquor in it.

[From the Akron (Ohio) Journal, 1926]

Such a tragedy as has come to Steubenville was certain sooner or later to occur under the present haphazard and varying method of enforcing the prohibition laws. Frank Risler, foreman in one of the large tin-plate mills of that section of the Ohio Valley, returned to his home to find his family in alarm over the invasion of the house by three enforcement agents, had a gun in his hand while he was chief of the party what he was doing there, the answer was returned: "None of your damned business." A bullet through the heart killed the officer, and his assistants fled before the invitation of Mr. Risler to "come out of the cellar and get their medicine."

After surrendering to the police, Mr. Risler said that the enforcement agent had a gun in his hand while he was in the house, and that no warrant was read nor information given as to who he was. "I am not going to lie about it," he continued. "I shot him, and I suppose I would have done the same thing to the others had they not hidden in the cellar. I didn't know who they were and they wouldn't tell me."

[From the Meadville (Pa.) Tribune Republican, September 9, 1926]

Four county and city police, laying in wait for a rum-running car, have been revealed as the supposed "bandits" who fired upon Lloyd Kastor, driver of a Chevrolet sedan, and his party of two women and one man Tuesday evening.

Kastor had turned his machine from the improved road on to the old Franklin Pike and had progressed only a few hundred feet before he drew up alongside the road and extinguished the lights on his machine. A hundred feet farther along the road the four officers—County Detective John L. Laley, Sheriff Charles H. Jones, Chief of Police L. M. Hays, and Patrolman Edward C. Gibson—were hiding in the bushes at the edge of the road, waiting for the appearance of a liquor-transporting automobile regarding which they had been "tipped" was to arrive at about 9 o'clock.

The officers' conclusion was that Kastor's machine was the rum runner, while Kastor, when he was approached by one of the four men, was just as thoroughly convinced that it was an attempted holdup. None of the officers wore uniforms, it was said, and the driver of the machine started up and raced down the road, unknowing that three other men were hiding in the bushes 100 feet from the spot where he had parked. As he went past the officers opened fire, puncturing the tires and then firing at the machine when it failed to halt.

All four tires of the machine were sniped by the gunmen, who were evidently experienced marksmen, while other shots took effect about the rear of the sedan. Holes, apparently caused by a revolver of .38 caliber, were shot through the body of the machine, while there was also evidence that a shotgun had been employed by the bandits.

That none of the four persons in the machine were killed, or at least seriously wounded, is marveled at by the many people who have inspected the sedan, as the machine was literally peppered with bullet holes.

[Special to the Herald-Tribune]

DOROTHY CARRINGTON

NORFOLK, VA., December 16, 1926.—The State is aroused over the use of bullets by O. A. Hanby, State prohibition agent, which resulted in the wounding of Miss Dorothy Carrington, daughter of the Rev. J. W. Carrington, of Cape Charles. The shooting occurred in Northampton County, on the eastern shore of Virginia. The officer opened fire, it is charged, because the car was not stopped at his order to halt.

Owners of at least 10 other cars have complained that their automobiles were peppered by the dry agent because they refused to stop on dark roads at the command to halt.

Virginia newspapers are demanding the prosecution of the officer. Miss Carrington is in a hospital at Cape Charles suffering from two bullet wounds. The officer has been suspended from duty, and legal authorities are considering presenting his case to the grand jury.

Miss Carrington was in the automobile with a friend and when some person, whom they did not see, sprang out in the darkness and commanded that the car be stopped, her companion refused to obey. Then the officer fired four shots at the car, two bullets striking the young woman.

[Special dispatch to the World]

ATLANTIC CITY, July 18, 1927.—Starting for a fishing trip off this resort in a 26-foot motor boat at dawn Friday, Alfred C. Reed, boardwalk rolling chair concessionnaire and banker, and John Ordille, secretary and treasurer of the Renault Wine Co., Egg Harbor, N. J., were fired upon nine times by three Coast Guard men, one bullet striking their boat, they charged to-day.

They were taken into custody and were handcuffed and shackled for two hours, they said, but were released, with apologies, after being taken to Coast Guard Base No. 1, here. They lodged formal protests to-day with Commander John Boedecker, in charge of the base, and with United States Senator EDGE and Representative ALBERT BACHARACH.

"The shooting and arrest," Mr. Reed said to-day, "occurred at 4.45 o'clock Friday morning, when we were leaving on a fishing trip. It was dawn. We heard no command to halt, but when the first shot crossed our bow we stopped the engine immediately. Eight other shots—one of them striking our vessel—were fired before the cutter came alongside.

"We were handcuffed and our feet tied for two hours while being taken to base headquarters. Lieut. Commander Henry G. Hemmingway, in charge at the time, ordered our release and expressed his regrets.

"The occurrence was an outrage. The Coast Guard men said we were running without lights, although it was daylight, and that we failed to answer commands to halt. No such commands were heard, possibly because of the strong wind. In any event, our boat could make only 12 miles an hour, while the cutter could do 22. They could easily have caught up to us without firing. We revealed our identities and made no remonstrance. There was absolutely no need for the humiliation of handcuffs and shackles."

In Washington, D. C., on July 4, 1927, the police arrested a man whose auto had accidentally collided with one driven by a local detective. The citizen, whose injuries were such that he could not walk or even stand, was examined by an Emergency Hospital doctor, who reported his condition due to intoxication. He was locked up, charged with that offense and with reckless driving. After he had laid four hours on the floor of a cell in the police station unable to move, the doctor was again summoned and again could find nothing wrong except to allege intoxication. In order "to play safe," as the report goes, the victim was removed to another hospital, where he died. An autopsy revealed that death had resulted from "twisted vertebræ of the neck." The report of the case also stated: "There was no evidence of alcoholism." Further information is contained in press headlines, which state: "Coroner's Jury Exonerates Hospital Doctor and Police."

WOMAN FACES LIFE SENTENCE

CHICAGO, May 18 (A. P.).—Home-brew found in the house of Mrs. Mary Tokarz, Muskegon, Mich., may, like Fred Palm's pint of whisky, write prohibition history in Michigan.

Mrs. Tokarz, 40 years old and a mother, was arrested here last night for Muskegon authorities. The brew had been found in her home following her daughter's wedding. At liberty under bond, she came to Chicago, where she has been working in a laundry.

The still from which the officers had come was a mile away in Warren's Hollow, which is about 6 miles from the Franklin County line.

Michigan's habitual criminal law provides that three previous felony convictions make a life sentence mandatory.

Mrs. Tokarz, Chicago police were told, was found guilty on three former occasions, each case involving a liquor-law violation, a felony in Michigan. It was fear of the life penalty, she said, that prompted her to flee her bond and come here.

Telephone calls from her husband in Muskegon were traced, resulting in Mrs. Tokarz's arrest. She sobbed her story to detectives and pleaded for mercy.

Fred Palm, of Lansing, Mich., is now serving a life sentence under similar circumstances. When arrested for possession of a pint of whisky, Palm was found to have had previous convictions on felony charges, leaving the court no alternative but to impose a life sentence. Palm has appealed to the State supreme court, attacking the constitutionality of the law.

NEW ALBANY, IND., August 10, 1928 (A. P.).—Claude Smith, 16 years old, was shot in the left arm early to-day when prohibition agents, under W. O. Holman, of Indianapolis, raided the home of James Smith, 53, 3 miles north of Hardinsburg. The youth's arm later was amputated.

Five other persons were arrested in the raid and the agents said they found a 150-gallon still, 13 barrels of mash, and 2 quarts of whisky. The condition of the wounded youth, due to shock and loss of blood, was said to be critical.

TOLEDO, August 14, 1928.—The sixth of a series of attacks on peaceful pleasure yachts on Lake Erie was reported yesterday when it was learned that two boats owned by influential Toledo men had been fired on Monday by a Coast Guard unit near Catawba Cliffs, fashionable summer colony.

One investigation had previously been made of the Toledo situation by Washington officials, in which it was disclosed Coast Guard gunners were firing live shells because they had run out of blank charges.

Socially prominent women in the parties fired on Monday were in hysterics after the yachts had been stopped by Coast Guard bullets and then boarded by guardsmen in search of liquor. The yachts were permitted to proceed.

Girls in a girl scout camp near Catawba Cliffs were among those endangered by Coast Guard gunfire.

The yachts which were the subjects of Monday's firing were owned by Carlton Baumgardner, wholesale dry-goods merchant, and Lloyd Hixon, lumber dealer. Among the passengers was Mrs. Webb Haye, wife of a lieutenant commander of the United States Navy.

Toledo indignation over gunfire from coast patrols first arose when on July 5 the *Priscilla*, a yacht owned by Thomas H. Devilbiss, manufacturer, returned from an inspection of his Canadian branch factories at Windsor, Ontario. A patrol boat without lights fired across the *Priscilla's* bow and proceeded in the dark without making any explanation.

The yacht of Walter S. Hayes, grandson of the late President Hayes, was twice fired on by Coast Guard patrols. Hayes addressed a complaint to Secretary Mellon, who promised an investigation.

Mellon informed Hayes the shots fired were "probably blanks." But on the second attack on his boat Coast Guard men admitted they were live shells. Hayes again protested to Mellon, who to date has not replied.

[From the New York World]

CLINTON, ILL., September 28, 1928.—John G. Berliew, a dry agent, was arraigned in the circuit court to-day charged with kidnaping and contributing to the delinquency of Mildred Brown, 14, of Weldon Springs. The evidence showed that when Berliew met the child he was employed by the State's attorney of De Witt County to run down Volstead law violators.

Berliew, it is charged, lured the girl away from her home and used her in his efforts to trap Volstead violators. Last Sunday he registered her in a Taylorville hotel under an assumed name as his wife. They remained in the hotel three days.

Berliew learned that De Witt County authorities were sending notices over the State offering a reward of $100 for his arrest. Fearing a penitentiary sentence, he took the girl before a police magistrate and they were married. Berliew was arrested. The child was held until her mother arrived and took her home.

He is now held under $11,000 bonds on the kidnaping charge and the delinquency charge. He also is held on three charges of perjury for filing allegedly false affidavits while he was procuring liquor evidence and another charge of violating the prohibition laws.

[From the New York Times]

MERLE ADAMS

CHICAGO, August 21, 1928.—"Hard-boiled" George Golding's special prohibition squad "got their man" to-day in the City Hall Square Building, across the street from the courthouse. They shot him and blackjacked him and kept him for half an hour while they questioned him, and then finally learned that his name was Merle Adams, an insurance agent, of 1348 Hood Avenue. To-night he was reported near death at St. Luke's Hospital.

For a half hour after the shooting occupants of the building were terrorized by brandished revolvers and curt commands to "get back in your office; we're Government men."

When the police came they were told, "Stay out; we don't need you."

Finally Miss Ann Carey, a lawyer with offices in the building, decided some one ought to call a doctor, and she did so. The wounded man, who was shot above the heart, was then taken out of the offices which the Government men suspected of being the headquarters of a liquor syndicate.

The shooting startled the loop building, and it was hours before quiet was restored. Adams was shot on the eighth floor, pursued to the second floor and beaten, then forced to go back up to the eighth floor.

A guard stood over the wounded man at the hospital when newspaper men sought to obtain the facts concerning the shooting. A special enforcer of Golding's squad, Robert Coyne, had given the hospital attachés orders to permit no one to see him but his wife. She denied that Adams was a bootlegger.

Golding came here last spring from New York City, where he had been a policeman. He has led a squad of dry agents in numerous raids armed with sawed-off shotguns and pistols, but was reported to be out of the city during to-day's raid. His assistant, E. Avis, assumed charge at the City Hall Square Building and threatened to smash cameras or faces if any pictures were taken.

Capt. John Horan, of the police department, obtained the names of the three agents who conducted the raid. The one who fired the shots was said to be Arthur Franklin, and his companions were James Evans and Edward P. Gill.

Asked if the Government raiders had a warrant, Captain Horan said he understood they had not. Asked if any liquor was found in the rooms, he said he understood there was none.

[From the South Bend (Ind.) News, June 6, 1928]

Two Federal prohibition officers gathered up two girls, one 20 years old and the other 16, and took them to a cabin near Clinton, Mo., on a balmy night in April. They took plenty of liquor along and spent the night in drinking and carousing.

The State of Missouri indicted the two men for transportation of liquor and for giving it to the girls.

The Federal authorities stepped into the case, as usual, dragged the two officers out of the State courts through the accustomed habeas corpus proceedings and now sends an assistant United States attorney to act as chief of their defense counsel.

"It is sometimes necessary," say the authorities in defense of their position, "to use women decoys to obtain evidence of prohibition violations. In this case there were no specific instructions issued by my office to do so. However, the agents may have found it necessary to create an atmosphere in order to work with any authority."

This "creation of an atmosphere" is interesting and amusing. The atmosphere created in Missouri is not, to speak frankly, highly aromatic. In fact, it smells to high heaven.

One wonders what the purpose of the high jinks in that lonely cabin may have been. Were the agents testing their decoys—if they were decoys? And if they must use decoys, how does this square with the civil-service rules? Who empowered the agents to conduct such an examination? Furthermore, how does it square with the oft-repeated instructions of the department that provocative agents are not to be used?

A government that persuades men to commit crime in order to convict them afterwards is as guilty as the men themselves. An agent who sets up a speak-easy or lures men into disobedience to law is a criminal.

The public, moreover, has never had a satisfactory answer to the question of how the Government may legally take away from the States the right to try offenses against their own laws. It does so. The Federal Government has usurped all of the State's sovereignty, and it has done so in behalf of criminals, crooks, and murderers.

These are the things that disgust many temperate men with the present method of liquor-law enforcement.

AROUSED IN GIRL'S DEATH—HENRY COUNTY BELIEVES DEPUTY WAS HASTY IN SHOOTING INTO CAR—BUT NO CRIMINAL LIABILITY IS PLACED ON F. G. HALL, WHO FIRED THE SHOT WHICH KILLED ELEANOR HARIGAN

CLINTON, Mo., January 23.—Just why a deputy constable and his posse couldn't halt a motor car without firing at its occupants and killing a 6-year-old girl, many Henry County citizens to-day are unable to understand.

Little Eleanor Harigan was killed late yesterday near Windsor, Mo., 20 miles northeast of here, when her father, William Harigan, of Montrose, Mo., wouldn't stop his car when ordered to do so by T. G. Hall, a deputy constable of Windsor. Mr. Harigan says he believed Hall and his posse were hold-up men.

FARMER STARTS THE CHASE

Word had gone out from a farmer south of Windsor that he had seen two motor cars which aroused his suspicions near his farm. "I knew he was shot worse than he thought he was," the farmer thought he heard one of the occupants say.

The farmer notified the authorities at Windsor. Hall formed a posse and went in pursuit. The farmer believed he had seen one of the men place a sack in a pasture near by.

"Ah, bootleggers," thought the posse, as the trail was followed south 7 miles to Calhoun, Mo. Returning to Windsor, the men saw an old Buick car. In it rode Eleanor, her father, her mother, and her aunt, Mrs. Roza Luebbering, also of Montrose.

When Harigan refused to stop his car a shot was fired into the car by Hall or a member of his posse. The little girl slumped to her seat, dead.

SOME BLAME THE DEPUTY

Commenting here to-day on the case, several persons have said Harigan's motor car could have been stopped if the deputy or his men had fired into the tires.

Of course, there are those who believe the deputy or his men fired accidentally into the car, the bullet being aimed at the tires. Over at

Windsor there is little excitement. It was just a regrettable accident, persons there are saying.

In the meantime a coroner's jury has found no criminal liability, holding the girl was killed by a bullet fired by Hall or a member of his posse. Windsor is about 89 miles northeast of Kansas City, in the extreme eastern part of Henry County.

COLORADO RIVER POWER PERMITS

Mr. PITTMAN. Mr. President, I report favorably with an amendment from the Committee on Irrigation and Reclamation the joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River, and I ask unanimous consent for its present consideration.

This joint resolution is the same that has been adopted practically at every session since we started with the Boulder Dam legislation. The Boulder Dam legislation contains a similar paragraph. It is to protect the situation pending the ratification or refusal of ratification of that measure. I therefore ask for the present consideration of the resolution.

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 8, after the word "River," to insert the words "and its tributaries," so as to make the joint resolution read:

Resolved, etc., That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provision of the act of Congress approved June 10, 1920 (41 Stat. 1063, known as the Federal water power act), upon or affecting the Colorado River or any of its tributaries, except the Gila River and its tributaries, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California, unless and until the act approved December 21, 1928, known as the Boulder Canyon project act, becomes effective as therein provided.

The amendment was agreed to.

Mr. ASHURST. Mr. President, the amendment provides that the embargo shall not apply to the Gila River or its tributaries. Am I right?

Mr. PITTMAN. That is correct. A bill was passed the other day authorizing the granting of licenses on the Gila.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO WORLD'S FAIR

Mr. DENEEN. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 365, authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes. The joint resolution was passed unanimously by the House, sent to the Senate, referred to the Committee on Finance, and was reported unanimously by that committee, with a request for immediate consideration.

The joint resolution relates to a world's fair in Chicago in 1933. It is proposed to celebrate the centennial of the organization of Chicago as a municipality in that year. All that is asked in the matter is to have the President, by a proclamation or otherwise, invite the nations of the world to send exhibits to the fair. A provision has been made in the resolution itself whereby the city of Chicago will not ask for any appropriation from the Government, and that the Government hereafter shall be under no obligation whatever to make an appropriation.

Mr. ROBINSON of Arkansas. I see that the resolution provides that the invitations shall not be extended by the President for foreign governments to participate until the World's Fair Corporation has itself raised the sum of $5,000,000.

Mr. DENEEN. That is correct.

Mr. ROBINSON of Arkansas. I have no objection to the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5549) to provide for the disposition of revenues arising from operations of the United States Public Health Service, and for other purposes; to the Committee on Finance.

By Mr. JONES:

A bill (S. 5550) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon for use as a constant frequency monitoring radio station, and for other purposes; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 5551) granting an increase of pension to Emma A. Gannett (with accompanying papers); and

A bill (S. 5552) granting an increase of pension to Jennie A. Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5553) for the relief of Annie McColgan; to the Committee on Claims.

A bill (S. 5554) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near Oil City, Venango County, Pa.; to the Committee on Commerce.

A bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 5556) granting a pension to Nancy M. Tarter (with accompanying papers); and

A bill (S. 5557) granting an increase of pension to Fannie Compton (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 5558) for the relief of Sada S. Goode; to the Committee on Claims.

A bill (S. 5559) granting a pension to William A. Hawkins (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5560) for the relief of Capt. Herbert Baldwin; to the Committee on Military Affairs.

A bill (S. 5561) granting a pension to Cora Edna Kuderski; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 5562) to authorize the survey of certain land claims by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor; and

A bill (S. 5563) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; to the Committee on Indian Affairs.

By Mr. BURTON:

A bill (S. 5564) for the relief of the Upson-Walton Co.; to the Committee on Claims.

A bill (S. 5565) authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio; to the Committee on Commerce.

By Mr. PITTMAN:

A bill (S. 5566) to include certain lands in the counties of Lincoln, Nye, and White Pine, Nev., in the Nevada National Forest, Nev., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. GEORGE:

A bill (S. 5567) authorizing receivers of national banking associations to compromise shareholders' liability; to the Committee on Banking and Currency.

By Mr. BRATTON:

A bill (S. 5568) granting a pension to Ida Lyons;

A bill (S. 5569) granting a pension to Frank Preusser; and

A bill (S. 5570) granting an increase of pension to Harry E. Kimble; to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 5571) to amend section 7 of the Federal reserve act, as amended; and

A bill (S. 5572) to amend section 19 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. KENDRICK:

A bill (S. 5573) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. RANSDELL:

A bill (S. 5574) to amend and reenact the provisions of the tariff act of 1922 relating to jute and its products; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 5575) authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. FESS:

A bill (S. 5576) granting an increase of pension to Maria O. Walter; and

A bill (S. 5577) granting an increase of pension to Elizabeth Gifford; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5578) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes; to the Committee on Commerce.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 5579) granting a pension to Mary R. Gehlbach; and

A bill (S. 5580) granting an increase of pension to Katie H. V. Long (with accompanying papers); to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5581) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928; to the Committee on Public Buildings and Grounds.

CHANGE OF REFERENCE

On motion of Mr. CURTIS, the Committee on Rules was discharged from the further consideration of the joint resolution (S. J. Res. 177) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and it was referred to the Committee on Military Affairs.

SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER submitted an amendment intended to be proposed by him to the resolution (S. Res. 303) increasing the limit of expenditure for a survey of Indian conditions in the United States, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 16422, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the school-construction items insert the following:

"For the construction of an addition to the Whittier School, in accordance with existing plans, including a gymnasium and assembly hall, with proper equipment and furniture, $125,000."

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. SHORTRIDGE submitted an amendment proposing to increase the appropriation for investigation, etc., in connection with cereal crops and diseases to $818,920 in lieu of $810,920, as reported by the Committee on Appropriations, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for silvicultural, dendrological, and other experiments and investigations, etc., from $413,000 to $443,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

NELLIE C. BOND ROOT

Mr. GREENE submitted the following resolution (S. Res. 307), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Nellie C. Bond Root, daughter of George H. Bond, late an employee of the Senate under direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONTINUING SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER submitted the following resolution (S. Res. 308), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 25, 1929:

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.;

S. 1156. An act granting a pension to Lois I. Marshall; and

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians.

On January 26, 1929:

S. 3828. An act to amend public law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; and

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1364. An act for the relief of R. Wilson Selby;
S. 1633. An act for the relief of Edward A. Blair;
S. 2989. An act for the relief of John B. Moss;
S. 3327. An act for the relief of Robert B. Murphy;
S. 3741. An act for the relief of S. L. Roberts;
S. 4927. An act for the relief of Peter Shapp; and
S. 4454. An act for the relief of Jess T. Fears.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

The message further announced that the House had passed the bill (S. 4338) to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1071. An act for the relief of Clyde Calvin Rhodenbaugh;
H. R. 1393. An act for the relief of Frank Fowler;
H. R. 1468. An act for the relief of John J. O'Connor;
H. R. 2659. An act for the relief of Annie M. Lizenby;
H. R. 3044. An act for the relief of Leon Freidman;
H. R. 3047. An act for the relief of J. Edward Burke;
H. R. 3677. An act for the relief of F. M. Gray, jr., Co.;
H. R. 3728. An act for the relief of Rossetta Laws;
H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;
H. R. 5286. An act for the relief of J. H. Sanborn;
H. R. 5287. An act for the relief of Etta C. Sanborn;
H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;
H. R. 5932. An act for the relief of Arthur Moffatt, deceased;
H. R. 6204. An act for the relief of Rebecca J. Rider;
H. R. 6892. An act for the relief of Martha J. Tonguet;
H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;
H. R. 8079. An act for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased;
H. R. 8575. An act for the relief of Thomas Gaffney;
H. R. 9213. An act granting relief to the widow of Albert F. Smith.
H. R. 9972. An act for the relief of Charles Silverman;
H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
H. R. 10774. An act for the relief of Carlisle Commission Company;
H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;
H. R. 11699. An act conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;
H. R. 11869. An act for the relief of William L. Bruhn;
H. R. 11963. An act for the relief of Leo B. Thome;
H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
H. R. 12390. An act for the relief of Frank C. Messenger;
H. R. 12424. An act for the relief of William Fisher;
H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;
H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;
H. R. 12548. An act for the relief of Margaret Vaughn;
H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;
H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;
H. R. 13521. An act for the relief of Minnie A. Travers;
H. R. 13573. An act for the relief of Pedro P. Alvarez;
H. R. 13632. An act for the relief of Ruth B. Lincoln;
H. R. 13638. An act for the relief of Weymouth Kirkland and Robert N. Golding;
H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
H. R. 13673. An act for the relief of John Burket;
H. R. 13721. An act for the relief of Edwin I. Chatcuff;
H. R. 13734. An act for the relief of James McGourty;
H. R. 13888. An act for the relief of Charles McCoombe;
H. R. 13992. An act for the relief of N. P. Nelson & Co.;
H. R. 14242. An act for the relief of Everett A. Dougherty;
H. R. 14378. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;
H. R. 14493. An act for the relief of George Press;
H. R. 14572. An act for the relief of William D. Ghrist;
H. R. 14722. An act for the relief of Jacob Scott;
H. R. 14728. An act for the relief of J. A. Smith;
H. R. 14761. An act for the relief of Clarence Stevens;
H. R. 14781. An act for the relief of James D. Poteet;
H. R. 14897. An act for the relief of Matthias R. Munson;
H. R. 14972. An act for the relief of Sylvester S. Thompson;
H. R. 14981. An act for the relief of Josephine Laforge (Sage Woman);
H. R. 15004. An act for the relief of Florence P. Hampton;
H. R. 15039. An act for the relief of Winston W. Davis;
H. R. 15279. An act for the relief of the family of Wang Erh-Ko;
H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;
H. R. 15561. An act to correct the military record of Lawrence Fisher;
H. R. 15651. An act for the relief of Leonidas L. Cochran;
H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
H. R. 15919. An act to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes;
H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;
H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and
H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:
S. 1511. An act for the exchange of lands adjacent to national forests in Montana;
S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.);
H. R. 5953. An act for the relief of E. L. F. Auffurth;
H. R. 6350. An act for the relief of Bertram Lehman;
H. R. 6704. An act for the relief of Harry Pincus;
H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;
H. R. 8988. An act for the relief of Milton Longsdorf;
H. R. 9049. An act to amend section 227 of the Judicial Code;
H. R. 9509. An act for the relief of Ray Ernest Smith;
H. R. 10125. An act for the relief of Leo Scheuren;
H. R. 10126. An act for the relief of Loretta Pepper;
H. R. 10974. An act for the relief of Carl Holm;
H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and
H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

REIMBURSEMENT OF NEVADA (S. DOC. NO. 210)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the following communication from the Comptroller General of the United States:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 26, 1929.

The PRESIDENT OF THE SENATE.

SIR: There has been received Senate Resolution 295, Seventieth Congress, second session, authorizing and directing me to—

"* * * reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on $8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct $12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada."

Complying therewith, I have the honor to certify that the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States has been reopened and restated as directed in said resolution, and on said reopening and restatement the balance found due to the State of Nevada is $595,076.53, as follows:

1. Basis of calculation, balance due to the State of Nevada on Jan. 1, 1900, as stated in the account set forth in the report of the Secretary of the Treasury printed in House Document 322 (56th Cong., 1st sess.)		$462,441.97
2. Plus interest certified by the comptroller of the State of Nevada as actually paid by the State of Nevada on the same so advanced and expended from Jan. 1, 1900, to Dec. 31, 1928, at 5 per cent per annum, on principal sum of $119,800.12 advanced and expended by the State of Nevada in aid of the Government of the United States during the War between the States	175,710.17	
	636,152.14	
3. Less interest at 5 per cent per annum on $8,559.61 repaid by the United States on Apr. 10, 1888, from date of payment to Dec. 31, 1928	17,429.92	
	618,722.22	

4. Less $12,283.04 repaid by the United States on July 1, 1910, with interest thereon at 5 per cent per annum from July 1, 1910, to Dec. 31, 1928, $11,362.65, or a total deduction of ---------- $23,645.69

Net balance ---------- 595,076.53

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. PITTMAN. I ask that the report of the Comptroller General be printed and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, the report will be printed as a Senate document and referred to the Committee on the Judiciary.

AWARD OF GOLD MEDALS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4338) to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, which were, on page 1, line 5, after the word "to," to insert "Commander John H. Towers for conceiving organizing, and commanding the first trans-Atlantic flight"; and on page 1, line 6, after the word "officer," insert "NC–4."

Mr. METCALF. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 15279. An act for the relief of the family of Wang Erh-Ko; to the Committee on Foreign Relations.

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes; to the Committee on Appropriations.

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 14761. An act for the relief of Clarence Stevens;

H. R. 14981. An act for the relief of Josephine Laforge (Sage Woman);

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased; and

H. R. 15919. An act to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan; and

H. R. 13721. An act for the relief of Edwin I. Chatcuff; to the Committe on Naval Affairs.

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 3677. An act for the relief of F. M. Gray, jr., Co.;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 10774. An act for the relief of Carlisle Commission Co.;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 11699. An act conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13638. An act for the relief of Weymouth Kirkland and Robert N. Golding;

H. R. 13734. An act for the relief of James McGourty;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14378. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 14572. An act for the relief of William D. Ghrist;

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15039. An act for the relief of Winston W. Davis; and

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.; to the Committee on Claims.

H. R. 3728. An act for the relief of Rossetta Laws;

H. R. 5932. An act for the relief of Arthur Moffatt, deceased;

H. R. 6204. An act for the relief of Rebecca J. Rider;

H. R. 6892. An act for the relief of Martha J. Tonguet;

H. R. 8079. An act for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased;

H. R. 8575. An act for the relief of Thomas Gaffney;

H. R. 9213. An act granting relief to the widow of Albert F. Smith;

H. R. 1071. An act for the relief of Clyde Calvin Rhodenbaugh;

H. R. 1393. An act for the relief of Frank Fowler;

H. R. 1468. An act for the relief of John J. O'Connor;

H. R. 11869. An act for the relief of William L. Bruhn;

H. R. 11963. An act for the relief of Leo B. Thome;

H. R. 12424. An act for the relief of William Fisher;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13673. An act for the relief of John Burket;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14493. An act for the relief of George Press;

H. R. 14722. An act for the relief of Jacob Scott;

H. R. 14781. An act for the relief of James D. Poteet;

H. R. 14972. An act for the relief of Sylvester S. Thompson; and

H. R. 15561. An act to correct the military record of Lawrence Fisher; to the Committee on Military Affairs.

NICARAGUA CANAL

Mr. EDGE. Mr. President, I desire to ask unanimous consent that the Senate proceed to the consideration of Order No. 785, Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal.

Mr. BRATTON. Mr. President——

Mr. EDGE. I yield to the Senator.

Mr. BRATTON. I suggest to the Senator from New Jersey that before we do that, we take up the calendar for the consideration of unobjected bills, at the point where we discontinued a few days ago, and finish the call of the calendar for the consideration of unobjected bills, and then proceed to the consideration of the resolution to which the Senator is now addressing himself.

Mr. CURTIS. Mr. President, I had intended to make that request after this matter had been acted upon. The Senator from New Jersey assures me that it will take but a few minutes, and if he sees that it is going to lead to debate, that he will withdraw the request.

Mr. DILL. Mr. President, I may say to the Senator that it would take the rest of the time between now and 2 o'clock for the discussion of the joint resolution.

Mr. EDGE. Mr. President, with the statement of the Senator from Washington that he would discuss the measure until the

termination of the morning hour, of course I will not press my request; I would very much prefer to have the calendar called. But I will say to the Senator from Washington that, as far as I can ascertain, there is very little, if any, opposition to the resolution, and I would like to have an hour sometime in order to hear what the opposition may be.

Mr. DILL. I can not give unanimous consent to the enlargement of American interests in Nicaragua while the American marines are being kept there. It will give the administration one more reason for keeping the marines down there interfering with the peaceful pursuits of those people.

Mr. CURTIS. Mr. President, I ask unanimous consent that we proceed to the consideration of unobjected bills on the calendar, beginning where we left off at the last call.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection?

Mr. NORRIS. Mr. President, let me suggest to the Senator from Kansas that we have proceeded with the call of the calendar thus far without restricting the call to the consideration of unobjected bills. Could we not complete the call of the rest of the bills on the calendar under the same arrangement we have followed thus far?

Mr. CURTIS. I have no objection to that, but on Monday that order will be reached automatically, and I thought if we could dispose of the unobjected bills we could make more progress.

Mr. NORRIS. That would be perfectly agreeable if the Senator intended to ask for an adjournment to-night and not a recess.

Mr. CURTIS. It was my intention to ask the Senate to adjourn at the conclusion of its business to-day, because several Senators have notified me that they will want to bring up bills on Monday.

Mr. NORRIS. Then I have no objection.

Mr. EDGE. Mr. President, I have no intention of objecting, because I think we should proceed with the call of the calendar and complete it, but in view of the statement of the Senator from Kansas that he will ask for an adjournment this evening, I give notice that at the conclusion of the morning business on Monday I will ask for the consideration of my joint resolution for the purpose of finding out what the opposition to the adoption of the joint resolution is, if there is opposition; at least, we can discuss it up to the end of the morning hour.

THE CALENDAR

Mr. SMITH. Mr. President, may I ask the Senator from Kansas the nature of his request in reference to the calendar and an adjournment?

Mr. CURTIS. My request was that we begin with the call of the calendar where we left off at the last call, to consider unobjected bills on the remainder of the calendar.

Mr. SMITH. Does the Senator intend to ask for an adjournment when we conclude our business to-day?

Mr. CURTIS. I have not talked with the Senator in charge of the unfinished business, but several Senators have said that they have matters they want to take up on Monday, and it was my intention to ask for an adjournment at the conclusion of business to-day.

Mr. BRUCE. Mr. President, would that interfere with the consideration of the naval bill as the unfinished business?

The PRESIDING OFFICER. The Chair is of opinion that it would not.

Mr. BRUCE. The proposal is to take up the calendar at what point?

The PRESIDING OFFICER. Order of Business 1475, where we left off at the last call, and proceed with unobjected bills on the calendar. Is there objection? The Chair hears none, and it is so ordered, and the clerk will proceed with the call of the calendar.

The bill (H. R. 12695) to authorize the licensing of patents owned by the United States was announced as first in order on the calendar.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 15386) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMENDMENT TO FEDERAL RESERVE ACT

The bill (S. 5349) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, was announced as next in order.

Mr. McKELLAR. Will not some one explain this measure?

Mr. REED of Missouri. I want to know what it is.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read as follows:

Be it enacted, etc., That the seventh paragraph of section 9 of the Federal reserve act, as amended (sec. 326, title 12, U. S. C.), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

SEC. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (sec. 483, title 12, U. S. C.) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

Mr. REED of Missouri. Mr. President, reserving the right to object, I want to ask the sponsor for the bill to give an explanation of it.

Mr. EDGE. Mr. President, I was about to suggest that the chairman of the Committee on Banking and Currency [Mr. NORBECK] is not in the Chamber. I had intended to make the same request. I think the bill should go over.

Mr. REED of Pennsylvania. Mr. President, will the Senator withhold his objection for a moment?

Mr. EDGE. Very well.

Mr. REED of Pennsylvania. The purpose of the bill is perfectly plain. A great many of the State banks have not wanted to join the Federal reserve system for the sole reason that it exposes them to a double examination. The purpose of the bill is to provide that one examination may be made by the Federal examiner and a copy of that examination may be furnished to the State bank-examining authorities, with the result that the one examination shall answer both purposes. It also enables the Federal bank examiner to charge the expense of the examination against the particular bank in question.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. With pleasure.

Mr. ROBINSON of Arkansas. There is nothing in the language of the bill to sustain the statement that the result of the Federal examination is to be certified to the State examining authorities. The bill merely provides that the expense of examinations other than those made by State authorities may, in the discretion of the Federal Reserve Board, be assessed against the banks examined. What is the provision of existing law on that point?

Mr. REED of Pennsylvania. The Senator is perhaps looking at the wrong bill. If he will look at the top of page 2 of Calendar 1479, he will see the provision I spoke of.

Mr. ROBINSON of Arkansas. Yes; I am looking at the bill the Senator refers to. It provides that in the discretion of the Federal Reserve Board there may be furnished to the State authorities having supervision of such bank a copy of such examination.

Mr. REED of Pennsylvania. That is correct.

Mr. ROBINSON of Arkansas. There is no requirement?

Mr. REED of Pennsylvania. Oh, no.

Mr. GLASS. Mr. President, I ask that the bill may go over. I do not know anything about it. I do not know whether the Committee on Banking and Currency considered it or not. I have missed but one meeting of the committee, and I know it was not considered at any meeting at which I was present. Moreover, I will say to the Senator from Pennsylvania, that my recollection of existing law is that there is no unnecessary duplication in examinations because the Federal board is au-

thorized to accept examinations made by the State banking authorities.

Mr. REED of Pennsylvania. Under the present law there is no authority for furnishing a copy of the report of the Federal examination to the State authorities. This merely permits it.

Mr. ROBINSON of Arkansas. Is that the only change in the law?

Mr. REED of Pennsylvania. As I understand it, it is the only change.

Mr. FLETCHER. Mr. President, may I say to the Senator from Virginia that this matter was considered by the Committee on Banking and Currency at the last meeting, when the Senator was not present. The action of the committee was based mainly on the report of the Federal Reserve Board, and the reason for the legislation is set out in the report very briefly. Let me read just one brief paragraph with reference to it:

An amendment making it discretionary with the Federal Reserve Board to assess the costs of examining member banks against the banks examined. The Federal Reserve Board has been handicapped in its efforts "to establish a more effective supervision of banking" by the fact that the present law requires the expenses of all examinations of member banks made by the Federal Reserve Board or by the Federal reserve banks to be assessed against the banks examined. The State banks object to bearing the expenses of such examinations on the ground that it subjects them to the expenses of double examinations; since they are also required, either directly or indirectly, to bear the expenses of examinations made by the State authorities. Examinations made by State authorities frequently are inadequate for the board's purpose, since the State authorities are not charged with the duty of enforcing the provisions of the Federal reserve act and do not always consider it necessary to broaden the scope of their examinations so as to disclose violations of the Federal reserve act.

That leaves it discretionary with the board. Where the State examinations are complete, then the Federal board does not require a Federal examination.

The PRESIDING OFFICER. The Chair will state that, objection having been made by the Senator from Virginia, the bill will be passed over.

Mr. HEFLIN. Mr. President, I was about to ask that it go over until I get a chance to look into it. The statement of the Senator from Florida [Mr. FLETCHER] throws considerable light on it, but I would like to look into the measure further.

The PRESIDING OFFICER. The bill has been passed over, and the clerk will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

LIGHTHOUSE SERVICE

The bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes, was announced as next in order.

Mr. WHEELER. Over.

Mr. VANDENBERG. Mr. President, will the Senator withhold his objection for a brief explanation?

The PRESIDING OFFICER. Does the Senator withdraw his objection temporarily?

Mr. WHEELER. Very well.

Mr. VANDENBERG. The bill deals with three very minor matters in the Lighthouse Service, first, permitting the reimbursement of lighthouse keepers at far-distant points, who have to go long distances for medical attention; second, to provide the Government's share, I think $2,100, in a street tax in front of their Detroit depot; and third, to provide two necessary lights at the Pacific entrance of the Panama Canal. That is the extent of the measure, and it has the unanimous indorsement of all concerned in that branch of the service.

Mr. WHEELER. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That hereafter the appropriation, "General expenses, Lighthouse Service," shall be available, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of lighthouse keepers at isolated stations to obtain medical attention.

SEC. 2. The Secretary of Commerce is authorized to pay not exceeding 50 per cent of the cost of paving Mount Elliott Avenue from Wight Street to the Detroit River, Detroit, Mich., said portion being directly in front of the lighthouse depot at Detroit. The appropriation, "General expenses, Lighthouse Service," of the fiscal year in which the work is undertaken shall be available therefor.

SEC. 3. The Secretary of Commerce is authorized, subject to the consent of the Republic of Panama and suitable diplomatic arrangements for protecting the interests of the United States, to establish and maintain aids to navigation, including the purchase of sites, if necessary, on Jicarita Island and on Morro Puercos in the approaches to the Panama Canal from the Pacific Ocean, said sites belonging to the Republic of Panama.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Delaware.

ENLARGEMENT OF CAPITOL GROUNDS

The bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds was announced as next in order.

Mr. BRATTON (and other Senators). Over.

Mr. KEYES. Mr. President, will the Senator who objected kindly withhold his objection for a moment?

The PRESIDING OFFICER. There were several objections.

Mr. KEYES. I did not suppose there would be any objection to the bill.

Mr. BLAINE. Mr. President, I do not care to state my reasons this morning for objecting to the bill, because it would involve some discussion.

The PRESIDING OFFICER. Under the unanimous-consent agreement, objection having been made, the bill will be passed over.

Mr. BLAINE subsequently said: I ask permission to return to Order of Business 1485, House bill 13929, for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, the bill will be recurred to, and the amendment will be received.

Mr. BLAINE. Now I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BRUCE. Mr. President, would there be any objection to the clerk reading the amendment just offered by the Senator from Wisconsin? I should like to hear it read.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The Chief Clerk proceeded to read the amendment, which is as follows:

The Secretary of Labor is hereby authorized and directed to provide for the construction, equipment, maintenance, repair, and operation of Government dormitories for women employees of the United States in the District of Columbia, and of such refectories, laundries, power houses, infirmaries, and other structures as, in the opinion of the Secretary of Labor, are suitable and necessary for use in connection with such dormitories. Such dormitories and other buildings may, in the discretion of the Secretary of Labor, be erected either upon the present sites of the Government hotels or dormitories, known as the Capitol group and the Plaza group, between Delaware Avenue and New Jersey Avenue, or upon lands which may be acquired for this purpose in the District of Columbia within a radius of not more than 1 mile from the Treasury Building. The dormitories shall be capable of accommodating not less than 1,500 nor more than 2,500 persons, and they may be constructed in separate units to accommodate 500 persons or any multiple of such number.

SEC. 2. That in order to carry out the purposes of this act the Secretary of Labor is hereby authorized and empowered—

(a) To sell for the purpose of removal the existing Government hotels or dormitories referred to in section 1 of this act, or to remove the same and sell or otherwise dispose of the materials used in their construction;

(b) To exercise exclusive direction and control over all matters pertaining to the dormitories and other buildings herein authorized to be constructed and over the Government dormitories fund hereinafter established, through such agency or agencies as he may create or designate;

(c) To make such agreements, contracts, and regulations as he may deem necessary and appropriate;

(d) To appoint, in accordance with the civil service laws, such officers and employees as are necessary for executing the functions vested in

him by this act, and, in accordance with the classification act of 1923, to fix the salaries of such officers and employees; and

(e) To acquire by purchase, condemnation, or otherwise such lands as may be necessary.

SEC. 3. (a) There is hereby established a special fund, to be known as the Government dormitories fund (hereinafter referred to as the fund). All amounts received in carrying out the provisions of this act shall be covered into the fund, and are reserved, set aside, and appropriated to be available for use by the Secretary of Labor in accordance with the provisions of subdivision (b) of this section.

(b) The amounts derived from the sale of the bonds hereinafter authorized shall be available only for the payment of the costs of construction and equipment of the dormitories and other buildings herein authorized and for the payment of interest on such bonds during the period of construction. The receipts derived from rentals shall be available for the payment of the principal and interest on such bonds and for defraying the expenses of maintenance, repair, and operation of such dormitories and other buildings. After the payments of the principal and interest on such bonds have been completed, so much of the receipts derived from rentals as are not necessary for defraying such expenses of maintenance, repair, and operation shall be annually covered into the Treasury to the credit of miscellaneous receipts.

SEC. 4. That in order to provide funds for the payment of the costs of construction and equipment of such dormitories and other buildings the Secretary of the Treasury is hereby authorized, upon request of the Secretary of Labor, to issue bonds of the United States Government of such denominations as the Secretary of the Treasury shall determine and of an aggregate amount not to exceed the sum of $5,000,000. Each such bond (1) shall contain a provision for the payment of the principal of the bond and the interest thereon upon an amortization plan, by means of a fixed number of quarterly installments sufficient to cover the interest upon the unpaid principal and such amounts, to be applied on the principal, as will extinguish the indebtedness within a period of 50 years from the date of issue of the bonds; (2) shall bear interest at a rate not to exceed 5 per cent per annum; and (3) shall be subject to such other terms and conditions as the Secretary of the Treasury may prescribe.

SEC. 5. That the right to occupy such dormitories shall be restricted to women employees of the United States in the District of Columbia. Each such occupant shall be required to pay a weekly charge or rental in an amount determined by the Secretary of Labor to be just and reasonable as between such occupant and the Government. In making such determination the Secretary of Labor shall take into consideration among other factors (1) the total amount necessary for each quarterly period for the payment of the principal and interest on the bonds herein authorized and for defraying the estimated expenses of maintenance, repair, and operation of such dormitories and other buildings, (2) the total number of persons that such dormitories are capable of accommodating, and (3) the relative rental values of the rooms in such dormitories. Upon the completion of the payments of the principal and interest on such bonds the Secretary of Labor may readjust such weekly charges or rentals.

During the reading—

Mr. BRUCE. Mr. President, I waive any further reading of the amendment.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS H. EASTERLY

The bill (S. 5090) for the relief of Lewis H. Easterly was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Lewis H. Easterly shall be held and considered to have enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, to have served continuously until February 5, 1862, and to have been honorably discharged from such service on that date; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act, except that the Secretary of the Interior is authorized and directed to make payments of pension under claim No. IO–1617817 as if such claim had been allowed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWINA R. MUNCHHOF

The bill (S. 5331) for the relief of Edwina R. Munchhof was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to Edwina R. Munchhof, widow and designated beneficiary under the policy of United States Government life insurance issued to Theodore J. Munchhof (XC–1393212), now deceased, the face value thereof in the same manner and with the same effect as if said insurance had been in force at the date of death of the insured, and the director is further authorized to deduct from the face value of the policy all premiums which were due and unpaid at the date of death of the said Theodore J. Munchhof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. CAMPBELL

The bill (H. R. 7409) for the relief of John J. Campbell was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, to strike out the words "upon the result of such inquiry the" and to insert in lieu thereof the words "if, as the result of such inquiry it is found that he was so incapacitated, the," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon John J. Campbell, formerly captain in the Chaplains Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his resignation, July 3, 1924, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry it is found that he was so incapacitated, the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said John J. Campbell a captain in the Chaplains Corps, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided,* That the said John J. Campbell shall not be entitled to any back pay or allowances.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS W. MOORE

The bill (H. R. 13097) for the relief of Thomas W. Moore was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, how much does the bill appropriate? I would like to know just what it is. Let us have the bill read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 7, after the word "honorably," to insert the words "on December 14, 1899," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas W. Moore, who was a member of Company K, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably on December 14, 1899, from the military service of the United States: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOVERNMENT-OWNED PATENTS

Mr. WATERMAN. Mr. President, I ask unanimous consent that the Senate may revert to Calendar No. 1475, the bill (H. R. 12695) to authorize the licensing of patents owned by the United States, and that the bill be taken up for consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. BRUCE. Mr. President, I should like to have some explanation of the bill.

Mr. WATERMAN. If the Senator will allow me, I will explain it now.

Mr. BRUCE. That is my object in asking for an explanation.

Mr. WATERMAN. Does the Senator object to taking the bill up for consideration?

Mr. BRUCE. I am not objecting, but will the Senator let me ask a question? Is this the bill which proposes to exclude everybody except patent attorneys from any work of any description connected with the administration of the Patent Office?

Mr. WATERMAN. It has no relation to any such thing. The bill is merely one providing that where the Government of the United States owns patents, the Government may be permitted, through the President, to authorize the licensing of the use of those patents. That is all there is to it. It is to be done under such terms and conditions as the President may prescribe.

Mr. McKELLAR. What patents?

Mr. WATERMAN. Any patents owned by the Government.

Mr. McKELLAR. Oh, I object to that. I can not consent to the consideration of that bill now.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

ALONZO NORTHRUP

The bill (H. R. 2098) for the relief of Alonzo Northrup was announced as next in order.

Mr. OVERMAN. Mr. President, let the bill be read. I want to know what we are doing.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Alonzo Northrup, who served in Company K, First Regiment Michigan Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. M'ALEER

The bill (H. R. 13476) for the relief of Joseph M. McAleer was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. Mr. President, I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

LINCOLN NATIONAL FOREST, N. MEX.

The bill (H. R. 12113) providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That whenever the owner or owners of any privately owned lands situated within townships 16 and 17 south, range 13 east, New Mexico principal meridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated elsewhere in the State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national-forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered, in his discretion, to enter into and conclude negotiations with such owner or owners thereof, and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of nonmineral, nonirrigable grazing lands not suitable for agricultural purposes, except for raising grass, situated within the said State of New Mexico, of equal value, as near as he may be able to determine, to the lands so conveyed to the United States.

SEC. 2. That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest.

SEC. 3. That before any exchange of lands as above provided is effected notice of such exchange proposal describing the lands involved therein shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GALLUP UNDERTAKING CO.

The bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $120 to the Gallup Undertaking Co., or as much thereof as is necessary, in full and final settlement for the burial of four Navajo Indians, to wit: Mary Uxhi, John Short, an unknown Navajo Indian woman, and Hasteen E. Bai (Kinticini), in the State of New Mexico during the fiscal year 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINA BINTLIFF

The bill (S. 3002) for the relief of Mina Bintliff was announced as next in order.

Mr. OVERMAN. Let us have the bill read. Let us see what it is going to cost the Government.

Mr. BRUCE. Mr. President, what is the nature of the bill? May we have it read? Does anyone know anything about the facts in the case?

The PRESIDING OFFICER. The bill will be read again.

The Chief Clerk read the bill.

Mr. BRUCE. Mr. President, in the first place, we have a general compensation act. Why should we make an exception to it? I would like to have some further explanation of the bill.

Mr. REED of Pennsylvania. The report explans it. It states that this man had actually been adopted in boyhood, but there had never been a legal adoption.

Mr. BRUCE. Does it meet with the approval of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. I know nothing about it except what I am reading from the report.

Mr. BRUCE. If it does meet with his approval, I will be glad to waive any objection, but I do want to know whether the matter has been actually considered by any committee of the Senate.

Mr. FESS. Let the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Ohio, the bill will be passed over.

MICHAEL J. FRAHER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 940) for the relief of Michael J. Fraher.

Mr. OVERMAN. Mr. President, let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Michael J. Fraher, who was a member of Company H, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably on November 4, 1899, from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRELIMINARY EXAMINATIONS OF SUNDRY STREAMS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which had been reported from the Committee on Commerce with an amendment.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the bill. I do not object to its consideration, but I want to offer an amendment to it.

The PRESIDING OFFICER. Does the Senator object to the consideration of the committee amendment?

Mr. BRATTON. I do not.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment of the Committee on Commerce was, in section 1, page 2, line 8, before the words "Salmon River," to strike out the word "and," and in line 8, after the word "Alaska," to insert the words "Choctawhatchee River and its tributaries, Florida and Alabama; Brazos and Colorado Rivers, Tex., and their tributaries; and Rough River, Ky.," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes:

West branch of the Susquehanna River, Pa.; Auglaize, Blanchard, and Ottawa Rivers, Ohio, and their tributaries, St. Marys River, Ohio; Kootenai River, Idaho; Mouse River, N. Dak.; Black River, Ark.; Mud River, Ky.; Lumber and Little Pee Dee Rivers, S. C.; Lynchs River, S. C.; Mayfield Creek, Ky.; Missouri River, near Elk Point, S. Dak.; Salmon River, Alaska; Choctawhatchee River and its tributaries, Florida and Alabama; Brazos and Colorado Rivers, Tex., and their tributaries; and Rough River, Ky.

SEC. 2. The reports of the preliminary examinations of the west branch of the Susquehanna River, Pa., and the Auglaize, Blanchard, and Ottawa Rivers, Ohio, shall also contain data relative to devising methods whereby the sources of pollution of said streams may be removed.

Mr. BRATTON. I wish to propose an amendment to the committee amendment. On page 2, line 10, following the semicolon, after the word "tributaries," I move to insert "Canadian River and its tributaries, New Mexico."

Mr. JONES. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. BRUCE. Mr. President, I desire to offer an amendment to come in immediately after the amendment proposed by the Senator from New Mexico [Mr. BRATTON]. I move to insert at that point the words "Staunton, Roanoke, Dan, and James Rivers, Va."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. WALSH of Montana. Mr. President, after the amendment offered by the Senator from Maryland [Mr. BRUCE] I move to insert "Yellowstone River, Mont."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WABASH RIVER DAM AT GRAND RAPIDS, ILL. AND IND.

The bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind., was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. JONES. Mr. President, in brief, the explanation is this: There was a dam built across this stream, and we passed an act a few years ago authorizing the breaking of the dam and putting a passageway through it, but the department now reports that there are changed conditions and they think that it is wise to leave the dam just as it is.

Mr. McKELLAR. Are the Insull interests involved in this dam in any way?

Mr. JONES. Not that I know of. There was not any suggestion of their interest when the measure was considered by the committee.

Mr. McKELLAR. There might not have been any suggestion of it, and yet they might be very greatly interested in it.

Mr. JONES. I do not think they are. It is a very small dam anyway, so far as that is concerned; but I can not say that they are not. I merely say there was no indication that they were interested. The Senator from Indiana might, of course, give more definite information, but he is not here.

Mr. McKELLAR. Let the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF FISHERIES OF ALASKA

The bill (S. 5073) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," was announced as next in order.

Mr. WHEELER. I should like an explanation of that bill.

Mr. JONES. I will say that the Delegate from Alaska and the people of Alaska are very much interested in having this measure passed. The section which it is proposed to amend reads in this way:

That it shall be unlawful to can or salt for sale for food any salmon more than 48 hours after it has been killed.

This act was passed some twenty-odd years ago. Storage conditions and various other conditions with reference to handling salmon are very much changed to-day, and as it is proposed to amend the section it will read:

It shall be unlawful to preserve for sale as food for human consumption any salmon, unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed.

The words added to the section are "iced, frozen, smoked, or dried." The change in the language is necessary to meet the conditions as they have changed during the last twenty-odd years.

Mr. WHEELER. I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 7 of the act of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows:

"SEC. 7. It shall be unlawful to preserve for sale as food for human consumption any salmon unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed."

Mr. WALSH of Montana. I suggest to the Senator from Washington that the language is likely to give rise to much confusion if not litigation. The bill reads:

It shall be unlawful to preserve for sale as food for human consumption any salmon unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed.

Of course, the canning, salting, icing, freezing, and so on, operate to preserve the salmon?

Mr. JONES. Yes.

Mr. WALSH of Montana. Then, it is provided that it shall be unlawful to preserve it unless it is canned within 48 hours.

Mr. FLETCHER. The words "48 hours" refers to the present provision, and as I understand this amendment, this eliminates the 48-hour requirement.

Mr. JONES. It does not eliminate it. The salmon must have been salted, iced, or frozen within 48 hours.

Mr. COPELAND. Mr. President, the intention, I take it, is simply to include the more modern methods of handling salmon?

Mr. JONES. Yes.

Mr. COPELAND. Heretofore only two methods were used?

Mr. WALSH of Montana. The purpose of the measure is perfectly obvious, but I am speaking about its phraseology.

Mr. JONES. The bill was approved by the House committee and recommended by the department, and I take it that the language employed is satisfactory.

Mr. FLETCHER. It was recommended by the Secretary of Commerce.

Mr. JONES. Yes; it was recommended by the Secretary of Commerce and by all of those interested.

Mr. WALSH of Montana. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF NAVIGATION ON GREAT LAKES

The bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8,

1895, as amended May 17, 1928, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That rule 3, subdivision (e), of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, as amended May 17, 1928, be amended by substituting the letter "a" in parentheses for the second letter "e" in parentheses in the seventh line thereof.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill.

Mr. JONES. Mr. President, this bill merely corrects what might be termed the numbering or the designation of a paragraph. The wrong letter was used. Where it should be (a) (e) was used, and this bill merely changes that. That is the only change it makes.

Mr. McKELLAR. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

U. S. COAST GUARD CUTTER "BEAR"

The bill (S. 5178) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to donate, without expense to the United States, to the city of Oakland, Calif., the historic Coast Guard cutter *Bear*, now no longer fitted for service after 54 years and replaced by another boat.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIBAL FUNDS OF INDIANS ON KLAMATH RESERVATION, OREG.

The bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 6, after the word "Congress," to insert "or any succeeding Congress," so as to make the bill read:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, of the tribal funds of the Indians residing on the Klamath Reservation in the State of Oregon, namely, the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, is hereby appropriated to pay the expenses of the general council and business committee (or so-called tribal council) of the said Indians, in organizing and holding councils, conducting tribal elections, maintaining their tribal organization, and generally looking after the affairs of the said tribes, including, among other things, the actual and necessary expenses of its delegation, or legislative committee, in visiting Washington during the second session of the Seventieth Congress or any succeeding Congress; also the expenses incurred, and to be incurred, by the tribal delegation of said Indians in procuring evidence and taking testimony to be used in connection with the three suits instituted by the said Indians against the United States and now pending in the Court of Claims; said sum to be immediately available, and said expenses to be approved by the said business committee and the Commissioner of Indian Affairs and certified to the Secretary of the Interior, and, if so approved and certified, to be paid.

Mr. OVERMAN. I inquire if the money is to be paid out of tribal funds or out of the Treasury?

Mr. McNARY. It is to come out of the tribal funds and not out of the Treasury of the United States.

Mr. BAYARD. Mr. President, will the Senator explain why it is necessary that the Secretary of the Interior must assume charge of this disbursement?

Mr. McNARY. I did not understand the Senator's question.

Mr. BAYARD. Why is it necessary to submit a matter involving tribal funds to the Secretary of the Interior? Why can not the Indians determine it for themselves?

Mr. McNARY. Under the practice and policy of the bureau the Secretary of the Interior has certain control. That is based on statute, and it has always been the practice to refer such matters to him for his best judgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 13507) to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194), was announced as next in order.

Mr. McKELLAR. I should like to have an explanation of that bill; otherwise I will have to object to it.

Mr. BRUCE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EVERGLADES NATIONAL PARK, FLA.

The bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Everglades National Park in the State of Florida, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, before the word "Everglades," to insert the word "Tropic"; in line 7, after the word "of," to strike out "Dade and Monroe" and insert "Dade, Monroe, and Collier"; on page 2, at the beginning of line 3, to insert "other than the salaries of any Government experts who may be assigned for that purpose," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress as to the desirability and practicability of establishing a national park, to be known as the Tropic Everglades National Park, in the everglades of Dade, Monroe, and Collier Counties of the State of Florida, for the benefit and enjoyment of the people of the United States and to preserve said area in its natural state: *Provided*, That such investigation shall be made without expense to the United States other than the salaries of any Government experts who may be assigned for that purpose.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes."

TRANSFER OF THE RETURNS OFFICE

The bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the returns office, together with its activities, personnel, contracts, bids, offers, proposals, advertisements, books, records, documents, furniture, office equipment, and papers and property of whatsoever character, is hereby transferred from the Interior Department to the General Accounting Office; and all powers and duties whatsoever in connection therewith now vested in or required to be performed by or under the Secretary of the Interior are transferred to, vested in, and required to be performed by or under the Comptroller General of the United States.

SEC. 2. That so much of appropriations for the Interior Department as applies to expenditures for the returns office, including personnel therefor, is transferred to and made applicable for expenditure by the General Accounting Office.

SEC. 3. That the Comptroller General of the United States is authorized to perform all acts and make such rules and regulations as necessary to carry the provisions of this act into effect.

SEC. 4. That all laws and parts of laws in so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect July 1, 1928.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill; otherwise I shall have to object to it.

Mr. WALSH of Montana. Mr. President, I am able to explain the bill to the Senator. Under a very old law the so-called returns office was established in the Interior Department, and all the other departments were required to file in that office a copy of any contract which they might enter into. Under the law as it now exists copies of such contracts are required to be filed with the Comptroller General, so that they are duplicated; there is no longer any occasion for the returns office of the Interior Department, and it is simply transferred from the Interior Department to the Comptroller General.

Mr. McKELLAR. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. D'CAMP

The Senate, as in Committee of the Whole, considered the bill (H. R. 3268) for the relief of John G. DeCamp, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, John G. DeCamp shall hereafter be held and considered to have been honorably discharged on December 22, 1898, instead of on October 25, 1898, from Company E, First Ohio United States Volunteer Infantry: *Provided*, That no bounty, back pay, pension, or allowance, except that to which he is entitled under Private Act No. 168, approved June 17, 1926, shall be held to have accrued prior to the passage of this act.

Mr. BRUCE. Mr. President, may I ask the Senator from Pennsylvania, the chairman of the Committee on Military Affairs, whether that bill meets with his assent?

Mr. REED of Pennsylvania. Yes. It merely recognizes the actual date of discharge and corrects an error in the discharge certificate.

Mr. BRUCE. With that statement of the Senator from Pennsylvania, I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOXING CONTESTS IN THE TERRITORIES

The bill (H. R. 7200) to amend section 321 of the Penal Code was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 321 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, is amended by adding at the end thereof the following new sentence: "Nothing in this section or in the preceding section shall be held to prohibit any pugilistic encounter in the Territory of Hawaii or the Territory of Alaska, in conformity with the laws of the respective Territories, if (1) the contestants use gloves not less than 5 ounces each in weight, (2) such encounter is not held on Sunday and does not consist of more than 10 rounds of a duration of more than 3 minutes each with an interval of 1 minute between each round and the succeeding round, and (3) each contestant is over 18 years of age and, one hour prior to such encounter, has been examined by a licensed physician, who shall certify in writing to the referee of such encounter that such contestant is physically fit to engage therein."

Mr. McKELLAR. Mr. President, will the Senator from Oregon [Mr. STEIWER] explain the purpose of that bill?

Mr. STEIWER. Mr. President, it is not a bill in which I am particularly interested, but I can answer the question of the Senator from Tennessee. This bill is merely intended to amend the law now existing which prohibits boxing encounters in the Territories of the United States. It does not remove the inhibition entirely, but provides that such encounters may be held under certain conditions which are set forth in the amended bill. It leaves to the legislative bodies of the Territories to determine for themselves whether boxing encounters shall be held. The committee favored the bill because it is a measure of self-government and places the Territories of Hawaii and Alaska on at least as good a footing as Porto Rico. We thought under the circumstances they ought to be permitted to determine a matter of this kind for themselves.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 4604) for the relief of James L. McCulloch was announced as next in order.

Mr. ROBINSON of Arkansas. I should like to inquire why the assignment in this case was held invalid?

Mr. McNARY. Mr. President, at the request of another Member of the Senate who is not now present, I ask that the bill go over for the day without prejudice.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

The bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAND VALLEY RECLAMATION PROJECT, COLORADO

The bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, was announced as next in order.

Mr. WHEELER. I ask that that bill go over.

Mr. PHIPPS. Will the Senator who makes the objection withhold it for a moment in order that I may explain the measure?

Mr. WHEELER. I will withhold the objection for a moment.

Mr. PHIPPS. Mr. President, this bill merely authorizes a reclamation project in Colorado to enter into an agreement with a private company or to construct at its own cost and expense a small hydroelectric plant for the project. The output of power will be used partly on the project, and the surplus will be sold. It means that the United States Government will have no interest in the investment in any manner, but it will bring a revenue to the project which will enable the settlers on that project to pay off their construction charges more rapidly than they otherwise would be able to do. It has the full approval of the Department of the Interior; and the original bill was recast in order more nearly to meet the views of the department. It is hoped that this bill may be passed now, so that it can go to the House and avoid a possible one year's delay in the construction of this small plant, which would produce only something like 250 to 500 horsepower, I believe.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

The PRESIDING OFFICER. Objection is made by the Senator from Montana. The clerk will state the next bill on the calendar.

FRANCIS L. SEXTON

The bill (H. R. 3893) for the relief of Francis L. Sexton was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. REED of Pennsylvania. I move that it be indefinitely postponed.

The motion to postpone indefinitely was agreed to.

ATTENDANCE OF WITNESSES UPON FEDERAL COURTS

The bill (S. 5229) to amend section 876 of the Revised Statutes was announced as next in order.

Mr. WALSH of Montana. Mr. President, at the time this bill was reported I sent to the desk an amendment suggested by the Senator from Wisconsin [Mr. BLAINE] which I had intended to offer.

Mr. McKELLAR. Mr. President, will the Senator state something about the bill?

Mr. WALSH of Montana. The law now will permit the calling of witnesses into a Federal court only from the district in which the court sits, or from a distance of 100 miles from that place. That law was passed many years ago when travel was expensive and difficult. It is now hoped that witnesses may be brought from a greater distance. Whenever a desire exists to bring witnesses from a greater distance rather than take their depositions the party desiring to bring the witnesses will make application to the court, and the court may authorize the bringing of the witnesses.

Mr. McKELLAR. The court is vested with discretion?

Mr. WALSH of Montana. With discretion.

Mr. WARREN. Mr. President, I ask that the bill be passed over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Wyoming.

Mr. WALSH of Montana. Mr. President, I hope the objection may be withdrawn until I can make a statement with respect to the matter.

Mr. WARREN. I wish to have the bill go over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH of Montana. I will take the liberty to say, under the next bill that the immediate occasion for this legislation is the pending of litigation growing out of the leasing of the naval oil reserves. It is almost imperative that witnesses be brought from distant parts of the country to testify in that litigation.

Mr. WARREN. I think the bill is too general, and I want an opportunity to read it, so I object to its consideration for the time being. I am not assuming that I shall have any objection when I have had an opportunity to examine it.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

The bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. REED of Pennsylvania. Mr. President, who objected to the consideration of this bill?

The PRESIDING OFFICER. Objection was made by the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, I objected to it because I wish to debate this bill, House bill 8551, House bill 9200, House bill 12811, House bill 8295, and House bill 14659, being Orders of Business 1513, 1514, 1515, 1516, 1517, and 1518. I did not care to take up the time to do that now on account of some bills further down on the calendar.

The PRESIDING OFFICER. Does the Senator desire to enter objections to all those bills?

Mr. BLEASE. All those bills.

Mr. WAGNER. Mr. President, I hope the Senator from South Carolina will withdraw his objection. New York City is very much interested in House bill 9200 and House bill 14659.

Mr. BLEASE. South Carolina is very much interested in one of these bills, also; and I want to show the Senate how my State has been discriminated against in this matter. I want to show why and how; and I object.

Mr. BRUCE. Mr. President, I should like to call the attention of the Senator——

The PRESIDING OFFICER. Objection is made. The clerk will state the next bill on the calendar.

The bill (H. R. 8551) to create an additional judge in the district of South Dakota was announced as next in order.

Mr. WAGNER. Mr. President, I appeal to the Senator from South Carolina to withdraw his objection to the consideration of these bills. I think I can convince him in a moment of the dire necessity of the increase in New York, the congested condition of the calendar, and the great miscarriage of justice due to the inability of litigants to secure trials of their cases. I will say to the Senator that, so far as his State is concerned, I shall be with him on anything he may be able to do to relieve that situation; but if the Senator will just examine the condition of the calendar in those two districts it will be most persuasive on this question. I appeal to the Senator's sense of fairness in this matter.

Mr. BRUCE. Mr. President, will the Senator from South Carolina pardon me for reminding him that only a few days ago I brought out the fact that the United States district attorney in the city of New York said it would take 185 more courts to enforce prohibition in his district; so it seems to me we might give them three or four courts.

Mr. BLEASE. Mr. President, I have reports here from the two Federal judges in South Carolina, one of them a Woodrow Wilson Democrat and the other one a Calvin Coolidge Republican, showing the same condition in South Carolina that there is in New York. Eight judges are reported here, and the only one turned down is from the Democratic State of South Carolina. I propose to appeal to the fairness of the Senate on that proposition when the time comes; and I object. This is simply being made a personal matter against me.

The PRESIDING OFFICER. Under the unanimous-consent agreement, objection having been made, the clerk will state the next bill on the calendar.

Mr. BLEASE subsequently said: Mr. President, awhile ago I objected to the consideration of Calendar Nos. 1513, 1514, 1515, 1516, 1517, and 1518, being bills providing for additional judges in various States. I desire to state to the Chair that if there is any request made to consider any of those bills during my absence, which I hope will not be very long, I wish to be considered as objecting to the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Caroline objects to the consideration of Orders of Business 1514, 1515, 1516, 1517, and 1518, being House bill 8551, House bill 9200, House bill 12811, House bill 8295, and House bill 14659. The clerk will state the next bill on the calendar.

BLACK HILLS AND HARNEY NATIONAL FORESTS, S. DAK.

The bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think some one should explain the purpose of this bill.

Mr. NORBECK. Mr. President, the explanation is simply this: First, the bill is limited to the Black Hills because there might be differences of opinion in other places. Its object is to do away with the fraudulent practice of acquiring forest land by filing mining claims when there is a show of color but the land is not real mining property.

The history of this matter in Black Hills is that about 95 per cent of the land that has been acquired under the mining laws is not mining land. This bill does not in any way interfere with prospecting or mining, but the surface remains with the Government. The Government will make such lease of the surface as is necessary to do the mining.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter mining locations made under the United States mining laws upon lands within the Black Hills and Harney National Forests shall confer on the locator no right to the surface of the land covered by the location other than the right to occupy, under the rules and regulations relating to the national forests, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resources other than the mineral deposits, or the occupancy of the land for any purpose other than prospecting and mining.

SEC. 2. That all patents issued hereafter under the United States mining laws affecting lands within the Black Hills and Harney National Forests shall convey title to the mineral deposits within the claim and the right, subject to rules and regulations governing such national forests, to occupy so much of the surface of the claim as may be required for extracting and removing the mineral deposits. Every such patent shall expressly reserve to the United States title to the surface of the land included in the claim or claims.

SEC. 3. That valid mining claims within the Black Hills or Harney National Forests existing on the date of enactment of this act, and thereafter maintained in compliance with the law under which they were initiated, may be perfected under this act, or under the law under which they were initiated, as the claimant may desire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3001) to revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I have written for some information concerning the attitude of our people with respect to that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ETTA B. LEACH JOHNSON

The bill (H. R. 12995) for the relief of Etta B. Leach Johnson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE ULERY

The bill (H. R. 8341) to provide for appointing Clarence Ulery a warrant officer, United States Army, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITURE OF PATENT RIGHTS

The bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly was announced as next in order.

Mr. BRUCE. Mr. President, I should like to hear an explanation of that bill.

Mr. DILL. Mr. President, this bill as originally introduced provided for the forfeiture of patents when those holding them were found guilty of violating the Sherman law and the Clayton law. We held exhaustive hearings on the bill, and it appeared that its terms were too drastic; that it might involve the loss of millions of dollars on the part of those who had

invested money in the patents, and it was thought that that was not a fair measure.

The bill was, therefore, amended to provide that the patentee who brought a suit for infringement must come into court with clean hands. That is, if the person who was sued for infringement could show that the patentee was guilty of violating these laws in restraint of trade, the patent rights would be suspended until the person guilty of violating them had ceased the violation. In other words, until he reorganized his business the patent rights would be suspended.

Mr. BRUCE. I have no objection to the consideration of the bill.

Mr. REED of Pennsylvania. Mr. President, if we picture to ourselves just how that will work out in practice, it means that any complainant in a patent suit will have to be faced with the defense not only of noninfringement or invalidity of the patent but the accusation by the defendant that the complainant is a party to some sort of an antitrust agreement, some kind of a combination violating the monopoly laws.

If the complainant is guilty of that, of course, we have not much sympathy for him; but certainly we ought to be able to try a patent suit without having to try the collateral issue of guilt under the antitrust laws. It means two trials in every patent case.

I think the bill ought to go over.

The PRESIDING OFFICER. The bill will be passed over.

DAN A. MORRISON

The bill (H. R. 4589) for the relief of Dan A. Morrison was announced as next in order.

Mr. OVERMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dan A. Morrison, of Whitehall, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, being in full reimbursement of and remuneration for all expenses incurred and services performed in all matters touching the discovery, exploration, and development of the cavern known as the Lewis and Clark Cavern National Monument, embracing lot 12 of section 17, township 1 north, range 2 west, Montana principal meridian, containing 160 acres of land, which said cavern was set aside by proclamation of the President of the United States on May 11, 1908, in conformity with an act of Congress approved June 8, 1906, entitled "An act for the preservation of American antiquities."

Mr. OVERMAN. May we have an explanation, Mr. President?

Mr. BRUCE. I would like to hear an explanation of that bill.

Mr. WALSH of Montana. Mr. President, near the junction of three rivers in the State of Montana, that river cutting through a great canyon with precipitous walls, this man Dan Morrison many years ago discovered a very remarkable cave. It is one of the great natural wonders of the country. He endeavored to secure title to it under the mining laws, and in his endeavor to do so it was disclosed that the property really belonged to the Northern Pacific Railroad Co. under its grant. The Northern Pacific Railroad Co., however, ceded all of its interest in the matter to the General Government, and the cave has now been made a national monument. But while Morrison was endeavoring to secure title to the land, assuming he could do so under the laws of the United States, he really opened up the cave, constructed approaches to it, and all that kind of thing, and now the Government has become the owner of all that property. Morrison spent, I think, about $15,000 or $20,000, and this provides for the appropriation of $5,000 to reimburse him for what he has spent.

Mr. BRUCE. I have no objection, Mr. President.

Mr. ROBINSON of Arkansas. How is the amount arrived at?

Mr. WALSH of Montana. It is not arrived at in any way.

Mr. ROBINSON of Arkansas. It is just an arbitrary sum?

Mr. WALSH of Montana. He actually showed that he spent two or three times this amount.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASERS OF LOTS IN BOWDOIN, MONT.

The bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes, was announced as next in order.

Mr. FLETCHER. Mr. President, I ask the Senator from Montana to give us an idea of what this bill means. It would seem that certain people made purchases of land, and paid certain prices, and then afterwards there was a reappraisal, the land was valued at a lower price than formerly, and now they are to be refunded the amounts they paid over and above the reappraisal. I do not know exactly what principle is involved, but if people who purchase from the Government at any time in reservations lands at public sale, and pay a great deal higher price than the lands are worth, will they have the right to come to Congress to have the lands reappraised, and then be allowed the excess above the reappraisal price? I do not know how far we are going in that direction. It may be equity to do this, but if the principle is once adopted it may be that it ought to be applied in other cases. I know of a good many cases where purchasers of land in military reservations can not to-day obtain anything approaching the price they paid, and the lands are not worth what they paid. Would they have a right to come to the Government and ask to be reimbursed?

Mr. WALSH of Montana. Mr. President, the Senator from Florida has not inaccurately stated the nature of this proposed legislation. The town of Bowdoin was one of those towns of large expectations which were never realized. It is within the Milk River irrigation project, and at the time it was laid out it was expected that it would develop into a town of very considerable proportions. The lands in that section were estimated as of a very high value. On the Fort Peck Reservation, immediately adjacent to this, land was valued and sold to settlers, and the prices were so exorbitant that the settlers were unable to pay them and were about to abandon the land, when the court authorized the reappraisement of the land and they were permitted to pay at the reappraised price.

In the case of these town lots at Bowdoin exactly the same situation arose. Enormous prices were bid for the lots, and the town never developed. The Congress provided for the reappraisal of the town lots and authorized payment to be made at the reappraised price; and that has been done. But the law expired by limitation at the close of the fiscal year 1927, and some of the purchasers of the lots, not learning of the act, did not come in under its provisions.

Mr. McKELLAR. This is just to extend the time?

Mr. WALSH of Montana. It would just extend legislation already in existence.

Mr. FLETCHER. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENT TO BOZEMAN, MONT., OF PUBLIC LAND

The bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "acre" and before the period, to insert a comma and the words "subject to valid existing rights: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits, and the right to prospect for, mine, and remove the same under such rules, regulations, and conditions as the Secretary of the Interior shall prescribe," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the city of Bozeman, Mont., a patent in fee to lots 9, 10, 11, and 12, section 21, township 1 south, range 6 east, Montana principal meridian, upon payment therefor by the city at the rate of $1.25 an acre subject to valid existing rights: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits, and the right to prospect for, mine, and remove the same under such rules, regulations, and conditions as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN O. KRUSCHKE

The bill (S. 575) for the relief of Herman O. Kruschke, was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

Mr. JONES. Mr. President, I do not desire to have the Senate act on this measure. I ask that it may go over under Rule IX.

The PRESIDING OFFICER. The bill will be passed over, under Rule IX.

JOHN JAKES

The bill (H. R. 2482) for the relief of John Jakes was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

Mr. REED of Pennsylvania. Mr. President, I move the indefinite postponement of this bill.

The motion was agreed to, and the bill was indefinitely postponed.

SEIZURES UNDER THE ESPIONAGE ACT

The bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224; sec. 241, title 22, U. S. Code), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of Title VI of the act of June 15, 1917, chapter 30, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (sec. 241, title 22, U. S. C.), be, and it is hereby, amended to read as follows:

"SEC. 4. Whenever the person making any seizure under this title (secs. 238 to 245, inclusive, of ch. 5, title 22, U. S. C.) applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury: *Provided,* That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States."

Mr. McKELLAR. Let us have an explanation of the bill.

Mr. WATERMAN. Mr. President, this bill is merely an amendment to section 4 of an act "to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States," by adding to the existing law the following provision, that wherever property is taken in the shape of arms or munitions of war and condemned, the proviso which it is proposed to attach to the bill will take effect and be as follows:

Provided, That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE UPON JURORS BY REGISTERED MAIL

The bill (H. R. 14150) to amend section 279 of the Judicial Code was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. What is the purpose and effect of this bill?

Mr. WATERMAN. The purpose of it is to direct the marshal, wherever a juror to be summoned lives outside of the place where the court is to be held, to send him a registered letter and get a receipt, and that is a substituted service this amendment provides. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATURALIZATION LAWS

The bill (H. R. 349) to supplement the naturalization laws, and for other purposes, was announced as next in order.

Mr. HEFLIN. Let that go over.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection, I would like to make a statement. This bill has received the very serious attention of the Committee on Immigration and received the unanimous approval of that committee. It does not contemplate the admission of any person to the United States who is not now here, and it has no bearing at all upon the deportation of any person, because under the law nobody can be deported after having been here five years, and this would take effect five years after the application of the law of 1924.

It would permit the naturalization of worthy persons who were in the United States at the time of the passage of the restriction law of July 1, 1924. They may appear before the proper naturalization authorities, where it is to be determined that they have been here continuously, that they are persons of good moral character, and are not subject to deportation. The other parts of the bill are administrative, very much desired by the naturalization authorities, and I trust that the bill may be given immediate consideration because of its importance.

We have a great many persons in the United States like this case, for instance, of a young woman who came as an infant in arms from Scotland to Canada. As a very young child she came to the United States. Her parents died when she was an infant. She has no knowledge of when she came or where she entered the United States, and, under our laws, could not be deported, but she can never be a citizen unless relief of this sort is had.

Mr. ROBINSON of Arkansas. What is the approximate number of persons who would be affected by the legislation?

Mr. COPELAND. I wonder if the Senator from Pennsylvania could answer the question as to the approximate number of persons who would be affected.

Mr. REED of Pennsylvania. Mr. President, I have never heard that it was undertaken to give an estimate. I do not think anybody knows. This, in effect, would grant amnesty to those persons of good moral character who came here prior to the adoption of the present immigration law. At present, unless they can show that they entered in accordance with all the formalities, they can never be naturalized, and they can never get a reentry permit so that they can take a trip abroad. Practically, this is a statute of limitations. It does not condone any violation of the present immigration law whatever.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. HEFLIN. Mr. President, I would like to have a chance to look into this bill very thoroughly.

The PRESIDING OFFICER. Objection is made.

Mr. COPELAND. Mr. President, will not the Senator yield just for a moment? The senior Senator from Georgia [Mr. HARRIS] was a member of the subcommittee and served with us in the consideration of this bill.

The PRESIDING OFFICER. Several objections have been made to the unanimous-consent consideration of the bill and it will go over.

Mr. COPELAND. I will speak on the next bill then.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. COPELAND. I think the Senator from Alabama will agree that the bill is a very just one. It is a bad thing for us to have persons in the country year after year who are not eligible to our citizenship. The bill requires that every evidence of good moral character must be presented, as well as desirability for citizenship, and it certainly would tend to the promotion of the welfare of the country, in my judgment. I hope the Senator from Alabama will not persist in his objection.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. Of course.

Mr. BLAINE. I would like to inquire of the Senator if a situation I would like to describe would be taken care of. For instance, along in 1910 or 1912 a great many farmers living in the Northwest States, Wisconsin, Minnesota, the Dakotas, perhaps Kansas and Nebraska—States along the northern boundary—were induced to go to Canada by the representation that they could get cheap land there. In order to file an entry upon the land they made a declaration of their intention to become citizens of Canada, but never completed their so-called applications for citizenship. They then became disappointed and afterwards returned to the United States. There was no place of entry, there was no one to visa their return, they purchased railroad tickets and came back home, or they might have come by automobile. At any rate, there is no way by which they can prove the place or time of their reentry.

Mr. COPELAND. They would be taken care of by this bill.

Mr. BLAINE. Would the bill take care of them?

Mr. COPELAND. It would. If they were here on the 1st of July, 1924, and are persons of good moral character, they would be permitted to receive citizenship in this country in due time.

Mr. BLAINE. I thank the Senator.

CONSTRUCTION OF CRUISERS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, to authorize the construction of certain naval vessels, and for other purposes.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. SMOOT. Mr. President, I have been instructed by the Finance Committee to report back favorably, without amendment, the bill (S. 5452) to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian.

It is a unanimous report from the committee. The bill must be passed by the House and become a law before March 10 next, or else the German claimants, and there are some 4,300 of them coming under the trading with the enemy act, will be entirely deprived of any right to the funds held now by the trustee, and if they do not get the funds they will go right back to the German Government.

Mr. McKELLAR. Mr. President, may we have the bill read?

Mr. HALE. Mr. President, may I ask the Senator from Utah if the bill will lead to any debate?

Mr. SMOOT. If it leads to any discussion at all I shall not ask for its present consideration. I only wanted to tell the Senate the importance of its passage and of getting it to the House so that it may be passed there.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term "one year" in clause (1) of said subsection and inserting in lieu thereof the term "two years."

Mr. McKELLAR. Mr. President, does that mean two additional years or only one additional year?

Mr. SMOOT. Just one additional year.

Mr. McKELLAR. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN TRUST ESTATES

Mr. PINE. Mr. President, on April 27, 1928, the Senate passed the bill (S. 4222) to authorize the creation of Indian trust estates, and for other purposes. The bill has not yet been acted on by the House of Representatives. It refers only to Indians in the State of Oklahoma. I ask unanimous consent to recall the bill and have it referred back to the Committee on Indian Affairs.

The PRESIDING OFFICER. By unanimous consent the Senator may enter his motion to reconsider the votes by which the bill was read the third time and passed, and then may ask that the House be requested to return the bill to the Senate.

Mr. PINE. I ask that the House be requested to return the bill and that it be referred back to the Committee on Indian Affairs.

Mr. SMOOT. Mr. President, may I ask the Senator from Oklahoma when the bill was passed?

The PRESIDING OFFICER. The only motion in order is that the Senate shall request the House to return the bill.

Mr. SMOOT. I wondered whether the time had expired within which that might be done.

The PRESIDING OFFICER. The time for a reconsideration has expired long since.

Mr. SMOOT. I have no objection to the course proposed if it can be done.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the House be requested to return Senate bill 4222. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. NYE obtained the floor.

Mr. HALE. Mr. President, I would like to ask the Senator whether he is going to address the Senate on the subject matter of the bill which is the unfinished business?

Mr. NYE. Not directly.

Mr. HALE. I hope the Senator will not prevent us from getting some action on the bill this afternoon.

Mr. NYE. For the information of the Senator I will say that what I have to present in this connection will not require over 15 or 20 minutes and concerns a matter which I think deserves the attention of the Senate.

Mr. HALE. The Senator, of course, has a right to talk on whatever subject he sees fit.

Mr. BROOKHART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shipstead
Barkley	Fletcher	McNary	Shortridge
Bayard	Frazier	Mayfield	Simmons
Bingham	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Stelwer
Blease	Glass	Norris	Stephens
Borah	Glenn	Nye	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Hawes	Pittman	Vandenberg
Copeland	Hayden	Ransdell	Wagner
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Dale	Jones	Robinson, Ark.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Edge	McKellar	Sheppard	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce the necessary absence of the junior Senator from Utah [Mr. KING] because of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER (Mr. GLENN in the chair). Seventy-nine Senators having answered to their names, a quorum is present.

COL. ROBERT W. STEWART

Mr. NYE. Mr. President, I have no desire to break into these hours, set aside for exclusive consideration of H. R. 11526, the bill for the relief of the shipbuilders, but the papers of yesterday brought out a subject which is deserving of at least the few moments I shall devote to it at this time.

I am not a stockholder in the Standard Oil Co. I have no notion of aiding either the bulls or the bears who are interested in the stocks of that company at this particular time. I am without relationship to either Mr. Rockefeller or Mr. Stewart, and am not inviting any job as referee of the most interesting conflict in which these business kings are engaged at this time. To cause my remarks to be entitled to consideration in connection with the present Senate debate, I may suggest that the war now being fought between these men is in all probability going to be finished before any of the proposed new cruisers can be completed, just as I believe all commercial and industrial wars—and what wars have not been just that—can be fought and ended without the aid of the investment of billions in cruisers.

What I wish here to say is occasioned by stories which the press has carried with relation to the Rockefeller effort to oust from his commanding position in the Standard Oil organization one Robert Stewart, who defied the Senate, misled the Senate, lied to the Senate, and then proceeded to explain, successfully, his record to the satisfaction of District of Columbia juries, an accomplishment, be it noted, not monopolized by Stewart alone. Indeed, Stewart had the benefit of the experiences of brother dealers in oil and Liberty loan bonds, like Harry F. Sinclair and Albert B. Fall, with these juries.

Not often are business battles accorded such liberal publicity as is now being accorded the Rockefeller-Stewart tilt. Watching it from day to day, my conviction grows that if Mr. Stewart's press agents remain at their game long enough we will yet gain that desired complete story of the Continental Trading Co. and its affairs. In all the opportunities afforded him by the Senate Committee on Public Lands to tell this full story, he has never volunteered a small part of the information he was willing to give to the press yesterday. However, he is still insisting that—and here I quote him from his statement of yesterday—he "never had any connection with the Continental Trading Co." Apparently his receiving three-quarters of a million dollars in Liberty bonds from the pool of profits of this company is not, in his mind, to be considered a "connection."

Colonel Stewart says he "never"—and I quote his press release verbatim—he "never personally made a dollar out of the transaction," meaning, of course, the Continental Trading

transaction, which delivered into his own hands this great total of Liberty bonds.

But to me the most interesting feature of Colonel Stewart's latest press release is the revelation of how his share of the millions of dollars in profits of the Continental Trading Co. transaction "were partly the source from which the steady stream of cash dividends has been paid to the stockholders of the Indiana company every quarter during recent years."

Then he goes on to tell how the Liberty bonds he received from the Continental Trading Co. were turned into a trust, which he created with a pencil and paper, but he fails to tell how his trustee never "trusteed"—I create, I believe, a new word—and how the bonds stayed in his continuous possession even under the Stewart-created trust.

But the main point in Mr. Stewart's press contention for the continued favor of Standard Oil stockholders is this—that had it not been for his little affair with the shady Continental Trading Co. and the like there would have been no dividend checks for Standard Oil stockholders.

How proud Standard Oil stockholders must be in this assurance from their giant leader, Colonel Stewart! How they must prize the shares which bring them profits through such secret, obnoxious deals as was that one involving the Continental Trading Co., which company Stewart knew enough about to permit him to guarantee that company's end of a $50,000,000 contract! Standard Oil stockholders must hold their heads high when they realize that their profits came from such deals!

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. NYE. I yield.

Mr. BORAH. As I understand Colonel Stewart's statement, it is that where profits were derived from this transaction it went to the stockholders?

Mr. NYE. That is my understanding.

Mr. BORAH. Is not Mr. Rockefeller one of the stockholders?

Mr. NYE. Mr. Rockefeller is one of the stockholders.

Mr. BORAH. If Colonel Stewart be correct, the benefit of this transaction accrued to Mr. Rockefeller and others and not to himself.

Mr. NYE. To Mr. Rockefeller and all other stockholders of the Standard Oil Co. of Indiana.

Mr. BORAH. Has there been any movement, so far as the Senator is aware, on the part of the stockholders themselves to turn this money back?

Mr. NYE. I know of none.

Mr. BROOKHART. Mr. President, has there been any movement on the part of the stockholders to find out what was the purpose of those profits, how they came about, and what they were for originally?

Mr. NYE. I think Mr. Rockefeller and other leading stockholders of the Standard Oil Co. of Indiana have endeavored in their own way to convey to the stockholders the relationship which existed, very much to the embarrassment of the Standard Oil Co.

Mr. BROOKHART. Mr. Rockefeller appeared before the committee, I believe, and condemned the transaction; but I mean, what investigation have they made, as the committee did, to solve that mystery.

Mr. NYE. Of course, the investigations conducted by the committee have been made available to stockholders such as desired the information.

Mr. BROOKHART. Does the committee know as yet what was the real purpose of that transaction?

Mr. NYE. I am afraid I shall have to confess that the committee is still wanting information concerning the Continental Trading Co. transaction before it can definitely determine what the purpose of it was.

Mr. BROOKHART. Of course, the committee was hampered by refusals to testify and by court decisions against the committee, was it not?

Mr. NYE. It was.

Mr. BROOKHART. Has the committee made its final report? Has it finished its investigation?

Mr. NYE. In so far as the Continental Trading Co. is concerned, I think the committee has finished, unless new developments should arise which would give us further opportunity to extend our inquiry.

Mr. BROOKHART. Really, then, the investigation had to be abandoned without fully and finally solving the question?

Mr. NYE. According to present appearances, that will be the unfortunate circumstance; yes.

Mr. BROOKHART. It seems to me that is a regretable condition in which to leave the whole question.

Mr. NYE. Mr. President, abandoning all semblance of sarcasm, to believe that Standard Oil stockholders are proud of what Stewart now tells them has for years been the source of their dividend checks is to insult the intelligence of the great majority of these stockholders. No wonder there is keen desire to be rid of the official influence of Stewart in Standard Oil. No wonder Mr. Rockefeller holds his nose and urges the removal of that which creates the stench.

Mr. President, let the true record of these Stewart deals be kept clearly in mind, lest we awake to find Stewart as successful with the public as he has been successful with District of Columbia juries.

Col. Robert W. Stewart was tried twice during the year 1928 in the Supreme Court of the District of Columbia, the first indictment being for contempt occasioned by refusing to answer certain material questions propounded by the Public Lands Committee of the United States Senate on the occasion of his appearance there as a witness on February 2 and 3, 1928; on the second occasion for perjury growing out of charges that he willfully testified in an untruthful manner on February 2 and 3, 1928, in stating that he had never received or never had had any knowledge of certain Liberty loan bonds the Continental Trading Co. of Canada is known to have dealt it.

In the contempt case the charge that he had willfully refused to answer certain questions was borne out by sworn testimony, including that of Senators, and finally and most conclusively by the petition of habeas corpus signed and sworn to by Colonel Stewart himself, in which petition he admitted a great part of what the indictment charged.

The second trial, beginning on November 12, 1928, on a charge of perjury, developed from Senators, from newspaper men in attendance at the hearings, and in part from the same petition of habeas corpus signed and sworn to by Col. Robert W. Stewart, that on February 2 and 3 he had testified that he never received any of the Continental bonds nor had he any knowledge concerning them. The testimony further revealed at the time Colonel Stewart so testified in February that there were in the vault of his office in Chicago Liberty bonds in the amount of $759,000, plus accumulated interest, that had been given Colonel Stewart on various occasions by H. M. Osler, of Toronto, one of the founders of the Continental Trading Co.

The testimony further included a statement on the part of Roy J. Barnett, tax commissioner of the Standard Oil Co. of Indiana, that in 1921 he, Barnett, was made a trustee for these bonds by virtue of a declaration of trust written by Stewart in his own handwriting at that time. Although under this declaration of trust Barnett was responsible for these bonds, they remained in the safe or vault in Stewart's office until shortly before the second appearance of Stewart in April before the Senate committee.

Stewart was acquitted in both cases.

Within the last few days there has appeared in the public press a statement signed by the jurors in the perjury case to the effect that Stewart was acquitted not because of any technicality or because of the alleged lack of quorum of the committee meeting in question but because it was felt that on the facts Stewart was not guilty.

This response by members of a jury is not usual. The Senate might with some degree of propriety and dignity instigate an inquiry into the occasion for continued service by a jury even after it has been discharged. This practice may be found to be only another District of Columbia jury peculiarity.

However, there is no disposition on anyone's part to impugn the motives or the judgment of the jury. In so far as any question of criminal culpability growing out of all this testimony may be concerned, the courts have decided that Stewart need have no apprehension along that line.

However, this statement on the part of the jury to the effect that Stewart was not guilty on the facts, while conclusive as to the courts, is not necessarily so with regard to the people or to this body. And, lest it be thought that the committee of the Senate of the United States or a Senator of the United States might have been guilty of bad faith in causing the matters complained of in the indictments to be transmitted by this body to the courts for appropriate action, it is essential that the Senate be now reminded of the facts on which these prosecutions were predicated.

In the presence of a considerable number of the committee, of shorthand reporters, of newspaper men, and of interested auditors, Stewart refused point blank to answer certain questions propounded by this committee. These questions were held by the courts to be material. A District of Columbia jury

said he is not guilty, and that ends that aspect of the situation. However, it does not obviate the fact that he did adopt a most contumacious attitude before the Senate committee. There can be no question but that he refused to answer these questions. But a jury found him not guilty.

Before the same Senate committee Stewart said he had no knowledge or information with regard to these Continental Trading Co. bonds, and further said that he never had received any of them. It was shown that at the time he made these statements three-quarters of a million dollars' worth of these self-same bonds were reposing in the vault in his office in Chicago; and, still further, Stewart testified that he had received these bonds in his own hands from the hands of Osler, the dark-horse official of the dark-horse Continental Trading Co. But a District of Columbia jury said he was not guilty of perjury, and that ends that.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. NYE. I yield.

Mr. BROOKHART. I did not notice the publication of the jury's statement. Was it a formal statement published in the newspapers explaining their verdict?

Mr. NYE. It was; and endeavoring to show that the acquittal of Mr. Stewart and the failure of the jury to find him guilty was not determined upon any technical ground at all, but that, in a general way, they did not consider that Mr. Stewart was guilty in any respect as charged.

Mr. BROOKHART. What was the occasion for the jury coming forward with that kind of an explanation?

Mr. NYE. I should hardly desire to draw any conclusion on that point.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. I should like to ask the Senator from North Dakota if it is not fair to presume that the occasion of issuing the statement by the jury was to help Colonel Stewart to secure control of the stockholders and get the proxies which would be necessary to reelect him to his present position?

Mr. NYE. In the face of the circumstances that we encounter from day to day, I think that is altogether a fair presumption, indeed.

Mr. BROOKHART. Then it would indicate that the jury had been approached and solicited to make this statement?

Mr. NYE. It would.

Mr. BROOKHART. I have noticed in Iowa newspapers full page advertisements from certain stockholders of the Standard Oil Co. of Indiana setting forth in bold, black type, "Colonel Stewart stood by us; let us stand by Colonel Stewart." I saw such advertisements in the Des Moines Register, the largest newspaper in the State. That would indicate that a good deal of money was being spent to spread this idea, and that some of the stockholders at least were sustaining Stewart in his method of obtaining these profits.

Mr. NYE. Yes; the Senator is right. On the other hand, what a certain few stockholders may do ought not to be made to stand as the principle of all stockholders in the Standard Oil Co., for we well know that there are those who are taking just the other side in this controversy and are making the fight to clean up their own organization.

Mr. BROOKHART. Mr. President, the Senator from Kentucky [Mr. SACKETT] asks who was spending the money. The advertisement that I read stated that the stockholders themselves were spending it.

Mr. NYE. The individual stockholders?

Mr. BROOKHART. Yes. Of course, I do not know myself.

Mr. FESS. Mr. President, do the farmers of Iowa own Standard Oil stock?

Mr. BROOKHART. I have not heard of any farmer owning any stock anywhere except in some little banks out in our State that failed.

Mr. NYE. Mr. President, going back to the argument I was making, it does not abate one whit the fact that Stewart willfully and deliberately sought to mislead this committee. The explanation offered by Stewart while on trial, that in fact he never had received any of these bonds because he had drawn a declaration of trust in favor of certain oil companies, it seems was accepted by the jury.

These facts are offered, not in dissent from any action taken by either courts or jury, but for the purpose of reminding the Senate of the true character of the statements of Stewart, which, in the first place, impelled this body to invoke the action of the courts, and for a further purpose, I will admit, of refreshing the memories of those who are about to indicate their approval or disapproval of the Stewart type of business man who in self-defense casts a robe of righteousness about those acts which are of a most detestable type.

Speaking only as a member of the Public Lands Committee, and not necessarily for the committee, I desire to say that the extensive inquiries which have been conducted into the oil scandals ought to have won returns of more than one nature. They should serve and do serve to cause departments of Government to proceed with greater care and caution in matters involving leasing of the public domain. They have served, too, to restore vast resources to the Government, resources worth billions, in addition to the direct money returns to the Treasury. But above all else the investigations ought to have created a determination in the circles of the oil people of the land to cleanse the industry of agents and officials who by their methods bring the entire industry into bad repute.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. I have on my desk a letter that I have received from one of the stockholders of the Standard Oil Co. of Indiana, and I think, in connection with the question propounded by the Senator from Iowa a while ago as to the object of circulating this statement by the jury, it is very pat.

As we all know, and as the Senator has so well described, there is now going on a contest over the reelection of Colonel Stewart as chairman of the board of directors of the Standard Oil Co. of Indiana. The advertisement to which the Senator refers, published in Iowa by some of the stockholders, would indicate that some of these stockholders favor the reelection of Colonel Stewart to that place, because they, as stockholders, got the benefit of the illegal and fraudulent scheme in which he and the Continental Trading Co. were engaged, by which they made several millions of dollars.

Judging from this letter, the contest going on between Mr. Rockefeller and Colonel Stewart has been, on the part at least of Colonel Stewart, rather out of the ordinary; and, with the permission of the Senator, I should like to read a portion of the letter. I should be glad to read it all were it not for the fact that this man is now an employee of the Standard Oil Co. of Indiana, and, of course, I do not want to identify him or get him into any difficulty.

Mr. NYE. If the Senator will permit me, I might suggest that numerous such letters have come to my desk from stockholders and employees of the Standard Oil Co.

Mr. NORRIS. I desire to read a portion of the letter. He says:

> I am an employee of the Standard Oil Co. of Indiana; and, as you no doubt already know, Col. Robert Stewart, of the Standard Oil Co., and J. D. Rockefeller, jr., of the Standard Oil Co., are fighting among themselves as to who shall be the biggest duck in the puddle.
>
> Most of the employees are stockholders in the Standard Oil Co. through their stock-purchasing plan; and Colonel Stewart is sending some of the bosses, and so forth, around to all stockholders with proxy votes to sign to retain Colonel Stewart as chairman of the board of directors; and these bosses or representatives are using some tactics in getting signers that do not appeal to me. They stand by and argue for Stewart, and want you to sign on the dotted line.
>
> Usually we get our proxy votes by mail, which is just and proper, and it is nobody's business how a man votes, or if he votes at all. J. D. Rockefeller, jr., is also sending proxy votes to each stockholder through the mail, which is just and proper.

If this is a fair indication, this contest is getting very exciting. There are several other things that this man says in this letter, referring to the methods by which they undertake to compel stockholders to "sign on the dotted line," as he says; but I can not read them without identifying the man who writes the letter, and therefore I will not read further.

Mr. HEFLIN. Mr. President, I should like to say to the Senator from Nebraska that those who have supported Mr. Stewart perhaps want to impress upon those who own stock generally that he is the best man to have charge because he has defied the Government. He withheld important testimony from the Government when he was asked for it. The Senate ordered him to give that testimony. He defied the Senate, stood in contempt of the Senate, and then, by tampering with the jury in the District of Columbia, he was acquitted. Perhaps he feels now that he is the man to put at the head of this concern

because he can do as he pleases, and the Government can not touch him.

Mr. NYE. It rather looks to me as though some of these stockholders want him elected because he gave them the benefit of the stealing.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. HALE, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shipstead
Barkley	Fletcher	McNary	Shortridge
Bayard	Frazier	Mayfield	Simmons
Bingham	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Steiwer
Blease	Glass	Norris	Stephens
Borah	Glenn	Nye	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Hawes	Pittman	Vandenberg
Copeland	Hayden	Ransdell	Wagner
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Dale	Jones	Robinson, Ark.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Edge	McKellar	Sheppard	

Mr. NORRIS. I desire to announce the absence of my colleague [Mr. HOWELL] on account of illness.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, I desire to offer an amendment in the nature of a substitute for the pending committee amendment. I will give in just a word an explanation of what this amendment would do, and Senators will understand it when I say that it is a substitute for the Dallinger amendment.

My amendment would put in the bill, in lieu of the Dallinger amendment and the committee amendment, the language which has for a number of years past—some four or five years—been found in the annual appropriation bills as passed by the Congress for the Navy Department. Under that language the Secretary of the Navy has, within the past few years, provided that three of the eight cruisers recently built or building be built in Government yards, and five in private yards. The amendment would require the Secretary to build cruisers in Government yards unless he is convinced that they can be built at decidedly greater advantage to the public in private yards.

The Dallinger amendment requires 8 of the 15 cruisers to be built in Government yards, no matter how much more it may cost the taxpayers of the United States. This amendment which I have offered would prevent extravagant sums being asked for the building of naval vessels, and it provides that they shall be built in navy yards whenever such building would not involve an appreciable increase in their cost.

This has been our recent practice and has worked to the benefit of the taxpayer and the private builder.

It has kept the private contractor from charging exorbitant amounts, and has, at the same time, given the navy yards enough work to keep them busy.

The language which it is proposed to strike out would require the building of eight cruisers in Government yards without regard to their higher cost or to the needs or facilities of the navy yards.

It is important that the decision should be left to the Secretary of the Navy, because the private shipyards and the navy yards are assets of equal national importance, and because at the present time the private shipbuilding industry is seriously depressed. One private shipyard after the other is being closed, and out of 22 shipyards in operation early in 1916, before the United States entered the war, only 11 are now operating. The latest casualty is that of the Los Angeles Shipbuilding & Drydock Co.

The World War proved the importance of the private shipyard to the Nation, as practically all naval construction during the war period was in the private shipyards. The most important of this work was the construction of torpedo-boat destroyers and submarines.

It is well known that private shipyards can build naval vessels more quickly and at a lower cost than can the navy yards. But this will not be true if the navy yards are forced to build a larger number of these cruisers than in the judgment of the Secretary of the Navy will be advantageous to the taxpayers. If the bill goes through in its present form, the navy yards will virtually be obliged to take away from the private yards their present staffs unless the private yards increase their labor costs and the cost of the ships to a point where they can hold their staffs against the competition offered by more attractive conditions in Government navy yards.

Under present arrangements the private shipyards are barely able to keep going. Shipbuilders are in keen competition with the navy yards, and the selection of the builder remains under the discretion of the Secretary of the Navy. It is to continue this practice, which has worked well for Government and for the private shipyards, that the present amendment is offered.

Mr. ODDIE obtained the floor.

Mr. BROOKHART and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield; and if so, to whom?

Mr. BROOKHART. I would like to ask the Senator from Connecticut a question.

Mr. ODDIE. I yield.

Mr. BROOKHART. The theory of the Senator's amendment is to encourage private shipbuilding companies, is it not?

Mr. BINGHAM. The theory of the amendment, which is offered in accordance with existing law, is to secure the building of the ships at the lowest possible cost to the taxpayers of the United States, without regard to where the ships are to be built, because it provides that the Secretary of the Navy shall build them in Government shipyards unless they can be built cheaper elsewhere.

Mr. BROOKHART. I want to ask the Senator if he believes in the theory of war profiteering, believes that is a sound policy on which to act, or is he in favor of preventing war profiteering?

Mr. BINGHAM. The Senator's question answers itself. I never heard of anyone being in favor of profiteering.

Mr. BROOKHART. Then why should we not oppose profiteering in preparing for war?

Mr. BINGHAM. That is exactly what this amendment would prevent. Under the bill it is provided that private shipyards must build seven of the cruisers. Under my amendment the Secretary of the Navy must build all the cruisers unless the private shipyards can do it cheaper than the Government can.

Mr. BROOKHART. If the private shipyards build them, they build them at a profit, and they build them because they make a profit. If the Government yards build them, they can make no profit. The Government desires to build them at cost. Suppose they do cost more in the Government yards. It stops profiteering. That is one of the most potent causes of war.

Mr. BINGHAM. It costs the taxpayer more, however.

Mr. McKELLAR. Mr. President, will the Senator from Nevada yield to me to ask a question?

Mr. ODDIE. I yield.

Mr. McKELLAR. Does the Senator's proposed amendment affect in any way the so-called Dallinger amendment, or does it apply solely to the amendment of the committee?

Mr. BINGHAM. It moves to strike out the whole Dallinger amendment and the amendment of the committee, and is a substitute for the committee amendment.

Mr. JOHNSON. Mr. President——

Mr. ODDIE. I yield.

Mr. JOHNSON. May I suggest to the Senator from Tennessee that the effect of the amendment offered by the Senator from Connecticut is to eliminate entirely the Dallinger amendment, and to put the construction of these cruisers in the discretion, in reality, of the Navy Department.

Mr. McKELLAR. I am much obliged to the Senator from California. The amendment of the Senator from Connecticut was not read, and I did not know what it was. Of course, I am very much opposed to any such discretion being left with the Secretary of the Navy.

Mr. JOHNSON. Mr. President, may I suggest that experience has taught that, if that discretion be accorded, then there probably will be no construction of these cruisers in the yards where they ought to be constructed, the yards that are owned by the United States Government, maintained, conducted, and operated by the United States Government.

Mr. HALE. Mr. President, we are constructing now eight cruisers, and three of them are being constructed in Government yards.

Mr. JOHNSON. And five otherwise. It would be a very easy step to put one in a Government yard and seven otherwise, or eight all together.

Mr. HALE. Or eight all together in the Government yards.

Mr. JOHNSON. Oh, yes; or eight all together in the Government yards.

Mr. McKELLAR. But that is not going to be done.

Mr. JOHNSON. There is nothing to indicate that there will be eight built in the Government yards.

Mr. HALE. Three out of eight is a fair proportion.

Mr. JOHNSON. I quite disagree with the Senator about three out of eight being a fair proportion.

Mr. SWANSON. Mr. President, does the Senator from Maine consent to this amendment? As the chairman of the committee he was directed to stand by the Dallinger amendment.

Mr. HALE. I object very seriously to it.

Mr. SWANSON. The Senator is simply defending the amendment of the Senator from Connecticut, not accepting it.

Mr. HALE. I am not defending it in any way. I am defending the committee amendment, which we put in. We provided that half the cruisers should be built in Government yards, and that I stand for.

Mr. JOHNSON. Then there is no difference between the Senator from Maine and myself in regard to the matter.

Mr. McKELLAR. Yes; I think there is. I think unquestionably the Senator will be opposed to the committee amendment when he examines into the effect of it. The committee amendment virtually gives to the Secretary of the Navy discretion to build these ships where he likes, and merely makes of the Government yards assembling plants, and I am wholly unwilling to make those Government yards assembling plants.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. JOHNSON. Just a moment. I am speaking of the construction of the cruisers themselves and not referring to the subsequent amendment found in lines 12 to 14. That we will reach subsequently, or very shortly, in the debate; but under the Dallinger amendment, by which the chairman of the committee stands, the construction of the cruisers themselves is put eight in the Government yards for construction and the construction of seven subsequently to be determined.

Mr. HALE. That is correct.

Mr. NORRIS. Mr. President, I was interested in what was said about the real object of this substitute, namely, to save the taxpayers' money by building the ships in private yards. The Senator said nothing about the various navy yards that we have and which the taxpayers have to pay to keep up anyway, whether they build ships or not.

Mr. JOHNSON. That is a mere bagatelle, of course. I fear that I have occupied too much of the time of the Senator from Nevada on this subject.

Mr. ODDIE. I am glad to have the Senator speak.

Mr. JOHNSON. I shall subsequently speak further of this, because I have the figures from one navy yard at least, the Mare Island Navy Yard, which is situated in the State of California, showing that the construction there of ships, in comparison with the construction in private yards, has been infinitely cheaper, and that the saving has been extraordinarily great to the Government because of construction in the Government yards.

Mr. McKELLAR. I think the record so shows.

Mr. EDGE. Mr. President, will the Senator from Nevada yield to me to propound a question to the Senator from California?

Mr. ODDIE. I yield.

Mr. EDGE. If that be correct—and there is no question, of course, about its correctness if the Senator from California states it—would not the effect of the amendment proposed by the Senator from Connecticut be to compel the Secretary of the Navy to give the Mare Island yard a contract for a ship?

Mr. JOHNSON. Perhaps, and perhaps not. I assume from the question that the Senator from New Jersey is in favor of the amendment of the Senator from Connecticut.

Mr. EDGE. I am.

Mr. JOHNSON. And he would be in favor of it, because, like me, he is in favor of construction in the Government yard, I take it.

Mr. EDGE. If the Government bids and specifications demonstrate that they can construct the ships as cheaply as they can be constructed in private yards.

Mr. JOHNSON. My position is that I want to take no chances on where the construction will be, and with the knowledge I have of the cheapness of the construction in the Mare Island Navy Yard, at least, I want to see that the Government gets the benefit of that construction.

Mr. EDGE. Mr. President, if I understand the amendment of the Senator from Connecticut correctly—and I think I do—it makes it absolutely compulsory, does it not, on the Secretary of the Navy to award the contract to a Government yard if the ships could be built cheaper therein?

Mr. JOHNSON. Yes; I would like to make the computation, if we are going to select the yards, instead of leaving the computation to be made by somebody else. I realize how delicate a thing such a computation may be ultimately in awarding a contract of that sort, and I want to leave nothing of doubt to the future at all.

Mr. EDGE. I might suggest that in analyzing the estimates we must trust some one, and if we can not trust the head of one of the departments of the Government, together with the engineers and the others associated with him, I do not know just to what authority the Senator would prefer to refer such bids or specifications.

Mr. JOHNSON. The authority of the Congress that prescribes where they shall be built. That is the authority.

Mr. EDGE. In other words, the Senator—and I think I understand his position, and it is one taken by a great many others—simply wants an arbitrary provision that, irrespective of cost, irrespective of the conditions, the Secretary of the Navy shall be compelled to award a contract for so many ships, irrespective of price, to the navy yards, and the other number to private yards.

Mr. JOHNSON. The Senator may put it that broadly if he wishes.

Mr. EDGE. Is not that the exact situation?

Mr. JOHNSON. The result, however, would be a saving to the Nation, and that has been demonstrated in the past.

Mr. SWANSON. Mr. President, will the Senator from California yield?

Mr. JOHNSON. I am occupying the time of the Senator from Nevada.

Mr. ODDIE. I yield to the Senator from Virginia.

Mr. SWANSON. The committee of the Senate, after hearing all sides on the question, reached the conclusion that half of the ships ought to be constructed in Government navy yards and half in private yards, in order to keep them both running and busy, in order to keep both available in the country for business, as competitors. Now, an amendment is offered which would make it impossible to give the construction of any of these vessels to the navy yards.

A private yard can bid a specific sum for the construction of a cruiser, but a navy yard can only make an estimate, and if it underestimates then the Government pays the difference. The Navy Department is hired to reach a real definite conclusion on the estimates and to determine which is cheaper. In navy-yard construction all of the overhead is included which occurs there regardless of whether we build the ships or not. A great many supporters of the plan to build all ships in the navy yards say they are built more cheaply in the navy yards. The private yards say they are constructed more cheaply in the private yards. But here is the test. By means of the plan proposed, we will be able to determine which is the cheaper, because the Government yards will have constructed every other one of a number of vessels of the same character and kind, and at the same time and under the same conditions.

During the 20 years that I have been here there has been a debate on the matter of bookkeeping, on the theory that it costs the Government more money to build a vessel than it would to construct it in a private yard. The Government has employees who have been with it 20 or 25 years, who have built homes near the navy yards, and who will have to move away and find some other employment if work is not given the navy yards to keep them busy. Does any Senator mean to say that it is the policy of the Government in this day that we shall turn all our shipbuilding work over to the private yards and in effect tell these employees to scatter throughout the country at other employment and lose their homes near the Government navy yards?

We have in the State of Virginia one of the largest private yards in the United States and one of the best navy yards. I thought it just and fair to the Government yard and just and fair to the private yard to divide the work between them.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield to me to reply to the Senator from Virginia?

Mr. ODDIE. Certainly.

Mr. JOHNSON. The Senator from Virginia will recognize that it requires no wizardry of figures and that it requires no

stretch of the imagination to understand that if comparisons can be made under the circumstances detailed by the Senator, an individual who does not want to go to the Government yards for the construction of a cruiser can always take it into a private yard.

Mr. SWANSON. I think the time has come to make the test.

Mr. JOHNSON. Let us make it.

Mr. SWANSON. I believe we will save money by doing it, because it will be a contest between the private yards and the navy yards to determine which can give us the best work for the most reasonable price.

Mr. SMITH. Mr. President, will the Senator from Nevada yield to me to ask the Senator from Virginia a question?

Mr. ODDIE. I yield.

Mr. SMITH. We have been building ships a long time. Have there been no figures made available to show by the average during all these years which is the best plan for the Government, which furnishes the cheapest and still the best work, whether the private yards or the Government yards?

Mr. SWANSON. It is claimed by the navy-yard advocates that the vessels constructed at the Norfolk Navy Yard were splendid pieces of work and at a great saving. It is a question of what expense will be distributed as overhead to the respective ships. If we distribute too much of the overhead, which the people who want to build in the navy yards say ought not to be distributed, then we make the ships cost more. If we distribute less, of course, they cost less. The question occurs as to the amount of overhead in the navy yards that is to be charged to the individual ships.

Mr. EDGE. Mr. President, will the Senator from Nevada yield?

Mr. ODDIE. I yield to the Senator from New Jersey.

Mr. EDGE. I would like to ask the Senator from Virginia a further question and then, I assure the Senator from Nevada, I shall not interrupt further. Under the amendment approved by the committee, as I understand it, it is then arbitrary that eight of the vessels go to private yards?

Mr. SWANSON. Yes; and then we have two aircraft carriers on which there is no limitation.

Mr. EDGE. In other words, the distribution is fixed?

Mr. SWANSON. Yes.

Mr. EDGE. I do not for a moment say that it will happen, but all these contingencies must be considered when we are establishing a policy. In that event, what is to prevent the private yards, realizing that under the terms of the bill they must be awarded a contract for eight ships, holding up their prices to whatever figure they choose?

Mr. SWANSON. The bill simply says that every other cruiser shall be built in the navy yards, and it is left discretionary as to the others, with permission to build in private yards unless they ask too great a price. The Government can reject any bid it sees fit.

Mr. EDGE. They have the power to reject bids?

Mr. SWANSON. They have the power to reject any bid.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. I have an amendment to the amendment of the committee. Will that come ahead of the substitute that is offered by the Senator from Connecticut?

The PRESIDING OFFICER. It will.

Mr. McKELLAR. I now offer my amendment and ask that it may be read—with the permission of the Senator from Nevada.

Mr. ODDIE. I yield for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. Amend the committee amendment, on page 2, line 12, following the comma and after the words "United States," by striking out the remaining language and inserting in lieu thereof the following:

Except such incidental parts as can not be manufactured in such Government plants.

Mr. BROOKHART. Mr. President——

Mr. ODDIE. I yield to the Senator from Iowa.

Mr. BROOKHART. I would like to ask a question of the Senator from Virginia. With regard to overhead, is it not true there will be a large overhead expense in the navy yards even if they stand idle?

Mr. SWANSON. Some of them are standing idle, more or less, while some of them do a great deal of work. The Government-owned ships have to be overhauled there. It has been a very difficult question as to what overhead should be applied to the building of additional cruisers, and to each particular one. The Navy people who want to build them in the navy yards insist that they ought not to charge any of the overhead except such as is occasioned from the fact that the cruisers have been assigned there to be built. Those who advocate the building of the cruisers in the private yards would like to charge a larger part of the entire overhead to the construction of the cruisers. It is a very difficult matter to determine what part of the overhead should be and should not be assigned to the construction of each cruiser.

Mr. BROOKHART. If all the ships were built in private yards there would still be a big overhead to-day in the navy yards?

Mr. SWANSON. To a large extent there would be some overhead there. The greatest dispute has mostly been in connection with the distribution of overhead.

Mr. HALE. Mr. President, will the Senator from Nevada yield to me to make a brief statement?

Mr. ODDIE. I yield.

Mr. HALE. I think perhaps it would be well for me to explain why the committee took the action it did take.

During the war a number of ways were constructed in the navy yards of the country capable of taking cruisers. There was 1 way in the Boston yard, 2 in the New York yard, 2 in the Philadelphia yard, 1 at Norfolk, 1 at Mare Island, and a ship dock, which is capable of taking two ships, at Puget Sound. On those ways substantially $10,000,000 was expended. At the same time that those ways were built a very great amount of money was expended in the navy yards of the country to enable them to build ships and to put the yards in condition both to build and repair ships. These yards are now used almost exclusively for the repairing of the ships of the Navy. All of the repairing of the ships of the Navy is done in the navy yards. These yards, except in the case of the yard at Mare Island, the yard at Puget Sound, and the yard at New York, are not now being used for the construction of ships. The yards are well able to take care of the construction of ships such as the cruisers. The committee on looking over the matter decided that in their opinion it would be for the benefit of the country to have the ways put to use, and they felt that it would be economical to the country and useful to the organizations in the navy yards to do construction work as well as repair work.

The question has been asked as to whether it is more expensive or less expensive to build in the private yards or the navy yards. The committee held very extensive hearings on the matter and we were not able to determine definitely from the evidence that was given us whether a ship can be built more cheaply in a navy yard or in a private yard. From the hearings and the evidence that was given, we came to the conclusion that the cost is pretty nearly the same—that is, the actual cost to the Government. The cost of building a ship in the navy yards is made up of the material, the direct labor, the variable overhead, which depends on the actual work being done on the particular ship in question, and the fixed overhead, which goes on all the time.

In all probability if we take the direct labor and the material and the variable overhead, which are all items that come under the appropriation for increase of the Navy, the ships can be built slightly cheaper in the navy yards of the country. If, on the other hand, we add to that the fixed overhead which with the variable makes up the statistical charge for the entire ship, in all probability it would cost a little more. But the net charge to the Government is very nearly the same as far as the committee could ascertain.

On that account and believing that it would be for the best interests of the country that ships be built in the navy yards of the country, we were willing to accept the House amendment, the so-called Dallinger amendment, with certain modifications. This matter does not deal alone with the construction of the hulls and the machinery of the ships. It also deals with the armor and armament on the ships. Had we not amended the Dallinger amendment and had we left the House bill as it was, everything that is used in the construction of these ships, including armor and armament, would have had to be constructed in the navy yards of the country. There are certain things that are never constructed in the navy yards of the country and that could not be constructed in the navy yards with their present facilities.

Mr. TYDINGS. Mr. President, will the Senator yield so I may ask the Senator from Maine a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Maryland?

Mr. ODDIE. I yield.

Mr. TYDINGS. I call the Senator's attention to the fact that without the amendment offered by the committee the fire-control apparatus, the range finders——

Mr. HALE. I am just going to speak of those matters if the Senator will give me a chance.

For instance, the fire-control instruments in use on the ships are instruments of very intricate construction. It would be absolutely impossible with the present facilities to manufacture them in the navy yards of the country. Certain parts of the fire-control instruments are now manufactured by the Government, but other parts are patented, and the Government has not the use of the patents. The Government also has not the facilities for the extremely fine work required in the manufacture of certain of these fire-control instruments. Fire-control, I may explain, has to do with the firing of the guns on the ships of the Navy. It is a very technical and scientific mechanism which it would be difficult to explain to the Senate, but this work can not now be done in the navy yards of the country.

Mr. TYDINGS. Mr. President, will the Senator from Maine yield to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the junior Senator from Maryland?

Mr. ODDIE. I yield.

Mr. WHEELER. I should like to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Nevada has yielded to the junior Senator from Maryland.

Mr. TYDINGS. I should like to point out to the Senator from Maine that it was shown by the experts who appeared before our committee that even in some cases where the material could be manufactured in Government yards the price would be two or three times what the same article could be procured for from private concerns.

Mr. HALE. That is quite true.

Mr. TYDINGS. And it was not only the inability of the Government to handle the entire equipment but the item of saving which caused the committee to insert the particular language which is in the amendment.

Mr. HALE. And the Government can not construct these various instruments without an expenditure of a very great amount of money to provide for their manufacture. Nobody wants to see that done. What we want to see is a fair proposition that will save as much to the Government as possible.

Other things which are not made in Government navy yards include chronometers, watches, and certain auxiliary equipment; also the heavy deck and side plating for the ships.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I yield.

Mr. WHEELER. Would it not be possible to have many of these articles made by private concerns and then taken over to the navy yards?

Mr. HALE. Certainly it would be possible, and that is what is done now. Where the Government itself can not manufacture articles it purchases them outside, and then reassembles them in the navy yards.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. ODDIE. I yield.

Mr. FRAZIER. I want to ask if private yards make all of these different articles which the Senator from Maine has mentioned, such as chronometers?

Mr. HALE. No, Mr. President, they do not.

Mr. FRAZIER. Then what is the difference?

Mr. HALE. Private yards buy them, and that is what we want to be able to do in Government navy yards.

Mr. FRAZIER. Of course, the Government yards, I take it, would have to buy the things they do not themselves manufacture?

Mr. HALE. Precisely. That is what we want to arrange for in the amendment which is now being discussed. If the Dallinger amendment were left in the bill unamended every article of equipment would have to be made in Government yards, and that we want to get away from.

Mr. FRAZIER. I do not see it in that way at all.

Mr. HALE. That is the purpose of the committee amendment.

Mr. McKELLAR. Why not permit the Government plants——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. HALE. Will the Senator permit me to conclude?

Mr. McKELLAR. I should like to ask a question right on that point. Why can not the Government plants which may be awarded the construction of any of these ships be authorized to buy the necessary parts which the yards themselves do not manufacture? That would be the way to do it.

Mr. HALE. That is what the amendment which was inserted by the committee provides.

Mr. McKELLAR. No; the amendment provides for making the Government yards assembling plants.

Mr. HALE. That was not the intention of the committee.

Mr. McKELLAR. It may not have been the intention of the committee, but that is the effect of the language used.

Mr. HALE. I do not think that is the effect of the language.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. HALE. Mr. President, I should like to finish my statement in a connected manner.

I have referred to the question of armor and armament. We have in this country a large armor and forging plant at Charleston, W. Va. That plant was built to take care of the great ships that were provided for in the 1916 program. It is a Government plant, and it cost a great amount of money; about $24,000,000 was expended on it. That plant can make armor of all kinds and can make gun forgings. It can not, however, complete the guns as there are no shrinkage pits which are used in connection with such work, and none have been provided for that plant. It can also make projectiles for use on the ships of the Navy.

Mr. McKELLAR. Would it cost much to equip the plant so that it could make the guns and the armor to which the Senator has referred?

Mr. HALE. It would cost a great deal to operate the plant to make guns, forgings, and projectiles. There will be no armor on the cruisers provided for by this bill; so that the Senate need not be concerned as to that feature.

Mr. McKELLAR. How about the forgings of which the Senator spoke?

Mr. HALE. To rehabilitate the plant so that it could operate would cost between $225,000 and $250,000. But, Mr. President, the plant is a tremendous one; the overhead expense of running it is absolutely prohibitive unless it is being operated at full force, and the work that will be done on these cruisers would not warrant the opening of the plant and spending the tremendous amount for overhead.

Mr. McKELLAR. What is it costing the Government to keep that plant in its present condition? Is there anything being done with it?

Mr. HALE. It is simply being kept up. I can give the Senator the figures, although I have not them at hand at the moment.

Mr. McKELLAR. Has the Senator any idea how much the cost of maintaining the plant now is?

Mr. HALE. My impression is that it costs about $100,000 a year merely to keep it up.

Mr. McKELLAR. Are there many men employed there now?

Mr. HALE. No; merely a sufficient number to watch the buildings and keep them up.

Mr. McKELLAR. If the cost of using what that plant might manufacture is prohibitive, why should not the Government sell the plant and get rid of it; and also get rid of the enormous expense every year?

Mr. HALE. Because later on, when we are beginning to build battleships to take the place of those which will be replaced under the provisions of the Washington treaty, which grew out of the Conference on the Limitation of Armament, we shall need that plant.

Mr. McKELLAR. When will that be?

Mr. HALE. The Senator recalls the provisions of the Washington treaty. The first ship is to be laid down in 1931.

Mr. McKELLAR. The Washington Conference on Limitation of Armament ought to be remembered by everybody, because that was the greatest naval victory that Great Britain ever won in her history, and she has won many naval victories.

Mr. HALE. I will not undertake to argue that with the Senator.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada [Mr. ODDIE] has the floor.

Mr. HALE. If the Senator from Nevada will permit me, I simply wish to say that we have to protect the Government; that in order to protect the Government we can not take the House bill as it came over to us, and the committee, in order to take care of the situation, added the following words to the provisions of the bill:

> Except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

The Senator from Tennessee objects to that, as he thinks it will make the Government yards simply assembling plants. That was not, I say, the intention of the committee in any way.

Mr. McKELLAR. Whether or not it was the intention of the committee—that, in my judgment, is the result of the phraseology employed by the committee.

Mr. HALE. I think there need be little fear that anything of the kind will happen.

Mr. McKELLAR. The Senator says that the ships could not be built under the language of the Dallinger amendment. I want to ask the Senator if it is not true that the appropriation act of March 4, 1913, in authorizing the construction of one first-class battleship, used this language:

Provided, That the battleship herein authorized shall be built in a Government navy yard.

It was built in a Government navy yard; it was fully equipped; everything that ought to have gone on that battleship was put on it; and there was not any loss about it. If that could be done in that case, why could not these cruisers be built under the Dallinger amendment as it stands? Of course, there may be lamps or there may be chronometers or there may be clocks that the Government will have to buy on the outside, but as practical men I think we should realize that if the vessels were constructed in Government yards they would be equipped with everything necessary. To my mind the real object of the amendment of the committee is to throw the Dallinger amendment into conference, and I do not think it ought to be thrown into conference. I think the Dallinger amendment ought to be allowed to stand just as it is. There ought to be a fair division in the construction of these cruisers between private shipbuilders or private yards and Government yards. Everybody seems to agree to that. So why not stand by the Dallinger amendment, which provides for that in every proper way? Every safeguard is thrown around the construction, and the amendment ought not to be interfered with; it ought not to be put into conference, but, I repeat, ought to stand as it is.

Mr. HALE. Mr. President, I will state that I would never consent to vote for the so-called Dallinger amendment as it appears in the House bill, and I do not think that the other members of the committee would do so. They are in favor—and the committee has so reported—of constructing eight of the proposed cruisers in Government yards; but they want to have such provision made as will make sure that the Government is not going to be put to the extraordinary expense of going into businesses in which it is not engaged at the present time in order to provide all the material and parts used on these vessels. That is the purpose of the amendment the committee has added to the bill.

Mr. President, those who want the ships built in the Government yards ought all to be in favor of the committee amendment or something similar to it. If it is going to cost a prohibitive price to build these ships in the navy yards of the country, the country is never going to stand for it; Congress in the future will never allow ships to be built in the navy yards if it is going to cost very much more to do so than it costs to build them in the private yards. All that the committee wants to do is to bring about conditions where the Government yards will be on the same basis as private yards. Private yards do not manufacture all the various parts that are used in the construction of such ships, and neither should the Government yards be forced to do so. They should be put on an equal footing, and that is the reason for the amendment which the committee has recommended.

Mr. WHEELER. Does not the Senator from Maine think that the Government could purchase the necessary parts if the Dallinger amendment were allowed to remain in the bill?

Mr. HALE. No, sir; I do not think so, for under that amendment all the parts used in the construction of the vessels would have to be made in Government yards.

Mr. SWANSON. Mr. President——

Mr. ODDIE. I think I still have the floor; but I am anxious to see this discussion continued, for it is very pertinent. So, while I have the floor, I will yield.

Mr. SWANSON. Mr. President, I offer as a substitute for the amendment reported by the committee the amendment which I send to the desk and which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the matter proposed to be inserted by the committee, it is proposed to insert the following:

except such material or parts as are not customarily manufactured in such Government plants.

Mr. McKELLAR. Mr. President, I call the attention of the Senator to the fact——

Mr. SWANSON. Mr. President, I can not yield to the Senator until I explain my amendment.

Mr. McKELLAR. I want to say that the amendment proposed by the Senator from Virginia is almost in the exact words of the amendment which I offered a few moments ago and which takes precedence, I should think, because otherwise the amendment of the Senator from Virginia will be in the third degree. There is only a difference of two words between the Senator's amendment and the one I have offered.

Mr. SWANSON. The Senator has taken this amendment of mine and has butchered it. That is what he has done. I showed the amendment to him, and he butchered it.

Mr. McKELLAR. I think it is butchered in the right direction.

Mr. SWANSON. Mr. President, I am in favor of constructing half of the vessels which it is proposed to build in Government navy yards, because I think they can be constructed as cheaply in Government yards as they can in private yards. I am not willing to hamper their construction in Government yards.

Mr. WHEELER. Which navy yard?

Mr. SWANSON. Not one on Salt Creek or the Great Lakes or the St. Lawrence River.

Mr. WHEELER. Not the St. Lawrence River.

Mr. SWANSON. I presume the Senator and others will never be in favor of a big navy until the ships shall be constructed in that region, and not until then.

Mr. WHEELER. I think the Senator is judging me by himself.

Mr. SWANSON. No; I am not judging the Senator in that way; but he meant to imply that because there was a navy yard in Virginia I was in favor of this provision. The Senator knows that that has nothing to do with my attitude.

Mr. SHORTRIDGE. Mr. President, I inquire what is the language of the amendment.

Mr. SWANSON. I will ask that it be read again.

Mr. BLAINE. Mr. President, will the Senator permit a suggestion?

Mr. SWANSON. No; let me explain the matter.

My position is this: These ships are being constructed in navy yards. The navy yards constructed them during the war. People know what it is customary to construct in navy yards and what it is customary to obtain outside. It is clear. It is a custom of years and years. People know what it is customary for a private yard to buy outside and what it is customary for it to construct in the yard.

This amendment puts a Government navy yard on an exact parity with a private yard, at no advantage or disadvantage; and such things as have been named by the Senator, not being customarily constructed in a navy yard, can be purchased outside.

The trouble with this amendment as reported, however, is that it goes further. I favored it in the committee, but a reexamination shows that they could make a navy yard merely an assembling plant and get all the parts wherever they wanted to and take them to the navy yard and assemble them there.

It seems to me that this amendment gets rid of the trouble that is in the mind of the Senator from Tennessee, gets rid of the trouble that is in the mind of the Senator from Maine, puts the private yards and the navy yards on an equality, and compels them to construct in the navy yards everything except such things as are not customarily constructed or produced in navy yards. It seems to me that ought to satisfy everybody. If a man wants things constructed in a navy yard he would not want them to cost too much, because if that were the case no more would be built there.

I am satisfied that under this amendment substantially everything that ought to be produced in a navy yard will be produced there.

Mr. McKELLAR. Mr. President, if the Senator will yield to me, I want to say that the amendment now offered by the Senator from Virginia differs only in two words from the one that I have offered, and I have no doubt we could iron out that difference very easily. I want to say to the Senator in all good faith, however, that in my judgment whenever any amendment is offered to the Dallinger amendment it puts the entire Dallinger amendment in conference; and I am not sure that it is to the best interest of the people to put that amendment in conference again and endanger it.

I think these ships ought to be built one-half in Government yards and one-half in private yards. I think the arrangement that the committee have brought out here is a very excellent one. I think it takes care of them all. I do not think there ought to be any amendment at all, and I hope there will not be

an amendment; but if we do have to have an amendment, the one that is now offered by the Senator from Virginia, which is substantially the same as the one I suggested awhile ago, is the least objectionable one that I have seen.

Mr. SWANSON. Mr President, if the Senator will permit me, I expect to be on the conference committee. I presume I shall be on it. I am the ranking Democrat on the committee, and I have been on every conference committee since I have been so situated.

Mr. McKELLAR. We all hope the Senator will be on the committee, anyway.

Mr. SWANSON. So far as I am concerned, I will never agree that the part of the Dallinger amendment that is adopted shall be gotten rid of in conference.

Mr. McKELLAR. I hope we can have the same assurance from the chairman of the committee

Mr. HALE. I certainly will not consent to cut out the provisions of the Dallinger amendment which provide that certain ships shall be built in the navy yards of the country, and I do not believe we would have a right to do so if we wanted to, if this amendment is adopted.

Mr. SWANSON. And it is not in conference.

Mr. McKELLAR. At all events, the Senator is not in favor of changing that language?

Mr. HALE. Not at all.

Mr. SWANSON. No; it is not in conference. The reason why we did not change the Dallinger amendment was because, if we did, it would be in conference. All that would be in conference here would be this amendment.

Mr. McKELLAR. O Mr. President——

Mr. SWANSON. That is what we shall insist.

Mr. McKELLAR. I am quite sure that if part of a proviso is amended, the whole proviso is in conference.

Mr SWANSON. I hope the Senator from Maine will accept that amendment.

Mr. HALE. I am willing to accept the amendment, because I think it provides what the committee intended to do with its amendment.

Mr. SMITH. Mr. President, with the permission of the Senator from Nevada, may I ask the chairman of the committee a question?

Mr. ODDIE. I yield.

Mr. SMITH. Has the committee ascertained whether there is a lack of facilities on the part of our naval stations and navy yards throughout the country, an inability on their part to furnish all that is necessary for the construction and equipment of one of these cruisers?

Mr. HALE. I have already said that there are certain material and articles that can not be furnished in the navy yards. There are certain patented articles, pumps, parts of the machinery, and so forth, certain equipment that is used on the ships that can not be furnished by the navy yards with their existing facilities.

Mr. SMITH. Then, does the Senator construe the language of the Dallinger amendment in such a way that without this proviso the navy yard that has the construction of a vessel would not be authorized to purchase those things outside?

Mr. HALE. Yes; I do so construe it. I consider that the navy yards would have to go into the business of producing these various articles that they do not now produce.

Mr. SMITH. Unless it was the right of the Government to utilize private patents, how would we go about furnishing our yards with this equipment? How could we do that unless we were to infringe a patent, or have the patent right released, or construct a plant to do it?

Mr. HALE. The patents could not be used, Mr. President, unless the rights were purchased or conceded; we would have to manage without them as best we could.

Mr. SWANSON. Mr. President, if the Senator from Nevada will permit me, we must remember that the Comptroller General will have to pass on these appropriations and certify them before they are available. If this language is left there, and we do not insert "such as are customarily bought outside," and there are certain things that it is just as customary to purchase outside in private yards as in others, he could fail to certify the appropriation, and order the construction stopped.

Mr. SMITH. It seems to me to be an absurd position for us to take to consign to a certain navy yard the construction of a vessel and then have the whole business held up because there might be some minor part or essential part that they themselves could not construct and did not have in stock, and they would be absolutely helpless to go on unless we provide that they could go out and buy such things as they did not have in stock.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I yield.

Mr. WHEELER. Let me say to the Senator from South Carolina that I am sure no such construction as was contended for by the Senator from Maine could possibly be placed on the Dallinger amendment. It says:

And provided further, That the first and each succeeding alternate cruiser upon which work is undertaken—

Then it says:

together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards—

And so forth. It seems to me that stating specifically there "together with the main engines, armor, and armament for such light cruisers" expressly implies in this amendment itself that those things that can not be made in the navy yards should be purchased outside. Otherwise there would not have been any necessity at all for putting it there—

together with the main engines, armor, and armament for such light cruisers.

Mr. SMITH. It seemed to me to be a monstrous proposition to equip navy yards for the purpose of constructing vessels and then to put a proviso in whatever enabling act we may pass saying to them, "Now, we must give you a right to go outside or else you can not construct the ships."

Mr. JOHNSON. Mr. President, may I say to the Senator from South Carolina that, in my opinion, there is really no necessity at all for the amendment that has been put in the bill by the Naval Affairs Committee?

You will observe that in the public yards certain construction is to be done. The implication by the bill is that in private yards certain construction is to be done. Now, respecting the construction in the public yards is attached this amendment: That if there are some things that can not be legitimately and appropriately made by the yard, then the Secretary may get those outside. There is no suggestion at all in relation to the private yards; and I assume that the private yards no more than the public yards manufacture, possibly, some of the things that may be necessary upon the cruisers. Therefore, not mentioning anything in respect to the private yards and those things not obtainable there, no necessity arises for mentioning anything in respect to the public yards and those things not obtainable there.

Mr. GLASS. The difference, Mr. President, is that the Government owns the public yards and can determine what may be manufactured there and what may not; but the Government does not own the private yards, and the Government would have no right whatsoever to determine what the private yards might do.

Mr. JOHNSON. The Senator has missed the point of what I was saying. That is not what I was endeavoring to suggest, perhaps quite inaptly.

Of course the Government owns the Government yards; but is it conceivable that if we direct a cruiser to be built in a Government yard, and a chronometer is required for that cruiser, therefore we are going to have the chronometer manufactured in the public yard?

Mr. GLASS. It is not only conceivable, but the Committee on Naval Affairs has conceived it.

Mr. JOHNSON. And it is exactly that that I say is wholly unnecessary. I do not care a rap, and the amendment that is suggested by the Senator from Tennessee and the Senator from Virginia is perfectly satisfactory to me; but I think that no amendment at all, in the language either of the original bill or as they suggest, is necessary.

Mr. SWANSON. If the Senator will permit me, I will read this language:

That the first and each succeeding alternate cruiser upon which work is undertaken * * * shall be constructed or manufactured in the Government navy yards.

Now, by putting in "together with the main engines, armor, and armament," that left it subject to the construction that everything should be done there that we chose to do there. Now, if the Navy were disposed not to do these things in the navy yards—which is what I am afraid of—they would say, "Well, we have to manufacture everything there, and it is utterly impossible to do it." What is the harm in putting in an amendment to make that clear, so that the Comptroller General will not have to pass on it, compelling them to manufac-

ture and produce in the navy yards everything that is customarily obtained there?

Mr. WHEELER. Mr. President, if the Senator will yield, we might just as well put on a proviso also to the effect that private owners, when we let a contract to build a ship, could go outside somewhere and buy what they did not manufacture themselves.

Mr. SWANSON. But the Senator will remember that the navy yards would be very glad to take his contention and be given the free hand which the Senate amendment gives them, which I think would simply make the navy yards assembling plants if it were carried out. This compels them to manufacture in the navy yards what it is customary to produce in the navy yards—customary in the case of the ships that are built, customary with the cruisers now being built, customary during the war—and does not compel them to create new plants and new products. There is a doubt as to whether that is not necessary.

Mr. JOHNSON. Mr. President, I am perfectly willing to agree to what the Senator says; but as a matter of simple accuracy, I do not want to subscribe to the doctrine that if we permit a Government yard to manufacture a cruiser, and a watch is required upon that cruiser, we have to put the Government yard into the manufacture of watches. That is exactly what has been contended for here, however.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield further?

Mr. ODDIE. I yield.

Mr. McKELLAR. Further, in regard to what the Senator from California has just said, let us look at the matter as a practical matter.

Here we are authorizing the building of eight ships in Government navy yards, without anything more. After these ships have been laid down, and they are proceeding with them, and it takes years to build them—we all know that it does take years to build them—suppose the Secretary of the Navy makes a report—and he is required to make a report every year, and can make one whenever he desires—suppose he should make a report saying, "There are certain articles that it will cost a great deal to manufacture if they are going to be manufactured in Government plants. It would be cheaper to buy them on the outside," why can we not wait and dispose of those matters then? Why mix up this arrangement contained in the Dallinger amendment with doubtful provisions which may be construed in any way by a Secretary of the Navy?

It looks to me as if we ought to go ahead and make the division equally between the private yards and the public yards, and settle these little insignificant matters afterwards. Surely the Secretary of the Navy has sense enough, if he finds it costs more for the Government to build in the navy yards than in private yards, or if he finds that he can buy them cheaper, to report that to the Congress.

Mr. TYDINGS. Mr. President, I think I can make some explanation as to why this particular language was adopted in connection with the Dallinger amendment that might clear up some of the misunderstanding. At first the act provided that "the first and each succeeding alternate cruiser upon which work is undertaken." That is the way the amendment originally stood. But it was feared that perhaps all of the work which the Government could do would not be done in the Government yards. So, in order to make sure that all of the work which the navy yards could turn out would be done by the navy yards, these words were added, "together with the main engine, armor, and armament for such light cruisers."

Having specified those three qualifying phrases, it was then thought that the Government might be compelled, under a ruling of the comptroller, to build everything that would go into the cruiser, because it had attempted to specify an intention so to do. Therefore the committee drafted an amendment having for its purpose only the procuring of such things as could not be built in the Government yards. That was the reason the committee amendment was put in.

If the words "together with the main engine, armor, and armament" had not been used, then the qualifying committee amendment would not have been needed. But inasmuch as they were specified, the committee was afraid that work might be held up under a ruling of the comptroller, and that was the reason for the committee amendment.

I would just like to bring out this thought also. The ships that are to be built in the private yards will be built under a lump-sum contract. It is immaterial to the Government whether everything or nothing is built in the private yards. All the Government wants is a completed battleship in accordance with the specifications, and at the price bid. But when the Government attempts to build a ship, the way it is to be built is written into the act itself, and unless there is enough elasticity in the act, technical complications may prevent the completion of the ship in the time specified.

Mr. BROOKHART. Mr. President, I desire to ask the Senator a question.

Mr. TYDINGS. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator says it was the intention of the committee to except only such articles as could not be manufactured by the navy yards. But this language is "except such material or parts." Will the Senator name a single part of a ship that is not excepted?

Mr. TYDINGS. Yes. The fire-control apparatus can not be manufactured in the Government yards economically, because the Government has neither the patents nor the machinery necessary for that purpose.

Mr. BROOKHART. How much would a fire-control apparatus cost?

Mr. TYDINGS. It is a very expensive and delicate apparatus.

Mr. BROOKHART. Mr. President——

Mr. TYDINGS. Let me conclude my statement.

Mr. BROOKHART. How much cheaper would it be——

Mr. TYDINGS. The Senator has asked me a question. Now, just let me answer it. How about the range finders?

Mr. BROOKHART. That is a small item in building a ship.

Mr. TYDINGS. How about the telephones?

Mr. BROOKHART. That is another small item.

Mr. TYDINGS. But all these little items put together make a battleship.

Mr. WHEELER. What about the nails and the bolts and the screws?

Mr. HALE. The parts of the fire-control apparatus that they have to buy outside cost about $250,000.

Mr. BROOKHART. What does the whole cruiser cost?

Mr. HALE. Seventeen million dollars.

Mr. BROOKHART. What do the parts cost which we can not build, the whole number, the watches——

Mr. WHEELER. And the nails and the bolts?

Mr. NEELY. And the screws?

Mr. BROOKHART. How about gun forgings?

Mr. HALE. The Government does not manufacture gun forgings. The only place where it could make them would be at the Charleston armor plant, which can not be operated without a tremendous overhead expense. If we opened that plant it would cost us nearly twice as much for gun forgings as if we bought the forgings outside, and surely the Senator does not want to put the Government to that expense. The cost of the gun forgings is a very large item.

Mr. BROOKHART. So far as I am concerned, I am not willing to consent that any private company shall profiteer out of war preparations, either in time of peace or in time of war. I am opposed to war profiteering from beginning to end. I just voted for a treaty for the universal outlawry of war because I believed that way. So I am ready to have all this work, regardless of the cost, done in the Government yards, as far as I am concerned.

Mr. HALE. Regardless of the cost? The Senator and I would differ about that. I think it is our duty to look out for the expenditure of Government money.

Mr. ODDIE. Mr. President, I desire to make a few remarks on the bill.

Mr. JOHNSON. Will not the Senator let the amendment be settled first?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator yield?

Mr. ODDIE. I yield.

Mr. JOHNSON. Will not the Senator yield until this amendment can be disposed of? I suggest to the Senator from Virginia and the Senator from Tennessee that I think the Senate is ready to settle this particular amendment now, and if it is satisfactory to the Senate, I suggest that we proceed to do so.

Mr. SWANSON. I hope the Senator from Maine will accept it.

Mr. HALE. I think it carries out the intention of the committee.

Mr. ODDIE. Mr. President, I intend to speak just a few minutes on the bill itself, also on this amendment. I desire to put some important material in the RECORD that bears on the amendment, as well as on the whole bill, and if the Senators will bear with me for a few minutes, I will do so.

Mr. JOHNSON. Mr. President, may I make my apologies to the Senator from Nevada? I thought he had made a very excellent speech thus far.

The PRESIDING OFFICER. The amendment has not yet been adopted.

Mr. ODDIE. There are several very strong indorsements of this bill, including indorsements of the Dallinger amendment, which I desire to place in the RECORD.

In the first place, regarding the bill itself as it is before the Senate, and as it came from the House, I desire to place in the RECORD a statement by the Navy League of the United States giving a summary of the editorial comment on this bill from papers all over the country. It shows the ratio for and against the bill to be 7.8 to 1.

Mr. WHEELER. Mr. President, will the Senator yield? Who composes the Navy League, and where do they get these figures?

Mr. ODDIE. The Navy League is headed by William Howard Gardiner, and is composed of a large number of able men in the United States who have been taking an active interest in the Navy, making a careful study regarding it, and who are well posted on Navy matters.

Mr. WHEELER. And largely spreading propaganda in favor of a larger Navy, and in behalf of the shipbuilders of the country.

Mr. ODDIE. They are spreading propaganda for Americanism and adequate national defense.

Mr. WHEELER. But largely for the shipbuilders of the country.

Mr. ODDIE. I resent that, because these men are good Americans. They are looking to the defense of our country, and are spreading what I believe, and a majority of the people believe, to be good and necessary information.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. ODDIE. For a question; yes.

Mr. NEELY. Mr. President, everybody else in the Chamber has transgressed upon the time of the able Senator from Nevada [Mr. ODDIE]. Therefore I beg him to forgive me for making unanimous the interruptions which he is so very patiently enduring.

I inquire of the Senator from Maine just what is included in the meaning of the term "armor" in line 7, on page 2, of the bill?

Mr. HALE. Mr. President, the word "armor" is included in the bill, but there is no armor of any sort whatever used on these cruisers. The ships have protective decks, with 3-inch steel plates, but that is rolled steel, not forged steel, and all armor is forged. These plates go into the construction of the ships, and are taken care of, not under the appropriation for "armor and armament," but by the Bureau of Construction and Repair under "hull and machinery."

Mr. NEELY. Am I correct in believing that no armor plate will be used in the construction of the 15 cruisers described in the bill?

Mr. HALE. There are, further, turrets for the guns, which are also not considered as armor.

Mr. NEELY. The Government has built an armor-plate plant in South Charleston, W. Va., at a cost of about $24,000,000. This plant is idle. It ought to be utilized, if possible. Consequently, if armor plate is to be used in the construction of anything authorized by the pending measure, I desire to offer an amendment that will provide for the making of such armor plate by the Charleston factory.

Mr. HALE. There is no armor provided for these vessels.

Mr. NEELY. That was my understanding.

Mr. ODDIE. Mr. President, I ask leave also to place in the RECORD a letter from John Thomas Taylor, of the national legislative committee of the American Legion, indorsing this bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAVY LEAGUE OF THE UNITED STATES,
Washington, D. C., January 7, 1929.

Editorials in the daily newspapers from all parts of the country continue to support the 15-cruiser replacement program now before the Senate; and this with increasing emphasis, for during November the favorable ratio was 6.1 to 1, whereas since then it has increased to 7.8 to 1.

On December 7, 1928, the Navy League of the United States issued a statement in which it said that year after year it has received from a well-known and wholly disinterested clipping bureau the editorial comment of the Nation's press on naval matters.

Classification of all editorials commenting on the 15-cruiser program, and received between Armistice Day and December 7, then gave a ratio, by newspaper circulation, of 6.1 in favor to 1 against.

Similar classification of all such editorials received since December 7 has yielded the still more interesting result summarized below:

Newspaper circulation:	
For	5,179,940
Against	665,408
Ratio:	
For	7.8
Against	1

While the relative increase from 6.1 to 7.8 (to 1) favoring the 15-cruiser program is significant, it is noteworthy that this increase is due, in part, to one of the very few metropolitan papers long opposed to American armaments having reversed its position.

NAVY LEAGUE OF THE UNITED STATES,
By WILLIAM HOWARD GARDINER, *President.*

THE AMERICAN LEGION NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., December 17, 1928.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: On March 17, 1928, the cruiser construction bill, calling for 15 fast scout cruisers and 1 airplane carrier, passed the House by a vote of 287 to 58 and was immediately forwarded to the Senate. This was a reduction of two-thirds from what the Secretary of the Navy stated was necessary to bring our Navy up to its ratio under the 5–5–3 treaty, the result of the Washington conference.

So that, although the enactment of this legislation will improve our relative naval position, it will not regain for us our lost parity.

We know that the pacifist groups of the country are flooding the Senate with mimeographed and stereotyped pacifist propaganda against this legislation, and that these are the same groups which have continually striven to weaken our national defense.

The American Legion at its San Antonio convention unanimously adopted the following resolution:

"*Resolved*, That the bill known as House bill 11526, which authorized the construction of certain naval vessels, among which there are to be 15 light cruisers of 10,000 tons each, be given priority on the list of legislative projects and receive favorable action, and that the President of the United States of America be authorized to begin construction of these vessels at once."

We respectfully urge that when the cruiser bill comes before the Senate for consideration you will do everything in your power to aid its prompt passage.

Sincerely yours,

JOHN THOMAS TAYLOR,
National Legislative Committee.

Mr. ODDIE. I also desire to place in the RECORD a letter from the national vice chairman of the American Legion, George W. Malone, of Nevada, containing strong indorsement of this bill by the American Legion at its recent convention in San Antonio, Tex.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MAYFLOWER,
Washington, D. C., December 19, 1928.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Pursuant to our conversation, relative to House bill 11526, authorizing the construction of certain naval vessels, I am including herewith copy of our resolutions on this important subject at the last national American Legion convention in San Antonio, Tex.

"REPORT OF NAVAL AFFAIRS COMMITTEE

"Whereas the United States of America has become one of the world's foremost nations as to population, political influence, wealth, and workers for righteousness; and

"Whereas an adequate Navy is vital to the maintenance of peace, self-defense, and the furtherance of international righteousness; and

"Whereas it is vital that an intelligent body of sound-minded people combat the pacifism, bigotry, and misinformation being circulated respecting naval matters; and

"Whereas a Navy is of the utmost indirect importance to our uninterrupted economic expansion and prosperity: Be it

"CRUISER CONSTRUCTION

"*Resolved*, That the bill known as House bill 11526, which authorized the construction of certain naval vessels, among which there are to be 15 light cruisers of 10,000 tons each, be given priority on the list of legislative projects and receive favorable action, and that the President of the United States of America be authorized to begin construction of these vessels at once.

"AIRPLANE CARRIERS

"That the Congress of the United States of America authorize the construction of sufficient airplane-carrier tonnage to bring the United States Navy up to the tonnage allowed us by the Washington Disarmament Conference.

"MODERN NAVAL VESSELS

"That the Congress of the United States of America authorize the modernization of such of our naval vessels which have not been modernized wherein this is practicable.

"SUBMARINE CONSTRUCTION

"That the Congress of the United States of America authorize the construction of such submarines for our Navy as are recommended by the general board of the United States Navy.

"PROGRESS IN AVIATION

"That the present expansion experimentation by our naval and marine air forces be continued, and that the policy of keeping in the foreground of aviation progress in general be demanded, and that sufficient funds for this purpose be appropriated by the Congress of the United States.

"5–5–3 RATIO

"That we demand that the Congress of the United States abide by the Washington Disarmament Conference and in accordance therewith to bring the strength of the United States Navy up to the 5–5–3 ratio."

The American Legion is not warlike, certainly if any organization wants peace between the countries of the world, it is that organization, because they know what it means to fight, and they firmly believe that the peace conferences should be continued and that they will ultimately be successful, but in the meantime, recognizing conditions as they are, we must be prepared for emergencies.

We recognize that it is a terrible thing to send young men into battle, but it is infinitely more terrible to send them into battle without proper preparation; then, until it is evident that the danger of war is past, let us be reasonably prepared.

Our organization and the younger men will see our country through any emergency without fear of the result, if our country, through its Congress, will properly equip us for that emergency.

Sincerely yours,

GEORGE W. MALONE,
National Vice Commander American Legion.

Mr. ODDIE. I ask that a letter from William Green, president of the American Federation of Labor, dated January 11, 1929, indorsing this bill with the Dallinger amendment, be placed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 11, 1929.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SIR: The delegates in attendance at the convention of the American Federation of Labor, held in the city of New Orleans from November 19 to 28, inclusive, declared in favor of the adoption of necessary provisions for national defense, including the building and maintenance of an adequate Navy.

Conforming to this declaration, the convention approved H. R. 11526, now pending in the Congress of the United States, which provides for the construction of 15 new cruisers. In connection with this matter, however, the convention unanimously approved that section of the bill which provides that 8 of the 15 cruisers authorized be built in Government navy yards.

In making this recommendation we are not unmindful of the difference of opinion which prevails regarding the construction of cruisers in privately owned shipbuilding yards or in the Government-owned navy yards. In passing upon this phase of the question it was the opinion of the representatives of the American Federation of Labor that the employees of the Government navy yards were entitled to consideration, and that they should be given an opportunity to construct 8 of the 15 cruisers provided for in the Navy bill. Such legislative action would serve to supply employment to a large number of competent workmen in the Government navy yards and would remove in a very large way the oft-repeated charge that certain special and private interests were supporting the Navy bill for selfish reasons and for the sole purpose of making profit out of the construction of Navy vessels for the Government.

I respectfully request that you give favorable consideration to these declarations and recommendations made at the New Orleans convention, which was representative of the membership of the American Federation of Labor.

Yours respectfully,

WM. GREEN,
President American Federation of Labor.

Mr. ODDIE. I also ask that a letter from Maude Wetmore, chairman of the executive council of the woman's department of the National Civic Federation, indorsing this legislation, be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK CITY, *January 14, 1929.*

MY DEAR SENATOR ODDIE: At a meeting of the executive council of the woman's department of the National Civic Federation assembled in New York on January 3, 1929, the following resolution was adopted:

"Whereas a Navy adequate for the national defense is essential to the development and safety of the Nation; and

"Whereas the President of the United States has stressed the need for greater cruiser strength: Therefore be it

"*Resolved*, That consistent with the established policy on national defense of the woman's department, the council indorses the naval construction bill pending in the Senate of the United States and urges its prompt passage, unamended."

Sincerely yours,

MAUDE WETMORE, *Chairman.*

Mr. BLAINE. Mr. President, I would like to ask the Senator a question.

Mr. ODDIE. I yield.

Mr. BLAINE. I want to inquire, in connection with the indorsement the Senator has just submitted from the estimable madam, whether or not she favored the Kellogg peace pact?

Mr. ODDIE. I do not know about that. I am submitting this as it has come to me.

I also have several telegrams that I ask to have printed in the RECORD, from the American Legion of Nevada and Arizona and from the American Legion Auxiliary of Nevada.

Mr. WHEELER. They have all made a study of the necessity of our Government needing a larger Navy, I suppose?

Mr. ODDIE. Yes; they have been reading good material on this question.

Mr. WHEELER. They were all in favor of the peace treaty, were they not?

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CARSON CITY, NEV., *December 14, 1928.*

Hon. TASKER L. ODDIE,
United States Senator of Nevada, Washington, D. C.:

Nation's welfare demands Nevada's support cruiser bill. Action at once.

THE AMERICAN LEGION OF NEVADA.

CARSON CITY, NEV., *December 14, 1928.*

Hon. TASKER L. ODDIE,
United States Senator from Nevada, Washington, D. C.:

The American Legion Auxiliary, Department of Nevada, urges your unqualified support of cruiser construction bill. May we have acknowledgment of this telegram and a statement of your stand in this matter?

(Mrs.) MARION GRANT BOWEN,
Department President.

YERINGTON, NEV., *December 15, 1928.*

Senator TASKER L. ODDIE,
Senate Office Building, Washington, D. C.:

Department of Nevada, American Legion Auxiliary, urge your unqualified support of the cruiser construction bill.

Mrs. FRANCES FRIEDHOFF,
Department Legislative Chairman.

KINGMAN, ARIZ., *March 10, 1928.*

Hon. TASKER ODDIE,
United States Senate, Washington, D. C.:

Swaskegame Post, American Legion, of Mohave County, Ariz., urge your support naval program first presented. We oppose House Joint Resolution 183 and support amendment of Senator THOMAS restoring increased appropriation. This post believes whole-heartedly in national preparedness, and confident you uphold our belief. Also telegram from E. E. Wishon.

Commander F. A. MYLIUS, *Adjutant.*

Mr. ODDIE. I also submit a communication from the National Sojourners in connection with the resolution I will introduce from the Daughters of the American Revolution.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Adopted by National Sojourners January 11; also adopted by 44 participating organizations January 11

The committee of 33 of the National Sojourners, representing, as it does, a membership of American citizens located in all parts of the United States and its possessions, hereby declares:

(a) We heartily indorse the expressions of our President, Calvin Coolidge, made in his Armistice Day address, as follows: "We made altogether the heaviest sacrifice in scrapping work which was already in existence. That should forever remain not only a satisfaction to

ourselves but a demonstration to others of our good faith in advocating the principle of limitation," and "it is obvious that eliminating all competition world standards of defense require us to have more cruisers."

(b) That we view with alarm the past and present actions of certain groups of peoples who are attempting to interfere with such proper measures of national defense and national security as are required by the Constitution of the United States.

(c) That our fellow countrymen must realize the vast sacrifices made by the United States after the conference on limitation of armaments, 1921–22, these sacrifices continuing on to date, showing an average falling to the rear daily for seven years past as regards Great Britain of 33 tons of cruisers, 10 tons of destroyers, and 10 tons of submarines, and as regards Japan of 20 tons, 30 tons, and 16 tons, respectively, and that our willingness to reduce has been fully shown.

(d) That peace pact or no peace pact, the situation is such the passage of the 15 cruiser bill at once is imperative for the preservation of our dignity among the nations when sitting at a council board, the protection of our nationals abroad when needed, the safety of our great trade and commerce on the seven seas.

(e) And that we call on all patriotic citizens to come to a realization of present conditions and assist in thwarting interests, well meaning or otherwise, whose actions in our judgment are dangerous to the perpetuation of American institutions.

GEO. R. UNMACHT,
National Secretary.

Mr. ODDIE. I have a resolution from the National Society of the Daughters of the American Revolution.

Mr. WHEELER. Mr. President, with reference to that I am going to insist that for the benefit and enlightenment of the Senate this letter from the Daughters of the American Revolution be read. I think it ought to be read.

Mr. ODDIE. Mr. President, I intend to read it. It is as follows:

NATIONAL SOCIETY,
DAUGHTERS OF THE AMERICAN REVOLUTION,
January 11, 1929.

Whereas the President of the United States, in his Armistice Day address insisted that "World standards of defense require us to have more cruisers"; and

Whereas we maintain that the hope for domestic tranquility and common defense expressed in the Constitution of the United States should be sustained at this time by an army strengthened in accordance with the national defense act of 1920 and a navy conforming to the 5–5–3 ratio as agreed upon at the Washington conference; and

Whereas we are seriously impressed by the hazard involved in further delaying to provide adequate defense for the United States; and

Whereas we recognize the risk in substituting enactment of law as a mere farce in place of actually obtaining sufficient men for the Army and real ships for the Navy or in our Nation's sole reliance upon treaties unsupported by adequate defenses: Therefore be it

Resolved, That we, as representatives of 52 patriotic organizations, record our indorsement of the cruiser bill and anticipate that its passage in the Senate will pave the way for further provision for a navy, merchant marine, and naval bases appropriate to American dignity, and in conjunction with the building of cruisers and auxiliaries, we ask Congress to provide for a sufficient personnel to man them; and be it further

Resolved, That we avoid a fluctuating policy of defense by maintaining an army at this time substantially unvaried from the exact plan of the national defense act of 1920; and be it further

Resolved, That we welcome and lend our moral support to congressional investigations of antidefense forces wherever they may be discovered to be masking efforts to subvert our constitutional form of government under the guise of working for world peace.

Adopted unanimously by representatives of organizations in conference assembled, whose names are hereto attached:

I ask that there be printed in the RECORD a list of 52 organizations which have indorsed the resolution just read.

Mr. BROOKHART and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. BROOKHART. I want to know whether I should object or not. I want to ask the Senator a question first. I would like to know if the Daughters of the American Revolution organization whose resolution he has just presented is comprised of the same crowd of ladies who blacklisted me as un-American?

Mr. ODDIE. I do not know.

Mr. WHEELER. If they have not done so yet, when they find out that the Senator from Iowa is against the cruiser bill they will do so.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nevada is granted.

The list referred to is as follows:

National Sojourners.
American Legion Auxiliary.
American War Mothers.
American Women's Legion.
Auxiliary Disabled American Veterans.
Colonial Daughters of the Seventeenth Century.
Daughters of the American Colonists.
Daughters of the American Revolution.
Daughters of the Cincinnati.
Daughters of the Colonial Wars.
Daughters of the Revolution.
Daughters of Union Veterans of the Civil War.
Government Club of New York.
Government Club of Chicago.
Ladies Auxiliary Veterans of Foreign Wars of the United States.
Ladies of the Grand Army of the Republic.
Ladies of the Union Veterans Legion.
National Society of Colonial Daughters of America.
National Society Dames of the Loyal Legion.
National Society Daughters of Founders and Patriots.
National Society Patriotic Builders of America (Inc.).
National Society of New England Women.
National Society United Daughters of 1812.
Order of the First Founders of Virginia.
Gold Star Mothers.
Society of Daughters of Holland Dames.
Women's Army and Navy Legion of Valor.
Women's Constitutional League of Virginia.
Women's Naval Service League.
Women's Overseas Service.
Women's Relief Corps.
National Patriotic Council.
National Society, Daughters of the Union, 1861–1865.
New York Colony of New England Women.
Society of Sponsors of the United States Navy.
Wisconsin Service Star Legion.
National Allies Veteran and Patriotic Organizations.
National Auxiliary United Spanish War Veterans.
Reserve Officers Association.
American Defense Society.
Veterans of Foreign Wars.
The American Legion.
Military Order of the World War.
Sons of American Revolution.
Sons of the Revolution.
Military Order of Foreign Wars.
Key Men of America.
Society of Mayflower Descendants.
Marine Corps League.
Second Division Association.
Order of the Cincinnati.
United Spanish War Veterans.
Heroes of '76.
New York Society of Military and Naval Orders.
Military Order of Loyal Legion.
The Carabao.
National Vigilance Society of Chicago (Inc.).

Mr. ODDIE. Mr. President, I am not going to make any extended statement on the bill at this time. It is known very well that I favor the bill and am most anxious to see it passed, and passed promptly. I am anxious to have my position clearly understood. I am confident that it is the opinion of a large number of Senators, as it is mine, that the bill does not mean competition in navy building with any other nation, but it means a partial-replacement program. It will result in more nearly balancing of our fleet by the addition of cruisers which it sadly lacks to-day, the lack of which throws our fleet out of balance in comparison with other fleets in the world. I hope the bill will pass.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ODDIE. I am not going to make any further remarks at this time, but I yield for a question.

Mr. WHEELER. Will the Senator tell me just the ships which the 15 cruisers are going to replace?

Mr. ODDIE. I have here a list of 22 old cruisers——

Mr. WHEELER. I would like to know which ones those are going to replace, because I understand we have replaced some of them several times. I would like to know definitely which ones are to be replaced.

Mr. ODDIE. I said it was to be a partial replacement.

Mr. WHEELER. Can the Senator tell me what cruisers the new ones are to replace?

Mr. ODDIE. I will state further that, eliminating all question of replacement, in order to bring our fleet up somewhere

near the 5–5–3 ratio these 15 cruisers should be built. With the 15 new cruisers we will not even then approach our place in the 5–5–3 ratio.

Mr. WHEELER. The Senator stated they were for replacement. I would like to know what it is proposed to have them replace. I read Mr. Butler's statement in the House, he being at the time chairman of the Naval Affairs Committee, in which he said they were not for replacement and that the first time he had ever heard of them being for replacement was when some one on the floor of the House made that statement.

Mr. ODDIE. It is a case of partial replacement in addition to bringing our fleet nearer the 5–5–3 ratio.

Mr. HALE. It is a replacement of existing cruisers, as the Senator very well knows.

Mr. WHEELER. No; the Senator does not know any such thing.

Mr. HALE. There are 22 old cruisers with a tonnage of 179,000 tons plus, which have not been replaced, and are still on the Navy list.

Mr. WHEELER. But they are not in the first line?

Mr. HALE. That has nothing to do with replacement.

Mr. WHEELER. The Senator from Maine knows perfectly well that Mr. Butler, chairman of the Naval Affairs Committee of the House, made the statement that these were not for replacement.

Mr. HALE. I am not responsible for his statement, but I am responsible for my own statement that these ships are to replace certain old cruisers of the Navy.

Mr. WHEELER. Let me ask the Senator another question. When these eight cruisers were built, what were they to replace?

Mr. HALE. They were not to replace any ships, because we knew that when they were added to the 10 modern cruisers, which we now have, we still would not have enough cruisers to protect our fleet and our commerce, and therefore we have had to keep these old ships in the Navy for possible use, ineffective as they are.

Mr. WHEELER. What ships are going to be replaced, so the RECORD may show clearly?

Mr. HALE. I have just told the Senator.

Mr. WHEELER. I would like to have the names.

Mr. ODDIE. I have here a list of 23 old cruisers.

Mr. WHEELER. I have 23 names of cruisers, too; but I say they have been replaced several times. I want to have the names in the RECORD, so that when we have another naval construction bill before the Senate it may not be argued that the proposed new vessels are to replace the same boats which it is now claimed the present proposed cruisers are to be built to replace. I think the names ought to go in the RECORD for that purpose if for none other. Every time we have a cruiser construction bill it is claimed that the new vessels are to be constructed for replacement of the same old 22 or 23 ships which we have had for years.

Mr. HALE. Mr. President, I ask at this time that a list of ships, comprising 22 old cruisers of the Navy of which I have spoken, may be printed in the RECORD. It is these ships that we are going to replace.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Name	Laid down	Completed	Displacement (tons)	Speed	Battery		Torpedo tubes
					Main	Anti-aircraft	
Rochester	1890	1893	8,150	21.0	4–8″	2–3″	
Olympia	1891	1894	5,865	21.7	10–5″	2–3″	
New Orleans	1895		3,430	20.0	8–5″		
Albany	1898		3,430	20.5	8–5″	1–3″	
Cleveland	1900	1903	3,200	16.4	8–5″	1–3″	
Denver	1900	1904	3,200	16.8	8–5″	1–3″	
Des Moines	1900	1904	3,200	16.6	8–5″	1–3″	
Chattanooga	1900	1905	3,200	16.6	8–5″	1–3″	
Frederick	1901	1905	13,680	22.4	4–8″	2–3″	2
Galveston	1901	1905	3,200	16.4	8–5″		
Huntington	1901	1905	13,680	22.2	4–8″	2–3″	2
Pittsburgh	1901	1905	13,680	22.4	4–8″	2–3″	2
Pueblo	1901	1905	13,680	22.2	4–8″	2–3″	2
Charleston	1902	1905	9,700	22.0	12–6″	2–3″	
St. Louis	1902	1906	9,700	22.1	12–6″	2–3″	
Seattle	1903	1906	14,500	22.3	4–10″	2–3″	4
Huron	1902	1907	13,680	22.2	4–8″	2–3″	2
Birmingham	1905	1908	3,750	24.3	4–5″	1–3″	2
Charlotte	1905	1908	14,500	21.0	4–10″	2–3″	4
York	1905	1908	3,750	26.5	4–5″	1–3″	2
Missoula	1905	1908	14,500	22.3	4–10″	2–3″	4
Salem	1905	1908	3,750	26.0	4–5″	1–3″	2
Total (22)			179,425				

Mr. HEFLIN. Mr. President, what is the Senator from Maine going to do with the old ships? What is going to become of the ships we are retiring?

Mr. HALE. They will be scrapped and gotten out of the way as soon as it is possible to do so.

Mr. NEELY. Mr. President, by request I ask unanimous consent to have printed in the RECORD two letters from constituents addressed to the Citizens Conference on Cruisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

THE RECTORY, NELSON PARISH,
Kearneysville, W. Va., January 6, 1929.

The CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

DEAR SIRS: I find it impossible to attend the dinner announced by your committee, as much as I would like to. I say this apropos the check I mailed you a few days ago. Of course, I am deeply in sympathy with this whole movement and hope the Nation, through its National House, will take a definite stand when the bill is debated. I am

Very cordially,

HUNTER DAVIDSON.

SALEM COLLEGE,
Salem, W. Va., January 2, 1929.

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: While I am unable to be with you in attendance at the conference, I am in sympathy with your efforts to curb our expenditure for war purposes and to express faith in the future peace tendencies of the world.

Sincerely yours,

S. O. BOND.

Mr. McKELLAR. Mr. President, we have threshed out the question of the amendment to the Dallinger amendment, and I think it has been substantially agreed that the words which have been offered as a substitute by the Senator from Virginia [Mr. SWANSON] should go in the bill. I understand the chairman of the Committee on Naval Affairs has agreed to it. Therefore I ask unanimous consent to strike out the committee amendment in lines 12, 13, and 14, page 2 of the bill, and to insert in lieu thereof the amendment of the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. DILL. Let us have the wording of the proposed amendment.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. The Senator from Tennessee proposes to strike out the following on page 2, lines 12, 13, and 14:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

And to insert in lieu thereof the following:

except such materials or parts as are not customarily manufactured in such Government plants.

Mr. McKELLAR. That has been agreed to by everybody, as I understand, and what moves me to agree to it is that I have been assured by four out of five of the probable conferees on the bill that they are going to stand for the Dallinger amendment just as it is in the bill with this amendment attached. On that assurance I am asking unanimous consent for the substitution.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

Mr. McKELLAR. Then I ask for a vote on my amendment.

Mr. BINGHAM. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state the point of order.

Mr. BINGHAM. What, then, is to become of my substitute for the Senator's amendment?

The PRESIDING OFFICER. It will still be subject to a vote after the amendment which has just been offered has been disposed of. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

Mr. BINGHAM. I have offered a substitute for the committee amendment.

The PRESIDING OFFICER. The substitute will be in order after the committee amendment has been voted on. The question is on agreeing to the committee amendment as amended.

Mr. BINGHAM. Mr. President, a point of order. I do not understand how the substitute for the committee amendment, which I offered, loses its parliamentary status.

The PRESIDING OFFICER. The Senator's substitute involves more than is included in the committee amendment as amended, and after the committee amendment as amended is voted on the Senator's substitute will be in order. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from Connecticut.

Mr. PHIPPS. Let it be stated.

The PRESIDING OFFICER. The substitute will be stated.

The CHIEF CLERK. The Senator from Connecticut proposes the following amendment: On page 2, strike out the proviso in lines 5 to 14, inclusive, and insert in lieu thereof the following:

And provided further, That no part of the moneys herein authorized to be appropriated for the naval establishment shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

Mr. BINGHAM. Mr. President, I ask at this time that the clerk may read a resolution passed last summer by the United States Shipping Board.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read the resolution, as follows:

Whereas the United States Shipping Board is charged with the creation and development of an American merchant marine; and

Whereas the board is authorized by the Jones-White Act to make loans for the construction of merchant ships by private citizens; and

Whereas the cost of such construction in American yards is greatly in excess of like construction in foreign yards; and

Whereas the present decline of American shipyards is a serious, if not fatal, menace to the American merchant marine; and

Whereas American shipyards are a necessary and integral part of an American merchant marine in times of peace, as well as in times of national emergency; and

Whereas the costs of commercial ships in American yards can, and will, be greatly decreased if American private shipyards are given contracts for naval construction: Now, therefore, be it

Resolved, That it is the earnest belief of this board that the United States Senate in its consideration of the pending cruiser construction bill should strike out the Dallinger amendment and leave with the Secretary of the Navy the power, which he now possesses under existing law, to use his discretion in deciding whether cruisers shall be built in navy yards or in privately owned yards.

Mr. BINGHAM. Mr. President, that resolution was passed by the United States Shipping Board last summer and it was to carry out the resolution of the Shipping Board and the ideas therein expressed as bearing on the subject matter now before the Senate. I ask that a vote may be had on my substitute.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

ROBERT TOQUOTHTY

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2362) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla., which was, on page 1, line 10, after "704," to insert "that no attorney fee paid in connection with this case shall exceed 10 per cent of the amount stated in this act."

Mr. FRAZIER. I move that the Senate concur in the House amendment.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, January 28, 1929, at 12 o'clock meridian.

GENERAL CLAIMS CONVENTION

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and the Republic of Panama for the settlement and amicable adjustment of claims by the citizens of each country against the other, signed at Washington, July 28, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republic of Panama for the settlement and adjustment of claims by the citizens of each country against the other, signed at Washington on July 28, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

Accompaniment: Convention.

DEPARTMENT OF STATE,
Washington, December 7, 1926.

The United States of America and the Republic of Panama, desiring to settle and adjust amicably claims by the citizens of each country against the other, have decided to enter into a Convention with this object, and to this end have nominated as their plenipotentiaries:

The President of the United States of America, The Honorable Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Republic of Panama, The Honorable Doctor Ricardo J. Alfero, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States and the Honorable Doctor Eusebio A. Morales, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

All claims against the Republic of Panama arising since November 3, 1903, except the so-called Colon Fire Claims hereafter referred to, and which at the time they arose were those of citizens of the United States of America, whether corporations, companies, associations, partnerships, or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America arising since November 3, 1903, and which at the time they arose were those of citizens of the Republic of Panama, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country, by reason of losses or damages suffered by any corporation, company, association or partnership, in which such citizens have or have had, a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership, of his proportion of the loss or damage suffered is presented by the claimant to the Commission; and all claims for losses or damage originating from acts of officials or others acting for either Government, and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission consisting of three members for decision in accordance with the principles of international law, justice and equity. As an exception to the claims to be submitted to such Commission, unless by later specific agreement of the two Contracting Parties, are claims for compensation on account of damages caused in the manner set forth in Article VI of the Treaty of November 18, 1903, for the construction of the Panama Canal, which shall

continue to be heard and decided by the Joint Commission provided for in that Article of the Treaty.

With regard to the exception above made respecting the claims for losses suffered by American citizens as a result of the fire that occurred in the City of Colon on March 31, 1885, the Government of Panama agrees in principle to the arbitration of such claims under a Convention to which the Republic of Colombia shall be invited to become a party and which shall provide for the creation or selection of an arbitral tribunal to determine the following questions: First, whether the Republic of Colombia incurred any liability for losses sustained by American citizens on account of the fire that took place in the City of Colon on the 31st of March 1885; and, second, in case it should be determined in the arbitration that there is an original liability on the part of Colombia, to what extent, if any, the Republic of Panama has succeeded Colombia in such liability on account of her separation from Colombia on November 3, 1903, and the Government of Panama agrees to cooperate with the Government of the United States by means of amicable representations in the negotiation of such arbitral agreement between the three Countries.

The hearing and adjudication of particular claims in accordance with their merits in order to determine the amount of damages to be paid, if any, in case a liability is found, shall take place before a special tribunal to be constituted in such form as the circumstances created by the tri-partite arbitration shall demand.

As a specific exception to the limitation of the claims to be submitted to the Commission against the United States of America it is agreed that there shall be submitted to the Commission the claims of Abbondio Caselli, a Swiss citizen, or the Government of Panama, and Jose C. Monteverde, an Italian subject, or the Government of Panama, as their respective interests in such claims may appear, these claims having arisen from land purchased by the Government of Panama from the said Caselli and Monteverde and afterwards expropriated by the Government of the United States, and having formed in each case the subject matter of a decision by the Supreme Court of Panama.

The Commission shall be constituted as follows: One member shall be appointed by the President of the United States; one by the President of the Republic of Panama; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments. If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such a third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article 49 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of the member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

ARTICLE II

The Commissioners so named shall meet at Washington for organization within six months after the exchange of ratifications of this Convention, and each member of the Commission before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for his decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Commission may fix the time and place of its subsequent meetings, either in the United States or in Panama as may be convenient, subject always to the specific instruction of the two Governments.

ARTICLE III

The Commission shall have authority by the decision of the majority of its members to adopt such rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention.

Each Government may nominate agents or counsel who will be authorized to present to the Commission orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be English or Spanish.

ARTICLE IV

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each Government may appoint a Secretary; those Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Governnrent may also appoint and employ, any necessary assistant secretaries and such other assistants as may be deemed necessary. The Commission may also appoint and employ any other persons necessary to assist in the performance of its duties.

ARTICLE V

The High Contracting Parties being desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission through the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

ARTICLE VI

Every such claim for loss or damage accruing prior to the signing of this Convention, shall be filed with the Commission within four months from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed two additional months.

The Commission shall be bound to hear, examine and decide, within one year from the date of its first meeting, all the claims filed.

Three months after the date of the first meeting of the Commissioners and every three months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined, within six months after the conclusion of the hearing of such claim and to record its decision.

ARTICLE VII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon either Government, for loss or damage sustained prior to the exchange of the ratifications of the present Convention. And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission, shall from and after the conclusion of the proceedings of the Commission, be considered and treated as fully settled, barred, and thenceforth inadmissible, provided in the case of claims filed with the Commission that such claims have been heard and decided.

This provision shall not apply to the so-called Colon Fire Claims, which will be disposed of in the manner provided for in Article I of this Convention.

ARTICLE VIII

The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country, and the balance shall be paid at the City of Panama or at Washington, in gold coin or its equivalent within one year from the date of the final meeting of the Commission, to the Government of the country in favor of whose citizens the greater amount may have been awarded.

ARTICLE IX

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments.

ARTICLE X

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions. Ratifications of this Convention shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate in Washington this twenty-eighth day of July 1926.

FRANK B. KELLOGG. [SEAL.]
R. J. ALEARO. [SEAL.]
EUSEBIO A. MORALES. [SEAL.]

NATURALIZATION TREATY WITH CZECHOSLOVAKIA

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a naturalization treaty between the United States and Czechoslovakia, signed at Prague on July 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a naturalization treaty between the United States and Czechoslovakia, signed at Prague on July 16, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

NATURALIZATION TREATY BETWEEN THE UNITED STATES AND CZECHOSLOVAKIA

The United States of America and the Czechoslovak Republic, being desirous of reaching an agreement concerning the status of former nationals of either country who have acquired, or may acquire, the nationality of the other by reasonable processes of naturalization within its territories, have resolved to conclude a treaty on this subject and for that purpose have appointed their plenipotentiaries, that is to say:

The President of the United States of America: LEWIS EINSTEIN, Envoy Extraordinary and Minister Plenipotentiary of the United States to Czechoslovakia and

The President of the Czechoslovak Republic: KAMIL KROFTA, Envoy Extraordinary and Minister Plenipotentiary,

Who, having communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:

ARTICLE I

Nationals of the United States who have been or shall be naturalized in Czechoslovak territories shall be held by the United States to have lost their former nationality and to be nationals of Czechoslovakia.

Reciprocally, nationals of Czechoslovakia who have been or shall be naturalized in the territories of the United States shall be held by Czechoslovakia to have lost their former nationality and to be nationals of the United States.

The foregoing provisions of this Article shall not be applicable to a national of either country who obtains naturalization in the other while his country is at war.

The word "national", as used in this convention, means a person having the nationality of the United States or Czechoslovakia, respectively, under the laws thereof.

The word "naturalized" refers to the naturalization of a person over twenty-one years of age, granted upon his own application, while he is permanently residing within the country of naturalization, and to the naturalization of a person under twenty-one years of age through the naturalization of a parent, provided such person has acquired a permanent residence within the country of naturalization.

ARTICLE II

Nationals of either of the Contracting States naturalized as provided in Article I, shall not, upon their return to the territory of the country of which they were formerly nationals, be prosecuted or punished for expatriation or for having failed, prior to their naturalization, to answer summonses to military service which had been served upon them within a period of five years preceding their naturalization.

ARTICLE III

If a national of either country, who comes within the purview of Article I, shall renew his residence in his original country without the intent to return to that in which he was naturalized, he shall be held to have lost the nationality acquired by naturalization.

The intent not to return may be held to exist when a person naturalized in the one country shall have resided more than two years in the other.

ARTICLE IV

The present Convention, drawn up in English and Czechoslovak, both texts being authoritative, shall be subject to ratification by the High Contracting Parties in conformity with their respective constitutions, and shall become operative immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible.

The present Convention shall remain in force for ten years. If neither of the High Contracting Parties states its intention of denouncing it at least one year before the end of the abovementioned period, it will remain in force and will not terminate until a year after one or the other of the High Contracting Parties shall have denounced it.

In witness whereof, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate at Prague, this 16th day of July 1928.

[SEAL.] LEWIS EINSTEIN
[SEAL.] D K KROFTA

PREVENTION OF THE SMUGGLING OF ALCOHOLIC BEVERAGES WITH JAPAN

In executive session this day the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and Japan to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington, May 31, 1928.

For the information of the Senate, I transmit also copies of notes exchanged between the Secretary of State and the Japanese ambassador at the time of the signature of the convention, with a memorandum of the understanding reached between them in regard to the interpretation of the convention.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and Japan to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington May 31, 1928.

Accompanying the convention are copies of notes exchanged between the plenipotentiaries at the time of the signature of the convention, with a memorandum of the understanding reached between them in regard to the interpretation of the convention. These are furnished for the information of the Senate.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

EXCHANGE OF NOTES

JAPANESE EMBASSY,
Washington, May 31, 3 Shōwa (1928).

SIR: In proceeding to-day to the signature of the convention between Japan and the United States for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages, I am happy to attach hereto, for the purpose of future reference, a memorandum of the understanding that has been reached between us in regard to the interpretation of the convention. I beg leave, therefore, to request that you kindly acknowledge and confirm this statement.

Accept, sir, the renewed assurances of my highest consideration.

T. MATSUDAIRA.

Hon. FRANK B. KELLOGG,
Secretary of State,
Washington.

JAPANESE EMBASSY,
Washington.

MEMORANDUM

It is understood—

1. That the term "private vessels" as used in the convention signifies all classes of vessels other than those owned or controlled by the Japanese Government and used for governmental purposes, for the conduct of which the Japanese Government assumes full responsibility.

2. That the rights conferred on the authorities of the United States under Article II of the convention do not relate to territorial waters of Japan or to waters of any territory over which Japan exercises a mandate under the authority of the League of Nations.

3. That there will be no advance requirement that Japanese vessels shall stop regularly at designated places to await such inquiries or examination as are authorized in Article II of the convention.

4. That the convention does not relate to alcoholic liquors for nonbeverage, including medicinal, purposes, which are regulated by the domestic laws of the United States.

5. That the expression "three months before the expiration of the said period of one year," as used in the second paragraph of Article V, is used in the sense of not later than three months before the expiration of the said period.

6. That questions involving the application of the convention arising while it is in force will be adjudicated in accordance with the provisions of the convention as in force at the time the circumstances occurred, even if the convention should lapse or be terminated before the decision is rendered.

MAY 31, 1928.

EXCELLENCY:

I have the honor to acknowledge the receipt of your excellency's note dated May 31, 1928, and the memorandum attached thereto of the understanding that has been reached between us in regard to the interpretation of the convention between the United States and Japan for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages.

I beg to state that I am happy to confirm that the said memorandum, a duplicate of which is attached hereto, is a correct statement of the understanding reached by us in regard to the interpretation of the convention.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK B. KELLOGG.

His Excellency Mr. TSUNEO MATSUDAIRA,
The Japanese Ambassador.

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States;

His Majesty the Emperor of Japan, Tsuneo Matsudaira, Jusammi, the First Class of the Imperial Order of the Sacred Treasure, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE II

(1) The Japanese Government agree that they will raise no objection to the boarding of private vessels under the Japanese flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel, and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Japanese vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Japanese vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force,

each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof and by His Majesty the Emperor of Japan; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at the City of Washington this 31st day of May, in the nineteen hundred and twenty-eighth year of the Christian era, corresponding to the 31st day of the 5th month of the 3rd year of Shōwa.

[SEAL] FRANK B. KELLOGG
[SEAL] T. MATSUDAIRA

NOMINATIONS

Executive nominations received by the Senate January 26, 1929

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers (with relative rank of lieutenant (junior grade) in the Navy)

Henry James Healy, of North Dakota, vice A. L. Jankowski, resigned.

John Holman Brittain, of Montana, vice P. R. Hathorne, resigned.

Walter Joseph Chovan, of California, vice C. R. Bush, jr., resigned.

George Alvin Nelson, of Minnesota, vice L. G. Simmons, resigned.

Wilbur Ryel Porter, of New York, vice J. H. Service, resigned.

To be aides (with relative rank of ensign in the Navy)

Clifton James Wagner, of Virginia, vice L. C. Johnson, promoted.

Roswell Clarence Bolstad, of Minnesota, vice E. H. Kirsch, promoted.

Arthur Newton Stewart, of Kansas, vice L. W. Sowles, resigned.

James Nutty Jones, of Tennessee, vice G. A. Fredrickson, resigned.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

COAST ARTILLERY CORPS

Capt. Kenneth Rowntree, Field Artillery, with rank from June 30, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Robert Bruce McBride, Coast Artillery Corps, from January 22, 1929.

To be lieutenant colonels

Maj. Henry Carlos Rexach, Infantry, from January 21, 1929.

Maj. William Thomas Carpenter, Coast Artillery Corps, from January 22, 1929.

Maj. Benjamin Mart Bailey, Field Artillery, from January 22, 1929.

Maj. Ambrose Robert Emery, Infantry, from January 22, 1929.

To be majors

Capt. Abraham Tabachnik, Infantry, from January 18, 1929.

Capt. William Robert Stewart, Coast Artillery Corps, from January 21, 1929.

Capt. Leander Russell Hathaway, Infantry, from January 22, 1929.

To be captains

First Lieut. Alfred Isaac Puryear, Air Corps, from January 17, 1929.

First Lieut. Clyde Henry Plank, Infantry, from January 18, 1929.

First Lieut. Joel DeWitt Pomerene, Infantry, from January 21, 1929.

First Lieut. Daniel Bern Floyd, Field Artillery, from January 22, 1929.

First Lieut. Joseph Cuthbert Dolan, Field Artillery, from January 22, 1929.

To be first lieutenants

Second Lieut. Otis McCormick, Infantry, from January 12, 1929.

Second Lieut. Wendell Blanchard, Cavalry, from January 15, 1929.

Second Lieut. Thomas Du Val Roberts, Infantry, from January 15, 1929.

Second Lieut. Clinton Frederick Robinson, Corps of Engineers, from January 15, 1929.

Second Lieut. Frederic Allison Henney, Corps of Engineers, from January 17, 1929.

Second Lieut. David Jerome Ellinger, Infantry, from January 18, 1929.

Second Lieut. Francis John Clark, Infantry, from January 21, 1929.

Second Lieut. Leonard Lawrence Bingham, Corps of Engineers, from January 22, 1929.

Second Lieut. Floyd Allen Mitchell, Coast Artillery Corps, from January 22, 1929.

Second Lieut. Samuel Vance Krauthoff, Field Artillery, from January 22, 1929.

Second Lieut. Joseph Peter Shumate, Coast Artillery Corps, from January 22, 1929.

APPOINTMENTS IN THE REGULAR ARMY

CHIEF OF BRANCH

To be The Adjutant General, with the rank of major general, for a period of four years from date of acceptance, with rank from December 31, 1928

Brig. Gen. Charles Higbee Bridges, Assistant The Adjutant General, vice Maj. Gen. Lutz Wahl, The Adjutant General, who died December 30, 1928.

ASSISTANT CHIEF OF BRANCH

To be Assistant The Adjutant General, with the rank of brigadier general, for a period of four years from date of acceptance

Col. Archibald Campbell, Adjutant General's Department, vice Brig. Gen. Charles H. Bridges, Assistant The Adjutant General, nominated for appointment as The Adjutant General.

POSTMASTERS

ARIZONA

Ruth L. Diamond to be postmaster at Seligman, Ariz., in place of R. M. Hoffman, deceased.

CALIFORNIA

Annie G. Bedford to be postmaster at Anderson, Calif., in place of L. E. Smith, resigned.

Charles D. Heywood to be postmaster at Berkeley, Calif., in place of C. D. Heywood. Incumbent's commission expires January 26, 1929.

Pearl C. Snider to be postmaster at Fellows, Calif., in place of P. C. Snider. Incumbent's commission expires January 26, 1929.

Raymond J. Schulze to be postmaster at Veterans Home, Calif., in place of E. F. Wilson, removed.

HAWAII

Frederick W. Carter to be postmaster at Waialua, Hawaii, in place of F. W. Carter. Incumbent's commission expires February 3, 1929.

ILLINOIS

John E. Hughes to be postmaster at Earlville, Ill., in place of E. J. Tabor, removed.

Ralph C. Williams to be postmaster at Edinburg, Ill., in place of E. V. Rigg, resigned.

William T. Warford to be postmaster at Eldorado, Ill., in place of S. C. Galeener. Incumbent's commission expired May 19, 1928.

KANSAS

Harry W. Shideler to be postmaster at Girard, Kans., in place of H. W. Bouck, resigned.

Noah S. Wiggins to be postmaster at Lyons, Kans., in place of G. F. Gibson. Incumbent's commission expired May 19, 1928.

KENTUCKY

Robert H. Middleton to be postmaster at Buffalo, Ky., in place of R. H. Middleton. Incumbent's commission expires January 30, 1929.

Henry T. Short to be postmaster at Calhoun, Ky., in place of H. T. Short. Incumbent's commission expires January 30, 1929.

Virgil A. Matthews to be postmaster at Fordsville, Ky., in place of V. A. Matthews. Incumbent's commission expires January 30, 1929.

Egbert V. Taylor to be postmaster at Greensburg, Ky., in place of E. V. Taylor. Incumbent's commission expires January 30, 1929.

Allen D. Thomson to be postmaster at Kuttawa, Ky., in place of A. D. Thomson. Incumbent's commission expires January 30, 1929.

William Rice to be postmaster at Manchester, Ky., in place of William Rice. Incumbent's commission expires January 30, 1929.

John P. Graham to be postmaster at New Haven, Ky., in place of J. P. Graham. Incumbent's commission expires January 30, 1929.

Mack M. Noel to be postmaster at Outwood, Ky., in place of M. M. Noel. Incumbent's commission expires January 30, 1929.

Cameron F. Dunbar to be postmaster at Russell Springs, Ky., in place of C. F. Dunbar. Incumbent's commission expires January 30, 1929.

Stace W. Poole to be postmaster at Sebree, Ky., in place of S. W. Poole. Incumbent's commission expires January 30, 1929.

Mabelle Sharp to be postmaster at Sharpsburg, Ky., in place of Mabelle Sharp. Incumbent's commission expires January 30, 1929.

MARYLAND

Louis H. Wise to be postmaster at Mechanicsville, Md., in place of L. H. Wise. Incumbent's commission expired June 3, 1928.

MASSACHUSETTS

Guy W. Sanborn to be postmaster at Byfield, Mass., in place of Lyman Pearson, resigned.

MICHIGAN

Harvey W. Raymond to be postmaster at Baraga, Mich., in place of H. W. Raymond. Incumbent's commission expires January 31, 1929.

Herbert G. Whitehead to be postmaster at Byron, Mich., in place of G. E. Stowell, removed.

Claude B. Hoffmaster to be postmaster at Hopkins, Mich., in place of C. B. Hoffmaster. Incumbent's commission expires February 2, 1929.

William J. Newton to be postmaster at Marysville, Mich., in place of W. J. Newton. Incumbent's commission expires January 31, 1929.

Eugene W. Shober to be postmaster at Pentwater, Mich., in place of H. T. Hill, resigned.

MINNESOTA

Marvin R. Christensen to be postmaster at Arco, Minn., in place of M. R. Christensen. Incumbent's commission expires January 29, 1929.

Llewellyn L. Medbery to be postmaster at Browns Valley, Minn., in place of W. M. Brown. Incumbent's commission expired December 19, 1927.

Charles W. Patsold to be postmaster at Cambridge, Minn., in place of C. W. Patsold. Incumbent's commission expired December 16, 1926.

MISSOURI

Anna Tabler to be postmaster at Jasper, Mo., in place of W. S. Tabler, deceased.

William H. Reynolds to be postmaster at Smithton, Mo., in place of W. H. Reynolds. Incumbent's commission expired December 10, 1928.

Roy E. Dusenbery to be postmaster at Van Burean, Mo., in place of R. E. Dusenbery. Incumbent's commission expired January 21, 1929.

NEW JERSEY

Joseph B. Kronenberg to be postmaster at Bernardsville, N. J., in place of J. B. Kronenberg. Incumbent's commission expires January 29, 1929.

NEW YORK

William B. Hagan to be postmaster at Bloomingburg, N. Y., in place of C. R. Newhouse, removed.

NORTH CAROLINA

James V. Benfield to be postmaster at Valdese, N. C., in place of J. V. Benfield. Incumbent's commission expires January 31, 1929.

OHIO

George T. Newman to be postmaster at Malta, Ohio, in place of J. A. Barrell, resigned.

OREGON

Karl R. Chapman to be postmaster at Reedsport, Oreg., in place of C. S. Benson, removed.

PENNSYLVANIA

Charles O. Smith to be postmaster at Black Lick, Pa., in place of C. O. Smith. Incumbent's commission expires January 29, 1929.

Alexander G. Dunlap to be postmaster at Delta, Pa., in place of A. G. Dunlap. Incumbent's commission expired December 16, 1928.

Russell J. Horne to be postmaster at Marianna, Pa., in place of D. L. Post, resigned.

Bertha N. Stiner to be postmaster at Moylan, Pa., in place of B. N. Stiner. Incumbent's commission expires February 2, 1929.

Charles W. High to be postmaster at Quincy, Pa. Office became presidential July 1, 1928.

SOUTH CAROLINA

Thomas B. Madden to be postmaster at Columbia, S. C. in place of T. B. Madden. Incumbent's commission expired June 3, 1928.

SOUTH DAKOTA

Calvin F. Barber to be postmaster at Agar, S. Dak., in place of Matilda Peterson, resigned.

TEXAS

Della Gordon to be postmaster at Arp, Tex., in place of Sudie Gaut. Incumbent's commission expired May 14, 1928.

Fay Richardson to be postmaster at Asherton, Tex., in place of Fay Richardson. Incumbent's commission expired December 10, 1928.

Charles P. J. Ledwidge to be postmaster at Beaumont, Tex., in place of C. P. J. Ledwidge. Incumbent's commission expires January 30, 1929.

Lee M. Feagin to be postmaster at Colmesneil, Tex., in place of L. M. Feagin. Incumbent's commission expired May 14, 1928.

Theodore B. Newman to be postmaster at Fairfield, Tex., in place of T. B. Newman. Incumbent's commission expired December 19, 1927.

Lottie H. Rector to be postmaster at McCaulley, Tex., in place of L. H. Rector. Incumbent's commission expired January 24, 1928.

Cletus Dunham to be postmaster at Quitaque, Tex., in place of Cletus Dunham. Incumbent's commission expired December 10, 1928.

VIRGINIA

Samuel W. Collie to be postmaster at Danville, Va., in place of S. W. Collie. Incumbent's commission expires January 29, 1929.

Henry D. Gray to be postmaster at Middleburg, Va., in place of L. L. Keeler. Incumbent's commission expired January 22, 1929.

Andrew F. Johnson to be postmaster at Millboro, Va., in place of A. F. Johnson. Incumbent's commission expires January 27, 1929.

WEST VIRGINIA

John W. Irvin to be postmaster at Charles Town, W. Va., in place of H. C. Getzendanner. Incumbent's commission expired March 22, 1928.

Matilda Mahon to be postmaster at Delbarton, W. Va., in place of Valentine Hatfield, resigned.

WISCONSIN

Katherine B. Shier to be postmaster at Winegar, Wis., in place of E. E. Hamberg, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26, 1929

MEMBER OF FEDERAL TRADE COMMISSION

Charles H. March to be a member of the Federal Trade Commission for a term of seven years from September 26, 1928.

POSTMASTERS

ALABAMA

Culver M. Hillis, Athens.
Joseph S. Mathias, Atmore.
Edward B. Beason, Demopolis.
Allie Wilson, Stevenson.

CALIFORNIA

Viola A. Johnson, Chula Vista.
Ruth A. Haskell, San Ysidro.

GEORGIA

Louis S Marlin, Doerun.
William M. McElroy, Norcross.

IDAHO

J. Howard Howe, Lewiston.

KANSAS

Robert B. Slavens, Lecompton.
Uriah E. Heckert, Tescott.

MAINE

Susan M. Dyer, Harrington.

MARYLAND

S. Stanley Bender, Kitzmiller.
James C. Jones, Stevensville.

MICHIGAN

Ernest F. Seward, St. Ignace.

MONTANA

Eliza J. Davis, Kevin.

NEBRASKA

Heinrich D. Friesen, Henderson.
Truman E. Williams, McCool Junction.

NEW JERSEY

Mae Hanley, Belford.
Aaron J. Crane, Lincoln Park.

NEW MEXICO

Francis O. Polston, Melrose.

OREGON

Leila A. Phelps, Hermiston.

PENNSYLVANIA

William G. Minster, Buck Hill Falls.
Lillian K. Strong, Columbia Cross Roads.
Louis S. Bisky, Meshoppen.
William S. Livengood, Meyersdale.
Ralph B. McCord, North East.
William K. Pearce, Rutledge.
Bertha J. Everett, Shickshinny.
Ross A. Harclerode, Windber.

UTAH

Heber J. Sheffield, jr., Kaysville.

WASHINGTON

Blanche E. Lambert, Ione.
Esther C. Bosma, Peshastin.
Frieda A. Iffland, Port Townsend.
Harry A. Mykrantz, Twisp.